

STATE OF MINNESOTA



## Minnesota Pollution Control Agency

**Industrial Division  
National Pollutant Elimination System (NPDES) /  
State Disposal System (SDS) General Permit MNG490000 for  
Nonmetallic Mining and Associated Activities**

**MODIFICATION DATE: March 20, 2012**

**EXPIRATION DATE: October 31, 2016**

The Permittee is an owner or operator of facilities within the boundary of the state of Minnesota that:

- a. Discharge stormwater from the construction sand and gravel, industrial sand, dimension stone, crushed and broken limestone, crushed and broken granite, crushed and broken stone (not elsewhere classified) mining and quarrying areas, hot mix asphalt production areas, (including portable hot mix asphalt plants), concrete block and brick, concrete products (other than block and brick), and ready-mix concrete, as well as aggregate dredging operations and uncontaminated asphalt and concrete rubble recycling at sites already listed.
- b. Discharge mine site dewatering from construction sand and gravel, industrial sand, dimension stone, crushed and broken limestone, crushed and broken granite, and crushed and broken stone (not elsewhere classified) mining and quarrying areas.
- c. Non-stormwater discharges that meet the requirements of this permit and occur at the above-mentioned facilities.

The state of Minnesota, on behalf of its citizens through the Minnesota Pollution Control Agency (MPCA), authorizes the Permittee to construct, install and operate a disposal system at the facilities named above and to discharge to a receiving water of the state of Minnesota in accordance with the requirements of this permit.

The goal of this permit is to protect water quality in accordance with Minnesota and U.S. statutes and rules, including Minn. Stat. chs. 115 and 116, Minn. R. chs. 7001, 7050, 7052, and 7053; and the U.S. Clean Water Act (CWA).

This permit is effective on the modification date identified above, and supersedes the previous general permit MNG490000 dated January 30, 2012. This permit expires at midnight on the expiration date identified above.

Signature: \_\_\_\_\_

Handwritten signature of Jeff Udd in blue ink.

Jeff Udd, P.E.  
Supervisor, Water Quality Permits Unit  
Land and Water Quality Permits Section  
Industrial Division

for The Minnesota Pollution Control Agency

***Submit Reports to:***

Attention: WQ Submittals Center  
Minnesota Pollution Control Agency  
520 Lafayette Rd N  
St Paul, MN 55155-4194

***Questions on this permit?***

- Contact: Theresa Haugen at 218-316-3920  
or by e-mail at [theresa.haugen@state.mn.us](mailto:theresa.haugen@state.mn.us)

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## Chapter 1. General Non-Metallic Mining and Assoc. Act.

### 1. Applicability

#### Activities Covered

1.1 This permit authorizes stormwater discharges associated with the following industrial activities:

- a. Construction sand and gravel (Standard Industrial Classification [SIC] Code 1442) and industrial sand mining areas (SIC Code 1446) - hereinafter Subsector J1.
- b. Dimension stone (SIC Code 1411), crushed and broken limestone (SIC Code 1422), crushed and broken granite (SIC Code 1423), crushed and broken stone (not elsewhere classified, SIC Code 1429) mining and quarrying areas - Subsector J2.
- c. Hot mix asphalt production areas, also known as asphalt paving mixtures and blocks (SIC Code 2951), including portable hot mix asphalt plants - Subsector D1.
- d. Concrete block and brick (SIC Code 3271), concrete products other than block and brick (SIC Code 3272), and ready-mix concrete (SIC Code 3273), including portable concrete plants - Subsector E2.
- e. Materials approved in Minn. R. 7035.2860 (Beneficial Use of Solid Waste) at sites engaged in facility activities associated with all SIC Codes listed in a. through d. above. Any recycling and storage of these materials must meet the requirements of Minn. Rule 7035.2855 (Solid Waste Storage Standards).
- f. Activities associated with the above facilities noted, including maintenance activities and facilities, unless otherwise prohibited in Section 1.5 through 1.11 (Activities Not Covered/Limitations on Coverage) of this permit.

The stormwater discharges identified above include stormwater discharges associated with construction activity and small construction activity, as defined in 40 CFR parts 122.26(b)(14)(x) and (b)(15), respectively.

1.2 This permit authorizes non-stormwater discharges to surface waters of the state from dewatering of mine or quarry areas at J1 and J2 Subsectors that meet the effluent limits and requirements in this permit.

1.3 This permit authorizes non-stormwater discharges that do not discharge to a surface water of the state provided these discharges are not already authorized in a separate NPDES/SDS permit. Non-stormwater that co-mingles with stormwater is considered a non-stormwater discharge (wastewater) and must be disposed of in compliance with this Permit. To be authorized under this permit, the following discharges must be collected, contained or infiltrate to the ground and Best Management Practices must be implemented to prevent contamination of ground water:

- a. Wash water from Subsector J1 and J2 facilities.
- b. Dredging operations from Subsector J1 and J2 facilities.
- c. Installation, construction, and operation of wet scrubbers at hot mix asphalt production areas, including portable hot-mix asphalt plants (Subsector D1).
- d. Washing trucks, mixers, transport buckets, forms and/or other equipment at concrete block and brick, concrete products other than block and brick, and ready-mix concrete facilities (Subsector E2).
- e. Uncontaminated scale deck wash water that does not use detergents, solvents, or degreasers.
- f. Stormwater and deck wash water collected in holding tanks under scales.
- g. Wash water associated with cleaning of mobile equipment that does not use detergents, solvents, or degreasers.
- h. Waters used for dust control on crushers, conveyors, associated equipment, and site roadways.

## Chapter 1. General Non-Metallic Mining and Assoc. Act.

### 1. Applicability

- 1.4 This permit authorizes non-stormwater discharges provided these discharges are not already authorized in a separate NPDES/SDS permit and that appropriate Best Management Practices are utilized to minimize erosion and the discharges of sediment when necessary:
- a. Emergency fire-fighting activities.
  - b. Fire hydrant and fire suppression system flushing.
  - c. Potable water line flushing.
  - d. Uncontaminated condensate from air conditioners, coolers, and other compressors and from the outside storage of refrigerated gases or liquids.
  - e. Landscape watering provided all pesticides, herbicides and fertilizers have been applied in accordance with manufacturer's instructions.
  - f. Pavement wash waters where no detergents are used and no spills or leaks of potential pollutants such as fertilizers, salts, or toxic and hazardous materials have occurred unless all spilled material has been removed.
  - g. Routine external building wash down that does not use detergents, solvents, or degreasers.
  - h. Uncontaminated groundwater or spring water.
  - i. Foundation or footing drains where flows are not contaminated.
  - j. Incident windblown mist from cooling towers that collects on rooftops or adjacent portions of the facility, but not intentional discharges from the cooling tower (e.g. 'piped' cooling tower blowdown or drains).
- 1.5 Not all activities covered by this permit will be conducted at each site covered under this permit. Therefore, only those provisions of this permit that address activities occurring at a particular site are applicable to that site.

#### Activities Not Covered / Limitations on Coverage

- 1.6 Except as authorized under Section 1.1 through 1.5, this permit does not authorize the discharge from the following activities:
- a. Dewatering of mine or quarry areas other than those under Subsector J1 and J2.
  - b. Surface water discharges of scrubber or other air emissions control wastewater, cooling or boiler wastewater, floor drains from process areas, equipment/vehicle washing, cleaning and maintenance wastewaters, and sewage.
  - c. Contaminated ground water discharges.
  - d. Petroleum refineries.
  - e. Facilities that manufacture asphalt or asphalt emulsions.
  - f. Industrial sand mines (SIC 1446) that utilize HF flotation.
  - g. Dredging or filling of wetlands or other surface waters of the state.
  - h. Discharges of hazardous substances, lubricants, fuel leaks, or fuel spills.
  - i. Sites for which Environmental Assessment Worksheets or Environmental Impact Statements are required by Minn. R. ch. 116D and/or 42 U.S.C. Sec 4321 - 4370f, until that environmental review is completed.
- 1.7 This permit does not authorize new or expanded discharges that may cause or contribute to a violation of water quality standards unless it meets the requirements of 40 CFR 122.4(i).
- 1.8 This permit does not authorize existing discharges that the MPCA determines will cause or contribute to a violation of water quality standards unless it meets the requirements of 40 CFR 122.44.
- 1.9 This permit does not authorize discharges that adversely impact or contribute to adverse impacts on a listed endangered or threatened species or adversely modify a designated critical habitat. This permit does not replace or satisfy any review requirements for endangered or threatened species, from new or expanded discharges that adversely impact or contribute to adverse impacts on a listed endangered or threatened species or adversely modify a designated critical habitat. The owner must conduct any required review and coordinate with appropriate agencies for any project with the potential of affecting endangered or threatened species, or their critical habitat.

## **Chapter 1. General Non-Metallic Mining and Assoc. Act.**

### **1. Applicability**

- 1.10 This permit does not authorize discharges which adversely affect properties listed or eligible for listing in the National Register of Historic Places or affecting known or discovered archeological sites. This permit does not replace or satisfy any review requirements for historic places or archeological sites, from new or expanded discharges which adversely affect properties listed or eligible for listing in the National Register of Historic Places or affecting known or discovered archeological sites. The owner must be in compliance with the National Historic Preservation Act and conduct all required review and coordination related to historic preservation, including significant anthropological sites and any burial sites, with the Minnesota Historic Preservation Officer.
- 1.11 This permit does not authorize discharges to calcareous fens listed in Minn. R. 7050.0180, subp. 6.b.
- 1.12 Mine site dewatering discharges from Subsectors J1 and J2 to the following receiving waters are not authorized by this permit:
- a. Outstanding Resource Value Waters (ORVWs) as defined by Minnesota Rules 7050.0180 and as listed in Minnesota Rules 7050.0470;
  - b. Department of Natural Resources (DNR)-designated trout waters (trout waters are designated in Minn. R. 6264.0050, subp. 1 and 3); and
  - c. DNR-posted fish-spawning areas.

### **2. Authorization**

#### **Permit Application**

- 2.1 Owners and operators of a site or sites with facility activities identified in Section 1 of this permit, and who provide a complete and approvable application for a permit, are eligible for coverage under this permit for those activities.

#### **Notice of Coverage**

- 2.2 Permittees requesting initial coverage are covered under this permit when the MPCA notifies them in writing of this coverage.
- 2.3 Additional sites may be covered under this permit provided that the new site(s) meet all applicability criteria in Section 1 of this permit and that all information required by the Site Inventory Report Form is submitted to the MPCA at least 10 days prior to initiation of land-disturbing activities at the new site(s) or initiation of operation at a previously developed site.

#### **Requiring an Individual Permit**

- 2.4 If the MPCA finds that the facility site of a permit applicant or a Permittee covered under this permit would be more appropriately covered under an individual permit, the MPCA may require an individual permit for the applicant or the Permittee, in accordance with Minn. R. 7001.0210, subp. 6. In considering whether it is appropriate to issue an individual permit for a site, the MPCA will consider whether the site is contributing, or may contribute, to a water quality standard violation.
- 2.5 This general permit does not cover activities or discharges covered under a pre-existing individual permit unless the MPCA has specifically revoked or terminated that individual permit.

#### **Subsector E2 Application Requirements**

- 2.6 Owners and operators of Subsector E2 facilities with wastewater discharges must complete an approvable application for permit coverage 6 months following issuance date of this permit. MPCA will notify the Permittee of coverage in writing and will terminate any associated Industrial Stormwater Multi-Sector General permit, if applicable.

## **Chapter 1. General Non-Metallic Mining and Assoc. Act.**

### **2. Authorization**

#### **Notice of Temporarily Inactive Site(s)**

- 2.7 The Permittee(s) must ensure that permanent stormwater BMPs are in place if the site is temporarily inactive.
- 2.8 During the temporarily inactive period, intervention limit monitoring is not required, but the Permittee must indicate on the Comments field of the Discharge Monitoring Report the inactivity. Should the site become active, the Permittee is required to sample in accordance with this Section 8 (Monitoring Requirements) of the permit for the calendar year the site becomes active.

#### **Notice of Inactive Site(s)**

- 2.9 The Permittee(s) must ensure stabilization of the site upon cessation of mining activities. Stabilization shall be initiated immediately after the termination of the mining operation and upon completion the area shall be restored to its intended state.
- 2.10 The Permittee(s) must complete the following to achieve final stabilization:
- a. The drainage ways that leave the site must be stabilized to prevent erosion with riprap or other protective material.
  - b. All soils must be stabilized by a uniform perennial vegetative cover with a density of 70 percent over the entire pervious surface area, or other equivalent means necessary to prevent soil failure under erosive conditions.
  - c. Temporary BMPs for erosion prevention, such as synthetic liners and silt fences, must be removed.
  - d. All sediment must be removed from conveyances and from temporary sedimentation basins that are to be used as permanent water quality management basins in order to sufficient return the basin to design capacity. Sediment must be stabilized to prevent it from being washed back into the basin, conveyances or drainage-ways discharging off-site or to surface waters.
  - e. Other BMPs as necessary must be implemented so as to prevent erosion from the site excavation areas and stockpiles that have been used by the Permittee.
- 2.11 In order to have permit coverage terminated and have the Permittee released from inspection, recording and reporting requirements, the Permittee shall ensure and certify on the Site Inventory Form for site(s) where the Permittee no longer conducts the activities authorized by this permit that:
- a. The site closure achieves stabilization, or
  - b. There is no stormwater runoff associated with nonmetallic mining and/or mine dewatering from the site; or
  - c. The Permittee supplies the name and contact information for the new owner or operator that is responsible for the site.

### **3. Water Quality Based Effluent Limits**

- 3.1 A wastewater discharge shall not cause or contribute to a violation of water quality standards unless the discharge meets all requirements of 40 CFR 122.44.
- 3.2 The Permittee shall operate and maintain the facility and shall control runoff, including stormwater, from the facility to prevent the exceedance of water quality standards specified in Minnesota Rules, chs. 7050 and 7060.
- 3.3 The Permittee shall limit and control the use of materials at the facility that may cause exceedances of ground water standards specified in Minnesota Rules, ch. 7060. These materials include, but are not limited to, detergents and cleaning agents, solvents, chemical dust suppressants, lubricants, fuels, drilling fluids, oils, fertilizers, explosives and blasting agents.
- 3.4 The MPCA may modify this permit, require corrective actions or take other actions if it determines that a discharge authorized by this permit is causing or contributing to a violation of water quality standards.
- 3.5 Floating solids or visible foam shall not be discharged in other than trace amounts.
- 3.6 Oil or other substances shall not be discharged in amounts that create a visible color film.

## **Chapter 1. General Non-Metallic Mining and Assoc. Act.**

### **3. Water Quality Based Effluent Limits**

- 3.7 Any outlet pipe, culvert or hose outlets for the discharge shall be located on the ground. The Permittee shall install and maintain outlet protection measures, such as properly sized riprap, splash pads or gabions at the discharge stations (outlets) to prevent erosion.
- 3.8 All water from dewatering or basin draining activities must be discharged in a manner that does not cause nuisance conditions, erosion in receiving channels or on downslope properties, or inundation in wetland causing significant adverse impact to the wetland.

#### **Special Requirements**

- 3.9 For stormwater discharges within 2000 feet of Outstanding Resource Value Waters (ORVWs) as defined in Minn. R. 7050.0180, subp.3, 4, 5, 6 and 6a (not including calcareous fens listed in Minn. R. 7050.0180 & Minn. R. 7050.0470 and trout waters as listed in Minn. R. 6264.0050, subp. 2 and 4 - see Section 3.11 below), the Permittee shall maintained at all times an undisturbed buffer zone of not less than 100 linear feet from the receiving water (not including tributaries). Exceptions from this requirement for areas, such as water crossings or limited water access, are allowed if the Permittee fully documents in the Pollution Prevention Plan (Plan, see Section 6) the circumstances and reasons that the buffer encroachment is necessary. All potential water quality, scenic and other environmental impacts of these exceptions must be minimized and documented in the Plan for the site.
- 3.10 For stormwater discharges within 2000 feet of Outstanding Resource Value Waters (ORVWs) as defined in Minn. R. 7050.0180, subp.3, 4, 5, 6 and 6a (not including calcareous fens listed in Minn. R. 7050.0180 & Minn. R. 7050.0470 and trout waters as listed in Minn. R. 6264.0050, subp. 2 and 4 □ see Section 3.11 below), the Permittee shall infiltrate stormwater to groundwater. If unable to discharge to groundwater, the Permittee shall implement the following additional Best Management Practices (BMPs) for surface water discharges:
- a. All exposed soil areas with a slope of 3:1 or steeper, that have a continuous positive slope to a ORVW or trout waters must have temporary erosion protection or permanent cover within 3 days after the area is no longer actively being worked. All other slopes that have a continuous positive slope to an ORVW or trout waters must have temporary erosion protection or permanent cover within seven (7) days after the area is no longer actively being worked.
  - b. Temporary sediment basin requirements must be used for common drainage locations that serve an area with five (5) or more acres disturbed at one time.
  - c. The water quality volume that must be treated by the site's stormwater management system shall be one (1) inch of runoff from the new impervious surfaces created at the site.
- 3.11 For stormwater discharges within 2000 feet of those ORVWs identified in Minn. R. 7050.0180 subp. 3, 4, and 5, Minn. R. 7050.0470, and trout lakes identified in Minn. R. 6264.0050 subp.2 the stormwater management system must be designed such that the pre and post project runoff rate and volume from the 1 and 2-year 24-hour precipitation events remains the same.

## **Chapter 1. General Non-Metallic Mining and Assoc. Act.**

### **3. Water Quality Based Effluent Limits**

- 3.12 For stormwater discharges within 2000 feet of trout streams as listed in 6264.0050 subp. 4, the Permittee shall infiltrate stormwater to groundwater. If unable to discharge to groundwater, additional BMPs for temperature controls apply to surface water discharges. The stormwater management system must be designed such that the discharge from the site will minimize any increase in the temperature of trout stream receiving waters resulting from the 1 and 2-year 24-hour precipitation events. This includes all tributaries of designated trout streams within the section that the trout stream is located. Sites that discharge to trout streams must minimize the impact using one or more of the following measures, in order of preference:
- a. Minimize new impervious surfaces.
  - b. Minimize the discharge from connected impervious surfaces by discharging to vegetated areas, or grass swales, and through the use of other non-structural controls.
  - c. Infiltration or evapotranspiration of runoff in excess of pre-project conditions (up to the 2-year 24-hour precipitation event).
  - d. If ponding is used, the design must include an appropriate combination of measures such as shading, filtered bottom withdrawal, vegetated swale discharges or constructed wetland treatment cells that will limit temperature increases. The pond should be designed to draw down in 24 hours or less.
  - e. Other methods that will minimize any increase in the temperature of the trout stream.
- 3.13 If the site has any stormwater discharges with the potential for significant adverse impacts to a wetland (e.g., conversion of a natural wetland to a stormwater pond), the Permittee must demonstrate that the wetland mitigative sequence has been followed.
- 3.14 If the potential adverse impacts to a wetland on a specific site have been addressed by permits or other approvals from an official statewide program (U.S. Army Corps of Engineers 404 program, Minnesota Department of Natural Resources, or the State of Minnesota Wetland Conservation Act) specifically for the site, the Permittee may use that permit or other determination issued by these agencies to show that the potential adverse impacts have been addressed. For the purposes of this permit, de minimis actions are determinations by the permitting agency that address the site impacts, whereas a non-jurisdictional determination does not address site impacts.
- 3.15 If there are impacts from the site that are not addressed in one of the permits addressed in Section 3.14 or other determinations (e.g., permanent inundation or flooding of the wetland, significant degradation of water quality, excavation, filling, draining), the Permittee must minimize all adverse impacts to wetlands by utilizing appropriate measures. Measures used must be based on the nature of the wetland, its vegetative community types and the established hydrology. These measures include in order of preference:
- a. Avoid all significant adverse impacts to wetlands from site discharges.
  - b. Minimize any unavoidable impacts to wetlands from site discharges.
  - c. Provide compensatory mitigation when the Permittee determines that there is no reasonable and practicable alternative to having a significant adverse impact on a wetland. For compensatory mitigation, wetland restoration or creation shall be of the same type, size and whenever reasonable and practicable in the same watershed as the impacted wetland.
- 3.16 If a site discharges to a water of the state that appears on the current U.S. Environmental Protection Agency (USEPA) approved list of impaired waters under Section 303 (d) of the Clean Water Act (33 U.S.C. Sec 303 (d)), the Permittee must review whether changes may be warranted in the site's Pollution Prevention Plan (Plan) to reduce the impact of the discharge. If an USEPA approved Total Maximum Daily Load (TMDL) has been developed, the Permittee must review the adequacy of the Plan to meet the TMDLs Waste Load Allocation.



## **Chapter 1. General Non-Metallic Mining and Assoc. Act.**

### **4. Technology Based Effluent Limits - Stormwater Discharges**

#### **Stormwater Management Devices**

- 4.1 The Permittee is authorized to use industrial stormwater ponds, sedimentation basins and/or infiltration devices for stormwater management.
- 4.2 When wastewater from activities in Section 1.3 is co-mingled with stormwater, it is considered wastewater, and a surface water discharge is not authorized under this permit. This does not include co-mingling with mine dewatering from Subsector J1 and J2 facilities, which is approved for a surface water discharge under this permit.
- 4.3 If the Permittee provides documentation to MPCA that the stormwater management device was designed by a registered professional engineer to control a 10-year, 24-hour storm event, then no sampling of a discharge is required upon MPCA approval. If the stormwater management device is already in place at an existing facility, the sizing of the device shall be confirmed by a registered professional engineer before the sampling requirement is waived. This does not include non-stormwater discharges, which under Section 1.3 of this permit are not authorized to discharge to surface waters. This waiver is for monitoring only; effluent limits still apply to the discharge and Permittees must maintain compliance with the limits.

#### **Erosion and Sediment Control Practices**

- 4.4 The Permittee shall implement sediment control on all down-gradient perimeters before any up-gradient land disturbing activities begin. Use a range of erosion controls within the broad categories of flow diversion (e.g. swales, berms) and structural controls (e.g. sediment traps, dikes, silt fences). The timing of the installation of sediment control practices may be adjusted to accommodate short-term activities. These practices shall remain in place until the site has been stabilized. Short-term activities shall be completed as quickly as possible and the sediment control practices must be installed immediately after the activity is completed. Sediment control practices shall be implemented no later than the next runoff event, even if the short-term activity is not complete.
- 4.5 The Permittee(s) shall plan for and implement appropriate construction phasing, vegetative buffer strips, horizontal slope grading, and other construction practices that minimize erosion. The location of areas not to be disturbed shall be delineated (e.g. with flags, stakes, signs, silt fence etc.) on the development site before work begins.
- 4.6 Temporary stockpiles or stripping/overburden stored outside the pit shall have sediment control mechanisms in place until the material is completely removed. Materials shall not be placed in surface water or stormwater conveyances such as curb and gutter systems, or conduits and ditches.

#### **Vehicle Tracking**

- 4.7 Vehicle tracking of sediment onto paved surfaces from the site or operation must be minimized by BMPs such as stone pads, concrete or steel wash racks, or equivalent systems. Street sweeping must be used if such BMPs are not adequate to prevent sediment from being tracked onto the street.

#### **Good Housekeeping**

- 4.8 Permittees conducting the industrial activities described in this permit shall keep exposed areas that may contribute pollutants to stormwater sufficiently clean to reduce or eliminate contaminated stormwater runoff.

#### **BMP Maintenance**

- 4.9 The Permittee shall maintain all BMPs identified in the Pollution Prevention Plan (Plan, see Section 6) and implemented at the facility, to ensure BMP effectiveness.
- 4.10 The Permittee shall develop a schedule for preventive maintenance of all BMPs. The schedule shall be stored with the Plan.

## **Chapter 1. General Non-Metallic Mining and Assoc. Act.**

### **4. Technology Based Effluent Limits - Stormwater Discharges**

- 4.11 If the Permittee identifies BMPs that are not functioning properly, the Permittee shall replace, maintain, or repair the BMPs within seven (7) calendar days of discovery. If BMP replacement, maintenance, or repair cannot be completed within seven (7) calendar days, the Permittee shall implement effective backup BMPs (temporary or permanent) until effectiveness of the original BMPs can be restored. The Permittee shall document the justification for an extended replacement, maintenance, or repair schedule of the failed BMPs, and store it with the Plan.
- 4.12 The Permittee shall record dates of all maintenance and repairs. The Permittee shall store these records with the Plan.
- 4.13 All silt fences must be repaired, replaced, or supplemented when they become nonfunctional or the sediment reaches 1/3 of the height of the fence. These repairs must be made within 24 hours of discovery, or as soon as field conditions allow access.
- 4.14 If sediment escapes the facility, off-site accumulations of sediment must be removed in a manner and at a frequency sufficient to minimize off-site impacts (e.g., fugitive sediment in streets could be washed into storm sewers by the next rain and/or pose a safety hazard to users of public streets).
- 4.15 Temporary and permanent sedimentation basins must have the sediment removed once the depth of sediment collected in the basin reaches 1/2 the storage volume. Removal must be completed within 72 hours of discovery, or as soon as field conditions allow access.

#### **Spills and Leaks**

- 4.16 The Permittee shall develop and implement a spill prevention and response procedure. If the site already has a separate plan (e.g. Prevention and Response Plan as required by Minn. Stat. 115E, or Spill Prevention Control and Countermeasure Plan as required by Federal Law), that plan can be incorporated by reference into the Pollution Prevent Plan (or Plan, see Section 6). In either case, a minimum of the following components shall be included with the Plan, or in a separate document:
- a. The Permittee shall report and document spills or leaks (as defined in Minn. Stat. Section 115.061) that occur in exposed areas, or that drain to a monitoring location.
  - b. Material handling procedures, storage requirements, and cleanup equipment/materials and procedures necessary to recover as rapidly and thoroughly as possible spills or leaks pursuant to Minn. Stat. Section 115.061. All methods and procedures must be made available to appropriate site personnel.
  - c. Contact information for individuals and emergency and regulatory agencies that must be notified in the event of a spill. When a spill or discharge of a potentially polluting material occurs, the Permittee shall immediately notify the Minnesota Department of Public Safety Duty Officer at 1-800-422-0798 (toll free) or 651-649-5451 (metro area) per Minn. Stat. Section 115.061.

#### **Subsector D1 - Hot Mix Asphalt Production**

- 4.17 In addition to the requirements in this Section, the Permittee shall use drip pans and splash guards where spills frequently occur at Subsector D1 facilities.

#### **Subsector E2 - Ready-Mix and Other Concrete Operations**

- 4.18 In addition to the requirements in this Section, the Permittee shall prevent or minimize the discharge of spilled cement, aggregate (including sand or gravel), kiln dust, fly ash, or settled dust from paved portions of the facility that are exposed to stormwater at Subsector E2 facilities.
- 4.19 The Permittee shall determine the frequency of sweeping or equivalent by the amount of industrial activity occurring at Subsector E2 facilities and the frequency of exposure to stormwater, but it shall be performed at least once per week if cement, aggregate, kiln dust, fly ash, or settled dust are being handled or processed and materials are present on paved surfaces.

## **Chapter 1. General Non-Metallic Mining and Assoc. Act.**

### **4. Technology Based Effluent Limits - Stormwater Discharges**

- 4.20 The Permittee shall include measures in the Plan to ensure that process wastewater resulting from washing trucks, mixers, transport buckets, forms, or other equipment are discharged in accordance with applicable parts of this permit for Subsector E2 facilities.

### **5. Technology Based Effluent Limits - Non-Stormwater Discharges**

#### **Subsector J1 and J2 - Mine Pit Dewatering to Surface Waters**

- 5.1 Permittees are authorized to discharge mine site dewatering flow to surface waters if the following conditions are met:
- a. Discharges only from Subsector J1 and J2 facilities.
  - b. Discharges meet the effluent limits applied in this permit.
  - c. The dewatering discharges do not co-mingle with other process wastewater.
  - d. The Permittee has documented in their Pollution Prevention Plan (Plan, see Section 6) location and initial flow estimates for surface discharge stations.
- 5.2 Dewatering or basin draining must be discharged to a control device on the project site whenever possible, such as a temporary or permanent sedimentation basin or infiltration device. Discharge from the control device must be visually checked to ensure adequate treatment is obtained and that nuisance conditions (see Minn. R. 7050.0210, subp. 2) will not result from the discharge.
- 5.3 If the Permittee provides documentation to MPCA that the control device was designed by a registered professional engineer to control a 10-year, 24-hour storm event, then no sampling of a discharge is required upon MPCA approval. If the control device is already in place at an existing facility, the sizing of the control device shall be confirmed by a registered professional engineer before the sampling requirement is waived. This includes overflows caused solely by direct rainfall and ground water seepage. This does not include non-stormwater discharges, which under Section 1.3 of this permit are not authorized to discharge to surface waters. This waiver is for monitoring only; effluent limits still apply to the discharge and Permittees must maintain compliance with the limits.
- 5.4 If the water cannot be discharged to a control device prior to entering the surface water, it must be treated with the appropriate BMPs, such that the discharge does not adversely affect the receiving water or downstream landowners.
- 5.5 The Permittee(s) must ensure that discharge points are adequately protected from erosion and scour. The discharge must be dispersed over natural rock riprap, sand bags, plastic sheeting, or other accepted energy dissipation measures. Adequate sedimentation control measures are required for discharge water that contains suspended solids.
- 5.6 Any inlet pipe, culvert or hose for the discharge shall be raised above the ground so that the discharge flow does not draw in and transport solids from the sump area.

#### **Subsector D1 - Hot Mix Asphalt - BMPs for Wet Scrubber Wastewater**

- 5.7 This permit authorizes hot mix asphalt production areas (SIC Code 2951) that discharge stormwater, and/or install, construct, and operate wet scrubbers at hot mix asphalt production plants. This permit does not authorize the discharge of hot mix asphalt production wet scrubber wastewater to surface waters. Any discharge to surface water will require an individual NPDES permit.

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### **5. Technology Based Effluent Limits - Non-Stormwater Discharges**

5.8 Wastewater from hot mix asphalt production wet scrubbers shall be held within pipes, aboveground tanks or impoundments. Pipes mean hollow cylinders or tubes constructed of non-earthen materials. Tanks mean structures supported by concrete, fiberglass or metal, and which are designed to help liquids. Impoundments mean topographic depressions designed to hold liquid.

Pipes and tanks shall be operated and maintained to prevent leaks. Cracks or other failures in pipes or tanks shall be repaired immediately. If pipes are buried, or pipes or tanks are in contact with the land surface, they shall be inspected at least once before each operating year to locate and repair cracks or other failures.

- 5.9 An impoundment for containment of wet scrubber wastewater shall meet the design criteria specified in this section. Impoundments that do not meet the criteria in this part may be authorized if requested in writing by the Permittee, and approved in writing by the MPCA, at least 90 days before construction of the impoundment begins.
- 5.10 Construction of impoundments in close proximity to drinking water supplies and other areas subject to contamination should be avoided. A minimum separation of four feet between the top of the impoundment seal and the high water table shall be maintained. Drain tile under the impoundment shall not be used to permanently lower the water table. A minimum separation of ten feet between the top of the impoundment seal and bedrock formations shall be maintained. Impoundments shall not be constructed on locations with karst topography.
- 5.11 Impoundments shall be constructed utilizing at least a 30-mil-thick continuous Polyvinyl Chloride (PVC) or High Density Polyethylene (HDPE) liner, or a reinforced Portland cement concrete liner. A PVC or HDPE liner, not replaced on an annual basis, shall be covered with at least one-foot depth of finely textured soil. Liquid depths for impoundments shall be designed for a maximum of six feet.
- 5.12 No PVC or HDPE liner panels shall be used at more than one site without the prior written approval of the MPCA. The Permittee shall remove and properly dispose of used PVC and HDPE liner materials in accordance with applicable solid waste statutes and rules.
- 5.13 The subsoil bed for a PVC or HDPE liner shall be sufficiently prepared to ensure that all holes, rocks, stumps and other debris are eliminated. The subsoil shall be sieved or the area raked after grading to provide a smooth, flat surface free of stones and other sharp objects. The subsoil bed shall be sloped at least 1% upward toward the dike, so as to reduce gas and hydrostatic pressures, and to facilitate pumping of the impoundment.
- 5.14 PVC and HDPE liner panels shall be laid out to minimize seams, with an overlap of four to six inches. The PVC or HDPE liner anchor trench shall have a minimum six inch depth and be placed at least nine to twelve inches beyond the slope break at the dike. PVC and HDPE liners shall be installed under the direct supervision of a person experienced in the proper installation of such liners. This person shall inspect all seams on-site for their acceptability prior to the construction certification.
- 5.15 The design of a reinforced Portland cement concrete liner shall be in accordance with the American Concrete Institute (ACI) Manual of Concrete Practice.
- 5.16 The Permittee shall conduct a water balance on each impoundment, and shall inspect each impoundment for cracks or other failures, at least once each operating year. This water balance and inspection shall be conducted after the spring thaw and before the start of the asphalt plant operating season. The inspector shall prepare a written report of each water balance and inspection. Any cracks or other failures shall be repaired immediately, and certified by an engineer registered in Minnesota, or by a principal executive officer (for a corporation), or by the proprietor (for a sole proprietorship).
- 5.17 The Permittee shall keep signed copies of the impoundment design plans and specifications, construction certifications, water balance and inspection reports, and repair certifications with the asphalt plant at all times.
- 5.18 The Permittee shall divert surface water runoff around impoundments, prevent erosion, and protect the structural integrity of exterior embankments from failure.

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### **5. Technology Based Effluent Limits - Non-Stormwater Discharges**

- 5.19 The Permittee shall maintain impoundments during the winter so that ice layers and frost action do not damage the liner effectiveness and integrity.
- 5.20 Sediments that accumulate in hot mix asphalt production wet scrubber wastewater containment structures shall be removed in a manner so as to not damage the integrity and effectiveness of the containment structure. The Permittee may dispose of these sediments at a permitted sanitary landfill, through use as road base or subgrade, or through blending into the paving hot mix asphalt mixture. The Permittee may use one of the following options for sediment disposal if the MPCA authorizes this specific use in writing:

- a. Leave in-place
- b. Use as clean fill, or
- c. Landspread.

The Permittee shall record in writing the volume of sediments removed from asphalt production scrubber disposal systems, and the method and location of the disposal of such materials.

- 5.21 The Permittee may dispose of hot mix asphalt production wet scrubber wastewater for the purposes of roadbed preparation or dust control, and in accordance with the following requirements:
- a. Wastewater may be applied to the surface of unpaved roads or roadbeds only if the asphalt plant is in the process of relocating, has ceased operation for the remainder of the year, or if alterations to the impoundment are needed.
  - b. Wastewater may be applied to the surface of unpaved roads or roadbeds only if that road or roadbed is dry.
  - c. Application to haul roads shall be conducted in such a manner to prevent runoff or prolonged ponding.
  - d. Only the amount of water needed to control or prevent a dust problem may be applied.
  - e. Wastewater used for dust control shall not enter any road ditch, surface water, or wetland.
  - f. Wastewater shall not be applied at a rate greater than one gallon per square yard per year.
- 5.22 Sediments that accumulate in hot mix asphalt production wet scrubber wastewater containment structures shall be removed in a manner so as to not damage the integrity and effectiveness of the containment structure.

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### **5. Technology Based Effluent Limits - Non-Stormwater Discharges**

- 5.23 Hot Mix Asphalt Ingredients, Burner Fuels and Chemical Additives - If the Permittee proposes to use hot mix asphalt ingredients, burner fuels and/or chemical additives other than those designated below, at a hot mix asphalt production plant with a wet scrubber, the Permittee shall apply in writing to the MPCA for such approval, no later than 60 days before the planned date of utilization of the non-designated material. The Permittee may use these non-designated materials only with the written approval of the MPCA. The designated materials are:
- a. Clay, silt, sand, gravel and crushed stone produced from naturally occurring geologic formations, and without chemical additives.
  - b. Recycled hot mix asphalt.
  - c. Recycled asphalt saturated felt materials.
  - d. Natural gas, butane, propane and methane.
  - e. Gasoline, kerosene, diesel fuel, jet fuel and fuel oils (No. 1, No 2, No. 3, No. 4, No. 5, No. 6).
  - f. Petroleum derived waste oil as defined in Minn. R. 7045.0020.
  - g. On-specification used oil fuel, as defined in Minn. R. pt. 7045.0020, except that total halogens shall not exceed 1,000 parts per million in the used oil fuel.
  - h. Asphalt cement (AC).
  - i. Hydrated lime.
  - j. Anti-stripping agents approved by the MPCA under this permit.
  - k. Aluminum chloride flocculants.
  - l. Fremont 8201, and anionic polyacrylamide flocculants of similar chemical composition.
  - m. Any mixture of the materials listed in subitems (a) through (l).
  - n. Portland cement concrete.
  - o. Recycled sediments from hot mix asphalt plant scrubber operations.
  - p. Fines from hot mix asphalt fabric filter operations.
  - q. Silicone.

#### **Subsector E2 - Ready-Mix and Other Concrete Operations Discharges to Groundwater**

- 5.24 This permit is intended to cover process wastewater discharges from concrete product operations. Discharges to groundwater are covered under this permit. Any discharge to surface water will require an individual NPDES permit. Wastewater discharges from facilities described by the following Standard Industrial Classification (SIC) codes are authorized:
- a. Concrete Block and Brick (SIC 3271)
  - b. Concrete Products, N.E.C. (Not Elsewhere Covered) (SIC 3272)
  - c. Ready-Mix Concrete (SIC 3273)
- 5.25 Dikes or berms constructed for containment shall be designed so there is no above-ground leakage through or over the dikes and/or berms.
- 5.26 Containment basins shall:
- a. Be constructed to allow for infiltration of wastewater.
  - b. Be constructed to allow for maximum separation distance from groundwater.
  - c. Have at least sufficient capacity to contain all wastewater discharges and any precipitation and stormwater runoff resulting from a 10-year, 24 hour storm event.
  - d. Not be constructed in areas with standing water.
- 5.27 Solids shall be removed from seepage areas as needed to maintain the absorptive capacity of the soil and prevent plugging. Solids shall be handled according to Minn. R. 7035.

## Chapter 1. General Non-Metallic Mining and Assoc. Act.

### 6. Pollution Prevention Plan Requirements

- 6.1 The Permittee shall develop and implement a Pollution Prevention Plan (Plan) to address the specific conditions at the site. The goal of the Plan is to eliminate or minimize contact of stormwater with significant materials that may result in pollution of the runoff, as well as identify and correctly manage non-stormwater discharges.
- 6.2 A Plan shall be developed, implemented, and maintained for each site authorized by this permit. A Plan shall be prepared and maintained in an appropriate and functional manner in accordance with relevant manufacturer specifications and accepted engineering practices.
- 6.3 A Plan shall be completed prior to submitting the permit application for authorization of activities by this permit. Permittees authorized under the previous version of this permit shall modify the Plan to comply with the requirements of this permit prior to submitting the permit application.
- 6.4 The Plan shall be used by the Permittee to document all BMPs used to comply with each stormwater control measures required in Section 4 and 5 of this permit. BMPs shall be designed and implemented to address the potential pollutants associated with the activities and materials identified by the Permittee. The documentation shall include the following:
  - a. A list of all non-structural BMPs designed and implemented at the site.
  - b. A list of all structural BMPs designed and implemented at the site.
- 6.5 The Plan shall include documentation of an assessment and inventory/list of materials handled and activities conducted at the site that can potentially be a source of pollutants to stormwater discharges. The assessment shall include but is not limited to the activities identified below:
  - a. Excavation.
  - b. Crushing/Screening.
  - c. Overburden, waste and products stockpiles.
  - d. Raw material and final product storage.
  - e. Waste products.
  - f. Sediment washing.
  - g. Material loading/unloading.
  - h. Areas where spills and leaks may potentially contribute pollutants to stormwater.
  - i. Vehicle and equipment maintenance, washing, and fueling.
- 6.6 The Plan for each site shall include a site map, which does not need to be a surveyed map, at least to the level of detail indicated on a 7.5-minute U. S. Geological Survey quadrangle map, that identifies:
  - a. Location of the site in relation to surface waters (including the name of the surface water; if the name is not known, indicate that on the map).
  - b. Location of all impaired waters within one mile. The Permittee shall include the name of the impaired water and the impairment (e.g. impaired for biota fish, turbidity, nutrients, etc).
  - c. Location of all ORVWS, DNR-designated trout waters, and wetlands within one mile of the site (MN.R. 7050.0180, 6264.0050).
  - d. Directions of stormwater flow indicated by arrows.
  - e. Topography of the area.
  - f. Location of all activities and materials.
  - g. Location of all structural BMPs.
  - h. Location and description of any non-stormwater discharges.
  - i. Dewatering points.
  - j. Water supply wells.
  - k. Surface water supply intakes.

Portable sites can meet the requirements of f. through k. above by developing general plant configuration maps.

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### **6. Pollution Prevention Plan Requirements**

- 6.7 The Permittee shall review the Plan at least annually and modify the Plan, if:
- a. There is construction or a change in design, operation, or maintenance at the facility that affects stormwater and wastewater management or compliance with this permit.
  - b. The Permittee has identified a monitoring location from which the discharge flows to, and is within one mile of, an impaired water.
  - c. A routine inspection, compliance evaluation, or visual inspection identified deficiencies in the Plan and/or BMP.
  - d. Additional stormwater and/or wastewater control measures and BMPs are necessary to meet applicable water quality standards or to address exceedances of intervention limits.
  - e. There is an unauthorized discharge from the facility. If the Plan modification is based on a release or unauthorized discharge, include in the modified Plan a description and date of the release, the circumstances leading to the release, actions taken in response to the release, and measures to prevent the recurrence of such releases. Unauthorized releases and discharges are subject to the reporting requirements in Section 9.32 and 9.33.
- 6.8 The Plan must be kept at the site when the site is Active and must be available to the Agency within 72 hours of a request for review. Electronic access of the plan is acceptable if no office is located on-site.
- 6.9 The Plan shall identify the individual(s) responsible for managing, implementing, maintaining, modifying, and ensuring compliance with the site's Plan, as well as personnel responsible for managing and implementing the Plan.
- 6.10 The Permittee must develop and implement an employee training program to inform appropriate personnel of the components and goals of the Plan. The Plan must also identify periodic dates for such training.
- 6.11 Records of all inspections conducted in accordance with permit requirements shall be maintained within the Plan.

#### **Subsector D1 - Hot Mix Asphalt**

- 6.12 In addition to the Site Map requirements in Section 6.6 of this permit, Hot Mix Asphalt facilities (Subsector D1) must also identify:
- a. Petroleum storage.
  - b. Fuel storage.
  - c. Recycled Asphalt Pavement storage.
  - d. Aggregate storage.
  - e. Recycled concrete, concrete block and brick crushing and storage.
  - f. Cold patch storage.
  - g. Release agent storage and application.

#### **Subsector E2 - Ready-Mix and Other Concrete Operations**

- 6.13 In addition to the Site Map requirements in Section 6.6 of this permit, Ready-Mix Operations (Subsector E2) must also identify:
- a. Bag house or other dust control device.
  - b. Recycle/sedimentation pond, clarifier, or other device used for the treatment of process wastewater.
  - c. The areas that drain to the treatment device.
  - d. Description of multiple locations of ready-mix and other concrete operations, if applicable.

### **7. Inspection Reports**

- 7.1 The Permittee shall develop and implement an inspection schedule that includes a minimum of one site inspection per calendar month that the site is an Active Site and staffed. A minimum of one inspection per calendar year shall be conducted during a runoff event.



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### **7. Inspection Reports**

- 7.2 If the site is Inactive and unstaffed, Temporarily Inactive and unstaffed as defined, or is a site undergoing final stabilization, the Permittee is waived from the requirement to conduct monthly site inspections, but BMPs must be maintained.
- 7.3 All inspections and resulting maintenance must be recorded and retained within the Plan. Records of each inspection and maintenance activity shall include:
- a. Date and time of inspections.
  - b. Name of person(s) conducting inspections.
  - c. An evaluation of the facility to determine that the Plan accurately reflects conditions as described in Section 6. At a minimum, the Permittee shall inspect storage tank areas, waste disposal areas, maintenance areas, loading/unloading areas, and raw material, intermediate product, by-product and final product storage areas.
  - d. An evaluation of all structural and non-structural BMPs to determine effectiveness and proper function.
  - e. An evaluation of the facility to determine whether new exposed significant materials or activities have been added to the site since completion of the Plan.
  - f. Recommendations for corrective actions, and corrective actions taken (including dates, times, and party completing maintenance activities).
- 7.4 In addition to the inspection requirements of this Section, the Permittee shall ensure that one of the required monthly inspections occurs during a snow melt event. The inspection shall include a visual assessment of the runoff to identify any visible sheens or films that indicate the presence of oil or grease in the discharge. If sheens are present in surface discharges, corrective actions to prevent sheen shall be implemented and documented in the Plan.

#### **Subsector D1 - Hot Mix Asphalt**

- 7.5 In addition to the inspection requirements listed in this Section, the operator of a Hot Mix Asphalt Facility shall inspect the following areas:
- a. material storage and handling areas;
  - b. liquid storage tanks,
  - c. hoppers, and silos;
  - d. vehicle and equipment maintenance, cleaning, and fueling areas; and
  - e. material handling vehicles, equipment, and processing areas.

Ensure that appropriate action is taken in response to the inspection by using follow-up procedures. Document in the Plan the inspections and follow up actions.

#### **Subsector E2 - Ready-Mix and Other Concrete Operations**

- 7.6 Dust collection and containment systems shall be included in the site inspections.

### **8. Monitoring Requirements**

#### **Stormwater Monitoring**

- 8.1 The Permittee shall monitor each outfall for all parameters specified in the Limits and Monitoring Section of this permit during stormwater runoff from active site operations. The Permittee shall submit the results of intervention limit monitoring required by this permit on the Discharge Monitoring Report form provided by the Agency. The information must be recorded in the specified areas on the form and in the units specified (Minn. R. 7001.1090, subp. 1(D), Minn. R. 7001.0150, subp. 2(B)).

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### **8. Monitoring Requirements**

- 8.2 Two samples shall be collected at each monitoring outfall and analyzed for each intervention limit parameter in a calendar year in order to determine an annual average concentration for each intervention limit parameter. The two samples shall be collected on two separate runoff events, one in the spring and one in the fall, if possible, each calendar year the Permittee is authorized to discharge under this permit. At the Permittee's discretion, more than two samples may be taken during separate runoff events and used to determine the annual average intervention limit(s). For averaging purposes, use a value of zero for any individual sample parameter which is determined to be less than the method detection limit.
- 8.3 If the Permittee is unable to obtain a minimum of two samples, less than two samples may be used to determine the annual average intervention limit(s) for the discharges during the year. However, for each sample that could not be obtained due to weather conditions and/or soil characteristics, the Permittee shall provide an explanation in the Comments section of the Discharge Monitoring Report and submit it to the Agency.
- 8.4 Samples shall be collected during the first 30 minutes of a measurable runoff event at a monitoring outfall and sampling events shall be at least 72 hours apart, to the extent feasible.
- 8.5 The intervention limit monitoring location(s) selected by the Permittee shall be in a location that:
- a. Is below the most down-gradient BMP from the source of industrial activity or significant materials, but prior to discharging from the Permittee's operational control.
  - b. Minimizes or eliminates sampling of stormwater from off-site sources (run-on).
  - c. Yields a sample that best represents the contribution of pollutants the Permittee is required to monitor for in accordance with this permit and that receives discharge from an area of industrial activities, processes, and significant materials exposed to stormwater.
- 8.6 If the Permittee has identified multiple, but separate, stormwater discharges and each area of discharge is substantially similar in terms of exposure, BMPs, and pollutants discharged, the Permittee may choose one intervention limit monitoring location that is most representative and best allows for obtaining a sample. This is applicable to a single site only. Multiple sites may only choose a substantially similar outfall at a single site.
- 8.7 An exceedance of an applicable intervention limit does not constitute a violation under this permit. However, the Permittee is required to perform any necessary corrective action(s) to address stormwater control measures, including the maintenance or implementation of BMPs, when an exceedance of an applicable intervention limit occurs. Failure to respond to an intervention limit exceedance is a violation of the permit.
- 8.8 If the site is Temporarily Inactive during a monitoring permit, intervention limit monitoring is not required, but the Permittee shall indicate on their Annual Report the inactivity and indicate that permanent stormwater BMPs remain in place. Should the site become active, the Permittee is required to sample in accordance with this Section of the permit for the year the site became active.
- 8.9 If stormwater does not discharge to surface waters, no monitoring is required. If there is no discharge during the sampling period, the Permittee shall check the "No Flow" box and note the conditions on the Discharge Monitoring Report Form.
- 8.10 If the Permittee submits documentation in compliance with Section 4.3 of this permit and receives approval from MPCA, discharges from the mine dewatering control devices are not required to be sampled. This shall include overflows caused solely by direct rainfall and groundwater seepage.

#### **Stormwater Limits and Monitoring**

##### **8.11 Stormwater Limits and Monitoring Intervention Limits**

- a. Subsectors J1, J2, D1, and E2: Total Suspended Solids, 100 mg/L
- b. Subsector E2: Iron, 1.0 mg/L

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### 8. Monitoring Requirements

- 8.12 Submit the annual Discharge Monitoring Report Form 21 days after the end of each calendar year for the first full year following permit issuance (January 21, 2013).

#### **Mine Dewatering to Surface Waters - Effluent Limit Monitoring**

- 8.13 If dewatering flows do not discharge to surface waters, no monitoring will be required. If there is no discharge during the sampling period, the Permittee shall check the "No Flow" box and note the conditions on the Discharge Monitoring Report Form.
- 8.14 If the Permittee submits documentation in compliance with Section 5.3 of this permit and receives approval from MPCA, overflows from the mine pit dewatering control devices are not required to be sampled. This shall include overflows caused solely by direct rainfall and groundwater seepage.
- 8.15 One sample shall be collected quarterly from each monitoring outfall identified and analyzed for each required effluent limit parameters specified in the Limits and Monitoring Section of this permit. The sample(s) shall be collected each calendar quarter the Permittee is authorized to discharge under this permit.
- 8.16 For active mine dewatering, samples shall be representative of the discharge and collected during any measurable event at an outfall.
- 8.17 If the discharge event is an overflow caused by a rainfall event, the sample(s) shall be collected within the first 30 minutes of the measurable runoff event. If it is not possible to collect the sample(s) within the first 30 minutes, the sample(s) shall be collected as soon as practicable after the first 30 minutes and documentation must be included with the Comments field of the Discharge Monitoring Report Form that explains why it was not possible to collect the sample(s) within the first 30 minutes.

#### **Non-stormwater Limits and Monitoring**

- 8.18 Mine Dewatering to Surface Waters Limits and Monitoring

- a. All Dewatering Activities from Subsector J1 and J2:
    - i. Flow, Million Gallons (MG), Calendar Quarter Total, 1 time per quarter
    - ii. Flow, million gallons per day (mgd), Calendar Quarter Average, 1 time per day
  - b. Dewatering from Construction Sand and Gravel (1442)
    - i. Total Suspended Solids (TSS), 30 mg/L, Daily Maximum, 1 time per quarter
    - ii. pH, 6.5 SU, Calendar Quarter Minimum, 1 time per quarter
    - iii. pH, 8.5 SU, Calendar Quarter Maximum, 1 time per quarter
  - c. Dewatering from Industrial Sand Mining (1446)
    - i. TSS, 45 mg/L, Daily Maximum, 1 time per quarter
    - ii. TSS, 25 mg/L, Calendar Quarter Average, 1 time per quarter
    - iii. pH, 6.5 SU, Calendar Quarter Minimum, 1 time per quarter
    - iv. pH, 8.5 SU, Calendar Quarter Maximum, 1 time per quarter
  - d. Dewatering from Subsector J2 facilities (1411, 1422, 1423, 1429)
    - i. TSS, 30 mg/L, Daily Maximum, 1 time per quarter
    - ii. pH, 6.5 SU, Calendar Quarter Minimum, 1 time per quarter
    - iii. pH, 8.5 SU, Calendar Quarter Maximum, 1 time per quarter
- 8.19 Submit the quarterly Discharge Monitoring Report Form 21 days after the end of each calendar quarter following permit issuance (first sampling event will be January 1 to March 31, 2012, and is due April 21, 2012).

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### **8. Monitoring Requirements**

#### **Mine Dewatering to Surface Waters - Monitoring for Permit Reissuance**

- 8.20 The following parameters shall be sampled and analyzed prior to permit expiration and submitted with the application for permit re-issuance. Samples shall be representative of mine dewatering discharge activity, and must comply with Sections 9.14, 9.16 and 9.17 of this permit:
- a. Total Dissolved Solids.
  - b. Hardness.
  - c. Oil & Grease and surfactants.
  - d. Antimony, arsenic, beryllium, cadmium, chromium, copper, lead, nickel, selenium, silver, thallium, and zinc.
  - e. Aluminum, barium, boron, cobalt, iron, magnesium, manganese, molybdenum, total tin, and total aluminum.

### **9. Total Facilities Requirements**

- 9.1 Incorporation by Reference. The following applicable federal and state laws are incorporated by reference in this permit, are applicable to the Permittee, and are enforceable parts of this permit: 40 CFR pts. 122.41, 122.42, 136, 403 and 503; Minn. R. pts. 7001, 7041, 7045, 7049, 7050, 7052, 7053, 7060, and 7080; and Minn. Stat. Sec. 115 and 116.
- 9.2 Permittee Responsibility. The Permittee shall perform the actions or conduct the activity authorized by the permit in compliance with the conditions of the permit and, if required, in accordance with the plans and specifications approved by the Agency.
- 9.3 Toxic Discharges Prohibited. Whether or not this permit includes effluent limitations for toxic pollutants, the Permittee shall not discharge a toxic pollutant except according to Code of Federal Regulations, Title 40, sections 400 to 460 and Minnesota Rules 7050, 7052, 7053 and any other applicable MPCA rules.
- 9.4 Nuisance Conditions Prohibited. The Permittee's discharge shall not cause any nuisance conditions including, but not limited to: floating solids, scum and visible oil film, acutely toxic conditions to aquatic life, or other adverse impact on the receiving water.
- 9.5 Property Rights. This permit does not convey a property right or an exclusive privilege.
- 9.6 Liability Exemption. In issuing this permit, the state and the MPCA assume no responsibility for damage to persons, property, or the environment caused by the activities of the Permittee in the conduct of its actions, including those activities authorized, directed, or undertaken under this permit. To the extent the state and the MPCA may be liable for the activities of its employees, that liability is explicitly limited to that provided in the Tort Claims Act.
- 9.7 The MPCA's issuance of this permit does not obligate the MPCA to enforce local laws, rules, or plans beyond what is authorized by Minnesota Statutes.
- 9.8 Liabilities. The MPCA's issuance of this permit does not release the Permittee from any liability, penalty or duty imposed by Minnesota or federal statutes or rules or local ordinances, except the obligation to obtain the permit.
- 9.9 The issuance of 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 the enforcement of these rules, standards, or orders against the Permittee.
- 9.10 Severability. The provisions of this permit are severable, and if any provisions of this permit or the application of any provision of this permit to any circumstance, are held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby.
- 9.11 Compliance with Other Rules and Statutes. The Permittee shall comply with all applicable air quality, solid waste, and hazardous waste statutes and rules in the operation and maintenance of the facility.

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### **9. Total Facilities Requirements**

- 9.12 **Inspection and Entry.** When authorized by Minn. Stat. Sec. 115.04; 115B.17, subd. 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 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 facility covered by the permit or pertaining to the activity covered by the permit.
- 9.13 **Control Users.** The Permittee shall regulate the users of its wastewater treatment facility so as to prevent the introduction of pollutants or materials that may result in the inhibition or disruption of the conveyance system, treatment facility or processes, or disposal system that would contribute to the violation of the conditions of this permit or any federal, state or local law or regulation.

#### **Sampling**

- 9.14 **Representative Sampling.** Samples and measurements required by this permit shall be conducted as specified in this permit and shall be representative of the discharge or monitored activity.
- 9.15 **Additional Sampling.** If the Permittee monitors more frequently than required, the results and the frequency of monitoring shall be reported on the Discharge Monitoring Report (DMR) or another MPCA-approved form for that reporting period.
- 9.16 **Certified Laboratory.** A laboratory certified by the Minnesota Department of Health shall conduct analyses required by this permit. Analyses of dissolved oxygen, pH, temperature, specific conductance, and total residual oxidants (chlorine, bromine) do not need to be completed by a certified laboratory but shall comply with manufacturers specifications for equipment calibration and use. (Minn. Stat. Sec. 144.97 through 144.98 and Minn. R. 4740.2010 and 4740.2050 through 4740.2120)
- 9.17 **Sample Preservation and Procedure.** Sample preservation and test procedures for the analysis of pollutants shall conform to 40 CFR Part 136 and Minn. R. 7041.3200.
- 9.18 **Equipment Calibration:** Flow meters, pumps, flumes, lift stations or other flow monitoring equipment used for purposes of determining compliance with permit shall be checked and/or calibrated for accuracy at least twice annually.
- 9.19 **Maintain Records.** The Permittee shall keep the records required by this permit for at least three years, including any calculations, original recordings from automatic monitoring instruments, and laboratory sheets. The Permittee shall extend these record retention periods upon request of the MPCA. The Permittee shall maintain records for each sample and measurement. The records shall include the following information (Minn. R. 7001.0150, subp. 2, item C):
- a. The exact place, date, and time of the sample or measurement;
  - b. The date of analysis;
  - c. The name of the person who performed the sample collection, measurement, analysis, or calculation; and
  - d. The analytical techniques, procedures and methods used; and
  - e. The results of the analysis.
- 9.20 **Completing Reports.** The Permittee shall submit the results of the required sampling and monitoring activities on the forms provided, specified, or approved by the MPCA. The information shall be recorded in the specified areas on those forms and in the units specified. (Minn. R. 7001.1090, subp. 1, item D; Minn. R. 7001.0150, subp. 2, item B)

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9.21 Required forms may include: DMRs and Supplemental Forms. Individual values for each sample and measurement must be recorded on the DMR Supplemental Form which, if required, will be provided by the MPCA. DMR Supplemental Forms shall be submitted with the appropriate DMRs. You may design and use your own supplemental form; however it must be approved by the MPCA. Note: Required summary information MUST also be recorded on the DMR. Summary information that is submitted ONLY on the DMR Supplemental Form does not comply with the reporting requirements.

9.22 Submitting Reports. DMRs and DMR Supplemental Forms shall be submitted to:

MPCA  
Attn: Discharge Monitoring Reports  
520 Lafayette Road North  
St. Paul, Minnesota 55155-4194.

DMRs and DMR Supplemental Forms shall be electronically submitted by the 21st day of the month following the sampling period or as otherwise specified in this permit. A DMR shall be submitted for each required station even if no discharge occurred during the reporting period. (Minn. R. 7001.0150, subps. 2.B and 3.H)

Other reports required by this permit shall be postmarked by the date specified in the permit to:

MPCA  
Attn: WQ Submittals Center  
520 Lafayette Road North  
St. Paul, Minnesota 55155-4194

9.23 Incomplete or Incorrect Reports. The Permittee shall immediately submit an amended report or DMR to the MPCA upon discovery by the Permittee or notification by the MPCA that it has submitted an incomplete or incorrect report or DMR. The amended report or DMR shall contain the missing or corrected data along with a cover letter explaining the circumstances of the incomplete or incorrect report.

9.24 Required Signatures. All DMRs, forms, reports, and other documents submitted to the MPCA shall be signed by the Permittee or the duly authorized representative of the Permittee. Minn. R. 7001.0150, subp. 2, item D. The person or persons that sign the DMRs, forms, reports or other documents must certify that he or she understands and complies with the certification requirements of Minn. R. 7001.0070 and 7001.0540, including the penalties for submitting false information. Technical documents, such as design drawings and specifications and engineering studies required to be submitted as part of a permit application or by permit conditions, must be certified by a registered professional engineer.

9.25 Detection Level. The Permittee shall report monitoring results below the reporting limit (RL) of a particular instrument as "<" the value of the RL. For example, if an instrument has a RL of 0.1 mg/L and a parameter is not detected at a value of 0.1 mg/L or greater, the concentration shall be reported as "<0.1 mg/L." "Non-detected," "undetected," "below detection limit," and "zero" are unacceptable reporting results, and are permit reporting violations. (Minn. R. 7001.0150, subp. 2, item B)

Where sample values are less than the level of detection and the permit requires reporting of an average, the Permittee shall calculate the average as follows:

- If one or more values are greater than the level of detection, substitute zero for all nondetectable values to use in the average calculation.
- If all values are below the level of detection, report the averages as "<" the corresponding level of detection.
- Where one or more sample values are less than the level of detection, and the permit requires reporting of a mass, usually expressed as kg/day, the Permittee shall substitute zero for all nondetectable values.

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### **9. Total Facilities Requirements**

- 9.26 Records. The Permittee shall, when requested by the Agency, 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 facility covered by the permit or regarding the conduct of the activity covered by the permit.
- 9.27 Confidential Information. Except for data determined to be confidential according to Minn. Stat. Sec. 116.075, subd. 2, all reports required by this permit shall be available for public inspection. Effluent data shall not be considered confidential. To request the Agency maintain data as confidential, the Permittee must follow Minn. R. 7000.1300.

#### **Noncompliance and Enforcement**

- 9.28 Subject to Enforcement Action and Penalties. Noncompliance with a term or condition of this permit subjects the Permittee to penalties provided by federal and state law set forth in section 309 of the Clean Water Act; United States Code, title 33, section 1319, as amended; and in Minn. Stat. Sec. 115.071 and 116.072, including monetary penalties, imprisonment, or both.
- 9.29 Criminal Activity. The Permittee may not knowingly make a false statement, representation, or certification in a record or other document submitted to the Agency. A person who falsifies a report or document submitted to the Agency, or tampers with, or knowingly renders inaccurate a monitoring device or method required to be maintained under this permit is subject to criminal and civil penalties provided by federal and state law.
- 9.30 Noncompliance Defense. It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- 9.31 Effluent Violations. If sampling by the Permittee indicates a violation of any discharge limitation specified in this permit, the Permittee shall immediately make every effort to verify the violation by collecting additional samples, if appropriate, investigate the cause of the violation, and take action to prevent future violations. Violations that are determined to pose a threat to human health or drinking water supply, or represent a significant risk to the environment shall be immediately reported to the Minnesota Department of Public Safety Duty Officer at 1-800-422-0798 (toll free) or 651-649-5451 (metro area). In addition, you may also contact the MPCA during business hours. Otherwise the violations and the results of any additional sampling shall be recorded on the next appropriate DMR or report.
- 9.32 Unauthorized Releases of Wastewater Prohibited. Except for conditions specifically described in Minn. R. 7001.1090, subp. 1, items J and K, all unauthorized bypasses, overflows, discharges, spills, or other releases of wastewater or materials to the environment, whether intentional or not, are prohibited. However, the MPCA will consider the Permittee's compliance with permit requirements, frequency of release, quantity, type, location, and other relevant factors when determining appropriate action.

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9.33 Discovery of a release. Upon discovery of a release, the Permittee shall:

- a. Take all reasonable steps to immediately end the release.
- b. Notify the Minnesota Department of Public Safety Duty Officer at 1(800)422-0798 or (651)649-5451 (metro area) immediately upon discovery of the release. You may contact the MPCA during business hours at 1(800)657-3864 or (651)296-6300 (metro area).
- c. Recover as rapidly and as thoroughly as possible all substances and materials released or immediately take other action as may be reasonably possible to minimize or abate pollution to waters of the state or potential impacts to human health caused thereby. If the released materials or substances cannot be immediately or completely recovered, the Permittee shall contact the MPCA. If directed by the MPCA, the Permittee shall consult with other local, state or federal agencies (such as the Minnesota Department of Natural Resources and/or the Wetland Conservation Act authority) for implementation of additional clean-up or remediation activities in wetland or other sensitive areas.
- d. Collect representative samples of the release. The Permittee shall sample the release for parameters of concern immediately following discovery of the release. The Permittee may contact the MPCA during business hours to discuss the sampling parameters and protocol. In addition, Fecal Coliform Bacteria samples shall be collected where it is determined by the Permittee that the release contains or may contain sewage. If the release cannot be immediately stopped, the Permittee shall consult with MPCA regarding additional sampling requirements. Samples shall be collected at least, but not limited to, two times per week for as long as the release continues.
- e. Submit the sampling results as directed by the MPCA. At a minimum, the results shall be submitted to the MPCA with the next DMR.

9.34 Upset Defense. In the event of temporary noncompliance by the Permittee with an applicable effluent limitation resulting from an upset at the Permittee's facility due to factors beyond the control of the Permittee, the Permittee has an affirmative defense to an enforcement action brought by the Agency as a result of the noncompliance if the Permittee demonstrates by a preponderance of competent evidence:

- a. The specific cause of the upset.
- b. That the upset was unintentional.
- c. That the upset resulted from factors beyond the reasonable control of the Permittee and did not result from operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or increases in production which are beyond the design capability of the treatment facilities.
- d. That at the time of the upset the facility was being properly operated.
- e. That the Permittee properly notified the Commissioner of the upset in accordance with Minn. R. 7001.1090, subp. 1, item I.
- f. That the Permittee implemented the remedial measures required by Minn. R. 7001.0150, subp. 3, item J.

#### **Operation and Maintenance**

9.35 The Permittee 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 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. The Permittee shall install and maintain appropriate backup or auxiliary facilities if they are necessary to achieve compliance with the conditions of the permit and, for all permits other than hazardous waste facility permits, if these backup or auxiliary facilities are technically and economically feasible Minn. R. 7001.0150, subp. 3, item F.

9.36 In the event of a reduction or loss of effective treatment of wastewater at the facility, the Permittee shall control production or curtail its discharges to the extent necessary to maintain compliance with the terms and conditions of this permit. The Permittee shall continue this control or curtailment until the wastewater treatment facility has been restored or until an alternative method of treatment is provided.



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- 9.37 Solids Management. The Permittee shall properly store, transport, and dispose of biosolids, septage, sediments, residual solids, filter backwash, screenings, oil, grease, and other substances so that pollutants do not enter surface waters or ground waters of the state. Solids should be disposed of in accordance with local, state and federal requirements.
- 9.38 Scheduled Maintenance. The Permittee shall schedule maintenance of the treatment works during non-critical water quality periods to prevent degradation of water quality, except where emergency maintenance is required to prevent a condition that would be detrimental to water quality or human health.
- 9.39 Control Tests. In-plant control tests shall be conducted at a frequency adequate to ensure compliance with the conditions of this permit.

#### **Changes to the Facility or Permit**

- 9.41 Permit Modifications. No person required by statute or rule to obtain a permit may operate the facility to be permitted, nor shall a person commence an activity for which a permit is required by statute or rule until the Agency has issued a written permit for the facility or activity. (Minn. R. 7001.0030)

Permittees that propose to make a change to the facility or discharge that requires a permit modification must follow Minn. R. 7001.0190. If the Permittee cannot determine whether a permit modification is needed, the Permittee must contact the MPCA prior to any action. It is recommended that the application for permit modification be submitted to the MPCA at least 180 days prior to the planned change.

- 9.42 Construction. No construction may begin prior to permit issuance until the Permittee plans and specifications have been submitted to the MPCA unless:
- a. the action taken is prohibited by federal law or regulation;
  - b. the Permittee is a municipality constructing a wastewater system with a design flow of 0.200 million gallons per day or less;
  - c. the action taken is subject to environmental review under chapter 116D, and prohibited from commencing construction until that process is completed;
  - d. the action taken is subject to a grant or loan agreement under chapter 446A;
  - e. the action taken requires a construction storm water permit under rules of the agency; or
  - f. the action taken requires a subsurface sewage treatment system permit under rules of the agency.

In all cases, the Permittee is prohibited from operating the system or discharging pollutants into the waters of the state until a written permit for the discharge is granted by the agency and until plans and specifications for the disposal system have been approved, unless the MPCA waives the submission of plans and specifications.

Plans, specifications and MPCA approval may not be necessary when maintenance dictates the need for replacement of new equipment, provided the equipment is the same design size and has the same design intent. For instance, a broken pipe, lift station pump, aerator, or blower can be replaced with the same design-sized equipment without MPCA approval.

If the proposed construction is not expressly authorized by this permit, it may require a permit modification. If the construction project requires an Environmental Assessment Worksheet under Minn. R. 4410, no construction shall begin until a negative declaration is issued and all approvals are received or implemented.

- 9.43 Report Changes. The Permittee shall give advance notice as soon as possible to the MPCA of any substantial changes in operational procedures, activities that may alter the nature or frequency of the discharge, and/or material factors that may affect compliance with the conditions of this permit.

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9.44 Chemical Additives. The Permittee shall receive prior written approval from the MPCA before increasing the use of a chemical additive authorized by this permit, or using a chemical additive not authorized by this permit, in quantities or concentrations that have the potential to change the characteristics, nature and/or quality of the discharge.

The Permittee shall request approval for an increased or new use of a chemical additive at least 60 days, or as soon as possible, before the proposed increased or new use.

This written request shall include at least the following information for the proposed additive:

- a. The process for which the additive will be used;
- b. Material Safety Data Sheet (MSDS) which shall include aquatic toxicity, human health, and environmental fate information for the proposed additive. The aquatic toxicity information shall include at minimum the results of: a) a 48-hour LC50 or EC50 acute study for a North American freshwater planktonic crustacean (either Ceriodaphnia or Daphnia sp.) and b) a 96-hour LC50 acute study for rainbow trout, bluegill or fathead minnow or another North American freshwater aquatic species other than a planktonic crustacean;
- c. A complete product use and instruction label;
- d. The commercial and chemical names and Chemical Abstract Survey (CAS) number for all ingredients in the additive (If the MSDS does not include information on chemical composition, including percentages for each ingredient totaling to 100%, the Permittee shall contact the supplier to have this information provided); and
- e. The proposed method of application, application frequency, concentration, and daily average and maximum rates of use.

9.45 Upon review of the information submitted regarding the proposed chemical additive, the MPCA may require additional information be submitted for consideration. This permit may be modified to restrict the use or discharge of a chemical additive and include additional influent and effluent monitoring requirements.

Approval for the use of an additive shall not justify the exceedance of any effluent limitation nor shall it be used as a defense against pollutant levels in the discharge causing or contributing to the violation of a water quality standard.

9.46 MPCA Initiated Permit Modification, Suspension, or Revocation. The MPCA may modify or revoke and reissue this permit pursuant to Minn. R. 7001.0170. The MPCA may revoke without reissuance this permit pursuant to Minn. R. 7001.0180.

9.47 Total Maximum Daily Load (TMDL) Impacts. Facilities that discharge to an impaired surface water, watershed or drainage basin may be required to comply with additional permits or permit requirements, including additional restriction or relaxation of limits and monitoring as authorized by the CWA 303(d)(4)(A) and 40 CFR 122.44.1.2.i., necessary to ensure consistency with the assumptions and requirements of any applicable US EPA approved wasteload allocations resulting from Total Maximum Daily Load (TMDL) studies.

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

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9.49 Facility Closure. The Permittee is responsible for closure and postclosure care of the facility. The Permittee shall notify the MPCA of a significant reduction or cessation of the activities described in this permit at least 180 days before the reduction or cessation. The MPCA may require the Permittee to provide to the MPCA a facility Closure Plan for approval.

Facility closure that could result in a potential long-term water quality concern, such as the ongoing discharge of wastewater to surface or ground water, may require a permit modification or reissuance.

The MPCA may require the Permittee to establish and maintain financial assurance to ensure performance of certain obligations under this permit, including closure, postclosure care and remedial action at the facility. If financial assurance is required, the amount and type of financial assurance, and proposed modifications to previously MPCA-approved financial assurance, shall be approved by the MPCA.

9.50 Permit Reissuance. If the Permittee desires to continue permit coverage beyond the date of permit expiration, the Permittee shall submit an application for reissuance at least 180 days before permit expiration. If the Permittee does not intend to continue the activities authorized by this permit after the expiration date of this permit, the Permittee shall notify the MPCA in writing at least 180 days before permit expiration.

If the Permittee has submitted a timely application for permit reissuance, the Permittee may continue to conduct the activities authorized by this permit, in compliance with the requirements of this permit, until the MPCA takes final action on the application, unless the MPCA determines any of the following (Minn. R. 7001.0040 and 7001.0160):

- a. The Permittee is not in substantial compliance with the requirements of this permit, or with a stipulation agreement or compliance schedule designed to bring the Permittee into compliance with this permit;
- b. The MPCA, as a result of an action or failure to act by the Permittee, has been unable to take final action on the application on or before the expiration date of the permit;
- c. The Permittee has submitted an application with major deficiencies or has failed to properly supplement the application in a timely manner after being informed of deficiencies.

### **10. Definitions**

10.1 "Act" means the Federal Clean Water Act, as amended, 33 U.S. Code 21251 et seq.

10.2 "Active Facility" means a place where work or other activity related to the production of asphalt and ready-mix / concrete products and extraction, removal, or recovery of nonmetallic minerals is being conducted. For surface mines, this definition does not include any land where grading has returned the earth to desired contour and stabilization has begun. This definition is derived from the definition of 'active mining area' found at 40 CFR pt. 440.132(a).

10.3 "Agency" means the Minnesota Pollution Control Agency (MPCA). (Minn. Stat. Section 116.36, subd. 2)

10.4 "Best Management Practices" or "BMPs" means practices to prevent or reduce the pollution of waters of the state, including schedules of activities, prohibitions of practices, and other management practices, and also includes treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge, or waste disposal or drainage from raw material storage. (Minn. R. 7001.1020, subp.5)

10.5 "Commissioner" means the Commissioner of the Minnesota Pollution Control Agency or the Commissioner's designee. (Minn. Stat. Section 116.36, subd. 3)

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### 10. Definitions

- 10.6 "Construction Activity" for this permit includes construction activity as defined in 40 CFR pt.122.26(b)(14)(x) and small construction activity as defined in 40 CFR pt. 122.26(b)(15). This includes a disturbance to the land that results in a change in the topography, existing soil cover (both vegetative and non-vegetative), or the existing soil topography that may result in accelerated stormwater runoff, leading to soil erosion and movement of sediment into surface waters or drainage systems. Examples of construction activity may include clearing, grading, filling, and excavating. Construction activity includes the disturbance of less than one acre of total land area that is a part of a larger common plan of development or sale if the larger common plan will ultimately disturb one acre or more.
- 10.7 "Effluent Monitoring Location" for the purposes of this permit means the location(s) within the boundary of the facility where the Permittee will collect mine dewatering and/or authorized non-stormwater discharges. The effluent monitoring location(s) selected by the Permittee shall be in a location that:
- a. Is immediately below the most down-gradient BMP from the specific industrial activity that has a numeric effluent limit, but prior to where the discharge co-mingles with stormwater from other sources.
  - b. Yields a sample that represents the contribution of the pollutants for which the Permittee is required to monitor.
- 10.8 "Energy Dissipation" means methods employed at pipe outlets to prevent erosion. Examples include, but are not limited to: concrete aprons, riprap, splash pads, and gabions that are designed to prevent erosion.
- 10.9 "Erosion Prevention" means measures employed to prevent erosion including but not limited to: soil stabilization practices, limited grading, mulch, temporary or permanent cover, and phasing.
- 10.10 "Facility" for the purposes of this permit, means land that shares a common border and that has a stormwater discharge associated with industrial activity as defined by 40 CFR Part 122.26(b)(14) with the discharge having a common owner/operator.
- 10.11 "Impaired Water" means waters identified as impaired by the Agency, and approved by the USEPA, pursuant to section 303(d) of the Clean Water Act (33 U.S.C. Section 303(d)).
- 10.12 "Impervious Surface" means a constructed hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development. Examples include rooftops, sidewalks, patios, driveways, parking lots, storage areas and concrete, asphalt, or gravel roads.
- 10.13 "Inactive Facility" means a site or portion of a site where nonmetallic mineral mining and/or milling, asphalt reduction and ready-mix concrete production occurred in the past but is not an Active Facility. The Permittee does not anticipate mining and/or associated activities to occur in the foreseeable future, has requested the permit coverage at this inactive portion be terminated, and the inactive portion is no longer covered by an active mining permit.
- 10.14 "Infiltration Device" for purposes of this permit, means a device to which industrial stormwater runoff is diverted, collected, or conveyed for the purpose of infiltration. This includes all man-made and natural infiltration areas to which runoff are diverted. An infiltration device does not include the parts of the system that diverts, collects, or conveys stormwater. Incidental infiltration from conveyances such as swales or ditches, including those with erosion prevention devices such as vegetation, silt fence, or fiber bails, is not an infiltration device. However, swales, ditches, or similar devices constructed with stop logs, ditch excavation for storage or other retention devices, which are for the purpose of increased infiltration, are infiltration devices. Wetlands (including types 1 through 8) and other natural surface water bodies are not infiltration devices or parts of infiltration device systems, and cannot be used as infiltration devices, unless mitigated in accordance with applicable state rules.

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- 10.15 "Karst topography" means an area underlain by fractured carbonate bedrock in which erosion has produced geological characteristics such as: sinkholes; springs, subsurface drainage; caves; sinking streams; dissolutionally enlarged joints (grikes) or bedding planes, and bedrock surface channels (karren). Counties known for karst features include parts of Dakota, Rice, Dodge, and Mower, and most of Goodhue, Olmsted, Winona, Wabasha, Houston and Fillmore.
- 10.16 "Mine Pit Dewatering" means any water that is impounded or that collects in the mine and is pumped, drained or otherwise removed from the mine through the efforts of the mine operator. This term shall also include wet pit overflows caused solely by direct rainfall and ground water seepage. However, if a mine is also used for treatment of process generated wastewater, discharges of commingled water from the facilities shall be deemed discharge of process generated wastewater.
- 10.17 "MPCA" means the Minnesota Pollution Control Agency, or Minnesota Pollution Control Agency staff as delegated by the Minnesota Pollution Control Agency.
- 10.18 "Non-Stormwater Discharge" means any discharge not comprised entirely of stormwater.
- 10.19 "Non-Structural BMPs" refers to practices that will reduce or eliminate pollutants to stormwater and do not require installation of permanent structural devices to treat runoff. Examples of non-structural BMPs include but are not limited to parking lot and street sweeping, employee training, changing material handling practices, installation of silt fence, and minimizing materials exposed to stormwater through inventory reduction, tarping, or moving materials indoors.
- 10.20 "Operator" is the person responsible for the overall operation of an industrial facility under Minn. R. pt. 7090.3000. (Minn. R. 7090.0080, subp.10)
- 10.21 "Owner" is the person who owns an industrial facility or part of an industrial facility under Minn. R. pt. 7090.3000. (Minn. R. 7090.0080, subp.11)
- 10.22 "Permittee" means a person or persons, firm, or governmental agency or other institution that is identified on the on the letter authorizing coverage and is responsible for compliance with the terms and conditions of this permit.
- 10.23 "Person" means any human being, any municipality or other governmental or political subdivision or public agency, any public or private corporation, any partnership, firm, association, or other organization, any receiver, trustee, assignee, agent, or other legal representative of any of the foregoing, or any other legal entity, but does not include the MPCA.
- 10.24 "Pollution Prevention Plan" means a plan for stormwater and non-stormwater discharges that include facility-specific activities and actions to, first, identify sources of pollution or contamination at the facility, and second, select and implement BMPs to eliminate or reduce contact of stormwater with significant materials and non-stormwater discharges that may result in polluted runoff from the facility.
- 10.25 "Primary Standard Industrial Classification (SIC) Code" for the purposes of this permit, is the SIC code associated with the industrial activity that generates the greatest revenue. If revenue data is not available, the owner/operator shall base the determination on the number of employees engaged in the industrial activity. If it is not possible to determine the primary SIC code using either of these two methods, the owner/operator shall base the determination on the SIC code with the greatest production. The industrial activity that generates the greatest revenue, employs the most personnel, or has the greatest production, is the industrial activity assigned the primary SIC code.
- 10.26 "Reclamation" means activities undertaken in compliance with applicable mined land reclamation requirements following the cessation of activities associated with extraction, removal and recovery of nonmetallic minerals, intended to return the land to an appropriate post-mining land use.
- 10.27 "Sediment Control" means methods employed to prevent sediment from leaving the site. Sediment control practices include silt fences, sediment traps, earth dikes, drainage swales, check dams, subsurface drains, pipe slope drains, storm drain inlet protection, and temporary or permanent sedimentation basins.

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- 10.28 "Small Construction Activity" means small construction activity as defined in 40 C.F.R. part 122.26(b)(15). Small construction activities include clearing, grading and excavating that result in land disturbance of equal to or greater than one acre and less than five acres. Small construction activity includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one and less than five acres.
- 10.29 "Stormwater" means stormwater runoff, snow melt runoff, and surface runoff and drainage. (Minn. R. 7090.0080, subp.12)
- 10.30 "Stormwater Pond" for purposes of this permit means constructed detention or retention facilities for the treatment of stormwater runoff under the requirements of this permit. This includes permanent ponds, dry ponds, flow equalization ponds (followed by other BMPs), and constructed wetlands. However, natural wetlands (including types 1-8) and other natural surface water bodies are not industrial stormwater ponds, parts of ponds or pond systems, and cannot be used as BMPs for stormwater treatment unless mitigated in accordance with applicable state rules.
- 10.31 "Structural BMPs" refers to the installation of devices that will reduce or eliminate pollutants to stormwater through installation of permanent structural devices to treat or control runoff. Examples of structural BMPs include but are not limited to installation of stormwater diversion berms or channels; sedimentation basins (retention or detention basins); oil/water separators; grit chambers; roofs, awnings, or buildings to cover significant material.
- 10.32 "Surface Water or Waters" means all streams, lakes, ponds, marshes, wetlands, reservoirs, springs, rivers, drainage systems, waterways, watercourses, and irrigation systems whether natural or artificial, public or private.
- 10.33 "Temporarily Inactive Facility" means a site or portion of a site where nonmetallic mineral mining and/or milling, asphalt production and ready-mix concrete production occurred in the past but currently are not being actively undertaken and permit coverage is being maintained for the possibility of mining and/or associated activities in the foreseeable future.
- 10.34 "Total Maximum Daily Load" or "TMDL" means the sum of the individual wasteload allocations for point sources and load allocations for nonpoint sources and natural background, as more fully defined in 40 CFR 130.2(i). A TMDL sets and allocates the maximum amount of a pollutant that may be introduced into a water of the state and still assure attainment and maintenance of water quality standards. (Minn. R. 7052.0010 Subp. 42)
- 10.35 "Treatment Works" means any plant, disposal field, lagoon, dam, pumping station, constructed drainage ditch or surface water intercepting ditch, or other works not specifically mentioned herein, installed for the purpose of treating, stabilizing or disposing of sewage, industrial waste, or other wastes. For the purposes of this permit, this includes stormwater ponds, sedimentation basins and/or infiltration devices for stormwater management. (Minn. Stat. Sect. 115.01, subd. 21)
- 10.36 "Upset" means an exceptional incident in which the permit discharge limits are unintentionally and temporarily exceeded due to factors beyond the reasonable control of the Permittee.
- 10.37 "Wasteload Allocation (WLA)" means the portion of a receiving water's loading capacity that is allocated to one of its existing or future point sources of pollution, as more fully defined in Code of Federal Regulations, title 40, section 130.2, paragraph (h). In the absence of a TMDL approved by EPA under Code of Federal Regulations, title 40, section 130.7, or an assessment and remediation plan developed and approved according to part 7052.0200, subpart 1, item C, a WLA is the allocation for an individual point source that ensures that the level of water quality to be achieved by the point source is derived from and complies with all applicable water quality standards and criteria. (Minn. R. 7052.0010 Subp. 42)
- 10.38 "Water Quality Standards" means those provisions contained in Minn. R Chapters 7050 and 7052.

## **Chapter 1. General Non-Metallic Mining and Assoc. Act.**

### **10. Definitions**

- 10.39 "Waters of the State" means all streams, lakes, ponds, marshes, wetlands, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof. (Minn. Stat. Sec. 115.01, subd. 22)
- 10.40 "Wetlands" means those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Constructed wetlands designed for wastewater treatment are not waters of the state. Wetlands must have the following attributes:
- a. a predominance of hydric soils;
  - b. inundated or saturated by surface water or groundwater at a frequency and duration to support a prevalence of hydrophytic vegetation typically adapted for life in a saturated soil condition; and,
  - c. under normal circumstances support a prevalence of such vegetation. (Minn. R. 7050.0186, subp. 1a.B.)