



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 MN0070246

Public Comment Period Begins: May 10, 2012
Public Comment Period Ends: June 11, 2012

Name and Address of Permittee:

Flint Hills Resources Pine Bend LLC
4111 E 37th St N
Wichita, KS 67220

Facility Name and Location:

Flint Hills Resources Pine Bend LLC - Dredging
13775 Clark Rd
T115N, R19W, Section 13,
Rosemount, Dakota County, Minnesota

Description of Permitted Facility

The Flint Hills Resources Pine Bend LLC - Dredging facility (Facility) is located at Section 13, Township 115 North, Range 19 West, Rosemount, Dakota County, Minnesota.

The principal activity at this facility is the productions of gasoline, fuel oils, asphalt, elemental sulfur, liquid petroleum gas, petroleum coke, jet fuel and aviation gas. On average, the facility handles 320,000 barrels of crude oil per day. Flint Hills Resources Pine Bend removes sediment in the Mississippi River from the existing barge dock slip to allow barges to be fully loaded to a draft of nine feet. To achieve this depth, the slip needs to maintain a minimum water depth of eleven to twelve feet to ensure that no barges bottom out in the slip.

Method or equipment: Mechanical

Volume of material to be dredged: 45,000 cubic yards (cy)/per event

Type of material to be dredged: silt

Begin date: upon issuance of this permit

Estimated frequency: every 3-6 years

Storage, treatment, disposal and/or reuse of dredged material are authorized in accordance with the terms and conditions of this permit. Prior to the use of a site for the storage, disposal, and/or reuse of dredged material, the Permittee shall obtain written MPCA approval for such use.

The location of the Facility is shown on the following 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 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 Emily Schnick at 651-757-2699.

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.

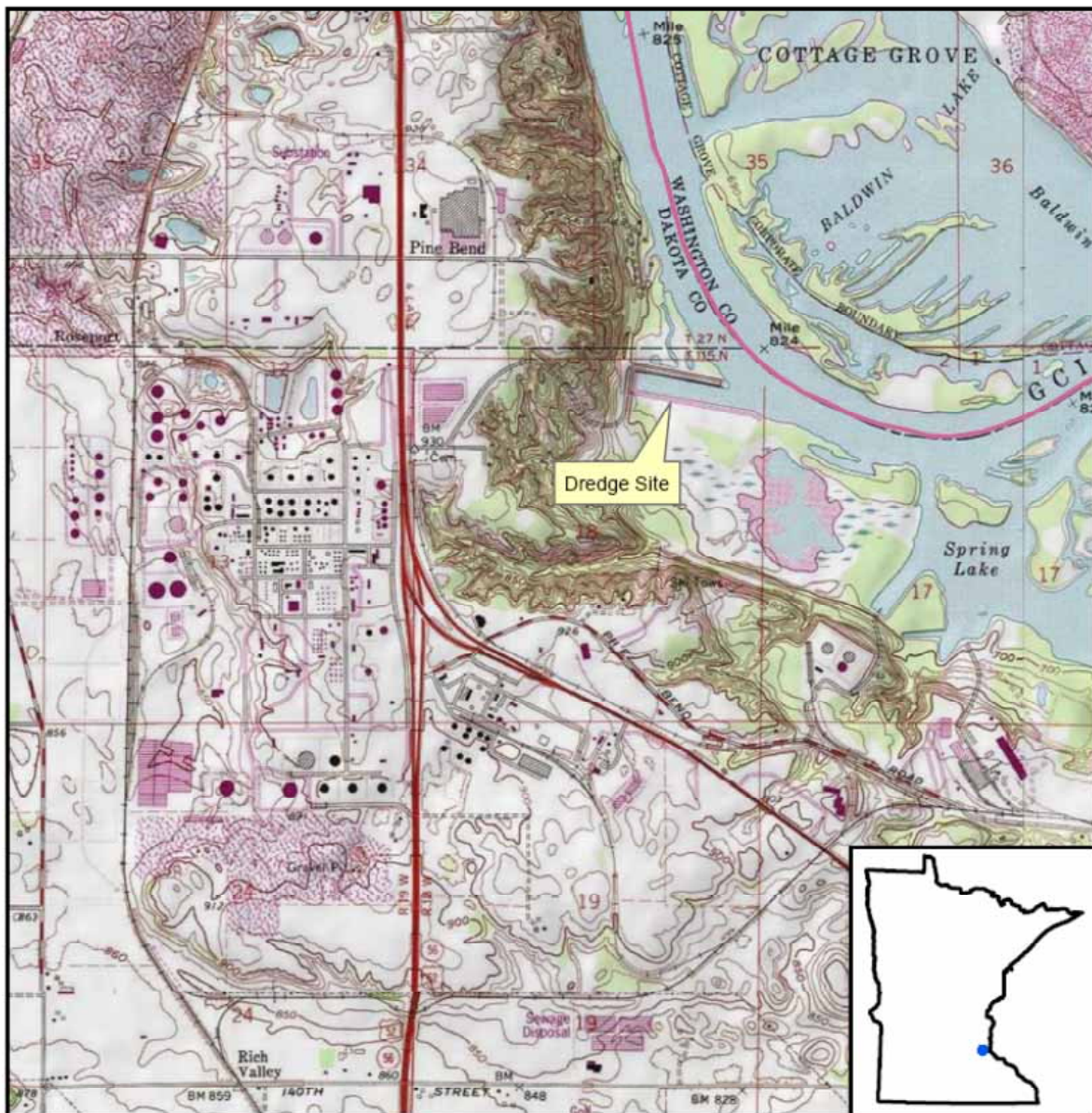
The written comments, requests, and petitions submitted on or before the last day of the public comment period will be considered in the final decision on this permit. If the MPCA does not receive written comments, requests, or petitions during the public comment period, MPCA staff as authorized by the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

Emily Schnick, 5th Floor
Minnesota Pollution Control Agency, Industrial Division
520 Lafayette Road North
St. Paul, MN 55155

Topographic Map of Permitted Facility

MN0070246: Flint Hills Resources Pine Bend, LLC
T115N, R18W, Section 18
Rosemount, Dakota County, Minnesota



Map produced by: MPCA Staff, 04/17/12
Source: USGS Quad
Scale: 1:25,000

0 0.175 0.35 0.7 Miles

