



STATE OF MINNESOTA

Minnesota Pollution Control Agency

Industrial Division

**National Pollutant Discharge Elimination System (NPDES)/
State Disposal System (SDS) Permit MN0063126**

PERMITTEE: CenterPoint Energy
FACILITY NAME: Groundwater Treatment System for the former Manufactured Gas Plant Site
RECEIVING WATER: Mississippi River (Class 2B,3C,4A,4B,5,6 water)

CITY: Minneapolis

COUNTY: Hennepin

ISSUANCE DATE:

EXPIRATION 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 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 August 1, 2008. 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

DMRs are to be submitted electronically at
<https://netweb.pca.state.mn.us/private/>

Submit Other WQ Reports to:

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

Questions on this permit?

- For DMR and other permit reporting issues, contact:
Tamara Dahl @ 507-476-4252
- For specific permit requirements or permit compliance status, contact: Eric Pederson, 651-757-2645.
- General permit or NPDES program questions, contact: MPCA, 651-282-6143 or 1-800-657-3938.

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Facility Description

CenterPoint Energy operates a groundwater treatment for the former Minneapolis Gas Works site which had been located on the south bluff of the Mississippi River near the Interstate 35W Bridge and the Mississippi River (south side) in downtown Minneapolis. The treatment system is located at 1309 River Parkway West, Minneapolis, Hennepin County, Minnesota.

Groundwater at the site has been contaminated with organic compounds including gasoline range organics, diesel range organics and polynuclear aromatic hydrocarbons as a result of past operations at the site producing manufactured gas from coal. The ground water also contains relatively low concentrations of heavy metals, cyanide, and ammonia.

The treatment system consists of a number of groundwater extraction wells, and a lift station to move groundwater to an equalization tank. From there the water is routed to an oil/water separator for the removal of Light and Dense Non-Aqueous Phase Liquid (L/DNAPL). In the second phase of treatment, solids are removed by gravity and filtration, and volatile organic compounds are removed by an ultraviolet/oxidation system (Solarchem Environmental Systems). Flow through the system ranges from three gallons per minute (gpm), with a maximum flow rate of ten gpm. The system runs an average of five hours per day, equaling a discharge average of 900 gallons per day (gpd) and a maximum daily flow of 3000 gpd.

Standard operating procedure is to discharge the treated wastewater to the sanitary sewer under permit with the Metropolitan Council Environmental Services (MCES Special Discharge permit #2234). Groundwater is appropriated via Minnesota Department of Natural Resources water appropriations permit 1993-6054.

This permit is maintained as a backup to the MCES permit. This permit would authorize a discharge to the Mississippi River near where the 35W Bridge crosses the Mississippi River in downtown Minneapolis.

Groundwater in the area is contaminated with volatile organic compounds including gasoline range organics, diesel range organics, and polynuclear aromatic hydrocarbons as a result of past operations at the site producing manufactured gas from coal. Groundwater also contains relative low concentrations of some heavy metals, cyanide, and ammonia.

Topographical Map of Permitted Activity



**former Manufactured Gas Plant Site
Limits and Monitoring Requirements**

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

SD 001: Groundwater Pumpout Discharge

Parameter	Limit	Units	Limit Type	Effective Period	Sample Type	Frequency	Notes
Base Neutrals & Acid (Method 625)	Monitor Only	ug/L	Single Value	Jun	Grab	1 x Month	1
Benzene	5	ug/L	Calendar Month Average	Jan-Dec	Grab	1 x Month	
Cyanide, Free (as CN)	45	ug/L	Calendar Month Average	Jan-Dec	Grab	1 x Month	
Ethylbenzene	5	ug/L	Calendar Month Average	Jan-Dec	Grab	1 x Month	
Flow	Monitor Only	mgd	Calendar Month Average	Jan-Dec	Estimate	1 x Month	
Flow	Monitor Only	MG	Calendar Month Total	Jan-Dec	Estimate	1 x Month	
Organic Compounds, Volatile	Monitor Only	ug/L	Calendar Month Total	Jun	Grab	1 x Month	
Organics, Diesel Range as diesel, Total	200	ug/L	Calendar Month Average	Jan-Dec	Grab	1 x Month	
Organics, Gasoline Range as gasoline, Total	200	ug/L	Calendar Month Average	Jan-Dec	Grab	1 x Month	
Polynuclear Aromatic Hydrocarbons, Total	Monitor Only	ug/L	Calendar Month Total	Jun	Grab	1 x Month	1
Toluene	5	ug/L	Calendar Month Average	Jan-Dec	Grab	1 x Month	
Xylenes, Total	5	ug/L	Calendar Month Average	Jan-Dec	Grab	1 x Month	

Notes:
1 -- Include laboratory sheets with monitoring results

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Chapter 1. Special Requirements

1. Compliance Schedule

- 1.1 Submit notice of initiation of operation by 45 days before final limits and requirements apply (trigger).

2. Construction Schedule

- 2.1 Initiate operation by 45 days after submittal of notice of initiation of operation.

3. Special Requirements

- 3.1 CenterPoint Energy shall notify the MPCA/Water Quality Industrial Permit Writer, in writing, forty-five days prior to diverting the discharge to the surface waters.
- 3.2 There shall be no diversion of the waste stream to surface water until MPCA staff has acknowledged the permittee's written notification by generating Discharge Monitoring Report forms for the 'Final' period.
- 3.3 Final limitations shall be triggered by a diversion of the waste stream from the sanitary sewer to the storm sewer.

Chapter 2. Ground Water Pumpout

1. Authorization

- 1.1 Upon prior written notification and the subsequent processing/set up for electronic discharge monitoring report (eDMRs) forms for the final period, the permittee is authorized for a point source discharge contaminated groundwater with pollutant levels reduced through the use of Best Available Technology Economically Achievable.

2. Other Permits

- 2.1 The applicant is responsible for obtaining all necessary federal, state or local approvals or permits.

Water appropriation approval/permits are regulated by the Department of Natural Resources (DNR), and the applicant shall secure authorization in accordance with DNR rules and regulations.

The emission of Volatile Organic Compounds from air stripping of contaminated ground water shall be either approved, exempted from, or in compliance with an MPCA air emission permit.

Discharges to municipal storm sewers may require approval from the local municipal authority. It is the permittee's responsibility to acquire local approval. This permit does not grant the permittee access or a right to connect to a municipal storm sewer.

Construction activities disturbing more than one acre may require coverage under the general permit authorizing the discharge of storm water associated with a construction activity in which case the applicant will need to secure such permit coverage.

3. Special Requirements

- 3.1 The permittee shall include electronic copies of the Annual Monitoring Reports (Project Number 001662-90) with the application for permit reissuance.
- 3.2 The permittee shall include analytic results on the discharges to the publicly owned treatment works with the application for permit reissuance. This may be summarized onto an Excel spreadsheet or similar table formation.

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Chapter 2. Ground Water Pumpout

4. Best Available Technology Economically Achievable

4.1 Best Available Technology Economically Achievable (BAT)

For toxic pollutants, Section 301(b)(2) of the Clean Water Act requires that all NPDES permits prescribe the application of best available technology economically achievable for the reduction of pollutants in the waste stream. The BAT level of performance is understood to mean: □ the very best control and treatment measures that have been or are capable of being achieved. □

4.2 Treatment System Operation and Maintenance

The discharger shall at all times properly operate and maintain all systems and components of collection, treatment and control which are installed or used by the discharger to achieve compliance with the conditions of this permit. Proper operation and maintenance shall include effective performance, adequate funding, and as applicable adequate operator staffing and training, adequate laboratory and process controls, and appropriate quality assurance procedures.

All systems both in service and reserved, shall be inspected and maintained on a regular basis. Records shall be kept of the inspection results and maintenance performed. Records shall be made available to the agency upon request.

Where used, the operation of multi-stage activated carbon treatment systems shall be such that the rotation of carbon stages and the replacement of spent carbon shall be initiated upon break-through of pollutants in the intermediate treatment stage.

The permittee shall not discharge sludges, suspended solids, or settleable solids to surface waters of the state during periodic cleaning of the air stripper.

4.3 The technology-based effluent limitations developed for this discharger are based on pollutant reduction levels which can be achieved through the use of a granular activated carbon treatment system.

4.4 Chemical Additives

The permittee shall receive MPCA approval prior to the use of any chemical treatment additive not specifically approved as part of the permit reissuance process. The permittee shall submit (Industrial Division/Application Processing) product labels, material safety data sheets, the list of chemicals and proprietary additives contained in the product, and the proposed dosage rate and frequency of application for review and approval.

The permittee shall not begin the use of any new additive without having received prior written approval from the MPCA.

4.5 The application for reissuance shall include a general discussion of the groundwater remediation activity, including descriptions of the treatment process(es), extraction method, design parameters-including influent and effluent pollutant levels, average and maximum daily flow rate, and any perceived trends in changes in the groundwater plume or pollutant levels.

5. Surface Discharges

5.1 TMDL Impacts

Facilities that discharge to an impaired surface water, or to a watershed or drainage basins that contains impaired waters, may be required, at some future date, to comply with additional permits, or permit requirements, based on the conclusions of any applicable U.S. Environmental Pollution Control Agency (EPA) approved Total Maximum Daily Load (TMDL) studies and their associated implementation plans.

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Chapter 3. Facility Specific Definitions

1. Definitions

- 1.1 Grab Sample: A 'grab sample' is a single influent or effluent portion that is not a composite sample. The sample(s) shall be collected at the period(s) most representative of the total discharge.
- 1.2 The effluent flow, expressed as mgd, is the 24-hour daily flow averaged over the reporting period. It is the arithmetic mean of the total daily flows recorded during the monitoring month/quarter; or the total flow for the calendar month/quarter divided by the actual number of days of discharge. The daily flow volume is reported in the 'average' column under 'Quantity' on the DMR in units of million gallons. That is, if the average flow for the reporting period is calculated to be 72,000 gallons, the permittee shall report the daily flow volume as 0.072 mgd on the DMR form.
- 1.3 The effluent flow, expressed as MG, is the total flow for the monitoring period reported in units of million gallons. That is, if the total discharge for the calendar month/quarter is 2,100,000 gallons, the permittee shall report the flow volume as 2.1 MG on the DMR form.
- 1.4 The 'maximum daily concentration' is the concentration of a pollutant discharged during a calendar day. It is identified as 'Daily Maximum' in the Limits and Monitoring Section of this permit and the highest such value recorded during the reporting period is reported under the 'Maximum' column under 'Quality' on the DMR form.
- 1.5 The 'calendar month/quarter average' is the sum of the concentrations of all daily discharges sampled and/or measured during a calendar month/quarter on which daily discharges are sampled and measured, divided by the number of daily discharges sampled and/or measured during the reporting month/quarter (arithmetic mean of the daily concentration values).
- 1.6 A 'calendar day' is defined as the period from midnight of one day until midnight of the next day. However, for purposes of this permit, any consecutive 24-hour period that reasonably represents the calendar day may be used for sampling.
- 1.7 BNAs - Base Neutral-Acid Extractables

VOCs - Volatile Organic Compounds

Chapter 4. Surface Discharge Stations

1. Sampling Location

- 1.1 Samples and measurements required by this permit shall be representative of the permitted activity.
- 1.2 Samples for Station SD 001 shall be taken at a point representative of the treated groundwater discharge to the Mississippi River via the storm sewer system.

2. Sampling Frequency

- 2.1 If analysis of a sample yields a result greater than the maximum limit for a parameter restricted by this permit the sampling frequency for that parameter shall increase to weekly within one week of receiving the laboratory results until at least four consecutive samples are obtained and compliance with the maximum limit has been demonstrated, and the discharger has submitted (MPCA/Industrial Division/WQ Submittals) for agency approval a program that will ensure future compliance with permit limits. This shall be a separate submittal from the DMR submittal and shall be directed to: MPCA/Industrial Division/WQ Applications.
- 2.2 If the permittee monitors a point source discharge more frequently than required, the results and the frequency of the additional monitoring shall be reported on the Discharge Monitoring Report form for that reporting period.

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Chapter 4. Surface Discharge Stations

3. Sampling Protocol

3.1 EPA Method 8240 may be used as substitute or equivalent for the CWA methods 602, 624, or 1624 required under the CWA in 40 CFR Part 136 to meet the monitoring and reporting requirements of this permit. Method 8240 is described in Test Methods for Evaluating Solid Waste Volume IA: Laboratory Manual Physical/Chemical Methods. This is an approved RCRA method for the analysis of volatile organic compounds such as xylene.

3.2 Analytical Procedures for Sampling Requirements

The Permittee shall ensure that analytical methods used to meet the sampling requirements specified in this permit conform to the latest revision of the Guidelines Establishing Test Procedures for the Analysis of Pollutants contained in 40 CFR Part 136 or the latest revision of Standard Methods for the Examination of Water and Wastewater (APHA).

The methods currently utilized in the analysis of VOCs and BNAs are EPA Methods 624 and 625 respectively.

3.3 The parameter list for Volatile Organic Compounds (VOCs) and Base Neutral-Acid Extractables (BNAs) shall be similar to those listed in the analytical database of the 2006 Annual Monitoring Report Former Minneapolis Gas Works Site, Minneapolis, Minnesota by Conestoga-Rovers & Associates for Reliant Energy Minnegasco, A Reliant Energy Resources Corp.

3.4 The parameter list for polynuclear aromatic hydrocarbons shall be those listed as Additional California List PAH in the analytical database of the 2006 Annual Monitoring Report Former Minneapolis Gas Works Site, Minneapolis, Minnesota by Conestoga-Rovers & Associates for Reliant Energy Minnegasco, A Reliant Energy Resources Corp.

4. Surface Discharges

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

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

4.3 The discharge shall not degrade the aquatic habitat, which includes the waters of the state and stream bed, in any material manner.

4.4 All discharges to surface waters shall:

- o Be free of toxic substances in concentrations that produce detrimental physiological responses in human, plant, animal, or aquatic life;
- o Be free of discoloration that causes nuisance or adversely affects beneficial uses;
- o Not contain floating material in amounts that cause nuisance conditions or adversely affect beneficial uses.

4.5 Irrespective of numeric effluent limitations contained herein [or lack thereof], the pollutant levels in the discharge shall not impair the receiving water for its designated use

4.6 The permittee's discharge shall not seriously impair or endanger the normal fishery and lower aquatic biota upon which it is dependent, nor shall the discharge materially alter the species composition. The propagation or migration of the fish and other biota normally present shall not be prevented or hindered by the permittee's discharge.

4.7 The discharge shall not in any manner render the receiving water unsuitable for recreational activities in and on the water.

4.8 Pollutant levels in the discharge shall not cause or contribute to a material increase in undesirable slime growths or aquatic plants, including algae.

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Chapter 4. Surface Discharge Stations

5. Winter Sampling Conditions

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

6. Discharge Monitoring Reports

- 6.1 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).
- 6.2 Copies of laboratory reports and chain of custody forms shall be included with the DMR submittal.

Chapter 5. 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)
- 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)

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Chapter 5. Total Facility Requirements

1. General Requirements

- 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.
- 1.18 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:

Supplemental Report Form (Supplemental)

Individual values for each sample and measurement must be recorded on the Supplemental which, if required, will be provided by the MPCA. Supplementals shall be submitted with the appropriate DMRs. You may design and use your own Supplemental; 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 Supplemental does not comply with the reporting requirements.

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Chapter 5. Total Facility Requirements

1. General Requirements

- 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 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.

- 1.21 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)

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Chapter 5. Total Facility Requirements

1. General Requirements

1.22 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.

1.23 TMDL Impacts. Facilities that discharge to an impaired surface water, or to a watershed or drainage basin that contains impaired waters, may be required, at some future date, 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, based on the conclusions of any applicable US EPA approved Total Maximum Daily Load (TMDL) studies, their associated implementation plans or additional sampling or monitoring.

1.24 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)

1.25 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, 7060, and 7080; and Minn. Stat. Sec. 115 and 116.

1.26 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, parts 7050.0100 to 7050.0220 and 7052.0010 to 7052.0110 (applicable to toxic pollutants in the Lake Superior Basin) and any other applicable MPCA rules. (Minn. R. 7001.1090, subp.1, item A)

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Chapter 5. Total Facility Requirements

1. General Requirements

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

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

DMRs and Supplementals 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

1.28 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.

1.29 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.

1.30 Maintain Records. The Permittee shall keep the records required by this permit for at least three years, including any calculations, original recordings from automatic monitoring instruments, and laboratory sheets. The Permittee shall extend these record retention periods upon request of the MPCA. The Permittee shall maintain records for each sample and measurement. The records shall include the following information (Minn. R. 7001.0150, subp. 2, item C):

- a. The exact place, date, and time of the sample or measurement;
- b. The date of analysis;
- c. The name of the person who performed the sample collection, measurement, analysis, or calculation; and
- d. The analytical techniques, procedures and methods used; and
- e. The results of the analysis.

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Chapter 5. Total Facility Requirements

1. General Requirements

- 1.31 Completing Reports. The Permittee shall submit the results of the required sampling and monitoring activities on the forms provided, specified, or approved by the MPCA. The information shall be recorded in the specified areas on those forms and in the units specified. (Minn. R. 7001.1090, subp. 1, item D; Minn. R. 7001.0150, subp. 2, item B)

Required forms may include:

DMR Supplemental Form

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

- 1.32 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

- 1.33 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)
- 1.34 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 5. Total Facility Requirements

1. General Requirements

- 1.35 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)
- 1.36 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)
- 1.37 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

- 1.38 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)
- 1.39 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)
- 1.40 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 5. Total Facility Requirements

1. General Requirements

- 1.41 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)
- 1.42 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 5. Total Facility Requirements

1. General Requirements

1.43 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.

1.44 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 5. Total Facility Requirements

1. General Requirements

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

- 1.50 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.
- 1.51 No person required by statute or rule to obtain a permit may construct, install, modify, or operate the facility to be permitted except as provided under Minnesota Statutes, section 115.07, subdivisions 1 and 3, nor shall a person commence an activity for which a permit is required by statute or rule until the agency has issued a written permit for the facility or activity.
- 1.52 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 5. Total Facility Requirements

1. General Requirements

- 1.53 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)
- 1.54 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)
- 1.55 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.
- 1.56 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.
- 1.57 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.l.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.
- 1.58 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 5. Total Facility Requirements

1. General Requirements

- 1.59 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)

- 1.60 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.