



# **Minnesota Pollution Control Agency**

STATE OF MINNESOTA

Minnesota Pollution Control Agency

INDUSTRIAL DIVISION

PUBLIC NOTICE OF INTENT TO REISSUE

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)/

STATE DISPOSAL SYSTEM (SDS) PERMIT MN0062227

Public Comment Period Begins: February 26, 2013

Public Comment Period Ends: March 28, 2013

Current Permit Issued: September 30, 2005

Current Permit Expiration Date: August 31, 2010

**Name and Address of Permittee:**

Milestone Materials  
920 10<sup>th</sup> Avenue North  
Onalaska, Wisconsin 54650

**Facility Name and Location:**

Milestone Materials - Goldberg Quarry  
1331 75<sup>th</sup> Street Northeast  
T108N, R14W, Section 36  
Oronoco Township, Olmsted County, Minnesota

**Receiving Water:** South Fork Zumbro River (Class 2B,3B,3C,4A,4B,5,6 water)

**Description of Permitted Facility**

The Milestone Materials - Goldberg Quarry facility (Facility) is located at SE 1/4 of SW 1/4 of Section 36, Township 108 North, Range 14 West, Oronoco Township, Olmsted County, Minnesota.

This facility is a gravel and limestone quarrying and mining operation. It operates seasonally and as market conditions dictate. Mining areas are dewatered prior to the start of mining activities, with some reduced additional dewatering during mining operations. The water discharged consists of pit dewatering and gravel washing water. In addition, stormwater is combined with the pit dewatering and gravel washing water in settling ponds prior to discharge. The facility discharges to the South Fork of the Zumbro River north of Rochester, Minnesota.

The discharge from SD001 or SD002 consists of the combined dewatering, washing, and stormwater from the mining operation at an average rate of 14.7 million gallons per day (mgd) and maximum rate of 16.45 mgd. The location of the discharge will be determined by the location in the quarry that activity is occurring. Water will flow to settling ponds which ultimately discharge from settling pond #3 to an unnamed ditch to the Zumbro River.

In accordance with Minnesota Pollution Control Agency (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 gallons per day to any water other than a Class 7 water or (2) an expanded discharge that expands by greater than 200,000 gallons per day 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 daily maximum flow. The January 1, 1988, design daily maximum flow for the facility is 2.2 mgd.

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 Minn. R. 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 map.

#### **Corrected Total Suspended Solids Wasteload Allocation for the Milestone Materials - Goldberg Quarry (MN0062227)**

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The Zumbro River Watershed Turbidity TMDLs were approved by EPA on May 25th 2012. They established a 245.3 kg/day total suspended solids (TSS) wasteload allocation for the Milestone Materials - Goldberg Quarry permit. Unfortunately the TMDLs' WLAs were calculated based on an inaccurate 2.16 mgd maximum flow value. The current permit reissuance document lists a maximum design flow of 16.45 mgd. Thus, this permit is modified to reflect an accurate discharge rate and accordingly, accurate wasteload allocations.

An analysis of the effects of expanded wasteload allocations, prepared by Tetrtech for the Zumbro River Turbidity TMDL (Cleland 2011 [see section 3.7 of the Zumbro River Turbidity TMDLs]), demonstrates that current discharges can be expanded and new NPDES discharges can be added while maintaining water quality standards, provided the permitted NPDES effluent concentrations remain at or below the in-stream concentration targets.

The surface discharge from the Goldberg Quarry will not result in a decrease in the Zumbro River's water quality because the discharge volume provides sufficient loading capacity and the permit's TSS limit of 30 mg/l is less than the applicable water quality standards in the South Fork of the Zumbro River and in the main stem of the river downstream. Thus, the surface discharge will not cause or contribute to excursions in excess of the standard.

A comparison of the magnitude of the increase in the facility's WLA to the increase of the impaired waters loading capacities is described in the following table. It applies to Turbidity/TSS TMDLs for the following AUIDs:

- Zumbro River, South Fork; Cascade Cr to Zumbro Lk (AUID: 07040004-507)
- Zumbro River; West Indian Cr to Mississippi R. (AUID: 07040004-501)

	Flow	TSS
Milestone Materials - Goldberg Quarry WLA Correction	22.11 cfs	1,623 kg/day
Zumbro River, South Fork; Cascade Cr to Zumbro Lk (AUID: 07040004-507) Loading Capacity Expansion	22.11 cfs	3,732 kg/day
Zumbro River; West Indian Cr to Mississippi R. (AUID: 07040004-501) Loading Capacity Expansion	22.11 cfs	4,976 kg/day

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

The 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 St. Paul address listed below, at the Rochester regional office and on-line at <http://www.pca.state.mn.us/news/data/index.cfm?PN=1>.

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 Terry Mader at 651-757-2543.

#### **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:

Terry Mader, SP-5  
Industrial Division  
Minnesota Pollution Control Agency  
520 Lafayette Road North  
St. Paul, Minnesota 55155-4194



