The state of Minnesota, on behalf of its citizens through the Minnesota Pollution Control Agency (MPCA), authorizes the Permittee to discharge non-contact cooling water to surface waters of the state, in accordance with the requirements of this permit.

The goal of this permit is to reduce pollutant levels in point source discharges and protect water quality in accordance with Minnesota and US statutes and rules, including Minn. Stat. chs. 115 and 116, Minn. R. chs. 7001, 7050, 7053, 7060, 7090, and the US Clean Water Act.

This permit is effective on the issuance date identified above, or on the date of the attached to the certificate of coverage letter, whichever is most recent. This permit supersedes the previous general permit MNG255000 (General Permit Authorization to Discharge Uncontaminated Once-Through, Treated [or Municipal Source Water] Non-Contact Cooling Water) which expired on December 31, 2012.

This permit expires at midnight on the expiration date identified above.

Signature:  
Jeff Udd, P.E.  
Supervisor, Water Quality Permits Unit  
Water Section  
Industrial Division  

Submit eDMRs Submit via the MPCA Online Services Portal at https://netweb.pca.state.mn.us/private/  
Submit Other WQ Reports to:  
Attention: WQ Submittals Center  
Minnesota Pollution Control Agency  
520 Lafayette Rd N  
St Paul, MN  55155-4194  

Questions on this permit?  
• For eDMR and other permit reporting issues, contact: Belinda Nicholas, 651-296-8838.  
• General permit or NPDES/SDS program questions contact the appropriate MPCA regional office found on page two of this Permit.  
• General permit or NPDES program questions, contact: MPCA Customer Assistance Center, 651-282-6143 or 800-657-3938
## Surface Discharge Stations

<table>
<thead>
<tr>
<th>Station</th>
<th>Type of Station</th>
<th>Local Name</th>
<th>PLS Location</th>
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<tbody>
<tr>
<td>SD001</td>
<td>Effluent To Surface Water</td>
<td>Classes 2A, 2Bd, 2B, 2D</td>
<td></td>
</tr>
<tr>
<td>SD002</td>
<td>Effluent To Surface Water</td>
<td>Class 2C, 7</td>
<td></td>
</tr>
</tbody>
</table>
The Permittee shall comply with the limits and monitoring requirements as specified below.

### SD 001: Classes 2A, 2Bd, 2B, 2D

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Limit</th>
<th>Units</th>
<th>Limit Type</th>
<th>Effective Period</th>
<th>Sample Type</th>
<th>Frequency</th>
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<tbody>
<tr>
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<td>mg/L</td>
<td>Calendar Month Maximum</td>
<td>Jan-Dec</td>
<td>Grab</td>
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<tr>
<td>Flow</td>
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<tr>
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<tr>
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### SD 002: Class 2C, 7

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<th>Sample Type</th>
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<tbody>
<tr>
<td>Chlorine, Total Residual</td>
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<td>mg/L</td>
<td>Calendar Month Maximum</td>
<td>Jan-Dec</td>
<td>Grab</td>
<td>2 x Month</td>
<td>1</td>
</tr>
<tr>
<td>Flow</td>
<td></td>
<td></td>
<td>Calendar Month Average</td>
<td>Jan-Dec</td>
<td>Measurement, Continuous</td>
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<tr>
<td>Flow</td>
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<tr>
<td>pH, Field</td>
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<td>Jan-Dec</td>
<td>Grab</td>
<td>2 x Month</td>
<td>1</td>
</tr>
<tr>
<td>pH, Field</td>
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<td>SU</td>
<td>Calendar Month Minimum</td>
<td>Jan-Dec</td>
<td>Grab</td>
<td>2 x Month</td>
<td>1</td>
</tr>
<tr>
<td>Phosphorus, Total (as P)</td>
<td>1.0</td>
<td>mg/L</td>
<td>Calendar Month Average</td>
<td>Jan-Dec</td>
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<td>Jan-Dec</td>
<td>Measurement, Instantaneous</td>
<td>1 x Week</td>
<td></td>
</tr>
</tbody>
</table>

Notes:
1. Analyze in the field, within one hour of sample collection.
2. Phosphorous limit established for users of a phosphonate chemical additive (as reviewed by the MPCA). Additional phosphorous limits may be applied in accordance with waste load allocations under public noticed TMDLs.
Chapter 1. General Non-Contact Cooling Water, Treated

1. Applicability

1.1 The discharge consists solely of once-through, non-contact cooling water (NCCW) to which the only pollutants added are heat and chemical additives consistent with a municipal potable water supply. The once-through NCCW discharge shall be free from contact cooling, recycled cooling (i.e., cooling tower), reverse osmosis reject, filter backwash from water conditioning systems, industrial process or other wastewater discharges. At the MPCA's discretion, multiple-pass systems may be considered for coverage, but in no case shall cooling tower systems be eligible for coverage.

1.2 The source of the cooling water is a municipal water supply, uncontaminated well water, or surface water to which chlorine or other water treatment/chemical additives consistent with a municipal potable water supply are being used.

1.3 For appropriators of well or surface waters, the applicant holds a valid Water Appropriation Permit issued by the Minnesota Department of Natural Resources (MN-DNR). MN-DNR Water Appropriation permits are required for withdrawals greater than 10,000 gallons per day or one million gallons per year.

1.4 Except for chlorine for disinfection and an oxygen scavenger for dechlorination, there are no chemical or water treatment additives used which have not been reviewed and approved by the MPCA.

1.5 This is not a new source discharge to an Outstanding Resource Value Waters or designated trout waters as defined in Minn. R. ch. 7050.

1.6 This is not a discharge to waters on Tribal lands.

1.7 The discharge shall not cause or contribute to a violation of a state water quality standard.

1.8 The discharge shall be consistent with the terms and conditions of this general permit.

1.9 The applicant requesting coverage agrees to furnish to the MPCA any information which the MPCA may request to determine compliance with this general permit or to determine if the facility would be more appropriately controlled by an individual permit.

1.10 Waste streams regulated by Effluent Limitation Guidelines [40 CFR Subchapter N (Parts 405-499)] are ineligible for coverage under this general permit.

1.11 Applicants requesting/pursuing alternative effluent limitations under Section 316(a) of the Clean Water Act are ineligible for coverage under this general permit.

1.12 New applicants subject to the cooling water intake structure requirements for new facilities under section 316(b) of the Clean Water Act (a maximum design intake withdrawal of greater than 5% of source water annual mean flow, a maximum design intake of more than two million gallons per day, and/or a maximum through-screen design intake velocity less than or equal to 0.5 feet per second) are ineligible for coverage under this general permit.

1.13 At the MPCA's discretion, existing facilities with a maximum total design intake withdrawal of less than five percent of source water annual mean flow, a maximum design intake of less than two million gallons per day, and/or a maximum through-screen design intake velocity less than or equal to 0.5 feet per second may be considered for eligibility under the general permit.

2. Discharge Prohibitions

2.1 Non-contact cooling water discharges shall not cause or contribute to a material increase in undesirable slime growths or aquatic plants, including algae.

2.2 Non-contact cooling water discharges shall not contain any cooling water treatment chemicals which have not been reviewed and approved for discharge by the MPCA.

2.3 Non-contact cooling water discharges that are found to be contributing to, or may reasonably be expected to contribute to, a receiving water impairment are not eligible for general permit coverage.
Chapter 1. General Non-Contact Cooling Water, Treated

2. Discharge Prohibitions

2.4 Discharges of one or more pollutants at levels which may cause or contribute to violation(s) of water quality standards are prohibited.

2.5 Non-contact cooling water discharges that may adversely affect a listed, or a proposed to be listed, endangered or threatened species or its critical habitat are prohibited.

2.6 Non-contact cooling water where source water is groundwater that is or has been impacted, or can reasonably be expected to have been impacted by a release of a toxic or hazardous material are not eligible for general permit coverage.

2.7 Non-contact cooling water which is contaminated from failing or leaking heat exchangers or process equipment being cooled; or to which raw, intermediate or final product or materials have been known to cause cross contamination are not eligible for general permit coverage.

3. Notice of Intent

3.1 Dischargers seeking coverage under this general permit shall submit to the MPCA the following completed forms:

Transmittal Form (wq-wwprm7-03);
Industrial Non-Contact Cooling Water Notice of Intent General Permit Application (wq-wwprm7-50); and
Permit Application Checklist for Miscellaneous Waste Types (wq-wwprm7-04c).

At a minimum the following information shall be provided:
a. Legal name and address of the facility owner;
b. Facility name and location;
c. Volume and type of waste stream, including water source;
d. The name and location of the receiving water body;
e. A USGS Quadrangle map showing the location of the facility and the route to receiving water body. If the discharge is to a storm sewer, tile line, etc., the map must show the route from the facility to the point of discharge of the conveyance structure into the receiving water body;
f. A list of any water treatment additives used, including all additional information required by this general permit;
g. If applicable, a method for dechlorination;
h. If available and the discharger's source water is groundwater, submit an assessment of the source water; and
i. Permit application fee.

3.2 The Transmittal Form shall contain an authorized signature certifying under penalty of law that the Form and all attachments were prepared "under my direction or supervision and the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I have read the applicability criteria for coverage under the general permit and certify that the discharge qualifies for coverage. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."
Chapter 1. General Non-Contact Cooling Water, Treated

4. Individual NPDES/SDS Permit at MPCA's Discretion

4.1 The MPCA may determine that an applicant's discharge, while meeting the criteria for coverage by this general permit, would be more appropriately controlled by an individual permit.

In considering whether it is appropriate to issue an individual permit, the MPCA may consider the following:

a. Whether pollutant levels in the applicant's discharge have potential for causing significant environmental impacts;
b. Whether the applicant has been in compliance with the terms of this or any previous (general) permit and applicable statutes and rules; and/or
c. Whether the operations, activities, discharge(s), or facility have been altered such that the discharge is no longer eligible for general permit coverage.

4.2 The MPCA may require any person authorized by this general permit to apply for and obtain an individual NPDES permit, if the owner or operator is not in compliance with the requirements and conditions of this general permit as outlined in 40 CFR Part 122.28(b)(2)(i) and Minn. R. 7001.0210, subp. 6.

5. Individual NPDES/SDS

5.1 If a permit applicant who is eligible for coverage under this general permit requests an individual permit, the Commissioner shall process the application as an application for an individual permit.

5.2 Upon issuance of an individual permit for any discharge authorized by this general permit, coverage under this general permit shall no longer be applicable to the facility. The requirements of an individual permit may differ than the conditions of this general permit providing such authorization will not cause a violation of water quality standards and is not inconsistent with antibacksliding restrictions.

6. Validation of General Permit Coverage

6.1 In order to constitute a valid authorization to discharge, this general permit must be accompanied by a certificate of coverage issued by the Minnesota Pollution Control Agency (MPCA). Such certification of coverage shall include the unique individual general permit number, Permittee name, facility name, street address, city or township, county, receiving water, water use classifications, date general permit coverage takes effect and expiration date.

7. Authorization

7.1 The Permittee operating the facility identified in the certificate of coverage for this general permit is authorized for the discharge of once-through non-contact cooling water to the surface waters named on said certificate of coverage.

8. Water Treatment/Chemical Additives

8.1 Water treatment additives include any material(s) that is/are added to water being discharged by the facility or at the water source in the case of a municipal water supply for any purpose including: disinfection, scale/corrosion control, pH adjustment and dechlorination.

8.2 This general permit does not authorize the discharge of water treatment additives other than chlorine, whether added by the Permittee or a municipal source, without prior approval from the MPCA.
Chapter 1. General Non-Contact Cooling Water, Treated

8. Water Treatment/Chemical Additives

8.3 In the event a permittee proposes to discharge water treatment additives, the Permittee shall submit a written request for authorization to discharge water treatment additives to the MPCA for approval. The written request for the discharge of water treatment additives shall include all of the following:

a) Material Safety Data Sheet. If the MSDS does not include complete product ingredients total 100%, additional information on product composition shall be provided. Confidentiality on chemical component composition shall be provided at the company's request;
b) Commercial and chemical names, including CAS number for all ingredients;
c) Aquatic toxicity and human health or mammalian toxicity data including a carcinogenic, mutagenic, or tetratogenic concern or rating;
d) Environmental fate information including, but not limited to, persistence, half-life, intermediate breakdown products, and bioaccumulation data;
e) Complete product label and instruction sheet(s);
f) The proposed method of application, dosage rate (in parts per million of NCCW discharged/day) and frequency of application (continuous, number of hours per day, number of days per year);
g) Purpose of use (microbiocide, scale/corrosion control, dechlorination);
h) Outfall from which the product is to be discharge and volume of discharge; and
i) The type of technology of pollutant reduction/removal, if any, that the water treatment additive receives prior to discharge.

Upon Review of the information submitted regarding the proposed chemical additive, the MPCA may require additional information to be submitted for consideration.

8.4 Written approval from the MPCA to discharge such additives at specified levels shall be obtained prior to discharge by the Permittee. Additional monitoring, reporting, or limitations may be required as a condition for the approval to discharge treated non-contact cooling water. The MPCA reserves the right to reject the use of a water treatment additive or to deny general permit coverage.

8.5 Additives approved for use will be listed in the Permittee's Certificate of Coverage.

8.6 There shall be no change in the dosage rate, frequency of use, frequency of discharge, discharge volume, chemical composition applied to the discharge without prior written request and written MPCA approval for the change(s).

9. Microbiocide Usage

9.1 Microbiocide usage by Permittees authorized for discharge under this general permit shall be restricted to either chlorine, bromine, or chloro-bromo based additive.

10. Nontoxic Water Treatment Additives

10.1 Discharges of nontoxic water treatment additives are allowed under this general permit. Nontoxic water treatment additives are defined, for the purposes of this permit, as those substances which are used by public drinking water suppliers primarily to control corrosion or prevent deposition of scale forming materials and which do not exhibit any residual toxic effects on receiving waters.

11. pH Adjustment

11.1 Subject to review and approval, chemicals used for pH adjustment in the cooling system may be allowed for use under this general permit. Some examples of chemicals approved for pH adjustment include: Sodium Hydroxide, Hydrochloric Acid, Sulfuric Acid and Calcium Hydroxide.

11.2 pH adjusters shall not be added in amounts which would violate surface water quality standards or groundwater standards.
Chapter 1. General Non-Contact Cooling Water, Treated

12. Bioaccumulating Toxic Substances

12.1 Coverage under this general permit does not authorize discharge of any of the 21 bioaccumulating toxic substances.

13. Applicable Effluent Limitations - Thermal Limitation

13.1 To ensure compliance with state and federal antibackliding rules and regulations, the temperature effluent limitation for BAE Systems, uniquely identified as MNG255087 and River Road Industrial Center, uniquely identified as MNG255091 shall be consistent with the limitation from the previous individual permit authorizing the non-contact cooling water waste stream which is 26.5 degrees Centigrade.

13.2 To ensure compliance with state and federal antibackliding rules and regulations, the temperature effluent limitation for Lanesboro Power & Light, uniquely identified as MNG255021 is established to be 75 degrees Fahrenheit.

13.3 To ensure compliance with state and federal antibackliding rules and regulations, the temperature effluent limitation for Telamco Inc., uniquely identified as MNG255064 is established to be 86 degrees Fahrenheit.

14. Surface Discharges

14.1 Floating solids or visible foam shall not be discharged in other than trace amounts.

14.2 Oil or other substances shall not be discharged in amounts that create a visible color film.

14.3 When necessary, the Permittee shall install and maintain outlet protection measures at the discharge stations to prevent erosion. (Not applicable for surface discharges via municipal storm sewers.)

14.4 A covered permittee's flow volumes are shown in the General Permit Certification of Coverage.

15. Duty to Notify and Avoid Water Pollution

15.1 The Permittee shall notify the Minnesota Department of Public Safety Duty Officer at (800)422-0798 or (651)649-5451 immediately of the discharge, accidental or otherwise, of any substance or material under its control which, if not recovered, may cause pollution of waters of the state. Notification is not required for a discharge of five (5) gallons or less of petroleum. (Minnesota Statutes, section 115.061)

15.2 The Permittee shall take all reasonable steps to minimize the adverse impacts to human health, public drinking water supplies or to the environment resulting from the discharge.

16. Narrative Standards for Discharges to Class 2 Waters

16.1 The discharge shall not degrade the aquatic habitat, which includes surface waters, lakes, ponds, wetlands, stream beds, etc. in any material manner.

16.2 The discharge shall not seriously impair or endanger the normal fishery and lower aquatic biota upon which it is dependent. The species composition shall not be altered materially, and the propagation or migration of the fish or other biota normally present shall not be prevented, hindered, or compromised by the discharge.

16.3 The discharge shall not in any manner render the receiving water unsuitable or objectionable for fishing, fish culture, fish consumption or recreational activities in and on the water.

17. Narrative Thermal Effluent Limitations

17.1 These narrative criteria shall be in conjunction with numeric values found on the Limits & Monitoring page.

17.2 The thermal load of discharges to Class 2A waters shall not cause or contribute to a material increase in receiving water temperature.
Chapter 1. General Non-Contact Cooling Water, Treated

17. Narrative Thermal Effluent Limitations

17.3 The thermal load of discharges to Class 2B, Class 2Bd, and Class 2C receiving waters shall not increase temperature levels in the receiving water body 5 degrees Fahrenheit above the natural seasonal temperature in streams or above 3 degrees Fahrenheit above the natural seasonal temperature in lakes, based on monthly average of the maximum daily temperature.

17.4 The thermal load of discharges to wetlands shall not cause a deviation from the range of natural background conditions such that there is a potential significant adverse impact to the designated uses.

18. Applicable Effluent Limitations - Total Residual Chlorine

18.1 Limitation and monitoring requirements for total residual chlorine or alternately total residual oxidant shall apply to any Permittee who adds bleach or products containing chlorine (i.e., hypochlorite) to the cooling water authorized for discharge by this general permit. The limits and monitoring requirements also apply to facilities which discharge pass-through chlorine from municipal water sources. This determination shall be indicated on the individual Permittee's Limits and Monitoring page.

Discharges to Class 7 waters which do not have the potential to affect a downstream Class 2 waters may be exempt from a water quality-based effluent limitation for total residual chlorine.

19. Applicable Effluent Limitations - Total Residual Oxidant As Chlorine

19.1 Any covered Permittee who adds bromine or products containing bromine compounds, such as chloro-bromo, are subject to the Total Residual Oxidant (TRO) as Chlorine effluent limitation contained in this permit.

Discharges to Class 7 waters which do not have the potential to affect a downstream Class 2 waters may be exempt from this effluent limitation.

20. Applicable Effluent Limitations - Total Phosphorus

20.1 Any user of a chemical containing any form of phosphorus, including phosphonate, shall be subject to an end-of-pipe technology-based 1.0 mg/L Total Phosphorus effluent limitation, in addition to any more stringent wasteload allocation under a proposed or final approved total maximum daily load (TMDL).

Examples include, but are not limited to scale and corrosion inhibitors containing phosphate, polyphosphonate, hexametaphosphate, phosphonobutane.

20.2 The total phosphorus effluent limitation applied to Kohler Mix Specialties of Minnesota LLC, uniquely identified with permit number MNG255067, shall be a limitation not to exceed 11 kg/year (24 pounds per year).


21.1 TMDL Impacts. Facilities that discharge to an impaired surface water, or to a watershed or drainage basin that contains impaired waters, may be required, upon the date of effective general permit coverage or at some future date, to comply with additional permits, or permit requirements, including additional restriction or inclusion of limits and monitoring as authorized by the CWA 303(d)(4)(A) ) and 40 CFR 122.44.i.2.i, based on the conclusions of any applicable US EPA approved TMDL studies, TMDL submitted to US EPA for approval, their associated implementation plans or additional sampling or monitoring.

21.2 General permit coverage for an individual applicant may be modified to incorporate waste load allocations provided for the facility's discharge by a draft or final (TMDL) study. The Limits & Monitoring page will be modified to include a monitoring requirement and a limitation for the stressor pollutant(s) at the levels published in the public noticed TMDL report.

22. Monitoring Frequency

22.1 The NCCW waste stream shall be sampled to demonstrate compliance with the general permit effluent limitations.
Chapter 1. General Non-Contact Cooling Water, Treated

22. Monitoring Frequency

22.2 Sampling for pH for dischargers to all classes of waters shall be conducted twice per calendar month. Continuous pH monitoring will be required for facilities with ammonia compressor cooling systems forming all or part of the discharge to control for ammonia leaks.

22.3 Sampling for temperature for dischargers to Class 2A and 2D waters shall be conducted weekly.

22.4 Sampling for temperature for dischargers to Class 2B and 2C lakes and receiving waters with a 7Q10 of zero cfs shall be conducted weekly.

22.5 Sampling for temperature for dischargers to Class 2B and 2C receiving waters with a 7Q10 greater than zero cfs shall be conducted weekly.

22.6 Sampling for temperature for dischargers to Class 7 waters shall be conducted once per week.

22.7 Sampling for phosphorus shall be conducted once per quarter for those facilities that do not use a chemical additive with a phosphate component. For those facilities that use a phosphate chemical additive (to be determined by MPCA review) a phosphorus limit of 1 mg/L shall be established with monthly sampling. Sampling for phosphorus shall be no more than once per month.

22.8 For dischargers to a Class 7 water that is not affecting a downstream Class 2 water shall be exempt from any Total Residual Chlorine monitoring or limits.

23. Sampling Location

23.1 Samples shall be taken at a point representative of the discharge(s) to the receiving waters.

23.2 When applicable, the Permittee shall collect cooling water effluent samples prior to mixing with other waste streams and/or the receiving waters.

23.3 Samples and measurements for reporting compliance with this general permit shall be taken at a point representative of the total volume and nature of the discharge to surface waters.

24. Sampling Protocol

24.1 The Permittee shall measure flows to ensure accuracy within plus or minus ten percent of the true flow values.

24.2 To the extent that daily flow volumes are consistent (within ten percent but allowing for seasonal variations), the Permittee may use monthly flow monitoring for reporting flow volume and calculate daily maximum flow volume.

24.3 Analyses for pH shall be conducted within fifteen minutes of sample collection. Analyses for temperature shall be conducted immediately upon pulling the sample.

24.4 The Permittee shall periodically calibrate and perform maintenance procedures on instruments used to monitor as required by this general permit at intervals necessary to ensure accurate measures. However, under no circumstances shall calibration and maintenance be performed at a frequency of less than twice per year.

24.5 The Permittee shall maintain records for instrument calibration and maintenance performed. The Permittee shall record the name of the person responsible for equipment calibration and the date of equipment calibration. The Permittee shall also maintain a written record on maintenance performed including the name of the individual/company performing the maintenance and date maintenance occurred.

25. Sampling and Analyses

25.1 Representative Sampling. Samples and measurements required by this general permit shall be conducted as specified in this general permit and representative of the discharge or monitored activity. (40 CFR 122.41 (j)(1))

Chapter 1. General Non-Contact Cooling Water, Treated

25. Sampling and Analyses

25.3 The "sample type", "sampling frequency" and "effective period" identified in the Limits and Monitoring section of this general permit together designate the minimum required monitoring frequency. If the Permittee monitors more frequently than required, the results and the frequency of monitoring shall be reported on the electronic Discharge Monitoring Report (eDMR) or another MPCA-approved form for that reporting period.

25.4 For each measurement or sample taken pursuant to the requirements of this general permit, the Permittee shall record the following information (Minn. R. 7001.0150, subp. 2, item C):

1) the exact place, date, and time of measurement or sampling;
2) the person who performed the measurement or sample collection;
3) the dates the analyses were performed;
4) the person(s) who performed the analyses;
5) the analytical techniques or methods used;
6) the date of and person responsible for equipment calibration; and
7) the results of all required analyses.

25.5 A person who falsifies, tampers with, or knowingly renders a monitoring device inaccurate or purposefully conducts an incorrect testing method required to be maintained under this general permit is subject to penalties provided by federal and state law. (Minnesota Rules, pt. 7001.1090, subp. 1.G)

25.6 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. (Minn. R. 7001.1090, subp. 1, item E)

25.7 Certified Laboratory. A laboratory certified by the Minnesota Department of Health and/or registered by the MPCA 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)

26. Test Methods

26.1 The Permittee shall measure all pollutant parameters in accordance with the test methods proscribed in 40 CFR Part 136.

26.2 The Permittee shall use test methods with detection limits that reflect the applicable numerical limitations as specified in the Limits and Monitoring Section of this general permit.

26.3 A test method capable of a low level detection (0.050 mg/L) shall be used for analyzing the discharge for total phosphorus. The Permittee shall inform the laboratory conducting the sampling, that this is a cooling water waste stream rather than industrial process or domestic wastewater effluent.

26.4 Analyses for total phosphorus shall be conducted by a laboratory certified by the Minnesota Department of Health and/or registered by the MPCA for such analyses.

27. Total Residual Chlorine/Total Residual Oxidant Analysis

27.1 Total residual chlorine/oxidant shall be analyzed within fifteen minutes of sampling using EPA Method 330.1 or the Orion Electrode Method 97 70. Other methods specified in 40 CFR 136 may be used upon approval by the MPCA.

27.2 A Method Detection Limit (MDL) must be established for this parameter.

27.3 A Reportable Limit (RL) and MDL shall be established for TRC (alternately known as Total Residual Oxidant as Chlorine). The RL shall be based on the MDL and laboratory, analyst, and equipment used in the analysis. The RL cannot be greater than 0.038 mg/L. The MDL and RL should be reassessed when the method, equipment, laboratory, or analyst changes.
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27. Total Residual Chlorine/Total Residual Oxidant Analysis

27.4 Monitoring results below the RL should be reported as "<" the RL. For example, if the RL is 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." The symbol "<" means "less than."

28. Discharge Monitoring Reports

28.1 The Permittee shall submit monitoring results for discharges in accordance with the Limits and Monitoring requirements of this general permit.

28.2 Monitoring results obtained during the calendar quarter shall be summarized onto the appropriate electronic Discharge Monitoring Report (eDMR) form provided by the MPCA.

28.3 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)

28.4 An electronic Discharge Monitoring Report (eDMR) shall be submitted for each station even if no discharge occurred during the reporting period. If no discharge occurred during the reporting quarter, the Permittee shall check the 'No Discharge' box on the eDMR. The 'No Discharge' box shall be checked only if no discharge occurred during the entire reporting period. Any non-contact cooling water discharge occurring during any portion of a calendar month/quarter shall be monitored and reported.

28.5 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," "zero," or other non-numeric entries are unacceptable reporting results and are reporting violations. (Minn. R. 7001.0150, subp. 2, item B)

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

a. If one or more values are greater than the level of detection, substitute zero for all nondetectable values to use in the average calculation.
b. If all values are below the level of detection, report the averages as "<" the corresponding level of detection.

28.6 Incomplete or Incorrect Reports. The Permittee shall immediately submit an electronically amended report or eDMR to the MPCA upon discovery by the Permittee or notification by the MPCA that it has submitted an incomplete or incorrect report or eDMR. The amended report or eDMR shall contain the missing or corrected data along with a cover letter explaining the circumstances of the incomplete or incorrect report. If it is impossible to electronically amend the report or DMR, the Permittee shall immediately notify the MPCA and the MPCA will provide direction for the amendment submittals. (Minn. R. 7001.0150 subp. 3, item G)
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29. Reporting

29.1 Submitting Reports. eDMRs and supplementals shall be electronically submitted to the MPCA Online Services Portal (https://netweb.pca.state.mn.us/private/).

DMRs, DMR supplemental forms and related attachments must be electronically submitted via the MPCA Online Services Portal after authorization is approved.

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 general permit. Electronic DMR submittal must be complete on or before 11:59 PM of the 21st day of the month following the sampling period or as otherwise specified in this general 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 general permit shall be postmarked by the date specified in the general permit to:

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

29.2 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. (Minn. R. 7001.0540)

Signature by a certified operator shall not be required for non-contact cooling water discharges.

29.3 Criminal Activity. The Permittee may not knowingly make a false statement, representation, or certification in a record or other document submitted to the MPCA. A person who falsifies a report or document submitted to the MPCA or tampers with or knowingly renders inaccurate a monitoring device or method required to be maintained under this general permit is subject to criminal and civil penalties provided by federal and state law. (Minnesota Rules, pt. 7001.1090, subp.3, item G; 7001.1090, subp. 1, items G and H and Minn. Stat. Sec. 609.671) (Minnesota Rules, pt. 7001.1090, subp. 1.H)

29.4 The Permittee shall report the following in a separate submittal from the Discharge Monitoring Report (DMR):

a. a request for use of a water treatment/chemical additives;

b. any substantial changes in operational procedures;

c. activities which alter the nature or frequency of the discharge; and material factors affecting compliance with the conditions of this general permit.

Such report shall be addressed to WQ Permit Application.

30. Records

30.1 Except for data determined to be confidential according to Minnesota Statutes, ch. 116.075, subd. 2, all reports required by this general permit shall be available for public inspection at the MPCA St. Paul office. Effluent data shall not be considered confidential. Confidential material shall be submitted according to Minnesota Rules, pt. 7000.1300.
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30. Records

30.2 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.

30.3 Records. The Permittee shall, when requested by the MPCA, 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 general permit or regarding the conduct of the activity covered by the general permit. (Minn. R. 7001.0150, subp. 3, item H)

30.4 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.

31. Facilities Operation

31.1 The Permittee shall properly operate and maintain the systems used to achieve compliance with this general permit. Proper operation and maintenance shall be in accordance with Minnesota Rules, pt. 7001.0150, subp. 3.F.

31.2 The Permittee shall store, transport and dispose of biosolids, 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. (40 CFR 503 and Minn. R. 7041 and applicable federal and state solid waste rules)

31.3 In the event of a reduction or loss of effective treatment of cooling water discharge, the Permittee shall control production or curtail its discharges to the extent necessary to maintain compliance with the terms and conditions of the general permit. The Permittee shall continue this control or curtailment until the treatment system has been restored or until an alternative method of treatment is provided. (Minn. R. 7001.1090, subp. 1, item C)

31.4 Control Tests. In-plant control tests shall be conducted at a frequency adequate to ensure compliance with the conditions of this general permit. (Minn. R. 7001.0150. subp. 3, item F and Minn. R. 7001.0150. subp. 2, item B)

31.5 There shall be no discharge to surface water of compounds used in a closed-loop system.

32. Cooling System Maintenance

32.1 Scheduled Maintenance. The Permittee shall schedule maintenance of the treatment works during non-critical water quality periods (e.g., low flows, spawning season) 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. (Minn. R. 7001.0150. subp. 3, item F and Minn. R. 7001.0150. subp. 2, item B)
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32. Cooling System Maintenance

32.2 There shall be no discharge of wastes from the physical cleaning of the cooling system. Cleaning wastewaters from periodic and/or routine maintenance of the cooling system and/or from cleaning the insides of the tubes/heat exchangers are not authorized for discharge under this general permit. Such waters shall be disposed of in the same manner as process and/or sanitary wastes if so allowed by the treatment authority.

33. Ammonia Compressor/Cooling Systems

33.1 Permittees operating ammonia cooling systems shall provide for continuous pH monitoring and have the ability to immediately divert ammonia contaminated cooling water from the point source surface water waste stream. In the event of an ammonia leak, the Permittee shall immediately cease the discharge of cooling waters to surface waters. The Permittee shall immediately notify the State Duty Officer [1-800-422-0798 or 651-649-5451], the MPCA, and if applicable the local treatment authority to which the waste stream is routed.

In addition to any action which may be taken by the MPCA, the Permittee may be liable to the Department of Natural Resources for any fish loss due to an ammonia spill to surface waters.

33.2 The Permittee must develop and implement appropriate best management practices to ensure that discharges of non-contact cooling water are not contaminated by failing/leaking heat exchangers, ammonia compressors, etc.

34. Dechlorination

34.1 The Permittee may use dechlorination techniques to achieve the applicable limitations using oxygen scavengers such as sodium thiosulfate, sodium sulfite, sodium bisulfite, sodium metabisulfite, or other comparable dechlorination agent as approved by the MPCA, at a rate not to exceed 1.5 times the amount needed for dechlorination. The covered Permittee shall record the quantity of dechlorination agent(s) used each day.

34.2 Oxygen scavengers shall not be used at a rate which will cause low dissolved oxygen levels in the receiving water.

34.3 To ensure the integrity of the dechlorination facilities, the covered Permittee shall provide needed maintenance on the system as required to ensure efficient and effective operation. The dechlorination facilities shall be inspected weekly and a record of these inspections shall be maintained on site and shall be made available upon request.

35. Inspection And Entry

35.1 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 MPCA, or an authorized employee or agent of the MPCA, 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 general permit or pertaining to the activity covered by the general permit; and to conduct surveys and investigations, including sampling or monitoring, pertaining to the construction, modification, or operation of the facility covered by the general permit or pertaining to the activity covered by the general permit. (Minn. R. 7001.0150, subp.3, item I)

36. Facility Contact

36.1 The 'Facility Contact,' 'Billing Contact,' and 'DMR Contact' were specified in the application/Notice of Intent form. The Permittee may replace these contacts at any time, and in accordance with 40 CFR Part 122.22 shall notify the MPCA after replacement. Notification shall be made in writing and shall include the name, address, telephone number and responsibility (e.g., billing, DMR) of the new contact.
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36. Facility Contact

36.2 The 'Facility Contact,' 'Billing Contact,' and/or 'DMR Contact' shall be:

- For a corporation, a principal executive officer of at least the level of vice president, or a designated representative, if the representative is responsible for the overall operation of the facility from which the discharge described in the permit application/Notice of Intent;
- For a partnership, a general partner;
- For a sole proprietorship, the proprietor;
- For a municipal, state, or other public facility, either a principal executive officer, the mayor, village president, city or village manager or other fully authorized employee; or
- Or a duly authorized representative of that person.

36.3 A person is a duly authorized representative only if:

- The authorization is made in writing to the MPCA by a person described in the paragraph above of this section; AND
- The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company.

36.4 A duly authorized representative may thus be either a named individual or any individual occupying a named position.

36.5 A duly authorized representative may not be a hired individual or agent acting on behalf of the corporation, partnership, sole proprietorship, or public entity [e.g., consultant, chemical supplier, etc.].

37. Transfer of Ownership and Control

37.1 General permit coverage is not transferable without prior written approval by the MPCA.

37.2 In the event of a change in ownership or control of a facility for which discharge authorization has been allowed by this general permit, the Permittee shall notify the succeeding owner or controller of the existence of general permit coverage by letter, a copy of which shall be forwarded to the Minnesota Pollution Control Agency, Industrial Water Quality Permitting at least thirty days prior to the actual transfer of ownership or control.

37.3 No general permit coverage may be assigned or transferred by the holder without the approval of the MPCA. In the event of a transfer of control of a permitted facility, the prospective owner or operator shall notify the MPCA in writing requesting transfer of general permit coverage. A person to whom the general permit coverage has been transferred shall comply with the conditions of this general permit.

[Form: Permit Transfer/Name Change can be found at: http://www.pca.state.mn.us/water/permits/index.html]

38. Permit Coverage Modification, Suspension Or Revocation

38.1 General permit coverage may be suspended or revoked for the following reasons:

a. Failure to satisfy eligibility criteria.
b. A violation of general permit requirements.
c. Misrepresentation or failure to disclose fully all relevant information to obtain general permit coverage.
d. A change in a condition that alters the discharge.
e. The establishment of a new or amended pollution standard, limitation or effluent guideline that is applicable to the permitted facility or activity.
f. Failure to pay permit fees.
g. Other reasons listed in Minnesota Rules, pt. 7001.0170.
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38. Permit Coverage Modification, Suspension Or Revocation

38.2 If general permit coverage for an individual applicant is revoked or terminated without reissuance, cooling water discharge(s) previously authorized by the general permit shall cease as of midnight on the date of revocation or termination without reissuance unless alternate permit coverage authorizing continuation of the discharge has been secured.

38.3 The procedures as set forth in Minnesota Rules, pt. 7001.0100 through 7001.0130, including public notice, apply to applications modifications which would nullify coverage eligibility.

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

39. Modification of General Permit Coverage

39.1 Changes to the facility or operation of the facility may require a modification to general permit coverage or issuance of an individual permit. The covered Permittee shall submit an application describing the changes to the facility or operation to the MPCA and receive authorization prior to implementing the changes. The covered Permittee must submit the permit modification application fee in accordance with Minnesota Rules, part 7002.0250 with the application.

39.2 The following changes from that indicated on the Notice of Intent upon which general permit coverage is based may trigger the need for a modification of general permit coverage, transfer of coverage to an alternate general permit or the issuance of an individual permit.

a) increased flow from that reflected in the most current application, notice of intent or on the Certificate of Coverage;
b) increased thermal load;
c) any change in use of water treatment additives, including but not limited to: a new additive, increase dosage rate or frequency, removal of a previously approved water treatment additive;
d) change in water supply source;
e) change to outfall location (this would include changes to tile lines and storm sewer outlets);
f) change of facility ownership, facility contact and/or billing contact; or
g) change in facility name.

39.3 The procedures as set forth in Minnesota Rules, pt. 7001.0100 through 7001.0130, including public notice, apply to applications for permit coverage modifications, with the following exceptions:

a. Modifications solely as to ownership or control, including name changes, as described in Minnesota Rules, pt. 7001.0190, subp. 2;
b. Minor modifications as described in Minnesota Rules, pt. 7001.0190, subp. 3;
c. Changes in water treatment/chemical additives;
d. Changes in monitoring/reporting frequencies;
e. Flow volume changes which would not affect coverage eligibility.

39.4 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 general permit. (Minn. R. 7001.0150, subp. 3, item M)

39.5 Prior to any changes in the operational procedures or activities that may alter the nature or frequency of the discharge [e.g., increased flow from that reflected in the Certificate of Coverage, increased thermal load, use of water treatment additives], the Permittee shall notify the MPCA and, if so requested by the MPCA, shall within sixty (60) days submit an application for an individual NPDES/SDS permit or modification to the Permittee's general permit coverage.
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40. Expiration and Reissuance

40.1 If this general permit is modified or reissued, the covered Permittee shall:

a) submit notice of intent to request coverage under the modified or reissued general permit,
b) apply for an individual NPDES and/or SDS permit; or
c) request termination of discharge authorization.

40.2 If this general permit is revoked or terminated without reissuance, the authorization to discharge under this general permit shall expire as of the date of termination or revocation. All discharges shall cease as of the date of termination or revocation unless alternate permit coverage authorizing the discharge has been secured.

41. Permit Coverage Reissuance

41.1 If the Permittee desires to continue general permit coverage beyond the date of general permit expiration, the Permittee shall submit an application for reissuance at least 180 days before the general permit's expiration date. 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 day before permit expiration.

If the Permittee has submitted a timely application for reissuance of general permit coverage, the Permittee may continue to conduct the activities authorized by this general permit, in compliance with the requirements of this general 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 general permit or with a stipulation agreement or compliance schedule designed to bring the Permittee into compliance with this general 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 general 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.

41.2 If the Permittee wishes to continue the permitted discharge beyond the general permit's date of expiration, the Permittee shall submit a written Notice of Intent to the MPCA 180 days prior to general permit expiration. A person holding a valid Certificate of Coverage under an expired general permit shall continue to be subject to the terms and conditions of the expired general permit until the general permit is reissued or general permit coverage is terminated or revoked.

41.3 If an existing covered facility fails to seek continued coverage prior to the general permit expiration date, the MPCA is authorized to terminate without reissuance general permit coverage.

42. Termination of General Permit Coverage

42.1 Coverage under this general permit is automatically terminated upon issuance of an individual permit (or alternate general permit) authorizing the noncontact cooling water waste stream.

42.2 If the Permittee does not intend to continue the activities authorized by this general permit, either during the term of this general permit or after the expiration date of this general permit, the Permittee shall submit a written request for termination of general permit coverage.

[Form: Request for Permit Termination can be found at: http://www.pca.state.mn.us/water/permits/index.html]

42.3 It is the Permittee's responsibility to request termination of permit coverage when the discharge ends. Permittees will continue to be responsible for the payment of annual fees and the submittal of quarterly discharge monitoring report forms until general permit coverage has been formally terminated.
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42. Termination of General Permit Coverage

42.4 Facility Closure. The Permittee is responsible for closure and post-closure 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, post-closure 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.

43. Compliance Responsibility

43.1 The covered Permittee shall perform the actions or conduct the activity authorized by the general permit in compliance with the terms and conditions of this general permit, if required, in accordance with the plans and specifications approved by the MPCA. (Minn. R. 7001.0150, subp. 3, item E)

43.2 Compliance with Other Rules and Statutes. The Permittee shall comply with all applicable air quality, solid waste, and hazardous waste, and Minnesota Department of Natural Resources and MPCA statutes and rules in the operation and maintenance of the facility.

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: 40CFR pts. 122.41, 122.42, 136, 403, and 503.; Minn. R. pts. 7001, 7041, 7045, 7050, 7052, 7053, 7060, and 7080; and Minn. Stat. Sec. 115 and 116.

44. Prohibitions

44.1 Unless otherwise authorized herein, use of toxic water treatment/chemical additives in the permitted waste stream(s) is prohibited.

44.2 An increase in flow volume from that given in the Certificate of Coverage and/or Notice of Intent without prior notification and approval is prohibited.

44.3 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.

44.4 Unauthorized Releases of Wastewater Prohibited. Except for discharges from outfalls specifically authorized by this permit or 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 general permit requirements, frequency of release, quantity, type, location, and other relevant factors when determining appropriate action. (40 CFR 122.41 and Minn. Stat. Sec 115.061)

45. Noncompliance

45.1 Subject to Enforcement Action and Penalties. Noncompliance with a term or condition of this general 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. (Minn. R. 7001.1090, subp. 1, item B)
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45. Noncompliance

45.2 If the Permittee discovers that noncompliance with a condition of the general permit has occurred, the Permittee shall:

   a. take all reasonable steps to minimize the adverse impacts to human health, public drinking water supplies, or the environment resulting from a permit violation.
   b. notify the Minnesota Department of Public Safety Duty Officer at 1(800)422-0798 or (651)649-5451 within 24 hours of becoming aware of a permit violation that may endanger human health, public drinking water supplies or the environment. The Permittee shall submit a written description of the exceedance to the MPCA within five (5) days of discovery of the exceedance.

Nothing in this general permit relieves the covered Permittee from immediately notifying the MPCA of any release to surface waters of the state.

45.3 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 general permit.(40 CFR 122.41(c))

45.4 Effluent Violations. If sampling by the Permittee indicates a violation of any discharge limitation specified in this general 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 a 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.

46. Bypass

46.1 Anticipated bypass. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if the bypass is for essential maintenance to assure efficient operation of the facility. The permittee shall submit prior notice, if possible at least ten days before the date of the bypass to the MPCA (40 CFR 122.41(m)(2) and 122.41(m)(3) and Minn. R. Ch. 7001.1090, subp. 1, J).

The notice of the need for an anticipated bypass shall include the following information:

   a. The proposed date and estimated duration of the bypass;
   b. The alternatives to bypassing; and
   c. A proposal for effluent sampling during the bypass. Any bypass wastewater must enter waters of the state from outfalls specifically authorized by this permit. Therefore, samples shall be collected at the frequency and location identified in this permit or two times per week for as long as the bypass continues, whichever is more frequent.
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46. Bypass

46.2 All other bypasses are prohibited. The MPCA may take enforcement action against the Permittee for a bypass, unless the specific conditions described in Minn. R. Ch. 7001.1090 subp. 1, K and 122.41(m)(4)(i) are met.

In the event of an unanticipated bypass, the permittee shall:

a. Take all reasonable steps to immediately end the bypass.

b. Notify the Minnesota Department of Public Safety Duty Officer at 1(800)422-0798 or (651)649-5451 (metro area) immediately upon commencement of the bypass. You may contact the MPCA during business hours at 1(800)657-3864 or (651)296-6300 (metro area). (Minn. Stat. Sec 115.061)

c. Immediately take 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 directed by the MPCA, the Permittee shall consult with other local, state or federal agencies for implementation of abatement, clean-up, or remediation activities.

d. Only allow bypass wastewater as specified in this section to enter waters of the state from outfalls specifically authorized by this permit. Samples shall be collected at the frequency and location identified in this permit or two times per week for as long as the bypass continues, whichever is more frequent. The permittee shall also follow the reporting requirements for effluent violations as specified in this permit.

47. Noncompliance Notification

47.1 The Permittee shall report noncompliance with the general permit not reported under Minnesota Rules, part 7001.0150, subpart 3, item K within 30 days of the discovery of the noncompliance. The Permittee shall submit the information listed in Minnesota Rules, part 7001.0150, subpart 3, item K within 30 days of the discovery of the noncompliance.

47.2 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.
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47. Noncompliance Notification

47.3 Sampling of a release. Upon discovery of a release, the Permittee shall:

a. 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.

b. Submit the sampling results on the Release Sampling Form (http://www.pca.state.mn.us/index.php/view-document.html?gid=18867). The Release Sampling Form shall be submitted to the MPCA with the next DMR or within 30 days whichever is sooner.

47.4 The Permittee shall submit a written description of any bypass, spill, upset or permit violation during the reporting period to the MPCA in a separate submittal from its DMR submittal. The Permittee shall submit a written report within 30 days of the discovery of the noncompliance. This description shall include the following information:

a. a description of the event including volume, duration, monitoring results and receiving waters;

b. the cause of the event;

c. the steps taken to reduce, eliminate and prevent reoccurrence of the event;

d. the exact dates and times of the event; and

e. steps taken to reduce any adverse impact resulting from the event.

48. Need To Halt/Reduce No Defense

48.1 It shall not be a defense for the covered 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 general permit.

49. Property Rights

49.1 This general permit does not convey a property right or an exclusive privilege.

50. Liability Exemption

50.1 In issuing this general 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 actions, including those activities authorized, directed, or undertaken to achieve compliance with this general permit. To the extent the state and MPCA may be liable for the activities of its employees, that liability is explicitly limited to that provided in the Tort Claims Act, Minnesota Statutes, section 3.736. (Minnesota Rules, pt. 7001.0150, subp. 3.O)

50.2 The MPCA's issuance of coverage under this general permit does not obligate the MPCA to enforce local laws, rules, or plans beyond what is authorized by Minnesota Statutes. (Minnesota Rules, pt. 7001.0150, subp. 3.D)

51. Liabilities

51.1 The MPCA's issuance of coverage under this general 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 coverage under this general permit. (Minnesota Rules, pt. 7001.0150, subp. 3.A)

51.2 The issuance of coverage under this general 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. (Minnesota Rules, pt. 7001.0150, subp. 3.B)
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52. Upset Defense

52.1 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; and
f. That the Permittee implemented the remedial measures required by Minn. R. 7001.0150, subp. 3, item J.

53. Severability

53.1 The provisions of this general permit are severable, and if any provisions of this general permit or the application of any provision of this general permit to any circumstance are held invalid, the application of such provision(s) to other circumstances and the remainder of this general permit shall not be affected thereby.

54. Incorporation By Reference

54.1 The Permittee shall comply with the provisions of 40 CFR Parts 122.41 and 122.42, Minnesota Rules, pt. 7001.0150, subp. 3, and pt. 7001.1090, which are incorporated into this general permit by reference and are enforceable parts of this general permit.

55. Compliance Schedule

55.1 New permitted dischargers shall have one year from the effective date of general permit coverage for the total residual chlorine or total residual oxidant as chlorine limitation to become effective. If this delay applies, the effective date of the total residual chlorine or total residual oxidant as chlorine limitation will be indicated on the individual cover letter.

56. Definitions

56.1 "Grab" sample type is an individual sample collected from one location at one point in time.

56.2 "Agency" means the Minnesota Pollution Control Agency (MPCA).

56.3 "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.

56.4 "Act" means the federal Clean Water Act (CWA), as amended, 33 U.S. Code 1251 et seq.

56.5 "Maximum" sample type means the greatest sample value recorded during the designated monitoring period.

56.6 "Permittee" means the entity identified as Permittee on the Certificate of Coverage authorizing coverage under this general permit.
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56. Definitions

56.7 "Daily Maximum" for Total Residual Chlorine (TRC) concentration limits means:

a. The value of a single sample in a 24-hour period if the concentration of TRC in that sample is 0.038 mg/L or less, or below the Reportable Limit (RL).

b. If the concentration of TRC in the first sample is greater than 0.038 mg/L or greater than the RL, reporting the average of two to twelve samples analyzed in a 24-hour period is allowed. The second sample must be taken two hours after the first sample and subsequent samples are to be taken at one-hour intervals thereafter, not to exceed a total of twelve samples in a 24-hour period. Values below the Reportable Limit for TRC are assumed to be zero for averaging purposes only. Whenever daily TRC values are averaged, the 0.038 mg/L limit must be met and the average value must be reported, not < the RL.

c. The average value of multiple daily TRC effluent sample analyses must meet the 0.038 mg/L limit to be in compliance.

56.8 "Calendar Month/Quarter Maximum" for temperature is calculated by adding all of the daily maximum temperature values measured during a calendar month/quarter and dividing by the number of daily values measured during that month/quarter. The "Calendar Month/Quarter Maximum" is an upper limit.

56.9 "CFR" means the Code of Federal Regulations.

56.10 "Commissioner" shall mean the commissioner of the Minnesota Pollution Control Agency or a designated representative.

56.11 "Daily Maximum" for Total Residual Oxidant means the maximum measured quantity/quality during a calendar day. The "Daily Maximum" for Total Residual Oxidant is an upper limit.

56.12 "Degrees F" shall mean a temperature reading in degrees Fahrenheit.

56.13 "Impaired waters" are waters that do not support one or more of their designated beneficial uses.

56.14 "Instantaneous" sample type means a measurement, such as for pH or temperature, taken at the time of sampling.

56.15 "Instantaneous Maximum" is the highest value recorded when continuous monitoring is used or the highest value when only one sample is required. The "Instantaneous Maximum" limit is an upper limit. The highest value recorded is reported.

56.16 "Instantaneous Minimum" is the lowest value recorded when continuous monitoring is used or the lowest value when only one sample is required. The "Instantaneous Minimum" is a lower limit. The lowest value recorded is reported.

56.17 "MPCA" means the Minnesota Pollution Control Agency, or Minnesota Pollution Control Agency staff as delegated by the Minnesota Pollution Control Agency.

56.18 "New Source Discharge" shall mean a discharge not in existence on or before the date the receiving water body was designated an Outstanding Resource Value Waters or, for discharges to trout waters, on or before September 14, 1999.

56.19 "Outstanding Resource Value Waters" are waters within the Boundary Waters Canoe Area Wilderness, Voyageur's National Park, and Department of Natural Resources designated scientific and natural areas, wild, scenic, and recreational river segments, Lake Superior, those portions of the Mississippi River from Lake Itasca to the southerly boundary of Morrison County that are included in the Mississippi Headwaters Board comprehensive plan dated February 12, 1981, and other waters of the state with high water quality, wilderness characteristics, unique scientific or ecological significance, exceptional recreational value, or other special qualities which warrant stringent protection from pollution.

56.20 "Total Maximum Daily Load (TMDL)" is the maximum amount of a pollutant that a water body can receive without violating a water quality standard and an allocation of that amount to the pollutant's sources.
Chapter 2. Surface Discharge Stations

1. Requirements for Specific Stations

1.1 SD 001: Submit a monthly DMR monthly by 21 days after the end of each calendar month following permit issuance.

1.2 SD 002: Submit a monthly DMR monthly by 21 days after the end of each calendar month following permit issuance.