



# **Minnesota Pollution Control Agency**

## **STATE OF MINNESOTA**

### **Minnesota Pollution Control Agency**

#### **MUNICIPAL DIVISION**

#### **PUBLIC NOTICE OF INTENT TO REISSUE**

#### **NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)/**

#### **STATE DISPOSAL SYSTEM (SDS) PERMIT MN0022624**

Public Comment Period Begins: December 20, 2012

Public Comment Period Ends: January 21, 2013

Current Permit Issued: October 11, 2007

Current Permit Expiration Date: September 30, 2012

#### **Name and Address of Permittee:**

City of Amboy  
P.O. Box 250  
Amboy, MN 56010-0250

#### **Facility Name and Location:**

Amboy Wastewater Treatment Facility  
600 East Maine Street  
T105N, R27W, Section 19,  
Amboy, Blue Earth County, Minnesota

**Receiving Water:** Judicial Ditch #49 (AKA Providence Creek) (Class 7, 3C, 4A, 4B, 5, 6 water)

#### **Description of Permitted Facility**

The Amboy Wastewater Treatment Facility (Facility) is located in the NE¼ of the NE¼, Section 23, Township 105 North, Range 28 West, Amboy, Blue Earth County, Minnesota. This is a Class B Facility. The application and plans indicate that the existing treatment system consists of a bar screen, grit chamber, overflow retention basin, lift station, primary clarifier, two rotating biological contactors followed by a solids contact tank, a secondary clarifier, a chlorine contact tank, an aerobic sludge digester, a sludge holding tank, and 5,700 feet of 12-inch outfall sewer.

The Facility has a continuous discharge (SD002) to Judicial Ditch #49 (also known as Providence Creek)(Class 7, 3C, 4A, 4B, 5, 6 water) that is a tributary to the Maple River. The Facility is designed to treat an average wet weather (AWW) influent flow of up to 287,000 gallons per day (gpd), and an average dry weather influent flow of up to 66,000 gpd with a five-day carbonaceous biochemical oxygen demand strength of 50 milligrams per liter at the AWW design flow. The Facility has one bypass point that is capable of discharging untreated or under-treated wastewater to Judicial Ditch #49 under emergency situations. This bypass point is locked and manually-controlled at all times. No other bypass points are known to exist in the disposal system. There is an automatic overflow to the retention basin that allows for the temporary storage of excess flow.

In accordance with MPCA rules regarding nondegradation for all waters that are not Outstanding Resource Value Waters, nondegradation review is required for any new or expanded significant discharge (Minn. R. 7050.0185). A significant discharge is 1) a new discharge (not in existence before January 1, 1988) that is greater than 200,000 gpd to any water other than a Class 7 water or 2) an expanded discharge that expands by greater than 200,000 gpd

that discharges to any water other than a Class 7 water or 3) a new or expanded discharge containing any toxic pollutant at a mass loading rate likely to increase the concentration of the toxicant in the receiving water by greater than one percent over the baseline quality. The flow rate used to determine significance is the design AWW flow. The January 1, 1988, design AWW flow for this Facility is 287,000 gpd.

This Permit also complies with Minn. R. 7053.0275 regarding anti-backsliding. Any point source discharger of sewage, industrial, or other wastes for which a NPDES Permit has been issued by the MPCA that contains effluent limits more stringent than those that would be established by parts 7053.0215 to 7053.0265 shall continue to meet the effluent limits established by the permit, unless the permittee establishes that less stringent effluent limits are allowable pursuant to federal law, under section 402(o) of the Clean Water Act, United States Code, title 33, section 1342.

The location of the Facility is shown on the map on page 4 of this public notice.

#### **Preliminary Determination on the Draft Permit**

The Minnesota Pollution Control Agency (MPCA) Commissioner has made a preliminary determination to reissue this NPDES/SDS Permit for a term of approximately five years.

A draft permit is available for review at the MPCA office at the Rochester address listed below, at the St. Paul office located at 520 Lafayette Road North, St. Paul, MN 55155, and on-line at <http://www.pca.state.mn.us/index.php/about-mpca/mpca-news/public-notice/public-notice.html>.

A copy of the draft permit will be mailed to you if the MPCA receives your written or oral request at this office. If you have questions about this draft permit or the Commissioner's preliminary determination, please contact Nancy Heskett at 507-206-2605.

#### **Written Comments**

You may submit written comments on the conditions of the draft permit or on the Commissioner's preliminary determination.

Written comments must include the following:

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

#### **Petition for Public Informational Meeting**

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

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

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

### **Petition for Contested Case Hearing**

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

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

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

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

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

### **MPCA Decision**

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

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

Comments, petitions, and/or requests must be submitted in writing on or before the end date of the public comment period identified on page 1 of this notice to:

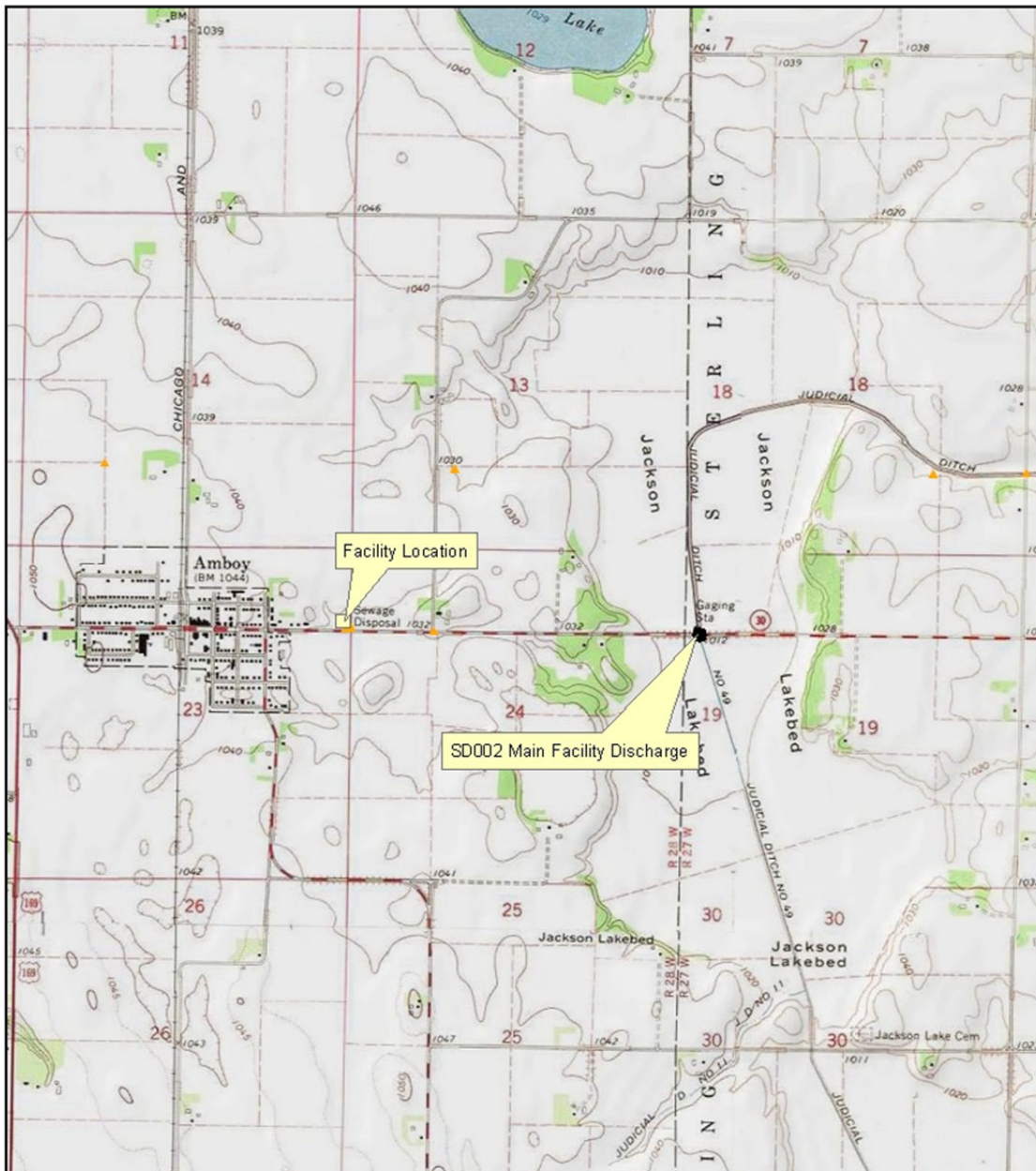
Nancy Heskett  
Municipal Division  
18 Wood Lake Drive Southeast  
Rochester, MN 55904

**Topographic Map of Permitted Facility**

MN0022624, Amboy Wastewater Treatment Facility

T105N, R28W, Section 23

Amboy, Blue Earth County, Minnesota



Map produced by: MPCA Staff, 4/16/2012  
Source: USGS USA Topo Maps  
Scale: 1:24,000