



STATE OF MINNESOTA

Minnesota Pollution Control Agency

Industrial Division

**National Pollutant Discharge Elimination System (NPDES)/
State Disposal System (SDS) Permit MN0061514**

PERMITTEE: Archer Daniels Midland Co
FACILITY NAME: Archer Daniels Midland - Mankato
RECEIVING WATER: Minnesota River (2B, 3B, 3C, 4A, 4B, 5, and 6 water)

CITY OR TOWNSHIP: Mankato
COUNTY: Blue Earth
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 March 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

Submit eDMRs

Submit via the MPCA Online Services Portal 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:
Jennifer Satnik, 651-757-2692.
- For specific permit requirements or permit compliance status, contact:
Teresa L. Roth, 507-344-5252.
- General permit or NPDES program questions, contact:
MPCA, 651-282-6143 or 1-800-657-3938.

Table of Contents

Permitted Facility Description	3
Topographic Map of Permitted Facility	5
Summary of Stations and Station Locations	6
Limits and Monitoring Requirements	7
 Chapter 1. Surface Discharge Stations	 9
1. Requirements for Specific Stations	
2. Sampling Location	
3. Surface Discharges	
4. Winter Sampling Conditions	
5. Discharge Monitoring Reports	
 Chapter 2. Industrial Process Wastewater	 9
1. Authorization	
2. Prohibited Discharges	
3. Toxic Substance Reporting	
4. Mobile and Rail Equipment Service Areas	
5. Application for Permit Reissuance	
 Chapter 3. Stormwater Management	 11
1. Authorization	
2. Water Quality Standards	
3. Stormwater Pollution Prevention Plan	
4. Benchmark Monitoring Requirements	
5. Inspection and Maintenance	
6. Sedimentation Basin Design and Construction	
7. Reporting	
8. Records	
9. Notification	
10. Request for Termination of Stormwater Permit Coverage	
11. Employee Training Program	
12. Definitions	
 Chapter 4. Total Facility Requirements	 16
1. General Requirements	

Facility Description

The Archer Daniels Midland - Mankato facility (Facility) is located at the Southeast Quarter of Section 6 at Township 108 North, Range 26 West. The location address is at 2019 Third Avenue, Mankato, in Blue Earth County, Minnesota.

The principal activity at this facility is soybeans processing and oil refining. The products which are produced at the Facility are soybean meal, soybean oil, and soybean hulls. The average amount of soybean meal produced at the Facility is 1,136,250 tons per year with a maximum of 1,231,075 tons per year. The average and maximum amounts of soybean oil produced are 272,700 tons per year and 360,000 tons per year, respectively. Soybean hulls are produced at an average amount of 106,050 tons per year and a maximum of 114,975 tons per year. It takes an average and maximum of 1,312,000 tons per year and 1,685,000 tons per year, respectively, of soybeans to facilitate production at the Facility. The incoming water source is provided by the municipal supply from the city of Mankato, which provides approximately 140 million gallons per year. The distribution of the water supply is 193,332 gallons per day to the Cogen processes, 114,135 gallons per day to Extraction processes, and 86,774 gallons per day to Refinery processes. The incoming water is dechlorinated with sodium metabisulfite prior to purifying through the Reverse Osmosis system. The purified water is then used in the Cogen, Extraction, and Refinery processes. The discharge authorized by this permit consists of a continuous discharge of reject water from the Reverse Osmosis (RO) system at an average rate of 80,000 gallons per day and a maximum rate of 120,000 gallons per day. The discharge is to the municipal storm sewer which discharges to an unnamed ditch about ½ miles from its confluence with the Minnesota River (2B, 3B, 3C, 4A, 4B, 5, and 6 water).

The RO Membranes start to foul due to one of two conditions: iron build up or bio-fouling. When iron build up occurs on the membranes, the RO system is cleaned with Citric Acid at a pH level between 2.0 - 4.0. Total volume of water and citric acid is 150-200 gals. The solution is circulated through the system and allowed to soak per our procedure and then drained to the waste water tanks located in Cogen. At the wastewater tanks the pH is neutralized and discharged to the Publicly Owned Treatment Works (POTW) of Mankato.

When bio-fouling occurs on the membranes, the RO system is cleaned with Nalco PC-98 (concentrated liquid blend of dispersants and a surfactant) at the rate of 3 gals to 150 gals of water at a PH of 10.5-12.0. The solution is circulated through the system and allowed to soak per the permittee's procedure and then drained to the waste water tanks located in Cogen. At the Wastewater the pH is neutralized and discharged to the POTW. These waste waters, permeate, and waste waters from Clean in Place system in addition to the industrial processes associated with Cogen, Extraction, and Refinery (described in next paragraph) are discharged to the POTW. Sanitary wastewaters are also directed to the sanitary sewer.

The wastewaters associated with Cogen processes, Extraction processes, and the Refinery processes are all directed to the sanitary sewer. The Cogen wastewater flows into the wastewater tank before it is release to the sanitary sewer. The Extraction wastewater must have the process oil skimmed off before it is discharged to the sanitary sewer. All of the Refinery process wastewater is directed through a flow equalization tank (also referred to as the Surge Tank) to the acid reactor then neutralized before it goes to the dissolved air floatation skimmer; this process removes excess oils and suspended solids. It is then put in a neutralizing tank before being discharged to the sanitary sewer. None of the above described

process water is authorized in this permit; no solids, oil, etc. is allowed to be discharged to the storm sewer with the RO reject wastewater authorized to discharge to surface water by this permit.

Public (municipal) and private operators of industrial facilities included in one of the 11 categories of industrial activity defined in federal regulations at 40 CFR § 122.26 (b)(14)(i)-(xi) and an industry's Standard Industrial Classification (SIC) code, are required to obtain stormwater permit coverage. Industrial facilities in classification 2075 (Soybean Oil Mills) are included within the scope of regulation for industrial stormwater under Sector U: Food and Kindred Products. Stormwater permit coverage for industrial activity has been included in this permit action. The Facility uses sediment socks (filter) in the storm sewer drains and also conducts weekly street sweeping treatment to control fugitive particles from comingling with their storm water. Industrial stormwater coverage for the facility has been included in Chapter 3, Industrial Stormwater.

The Facility has Aboveground Storage Tanks that are covered under Permit No. 555 through the MPCA and are therefore not covered in this NPDES/SDS permit.

The chemical additives approved for use at the Facility is Sodium Metabisulfate for dechlorination prior to the use in the RO system and PC-191T used before the RO system as an anti-scalant. This authorization is included in Chapter 2 in the permit language. Use of chemicals at the facility does not exceed the rates authorized by this permit.

Table1: Chemical Additives

Product Name	Purpose	Location of Addition	Dosage Frequency	Average Rate of Use (Weight or Volume/Year)
PC-191T	Anti- Scalant	Before RO system	Continuous	286 gallons/year
Sodium Metabisulfate	Dechlorination	Before RO system	Continuous	1,200 pounds/year

In accordance with MPCA rules regarding nondegradation for all waters that are not Outstanding Resource Value Waters, nondegradation review is required for any new or expanded significant discharge (Minn. R. 7050.0185). A significant discharge is: (1) a new discharge (not in existence before January 1, 1988) that is greater than 200,000 gallons per day to any water other than a Class 7 water or (2) an expanded discharge that expands by greater than 200,000 gallons per day that discharges to any water other than a Class 7 water or (3) a new or expanded discharge containing any toxic pollutant at 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. The flow rate used to determine significance is the design **maximum daily** flow. The January 1, 1988, design **maximum daily** flow for this facility is 0 mgd.

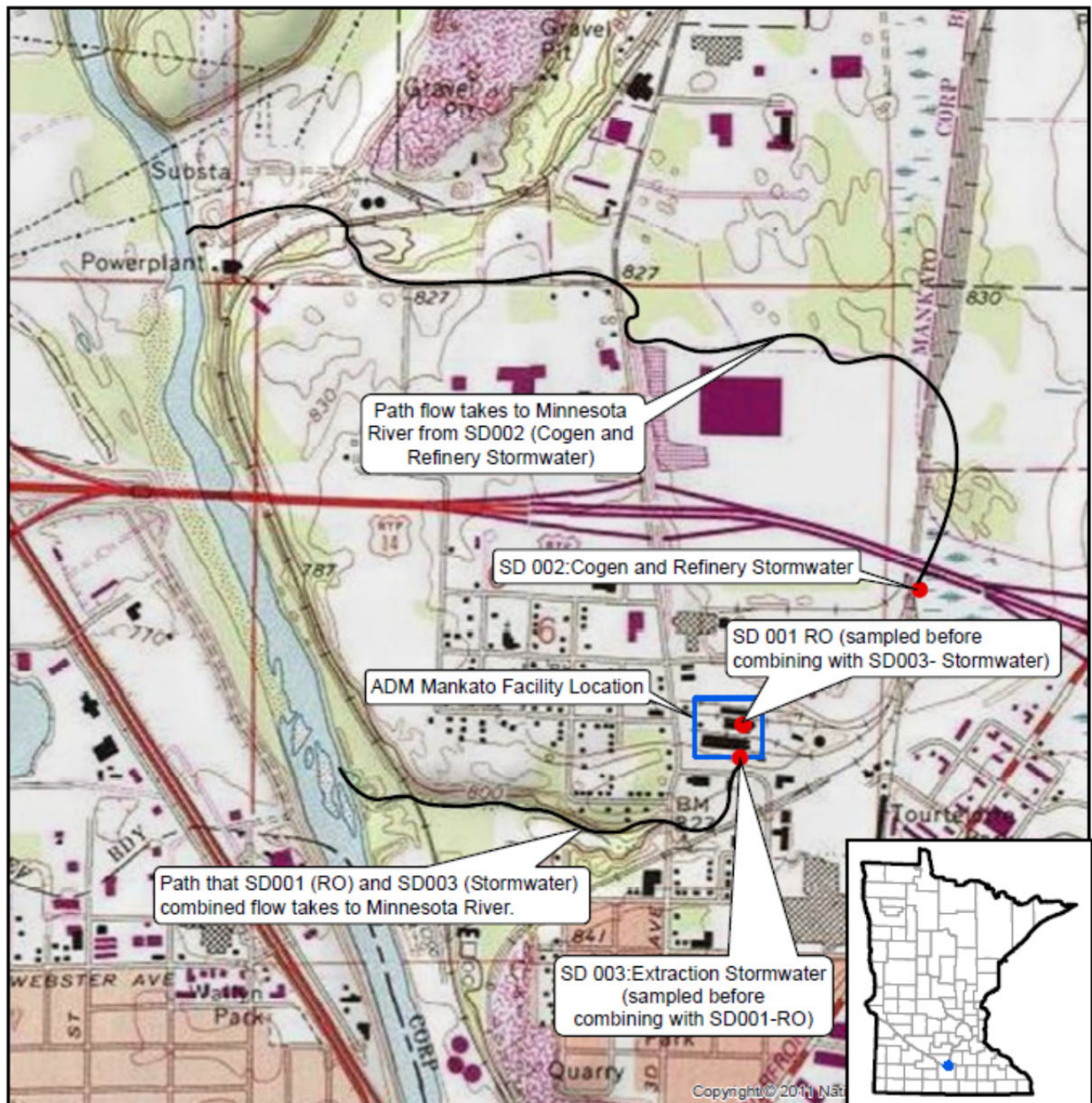
This Permit also complies with Minn. R. 7053.0275 regarding anti-backsliding.

Any point source discharger of sewage, industrial, or other wastes for which a NPDES permit has been issued by the MPCA that contains effluent limits more stringent than those that would be established by Minn. R. 7053.0215 to 7053.0265 shall continue to meet the effluent limits established by the permit, unless the permittee establishes that less stringent effluent limits are allowable pursuant to federal law, under section 402(o) of the Clean Water Act, United States Code, title 33, section 1342.

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

Topographic Map of Permitted Facility

MN0061514: ADM Mankato
T108N, R26W, Section 6
Mankato, BlueEarth County, Minnesota



Map produced by: MPCA Staff, 3/14/2013
Source: USGS Mankato West and Mankato East Quads
Scale: 1:13,857

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Surface Discharge Stations

<u>Station</u>	<u>Type of Station</u>	<u>Local Name</u>	<u>PLS Location</u>
SD001	Storm Sewer To Surface Water	Reverse Osmosis Reject Water Discharge	SE Quarter of Section 6, Township 108 North, Range 26 West
SD002	Stormwater, Non-specific Runoff	Cogen and Refinery Stormwater	SW Quarter of the NW Quarter of Section 5, Township 108 North, Range 26 West
SD003	Stormwater, Non-specific Runoff	Extraction Stormwater	NW Quarter of the SE Quarter of Section 6, Township 108 North, Range 26 West

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

SD 001: Reverse Osmosis Reject Water Discharge

Parameter	Limit	Units	Limit Type	Effective Period	Sample Type	Frequency	Notes
Bicarbonates (HCO ₃)	Monitor Only	mg/L	Calendar Month Average	Jan-Dec	Grab	1 x Month	1
Calcium, Total (as Ca)	Monitor Only	mg/L	Calendar Month Average	Jan-Dec	Grab	1 x Month	1
Chloride, Total	Monitor Only	mg/L	Calendar Month Average	Jan-Dec	Grab	1 x Month	1
Flow	Monitor Only	mgd	Calendar Month Average	Jan-Dec	Measurement	1 x Month	
Flow	Monitor Only	mgd	Calendar Month Maximum	Jan-Dec	Measurement	1 x Month	
Flow	Monitor Only	MG	Calendar Month Total	Jan-Dec	Measurement	1 x Month	
Hardness, Calcium & Magnesium, Calculated (as CaCO ₃)	Monitor Only	mg/L	Calendar Month Average	Jan-Dec	Grab	1 x Month	1
Magnesium, Total (as Mg)	Monitor Only	mg/L	Calendar Month Average	Jan-Dec	Grab	1 x Month	1
pH	9.0	SU	Calendar Month Maximum	Jan-Dec	Grab	1 x Month	2
pH	6.0	SU	Calendar Month Minimum	Jan-Dec	Grab	1 x Month	2
Phosphorous, In Total Orthophosphate (as P)	Monitor Only	mg/L	Calendar Month Average	Jan-Dec	24-Hour Flow Composite	1 x Month	
Potassium, Total (as K)	Monitor Only	mg/L	Calendar Month Average	Jan-Dec	Grab	1 x Month	1
Sodium, Total (as Na)	Monitor Only	mg/L	Calendar Month Average	Jan-Dec	Grab	1 x Month	1
Solids, Total Dissolved (TDS)	Monitor Only	mg/L	Calendar Month Average	Jan-Dec	24-Hour Flow Composite	1 x Month	1
Solids, Total Suspended (TSS)	45.5	kg/yr	Calendar Month Average	Jan-Dec	24-Hour Flow Composite	1 x Month	
Sulfate, Total (as SO ₄)	Monitor Only	mg/L	Calendar Month Average	Jan-Dec	Grab	1 x Month	1

SD 002: Cogen and Refinery Stormwater

Parameter	Limit	Units	Limit Type	Effective Period	Sample Type	Frequency	Notes
BOD, Carbonaceous 05 Day (20 Deg C)	25	mg/L	Calendar Year Average Intervention-Qtr	Jan-Dec	Grab	1 x Year	3
COD (Chemical Oxygen Demand)	120	mg/L	Calendar Year Average Intervention-Qtr	Jan-Dec	Grab	1 x Year	3
Nitrogen, Ammonia, Total (as N)	2.8	mg/L	Calendar Year Average Intervention-Qtr	Jan-Dec	Grab	1 x Year	3
Solids, Total Suspended (TSS)	100	mg/L	Calendar Year Average Intervention-Qtr	Jan-Dec	Grab	1 x Year	3

SD 003: Extraction Stormwater

Parameter	Limit	Units	Limit Type	Effective Period	Sample Type	Frequency	Notes
BOD, Carbonaceous 05 Day (20 Deg C)	25	mg/L	Calendar Year Average Intervention-Qtr	Jan-Dec	Grab	1 x Year	3
COD (Chemical Oxygen Demand)	120	mg/L	Calendar Year Average Intervention-Qtr	Jan-Dec	Grab	1 x Year	3

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

SD 003: Extraction Stormwater

Parameter	Limit	Units	Limit Type	Effective Period	Sample Type	Frequency	Notes
Nitrogen, Ammonia, Total (as N)	2.8	mg/L	Calendar Year Average Intervention-Qtr	Jan-Dec	Grab	1 x Year	3
Solids, Total Suspended (TSS)	100	mg/L	Calendar Year Maximum Intervention-Qtr	Jan-Dec	Grab	1 x Year	3

Notes:
1 -- A reduction in monitoring may be requested after two years (minimum 10 samples) for this parameter.
2 -- Analyze immediately.
3 -- For reporting guidance refer to Chapter 3: Stormwater section 4.2. If limit exceedance occurs refer to Chapter 3: Stormwater section 4.4 for guidance and corrective actions.

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Chapter 1. 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 annually by 21 days after the end of each calendar quarter following permit issuance.
- 1.3 SD 003: Submit a quarterly DMR annually by 21 days after the end of each calendar quarter following permit issuance.

2. Sampling Location

- 2.1 Samples and measurements required by this permit for SD001 shall be representative of the monitored activity (RO Reject). Samples and measurements required for SD001 shall be taken inside the Facility structure before comingling with SD003 in the storm sewer.
- 2.2 Samples and measurements required by this permit for SD002 shall be representative of the monitored activity (Cogen and Refinery Stormwater). Samples and measurements required for SD002 shall be taken at the location described in the Summary of Stations section of this permit.
- 2.3 Samples and measurements required by this permit for SD003 shall be representative of the monitored activity (Extraction Stormwater). Samples and measurements required for SD003 shall be taken at the location described in the Summary of Stations section of this permit and before comingling with SD001 (RO Reject).

3. Surface Discharges

- 3.1 Floating solids or visible foam shall not be discharged in other than trace amounts.
- 3.2 Oil or other substances shall not be discharged in amounts that create a visible color film.
- 3.3 The Permittee shall install and maintain outlet protection measures at the discharge stations to prevent erosion.

4. Winter Sampling Conditions

- 4.1 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.

5. Discharge Monitoring Reports

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

Chapter 2. Industrial Process Wastewater

1. Authorization

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

2. Prohibited Discharges

- 2.1 This permit does not authorize the discharge of sewage, wash water, scrubber water, spills, oil, hazardous substances, or equipment/vehicle cleaning and maintenance wastewaters to ditches, wetlands or other surface waters of the state.

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Chapter 2. Industrial Process Wastewater

2. Prohibited Discharges

- 2.2 The Permittee shall prevent the routing of pollutants from the facility to a municipal wastewater treatment system in any manner unless authorized by the pretreatment standards of the MPCA and the municipal authority.
- 2.3 The Permittee shall not transport pollutants to a municipal wastewater treatment system that will interfere with the operation of the treatment system or cause pass-through violations of effluent limits or water quality standards.

3. Toxic Substance Reporting

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

4. Mobile and Rail Equipment Service Areas

- 4.1 Degreasing wastes, motor oil, oil filters, oil sorbent pads and booms, transmission fluids, power steering fluids, brake fluids, coolant/antifreeze, radiator flush wastewater and spent solvents shall be collected and disposed of in accordance with applicable solids and hazardous waste management rules. These materials shall not be discharged to surface or ground waters of the state.
- 4.2 The steam-cleaning of mobile equipment and rail equipment, except for limited outdoor cleaning of large drills and shovels, shall be conducted in wash bays that drain to wastewater treatment systems that include the removal of suspended solids and flammable liquids. The only washing of mobile equipment done in outside areas shall be to remove mud and dirt that has accumulated during outside work.
- 4.3 Mobile and rail equipment washing shall not use solvent-based cleaners such as those available for brake cleaning and degreasing, unless the cleaning fluids are completely contained and not allowed to flow to surface or ground waters of the state. Soaps and detergents used in washing shall be biodegradable.
- 4.4 Mobile and rail equipment maintenance and repairs shall not be conducted in wash bays.
- 4.5 Hazardous materials shall not be stored or handled in wash bays.
- 4.6 Wastewater containment systems, including pipes shall be inspected regularly. Leaks that are detected shall be repaired immediately.
- 4.7 If the Permittee discovers that recoverable amounts of petroleum products have entered wastewater containment systems, they shall be recovered immediately, and reported to the MPCA.
- 4.8 Spill cleanup procedures shall be posted in mobile and rail equipment maintenance and repair areas.

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Chapter 2. Industrial Process Wastewater

5. Application for Permit Reissuance

- 5.1 The permit application shall include analytical data as part of the application for reissuance of this permit. These analyses shall be done on individual samples taken during the twelve-month period before the reissuance application is submitted.
- 5.2 The permit application shall include analytical data for at least the following parameters at monitoring station SD001 (RO Reject):
 - a. biochemical oxygen demand, chemical oxygen demand, ammonia, temperature;
- 5.3 The Permittee shall include, as part of the application for reissuance of this permit:
 - a. an updated flow chart for the facility;
 - b. topographical map with SD001, SD002, and SD003 outfalls; location of Facility; and location of where samples for SD001, SD002, and SD003 are taken.

Chapter 3. Stormwater Management

1. Authorization

- 1.1 This chapter authorizes the Permittee to discharge stormwater associated with industrial activity from domestic treatment works industrial activity associated with SIC code(s) 2075 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 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.
- 2.2 The Permittee shall limit and control the use of materials at the facility that may cause exceedances of ground water standards specified in Minnesota Rules, ch. 7060. These materials include, but are not limited to, detergents and cleaning agents, solvents, chemical dust suppressants, lubricants, fuels, drilling fluids, oils, fertilizers, explosives and blasting agents.

3. Stormwater Pollution Prevention Plan

- 3.1 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>.

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Chapter 3. Stormwater Management

3. Stormwater Pollution Prevention Plan

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.

3.3 In addition, the SWPPP must include the following:

- a. Facility Map. Identify where any of the following may be exposed to stormwater: vents and stacks from cooking, drying, and similar operations; dry product vacuum transfer lines; animal holding pens; spoiled product and broken product container storage areas
- b. Potential Pollutant Sources. Describe, in addition to food and kindred products processing-related industrial activities, application and storage of pest control chemicals (e.g. rodenticides, insecticides, fungicides) used on plant grounds.:

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

4. Benchmark Monitoring Requirements

4.1 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> .

4.2 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 Stations SD002 and SD003. 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.

4.3 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.

4.4 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.

4.5 Sample results shall be reported on quarterly Discharge Monitoring Reports (DMRs) which shall be provided by the MPCA. DMRs shall be 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.

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Chapter 3. Stormwater Management

5. Inspection and Maintenance

- 5.1 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>.

- 5.2 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.

- 5.3 In addition to the inspection requirements listed above, the following areas (including, but not limited to) must be inspected:
- a. Waste management units.
 - b. Vents and stacks associated with industrial activities.
 - c. Spoiled product and broken product container holding areas.
 - d. Staging areas.
 - e. Air pollution control equipment.
- 5.4 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.
- 5.5 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.

6. Sedimentation Basin Design and Construction

- 6.1 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>.

7. Reporting

- 7.1 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>.

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Chapter 3. Stormwater Management

7. Reporting

- 7.2 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.

8. Records

- 8.1 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.

9. Notification

- 9.1 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.

10. Request for Termination of Stormwater Permit Coverage

- 10.1 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 must 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.
- 10.2 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.
- 10.3 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.
- 10.4 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.
- 10.5 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.

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Chapter 3. Stormwater Management

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.
- l. segregation of organic materials, raw materials, and products from contact with stormwater and precipitation.

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.

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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)

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Chapter 4. Total Facility Requirements

1. General Requirements

- 1.9 The issuance of this permit does not prevent the future adoption by the MPCA of pollution control rules, standards, or orders more stringent than those now in existence and does not prevent the enforcement of these rules, standards, or orders against the Permittee. (Minn. R. 7001.0150, subp.3, item B)
- 1.10 Severability. The provisions of this permit are severable and, if any provisions of this permit or the application of any provision of this permit to any circumstance are held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby.
- 1.11 Compliance with Other Rules and Statutes. The Permittee shall comply with all applicable air quality, solid waste, and hazardous waste statutes and rules in the operation and maintenance of the facility.
- 1.12 Inspection and Entry. When authorized by Minn. Stat. Sec. 115.04; 115B.17, subd. 4; and 116.091, and upon presentation of proper credentials, the agency, or an authorized employee or agent of the agency, shall be allowed by the Permittee to enter at reasonable times upon the property of the Permittee to examine and copy books, papers, records, or memoranda pertaining to the construction, modification, or operation of the facility covered by the permit or pertaining to the activity covered by the permit; and to conduct surveys and investigations, including sampling or monitoring, pertaining to the construction, modification, or operation of the facility covered by the permit or pertaining to the activity covered by the permit. (Minn. R. 7001.0150, subp.3, item I)
- 1.13 Control Users. The Permittee shall regulate the users of its wastewater treatment facility so as to prevent the introduction of pollutants or materials that may result in the inhibition or disruption of the conveyance system, treatment facility or processes, or disposal system that would contribute to the violation of the conditions of this permit or any federal, state or local law or regulation.

Sampling

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

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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.

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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)

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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))

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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)

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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

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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.

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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 122.44.1.2.i., necessary to ensure consistency with the assumptions and requirements of any applicable US EPA approved wasteload allocations resulting from Total Maximum Daily Load (TMDL) studies.
- 1.47 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)

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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.