



Minnesota Pollution Control Agency

STATE OF MINNESOTA

Minnesota Pollution Control Agency

INDUSTRIAL DIVISION

PUBLIC NOTICE OF INTENT TO REISSUE

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)/

STATE DISPOSAL SYSTEM (SDS) PERMIT MN0059803

Public Comment Period Begins: June 7, 2013

Public Comment Period Ends: July 8, 2013

Current Permit Issued: January 31, 2006

Current Permit Expiration Date: December 31, 2010

Name and Address of Permittee:

Kemps LLC
1270 Energy Lane
St. Paul, Minnesota 55108

Facility Name and Location:

Kemps Milk Plant - Rochester
700 1st Avenue Southeast
T106N, R14W, Section 2,
Rochester, Olmsted County, Minnesota

Receiving Water: South Fork of the Zumbro River (Class 2B,3B,3C,4A,4B,5,6 water)

Description of Permitted Facility

The Kemps Milk Plant - Rochester facility is located at SE 1/4 of NE 1/4 of Section 2, Township 106 North, Range 14 West, Rochester, Olmsted County, Minnesota.

The principal activity at the Kemps Milk Plant – Rochester Facility is the processing and packaging of milk products.

The waste streams authorized for discharge under this permit consists of once-through compressor cooling water and cooling tower blowdown water as well as stormwater from roof drains. The cooling water discharge SD001 is at an average rate of 0.0435 million gallons per day (mgd) and maximum of 0.105 mgd. The water supply is from a ground water supply well and is chlorinated. Sodium Bisulfate is used to dechlorinate prior to discharge. The discharge flows to the South Fork of the Zumbro River via a municipal storm sewer. Roof drains SD002 are connected to the storm sewer system. Process water and sanitary wastes are discharged to the municipal sanitary sewer system and are not covered under this permit.

In accordance with Minnesota Pollution Control Agency (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 maximum daily flow. The January 1, 1988, maximum daily flow for this facility is 0.014 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 Minn. R. 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 attached map.

Preliminary Determination on the Draft Permit

The MPCA Commissioner has made a preliminary determination to reissue this NPDES/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 Rochester regional office 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 Terry Mader at 651-757-2543.

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 Board, 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:

Terry Mader (SP-5)
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, MN 55155-4194

