



Minnesota Pollution Control Agency

STATE OF MINNESOTA

Minnesota Pollution Control Agency

INDUSTRIAL DIVISION

PUBLIC NOTICE OF INTENT TO ISSUE

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)/

STATE DISPOSAL SYSTEM (SDS) PERMIT MN0069680

Public Comment Period Begins: April 30, 2012

Public Comment Period Ends: May 30, 2012

Name and Address of Permittee:

Acme-Ochs Brick & Stone Inc
3024 Acme Brick Plaza
Fort Worth, TX 76109

Facility Name and Location:

Acme-Ochs Brick Munsel Mine
45570 305th St
T112N, R34W, Section 24,
Sherman, Redwood County, Minnesota

Receiving Water: Drain Tile to Treadbar Lake to Minnesota River

Description of Permitted Facility

The Acme-Ochs Brick Munsel Mine facility is located in the W 1/2 of SE 1/4 of Section 24, Township 112 North, Range 34 West, Sherman, Redwood County, Minnesota.

Acme Brick and Stone, Munsel Mine, proposes to operate a clay mine in Redwood County, Minnesota. The facility proposes to mine 42,000 to 45,000 tons per year. Stormwater that collects in the mine will be dewatered after storm events and snow melt. During the dewater events, water will be pumped out of the mine pit into a sediment holding pond. The holding pond will be constructed to prevent stormwater flow into the sediment holding pond. Should the holding pond need to be dredged, the dredged material would be placed back into the mine pit. Usually the stormwater holding pond will be allowed to evaporate, however the water will be manually pumped to a drain tile east of the sediment holding pond on an intermittent basis as needed during discharge.

The proposed outfall SD001 is the discharge end of the pump prior to entering a drain tile. The maximum expected flow rate during mine dewatering is 0.1584 million gallons day. The drain tile is located east of the sediment holding pond which then drains to Treadbar Lake which eventually flows to the Minnesota River.

The Acme Brick clay mine facility does not utilize any process water. Only stormwater and snow melt will be dewatered from the clay pit as needed for mining operations. Stormwater from the remainder of the site which does not flow into the mine pit will be allowed to naturally flow off-site in the direction prior to mining operations.

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

Preliminary Determination on the Draft Permit

The Minnesota Pollution Control Agency (MPCA) Commissioner has made a preliminary determination to issue 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 Willmar 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, SP5
Industrial Division
520 Lafayette Road North
St. Paul, Minnesota 55155-4194

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