



STATE OF MINNESOTA

Minnesota Pollution Control Agency

Industrial Division

State Disposal System (SDS) Permit MN0070378

PERMITTEE: Magnetation LLC
FACILITY NAME: Magnetation LLC - Plant 4

CITY: Grand Rapids **COUNTY:** Itasca
ISSUANCE DATE: **EXPIRATION DATE:**

The state of Minnesota, on behalf of its citizens through the Minnesota Pollution Control Agency (MPCA), authorizes the Permittee to construct, install and 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. This permit expires at midnight on the expiration date identified above.

Signature: _____

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

for The Minnesota Pollution Control Agency

Submit eDMRs via e-Services at:
<https://netweb.pca.state.mn.us/private/>

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:
Herschel Blasing, 218-316-3860.
- General permit or NPDES program questions, contact:
MPCA, 651-282-6143 or 1-800-657-3938.

Table of Contents

| | |
|---|--------|
| Permitted Facility Description | 3 |
| Topographic Map of Permitted Facility | 6 |
| Summary of Stations and Station Locations | 7 |
| Limits and Monitoring Requirements | 8 |
| Chapter 1. Industrial Process Wastewater | 12 |
| 1. Authorization | |
| 2. Prohibited Discharges | |
| 3. Toxic Substance Reporting | |
| 4. Polychlorinated Biphenyls (PCBs) | |
| 5. Application for Permit Reissuance | |
| Chapter 2. Ground Water Stations | 13 |
| 1. Special Requirements | |
| 3. Monitoring Wells | |
| 4. Requirements for Specific Stations | |
| Chapter 3. Surface Water Stations | 15 |
| 1. Requirements for Specific Stations | |
| 2. Discharge Monitoring Reports | |
| 3. Sampling Location | |
| 4. Sampling Protocol | |
| 5. Winter Sampling Conditions | |
| Chapter 4. Waste Stream Stations | 15 |
| 1. Requirements for Specific Stations | |
| 2. Sampling Location | |
| Chapter 5. Special Requirements | 16 |
| 1. Special Requirements | |
| Chapter 6. Metallic Mining | 16 |
| 1. Mine Tailings Basin | |
| Chapter 7. Stormwater Management | 16 |
| 1. Authorization | |
| 2. Special Requirements | |
| 3. Water Quality Standards | |
| 4. Stormwater Pollution Prevention Plan | |
| 5. Temporary Protection and Permanent Cover | |
| 6. Inspection and Maintenance | |
| 7. Sedimentation Basin Design and Construction | |
| 8. Application of Chemical Dust Suppressants | |
| 9. Reporting | |
| 10. Records | |
| 11. Notification | |
| 12. Request for Termination of Stormwater Permit Coverage | |
| 13. Employee Training Program | |
| 14. Definitions | |
| Chapter 8. Total Facility Requirements | 22 |
| 1. General Requirements | |

Facility Description

The Magnetation Plant 4 facility (Facility) is located in the northwest quarter of the southeast quarter of section 25 range 25 west, township 56 north, Grand Rapids in Itasca County, Minnesota. The street address of the Facility is still to be determined. The project site is located northwest of Coleraine Minnesota.

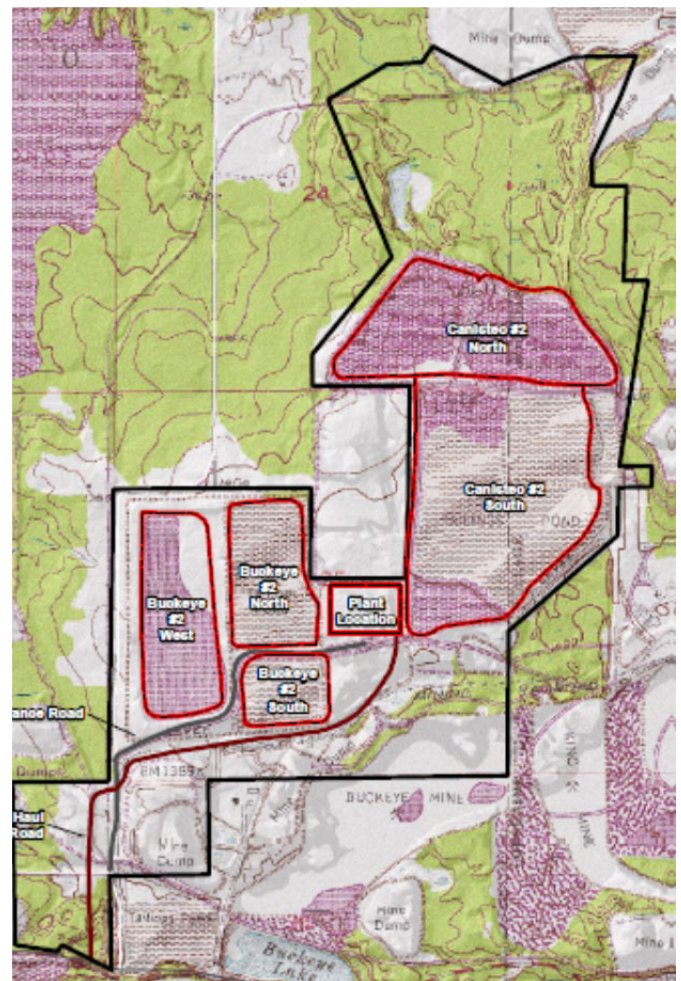
The Primary activity at the Facility is the processing of the tailings from the scam mining operations at the site and the production of iron oxide concentrate. The material to be mined is coarse tailings (sand and silt-sized particles). Plant 4 plans to process 6.6 million wet metric tonnes per year producing approximately 1.8 million wet metric tonnes per year maximum of iron concentrate and an average of 1.65 million wet metric tonnes per year of iron concentrate.

Mining Plan

The total area for this project will consist of two former tailings basins originally closed in the 1960's and 1980's. Magnetation LLC Plant 4 plans to recover iron concentrate from natural ore tailings from two tailings basins: Buckeye #2 (formally mined by Hanna Mining Company) and Canisteo #2 (formally mined by Cleveland Cliffs Company). Both Buckeye #2 and Canisteo #2 are owned by MNDNR. Magnetation will be leasing the mining property from the MNDNR for 200 acres of land from Buckeye #2 Basins, and 580 acres of Canisteo #2 Basins.

The Facility plans to mine the property in 5 Phases which is planned to take 5 years. The Facility plans to prepare the Buckeye #2 basin west cell for the Clearwater pond before mining. In phase I, mining will start with the southern portion of Canisteo #2 South Basin (43 acres) and residual tailings material will be deposited in the western portion of Buckeye #2 (Tailings Area 1). In phase II the eastern half of Canisteo #2 North Basin (55 acres) will be mined with the residual tailings being deposited into Tailings Area 1 (then Tailings Area 2 when 1 fills up). In phase III the western half of Canisteo #2 North Basin (57 acres) will be mined and residual tailings will be deposited in Tailings Area 2 (then Tailings Area 3 when 2 fills up). The Facility will be mining from the middle third of Canisteo #2 South Basin (77 acres) in Phase IV. The residual tailings will be deposited into Tailings Area 3 (then Tailings Area 4 when 3 fills up). In Phase V the northern third of Canisteo #2 South Basin (56 acres) will be mined and the residual tailings will be deposited to Tailings area 4 (then Tailings Area 5 when 4 fills up).

Material will be mined out of the Canisteo #2 and Buckeye #2 tailings basins using backhoe excavators and 6 wheeled hauling trucks and hauled to a concentrator plant located between the Basins. Process water will be routed from the Canisteo Pit at an estimated rate of 1.5 million gallons per day (MGD). The

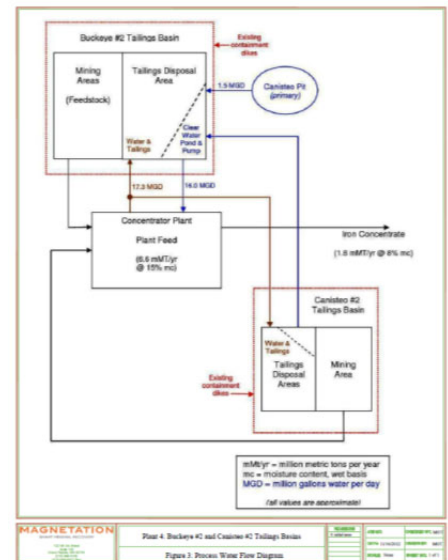


The Facility will be using the reclamation methods of seeding and mulching the surface of the re-deposited tailings on each delta as soon as possible after the tailing have been diverted away to another delta. The tailing will likely require a waiting period for it to settle and dry sufficiently to allow access with seeding and mulching equipment. All buildings , foundations, and equipment will be removed during the reclamation process. Slopes and bench of slopes will be graded and re-vegetated.

Wastewater Management

There will be no modifications to the watersheds, as the basins are contained by earthen dikes. Process water will be stored within the site and re-circulated.

The primary source of water for the processing Facility is obtained through appropriation of water from the Canisteo Pit in accordance with a MNDNR appropriation permit. The estimated amount of water being pumped from the Canisteo Pit is an average of 1.5 MGD to the Clear water pond. From the Clearwater Pond approximately 16.0 MGD is pumped to the concentrator plant for mineral processing. After the water is used in the mineral extraction processes at the concentrator plant it is pumped back to the Tailings Disposal Area at Buckeye #2 at the estimated rate of 17.3 MGD. Water will be reclaimed from the tailings disposal areas and to the concentrator plant at a rate of 16.0 MGD and 17.3 MGD, respectively. (Figures 3)



All process water will be stored within the Clearwater pond and recirculated through the concentrator plant.

Sanitary Wastewater

The Facility plans to dispose of sewage by constructing an individual sewage treatment system that will be designed to have a flow of less than 10,000 gallons per day.

Industrial Stormwater

Precipitation that falls on the Facility may come into contact with raw materials including tailings feed material and stockpiled materials. Therefore the Facility's stormwater is permitted under this SDS permit. The Facility will develop a Stormwater Pollution Prevention Plan and keep it on hand at the Facility location that addresses all issues involved with the stormwater that comes into contact with Facility.

Chemical Additives

The chemical additive, NeoSolutions NS-6850 has been approved for use to improve solids recovery in the company's process. Magnesium Chloride and NeoSolutions 9226 have been approved for use as dust suppressants on hauling roads and mining areas. Approval rates for the chemical additives are shown in Table 1.

Table1: Chemical Additives

| Product Name | Process in which Used | Purpose | Dosage Frequency (max use) | Max Rate of Use (lbs or gal per day) |
|----------------------|--|-------------------------|----------------------------------|--|
| NeoSolutions NS-6850 | Plant feed thickener upstream of Rev 3.1 and Concentrate thickener upstream of vacuum filter | Improve Solids Recovery | Continuous | 83,520 gpd |
| Magnesium Chloride | Fugitive dust control on unpaved roads and mining excavation areas (mostly hauling roads) | Dust Suppressant | Depends on the winter conditions | 336,000 gallons of solution per year worst winter conditions |
| NeoSolutions NS 9226 | Fugitive dust control on unpaved roads and mining excavation areas (mostly basins) | Dust Suppressant | Depends on the winter conditions | 24,000 gallons of solution (20:1) year worst winter conditions |

The locations of designated monitoring stations is specified on the attached "Summary of Stations and Stations Location" report.

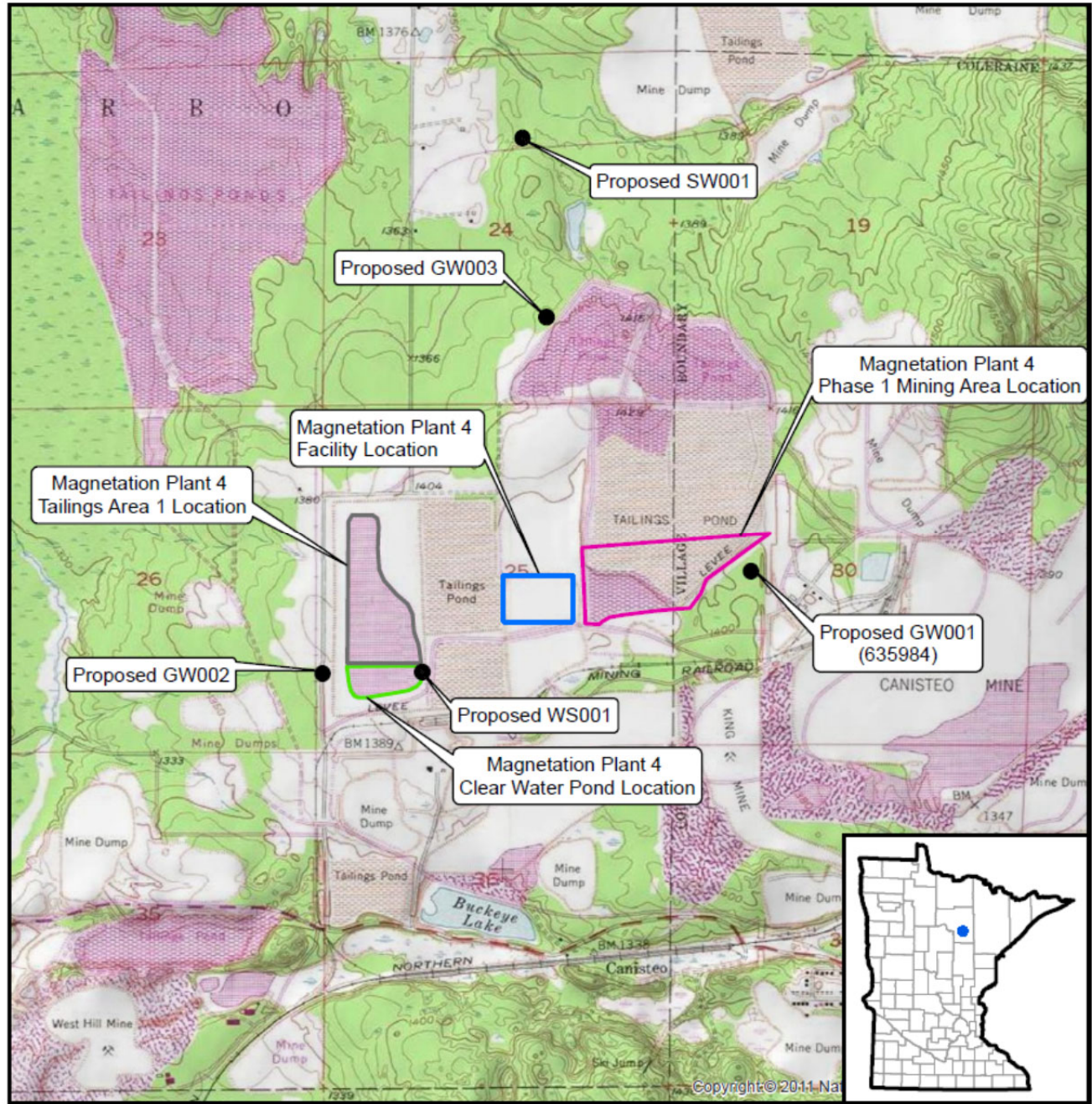
The Location of the Facility is shown on the following topographical map.

Topographic Map of Permitted Facility

MNMN0070378: Magnetion LLC- Plant 4 Facility

T56N; Sections 36, 35, 26, 25, 24, and 23 of R25W & Sections 19, 30, and 31 of R24W

Taconite, Itasca County, Minnesota



Map produced by: MPCA Staff, 2/15/2013

Source: USGS Bovey Quad

Scale: 1:26,226

0 0.25 0.5 1 Miles



DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT

Ground Water Stations

| <u>Station</u> | <u>Type of Station</u> | <u>Local Name</u> | <u>PLS Location</u> |
|----------------|------------------------|---|--|
| GW001 | Well, Downgradient | Existing well downgradient of Canisteo #2 South | NW Quarter of the SW Quarter of Section 30, Township 56 North, Range 24 West |
| GW002 | Well, Downgradient | Proposed upgradient well, South West Corner of Buckeye #2 | SW Quarter of the SW Quarter of Section 25, Township 56 North, Range 25 West |
| GW003 | Well, Downgradient | Proposed downgradient well Northwest of Canisteo #2 | NW Quarter of the SE Quarter of Section 24, Township 56 North, Range 25 West |

Surface Water Stations

| <u>Station</u> | <u>Type of Station</u> | <u>Local Name</u> | <u>PLS Location</u> |
|----------------|------------------------|---|--|
| SW001 | Wetland, Other | Proposed surface water station north of Canisteo #2 | NW Quarter of the NE Quarter of Section 24, Township 56 North, Range 25 West |

Waste Stream Stations

| <u>Station</u> | <u>Type of Station</u> | <u>Local Name</u> | <u>PLS Location</u> |
|----------------|------------------------|---|--|
| WS001 | Internal Waste Stream | Proposed waste stream station in clear water pond | NW Quarter of the SE Quarter of Section 25, Township 56 North, Range 25 West |

DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT

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

Period: Limits Applicable in the Interim Period

GW 001: Existing well downgradient of Canisteo #2 South

| Parameter | Limit | Units | Limit Type | Effective Period | Sample Type | Frequency | Notes |
|--|--------------|--------|------------------------|------------------|-------------|-----------|-------|
| Chloride, Total | Monitor Only | mg/L | Calendar Month Maximum | Apr, Jul, Oct | Grab | 1 x Month | |
| Elevation of GW Relative to Mean Sea Level | Monitor Only | feet | Calendar Month Maximum | Apr, Jul, Oct | Measurement | 1 x Month | 2 |
| Hardness, Carbonate (as CaCo3) | Monitor Only | mg/L | Calendar Month Maximum | Apr, Jul, Oct | Grab | 1 x Month | |
| Iron, Dissolved (as Fe) | Monitor Only | mg/L | Calendar Month Maximum | Apr, Jul, Oct | Grab | 1 x Month | |
| Iron, Total (as Fe) | Monitor Only | mg/L | Calendar Month Maximum | Apr, Jul, Oct | Grab | 1 x Month | |
| pH, Field | Monitor Only | SU | Calendar Month Maximum | Apr, Jul, Oct | Grab | 1 x Month | 1 |
| pH, Field | Monitor Only | SU | Calendar Month Minimum | Apr, Jul, Oct | Grab | 1 x Month | 1 |
| Solids, Total Dissolved (TDS) | Monitor Only | mg/L | Calendar Month Maximum | Apr, Jul, Oct | Grab | 1 x Month | |
| Specific Conductance, Field | Monitor Only | umh/cm | Calendar Month Maximum | Apr, Jul, Oct | Grab | 1 x Month | 1 |
| Sulfate (as S) | Monitor Only | mg/L | Calendar Month Maximum | Apr, Jul, Oct | Grab | 1 x Month | |
| Temperature, Water (C) | Monitor Only | Deg C | Calendar Month Maximum | Apr, Jul, Oct | Measurement | 1 x Month | 1 |

SW 001: Proposed surface water station north of Canisteo #2

| Parameter | Limit | Units | Limit Type | Effective Period | Sample Type | Frequency | Notes |
|--------------------------------|--------------|--------|------------------------|------------------|-------------|-----------|-------|
| Chloride, Total | Monitor Only | mg/L | Calendar Month Average | Apr, Jul, Oct | Grab | 1 x Month | |
| Hardness, Carbonate (as CaCo3) | Monitor Only | mg/L | Calendar Month Average | Apr, Jul, Oct | Grab | 1 x Month | |
| Iron, Dissolved (as Fe) | Monitor Only | mg/L | Calendar Month Average | Apr, Jul, Oct | Grab | 1 x Month | |
| Iron, Total (as Fe) | Monitor Only | mg/L | Calendar Month Average | Apr, Jul, Oct | Grab | 1 x Month | |
| pH, Field | Monitor Only | SU | Calendar Month Maximum | Apr, Jul, Oct | Grab | 1 x Month | |
| pH, Field | Monitor Only | SU | Calendar Month Minimum | Apr, Jul, Oct | Grab | 1 x Month | |
| Solids, Total Dissolved (TDS) | Monitor Only | mg/L | Calendar Month Average | Apr, Jul, Oct | Grab | 1 x Month | |
| Specific Conductance | Monitor Only | umh/cm | Calendar Month Average | Apr, Jul, Oct | Grab | 1 x Month | |
| Sulfate, Total (as SO4) | Monitor Only | mg/L | Calendar Month Average | Apr, Jul, Oct | Grab | 1 x Month | |

WS 001: Proposed waste stream station in clear water pond

| Parameter | Limit | Units | Limit Type | Effective Period | Sample Type | Frequency | Notes |
|-----------------|--------------|-------|------------------------|------------------|-------------|-----------|-------|
| Chloride, Total | Monitor Only | mg/L | Calendar Month Average | Jan-Dec | Grab | 1 x Month | |
| Flow | Monitor Only | mgd | Calendar Month Average | Jan-Dec | Measurement | 1 x Month | 3 |

DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT

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

Period: Limits Applicable in the Interim Period

WS 001: Proposed waste stream station in clear water pond

| Parameter | Limit | Units | Limit Type | Effective Period | Sample Type | Frequency | Notes |
|---|--------------|--------|------------------------|------------------|-------------|-----------|-------|
| Hardness, Carbonate (as CaCo ₃) | Monitor Only | mg/L | Calendar Month Average | Jan-Dec | Grab | 1 x Month | |
| Iron, Dissolved (as Fe) | Monitor Only | mg/L | Calendar Month Average | Jan-Dec | Grab | 1 x Month | |
| Iron, Total (as Fe) | Monitor Only | mg/L | Calendar Month Average | Jan-Dec | Grab | 1 x Month | |
| pH, Field | Monitor Only | SU | Calendar Month Average | Jan-Dec | Grab | 1 x Month | |
| Solids, Total Dissolved (TDS) | Monitor Only | mg/L | Calendar Month Average | Jan-Dec | Grab | 1 x Month | |
| Specific Conductance | Monitor Only | umh/cm | Calendar Month Average | Jan-Dec | Grab | 1 x Month | |
| Sulfate, Total (as SO ₄) | Monitor Only | mg/L | Calendar Month Average | Jan-Dec | Grab | 1 x Month | |

Period: Limits Applicable in the Final Period

GW 001: Existing well downgradient of Canisteo #2 South

| Parameter | Limit | Units | Limit Type | Effective Period | Sample Type | Frequency | Notes |
|---|--------------|--------|------------------------|------------------|-------------|-----------|-------|
| Chloride, Total | Monitor Only | mg/L | Calendar Month Maximum | Apr, Jul, Oct | Grab | 1 x Month | |
| Elevation of GW Relative to Mean Sea Level | Monitor Only | feet | Calendar Month Maximum | Apr, Jul, Oct | Measurement | 1 x Month | 2 |
| Hardness, Carbonate (as CaCo ₃) | Monitor Only | mg/L | Calendar Month Maximum | Apr, Jul, Oct | Grab | 1 x Month | |
| Iron, Dissolved (as Fe) | Monitor Only | mg/L | Calendar Month Maximum | Apr, Jul, Oct | Grab | 1 x Month | |
| Iron, Total (as Fe) | Monitor Only | mg/L | Calendar Month Maximum | Apr, Jul, Oct | Grab | 1 x Month | |
| Manganese, Dissolved (as Mn) | Monitor Only | ug/L | Calendar Month Maximum | Apr, Jul, Oct | Grab | 1 x Month | |
| pH, Field | Monitor Only | SU | Calendar Month Maximum | Apr, Jul, Oct | Grab | 1 x Month | 1 |
| pH, Field | Monitor Only | SU | Calendar Month Minimum | Apr, Jul, Oct | Grab | 1 x Month | 1 |
| Solids, Total Dissolved (TDS) | Monitor Only | mg/L | Calendar Month Maximum | Apr, Jul, Oct | Grab | 1 x Month | |
| Specific Conductance, Field | Monitor Only | umh/cm | Calendar Month Maximum | Apr, Jul, Oct | Grab | 1 x Month | 1 |
| Sulfate (as S) | Monitor Only | mg/L | Calendar Month Maximum | Apr, Jul, Oct | Grab | 1 x Month | |
| Temperature, Water (C) | Monitor Only | Deg C | Calendar Month Maximum | Apr, Jul, Oct | Measurement | 1 x Month | 1 |

GW 002: Proposed upgradient well, South West Corner of Buckeye #2

| Parameter | Limit | Units | Limit Type | Effective Period | Sample Type | Frequency | Notes |
|---|--------------|-------|------------------------|------------------|-------------|-----------|-------|
| Chloride, Total | Monitor Only | mg/L | Calendar Month Maximum | Apr, Jul, Oct | Grab | 1 x Month | |
| Elevation of GW Relative to Mean Sea Level | Monitor Only | feet | Calendar Month Maximum | Apr, Jul, Oct | Measurement | 1 x Month | 2 |
| Hardness, Carbonate (as CaCo ₃) | Monitor Only | mg/L | Calendar Month Maximum | Apr, Jul, Oct | Grab | 1 x Month | |

DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT

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

Period: *Limits Applicable in the Final Period*

GW 002: Proposed upgradient well, South West Corner of Buckeye #2

| Parameter | Limit | Units | Limit Type | Effective Period | Sample Type | Frequency | Notes |
|-------------------------------|--------------|--------|------------------------|------------------|-------------|-----------|-------|
| Iron, Dissolved (as Fe) | Monitor Only | mg/L | Calendar Month Maximum | Apr, Jul, Oct | Grab | 1 x Month | |
| Iron, Total (as Fe) | Monitor Only | mg/L | Calendar Month Maximum | Apr, Jul, Oct | Grab | 1 x Month | |
| Manganese, Dissolved (as Mn) | Monitor Only | ug/L | Calendar Month Maximum | Apr, Jul, Oct | Grab | 1 x Month | |
| pH, Field | Monitor Only | SU | Calendar Month Maximum | Apr, Jul, Oct | Grab | 1 x Month | 1 |
| pH, Field | Monitor Only | SU | Calendar Month Minimum | Apr, Jul, Oct | Grab | 1 x Month | 1 |
| Solids, Total Dissolved (TDS) | Monitor Only | mg/L | Calendar Month Maximum | Apr, Jul, Oct | Grab | 1 x Month | |
| Specific Conductance, Field | Monitor Only | umh/cm | Calendar Month Maximum | Apr, Jul, Oct | Grab | 1 x Month | 1 |
| Sulfate (as S) | Monitor Only | mg/L | Calendar Month Maximum | Apr, Jul, Oct | Grab | 1 x Month | |
| Temperature, Water (C) | Monitor Only | Deg C | Calendar Month Maximum | Apr, Jul, Oct | Measurement | 1 x Month | 1 |

GW 003: Proposed downgradient well Northwest of Canisteo #2

| Parameter | Limit | Units | Limit Type | Effective Period | Sample Type | Frequency | Notes |
|--|--------------|--------|------------------------|------------------|-------------|-----------|-------|
| Chloride, Total | Monitor Only | mg/L | Calendar Month Maximum | Apr, Jul, Oct | Grab | 1 x Month | |
| Elevation of GW Relative to Mean Sea Level | Monitor Only | feet | Calendar Month Maximum | Apr, Jul, Oct | Measurement | 1 x Month | 2 |
| Hardness, Carbonate (as CaCo3) | Monitor Only | mg/L | Calendar Month Maximum | Apr, Jul, Oct | Grab | 1 x Month | |
| Iron, Dissolved (as Fe) | Monitor Only | mg/L | Calendar Month Maximum | Apr, Jul, Oct | Grab | 1 x Month | |
| Iron, Total (as Fe) | Monitor Only | mg/L | Calendar Month Maximum | Apr, Jul, Oct | Grab | 1 x Month | |
| Manganese, Dissolved (as Mn) | Monitor Only | ug/L | Calendar Month Maximum | Apr, Jul, Oct | Grab | 1 x Month | |
| pH, Field | Monitor Only | SU | Calendar Month Maximum | Apr, Jul, Oct | Grab | 1 x Month | 1 |
| pH, Field | Monitor Only | SU | Calendar Month Minimum | Apr, Jul, Oct | Grab | 1 x Month | 1 |
| Solids, Total Dissolved (TDS) | Monitor Only | mg/L | Calendar Month Maximum | Apr, Jul, Oct | Grab | 1 x Month | |
| Specific Conductance, Field | Monitor Only | umh/cm | Calendar Month Maximum | Apr, Jul, Oct | Grab | 1 x Month | 1 |
| Sulfate (as S) | Monitor Only | mg/L | Calendar Month Maximum | Apr, Jul, Oct | Grab | 1 x Month | |
| Temperature, Water (C) | Monitor Only | Deg C | Calendar Month Maximum | Apr, Jul, Oct | Measurement | 1 x Month | 1 |

SW 001: Proposed surface water station north of Canisteo #2

| Parameter | Limit | Units | Limit Type | Effective Period | Sample Type | Frequency | Notes |
|-----------------|--------------|-------|------------------------|------------------|-------------|-----------|-------|
| Chloride, Total | Monitor Only | mg/L | Calendar Month Average | Apr, Jul, Oct | Grab | 1 x Month | |

DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT

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

Period: *Limits Applicable in the Final Period*

SW 001: Proposed surface water station north of Canisteo #2

| Parameter | Limit | Units | Limit Type | Effective Period | Sample Type | Frequency | Notes |
|--------------------------------|--------------|--------|------------------------|------------------|-------------|-----------|-------|
| Hardness, Carbonate (as CaCo3) | Monitor Only | mg/L | Calendar Month Average | Apr, Jul, Oct | Grab | 1 x Month | |
| Iron, Dissolved (as Fe) | Monitor Only | mg/L | Calendar Month Average | Apr, Jul, Oct | Grab | 1 x Month | |
| Iron, Total (as Fe) | Monitor Only | mg/L | Calendar Month Average | Apr, Jul, Oct | Grab | 1 x Month | |
| Manganese, Dissolved (as Mn) | Monitor Only | ug/L | Calendar Month Average | Apr, Jul, Oct | Grab | 1 x Month | |
| pH, Field | Monitor Only | SU | Calendar Month Maximum | Apr, Jul, Oct | Grab | 1 x Month | |
| pH, Field | Monitor Only | SU | Calendar Month Minimum | Apr, Jul, Oct | Grab | 1 x Month | |
| Solids, Total Dissolved (TDS) | Monitor Only | mg/L | Calendar Month Average | Apr, Jul, Oct | Grab | 1 x Month | |
| Specific Conductance | Monitor Only | umh/cm | Calendar Month Average | Apr, Jul, Oct | Grab | 1 x Month | |
| Sulfate, Total (as SO4) | Monitor Only | mg/L | Calendar Month Average | Apr, Jul, Oct | Grab | 1 x Month | |

WS 001: Proposed waste stream station in clear water pond

| Parameter | Limit | Units | Limit Type | Effective Period | Sample Type | Frequency | Notes |
|--------------------------------|--------------|--------|------------------------|------------------|-------------|-----------|-------|
| Chloride, Total | Monitor Only | mg/L | Calendar Month Average | Jan-Dec | Grab | 1 x Month | |
| Flow | Monitor Only | mgd | Calendar Month Average | Jan-Dec | Measurement | 1 x Month | 3 |
| Hardness, Carbonate (as CaCo3) | Monitor Only | mg/L | Calendar Month Average | Jan-Dec | Grab | 1 x Month | |
| Iron, Dissolved (as Fe) | Monitor Only | mg/L | Calendar Month Average | Jan-Dec | Grab | 1 x Month | |
| Iron, Total (as Fe) | Monitor Only | mg/L | Calendar Month Average | Jan-Dec | Grab | 1 x Month | |
| Manganese, Dissolved (as Mn) | Monitor Only | ug/L | Calendar Month Average | Jan-Dec | Grab | 1 x Month | |
| pH, Field | Monitor Only | SU | Calendar Month Average | Jan-Dec | Grab | 1 x Month | |
| Solids, Total Dissolved (TDS) | Monitor Only | mg/L | Calendar Month Average | Jan-Dec | Grab | 1 x Month | |
| Specific Conductance | Monitor Only | umh/cm | Calendar Month Average | Jan-Dec | Grab | 1 x Month | |
| Sulfate, Total (as SO4) | Monitor Only | mg/L | Calendar Month Average | Jan-Dec | Grab | 1 x Month | |

Notes:

- 1 -- Final field measurement from stabilization tests at all monitoring wells may be used.
- 2 -- Measured to the nearest 0.01 ft. prior to pumping or bailing.
- 3 -- Monthly average pumping rate to the clear water pond from all sources shall be recorded.

DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT

Chapter 1. Industrial Process Wastewater

1. Authorization

- 1.1 This permit authorizes the Permittee to store, dispose, and/or reuse mined tailings in accordance with the provisions of this permit.

2. Prohibited Discharges

- 2.1 This permit does not authorize the discharge of 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.

3. Toxic Substance Reporting

- 3.1 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)
- 3.2 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).

4. Polychlorinated Biphenyls (PCBs)

- 4.1 PCBs, including but not limited to those used in electrical transformers and capacitors, shall not be discharged or released to the environment.

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.
- 5.2 The permit application shall include analytical data for at least the following parameters at monitoring station WS-001:
 - a. biochemical oxygen demand, chemical oxygen demand, total organic carbon, gasoline range organics, diesel range organics, fecal coliform, ammonia, temperature;
 - b. color, fluoride, nitrate-nitrite (as nitrogen), total organic nitrogen, oil and grease, total phosphorus, chloride, sulfate, sulfide (as sulfur), surfactants, bicarbonates, alkalinity, total salinity, total dissolved solids, specific conductance;
 - 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;
 - d. total mercury using EPA Method 1631.

DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT

Chapter 1. Industrial Process Wastewater

5. Application for Permit Reissuance

- 5.3 The Permittee shall include, as part of the application for reissuance of this permit:
- a. a current map of the tailings basin, showing the dikes, dams, cells, and current topographic and water level elevations in the basin;
 - b. an updated water balance for the facility;
 - c. an updated Operating Plan for the tailings basin for the next five (5) years; and
 - d. an updated Pollution Prevention Plan for the facility.
- 5.4 The Pollution Prevention Plan may be a revision of or an attachment to the current Pollution Prevention Plan.

Chapter 2. Ground Water Stations

1. Special Requirements

GW-001:

- 1.1 The Permittee shall take a minimum of three background samples from monitoring wells GW001 prior to initiation of operation at Magnetation Plant #4 processing facility. The background samples shall be taken for the parameters listed under GW001 in the Limits and Monitoring Section of this permit and shall be taken at a frequency of no less than 2 weeks apart. The results of the monitoring shall be submitted in a Baseline Groundwater Monitoring Report by August 31, 2013. Submit a Baseline Ground Water Monitoring Report by August 31, 2013.

GW-002:

- 1.2 The Permittee shall submit a Ground Water Monitoring Well Installation Plan 30 days before planned installation of well (GW002) to be approved by the MPCA.
- 1.3 The Permittee shall install one downgradient monitoring well (GW002) as described in the MPCA approved Ground Water Monitoring Well Installation Plan by June 30, 2013.
- 1.4 The Permittee shall submit a Ground Water Monitoring Well Installation Report within 30 days of installation of GW002. The Installation Report shall include at a minimum:
- a. detailed monitoring well log
 - b. unique well number identifying the well
 - c. surveyed top of casing elevations for the well
 - d. USGS topographic map of location of well in relation to the Buckeye and Canisteo tailings basins and property boundaries
- 1.5 Sampling at GW002 shall begin no later than July 2013 for the required parameters for GW002 in the Limits and Monitoring section of this permit.
- 1.6 The Permittee shall take a minimum of three background samples from monitoring well GW002 prior to initiation of operation at Magnetation Plant #4 processing facility. The background samples shall be taken for the parameters required for GW002 in the limits and monitoring section of this permit. The results of the monitoring shall be submitted in a Baseline Groundwater Monitoring Report by August 31, 2013.

GW-003:

- 1.7 The Permittee shall submit a Ground Water Monitoring Well Installation Plan 30 days before planned installation of well (GW003) to be approved by the MPCA.
- 1.8 The Permittee shall install one downgradient monitoring well (GW003) as described in the MPCA approved Ground Water Monitoring Well Installation Plan by June 30, 2015.

DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT

Chapter 2. Ground Water Stations

1. Special Requirements

- 1.9 The Permittee shall submit a Ground Water Monitoring Well Installation Report within 30 days of installation of GW003. The Installation Report shall include at a minimum:
 - a. detailed monitoring well log
 - b. unique well number identifying the well
 - c. surveyed top of casing elevations for the well
 - d. USGS topographic map of location of well in relation to the Buckeye and Canisteo tailings basins and property boundariesSubmit a Ground Water Monitoring Well Installation Report by 30 days after installation of groundwater monitoring well.
- 1.10 Sampling at GW003 shall begin no later than July 2015 for the required parameters for GW003 in the Limits and Monitoring section of this permit.
- 1.11 The Permittee shall take a minimum of three background samples from monitoring well GW003 prior to initiation of operation within Canisteo #2 North. The background samples shall be taken for the parameters required for GW003 in the limits and monitoring section of this permit. The results of the monitoring shall be submitted in a Baseline Groundwater Monitoring Report by August 31, 2015.

2. Monitoring Wells

- 2.1 The Permittee shall install, maintain and abandon groundwater monitoring wells according to the Minnesota Water Well Construction Code, Minnesota Rules, ch. 4725. Damaged or improperly constructed monitoring wells shall be repaired or properly abandoned and replaced. Information on licensed water well contractors is available from the Minnesota Department of Health.
- 2.2 The Permittee shall submit a detailed monitoring well log for each monitoring well at the facility and a detailed US Geological Survey topographical map identifying the location of each well.
- 2.3 Each monitoring well shall be clearly numbered on the outside of the well with either indelible paint or an inscribed number.
- 2.4 The monitoring wells shall be sampled in accordance with "Minnesota Pollution Control Agency, Water Quality Division: Sampling Protocol for Ground Water Monitoring Wells, July 1997," Triplett, et. al. Copies of this publication are available on the internet at <http://www.pca.state.mn.us/water/groundwater/wqsampling.html> or may be obtained from the MPCA by calling 651-282-6143 or 800-657-3938.
- 2.5 Prior to well purging and sampling, depths to groundwater shall be measured to the nearest 0.01 foot below the top of the well casing, and groundwater elevations shall be reported to the nearest 0.01 foot above mean sea level.
- 2.6 Temperature, specific conductance and pH shall be reported as the final field measurements from well stabilization.

3. Requirements for Specific Stations

- 3.1 GW 001: Submit a monthly DMR monthly by 21 days after the end of each calendar month following permit issuance.
- 3.2 GW 002: Submit a monthly DMR monthly by 21 days after the end of each calendar month following submittal of a Baseline Ground Water Monitoring Report.
- 3.3 GW 003: Submit a monthly DMR monthly by 21 days after the end of each calendar month following submittal of a Baseline Ground Water Monitoring Report.

DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT

Chapter 3. Surface Water Stations

1. Requirements for Specific Stations

- 1.1 SW 001: Submit a monthly DMR monthly by 21 days after the end of each calendar month following permit issuance.

2. Discharge Monitoring Reports

- 2.1 The Permittee shall submit monitoring results in accordance with the limits and monitoring requirements for this station. If flow conditions are such that no sample could be acquired, the Permittee shall check the "No Flow" box and note the conditions on the Discharge Monitoring Report (DMR).

3. Sampling Location

- 3.1 Samples for Station SW-001 shall be taken at the wetland located north of the Canisteo #2 tailings basin in the NW 1/4 of the SE 1/4 of Section 24, T56N, R25W, Itasca County.
- 3.2 Samples shall be taken at a point representative of the water body being sampled. Record location, date, time, and results for each sample on the supplemental Discharge Monitoring Report form.

4. Sampling Protocol

- 4.1 All instruments used for field measurements shall be maintained and calibrated to insure accuracy of measurements.
- 4.2 Sample water shall be preserved according to lab instructions and delivered to a certified lab within the minimum holding times.

5. Winter Sampling Conditions

- 5.1 The Permittee shall sample flows at the designated monitoring stations including when this requires removing ice to sample the water. If the station is completely frozen throughout a designated sampling month, the Permittee shall check the "No Flow" box on the Discharge Monitoring Report (DMR) and note the ice conditions in Comments on the DMR.

Chapter 4. Waste Stream Stations

1. Requirements for Specific Stations

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

2. Sampling Location

- 2.1 Grab and composite samples shall be collected at a point representative of total influent flow to the Clearwater Pond.
- 2.2 Samples for WS-001 shall be taken at the Clearwater settling pond located in the SW quarter of the SW quarter of S25 in T56N R25W.

Chapter 5. Special Requirements

1. Special Requirements

Annual Progress Report

DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT

Chapter 5. Special Requirements

1. Special Requirements

- 1.1 The Permittee shall submit an annual report describing the progress of operation at the Magnetation Plant #4 site. The annual report shall include, but is not limited to the following:
 - a. Amount of tailings material mined during the past year (tons)
 - b. Amount of iron concentrate produced during the past year (tons)
 - c. Identification of cells mined during the past year
 - d. Identification of cells to be mined during the next year
 - e. The Permittee shall conduct a detailed field survey of seepage zones from the perimeter dikes of the tailings basin(s) during October of each year. The Permittee shall record the results of the dike seepage survey on the Annual Report and report any management activities to take place to ensure seepage is not leaving the site if seepage is found
 - f. Documentation/ verification that there has been no overflow or discharge of process water or stormwater from the site.
 - g. A map for the past year activities which identifies which areas will be mined.
- 1.2 If water quality monitoring indicates impacts to the environment, the MPCA may request additional monitoring as needed. The permit may be re-opened and additional monitoring requirements added if necessary.
- 1.3 Submit an Annual Report by January 31 of each year following issuance of public notice.

Chapter 6. Metallic Mining

1. Mine Tailings Basin

- 1.1 The Permittee shall conduct a detailed field survey of seepage zones from the perimeter dikes of the tailings basin during October of each year.
- 1.2 The Dike Seepage Survey Report shall include the following information:
 - a. a clearly labeled map indicating the locations of the visible seepage zones;
 - b. the estimated flow rates for the seepage zones;
 - c. the specific conductance, pH and temperature values for the seepage zones;
 - d. a brief description of the changes in the nature of the seepage from previous observations; and
 - e. photographs as needed to document items a. - d.
- 1.3 The Permittee shall summarize the results of the Dike Seepage Survey in a Dike Seepage Survey Report.
- 1.4 Submit a Dike Seepage Survey Report by January 31 of each year following permit issuance.

Chapter 7. Stormwater Management

1. Authorization

- 1.1 This chapter authorizes the Permittee to manage stormwater associated with industrial activity in accordance with the terms and conditions of this chapter. The MPCA may initiate modification of this chapter in accordance with Minn. R. 7001.0170 and Minn. R. 7001.0190 Subp. 1 to incorporate revised requirements in response to the reissuance or modification of the General Stormwater Permit for Industrial Activity (MNG611000).

DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT

Chapter 7. Stormwater Management

1. Authorization

- 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.
- 1.3 The proposed Magnetation Plan #4 site is contained by dikes. All runoff from snowmelt and rainfall at the site shall be contained on the site. All water shall be stored within the site and recirculated throughout the site. A permit modification is required for any water discharges that leave the site.

2. Special Requirements

Vehicle Tracking

- 2.1 Vehicle entrances/exits must be inspected for evidence of off-site sediment tracking onto paved surfaces. Tracked sediment must be removed from all paved surfaces within no more than 24 hours after discovery. Off-site accumulations of sediment must be removed in a manner and at a frequency sufficient to minimize off-site impacts (e.g., fugitive sediment in streets could be washed into storm sewers by the next rain and/or pose a safety hazard to users of public streets). Street sweeping or other collection measure that ensures sediment will not be discharged to roadside ditches or other waters of the state must be used if vehicle sediment tracking occurs.

3. Water Quality Standards

- 3.1 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.
- 3.2 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, fuels, drilling fluids, oils, fertilizers, explosives and blasting agents.

4. Stormwater Pollution Prevention Plan

- 4.1 Submit a Stormwater Pollution Prevention Plan by 180 days after permit issuance and shall be available for inspection.
- 4.2 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.

Guidance for preparing the SWPPP can be found on the web at:

<http://www.pca.state.mn.us/index.php/water/water-types-and-programs/stormwater/industrial-stormwater/industrial-stormwater.html>.

- 4.3 At a minimum, the SWPPP must include:

- a. a description of appropriate Best Management Practices (BMPs) (including structural and non-structural) for protection of surface and groundwater quality at the facility and a schedule for implementing the practices;
- b. a drainage map for the entire facility;
- c. an inventory of exposed significant materials;
- d. an evaluation of the facility areas with exposure of significant materials to stormwater;
- e. an evaluation of all discharge conveyances from the site; a preventative maintenance program;
- f. a spill prevention and response procedure; and
- g. procedures to be followed by designated staff employed by the Permittee to implement the SWPPP.
- h. description of stormwater controls

DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT

Chapter 7. Stormwater Management

4. Stormwater Pollution Prevention Plan

4.4 In addition, the SWPPP must include the following:

a. Facility Map.

Identify where any of the following may be exposed to stormwater:: mining or milling site boundaries; access and haul roads; outline of drainage areas of each monitoring location within the facility with indications of the types of discharges from the drainage areas; location of all permitted discharge points, outdoor equipment storage, fueling and maintenance areas; materials handling areas; outdoor manufacturing, outdoor storage and material disposal areas; outdoor chemicals and explosives storage areas; overburden, materials, soils or waste storage areas; location of mine drainage or other process water; tailings piles and ponds; heap leach pads; off site points of discharge for mine drainage and process water; surface waters; boundary of tributary areas that are subject to effluent limits; location(s) of sites undergoing reclamation and reclaimed areas.

b. Potential Pollutant Sources.

For each area of the mine or mill site where stormwater discharges associated with industrial activities occur, the Permittee shall identify the types of pollutants (e.g. heavy metals, sediment) likely to be present in significant amounts. The Permittee shall consider the following factors: the mineralogy of the ore and waste rock (e.g. acid forming); toxicity and quantity of chemicals used, produced or discharged; the likelihood of contact with stormwater; vegetation of site (if any); history of significant leaks or spills of toxic or hazardous pollutants, including a summary of any existing ore or waste rock or overburden characterization data and test results for potential generation of acid rock. If any new data is acquired due to changes in ore type being mined, the Permittee shall update the SWPPP with this information.

5. Temporary Protection and Permanent Cover

- 5.1 Temporary protection methods are used to prevent erosion on a short-term basis, such as the placement of mulching straw, wood fiber blankets, wood chips, erosion control netting, or temporary seeding.
- 5.2 Permanent cover or final stabilization methods are used to prevent erosion, such as the placement of rip rap, sodding, or permanent seeding or planting. Permanent seeding and planting must have a uniform perennial vegetation cover of at least 70 percent density to constitute final stabilization.

6. Inspection and Maintenance

- 6.1 The Permittee must develop and implement an inspection schedule that includes a minimum of one facility inspection per calendar month. A minimum of one inspection per calendar year must be conducted during a runoff event. 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/wastewater/wastewater.html>.

- 6.2 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.

DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT

Chapter 7. Stormwater Management

6. Inspection and Maintenance

- 6.3 If the facility is inactive and unstaffed, temporarily inactive and unstaffed, or is a site undergoing reclamation, the Permittee is waived from the requirement to conduct monthly facility inspections and shall conduct semiannual inspections. If circumstances change, and the facility becomes active, and/or staffed, this exception no longer applies and compliance with the monthly inspection requirements, in accordance with Part III Subpart F2 of the 2011-2015 General Stormwater Permit, shall begin immediately.
- 6.4 The Permittee shall inspect the site when the Permittee has reason to believe that severe weather or natural disasters may have damaged stormwater control measures or increased discharges.
- 6.5 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.
- 6.6 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.

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>.

Industry Specific Control Measures

- 7.2 When capping is necessary to minimize pollutant discharges in stormwater, identify the source being capped and the material used to construct the cap.

8. Application of Chemical Dust Suppressants

- 8.1 If chemical dust suppressants are applied, the Permittee shall submit a Chemical Dust Suppressant Annual Report due 31 days after the end of each calendar year following the application of a chemical dust suppressant.
- 8.2 The Chemical Dust Suppressant Annual Report shall include:
 - a. a record of the dates, methods, locations and amounts by volume of chemical application at the facility;
 - b. whether the product was applied in the preceding year; and,
 - c. the results of a chemical analysis of the materials applied each year.
- 8.3 If a material applied is mixed with water or another solvent before application, the chemical analysis shall be done on the aqueous or other mixture that is representative of the solution applied. This analysis shall be conducted during the same calendar year of application. This analysis shall include the parameters that may be determined by U.S. Environmental Protection Agency (EPA) Methods 624 and 625 which are described in 40 CFR Part 136.
- 8.4 Chemical dust suppressants, if used, shall not be applied within 100 feet of the surface receiving waters identified in the 'Facility Description' section of this permit. These materials also shall not be applied within 100 feet of ditches that conduct surface flow to the surface receiving waters identified on Page 1 of this permit.

DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT

Chapter 7. Stormwater Management

9. Reporting

- 9.1 Submit a Stormwater Annual Report by March 31 of each year following permit issuance. A copy of the Stormwater Annual Report is located on the MPCA's website at:

<http://www.pca.state.mn.us/index.php/water/water-types-and-programs/wastewater/wastewater.html>.

- 9.2 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.

10. Records

- 10.1 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.

11. Notification

- 11.1 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.

12. Request for Termination of Stormwater Permit Coverage

- 12.1 The Permittee must apply for the No Exposure certification to the MPCA once every five years. A copy of the No Exposure certification card shall be submitted with the permit application for permit reissuance.
- 12.2 The No Exposure exclusion is conditional. The facility must maintain a condition of No Exposure at the facility in order for the No Exposure exclusion to remain applicable. In the event of any change or circumstance that causes exposure of industrial activities or materials to stormwater, the facility must comply with the stormwater requirements of this chapter.
- 12.3 The no exposure certification is non-transferrable in accordance with Minn. R. 7090.3060, subp. 5(D). In the event that the facility operator changes, then the new operator must submit a new no exposure certification to the MPCA, Industrial Stormwater Program, 520 Lafayette Rd N, St Paul, MN 55155-4194.
- 12.4 If the Permittee meets the eligibility criteria for No Exposure and is eligible for the conditional exclusion for No Exposure, as regulated by 40 CFR 122.26(b)(14)(i) through (ix) and (xi), it may submit: a) a No Exposure certification to the MPCA in accordance with Minn. R. 7090.3060, and b) a permit application for a modification of the NPDES/SDS Permit.
- 12.5 The MPCA retains the authority to require the facility operator to comply with the requirements of this chapter, even when an industrial operator certifies no exposure, if the MPCA has determined that the discharge is contributing to the violation of, or interfering with the attainment or maintenance of water quality standards, including designated uses.

13. Employee Training Program

- 13.1 The Permittee shall conduct training at active and temporarily inactive sites. All training regardless of site type shall be documented in the facility's SWPPP.

DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT

Chapter 7. Stormwater Management

13. Employee Training Program

13.2 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.

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/water-types-and-programs/stormwater/industrial-stormwater/industrial-stormwater.html>.

14. Definitions

- 14.1 "Active Metal Mining Facility" means a place where work or other activity related to the extraction, removal or recovery of metal ore is being conducted. For surface mines, this definition does not include any land where grading has returned the earth to a desired contour and reclamation has begun. This definition is derived from the definition of "active mining area" found at 40 CFR pt. 440.132(a).
- 14.2 "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.
- 14.3 "Inactive metal mining facility" means a site or portion of a site where metal mining and/or milling occurred in the past but is not an active facility as defined above, and where the inactive portion is not covered by an active mining permit issued by the State.
- 14.4 "Non-stormwater discharge" means any discharge not comprised entirely of stormwater discharges authorized by a NPDES permit.
- 14.5 "Reclamation" means activities undertaken, in compliance with applicable mined land reclamation requirements, following cessation of the activities associated with extraction through production of a salable product, intended to return the land to an appropriate post-mining land use in order to meet applicable Federal and State reclamation requirements.
- 14.6 "Runoff" means any liquid that drains over land from any part of a facility.
- 14.7 "Temporary inactive metal mining facility" means a site or portion of a site where metal mining and/or milling occurred in the past but currently are not being actively undertaken, and the facility is covered by an active mining permit issued by the State or Federal agency.

DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT

Chapter 8. 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.
- 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)

DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT

Chapter 8. Total Facility Requirements

1. General Requirements

- 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.

DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT

Chapter 8. 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)

DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT

Chapter 8. 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))

DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT

Chapter 8. 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)

DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT

Chapter 8. Total Facility Requirements

1. General Requirements

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

DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT

Chapter 8. Total Facility Requirements

1. General Requirements

- 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.

DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT

Chapter 8. Total Facility Requirements

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)

DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT

Chapter 8. Total Facility Requirements

1. General Requirements

- 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.