



## STATE OF MINNESOTA

**Minnesota Pollution Control Agency**

## Industrial Division

**National Pollutant Discharge Elimination System (NPDES)/  
State Disposal System (SDS) Permit MN0062561**

**PERMITTEE:** Heartland Corn Products  
**FACILITY NAME:** Heartland Corn Products  
**RECEIVING WATERS:** Unnamed ditch tributary to County Ditch 42 to the Middle Branch of the Rush River

**CITY; TOWNSHIP:** Winthrop; Alfsborg      **COUNTY:** Sibley  
**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 and to discharge from this facility to the receiving water 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, 7090 and the U.S. Clean Water Act.

This permit is effective on the issuance date identified above, and supersedes the previous permit that was issued for this facility on May 1, 2007. This permit expires at midnight on the expiration date identified above.

*Signature:* \_\_\_\_\_  
Jeff Udd, PE, Supervisor      *for The Minnesota Pollution Control Agency*  
Water Quality Permits Unit  
Industrial Division

***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:  
Tamara Dahl, 507-476-4252.
- For specific permit requirements or permit compliance status, contact:  
Theresa Roth, 507-344-5252.
- General permit or NPDES program questions, contact:  
MPCA, 651-282-6143 or 1-800-657-3938.

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## Permitted Facility Description

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The facility is designed to produce a maximum of 103.9 million gallons per year of undenatured ethanol for fuel use. Approximately 36 million bushels (approximately 1.3 million tons) per year of corn feedstock is processed through a dry milling process. As coproducts of ethanol production, the facility also produces distillers dried grains with solubles (DDGS) and syrup (both of which are sold as animal feed) as well as liquid carbon dioxide. The facility also extracts corn oil as a coproduct. The facility does not market or store wet cake. The fuel for the facility is supplied by natural gas.

The facility East Plant and West Plant are separate areas that share a boiler building, associated steam lines and piping between two respective tank storage sites.

The facility water is supplied by a well field in the Mount Simon and buried drift aquifers, and by the city of Winthrop's municipal water supply. Incoming water is collected in make-up water tanks and then routed through iron filters. From there the water is routed to the ethanol production processes, the reverse osmosis (RO) units and the cooling towers. Treated water from the RO systems supply the boiler and the cooling towers. The iron filter backwashes, RO reject brines and boiler blowdown are routed back into ethanol production, as shown in the diagram below.

The wastewaters generated by the ethanol, stillage and DDGS production processes (including reverse osmosis permeate flush, still bottoms, washdown waters, floor drainage and wet air emission control wastewaters) are recycled back into the process along with boiler blowdown and cleaning residuals, resulting in no release of these wastewaters from the facility. Boiler cleaning activities are not typically conducted; if the boiler is cleaned, whether mechanically or chemically, the cleaning wastes and wastewaters are returned to the ethanol manufacturing processes. Boiler cleaning wastes/wastewaters have no blowdown or other release to the wastewater streams that ultimately are released from the facility. Clean-in-place (CIP) and hydroblasting activities are conducted periodically for the facility as maintenance; CIP and hydroblasting rinse waters, sediments and the residuals from the other non-utility waste streams noted above are returned to the ethanol manufacturing process, which leads to the ultimate generation of ethanol, stillage and DDGS. The facility does not land apply any materials, including syrup, stillage, wet cake, DDGS or other materials. No dust control chemicals are applied at the facility.

Vehicle and equipment maintenance floor drainage, in the Maintenance Building, is collected and treated with an oil/water separator before routing to the publicly owned treatment works (POTW) covered by NPDES/SDS permit MN0051098. The domestic wastewater generated by the facility also is routed to the POTW.

The East and West Plants cooling wastewaters are characterized by a high level of specific conductivity and total dissolved solids and residual levels of chemicals used to prevent scaling and corrosion and to control microbiological growth in the towers, and to a lesser extent heat. These cooling wastewaters also are routed to the POTW, and are designed to have no blowdown or other release from the facility. This permit reflects the elimination of the facility releases of cooling water other than via the POTW.

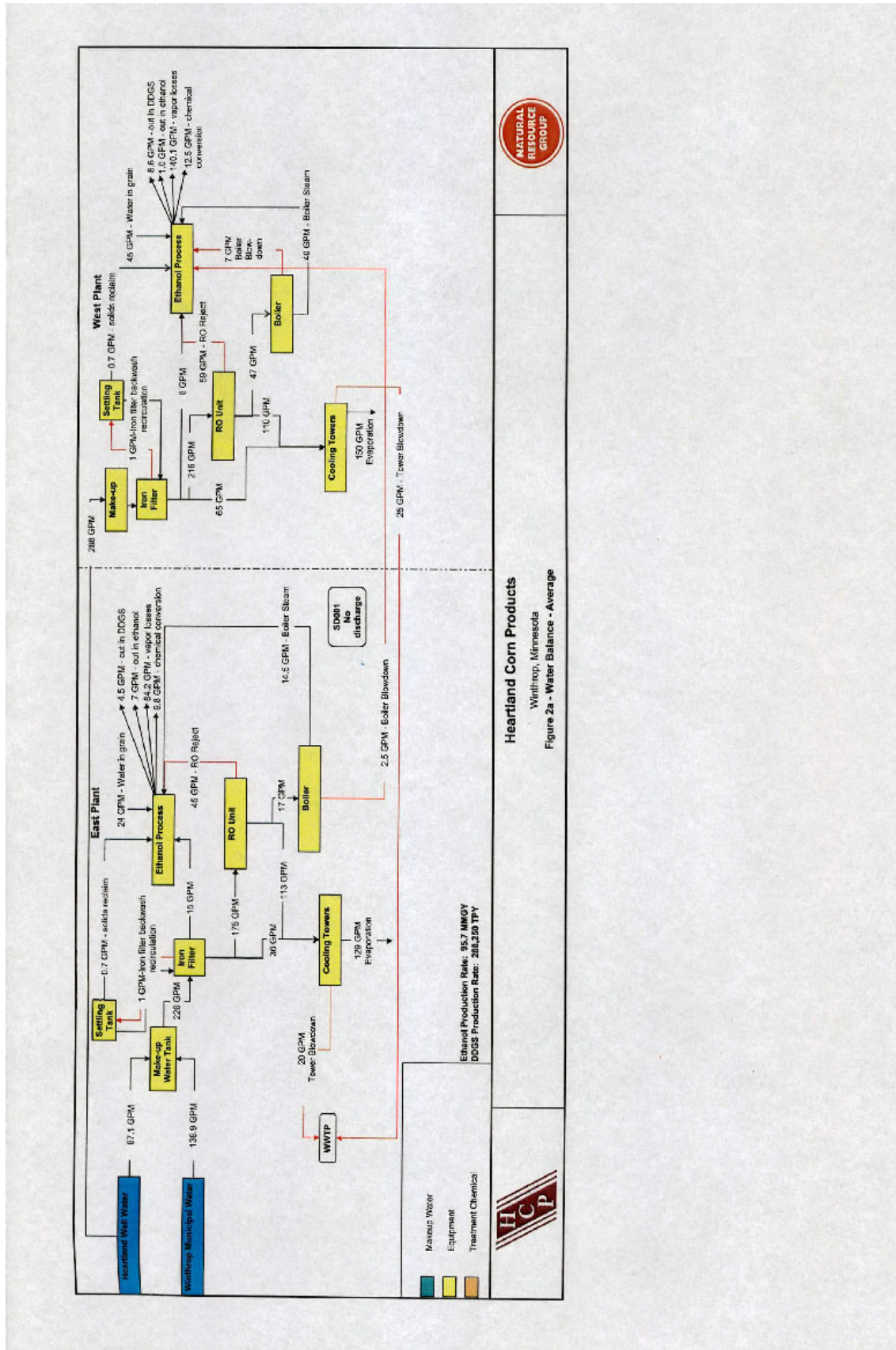
The Wastewater Lagoon (station WS001) has a High Density Polyethylene liner system. No wastewaters are routed to the Lagoon. The Lagoon contains various legacy residual process and utility wastewaters from the facility. Wastewater from the Lagoon can be reused in the manufacturing process in the plant (station WS003). The perimeter tiles at the Lagoon discharge through pipe station GW001 to an

unnamed ditch tributary to County Ditch 42. The Lagoon may be proposed to be decommissioned during the term of this permit.

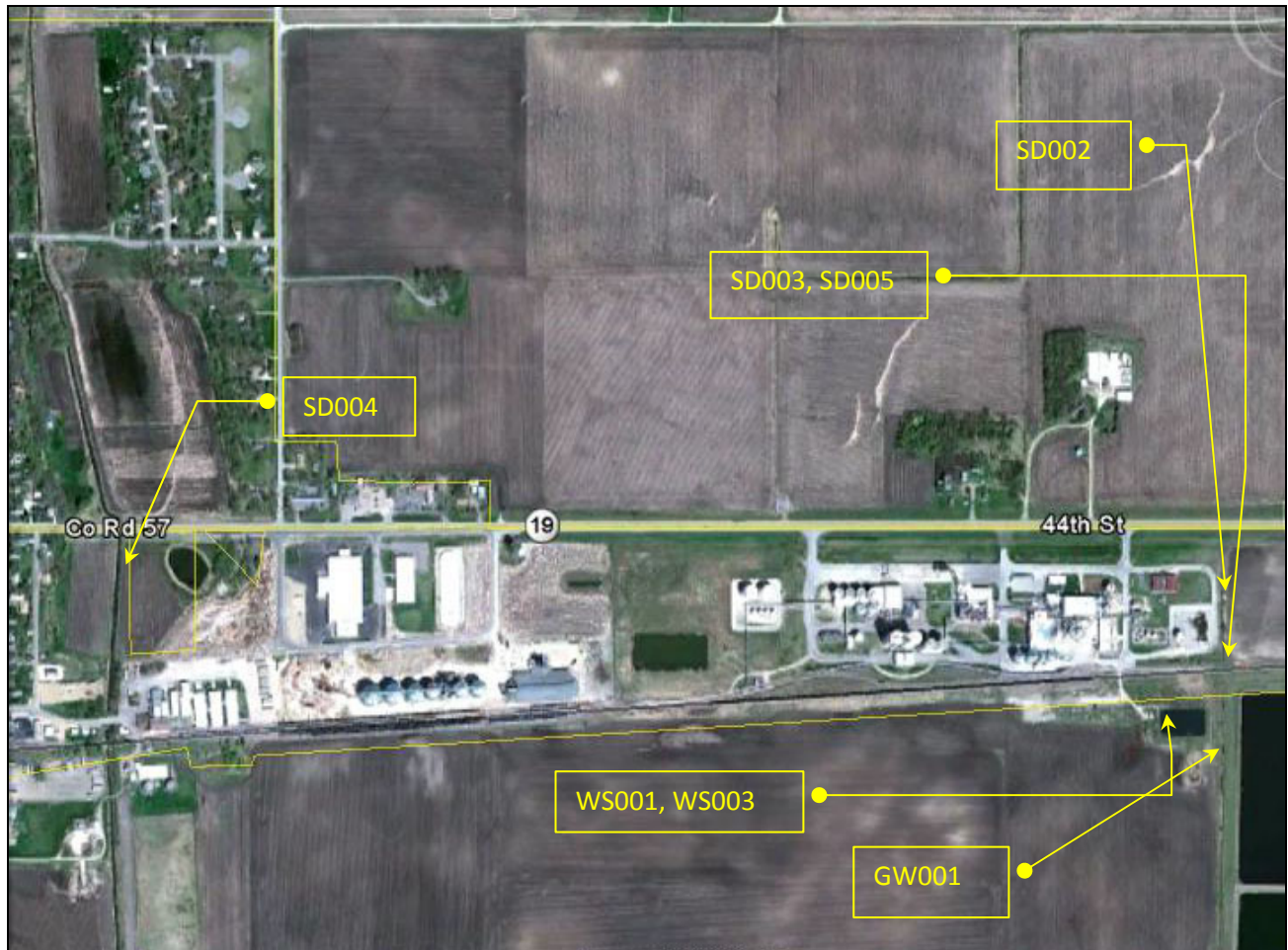
The East Plant and West Plant stormwater management systems function independently and do not commingle. The stormwater drainage from the East Plant site is routed through a series of culverts and drain tiles to an unnamed ditch tributary to County Ditch 42 through pipe outfalls SD002 and SD003. This unnamed ditch enters County Ditch 42, which drains to the Middle Branch of the Rush River. The unnamed ditch, County Ditch 42 and the Middle Branch of the Rush River are class 3C, 4A, 4B, 5, 6 and 7 waters. A storm detention/infiltration pond at the west end of the facility collects runoff from the West Plant site. This pond does not have a designed outlet, but is designed for evaporation and infiltration. When the pond overflows, it discharges (outfall SD004) on the west side of the pond and drains overland toward a surface tile intake. The tile line drains to a holding pond to the west of the facility, and eventually into a municipal storm drain to County Ditch 42. Stormwater from the northwest portion of the West Plant site does not contact industrial materials, and drains to the highway ditch and related tiles west to County Ditch 42.

The only outdoor handling and storage of raw materials, intermediate and finished products, byproducts and solid wastes at the facility is for truck and rail fuel loading sites. The storage tanks are covered under Aboveground Storage Tank (AST) Major Facility Permit #54981; this AST permit covers the tank secondary containment drainage, which includes the gravity flows from the facility truck (East Plant) and rail (West Plant) fuel loading sites. No tank condensate is generated. The drainage that accumulates in the facility tank secondary containment areas is tested to confirm the absence of fuel-related contaminants before being routed to the West Plant stormwater pond (West Plant) and to pipe outfall SD005 (East Plant).

The locations of the designated monitoring stations are shown below, and specified on the “Summary of Stations.”



Location of Facility



# Heartland Corn Products

## Summary of Stations

### Ground Water Stations

<u>Station</u>	<u>Type of Station</u>	<u>Local Name</u>	<u>PLS Location</u>
GW001	Tile Line Monitoring	Wastewater Lagoon tile discharge	SE Quarter of the NW Quarter of the NE Quarter of Section 5, Township 112 North, Range 29 West

### Surface Discharge Stations

<u>Station</u>	<u>Type of Station</u>	<u>Local Name</u>	<u>PLS Location</u>
SD002	Stormwater, Non-specific Runoff	East Plant north stormwater discharge	NE Quarter of the NW Quarter of the NE Quarter of Section 5, Township 112 North, Range 29 West
SD003	Stormwater, Non-specific Runoff	East Plant south stormwater discharge	SE Quarter of the NW Quarter of the NE Quarter of Section 5, Township 112 North, Range 29 West
SD004	Stormwater, Non-specific Runoff	West Plant stormwater pond discharge	NW Quarter of the NE Quarter of Section 6, Township 112 North, Range 29 West
SD005	Stormwater, Non-specific Runoff	E Plant AST secondary containment discharge	SE Quarter of the NW Quarter of the NE Quarter of Section 5, Township 112 North, Range 29 West

### Waste Stream Stations

<u>Station</u>	<u>Type of Station</u>	<u>Local Name</u>	<u>PLS Location</u>
WS001	Internal Waste Stream	Wastewater Lagoon	SE Quarter of the NW Quarter of the NE Quarter of Section 5, Township 112 North, Range 29 West
WS003	Internal Waste Stream	Lagoon wastewater removed for facility reuse	SE Quarter of the NW Quarter of the NE Quarter of Section 5, Township 112 North, Range 29 West



# Heartland Corn Products

## Limits and Monitoring Requirements

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

### GW 001

Parameter	Limit	Units	Limit Type	Effective Period	Sample Type	Frequency	Notes
BOD, Carbonaceous 05 Day (20 Deg C)	25	mg/L	Daily Maximum	Apr, Jul, Oct	Grab	1 x Month	
Chloride, Total	Monitor Only	mg/L	Calendar Month Average	Apr, Jul, Oct	Grab	1 x Month	
Nitrite Plus Nitrate, Total (as N)	Monitor Only	mg/L	Calendar Month Average	Apr, Jul, Oct	Grab	1 x Month	
Oxygen, Dissolved	Monitor Only	mg/L	Calendar Month Average	Apr, Jul, Oct	Grab	1 x Month	
pH, Field	Monitor Only	SU	Instantaneous Maximum	Apr, Jul, Oct	Grab	1 x Month	
pH, Field	Monitor Only	SU	Instantaneous Minimum	Apr, Jul, Oct	Grab	1 x Month	
Phosphorus, Total (as P)	Monitor Only	mg/L	Calendar Month Average	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	
Solids, Total Suspended (TSS)	Monitor Only	mg/L	Calendar Month Average	Apr, Jul, Oct	Grab	1 x Month	
Specific Conductance, Field	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	
Temperature, Water (C)	Monitor Only	Deg C	Calendar Month Average	Apr, Jul, Oct	Grab	1 x Month	

### SD 002

Parameter	Limit	Units	Limit Type	Effective Period	Sample Type	Frequency	Notes
BOD, Carbonaceous 05 Day (20 Deg C)	25	mg/L	Calendar Month Average	Jan-Dec	Grab	2 x Month	
BOD, Carbonaceous 05 Day (20 Deg C)	43	mg/L	Daily Maximum	Jan-Dec	Grab	2 x Month	
Duration of Discharge	Monitor Only	day/mo	Calendar Month Total	Jan-Dec	Measurement	1 x Day	
Ethanol (Ethyl Alcohol)	Monitor Only	ug/L	Calendar Month Maximum	Feb, Apr, Jun, Aug, Oct, Dec	Grab	1 x Month	
Flow	Monitor Only	mgd	Calendar Month Average	Jan-Dec	Measurement	1 x Day	
Flow	Monitor Only	mgd	Calendar Month Maximum	Jan-Dec	Measurement	1 x Day	
Flow	Monitor Only	MG	Calendar Month Total	Jan-Dec	Measurement	1 x Day	
Organics, Gasoline Range as gasoline, Total	Monitor Only	ug/L	Calendar Month Maximum	Feb, Apr, Jun, Aug, Oct, Dec	Grab	1 x Month	
pH, Field	9.0	SU	Instantaneous Maximum	Jan-Dec	Grab	2 x Month	
pH, Field	6.0	SU	Instantaneous Minimum	Jan-Dec	Grab	2 x Month	
Phosphorus, Total (as P)	Monitor Only	mg/L	Calendar Month Average	Jan-Dec	Grab	2 x Month	
Solids, Total Suspended (TSS)	30	mg/L	Calendar Month Average	Jan-Dec	Grab	2 x Month	
Solids, Total Suspended (TSS)	52	mg/L	Daily Maximum	Jan-Dec	Grab	2 x Month	



# Heartland Corn Products

## Limits and Monitoring Requirements

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

### SD 002

Parameter	Limit	Units	Limit Type	Effective Period	Sample Type	Frequency	Notes
Specific Conductance	Monitor Only	umh/cm	Calendar Month Average	Jan-Dec	Grab	2 x Month	
Temperature, Water (C)	Monitor Only	Deg C	Daily Maximum	Jan-Dec	Grab	1 x Month	

### SD 003

Parameter	Limit	Units	Limit Type	Effective Period	Sample Type	Frequency	Notes
BOD, Carbonaceous 05 Day (20 Deg C)	25	mg/L	Calendar Month Average	Jan-Dec	Grab	2 x Month	
BOD, Carbonaceous 05 Day (20 Deg C)	43	mg/L	Daily Maximum	Jan-Dec	Grab	2 x Month	
Duration of Discharge	Monitor Only	day/mo	Calendar Month Total	Jan-Dec	Measurement	1 x Day	
Ethanol (Ethyl Alcohol)	Monitor Only	ug/L	Calendar Month Maximum	Feb, Apr, Jun, Aug, Oct, Dec	Grab	1 x Month	
Flow	Monitor Only	mgd	Calendar Month Average	Jan-Dec	Measurement	1 x Day	
Flow	Monitor Only	mgd	Calendar Month Maximum	Jan-Dec	Measurement	1 x Day	
Flow	Monitor Only	MG	Calendar Month Total	Jan-Dec	Measurement	1 x Day	
Organics, Gasoline Range as gasoline, Total	Monitor Only	ug/L	Calendar Month Maximum	Feb, Apr, Jun, Aug, Oct, Dec	Grab	1 x Month	
pH, Field	9.0	SU	Instantaneous Maximum	Jan-Dec	Grab	2 x Month	
pH, Field	6.0	SU	Instantaneous Minimum	Jan-Dec	Grab	2 x Month	
Phosphorus, Total (as P)	Monitor Only	mg/L	Calendar Month Average	Jan-Dec	Grab	2 x Month	
Solids, Total Suspended (TSS)	30	mg/L	Calendar Month Average	Jan-Dec	Grab	2 x Month	
Solids, Total Suspended (TSS)	52	mg/L	Daily Maximum	Jan-Dec	Grab	2 x Month	
Specific Conductance, Field	Monitor Only	umh/cm	Calendar Month Maximum	Jan-Dec	Grab	2 x Month	

### SD 004, SD 005

Parameter	Limit	Units	Limit Type	Effective Period	Sample Type	Frequency	Notes
BOD, Carbonaceous 05 Day (20 Deg C)	25	mg/L	Calendar Month Average	Jan-Dec	Grab	1 x Month	
BOD, Carbonaceous 05 Day (20 Deg C)	37	mg/L	Daily Maximum	Jan-Dec	Grab	1 x Month	
Duration of Discharge	Monitor Only	day/mo	Calendar Month Total	Jan-Dec	Measurement	1 x Day	
Ethanol (Ethyl Alcohol)	Monitor Only	ug/L	Calendar Month Maximum	Apr, Jun, Aug, Oct	Grab	1 x Month	
Flow	Monitor Only	mgd	Calendar Month Average	Jan-Dec	Measurement	1 x Day	
Flow	Monitor Only	mgd	Calendar Month Maximum	Jan-Dec	Measurement	1 x Day	

# Heartland Corn Products

## Limits and Monitoring Requirements

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

### SD 004, SD 005

Parameter	Limit	Units	Limit Type	Effective Period	Sample Type	Frequency	Notes
Flow	Monitor Only	MG	Calendar Month Total	Jan-Dec	Measurement	1 x Day	
Organics, Gasoline Range as gasoline, Total	Monitor Only	ug/L	Calendar Month Maximum	Apr, Jun, Aug, Oct	Grab	1 x Month	
pH, Field	9.0	SU	Instantaneous Maximum	Jan-Dec	Grab	1 x Month	
pH, Field	6.0	SU	Instantaneous Minimum	Jan-Dec	Grab	1 x Month	
Phosphorus, Total (as P)	Monitor Only	mg/L	Calendar Month Average	Jan-Dec	Grab	1 x Month	
Solids, Total Suspended (TSS)	30	mg/L	Calendar Month Average	Jan-Dec	Grab	1 x Month	
Solids, Total Suspended (TSS)	44	mg/L	Daily Maximum	Jan-Dec	Grab	1 x Month	
Specific Conductance, Field	Monitor Only	umh/cm	Calendar Month Maximum	Jan-Dec	Grab	1 x Month	

### WS 001

Parameter	Limit	Units	Limit Type	Effective Period	Sample Type	Frequency	Notes
Elevation of Water Level Relative to Ref Point	1023.0	feet	Instantaneous Maximum	Jan-Dec	Measurement, Continuous	1 x Month	

### WS 003

Parameter	Limit	Units	Limit Type	Effective Period	Sample Type	Frequency	Notes
Duration of Discharge	Monitor Only	day/mo	Calendar Month Total	Jan-Dec	Measurement	1 x Month	
Flow	Monitor Only	mgd	Calendar Month Maximum	Jan-Dec	Measurement, Continuous	1 x Day	
Flow	Monitor Only	MG	Calendar Month Total	Jan-Dec	Measurement, Continuous	1 x Day	

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## **Chapter 1. Compliance Schedule**

### **1. Compliance Schedule**

- 1.1 The Permittee shall notify the MPCA in writing by no later than 180 days after permit issuance that the Wastewater Lagoon has complied with the station WS001 freeboard limit.

## **Chapter 2. Waste Stream Stations**

### **1. Requirements for Specific Stations**

- 1.1 WS 001: Measurements for station WS001 shall be taken by an installed marker or other system to measure the wastewater elevation. The depth marker shall clearly indicate the minimum freeboard limit of 3.0 feet.

Station WS001 shall be monitored as the surface water elevation in the Wastewater Lagoon to the nearest 0.1 ft.

Station WS001 shall be monitored at a minimum monthly, and within 24 hours after a rainfall event greater than 0.5 inches in 24 hours.

- 1.2 WS 001, WS 003: The Permittee shall Submit a monthly DMR monthly by 21 days after the end of each calendar month following permit issuance.

- 1.3 WS 003: Measurements for station WS003 shall be taken by measuring the volume pumped from the Wastewater Lagoon and returned to the facility plant.

Duration of discharge shall be reported as the number of days per month that wastewater is removed from the Wastewater Lagoon for return to the ethanol manufacturing process.

Calendar month maximum flow shall be measured as the volume per day of wastewater that is removed from the Wastewater Lagoon for return to the ethanol manufacturing process.

Calendar month total flow shall be reported as the total volume per month of wastewater that is removed from the Wastewater Lagoon for for return to the ethanol manufacturing process.

## **Chapter 3. Surface Discharge Stations**

### **1. Sampling Location**

- 1.1 Samples and measurements required by this permit shall be representative of the monitored activity.
- 1.2 Samples for outfall SD002 shall be taken at the effluent pipe to the unnamed ditch.
- 1.3 Samples for outfall SD003 shall be taken at the effluent pipe to the unnamed ditch.
- 1.4 Samples for outfall SD004 shall be taken in the West Plant stormwater pond. Because the pond does not include a design outlet structure, samples of the pond water shall be taken at least annually, in April, as representative of the outfall SD004 discharge.
- 1.5 Samples for outfall SD005 shall be taken at the effluent pipe to the unnamed ditch.

### **2. Winter Sampling Conditions**

- 2.1 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 Discharge" box on the Discharge Monitoring Report (DMR) and note the ice conditions in Comments on the DMR.

### **3. Surface Discharges**

- 3.1 Floating solids or visible foam shall not be discharged in other than trace amounts.

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## **Chapter 3. Surface Discharge Stations**

### **3. Surface Discharges**

3.2 Oil or other substances shall not be discharged in amounts that create a visible color film.

3.3 The Permittee shall install and maintain outlet protection measures at the discharge stations to prevent erosion.

### **4. Requirements for Specific Stations**

4.1 SD 002, SD 003, SD 004, SD 005: The Permittee shall Submit a monthly DMR monthly by 21 days after the end of each calendar month following permit issuance.

### **5. Discharge Monitoring Reports**

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

### **6. Reporting Requirements**

6.1 Duration of discharge shall be measured and reported as a whole number for each day of discharge.

### **7. General Requirements**

7.1 Constructed gravity and pressurized wastewater sewer systems shall meet the specifications for pressure testing and leakage as stated under the Standard Utilities Specifications for Watermain and Service Line Installation, Section 2611.3 G, Hydrostatic Testing of Watermains, as published by the City Engineers Association of Minnesota, 1999. Changes made to the specifications may be made upon request to, and approval by, the MPCA.

## **Chapter 4. Ground Water Stations**

### **1. Requirements for Specific Stations**

1.1 GW 001: Monitoring for station GW001 shall be conducted of the collected tile drainage from the Wastewater Lagoon.

1.2 GW 001: The Permittee shall Submit a monthly DMR monthly by 21 days after the end of each calendar month following permit issuance.

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## **Chapter 4. Ground Water Stations**

### **2. Discharges From Tile Lines**

- 2.1 If there is an exceedance of the daily maximum limit of 25 mg/l for five-day carbonaceous biochemical oxygen demand (CBOD5) in a tile line discharge (including station GW001), the Permittee shall take the following actions:
- a. Notify the MPCA within 24 hours of discovering the exceedance.
  - b. Immediately discontinue the discharge from the affected tile line until limits can be met.
  - c. If the tile line discharge cannot be discontinued, the Permittee shall monitor County Ditch 42 at County Road 1 once per day for: flow, chloride, dissolved oxygen, chemical oxygen demand, five-day carbonaceous biochemical oxygen demand (CBOD5), specific conductance, total dissolved solids, phosphorus, pH and temperature.
    - i. The monitoring results shall be reported on a supplemental form provided by the MPCA and submitted with the monthly DMR.
    - ii. The monitoring results shall also be reported immediately by telephone or facsimile to the MPCA.
    - iii. The Permittee shall continue monitoring the receiving water once per day until the MPCA grants approval to reduce or cease monitoring.
  - d. Within five days of discovery of the tile line discharge exceedance, the Permittee shall submit to the MPCA:
    - i. A description of the discharge, approximate volume, and the cause of noncompliance.
    - ii. A written description of the noncompliance; the cause of the noncompliance; and, the exact dates of the period of the noncompliance.
- If the exceedance has not been corrected, the Permittee shall provide the anticipated time it is expected to continue, and the steps taken or planned to reduce, eliminate, and prevent recurrence of the exceedance.
- 2.2 If the above criteria are exceeded, the MPCA, taking into consideration the level of the excursions noted, and Minn. R. 7050.0180 (and any amendments thereto), may require the Permittee to do any of the following:
1. Conduct additional monitoring.
  2. Conduct such studies as are reasonably necessary to determine the cause of the excursions.
  3. Develop plans for mitigation of surface water quality impacts.
  4. Take other reasonable action that is necessary for mitigation of surface water quality impacts.

The Permittee shall provide any information, reports or plans for mitigation to the MPCA. Upon approval of plans by the MPCA, these plans shall be implemented and adhered to by the Permittee.

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## **Chapter 4. Ground Water Stations**

### **2. Discharges From Tile Lines**

2.3 The modification or reissuance of this permit may be required in order to install new perforated tile lines at the facility. If the Permittee proposes to install new perforated tile lines at the facility, the Permittee shall notify the MPCA in writing before the planned installation date, and shall include at least the following:

- a. A detailed discussion of how the proposed tile line would impact surface and ground water quality; and
- b. A detailed map, cross-section (including depth of tile) and diagram description of the proposed tile line installation, including the route of the proposed tile line to surface receiving waters.

This notification shall be provided at least 180 days before the planned installation date, except for segments of tile installed no more than three feet deep under new concrete to prevent frost heave, for which this notification shall be provided at least 60 days before the planned installation date.

## **Chapter 5. Ethanol**

### **1. Authorization**

1.1 This permit does not authorize the construction or installation of pipeline facilities, or underground or above ground storage tanks.

### **2. Prohibited Discharges**

2.1 This permit does not authorize the discharge of water treatment residuals (including reverse osmosis and ion exchange softening brines), cooling waters, boiler waters, industrial process wastes (including but not limited to wet cake, stillage, syrup, infected batches), sewage, wash water, scrubber water, spills, oil, hazardous substances, or equipment/vehicle cleaning and maintenance wastewaters to ditches, wetlands or other surface waters of the state.

2.2 The Permittee must develop and implement appropriate best management practices to ensure that discharges of non-process wastewaters or cooling waters are not contaminated by failing/leaking heat exchangers or ammonia compressors.

There shall be no discharge of wastes from the physical cleaning of the cooling or water treatment system. Cleaning wastewaters from periodic and/or routine maintenance of the cooling system and/or from cleaning the insides of the tubes/heat exchangers are not authorized for discharge under this permit.

2.3 Cleaning wastewaters from periodic and/or routine maintenance of the cooling system and/or from cleaning the insides of the tubes/heat exchangers are not authorized for discharge under this permit.

2.4 This permit prohibits the discharge of RO membrane cleaning wastes, including all waters and wastes associated with the Membrane Cleaning (CIP) System.

2.5 This permit prohibits the discharge of ion exchange system backwash, regenerate, rinsate or cleaning residuals.

2.6 This permit prohibits the discharge of any filter, still, tank, pipe or boiler cleaning wastes.

2.7 The Permittee shall prevent the routing of pollutants from the facility to a municipal wastewater treatment system in any manner unless authorized by the pretreatment standards of the MPCA and the municipal authority.

2.8 The Permittee shall notify the MPCA in writing at least 180 days in advance of a proposal to transport brine wastes from the facility to a municipal wastewater treatment system other than the Winthrop POTW (NPDES/SDS permit MN0051098). This proposal may require the modification or reissuance of the NPDES/SDS permit for the municipal wastewater treatment system to add appropriate pollutant monitoring and limits.

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## **Chapter 5. Ethanol**

### **2. Prohibited Discharges**

- 2.9 The Permittee shall not transport pollutants to a municipal wastewater treatment system that will interfere with the operation of the treatment system or cause pass-through violations of effluent limits or water quality standards.

### **3. General Requirements**

- 3.1 EPA Method 8260B, and any revision to that method, shall be used for analysis of ethanol; analytical method detection level shall not exceed 100 micrograms per liter.

Analysis must meet a Limit of Quantitation (LOQ), or Method Detection Limit, for the Gasoline Range Organics analysis of 0.1 milligram per liter (mg/L), consistent with the Wisconsin DNR Modified GRO Method, dated September, 1995, and any revisions to that method.

Should other ethanol or GRO analytical method that has a reportable quantitation level that allows for sample characterization, to the same or lesser detection levels as those stated above, be approved by the EPA and certified by the Minnesota Department of Health, the Permittee is authorized to use that method.

- 3.2 Based on the evaluation for the potential of migration from the site, the Permittee shall design, construct, and operate the storage facility to meet the requirements in items a-c, below:
- a. Migration of contaminants into the adjacent subsurface soil, groundwater, or surface water at any time during the active life, or the closure period, of the facility must be prevented.
  - b. Run on and runoff of stormwater must be controlled. The Permittee must implement management practices designed to control run on and runoff of stormwater from the storage area. The Permittee must design, construct, operate, and maintain a stormwater management system capable of collecting and controlling the volume of contaminated stormwater resulting from a 24-hour, 25-year storm unless otherwise directed by the Agency.
  - c. Collection and holding facilities, such as tanks or basins, associated with the run on and runoff control systems must be managed to maintain the design capacity of the system. Disposal of wastes and wastewaters generated from these facilities must be managed appropriately.
- 3.3 Wet cake and modified wet cake shall not be stored outside at the facility.
- 3.4 Industrial byproducts, such as wet cake and DDGS, shall be managed so as to minimize adverse effects resulting from odors, noise and aerosol drift. The Permittee shall provide reasonable assurance that the management of industrial byproducts will not cause nuisance conditions.

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

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

### **Spoiled or Unusable Products**



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## **Chapter 5. Ethanol**

### **3. General Requirements**

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

The Permittee shall notify the MPCA staff within 24 hours when more than 100 gallons per day of such off-grade, spoiled, contaminated or infected materials (those that will not be reused in the production process nor used for livestock feed or fuel) are generated. This notification shall include at least the following information:

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

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

#### **Alternative Disposal Plan**

- 3.6 The Permittee may submit, for MPCA review and approval, an Ethanol Byproducts Alternative Management and Disposal Plan (Alternative Plan) if the Permittee proposes disposal methods other than those identified above. This Alternative Plan must be approved in writing by the MPCA prior to implementation, and shall be submitted to the MPCA at least 180 days before the proposed implementation date.

This Alternative Plan shall consist of:

- a) For proposed land application of the material, a complete NPDES/SDS permit application to the MPCA for industrial by-product land application.
- b) For other than proposed land application of the material, complete information as determined by MPCA in order to evaluate the proposed Alternative Plan, including but not limited to plans, specifications, and other technical information that is necessary to determine whether the proposal will meet the applicable statutes and rules.

### **4. Application for Permit Reissuance**

- 4.1 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. The application shall identify the sampling date(s).

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## **Chapter 5. Ethanol**

### **4. Application for Permit Reissuance**

- 4.2 The permit application shall include analytical data for the following parameters at stations SD002, SD003, SD004, SD005, WS001 and GW001:
- carbonaceous biochemical oxygen demand, chemical oxygen demand, total organic carbon, ethyl alcohol, gasoline range organics, temperature, ammonia;
  - bicarbonates, boron, chloride, sulfate, sulfide (as sulfur), total dissolved solids, conductivity;
  - copper, selenium and zinc (each in total form, reporting limit one microgram/liter or less);
  - total suspended solids, total phosphorus; and
  - hardness as calcium and magnesium and total salinity.

## **Chapter 6. Industrial Pond System**

### **1. Authorization**

- 1.1 This chapter authorizes the Permittee to manage wastewater in the Wastewater Lagoon, as described in the 'Facility Description' section 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.
- 1.2 The requirements of this chapter apply to all components of the permitted pond system, including but not limited to all impoundments at the facility used for collection, containment, storage, and/or treatment; and all related structures, conveyances, and/or appurtenances.
- 1.3 The Wastewater Lagoon pond bottom liner shall be located at least three feet above the seasonal high water table.
- 1.4 If the Permittee proposes to abandon and decommission the Wastewater Lagoon, the Permittee shall notify the MPCA in writing at least 180 days before beginning decommissioning activities. In this notification, the Permittee shall propose a Lagoon Closure Plan, for the review and approval of the MPCA.

This Plan must describe at least the following:

- The quantity of wastewater and the quantity of solids estimated to be in the Lagoon.
- The quality of the solids, include testing data collected to date. (Each solids sample taken for analysis must be a composite sample made up of at least 10 sub-samples; at least two composite samples must be taken for the Lagoon.)
- The quality of the wastewater, including testing data collected to date.
- The procedures for removing, storing and disposing of the residual Lagoon wastewater, solids and liner materials, including the proposed locations for ultimate disposal.
- The reclamation plans for the Lagoon site.
- The implementation schedule including the final anticipated closure date.

The MPCA may require that specific permit authorization be obtained before the Permittee proceeds with Lagoon decommissioning.

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## **Chapter 6. Industrial Pond System**

### **2. Operation and Maintenance**

- 2.1 The Permittee shall submit a Pond Performance Evaluation report by September 30, 2015.
  - 2.2 The Pond Performance Evaluation report shall be completed by a registered professional engineer with expertise in wastewater structures and shall include at least the following elements for the Wastewater Lagoon:
    - a. Pond performance data, calculations and graphs. Pond performance data includes at least two full years of data including, but not limited to, water balance data (influent and effluent flow data for the ponds, pond level/liquid depth measurements, precipitation records, and capacity/volume use comparisons).
    - b. A determination of whether the seepage requirements specified by this chapter, relative to liner integrity, are being met;
    - c. A completed MPCA "Municipal and Industrial Pond Attachment" form;
    - d. A certification from the registered professional engineer that the impoundment meets the technical criteria specified by this chapter;
    - e. A certification that the pond, related conveyances, and appurtenances to the pond system have been inspected for and comply with standards for structural integrity, complete containment and performance standards; or,
    - f. If the professional engineer can not certify that the required technical criteria are met, a Pond Restoration Plan shall be submitted for MPCA review and approval, to be completed by a registered professional engineer with expertise in wastewater structures. The Pond Restoration Plan shall include, at minimum, a proposal of corrective actions for the restoration to meet the technical criteria in this chapter, and an implementation schedule for the proposed actions.
- If repairs are necessary as a result of the professional engineer's inspection, a detailed proposal for restoration shall be submitted to the Agency for review within 180 days of discovery, and at least 60 days prior to initiation of restoration work.
- 2.3 At least 3 feet freeboard shall be maintained at all times in the Wastewater Lagoon.
  - 2.4 No flows shall be transferred to the Wastewater Lagoon (other than direct precipitation on the Lagoon surface).
  - 2.5 The Permittee shall maintain daily precipitation records.
  - 2.6 The Permittee shall install and maintain equipment to measure and record the volume of water transferred from the Wastewater Lagoon.
- The Permittee shall maintain daily records of the Wastewater Lagoon outflow amounts, and report these records to the MPCA through station WS003.
- 2.7 Liner Performance. The Wastewater Lagoon at the facility shall maintain a liner system that restricts infiltration losses to less than 500 gallons per acre per day.
  - 2.8 The Permittee shall use approved methods to prevent muskrats and other burrowing animals from tunneling and causing damage to the pond liner or dikes.
  - 2.9 Plants with long root structures, such as alfalfa, reed canary, willows, poplars, cottonwoods, shrubs, and cattails shall not be allowed to grow in the pond or on the dikes, regardless of water depth in the pond. Such harmful vegetative growth shall be controlled and such plants removed from the pond and pond structure.
  - 2.10 The Permittee shall maintain on any earthen wastewater pond dikes, a vegetative cover of shallow-rooted, perennial, low-growing grasses that withstand erosion and inundation and that can be mowed.

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## **Chapter 6. Industrial Pond System**

### **2. Operation and Maintenance**

- 2.11 The Permittee shall maintain a perimeter fence around the wastewater treatment system. Appropriate signs should be provided along all fences to designate the nature of the facility and advise against trespassing. At least one sign shall be provided on each side of the site, and one for every 500 feet of its perimeter.
- 2.12 Water and solids removed from the Wastewater Lagoon shall not be routed, directly or indirectly, to the facility outfalls or to the land.
- 2.13 Prior to the excavation or removal of solids from any wastewater pond at the facility, the Permittee shall implement measures to maintain the integrity of the pond liner during the removal process.
- 2.14 The Permittee shall obtain the prior written approval of the MPCA before the excavation or removal of solids from the Wastewater Lagoon. In order to obtain this approval, the Permittee shall submit a Removal Plan, at least 60 days before the planned removal date, that:
  - a) Demonstrates that the removal action will not impact the liner, and that the integrity of the pond liner system will be maintained during the removal process (this shall include a description of method[s] to be used for the excavation or removal of solids and justification that the removal action does not impact the liner);
  - b) Evaluates tile water quality monitoring results before and after the excavation or removal, to assess the potential impacts; and
  - c) Demonstrates that the Permittee has obtained the appropriate MPCA solid waste permit authorization to store and dispose of the materials removed from the pond.

The MPCA, as a condition of its approval, may require that a water balance evaluation be completed on the pond after the solids removal.

For solids removal that is part of the standard operating procedure and can successfully be demonstrated to not impact the liner, the Permittee may provide the information required by items a, b, and c as part of a Pond Operation and Maintenance Plan for MPCA review and approval together with the plans and specifications.

The Permittee shall notify the MPCA at least seven days prior to the planned solids removal date.

- 2.15 A water balance evaluation shall be completed on the pond within seven months of each removal action, the results of which shall be made available for MPCA review at the facility or upon request. The water balance evaluation procedure is described in the MPCA document "Prefill and Water Balance Criteria (7/89)."
- 2.16 The Permittee shall inspect the pond system weekly, and shall record the following information: measurements of pond water depth; estimation of the coverage of aquatic plants, floating mats and ice cover on the surface of the ponds; and noting of odors, the condition of the dikes and the presence of muskrats and other burrowing animals. The Permittee shall maintain records of these weekly inspections for the last three years.
- 2.17 The Permittee shall conduct, at a minimum, monthly inspections of the pond dikes to assess the dike integrity. The Permittee shall make repairs as soon as possible to those dikes showing evidence of leakage, erosion, instability, undue settlement, deterioration, loss of integrity, animal nuisance, interruption of riprap, harmful or excessive vegetative growth or other significant structural faults. The Permittee shall maintain records of the dike inspections, the repairs recommended and the repairs completed, including the dates and names of the individuals involved with these activities.

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## **Chapter 7. Stormwater Management**

### **1. Allowable Non-Stormwater Discharges**

- 1.1 The following non-stormwater discharges are authorized by this permit provided that appropriate Best Management Practices (BMPs) are utilized to minimize erosion and the discharges of sediment where necessary:
- a. Emergency fire-fighting activities.
  - b. Fire hydrant and fire suppression system flushings.
  - c. Potable water line flushings.
  - d. Uncontaminated condensate from air conditioners, coolers, and other compressors and from the outside storage of refrigerated gases or liquids.
  - e. Landscape watering provided all pesticides, herbicides, and fertilizers have been applied in accordance with manufacturer's instructions.
  - f. Pavement wash waters where no detergents are used and no spills or leaks of potential pollutants such as fertilizers, salts, or toxic and hazardous materials have occurred unless all spilled material has been removed.
  - g. Routine external building washdown that does not use detergents, solvents, or degreasers.
  - h. Uncontaminated groundwater or spring water.
  - i. Foundation or footing drains where flows are not contaminated.
  - j. Incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of the facility, but not intentional discharges from the cooling tower (e.g. "piped" cooling tower blowdown or drains).

### **2. Prohibited Discharges**

- 2.1 No waste streams other than stormwater shall be discharged through outfalls SD002, SD003, SD004 and SD005.
- 2.2 The following discharges are not authorized by this permit:
- a. Non-stormwater discharges containing inks, paints, other hazardous or non-hazardous substances, etc. resulting from an on-site spill, including materials collected in drip pans.
  - b. Washwater from material handling and processing areas.
  - c. Washwater from drum, tank or container rinsing and cleaning.
  - d. Discharges of runoff from coal yards and coal piles.
- 2.3 This permit does not authorize the discharge or disposal of fuel "contact" wastewater from sources such as tank condensate, or of hydrostatic test or cleaning waters from piping and tanks.
- 2.4 This permit does not authorize the discharge of stormwater associated with an industrial activity if the pollutant loading in the waste stream does not meet the minimum secondary treatment limits for Carbonaceous Biological Oxygen Demand (5 day test) and/or Total Suspended Solids.

### **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 The Permittee shall comply with its Stormwater Pollution Prevention Plan dated June 2007, as revised according to this permit.

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## **Chapter 7. Stormwater Management**

### **4. Stormwater Pollution Prevention Plan**

- 4.2 The Permittee shall revise and/or supplement the facility Stormwater Pollution Prevention Plan to the MPCA, for review and approval, by 180 days after permit issuance.
- 4.3 The Stormwater Pollution Prevention Plan revisions/supplement shall address:
- a. the outdoor storage of abandoned/unused industrial equipment (south of the rail tracks);
  - b. additional facility activity, including storage and disposal, sites south of the rail tracks, including but not limited to the Wastewater Lagoon;
  - c. no outdoor storage of wet cake and modified wet cake; and
  - d. tile/sewer systems not previously indicated, for example, related to the open tile intake west of the West Plant stormwater pond.
- 4.4 If the Permittee proposes to modify an MPCA-approved Stormwater Pollution Prevention Plan, except for personnel changes and improvements and/or additions to stormwater control measures and BMPs, the Permittee shall obtain the written approval of the MPCA for the proposed changes to the Plan.

#### **Plan Contents**

- 4.5 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.
- 4.6 In addition, the SWPPP must include the following:
- a. Facility Map. Identify where any of the following may be exposed to stormwater: Access roads, rail cars and tracks; areas where substances are transferred in bulk; and operating machinery.
  - b. Potential Pollutant Sources. Describe the following additional sources that have potential pollutants associated with them: Outdoor storage of salt, pellets, coal, drums and containers; access roads, rail cars and tracks; areas where the transfer of substances in bulk occurs; and areas where machinery operates.

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## **Chapter 7. Stormwater Management**

### **4. Stormwater Pollution Prevention Plan**

4.7 Complete a facility map that indicates the following at or adjacent to the facility:

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

4.8 The SWPPP must describe measures to prevent or minimize contamination of the storm water runoff from fuel areas. The facility shall consider covering the fueling area, using spill and overflow protection and cleanup equipment, minimizing runoff of storm water to the fueling area, using dry cleaning methods, collecting the storm water runoff and providing treatment or recycling or other equivalent measures.

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

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

4.10 Develop a preventive maintenance program. The program must require regular inspection and maintenance of stormwater management devices (e.g. cleaning oil/water separators and catch basins), as well as inspecting and testing plant equipment and systems to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants (e.g. hydraulic leaks, torn bag-house filters) to surface waters.

4.11 Develop a spill prevention and response procedure. In order to develop this procedure, Permittees should evaluate where spills have occurred and where they have the potential to occur. Determine drainage points for potential spill areas and develop appropriate spill prevention and containment measures, should a spill occur. Detailed procedures for clean-up spills shall be identified and made available to appropriate personnel. If your facility has any other spill contingency plan that satisfies the above requirements, that plan may be incorporated by reference into this Plan to satisfy this requirement.



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## **Chapter 7. Stormwater Management**

### **5. Good Housekeeping & Control Measures**

- 5.1 DDGS shall be managed in enclosed structures so as to have no exposure to stormwater, and measures shall be in place to prevent DDGS from being released (including by wind and vehicle tracking) from these structures to areas where the DDGS may come into contact with stormwater.

### **6. General Requirements**

- 6.1 The Permittee shall have developed a Spill, Prevention Control and Countermeasure (SPCC) Plan in conformance with and in compliance with the applicable conditions of 40 CFR Part 112 or Minnesota rules and regulations, whichever are more stringent and appropriate.
- 6.2 The SPCC Plan shall be a carefully thought-out plan, prepared in accordance with good engineering practices, and which has the full approval of management at a level with authority to commit the necessary resources.
- 6.3 All spilled product and other spilled wastes potentially subject to stormwater contact shall be immediately cleaned up and disposed of according to all applicable regulations or SPCC plans. Use of detergents, emulsifiers, or dispersants to clean up spilled product is prohibited except where necessary to comply with state or federal safety regulations (i.e., requirement for non-slippery work surface) except where the cleanup practice does not result in a discharges and does not leave residues exposed to future storm events. In all cases, initial cleanup shall be done by physical removal and chemical usage shall be minimized.

### **7. Employee Training Program**

- 7.1 The Permittee must develop and implement an employee training program to inform appropriate personnel of the components and goals of the SWPPP. At a minimum, training must address:
- a. spill/leak prevention and response;
  - b. good housekeeping;
  - c. petroleum product management;
  - d. process chemical management;
  - e. fueling procedures;
  - f. proper procedures for using fertilizer, herbicides, and pesticides;
  - g. erosion and sedimentation controls;
  - h. inspections;
  - i. preventative maintenance;
  - j. runoff management; and
  - k. materials management practices.

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/r0pga6f>.

### **8. Spill Prevention and Response Procedure**

- 8.1 Basins constructed at the plant site for the purpose of collection of product spills, raw materials spills, or other wastes other than stormwater runoff, shall be constructed using synthetic liners or sealed concrete to eliminate any seepage from such basins.

### **9. Temporary Protection and Permanent Cover**

- 9.1 The Permittee shall provide and maintain temporary protection or permanent cover for the exposed areas at the facility.

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## **Chapter 7. Stormwater Management**

### **10. Sedimentation Basin Design and Construction**

- 10.1 The Permittee is authorized to use designed 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 appropriate MPCA guidance for the design and construction of the basin.

### **11. Inspection and Maintenance**

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

Inspection results and documentation must remain on-site whenever Permittee staff are available on the site and must be available upon request. Inspections may be documented using an MPCA industrial stormwater site inspection form.

- 11.2 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. if applicable, 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, and available upon request.

- 11.3 The Permittee shall remove tracked material from the road surface and return it to the facility within one (1) day of discovery so that the materials drain to sedimentation basin(s) at the facility.
- 11.4 If the findings of a site inspection indicate that BMPs are not meeting the objectives as identified in this chapter, corrective actions must be initiated within 30 days and the BMP restored to full operation as soon as field conditions allow.

### **12. Reporting**

- 12.1 The Permittee shall Submit a Stormwater Annual Report by March 31 of each year following permit issuance.

- 12.2 Each Stormwater Annual Report shall cover, for the previous calendar year, at a minimum, the following information:

1. A summary of inspection dates, findings, and any BMP maintenance conducted by the Permittee during the course of the reporting year;
2. A confirmation that the SWPPP accurately reflects facility conditions; and
3. A list of all spills and leaks (as defined in Minn. Stat. ch. 115.061) that occurred at the facility during the reporting year.

- 12.3 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.

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## **Chapter 7. Stormwater Management**

### **13. Records**

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

### **14. Notification**

- 14.1 If the Permittee discharges stormwater into a municipal storm sewer, the Permittee shall notify the operator of the municipal storm sewer of the existence of this permit within 30 days of its issuance.

### **15. Definitions**

- 15.1 "Non-stormwater discharge" means any discharge not comprised entirely of stormwater discharges authorized by a NPDES permit.
- 15.2 "Runoff" means any liquid that drains over land from any part of a facility.

## **Chapter 8. Total Facility Requirements**

### **1. General Requirements**

#### **General Requirements**

- 1.1 Incorporation by Reference. The following applicable federal and state laws are incorporated by reference in this permit, are applicable to the Permittee, and are enforceable parts of this permit: 40 CFR pts. 122.41, 122.42, 136, 403 and 503; Minn. R. pts. 7001, 7041, 7045, 7050, 7052, 7053, 7060, and 7080; and Minn. Stat. Sec. 115 and 116.
- 1.2 Permittee Responsibility. The Permittee shall perform the actions or conduct the activity authorized by the permit in compliance with the conditions of the permit and, if required, in accordance with the plans and specifications approved by the Agency. (Minn. R. 7001.0150, subp. 3, item E)
- 1.3 Toxic Discharges Prohibited. Whether or not this permit includes effluent limitations for toxic pollutants, the Permittee shall not discharge a toxic pollutant except according to Code of Federal Regulations, Title 40, sections 400 to 460 and Minnesota Rules 7050, 7052, 7053 and any other applicable MPCA rules. (Minn. R. 7001.1090, subp.1, item A)
- 1.4 Nuisance Conditions Prohibited. The Permittee's discharge shall not cause any nuisance conditions including, but not limited to: floating solids, scum and visible oil film, acutely toxic conditions to aquatic life, or other adverse impact on the receiving water. (Minn. R. 7050.0210 subp. 2)
- 1.5 Property Rights. This permit does not convey a property right or an exclusive privilege. (Minn. R. 7001.0150, subp. 3, item C)

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## **Chapter 8. Total Facility Requirements**

### **1. General Requirements**

- 1.6 **Liability Exemption.** In issuing this permit, the state and the MPCA assume no responsibility for damage to persons, property, or the environment caused by the activities of the Permittee in the conduct of its actions, including those activities authorized, directed, or undertaken under this permit. To the extent the state and the MPCA may be liable for the activities of its employees, that liability is explicitly limited to that provided in the Tort Claims Act. (Minn. R. 7001.0150, subp. 3, item O)
- 1.7 The MPCA's issuance of this permit does not obligate the MPCA to enforce local laws, rules, or plans beyond what is authorized by Minnesota Statutes. (Minn. R. 7001.0150, subp.3, item D)
- 1.8 **Liabilities.** The MPCA's issuance of this permit does not release the Permittee from any liability, penalty or duty imposed by Minnesota or federal statutes or rules or local ordinances, except the obligation to obtain the permit. (Minn. R. 7001.0150, subp.3, item A)
- 1.9 The issuance of this permit does not prevent the future adoption by the MPCA of pollution control rules, standards, or orders more stringent than those now in existence and does not prevent the enforcement of these rules, standards, or orders against the Permittee. (Minn. R. 7001.0150, subp.3, item B)
- 1.10 **Severability.** The provisions of this permit are severable and, if any provisions of this permit or the application of any provision of this permit to any circumstance are held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby.
- 1.11 **Compliance with Other Rules and Statutes.** The Permittee shall comply with all applicable air quality, solid waste, and hazardous waste statutes and rules in the operation and maintenance of the facility.
- 1.12 **Inspection and Entry.** When authorized by Minn. Stat. Sec. 115.04; 115B.17, subd. 4; and 116.091, and upon presentation of proper credentials, the agency, or an authorized employee or agent of the agency, shall be allowed by the Permittee to enter at reasonable times upon the property of the Permittee to examine and copy books, papers, records, or memoranda pertaining to the construction, modification, or operation of the facility covered by the permit or pertaining to the activity covered by the permit; and to conduct surveys and investigations, including sampling or monitoring, pertaining to the construction, modification, or operation of the facility covered by the permit or pertaining to the activity covered by the permit. (Minn. R. 7001.0150, subp.3, item I)
- 1.13 **Control Users.** The Permittee shall regulate the users of its wastewater treatment facility so as to prevent the introduction of pollutants or materials that may result in the inhibition or disruption of the conveyance system, treatment facility or processes, or disposal system that would contribute to the violation of the conditions of this permit or any federal, state or local law or regulation.

### **Sampling**

- 1.14 **Representative Sampling.** Samples and measurements required by this permit shall be conducted as specified in this permit and shall be representative of the discharge or monitored activity. (40 CFR 122.41 (j)(1))
- 1.15 **Additional Sampling.** If the Permittee monitors more frequently than required, the results and the frequency of monitoring shall be reported on the Discharge Monitoring Report (DMR) or another MPCA-approved form for that reporting period. (Minn. R. 7001.1090, subp. 1, item E)
- 1.16 **Certified Laboratory.** A laboratory certified by the Minnesota Department of Health and/or registered by the MPCA shall conduct analyses required by this permit. Analyses of dissolved oxygen, pH, temperature, specific conductance, and total residual oxidants (chlorine, bromine) do not need to be completed by a certified laboratory but shall comply with manufacturers specifications for equipment calibration and use. (Minn. Stat. Sec. 144.97 through 144.98 and Minn. R. 4740.2010 and 4740.2050 through 4740.2120) (Minn. R. 4740.2010 and 4740.2050 through 2120)
- 1.17 **Sample Preservation and Procedure.** Sample preservation and test procedures for the analysis of pollutants shall conform to 40 CFR Part 136 and Minn. R. 7041.3200.

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## **Chapter 8. Total Facility Requirements**

### **1. General Requirements**

- 1.18 Equipment Calibration: Flow meters, pumps, flumes, lift stations or other flow monitoring equipment used for purposes of determining compliance with permit shall be checked and/or calibrated for accuracy at least twice annually. (Minn. R. 7001.0150, subp. 2, items B and C)
- 1.19 Maintain Records. The Permittee shall keep the records required by this permit for at least three years, including any calculations, original recordings from automatic monitoring instruments, and laboratory sheets. The Permittee shall extend these record retention periods upon request of the MPCA. The Permittee shall maintain records for each sample and measurement. The records shall include the following information (Minn. R. 7001.0150, subp. 2, item C):
- a. The exact place, date, and time of the sample or measurement;
  - b. The date of analysis;
  - c. The name of the person who performed the sample collection, measurement, analysis, or calculation; and
  - d. The analytical techniques, procedures and methods used; and
  - e. The results of the analysis.
- 1.20 Completing Reports. The Permittee shall submit the results of the required sampling and monitoring activities on the forms provided, specified, or approved by the MPCA. The information shall be recorded in the specified areas on those forms and in the units specified. (Minn. R. 7001.1090, subp. 1, item D; Minn. R. 7001.0150, subp. 2, item B)

Required forms may include:

#### **DMR Supplemental Form**

Individual values for each sample and measurement must be recorded on the DMR Supplemental Form which, if required, will be provided by the MPCA. DMR Supplemental Forms shall be submitted with the appropriate DMRs. You may design and use your own supplemental form; however it must be approved by the MPCA. Note: Required summary information **MUST** also be recorded on the DMR. Summary information that is submitted **ONLY** on the DMR Supplemental Form does not comply with the reporting requirements.

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## **Chapter 8. Total Facility Requirements**

### **1. General Requirements**

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

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

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

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

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

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

- 1.22 Incomplete or Incorrect Reports. The Permittee shall immediately submit an amended report or DMR to the MPCA upon discovery by the Permittee or notification by the MPCA that it has submitted an incomplete or incorrect report or DMR. The amended report or DMR shall contain the missing or corrected data along with a cover letter explaining the circumstances of the incomplete or incorrect report. (Minn. R. 7001.0150 subp. 3, item G)
- 1.23 Analyses of dissolved oxygen, pH, temperature and specific conductance shall be conducted immediately, in the field.
- 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 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))



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## **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)

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## **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**

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## **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)
- 1.40 The Permittee shall, when requested by the Agency during inspection, make available for review at the facility 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.

### **Changes to the Facility or Permit**

- 1.41 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.
- 1.42 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.

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## **Chapter 8. Total Facility Requirements**

### **1. General Requirements**

- 1.43 The Permittee shall obtain authorization under this permit for adequate wastewater treatment capability before a production capacity expansion that would result in the generation of increased wastewater or pollutant levels.

The following changes may require a permit modification, and shall be proposed to the MPCA before implementation:

- a. Proposed changes to the permit "Permitted Facility Description," including an increase in production capacity, the addition of additional wastewater pond or spray irrigation acreage, and the increased use or new use of a chemical additive if released.
  - b. Changes in the characteristics, concentrations or frequency of the wastewater flow. These changes may include: an increase in design discharge flow greater than 200,000 gallons/day; an increase in the mass loading discharge of a toxic pollutant that is likely to increase the concentration of the pollutant in the receiving water by more than one percent over the baseline receiving water quality; significant rerouting of wastewater for land disposal; or significant changes in the levels of indicator characteristics.
  - c. Changes in industrial byproducts or residual solids use and disposal practices.
- 1.44 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.

- 1.45 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)

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## **Chapter 8. Total Facility Requirements**

### **1. General Requirements**

- 1.46 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)
- 1.47 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.
- 1.48 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.
- 1.49 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.
- 1.50 Permit Transfer. The permit is not transferable to any person without the express written approval of the Agency after compliance with the requirements of Minn. R. 7001.0190. A person to whom the permit has been transferred shall comply with the conditions of the permit. (Minn. R., 7001.0150, subp. 3, item N)

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## **Chapter 8. Total Facility Requirements**

### **1. General Requirements**

- 1.51 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)

- 1.52 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.