



## STATE OF MINNESOTA

**Minnesota Pollution Control Agency**

## Industrial Division

**National Pollutant Discharge Elimination System (NPDES)/  
State Disposal System (SDS) Permit MN0069051**

**PERMITTEE:** Saint Croix Forge Inc  
**FACILITY NAME:** Saint Croix Forge Inc  
**RECEIVING WATER:** Unnamed wetland (Class 2D, 3D, 4C, 5, and 6 water)

**CITY OR TOWNSHIP:** Forest Lake

**COUNTY:** Washington

**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 May 6, 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

***Submit eDMRs via e-Services at:***

<https://netweb.pca.state.mn.us/private/>

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

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

***Questions on this permit?***

- For eDMR and other permit reporting issues, contact:  
Belinda Nicholas, 651-757-2613.
- For specific permit requirements or permit compliance status, contact:  
Kaitlin Boutelle, 651-757-2306.
- General permit or NPDES program questions, contact:  
MPCA, 651-282-6143 or 1-800-657-3938.

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## Facility Description

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St Croix Forge, Inc. facility (Facility) is located at Northeast ¼ of the Northeast ¼ of Section 19, Township 32 North, Range 21 West at 5195 Scandia Trail in Forest Lake, Washington County, Minnesota. The Primary activity at the Facility is the manufacture of horseshoes. The Facility produces approximately 11.5 million horseshoes per year for the equine (horse) industry. The average production of horseshoes is 45,000 per day and the maximum production of horseshoes is 52,000 per day. The production process involves a series of machines, which form steel into horseshoes. This production process involves no process water or quenching water. Products are air-cooled and do not come in contact with any water in the Facility. The water supply to the Facility is an average and maximum of 2361 gallons per day of non-chlorinated ground water from a private well and a maximum supply of 4880 gallons per day (respectively). The private water supply is from the Cambrian-Ordovician Aquifer. The production process uses three (3) closed circuit cooling towers, which manage temperature and are cooled by evaporation. The Facility uses induction heating, which is water cooled, to heat the raw material prior to forging. As the water in the induction heater rises in temperature during the process, it is cooled via a heat exchanger. The induction heater water flows through one side of a heater exchanger. The induction heater water flows through one side of a heat exchanger after each complete cycle of cooling the induction heater components. The other side of the heat exchanger has a fully enclosed loop (raw water) system that is not exposed to the atmosphere and is not discharged. As the raw water rises in temperature during the process, it also needs to be cooled. This is done at the cooling towers. The raw water flows through tubes in the cooling towers after circulating throughout the plant. The cooling towers have sprayers that are used to cool the raw water. This non-contact cooling water open loop (spray water) is evaporated from the cooling towers and is periodically discharged. The non-contact cooling spray water is simultaneously controlled and evaporated. As the spray water moves through the open loop, the water evaporates, concentrating the conductivity of the remaining water, which is recycled through the open loop.

At 500 gallons per minute, one spray pump running 24 hours per day circulates 720,000 gallons per day from a 1000 gallon tank equals 720 tank cycles per day. 4000 gallons per day makeup water is 4 (four) tank refills per day. This equals to the water being recirculated as much as 180 times before being discharged.

When the conductivity reaches 2500 micromhos, water is discharged until conductivity is reduced to 2000 micromhos and replacement well water is added. The conductivity of the well water is approximately 500 micromhos, which equates to the water being cycled four times before it is discharged. The cooling water is recirculated many times through the system until the conductivity reaches 2500 micromhos at which point we discharge to reduce conductivity. Supply water is currently 543 micromhos. It is run through approximately four time until it is about 2500 micromhos. Average discharge for the facility is 943 gallons per day (gpd) and the maximum discharge is 2,050 gpd. The spray water is monitored by St. Croix personnel regularly and the water treatment vendor tests water quality monthly. The non-contact cooling water is treated to maintain proper pH, to control biological and to prevent corrosion to equipment as it is circulated through the cooling system. There is no further treatment prior to discharge.

Upon discharge, the water flows from a floor drain in the cooling tower room through a pipe beneath the building and discharges to a ditch, which flows under Highway 97 to an unnamed wetland located northwest of the intersection of Highway 97 and Fenway Avenue. The discharge flows through the

wetland and eventually makes way to Clear Lake. Total distance from floor drain to wetland is approximately 300 yards.

Sanitary wastes are managed via an on-site mound system. Twice per year the bottom of the towers and tanks are cleaned from any sediment from the spray water. The residue, along with any buildup of residue on the outside of the cooling water coils is landfilled.

Industrial Stormwater is covered under this permit in Chapter 3.

Chemical additives, which are used in the spray water are monitored and/or controlled automatically. Sulfuric acid is used as a pH regulator; the Facility uses a biocide as an antibacterial agent and a corrosion inhibitor in the equipment. None of the waters used at this Facility at any time contact any materials or products used in the manufacturing process.

Table1: Chemical Additives

Product Name	Process in which Used	Purpose	Dosage Frequency	Average Rate of Use
2026E	Water Balance Tank	Anti- Corrosion	Continuous based on Discharge	1 gallon/ 1000 gallons discharged
AA- 4015	Water Balance Tank	Biocide	Periodic, 1-2 times per week at < 1 hour	.5 gallon/ 1000 gallons discharged
AC- 140L	Water Balance Tank	Sulfuric Acid	Continuous based on discharge	6 gallons / 1000 gallons discharged
Line-Blaster	Water Balance Tank	Line-Blaster	Periodic, 1 time per month at < hour	1 gallon / 1000 gallons discharged

The January 1, 1988, calculated design **maximum daily** flow for this Facility is 0 million gallons per day (mgd). In accordance with the MPCA rules regarding nondegradation for all waters, the design **maximum daily** flow of the Facility as of January 1, 1988, and associated mass loading, is the baseline design flow and mass loading. This baseline flow and mass loading will be used to determine whether nondegradation review is required for any change in the discharge. Any change that results in an increase in design flow greater than 0.2 mgd and an increased loading of one or more pollutants, or any change in a discharge containing a toxic pollutant that results in a mass loading rate likely to increase the concentration of the toxicant in the receiving water by greater than one percent over the baseline quality, is subject to nondegradation review in accordance with Minn. R. 7050.0185.

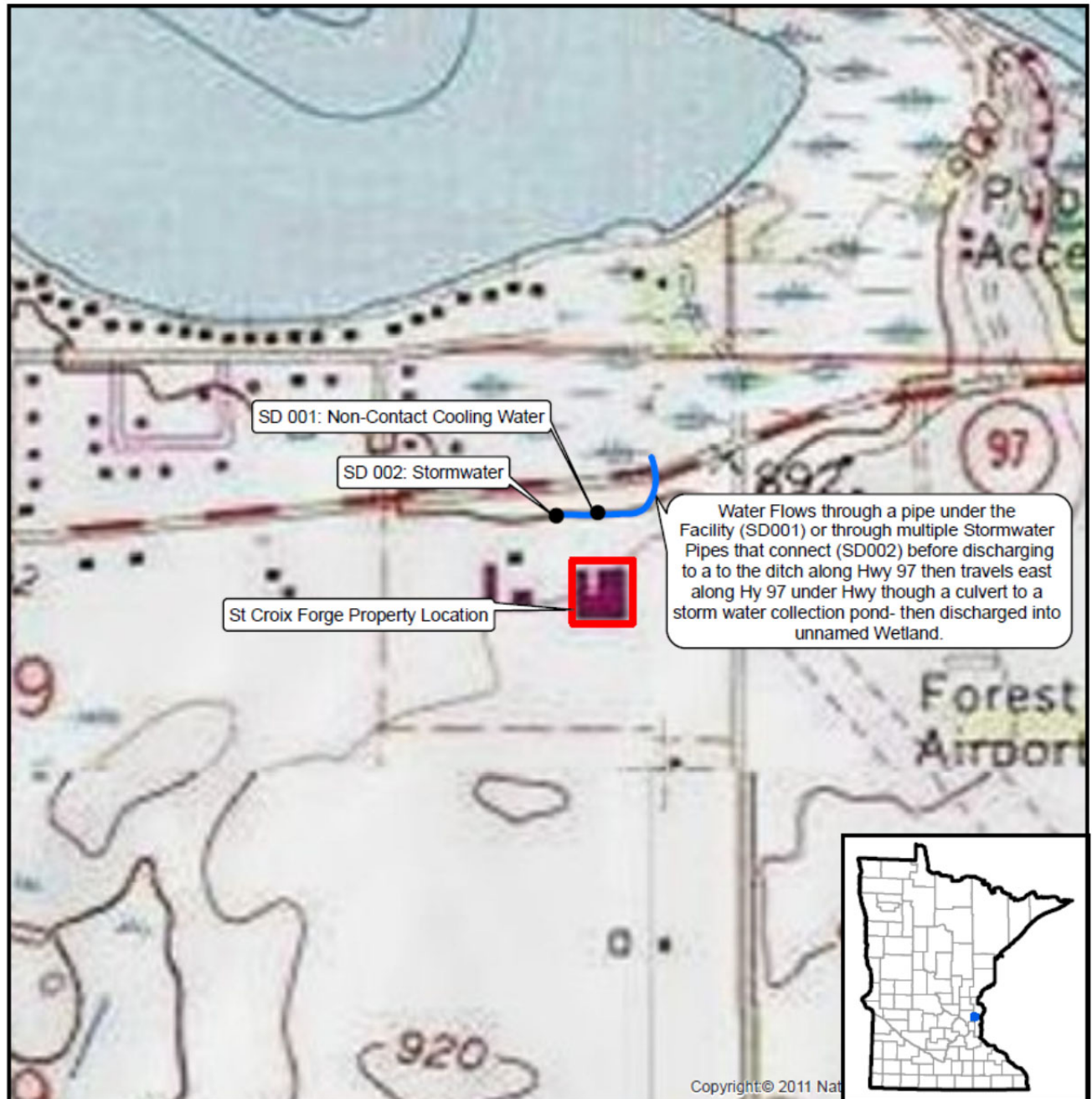
The location of the Facility designated monitoring stations is specified on the following map.

## Topographic Map of Permitted Facility

MN000069051: St Croix Forge Inc.

T32N, R21W, Section 19

Forest Lake, Washington County, Minnesota



Map produced by: MPCA Staff, 2/25/2013

Source: USGS Linwood, Forest Lake, Hugo and Centerville Quads

Scale: 1:15,000

0 0.05 0.1 0.2 Miles



Surface Discharge Stations

<u>Station</u>	<u>Type of Station</u>	<u>Local Name</u>	<u>PLS Location</u>
SD001	Effluent To Surface Water	Non-Contact Cooling water to ditch to wetland	NE Quarter of the NE Quarter of Section 19, Township 32 North, Range 21 West
SD002	Stormwater, Non-specific Runoff	Site Stormwater Runoff	NE Quarter of the NE Quarter of Section 19, Township 32 North, Range 21 West

## Limits and Monitoring Requirements

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

### SD 001: Non-Contact Cooling water to ditch to wetland

Parameter	Limit	Units	Limit Type	Effective Period	Sample Type	Frequency	Notes
BOD, Carbonaceous 05 Day (20 Deg C)	25	mg/L	Calendar Month Average	Jan-Dec	Grab	1 x Month	
Chloride, Total	Monitor Only	mg/L	Calendar Month Average	Jan-Dec	Composite	1 x Month	3
Copper, Total (as Cu)	Monitor Only	mg/L	Calendar Year Average	Jan-Dec	Composite	2 x Year	2
Flow	Monitor Only	mgd	Calendar Month Average	Jan-Dec	Measurement	1 x Month	
Flow	Monitor Only	MG	Calendar Month Total	Jan-Dec	Measurement	1 x Month	
Molybdenum, Dissolved (as Mo)	Monitor Only	ug/L	Calendar Year Average	Jan-Dec	Composite	2 x Year	1
Molybdenum, Total (as Mo)	Monitor Only	ug/L	Calendar Year Average	Jan-Dec	Composite	2 x Year	1
Nitrite Plus Nitrate, Total (as N)	Monitor Only	mg/L	Calendar Year Average	Jan-Dec	Composite	2 x Year	
pH	9.0	SU	Instantaneous Maximum	Jan-Dec	Measurement	2 x Month	
pH	6.0	SU	Instantaneous Minimum	Jan-Dec	Measurement	2 x Month	
Phosphorus, Total (as P)	4.97	kg/yr	12 Month Moving Total	Jan-Dec	Grab	1 x Month	4
Solids, Total Suspended (TSS)	30	mg/L	Calendar Month Average	Jan-Dec	Grab	1 x Month	

### SD 002: Site Stormwater Runoff

Parameter	Limit	Units	Limit Type	Effective Period	Sample Type	Frequency	Notes
Aluminum, Total (as Al)	1.5	mg/L	Calendar Year Average Intervention-Qtr	Jan-Dec	Grab	1 x Year	
Iron, Total (as Fe)	1.0	mg/L	Calendar Year Average Intervention-Qtr	Jan-Dec	Grab	1 x Year	
Solids, Total Suspended (TSS)	100	mg/L	Calendar Year Average Intervention-Qtr	Jan-Dec	Grab	1 x Year	
Zinc, Total (as Zn)	0.234	mg/L	Calendar Year Average Intervention-Qtr	Jan-Dec	Grab	1 x Year	

#### Notes:

- 1 -- At minimum one sample shall be taken during the winter and one shall be taken during the summer.
- 2 -- At minimum one sample shall be taken during the winter and one shall be taken during the summer. Sampling required for entire permit cycle.
- 3 -- At minimum one sample shall be taken during the winter and one shall be taken during the summer. A reduction in monitoring may be requested after two years (minimum 8 samples) for this parameter.
- 4 -- Calculation Guidance is available in Chapter 2: Surface Discharge Stations.

## **Chapter 1. Industrial Water Treatment/Cooling Process Water**

### **1. Authorization**

- 1.1 This chapter authorizes the Permittee to discharge non-contact cooling water generated at the facility, as described in the 'Facility Description' portion of this permit. This activity is limited by the 'Limits and Monitoring' section of this permit, as well as the other terms and conditions of this permit.

#### **Prohibited Discharges**

- 1.2 This permit does not authorize the discharge of sewage, wash water, scrubber water, spills, oil, hazardous substances, or equipment/vehicle cleaning and maintenance wastewaters to ditches, wetlands or other surface waters of the state.
- 1.3 The Permittee shall prevent the routing of pollutants from the facility to a municipal wastewater treatment system in any manner unless authorized by the pretreatment standards of the MPCA and the municipal authority.
- 1.4 The Permittee shall not transport pollutants to a municipal wastewater treatment system that will interfere with the operation of the treatment system or cause pass-through violations of effluent limits or water quality standards.

### **2. Chemical Additives**

- 2.1 The Permittee is approved for the use of the following chemical additives:
- a. 2026E: This additive is used as an anti-corrosion agent and is used continuously based on discharge
  - b. AA-4015: This additive is used as a Biocide at a frequency of 1-2 times per week at less than 1 hour
  - c. AC-140L: Also known as sulfuric acid and is used continuously based on discharge
  - d. Line-Blaster: This additive is used periodically about 1 time per month for less than 1 hour
- 2.2 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. "Chemical additive" includes processing reagents, water treatment products, cooling water additives, freeze conditioning agents, chemical dust suppressants, detergents and solvent cleaners used for equipment and maintenance cleaning, among other materials.
- 2.3 The Permittee shall request approval for an increased or new use of a chemical additive 60 days before the proposed increase or new use.
- 2.4 This written request shall include the following information for the proposed additive:
- a. Material Safety Data Sheet.
  - b. A complete product use and instruction label.
  - c. The commercial and chemical names of all ingredients.
  - d. Aquatic toxicity and human health or mammalian toxicity data including a carcinogenic, mutagenic, or teratogenic concern or rating.
  - e. Environmental fate information including, but not limited to, persistence, half-life, intermediate breakdown products, and bioaccumulation data.
  - f. The proposed method, concentration, and average and maximum rates of use.
  - g. If, applicable, the number of cycles before wastewater bleedoff.
  - h. If, applicable, the ratio of makeup flow to discharge flow.
- 2.5 This permit may be modified to restrict the use or discharge of a chemical additive.



## **Chapter 2. Surface Discharge Stations**

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

- 1.1 SD 001: Submit a monthly DMR monthly by 21 days after the end of each calendar month following permit issuance.
- 1.2 SD 002: Submit a quarterly DMR quarterly by 21 days after the end of each calendar quarter following permit issuance.

### **2. Special Requirements**

- 2.1 The Calendar Year to Date Total Phosphorus limit in units of kg/year is calculated as follows: For each month, multiply the total volume of effluent flow (in million gallons) by the monthly average concentration of effluent Phosphorus (in mg/L) and by a 3.785 conversion factor to get Phosphorus in units of kg/month. Then add all monthly values from the first month in the effective period to the end date of the reporting period. For example, if the "effective period" is Jan-Dec and the reporting period ends June 30th, add the monthly values from January through June and report that value as the Calendar Year to Date Total.

### **3. Sampling Location**

- 3.1 Samples for station SD001 shall be collected from the final pipe discharge before it has entered and mixed with waters in the discharge ditch. The samples will be taken from a point that is representative of the non-contact cooling water intended for surface water discharge from the facility.
- 3.2 Samples for station SD002 shall be collected from the final pipe discharge before it has entered and mixed with waters in the discharge ditch. The samples will be taken from a point that is representative of the stormwater runoff water from the facility property.

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

### **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. Phosphorus Limits and Monitoring Requirements**

- 6.1 Phosphorus limits are to be calculated as follows.
- 6.2 "12-Month Moving Total" is a rolling total. To calculate, for each month multiply the total volume of effluent flow (MG) by the monthly average concentration and by a 3.785 conversion factor to get kg/month. Then add all of the monthly values (kg/mo) during the last twelve months, starting with the monthly total for the month of the current reporting period. Facilities with a new 12-Month Moving Total phosphorus limit shall, for the first 11 months that the limit is effective, indicate '(NR) <12 months' in the eDMR comments field in place of a value for the 12-Month Moving Total until the 12th month of monitoring.

### **7. Discharge Monitoring Reports**

- 7.1 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).

## **Chapter 3. Stormwater Management**

### **1. Authorization**

- 1.1 This chapter authorizes the Permittee to discharge stormwater associated with industrial activity from industrial activity associated with SIC code(s ) 3462 in accordance with the terms and conditions of this chapter.
- 1.2 This permit, unless specifically authorized by another chapter, does not authorize the discharge of sewage, wash water, scrubber water, floor drains from process areas, spills, oils, hazardous substances, or equipment/vehicle cleaning and maintenance wastewaters to ditches, wetlands or other surface waters of the state.

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

- 2.1 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.
- 2.2 The Permittee shall operate and maintain the facility and shall control runoff, including stormwater, from the facility to prevent the exceedance of water quality standards specified in Minnesota Rules, chs. 7050 and 7060.

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

- 3.1 The Permittee shall develop and implement a Stormwater Pollution Prevention Plan (Plan) to address the specific conditions at the industrial facility. The goal of the Plan is to eliminate or minimize contact of stormwater with significant materials that may result in pollution of the runoff. If contact cannot be eliminated or reduced, stormwater that has contacted significant material should be treated before it is discharged from the site.

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

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

- 3.2 At a minimum, the SWPPP must include:

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

## **Chapter 3. Stormwater Management**

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

3.3 In addition, the SWPPP must include the following:

a. Facility Map. Identify where any of the following may be exposed to stormwater: Raw metal storage areas; finished metal storage areas; scrap disposal collection sites; retention and detention basins; temporary and permanent diversion dikes or berms; right-of-way or perimeter diversion devices; sediment traps and barriers; processing areas, including outdoor painting areas; wood preparation; recycling; raw material storage.

b. Potential Pollutant Sources. The Permittee shall describe the following additional sources that have potential pollutants associated with them. Potential pollutants include chromium, zinc, lubricating oil, solvents, aluminum, oil and grease, methyl ethyl ketone, steel and related materials.

1. ☐ Operations for paints, chemicals, and scrap metals.
2. ☐ Outdoor manufacturing or processing activities such as grinding, cutting, degreasing, buffing and brazing.
3. ☐ On-site waste disposal practices for spent solvents, sludge, pickling baths, shavings, ingot pieces, and refuse and waste piles.

3.4 The SWPPP shall be developed and implemented within 180 days after permit issuance and shall be available for inspection.

### **4. Inspection and Maintenance**

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

Inspection results and documentation must remain on-site whenever Permittee staff are available on the site and must be available upon request. The inspection form is located on the MPCA's website at <http://www.pca.state.mn.us/index.php/water/water-types-and-programs/wastewater/wastewater.html>.

4.2 Inspections must be documented and must include the following information:

- a. inspection date and time;
- b. weather conditions;
- c. inspector name;
- d. findings; and
- e. a description of any necessary corrective actions and a schedule for corrective action completion.

A copy of all inspection documentation must be stored with the SWPPP.

4.3 In addition to the inspection requirements listed above, the following areas (including, but not limited to) must be inspected:

- a. Areas associated with spend solvents.
- b. Chemical storage areas.
- c. Outdoor paint areas.

4.4 If conditions are observed at the site that require changes in the SWPPP, such changes must be made to the SWPPP prior to submission of the annual report for that calendar year.

## **Chapter 3. Stormwater Management**

### **4. Inspection and Maintenance**

- 4.5 If the findings of a site inspection indicate that BMPs are not meeting the objectives as identified above, corrective actions must be initiated within thirty days and the BMP restored to full operation as soon as conditions allow.

#### **Good Housekeeping**

- 4.6 The Permittee shall describe and implement measures for controlling or recovering scrap metals, fines, and metal dust. The Permittee shall include measures for containing materials within storage handling areas.
- 4.7 The Permittee shall describe and implement measures for storage of metal working fluids.

#### **Preventive Maintenance**

- 4.8 The Permittee shall describe and implement measures to prevent or minimize exposure of paint and painting equipment to stormwater.

#### **Spills and Leaks**

- 4.9 The Permittee shall describe and implement measures to control and clean up spills of solvents and other liquid cleaners, control sand buildup and disbursement from sand-blasting operations, and prevent exposure of recyclable wastes including rinse waters.
- 4.10 The Permittee shall use monitoring equipment or other devices to detect and control leaks and overflows of lubricating oil and hydraulic fluid. The Permittee shall install perimeter control or equivalent measures.

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

- 5.1 The Permittee is authorized to use designed infiltration devices or industrial stormwater ponds/sedimentation basins for stormwater management. Stormwater ponds/sedimentation basins must be designed by a registered professional engineer and installed under the direct supervision of a registered professional engineer. If a new stormwater pond/sedimentation basin will be constructed, the Permittee must follow the guidance located on the web site at <http://www.pca.state.mn.us/index.php/water/water-types-and-programs/stormwater/industrial-stormwater/industrial-stormwater.html>.

### **6. Reporting**

- 6.1 Submit a Stormwater Annual Report by March 31 of each year following permit issuance. A copy of the Stormwater Annual Report Form is located on the MPCA's website at:  
<http://www.pca.state.mn.us/index.php/water/water-types-and-programs/wastewater/wastewater.html>.
- 6.2 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.

### **7. Records**

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

## **Chapter 3. Stormwater Management**

### **8. Notification**

- 8.1 If the Permittee discharges stormwater into a regulated Municipal Separate Storm Sewer System (MS4), the Permittee must notify the operator of the first MS4 of the existence of this permit within 30 days of its issuance.

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

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

### **10. Benchmark Monitoring Requirements**

- 10.1 The Permittee must comply with the benchmark monitoring procedures and sample collection methods located in the Benchmark Monitoring Fact Sheet on the following website:  
<http://www.pca.state.mn.us/index.php/water/water-types-and-programs/wastewater/wastewater.html> .
- 10.2 The Permittee shall complete Benchmark Monitoring four times per year and comply with the limits and monitoring requirements specified for the Surface Discharge Stormwater, Non-Specific Runoff Station. Specified parameters shall be sampled on a calendar quarter basis beginning the first full quarter following permit issuance. Each quarterly sample may be collected at any time during the calendar quarter. Quarterly sample results must be averaged annually and the annual quarterly average must be reported on the December DMR.
- 10.3 An exceedance of a benchmark monitoring intervention limit does not constitute a violation under this permit. However, the Permittee is required to perform any necessary corrective action(s) to address stormwater control measures, including the maintenance or implementation of BMPs, when an exceedance of an applicable benchmark value occurs. Failure to respond to any benchmark intervention limit exceedance is a violation of the permit.
- 10.4 If benchmark monitoring intervention limits are exceeded, the Permittee shall modify the SWPPP and document all corrective actions and shall implement necessary non-structural BMPs within 60 days after discovery and structural BMPs within 180 days after discovery of the exceedance.

## **Chapter 3. Stormwater Management**

### **10. Benchmark Monitoring Requirements**

- 10.5 Sample results shall be reported on quarterly Discharge Monitoring Reports (DMRs) which shall be provided by the MPCA. DMRs shall be postmarked or electronically submitted by the 21st day of the month following the sampling interval. The final quarterly report for the year will also include an annual average of the four results collected throughout the year.

The Permittee may submit the DMRs using the electronic submittal process.

### **11. Employee Training Program**

- 11.1 The Permittee must develop and implement an employee training program to inform appropriate personnel of the components and goals of the SWPPP. At a minimum, training must address:

- a. spill/leak prevention and response;
- b. good housekeeping;
- c. petroleum product management;
- d. process chemical management;
- e. fueling procedures;
- f. proper procedures for using fertilizer, herbicides, and pesticides;
- g. erosion and sedimentation controls;
- h. inspections;
- i. preventative maintenance;
- j. runoff management; and
- k. materials management practices.

The SWPPP must identify periodic dates for such training as well as personnel responsible for managing and implementing the SWPPP and those responsible for the reporting requirements of this permit. This must include the facility contact person as indicated on the permit application. Identified personnel must be available at reasonable times of operation.

Guidance regarding employee training programs is available on the web at:  
<http://www.pca.state.mn.us/index.php/water/water-types-and-programs/stormwater/industrial-stormwater/industrial-stormwater.html>.

### **12. Definitions**

- 12.1 "Best Management Practices" or "BMPs" means practices to prevent or reduce the pollution of waters of the state, including schedules of activities, prohibitions of practices, other management practices, and also includes treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge, waste disposal or drainage from raw material storage.
- 12.2 "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.
- 12.3 "Non-stormwater discharge" means any discharge not comprised entirely of stormwater discharges authorized by a NPDES permit.
- 12.4 "Runoff" means any liquid that drains over land from any part of a facility.

## **Chapter 3. Stormwater Management**

### **12. Definitions**

- 12.5 "Benchmark Monitoring Location" means the location(s) within the boundary of the facility where the Permittee will collect stormwater samples for the purpose of compliance with the benchmark monitoring requirements of this permit. The benchmark monitoring location(s) shall be in a location that:
- a. is below the most down-gradient BMP from the source of the industrial activity or significant materials, but prior to discharging from the Permittee's operational control;
  - b. minimizes or eliminates sampling of stormwater from off-site sources (run-on); and
  - c. yields a sample that best represents the contribution of pollutants the Permittee is required to monitor for in accordance with the Benchmark Monitoring Requirements section of this permit, and that receives drainage from an area of industrial activities, processes, and significant materials exposed to stormwater.

## **Chapter 4. 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)

## **Chapter 4. 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 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)



## Chapter 4. Total Facility Requirements

### 1. General Requirements

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

Required forms may include:

#### DMR Supplemental Form

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

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

## **Chapter 4. Total Facility Requirements**

### **1. General Requirements**

- 1.21 Submitting Reports. Discharge Monitoring Reports (DMRs), DMR supplemental forms, and related attachments shall be submitted electronically via the MPCA Online Services Portal after authorization is approved. Authorization must be applied for and approved prior to submittal via the Online Services Portal.

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

If electronic submittal is not possible, the Permittee must apply for an exception to electronic submittal. Exceptions requests for extreme conditions (no computer on-site is not an extreme condition) must at a minimum contain the extreme reason for the exception, actions to be taken, and date the facility will submit eDMR. All exception requests, and paper DMRs, DMR supplemental forms, and related attachments must be submitted by the 21st day of the month following the monitoring period end to:

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

Other reports required by this permit shall be submitted on or before the due date specified in the permit to:

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

- 1.22 Incomplete or Incorrect Reports. The Permittee shall immediately submit an electronically 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. If it is impossible to electronically amend the report or DMR, the Permittee shall immediately notify the MPCA and the MPCA will provide direction for the amendment submittals. (Minn. R. 7001.0150 subp. 3, item G)
- 1.23 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)

## **Chapter 4. Total Facility Requirements**

### **1. General Requirements**

- 1.24 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)
- 1.25 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)
- 1.26 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**

- 1.27 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)
- 1.28 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)
- 1.29 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))

## **Chapter 4. Total Facility Requirements**

### **1. General Requirements**

- 1.30 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)
- 1.31 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)

## **Chapter 4. Total Facility Requirements**

### **1. General Requirements**

1.32 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.

1.33 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**

## **Chapter 4. Total Facility Requirements**

### **1. General Requirements**

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

- 1.39 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.

- 1.40 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.
- 1.41 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.

## Chapter 4. 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. 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)
- 1.44 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.
- 1.45 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.
- 1.46 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.
- 1.47 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)

## **Chapter 4. Total Facility Requirements**

### **1. General Requirements**

- 1.48 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)

- 1.49 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.