

REC'D APR 16 2007



**Minnesota Pollution
Control Agency**

STATE OF MINNESOTA

Minnesota Pollution Control Agency

Industrial Division

**PUBLIC NOTICE OF INTENT TO MODIFY
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
(NPDES) AND
STATE DISPOSAL SYSTEM (SDS) PERMIT MN 0056472**

Public Comment Period Begins: April 11, 2007
Public Comment Period Ends: May 11, 2007

Current Permit Issued: May 12, 2005
Current Permit Expiration Date: April 30, 2010

Name and Address of Permittee: Minnesota Pipe Line Company
Post Office Box 64596
Saint Paul, Minnesota 55164-0596

Facility Name and Location: Minnesota Pipe Line's Crude Oil Pipeline lies in the following counties routed through the following pump stations/refineries: Dakota County: Pine Bend Refinery, Pine Bend Station; Washington County: Cottage Grove Station; Marathon Ashland Petroleum Refinery, Hugo Station; Anoka County: Zimmerman Station; Sherburne County; Benton County: Foley Station; Morrison County: Little Falls Station; Wadena County: Staples Station; Hubbard County: Park Rapids Station; Clearwater County: Itasca Station, Clearbrook Station.

Clearbrook Terminal: NE¼ of Sec. 32, T149N, R37W, Clearbrook, Clearwater County
Cottage Grove Station: SW¼ of Sec. 18, T27N, R21W, Cottage Grove, Washington County

Receiving Waters: Will be determined at time discharge authorization is requested

Description of Permitted Facility and Activity:

This permit would authorize the Permittee to request authorization to discharge hydrotest waters from pipelines and crude oil storage tanks. Water used to calibrate the prover is also authorized for discharge. The prover is an integral part of the pipeline, used for measuring crude oil product flow in the pipeline.

Exhibit D

As actual test volumes, discharge points, and water sources are unknown until a need for testing arises the draft permit contains proposed effluent limitations based on technological capability, assuming a discharge to a free-flowing Class 2 waters. It also contains an alternate, more stringent limit for Benzene if needed to protect ground water or a drinking water supply. The permit further allows for the development of more stringent limits if necessary to protect a receiving water for its designated uses or to avoid causing or contributing to a violation of a water quality standard. Final limits and controls will be determined as each discharge situation becomes known and will be based on discharge volume, pollutants known or believed to be present in the waste stream, time of year, stream flow, and limits based on the more stringent of technological capability for removal of pollutants in the waste stream (state secondary treatment standards) or protection of the receiving water body for its designated use(s).

Discharges shall be controlled in accordance with the effluent limitations and other terms and conditions imposed by the project discharge approval letter which becomes an enforceable part of this permit. The use of best management practices, such as discharging into a well-vegetated, upland area, controlling flow velocity, discharging into a sump constructed from silt fence and straw bales, or discharging into geotextile filter bags to prevent/avoid soil erosion, sediment transport and bottom scouring is a narrative criteria imposed on discharges. The use of best management practices to minimize sediment withdrawal and transport is a mandatory narrative criterion for all trench dewatering activities.

This individual permit also incorporates the requirements of the General Permit Authorization to Discharge Storm Water Associated with a Construction Activity for discharging storm water to waters of the state from construction activities which disturb one or more acres of total land areas in accordance with Minn. R. 7090.

Preliminary Determination on the Draft Permit

The MPCA has made a preliminary determination to modify this NPDES/SDS permit for the unexpired term of approximately 3+ years.

A draft permit is available for review at the MPCA central office located in St. Paul at the address listed below; and the MPCA Detroit Lakes regional office located at Lake Avenue Plaza, 714 Lake Avenue, Suite 220, Detroit Lakes, Minnesota, 56501, 218-847-1519 and the MPCA Brainerd regional office located at 1800 College Road South, Baxter, Minnesota, 56425, 218-828-2492; and may be copied between 9:00 a.m. and 3:30 p.m., Monday through Friday. A copy of the draft permit will be mailed to you if the MPCA receives your written or oral request at any of these offices. If you have questions on this draft permit or the MPCA's preliminary determination, please contact Deborah A. Schumann at 651-297-5791.

Written Comments

You may submit written comments on the conditions of the draft permit or on the MPCA's preliminary determination. Only comments or petitions concerning the proposed modified portions of the permit, which are outlined in the appendix to this notice, will be considered.

Written comments must include the following:

1. A statement of your interest in the permit application or the draft permit.
2. A statement of the action you wish the MPCA to take, including specific references to sections of the draft permit that you believe should be changed.
3. The reasons supporting your position stated with sufficient specificity as to allow the MPCA to investigate the merits of your position.

Petition for Public Informational Meeting

You also may request that the MPCA hold a public informational meeting. A public informational meeting is an informal meeting that the MPCA may hold to solicit public comment and statements on matters before the MPCA, and to help clarify and resolve issues.

A petition requesting a public informational meeting must include the following information:

1. A statement identifying the matter of concern.
2. The information required under items 1 through 3 of "Written Comments," identified above.
3. A statement of the reasons the MPCA should hold a public informational meeting.
4. The issues that you would like the MPCA to address at the public informational meeting.

Petition for Contested Case Hearing

You also may submit a petition for a contested case hearing. A contested case hearing is a formal evidentiary hearing before an administrative law judge. In accordance with Minn. R. 7000.1900, the MPCA will grant a petition to hold a contested case hearing if it finds that: (1) there is a material issue of fact in dispute concerning the application or draft permit; (2) the MPCA has the jurisdiction to make a determination on the disputed material issue of fact; and (3) there is a reasonable basis underlying the disputed material issue of fact or facts such that the holding of the contested case hearing would allow the introduction of information that would aid the MPCA in resolving the disputed facts in making a final decision on the draft permit. A material issue of fact means a fact question, as distinguished from a policy question, whose resolution could have a direct bearing on a final MPCA decision.

A petition for a contested case hearing must include the following information:

1. A statement of reasons or proposed findings supporting the MPCA decision to hold a contested case hearing according to the criteria in Minn. R. 7000.1900, as discussed above.
2. A statement of the issues proposed to be addressed by a contested case hearing and the specific relief requested or resolution of the matter.

In addition and to the extent known, a petition for a contested case hearing should also include the following information:

1. A proposed list of prospective witnesses to be called, including experts, with a brief description of proposed testimony or summary of evidence to be presented at a contested case hearing.
2. A proposed list of publications, references, or studies to be introduced and relied upon at a contested case hearing.
3. An estimate of time required for you to present the matter at a contested case hearing.

MPCA Decision

You may submit a petition to the MPCA requesting that the MPCA Citizens' Board (Board) consider the permit issuance. To be considered timely, the petition must be received by the MPCA by 4:30 p.m. on the date the public comment period ends. Under the provisions of Minn. Stat. §. 116.02, subd. 6(4), the decision whether to issue the permit and, if so, under what terms will be presented to the Board for decision if: (1) the MPCA grants the petition requesting the matter be presented to the Board; (2) one or more Board members request to hear the matter before the time the MPCA makes a final decision on the permit; or (3) a timely request for a contested case hearing is pending. You may participate in the activities of the Board as provided in Minn. R. 7000.0650.

The written comments, requests, and petitions received on or before 4:30 p.m. on the last day of the public comment period will be considered in the final decision on this permit. If the MPCA does not receive written comments, requests, or petitions during the public comment period, the MPCA, or other MPCA staff as authorized by the MPCA, will make the final decision on the draft permit.

Comments, petitions, and/or requests must be received in writing on or before 4:30 p.m. on the end date of the public comment period identified on page 1 of this notice. Comments, petitions, and/or requests should be sent to the attention of:

Deborah A. Schumann
Industrial Division
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, MN 55155-4194

APPENDIX

REQUESTED MODIFICATION:

The pipeline route will be expanded to include the following counties: Stearns, Meeker, McLeod, Carver, Sibley, and Scott. Therefore, Minnesota Pipe Line Company has requested that their individual NPDES/SDS permit be modified to include hydrotest activities in those counties.

There are no other changes, subject to public comment, proposed for this permit other than the inclusion of those counties in the facility description.

Whether or not Minnesota Pipe Line Company is authorized to construct approximately 300 miles of additional underground pipeline and associated aboveground facilities is not within the MPCA's jurisdiction and comments related to the Certificate of NEED and/or the Pipeline Routing Permit will not be accepted.

Route of Existing and Proposed Expanded Pipeline:

