



STATE OF MINNESOTA

Minnesota Pollution Control Agency**Municipal Division****State Disposal System (SDS) Permit MN0068705**

PERMITTEE: BDM Properties, LLC
FACILITY NAME: Drahos Northwoods Wastewater Treatment Facility

CITY: Baxter **COUNTY:** Crow Wing
ISSUANCE DATE: **EXPIRATION DATE:**

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

The goal of this permit is to reduce pollutant levels in point source discharges and protect water quality in accordance with Minnesota and US statutes and rules, including Minn. Stat. chs. 115 and 116, Minn. R. chs. 7001, 7050, 7053, 7060, and the US 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 December 4, 2007. This permit expires at midnight on the expiration date identified above.

Signature: _____
Ronald R. Swenson, Supervisor *for The Minnesota Pollution Control Agency*
North Central Regional Office
Municipal Division

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:
Belinda Nicholas, 651-757-2613.
- For specific permit requirements or permit compliance status, contact:
Herschel Blasing, 218-316-3860.
- General permit or NPDES program questions, contact:
MPCA, 651-282-6143 or 1-800-657-3938.

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Facility Description

The Drahos Northwoods Wastewater Treatment Facility (Facility) will be located in the NE ¼ of Section 9, Township 134 North, Range 28 West, Baxter, Crow Wing County, Minnesota. This will be a Class C Facility.

Major components of the Facility will include:

Individual Septic Tanks – 1,500 gallons each, effluent gravity (Proposed)

5,900 feet of 4-inch gravity sewer

2 Community Stilling Tanks – 1,000 gallons each (Proposed)

2 Constructed Wetlands with Forced Bed Aeration – 6,144 square feet each, subsurface flow (Proposed)

1 Denitrification Tank with Carbon Addition – 10,000 gallons (Proposed)

1 Dosing Tank (Effluent Equalization) – 8,000 gallons (Proposed)

10 Subsurface Trench – 3,240 square feet each (Proposed)

The application and plans indicate that the proposed Facility will be designed to treat an average wet weather flow of 17,000 gallons per day with a 5-day carbonaceous biochemical oxygen demand strength of 50 pounds per day (lbs/day), a total suspended solids loading of 56.8 lbs/day, a total nitrogen loading of 6.1 lbs/day, and a total phosphorus loading of 1.8 lbs/day. Based on groundwater modeling, the Facility will be required to meet an end of pipe total nitrogen limit of 10 mg/l to ensure meeting the drinking water standard for nitrate at the nearest drinking water well and the property boundary. This limit will go into effect when the 16th home in the development is constructed.

A nitrogen and phosphorus mitigation plan has been prepared for this Facility and will be implemented if the above concentrations are exceeded.

There are no designed bypass or overflow points at the proposed Facility.

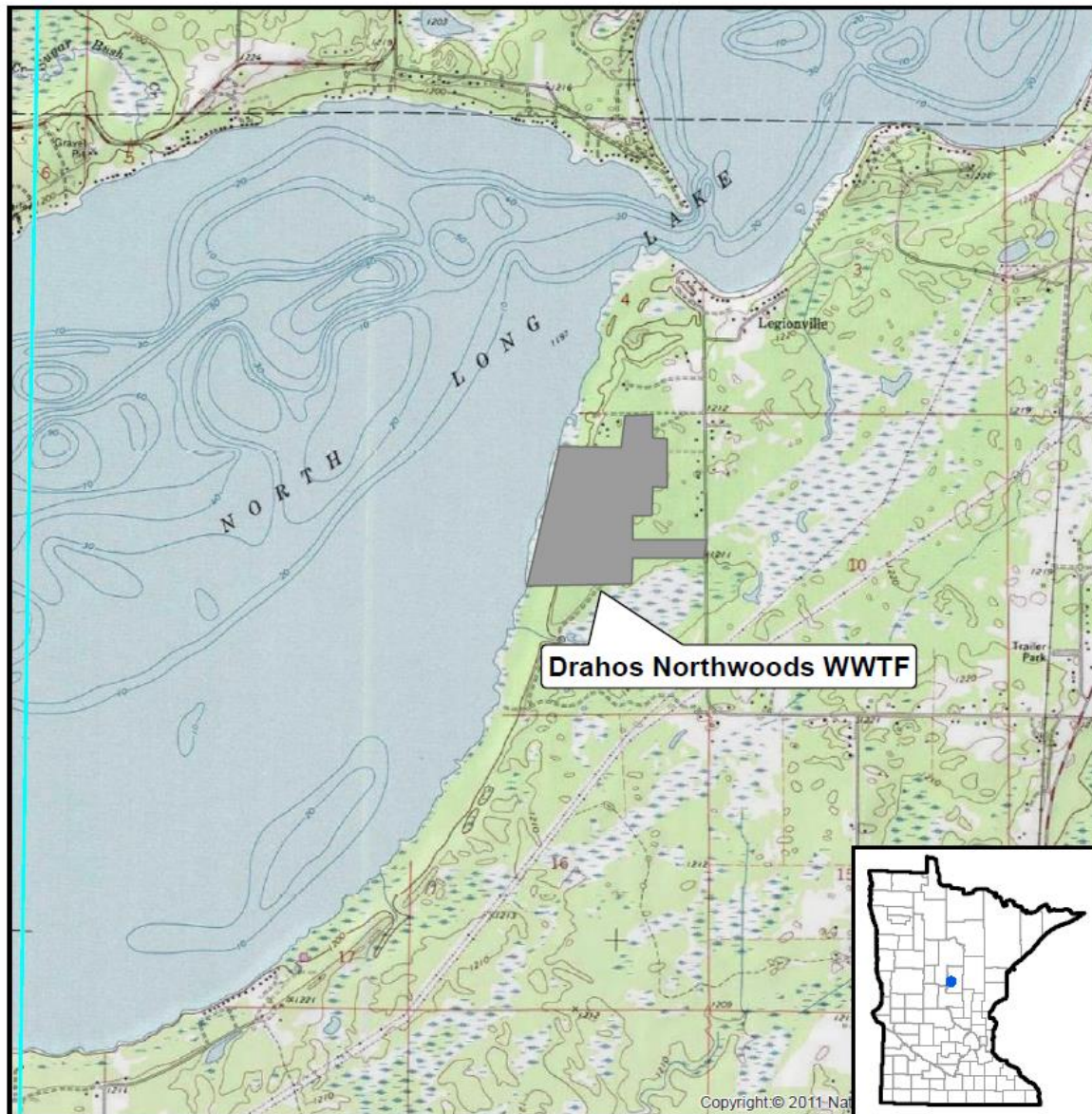
The location of the Facility is shown on the "Topographic Map of Permitted Facility" on page 4. The location of designated monitoring stations is specified on the "Summary of Stations" on page 5.

Topographic Map of Permitted Facility

MN0068705: Drahos Northwoods Wastewater Treatment Facility

T134N, R28W, Section 9

Baxter, Crow Wing County, Minnesota



Map produced by: MPCA Staff, 04/10/13
Source: USGS Quad, Drahos Northwoods WWTF
Scale: 1:30,606

0 0.325 0.65 1.3 Miles



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Ground Water Stations

<u>Station</u>	<u>Type of Station</u>	<u>Local Name</u>	<u>PLS Location</u>
GW001	Well, Downgradient	Monitoring Well #1	East Half of the NE Quarter of Section 9, Township 134 North, Range 28 West
GW002	Well, Upgradient	Monitoring Well #2	SE Quarter of the NE Quarter of Section 9, Township 134 North, Range 29 West
GW003	Well, Downgradient	Monitoring Well #3	SE Quarter of the NE Quarter of Section 9, Township 134 North, Range 28 West

Waste Stream Stations

<u>Station</u>	<u>Type of Station</u>	<u>Local Name</u>	<u>PLS Location</u>
WS001	Influent Waste	Influent Waste Stream, Lift Station	SE Quarter of the NE Quarter of Section 9, Township 134 North, Range 28 West
WS002	Internal Waste Stream	1st Stilling Tank	SE Quarter of the NE Quarter of Section 9, Township 134 North, Range 28 West
WS003	Internal Waste Stream	2nd Stilling Tank	SE Quarter of the NE Quarter of Section 9, Township 134 North, Range 28 West
WS004	Internal Waste Stream	Dosing Tank	SE Quarter of the NE Quarter of Section 9, Township 134 North, Range 28 West

Drahos Northwoods WWTF
Limits and Monitoring Requirements

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

Period: Limits Applicable in the Interim Period
GW 001, GW 002, GW 003

Parameter	Limit	Units	Limit Type	Effective Period	Sample Type	Frequency	Notes
Elevation of GW Relative to Mean Sea Level	Monitor Only	feet	Instantaneous Maximum	Jul	Measurement, Instantaneous	1 x Month	1

Period: Limits Applicable in the Final Period
GW 001, GW 002, GW 003

Parameter	Limit	Units	Limit Type	Effective Period	Sample Type	Frequency	Notes
Elevation of GW Relative to Mean Sea Level	Monitor Only	feet	Instantaneous Maximum	Jul	Measurement, Instantaneous	1 x Month	1

WS 001

Parameter	Limit	Units	Limit Type	Effective Period	Sample Type	Frequency	Notes
Flow	Monitor Only	MG	Calendar Month Total	Jan-Dec	Measurement, Continuous	1 x Day	

WS 002, WS 003

Parameter	Limit	Units	Limit Type	Effective Period	Sample Type	Frequency	Notes
Remaining Scum Capacity	Monitor Only	in	Calendar Month Maximum	Oct	Measurement	1 x Month	
Remaining Sludge Capacity	Monitor Only	in	Calendar Month Maximum	Oct	Measurement	1 x Month	
Scum Depth, Maximum of Sample	Monitor Only	in	Calendar Month Maximum	Oct	Measurement	1 x Month	
Sludge Depth, Maximum of Sample	Monitor Only	in	Calendar Month Maximum	Oct	Measurement	1 x Month	

Notes:
1 -- Measured to the nearest 0.01 ft. prior to pumping or bailing.

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Chapter 1. Special Requirements

1. Construction Schedule

- 1.1 This permit covers construction of a wastewater collection system and treatment facility as described in the Facility Description and as reviewed in the MPCA-approved plans and specifications.

Definitions

- 1.2 "Initiation of operation" means the date that MPCA determines all components of the the wastewater treatment system are complete and functioning and the project begins operating for the purposes for which it was planned, designed, and built.
- 1.3 "Completion of construction" means all the construction is complete except for minor weather-related components and conforms to the approved plans and specifications and change orders.

Schedule

- 1.4 If the final development of the treatment and collection system include any modifications to the 2007 plans and specifications, the Permittee must submit the final development plan and the final development plans and specifications to the MPCA for approval at least 180 days prior to the planned commencement of any construction. These documents will be reviewed to ensure compliance with all applicable design requirements. If the final development plans and specifications include major modifications to the originally proposed collection and treatment system, the Permittee will be required to submit a request for major permit modification and associated permit fees.
- 1.5 Submit Notice of Commencement of Construction. Within 14 days after construction has started, the Permittee shall notify the MPCA in writing that construction has commenced.
- 1.6 Submit Notice for Pre-fill Inspection. The Permittee must notify the MPCA in writing at least 14 days before the scheduled pre-fill of the lined treatment unit. The MPCA may then complete a pre-fill inspection. "Pre-fill" means that the Permittee has accepted the work necessary to begin the water balance test in accordance with MPCA Prefill and Water Balance Criteria.
- 1.7 Submit Verification of Class C State Certified Operator and Service Provider and Operations and Maintenance (O & M) Manual. The Permittee must notify the MPCA in writing at least 60 days before the planned initiation of operation of the new facility that it has employed a wastewater treatment facility operator and service provider, certified for the classification of the treatment system (according to Minn. R., Chapter 9400), that is directly responsible for the operation of the system. The Permittee must also submit an O & M Manual or a maintenance plan; or a certificate of completion of an O & M manual.
- 1.8 Submit Notice of Intent to Initiate Operation. The Permittee must notify the MPCA in writing at least 14 days before the planned initiation of operation date. Following MPCA staff concurrence that the facility is adequately prepared, MPCA staff will notify the Permittee that it may initiate operation of the new facility.
- 1.9 Submit Initiation of Operation Date. The Permittee must notify the MPCA in writing within 14 days after the actual initiation of operation date. The Permittee must comply with all permit requirements and attain final limits within 90 days of the Initiation of Operation date.
- 1.10 Submit Notice to Complete Construction. The Permittee must notify the MPCA in writing at least 14 days before the planned completion of construction date. The MPCA may complete a final inspection.

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Chapter 1. Special Requirements

1. Construction Schedule

- 1.11 Submit Final Technical Documents. The Permittee must submit the following to the MPCA within one year after the initiation of operation date:
- An MPCA-approved certification form that is signed by a professional engineer registered in the state of Minnesota stating that the project meets the performance standards.
 - A revised operation and maintenance manual or a maintenance plan; or a certificate of completion of an operation and maintenance manual on a form prescribed by the MPCA. At a minimum, this plan must include a detailed discussion of operation and controls, maintenance, sampling and analysis, problem mitigation, VOC management, personnel records and reporting, and safety. This plan must be maintained and updated regularly and made available to the MPCA staff upon request.
 - A system effectiveness evaluation that summarizes the effectiveness of the treatment facility (including any applicable groundwater monitoring system) as detailed in the plan and specifications approval letter or through communication with the MPCA staff.
 - One copy of "as-built" plans and specifications, also known as record drawings, must be submitted in a format approved by the MPCA. The factsheet titled: "Wastewater Treatment Facility Construction Record Documents, As-built Submittal Requirements" contains specific information regarding the required format of the submittal. The document is located on the MPCA web page at:
<http://www.pca.state.mn.us/index.php/view-document.html?gid=15492>.

2. Special Requirements

Reduced Monitoring

- This permit contains tiered limits and monitoring that correspond to the number of homes connected to the permitted wastewater treatment facility. Please take note of the following notifications and requirements.
- From the time of permit reissuance until initiation of operation of the new facility, the interim limits will be in effect. This includes monitoring the groundwater wells for elevation once per year. At the time of initiation of operation and until the 16th home is constructed, final limits will be in effect. This includes the continuation of groundwater well elevation monitoring and measuring the influent flow to the treatment system.
- At least 180 days prior to construction of the 16th house in the development, the Permittee must submit an application for permit modification for the permitted wastewater system. When the permit is modified, the next set of limits and monitoring will go into effect and will last until the beginning of construction of the 31st house in the development. The Permittee must notify the MPCA in writing within one week following the connection of the 31st house to the permitted wastewater system. This will trigger the full set of limits and monitoring to go into effect.
- The Permittee must comply with a 10.0 mg/l total nitrogen calendar month average limit in the dosing tank effluent (WS004) beginning when construction of the 16th house in the development is completed.
- All submittals required under this heading must be submitted to the MPCA, Attn: WQ Submittals Center, 520 Lafayette Road North, St. Paul, MN 55155.

Chapter 2. Domestic Wastewater -- Large Subsurface Treatment System (LSTS)

1. Unauthorized Discharge

- There shall be no unauthorized discharge to the ground surface or surface water from these facilities.

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Chapter 2. Domestic Wastewater -- Large Subsurface Treatment System (LSTS)

2. Prohibitions

- 2.1 The Permittee shall prevent the discharge of any wastes other than sewage into any component of the facility, including septic tanks, advanced treatment systems, and soil treatment systems that could result in damage to the treatment facility or inhibit treatment unless the discharge of such other substances is specifically approved in writing by the MPCA.

3. Sanitary Sewer Extension Permit

- 3.1 The Permittee may be required to obtain a Sanitary Sewer Extension Permit from the MPCA for any addition, extension or replacement to the sanitary sewer. If a sewer extension permit is required, construction may not begin until plans and specifications have been submitted and a written permit is granted except as allowed in Minn. Stat. 115.07, Subd. 3(b).

4. Operator Certification

- 4.1 The Permittee shall provide a Class C state certified operator and a Service Provider who are in direct responsible charge of the operation, maintenance and testing functions required to ensure compliance with the terms and conditions of this permit. The Class C state certified operator and the Service Provider may be the same person. (Minnesota Statutes, section 115.72)
- 4.2 If the Permittee chooses to meet operator certification requirements through a contractual agreement, the Permittee shall provide a copy of the contract to the MPCA, WQ Submittals Center. The contract shall include the certified operator's name, certificate number, company name if appropriate, the period covered by the contract and provisions for renewal; the duties and responsibilities of the certified operator; the duties and responsibilities of the permittee; and provisions for notifying the MPCA 30 days in advance of termination if the contract is terminated prior to the expiration date.
- 4.3 The Permittee shall notify the MPCA within 30 days of a change in operator certification or contract status.

5. Special Requirements

Special Condition - Update O & M Manual

- 5.1 The Permittee is required to have on-site and available an updated Operation and Maintenance manual. This manual must be available to MPCA staff upon request.

6. Facility Maintenance

- 6.1 The facility shall be adequately protected to prevent damage.

7. Collection System

- 7.1 The collection system shall be properly maintained to minimize inflow, infiltration, exfiltration, and obstructions. A record of all inspections and maintenance operations shall be kept by the Permittee for a minimum of three years.

8. Tank Maintenance

- 8.1 All tanks (primary, secondary, holding, dosing, individual, etc) associated with this system shall be operated, pumped and maintained to ensure proper system operation and solids management. After every pumping event, all tanks shall be inspected for potential failure (such as cracks, roots, damaged baffles, etc.). Identified problems shall be corrected immediately.
- 8.2 The owner of a septic tank or tanks or the owner's agent must arrange for the removal and proper disposal of septage from all tanks or compartments in which the top of the sludge layer is less than 12 inches below the bottom of the outlet baffle or whenever the bottom of the scum layer is less than three inches above the outlet baffle. All accumulations of sludge, scum, and liquids must be removed through the maintenance hole.

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Chapter 2. Domestic Wastewater -- Large Subsurface Treatment System (LSTS)

8. Tank Maintenance

- 8.3 The Permittee shall properly clean the effluent screens as often as needed to maintain an adequate flow rate from the septic tank(s). The Permittee shall keep a record at the facility that indicates the dates that the effluent screens are inspected, removed and cleaned.
- 8.4 Tanks that are not specifically covered under the Limits & Monitoring section of this permit shall be inspected at least every three years and pumped as necessary unless more restrictive local requirements have been established.
- 8.5 Any accumulation of solids in pump stations, distribution devices, valve boxes, or drop boxes shall be considered septage. (Minn. R. pt. 7080.0175)
- 8.6 Septage shall be disposed in accordance with state, federal, or local requirements. (Minn. R. pt. 7080.0175)

9. Soil Treatment System Maintenance

- 9.1 The soil treatment system(s) shall be adequately fenced.
- 9.2 A dense vegetative cover shall be maintained over the soil treatment system(s) at all times during the growing season to prevent the growth of unwanted vegetation such as trees, deep rooted nuisance plants, aquatic vegetation and to prevent erosion.
- 9.3 Routine maintenance shall be conducted to discourage the presence of rodents and other burrowing animals and deer on the soil treatment system and to allow inspection of observation ports installed in the soil treatment system(s) inspection pipes.

Soil Treatment System Inspection

- 9.4 Ponding depth inspections to determine the condition of each soil treatment system (trench, bed, at-grade, mound, or drip dispersal) /drainfield standpipe shall be conducted every other month during the time the soil treatment system is in use. The inspection of each soil treatment system shall include the identification of wet or saturated areas, depth of effluent ponding in the soil treatment observation ports, evidence of effluent at the surface, frozen components, and measurements in piezometers (if installed). Visual observations shall be recorded and inspection records shall be maintained by the owner for a minimum of three years following each inspection. The results of the inspection are not required to be submitted to the MPCA but shall be made available upon request by MPCA staff.
- 9.5 Indications of excessive hydraulic and organic loading to the wastewater treatment facility flow rate include ineffective septic tanks or advanced treatment systems, prolonged saturated soil conditions, vegetative drowning or excessive ground water mounding (observed from piezometers) and exceeding daily permitted flow rates as indicated by flow meters, event counters and running time clocks.

Reserve Soil Treatment System

- 9.6 The reserve area for the soil treatment system/drainfield must be properly protected to prevent the use of, and damage to, the area. The reserve area must be posted and identified for the public with at least one sign designating its future purpose and the boundaries must be visibly staked at all corners. In no case may this area be disturbed for any purpose, including vehicle traffic, storage, bike, hiking or ATV trails, playing fields, etc.

Chapter 3. Ground Water Stations

1. Monitoring Wells

- 1.1 The Permittee shall install, maintain and abandon groundwater monitoring wells according to the Minnesota Water Well Construction Code, Minnesota Rules, ch. 4725. Damaged or improperly constructed monitoring wells shall be repaired or properly abandoned and replaced. Information on licensed water well contractors is available from the Minnesota Department of Health.

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Chapter 3. Ground Water Stations

1. Monitoring Wells

- 1.2 Each monitoring well shall be clearly numbered on the outside of the well with either indelible paint or an inscribed number.
- 1.3 The monitoring wells shall be sampled in accordance with "Minnesota Pollution Control Agency, Water Quality Division: Sampling Protocol for Ground Water Monitoring Wells, July 1997," Triplett, et. al. Copies of this publication are available on the internet at <http://www.pca.state.mn.us/water/groundwater/wqsampling.html> or may be obtained from the MPCA by calling 651-282-6143 or 800-657-3938.
- 1.4 Grab samples must be collected at all ground water monitoring points (lysimeters or wells) after stabilization tests are conducted.
- 1.5 Prior to well purging and sampling, depths to groundwater shall be measured to the nearest 0.01 foot below the top of the well casing, and groundwater elevations shall be reported to the nearest 0.01 foot above mean sea level.
- 1.6 Temperature, specific conductance and pH shall be reported as the final field measurements from well stabilization.
- 1.7 If the analytical results for pH, temperature, total chloride, or total nitrite plus nitrate (as N) are above applicable drinking water standards, further testing will be required.

Chapter 4. Waste Stream Stations

1. Sampling Location

- 1.1 Samples for Station WS001 shall be collected at the lift station, a point representative of total influent flow to the system.
- 1.2 Monitoring at Stations WS002 and WS003 shall be completed at the first and second stilling tanks, respectively.

Chapter 5. Total Facility Requirements

1. General Requirements

General Requirements

- 1.1 No Discharge. There shall be no point source discharge to surface water from the permitted activity.
- 1.2 Incorporation by Reference. The following applicable federal and state laws are incorporated by reference in this permit, are applicable to the Permittee, and are enforceable parts of this permit: 40 CFR pts. 122.41, 122.42, 136, 403 and 503; Minn. R. pts. 7001, 7041, 7045, 7050, 7052, 7053, 7060, and 7080; and Minn. Stat. Sec. 115 and 116.
- 1.3 Permittee Responsibility. The Permittee shall perform the actions or conduct the activity authorized by the permit in compliance with the conditions of the permit and, if required, in accordance with the plans and specifications approved by the Agency. (Minn. R. 7001.0150, subp. 3, item E)
- 1.4 Toxic Discharges Prohibited. Whether or not this permit includes effluent limitations for toxic pollutants, the Permittee shall not discharge a toxic pollutant except according to Code of Federal Regulations, Title 40, sections 400 to 460 and Minnesota Rules 7050, 7052, 7053 and any other applicable MPCA rules. (Minn. R. 7001.1090, subp.1, item A)
- 1.5 Nuisance Conditions Prohibited. The Permittee's discharge shall not cause any nuisance conditions including, but not limited to: floating solids, scum and visible oil film, acutely toxic conditions to aquatic life, or other adverse impact on the receiving water. (Minn. R. 7050.0210 subp. 2)

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Chapter 5. Total Facility Requirements

1. General Requirements

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

Sampling

- 1.15 Representative Sampling. Samples and measurements required by this permit shall be conducted as specified in this permit and shall be representative of the discharge or monitored activity. (40 CFR 122.41 (j)(1))
- 1.16 Additional Sampling. If the Permittee monitors more frequently than required, the results and the frequency of monitoring shall be reported on the Discharge Monitoring Report (DMR) or another MPCA-approved form for that reporting period. (Minn. R. 7001.1090, subp. 1, item E)
- 1.17 Certified Laboratory. A laboratory certified by the Minnesota Department of Health 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)

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Chapter 5. Total Facility Requirements

1. General Requirements

- 1.18 Sample Preservation and Procedure. Sample preservation and test procedures for the analysis of pollutants shall conform to 40 CFR Part 136 and Minn. R. 7041.3200.
- 1.19 Equipment Calibration: Flow meters, pumps, flumes, lift stations or other flow monitoring equipment used for purposes of determining compliance with permit shall be checked and/or calibrated for accuracy at least twice annually. (Minn. R. 7001.0150, subp. 2, items B and C)
- 1.20 Maintain Records. The Permittee shall keep the records required by this permit for at least three years, including any calculations, original recordings from automatic monitoring instruments, and laboratory sheets. The Permittee shall extend these record retention periods upon request of the MPCA. The Permittee shall maintain records for each sample and measurement. The records shall include the following information (Minn. R. 7001.0150, subp. 2, item C):
- a. The exact place, date, and time of the sample or measurement;
 - b. The date of analysis;
 - c. The name of the person who performed the sample collection, measurement, analysis, or calculation; and
 - d. The analytical techniques, procedures and methods used; and
 - e. The results of the analysis.
- 1.21 Completing Reports. The Permittee shall submit the results of the required sampling and monitoring activities on the forms provided, specified, or approved by the MPCA. The information shall be recorded in the specified areas on those forms and in the units specified. (Minn. R. 7001.1090, subp. 1, item D; Minn. R. 7001.0150, subp. 2, item B)

Required forms may include:

DMR Supplemental Form

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

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

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Chapter 5. Total Facility Requirements

1. General Requirements

- 1.22 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.

- 1.23 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)
- 1.24 Required Signatures. All DMRs, forms, reports, and other documents submitted to the MPCA shall be signed by the Permittee or the duly authorized representative of the Permittee. Minn. R. 7001.0150, subp. 2, item D. The person or persons that sign the DMRs, forms, reports or other documents must certify that he or she understands and complies with the certification requirements of Minn. R. 7001.0070 and 7001.0540, including the penalties for submitting false information. Technical documents, such as design drawings and specifications and engineering studies required to be submitted as part of a permit application or by permit conditions, must be certified by a registered professional engineer. (Minn. R. 7001.0540)

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Chapter 5. Total Facility Requirements

1. General Requirements

- 1.25 Detection Level. The Permittee shall report monitoring results below the reporting limit (RL) of a particular instrument as "<" the value of the RL. For example, if an instrument has a RL of 0.1 mg/L and a parameter is not detected at a value of 0.1 mg/L or greater, the concentration shall be reported as "<0.1 mg/L." "Non-detected," "undetected," "below detection limit," and "zero" are unacceptable reporting results, and are permit reporting violations. (Minn. R. 7001.0150, subp. 2, item B)

Where sample values are less than the level of detection and the permit requires reporting of an average, the Permittee shall calculate the average as follows:

- a. If one or more values are greater than the level of detection, substitute zero for all nondetectable values to use in the average calculation.
 - b. If all values are below the level of detection, report the averages as "<" the corresponding level of detection.
 - c. Where one or more sample values are less than the level of detection, and the permit requires reporting of a mass, usually expressed as kg/day, the Permittee shall substitute zero for all nondetectable values. (Minn. R. 7001.0150, subp. 2, item B)
- 1.26 Records. The Permittee shall, when requested by the Agency, submit within a reasonable time the information and reports that are relevant to the control of pollution regarding the construction, modification, or operation of the facility covered by the permit or regarding the conduct of the activity covered by the permit. (Minn. R. 7001.0150, subp. 3, item H)
- 1.27 Confidential Information. Except for data determined to be confidential according to Minn. Stat. Sec. 116.075, subd. 2, all reports required by this permit shall be available for public inspection. Effluent data shall not be considered confidential. To request the Agency maintain data as confidential, the Permittee must follow Minn. R. 7000.1300.

Noncompliance and Enforcement

- 1.28 Subject to Enforcement Action and Penalties. Noncompliance with a term or condition of this permit subjects the Permittee to penalties provided by federal and state law set forth in section 309 of the Clean Water Act; United States Code, title 33, section 1319, as amended; and in Minn. Stat. Sec. 115.071 and 116.072, including monetary penalties, imprisonment, or both. (Minn. R. 7001.1090, subp. 1, item B)
- 1.29 Criminal Activity. The Permittee may not knowingly make a false statement, representation, or certification in a record or other document submitted to the Agency. A person who falsifies a report or document submitted to the Agency, or tampers with, or knowingly renders inaccurate a monitoring device or method required to be maintained under this permit is subject to criminal and civil penalties provided by federal and state law. (Minn. R. 7001.0150, subp. 3, item G., 7001.1090, subps. 1, items G and H and Minn. Stat. Sec. 609.671)
- 1.30 Noncompliance Defense. It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. (40 CFR 122.41(c))

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Chapter 5. Total Facility Requirements

1. General Requirements

- 1.31 Effluent Violations. If sampling by the Permittee indicates a violation of any discharge limitation specified in this permit, the Permittee shall immediately make every effort to verify the violation by collecting additional samples, if appropriate, investigate the cause of the violation, and take action to prevent future violations. 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)
- 1.32 Unauthorized Releases of Wastewater Prohibited. Except for conditions specifically described in Minn. R. 7001.1090, subp. 1, items J and K, all unauthorized bypasses, overflows, discharges, spills, or other releases of wastewater or materials to the environment, whether intentional or not, are prohibited. However, the MPCA will consider the Permittee's compliance with permit requirements, frequency of release, quantity, type, location, and other relevant factors when determining appropriate action. (40 CFR 122.41 and Minn. Stat. Sec 115.061)

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Chapter 5. Total Facility Requirements

1. General Requirements

1.33 Discovery of a release. Upon discovery of a release, the Permittee shall:

- a. Take all reasonable steps to immediately end the release.
- b. Notify the Minnesota Department of Public Safety Duty Officer at 1(800)422-0798 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.

1.34 Upset Defense. In the event of temporary noncompliance by the Permittee with an applicable effluent limitation resulting from an upset at the Permittee's facility due to factors beyond the control of the Permittee, the Permittee has an affirmative defense to an enforcement action brought by the Agency as a result of the noncompliance if the Permittee demonstrates by a preponderance of competent evidence:

- a. The specific cause of the upset;
- b. That the upset was unintentional;
- c. That the upset resulted from factors beyond the reasonable control of the Permittee and did not result from operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or increases in production which are beyond the design capability of the treatment facilities;
- d. That at the time of the upset the facility was being properly operated;
- e. That the Permittee properly notified the Commissioner of the upset in accordance with Minn. R. 7001.1090, subp. 1, item I; and
- f. That the Permittee implemented the remedial measures required by Minn. R. 7001.0150, subp. 3, item J.

Operation and Maintenance

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1. General Requirements

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

Changes to the Facility or Permit

- 1.40 Permit Modifications. 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.

- 1.41 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.
- 1.42 Plans, specifications and MPCA approval are not necessary when maintenance dictates the need for installation of new equipment, provided the equipment is the same design size and has the same design intent. For instance, a broken pipe, lift station pump, aerator, or blower can be replaced with the same design-sized equipment without MPCA approval.

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

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Chapter 5. Total Facility Requirements

1. General Requirements

- 1.43 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)
- 1.44 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)
- 1.45 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.
- 1.46 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.
- 1.47 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.
- 1.48 Permit Transfer. The permit is not transferable to any person without the express written approval of the Agency after compliance with the requirements of Minn. R. 7001.0190. A person to whom the permit has been transferred shall comply with the conditions of the permit. (Minn. R., 7001.0150, subp. 3, item N)

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Chapter 5. Total Facility Requirements

1. General Requirements

- 1.49 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)

- 1.50 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.