

1 EFFLUENT LIMITS AND TREATMENT REQUIREMENTS
2 FOR DISCHARGES TO WATERS OF THE STATE

3 7053.0115 SCOPE.

4 Parts 7053.0135 to 7053.0405 apply to all discharges of
5 sewage, industrial, and other wastes to all waters of the state,
6 both surface and underground. This chapter applies to point
7 source and nonpoint source discharges. Other regulations of
8 general or specific application that include any more stringent
9 effluent limits or prohibitions are preserved.

10 Water quality standards applicable to waters of the state
11 are in chapter 7050. Water quality standards applicable to
12 waters in the Lake Superior basin are in chapter 7052.

13 7053.0135 GENERAL DEFINITIONS.

14 Subpart 1. Scope. For purposes of this chapter, the
15 following terms have the meanings given them.

16 Subp. 2. Terms defined in statute. The terms "waters of
17 the state," "point source," "sewage," "industrial wastes," and
18 "other wastes," as well as any other terms for which definitions
19 are given in the pollution control statutes, have the meanings
20 given them in Minnesota Statutes, sections 115.01 and 115.41,
21 with the exception that disposal systems or treatment works
22 operated under permit or certificate of compliance of the agency
23 are not "waters of the state."

24 Subp. 3. Seven-day ten-year low flow or 7Q₁₀.

25 A. "Seven-day ten-year low flow" or "7Q₁₀" means the
26 lowest average seven-day flow with a once in ten-year recurrence

1 interval. A $7Q_{10}$ is derived by identifying the lowest average
2 flow for a seven-consecutive-day period from daily flow records
3 for each year of record, from a continuous flow gauging
4 station. The seven-day average low flow values for each year
5 are arrayed in order of magnitude and fitted to a probability
6 distribution. The $7Q_{10}$ is the stream or river flow that is
7 equal to or exceeded by 90 percent of the values in the
8 distribution.

9 B. The period of record for determining the specific
10 flow for the stated recurrence interval, where records are
11 available, shall include at least the most recent ten years of
12 record, including flow records obtained after establishment of
13 flow regulation devices, if any. Where stream flow records are
14 not available, the flow may be estimated on the basis of
15 available information on the watershed characteristics,
16 precipitation, runoff, and other relevant data. The
17 calculations shall not be applied to lakes and their embayments
18 which have no comparable flow recurrence interval.

19 Subp. 4. Thirty-day ten-year low flow or
20 $30Q_{10}$. "Thirty-day ten-year low flow" or " $30Q_{10}$ " means the
21 lowest average 30-day flow with a once in ten-year recurrence
22 interval. A $30Q_{10}$ is derived using the same methods used to
23 derive a $7Q_{10}$, and the guidelines regarding period of record for
24 flow data and estimating a $7Q_{10}$ apply equally to determining a
25 $30Q_{10}$, as described in subpart 3. The calculations shall not be
26 applied to lakes and their embayments which have no comparable
27 flow recurrence interval.

1 Subp. 5. Commissioner. "Commissioner" means the
2 commissioner of the Pollution Control Agency or the
3 commissioner's designee.

4 Subp. 6. Effluent limit. The terms "effluent limit"
5 (equals "effluent limitation"), "point source," and "national
6 pollutant discharge elimination system" have the meanings given
7 them in part 7001.1020.

8 Subp. 7. Nonpoint source. "Nonpoint source" means a land
9 management or land use activity that contributes or may
10 contribute to ground and surface water pollution as a result of
11 runoff, seepage, or percolation and that is not defined as a
12 point source under Minnesota Statutes, section 115.01,
13 subdivision 11.

14 Subp. 8. Physical alteration. "Physical alteration" means
15 the dredging, filling, draining, or permanent inundating of a
16 wetland. Restoring a degraded wetland by reestablishing its
17 hydrology is not a physical alteration.

18 Subp. 9. Surface waters. "Surface waters" means waters of
19 the state, excluding groundwater as defined in Minnesota
20 Statutes, section 115.01, subdivision 6.

21 Subp. 10. Other terms. Other terms and abbreviations used
22 in this chapter that are not specifically defined in applicable
23 federal or state law must be construed in conformance with the
24 context, in relation to the applicable section of the statutes
25 pertaining to the matter, and current professional usage.

26 7053.0155 DETERMINATION OF COMPLIANCE.

27 In making tests or analyses of the waters of the state,

1 sewage, industrial wastes, or other wastes to determine water
2 quality condition and compliance with effluent limits and
3 nonpoint source reduction measures, samples must be collected in
4 a manner and place, and of such type, number, and frequency, as
5 may be considered necessary by the agency to adequately reflect
6 the condition of the waters, the composition of the effluents,
7 and the effects of the pollutants upon the uses specified in
8 part 7050.0140. The samples must be collected, preserved, and
9 analyzed following accepted quality control and quality
10 assurance methods and according to the procedures in Code of
11 Federal Regulations, title 40, part 136. The agency may accept
12 or may develop other methods, procedures, guidelines, or
13 criteria for collecting and analyzing effluent samples and
14 measuring water quality characteristics.

15 7053.0195 VARIANCE FROM TREATMENT REQUIREMENTS.

16 Subpart 1. Variance. In any case when, upon application
17 of the responsible person or persons, the agency finds that by
18 reason of exceptional circumstances the strict enforcement of
19 any provision of this chapter would cause undue hardship; that
20 disposal of the sewage, industrial waste, or other waste is
21 necessary for the public health, safety, or welfare; and that
22 strict conformity with the effluent limits would be
23 unreasonable, impractical, or not feasible under the
24 circumstances, the agency in its discretion may grant a variance
25 upon conditions it prescribes for prevention, control, or
26 abatement of pollution in harmony with the general purposes of
27 this chapter and the intent of the applicable state and federal

1 laws. The United States Environmental Protection Agency shall
2 be advised of any permits that may be issued under this subpart,
3 together with information as to the need for the variance.

4 Subp. 2. Listing. By October 1 each year, the
5 commissioner shall prepare a list of the variances in effect
6 granted by the agency under this part. The list must be
7 available for public inspection and must be provided to the
8 United States Environmental Protection Agency. The list must
9 identify the person granted the variance, the rule from which
10 the variance was granted, the water affected, the year granted,
11 and any restrictions that apply in lieu of the rule requirement.

12 Subp. 3. Review. Variances from discharge effluent limits
13 or treatment requirements granted by the agency under this part
14 are subject to agency and public review at least every five
15 years. Variances from water quality standards are granted by
16 the agency under parts 7000.7000 and 7050.0190. Variances may
17 be modified or suspended under the procedures in part 7000.7000.

18 7053.0205 GENERAL REQUIREMENTS FOR DISCHARGES TO WATERS OF THE
19 STATE.

20 Subpart 1. Untreated sewage. No untreated sewage may be
21 discharged into any waters of the state. Effective disinfection
22 of any discharges, including combined flows of sewage and storm
23 water, shall be required when necessary to protect the specified
24 uses of the waters of the state.

25 Subp. 2. Nuisance conditions prohibited. No sewage,
26 industrial waste, or other wastes may be discharged from either
27 point or nonpoint sources into any waters of the state so as to

1 cause any nuisance conditions, such as the presence of
2 significant amounts of floating solids, scum, visible oil film,
3 excessive suspended solids, material discoloration, obnoxious
4 odors, gas ebullition, deleterious sludge deposits, undesirable
5 slimes or fungus growths, aquatic habitat degradation, excessive
6 growths of aquatic plants, or other offensive or harmful effects.

7 Subp. 3. Inadequate treatment. Existing discharges of
8 inadequately treated sewage, industrial waste, or other wastes
9 shall be abated, treated, or controlled so as to comply with the
10 applicable limits. Separation of sanitary sewage from natural
11 runoff may be required when necessary to ensure continuous
12 effective treatment of sewage.

13 Subp. 4. Highest levels of effluent quality. The highest
14 levels of effluent quality, including, but not limited to,
15 five-day carbonaceous biochemical oxygen demand, that are
16 attainable through continuous operation at the maximum
17 capability of all primary and secondary units of treatment works
18 or their equivalent, discharging effluents into the waters of
19 the state, must be maintained in order to enhance conditions for
20 the specified uses.

21 Subp. 5. Mixing zones and compliance with water quality
22 standards.

23 A. Reasonable allowance must be made for dilution of
24 the effluents that are in compliance with this chapter,
25 following discharge into waters of the state. The agency, by
26 allowing dilution, shall consider the effect on all uses of the
27 waters of the state into which the effluents are discharged.

1 The extent of dilution allowed regarding any specific discharge
2 as specified in subpart 7 must not violate the applicable water
3 quality standards in chapters 7050 and 7052, including the
4 nondegradation requirements contained in those chapters. This
5 subpart also applies in cases where a Class 7 water is tributary
6 to a Class 2 water.

7 B. Means for expediting mixing and dispersion of
8 sewage, industrial waste, or other waste effluents in the
9 receiving waters must be provided so far as practicable when
10 deemed necessary by the agency to maintain the quality of the
11 receiving waters according to chapters 7050 and 7052.

12 C. Mixing zones must be established by the agency on
13 an individual basis, with primary consideration being given to
14 the following guidelines:

15 (1) mixing zones in rivers shall permit an
16 acceptable passageway for the movement of fish;

17 (2) the total mixing zone or zones at any
18 transect of the stream should contain no more than 25 percent of
19 the cross sectional area or volume of flow of the stream and
20 should not extend over more than 50 percent of the width;

21 (3) mixing zone characteristics shall not be
22 lethal to aquatic organisms;

23 (4) for contaminants other than heat, the final
24 acute value, as defined in part 7050.0218, subpart 3, item O,
25 for toxic pollutants should not be exceeded as a one-day mean
26 concentration at any point in the mixing zone;

27 (5) mixing zones should be as small as possible

1 and not intersect spawning or nursery areas, migratory routes,
2 water intakes, or mouths of rivers; and

3 (6) overlapping of mixing zones should be
4 minimized and measures taken to prevent adverse synergistic
5 effects.

6 Subp. 6. Other requirements preserved. The requirements
7 of this chapter, and specifically the requirements in parts
8 7053.0215 and 7053.0225, are in addition to any requirement
9 imposed on a discharge by the Clean Water Act, United States
10 Code, title 33, sections 1251 et seq., and its implementing
11 regulations. In the case of a conflict between the requirements
12 of this chapter, chapters 7050 and 7052, and the requirements of
13 the Clean Water Act or its implementing regulations, the more
14 stringent requirement controls.

15 Subp. 7. Minimum stream flow.

16 A. Discharges of sewage, industrial waste, or other
17 waste must be controlled so that the water quality standards
18 are maintained at all stream flows that are equal to or greater
19 than the 7Q₁₀ for the critical month or months, except for the
20 purpose of setting ammonia effluent limits. Discharges of
21 ammonia in sewage, industrial waste, or other wastes must be
22 controlled so that the ammonia water quality standard is
23 maintained at all stream flows that are equal to or exceeded by
24 the 30Q₁₀ for the critical month or months.

25 B. Allowance must not be made in the design of
26 treatment works for low stream flow augmentation unless the flow
27 augmentation of minimum flow is dependable and controlled under

1 applicable laws or regulations.

2 Subp. 8. Water quality based effluent limits.

3 Notwithstanding parts 7053.0235 and 7053.0245, the agency may
4 require a specific discharger to meet effluent limits for
5 specific pollutants or whole effluent toxicity that are
6 necessary to maintain the water quality of the receiving water
7 at the standards established in chapters 7050 and 7052,
8 including the nondegradation requirements contained in those
9 chapters. Any effluent limit determined to be necessary under
10 this subpart and part 7053.0235 may only be required of a
11 discharger after the discharger has been given notice of the
12 specific effluent limits and an opportunity for public hearing,
13 provided that compliance with the requirements of chapter 7001
14 regarding notice of national pollutant discharge elimination
15 system and state disposal system permits satisfies the notice
16 and opportunity for hearing requirements of this subpart.

17 Subp. 9. Water quality standard-based ammonia effluent
18 limits. For the purpose of establishing limits to meet the
19 ammonia water quality standard, a statistic that estimates the
20 central value, such as the mean or median, for ambient pH and
21 temperature of the receiving water for the critical months must
22 be used.

23 Subp. 10. Alternative waste treatment. After providing an
24 opportunity for public hearing, the agency shall accept
25 effective loss prevention, water conservation measures, or
26 process changes or other waste control measures or arrangements
27 if it finds that the measures, changes, or arrangements are

1 equivalent to the waste treatment measures required for
2 compliance with applicable effluent or water quality standards
3 or load allocations.

4 Subp. 11. Liquid substances. Liquid substances that are
5 not commonly considered to be sewage or industrial waste, but
6 that could constitute a pollution hazard, must be stored
7 according to chapter 7151. Other wastes as defined by law or
8 other substances that could constitute a pollution hazard,
9 including substances from nonpoint sources and households, must
10 not be deposited in any manner such that the same may be likely
11 to gain entry into any waters of the state in excess of or
12 contrary to any of the standards in this chapter and chapters
13 7050 and 7052 or cause pollution as defined by law.

14 Subp. 12. Point source dischargers must report to agency.
15 All persons operating or responsible for sewage, industrial
16 waste, or other waste disposal systems that are adjacent to or
17 that discharge effluents to waters of the state shall submit a
18 report to the agency upon request on the operation of the
19 disposal system, the effluent flow, and the characteristics of
20 the effluents and receiving waters. Sufficient data on
21 measurements, observations, sampling, and analyses, and other
22 pertinent information must be furnished as may be required by
23 the agency to adequately evaluate the condition of the disposal
24 system, the effluent, and the waters receiving or affected by
25 the effluent.

26 Subp. 13. Compliance with permit conditions. A person who
27 is in compliance with the terms and conditions of the person's

permit issued under chapter 7001 must not be deemed in violation of any water quality standard in chapters 7050 and 7052 for which a corresponding effluent limit is established in the permit. However, exceedances of the water quality standards in a receiving water constitutes grounds for modification of a permit for any discharger to the receiving water who is causing or contributing to the exceedances. Chapter 7001 governs the modification of any such permit.

7053.0215 REQUIREMENTS FOR POINT SOURCE DISCHARGES OF SEWAGE.

Subpart 1. Minimum secondary treatment for municipal point source and other point source dischargers of sewage. The agency shall require secondary treatment as a minimum for all municipal point source dischargers and other point source dischargers of sewage. For purposes of this part, "municipal" has the adjective meaning of municipality as defined in part 7001.1020, subpart 18. "Secondary treatment facilities" means works that will provide effective sedimentation, biochemical oxidation, and disinfection, or the equivalent, including effluents conforming to the following:

<u>Characteristic or Pollutant</u>	<u>Limiting Concentration or Range*</u>
<u>Five-day carbonaceous biochemical oxygen demand*</u>	<u>25 mg/L</u>
<u>Fecal coliform group organisms **</u>	<u>200 organisms per 100 milliliters</u>
<u>Total suspended solids*</u>	<u>30 mg/L</u>
<u>Dil</u>	<u>Essentially free of visible oil</u>
<u>Phosphorus</u>	<u>See part 7053.0255</u>

1 pH range

6.0 - 9.0

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3 Toxic or corrosive
4 pollutants

Concentrations of toxic or
corrosive pollutants shall
not cause acute toxicity to
humans or other animals or
plant life or directly damage
real property or exceed the
final acute value unless
the effluent satisfies the
whole effluent toxicity test.
If a whole effluent
toxicity test performed on
the effluent results in
less than 50 percent
mortality of the test
organisms, the effluent must
not be considered acutely
toxic unless the commissioner
finds that the test species
do not represent sensitive
organisms in the affected
surface water body or the
whole effluent test was
performed on a sample not
representative of the effluent
quality. The final acute value
and whole effluent toxicity
test are defined in part
7050.0218, subpart 3, items
O and HH, respectively

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33 *The arithmetic mean for concentrations of five-day
34 carbonaceous biochemical oxygen demand and total suspended
35 solids shall not exceed the stated values in any calendar
36 month. In any calendar week, the arithmetic mean for
37 concentrations of five-day carbonaceous biochemical oxygen
38 demand shall not exceed 40 milligrams per liter and total
39 suspended solids shall not exceed 45 milligrams per liter.

40 **Disinfection of wastewater effluents to reduce the levels
41 of fecal coliform organisms to the stated value is required from
42 April 1 through October 31 for Class 2 waters and May 1 through
43 October 31 for Class 7 waters, except that where the effluent is

1 discharged 25 miles or less upstream of a water intake supplying
2 a potable water system, the reduction to the stated value is
3 required all year. The stated value is not to be exceeded in
4 any calendar month as determined by the geometric mean of all
5 the samples collected in a given calendar month. The
6 application of the fecal coliform group organism limit is
7 limited to sewage or other effluents containing admixtures of
8 sewage and do not apply to industrial wastes, except when the
9 presence of sewage, fecal coliform organisms, or viable
10 pathogenic organisms in such wastes is known or reasonably
11 certain. Analysis of samples for fecal coliform group organisms
12 by either the multiple tube fermentation or the membrane filter
13 techniques is acceptable.

14 Subp. 2. Exception for existing trickling filter
15 facilities.

16 A. The secondary treatment effluent limits in subpart
17 1, for five-day carbonaceous biochemical oxygen demand and total
18 suspended solids, do not apply to municipal point source
19 dischargers and other point source dischargers of sewage that
20 meet all of the following conditions:

21 (1) the treatment facility was in operation on
22 January 1, 1987;

23 (2) the treatment facility uses a trickling
24 filter as the principal method of biologically treating the
25 wastewater; and

26 (3) the discharger has been incapable of
27 consistently meeting the effluent limits for five-day

1 carbonaceous biochemical oxygen demand or total suspended solids
2 contained in subpart 1.

3 B. For those municipal point source dischargers and
4 other point source dischargers of sewage that meet the
5 conditions of item A, the following effluent limits for five-day
6 carbonaceous biochemical oxygen demand and total suspended
7 solids apply as the arithmetic mean of all samples collected
8 during a calendar month.

9 <u>Five-day carbonaceous</u>	
10 <u>biochemical oxygen demand</u>	<u>40 mg/L*</u>
11	
12 <u>Total suspended solids</u>	<u>45 mg/L**</u>
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14 *In any calendar week, the arithmetic mean for five-day
15 carbonaceous biochemical oxygen demand shall not exceed 60
16 milligrams per liter.

17 **The arithmetic mean for any calendar week shall not
18 exceed 65 milligrams per liter for total suspended solids.

19 C. The other effluent limits in subpart 1 apply to
20 those municipal point source dischargers and other point source
21 dischargers of sewage whose limits for five-day carbonaceous
22 biochemical oxygen demand and total suspended solids are
23 established by this subpart.

24 Subp. 3. Exception for pond facilities.

25 A. The secondary treatment effluent limits in subpart
26 1 for total suspended solids do not apply to municipal point
27 source dischargers and other point source dischargers of sewage
28 that operate stabilization ponds or aerated ponds as the
29 principal method of biologically treating the wastewater.

30 B. For such treatment works, the effluent limit for

1 total suspended solids for a discharge from the pond is as
2 follows:

3 Total suspended solids 45 mg/L*
4 (arithmetic mean of all samples
5 collected during any calendar
6 month)

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8 *The arithmetic mean for any calendar week shall not exceed
9 65 milligrams per liter for total suspended solids.

10 C. The other effluent limits in subpart 1 apply to
11 those municipal point source dischargers and other point source
12 dischargers of sewage whose limits for total suspended solids
13 are established by this subpart.

14 7053.0225 REQUIREMENTS FOR POINT SOURCE DISCHARGES OF INDUSTRIAL
15 OR OTHER WASTES.

16 Subpart 1. Applicable effluent limits. Any person
17 discharging industrial or other wastes from a point source shall
18 comply with the requirements in items A to C.

19 A. Point source dischargers of industrial or other
20 wastes must comply with all applicable federal standards adopted
21 by the United States Environmental Protection Agency under
22 sections 301, 306, and 307 of the Clean Water Act, United States
23 Code, title 33, sections 1311, 1316, and 1317. Code of Federal
24 Regulations, title 40, parts 401 through 469, are incorporated
25 by reference.

26 B. If effluent limits for five-day carbonaceous
27 biochemical oxygen demand, total suspended solids, pH, or oil
28 are not established by the federal standards under item A for
29 any point source discharger of industrial or other wastes, the

1 point source discharger shall comply with the effluent limits
2 for those substances established in part 7053.0215, subpart 1,
3 or with such other equivalent mass limits established under part
4 7053.0205, subpart 8, if applicable.

5 C. Point source dischargers of industrial or other
6 wastes shall comply with all additional effluent limits
7 established by the agency in any permit proceeding for that
8 discharger through application of the criteria provided by Code
9 of Federal Regulations, title 40, part 125, subpart A.

10 Subp. 2. Feedlot exemption. The requirements of subpart
11 1, items B and C, do not apply to animal feedlots.

12 Subp. 3. Dredge disposal exemption. The requirements for
13 total suspended solids and phosphorus under subpart 1, item B,
14 and for phosphorus under subpart 4, do not apply to waters
15 discharged from a dredge disposal facility and returned to the
16 water body where the water was removed if:

17 A. best management practices and best practicable
18 technology are established in a state disposal system permit for
19 the facility; and

20 B. the designated uses as established under parts
21 7050.0140 and 7050.0400 to 7050.0470 are maintained.

22 Subp. 4. Nutrient control requirements. In addition to
23 the requirements of subpart 1, a person discharging industrial
24 or other wastes from a point source shall comply with the
25 nutrient control requirements of part 7053.0255.

26 Subp. 5. Exception for total suspended solids limits for
27 ponds. A point source discharger of industrial or other wastes

1 that uses a stabilization pond or aerated pond as the principal
 2 method of biologically treating the waste shall comply with
 3 subparts 1 to 4, except that the total suspended solids effluent
 4 limits applicable to a discharger under subpart 1, item B, are
 5 the limits in part 7053.0215, subpart 3, rather than the total
 6 suspended solids limits in part 7053.0215, subpart 1.

7 Subp. 6. Toxic or corrosive pollutants. In addition to
 8 the requirements of subpart 1, a person discharging industrial
 9 or other waste from a point source shall comply with the
 10 control requirements of part 7053.0215, subpart 1, for toxic or
 11 corrosive pollutants.

12 7053.0235 ADVANCED WASTEWATER TREATMENT REQUIREMENTS.

13 Subpart 1. Inadequate dilution. In any instance where it
 14 is evident that the minimal treatment specified in part
 15 7053.0215, subpart 1, or 7053.0225 and dispersion are not
 16 effective in preventing pollution, or if at the applicable flows
 17 it is evident that the specified stream flow is inadequate to
 18 protect the water quality standards specified in chapters 7050
 19 and 7052, the specific standards may be interpreted as effluent
 20 limits for control purposes. In addition, the following
 21 effluent limits may be applied without any allowance for
 22 dilution where stream flow or other factors are such as to
 23 prevent adequate dilution or where it is otherwise necessary to
 24 protect the waters of the state for the stated uses:

<u>Pollutant</u>	<u>Limits</u>
<u>Five-day carbonaceous</u>	<u>5 mg/L</u>
<u>biochemical oxygen demand</u>	<u>(arithmetic mean of all</u>
	<u>samples taken during any</u>

calendar month)

The five milligrams per liter limit shall not apply to discharges to surface waters classified as limited resource value waters, pursuant to parts 7050.0140, subpart 8, and 7050.0400 to 7050.0470, except as may be needed to comply with part 7053.0245, subpart 3.

Subp. 2. Limits for pond facilities. The concentrations specified in part 7053.0215, subpart 1, or, if applicable, part 7053.0225, may be used in lieu of the limit in this part if the discharge of effluent is restricted to the spring flush or other high runoff periods when the stream flow rate above the discharge point is sufficiently greater than the effluent flow rate to ensure that the applicable water quality standards are met during the discharge period.

Subp. 3. Variability of operation. If treatment works are designed and constructed to meet the specified limits given in this part for a continuous discharge, at the discretion of the agency the operation of such works may allow for the effluent quality to vary between the limits specified in this part and in part 7053.0215, subpart 1, or, if applicable, part 7053.0225, provided the water quality standards and all other requirements of the agency and the United States Environmental Protection Agency are being met. The variability of operation must be based on adequate monitoring of the treatment works and the effluent and receiving waters as specified by the agency.

7053.0245 REQUIREMENTS FOR POINT SOURCE DISCHARGES TO LIMITED RESOURCE VALUE WATERS.

1 Subpart 1. Effluent limits. For point source discharges
2 of sewage, industrial, or other wastes to surface waters
3 classified as limited resource value waters pursuant to parts
4 7050.0140, subpart 8, and 7050.0400 to 7050.0470, the agency
5 shall require treatment facilities that will provide effluents
6 conforming to the following limits:

<u>Pollutant</u>	<u>Limiting Concentration</u>
<u>Five-day carbonaceous</u>	<u>15 mg/L*</u>
<u>biochemical oxygen demand</u>	<u>(arithmetic mean of all</u> <u>samples taken during</u> <u>any calendar month)</u>

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14 *This 15 milligrams per liter limit does not apply to
15 discharges to limited resource value waters if the principal
16 method of treatment is through stabilization ponds, in which
17 case the limits in parts 7053.0215, subpart 3, and 7053.0225,
18 subpart 5, apply. All effluent limits specified in part
19 7053.0215, subpart 1, are also applicable to dischargers of
20 sewage to limited resource value waters, provided that toxic or
21 corrosive pollutants are limited to the extent necessary to
22 protect the designated uses of the receiving water or affected
23 downstream waters.

24 Subp. 2. Alternative secondary treatment effluent limits.
25 The agency shall allow treatment works to be constructed or
26 operated to produce effluents to limited resource value waters
27 at levels up to those stated in part 7053.0215, provided that it
28 is demonstrated that the water quality standards for limited
29 resource value waters will be maintained during all periods of
30 discharge from the treatment facilities.

31 Subp. 3. Protection of downstream waters. Notwithstanding

1 the effluent limits established by this part, the quality of
2 limited resource value waters must not allow a violation of
3 applicable water quality standards in waters of the state that
4 are connected to or affected by water classified as limited
5 resource value waters.

6 Subp. 4. Public waters designation unaffected. The
7 classification of surface waters as limited resource value
8 waters pursuant to parts 7050.0140, subpart 8, and 7050.0400 to
9 7050.0470, does not supersede, alter, or replace the
10 classification and designation of such waters as public waters
11 pursuant to Minnesota Statutes, chapter 103G.

12 7053.0255 PHOSPHORUS EFFLUENT LIMITS FOR POINT SOURCE DISCHARGES
13 OF SEWAGE, INDUSTRIAL, AND OTHER WASTES.

14 Subpart 1. Scope. The phosphorus effluent limits in this
15 part are in addition to the effluent limits specified elsewhere
16 in this chapter. In the event of any conflict between this part
17 and other applicable regulations, the more stringent requirement
18 applies.

19 Subp. 2. Definitions. For the purposes of this part, the
20 following definitions apply. Other relevant definitions are
21 found in part 7050.0150, subpart 4.

22 A. "122-day ten-year low flow" or "122Q₁₀" means the
23 lowest average 122-day flow with a once in ten-year recurrence
24 interval. A 122Q₁₀ is derived using the same methods used to
25 derive a 7Q₁₀, and the guidelines regarding period of record for
26 flow data and estimating a 7Q₁₀ apply equally to determining a
27 122Q₁₀ as described in part 7053.0135, subpart 3.

1 B. "Affects" means a measurable increase in the
2 adverse effects of phosphorus loading as determined by
3 monitoring or modeling, including, but not limited to, an
4 increase in chlorophyll-a concentrations, a decrease in water
5 transparency, or an increase in the frequency or duration of
6 nuisance algae blooms, from an individual point source discharge.

7 C. "Expanded discharge" means a disposal system that
8 after May 1, 2008, discharges more than 1,800 pounds of total
9 phosphorus per year to a surface water on an annual average
10 basis, and increases in wastewater treatment capacity as
11 indicated by an increase in the:

12 (1) design average wet weather flow for the
13 wettest 30-day period for point source dischargers of sewage
14 with a continuous discharge, typically a mechanical facility;

15 (2) design average wet weather flow for the
16 wettest 180-day period for point source dischargers of sewage
17 with a controlled discharge, typically a pond facility; or

18 (3) design average daily flow rate for
19 dischargers of industrial or other wastes.

20 D. "Lake" means an enclosed basin filled or partially
21 filled with standing fresh water with a maximum depth greater
22 than 15 feet. Lakes may have no inlet or outlet, an inlet or
23 outlet, or both an inlet and outlet.

24 E. "Measurable increase" or "measurable impact" means
25 a change in trophic status that can be discerned above the
26 normal variability in water quality data using a weight of
27 evidence approach. The change in trophic status does not

1 require a demonstration of statistical significance to be
2 considered measurable. Mathematical models may be used as a
3 tool in the data analysis to help predict changes in trophic
4 status.

5 F. "New discharge" means a discharge that was not in
6 existence before May 1, 2008, and discharges more than 1,800
7 pounds of total phosphorus per year.

8 G. "Reservoir" means a body of water in a natural or
9 artificial basin or water course where the outlet or flow is
10 artificially controlled by a structure such as a dam.

11 Reservoirs are distinguished from river systems by having a
12 hydraulic residence time of at least 14 days. For purposes of
13 this item, residence time is determined using a flow equal to
14 the 122Q₁₀ for the months of June through September, a 122Q₁₀
15 for the summer months.

16 H. "Shallow lake" means an enclosed basin filled or
17 partially filled with standing fresh water with a maximum depth
18 of 15 feet or less or with 80 percent or more of the lake area
19 shallow enough to support emergent and submerged rooted aquatic
20 plants (the littoral zone). It is uncommon for shallow lakes to
21 thermally stratify during the summer. The quality of shallow
22 lakea will permit the propagation and maintenance of a healthy
23 indigenous aquatic community, and they will be suitable for
24 boating and other forms of aquatic recreation for which they may
25 be usable. For purposes of this chapter, shallow lakea will be
26 differentiated from wetlands and lakes on a case-by-case basis.
27 Wetlands are defined in part 7050.0186, subpart 1a.

1 Subp. 3. Total phosphorus effluent limits.

2 A. Phosphorus removal to one milligram per liter is
3 required when subitem (1), (2), or (3) applies:

4 (1) the discharge of effluent is directly to or
5 affects a lake, shallow lake, or reservoir;

6 (2) the discharge is to the specific basins and
7 water bodies designated in subpart 5; or

8 (3) the discharge is new or expanded as defined
9 in subpart 2, except when the discharger can demonstrate to the
10 commissioner that the discharger qualifies for an alternative
11 phosphorus limit as provided in subpart 4.

12 B. If a phosphorus effluent limit is required under
13 item A, removal of nutrients from all wastes must be provided to
14 the fullest practicable extent wherever sources of nutrients are
15 considered to be actually or potentially detrimental to
16 preservation or enhancement of the designated water uses.
17 Dischargers required to control nutrients under this part are
18 subject to the variance provisions of parts 7000.7000 and
19 7053.0195.

20 Subp. 4. Alternative phosphorus effluent limits for new or
21 expanded discharges. New or expanded discharges subject to a
22 one milligram per liter phosphorus effluent limit in subpart 3,
23 item A, subitem (3), may request an alternative limit or no
24 limit if one or more of items A to C apply. New or expanded
25 discharges are defined in subpart 2. The exemptions in this
26 subpart do not apply to facilities that discharge directly to or
27 affect a lake, shallow lake, or reservoir or to discharges to

1 the waters listed in subpart 5. Dischargers seeking an
2 alternative limit due to very high per capita treatment costs or
3 economic hardship must apply for a variance under parts
4 7000.7000 and 7053.0195.

5 The information submitted to the commissioner for
6 consideration of an alternative limit must include, at a
7 minimum, a description of the treatment technology used,
8 influent and effluent total phosphorus concentrations, a
9 phosphorus management plan for the facility, descriptions of any
10 measures already taken to reduce phosphorus sources to the
11 facility, and expected reductions in phosphorus concentrations
12 following implementation of the phosphorus management plan. The
13 discharger may qualify for an alternative total phosphorus limit
14 or no limit if it can demonstrate:

15 A. the discharge is to or upstream of a water body
16 listed on the applicable impaired water list, section 303(d) of
17 the Clean Water Act, and the total maximum daily load study is
18 complete and approved by the United States Environmental
19 Protection Agency at the time the new or expanding facility is
20 in the planning and design phase. The total maximum daily load
21 study must have considered impacts from phosphorus loading on
22 the impaired water body. In this case, the total maximum daily
23 load study will determine the applicable phosphorus effluent
24 limit;

25 B. the environmental benefits to be achieved by
26 meeting a phosphorus limit are outweighed or negated by the
27 environmental harm caused by meeting a limit; or

1 C. the treatment works, regardless of the type of
2 treatment technology, must use chemical addition to achieve
3 compliance with the one milligram per liter limit and the
4 discharge is to a receiving stream in a watershed listed in
5 subitems (1) to (3). In this case the discharger may be granted
6 a seasonal one milligram per liter limit, applicable from May 1
7 through September 30 and not applicable from October 1 through
8 April 30:

9 (1) the lower Mississippi River and its
10 tributaries from the mouth of the Chippewa River in Wisconsin to
11 the Minnesota border;

12 (2) the Bois de Sioux and Red Rivers and their
13 tributaries from the southern end of Lake Traverse at Browns
14 Valley to the Canadian border; and

15 (3) the Missouri, Des Moines, and Cedar Rivers
16 and their tributaries in Minnesota.

17 Subp. 5. Designated waters. The one milligram per liter
18 phosphorus limit established in subpart 3 applies to the waters
19 designated in items A to F.

20 A. All intrastate waters lying within the drainage
21 basin of Lake Superior in the counties of Aitkin, Carlton, Cook,
22 Itasca, Lake, Pine, and St. Louis (Townships 45 to 65 North,
23 Ranges 7 East to 23 West).

24 B. The interstate waters of Lake St. Croix in
25 Washington County (Townships 26 to 30 North, Range 20 West).

26 C. The St. Louis River from its source at Seven
27 Beaver Lake (Township 58 North, Range 12 West) to and including

1 St. Louis Bay (Townships 49 and 50 North, Ranges 14 and 15 West)
2 and Superior Bay (Townships 49 and 50 North, Ranges 13 and 14
3 West).

4 D. The Mississippi River from its source to the
5 Blandin Dam at the outlet of Paper Mill Reservoir in the city of
6 Grand Rapids approximately 400 feet upstream from the bridge on
7 U.S. Highway 169 including Lake Andrusia (Township 146 North,
8 Range 31 West), Lake Bemidji (Townships 146 and 147 North, Range
9 33 West), Cass Lake (Townships 145 and 146 North, Ranges 30 and
10 31 West), Lake Itasca (Township 143 North, Range 36 West),
11 Pokegama Lake (Townships 54 and 55 North, Ranges 25 and 26
12 West), and Winnibigoshish Lake (Townships 145, 146, and 147
13 North, Ranges 27, 28, and 29 West).

14 E. The Little Minnesota River and Big Stone Lake from
15 the South Dakota border crossing to the outlet of Big Stone Lake
16 at the dam immediately upstream from the U.S. Highway 12 bridge
17 in Ortonville.

18 F. Albert Lea Lake (Township 102 North, Ranges 20 and
19 21 West) in Freeborn County.

20 Subp. 6. Averaging period for phosphorus limit. The
21 phosphorus limit required under subpart 3 must be a calendar
22 month arithmetic mean unless the commissioner finds, after
23 considering the criteria listed in items A and H, that a
24 different averaging period is acceptable. In no case shall the
25 one milligram per liter limit exceed a moving mean of 12 monthly
26 values reported on a monthly basis or a simple mean for a
27 specified period, not to exceed 12 months. Calendar month

1 effluent limits in effect as of February 7, 2000, must remain in
2 effect unless an asseessment of the criteria listed in items A
3 and B indicate a different averaging period is acceptable. An
4 averaging period other than monthly is acceptable when:

5 A. there is no measurable or predictable difference
6 in the adverse effects of the phosphorus loading from the
7 facility on the receiving water or dwnetream water resources
8 compared to the loading that would result using a 30-day average
9 limit; and

10 B. the treatment technologies being considered offer
11 environmental, financial, or other benefits.

12 7053.0265 DISCHARGE RESTRICTIONS APPLICABLE TO MISSISSIPPI RIVER
13 FROM RUM RIVER TO ST. ANTHONY FALLS.

14 Subpart 1. Scope and beneficial uses. The reestrictions on
15 dischargass specifisd in this part are applicable to that portion
16 of the Missiassippi River from, but not including, the mouth of
17 the Rum River to the upper lock and dam at St. Anthony Falls,
18 approximately at the northeastward extension of Fifth Avenue
19 South in the city of Minneapolis, and tributary streams. The
20 primary use of these waters is as a source of public water
21 supply for drinking, food processing, and related purposes.
22 Other usee applicable to these waters are defined in parts
23 7050.0410, 7050.0430, and 7050.0470, subpart 4.

24 Subp. 2. Discharges prohibited. Discharges listed in
25 items A to C are prohibited to the waters defined in subpart 1.

26 A. Raw sewage and industrial waste or other wssstes,
27 treated or untreated, containing viable pathogenic organisms or

1 any substances that may cause disease, endanger the public
2 health, or otherwise impair the quality of the receiving waters
3 for public water supply.

4 B. Treated sewage effluent from any source,
5 including, without limitation, discharges from watercraft.

6 C. Treated sewage, industrial waste, or other wastes
7 so as to cause any material increase in taste, odor, color, or
8 turbidity above natural levels or otherwise to impair the
9 quality of the water so as to render it objectionable or
10 unsuitable as a source of water supply.

11 Subp. 3. Variance. The variance provisions of parts
12 7000.7000 and 7053.0195 are applicable to this part.

13 7053.0275 ANTIBACKSLIDING.

14 Subpart 1. Antibacksliding applies. Any point source
15 discharger of sewage, industrial, or other wastes for which a
16 national pollutant discharge elimination system permit has been
17 issued by the agency that contains effluent limits more
18 stringent than those that would be established by parts
19 7053.0215 to 7053.0265 shall continue to meet the effluent
20 limits established by the permit, unless the permittee
21 establishes that less stringent effluent limits are allowable
22 pursuant to federal law, under section 402(c) of the Clean Water
23 Act, United States Code, title 33, section 1342.

24 Subp. 2. Less stringent effluent limits. If a permittee
25 establishes that it is entitled to less stringent effluent
26 limits under subpart 1, the agency shall establish new effluent
27 limits according to the criteria in items A to F.

1 A. If past treatment performance data are
2 representative of future performance, the new effluent limits
3 must reflect the level of pollutant control that has been
4 consistently achieved by the permittee in the past.

5 B. If changes in the rate of production or in other
6 operational aspects of the facility make past treatment
7 performance data unrepresentative of future performance, in
8 establishing new effluent limits, the agency shall consider: (1)
9 the performance capabilities of the existing treatment facility
10 under the changed factors; and (2) the performance capabilities
11 of any additional treatment facilities that may be required by
12 the agency as a result of the changed factors. The new effluent
13 limits must be as stringent as is reasonable, applying good
14 engineering design practices and operational and maintenance
15 practices for the existing treatment facilities and any
16 additional treatment facilities that may be required.

17 C. The new effluent limits must reflect the
18 performance capabilities of all treatment facilities under
19 proper operation and maintenance practices.

20 D. In no event may the new effluent limits be less
21 stringent than the effluent limits established under parts
22 7053.0215 to 7053.0265.

23 E. In all cases, the beneficial uses and the water
24 quality standards in chapters 7050 and 7052 must be maintained
25 in the receiving water.

26 F. If less stringent effluent limits are established
27 in the permit, the agency may also establish other reasonable

1 and necessary conditions for the new permit.

2 A request for less stringent effluent limits in a permit
3 shall be made according to part 7001.0190, subpart 1. The
4 agency shall follow the procedures in part 7001.0190, subpart 1,
5 in acting upon a request for new effluent limits.

6 7053.0305 REQUIREMENTS FOR ANIMAL FEEDLOTS.

7 Subpart 1. Definitions. For purposes of this part, the
8 terms in items A to D have the meanings given them.

9 A. "Animal feedlot" has the meaning given in part
10 7020.0300, subpart 3.

11 B. "Animal manure" has the meaning given in part
12 7020.0300, subpart 4.

13 C. "Manure storage area" has the meaning given in
14 part 7020.0300, subpart 14.

15 D. "Treatment works" has the meaning given in
16 Minnesota Statutes, section 115.01, subdivision 21, and includes
17 a vegetated filter or buffer strip located between an animal
18 feedlot or a manure storage area and a receiving water.

19 Subp. 2. Effluent limits for a discharge.

20 A. Any person discharging pollutants to surface
21 waters of the state from an animal feedlot or manure storage
22 area who is not regulated by federal requirements under part
23 7053.0225, subpart 1, shall comply with the following limits
24 after allowance for pollutant removal by a treatment works:

<u>Pollutant</u>	<u>Limiting Concentration</u>
<u>Five-day biochemical</u>	<u>25 mg/L</u>
<u>oxygen demand</u>	<u>(arithmetic mean of all</u>
	<u>samples taken during any</u>

calendar month)

If the discharge is directly to or affects a lake, shallow lake, or reservoir, or to the waters listed in part 7053.0255, subpart 5, the person discharging the pollutants shall comply with the nutrient control requirements in part 7053.0255, subpart 3, items A and B. Feedlots are not considered new or expanded discharges as defined in part 7053.0255, subpart 2.

B. The effluent limits in item A are not applicable whenever rainfall events, either chronic or catastrophic, cause an overflow from an animal feedlot or manure storage area designed, constructed, and operated:

(1) to meet the effluent limits in item A for rainfall events less than or equal to a 25-year, 24-hour rainfall event for that location; or

(2) to collect and contain the runoff from a 25-year, 24-hour rainfall event for that location.

7053.0405 REQUIREMENTS FOR AQUACULTURE FACILITIES.

Subpart 1. Definitions. For purposes of this part, the terms in items A to J have the meanings given them.

A. "Aquaculture therapeutics" means drugs, medications, or disease control chemicals that are approved for concentrated aquatic animal production facility use by the United States Food and Drug Administration or the United States Environmental Protection Agency.

B. "Aquatic animal production" means harvest of unprocessed aquatic animals, including mortalities, where the animals are fed fish food.

1 C. "Chemical additive" means an aquaculture
2 therapeutic, growth-inducing compound, hormone, or algal control
3 product that is added to a concentrated aquatic animal
4 production facility.

5 D. "Cold water aquatic animals" means aquatic animals
6 in the Salmonidae family of fish, such as trout and salmon.

7 E. "Concentrated aquatic animal production facility"
8 means a hatchery, fish farm, or other facility that contains,
9 grows, or holds aquatic animals ss described in subitems (1) to
10 (4).

11 (1) Cold water aquatic animal facilities that
12 produce more than 9,090 harvest weight kilograms (approximately
13 20,000 pounds) of aquatic animals per year or feed more than
14 2,272 kilograms (approximately 5,000 pounds) of food during the
15 calendar month of maximum feeding.

16 (2) Warm and cool water aquatic animal facilities
17 that produce more than 45,454 harvest weight kilograms
18 (approximately 100,000 pounds) of aquatic animals per year.

19 (3) Case-by-case designation of concentrated
20 aquatic animal production facilities. The commissioner may
21 designate any warm, cool, or cold water aquatic animal
22 production facility as a concentrated aquatic animal facility
23 upon determining that it may cause a violation of an applicable
24 state or federal water quality rule or regulation. In making
25 this designation, the commissioner shall consider the following
26 factors:

27 (a) the location and quality of the

1 receiving waters;

2 (b) the holding, feeding, and production
3 capacities of the facility; and

4 (c) the quantity and nature of the
5 pollutants reaching waters of the state.

6 A permit application is not required from a concentrated
7 aquatic animal production facility designated under this item
8 until the commissioner has conducted an on-site inspection of
9 the facility and has determined that the facility is required to
10 be regulated under the permit program. A permit is required
11 under this subitem only after the facility has been given notice
12 of the commissioner's determination and an opportunity to
13 request a hearing as provided in part 7000.1800.

14 (4) Harvest weight is considered the weight of
15 aquatic animal product that leaves a production facility, minus
16 the weight of aquatic animal product that enters the same
17 production facility.

18 F. "Continuous discharge" means a discharge that
19 occurs without interruption throughout the operating hours of
20 the facility, except for infrequent shutdowns for maintenance,
21 process changes, or other similar activities.

22 G. "Existing beneficial uses" means the uses that
23 have been made or may be reasonably anticipated to be made
24 during the time of the proposed operations of waters of the
25 state for domestic water supply, tourism and recreational
26 industries, transportation, industrial consumption, wellhead
27 protection, wildlife sustenance, wetland protection, fire

1 protection, fire prevention, or other uses within this state,
2 and, at the discretion of the agency, any uses in another state
3 or interstate waters flowing through or originating in this
4 state.

5 H. "Fish food" means materials including processed
6 feeds, grains and seeds, plants, plant wastes, meat, and dead
7 fish or other dead animal parts, but not including living
8 aquatic animals, for the purposes of sustaining growth,
9 repairing vital processes, or furnishing energy for aquatic
10 animals present in the facility.

11 I. "Recirculating flow" means wastewater, within a
12 concentrated aquatic animal production facility, that is
13 collected from aquatic animal rearing units, treated, and then
14 returned to aquatic animal rearing units for reuse.

15 J. "Warm and cool water aquatic animals" means all
16 other aquatic animals not included in the Salmonidae family of
17 fish.

18 Subp. 2. Permit required. No person may construct,
19 operate, or maintain a concentrated aquatic animal production
20 facility until the agency has issued a national pollutant
21 discharge elimination system and state disposal system
22 (NPDES/SDS) permit for the facility according to chapter 7001.
23 Production levels of multiple projects and multiple stages of a
24 single project that are connected actions or phased actions
25 shall be considered in total under subpart 1, item E.

26 Subp. 3. Treatment technology discharge requirements.

27 A. All concentrated aquatic animal production

1 facilities shall collect, remove, treat, and properly dispose of
2 unconsumed fish food and fish wastes.

3 B. All concentrated aquatic animal production
4 facilities that discharge industrial or other wastes to waters
5 of the state shall comply with the requirements of parts
6 7053.0225, subparts 1, 3, 4, and 5, and 7053.0275.

7 C. The owner or operator of a recirculating flow
8 facility may apply for a variance from the requirements of item
9 B according to parts 7000.7000 and 7053.0195. The variance
10 application must provide detailed information on:

11 (1) the treatment, collection, removal, and
12 disposal of wastes after wastewater flow leaves aquatic animal
13 rearing units and before the wastewater is returned for reuse to
14 rearing units;

15 (2) the rate of wastewater discharge flow
16 compared to the volume of water in the aquatic animal rearing
17 units;

18 (3) the reduction in the mass discharge of
19 pollutants due to the design, operation, and maintenance of the
20 recirculating system; and

21 (4) the reduction in water appropriation due to
22 the design, operation, and maintenancs of the recirculating
23 system.

24 Subp. 4. Additional requirements. Except as expressly
25 excluded in this part, the construction, operation, and
26 maintenance of a concentrated aquatic animal production facility
27 shall comply with the requirements of this chapter and chapters

1 7050 and 7052.

2 Subp. 5. Interim reversible impacts.

3 A. Upon application of the responsible person or
4 persons and according to parts 7000.7000 and 7053.0195, the
5 agency shall grant a variance from subpart 3, item A or B, if
6 the agency also finds that:

7 (1) the construction, operation, and maintenance
8 of the facility will not impair the existing beneficial uses and
9 the level of water quality necessary to protect the existing
10 beneficial uses;

11 (2) the economic or social development of concern
12 will not occur due to the standards in subpart 3;

13 (3) allowing lower water quality is necessary to
14 accommodate important economic or social development in the area
15 in which the receiving waters are located;

16 (4) the baseline quality of the receiving waters
17 has been established according to item C;

18 (5) a closure plan for the facility has been
19 submitted according to item E;

20 (6) financial assurance for the facility has been
21 established and maintained according to item F;

22 (7) the applicant has submitted a permit
23 application for the facility for which the variance is sought in
24 compliance with subpart 2;

25 (8) the applicant has submitted a completed
26 variance application according to item B; and

27 (9) the receiving waters will be restored to

1 baseline quality within three years of initiation of closure.

2 However, no variances may be granted that would result in
3 noncompliance with applicable federal rules, regulations, or
4 standards for water quality.

5 B. In addition to the requirements of part 7000.7000,
6 subpart 2, the written application for a variance must contain:

7 (1) the baseline quality data of the receiving
8 waters collected under commissioner-approved protocol according
9 to item C;

10 (2) the closure plan according to item E; and

11 (3) an up-to-date closure cost estimate for the
12 facility prepared under item E and evidence of the financial
13 assurance required in item F.

14 C. Baseline quality must be established by no less
15 than two consecutive years, or equivalent, of preoperational
16 data on the receiving waters. The equivalent testing program
17 must require 12 sampling events for the parameters in item E
18 collected during the months of May through October. Testing
19 programs used to establish baseline quality must be reviewed and
20 approved by the commissioner before the start of testing. The
21 commissioner shall supply the specific intra-year and inter-year
22 variables.

23 D. If a variance is granted under item A, the
24 permittee shall restore the receiving waters to baseline quality
25 when:

26 (1) aquatic animal production from the facility
27 ceases;

1 (2) any of the limiting concentrations in item G
2 are exceeded;

3 (3) the permit for the facility expires and
4 reissuance of the permit is not applied for or is applied for
5 and denied;

6 (4) the permit for the facility is revoked;

7 (5) an agency order to cease operation is issued;

8 or

9 (6) the required financial assurance under item F
10 for closure, postclosure monitoring, or corrective actions is
11 not maintained with the proper payment or substitute instrument.

12 E. The applicant shall submit a closure plan with the
13 variance application. The closure plan shall demonstrate
14 financial assurance under item F for closure, postclosure
15 monitoring, and corrective actions for restoration of the
16 receiving waters to baseline quality and shall describe the
17 methods and processes that will be implemented to restore the
18 receiving waters to baseline quality within three years of
19 initiation of closure. The demonstration must show that no
20 additional restoration is needed beyond three years.

21 Restoration to baseline quality of the following parameters is
22 required: dissolved oxygen, total phosphorus, and
23 chlorophyll-a. Restoration to the baseline quality level means
24 that the mean postclosure baseline quality levels are not
25 significantly different, as determined with the appropriate
26 statistical test, from the mean preoperational baseline quality
27 level.

F. The applicant shall submit to the commissioner, for review and approval, a closure, postclosure monitoring, and corrective action cost estimate and evidence of financial assurance, prepared according to parts 7035.2685 to 7035.2805.

G. The following limiting concentrations are established to prevent irreversible pollution and to protect the existing beneficial uses and apply to the receiving waters at all times:

<u>Characteristic or Pollutant</u>	<u>Limiting Concentration or Range</u>
<u>Total organic carbon</u>	<u>5 mg/L*</u>
<u>Nitrate nitrogen</u>	<u>10 mg/L instantaneous value**</u>
<u>Chlorophyll-a</u>	<u>30 µg/L***</u>
<u>Dissolved oxygen</u>	<u>Not less than 3 mg/L in the bottom half of the hypolimnion and 5 mg/L in the upper half of the hypolimnion, instantaneous value****</u>

* Annual mean.

** "Instantaneous value" means the concentration in one sample.

*** Monthly mean (May through September).

**** IF the baseline monitoring shows that the preoperational oxygen concentration for the same time of the year is less than three milligrams per liter for the bottom half of the hypolimnion and five milligrams per liter for the upper half, there may be no further reduction of the preoperational oxygen concentrations. If the baseline quality of a pollutant is greater than the limiting concentration, or less in the case of dissolved oxygen, the baseline quality of the pollutant must be

1 used as the limiting concentration.

2 Subp. 6. Special conditions.

3 A. In addition to the requirements for monitoring,
4 testing, and reporting under part 7001.0150, subpart 2, item B,
5 the permittee shall report the aquatic animal production and
6 amount of fish food used. The commissioner may require the
7 permittee to monitor receiving waters to determine natural
8 background levels and baseline quality and to determine
9 compliance with state and federal antidegradation and water
10 quality standard requirements. The monitoring shall consider
11 natural seasonal and year-to-year variations in background
12 levels and baseline quality.

13 B. The permittee shall transport aquatic animal
14 mortalities for rendering or disposal at a land-based facility.
15 Aquatic animal mortalities shall not be disposed of in waters of
16 the state. The permittee shall prevent blood produced through
17 harvest of aquatic animals from entering waters of the state
18 untreated. The blood generated shall be transported to a
19 land-based rendering or disposal facility approved by the
20 commissioner or discharged to a publicly owned treatment works
21 according to the applicable publicly owned treatment works
22 national pollutant discharge elimination system or state
23 disposal system (NPDES/SDS) permit.

24 C. The permittee shall maintain an operation record
25 book of daily operations and other occurrences that may affect
26 water quality including addition of fish food, composition of
27 fish food, aquatic animal transfers and harvests, cleaning,

1 mortalities, major weather events, and power failures. The
2 operation record book must be available at all times for
3 inspection and copying by the commissioner.

4 D. The permittee shall submit an annual report to the
5 commissioner. The report shall include:

6 (1) a general description of the operations
7 conducted for the past calendar year;

8 (2) a summary of the monitoring data;

9 (3) the mass of aquatic animals currently at the
10 facility;

11 (4) aquatic animal production at the facility for
12 the past calendar year;

13 (5) methods, amounts, and locations of the
14 removal and disposal of waste fish food, filter backwash,
15 sludges, sediments, mortalities, and other accumulated solids
16 generated at the facility; and

17 (6) proposed changes in operation or production
18 for the coming year.

19 E. The discharge of water treatment and chemical
20 additives must comply with parts 7050.0218 and 7050.0221 to
21 7050.0227.

22 **REPEALER.** Minnesota Rules, parts 7050.0200; 7050.0210,
23 subparts 1, 3, 9, 10, 12, 13a, 15, 17, and 18; 7050.0211;
24 7050.0212; 7050.0213; 7050.0214; 7050.0215; 7050.0216;
25 7050.0221, subpart 5; 7050.0222, subpart 8; 7056.0010;
26 7056.0020; 7056.0030; 7056.0040; 7065.0010; 7065.0020;
27 7065.0030; 7065.0040; 7065.0050; 7065.0060; 7065.0070;

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- 1 7065.0100; 7065.0110; 7065.0120; 7065.0130; 7065.0140;
- 2 7065.0150; 7065.0160; 7065.0200; 7065.0210; 7065.0220;
- 3 7065.0230; 7065.0240; 7065.0250; and 7065.0260, are repealed.

Office of the Revisor of Statutes

Administrative Rules



TITLE: Proposed Permanent Rules Relating to Water Quality

AGENCY: Pollution Control Agency

MINNESOTA RULES: Chapters 7001; 7050; 7053; 7056; and 7065

The attached rules are approved for
publication in the State Register

Cindy K. Maxwell

Cindy K. Maxwell
Senior Assistant Revisor