



STATE OF MINNESOTA

## **Minnesota Pollution Control Agency**

Industrial Division

### **National Pollutant Discharge Elimination System (NPDES)/ State Disposal System (SDS) Permit MN0068969**

**PERMITTEE:** PICO Northstar Hallock LLC  
**FACILITY NAME:** Northstar Agri Industries Hallock LLC  
**RECEIVING WATER:** County Ditch No. 8 (Class 2B, 3C, 4A, 4B, 5, and 6 water)

**CITY OR TOWNSHIP:** Skane  
**COUNTY:** Kittson  
**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 November 13, 2007. 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 DMR and other permit reporting issues, contact:  
Belinda Nicholas, 651-757-2613.
- For specific permit requirements or permit compliance status, contact:  
Sarah Thomson, 218-846-8134.
- 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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The Northstar Agri Industries Hallock facility (Facility) is located to the southwest of the intersection of US Highway 75 and County Road 10; Skane Township. The street address is 2100 US Highway 10, Kennedy, in Kittson County, Minnesota. The industrial portion of the facility is located in the South ½ of the Southeast quarter of Section 1, Township 160 North, and Range 49 West. The plant will occupy an area of approximately 350 acres. The 3-cell stabilization pond system is located in the South ½ or the Southeast Quarter in Section 1, at Township 160 North, Range 49 North. The treated water from the Stabilization ponds is discharged to Kittson County Ditch 8 with flows to the Red River of the North. Discharge has not occurred from Facility.

The source water for all processes in the Facility is obtained from North Kittson Rural Water. The average daily incoming flow is 80,000 gallons per day (gpd).

The Permittee operates a canola oilseed extraction manufacturing plant, which will process 2,000 short tons/day canola seeds. Waste streams emanating from the manufacturing plant will consist of: reverse osmosis concentrate, boiler blowdown, and industrial process wastewater.

The seeds arrive to the Facility via semi-trailer truck and railcar and are stored in onsite temporary bins. The seeds are then cleaned, conditioned, and rolled flat into “flakes.” Cooked flakes are then pressed to release 20% crude canola oil. The cake is then washed with commercial grade hexane which strips more oil from the flakes, also known as the extraction process. The cooling tower will dissipate heat loads from the extraction process. From this process two process streams leave: (1) commercial hexane-laden cake and (2) miscella (including oil, commercial hexane, and water). The first process stream (termed meal cake) is heated to remove the as much excess hexane possible (which is piped to the solvent recovery system for reuse) and the cake is ground or pelletized and sold as animal feed. The second process stream is separated to collect the crude oil which is further refined and sold. The oil from process stream two enters the refining process which removes gums, colors, tastes, and odorous compounds to create “salad oil.” The by-products that are removed in the refining process are valuable and can be further used by other manufactures.

The water is disinfected using a chlorine source prior to entering the distribution system. Additional treatment of the incoming water is done before use at the facility. A water softener (to remove hardness), a single pass reverse osmosis (RO) system (for filling boilers or in other high water demand times) or double pass RO system during normal operation, and a lime softener (to take cooling tower blowdown and RO concentrate to reduce scale forming impurities). A recovery RO system is used to treat the outflow from the lime softening system. The process wastewater flow of 52.0 gpm (74,880 gpd) may be produced 345 days per year. The Facility will undergo annual shutdown periods of 10-20 days.

The water in the cooling tower must be replaced to prevent scaling; the addition of chemicals also prevents scaling from impurities. Water drained from the cooling tower during blowdown processes is sent to the Facility’s wastewater treatment system (3-celled stabilization pond) after pretreatment from a dissolved air floatation unit (DAF) used to remove oil and adjust the pH to near 7. The oil removed from the DAF is recycled back to the byproduct meal.

The 3 celled stabilization treatment ponds have two primary cells and one secondary cell. The operating volumes of the cells are 5.5 million gallons each. The stabilization ponds were constructed in 2011. The East and Middle pond testing was accepted by the MPCA and put into service in 2011; the West pond was re-tested and accepted by the MPCA in the spring of 2012. The wastewater treatment facility is designed to treat an influent flow volume of 53,710 gallons per day with an influent BOD<sub>5</sub> load of 254 pounds per day (lbs/day). The ponds are lined with clays native to the site. For erosion protection, riprap will be placed on the inside face of all dikes from one foot off the pond floor to within two vertical feet of the top of the dike. A vegetative cover will be maintained on the top two vertical feet of the inside face and the entire slope of the outside face of the dike.

The sanitary wastewater stream is completely separate from all process wastestream and is not authorized under this permit. The sanitary wastewater generated at the Northstar Facility will be conveyed to a septic system. Following the biological treatment that occurs in the septic tanks, the sanitary wastewater is discharged into the proposed drain field (located north of the Facility).

An additional surface discharge station was added in this permit reissuance named SD002 to monitor stormwater runoff from the Facility. The stormwater flow that comes into contact with the Facility is managed through roof drains and curbing around the Facility. Prevention of storm water contamination is achieved through Best Management Practices listed in the Facility SWPPP. The existing permit currently authorizes the discharge of stormwater associated with an industrial activity.

#### Chemical Additives

Chemical additives currently approved to discharge through include the following:

Table 1: Boiler System Chemical Additives

Product Name	Purpose	Maximum Rate	Dosage Frequency
Water Engineering Inc. Formula 1725	Antifoam	0.0144 gallons/day	During upset conditions
Water Engineering Inc. Formula 1125C	Oxygen Scavenger	25 lbs/day	Continuously
Water Engineering Formula 1242	Steam Line Treatment	8 lbs/day	When the makeup water is not performing efficiently

Table 2: Cooling Tower System Chemical Additives

Product Name	Purpose	Maximum Rate	Dosage Frequency
Formula 10 with Hawkins Formula Azone 15	Microbial Control	Recirculating cooling water line	Continuously
Water Engineering Inc. Dow Formula 7287	Antimicrobial	0.3 gallons/day	Intermittently to supplement continuous bleach
Hawkins Formula 77	Anti Scalant	8 gallons/day	Variable based on chlorine Demand
Hawkins Formula Azone 15	Antimicrobial	2 gallons/day	Continuously

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.

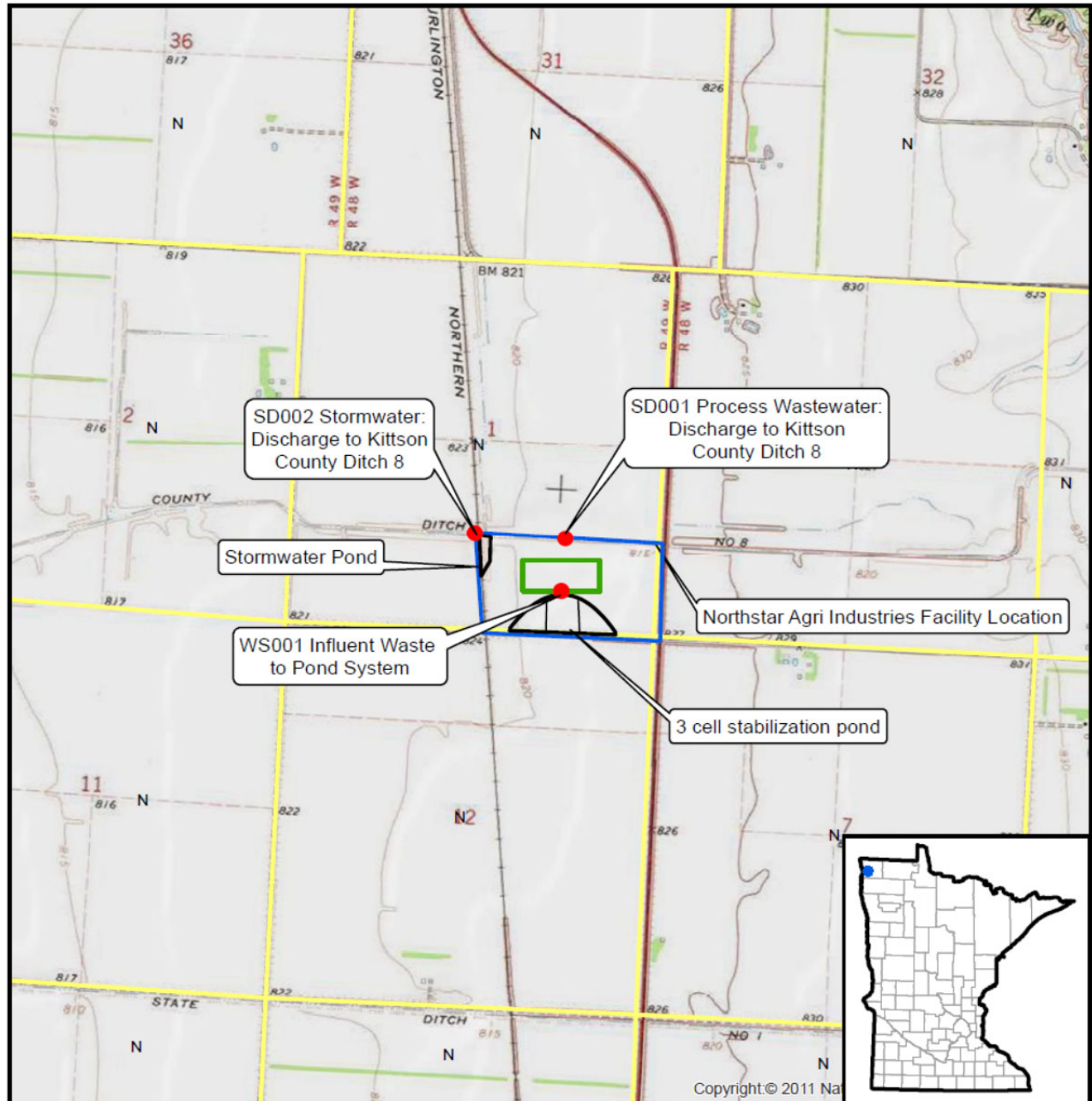
This Permit also complies with Minn. R. 7053.0275 regarding anti-backsliding.

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 parts 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 and related sampling stations are shown on the following topographical map.

**Topographic Map of Permitted Facility**

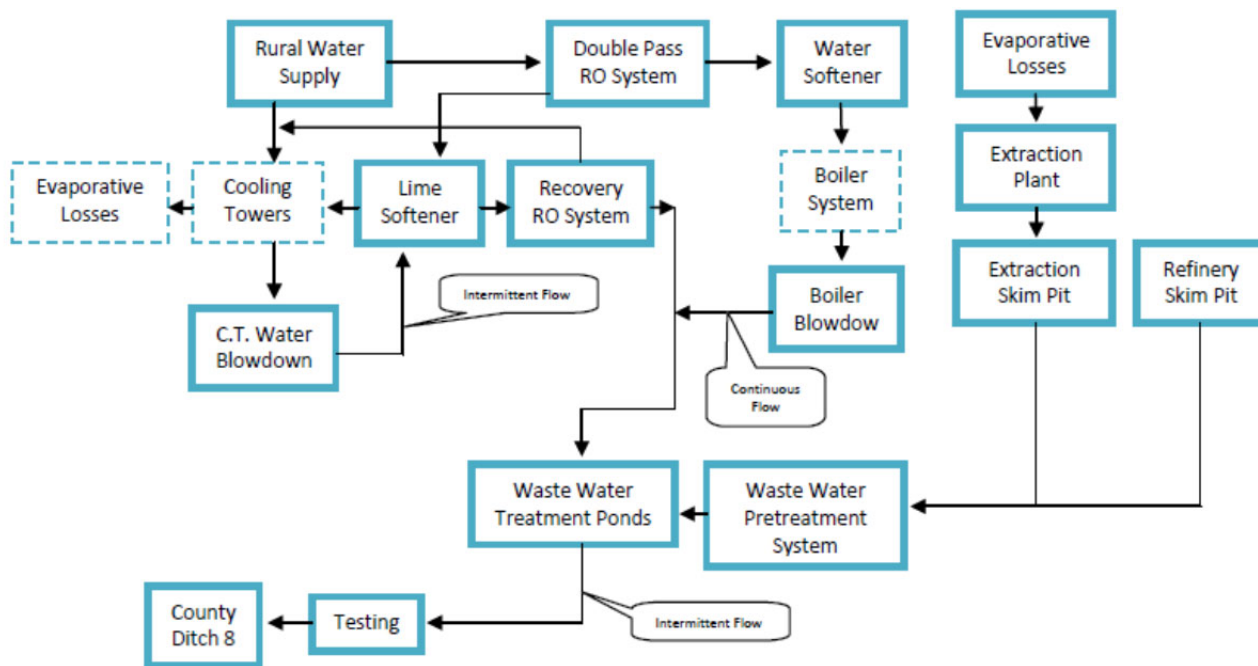
MN0068969: Northstar Agri Industries Hallock Facility  
T160N, R49W, Section 01  
Kennedy, Kittson County, Minnesota



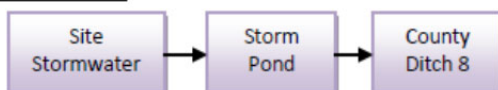
Map produced by: MPCA Staff, 3/15/2013  
Source: USGS Kennedy Quad  
Scale: 1:24,000

Northstar Agri Industries:  
Water Supply/Wastewater Flow Chart  
March 14, 2013

Process Supply and Waste Water:



Stormwater:



Sanitary Waste (Kittson County Permit):



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**Surface Discharge Stations**

<u>Station</u>	<u>Type of Station</u>	<u>Local Name</u>	<u>PLS Location</u>
SD001	Effluent To Surface Water	Stabilization Pond Discharge	NW Quarter of the SW Quarter of the SE Quarter of Section 1, Township 160 North, Range 49 West
SD002	Stormwater, Non-specific Runoff	Stormwater Runoff	NE Quarter of the SW Quarter of Section 1, Township 160 North, Range 49 West

**Waste Stream Stations**

<u>Station</u>	<u>Type of Station</u>	<u>Local Name</u>	<u>PLS Location</u>
WS001	Influent Waste	Influent to Stabilization Pond System	Section 1, Township 160 North, Range 49 West



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

## SD 001: Stabilization Pond Discharge

Parameter	Limit	Units	Limit Type	Effective Period	Sample Type	Frequency	Notes
Bicarbonates (HCO <sub>3</sub> )	Monitor Only	mg/L	Calendar Month Average	Jan-Dec	Grab	1 x Week	4
BOD, 05 Day (20 Deg C)	131	kg/day	Calendar Month Average	Jan-Dec	Grab	2 x Week	3
BOD, 05 Day (20 Deg C)	25	mg/L	Calendar Month Average	Jan-Dec	Grab	2 x Week	5
BOD, 05 Day (20 Deg C)	210	kg/day	Maximum Calendar Week Average	Jan-Dec	Grab	2 x Week	3
BOD, 05 Day (20 Deg C)	40	mg/L	Maximum Calendar Week Average	Jan-Dec	Grab	2 x Week	5
Calcium, Total (as Ca)	Monitor Only	mg/L	Calendar Month Average	Jan-Dec	Grab	1 x Week	1
Chloride, Total	Monitor Only	mg/L	Calendar Month Average	Jan-Dec	Grab	1 x Week	1
Flow	0	MG	Calendar Month Total Intervention	Jan-Mar, Jul, Aug	Measurement	1 x Day	7
Flow	Monitor Only	mgd	Calendar Month Average	Apr-Jun, Sep-Dec	Measurement	1 x Day	
Flow	Monitor Only	MG	Calendar Month Total	Apr-Jun, Sep-Dec	Measurement	1 x Day	6
Hardness, Calcium & Magnesium, Calculated (as CaCO <sub>3</sub> )	370	mg/L	Calendar Month Average	Jan-Dec	Grab	2 x Week	
Magnesium, Total (as Mg)	Monitor Only	mg/L	Calendar Month Average	Jan-Dec	Grab	1 x Week	1
Oil & Grease, Total	10	mg/L	Calendar Month Average	Jan-Dec	Grab	2 x Week	
Oil & Grease, Total	15	mg/L	Daily Maximum	Jan-Dec	Grab	2 x Week	
Oxygen, Dissolved	Monitor Only	mg/L	Calendar Month Minimum	Jan-Dec	Grab	2 x Week	2
pH	9.0	SU	Calendar Month Maximum	Jan-Dec	Grab	2 x Week	2
pH	6.0	SU	Calendar Month Minimum	Jan-Dec	Grab	2 x Week	2
Phosphorus, Total (as P)	Monitor Only	kg/day	Calendar Month Average	Jan-Dec	Grab	2 x Week	5
Phosphorus, Total (as P)	1.0	mg/L	Calendar Month Average	Jan-Dec	Grab	2 x Week	5
Potassium, Total (as K)	Monitor Only	mg/L	Calendar Month Average	Jan-Dec	Grab	1 x Week	1
Sodium, % Total Cations in meq/L	60	%	Calendar Month Average	Jan-Dec	Grab	1 x Week	
Solids, Total Dissolved (TDS)	Monitor Only	mg/L	Calendar Month Average	Jan-Dec	Grab	1 x Week	1
Solids, Total Suspended (TSS)	236	kg/day	Calendar Month Average	Jan-Dec	Grab	2 x Week	3
Solids, Total Suspended (TSS)	45	mg/L	Calendar Month Average	Jan-Dec	Grab	2 x Week	5
Solids, Total Suspended (TSS)	340	kg/day	Maximum Calendar Week Average	Jan-Dec	Grab	2 x Week	3
Solids, Total Suspended (TSS)	65	mg/L	Maximum Calendar Week Average	Jan-Dec	Grab	2 x Week	5
Specific Conductance	Monitor Only	umh/cm	Calendar Month Average	Jan-Dec	Grab	1 x Week	1

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

## SD 002: Stormwater Runoff

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

## WS 001: Influent to Stabilization Pond System

Parameter	Limit	Units	Limit Type	Effective Period	Sample Type	Frequency	Notes
BOD, 05 Day (20 Deg C)	Monitor Only	kg/day	Calendar Month Average	Jan-Dec	24-Hour Flow Composite	2 x Week	
BOD, 05 Day (20 Deg C)	Monitor Only	mg/L	Calendar Month Average	Jan-Dec	24-Hour Flow Composite	2 x Week	
BOD, 05 Day (20 Deg C)	Monitor Only	mg/L	Calendar Month Maximum	Jan-Dec	24-Hour Flow Composite	2 x Week	
BOD, 05 Day (20 Deg C)	254	kg/day	Daily Maximum	Jan-Dec	24-Hour Flow Composite	2 x Week	
Flow	Monitor Only	mgd	Calendar Month Average	Jan-Dec	Measurement, Continuous	1 x Day	
Flow	Monitor Only	MG	Calendar Month Total	Jan-Dec	Measurement, Continuous	1 x Day	
Flow	Monitor Only	mgd	Daily Maximum	Jan-Dec	Measurement, Continuous	1 x Day	
Nitrogen, Ammonia, Total (as N)	Monitor Only	mg/L	Calendar Month Average	Jan-Dec	Grab	2 x Week	
Oil & Grease, Total	Monitor Only	mg/L	Calendar Month Average	Jan-Dec	Grab	2 x Week	
pH	Monitor Only	SU	Calendar Month Maximum	Jan-Dec	Grab	2 x Week	
pH	Monitor Only	SU	Calendar Month Minimum	Jan-Dec	Grab	2 x Week	
Phosphorus, Total (as P)	Monitor Only	mg/L	Calendar Month Average	Jan-Dec	24-Hour Flow Composite	2 x Week	
Solids, Total Suspended (TSS)	Monitor Only	mg/L	Calendar Month Average	Jan-Dec	24-Hour Flow Composite	2 x Week	

## Notes:

- 1 -- A reduction in monitoring may be requested after two years (minimum 10 samples) for this parameter.
- 2 -- Analyze immediately. Samples shall be collected from the final cell outlet control structure.
- 3 -- Based on a maximum 6-inch per day drawdown rate from the 8.5 acre secondary cell.
- 4 -- Sample as HCO<sub>3</sub>. A reduction in monitoring may be requested after two years (minimum 10 samples) for this parameter.
- 5 -- Samples shall be collected from the final cell outlet control structure.
- 6 -- The acceptable discharge periods are April 1 - June 30 and September 15 through December 15.
- 7 -- The problem discharge periods are December 16 through March 31 and July 1 through September 14.

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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 quarterly by 21 days after the end of each calendar quarter following permit issuance.

### **2. Sampling Location**

- 2.1 Samples for station SD001 shall be collected from the final cell outlet control structure prior to mixing with surface waters.

Sampling shall be done only during periods of discharge from the treatment ponds for SD001. All other times the Permittee shall indicate that there was no discharge from the ponds by checking "No Discharge" or "No Flow" on the eDMR form. Acceptable periods of discharge for SD001 are April 1-June 30 and September 15 through December 15.

- 2.2 Samples for SD002 (Stormwater Runoff) shall be collected from the designated sampling site before mixing with surface waters or process wastewaters.
- 2.3 Samples and measurements required by this permit shall be representative of the monitored activity.

### **3. Surface Discharges**

- 3.1 The Permittee shall maintain outlet protection measures at the discharge stations to prevent erosion.
- 3.2 The discharge shall not degrade the aquatic habitat, which includes the waters of the state and stream bed, in any material manner.
- 3.3 The discharge shall not seriously impair or endanger the normal fishery and lower aquatic biota upon which it is dependent. The species composition shall not be altered materially, and the propagation or migration of the fish or other biota normally present shall not be prevented or hindered by the discharge.
- 3.4 The discharge shall not in any manner render the receiving water unsuitable or objectionable for fishing, fish culture or recreational uses.
- 3.5 Irrespective of numeric effluent limitations, the pollution levels in the discharge shall not impair the receiving water for its designated uses. Effluent limitations for conventional pollutants have been assigned based upon the assumption that the receiving water exhibits favorable flow and re-aeration characteristics during the acceptable discharge period.
- 3.6 The discharge shall not cause or contribute to a material increase in undesirable slime growths or aquatic plants, including algae.
- 3.7 The discharge drawdown rate shall not exceed six inches per day, or a discharge volume greater than 1.377 million gallons per day.
- 3.8 The thermal load of discharges shall not increase temperature levels in the receiving water over 5 degrees F above natural in streams based on monthly average of the maximum daily temperature.

### **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.
- 4.2 There shall be no discharge to ice covered receiving waters. Ice covered receiving water is defined as 100 percent ice coverage from bank to bank regardless of the ice thickness.

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## **Chapter 1. Surface Discharge Stations**

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

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

### **6. Reporting Requirements**

- 6.1 All samples collected during the monitoring period shall be used in determining the reporting average, maximum, and minimum values.

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

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

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

### **2. Sampling Location**

- 2.1 Grab and 24-hour composite samples from Station WS001 shall be collected at a point representative of total influent flow to the waste water treatment facility.

### **3. Residual Industrial Solids**

- 3.1 Samples shall be representative of the residual solids transported and shall be composited from at least four different locations in the containment area from which the residual solids are removed.

### **4. Sampling Frequency**

- 4.1 Sampling is required only during periods of discharge to the stabilization pond system. If there is no discharge during the reporting period, the Permittee shall check the "No Discharge" box on the Discharge Monitoring Report (DMR).

### **5. Reporting**

- 5.1 Individual monitoring results shall be reported on the Daily Values supplemental report form. Summarized values shall be reported on the monthly Discharge Monitoring Report forms.

## **Chapter 3. Special Requirements**

### **1. Special Requirements**

#### **Off-Grade Byproducts**

- 1.1 Byproducts from manufacturing processes that can not be handled by the proposed markets due to contamination, spoilage, infection, or poor grade shall be disposed of in a landfill that is authorized to accept the waste, or at a publicly owned treatment works (POTW) consistent with the requirements of the NPDES/SDS permit for the POTW. These materials include, but are not limited to oilseed meal and canola oil.

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## **Chapter 3. Special Requirements**

### **1. Special Requirements**

- 1.2 The Permittee shall notify the MPCA compliance staff identified on the cover of this permit within 24 hours when such wastes are generated. This notification shall include at least the following information:
  - a. Name and basic description of the materials generated;
  - b. Origin of the material in the production process;
  - c. Volume of the material generated;
  - d. Physical and chemical characterization of the material;
  - e. Explanation of why the material is being landfilled or handled by a POTW; and
  - f. The name and location of the facility that will be handling the waste.
- 1.3 If an appropriate disposal facility has not yet been secured at the time of the notification, the Permittee shall notify the MPCA compliance staff within 24 hours of securing an appropriate method for disposal.

#### **Alternative Disposal Plan**

- 1.4 The Permittee may submit, for MPCA review and approval, an Emergency Management and Disposal Plan (Emergency Plan) if the Permittee proposes disposal methods other than those identified in this permit. This Emergency Plan must be approved in writing by MPCA prior to implementation, and shall be submitted to MPCA at least 180 days before the proposed implementation date.
- 1.5 The Emergency Plan shall contain complete information as determined by MPCA in order to evaluate the proposed plan, including but not limited to plans and specifications, any necessary permit applications pertinent of the proposed disposal methods, and other technical information that is necessary to determine whether the proposal will meet all applicable statutes, rules, and limits.
- 1.6 A major permit modification will be necessary if the proposed method of disposal alters the composition of the wastewater generated by the processes covered under this permit, significantly changes the wastewater treatment system, or requires an additional wastewater discharge.

## **Chapter 4. Industrial Process Wastewater**

### **1. Prohibited Discharges**

- 1.1 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.
- 1.2 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.
- 1.3 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.

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## **Chapter 4. Industrial Process Wastewater**

### **2. Chemical Additives**

- 2.1 The permittee has been approved for the following water treatment/ chemical additives in the cooling tower system:
- a. Formula 10 with Hawkins Formula Azone 15: used as Microbial Control used continuously recirculating in the cooling water line;
  - b. Water Engineering Inc. Dow Formula 7287: used as an antimicrobial at a rate not to exceed 0.3 gallons per day, used intermittently to supplement continuous bleach;
  - c. Hawkins Formula 77: Antiscalant used at a rate not to exceed 8 gallons per day variable based on chlorine demand; and
  - d. Hawkins Formula Azone 15: Antimicrobial used at a rate not to exceed 2 gallons per day at a continuous frequency.
- 2.2 The Permittee has been approved for the following water treatment/ chemical additives in the boiler system:
- a. Water Engineering Inc. Formula 1125C: used as an Oxygen Scavenger at a rate not to exceed 25 pounds per day;
  - b. Water Engineering Inc. Formula 1242: used for Steam Line Treatment at a rate not to exceed 8 pounds per day when the makeup water is not performing efficiently; and
  - c. Water Engineering Inc. Formula 1725: used as an Antifoam at a rate not to exceed 0.0144 gallons per day during upset conditions.

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

- 4.1 The permit application shall include analytical data as part of the application for reissuance of this permit. These analyses shall be done on individual samples taken during the twelve-month period before the reissuance application is submitted.
- 4.2 The permit application shall include analytical data for at least the following parameters at monitoring station SD001:
- a. biochemical oxygen demand, total suspended solids, oil & grease, and pH;
  - b. nitrate-nitrite (as nitrogen), total organic nitrogen, total phosphorus, chloride, sulfate, bicarbonates, alkalinity, total salinity, hardness, total dissolved solids, and specific conductance.

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## **Chapter 4. Industrial Process Wastewater**

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

4.3 The Permittee shall include, as part of the application for reissuance of this permit:

- a. a current layout of the production facility;
- b. a current configuration and sizing of stabilization pond system including all cells and the stormwater detention pond;
- c. Completed 'Stabilization Pond Information Sheet' for all pond cells and related structure;
- d. an updated water balance for the facility; and
- e. a USGS Topographic map showing the facility and the stormwater and industrial wastewater treatment systems location and the route of the discharges along the drainageway until their discharges into Country Ditch No. 8.

## **Chapter 5. Industrial Pond System**

### **1. Authorization**

- 1.1 This chapter authorizes the Permittee to manage wastewater in a pond system, as described in the 'Facility Description' section of this Permit. This activity is limited by the 'Limits and Monitoring' section of this Permit, as well as the other terms and conditions of this Permit.
- 1.2 The requirements of this chapter apply to all components of the permitted pond system, including but not limited to all impoundments at the facility used for collection, containment, storage, and/or treatment; and all related structures, conveyances, and/or appurtenances.

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

#### **Pond Performance Evaluation**

- 2.1 Submit Pond Performance Evaluation Report by 180 days after permit issuance.

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## **Chapter 5. Industrial Pond System**

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

2.2 The Pond Performance Evaluation report shall include at least the following elements for each wastewater impoundment at the Facility:

- a. Pond performance data, calculations and graphs for each impoundment at the Facility. Pond performance data includes, but is not limited to, water balance data; influent and effluent flow data for the ponds, and capacity/volume use comparisons.
- b. A determination of whether the seepage requirements specified by part 2.3 of this chapter, relative to liner integrity of each impoundment at the Facility are being met;
- c. Completed "Stabilization Pond Information Sheet" form, which is included in the appendices section of this Permit, for each impoundment at the Facility;
- d. A certification from a registered professional engineer with expertise in wastewater structures that the respective impoundment at the Facility meets the technical criteria specified by parts 2.3, 2.4 and 2.5 of this chapter; or,
- e. If the professional engineer can not certify that all impoundments meet the required technical criteria, a Pond Restoration Plan shall be submitted for MPCA review and approval, to be completed by a registered professional engineer with expertise in wastewater structures. The Pond Restoration Plan shall include, at minimum, a proposal of corrective actions for the restoration of any impoundment at the Facility to meet the technical criteria in parts 2.3, 2.4 and/or 2.5 of this chapter, and an implementation schedule for the proposed actions.

#### **Maintenance of Wastewater Ponds**

2.3 Liner Performance. Wastewater ponds at the facility shall maintain liner systems that restrict infiltration losses to less than 500 gallons per acre per day if the pond was constructed after May 16, 1975 or less than 3,500 gallons per acre per day if the pond was constructed before May 16, 1975.

2.4 Locational Standards. All of the following locational standards apply to any wastewater impoundment at the Facility:

- a. The impoundment must be located entirely above the high water table. A minimum separation of 4 feet (1.2m) between the bottom of the pond and the maximum ground water elevation should be maintained.
- b. The impoundment may not be located within a shoreland or wild and scenic river land use district governed by Minn. R. chapters 6105 and 6120.
- c. The impoundment may not be located within a wetland.
- d. The impoundment may not be located within a location where emissions of air pollutants would violate the ambient air quality standards in Minn. R. chapters 7005, 7007, 7009, 7011, 7017, 7019, and 7028 and Minn. R. parts 7023.0100 to 7023.0120.
- e. The impoundment may not be located in the designated Karst Region in the Southeastern portion of Minnesota that was subject to the 1993 Administrative Order that required the preparation of a contingency plan.
- f. The impoundment should not be located in an area which is unsuitable because of topography, geology, hydrology, or soils.



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## **Chapter 5. Industrial Pond System**

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

2.5 Operating Depth. All of the following apply to impoundments at the Facility:

- a. Except for impoundments lined with synthetic material, such as HDPE or PVC, impoundments that do not discharge continuously shall maintain a minimum depth of 2 feet at all times, except for maintenance.
  - b. At least 3 feet freeboard on all impoundments and wastewater solids containment dams at the Facility shall be maintained at all times.
  - c. Based on specific Facility conditions and upon demonstration of an acceptable alternative, an alternate performance standard may be approved by the MPCA. Specific written authorization by the MPCA shall be obtained prior to implementing an alternately approved performance standard in lieu of item a. and/or b. of this part.
- 2.6 An approved rip rap cover that meets MPCA's "Riprap Criteria for Stabilization Ponds" (5/91) shall be maintained on any earthen wastewater impoundment dikes from one foot above the high water line to the toe of the dike. Where riprap is not used, the Permittee shall maintain a vegetative cover of shallow-rooted, perennial, low-growing grasses that withstand erosion and inundation and that can be mowed.
- 2.7 Plants with long root structures, such as alfalfa, reed canary, willows, poplars, cottonwoods, shrubs, and cattails shall not be allowed to grow in the pond or on the dikes, regardless of water depth in the pond. Such harmful vegetative growth shall be controlled and such plants removed from the pond and pond structure.
- 2.8 The Permittee shall use approved methods to prevent muskrats and other burrowing animals from tunneling and causing damage to the pond liner or dikes.
- 2.9 The Permittee shall maintain a perimeter fence around the wastewater treatment system. Appropriate signs should be provided along all fences to designate the nature of the facility and advise against trespassing. At least one sign shall be provided on each side of the site, and one for every 500 feet of its perimeter.
- 2.10 In addition to the requirements of this Permit, the Permittee shall operate and maintain the pond system in general accordance with MPCA's "Stabilization Pond Manual" (1999).

#### **Solids Removal**

- 2.11 Prior to the excavation or removal of solids from any wastewater pond at the facility, the Permittee shall implement measures to maintain the integrity of the pond liner during the removal process.
- 2.12 A water balance evaluation shall be completed on the pond within seven months of each removal action, the results of which shall be made available for MPCA review at the facility or upon request. The water balance evaluation procedure is described in the MPCA document "Prefill and Water Balance Criteria (7/89)."
- 2.13 Ground water quality monitoring results shall be evaluated before and after the excavation or removal to assess the potential impacts of the pond on ground water. Any significant changes shall be reported to the MPCA on the next scheduled Discharge Monitoring Report.
- 2.14 No impact demonstration. The requirements of parts 2.12 and/or 2.13 of this Chapter can be foregone if the Permittee can successfully demonstrate that the removal action will not impact the liner of the wastewater impoundment, or the integrity thereof. To make this demonstration, submit a Removal Plan for MPCA review and approval at least 90 days prior to the anticipated removal date. The Removal Plan should include, at a minimum, a description of the proposed methodolog(ies) to be used for the excavation or removal of solids, any proposed deviations from the water balance procedure cited in subpart a, above, and justification that the removal action does not impact the liner of the wastewater impoundment. The requirement to comply with parts 2.12 and/or 2.13 of this Chapter shall only be waived after written confirmation of approval of the Removal Plan by the Agency.

#### **Inspection of Wastewater Ponds**

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## **Chapter 5. Industrial Pond System**

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

- 2.15 The Permittee shall inspect the pond system weekly, and shall take measurements of pond water depth, estimate the coverage of aquatic plants, floating mats and ice cover on the surface of the ponds, and note odors, the condition of the dikes and the presence of muskrats. The Permittee shall maintain records of these weekly inspections for the last three (3) years, and submit the results on the Discharge Monitoring Report (DMR) supplemental form.
- 2.16 The Permittee shall maintain daily precipitation records.

### **3. Application for Permit Reissuance**

- 3.1 By the end of each calendar five years following permit issuance, wastewater treatment ponds; related conveyances; and appurtenances to the pond system at the permitted facility shall be inspected and certified for structural integrity, complete containment, and compliance with performance standards.
- 3.2 The inspection and certification shall be completed by a registered professional engineer with expertise in wastewater structures.
- 3.3 An inspection report shall be prepared by the professional engineer and submitted with the application for permit reissuance and/or every five years, whichever comes first.
- 3.4 If repairs are necessary as a result of the professional engineer's inspection, a detailed proposal for restoration shall be submitted to the Agency for review within 180 days of discovery, and at least 60 days prior to initiation of restoration work.

### **4. Discharge Requirements**

- 4.1 Acceptable Discharge Periods are March 1 through June 30 and September 1 through December 31 for facilities located in the Detroit Lakes, Brainerd and Duluth regions.
- 4.2 Effluent limitations for this permit have been assigned based upon the assumption that the receiving waters exhibit favorable flow and reaeration characteristics during the acceptable discharge periods.
- 4.3 The discharge rate shall be limited so as not to create a shock load on the receiving waters, disturb the pond bottom sediment in the area of the intake of the outfall structure or flood downstream properties. If the drawdown rate should exceed six (6) inches per day, call the MPCA at the appropriate regional office and indicate that the call is for notification of a pond discharge.
- 4.4 Pre-Discharge Sampling. The Permittee shall sample the wastewater in the final pond structure prior to discharge to ensure compliance with applicable discharge limitations. Pre-discharge sample results shall not be submitted to the MPCA. The Permittee shall retain these records for at least three (3) years, and provide them to the MPCA upon request.
- 4.5 If predischage sample results indicate that one or more of the effluent limitations may be exceeded, the Permittee shall notify the MPCA of potential noncompliance prior to discharge. The Permittee shall call the MPCA at the appropriate regional office and indicate that the call is for notification of a pond discharge.
- 4.6 Pre-discharge samples shall be taken from four sides of the final impoundment and composited prior to discharge and analyzed for permitted parameters. This sampling must be taken no more than two weeks prior to the beginning of the discharge; dissolved oxygen and pH (both are field tests, and can not be composited) must be taken no more than 24 hours prior to the beginning of the discharge. If more than two weeks pass prior to the beginning of discharge, additional pre-discharge samples shall be obtained and analyzed prior to discharge.

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## **Chapter 6. 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 ) 2079 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 exceedence 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 exceedence 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>.

- 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; and
- 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 Stormwater Pollution Prevention Plan shall be developed and implemented within 180 days after permit issuance and shall be available for inspection.

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## **Chapter 6. Stormwater Management**

### **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. Waste management units.
  - b. Vents and stacks associated with industrial activities.
  - c. Spoiled product and broken product container holding areas.
  - d. Animal holding pens.
  - e. Staging areas.
  - f. Air pollution control equipment.
- 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.
- 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.

### **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>.

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## **Chapter 6. Stormwater Management**

### **6. Reporting**

- 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.

### **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> .

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## **Chapter 6. Stormwater Management**

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

- 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 exceedence 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 exceedence of an applicable benchmark value occurs. Failure to respond to any benchmark intervention limit exceedence 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 exceedence.
- 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.
  - 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>.

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## **Chapter 6. Stormwater Management**

### **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.
- 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 7. Total Facility Requirements**

### **1. General Requirements**

#### **General Requirements**

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

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

### **1. General Requirements**

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

### **Sampling**

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



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

### **1. General Requirements**

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

Required forms may include:

#### **DMR Supplemental Form**

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

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

### 1. General Requirements

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

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

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

- a. The process for which the additive will be used;
  - b. Material Safety Data Sheet (MSDS) which shall include aquatic toxicity, human health, and environmental fate information for the proposed additive. 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 7. 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.