



# **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 MN0055026**

Public Comment Period Begins: May 4, 2012  
Public Comment Period Ends: June 4, 2012

Current Permit Issued: April 12, 2007  
Current Permit Expiration Date: March 31, 2012

#### **Name and Address of Permittee:**

Marvin Lumber & Cedar Co  
PO Box 100  
Warroad, MN 56763-0100

#### **Facility Name and Location:**

Marvin Windows & Doors  
401 States Ave  
Warroad, Roseau County, Minnesota

**Receiving Water:** Unnamed (Ika: County Ditch #74) (Class 2B,3C,4A,4B,5,6 water)

#### **Description of Permitted Facility**

The waste stream authorized for discharge by this permit is remediated groundwater which has been contaminated through past industrial activities. The groundwater under a portion of the facility has been contaminated with pentachlorophenol (PCP) from a former wood treating pit. Contaminated groundwater is extracted via three recovery wells located on site. The remediation system consists of an existing fixed-film biological reactor which utilizes acclimated indigenous micro-organisms to reduce the concentrations of contaminants. Nutrients such as ammonium polyphosphate or nitrogen may be added to enhanced treatment efficiency. Following biological treatment, the groundwater is routed through a series of carbon absorption filters to further reduce pollutant levels. Subsequent to this tertiary treatment process, the effluent is discharged to an unnamed ditch, locally known as County Ditch #74 via the municipal storm sewer. The average reported discharge rate is less than one thousand gallons per day. The permit application requests discharge authorization for an average discharge of 680 gallons per day, with a maximum discharge volume of 800 gallons per day.

Effluent limitations were developed in accordance with best professional judgment which requires the application of best available technology economically achievable for the removal of toxic pollutants. These limitations are sufficient to protect receiving waters with a fishable/swimmable designated beneficial use.

### **Preliminary Determination on the Draft Permit**

The Minnesota Pollution Control Agency (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 Detroit Lakes 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 Deborah Idzorek at 651-757-2704.

### **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:

Deborah Idzorek, 5<sup>th</sup> Floor  
MPCA  
520 Lafayette Road North  
St. Paul, Minnesota 55155-4194

Discharge Point/Route to Receiving Waters:

