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Facility Description

The August Schell Brewing Co (Facility) is located at SW ¼ of Section 33, Township 110 North, Range 30 West, New Ulm, located in Brown County, Minnesota. The principal activity at the Facility is the manufacture of beer and soft drink products and the facility estimates producing 2 million case (a case = twenty four 12 ounce bottles or cans) equivalents of beer and 189 thousand case equivalents of soft drinks this year. The source of the facility's makeup water is from the municipal supply from New Ulm, which provides an average rate of 27 million gallons per year.

- Reverse Osmosis Concentrate: Reverse Osmosis system rejects a percentage of the makeup water at a rate of 10 gallons per minute for 240 minutes followed by a rinse at a rate of 7.5 gallons per minute for 15 minutes. This reject and rinse cycle is performed 6 times per day. The total discharge is composed of Ammonia Compressor wastewater mixed with a portion of reverse osmosis reject water to a maximum of 23,000 gallons per day over a 24 hour period every day. The exact portion of reverse osmosis reject wastewater included in the total facility discharge will be determined by the facility to comply with Limits included in the Limits and Monitoring table.
- Non-Contact Cooling water from the Ammonia Compressor System: The total discharge occurs at an average rate of 11,500 gallons per day over a 24 hour period every day. When there is a demand from the cooling tower, part of the discharge water from the air compressors is diverted to the make-up water in the cooling tower. The amount varies throughout the year depending on the seasonal production at the Facility. Any discharge from the cooling tower is discharged to the sanitary sewer.

The combined discharge (outfall SD002) of reverse osmosis concentrate and non-contact cooling water from the ammonia compressor system is discharged at an average rate of 35,000 gallons per day and a maximum rate of 40,000 per day to the Cottonwood River (Class 2B, 3C, 4A, 4B, 5, 6 water). The discharge is continuous and occurs year round. The facility may reduce the outfall SD002 discharge to zero, by routing all or a portion of this reverse osmosis reject to the city of New Ulm Publicly Owned Treatment Works.

Regeneration waste from the water softener, pasteurizer, evaporative condenser cooling water, process wastewater associated with the beverage-making operations, floor and equipment wash waters, and sanitary wastewaters are discharged to the sanitary sewer and therefore not authorized by this permit.

Industrial stormwater coverage for the facility has been included in Chapter 3, Industrial Stormwater. A station, SD 003, has been included to monitor intervention limits.

The only chemical additive approved for use at the Facility is Sodium Metabisulfate for dechlorination prior to the use in the reverse osmosis system. This authorization is included in Chapter 1 in the permit language. Use of chemicals at the facility does not exceed the rates permitted by this permit language.

There are 2 Aboveground Storage Tanks used for malt and carbon dioxide storage, which are part of the production facility. However, the combined size of the tanks is below the permitting threshold and therefore not covered under an aboveground storage tank permit.

The January 1, 1988, calculated design **maximum daily** flow for this Facility is 0.03 million gallons per day (mgd). In accordance with the MPCA rules regarding nondegradation for all waters, the design **maximum daily** flow of the Facility as of January 1, 1988, and associated mass loading, is the baseline design flow and mass loading. This baseline flow and mass loading will be used to determine whether nondegradation review is required for any change in the discharge. Any change that results in an increase in design flow greater than 0.2 mgd and an increased loading of one or more pollutants, or any change in a discharge containing a toxic pollutant that results in 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, is subject to nondegradation review in accordance with Minn. R. 7050.0185.

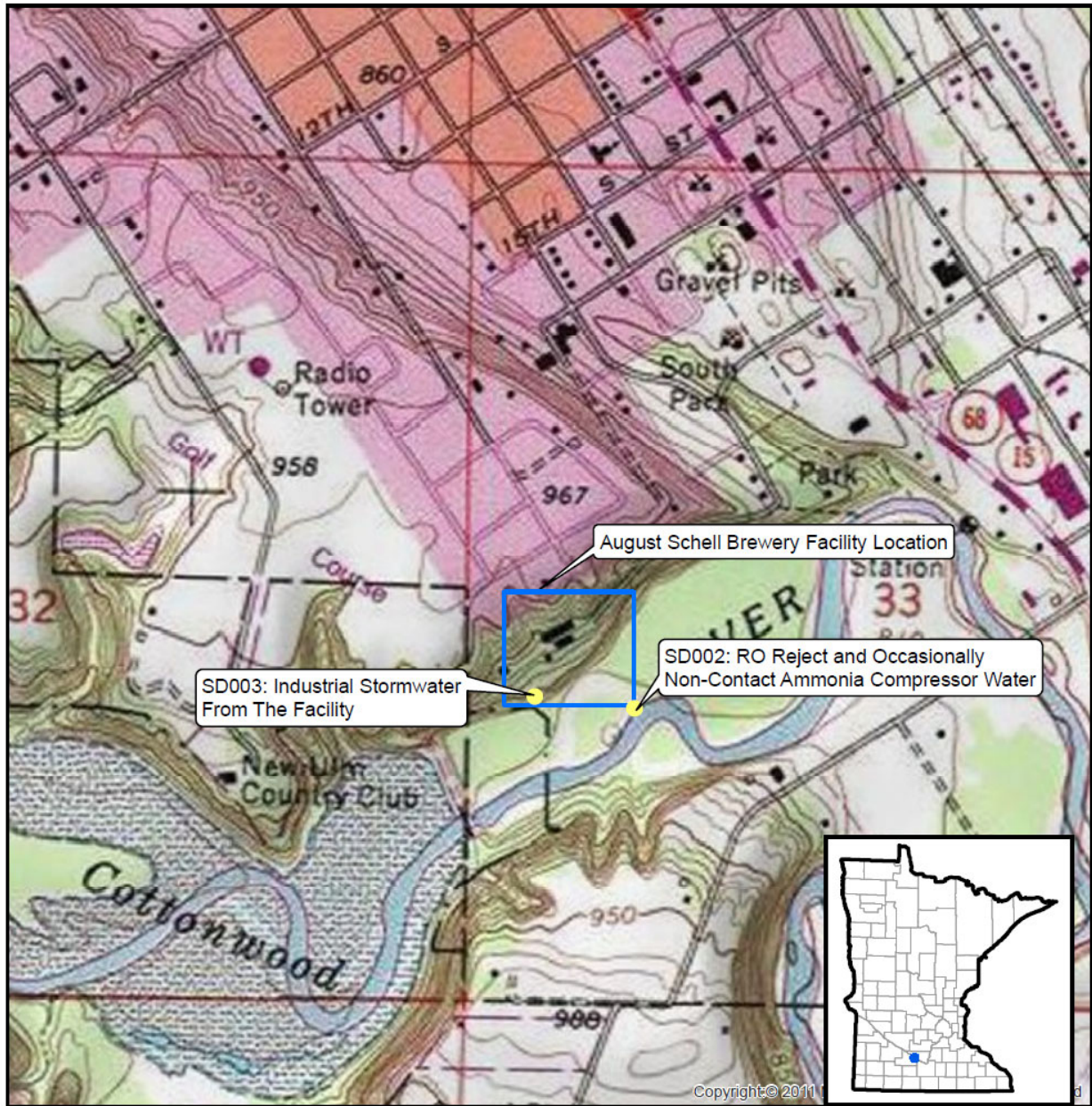
This Permit also complies with Minn. R. 7053.0275 regarding anti-backsliding.

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 attached topographic map.

Topographic Map of Permitted Facility

MN002284: August Schell Brewing Facility
T110N, R30W, Section 33
New Ulm, Brown County, Minnesota



Map produced by: MPCA Staff, 1/9/2013
Source: USGS New Ulm Quad
Scale: 1:10,700

0 0.1 0.2 0.4 Miles

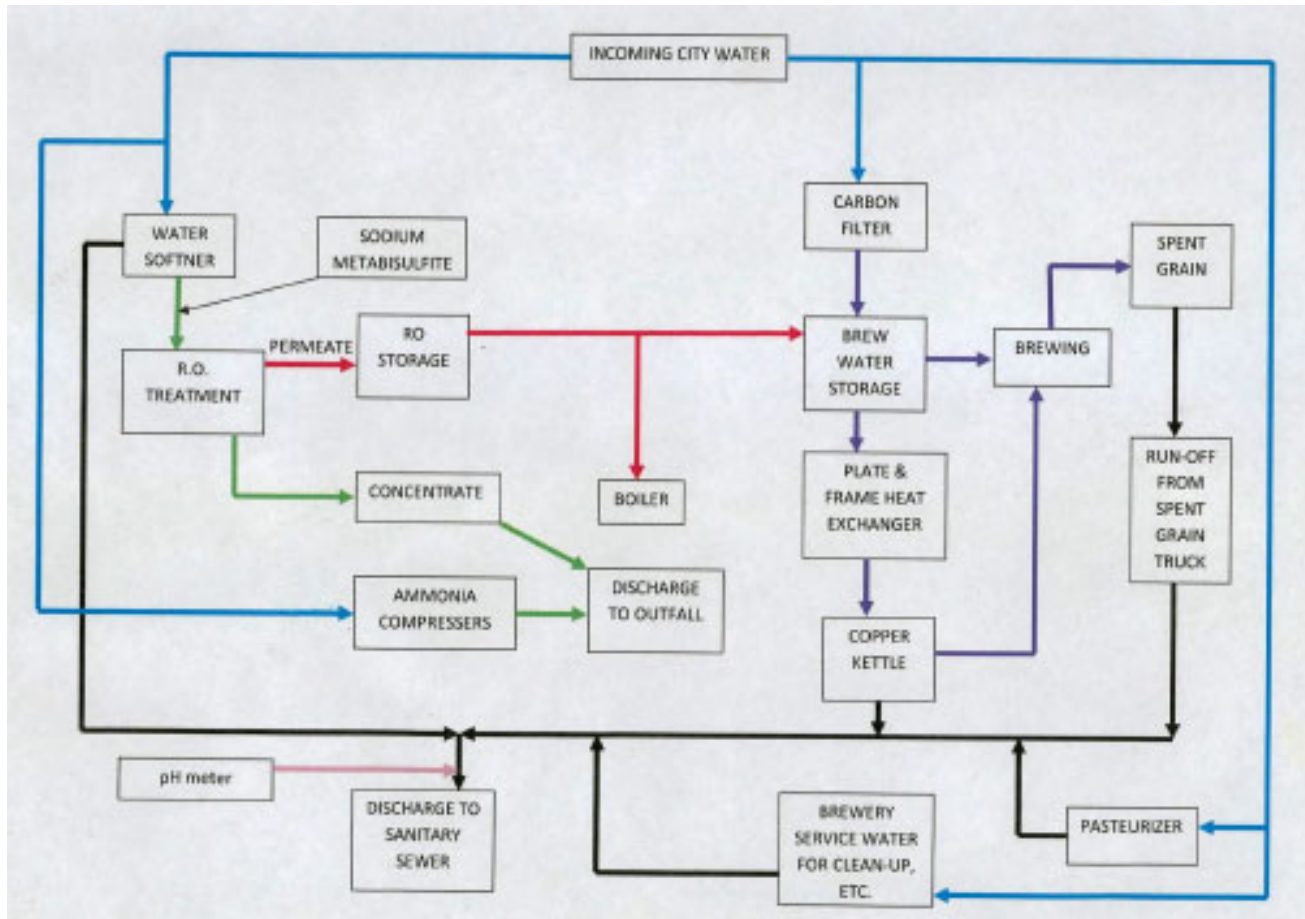


Flow Chart of Permitted Facility

MN0022284: August Schell Brewing Company

T110N R30W S33

New Ulm, Brown County, Minnesota



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Surface Discharge Stations

<u>Station</u>	<u>Type of Station</u>	<u>Local Name</u>	<u>PLS Location</u>
SD002	Effluent To Surface Water	RO Discharge/NCC Discharge	NW Quarter of the SW Quarter of Section 33, Township 110 North, Range 30 West
SD003	Stormwater, Non-specific Runoff	Industrial Stormwater from Facility	

August Schell Brewing Co
Limits and Monitoring Requirements

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The Permittee shall comply with the limits and monitoring requirements as specified below.

SD 002

Parameter	Limit	Units	Limit Type	Effective Period	Sample Type	Frequency	Notes
Bicarbonates (HCO ₃)	Monitor Only	mg/L	Calendar Quarter Maximum	Jan-Dec	24-Hour Flow Composite	1 x Quarter	2
Calcium, Total (as Ca)	Monitor Only	mg/L	Calendar Quarter Maximum	Jan-Dec	24-Hour Flow Composite	1 x Quarter	
Chloride, Total	Monitor Only	mg/L	Daily Maximum	Jan-Dec	24-Hour Flow Composite	1 x Quarter	
Chlorine, Total Residual	0.038	mg/L	Daily Maximum	Jan-Dec	Grab	1 x Quarter	1
Flow	Monitor Only	mgd	Calendar Month Average	Jan-Dec	Measurement, Continuous	1 x Day	
Flow	Monitor Only	MG	Calendar Month Total	Jan-Dec	Measurement, Continuous	1 x Day	
Flow	Monitor Only	mgd	Daily Maximum	Jan-Dec	Measurement, Continuous	1 x Day	
Hardness, Calcium & Magnesium, Calculated (as CaCO ₃)	Monitor Only	mg/L	Calendar Quarter Maximum	Jan-Dec	Calculation	1 x Quarter	
Magnesium, Total (as Mg)	Monitor Only	mg/L	Calendar Quarter Maximum	Jan-Dec	24-Hour Flow Composite	1 x Quarter	
Nitrogen, Ammonia, Total (as N)	Monitor Only	mg/L	Calendar Month Maximum	Jan-Dec	Grab	2 x Month	4
Nitrogen, Total (as N)	Monitor Only	mg/L	Calendar Year Average	Jan-Dec	Grab	2 x Year	
pH	9.0	SU	Instantaneous Maximum	Jan-Dec	Measurement, Continuous	1 x Day	3
pH	6.0	SU	Instantaneous Minimum	Jan-Dec	Measurement, Continuous	1 x Day	3
Phosphorus, Total (as P)	38	kg/yr	12 Month Moving Total	Jan-Dec	Grab	1 x Month	
Potassium, Total (as K)	Monitor Only	mg/L	Calendar Quarter Maximum	Jan-Dec	24-Hour Flow Composite	1 x Quarter	
Sodium, Total (as Na)	Monitor Only	mg/L	Calendar Quarter Maximum	Jan-Dec	24-Hour Flow Composite	1 x Quarter	
Solids, Total Dissolved (TDS)	1026	mg/L	Calendar Month Average	Jan-Dec	24-Hour Flow Composite	2 x Month	
Solids, Total Suspended (TSS)	3.97	kg/day	Calendar Month Average	Jan-Dec	Grab	1 x Month	
Solids, Total Suspended (TSS)	30.0	mg/L	Calendar Month Average	Jan-Dec	Grab	1 x Month	
Solids, Total Suspended (TSS)	5.1	kg/day	Daily Maximum	Jan-Dec	Grab	1 x Month	
Solids, Total Suspended (TSS)	44	mg/L	Daily Maximum	Jan-Dec	Grab	1 x Month	
Specific Conductance	1453	umh/cm	Calendar Month Average	Jan-Dec	Grab	2 x Month	
Sulfate, Total (as SO ₄)	Monitor Only	mg/L	Calendar Quarter Maximum	Jan-Dec	24-Hour Flow Composite	1 x Quarter	
Temperature, Water (F)	86.0	Deg F	Monthly Average of Daily Maximum	Jan-Dec	Measurement	1 x Day	

SD 003

Parameter	Limit	Units	Limit Type	Effective Period	Sample Type	Frequency	Notes
BOD, Carbonaceous 05 Day (20 Deg C)	25	mg/L	Calendar Year Average Intervention-Qtr	Jan-Dec	Grab	1 x Year	5

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The Permittee shall comply with the limits and monitoring requirements as specified below.

SD 003

Parameter	Limit	Units	Limit Type	Effective Period	Sample Type	Frequency	Notes
COD (Chemical Oxygen Demand)	120	kg/day	Calendar Year Average Intervention-Qtr	Jan-Dec	Grab	1 x Year	5
Nitrogen, Ammonia, Total (as N)	2.8	mg/L	Calendar Year Average Intervention-Qtr	Jan-Dec	Grab	1 x Year	5
Phosphorus, Total (as P)	1.0	mg/L	Calendar Year Average Intervention-Qtr	Jan-Dec	Grab	1 x Year	5
Solids, Total Suspended (TSS)	100	mg/L	Calendar Year Average Intervention-Qtr	Jan-Dec	Grab	1 x Year	5

Notes:
1 -- Analyze immediately.
2 -- As HCO3.
3 -- Measured continuous when ammonia compressors are running.
4 -- Sample once every fifteen (15) days when compressors are running.
5 -- This value is an average of the quarterly samples taken throughout the calendar year, reported annually in December. See the Industrial Stormwater chapter for more information.

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Chapter 1. Industrial Process Wastewater

1. Authorization

- 1.1 This permit authorizes the Permittee to treat and dispose of reverse osmosis reject in combination with non-contact cooling waters in accordance with the provisions of this permit.

2. Prohibited Discharges

- 2.1 This permit does not authorize the discharge of industrial process wastes, sewage, wash water, scrubber water, spills, oil, hazardous substances, or equipment/vehicle cleaning and maintenance wastewaters to ditches, wetlands or other surface waters of the state.
- 2.2 The Permittee shall prevent the routing of pollutants from the facility to a municipal wastewater treatment system in any manner unless authorized by the pretreatment standards of the MPCA and the municipal authority.
- 2.3 The Permittee shall not transport pollutants to a municipal wastewater treatment system that will interfere with the operation of the treatment system or cause pass-through violations of effluent limits or water quality standards.
- 2.4 This permit prohibits the discharge of any filter cleaning wastes.
- 2.5 This permit prohibits the discharge of RO membrane cleaning wastes, including all waters and wastes associated with the Membrane Cleaning (CIP) System.
- 2.6 The Permittee must develop and implement appropriate best management practices to ensure that discharges of non-process wastewaters or cooling waters are not contaminated by failing/leaky heat exchangers or ammonia compressors.
- 2.7 There shall be no discharge of wastes from the physical cleaning of the cooling or water treatment systems. Cleaning wastewaters from periodic and/or routine maintenance of the cooling system and/or from cleaning the insides of the tubes/heat exchangers are not authorized for discharge under this permit.
- 2.8 The heated discharge shall not raise the temperature of the receiving water by more than 5 degrees F above the ambient water temperature in the Cottonwood River, based on the monthly average of the maximum daily temperatures, but in no case shall the temperature of the discharge to the receiving exceed the daily average temperature of 86 degrees F.
- 2.9 Facilities which employ the use of ammonia compressors shall provide for the continuous pH monitoring in the discharge line. In the event of an ammonia leak, the cooling waters shall be immediately halted or diverted from the storm sewer/ surface water/receiving stream. The Permittee shall immediately notify the State Duty Officer 1(800)422-0798 or (651)649-5451, the MPCA, and if applicable, the local treatment authority to which the waste stream is routed.

3. Chemical Additives

- 3.1 The Permittee is approved for the use of the following chemical additives:

Sodium metabisulfite - Dechlorination is achieved using sodium metabisulfite which is used up in the process.

- 3.2 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. "Chemical additive" includes processing reagents, water treatment products, cooling water additives, freeze conditioning agents, chemical dust suppressants, detergents and solvent cleaners used for equipment and maintenance cleaning, among other materials.
- 3.3 The Permittee shall request approval for an increased or new use of a chemical additive 60 days before the proposed increase or new use.

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Chapter 1. Industrial Process Wastewater

3. Chemical Additives

3.4 This written request shall include the following information for the proposed additive:

- a. Material Safety Data Sheet.
- b. A complete product use and instruction label.
- c. The commercial and chemical names of all ingredients.
- d. Aquatic toxicity and human health or mammalian toxicity data including a carcinogenic, mutagenic, or teratogenic concern or rating.
- e. Environmental fate information including, but not limited to, persistence, half-life, intermediate breakdown products, and bioaccumulation data.
- f. The proposed method, concentration, and average and maximum rates of use.
- g. If, applicable, the number of cycles before wastewater bleedoff.
- h. If, applicable, the ratio of makeup flow to discharge flow.

3.5 This permit may be modified to restrict the use or discharge of a chemical additive.

4. Toxic Substance Reporting

4.1 The Permittee shall notify the MPCA immediately of any knowledge or reason to believe that an activity has occurred that would result in the discharge of a toxic pollutant listed in Minnesota Rules, pt. 7001.1060, subp. 4 to 10 or listed below that is not limited in the permit, if the discharge of this toxic pollutant has exceeded or is expected to exceed the following levels:

- a. for acrolein and acrylonitrile, 200 ug/L;
- b. for 2,4-dinitrophenol and 2-methyl-4,6-dinitrophenol, 500 ug/L;
- c. for antimony, 1mg/L;
- d. for any other toxic pollutant listed in Minnesota Rules, pt. 7001.1060, subp. 4 to 10, 100 ug/L; or
- e. five times the maximum concentration value identified and reported for that pollutant in the permit application. (Minnesota Rules, pt. 7001.1090, subp. 2.A)

4.2 The Permittee shall notify the MPCA immediately if the Permittee has begun or expects to begin to use or manufacture as an intermediate or final by-product a toxic pollutant that was not reported in the permit application under Minnesota Rules, pt. 7001.1050, subp. 2.J. (Minnesota Rules, pt. 7001.1090, subp. 2.B)

5. Application for Permit Reissuance

5.1 The permit application shall include analytical data as part of the application for reissuance of this permit. These analyses shall be done on individual samples taken during the twelve-month period before the reissuance application is submitted.

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Chapter 1. Industrial Process Wastewater

5. Application for Permit Reissuance

5.2 The permit application shall include analytical data for at least the following parameters at monitoring station SD002:

- a. biochemical oxygen demand, chemical oxygen demand, total organic carbon, ammonia, temperature, total dissolved solids, total suspended solids, pH;
- b. color, fluoride, nitrate-nitrite (as nitrogen), total organic nitrogen, oil and grease, total phosphorus, chloride, sulfate, sulfide (as sulfur), surfactants, bicarbonates, hardness, total salinity, total dissolved solids, specific conductance; and
- c. aluminum, antimony, arsenic, barium, beryllium, boron, cadmium, calcium, chromium, cobalt, copper, iron, lead, magnesium, manganese, molybdenum, nickel, potassium, selenium, silver, sodium, thallium, tin, titanium, vanadium, zinc (all in total form) according to 40 CFR Part 136.3.

5.3 The Permittee shall include, as part of the application for reissuance of this permit:

- a. a current map of the facility; and
- b. an updated water balance flow diagram for the facility.

6. General Requirements

- 6.1 Distillers grains stored outside at the facility are limited to trucking containers which are filled as needed and transported off site as soon as trucks are filled. No other outside storage of distillers grains shall occur at the facility.
- 6.2 Industrial byproducts, such as distillers grains, shall be managed so as to minimize adverse effects resulting from odors, noise and aerosol drift. The Permittee shall provide reasonable assurance that the management of industrial byproducts will not cause nuisance conditions.

Operational and structural controls, or some combination thereof, shall be considered in providing reasonable assurance. Operational controls include methods such as timing outdoor storage to minimize inconvenience to neighboring residents and to minimize the potential for human contact.

If the measures or equipment intended to create reasonable assurance no longer function as intended, corrective action (which may include additional maintenance or modifications of the management system) shall be taken by the Permittee. The Permittee shall submit a written description of the corrective actions taken to eliminate the nuisance conditions to the MPCA within five days of discovery of the incident. Other corrective action may be required by the MPCA as needed to comply with the requirements of this part.

Spoiled or Unusable Products

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Chapter 1. Industrial Process Wastewater

6. General Requirements

- 6.3 Materials such as distillers grains generated by the facility that will not be reused in the production process nor be used for livestock feed or fuel (for example, due to contamination, spoilage, infection or poor grade) shall be disposed of at a landfill authorized to accept the waste, or at a publicly owned treatment works (POTW) consistent with the requirements of the NPDES/SDS permit for the POTW.

The Permittee shall notify the MPCA compliance staff identified on the cover of this permit within 24 hours when more than 40 gallons per day of such off-grade, spoiled, contaminated or infected materials (those that will not be reused in the production process nor used for livestock feed or fuel) are generated. This notification shall include at least the following information:

- a. Name and basic description of the unusable material generated;
- b. Origin of the unusable material in the production process;
- c. Volume of the unusable material generated;
- d. Physical and chemical characterization of the unusable material;
- e. Explanation of why the material is being landfilled or handled by a POTW; and
- f. The name and location of the facility that will ultimately dispose of the waste.

If an appropriate disposal facility has not yet been secured at the time of the notification, the Permittee shall notify the MPCA compliance staff within 24 hours of securing an appropriate method for disposal.

Alternative Disposal Plan

- 6.4 Based on the evaluation for the potential of migration from the site, the owner or operator of the facility shall design, construct, and operate the storage facility to meet the requirements in items a-c, below:
- a. Migration of contaminants into the adjacent subsurface soil, groundwater, or surface water at any time during the active life, or the closure period, of the facility must be prevented.
 - b. Run on and runoff of stormwater must be controlled. The owner or operator must implement management practices designed to control run on and runoff of stormwater from the storage area. The owner or operator must design, construct, operate, and maintain a stormwater management system capable of collecting and controlling the volume of contaminated stormwater resulting from a 24-hour, 25-year storm unless otherwise directed by the Agency.
 - c. Collection and holding facilities, such as tanks or basins, associated with the run on and runoff control systems must be managed to maintain the design capacity of the system. Disposal of wastes and wastewaters generated from these facilities must be managed appropriately.

Chapter 2. Industrial Water Treatment/Cooling Process Water

1. Authorization

- 1.1 This chapter authorizes the Permittee to discharge untreated, non-contact cooling water generated from the ammonia compressors at the facility, as described in the 'Facility Description' portion of this permit. This activity is limited by the 'Limits and Monitoring' section of this permit, as well as the other terms and conditions of this permit.

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Chapter 3. Stormwater Management

1. Authorization

- 1.1 This chapter authorizes the Permittee to discharge stormwater associated with industrial activity from industrial activity associated with SIC code 2082 in accordance with the terms and conditions of this chapter.
- 1.2 This permit, unless specifically authorized by another chapter, does not authorize the discharge of sewage, wash water, scrubber water, floor drains from process areas, spills, oils, hazardous substances, or equipment/vehicle cleaning and maintenance wastewaters to ditches, wetlands or other surface waters of the state.

2. Water Quality Standards

- 2.1 The Permittee shall operate and maintain the facility and shall control runoff, including stormwater, from the facility to prevent the exceedance of water quality standards specified in Minnesota Rules, chs. 7050 and 7060.
- 2.2 The Permittee shall limit and control the use of materials at the facility that may cause exceedances of ground water standards specified in Minnesota Rules, ch. 7060. These materials include, but are not limited to, detergents and cleaning agents, solvents, chemical dust suppressants, lubricants, and fuels.

3. Stormwater Pollution Prevention Plan

- 3.1 Submit a Stormwater Pollution Prevention Plan by 180 days after permit issuance.
- 3.2 The Permittee shall develop and implement a Stormwater Pollution Prevention Plan (Plan) to address the specific conditions at the industrial facility. The goal of the Plan is to eliminate or minimize contact of stormwater with significant materials that may result in pollution of the runoff. If contact cannot be eliminated or reduced, stormwater that has contacted significant material should be treated before it is discharged from the site.
- 3.3 The Stormwater Pollution Prevention Plan shall include a description of appropriate Best Management Practices for protection of surface and ground water quality at the facility, and a schedule for implementing the practices. The Plan shall also include the procedures to be followed by designated staff employed by the Permittee to implement the plan.
- 3.4 The Permittee shall comply with its Stormwater Pollution Prevention Plan.

Plan Contents

- 3.5 Complete a drainage map. The map should indicate the following items at or adjacent to the facility:
 - a. drainage areas and directions of stormwater runoff (indicated by arrows);
 - b. discharge outfalls from the site (structures that carry stormwater runoff from the facility such as ditches or storm sewers);
 - c. the name and location of waters of the state that receive facility stormwater runoff (if waters of the state are too distant from the facility to be indicated on the site map, indicate the name, direction and shortest distance to the lake, river, stream or wetland that receives runoff from your site);
 - d. areas where significant materials are exposed to stormwater;
 - e. locations of storm sewer inlets and an indication of which, if any, structures have floor drains or loading dock drains that are connected to storm sewers; and
 - f. locations and types of Best Management Practices (BMPs) currently installed at the facility to reduce or eliminate pollutants to stormwater.

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Chapter 3. Stormwater Management

3. Stormwater Pollution Prevention Plan

- 3.6 Complete an inventory of exposed significant materials. Indicate the types of significant materials handled or stored at the site that may potentially contact stormwater. The following are examples of materials that, if exposed to stormwater, must be included in the inventory:
- a. raw materials, such as fuels; solvents; petroleum products; detergents; plastic pellets; materials used in food processing or production; stockpiled sand, salt or coal;
 - b. by-products or intermediate products, such as wood dust, chips or bark; screened limestone, taconite or gravel by-product, recycled blacktop;
 - c. finished materials, such as metallic products, including scrap metal and recycled or scrap motor vehicle parts, old process equipment/machinery, taconite pellets;
 - d. waste products, such as ashes, sludge, solid and liquid waste, slag;
 - e. hazardous substances designated under section 101(14) of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA);
 - f. any chemical the facility is required to report under section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA).
- 3.7 Evaluate facility areas for exposure of significant materials to stormwater. In creating the inventory of exposed significant materials, the Permittee must, at a minimum, evaluate the following areas at the industrial site (as well as other areas where appropriate) to determine whether or not significant materials are exposed in these areas:
- a. vehicle and equipment maintenance, parking and storage areas including fueling and washing/cleaning areas, to determine if there is discolored soil in these areas as a result of fuel and lubricant leaks and spills;
 - b. liquid storage tanks and other bulk material stockpile areas;
 - c. loading and unloading areas;
 - d. outdoor manufacturing, processing or storage areas and industrial plant yards, to determine if there is discolored soil in these areas as a result of leaked or spilled solvents, fuels, or lubricants;
 - e. dust or particulate generating areas including dust collection devices that may release dust;
 - f. rooftops contaminated by industrial activity or operation of a pollution control device;
 - g. on-site waste disposal areas, such as waste ponds, dumpsters, solid waste storage or management areas; and
 - h. exposed (non-vegetated) soil areas where there is a potential for erosion to occur.

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Chapter 3. Stormwater Management

3. Stormwater Pollution Prevention Plan

3.8 Describe appropriate BMPs, including structural and non-structural BMPs, that will be used at the facility to minimize or eliminate pollution of stormwater at the site. The description must include an objective for each BMP, as well as a description of how to evaluate proper functioning of the BMP and any maintenance requirements of the BMP. BMPs should target significant materials and areas identified in subparts 7 and 8 of this part. The following general categories of BMPs shall be considered and one or more shall be incorporated into the facility's Plan if significant materials are exposed to stormwater on-site:

- a. Source reduction: reduce or eliminate the significant materials that are exposed to stormwater. Materials management practices should be evaluated to determine whether inventories of exposed materials can be reduced or eliminated. This can include clean-up of equipment yards, periodic checking of dust control equipment to ensure minimal accumulation of dust in the area of control equipment, removal and treatment of petroleum contaminated soil, consolidation of materials from multiple areas into one area, and training employees regarding proper handling and disposal of materials. Significant materials may also be moved indoors or covered with a tarp or structure to eliminate contact with precipitation.
- b. Diversion: divert stormwater drainage away from exposed significant materials through use of curbing, berms, sewers or other forms of drainage control or elevate exposed significant material above surrounding drainage.
- c. Treatment: where contact of stormwater with significant materials is unavoidable, use treatment devices to reduce the concentration and amount of pollutants in the discharge. Such devices include oil/water separators, stormwater detention/retention ponds, and vegetative swales.

3.9 Evaluate all discharge conveyances from the site (storm sewers, pipes, tile lines, ditches, etc.) to determine if liquids other than stormwater are being discharged from these devices. This should be done during dry weather when stormwater discharge is not occurring. The evaluation should cover sewer inlets and floor drains to determine which inlets/drains are connected to sanitary sewer lines, storm sewer lines, or septic tanks/drainage fields; appropriate methods such as dye or smoke testing or video imaging should be used to determine the source of discharges.

The Plan must certify that discharges from the site have been evaluated for the presence of non-stormwater discharges. The certification shall indicate the date of testing, location of testing, describe the method used to determine the source of discharges and the results of testing. Discharge of non-stormwater (such as sanitary sewer or floor drain connections to storm sewers) is not authorized by this permit; before such discharge may continue, authorization under an appropriate NPDES permit must be obtained.

- 3.10 Develop a preventive maintenance program. The program must require regular inspection and maintenance of stormwater management devices (e.g. cleaning oil/water separators and catch basins), as well as inspecting and testing plant equipment and systems to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants (e.g. hydraulic leaks, torn bag-house filters) to surface waters.
- 3.11 Develop a spill prevention and response procedure. In order to develop this procedure, Permittees should evaluate where spills have occurred and where they have the potential to occur. Determine drainage points for potential spill areas and develop appropriate spill prevention and containment measures, should a spill occur. Detailed procedures for cleaning-up spills shall be identified and made available to appropriate personnel. If your facility has any other spill contingency plan that satisfies the above requirements, that plan may be incorporated by reference into this Plan to satisfy this requirement.
- 3.12 Develop and implement an employee training program to inform appropriate personnel of the components and goals of the Plan. Training shall address spill response, good housekeeping and materials management practices. The Plan shall identify periodic dates for such training.
- 3.13 Identify personnel responsible for managing and implementing the Plan as well as those responsible for the reporting requirements of this permit. This should include the facility contact person as indicated on the permit application. Identified personnel must be available at reasonable times of operation.

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Chapter 3. Stormwater Management

4. Benchmark Monitoring Requirements

- 4.1 The Permittee must comply with the benchmark monitoring procedures and sample collection methods located in the Benchmark Monitoring Fact Sheet on the following website:
<http://www.pca.state.mn.us/index.php/water/water-types-and-programs/stormwater/industrial-stormwater/industrial-stormwater.html>.
- 4.2 The Permittee shall complete Benchmark Monitoring four times per year and comply with the limits and monitoring requirements specified for the Surface Discharge Stormwater, Non-Specific Runoff Station (SD 003). Specified parameters shall be sampled on a calendar quarter basis beginning the first full quarter following permit issuance. Each quarterly sample may be collected at any time during the calendar quarter. Quarterly sample results must be averaged annually and the annual quarterly average must be reported on the December DMR.
- 4.3 An exceedance of a benchmark monitoring intervention limit does not constitute a violation under this permit. However, the Permittee is required to perform any necessary corrective action(s) to address stormwater control measures, including the maintenance or implementation of BMPs, when an exceedance of an applicable benchmark value occurs. Failure to respond to any benchmark intervention limit exceedance is a violation of the permit.
- 4.4 If benchmark monitoring intervention limits are exceeded, the Permittee shall modify the SWPPP and document all corrective actions and shall implement necessary non-structural BMPs within 60 days after discovery and structural BMPs within 180 days after discovery of the exceedance.
- 4.5 Sample results shall be reported on quarterly Discharge Monitoring Reports (DMRs) which shall be provided by the MPCA. DMRs shall be postmarked or electronically submitted by the 21st day of the month following the sampling interval. The final quarterly report for the year will also include an annual average of the four results collected throughout the year.

The Permittee may submit the DMRs using the electronic submittal process or by mailing them to the following address:

Minnesota Pollution Control Agency
Attn: Water Quality Submittals Center
520 Lafayette Road North
St. Paul, MN 55155-4194

5. Inspection and Maintenance

- 5.1 The Permittee must develop and implement an inspection schedule that includes a minimum of one facility inspection per calendar month. A total of two monthly inspections shall occur during runoff events, with at least one being performed during snow melt. Inspections must be conducted by appropriately trained personnel at the facility. The purpose of inspections is to: 1) determine whether structural and non-structural BMPs require maintenance or changes, and 2) evaluate the completeness and accuracy of the SWPPP.

Inspection results and documentation must remain on-site whenever Permittee staff are available on the site and must be available upon request. The inspection form is located on the MPCA's website at
<http://www.pca.state.mn.us/index.php/water/water-types-and-programs/stormwater/industrial-stormwater/industrial-stormwater.html>.

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Chapter 3. Stormwater Management

5. Inspection and Maintenance

5.2 Inspections must be documented and must include the following information:

- a. inspection date and time;
- b. weather conditions;
- c. inspector name;
- d. findings; and
- e. a description of any necessary corrective actions and a schedule for corrective action completion.

A copy of all inspection documentation must be stored with the SWPPP.

5.3 In addition to the inspection requirements listed above, the following areas (including, but not limited to) must be inspected:

- a. Waste management units.
- b. Vents and stacks associated with industrial activities.
- c. Spoiled product and broken product container holding areas.
- d. Animal holding pens.
- e. Staging areas.
- f. Air pollution control equipment.

5.4 If conditions are observed at the site that require changes in the SWPPP, such changes must be made to the SWPPP prior to submission of the annual report for that calendar year.

5.5 If the findings of a site inspection indicate that BMPs are not meeting the objectives as identified above, corrective actions must be initiated within thirty days and the BMP restored to full operation as soon as conditions allow.

6. Employee Training Program

6.1 The Permittee must develop and implement an employee training program to inform appropriate personnel of the components and goals of the SWPPP. At a minimum, training must address:

- a. spill/leak prevention and response;
- b. good housekeeping;
- c. petroleum product management;
- d. process chemical management;
- e. fueling procedures;
- f. proper procedures for using fertilizer, herbicides, and pesticides;
- g. erosion and sedimentation controls;
- h. inspections;
- i. preventative maintenance;
- j. runoff management; and
- k. materials management practices.
- l. segregation of organic materials, raw materials, and products from contact with stormwater and precipitation.

The SWPPP must identify periodic dates for such training as well as personnel responsible for managing and implementing the SWPPP and those responsible for the reporting requirements of this permit. This must include the facility contact person as indicated on the permit application. Identified personnel must be available at reasonable times of operation.

Guidance regarding employee training programs is available on the web at:
<http://www.pca.state.mn.us/index.php/water-types-and-programs/stormwater/industrial-stormwater/industrial-stormwater.html>.

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Chapter 3. Stormwater Management

7. Sedimentation Basin Design and Construction

- 7.1 The Permittee is authorized to use designed infiltration devices or industrial stormwater ponds/sedimentation basins for stormwater management. Stormwater ponds/sedimentation basins must be designed by a registered professional engineer and installed under the direct supervision of a registered professional engineer. If a new stormwater pond/sedimentation basin will be constructed, the Permittee must follow the guidance located on the web site at <http://www.pca.state.mn.us/index.php/water/water-types-and-programs/stormwater/industrial-stormwater/industrial-stormwater.html>.

8. Reporting

- 8.1 Submit a Stormwater Annual Report by March 31 of each year following permit issuance. A copy of the Stormwater Annual Report Form is located on the MPCA's website at: <http://www.pca.state.mn.us/index.php/water/water-types-and-programs/stormwater/industrial-stormwater/industrial-stormwater.html>. Submit a Stormwater Annual Report by March 31 of each year following permit issuance.
- 8.2 The Permittee shall, upon request of the Agency, submit within a reasonable time the information and reports that are relevant to compliance with this Chapter, including the Plan, inspection reports, annual reports, original laboratory sheets from analyses conducted on the waste stream, and BMP plans and specifications.

9. Records

- 9.1 The SWPPP must be retained for the duration of the permit. A copy of the SWPPP must remain on the permitted site whenever Permittee staff are available on the site and be available upon request. The Permittee must maintain the following records for the period of permit coverage:
- a. dates and findings of inspections;
 - b. completed corrective actions;
 - c. documentation of all changes to the SWPPP; and
 - e. a copy of all annual reports.

10. Notification

- 10.1 If the Permittee discharges stormwater into a regulated Municipal Separate Storm Sewer System (MS4), the Permittee must notify the operator of the first MS4 of the existence of this permit within 30 days of its issuance.

11. Definitions

- 11.1 "Best Management Practices" or "BMPs" means practices to prevent or reduce the pollution of waters of the state, including schedules of activities, prohibitions of practices, other management practices, and also includes treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge, waste disposal or drainage from raw material storage.
- 11.2 "Non-stormwater discharge" means any discharge not comprised entirely of stormwater discharges authorized by a NPDES permit.
- 11.3 "Runoff" means any liquid that drains over land from any part of a facility.

Chapter 4. Surface Discharge Stations

1. Requirements for Specific Stations

- 1.1 SD 002: Submit a monthly DMR monthly by 21 days after the end of each calendar month following permit issuance.
- 1.2 SD 003: Submit an annual DMR annually by January 22 of each year following permit issuance.

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Chapter 4. Surface Discharge Stations

2. Special Requirements

- 2.1 The Calendar Year to Date Total Phosphorus limit in units of kg/year is calculated as follows: For each month, multiply the total volume of effluent flow (in million gallons) by the monthly average concentration of effluent Phosphorus (in mg/L) and by a 3.785 conversion factor to get Phosphorus in units of kg/month. Then add all monthly values from the first month in the effective period to the end date of the reporting period. For example, if the "effective period" is Jan-Dec and the reporting period ends June 30th, add the monthly values from January through June and report that value as the Calendar Year to Date Total.

3. Sampling Location

- 3.1 Samples for Station SD002 shall be taken at a point representative of the discharge to the Cottonwood River.
- 3.2 Samples for SD003 shall be taken at a point representative of the facility industrial stormwater generated on-site. No other wastewaters shall be monitored or discharged at this station.
- 3.3 Samples and measurements required by this permit shall be representative of the monitored activity.

4. Surface Discharges

- 4.1 Floating solids or visible foam shall not be discharged in other than trace amounts.
- 4.2 Oil or other substances shall not be discharged in amounts that create a visible color film.
- 4.3 The Permittee shall install and maintain outlet protection measures at the discharge stations to prevent erosion.

5. Phosphorus Limits and Monitoring Requirements

- 5.1 Phosphorus limits are to be calculated as follows.
- 5.2 "12-Month Moving Average" is a rolling average. To calculate, add all of the monthly average values during the last 12 months and divide by 12. Facilities with a new 12-Month Moving Average phosphorus limit shall, for the first 11 months that the limit is effective, indicate '(NR) <12 months' in the eDMR comments field in place of a value for the 12 Month Moving Average until the 12th month of monitoring.
- 5.3 "12-Month Moving Total" is a rolling total. To calculate, for each month multiply the total volume of effluent flow (MG) by the monthly average concentration and by a 3.785 conversion factor to get kg/month. Then add all of the monthly values (kg/mo) during the last twelve months, starting with the monthly total for the month of the current reporting period. Facilities with a new 12-Month Moving Total phosphorus limit shall, for the first 11 months that the limit is effective, indicate '(NR) <12 months' in the eDMR comments field in place of a value for the 12-Month Moving Total until the 12th month of monitoring.

6. Discharge Monitoring Reports

- 6.1 The Permittee shall submit monitoring results for discharges in accordance with the limits and monitoring requirements for this station. If no discharge occurred during the reporting period, the Permittee shall check the "No Discharge" box on the Discharge Monitoring Report (DMR).

Chapter 5. Total Facility Requirements

1. General Requirements

General Requirements

- 1.1 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, 7052, 7053, 7060, and 7080; and Minn. Stat. Sec. 115 and 116.

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Chapter 5. Total Facility Requirements

1. General Requirements

- 1.2 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)
- 1.3 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 7050, 7052, 7053 and any other applicable MPCA rules. (Minn. R. 7001.1090, subp.1, item A)
- 1.4 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)
- 1.5 Property Rights. This permit does not convey a property right or an exclusive privilege. (Minn. R. 7001.0150, subp. 3, item C)
- 1.6 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)
- 1.7 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)
- 1.8 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)
- 1.9 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)
- 1.10 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 are held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby.
- 1.11 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.
- 1.12 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)
- 1.13 Control Users. The Permittee shall regulate the users of its wastewater treatment facility so as to prevent the introduction of pollutants or materials that may result in the inhibition or disruption of the conveyance system, treatment facility or processes, or disposal system that would contribute to the violation of the conditions of this permit or any federal, state or local law or regulation.

Sampling

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Chapter 5. Total Facility Requirements

1. General Requirements

- 1.14 Representative Sampling. Samples and measurements required by this permit shall be conducted as specified in this permit and shall be representative of the discharge or monitored activity. (40 CFR 122.41 (j)(1))
- 1.15 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)
- 1.16 Certified Laboratory. A laboratory certified by the Minnesota Department of Health and/or registered by the MPCA shall conduct analyses required by this permit. Analyses of dissolved oxygen, pH, temperature, specific conductance, and total residual oxidants (chlorine, bromine) do not need to be completed by a certified laboratory but shall comply with manufacturers specifications for equipment calibration and use. (Minn. Stat. Sec. 144.97 through 144.98 and Minn. R. 4740.2010 and 4740.2050 through 4740.2120) (Minn. R. 4740.2010 and 4740.2050 through 2120)
- 1.17 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.
- 1.18 Equipment Calibration: Flow meters, pumps, flumes, lift stations or other flow monitoring equipment used for purposes of determining compliance with permit shall be checked and/or calibrated for accuracy at least twice annually. (Minn. R. 7001.0150, subp. 2, items B and C)
- 1.19 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.
- 1.20 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)

Required forms may include:

DMR Supplemental Form

Individual values for each sample and measurement must be recorded on the DMR Supplemental Form which, if required, will be provided by the MPCA. DMR Supplemental Forms shall be submitted with the appropriate DMRs. You may design and use your own supplemental form; however it must be approved by the MPCA.

Note: Required summary information MUST also be recorded on the DMR. Summary information that is submitted ONLY on the DMR Supplemental Form does not comply with the reporting requirements.

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Chapter 5. Total Facility Requirements

1. General Requirements

1.21 Submitting Reports. DMRs and Supplementals shall be submitted to:

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

DMRs, DMR supplemental forms and related attachments may be electronically submitted via the MPCA Online Services Portal after authorization is approved. When electronically submitted, the paper DMR submittal requirement is waived.

DMRs and DMR Supplemental Forms shall be postmarked or electronically submitted by the 21st day of the month following the sampling period or as otherwise specified in this permit. Electronic DMR submittal must be complete on or before 11:59 PM of the 21st day of the month following the sampling period or as otherwise specified in this permit. A DMR shall be submitted for each required station even if no discharge occurred during the reporting period. (Minn. R. 7001.0150, subps. 2.B and 3.H)

Other reports required by this permit shall be postmarked by the date specified in the permit to:

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

1.22 Incomplete or Incorrect Reports. The Permittee shall immediately submit an amended report or 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)

1.23 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)

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Chapter 5. Total Facility Requirements

1. General Requirements

- 1.24 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)

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

- a. If one or more values are greater than the level of detection, substitute zero for all nondetectable values to use in the average calculation.
 - b. If all values are below the level of detection, report the averages as "<" the corresponding level of detection.
 - c. Where one or more sample values are less than the level of detection, and the permit requires reporting of a mass, usually expressed as kg/day, the Permittee shall substitute zero for all nondetectable values. (Minn. R. 7001.0150, subp. 2, item B)
- 1.25 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)
- 1.26 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

- 1.27 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)
- 1.28 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)
- 1.29 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))

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Chapter 5. Total Facility Requirements

1. General Requirements

- 1.30 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. If the permittee discovers that noncompliance with a condition of the permit has occurred which could endanger human health, public drinking water supplies, or the environment, the Permittee shall within 24 hours of the discovery of the noncompliance, orally notify the commissioner and submit a written description of the noncompliance within 5 days of the discovery. The written description shall include items a. through e., as listed below. If the Permittee discovers other non-compliance that does not explicitly endanger human health, public drinking water supplies, or the environment, the non-compliance shall be reported during the next reporting period to the MPCA with its Discharge Monitoring Report (DMR). If no DMR is required within 30 days, the Permittee shall submit a written report within 30 days of the discovery of the noncompliance. This description shall include the following information:
- a. a description of the event including volume, duration, monitoring results and receiving waters;
 - b. the cause of the event;
 - c. the steps taken to reduce, eliminate and prevent reoccurrence of the event;
 - d. the exact dates and times of the event; and
 - e. steps taken to reduce any adverse impact resulting from the event. (Minn. R. 7001.0150, subp. 3k)
- 1.31 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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Chapter 5. Total Facility Requirements

1. General Requirements

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

- a. Take all reasonable steps to immediately end the release.
- b. Notify the Minnesota Department of Public Safety Duty Officer at 1(800)422-0798 or (651)649-5451 (metro area) immediately upon discovery of the release. You may contact the MPCA during business hours at 1(800)657-3864 or (651)296-6300 (metro area).
- c. Recover as rapidly and as thoroughly as possible all substances and materials released or immediately take other action as may be reasonably possible to minimize or abate pollution to waters of the state or potential impacts to human health caused thereby. If the released materials or substances cannot be immediately or completely recovered, the Permittee shall contact the MPCA. If directed by the MPCA, the Permittee shall consult with other local, state or federal agencies (such as the Minnesota Department of Natural Resources and/or the Wetland Conservation Act authority) for implementation of additional clean-up or remediation activities in wetland or other sensitive areas.
- d. Collect representative samples of the release. The Permittee shall sample the release for parameters of concern immediately following discovery of the release. The Permittee may contact the MPCA during business hours to discuss the sampling parameters and protocol. In addition, Fecal Coliform Bacteria samples shall be collected where it is determined by the Permittee that the release contains or may contain sewage. If the release cannot be immediately stopped, the Permittee shall consult with MPCA regarding additional sampling requirements. Samples shall be collected at least, but not limited to, two times per week for as long as the release continues.
- e. Submit the sampling results as directed by the MPCA. At a minimum, the results shall be submitted to the MPCA with the next DMR.

1.33 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

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Chapter 5. Total Facility Requirements

1. General Requirements

- 1.34 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.
- 1.35 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)
- 1.36 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)
- 1.37 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)
- 1.38 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

- 1.39 Permit Modifications. Except as provided under Minnesota Statutes, section 115.07, subdivisions 1 and 3, 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.

- 1.40 No person required by statute or rule to obtain a permit may construct, install, modify, or operate the facility to be permitted except as provided under Minnesota Statutes, section 115.07, subdivisions 1 and 3, 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.
- 1.41 Plans, specifications and MPCA approval are not necessary when maintenance dictates the need for installation of new equipment, provided the equipment is the same design size and has the same design intent. For instance, a broken pipe, lift station pump, aerator, or blower can be replaced with the same design-sized equipment without MPCA approval.

If the proposed construction is not expressly authorized by this permit, it may require a permit modification. If the construction project requires an Environmental Assessment Worksheet under Minn. R. 4410, no construction shall begin until a negative declaration is issued and all approvals are received or implemented.

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Chapter 5. Total Facility Requirements

1. General Requirements

- 1.42 Report Changes. The Permittee shall give advance notice as soon as possible to the MPCA of any substantial changes in operational procedures, activities that may alter the nature or frequency of the discharge, and/or material factors that may affect compliance with the conditions of this permit. (Minn. R. 7001.0150, subp. 3, item M)
- 1.43 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.

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.

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. The aquatic toxicity information shall include at minimum the results of: a) a 48-hour LC50 or EC50 acute study for a North American freshwater planktonic crustacean (either Ceriodaphnia or Daphnia sp.) and b) a 96-hour LC50 acute study for rainbow trout, bluegill or fathead minnow or another North American freshwater aquatic species other than a planktonic crustacean;
 - 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. (Minn. R. 7001.0170)
- 1.44 Upon review of the information submitted regarding the proposed chemical additive, the MPCA may require additional information be submitted for consideration. This permit may be modified to restrict the use or discharge of a chemical additive and include additional influent and effluent monitoring requirements.
- Approval for the use of an additive shall not justify the exceedance of any effluent limitation nor shall it be used as a defense against pollutant levels in the discharge causing or contributing to the violation of a water quality standard.
- 1.45 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.
- 1.46 TMDL Impacts. Facilities that discharge to an impaired surface water, watershed or drainage basin may be required to comply with additional permits or permit requirements, including additional restriction or relaxation of limits and monitoring as authorized by the CWA 303(d)(4)(A) and 40 CFR 122.44.1.2.i., necessary to ensure consistency with the assumptions and requirements of any applicable US EPA approved wasteload allocations resulting from Total Maximum Daily Load (TMDL) studies.
- 1.47 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)

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Chapter 5. Total Facility Requirements

1. General Requirements

- 1.48 Facility Closure. The Permittee is responsible for closure and post-closure care of the facility. The Permittee shall notify the MPCA of a significant reduction or cessation of the activities described in this permit at least 180 days before the reduction or cessation. The MPCA may require the Permittee to provide to the MPCA a facility Closure Plan for approval.

Facility closure that could result in a potential long-term water quality concern, such as the ongoing discharge of wastewater to surface or ground water, may require a permit modification or reissuance.

The MPCA may require the Permittee to establish and maintain financial assurance to ensure performance of certain obligations under this permit, including closure, post-closure care and remedial action at the facility. If financial assurance is required, the amount and type of financial assurance, and proposed modifications to previously MPCA-approved financial assurance, shall be approved by the MPCA. (Minn. Stat. Sec. 116.07, subd. 4)

- 1.49 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.