



## Minnesota Pollution Control Agency

National Pollutant Discharge Elimination System (NPDES) and  
State Disposal System (SDS) Permit MNG490000

*for Construction Sand & Gravel, Rock Quarrying  
and Hot Mix Asphalt Production Facilities*

**ISSUANCE DATE: December 20, 2006      EXPIRATION DATE: September 30, 2011**

The Permittee is an owner or operator of facilities within the boundary of the state of Minnesota that: a) discharge storm water from construction sand and gravel, crushed and broken stone, or dimension stone mining and quarrying areas; b) discharge storm water from hot mix asphalt production areas; c) discharge pit dewatering flow from construction sand and gravel mine pits; and/or d) operate wet scrubber wastewater disposal systems at hot mix asphalt production plants.

Owners or operators of the facilities identified above are covered under this permit if they have provided a complete, approvable permit application, and have been notified in writing by the MPCA of permit coverage.

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 receiving waters 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.

This permit is effective on the issuance date identified above, and supersedes previous general permit MNG490000 dated October 24, 2001, and issued for these facilities.

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

Signature:

A handwritten signature in black ink, appearing to read "Michael A. Tibbetts".

Michael (Mike) J. Tibbetts, Manager  
Land and Water Quality Permits Section  
Industrial Division

for Minnesota Pollution Control Agency

If you have questions on this permit, including the specific permit requirements, permit reporting or permit compliance status, please contact:

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**Appendix 1 - Annual Report/Site Inventory Form**

**Appendix 2 - New Site Notification Form**

## **Chapter 1. General Aggregate / Asphalt**

### **1. General Permit Applicability Criteria - Facilities Covered**

1.1 This permit applies to sites with the following facility activities:

- a. Construction sand and gravel mining areas (Standard Industrial Classification [SIC] Code 1442) that discharge stormwater and/or discharge mine pit dewatering water, and do not discharge washing or other process wastewater, to waters of the state.
- b. Dimension stone, crushed and broken limestone, crushed and broken granite, crushed and broken stone mining and quarrying areas (SIC Codes 1411, 1422, 1423 and 1429) that discharge stormwater and do not discharge pit dewatering water or washing or other process wastewater, to waters of the state.
- c. 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, but do not discharge the scrubber water to waters of the state.
- d. Uncontaminated asphalt and concrete rubble recycling at sites primarily engaged in facility activities associated with SIC code 1442, and do not discharge washing or other process wastewater.

1.2 The stormwater discharges identified in item 1.1 above include stormwater discharges associated with construction activity and small construction activity, as defined in 40 CFR. part 122.26(b)(14)(x) and (b)(15), respectively.

1.3 The following activities are authorized at the sites identified in 1.1 above if the resulting wastewaters are collected, contained or infiltrate the ground and do not result in the release of pollutants to surface waters and if Best Management Practices are implemented to prevent contamination of ground water:

- a. fire hydrant flushings,
- b. discharges from fire fighting,
- c. potable water line flushing,
- d. uncontaminated air conditioning or compressor condensate,
- e. landscape watering,
- f. pavement wash waters where no detergents, solvents or degreasers are used and no spills or leaks of toxic materials have occurred (unless all spilled toxic or hazardous material has been removed),
- g. routine building wash down that does not use detergents, solvents or degreasers,
- h. foundation or footing drains that are uncontaminated,
- i. scale deck wash water that does not use detergents, solvents or degreasers,
- j. stormwater and deck wash water collected in holding tanks under scales,
- k. wash water associated with emergency cleaning of incapacitated mobile equipment,
- l. wash waters associated with cosmetic cleaning of mobile equipment that does not use detergents, solvents or degreasers,
- m. waters used for dust control on crushers, conveyors and associated equipment, and
- n. concrete truck wash water.

## **Chapter 1. General Aggregate / Asphalt**

### **1. General Permit Applicability Criteria - Facilities Covered**

- 1.4 Owners and operators of a site or sites with facility activities identified in item 1.1 above, and who provide a complete, approvable application for a permit are eligible for coverage under this permit for those activities. Owners and operators of these sites are covered under this permit for all the sites for those activities when the MPCA notifies them in writing of this coverage.
- 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.
- 1.6 Additional sites may be covered under this permit provided that the new site(s) meet all applicability criteria in items 1.1 through 1.4 of this permit and that all information required by the New Site Notification 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.

### **2. General Permit Applicability Criteria - Facilities Not Covered**

- 2.1 Sites with facility activities that do not meet the criteria in the "Facilities Covered" section of this permit, including but not limited to the following facility activities, are specifically not authorized under this permit:
  - a. Dewatering of mine or quarry areas other than those under SIC Code 1442;
  - b. Surface discharges of sand and gravel washing wastewater to waters of the state;
  - c. Surface discharges of scrubber or other air emissions control wastewaters to waters of the state;
  - d. Surface discharges of cooling or boiler wastewater to waters of the state;
  - e. Surface discharges of equipment/vehicle washing, cleaning and maintenance wastewaters;
  - f. Contaminated ground water discharges;
  - g. Petroleum refineries;
  - h. Facilities that manufacture asphalt or asphalt emulsions;
  - i. Dredging or filling of wetlands or other waters of the state;
  - j. Discharges of hazardous substances, lubricants, fuel leaks or fuel spills; and,
  - k. 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.

## **Chapter 1. General Aggregate / Asphalt**

### **2. General Permit Applicability Criteria - Facilities Not Covered**

2.2 The following discharges are not authorized by this permit:

- a. 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.
- b. 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.
- c. Discharges to calcareous fens listed in Minn. R. 7050.0180, subp. 6.b.
- d. A new or expanded discharge that may cause or contribute to a violation of water quality standards unless it meets the requirements of 40 CFR 122.4(i) or an existing discharge 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.

2.3 Pit dewatering discharges 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, which can be accessed through the MPCA's web site at [www.pca.state.mn.us](http://www.pca.state.mn.us);
- b. Watersheds of Department of Natural Resources (DNR)-designated trout waters (trout waters are designated in DNR Commissioners Order 2450, Minn. R. 6264.0050, subp. 3 and 4); this order may be obtained from the DNR by calling (612) 296-3325); and,
- c. DNR-posted fish-spawning areas.

### **3. General Permit Applicability Criteria - Individual Permit**

- 3.1 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.
- 3.2 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.

### **4. General Permit Requirements**

#### **Water Quality Impaired Waters**

- 4.1 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. If the Plan is not meeting the applicable requirements, schedules and objectives of the TMDL, the Permittee must modify the site's Plan as appropriate, within 18 months after the TMDL Waste Load Allocation is approved.

## **Chapter 1. General Aggregate / Asphalt**

### **5. Surface Discharges**

#### **General**

- 5.1 Except for stormwater and sand and gravel mine pit dewatering flows meeting the terms of this permit, discharges of wastewater to waters of the state are not authorized by this permit.
- 5.2 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.
- 5.3 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.
- 5.4 Floating solids or visible foam shall not be discharged in other than trace amounts.
- 5.5 Oil or other substances shall not be discharged in amounts that create a visible color film.
- 5.6 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.
- 5.7 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.
- 5.8 Requirements for Discharging to Wetlands:

If the site has any 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.

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) that are issued specifically for the site, the Permittee may use the 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 minimus actions are determinations by the permitting agency that address the site impacts, whereas a non-jurisdictional determination does not address site impacts.

- 5.9 If there are impacts from the site that are not addressed in one of the permits 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.

#### **Stormwater**

## **Chapter 1. General Aggregate / Asphalt**

### **5. Surface Discharges**

- 5.10 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, except calcareous fens listed in Minn. R. 7050.0180, Minn. R. 7050.0470, and/or to trout waters as listed in Minn. R. 6264.0050, subp. 2 and 4, the following additional Best Management Practices (BMPs) apply:
- 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 a 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.
  - d. An undisturbed buffer zone of not less than 100 linear feet from the receiving water (not including tributaries) shall be maintained at all times. Exceptions from this requirement for areas, such as water crossings or limited water access, are allowed if the Permittee fully documents in the Plan 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.
- 5.11 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.
- 5.12 For stormwater discharges within 2000 feet of trout streams as listed in 6264.0050 subp. 4, the following additional BMPs for temperature controls apply:

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.

### **Erosion Prevention Practices**

## **Chapter 1. General Aggregate / Asphalt**

### **5. Surface Discharges**

- 5.13 The Permittee must plan for and implement appropriate phasing, vegetative buffer strips, horizontal slope grading, and other practices that minimize erosion. The location of areas not to be disturbed must be delineated (e.g. with flags, stakes, signs, silt fence etc.) on the site before work begins.
- 5.14 All exposed soil areas with a continuous positive slope that pose a risk of sediment discharge to waters (not including water inside the pit), must have temporary erosion protection or permanent cover for the exposed soil areas year round, according to the following slopes and time frames:

| Type of Slope     | Time (Maximum time an area can remain open when the area is not actively being worked.) |
|-------------------|---|
| Steeper than 3:1  | 7 days  |
| 10:1 to 3:1       | 14 days   |
| Flatter than 10:1 | 21 days   |

These areas include constructed stormwater management pond side slopes, and any exposed soil areas with a positive slope to a stormwater conveyance system, such as a curb and gutter system, storm sewer inlet, temporary or permanent drainage ditch or other natural or man-made systems that discharge to a surface water.

- 5.15 The normal wetted perimeter of any temporary or permanent drainage ditch that drains water from a site, or diverts water around a site, must be stabilized within 200 lineal feet from the property edge, or from the point of discharge to any surface water. Stabilization must be completed within 24 hours of connecting to a surface water.
- 5.16 Pipe outlets must be provided with temporary or permanent energy dissipation within 24 hours of connection to a surface water.

#### **Sediment Control Practices**

- 5.17 Sediment control practices must minimize sediment from entering surface waters, including curb and gutter systems and storm sewer inlets.
- a. Sediment control practices must be established on all down gradient perimeters before any upgradient land disturbing activities begin. These practices shall remain in place until final stabilization has been established.
- b. If the down gradient treatment system is overloaded, additional upgradient sediment control practices must be installed to eliminate the overloading, and the Pollution Prevention Plan must be amended to identify these additional practices.
- 5.18 The timing of the installation of sediment control practices may be adjusted to accommodate short-term activities such as clearing or grubbing, or passage of vehicles. Any short-term activity must be completed as quickly as possible and the sediment control practices must be installed immediately after the activity is completed. However, sediment control practices must be installed before the next precipitation event even if the activity is not complete.
- 5.19 All storm drain inlets must be protected by appropriate Best Management Practices (BMPs) until all sources with potential for discharging to the inlet have been stabilized.
- 5.20 Temporary erodable stockpiles or strippings/overburden stored outside the pit must have silt fence or other effective sediment controls, and cannot be placed in surface waters, including stormwater conveyances such as curb and gutter systems, or conduits and ditches.
- 5.21 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.



## **Chapter 1. General Aggregate / Asphalt**

### **5. Surface Discharges**

- 5.22 Where ten (10) or more acres of disturbed soil drain to a common location, a sediment basin must be provided prior to the runoff leaving the site or entering surface waters. The Permittee is encouraged, but not required, to install temporary sediment basins where appropriate in areas with steep slopes or highly erodible soils even if less than ten (10) acres drains to one area. The basins must be designed and constructed according to the following requirements:
- a. The basins must provide storage below the outlet pipe for a calculated volume of runoff from a 2 year, 24 hour storm from each acre drained to the basin, except that in no case shall the basin provide less than 1800 cubic feet of storage below the outlet pipe from each acre drained to the basin.
  - b. Where no such calculation has been performed, a sediment basin providing 3,600 cubic feet of storage below the outlet pipe per acre drained to the basin, shall be provided where attainable until final stabilization of the site.
  - c. Temporary basin outlets must be designed to prevent short-circuiting and the discharge of floating debris. The basin must be designed with the ability to allow complete basin drawdown (e.g., perforated riser pipe wrapped with filter fabric and covered with crushed gravel, pumps or other means) for maintenance activities, and provide a stabilized emergency overflow to prevent failure of pond integrity. Energy dissipation must be provided for the basin outlet.
  - d. Where the sediment basin is not attainable due to site limitations, equivalent sediment controls such as smaller basins, and/or sediment traps, silt fences, vegetative buffer strips, or any appropriate measures are required for all down slope boundaries of the area and for those side slope boundaries deemed appropriate by individual site conditions.
- 5.23 In determining whether installing a sediment basin is attainable, the Permittee must consider public safety and may consider factors such as site soils, slope, and available area on site. This determination must be documented in the Pollution Prevention Plan.
- 5.24 All nonfunctional BMPs must be repaired, replaced, or supplemented with functional BMPs. The Permittee must investigate and comply with the following requirements:
- a. 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.
  - b. If utilizing sedimentation basins, the basins must be drained and the sediment removed when the depth of sediment collected in the basin reaches 1/2 the storage volume.
  - c. Surface waters, including drainage ditches and conveyance systems, must be inspected for evidence of sediment being deposited by erosion. The Permittee must remove all deltas and sediment deposited in surface waters, including drainage ways, catch basins, and other drainage systems, and re-stabilize the areas where sediment removal results in exposed soil. This removal and stabilization must take place unless precluded by legal, regulatory, or physical access constraints. The Permittee shall use all reasonable efforts to obtain access. If precluded, removal and stabilization must take place within seven calendar days of obtaining access. The Permittee is responsible for contacting all local, regional, state and federal authorities and receiving any applicable permits prior to conducting any work.
  - d. Tracked sediment onto offsite paved surfaces must be removed.
  - e. All infiltration areas must be inspected to ensure that no sediment from ongoing activities is reaching the infiltration area and these areas are protected from compaction due to equipment driving across the infiltration area.

### **Sand and Gravel Mine Pit Dewatering**

## **Chapter 1. General Aggregate / Asphalt**

### **5. Surface Discharges**

- 5.25 The Permittee is authorized to discharge pit dewatering flow if the following conditions are met:
- a. The pit dewatering flow has not been mixed with sand and gravel washing or other non-storm wastewaters.
  - b. The wastewater is from SIC Code 1442 (Construction Sand and Gravel Mining Facilities).
  - c. The Permittee has provided locational data and initial flow estimates prior to permit issuance, for surface discharge stations that discharge Sand and Gravel Mine Pit Dewatering flow.
  - d. Pollutant monitoring for pit dewatering discharges is required at least once annually by this permit. The Permittee must comply with the following discharge effluent limits:
    - i. Total Suspended Solids, which must be no more than a maximum of 30 milligrams per liter;
    - ii. Turbidity, which must be no more than a maximum of 25 nephelometric turbidity units (NTU); and,
    - iii. pH, which must be within a range of 6.5 to 8.5 standard units.
  - e. The Permittee complies with flow monitoring for surface discharge stations that discharge Sand and Gravel Mine Pit Dewatering flow, as described below. Flow shall be determined daily during periods of discharge by taking a continuous measurement sample. Refer to the 'Definitions' section for more information on reporting 'Calendar Year Average', 'Calendar Year Maximum' and 'Calendar Year Total'.
    - i. Calendar Year Average Flow, in million gallons per day (mgd). Report one number that reflects the average, on a calendar year basis, that was discharged each day the discharge was active.
    - ii. Calendar Year Maximum Flow, in million gallons per day (mgd). Report one number that reflects the maximum day flow that was discharged during the reporting period.
    - iii. Calendar Month Total Flow, in million gallons (MG). Report the total flow discharged during the reporting period.
- 5.26 The Permittee shall submit monitoring results for the pit dewatering discharges on the Discharge Monitoring Report (DMR) forms provided.
- 5.27 The Permittee must ensure that the discharge does not adversely affect the receiving water. The Permittee must ensure that discharge points are adequately protected from erosion and scour. The discharge must be dispersed over rock riprap, sand bags, plastic sheeting or other accepted energy dissipation measures. All water from dewatering activities must be discharged in a manner that does not cause nuisance conditions, erosion in receiving channels or inundation in wetlands causing significant adverse impacts to the wetland.
- 5.28 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.

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

- 6.1 The Permittee shall prepare and implement a Pollution Prevention Plan (Plan), according to good engineering practices, for each site covered under this permit.
- 6.2 The Plan shall describe appropriate site-specific Best Management Practices (BMPs) to reduce or eliminate water pollution at the site.
- 6.3 The Plan shall be completed before conducting any of the activities covered by this permit at the site. The Plan shall be implemented at the site before the Permittee is covered for that site.
- 6.4 The Plan and associated records shall be maintained on site whenever practicable. If there is no suitable storage facility on site, the Plan and records may be maintained at a readily available off-site location.

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

#### **Plan Contents**

- 6.5 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:
- Public Land Survey (Section/Township/Range), or Latitude/Longitude, location;
  - Topography of the area;
  - Wetlands, ditches, streams, ponds, lakes and other nearby surface waters;
  - Identification of the DNR-designated trout waters within one mile of the site (Mn R.6264.0050 subp. 2 and 4) (<http://www.revisor.leg.state.mn.us/arule/6264/0050.html>);
  - Identification of ORVWs within one mile of the site (Mn R.7050.0180) (<http://www.revisor.leg.state.mn.us/arule/7050/0180.html>);
  - Identification of Section 303(d) of the Clean Water Act, Impaired Waters within one mile of the site (<http://www.pca.state.mn.us/water/tmdl/index.html>);
  - Water supply wells;
  - Surface water supply intakes;
  - Pit dewatering points;
  - Directions of stormwater runoff from the site; and,
  - Name of surface water that receives any surface discharge.

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

6.6 The Plan for the site shall include a list of potential pollution sources at the site. This list shall include at least the following activities and structures if present:

- Excavation;
- Crushers and screening;
- Materials storage, particularly for chemicals and explosives;
- Overburden, waste and product stockpiles;
- Conveyors;
- Materials loading and unloading;
- Roads and vehicle parking;
- Aboveground and underground fuel storage, and fueling;
- Vehicle and equipment maintenance, repair and lubrication;
- Vehicle and equipment washing and cleaning;
- Buildings;
- Asphalt storage tanks;
- Hot mix asphalt production plants;
- Truck box lubrication and cleaning;
- Wet scrubber containment structures; and,
- Sediment and sludge storage.

6.7 External washing of trucks and other vehicles must be limited to a defined area of the site. Runoff must be contained and waste properly disposed of. No engine degreasing is allowed on site.

6.8 The Plan for the site shall include a description, including operation and maintenance procedures, of the BMPs implemented to minimize or eliminate pollution at the site, including those BMPs specifically required by this permit. The BMPs shall include perimeter controls that prevent sediment from leaving the site (including the vehicle tracking of sediment to public roads), as well as stabilization controls that prevent erosion from being generated at the site. These BMPs also shall include measures to reduce and eliminate the contact of stormwater with significant materials such as used oil, lubricants, fuels and batteries.

If a site discharges to a water of the state that appears on the current 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 evaluate and make appropriate changes to the Pollution Prevention Plan to ensure compliance with the subject water quality standard.

## **Chapter 1. General Aggregate / Asphalt**

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

- 6.9 For waters of the state potentially impacted by the site, the Plan must specifically state how it addresses the protection of these waters if they are included on the current U.S. Environmental Protection Agency (EPA) approved list of impaired waters under Section 303(d) of the Clean Water Act. The Plan also must specifically state how it addresses the protection of these waters if the EPA has approved TMDLs for these waters.

The Plan must state that the Permittee, on at least an annual basis, reviews (for example, at <http://www.pca.state.mn.us/water/tmdl/index.html>) the current EPA approved list of impaired waters and the TMDLs to determine if, and to what extent, the site's Plan must address these impairments and TMDLs.

- 6.10 The Plan for the site shall include the names and telephone numbers of at least two employees of the Permittee who are responsible for ensuring that the Plan is implemented and maintained. One of these employees shall be the Permittee's central contact person for permit compliance issues. These employees shall be available to other employees and to the MPCA during normal hours of operation at the site.

#### **Inspection and Maintenance**

- 6.11 At least one of the designated employees shall inspect the site at least monthly during active operations to ensure that the Plan is followed, and that the Permittee is in compliance with the requirements of this permit.
- 6.12 The Permittee shall keep a written record of the inspections, and shall update the information required for the Annual Report/Site Inventory Form, as needed.
- 6.13 All inspections and maintenance conducted must be recorded in writing and these records must be retained with the Pollution Prevention Plan. Records of each inspection and maintenance activity shall include:
- a. Date and time of inspections;
  - b. Name of person(s) conducting inspections;
  - c. Findings of inspections, including recommendations for corrective actions;
  - d. Corrective actions taken (including dates, times, and party completing maintenance activities);
  - e. Date and amount of all rainfall events greater than 1/2 inch (0.5 inches) in 24 hours, obtained by actual measurement at the site, data from the nearest National Weather Station or local precipitation data found at <http://www.crh.noaa.gov/mpx/> and
  - f. Documentation of changes made to the Plan.

### **7. Facility Operation**

#### **Final Stabilization and Closure**

- 7.1 In order to be released from the inspection, recording and reporting requirements of this permit for a site where the Permittee no longer conducts the activities authorized by this permit, the Permittee shall ensure and certify on the Annual Report/Site Inventory Form that:
- a. There is no stormwater runoff and/or pit dewatering from the site; or
  - b. The Permittee certifies that a new owner or operator has assumed responsibility for the site; or
  - c. The site closure achieves final stabilization.

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### **7. Facility Operation**

7.2 Site closure must achieve final stabilization as follows:

- a. The drainageways that leave the site are stabilized to prevent erosion with riprap or other protective material.
- b. The soil disturbing activities at the site are completed and all soils are 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. The drainage ditches constructed to drain water from the site are stabilized to preclude erosion.
- d. The temporary synthetic, and structural erosion prevention and sediment control BMPs (such as silt fence) are removed.
- e. The Permittee cleans out all sediment from conveyances and from temporary sedimentation basins that are to be used as permanent water quality management basins; 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. The cleanout of permanent basins must be sufficient to return the basin to design capacity.
- f. The Permittee installs permanent stormwater treatment for new impervious surfaces created as a result of the activities covered by this permit. The permanent stormwater treatment must be designed for 0.5 inches of runoff from all created impervious surfaces.
- g. Other BMPs as necessary are implemented so as to prevent erosion from the site excavation areas and stockpiles that have been used by the Permittee.

7.3 A Permittee seeking to certify that a site complies with this part shall inspect the site to verify compliance before providing certification to the MPCA.

7.4 After the Permittee has certified on the Annual Report/Site Inventory Form that a site complies with this part, the site can be released and the Permittee is no longer required to inspect, record and report on that site.

### **8. Wet Scrubber Wastewater Management**

#### **Containment Structures**

- 8.1 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 hold liquids. Impoundments mean topographic depressions designed to hold liquids.
- 8.2 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.

#### **Impoundments**

- 8.3 An engineer registered in Minnesota shall prepare the impoundment design plans and specifications, in accordance with the criteria in this part. The Permittee shall construct the impoundment in accordance with these design plans and specifications. An engineer registered in Minnesota, or a principal executive officer (for a corporation) or the proprietor (for a sole proprietorship), shall certify that the impoundment has been constructed in accordance with the design plans and specifications.
- 8.4 Impoundments shall be designed, constructed, operated and maintained so that the infiltration rate is no greater than 500 gallons per acre per day.

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### **8. Wet Scrubber Wastewater Management**

- 8.5 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).
- 8.6 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.
- 8.7 The Permittee shall divert surface water runoff around impoundments, prevent erosion, and protect the structural integrity of exterior embankments from failure.
- 8.8 The Permittee shall maintain impoundments during the winter so that ice layers and frost action do not damage the liner effectiveness and integrity.
- 8.9 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.
- 8.10 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.
- 8.11 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.
- 8.12 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.
- 8.13 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.
- 8.14 The design of a reinforced Portland cement concrete liner shall be in accordance with the American Concrete Institute (ACI) Manual of Concrete Practice.
- 8.15 An impoundment that does 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.

### **Wastewater Disposal**

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### **8. Wet Scrubber Wastewater Management**

- 8.16 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; and,
  - f. Wastewater shall not be applied at a rate greater than one gallon per square yard per year.
- 8.17 The Permittee may use land application or irrigation for wet scrubber wastewater disposal if the MPCA specifically approves this option in writing.

#### **Sediment Removal and Disposal**

- 8.18 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.
- 8.19 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.
- 8.20 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.
- 8.21 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.

#### **Hot Mix Asphalt Ingredients, Burner Fuels and Chemical Additives**

- 8.22 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.



## **Chapter 1. General Aggregate / Asphalt**

### **8. Wet Scrubber Wastewater Management**

8.23 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; and,
- 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.

### **9. Annual Report**

- 9.1 The Permittee shall submit an Annual Report by January 30 of each year following permit issuance. A blank Annual Report Form is included in Appendix I of this permit.
- 9.2 The Annual Report/Site Inventory Form shall summarize the information for each site at which the Permittee was covered under this permit during the previous calendar year. Any changes to sites and/or request for release from coverage from specific site(s) under this permit shall be included on the Annual Report/Site Inventory Form.

### **10. General Requirements**

#### **General Conditions**

- 10.1 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, 7050, 7060, and 7080; and Minn. Stat. Sec. 115 and 116.

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### **10. General Requirements**

- 10.2 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. (Minn. R. 7001.0150, subp. 3, item E)
- 10.3 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, parts 7050.0100 to 7050.0220 and 7052.0010 to 7052.0110 (applicable to toxic pollutants in the Lake Superior Basin) and any other applicable MPCA rules. (Minn. R. 7001.1090, subp.1, item A)
- 10.4 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. (Minn. R. 7050.0210 subp. 2)
- 10.5 Property Rights. This permit does not convey a property right or an exclusive privilege. (Minn. R. 7001.0150, subp. 3, item C)
- 10.6 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. (Minn. R. 7001.0150, subp. 3, item O)
- 10.7 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. (Minn. R. 7001.0150, subp.3, item D)
- 10.8 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. (Minn. R. 7001.0150, subp.3, item A)
- 10.9 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. (Minn. R. 7001.0150, subp.3, item B)
- 10.10 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, is held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby.
- 10.11 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.
- 10.12 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. (Minn. R. 7001.0150, subp.3, item I)

## **Chapter 1. General Aggregate / Asphalt**

### **10. General Requirements**

10.13 Records. Records to be retained for each site include the following:

- a. Pollution Prevention Plan for the respective site(s);
- b. Progress Report(s) for the respective site Plan;
- c. Records pertaining to the nature, volume and disposition of wet scrubber wastewater and sediment, if any;
- d. Impoundment design plans and specifications, construction certifications, water balance and inspection records, and repair certifications, if there is a scrubber wastewater from a hot mix plant;
- e. Annual Report/Site Inventory Form(s) for the respective site(s);
- f. Flow Records, where monitoring is required by this permit for the respective site(s);
- g. Any calculations, original recordings from automatic monitoring instruments, and laboratory sheets; and
- h. Records, reports, calculations, plans, correspondence and other information that forms the basis for a permit application, new site notification, and Pollution Prevention Plan.

#### **Sampling and Reporting**

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

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

10.16 Certified Laboratory. A laboratory certified by the Minnesota Department of Health shall conduct analyses required by this permit. Analyses of dissolved oxygen, pH, temperature 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 through 4740.2040)

10.17 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.

10.18 Equipment Calibration. All monitoring and analytical instruments used to monitor as required by this permit shall be calibrated and maintained at a frequency necessary to ensure accuracy. Flow monitoring equipment should be calibrated at least twice annually. For facilities with lift stations/pumps, calibration shall be completed at least twice annually. The Permittee shall maintain written records of all calibrations and maintenance for at least three years. (Minn. R. 7001.0150, subp. 2, items B and C)

## **Chapter 1. General Aggregate / Asphalt**

### **10. General Requirements**

10.19 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.

10.20 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).

The results of the monitoring and sampling required in this permit for pit dewatering discharges shall be recorded on the Discharge Monitoring Report (DMR) forms which, if required, will be provided by the MPCA. If no discharge occurred during the reporting period, the Permittee shall check the "No Discharge" box on the DMR. Note: Every open, white box must be filled-in on the DMR, unless no discharge occurred during the reporting period.

10.21 Submitting Reports.

Annual Report/Site Inventory Forms and New Site Notification Forms shall be submitted to:

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

Discharge Monitoring Report (DMR) Forms shall be submitted to:

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

10.22 Incomplete or Incorrect Reports. The Permittee shall immediately submit an amended report or Discharge Monitoring Report (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. (Minn. R. 7001.0150 subp. 3, item G)

## **Chapter 1. General Aggregate / Asphalt**

### **10. General Requirements**

- 10.23 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)
- 10.24 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)
- 10.25 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. (Minn. R. 7001.0150, subp. 3, item H)
- 10.26 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**

- 10.27 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. (Minn. R. 7001.1090, subp. 1, item B)
- 10.28 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. (Minn. R. 7001.0150, subp. 3, item G., 7001.1090, subps. 1, items G and H and Minn. Stat. Sec. 609.671)
- 10.29 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. (40 CFR 122.41(c))
- 10.30 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 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.
- 10.31 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. (40 CFR 122.41 and Minn. Stat. Sec 115.061)

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### **10. General Requirements**

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

- a. Take all reasonable steps to end the release as soon as possible and minimize any potential adverse impacts to human health or the environment resulting from the release. Where a release enters a water of the state, the Permittee shall remove the spilled/discharged material after contacting the Minnesota Department of Natural Resources (DNR) and Wetland Conservation Act authority for that area regarding any additional remediation of impacts.
- b. Immediately notify 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.
- c. Collect representative samples of the release. The Permittee shall sample the release for parameters of concern immediately following discovery of the release. Additional samples shall be collected at least two times per week for as long as the release continues. Where there is reason to believe a pollutant other than those limited in the permit is present, the Permittee shall sample for that pollutant. 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 needed, appropriate sampling shall be determined in consultation with the MPCA.
- d. The sampling results shall be included with the next DMR or Report unless otherwise specified through consultation with MPCA staff.

10.33 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.

### **Operation and Maintenance**

10.34 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.

## **Chapter 1. General Aggregate / Asphalt**

### **10. General Requirements**

- 10.35 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. (Minn. R. 7001.1090, subp. 1, item C)
- 10.36 Solid Waste. Collected sediment, asphalt and concrete millings, floating debris, paper, plastic, fabric, construction and demolition debris and other wastes must be disposed of properly and must comply with MPCA disposal requirements.
- 10.37 Hazardous Materials. Oil, gasoline, paint and any hazardous substances must be properly stored, including secondary containment, to prevent spills, leaks or other discharge. Restricted access to storage areas must be provided to prevent vandalism. Storage and disposal of hazardous waste must be in compliance with MPCA regulations.
- 10.38 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. (40 CFR 503 and Minn. R. 7041 and applicable federal and state solid waste rules)
- 10.39 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. (Minn. R. 7001.0150, subp. 3, item F and Minn. R. 7001.0150, subp. 2, item B)
- 10.40 Control Tests. In-plant control tests shall be conducted at a frequency adequate to ensure compliance with the conditions of this permit. (Minn. R. 7001.0150, subp. 3, item F and Minn. R. 7001.0150, subp. 2, item B)

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

- 10.41 Permit Modifications. No person required by statute or rule to obtain a permit may construct, install, modify, or 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.

- 10.42 Report Changes. The Permittee shall immediately report to the MPCA (Minn. R. 7001.0150, subp. 3, item M.):
- a. Any substantial changes in operational procedures;
  - b. Activities which alter the nature or frequency of the discharge; and
  - c. Material factors affecting compliance with the conditions of this permit.
- 10.43 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. (Minn. R. 7001.0170)
- 10.44 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.

## **Chapter 1. General Aggregate / Asphalt**

### **10. General Requirements**

10.45 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;
- 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.

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

10.47 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.

10.48 TMDL Impacts. Facilities that discharge to an impaired surface water, or to a watershed or drainage basin that contains impaired waters, may be required, at some future date, to comply with additional permits, or permit requirements, based on the conclusions of any applicable US EPA approved Total Maximum Daily Load (TMDL) studies and their associated implementation plans.

10.49 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. (Minn. R., 7001.0150, subp. 3, item N)

10.50 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.



## **Chapter 1. General Aggregate / Asphalt**

### **10. General Requirements**

- 10.51 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.

### **11. Definitions**

- 11.1 "Act" means the Federal Clean Water Act, as amended, 33 U.S. Code 21251 et seq.
- 11.2 "Agency" mean the Minnesota Pollution Control Agency (MPCA).
- 11.3 "Best Management Practices" (BMPs) means practices to prevent or reduce pollution of the 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 material storage, as defined in Minnesota Rules pt. 7001.1020, subp.5. Examples of BMPs can be found in "Protecting Water Quality in Urban Areas," MPCA, 2000; "Stormwater Management for Construction Activities: Developing Pollution Prevention Plans and Best Management Practices," US EPA, 1992; "Minnesota Stormwater Manual 2005" MPCA; and "Best Practices for Meeting DNR General Public Waters Work Permit GP 2004-0001 March 2006".
- 11.4 "Calendar Year Average" is calculated by adding all sample values measured during a calendar year and dividing by the number of samples measured during that year. The "Calendar Year Average" limit is an upper limit.
- 11.5 "Calendar Year Maximum" is the highest value of single samples taken throughout the year. The "Calendar Year Maximum" is an upper limit.
- 11.6 "Calendar Year Total" is calculated by adding all values measured during a calendar year. It is usually expressed in mass or volume units. The "Calendar Year Total" is an upper limit.
- 11.7 "Construction Activity" For this permit, construction activity includes construction activity as defined in 40 C.F.R. part 122.26(b)(14)(x) and small construction activity as defined in 40 C.F.R. part 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 (1) acre or more.
- 11.8 "Discharge" means the conveyance, channeling, runoff, or drainage of wastewater, including stormwater and snow melt from a site. Pit dewatering and stormwaters from the permitted site and containing pollutants regulated by this permit that are directed to an internal pit or mining area covered by the Permittee's permit are not considered discharges.

## **Chapter 1. General Aggregate / Asphalt**

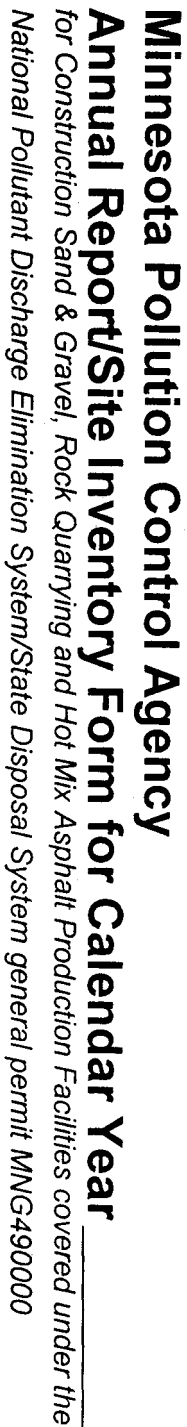
### **11. Definitions**

- 11.9 "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.
- 11.10 "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.
- 11.11 "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.
- 11.12 "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.
- 11.13 "MPCA" means the Minnesota Pollution Control Agency, or Minnesota Pollution Control Agency staff as delegated by the Minnesota Pollution Control Agency.
- 11.14 "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.
- 11.15 "NPDES" means National Pollutant Discharge Elimination System which is the program for issuing, modifying, revoking, reissuing, terminating, monitoring, and enforcing permits and imposing and enforcing pretreatment requirements under sections, 307, 318, 402 and 405 of the Clean Water Act, United States Code, title 33, sections 1317, 1328, 1342 and 1345.
- 11.16 "Operator" means a person who owns or leases property to conduct activities on that property.
- 11.17 "Permittee" means the entity identified as Permittee on the cover letter authorizing coverage under this permit.
- 11.18 "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 discharges of process generated wastewater.
- 11.19 "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.
- 11.20 "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 (1) 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 (5) acres.
- 11.21 "Stormwater" means stormwater runoff, snow melt runoff, and surface runoff and drainage.
- 11.22 "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.

## **Chapter 1. General Aggregate / Asphalt**

### **11. Definitions**

- 11.23 "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.
- 11.24 "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.



|                    |     |      |  |
|--------------------|-----|------|--|
| MPCA USE ONLY      |     |      |  |
| Application Number |     |      |  |
| MN                 |     |      |  |
| Date Received      |     |      |  |
| Month              | Day | Year |  |
|                    |     |      |  |

**Directions:**

Indicate for each site covered by general permit MNG490000 during the previous calendar year, or for sites for which you are requesting to be released from coverage under permit MNG490000, the site's name, the County Name, and the Public Land Survey (PLS) coordinates.

For each question, indicate by placing an "X" in the respective column, that the answer for a particular site is "Yes", if applicable. Complete this report by providing additional responses as indicated by the questions. Make additional copies of this form as needed.

| <b>Activities.</b>   |   | <b>Discharges from site.</b>   |   | <b>Pollution Prevention.</b>  |  |
|--|---|--|---|---|--|
| <b>For each question, indicate by placing an "X" in the respective column, that the answer for a particular site is "Yes", if applicable. Complete this report by providing additional responses as indicated by the questions. Make additional copies of this form as needed.</b> |   | <b>Site Name/Station ID#</b><br><b>County Name</b><br><b>PLS Coordinate</b><br><b>(Twp, Range, Section, Qtr-Section)</b>   |   | <b>11. A designated employee has inspected this site monthly during active operations to ensure that the Plan is being followed and is in compliance with permit terms.</b> |  |
| <b>1. Sand &amp; gravel mining, processing or storage is being done at this site.</b>  | <b>2. Crushed, broken or dimension stone mining, quarrying or storage is being done at this site.</b> | <b>3. Hot mix asphalt production or equipment storage is being done at this site.</b>  | <b>4. Storm water is leaving the site.</b>  | <b>5. Water from the dewatering of a mine, pit or quarry is leaving the site.</b>   | <b>6. Water to wash sand, gravel or crushed stone is leaving the site.</b> |
| <b>7. Water from the use of wet wash, sprays or scrubbers for air quality control is leaving the site.</b>   | <b>8. Water used for other purposes is leaving the site. Describe use of water, if applicable?</b>    | <b>9. Provide the following volumes if you indicated "yes" to questions 5, 6, 7 or 8: Calendar Year Average Flow (in million gallons per day); Calendar Year Maximum Flow (in million gallons per day); and Calendar Year Total Flow (in million gallons).</b> | <b>10. A Pollution Prevention Plan has been prepared and implemented at this site</b> | <b>11. A designated employee has inspected this site monthly during active operations to ensure that the Plan is being followed and is in compliance with permit terms.</b> |  |

If you answered 'Yes' to questions 2 and 5, 'Yes' to question 6, or 'Yes' to question 7, the site is NOT eligible for coverage under general permit MING4900000, contact MPCA permitting staff to appropriately permit this site. If you answered 'Yes' to question 8, the site MAY NOT be eligible for coverage under general permit MING4900000, contact MPCA permitting staff to appropriately permit this site.

**Submit completed form to: MPCA, WQ Submittals Center, 520 Lafayette Road N, St. Paul, MN 55155.**