



STATE OF MINNESOTA

Minnesota Pollution Control Agency**Industrial Division****National Pollutant Discharge Elimination System (NPDES)/
State Disposal System (SDS) Permit MN0060101**

PERMITTEE: Bottling Group LLC/Pepsi Beverages Co
FACILITY NAME: Bottling Group, LLC, a subsidiary of PepsiCo
RECEIVING WATER: Unnamed Ditch to wetland near Black Dog Lake via a storm sewer
(2B, 3C, 4A, 4B, 5 and 6)

CITY: Burnsville **COUNTY:** Dakota
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 October 3, 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: Tamara Dahl, 507-476-4252.
- For specific permit requirements or permit compliance status, contact: Chandi McCracken, 651-757-2232.
- General permit or NPDES program questions, contact: MPCA, 651-282-6143 or 1-800-657-3938.

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Facility Description

The Pepsi Bottling Group facility (Facility) is located at Southeast ¼ of Southwest ¼ of Section 26, Township 27 North, Range 24 West, at 11601 12th Ave South Burnsville, Dakota County, Minnesota.

The principal activity at this Facility is the manufacturing of bottled and canned soft drinks and bottled water at an average and maximum rate of 84,000 and 100,000 cases (8, 15, 20, 24, or 36 containers which vary in size from 12 ounces to 2 liters) per day respectively. The water source for the production of beverages is on-site groundwater well. Prior to use in the manufacture of beverages, the groundwater from one of two active wells is purified using a reverse osmosis system (RO). Approximately 100 million gallons of water are used annually to facilitate the production process.

In October 2012 the Facility sealed and capped the pipe that discharges to an unnamed ditch which Pepsi Bottling Group is permitted to discharge to through MN0060101. The RO Reject is now routed to the sanitary sewer and there is should be no discharge. The Facility has decided to keep this permit in case of emergency and discharge is necessary or if there is a change in current treatment technology. The discharge, if necessary, would be a continuous discharge to an Unnamed Ditch to wetland near Black Dog Lake via storm sewer (2B, 3C, 4A, 4B, 5 and 6).

The discharge authorized by this permit consists of reverse osmosis (RO) reject water at an average rate of 95,000 gallons per day with a maximum flow of 125,000 gallons per day. The Facility would have a continuous discharge to an unnamed ditch to wetland near Black Dog Lake via a storm sewer (2B, 3C, 4A, 4B, 5 and 6). Currently the RO is discharged to the sanitary sewer. The facility has no discharge to waters of the state. Waters used to flush and clean the RO system, reject from the secondary RO system, other filter backwashes, industrial process water, and sanitary wastes are discharged to the sanitary sewer.

The onsite ground water wells are permitted through a Water Appropriation Permit with the MNDNR. Both active wells are covered under Permit No. 19796114. The active well have a current annual appropriation limit of 143 million gallons per year.

All stormwater on site is managed by a stormwater drainage system that includes roof drains, catch basins, conveyance pipes, and stormwater retention ponds that discharges from the Facility via multiple outfalls. The Facility is covered under Industrial Stormwater Multi-Sector General Permit MNR050000, Permit ID number MNR0537C. The facility has an active Storm Water Pollution Prevention Plan (SWPPP). Storm water control measures are outlined in the Facility's SWPPP.

Chemical additives currently approved to discharge through SD 001 include the following:

Table 1: Chemical Additives

Product Name	Purpose	Process in which Used	Dosage Frequency	Maximum Rate of Use: gallons/day	Average Rate of Use: gallons/day
PC-191T	Antiscalant	RO Unit	Continuous: 3.3 gal per 1,000,000 gal of flow	1.58	1.25
Sulfuric Acid	Antiscalant	Before RO Unit	Based on pH of water and membrane: 0-31 ppm per 500 gal per minute of flow	26.4	0
Sodium Hypochlorite, 12.5%	Disinfection	Well Water Storage Tank	Continuous: 2ppm per 0-800 gal per minute of flow	3 gallons per hour-pump capacity	17

The location of designated monitoring station is specified on the attached "Summary of Stations and Station Locations" report.

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.

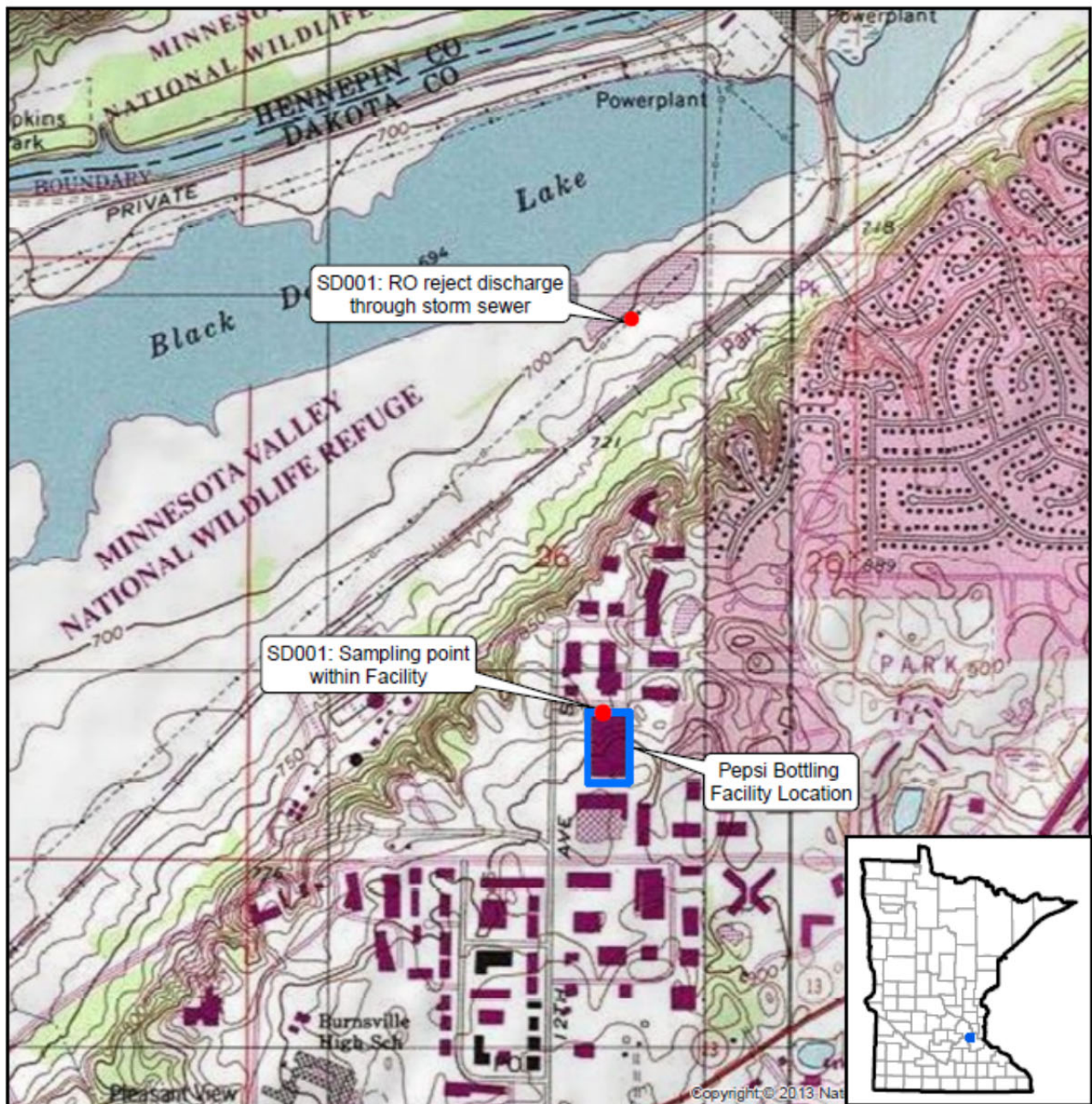
This Permit also complies with Minn. R. 7053.0275 regarding anti-backsliding.

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 is shown on the following topographical map.

Topographic Map of Permitted Facility

MN0060101: Bottling Group LLC/Pepsi Beverages Co Facility
T27N, R24W, Section 26
Burnsville, Dakota County, Minnesota



Map produced by: MPCA Staff, 5/15/2013
Source: USGS Bloomington and St. Paul Quad
Scale: 1:14,945

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Surface Discharge Stations

<u>Station</u>	<u>Type of Station</u>	<u>Local Name</u>	<u>PLS Location</u>
SD001	Storm Sewer To Surface Water	Total Facility Discharge	SE Quarter of the SW Quarter of Section 26, Township 27 North, Range 24 West

Pepsi Bottling Group
Limits and Monitoring Requirements

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

SD 001: Total Facility Discharge

Parameter	Limit	Units	Limit Type	Effective Period	Sample Type	Frequency	Notes
Bicarbonates (HCO ₃)	6.0	meq/L	Calendar Month Average	Jan-Dec	Grab	1 x Month	
Bicarbonates (HCO ₃)	6.6	meq/L	Daily Maximum	Jan-Dec	Grab	1 x Month	
Flow	Monitor Only	mgd	Calendar Month Average	Jan-Dec	Estimate	1 x Day	
Flow	Monitor Only	mgd	Calendar Month Maximum	Jan-Dec	Estimate	1 x Day	
Flow	Monitor Only	MG	Calendar Month Total	Jan-Dec	Estimate	1 x Day	
Hardness, Calcium & Magnesium, Calculated (as CaCO ₃)	574	mg/L	Calendar Month Average	Jan-Dec	Grab	1 x Month	
Hardness, Calcium & Magnesium, Calculated (as CaCO ₃)	717	mg/L	Daily Maximum	Jan-Dec	Grab	1 x Month	
pH	9.0	SU	Instantaneous Maximum	Jan-Dec	Grab	1 x Month	
pH	6.0	SU	Instantaneous Minimum	Jan-Dec	Grab	1 x Month	
Phosphorus, Total (as P)	173	kg/yr	12 Month Moving Total	Jan-Dec	Grab	1 x Month	
Phosphorus, Total (as P)	Monitor Only	mg/L	Calendar Month Average	Jan-Dec	Grab	1 x Month	
Phosphorus, Total (as P)	Monitor Only	kg/mo	Calendar Month Total	Jan-Dec	Grab	1 x Month	
Solids, Total Dissolved (TDS)	893	mg/L	Calendar Month Average	Jan-Dec	Grab	1 x Month	
Solids, Total Dissolved (TDS)	1323	mg/L	Daily Maximum	Jan-Dec	Grab	1 x Month	
Specific Conductance	1111	umh/cm	Calendar Month Average	Jan-Dec	Grab	1 x Month	
Specific Conductance	1314	umh/cm	Daily Maximum	Jan-Dec	Grab	1 x Month	

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Chapter 1. Industrial Process Wastewater

1. Authorization

- 1.1 This permit authorizes the Permittee to treat and dispose of reverse osmosis reject waters in accordance with the provisions of this permit.

2. Special Requirements

- 2.1 The major modification or reissuance of this permit may be required for proposed new makeup water supplies other than the two on-site wells. If the Permittee proposes to supply makeup water from supplies other than the two on-site wells, the Permittee shall notify the MPCA in writing at least 180 days before the planned starting date of the proposed new makeup water flow, and shall include at least the following:
 - a. Copies of all written and electronic communications between the Permittee and the Minnesota Department of Natural Resources regarding the proposed supply;
 - b. Complete data to represent the water quality of the proposed supply, with the test parameters included as approved by the MPCA;
 - c. The proposed average and maximum flow rates of the proposed new supply, and of the existing supplies after flow would begin from the new source; and
 - d. Any proposed changes in water and related solids management at the facility different than those described in the application for this permit issued March 2012, including chemical uses, wastewater flows and concentrations.
- 2.2 This requirement would also apply to a proposal to alter the MDNR Water Appropriations Permit.

3. Prohibited Discharges

- 3.1 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.
- 3.2 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.
- 3.3 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.

4. Chemical Additives

- 4.1 Chemical Additives:
The Permittee is approved for the use of the following chemical additives:
 - a. Sodium Hypochlorite- 12.5%: used as a disinfectant for the well water storage tank at a maximum rate of 3 gallons per hour- pump capacity.
 - b. PC-191T:used as an antiscalant in the RO unit at a maximum rate of 1.58 gallons per day.
 - c. Sulfuric Acid:used as an antiscalent before the RO unit at a maximum rate of 26.4 gallons per day.
- 4.2 The Permittee shall receive prior written approval from the MPCA before increasing the use of a chemical additive authorized by this permit, or using a chemical additive not authorized by this permit. "Chemical additive" includes processing reagents, water treatment products, cooling water additives, freeze conditioning agents, chemical dust suppressants, detergents and solvent cleaners used for equipment and maintenance cleaning, among other materials.

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Chapter 1. Industrial Process Wastewater

4. Chemical Additives

4.3 The Permittee shall request approval for an increased or new use of a chemical additive 60 days before the proposed increase or new use.

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

- a. Material Safety Data Sheet.
- b. A complete product use and instruction label.
- c. The commercial and chemical names of all ingredients.
- d. Aquatic toxicity and human health or mammalian toxicity data including a carcinogenic, mutagenic, or teratogenic concern or rating.
- e. Environmental fate information including, but not limited to, persistence, half-life, intermediate breakdown products, and bioaccumulation data.
- f. The proposed method, concentration, and average and maximum rates of use.
- g. If, applicable, the number of cycles before wastewater bleedoff.
- h. If, applicable, the ratio of makeup flow to discharge flow.

4.5 This permit may be modified to restrict the use or discharge of a chemical additive.

5. Toxic Substance Reporting

5.1 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)

5.2 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)

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Chapter 1. Industrial Process Wastewater

6. Application for Permit Reissuance

- 6.1 The permit application shall include analytical data for at least the following parameters at monitoring station SD 001:
- a. biochemical oxygen demand, chemical oxygen demand, total organic carbon, ammonia, temperature;
 - b. color, fluoride, nitrate-nitrite (as nitrogen), total organic nitrogen, oil and grease, total phosphorus, chloride, sulfate, sulfide (as sulfur), surfactants, bicarbonates, hardness, total salinity, total dissolved solids, specific conductance;
 - c. aluminum, antimony, arsenic, barium, beryllium, boron, cadmium, calcium, chromium, cobalt, copper, iron, lead, magnesium, manganese, molybdenum, nickel, potassium, selenium, silver, sodium, thallium, tin, titanium, vanadium, zinc (all in total form) according to 40 CFR Part 136.3;
- 6.2 The Permittee shall include, as part of the application for reissuance of this permit:
- a. an updated water balance for the facility;

Chapter 2. Industrial Water Treatment/Cooling Process Water

1. Authorization

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

Chapter 3. Whole Effluent Toxicity (WET) Testing - Chronic

1. General Requirements

- 1.1 This permit does not include a chronic whole effluent toxicity limit; however the facility is required to conduct chronic toxicity tests for Discharge SD001. Results of chronic toxicity tests will be evaluated against a monitoring threshold value of 1.0 TUC.
- 1.2 The Permittee shall conduct quarterly chronic toxicity test batteries on Discharge SD001 beginning with the first full calendar year quarter following the issuance date of the permit. The first quarter results are due by the end of the first full calendar quarter following permit issuance. The quarterly monitoring requirement is for one full calendar year, beginning with the start of the first full calendar quarter following the issuance date of the permit, and is annual thereafter.
- 1.3 Annual chronic test batteries shall be conducted in each succeeding year for the remainder of the permit. The first annual results are due one year from the due date of the final quarter results and annually thereafter.
- 1.4 Any test that exceeds 1.0 TUC shall be re-tested according to the Positive Toxicity Results requirement(s) that follow to determine if toxicity is still present above 1.0 TUC (RWC < 100%).

2. Species and Procedural Requirements

- 2.1 Tests shall be conducted in accordance with procedures outlined in EPA-821-R-02-013 "Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms" - Fourth Edition (Chronic Manual) and any revisions to the Manual. Any test that is begun with an effluent sample that exceeds a total ammonia concentration of 5 mg/l shall use the carbon dioxide-controlled atmosphere technique to control pH drift.

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Chapter 3. Whole Effluent Toxicity (WET) Testing - Chronic

2. Species and Procedural Requirements

- 2.2 Test organisms for each test battery shall include the fathead minnow (*Pimephales promelas*)-Method 1000.0 and *Ceriodaphnia dubia*-Method 1002.0.
- 2.3 Static renewal chronic serial dilution tests of the effluent shall consist of a control, 6,12, 25, 50 and 100% effluent. A 75 % Receiving Water Concentration (RWC) may be substituted for the 12% effluent concentration or provided in addition to the above dilution series.
- 2.4 All effluent samples shall be flow proportioned, 24-hour composite samples. Test solutions shall be renewed daily. Testing of the effluent shall begin within 36 hours of sample collection. Receiving water collected outside of the influence of discharge shall be used for dilution and controls. Chronic toxicity tests shall be conducted in accordance with procedures outlined in EPA-821-R-02-013 "Short-term Methods for Measuring the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms" - Fourth Edition (Chronic Manual) and any revisions to the Manual.
- 2.5 Any other circumstances not addressed in the previous requirements or that require deviation from that specified in the previous requirements shall first be approved by the MPCA.

3. Quality Control and Report Submittals

- 3.1 Any test that does not meet quality control measures, or results which the Permittee believes reflect an artifact of testing shall be repeated within two (2) weeks. These reports shall contain information consistent with the report preparation section of the Chronic Manual. The MPCA shall make the final determination regarding test validity.

4. Positive Toxicity Result for WET

- 4.1 Should a test exceed 1 TUC for whole effluent toxicity, the permittee shall conduct two repeat test batteries to be completed within forty five days after completion of the positive test. These tests will be used to determine if toxicity exceeding 1 TUC remains present. If no toxicity is present above 1 TUC for any test species, the permittee shall return to the test frequency specified by the permit. If the repeat test batteries indicate toxicity above 1 TUC, the permittee shall submit for Agency review a plan for conducting a Toxicity Reduction Evaluation (TRE), and at a minimum provide quarterly reports regarding progress towards the identity, source, and any plans for the removal of the toxicity. The TRE shall be consistent with EPA guidance, or subsequent procedures approved by the Agency in attempting to identify and remove the source of the toxicity. Routinely scheduled chronic toxicity test batteries required in this permit section shall be suspended for the duration of the TRE. Following successful completion of the TRE the Permittee shall conduct one year of quarterly testing, with the results of the first quarterly test due the first full calendar quarter following TRE completion (i.e., if the TRE is completed on April 28, the first quarterly results are due on or before September 30). Following completion of one year of quarterly testing the return to routine annual acute toxicity testing is subject to the discretion of the MPCA. Amendments to the initial TRE shall be approved by MPCA staff and the schedules identified therein.

5. WET Data and Test Acceptability Criteria (TAC) Submittal

- 5.1 All WET test data and TAC must be submitted to the MPCA by the dates required by this section of the permit using the Minnesota Pollution Control Agency *Ceriodaphnia dubia* Chronic Toxicity Test Report and/or Minnesota Pollution Control Agency Fathead Minnow Chronic Toxicity Test Report and associated instruction forms. Data not submitted on the correct form(s), or submitted incomplete, will be returned to the permittee and deemed incomplete until adequately submitted on the designated form (identified above). Data should be submitted to:

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

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Chapter 3. Whole Effluent Toxicity (WET) Testing - Chronic

6. Permit Re-opening for WET

- 6.1 Based on the results of the testing, the permit may be modified to include additional toxicity testing and a whole effluent toxicity limit.

7. Whole Effluent Toxicity Requirement Definitions

- 7.1 "Chronic Whole Effluent Toxicity (WET) Test is a static renewal test conducted on an exponentially diluted series of effluent. The purpose is to calculate appropriate biological effect endpoints (NOEC or IC25), specified in the referenced chronic manual. A statistical effect level less than the Receiving Water Concentration (RWC) constitutes a positive test for chronic toxicity. The RWC equals the 100 percent effluent concentration or 1 TUc.
- 7.2 "Chronic toxic unit (TUc)" is the reciprocal of the effluent dilution that causes no unacceptable effect on the test organisms by the end of the chronic exposure period. For example, a TUc equals $[7Q_{10} \text{flow (mgd)} + \text{effluent average dry weather flow (mgd)}] / [\text{effluent average dry weather flow (mgd)}]$.

Chapter 4. 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.

2. Sampling Location

- 2.1 Samples for Station SD 001 shall be taken at a sampling point where the reverse osmosis reject water is discharged from the facility. The samples for Station SD 001 shall be taken at a location representative of the discharge.
- 2.2 Samples and measurements required by this permit shall be representative of the monitored activity.

3. Surface Discharges

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

4. Winter Sampling Conditions

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

5. Phosphorus Limits and Monitoring Requirements

- 5.1 Phosphorus limits are to be calculated as follows.
- 5.2 "12-Month Moving Total" is a rolling total. To calculate, for each month multiply the total volume of effluent flow (MG) by the monthly average concentration and by a 3.785 conversion factor to get kg/month. Then add all of the monthly values (kg/mo) during the last twelve months, starting with the monthly total for the month of the current reporting period. Facilities with a new 12-Month Moving Total phosphorus limit shall, for the first 11 months that the limit is effective, indicate '(NR) <12 months' in the eDMR comments field in place of a value for the 12-Month Moving Total until the 12th month of monitoring.

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Chapter 4. Surface Discharge Stations

6. Discharge Monitoring Reports

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

Chapter 5. Total Facility Requirements

1. General Requirements

General Requirements

- 1.1 Incorporation by Reference. The following applicable federal and state laws are incorporated by reference in this permit, are applicable to the Permittee, and are enforceable parts of this permit: 40 CFR pts. 122.41, 122.42, 136, 403 and 503; Minn. R. pts. 7001, 7041, 7045, 7050, 7052, 7053, 7060, and 7080; and Minn. Stat. Sec. 115 and 116.
- 1.2 Permittee Responsibility. The Permittee shall perform the actions or conduct the activity authorized by the permit in compliance with the conditions of the permit and, if required, in accordance with the plans and specifications approved by the Agency. (Minn. R. 7001.0150, subp. 3, item E)
- 1.3 Toxic Discharges Prohibited. Whether or not this permit includes effluent limitations for toxic pollutants, the Permittee shall not discharge a toxic pollutant except according to Code of Federal Regulations, Title 40, sections 400 to 460 and Minnesota Rules 7050, 7052, 7053 and any other applicable MPCA rules. (Minn. R. 7001.1090, subp.1, item A)
- 1.4 Nuisance Conditions Prohibited. The Permittee's discharge shall not cause any nuisance conditions including, but not limited to: floating solids, scum and visible oil film, acutely toxic conditions to aquatic life, or other adverse impact on the receiving water. (Minn. R. 7050.0210 subp. 2)
- 1.5 Property Rights. This permit does not convey a property right or an exclusive privilege. (Minn. R. 7001.0150, subp. 3, item C)
- 1.6 Liability Exemption. In issuing this permit, the state and the MPCA assume no responsibility for damage to persons, property, or the environment caused by the activities of the Permittee in the conduct of its actions, including those activities authorized, directed, or undertaken under this permit. To the extent the state and the MPCA may be liable for the activities of its employees, that liability is explicitly limited to that provided in the Tort Claims Act. (Minn. R. 7001.0150, subp. 3, item O)
- 1.7 The MPCA's issuance of this permit does not obligate the MPCA to enforce local laws, rules, or plans beyond what is authorized by Minnesota Statutes. (Minn. R. 7001.0150, subp.3, item D)
- 1.8 Liabilities. The MPCA's issuance of this permit does not release the Permittee from any liability, penalty or duty imposed by Minnesota or federal statutes or rules or local ordinances, except the obligation to obtain the permit. (Minn. R. 7001.0150, subp.3, item A)
- 1.9 The issuance of this permit does not prevent the future adoption by the MPCA of pollution control rules, standards, or orders more stringent than those now in existence and does not prevent the enforcement of these rules, standards, or orders against the Permittee. (Minn. R. 7001.0150, subp.3, item B)
- 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.

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Chapter 5. Total Facility Requirements

1. General Requirements

- 1.12 Inspection and Entry. When authorized by Minn. Stat. Sec. 115.04; 115B.17, subd. 4; and 116.091, and upon presentation of proper credentials, the agency, or an authorized employee or agent of the agency, shall be allowed by the Permittee to enter at reasonable times upon the property of the Permittee to examine and copy books, papers, records, or memoranda pertaining to the construction, modification, or operation of the facility covered by the permit or pertaining to the activity covered by the permit; and to conduct surveys and investigations, including sampling or monitoring, pertaining to the construction, modification, or operation of the facility covered by the permit or pertaining to the activity covered by the permit. (Minn. R. 7001.0150, subp.3, item I)
- 1.13 Control Users. The Permittee shall regulate the users of its wastewater treatment facility so as to prevent the introduction of pollutants or materials that may result in the inhibition or disruption of the conveyance system, treatment facility or processes, or disposal system that would contribute to the violation of the conditions of this permit or any federal, state or local law or regulation.

Sampling

- 1.14 Representative Sampling. Samples and measurements required by this permit shall be conducted as specified in this permit and shall be representative of the discharge or monitored activity. (40 CFR 122.41 (j)(1))
- 1.15 Additional Sampling. If the Permittee monitors more frequently than required, the results and the frequency of monitoring shall be reported on the Discharge Monitoring Report (DMR) or another MPCA-approved form for that reporting period. (Minn. R. 7001.1090, subp. 1, item E)
- 1.16 Certified Laboratory. A laboratory certified by the Minnesota Department of Health and/or registered by the MPCA shall conduct analyses required by this permit. Analyses of dissolved oxygen, pH, temperature, specific conductance, and total residual oxidants (chlorine, bromine) do not need to be completed by a certified laboratory but shall comply with manufacturers specifications for equipment calibration and use. (Minn. Stat. Sec. 144.97 through 144.98 and Minn. R. 4740.2010 and 4740.2050 through 4740.2120) (Minn. R. 4740.2010 and 4740.2050 through 2120)
- 1.17 Sample Preservation and Procedure. Sample preservation and test procedures for the analysis of pollutants shall conform to 40 CFR Part 136 and Minn. R. 7041.3200.
- 1.18 Equipment Calibration: Flow meters, pumps, flumes, lift stations or other flow monitoring equipment used for purposes of determining compliance with permit shall be checked and/or calibrated for accuracy at least twice annually. (Minn. R. 7001.0150, subp. 2, items B and C)
- 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.

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Chapter 5. Total Facility Requirements

1. General Requirements

- 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.

- 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)

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Chapter 5. Total Facility Requirements

1. General Requirements

- 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)
- 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:
- If one or more values are greater than the level of detection, substitute zero for all nondetectable values to use in the average calculation.
 - If all values are below the level of detection, report the averages as "<" the corresponding level of detection.
 - 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 5. 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 5. 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 5. 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 5. 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 5. 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.