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## Facility Description

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The Waldorf Corp facility (Facility), a Rock-Tenn company, is located in the Northeast Quarter of Section 32 at Township 29 North and Range 23 West. The address of the Facility is 2250 Wabash Avenue in Ramsey County of St. Paul Minnesota, 55114. This permit authorizes the discharge of non-contact cooling water to the receiving water: Mississippi River. The average design flow for SD001 is a continuous discharge all year long of 1.00 million gallons per day (MGD) maximum and an average of 0 MGD of non-contact cooling water are discharged from the Facility.

The primary activity of the Facility is manufacturing of 100 percent recycled paperboard, 100 percent recycled corrugated medium, and printed folding cartons. The Facility fall within the SIC code 2631. The Facility consumes 1,100 tons per day of waste paper and a maximum of 1,200 tons per day of waste paper. There is a continuous discharge (SD001) to the Mississippi River via the St. Anthony Interceptor via a privately owned discharge sewer. There is no treatment for the cooling water before it is discharged.

The incoming water is supplied by four private wells located on site. The average inflow of ground water is 912,920 thousand gallons per day and a maximum of 1.8 MGD. These values come from metered readings within the Facility. Jordan Aquifer Groundwater pumped from the Jordan Aquifer through the on-site wells is authorized under Minnesota Department of Natural Resources Appropriations Permit No.1959-0867.

All the incoming well water is first used to dissipate heat in the condensing steam turbines then run through the cooling system once before being routed elsewhere in the Facility. Normal operation is to reuse all cooling water for Facility operations. About half of the tempered cooling water is re-used for paper-making process water, when needed. This used process water is eventually directed to the sanitary sewer. The other half of the tempered cooling water is maintained in the system as a process reserve and re-used for additional non-contact cooling water applications before it is discharged to the clear water sewer.

Sanitary and process wastewaters are discharged to the municipal wastewater treatment system.

Two new surface discharge stations were added to this permit (SD002 and SD003) to monitor stormwater discharge. One is positioned to monitor stormwater runoff from the paper bale storage area and the other is positioned to monitor runoff from the equipment storage garage area. These are both discharged from the facility moving directly south in the storm sewer.

Two different scale and deposit inhibitors are used in the non-contact cooling water system at the mill 1, 2, 3, and 4 areas of the plant. Any residual (scale/iron deposits) cleaned with the treatment chemistries are directed into the process water system. The facility recently re-piped their facility and the water system is not a closed loop system for water conservation. The only non-contact cooling water that is discharged is from the #4 and #5 Mill Fresh Water Holding Tank which gets water from the Roof Freshwater Tank, Well Water Fresh Water Holding Tank, the Power Plant or the Non-Contact Cooling Collection Tank; all of which never has any chemical additives in it. This closed loop system is shown in the flow chart on page 6 of this permit.

The location of the Facility is shown on the following topographical map.

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 4.0mgd

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

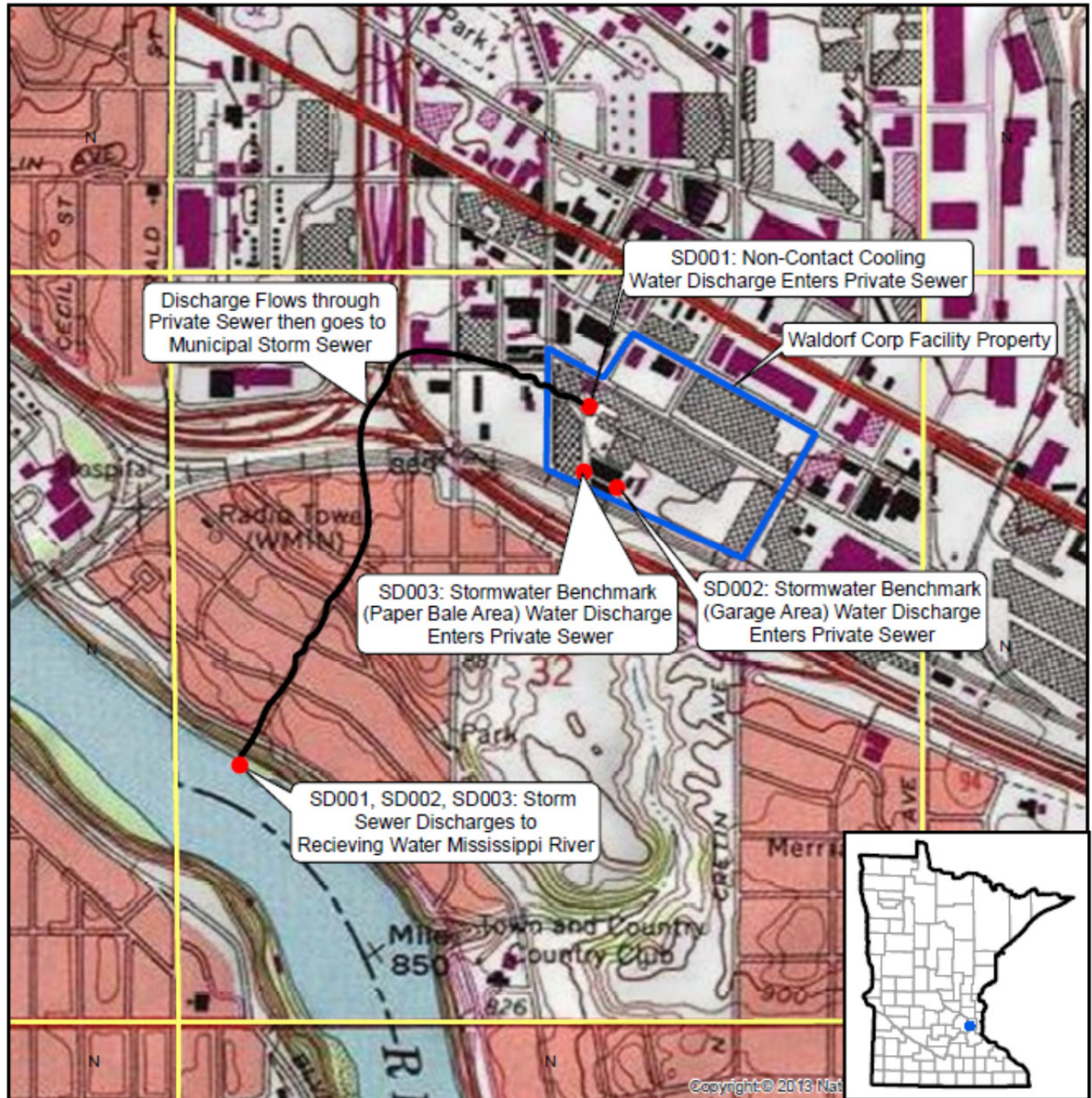
Any point source discharger of sewage, industrial, or other wastes for which a NPDES permit has been issued by the MPCA that contains effluent limits more stringent than those that would be established by parts 7053.0215 to 7053.0265 shall continue to meet the effluent limits established by the permit, 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.

## Topographic Map of Permitted Facility

MN0048984: Waldorf Corp dba Rock Tenn Facility

T29N, R23W, Section 32

St. Paul, Ramsey County, Minnesota



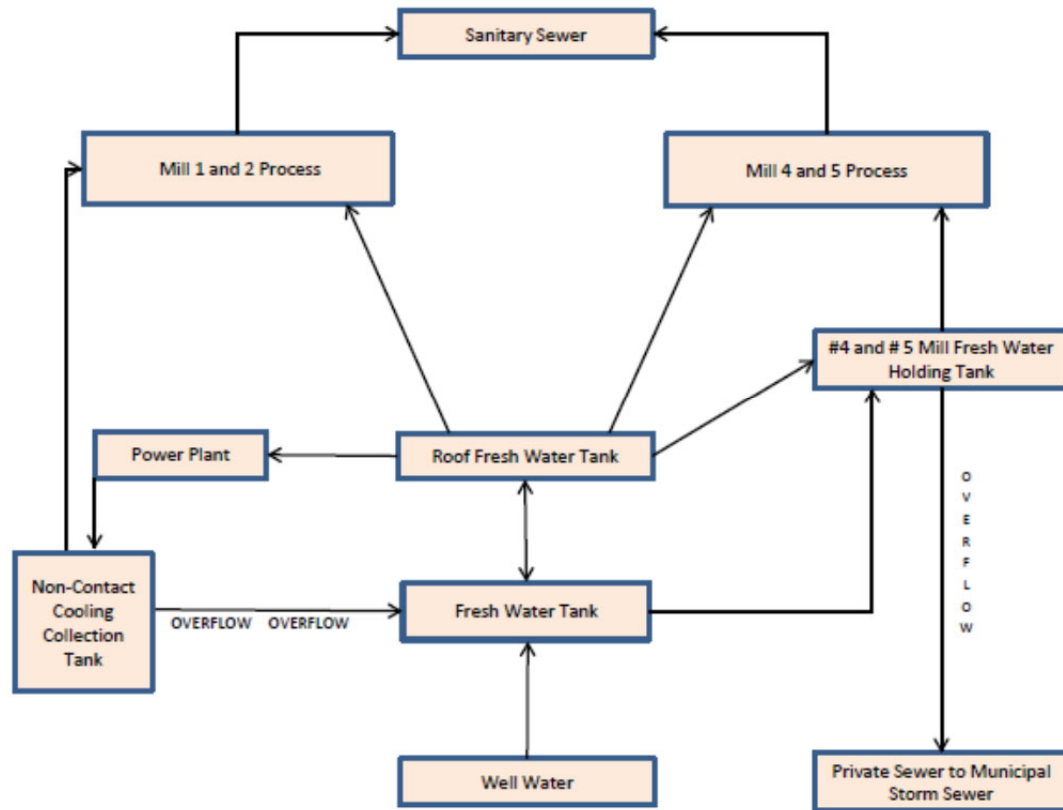
Map produced by: MPCA Staff, 4/29/2013

Source: USGS St. Paul West Quad

Scale: 1:12,000

0 0.125 0.25 0.5 Miles

## Non-Contact Cooling Water Flow Diagram



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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	Non-Contact Cooling Water Discharge	SW Quarter of the NE Quarter of Section 32, Township 29 North, Range 23 West
SD002	Stormwater, Non-specific Runoff	Garage/Equipment Storage Area	SW Quarter of the NE Quarter of Section 32, Township 29 North, Range 23 West
SD003	Stormwater, Non-specific Runoff	Paper Bale Area	SW Quarter of the NE Quarter of Section 32, Township 29 North, Range 23 West

**Waldorf Corp**  
**Limits and Monitoring Requirements**

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

SD 001: Non-Contact Cooling Water Discharge

Parameter	Limit	Units	Limit Type	Effective Period	Sample Type	Frequency	Notes
Flow	Monitor Only	mgd	Calendar Quarter Average	Jan-Dec	Estimate	1 x Quarter	
Flow	Monitor Only	MG	Calendar Quarter Total	Jan-Dec	Estimate	1 x Quarter	
pH	9.0	SU	Instantaneous Maximum	Jan-Dec	Grab	1 x Quarter	1
pH	6.0	SU	Instantaneous Minimum	Jan-Dec	Grab	1 x Quarter	1
Phosphorus, Total (as P)	Monitor Only	kg/day	Calendar Quarter Average	Jan-Dec	Grab	1 x Quarter	
Phosphorus, Total (as P)	Monitor Only	mg/L	Calendar Quarter Average	Jan-Dec	Grab	1 x Quarter	
Temperature, Water (F)	90.0	Deg F	Calendar Quarter Average	Jan-Dec	Grab	1 x Quarter	

SD 002: Garage/Equipment Storage Area

Parameter	Limit	Units	Limit Type	Effective Period	Sample Type	Frequency	Notes
COD (Chemical Oxygen Demand)	120	mg/L	Calendar Year Average Intervention-Qtr	Jan-Dec	Grab	1 x Year	2
Solids, Total Suspended (TSS)	100	mg/L	Calendar Year Average Intervention-Qtr	Jan-Dec	Grab	1 x Year	2

SD 003: Paper Bale Area

Parameter	Limit	Units	Limit Type	Effective Period	Sample Type	Frequency	Notes
COD (Chemical Oxygen Demand)	120	mg/L	Calendar Year Average Intervention-Qtr	Jan-Dec	Grab	1 x Year	2
Solids, Total Suspended (TSS)	100	mg/L	Calendar Year Maximum Intervention-Qtr	Jan-Dec	Grab	1 x Year	2

Notes:

1 -- Analyze immediately.

2 -- This value is an average of the quarterly samples taken throughout the calendar year, reported annually in December. See the Industrial Stormwater Chapter for more information



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

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

- 1.1 SD 001: Submit a quarterly DMR quarterly by 21 days after the end of each calendar quarter following permit issuance.
- 1.2 SD 002: Submit a quarterly DMR annually by 21 days after the end of each calendar quarter following permit issuance.
- 1.3 SD 003: Submit a quarterly DMR annually by 21 days after the end of each calendar quarter following permit issuance.

### **2. Special Requirements**

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

### **3. Sampling Location**

- 3.1 Samples for Station SD001 shall be taken at a point representative of the discharge.
- 3.2 Samples and measurements required by this permit shall be representative of the monitored activity.

### **4. Surface Discharges**

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

### **5. Winter Sampling Conditions**

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

### **6. 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 2. Industrial Water Treatment/Cooling Process Water**

### **1. Authorization**

- 1.1 This chapter authorizes the Permittee to discharge non-contact cooling water generated at the facility, as described in the 'Facility Description' portion of this permit. This activity is limited by the 'Limits and Monitoring' section of this permit, as well as the other terms and conditions of this permit.
- 1.2 This permit does not authorize the discharge of sewage, wash water, scrubber water, spills, oil, hazardous substances, or equipment/vehicle cleaning and maintenance wastewaters to ditches, wetlands or other surface waters of the state.

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## **Chapter 2. Industrial Water Treatment/Cooling Process Water**

### **2. General Requirements**

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

- 2.1 The permit application shall include analytical data as part of the application for reissuance of this permit. These analyses shall be done on individual samples taken during the twelve-month period before the reissuance application is submitted.
- 2.2 The permit application shall include analytical data for at least the following parameters at monitoring station SD001:
  - a. biochemical oxygen demand, total suspended solids, oil & grease, and pH;
  - b. nitrate-nitrite (as nitrogen), total organic nitrogen, total phosphorus, chloride, sulfate, bicarbonates, alkalinity, total salinity, hardness, total dissolved solids, and specific conductance.
- 2.3 The Permittee shall include, as part of the application for reissuance of this permit:
  - a. a current layout of the production facility;
  - b. an updated flow chart for the facility; and
  - c. a USGS Topographic map showing the facility, the stormwater, and industrial wastewater treatment systems location and the point of the discharges and their drainageway until their discharges into the Mississippi River

## **Chapter 3. Stormwater Management**

### **1. Authorization**

- 1.1 This chapter authorizes the Permittee to discharge stormwater associated with industrial activity from industrial activity associated with SIC code(s ) 2631 in accordance with the terms and conditions of this chapter.
- 1.2 This permit, unless specifically authorized by another chapter, does not authorize the discharge of sewage, wash water, scrubber water, floor drains from process areas, spills, oils, hazardous substances, or equipment/vehicle cleaning and maintenance wastewaters to ditches, wetlands or other surface waters of the state.

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

- 2.1 The Permittee shall operate and maintain the facility and shall control runoff, including stormwater, from the facility to prevent the exceedance of water quality standards specified in Minnesota Rules, chs. 7050 and 7060.
- 2.2 The Permittee shall limit and control the use of materials at the facility that may cause exceedances of ground water standards specified in Minnesota Rules, ch. 7060. These materials include, but are not limited to, detergents and cleaning agents, solvents, chemical dust suppressants, lubricants, fuels, drilling fluids, oils, fertilizers, explosives and blasting agents.

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

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

Guidance for preparing the SWPPP can be found on the web at:  
[http://www.pca.state.mn.us/index.php/water/water-types-and-programs/  
stormwater/industrial-stormwater/industrial-stormwater.html](http://www.pca.state.mn.us/index.php/water/water-types-and-programs/stormwater/industrial-stormwater/industrial-stormwater.html).

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## **Chapter 3. Stormwater Management**

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

3.2 At a minimum, the SWPPP must include:

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

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

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

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

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

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

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

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

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

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

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

5.1 The Permittee is authorized to use designed infiltration devices or industrial stormwater ponds/sedimentation basins for stormwater management. Stormwater ponds/sedimentation basins must be designed by a registered professional engineer and installed under the direct supervision of a registered professional engineer. If a new stormwater pond/sedimentation basin will be constructed, the Permittee must follow the guidance located on the web site at:

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

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## **Chapter 3. Stormwater Management**

### **6. Reporting**

- 6.1 Submit a Stormwater Annual Report by March 31 of each year following permit issuance. A copy of the Stormwater Annual Report Form is located on the MPCA's website at:  
<http://www.pca.state.mn.us/index.php/water/water-types-and-programs/wastewater/wastewater.html>.
- 6.2 The Permittee shall, upon request of the Agency, submit within a reasonable time the information and reports that are relevant to compliance with this Chapter, including the Plan, inspection reports, annual reports, original laboratory sheets from analyses conducted on the waste stream, and BMP plans and specifications.

### **7. Records**

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

### **8. Notification**

- 8.1 The SWPPP must be retained for the duration of the permit. A copy of the SWPPP must remain on the permitted site whenever Permittee staff are available on the site and be available upon request. The Permittee must maintain the following records for the period of permit coverage:
  - a. dates and findings of inspections;
  - b. completed corrective actions;
  - c. documentation of all changes to the SWPPP; and
  - e. a copy of all annual reports.
- 8.2 If the Permittee discharges stormwater into a regulated Municipal Separate Storm Sewer System (MS4), the Permittee must notify the operator of the first MS4 of the existence of this permit within 30 days of its issuance.

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

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

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### **Chapter 3. Stormwater Management**

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

- 10.1 The Permittee must comply with the benchmark monitoring procedures and sample collection methods located in the Monitoring Guidance Manual: For Minnesota's Industrial Stormwater Multi-Sector General Permit. This document is located under "Stormwater Program for Industrial Activity: Steps to Compliance: Step 10: Sampling on the MPCA website.

For the purposes of this permit, Benchmark Monitoring is required four times per year. Monitoring results must comply with intervention limits. These monitoring requirements are also known as Benchmark Monitoring.

- 10.2 The Permittee shall monitor and comply with the limits and monitoring requirements specified for the Surface Discharge Stormwater, Non-Specific Runoff station. Specified parameters shall be sampled on a calendar quarter basis beginning the first full quarter following permit issuance (e.g. the permit is issued June the first quarter following that [July-September] shall be reported on the October DMR). Each quarterly sample may be collected at any time during the calendar quarter, but the results must be reported on the DMR for the last month of the quarter (e.g. the sample for the first calendar quarter of Jan-Mar must be reported on the March DMR). Quarterly samples must be averaged annually and the annual quarterly average must be reported on the December DMR.
- 10.3 An exceedance of a benchmark monitoring intervention limit does not constitute a violation under this permit. However, the Permittee is required to perform any necessary corrective action(s) to address stormwater control measures, including the maintenance or implementation of BMPs, when an exceedance of an applicable benchmark value occurs. Failure to respond to any benchmark intervention limit exceedance is a violation of the permit.
- 10.4 If benchmark monitoring intervention limits are exceeded, the Permittee shall modify the SWPPP and document all corrective actions and shall implement necessary non-structural BMPs within 60 days after discovery and structural BMPs within 180 days after discovery of the exceedance.
- 10.5 Sample results shall be reported on quarterly Discharge Monitoring Reports (DMRs) which shall be provided by the MPCA. DMRs shall be electronically submitted by the 21st day of the month following the sampling interval. The final quarterly report for the year will also include an annual average of the four results collected throughout the year.

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## **Chapter 3. Stormwater Management**

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

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

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

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

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

### **12. Definitions**

- 12.1 "Best Management Practices" or "BMPs" means practices to prevent or reduce the pollution of waters of the state, including schedules of activities, prohibitions of practices, other management practices, and also includes treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge, waste disposal or drainage from raw material storage.
- 12.2 "No exposure" means all industrial materials and activities are protected by a storm resistant shelter to prevent exposure to rain, snow, snow melt, and/or runoff. industrial activities or materials include, but are not limited to, material handling equipment or activities, industrial machinery, raw materials, intermediate products, by-products, final products, or waste products.
- 12.3 "Non-stormwater discharge" means any discharge not comprised entirely of stormwater discharges authorized by a NPDES permit.
- 12.4 "Runoff" means any liquid that drains over land from any part of a facility.
- 12.5 "Benchmark Monitoring Location" means the location(s) within the boundary of the facility where the Permittee will collect stormwater samples for the purpose of compliance with the benchmark monitoring requirements of this permit. The benchmark monitoring location(s) shall be in a location that:
- a. is below the most down-gradient BMP from the source of the industrial activity or significant materials, but prior to discharging from the Permittee's operational control;
  - b. minimizes or eliminates sampling of stormwater from off-site sources (run-on); and
  - c. yields a sample that best represents the contribution of pollutants the Permittee is required to monitor for in accordance with the Benchmark Monitoring Requirements section of this permit, and that receives drainage from an area of industrial activities, processes, and significant materials exposed to stormwater.

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

### **1. General Requirements**

#### **General Requirements**

- 1.1 Incorporation by Reference. The following applicable federal and state laws are incorporated by reference in this permit, are applicable to the Permittee, and are enforceable parts of this permit: 40 CFR pts. 122.41, 122.42, 136, 403 and 503; Minn. R. pts. 7001, 7041, 7045, 7050, 7052, 7053, 7060, and 7080; and Minn. Stat. Sec. 115 and 116.
- 1.2 Permittee Responsibility. The Permittee shall perform the actions or conduct the activity authorized by the permit in compliance with the conditions of the permit and, if required, in accordance with the plans and specifications approved by the Agency. (Minn. R. 7001.0150, subp. 3, item E)
- 1.3 Toxic Discharges Prohibited. Whether or not this permit includes effluent limitations for toxic pollutants, the Permittee shall not discharge a toxic pollutant except according to Code of Federal Regulations, Title 40, sections 400 to 460 and Minnesota Rules 7050, 7052, 7053 and any other applicable MPCA rules. (Minn. R. 7001.1090, subp.1, item A)
- 1.4 Nuisance Conditions Prohibited. The Permittee's discharge shall not cause any nuisance conditions including, but not limited to: floating solids, scum and visible oil film, acutely toxic conditions to aquatic life, or other adverse impact on the receiving water. (Minn. R. 7050.0210 subp. 2)
- 1.5 Property Rights. This permit does not convey a property right or an exclusive privilege. (Minn. R. 7001.0150, subp. 3, item C)
- 1.6 Liability Exemption. In issuing this permit, the state and the MPCA assume no responsibility for damage to persons, property, or the environment caused by the activities of the Permittee in the conduct of its actions, including those activities authorized, directed, or undertaken under this permit. To the extent the state and the MPCA may be liable for the activities of its employees, that liability is explicitly limited to that provided in the Tort Claims Act. (Minn. R. 7001.0150, subp. 3, item O)
- 1.7 The MPCA's issuance of this permit does not obligate the MPCA to enforce local laws, rules, or plans beyond what is authorized by Minnesota Statutes. (Minn. R. 7001.0150, subp.3, item D)
- 1.8 Liabilities. The MPCA's issuance of this permit does not release the Permittee from any liability, penalty or duty imposed by Minnesota or federal statutes or rules or local ordinances, except the obligation to obtain the permit. (Minn. R. 7001.0150, subp.3, item A)
- 1.9 The issuance of this permit does not prevent the future adoption by the MPCA of pollution control rules, standards, or orders more stringent than those now in existence and does not prevent the enforcement of these rules, standards, or orders against the Permittee. (Minn. R. 7001.0150, subp.3, item B)
- 1.10 Severability. The provisions of this permit are severable and, if any provisions of this permit or the application of any provision of this permit to any circumstance are held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby.
- 1.11 Compliance with Other Rules and Statutes. The Permittee shall comply with all applicable air quality, solid waste, and hazardous waste statutes and rules in the operation and maintenance of the facility.
- 1.12 Inspection and Entry. When authorized by Minn. Stat. Sec. 115.04; 115B.17, subd. 4; and 116.091, and upon presentation of proper credentials, the agency, or an authorized employee or agent of the agency, shall be allowed by the Permittee to enter at reasonable times upon the property of the Permittee to examine and copy books, papers, records, or memoranda pertaining to the construction, modification, or operation of the facility covered by the permit or pertaining to the activity covered by the permit; and to conduct surveys and investigations, including sampling or monitoring, pertaining to the construction, modification, or operation of the facility covered by the permit or pertaining to the activity covered by the permit. (Minn. R. 7001.0150, subp.3, item I)

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

### **1. General Requirements**

- 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 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 4. 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. DMRs and Supplementals shall be submitted to:

#### **MPCA**

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

DMRs, DMR supplemental forms and related attachments may be electronically submitted via the MPCA Online Services Portal after authorization is approved. When electronically submitted, the paper DMR submittal requirement is waived.

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

Other reports required by this permit shall be postmarked by the 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 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. (Minn. R. 7001.0150 subp. 3, item G)
- 1.23 Required Signatures. All DMRs, forms, reports, and other documents submitted to the MPCA shall be signed by the Permittee or the duly authorized representative of the Permittee. Minn. R. 7001.0150, subp. 2, item D. The person or persons that sign the DMRs, forms, reports or other documents must certify that he or she understands and complies with the certification requirements of Minn. R. 7001.0070 and 7001.0540, including the penalties for submitting false information. Technical documents, such as design drawings and specifications and engineering studies required to be submitted as part of a permit application or by permit conditions, must be certified by a registered professional engineer. (Minn. R. 7001.0540)

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

### **1. General Requirements**

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

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

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

### **Noncompliance and Enforcement**

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

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

### **1. General Requirements**

- 1.30 Effluent Violations. If sampling by the Permittee indicates a violation of any discharge limitation specified in this permit, the Permittee shall immediately make every effort to verify the violation by collecting additional samples, if appropriate, investigate the cause of the violation, and take action to prevent future violations. If the permittee discovers that noncompliance with a condition of the permit has occurred which could endanger human health, public drinking water supplies, or the environment, the Permittee shall within 24 hours of the discovery of the noncompliance, orally notify the commissioner and submit a written description of the noncompliance within 5 days of the discovery. The written description shall include items a. through e., as listed below. If the Permittee discovers other non-compliance that does not explicitly endanger human health, public drinking water supplies, or the environment, the non-compliance shall be reported during the next reporting period to the MPCA with its Discharge Monitoring Report (DMR). If no DMR is required within 30 days, the Permittee shall submit a written report within 30 days of the discovery of the noncompliance. This description shall include the following information:
- a. a description of the event including volume, duration, monitoring results and receiving waters;
  - b. the cause of the event;
  - c. the steps taken to reduce, eliminate and prevent reoccurrence of the event;
  - d. the exact dates and times of the event; and
  - e. steps taken to reduce any adverse impact resulting from the event. (Minn. R. 7001.0150, subp. 3k)
- 1.31 Unauthorized Releases of Wastewater Prohibited. Except for conditions specifically described in Minn. R. 7001.1090, subp. 1, items J and K, all unauthorized bypasses, overflows, discharges, spills, or other releases of wastewater or materials to the environment, whether intentional or not, are prohibited. However, the MPCA will consider the Permittee's compliance with permit requirements, frequency of release, quantity, type, location, and other relevant factors when determining appropriate action. (40 CFR 122.41 and Minn. Stat. Sec 115.061)

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

### **1. General Requirements**

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

- a. Take all reasonable steps to immediately end the release.
- b. Notify the Minnesota Department of Public Safety Duty Officer at 1(800)422-0798 or (651)649-5451 (metro area) immediately upon discovery of the release. You may contact the MPCA during business hours at 1(800)657-3864 or (651)296-6300 (metro area).
- c. Recover as rapidly and as thoroughly as possible all substances and materials released or immediately take other action as may be reasonably possible to minimize or abate pollution to waters of the state or potential impacts to human health caused thereby. If the released materials or substances cannot be immediately or completely recovered, the Permittee shall contact the MPCA. If directed by the MPCA, the Permittee shall consult with other local, state or federal agencies (such as the Minnesota Department of Natural Resources and/or the Wetland Conservation Act authority) for implementation of additional clean-up or remediation activities in wetland or other sensitive areas.
- d. Collect representative samples of the release. The Permittee shall sample the release for parameters of concern immediately following discovery of the release. The Permittee may contact the MPCA during business hours to discuss the sampling parameters and protocol. In addition, Fecal Coliform Bacteria samples shall be collected where it is determined by the Permittee that the release contains or may contain sewage. If the release cannot be immediately stopped, the Permittee shall consult with MPCA regarding additional sampling requirements. Samples shall be collected at least, but not limited to, two times per week for as long as the release continues.
- e. Submit the sampling results as directed by the MPCA. At a minimum, the results shall be submitted to the MPCA with the next DMR.

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

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

### **Operation and Maintenance**

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

### **1. General Requirements**

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

#### **Changes to the Facility or Permit**

- 1.39 Permit Modifications. Except as provided under Minnesota Statutes, section 115.07, subdivisions 1 and 3, no person required by statute or rule to obtain a permit may construct, install, modify, or operate the facility to be permitted, nor shall a person commence an activity for which a permit is required by statute or rule until the agency has issued a written permit for the facility or activity. (Minn. R. 7001.0030)

Permittees that propose to make a change to the facility or discharge that requires a permit modification must follow Minn. R. 7001.0190. If the Permittee cannot determine whether a permit modification is needed, the Permittee must contact the MPCA prior to any action. It is recommended that the application for permit modification be submitted to the MPCA at least 180 days prior to the planned change.

- 1.40 No person required by statute or rule to obtain a permit may construct, install, modify, or operate the facility to be permitted except as provided under Minnesota Statutes, section 115.07, subdivisions 1 and 3, nor shall a person commence an activity for which a permit is required by statute or rule until the agency has issued a written permit for the facility or activity.
- 1.41 Plans, specifications and MPCA approval are not necessary when maintenance dictates the need for installation of new equipment, provided the equipment is the same design size and has the same design intent. For instance, a broken pipe, lift station pump, aerator, or blower can be replaced with the same design-sized equipment without MPCA approval.

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

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

### **1. General Requirements**

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

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

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

- a. The process for which the additive will be used;
  - b. Material Safety Data Sheet (MSDS) which shall include aquatic toxicity, human health, and environmental fate information for the proposed additive. The aquatic toxicity information shall include at minimum the results of: a) a 48-hour LC50 or EC50 acute study for a North American freshwater planktonic crustacean (either Ceriodaphnia or Daphnia sp.) and b) a 96-hour LC50 acute study for rainbow trout, bluegill or fathead minnow or another North American freshwater aquatic species other than a planktonic crustacean;
  - c. A complete product use and instruction label;
  - d. The commercial and chemical names and Chemical Abstract Survey (CAS) number for all ingredients in the additive (If the MSDS does not include information on chemical composition, including percentages for each ingredient totaling to 100%, the Permittee shall contact the supplier to have this information provided); and
  - e. The proposed method of application, application frequency, concentration, and daily average and maximum rates of use. (Minn. R. 7001.0170)
- 1.44 Upon review of the information submitted regarding the proposed chemical additive, the MPCA may require additional information be submitted for consideration. This permit may be modified to restrict the use or discharge of a chemical additive and include additional influent and effluent monitoring requirements.
- Approval for the use of an additive shall not justify the exceedance of any effluent limitation nor shall it be used as a defense against pollutant levels in the discharge causing or contributing to the violation of a water quality standard.
- 1.45 MPCA Initiated Permit Modification, Suspension, or Revocation. The MPCA may modify or revoke and reissue this permit pursuant to Minn. R. 7001.0170. The MPCA may revoke without reissuance this permit pursuant to Minn. R. 7001.0180.
- 1.46 TMDL Impacts. Facilities that discharge to an impaired surface water, watershed or drainage basin may be required to comply with additional permits or permit requirements, including additional restriction or relaxation of limits and monitoring as authorized by the CWA 303(d)(4)(A) and 40 CFR 122.44.1.2.i., necessary to ensure consistency with the assumptions and requirements of any applicable US EPA approved wasteload allocations resulting from Total Maximum Daily Load (TMDL) studies.
- 1.47 Permit Transfer. The permit is not transferable to any person without the express written approval of the Agency after compliance with the requirements of Minn. R. 7001.0190. A person to whom the permit has been transferred shall comply with the conditions of the permit. (Minn. R., 7001.0150, subp. 3, item N)

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

### **1. General Requirements**

- 1.48 Facility Closure. The Permittee is responsible for closure and post-closure care of the facility. The Permittee shall notify the MPCA of a significant reduction or cessation of the activities described in this permit at least 180 days before the reduction or cessation. The MPCA may require the Permittee to provide to the MPCA a facility Closure Plan for approval.

Facility closure that could result in a potential long-term water quality concern, such as the ongoing discharge of wastewater to surface or ground water, may require a permit modification or reissuance.

The MPCA may require the Permittee to establish and maintain financial assurance to ensure performance of certain obligations under this permit, including closure, post-closure care and remedial action at the facility. If financial assurance is required, the amount and type of financial assurance, and proposed modifications to previously MPCA-approved financial assurance, shall be approved by the MPCA. (Minn. Stat. Sec. 116.07, subd. 4)

- 1.49 Permit Reissuance. If the Permittee desires to continue permit coverage beyond the date of permit expiration, the Permittee shall submit an application for reissuance at least 180 days before permit expiration. If the Permittee does not intend to continue the activities authorized by this permit after the expiration date of this permit, the Permittee shall notify the MPCA in writing at least 180 days before permit expiration.

If the Permittee has submitted a timely application for permit reissuance, the Permittee may continue to conduct the activities authorized by this permit, in compliance with the requirements of this permit, until the MPCA takes final action on the application, unless the MPCA determines any of the following (Minn. R. 7001.0040 and 7001.0160):

- a. The Permittee is not in substantial compliance with the requirements of this permit, or with a stipulation agreement or compliance schedule designed to bring the Permittee into compliance with this permit;
- b. The MPCA, as a result of an action or failure to act by the Permittee, has been unable to take final action on the application on or before the expiration date of the permit;
- c. The Permittee has submitted an application with major deficiencies or has failed to properly supplement the application in a timely manner after being informed of deficiencies.