



Minnesota Pollution Control Agency

STATE OF MINNESOTA

INDUSTRIAL DIVISION

PUBLIC NOTICE OF INTENT TO REISSUE

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)/ STATE DISPOSAL SYSTEM (SDS) PERMIT MN0055662

Public Comment Period Begins: June 7, 2013
Public Comment Period Ends: July 8, 2013

Current Permit Issued: March 4, 1997
Current Permit Expiration Date: December 31, 2001

Name and Address of Permittee:

Aitkin Agri-Peat Inc
PO Box 332
Elk River, Minnesota 55330-0332

Facility Name and Location:

Aitkin Agri-Peat Inc – Cromwell
1303 Peat Plant Road
T48N, R19W, Section 5,
Cromwell, Carlton County, Minnesota

Receiving Water: Unnamed ditch (Class 2B,3C,4A,4B,5,6 water)

Permit Re-Notice

This permit was originally placed on public notice in June 2011. Significant changes to the limits and monitoring requirements have been made to the permit that was originally noticed based on comments received during the original public notice period. The changes include:

- Mercury limits are required at the discharge SD-001, SD-002 and SD-003.
- A new upstream monitoring location (SW-004) has been identified to replace the original upstream monitoring location (SW-001).

Although it is not required to do so, the Minnesota Pollution Control Agency (MPCA) has decided to re-notice the draft permit for public comment because of the amount of time that has passed since the draft permit was originally noticed. If you previously submitted comments on the draft June 2011 permit, you will need to resubmit those comments if you want them to be considered in response to the revised permit.

Description of Permitted Facility

The Aitkin Agri-Peat Inc. - Cromwell facility (Facility) is located at NE 1/4 of NE 1/4 of Section 5, Township 48 North, Range 19 West, Cromwell, Carlton County, Minnesota.

The principal activity at this facility is the mining of peat (fibric sphagnum and hemic reed-sedge) for horticultural uses, at a maximum rate of 130,000 cubic yards per year. The facility consists of all mine excavation areas, mining waste disposal areas, plant areas and non-sewage wastewater disposal systems.

A system of field ditches and drainage ditches within the facility drains groundwater and surface runoff to ditches outside the facility. Field ditches are spaced at 60-100 meters and average 1.3 meters deep. That portion of the facility north of the Burlington Northern railroad tracks drains to a ditch that parallels the tracks on the north side and flows to the west. Outfall SD-002 (formerly known as 040) is located in this westward flowing ditch, at the westernmost boundary of the facility, in the SE $\frac{1}{4}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$, of Section 5. This same ditch continues to flow westward until it discharges to the Kettle River (Class 2B, 3C, 4A, 4B, 5, 6 water) in the SE $\frac{1}{4}$, NE $\frac{1}{4}$, of Section 6. Outfall SD-002 has average and maximum flows of 2.2 and 4.3 million gallons per day (MGD), respectively.

Milled peat is excavated, stockpiled and transported to the stockpile/loading area, in the NE $\frac{1}{4}$, NW $\frac{1}{4}$, of Section 5, where it is stockpiled for subsequent transport to the processing facility located in McGregor, Minnesota or shipped directly to customers. The process waste, which consists mainly of woody and fibrous material, is disposed of on-site or used as road material in the facility. A second shop and equipment storage area is located north of the Burlington Northern railroad tracks, in the NW $\frac{1}{4}$, NW $\frac{1}{4}$, of Section 4. Drainage from both stockpile/shop/equipment areas is routed to the SD-002 outfall ditch. Sewage generated at the facility is disposed of through a septic tank/drainfield system.

The Permittee is proposing to construct two sedimentation basins to be located near the plant area of the site to provide better treatment for the discharge from SD-002. One sedimentation basin will provide treatment for the sphagnum peat mining area and the other will provide treatment for the sedge peat mining area. Mining from the area that drains to SD-002 has ceased and is undergoing reclamation. Once reclamation is complete, it will be necessary to relocate the outfall to better obtain representative samples from the mined areas. A new outfall, SD-003, will be created approximately $\frac{3}{4}$ miles to the east of SD-002 and will be used to collect samples after settling the sedimentation basins. Outfall SD-002 will be inactivated and monitoring at that location will cease. If, in the future, mining becomes active in the area formerly monitored by SD-002, the Permittee is required to notify the MPCA and the outfall will become reactivated.

The portion of the facility south of the Burlington Northern railroad tracks drains to a ditch that flows south along the boundary between Section 8 and 9. Outfall SD-001 (formerly known as 030) is located in this ditch, at the southernmost boundary of the facility, at the southeastern most corner of Section 8. The same ditch continues to flow southward until it discharges to Kettle Lake (Class 2B, 3C, 4A, 4B, 5, 6 water) in the NE $\frac{1}{4}$ of Section 20. Outfall SD-001 is permitted for average and maximum flows of 1.8 and 3.5 MGD, respectively.

Mining in the area of SD-001 has ceased and the area is in the process of reclamation. Once the area is fully reclaimed, outfall SD-001 will be inactivated and monitoring will no longer be required. If the area becomes actively mined in the future, the Permittee is required to notify the MPCA and monitoring will resume at SD-001.

Monitoring station SW-004 is located in the Kettle River just to the north of Highway 210 and has replaced existing monitoring station SW-001 (formerly known as 701). Monitoring station SW-002 (formerly known as 703) is located approximately 120 feet west of the eastern boundary of Section 17, in the ditch parallel to the north side of the road through the middle of the section. Monitoring station SW-003 (formerly known as 704) is located on the Kettle River, on the west side of Kettle Lake Road, approximately 1.1 miles south of Highway 210. Station SW-004 is an upstream station and stations SW-002 and SW-003 are downstream of the facility discharges.

On April 5, 2010, the Industrial Stormwater General Permit (MNR050000) was issued. This permit addresses stormwater discharges associated with industrial activity for facilities that discharge stormwater to waters of the state, including Municipal Separate Storm Sewer Systems. The General Permit also addressed stormwater discharges associated with industrial activities at facilities that provide on-site infiltration of industrial stormwater discharges associated with the facility.

For both industrial and municipal wastewater facilities, in lieu of obtaining coverage under both the General Permit and the individual NPDES permit, the MPCA has added the necessary industrial stormwater requirements language and limits and monitoring to this permit so that coverage under this NPDES permit alone will cover both permits. An additional discharge station (SD-004) has been created with an intervention limit of 100 mg/L as required by the sector specific requirement for peat mines contained in the general permit, and a Discharge Monitoring Report is required to be submitted by the Permittee annually for this monitoring. There is also an Industrial Stormwater Chapter specific to peat mining facilities as part of this permit.

The location of the Facility is shown on the attached map.

Preliminary Determination on the Draft Permit

The MPCA Commissioner has made a preliminary determination to reissue this SDS permit for a term of approximately five years.

A draft permit is available for review at the MPCA office at the St. Paul address listed below, at the Duluth regional office located at 525 Lake Avenue South, Duluth, MN 55802 and on-line at <http://www.pca.state.mn.us/news/data/index.cfm?PN=1>.

A copy of the draft permit will be mailed to you if the MPCA receives your written or oral request at this office. If you have questions about this draft permit or the Commissioner's preliminary determination, please contact Stephanie Handeland at 651-757-2405.

Written Comments

You may submit written comments on the conditions of the draft permit or on the Commissioner's preliminary determination.

Written comments must include the following:

1. A statement of your interest in the permit application or the draft permit.
2. A statement of the action you wish the MPCA to take, including specific references to sections of the draft permit that you believe should be changed.
3. The reasons supporting your position, stated with sufficient specificity as to allow the Commissioner to investigate the merits of your position.

Petition for Public Informational Meeting

You also may request that the MPCA Commissioner hold a public informational meeting. A public informational meeting is an informal meeting that the MPCA may hold to solicit public comment and statements on matters before the MPCA, and to help clarify and resolve issues.

A petition requesting a public informational meeting must include the following information:

1. A statement identifying the matter of concern.
2. The information required under items 1 through 3 of "Written Comments," identified above.
3. A statement of the reasons the MPCA should hold a public informational meeting.
4. The issues that you would like the MPCA to address at the public informational meeting.

Petition for Contested Case Hearing

You also may submit a petition for a contested case hearing. A contested case hearing is a formal evidentiary hearing before an administrative law judge. In accordance with Minn. R. 7000.1900, the MPCA will grant a petition to hold a contested case hearing if it finds that: (1) there is a material issue of fact in dispute concerning the application or draft permit; (2) the MPCA has the jurisdiction to make a determination on the disputed material issue of fact; and (3) there is a reasonable basis underlying the disputed material issue of fact or facts such that the holding of the contested case hearing would allow the introduction of information that would aid the MPCA in resolving the disputed facts in making a final decision on the draft permit. A material issue of fact means a fact question, as distinguished from a policy question, whose resolution could have a direct bearing on a final MPCA decision.

A petition for a contested case hearing must include the following information:

1. A statement of reasons or proposed findings supporting the MPCA decision to hold a contested case hearing according to the criteria in Minn. R. 7000.1900, as discussed above.
2. A statement of the issues proposed to be addressed by a contested case hearing and the specific relief requested or resolution of the matter.

In addition and to the extent known, a petition for a contested case hearing should also include the following information:

1. A proposed list of prospective witnesses to be called, including experts, with a brief description of proposed testimony or summary of evidence to be presented at a contested case hearing.
2. A proposed list of publications, references, or studies to be introduced and relied upon at a contested case hearing.
3. An estimate of time required for you to present the matter at a contested case hearing.

MPCA Decision

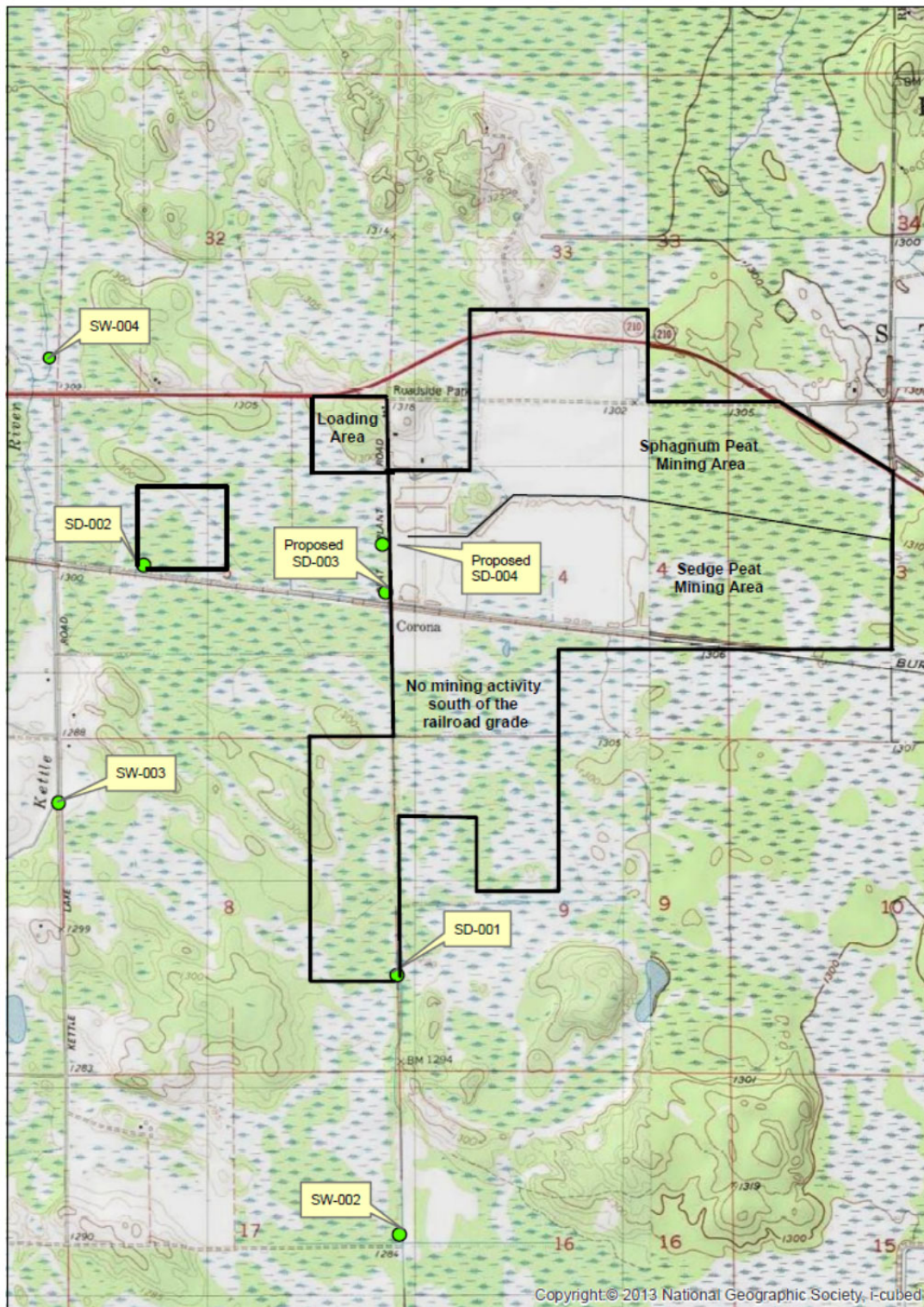
You may submit a petition to the Commissioner requesting that the MPCA Citizens' Board (Board) consider the permit issuance. To be considered timely, the petition must be received by the MPCA by 4:30 p.m. on the date the public comment period ends, identified on page 1 of this notice. Under the provisions of Minn. Stat. § 116.02, subd. 6(4), the decision whether to issue the permit and, if so, under what terms will be presented to the Board for decision if: (1) the Commissioner grants the petition requesting the matter be presented to the Board; (2) one or more Board members request to hear the matter before the time the Commissioner makes a final decision on the permit; or (3) a timely request for a contested case hearing is pending. You may participate in the activities of the Board as provided in Minn. R. 7000.0650.

The written comments, requests, and petitions submitted on or before the last day of the public comment period will be considered in the final decision on this permit. If the MPCA does not receive written comments, requests, or petitions during the public comment period, MPCA staff as authorized by the Commissioner, will make the final decision on the draft permit.

Comments, petitions, and/or requests must be submitted in writing on or before the end date of the public comment period identified on page 1 of this notice to:

Stephanie Handeland – SP5
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, MN 55155-4194

Topographic Map of Permitted Facility
MN0055662, Aitkin Agri-peat, Inc. - Cromwell Location
T48N and T49N, R19W
Carlton County, Minnesota



Map produced by: MPCA Staff 3/13/12
Source: USGS Sawyer, Cromwell East, Barnum & Cromwell SE Quads
Scale: 1:27,000

0 0.25 0.5 1 Miles

