



## STATE OF MINNESOTA

**Minnesota Pollution Control Agency****Industrial Division****State Disposal System (SDS) Permit MN0069868**

**PERMITTEE:** Magnetation LLC  
**FACILITY NAME:** Magnetation LLC Plant 2  
**RECEIVING WATER:** N/A

**CITY OR TOWNSHIP:** Bovey                      **COUNTY:** Itasca  
**ISSUANCE DATE:** October 28, 2010              **EXPIRATION DATE:** September 30, 2015  
**MODIFICATION DATE:**

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

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

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

*Signature:* \_\_\_\_\_

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

*for The Minnesota Pollution Control Agency*

***Submit DMRs to:***

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

***Submit Other WQ Reports to:***

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

***Questions on this permit?***

- For DMR and other permit reporting issues, contact:  
Belinda Nicholas, 651-757-2613.
- For specific permit requirements or permit compliance status, contact:  
Jaramie Logelin, 218-302-6640.
- General permit or NPDES program questions, contact:  
MPCA, 651-282-6143 or 1-800-657-3938.

520 Lafayette Rd. N.; St. Paul, MN 55155-4194; 651-296-6300 (voice); 651-282-5332 (TTY)

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## Facility Description

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The Magnetation Plant 2 facility (facility) is located at Southwest 1/4 and Southeast 1/4 of Section 27, and Northwest ¼ and Northeast ¼ of Section 34, Township 56 North, Range 24 West, Taconite, Itasca County, Minnesota.

The application and plans indicate that Magnetation LLC operates a scam mining operation and processing facility located at the former Holman tailings basin in Section 27 and the North ½ of Section 34, Township 56 North, Range 24 West. Limited scam mining as well as operation of a water supply pond for the Magnetation Plant 2 operations occurs in the former East Trout Lake tailings basin located in the Southeast ¼ of Section 33, and S ½ of Section 34 of Township 56 North, Range 24 West; the Northeast ¼ and South ½ of Section 3; the East ½ of Section 4; the Northeast ¼ of Section 9; and the Northwest ¼ of Section 10, Township 55 North, Range 24 West.

The company proposes to add an additional scam mining site, the Plummer site, located in the SW ¼ of Section 26; the E ½ of the SE ¼ of Section 27; The W ½ of the SE ¼ of the NE ¼ of Section 27; the NE ¼ of the NE ¼ of Section 34; the N ½ of the SE ¼ of the NE ¼ of Section 34; the N ½ of the NW ¼ of Section 35 and the NE ¼ of Section 35; all of Township 56 North, Range 24 West.

Processing of the tailings from the scam mining operations at all three sites will result in the production of iron oxide concentrate.

The total area for this project will consist of three former tailings basins originally closed in the 1960s and 1970s. The Holman tailings basin site currently under lease by Magnetation is approximately 430 acres in size with the basin itself being approximately 300 acres. The company is also leasing approximately 1,000 acres of the East Trout Lake tailings basin site which is located south of the Holman site. The Holman tailings basin is bounded by earthen dikes that form the impoundment including what used to be a settling basin on the southeast end of the site. The East Trout Lake site will provide an alternate source of the water supply for the processing facility. Approximately 40 acres of the northwest portion of the site may be mined during the permit period as well. The proposed Plummer basin is owned by Magnetation and includes a small portion of land leased from the State of Minnesota. The Plummer basin is located to the east of the Holman site and is approximately 400 acres with a mineable area of approximately 300 acres. An additional 67 acres on the eastern edge of the Plummer basin is leased from the State of Minnesota. The leased land will be used as a buffer area outside the basin perimeter. No tailings disposal will occur on the State leased land.

The primary source of water for the processing facility is obtained through appropriation of water from the Canisteo Pit via Holman Lake to the Holman tailings basin. Magnetation will pump water from the Canisteo Pit to an existing wetland complex, which flows naturally into the north end of Holman Lake and then pump water from the southern end of Holman Lake via a closed hydraulic system into the tailings and reclaim water ponds within the Holman tailings basin.

There are two additional surface water sources permitted for this facility. The clear water pond located within the East Trout Lake Basin was the original process water source for the facility and was used for the initial filling of the Holman Basin tailings and clear water ponds. It is now the operational alternate to Holman Lake. The backup source for initial Holman Basin tailings and clear water pond filling is a small pond located east of the Holman Basin, referred to as the SE Pond. Once the initial Holman Basin tailings and reclaim clear water ponds are filled, the SE pond becomes the tertiary source of make-up process water. The SE Pond will eventually be phased out as a water source.

The company proposes to process an average of 2.2 million metric tons of tailings per year and a maximum of 3.2 million metric tons of tailings per year. The material to be mined is coarse tailings (sand and silt-sized particles). The company proposes to produce an average of 650,000 tons/year and a maximum of 800,000 tons/year of iron oxide concentrate, grading between 63 percent to 66 percent iron content.

Material will be mined out of the Holman, East Trout Lake and Plummer tailings basins using back hoes or other excavators and hauled to a concentrator plant located on the southeast end of the Holman tailings basin. Process make-up water will be routed from the Canisteo Pit via Holman Lake (primary source) at an approximate rate of 0.44 million gallons per day (mgd) or East Trout Lake clear water pond (alternate source) at an approximate rate 0.43 mgd. The company will use a wet process for the production of iron concentrate, which will consist of various unit processes comprising the proprietary Magnetation Process (patent pending) including, but not limited to, hoppers, feeders, conveyors, screens, size reducers, pumps, hydro-cyclones, the Rev3 Separator (patent pending), slurry tanks, and dewatering devices. Water will be reclaimed and cycled from the tailings disposal areas and to the concentrator plant at a rate of 14.4 and 14.2 mgd respectively. Tailings from the processing plant will be pumped via pipeline or flow by gravity via pipe or launder to the existing settling pond at the southeast end of the Holman site. All process water will be stored within the Holman tailings basin pond and recirculated through the concentrator plant. Discharge of tailings to the Holman and Plummer tailings basins from the concentration process is proposed at an average rate of 17.3 mgd and a maximum rate of up to 22.0 mgd. Disposal of tailings will not take place at the East Trout Lake site.

The chemical additive, NeoSolutions NS-6850 has been approved for use to improve solids recovery in the company's process. NS-6850 has been approved at an average rate of use of 8.4 mg/kg; not to exceed 2500 parts per million as identified in the SDS Permit application.

No waste rock will be excavated or stockpiled as this is an existing natural ore tailings basin. There will be no modification to watersheds. The existing sites are contained by dikes, with no surface runoff discharge to the environment outside the dikes. All water generated on site will be stored within the site and re-circulated. All runoff from snowmelt or rainfall at the site will be contained on site. There will be no discharge of water or tailings outside of the containment dikes. There will be no discharge to surface waters from this facility.

Mining areas will be stabilized temporarily during operations, and permanently reclaimed as areas of the mine become inactive or upon closure. Temporary stabilization will consist of temporary mulch cover, and/or temporary seeding, and/or temporary salvaged topsoil. Permanent reclamation will consist of permanently covering/re-vegetating the surface of the tailing in the mined out areas, and tailing delta areas produced by the discharge of the plant and reclaiming any slopes that may remain at the site. Permanent reclamation will be conducted in accordance with Mineland Reclamation Rules (Minn. R. ch. 6130).

The location of designated monitoring stations is specified on the attached "Summary of Stations and Station Locations" report.

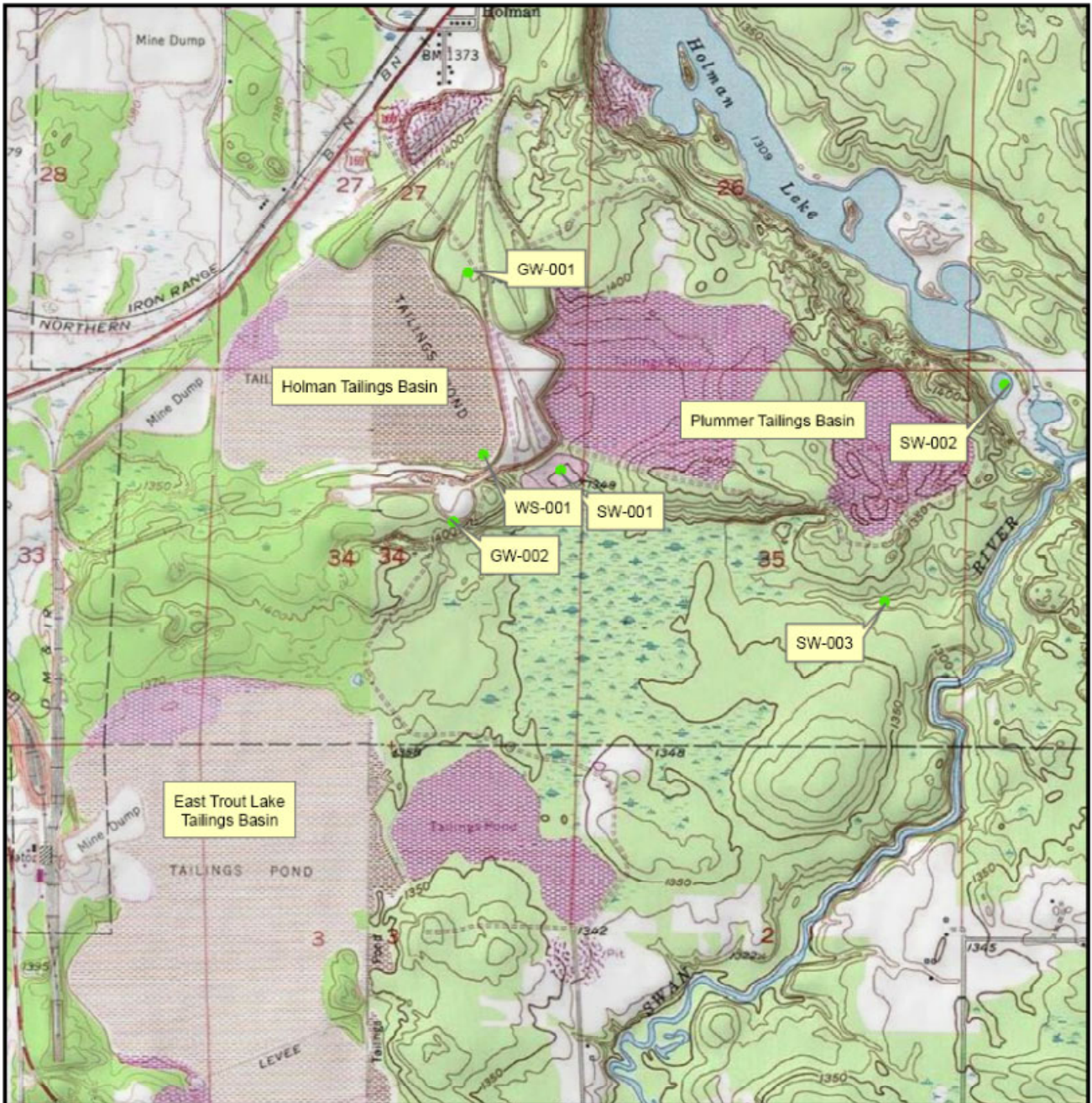
The location of the facility is shown on the following topographical map.

**Topographic Map of Permitted Facility**

MN0069868: Magnetation Plant 2

T56N, R24W, Sections 26, 27, 34 &amp; 35; T55N, R24W, Sections 3, 4 &amp; 10

Taconite, Itasca County, Minnesota



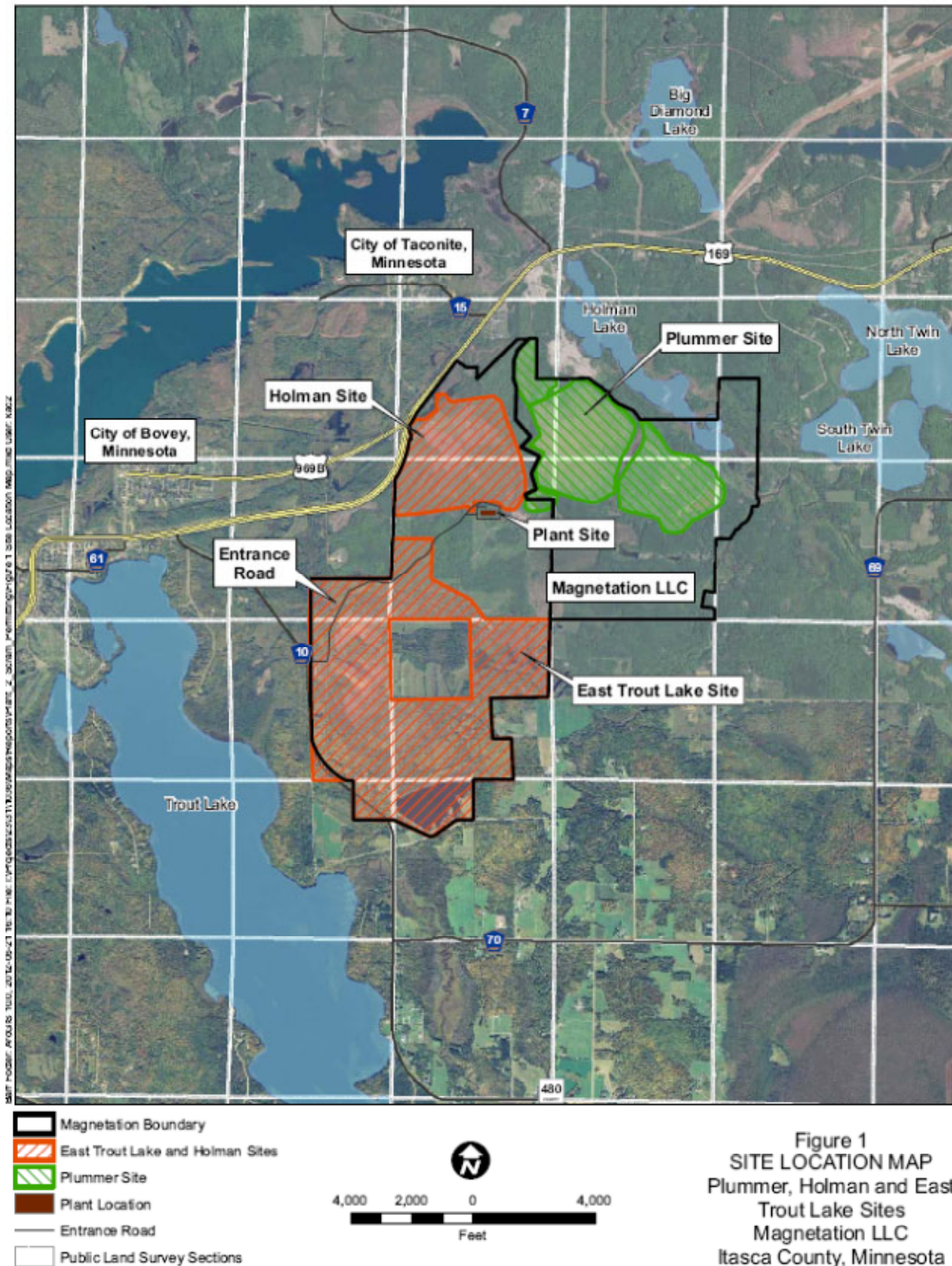
Map produced by: MPCA Staff, 08/22/2012

Source: USGS Quad

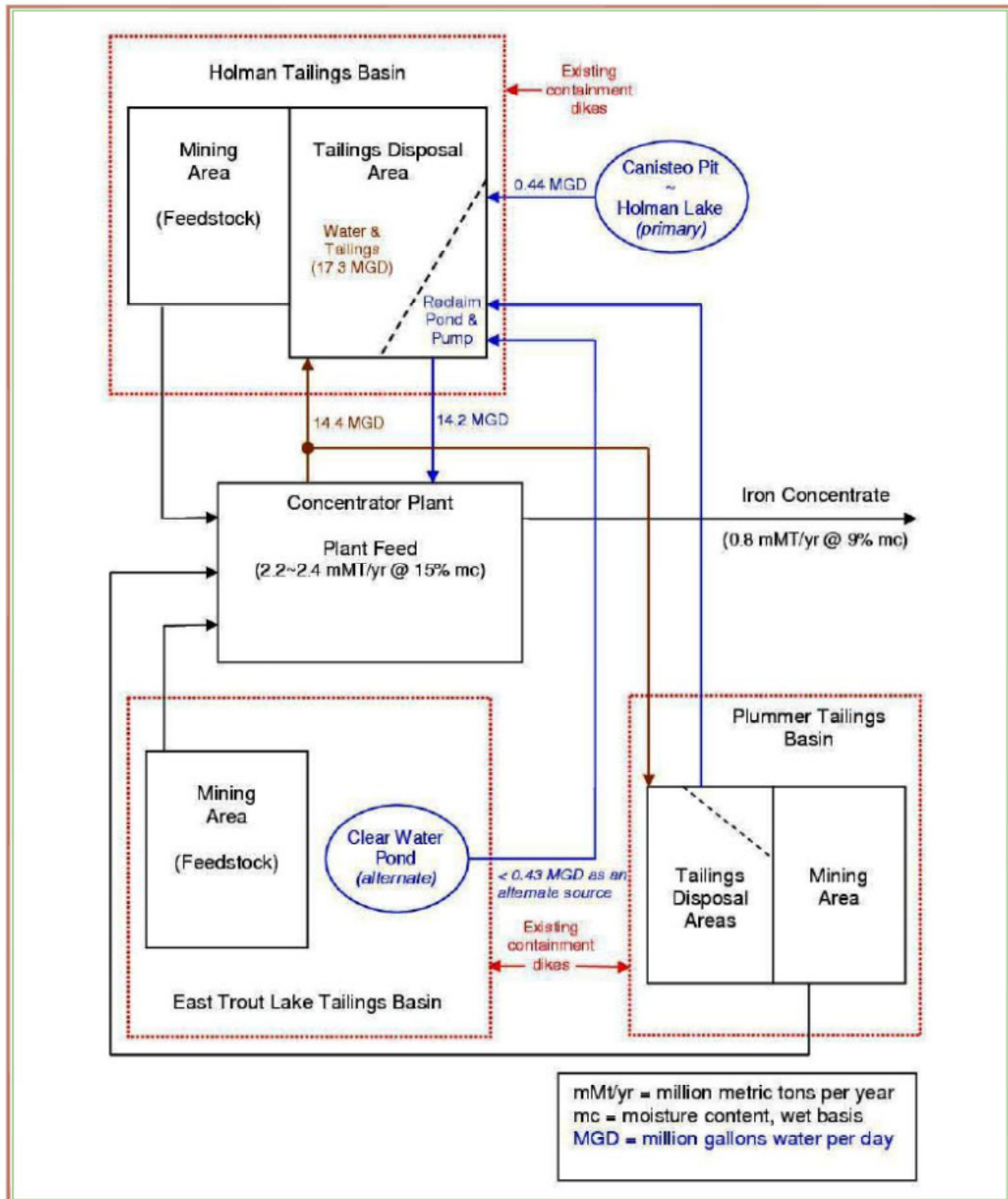
Scale: 1:24,000



# Magnetation Plant 2 Site Boundaries



## Magnetation Plant 2 Process Flow Diagram



**MAGNETATION**  
SMART MINERAL RECOVERY

100 NE 3rd Street  
Suite 120  
Grand Rapids, MI 49504  
(216) 844-5100  
(216) 896-5627 (fax)

Plant 2: Holman, East Trout Lake & Plummer Basins

Figure 8: Tailings Basin Flow Diagram

**REVISIONS**

1. Overview revised, add legend
2. Add Plummer Basin
3. remove SE Pond, renumber

<b>JOB NO:</b>	<b>CHECKED BY:</b> MGT
<b>DATE:</b> 3/26/2012	<b>DRAWN BY:</b> MGT
<b>SCALE:</b> None	<b>SHEET NO:</b> 1 of 1



**Magnetation Plant 2**  
**Summary of Stations**

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**Ground Water Stations**

<u>Station</u>	<u>Type of Station</u>	<u>Local Name</u>	<u>PLS Location</u>
GW001	Well, Upgradient	Upgradietnt well NE of Holman tailings basin settling pond	NW Quarter of the SE Quarter of Section 27, Township 56 North, Range 24 West
GW002	Well, Downgradient	Downgradient well south of Holman tailings basin settling pond	SE Quarter of the NE Quarter of Section 34, Township 56 North, Range 24 West
GW003	Well, Upgradient	TBD	

**Surface Water Stations**

<u>Station</u>	<u>Type of Station</u>	<u>Local Name</u>	<u>PLS Location</u>
SW001	Lake/Reservoir	Surface water pond east of Holman tailings basin settling pond	NE Quarter of the SE Quarter of the NE Quarter of Section 34, Township 56 North, Range 24 West
SW002	Lake/Reservoir	Surface water pond east of Plummer Basin	NW Quarter of the NW Quarter of Section 36, Township 56 North, Range 24 West
SW003	Lake/Reservoir	Surface water pond south of Plummer Basin	NE Quarter of the SE Quarter of Section 35, Township 56 North, Range 24 West

**Waste Stream Stations**

<u>Station</u>	<u>Type of Station</u>	<u>Local Name</u>	<u>PLS Location</u>
WS001	Internal Waste Stream	Holman tailings basin settling pond sampling point	NW Quarter of the NE Quarter of Section 34, Township 56 North, Range 24 West

## Limits and Monitoring Requirements

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

**Period:** *Limits Applicable in the Interim Period***GW 001, GW 002**

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

**SW 001**

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

**SW 002, SW 003**

Parameter	Limit	Units	Limit Type	Effective Period	Sample Type	Frequency	Notes
Chloride, Total	Monitor Only	mg/L	Calendar Month Average	Apr, Jul, Oct	Grab	1 x Month	
Hardness, Carbonate (as CaCo3)	Monitor Only	mg/L	Calendar Month Average	Apr, Jul, Oct	Grab	1 x Month	

## Limits and Monitoring Requirements

**DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT**

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

**Period: Limits Applicable in the Interim Period****SW 002, SW 003**

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

**WS 001**

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

**Period: Limits Applicable in the Final Period****GW 001, GW 002**

Parameter	Limit	Units	Limit Type	Effective Period	Sample Type	Frequency	Notes
Chloride, Total	Monitor Only	mg/L	Calendar Month Maximum	Apr, Jul, Oct	Grab	1 x Month	
Elevation of GW Relative to Mean Sea Level	Monitor Only	feet	Calendar Month Maximum	Apr, Jul, Oct	Measurement	1 x Month	2
Hardness, Carbonate (as CaCo3)	Monitor Only	mg/L	Calendar Month Maximum	Apr, Jul, Oct	Grab	1 x Month	
Iron, Dissolved (as Fe)	Monitor Only	mg/L	Calendar Month Maximum	Apr, Jul, Oct	Grab	1 x Month	
Iron, Total (as Fe)	Monitor Only	mg/L	Calendar Month Maximum	Apr, Jul, Oct	Grab	1 x Month	
pH, Field	Monitor Only	SU	Calendar Month Maximum	Apr, Jul, Oct	Grab	1 x Month	1

## Limits and Monitoring Requirements

**DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT**

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

**Period:** Limits Applicable in the Final Period**GW 001, GW 002**

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

**GW 003**

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

**SW 002, SW 003**

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



## Limits and Monitoring Requirements

**DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT**

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

**Period:** *Limits Applicable in the Final Period***SW 002, SW 003**

Parameter	Limit	Units	Limit Type	Effective Period	Sample Type	Frequency	Notes
Solids, Total Dissolved (TDS)	Monitor Only	mg/L	Calendar Month Average	Apr, Jul, Oct	Grab	1 x Month	
Specific Conductance	Monitor Only	umh/cm	Calendar Month Average	Apr, Jul, Oct	Grab	1 x Month	
Sulfate, Total (as SO <sub>4</sub> )	Monitor Only	mg/L	Calendar Month Average	Apr, Jul, Oct	Grab	1 x Month	

**WS 001**

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

## Notes:

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

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## **Chapter 1. Special Requirements**

### **1. Special Requirements**

#### **Annual Progress Report**

- 1.1 The Permittee shall submit an annual report describing the progress of operation at the Magnetation Plant #2 site. The annual report shall include, but is not limited to the following:

- \* Amount of tailings material mined during the past year (tons).
- \* Amount of iron concentrate produced during the past year (tons).
- \* Identification of cells mined during the past year.
- \* Identification of cells to be mined during the next year.
- \* The Permittee shall conduct a detailed field survey of seepage zones from the perimeter dikes of the tailings basin(s) during October of each year. The Permittee shall record the results of the dike seepage survey on the Annual Report and report any management activities to take place to ensure seepage is not leaving the site if seepage is found.
- \* Documentation/verification there has been no overflow or discharge of process water or stormwater from the site.
- \* Identification of wetland areas disturbed and wetland areas created during the past year. Total acreage for wetland areas disturbed and created shall be included.
- \* Identification of wetland areas to be disturbed and wetland areas to be created for the upcoming year. Total acreage for wetland areas to be disturbed and created shall be included.
- \* A map for the past year activities which identifies areas mined, wetland areas disturbed and wetland areas created.
- \* A map for the upcoming year activities which identifies which areas will be mined, which wetland areas will be disturbed, and planned areas for wetland creation. Submit an Annual Report by January 31 of each year following issuance of major permit modification.

- 1.2 If water quality monitoring indicates impacts to the environment, the MPCA may request additional monitoring as needed. The permit may be re-opened and additional monitoring requirements added if necessary.

#### **Wetlands**

- 1.3 The Permittee is required to provide compensatory mitigation for impacted wetlands in accordance with Minnesota Rules ch. 7050.0185 and 7050.0186. The total wetland mitigation area is defined as the wetland area created less the wetland area disturbed. The disturbed wetland area cannot be included as part of the created wetland area for mitigation purposes.
- 1.4 For wetland banking purposes, the total wetland mitigation area is defined as the wetland area created less the wetland area disturbed. The disturbed wetland area cannot be included as part of the created wetland area for wetland bank mitigation purposes.
- 1.5 The wetlands that are created to compensate for this project's unavoidable impacts to the existing wetlands, in accordance with Minn. R. ch. 7050.0185 and 7050.0186, are not eligible for state or federal wetland banking credits.

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## **Chapter 2. Ground Water Stations**

### **1. Special Requirements**

#### **Upgradient Monitoring Well Evaluation and Installation**

- 1.1 Submit a Ground Water Monitoring Well Evaluation Report by 90 days after issuance of major permit modification. The Report shall include discussion on the effectiveness of GW-001 to monitor upgradient site conditions as well as potential locations for an additional upgradient monitoring well to replace GW-001, if necessary. The Permittee shall include a Ground Water Monitoring Well Installation Plan as part of the Ground Water Monitoring Well Installation Report for a new well to be named GW-003 for MPCA review and approval within 90 days of the major permit modification. The plan shall provide upgradient monitoring well locations on a USGS topographic map as well as PLS location information for a monitoring well to be located upgradient of the Holman tailings basin settling pond.
- 1.2 The Permittee shall install one upgradient monitoring well (GW-003) as described in the MPCA approved Ground Water Monitoring Well Installation Plan by June 30, 2013.
- 1.3 The Permittee shall Submit a Ground Water Monitoring Well Installation Report within 30 days of installation of GW-003. The Installation Report shall include, but is not limited to a detailed monitoring well log the monitoring well installed, unique well number the well, surveyed top of casing elevations for the well, and final map USGS topographic map of location of the wells in relation to the Holman and Plummer tailings basins and property boundaries. Submit a Ground Water Monitoring Well Installation Report by 30 days after installed.
- 1.4 Sampling at GW-003 shall begin July 2013 for the required parameters in the Limits & Monitoring Section of this permit.
- 1.5 The Permittee shall abandon GW-001 and submit the well seal record to the MPCA within 180 days of installation of GW-003.

### **2. Monitoring Wells**

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

### **3. Requirements for Specific Stations**

- 3.1 GW 001, GW 002: Submit a monthly DMR monthly by 21 days after the end of each calendar month following submittal of the results of the baseline monitoring.

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## **Chapter 2. Ground Water Stations**

### **3. Requirements for Specific Stations**

- 3.2 GW 003: Submit a monthly DMR monthly by 21 days after the end of each calendar month following issuance of major permit modification.

## **Chapter 3. Surface Water Stations**

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

- 1.1 SW 001: Submit a monthly DMR monthly by 21 days after the end of each calendar month following permit issuance.
- 1.2 SW 002, SW 003: Submit a monthly DMR monthly by 21 days after the end of each calendar month following issuance of major permit modification.

### **2. Special Requirements**

- 2.1 The Permittee is required to notify the MPCA when excavation of the Holman basin takes over the SW-001 sampling location.

### **3. Discharge Monitoring Reports**

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

### **4. Sampling Location**

- 4.1 Samples for Station SW-001 shall be taken at the pond located east of the Holman tailings basin settling pond in the NE 1/4 of the SE 1/4 of the NE 1/4 of Section 34, T56N, R24W, Itasca County.
- 4.2 Samples for Station SW-002 shall be taken at the pond located east of the Plummer tailings basin in the NW 1/4 of the NW 1/4 of Section 36, T56N, R24W, Itasca County.
- 4.3 Samples for Station SW-003 shall be taken at the pond located south of the Plummer tailings basin settling pond in the NE 1/4 of the SE 1/4 of the NE 1/4 of Section 35, T56N, R24W, Itasca County.
- 4.4 Samples shall be taken at a point representative of the water body being sampled. Record location, date, time and results for each sample on the supplemental Discharge Monitoring Report form.

### **5. Sampling Protocol**

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

### **6. Winter Sampling Conditions**

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



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## **Chapter 4. Waste Stream Stations**

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

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

### **2. Sampling Location**

- 2.1 Samples for Station WS-001 shall be taken at the Holman tailings basin settling pond located in the NW 1/4 of the NE 1/4 of Section 34, T56N, R24W, Itasca County.
- 2.2 Grab samples shall be collected at a point representative of the water bodies being sampled.

## **Chapter 5. Industrial Process Wastewater**

### **1. Authorization**

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

### **2. Prohibited Discharges**

- 2.1 This permit does not authorize the discharge of sewage, process water (including stormwater generated on site), dike seepage, wash water, scrubber water, spills, oil, hazardous substances, or equipment/vehicle cleaning and maintenance wastewaters to ditches, wetlands or other surface waters of the state.

### **3. Toxic Substance Reporting**

- 3.1 The Permittee shall notify the MPCA immediately of any knowledge or reason to believe that an activity has occurred that would result in the discharge of a toxic pollutant listed in Minnesota Rules, pt. 7001.1060, subp. 4 to 10 or listed below that is not limited in the permit, if the discharge of this toxic pollutant has exceeded or is expected to exceed the following levels:
  - a. for acrolein and acrylonitrile, 200 ug/L;
  - b. for 2,4-dinitrophenol and 2-methyl-4,6-dinitrophenol, 500 ug/L;
  - c. for antimony, 1mg/L;
  - d. for any other toxic pollutant listed in Minnesota Rules, pt. 7001.1060, subp. 4 to 10, 100 ug/L; or
  - e. five times the maximum concentration value identified and reported for that pollutant in the permit application. (Minnesota Rules, pt. 7001.1090, subp. 2.A)
- 3.2 The Permittee shall notify the MPCA immediately if the Permittee has begun or expects to begin to use or manufacture as an intermediate or final by-product a toxic pollutant that was not reported in the permit application under Minnesota Rules, pt. 7001.1050, subp. 2.J. (Minnesota Rules, pt. 7001.1090, subp. 2.B)

### **4. Polychlorinated Biphenyls (PCBs)**

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

### **5. Application for Permit Reissuance**

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

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## **Chapter 5. Industrial Process Wastewater**

### **5. Application for Permit Reissuance**

- 5.2 The permit application shall include analytical data for at least the following parameters at monitoring station WS-001:
- a. biochemical oxygen demand, chemical oxygen demand, total organic carbon, gasoline range organics, diesel range organics, fecal coliform, ammonia, temperature;
  - b. color, fluoride, nitrate-nitrite (as nitrogen), total organic nitrogen, oil and grease, total phosphorus, chloride, sulfate, sulfide (as sulfur), surfactants, bicarbonates, alkalinity, total salinity, total dissolved solids, specific conductance;
  - c. aluminum, antimony, arsenic, barium, beryllium, boron, cadmium, calcium, chromium, cobalt, copper, iron, lead, lithium, magnesium, manganese, molybdenum, nickel, potassium, selenium, silver, sodium, strontium, thallium, tin, titanium, vanadium, zinc (all in total form) using atomic absorption (AA) furnace methods according to 40 CFR Part 136.3;
  - d. total mercury using EPA Method 1631.

## **Chapter 6. Stormwater Management**

### **1. Authorization**

- 1.1 This chapter authorizes the Permittee to discharge stormwater associated with industrial activity in accordance with the terms and conditions of this chapter. The MPCA may initiate modification of this chapter in accordance with Minn. R. 7001.0170 and Minn. R. 7001.0190 Subp. 1 to incorporate revised requirements in response to the reissuance or modification of the General Stormwater Permit for Industrial Activity (MNR05000).
- 1.2 The proposed Magnetation Plant #2 site is contained by dikes. All runoff from snowmelt and rainfall at the site shall be contained on the site. All water shall be stored within the site and recirculated throughout the site. A permit modification is required for any water discharges that leave the site.

### **2. Water Quality Standards**

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

### **3. Stormwater Pollution Prevention Plan**

- 3.1 Submit a Stormwater Pollution Prevention Plan by 30 days after permit issuance.
- 3.2 The Permittee shall develop and implement a Stormwater Pollution Prevention Plan (Plan) to address the specific conditions at the industrial facility. The goal of the Plan is to eliminate or minimize contact of stormwater with significant materials that may result in pollution of the runoff.
- 3.3 The Plan shall be implemented at the site before the Permittee is covered under this permit.

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## **Chapter 6. Stormwater Management**

### **3. Stormwater Pollution Prevention Plan**

3.4 The Stormwater Pollution Prevention Plan shall include a description of appropriate Best Management Practices for protection of surface and ground water quality at the facility, and a schedule for implementing the practices. The Plan shall also include the procedures to be followed by designated staff employed by the Permittee to implement the plan.

3.5 The Permittee shall comply with its Stormwater Pollution Prevention Plan.

#### **Plan Contents**

3.6 Complete a drainage map. The map should indicate the following items at or adjacent to the facility:

- a. drainage areas and directions of stormwater runoff (indicated by arrows);
- b. the name and location of waters of the state that receive facility stormwater runoff, in the event stormwater runoff is diverted off site (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);
- c. areas where significant materials are exposed to stormwater;
- d. locations and types of Best Management Practices (BMPs) currently installed at the facility to reduce or eliminate pollutants to stormwater.

3.7 Complete an inventory of exposed significant materials. Indicate the types of significant materials handled or stored at the site that may potentially contact stormwater. The following are examples of materials that, if exposed to stormwater, must be included in the inventory:

- a. raw materials, such as fuels; solvents; petroleum products; detergents; plastic pellets; materials used in food processing or production; stockpiled sand, salt or coal;
- b. by-products or intermediate products, such as wood dust, chips or bark; screened limestone, taconite or gravel by-product, recycled blacktop;
- c. finished materials, such as metallic products, including scrap metal and recycled or scrap motor vehicle parts, old process equipment/machinery, taconite pellets;
- d. waste products, such as ashes, sludge, solid and liquid waste, slag;
- e. hazardous substances designated under section 101(14) of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA);
- f. any chemical the facility is required to report under section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA).

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## **Chapter 6. Stormwater Management**

### **3. Stormwater Pollution Prevention Plan**

3.8 Evaluate facility areas for exposure of significant materials to stormwater. In creating the inventory of exposed significant materials, the Permittee must, at a minimum, evaluate the following areas at the industrial site (as well as other areas where appropriate) to determine whether or not significant materials are exposed in these areas:

- a. vehicle and equipment maintenance, parking and storage areas including fueling and washing/cleaning areas, to determine if there is discolored soil in these areas as a result of fuel and lubricant leaks and spills;
- b. liquid storage tanks and other bulk material stockpile areas;
- c. loading and unloading areas;
- d. outdoor manufacturing, processing or storage areas and industrial plant yards, to determine if there is discolored soil in these areas as a result of leaked or spilled solvents, fuels, or lubricants;
- e. dust or particulate generating areas including dust collection devices that may release dust;
- f. rooftops contaminated by industrial activity or operation of a pollution control device;
- g. on-site waste disposal areas, such as waste ponds, dumpsters, solid waste storage or management areas; and
- h. exposed (non-vegetated) soil areas where there is a potential for erosion to occur.

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

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



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## **Chapter 6. Stormwater Management**

### **3. Stormwater Pollution Prevention Plan**

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

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

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

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

- 4.1 The Permittee shall provide and maintain temporary protection or permanent cover for the exposed areas at the facility.
- 4.2 Temporary protection methods are used to prevent erosion on a short-term basis, such as the placement of mulching straw, wood fiber blankets, wood chips, erosion control netting, or temporary seeding.
- 4.3 Permanent cover or final stabilization methods are used to prevent erosion, such as the placement of rip rap, sodding, or permanent seeding or planting. Permanent seeding and planting must have a uniform perennial vegetation cover of at least 70 percent density to constitute final stabilization.

### **5. Inspection and Maintenance**

- 5.1 Site inspections shall be conducted at least once every two months throughout the calendar year. During winter months, the inspections shall be conducted during non-frozen conditions. Inspections shall be conducted by an appropriately trained personnel at the facility site, as identified in part 3.14 of this chapter. 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 Plan.

At least one inspection during a reporting period shall be conducted while stormwater is flowing at the site. Inspections may be documented using an inspection form provided by the MPCA. A Storm Water Site Inspection Form is provided in the appendices section of this permit.

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## **Chapter 6. Stormwater Management**

### **5. Inspection and Maintenance**

- 5.2 Inspections shall be documented and a copy of all documentation shall remain on the permitted site whenever Permittee staff are available on the site, and be available upon request. The inspection form developed for the General Storm Water Permit for Industrial Activity may be used for recording inspection results, and is included in the appendices section of this permit.
- 5.3 The following compliance items will be inspected, and documented where appropriate:
- a. evaluate the facility to determine that the Plan accurately reflects site conditions as described in subpart 6 of this part, and document any inaccuracies;
  - b. evaluate the facility to determine whether new exposed materials have been added to the site since completion of the Plan, and document any new significant materials;
  - c. during the inspection conducted during the runoff event, observe the runoff to determine if it is discolored or otherwise visibly contaminated, and document observations; and,
  - d. determine if the non-structural and structural BMPs as indicated in the Plan are installed and functioning properly.
- 5.4 The Permittee shall ensure that temporary protection and permanent cover for the exposed areas at the site are maintained.
- 5.5 Indicate the date and time of the inspection as well as the name of the inspector on the inspection form.
- 5.6 If conditions are observed at the site that require changes in the Plan, such changes shall be made to the Plan prior to submission of the annual report for that calendar year.
- 5.7 The Permittee shall minimize vehicle tracking of gravel, soil or mud onto paved surfaces at the facility.
- 5.8 If the findings of a site inspection indicate that BMPs are not meeting the objectives as identified in subpart 9 of this part, corrective actions must be initiated within 30 days and the BMP restored to full operation as soon as field conditions allow.
- 5.9 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.

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

#### **New Sedimentation Basins**

- 6.1 Sedimentation basins shall be designed by a registered professional engineer, and installed under the direct supervision of a registered professional engineer.
- 6.2 The basin shall provide at least 1800 cubic feet, per acre drained, of hydraulic storage volume below the top of the outlet riser pipe.
- 6.3 Inlet(s) and outlet(s) shall be designed to prevent short circuiting and the discharge of floating debris.
- 6.4 The inlet(s) shall be placed at an elevation at least above one-half of the basin design hydraulic storage volume.
- 6.5 The outlet(s) shall consist of a perforated riser pipe wrapped with filter fabric and covered with crushed gravel. The perforated riser pipe shall be designed to allow complete drawdown of the basin(s).
- 6.6 Permanent erosion control, such as rip rap, splash pads or gabions shall be installed at the outlet(s) to prevent downstream erosion.
- 6.7 The basins shall be designed to allow for regular removal of accumulated sediment by a backhoe or other suitable equipment.

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## **Chapter 6. Stormwater Management**

### **7. Application of Chemical Dust Suppressants**

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

### **8. Reporting**

- 8.1 Submit a Stormwater Annual Report by March 31 of each year following issuance of major permit modification.
- 8.2 The Permittee shall, upon request of the Agency, submit within a reasonable time the information and reports that are relevant to compliance with this Chapter, including the Plan, inspection reports, annual reports, original laboratory sheets from analyses conducted on the waste stream, and BMP plans and specifications.

### **9. Records**

- 9.1 The 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.

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## **Chapter 6. Stormwater Management**

### **10. Request for Termination of Stormwater Permit Coverage**

- 10.1 All Permittees regulated by 40 CFR 122.26(b)(14)(i) through (ix) and (xi) may request termination of permit coverage by applying for the no exposure exclusion from permitting. The Permittee must submit (form provided by the Agency) a written certification that a condition of no exposure exists at the facility and that the facility meets the definition of no exposure of industrial activities and materials to storm water.

The application for the no exposure exclusion must be completed by the Permittee and sent to: MPCA, Industrial Storm Water Program, 520 Lafayette Rd N, St Paul, MN 55155-4194.

Failure to complete an accurate application will result in the facility being denied the no exposure exclusion from permitting. The facility must submit the application to the Agency once every five years.

- 10.2 The no exposure exclusion is conditional. The Permittee must maintain a condition of no exposure at the facility in order for the no exposure exclusion to remain applicable. In the event of any change or circumstance that causes exposure of industrial activities or materials to stormwater, the Permittee must comply with the stormwater requirements of this chapter.
- 10.3 The no exposure certification is non-transferrable. In the event that the facility operator changes, then the new operator must submit a new no exposure certification to the MPCA, Industrial Stormwater Program, 520 Lafayette Rd N, St Paul, MN 55155-4194.
- 10.4 The MPCA retains the authority to require the facility operator to comply with the requirements of this chapter, even when an industrial operator certifies no exposure, if the MPCA has determined that the discharge is contributing to the violation of, or interfering with the attainment or maintenance of water quality standards, including designated uses.

### **11. Definitions**

- 11.1 "No exposure" means all industrial materials and activities are protected by a storm resistant shelter to prevent exposure to rain, snow, snow melt, and/or runoff. Industrial activities or materials include, but are not limited to, material handling equipment or activities, industrial machinery, raw materials, intermediate products, by-products, final products, or waste products.
- 11.2 "Non-stormwater discharge" means any discharge not comprised entirely of stormwater discharges authorized by a NPDES permit.
- 11.3 "Runoff" means any liquid that drains over land from any part of a facility.

## **Chapter 7. Total Facility Requirements**

### **1. General Requirements**

#### **General Requirements**

- 1.1 No Discharge. There shall be no point source discharge to surface water from the permitted activity.
- 1.2 Incorporation by Reference. The following applicable federal and state laws are incorporated by reference in this permit, are applicable to the Permittee, and are enforceable parts of this permit: 40 CFR pts. 122.41, 122.42, 136, 403 and 503; Minn. R. pts. 7001, 7041, 7045, 7050, 7052, 7053, 7060, and 7080; and Minn. Stat. Sec. 115 and 116.
- 1.3 Permittee Responsibility. The Permittee shall perform the actions or conduct the activity authorized by the permit in compliance with the conditions of the permit and, if required, in accordance with the plans and specifications approved by the Agency. (Minn. R. 7001.0150, subp. 3, item E)

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## **Chapter 7. Total Facility Requirements**

### **1. General Requirements**

- 1.4 Toxic Discharges Prohibited. Whether or not this permit includes effluent limitations for toxic pollutants, the Permittee shall not discharge a toxic pollutant except according to Code of Federal Regulations, Title 40, sections 400 to 460 and Minnesota Rules 7050, 7052, 7053 and any other applicable MPCA rules. (Minn. R. 7001.1090, subp.1, item A)
- 1.5 Nuisance Conditions Prohibited. The Permittee's discharge shall not cause any nuisance conditions including, but not limited to: floating solids, scum and visible oil film, acutely toxic conditions to aquatic life, or other adverse impact on the receiving water. (Minn. R. 7050.0210 subp. 2)
- 1.6 Property Rights. This permit does not convey a property right or an exclusive privilege. (Minn. R. 7001.0150, subp. 3, item C)
- 1.7 Liability Exemption. In issuing this permit, the state and the MPCA assume no responsibility for damage to persons, property, or the environment caused by the activities of the Permittee in the conduct of its actions, including those activities authorized, directed, or undertaken under this permit. To the extent the state and the MPCA may be liable for the activities of its employees, that liability is explicitly limited to that provided in the Tort Claims Act. (Minn. R. 7001.0150, subp. 3, item O)
- 1.8 The MPCA's issuance of this permit does not obligate the MPCA to enforce local laws, rules, or plans beyond what is authorized by Minnesota Statutes. (Minn. R. 7001.0150, subp.3, item D)
- 1.9 Liabilities. The MPCA's issuance of this permit does not release the Permittee from any liability, penalty or duty imposed by Minnesota or federal statutes or rules or local ordinances, except the obligation to obtain the permit. (Minn. R. 7001.0150, subp.3, item A)
- 1.10 The issuance of this permit does not prevent the future adoption by the MPCA of pollution control rules, standards, or orders more stringent than those now in existence and does not prevent the enforcement of these rules, standards, or orders against the Permittee. (Minn. R. 7001.0150, subp.3, item B)
- 1.11 Severability. The provisions of this permit are severable and, if any provisions of this permit or the application of any provision of this permit to any circumstance are held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby.
- 1.12 Compliance with Other Rules and Statutes. The Permittee shall comply with all applicable air quality, solid waste, and hazardous waste statutes and rules in the operation and maintenance of the facility.
- 1.13 Inspection and Entry. When authorized by Minn. Stat. Sec. 115.04; 115B.17, subd. 4; and 116.091, and upon presentation of proper credentials, the agency, or an authorized employee or agent of the agency, shall be allowed by the Permittee to enter at reasonable times upon the property of the Permittee to examine and copy books, papers, records, or memoranda pertaining to the construction, modification, or operation of the facility covered by the permit or pertaining to the activity covered by the permit; and to conduct surveys and investigations, including sampling or monitoring, pertaining to the construction, modification, or operation of the facility covered by the permit or pertaining to the activity covered by the permit. (Minn. R. 7001.0150, subp.3, item I)
- 1.14 Control Users. The Permittee shall regulate the users of its wastewater treatment facility so as to prevent the introduction of pollutants or materials that may result in the inhibition or disruption of the conveyance system, treatment facility or processes, or disposal system that would contribute to the violation of the conditions of this permit or any federal, state or local law or regulation.

### **Sampling**

- 1.15 Representative Sampling. Samples and measurements required by this permit shall be conducted as specified in this permit and shall be representative of the discharge or monitored activity. (40 CFR 122.41 (j)(1))

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## **Chapter 7. Total Facility Requirements**

### **1. General Requirements**

- 1.16 Additional Sampling. If the Permittee monitors more frequently than required, the results and the frequency of monitoring shall be reported on the Discharge Monitoring Report (DMR) or another MPCA-approved form for that reporting period. (Minn. R. 7001.1090, subp. 1, item E)
- 1.17 Certified Laboratory. A laboratory certified by the Minnesota Department of Health shall conduct analyses required by this permit. Analyses of dissolved oxygen, pH, temperature and total residual oxidants (chlorine, bromine) do not need to be completed by a certified laboratory but shall comply with manufacturers specifications for equipment calibration and use. (Minn. Stat. Sec. 144.97 through 144.98 and Minn. R. 4740.2010 and 4740.2050 through 4740.2120) (Minn. R. 4740.2010 and 4740.2050 through 2120)
- 1.18 Sample Preservation and Procedure. Sample preservation and test procedures for the analysis of pollutants shall conform to 40 CFR Part 136 and Minn. R. 7041.3200.
- 1.19 Equipment Calibration: Flow meters, pumps, flumes, lift stations or other flow monitoring equipment used for purposes of determining compliance with permit shall be checked and/or calibrated for accuracy at least twice annually. (Minn. R. 7001.0150, subp. 2, items B and C)
- 1.20 Maintain Records. The Permittee shall keep the records required by this permit for at least three years, including any calculations, original recordings from automatic monitoring instruments, and laboratory sheets. The Permittee shall extend these record retention periods upon request of the MPCA. The Permittee shall maintain records for each sample and measurement. The records shall include the following information (Minn. R. 7001.0150, subp. 2, item C):
- a. The exact place, date, and time of the sample or measurement;
  - b. The date of analysis;
  - c. The name of the person who performed the sample collection, measurement, analysis, or calculation; and
  - d. The analytical techniques, procedures and methods used; and
  - e. The results of the analysis.
- 1.21 Completing Reports. The Permittee shall submit the results of the required sampling and monitoring activities on the forms provided, specified, or approved by the MPCA. The information shall be recorded in the specified areas on those forms and in the units specified. (Minn. R. 7001.1090, subp. 1, item D; Minn. R. 7001.0150, subp. 2, item B)

Required forms may include:

#### **DMR Supplemental Form**

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

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

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## **Chapter 7. Total Facility Requirements**

### **1. General Requirements**

1.22 Submitting Reports. DMRs and DMR Supplemental Forms shall be submitted to:

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

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

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

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

1.23 Incomplete or Incorrect Reports. The Permittee shall immediately submit an amended report or DMR to the MPCA upon discovery by the Permittee or notification by the MPCA that it has submitted an incomplete or incorrect report or DMR. The amended report or DMR shall contain the missing or corrected data along with a cover letter explaining the circumstances of the incomplete or incorrect report. (Minn. R. 7001.0150 subp. 3, item G)

1.24 Required Signatures. All DMRs, forms, reports, and other documents submitted to the MPCA shall be signed by the Permittee or the duly authorized representative of the Permittee. Minn. R. 7001.0150, subp. 2, item D. The person or persons that sign the DMRs, forms, reports or other documents must certify that he or she understands and complies with the certification requirements of Minn. R. 7001.0070 and 7001.0540, including the penalties for submitting false information. Technical documents, such as design drawings and specifications and engineering studies required to be submitted as part of a permit application or by permit conditions, must be certified by a registered professional engineer. (Minn. R. 7001.0540)

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)

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## **Chapter 7. Total Facility Requirements**

### **1. General Requirements**

- 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))
- 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. Violations that are determined to pose a threat to human health or a drinking water supply, or represent a significant risk to the environment shall be immediately reported to the Minnesota Department of Public Safety Duty Officer at 1(800)422-0798 (toll free) or (651)649-5451 (metro area). In addition, you may also contact the MPCA during business hours. Otherwise the violations and the results of any additional sampling shall be recorded on the next appropriate DMR or report.
- 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 7. 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 (toll free) or (651)649-5451 (metro area) immediately upon discovery of the release. In addition, you may also contact the MPCA during business hours at 1(800) 657-3864.
- 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.

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## **Chapter 7. Total Facility Requirements**

### **1. General Requirements**

#### **Operation and Maintenance**

- 1.35 The Permittee shall at all times properly operate and maintain the facilities and systems of treatment and control, and the appurtenances related to them which are installed or used by the Permittee to achieve compliance with the conditions of the permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. The Permittee shall install and maintain appropriate backup or auxiliary facilities if they are necessary to achieve compliance with the conditions of the permit and, for all permits other than hazardous waste facility permits, if these backup or auxiliary facilities are technically and economically feasible Minn. R. 7001.0150. subp. 3, item F.
- 1.36 In the event of a reduction or loss of effective treatment of wastewater at the facility, the Permittee shall control production or curtail its discharges to the extent necessary to maintain compliance with the terms and conditions of this permit. The Permittee shall continue this control or curtailment until the wastewater treatment facility has been restored or until an alternative method of treatment is provided. (Minn. R. 7001.1090, subp. 1, item C)
- 1.37 Solids Management. The Permittee shall properly store, transport, and dispose of biosolids, septage, sediments, residual solids, filter backwash, screenings, oil, grease, and other substances so that pollutants do not enter surface waters or ground waters of the state. Solids should be disposed of in accordance with local, state and federal requirements. (40 CFR 503 and Minn. R. 7041 and applicable federal and state solid waste rules)
- 1.38 Scheduled Maintenance. The Permittee shall schedule maintenance of the treatment works during non-critical water quality periods to prevent degradation of water quality, except where emergency maintenance is required to prevent a condition that would be detrimental to water quality or human health. (Minn. R. 7001.0150. subp. 3, item F and Minn. R. 7001.0150. subp. 2, item B)
- 1.39 Control Tests. In-plant control tests shall be conducted at a frequency adequate to ensure compliance with the conditions of this permit. (Minn. R. 7001.0150. subp. 3, item F and Minn. R. 7001.0150. subp. 2, item B)

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

- 1.40 Permit Modifications. No person required by statute or rule to obtain a permit may construct, install, modify, or operate the facility to be permitted, nor shall a person commence an activity for which a permit is required by statute or rule until the Agency has issued a written permit for the facility or activity. (Minn. R. 7001.0030)

Permittees that propose to make a change to the facility or discharge that requires a permit modification must follow Minn. R. 7001.0190. If the Permittee cannot determine whether a permit modification is needed, the Permittee must contact the MPCA prior to any action. It is recommended that the application for permit modification be submitted to the MPCA at least 180 days prior to the planned change.

- 1.41 Construction. No construction shall begin until the Permittee receives written approval of plans and specifications from the MPCA (Minn. Stat. Sec. 115.03(f)).

Plans, specifications and MPCA approval are not necessary when maintenance dictates the need for installation of new equipment, provided the equipment is the same design size and has the same design intent. For instance, a broken pipe, lift station pump, aerator, or blower can be replaced with the same design-sized equipment without MPCA approval.

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

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## **Chapter 7. Total Facility Requirements**

### **1. General Requirements**

- 1.42 Report Changes. The Permittee shall give advance notice as soon as possible to the MPCA of any substantial changes in operational procedures, activities that may alter the nature or frequency of the discharge, and/or material factors that may affect compliance with the conditions of this permit. (Minn. R. 7001.0150, subp. 3, item M)
- 1.43 Chemical Additives. The Permittee shall receive prior written approval from the MPCA before increasing the use of a chemical additive authorized by this permit, or using a chemical additive not authorized by this permit, in quantities or concentrations that have the potential to change the characteristics, nature and/or quality of the discharge.

The Permittee shall request approval for an increased or new use of a chemical additive at least 60 days, or as soon as possible, before the proposed increased or new use.

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

- a. The process for which the additive will be used;
- b. Material Safety Data Sheet (MSDS) which shall include aquatic toxicity, human health, and environmental fate information for the proposed additive;
- 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.

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. (Minn. R. 7001.0170)

- 1.44 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.
- 1.45 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.
- 1.46 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 7. Total Facility Requirements**

### **1. General Requirements**

- 1.47 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)

- 1.48 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.