



STATE OF MINNESOTA

Minnesota Pollution Control Agency

Industrial Division

State Disposal System (SDS) Permit MNP069507

PERMITTEE: Valley Craft Industries, Inc.
FACILITY NAME: Valley Craft Industries, Inc.
CITY OR TOWNSHIP: Lake City **COUNTY:** Wabasha
ISSUANCE DATE: October 31, 2011 **EXPIRATION DATE:** September 30, 2016
MODIFICATION DATE:

The state of Minnesota, on behalf of its citizens through the Minnesota Pollution Control Agency (MPCA), authorizes the Permittee to operate a disposal system at the facility named above, in accordance with the requirements of this permit.

The goal of this permit is to reduce pollutant levels in point source discharges and protect water quality in accordance with Minnesota and U.S. statutes and rules, including Minn. Stat. chs. 115 and 116, Minn. R. chs. 7001, 7050, 7053, 7060, and the U.S. Clean Water Act.

This permit is effective on the issuance date identified above, as modified on. This permit expires at midnight on the expiration date identified above.

Signature: _____

Jeff Udd, P.E.
Supervisor, Water Quality Permits Unit
Water Section
Industrial Division

for The Minnesota Pollution Control Agency

Submit DMRs to:

Attention: Discharge Monitoring Reports
Minnesota Pollution Control Agency
520 Lafayette Rd N
St Paul, MN 55155-4194

Submit Other WQ Reports to:

Attention: WQ Submittals Center
Minnesota Pollution Control Agency
520 Lafayette Rd N
St Paul, MN 55155-4194

Questions on this permit?

- For DMR and other permit reporting issues, contact:
Belinda Nicholas, 651-757-2613.
- For specific permit requirements or permit compliance status, contact:
Craig Weingart, 507-206-2655.
- General permit or NPDES program questions, contact:
MPCA, 651-282-6143 or 1-800-657-3938.

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Facility Description

The Valley Craft Industries, Inc. facility (Facility) is located at T111N, R12W, Section 9, Lake City, Wabasha County, Minnesota. The principle activity at this Facility is the manufacturing of fabricated metal products.

The discharge from this facility is subject to the categorical pretreatment standards for existing manufacturers, as specified in 40 CFR pt. 433, subpart A (Metal Finishing PSNS).

Wastewater from the Facility consists of process and domestic wastewater, and is discharged to the city of Lake City Wastewater Treatment Facility (WWTF). The discharge of process wastewater to surface waters is not authorized under this permit.

All wastestreams are combined prior to the discharge to the WWTF. Wastewater is discharged at average and maximum rates of 4,300 gallons per day (gpd) and 10,000 gpd respectively.

Wastewater Flow Breakdown:

Table 1: Wastewater Flow Breakdown

Wastewater Source	Type	Average Flow	Maximum Flow
Process Wastewater	Process	4000 gal/day	9000 gal/day
Domestic/Sanitary	Dilution	300 gal/day	1000 gal/day
Total WW Flow		4,300 gal/day	10,000 gal/day

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Waste Stream Stations

<u>Station</u>	<u>Type of Station</u>	<u>Local Name</u>	<u>PLS Location</u>
WS001	Intermediate: Pretreatment	Pretreated Wastewater Discharge to POTW	Section 9, Township 111 North, Range 12 West

Limits and Monitoring Requirements

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

WS 001: Pretreated Wastewater Discharge to POTW

Parameter	Limit	Units	Limit Type	Effective Period	Sample Type	Frequency	Notes
Cadmium, Total (as Cd)	0.065	mg/L	Calendar Quarter Average	Jan-Dec	24-Hour Flow Composite	1 x Quarter	
Cadmium, Total (as Cd)	0.102	mg/L	Daily Maximum	Jan-Dec	24-Hour Flow Composite	1 x Quarter	
Chromium, Total (as Cr)	1.59	mg/L	Calendar Quarter Average	Jan-Dec	24-Hour Flow Composite	1 x Quarter	
Chromium, Total (as Cr)	2.58	mg/L	Daily Maximum	Jan-Dec	24-Hour Flow Composite	1 x Quarter	
Copper, Total (as Cu)	1.93	mg/L	Calendar Quarter Average	Jan-Dec	24-Hour Flow Composite	1 x Quarter	
Copper, Total (as Cu)	3.14	mg/L	Daily Maximum	Jan-Dec	24-Hour Flow Composite	1 x Quarter	
Cyanide, Total (as CN)	0.605	mg/L	Calendar Quarter Average	Jan-Dec	24-Hour Flow Composite	1 x Quarter	3
Cyanide, Total (as CN)	1.12	mg/L	Daily Maximum	Jan-Dec	24-Hour Flow Composite	1 x Quarter	4
Flow	Monitor Only	MG	Calendar Quarter Total	Jan-Dec	Measurement, Continuous	1 x Day	2
Flow	Monitor Only	mgd	Daily Average	Jan-Dec	Measurement, Continuous	1 x Day	2
Lead, Total (as Pb)	0.4	mg/L	Calendar Quarter Average	Jan-Dec	24-Hour Flow Composite	1 x Quarter	
Lead, Total (as Pb)	0.642	mg/L	Daily Maximum	Jan-Dec	24-Hour Flow Composite	1 x Quarter	
Nickel, Total (as Ni)	2.21	mg/L	Calendar Quarter Average	Jan-Dec	24-Hour Flow Composite	1 x Quarter	
Nickel, Total (as Ni)	3.7	mg/L	Daily Maximum	Jan-Dec	24-Hour Flow Composite	1 x Quarter	
pH	5	SU	Instantaneous Minimum	Jan-Dec	Grab	1 x Quarter	1
Silver, Total (as Ag)	0.223	mg/L	Calendar Quarter Average	Jan-Dec	24-Hour Flow Composite	1 x Quarter	
Silver, Total (as Ag)	0.4	mg/L	Daily Maximum	Jan-Dec	24-Hour Flow Composite	1 x Quarter	
Zinc, Total (as Zn)	1.38	mg/L	Calendar Quarter Average	Jan-Dec	24-Hour Flow Composite	1 x Quarter	
Zinc, Total (as Zn)	2.43	mg/L	Daily Maximum	Jan-Dec	24-Hour Flow Composite	1 x Quarter	

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

Notes:

1 -- Analyze immediately. This means within 15 minutes or less of sample collection.

2 -- Flow measured shall be representative of the flow from the permitted Metal Finishing process, including all Metal Finishing batch discharges. Flow shall be measured by a continuous flow meter read daily, and/or summation of measured batch discharges.

3 -- If cyanide is used at the facility, cyanide monitoring samples shall be taken at a point representative of the cyanide containing process flow following treatment, with no dilution flow such as cooling water or domestic wastewater and prior to mixing with other metal finishing waste streams. If cyanide is not used at the facility, sampling shall be representative of the flow from the permitted Metal Finishing process, including all Metal Finishing batch discharges. For industrial sources with cyanide amenable to alkaline chlorination treatment, an alternate limit of 0.32 mg/L, as a monthly average, may be applied in place of the total cyanide limit (see 40 CFR 433.15 or 40 CFR 433.17, as applicable).

4 -- If cyanide is used at the facility, cyanide monitoring samples shall be taken at a point representative of the cyanide containing process flow following treatment, with no dilution flow such as cooling water or domestic wastewater and prior to mixing with other metal finishing waste streams. If cyanide is not used at the facility, sampling shall be representative of the flow from the permitted Metal Finishing process, including all Metal Finishing batch discharges. For industrial sources with cyanide amenable to alkaline chlorination treatment, an alternate limit of 0.86 mg/L, as a daily maximum, may be applied in place of the total cyanide limit (see 40 CFR 433.15 or 40 CFR 433.17, as applicable).

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Chapter 1. Industrial Pretreatment

1. Authorization

- 1.1 This permit authorizes the Permittee, as identified by name, location and facility description on the accompanying Notice of Coverage, to discharge industrial wastewater to a POTW in accordance with the provisions 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, and the general and categorical pretreatment standards in 40 CFR 403 and 40 CFR 433, respectively.
- 1.2 The following activities are not authorized by this permit:
 - a. The discharge of wastewater or stormwater into waters of the state.
 - b. Permit coverage at sites for which Environmental Assessment Worksheets or Environmental Impact Statements are required, in accordance with Minn. R. ch. 4410, until that environmental review is completed.
 - c. The discharge of sewage, wash water, scrubber water, spills, oil, hazardous substances, or equipment/vehicle cleaning and maintenance wastewaters to ditches, wetlands nor other surface waters of the state.
 - d. The routing of pollutants to a POTW in any manner unless authorized by the pretreatment standards of the MPCA and/or relevant municipal authority.
 - e. The transport of pollutants to a POTW that will interfere with the operation of the treatment system or cause pass-through violations of effluent limits or water quality standards.
 - f. Discharges to a POTW with MPCA delegation to administer federal categorical pretreatment regulations, as these discharges are regulated by the delegated authority.

2. Local Limits

- 2.1 In addition to the terms of this permit, the Permittee must also comply with the prohibitions of the federal general pretreatment regulations (40 CFR 403.5); any local prohibitions and effluent limitations; and, any other requirements imposed by the municipal authority receiving the discharge. In the event of a discrepancy between the limitations in this permit and any local prohibitions or requirements, the most restrictive limitations are controlling.

3. Sampling and Analysis Plan

- 3.1 The Permittee shall maintain the Sampling and Analysis Plan on-site and shall amend the Plan whenever needed to reflect changes in process discharge or monitoring procedures; changes to the Plan shall be submitted to MPCA within 30 days of the change(s).
- 3.2 The SAP and all sampling and analysis shall be representative of the total process discharge from the facility.
- 3.3 The SAP shall be designed to obtain representative sampling of the wastewater discharge. The SAP shall describe:
 - a. How and at what point wastewater flow will be measured;
 - b. How, when and at what point pH will be measured;
 - c. How and where wastewater samples will be obtained;
 - d. All routine batch dumps; and
 - e. How batch dumps will be monitored to ensure that sampling is representative.

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Chapter 1. Industrial Pretreatment

4. Toxic Organics

- 4.1 The Permittee shall investigate its chemical usage to determine whether any of the constituents of Total Toxic Organics (TTO) are used at the facility. The constituents of TTO are listed in the appendices section of this permit.

Facilities using TTOs, but not discharging

- 4.2 Certification of non-use. If the Permittee determines that no constituents of TTO are used at the facility, the Permittee shall certify its non-use to the MPCA.
- 4.3 Quarterly certification statement of non-discharge in the form of a self-monitoring report, as described by part 4.5 of this permit, is required.
- 4.4 Toxic Organics Management Plan (TOMP). A TOMP provides methods for the reduction of toxics in effluents and assists industrial facilities in achieving compliance with the Categorical Pretreatment Standards. The TOMP shall contain at least the following elements:
- a. a list of all materials or products at the Facility containing constituents of Total Toxic Organics (TTO) and the respective constituent of TTO for each material or product, including any material or product that may contain a constituent of TTO as a component of a trade name compound;
 - b. a description of the method of organic compound disposal or control options explored; and,
 - c. procedures and control measures used by the Permittee to prevent toxic organics from entering the POTW whether by spill, leak, discharge or any other means; and
 - d. effectiveness of control options in meeting effluent limits.
- 4.5 Prior to the use of materials or products with constituents of TTO by Permittees that have certified the non-use or non-discharge of Total Toxic Organics (TTO) constituents, the Permittee shall notify the Agency and shall submit a request for a minor permit modification. The Permittee shall not use or discharge the TTO at the facility without receiving written approval from the MPCA.
- 4.6 The Permittee shall submit a self-monitoring report by 21 days following the end of the calendar quarter following permit issuance. A self-monitoring report consists of either the Total Toxic Organics (TTO) sampling and analysis results for pollutants reasonably believed to be present, or a certification statement on the form provided in the appendices section of this permit indicating there are no TTO constituents present in the wastewater.
- 4.7 If the certification statement CAN be made, the certification statement may be signed by an authorized representative of the company and submitted in lieu of reporting self-monitoring results for the constituents of Total Toxic Organics (TTO). The Permittee may use the certification statement option in lieu of reporting self-monitoring results only after written approval of the Toxic Organics Management Plan (TOMP) by the MPCA has been received.
- 4.8 If the certification statement CANNOT be made, the results of Total Toxic Organics (TTO) sampling and analysis must be included as part of the self-monitoring report. Sampling and analysis for TTO is required for those components comprising TTO that can reasonably be expected to be present in the discharge. The Permittee is responsible for comparing the constituents of TTO to those chemicals and chemical compounds used or stored at the facility to determine which regulated organics could potentially be present in the wastewater.

5. Removed Substances

- 5.1 Removed substances must be evaluated to determine if they are hazardous waste under the Minnesota Hazardous Waste Rules (Minn. R. ch. 7045), and if hazardous, managed in accordance with these Rules.

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Chapter 1. Industrial Pretreatment

6. General Requirements

- 6.1 The MPCA strongly discourages the use of PFCs as mist suppressants, wetting agents, acid anodizers, and in any other form. The MPCA has developed water quality criteria for perfluorooctane sulfonate (PFOS), perfluorooctanoic acid (PFOA), perfluorobutanoic acid (PFBA) and continues to evaluate the need for additional criteria for other PFCs. Discharges found to have the reasonable potential to cause, or contribute to, an excursion of the criteria will be assigned water quality based effluent limits.
- 6.2 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

- 6.3 Quarterly monitoring required by this permit may be completed at any time during the three months of the quarter. Sampling schedules and protocols should be described in the facility's Sampling and Analysis Plan.
- 6.4 For discharges that are continuous, sampling to determine compliance with Limits and Monitoring section of this permit shall be obtained through 24-hour flow-proportional composite sampling, where feasible (1). Sampling may be done manually or automatically, and discretely or continuously. For discrete sampling, at least 12 aliquots shall be composited. Discrete sampling may be flow-proportioned either by varying the time interval between each aliquot or the volume of each aliquot. All composites must be flow-proportional to each stream flow at time of collection or to the total flow since the previous aliquot.

Flow proportional composite sampling may be waived for any Permittee that demonstrates that flow-proportional sampling is infeasible and at facilities where all discharges of production wastewater from the facility are in batch. In such cases, samples may be obtained through time proportional sampling techniques or through a minimum of four (4) grab samples where the Permittee demonstrates that this will provide a representative sample of the effluent being discharged. The Permittee shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this permit.

(1) Composite sampling is required only during periods of continuous discharge of production wastewater each day; i.e. if production at the permitted facility is limited to one 8-hour shift, composite sampling is only required during the 8 hour period of production wastewater discharge.

- 6.5 Samples taken to evaluate compliance with the Limits and Monitoring section of this permit should be taken immediately downstream from pretreatment facilities if such exist, or immediately downstream from the regulated process if no pretreatment exists.
- 6.6 Flow measured shall be representative of the flow from the permitted Metal Finishing processes, including all Metal Finishing batch discharges. Flow shall be measured by a continuous flow meter read daily, and/or summation of measured batch discharges.
- 6.7 Cyanide monitoring samples shall be taken at a point representative of this cyanide containing process flow following treatment, with no dilution flow such as cooling water or domestic wastewater. If cyanide is used in the Permittee's process, cyanide monitoring samples shall be taken at a point following cyanide treatment, prior to mixing with other metal finishing waste streams.

Chapter 2. Waste Stream Stations

1. Requirements for Specific Stations

- 1.1 WS 001: Submit a quarterly DMR quarterly by 21 days after the end of each calendar quarter following permit issuance.

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Chapter 2. Waste Stream Stations

2. Sampling Location

- 2.1 Samples for Station WS001 shall be taken at a point representative of the total discharge to the Lake City WWTP.

Chapter 3. Total Facility Requirements

1. General Requirements

General Requirements

- 1.1 No Discharge. There shall be no point source discharge to surface water from the permitted activity.
- 1.2 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.
- 1.3 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)
- 1.4 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)
- 1.5 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)
- 1.6 Property Rights. This permit does not convey a property right or an exclusive privilege. (Minn. R. 7001.0150, subp. 3, item C)
- 1.7 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)
- 1.8 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)
- 1.9 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)
- 1.10 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)
- 1.11 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.
- 1.12 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.

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Chapter 3. Total Facility Requirements

1. General Requirements

- 1.13 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)
- 1.14 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

- 1.15 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))
- 1.16 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)
- 1.17 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)
- 1.18 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.
- 1.19 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)
- 1.20 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.

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Chapter 3. Total Facility Requirements

1. General Requirements

- 1.21 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.

- 1.22 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

- 1.23 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)
- 1.24 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 3. Total Facility Requirements

1. General Requirements

- 1.25 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)
- 1.26 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)
- 1.27 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

- 1.28 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)
- 1.29 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)
- 1.30 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 3. Total Facility Requirements

1. General Requirements

- 1.31 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)
- 1.32 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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1.33 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.

1.34 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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- 1.35 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.
- 1.36 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)
- 1.37 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)
- 1.38 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)
- 1.39 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

- 1.40 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.

- 1.41 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.
- 1.42 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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1. General Requirements

- 1.43 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)
- 1.44 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)
- 1.45 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.
- 1.46 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.
- 1.47 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.
- 1.48 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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- 1.49 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)

- 1.50 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.