



## STATE OF MINNESOTA

**Minnesota Pollution Control Agency****Industrial Division**

**National Pollutant Discharge Elimination System (NPDES)/  
State Disposal System (SDS) Permit MN0070246**

<b>PERMITTEE:</b>	Flint Hills Resources Pine Bend LLC		
<b>FACILITY NAME:</b>	Flint Hills Resources Pine Bend LLC - Dredging		
<b>CITY OR TOWNSHIP:</b>	Rosemount	<b>COUNTY:</b>	Dakota
<b>ISSUANCE DATE:</b>		<b>EXPIRATION DATE:</b>	

The state of Minnesota, on behalf of its citizens through the Minnesota Pollution Control Agency (MPCA), authorizes the Permittee to operate a disposal system at the facility named above and to discharge from this facility to the receiving water named above, in accordance with the requirements of this permit.

The goal of this permit is to reduce pollutant levels in point source discharges and protect water quality in accordance with Minnesota and US statutes and rules, including Minn. Stat. chs. 115 and 116, Minn. R. chs. 7001, 7050, 7053, 7060, and the US Clean Water Act.

This permit is effective on the issuance date identified above, and supersedes the previous permit that was issued for this facility on July 1, 1996. This permit expires at midnight on the expiration date identified above.

*Signature:* \_\_\_\_\_  
 Jeff Udd, Supervisor *for* The Minnesota Pollution Control Agency  
 Water Quality Permits Section  
 Industrial Division

***Submit DMRs to:***

Attention: Discharge Monitoring Reports  
 Minnesota Pollution Control Agency  
 520 Lafayette Rd N  
 St Paul, MN 55155-4194

***Submit Other WQ Reports to:***

Attention: WQ Submittals Center  
 Minnesota Pollution Control Agency  
 520 Lafayette Rd N  
 St Paul, MN 55155-4194

***Questions on this permit?***

- For DMR and other permit reporting issues, contact:  
Jennifer Satnik, 651-757-2692.
- For specific permit requirements or permit compliance status, contact: Ken Moon, 651-757-2582
- General permit or NPDES program questions, contact:  
MPCA, 651-282-6143 or 1-800-657-3938.

520 Lafayette Rd. N.; St. Paul, MN 55155-4194; 651-296-6300 (voice); 651-282-5332 (TTY)

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## Table of Contents

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Permitted Facility Description	3
Topographic Map of Permitted Facility	4
Summary of Stations and Station Locations	5
Limits and Monitoring Requirements	6
 Chapter 1. Dredged Material Management	 7
1. Authorization	
2. Rehandling, Off-Loading and Transportation of Dredged Material	
3. Storage, Disposal and/or Reuse of Dredged Material	
4. Sampling and Analyses	
5. Annual Report	
6. Definitions	
Chapter 2. Waste Stream Stations	21
1. Sampling Location	
Chapter 3. Total Facility Requirements	21
1. General Requirements	

## Facility Description

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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 designated monitoring stations is specified on the "Summary of Stations and Station Locations."

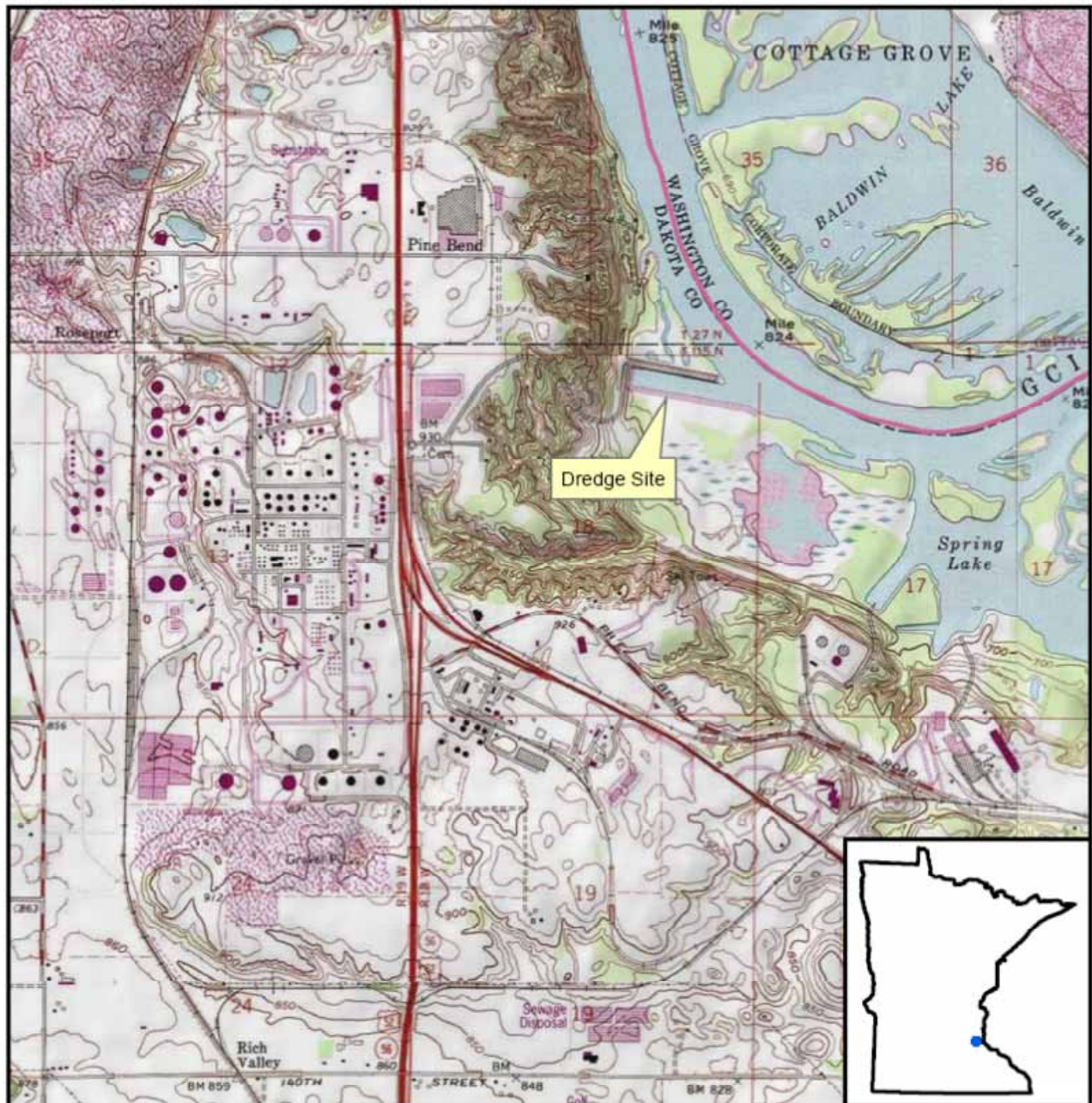
The location of the facility is shown on the "Topographical Map of Permitted Facility."

### 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

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**Waste Stream Stations**

<u>Station</u>	<u>Type of Station</u>	<u>Local Name</u>	<u>PLS Location</u>
WS001	Solids to Land Disposal/Non-application	Dredged Material to Management Sites	Section 18, Township 115 North, Range 18 West

**Flint Hills Resources Pine Bend LLC - Dredging  
Limits and Monitoring Requirements**

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The Permittee shall comply with the limits and monitoring requirements as specified below.

WS 001: Dredged Material to Management Sites

Parameter	Limit	Units	Limit Type	Effective Period	Sample Type	Frequency	Notes
Arsenic, Total, Dry Weight	20	mg/kg	Single Value	Jan-Dec	Composite	1 x Year	1
Cadmium, Total, Dry Weight, (as Cd)	160	mg/kg	Single Value	Jan-Dec	Composite	1 x Year	1
Carbon, Total Organic (TOC)	Monitor Only	%	Single Value	Jan-Dec	Composite	1 x Year	1
Chromium, Hexavalent, Dry Weight, (as Cr)	650	mg/kg	Single Value	Jan-Dec	Composite	1 x Year	1
Chromium, Trivalent, Dry Weight, (as Cr)	100000	mg/kg	Single Value	Jan-Dec	Composite	1 x Year	1
Copper, Total, Dry Weight, (as Cu)	9000	mg/kg	Single Value	Jan-Dec	Composite	1 x Year	1
Lead, Total, Dry Weight (as Pb)	700	mg/kg	Single Value	Jan-Dec	Composite	1 x Year	1
Mercury, Total, Dry Weight, (as Hg)	1.5	mg/kg	Single Value	Jan-Dec	Composite	1 x Year	1
Moisture Content	Monitor Only	%	Single Value	Jan-Dec	Composite	1 x Year	1
Nickel, Total, Dry Weight, (as Ni)	2500	mg/kg	Single Value	Jan-Dec	Composite	1 x Year	1
Nitrite Plus Nitrate, Total, Dry Weight, (as N)	Monitor Only	mg/kg	Single Value	Jan-Dec	Composite	1 x Year	1
Nitrogen, Ammonia, Dry Weight	Monitor Only	mg/kg	Single Value	Jan-Dec	Composite	1 x Year	1
Nitrogen, Kjeldahl, Total, Solid Fraction, Dry Weight	Monitor Only	%	Single Value	Jan-Dec	Composite	1 x Year	1
Particle Size, .05-2.0 mm Sand, Dry Weight	Monitor Only	%	Single Value	Jan-Dec	Composite	1 x Year	1
PCBs (Polychlorinated bipheyls), Dry Weight	8	mg/kg	Single Value	Jan-Dec	Composite	1 x Year	1
Phosphorus, Total, Dry Weight (as P)	Monitor Only	mg/kg	Single Value	Jan-Dec	Composite	1 x Year	1
Selenium, Total, Dry Weight (as Se)	1250	mg/kg	Single Value	Jan-Dec	Composite	1 x Year	1
Zinc, Total, Dry Weight, (as Zn)	70000	mg/kg	Single Value	Jan-Dec	Composite	1 x Year	1

Notes:

1 -- Refer to Table 3 of Appendix 1 to this permit to determine the minimum number of samples required for sediment evaluation. Analysis must be conducted on samples that are representative of, and in consideration of the dredged material and activities at the project site. In some cases, the minimum number of samples indicated on Table 3 will not be adequate to obtain representative samples, and additional analysis may be required. For sample demonstrating sediment composition equal or greater than 93% sand, as evidenced by the analyte results for "Particle Size 0.05-2.0 mm Sand Dry Weight," analysis of remaining analytes in this section is not required.

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## **Chapter 1. Dredged Material Management**

### **1. Authorization**

- 1.1 This permit authorizes the Permittee to store, dispose, and/or reuse dredged material in accordance with the provisions of this permit.
- 1.2 This permit authorizes the discharge of stormwater originating from the project site as delineated and described by the requirements of part 3.10 of this chapter, as well as incidental discharges associated with rehandling, off-loading and/or transportation activities when managed in accordance with parts 2.1 through 2.5 of this chapter.

Other discharges of wastewater are not authorized by this permit.

- 1.3 This permit does not authorize or otherwise regulate dredging activity. However, dredging activity is subject to the water quality standards specified in Minnesota Rules chs. 7050 and 7060.

Initiation of dredge activities shall not commence until the Permittee has obtained all federal, state and/or local approvals that may be required for a particular project, including but not limited to state permits regulating activities in the bed of public waters as defined in Minn. Stat. sec. 105 from the Minnesota Department of Natural Resources (DNR), federal permits for dredged or fill material from the US Army Corps of Engineers (USCOE), and local permits from the appropriate Soil and Water Conservation District, county or local unit of government (LUG).

- 1.4 The following activities are not authorized by this permit:

- a. The discharge of wastewater or stormwater into waters of the state, except as provided by part 1.2 of this permit.
- b. The discharge of dredged material to surface water from the storage, disposal and/or reuse facility, including disposal methods such as as unconfined disposal, beach nourishment, disposal in wetlands, other in-water disposal, or hydraulic dredging with return flow (non-confined hydraulic dredging).
- c. Permit coverage at sites for which Environmental Assessment Worksheets or Environmental Impact Statements are required, in accordance with Minn. R. ch. 4410, until that environmental review is completed.
- d. The discharge of sewage, wash water, scrubber water, spills, oil, hazardous substances, or equipment/vehicle cleaning and maintenance wastewaters to ditches, wetlands nor other surface waters of the state.
- e. The routing of pollutants from the dredging activity or the dredged material storage, disposal, and/or reuse facility to a municipal wastewater treatment system in any manner unless authorized by the pretreatment standards of the MPCA and the municipal authority.
- f. The transport of pollutants to a municipal wastewater treatment system that will interfere with the operation of the treatment system or cause pass-through violations of effluent limits or water quality standards.

- 1.5 Compliance with the terms and conditions of this permit releases the Permittee from the requirement to obtain a separate permit for industrial activities at the storage, disposal and/or reuse site that would otherwise require the Permittee to obtain an industrial stormwater permit in accordance with the Clean Water Act and Agency rules, except where the use or reuse of dredged material is occurring at a location separate from other activity covered by this permit. The requirement to obtain a construction stormwater permit for land disturbing activities, where otherwise required, is not waived by this permit.

### **2. Rehandling, Off-Loading and Transportation of Dredged Material**

- 2.1 Dredged materials shall be managed in a manner so as to minimize the amount of material returned by spillage, erosion or other discharge to waters of the state during rehandling, off-loading and/or transportation activities.

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## **Chapter 1. Dredged Material Management**

### **2. Rehandling, Off-Loading and Transportation of Dredged Material**

- 2.2 Areas for the rehandling and/or off-loading of dredged material shall be sloped away from surface water, or otherwise designed to prevent runoff from the area. In cases where the topography of the project does not physically allow for a slope away from surface water, the Permittee shall otherwise manage the area to minimize the amount of material returned by spillage, erosion or other discharge to waters of the state.
- 2.3 Dredged material hauled on federal, state, or local highways, roads, or streets must be hauled in such a way as to prevent dredged material from leaking, spilling, or otherwise being deposited in the right-of-way. Dredged material deposited on a public roadway must be immediately removed and properly disposed.
- 2.4 The Permittee shall minimize vehicle tracking of soil or dredged material off-site at locations where vehicles exit the dredging, storage, disposal and/or reuse facility onto impervious surfaces by BMPs such as stone pads, concrete or steel wash racks, or equivalent systems.
- 2.5 Tracked soil and/or dredged material shall be removed from impervious surfaces that do not drain back to the dredged material storage, disposal and/or reuse facility within 24 hours of discovery, and placed in the storage, disposal and/or reuse facility site.

### **3. Storage, Disposal and/or Reuse of Dredged Material**

- 3.1 Authorization. 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.
- 3.2 General. Any site used for the storage, disposal and/or reuse of a dredged material shall be operated and maintained by the Permittee to control runoff, including stormwater, from the facility to prevent the exceedance of water quality standards specified in Minnesota Rules, chs. 7053 and 7060.
- 3.3 The Permittee shall limit and control the use of materials at the facility that may cause exceedances of ground water standards specified in Minnesota Rules, ch. 7060. These materials include, but are not limited to, detergents and cleaning agents, solvents, chemical dust suppressants, lubricants, fuels, drilling fluids, oils, fertilizers, explosives and blasting agents.
- 3.4 The Permittee may dispose of dredged material at a permitted solid waste landfill, through on-site disposal, or through reuse for a beneficial purpose, as follows:
  - a. Temporary storage and/or treatment of dredged material at the dredge project site. Temporary storage of dredged material is subject to the requirements of part 3.5 of this chapter.
  - b. Disposal of dredged material at the dredge project site. Disposal of dredged material is subject to parts 3.6 through 3.41 of this chapter.
  - c. Reuse of dredged material for beneficial purposes. Reuse of dredged material is subject to parts 3.42 through 3.45 of this chapter.

#### **A. Temporary Storage and/or Treatment of Dredged Material**



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## **Chapter 1. Dredged Material Management**

### **3. Storage, Disposal and/or Reuse of Dredged Material**

- 3.5 All of the following requirements apply to the temporary storage and/or treatment of dredged material:
- a. Temporary storage shall not exceed 1 year. Storage or accumulation of dredged material for more than 1 year constitutes disposal, and is subject to the disposal facility requirements of parts 3.6 through 3.41 of this chapter.
  - b. The quantity of dredged material to be stored at the site shall not exceed the quantity of material authorized for disposal at the site, as specified by part 3.12 of this chapter.
  - c. Dredged materials shall be managed in a manner so as to minimize the amount of material returned by spillage, erosion or other discharge to waters of the state. Best management practices for the management of dredged materials are outlined in the MPCA fact sheet, "Best Management Practices for the Management of Dredged Material", (wq-qen2-01, 4/07), which is included in the Appendices section of this permit.
  - d. If dikes, berms or silt fences have been constructed to contain temporary stockpiles of dredged material, they shall not be removed until all material has been removed from the stockpile.

#### **B. Disposal of Dredged Material**

- 3.6 Disposal of dredged material is not authorized by this permit.
- 3.7 Notification. Notification of a new or existing dredge disposal facility shall be submitted on a form provided by the MPCA, or another MPCA approved form, for MPCA review and approval with permit application.
- 3.8 Disposal facilities shall be constructed/operated in accordance with local requirements, including the requirement to obtain a permit, license, or other governmental approval to initiate construction.
- 3.9 Initial Site Plan. An initial site plan shall be prepared and submitted for MPCA review and approval with permit application. The initial site plan shall consist of volume calculations for the final permitted capacity and a map of the facility. The map of the facility shall include the permitted boundaries, dimensions, site contours (at contour intervals of two feet or less), soil boring locations with surface elevations and present and planned pertinent features, including but not limited to roads, screening, buffer zone, fencing, gate, shelter and equipment buildings, and surface water diversion and drainage. The initial site plan must be signed by a land surveyor registered in Minnesota or a professional engineer registered in Minnesota.
- 3.10 Delineation and Identification of Permitted Waste Boundary. The perimeter or outer limit of a dredged material disposal facility shall be indicated by permanent posts or signage. In addition, a permanent sign, identifying the operation and showing the permit number of the site, shall be posted at the dredged material disposal facility.

#### **Site Selection and Use**

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## **Chapter 1. Dredged Material Management**

### **3. Storage, Disposal and/or Reuse of Dredged Material**

- 3.11 Locational Prohibitions. All of the following locational standards apply to any facility for the disposal of dredged material:
- a. The disposal facility must be located entirely above the high water table.
  - b. The disposal facility must not be located within a shoreland or wild and scenic river land use district governed by Minn. R. chapters 6105 and 6120.
  - c. The disposal facility must not be located within a wetland, unless the Permittee has obtained all federal, state and/or local approvals that may be required for a particular project.
  - d. The disposal facility must not be located in the designated Karst Region in the Southeastern portion of Minnesota that was subject to the 1993 Administrative Order that required the preparation of a contingency plan.
  - e. The disposal area shall not be located in an area which is unsuitable because of topography, geology, hydrology, or soils.
- 3.12 Separation Distances. A minimum separation distance of 50 feet must be maintained between the boundaries of the disposal facility and the site property line.

#### **Design Requirements**

- 3.13 The following design standards apply to a facility used for the disposal of dredged materials:
- a. An earthen containment dike, or other MPCA approved embankment and/or other sediment control measure(s), shall be established around the perimeter of the dredged material disposal facility (permitted waste boundary).
  - b. Site preparation shall allow for orderly development of the site. Initial site preparations shall include clearing and grubbing, topsoil stripping and stockpiling, fill excavation, if appropriate, drainage control structures, and other design features necessary to construct and operate the facility.
  - c. The site shall be developed in phases in accordance with a 'Operational Plan', as specified by part 3.16 of this chapter, to achieve final fill elevations as rapidly as possible. The design of each phase shall take into account weather conditions, site drainage, and the waste flow pattern into the site.
  - d. Surface water runoff shall be diverted around dredged materials disposal facilities to prevent erosion, and protect the structural integrity of exterior embankments from failure.
  - e. Slopes and drainageways shall be designed to prevent erosion. Slopes longer than 200 feet shall be interrupted with drainageways.
  - f. Final slopes for the fill area shall be a minimum two percent and a maximum 20 percent, and shall be consistent with the planned ultimate use for the site.
  - g. Final cover shall consist of at least 18 inches of soil with the top 12 inches capable of sustaining vegetative growth.
  - h. For a system that will impound water (e.g. hydraulic dredging) with a constructed dike over 6 feet in height, or that impound more than 15 acre-feet of water, the system is subject to Minn. R. parts 6115.0300 through 6115.0520 [state Dam Safety Program]. Contact state Dam Safety Program staff at (651) 296-0521 for more information.

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## **Chapter 1. Dredged Material Management**

### **3. Storage, Disposal and/or Reuse of Dredged Material**

- 3.14 Site Stabilization. The Permittee shall stabilize the dredged material disposal facility before any disposal in the facility is allowed, as follows:
- a. The exterior slope of all permanent dikes or berms shall be no steeper than 3 to 1 (horizontal to vertical). The exterior slopes of all permanent dikes or berms must be seeded and a soil fixative (e.g. mulch, blanket) applied within 72 hours of the completion of any grading work on the slopes.
  - b. If grading work is completed too late in the growing season to seed or plant the desired species, then the Permittee must propagate an annual cover crop that can be dormant seeded or planted and must apply a soil fixative to the site. At the very minimum, the Permittee must apply a soil fixative to the exterior slopes of all permanent dikes or berms prior to the first snowfall.
  - c. Silt fences, if used, must be properly installed. The silt fences shall be tall enough and installed at a sufficient distance from the base of the permanent dikes/berms or temporary stockpiles to create a reasonable secondary containment area.
- 3.15 Operational Plan. An Operational Plan of the site and immediately adjacent area shall be developed and implemented, and shall show progressive development of trench and/or area fills and any phase construction. The scale of the development plan shall not be greater than 200 feet per inch.
- 3.16 Facilities for the disposal of dredged material shall be designed by a professional engineer registered in the state of Minnesota, and in accordance with the criteria in parts 3.12 and 3.13 of this chapter. The Permittee shall construct the facility in accordance with these design plans and specifications under the direct supervision of a professional engineer registered in the state of Minnesota.
- 3.17 Certification Required. Prior to use of a facility for the disposal of dredged material under this part, the Permittee shall obtain and submit written certification from an engineer licensed in Minnesota stating that the disposal facility meets the requirements of parts 3.12 and 3.13 of this chapter, and has been constructed in accordance with the design plans and specifications.

### **Site Management, Limitations, and Restrictions**

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## **Chapter 1. Dredged Material Management**

### **3. Storage, Disposal and/or Reuse of Dredged Material**

3.18 New or Expanded Facilities. All of the following requirements apply to the construction of new or expanded facilities used for the disposal of dredged material:

- a. The Permittee shall plan for and implement construction practices that minimize erosion and maintain dike integrity.
- b. Erosion control measures shall be established on all downgradient perimeters prior to the initiation of any upgradient land-disturbing construction activities.
- c. Surface runoff must be directed around and away from the storage and/or disposal facility site, until the site is stabilized, usually by assuring that vegetative cover is well-established.
- d. Sediment control practices shall be designed and implemented to minimize sediment from entering surface waters. The timing of the installation of sediment control practices may be adjusted to accommodate short-term activities such as equipment access. Any short-term activity must be completed as quickly as possible and the sediment control practices must be installed immediately after the activity is completed. However, sediment control practices must be installed before the next precipitation event even if the activity is not complete.
- e. All erosion and sediment control measures shall remain in place until final stabilization has been established. Permanent cover or final stabilization methods are used to prevent erosion, such as the placement of rip rap, sodding, or permanent seeding or planting. Permanent seeding and planting must have a uniform perennial vegetation cover of at least 70 percent density to constitute final stabilization.
- f. The facility shall be stabilized, as specified by part 3.14 of this chapter, before any disposal in the facility is allowed.

3.19 Management of Disposal Facilities. The following standards apply to a facility used for the disposal of dredged material:

- a. Each fill phase shall be outlined with grade stakes, and staked for proper grading and filling.
- b. All trenches or fill areas shall be staked with permanent markers.
- c. A permanent benchmark shall be installed on-site and show its location on the facility as-built plan.
- d. Run-on and run-off of stormwater shall be controlled. The owner or operator must implement management practices designed to control run-on and run-off of stormwater from the disposal facility.
- e. Vegetative cover shall be established within 120 days of reaching the final permitted capacity of the dredged material disposal facility, or within 120 days of the inactivation or completion of a phase of the facility thereof.
- f. If the disposal facility contains any particulate matter that may be subject to wind dispersion, the owner or operator shall cover or otherwise manage the dredged material to control wind dispersion.
- g. Nuisance conditions resulting from the disposal of dredged material shall be controlled and managed by the facility owner or operator.
- h. Cover slopes shall be surveyed and staked during placement.
- i. Final closure of a dredged material disposal facility shall be completed in accordance with parts 3.30 through 3.40 of this chapter, and requires MPCA approval.

### **Inspection and Maintenance**

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## **Chapter 1. Dredged Material Management**

### **3. Storage, Disposal and/or Reuse of Dredged Material**

- 3.20 The Permittee shall operate and maintain the integrity of the dike system, embankment and/or other erosion control equipment in compliance with the design requirements of parts 3.12 and 3.13 of this chapter at all times.
- 3.21 Periodic Site Inspections. The Permittee shall inspect the disposal facility to ensure integrity of the erosion control measures, system stability and dredged material containment. At a minimum, the facility shall be inspected:
- a. prior to the initial placement of any dredged material in the facility; and,
  - b. within 24 hours of each significant storm event and/or the subsidence of flood events; or,
  - c. at least once per month if a and/or b, above, are not occurring.
- 3.22 Recordkeeping. The Permittee shall record the date of each inspection, any problem identified with the facility, and the action(s) taken to correct any identified problem. The Permittee shall keep these inspection records on site and available to MPCA staff upon request.
- 3.23 Nonfunctioning erosion and sediment control measures shall be repaired, replaced or supplemented with functioning erosion and/or sediment control measures within three days of discovery.
- 3.24 Dikes and berms constructed to contain hydraulically dredged material and the attendant liquid must be maintained free of all types of animal burrows. Animal burrows should be backfilled with compacted material within three days of discovery.
- 3.25 Where dredging and disposal have been suspended due to frozen ground conditions, the inspections and maintenance shall begin as soon as weather conditions warrant, or prior to resuming dredged material placement in the disposal facility, whichever occurs first.
- 3.26 The Permittee shall continue inspections required by this part until final closure of the site has been completed as specified in parts 3.30 through 3.40 of this chapter.

#### **Sediment Removal and Disposal**

- 3.27 Dredged material shall be removed from disposal facilities in a manner so as to not damage the integrity and effectiveness of the containment structure or area.
- 3.28 Dredged material removed from a storage, disposal, and/or reuse facility shall be managed in accordance with part 3.4 of this chapter.
- 3.29 Recordkeeping. The Permittee shall record the dates, the volume of dredged material removed from the disposal facility, and the method and location of the disposition (disposal or reuse) of such materials. This information shall be submitted with the annual 'Dredged Material Report', as specified in the 'Annual Report' part of this chapter.

#### **Closure and Post-Closure Requirements**

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## **Chapter 1. Dredged Material Management**

### **3. Storage, Disposal and/or Reuse of Dredged Material**

- 3.30 The Permittee must cease to dispose of dredged materials and immediately close the dredged material disposal facility when:
- a. the Permittee declares the dredged material disposal facility closed;
  - b. all fill areas reach final permitted capacity, as specified by part 3.12 of this permit;
  - c. an agency permit held by the facility expires, and renewal of the permit is not applied for, or is applied for and denied;
  - d. an agency permit for the facility is revoked; and/or,
  - e. an agency order to cease operations is issued.
- 3.31 Closure Plan. The Permittee shall prepare and submit a 'Closure Plan' for the final closure of a dredged material disposal facility for MPCA review and approval with permit application.
- 3.32 If repairs are necessary as a result of the professional engineer's inspection, a detailed proposal for restoration shall be submitted to the Agency for review within 180 days of discovery, and at least 60 days prior to initiation of restoration work.
- 3.33 A copy of the approved 'Closure Plan' and all revisions to the plan shall be kept at the facility until closure is completed and certified in accordance with part 3.39 of this chapter. At the time of closure, the Agency will issue a closure document in accordance with Minn. R. part 7001.3055.
- 3.34 Amendment of Plan. The Permittee may amend the 'Closure Plan' (plan) any time during the life of the facility. The Permittee shall amend the plan whenever changes in the operating plan or facility design affect the closure procedures needed, and whenever the expected year of closure changes. Required amendments shall be completed within 60 days of any change or event that affects the closure plan.
- 3.35 Notification of Final Facility Closure. The Permittee shall notify the MPCA at least 90 days before final facility closure activities are to begin, except if the permit for the facility has been revoked.
- 3.36 Closure Performance Standard. The Permittee must close the dredged material disposal facility in a manner that eliminates, minimizes, or controls the escape of pollutants to ground water or surface waters, to soils, or to the atmosphere during the postclosure period.
- 3.37 Completion of Closure Activities. Within 30 days after receiving the last shipment of dredged material for disposal, the Permittee must begin the final closure activities outlined in the approved 'Closure Plan' for the dredged material disposal facility. Closure activities must be completed according to the approved 'Closure Plan'. The MPCA may approve a longer period if the owner or operator demonstrates that the closure activities will take longer due to adverse weather or other factors not in the control of the Permittee.
- 3.38 Closure Procedures. If one or more of the conditions of part 3.30 of this chapter exists, the Permittee shall:
- a. Complete the appropriate activities outlined in the approved 'Closure Plan'.
  - b. Complete final closure activities consisting of submitting to the county recorder and the MPCA a detailed description of the waste types accepted at the facility and what the facility was used for, together with a survey plat of the site. The plat must be prepared and certified by a land surveyor registered in Minnesota. The landowner must record a notation on the deed to the property or on some other instrument normally examined during a title search, that will in perpetuity notify any potential purchaser of the property of any special conditions or limitations for use of the site, as set out in the 'Closure Plan' and closure document.

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## **Chapter 1. Dredged Material Management**

### **3. Storage, Disposal and/or Reuse of Dredged Material**

3.39 Certification of Closure. When final facility closure is completed, the Permittee shall submit to the commissioner certification by the Permittee and an engineer registered in Minnesota that the facility has been closed in accordance with part 3.38 of this chapter.

The certification shall contain the following elements:

- a. a completed and signed 'Site Closure Record';
- b. documentation of closure, such as pictures, showing the construction techniques used during closure; and,
- c. a copy of the notation carrying the recorder's seal which has been filed with the county recorder.

3.40 Post-Closure Care. After final closure, the Permittee shall comply with the following requirements:

- a. restrict access to the facility by use of gates, fencing, or other means to prevent further disposal at the site, unless the site's final use allows access;
- b. maintain the integrity and effectiveness of the final cover, including making repairs to the final cover system as necessary to correct the effects of settling, subsidence, gas and leachate migration, erosion, root penetration, burrowing animals, or other events;
- c. prevent run-on and run-off from eroding or otherwise damaging the final cover;
- d. protect and maintain surveyed benchmarks used in complying with part 3.19 of this chapter; and,
- e. complete corrective action necessary to meet the requirements of part 3.19 of this chapter within 30 days of discovery.

### **C. Beneficial Use or Re-Use of Dredged Material**

3.41 Prior to the use or reuse of a dredged material, the Permittee shall determine the appropriate "suitable reuse category" of the dredged material to be used or reused, as described below.

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## **Chapter 1. Dredged Material Management**

### **3. Storage, Disposal and/or Reuse of Dredged Material**

3.42 Suitable Reuse Categories. The suitable reuse category of a dredged material is based on the analyzed characteristics of the dredged material and appropriately applied Soil Reference Values (SRVs), which are listed in Table 1 in the Appendices section of this permit.

For the purposes of this permit, dredged material intended for the beneficial use or reuse is categorized into three tiers: Level 1, Level 2, and Level 3.

a. Level 1 material is authorized to be used or reused at/on sites with a residential or recreational property use category. Level 1 material is characterized by:

i. a contaminant level that is at or below all respective analyte concentrations listed in the Residential SRV column for any contaminant that can be reasonably expected to be present in the dredged material; or,

ii. having more than 93% sand, as demonstrated by the grain size analysis described by part 4.5 of this chapter.

b. Level 2 material is authorized to be used or reused on/at sites with an industrial use category. Level 2 material is characterized by a contaminant level that is at or below all respective analyte concentrations listed in the Industrial SRV column for any contaminant that can be reasonably expected to be present in the dredged material.

c. Level 3 material is NOT authorized to be used or reused under this permit. Level 3 material is characterized by a contaminant level that is greater than any respective analyte concentrations listed in the Industrial SRV column for any contaminant that can be reasonably expected to be present in the dredged material.

3.43 The use or reuse of dredged material as beach nourishment is not authorized by this permit.

3.44 Storage Prior to Reuse. Storage of dredged material prior to reuse or use is subject to the temporary storage requirements of part 3.5 of this chapter, or the disposal requirements of parts 3.6 through 3.40 of this chapter, as applicable.

### **4. Sampling and Analyses**

4.1 Timing of sediment evaluation. Dredged material shall be evaluated for pollutant contamination prior to removal of sediment, and in accordance with the terms and conditions of this permit. Evaluation need not be repeated prior to final disposition, except in the case where co-mingling with other material has occurred at the treatment, storage, disposal and/or reuse site, and/or if additional analysis is specified by the MPCA.

4.2 Sampling location. Sample locations must properly characterize the dredged sediment.

4.3 Number of samples. Except for sieve grain size analysis, refer to Table 3 of Appendix 1 to this permit to determine the minimum number of samples required for sediment evaluation. Analysis must be conducted on samples that are representative of, and in consideration of the dredged material and activities at the project site. In some cases, the minimum number of samples indicated on Table 3 will not be adequate to obtain representative samples, and additional analysis may be required. For sieve grain size analysis, a minimum of six representative sediment samples is required. For samples demonstrating sediment composition equal to or greater than 93% sand, as evidenced by the analyte results for "Particle Size .05-2.0 mm Sand, Dry Weight", analysis of remaining analytes in the 'Limits and Monitoring' section of this permit is not required (Table 1 of the Appendix).

4.4 Based on the evaluation of historical land uses and the reasonable likelihood for pollutants in the sediment to be dredged, analysis of analytes beyond the baseline analytes (Table 1 of the Appendix) may be required. These additional analytes are listed in Table 2 of the Appendix.



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## **Chapter 1. Dredged Material Management**

### **4. Sampling and Analyses**

4.5 All of the following apply to sediment sampling at dredge project sites:

- a. Samples shall be managed in accordance with ASTM E1391-03 Standard Guide for Collection, Storage, Characterization, and Manipulation of Sediments for Toxicological Testing and for Selection of Samplers Used to Collect Benthic Invertebrates.
  - b. All samples shall be taken with a core sampler, or another MPCA approved method.
  - c. All sampling equipment shall be properly cleaned prior to and following each sample collection.
  - d. The sieve grain size analysis shall be conducted using US Standard sieve numbers 10, 40, 100, and 200, and in accordance with ASTM Method D-422.
  - e. Samples collected for PCB, pesticide and other organic analyses shall be collected and processed using metallic (stainless steel preferred) liners, tubs, spoons and spatulas. Samples collected for other chemical analysis, including heavy metals, shall be collected and processed using non-metallic liners, tubs, spoons and spatulas.
  - f. Core samples from the dredging site shall be taken to the proposed dredging depth plus 2 feet, and shall be analyzed from each distinct layer observed in the material to be dredged. If no strata formation exists, core samples shall be divided into 2-foot segments, and each segment shall be analyzed for the required chemicals and characteristics. For cores extending into parent material, analysis of only the top 2-foot segment of parent material is required.
  - g. Core samples shall be visually inspected for the existence of strata formation, and a written description including position, length, odor, texture and color of the strata shall be provided to the Agency.
- 4.6 Grain Size Analysis. To demonstrate that dredged material from a given project or site is predominantly sand, and is therefore unlikely to be contaminated, 93% of the dredged material must be coarser than silt. To make this determination, the following procedure must be used:
- a. Conduct a sieve grain analysis using ASTM Method C-136 for the gradation analysis and ASTM Method D-2487 for classification.
  - b. Determine the minimum number of samples required using Table 3 in the Appendices section of this permit, based on the total amount of material to be dredged.
  - c. Conduct the analysis using the following US Standard sieves: 1", 1/2", 3/8", #4, #10, #100 and #200.
  - d. Report the results for each of the discrete sample locations as a mass percentage of retained sediments.

### **5. Annual Report**

- 5.1 Submit an annual 'Dredged Material Report' by February 1 of each year following permit issuance, for the preceding calendar year. The Permittee shall provide this report even if no dredging occurred during the preceding calendar year. Report on the form provided by the MPCA in the Appendices section of this permit, or another MPCA approved form.

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## **Chapter 1. Dredged Material Management**

### **5. Annual Report**

- 5.2 The annual 'Dredged Material Report' shall be on a form provided by the MPCA, or another MPCA approved form, and shall include the following elements:
- a. Dates of dredging;
  - b. Volume of material placed into storage or disposal facility;
  - c. Any incidents, such as spills, unauthorized discharge and/or other permit violations which may have occurred;
  - d. Water level records for the disposal facilities of hydraulic dredging projects;
  - e. Such information as the MPCA may reasonably require of the Permittee pursuant to Minn. R. 7001 and Minn. Stat. chap. 115 and 116 as amended;
  - f. For disposal facilities, the dates of 'Periodic Site Inspections' required by part 3.21 of this chapter, and the status of erosion control measures at the disposal facility;
  - g. For disposal facilities, the dates, the volume of dredged material removed from the disposal facility, and the method and location of the disposition (disposal or reuse) of such materials.
  - h. For facilities that used or reused dredged material during the previous calendar year, the following information shall also be provided:
    - i. A written description of the use or reuse of the dredged material;
    - ii. A written determination of the use category and appropriate Soil Reference Values (SRVs), as described by part 3.42 of this chapter; and,
    - iii. The results of an evaluation of the level of contaminants in the dredged material proposed for reuse for the respective SRVs, as described in part 3.42 of this chapter.
- 5.3 Where a spill, unauthorized discharge and/or other violation occurred during the previous calendar year, a copy of the report generated or information submitted in accordance with part 1.31 and/or part 1.33 of the 'Total Facility Requirements' chapter shall be included in the annual 'Dredged Material Report'.

### **6. Definitions**

- 6.1 "Agency" means the Minnesota Pollution Control Agency (MPCA).
- 6.2 "Beach Nourishment" means the disposal of dredged material on the beaches or in the water waterward starting at or above the Ordinary High Water Level (OHWL) for the purpose of adding to, replenishing, or preventing the erosion of, beach material.
- 6.3 "Beneficial Re-use" means the re-use of dredged material, after the material has been dewatered, in projects such as, but not limited to: road base, building base or pad, etc.
- 6.4 "Best Management Practices" (BMPs) means practices to prevent or reduce pollution of the waters of the state, including schedules of activities, prohibitions of practices, and other management practices and also includes treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge, or waste disposal or drainage from material storage, as defined in Minnesota Rules pt. 7001.1020, subp.5.
- 6.5 "Carriage, or Conveyance, Water" means the water portion of a slurry of water and dredged material.
- 6.6 "Carriage Water Return Flow" means the carriage water which is returned to a receiving water after separation of the dredged material from the carriage water in a disposal, rehandling or treatment facility.

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## **Chapter 1. Dredged Material Management**

### **6. Definitions**

- 6.7 "Construction Activity" means a disturbance to the land that results in a change in the topography, existing soil cover (both vegetative and non-vegetative), or the existing soil topography that may result in accelerated stormwater runoff, leading to soil erosion and movement of sediment into waters of the state. Examples can include clearing, grading, filling and excavating.
- 6.8 "Design capacity" means the total volume of compacted dredged materials, along with any topsoil, intermittent, intermediate, and/or final cover, as calculated from final contour and cross-sectional plan sheets that define the areal and vertical extent of the fill area.
- 6.9 "Discharges of Dredged Material" means any addition of dredged material into waters of the state and includes discharges of water from dredged material disposal operations including beach nourishment, upland, or confined disposal which return to waters of state. Material resuspended during normal dredging operations is considered "de minimis" and is not a dredged material discharge.
- 6.10 "Disposal Facility" means a structure, site or area for the disposal of dredged material.
- 6.11 "Dredged Material" means any material removed from the bed of any waterway by dredging.
- 6.12 "Dredging" means any part of the process of the removal of material from the beds of waterways; transport of the material to a disposal, rehandling or treatment facility; treatment of the material; discharge of carriage or interstitial water; and disposal of the material.
- 6.13 "Erosion Control" means methods employed to prevent erosion. Examples include: soil stabilization practices, horizontal slope grading, temporary or permanent cover, and construction phasing. (look for SW definition)
- 6.14 "Final Stabilization" means that all soil disturbing activities at the site have been completed, and that a uniform perennial vegetative cover (a density of 70 percent cover for unpaved areas and areas not covered by permanent structures) has been established or equivalent permanent stabilization measures have been employed. Examples of vegetative cover practices can be found in Supplemental Specifications to the 1988 Standard Specifications for Construction (Minnesota Department of Transportation, 1991).
- 6.15 "Flood Event" means that the surface elevation of a waterbody has risen to a level that causes the inundation or submersion of areas normally above the Ordinary High Water Level.
- 6.16 "Grain Size Analysis" means a method to determine dredged material and disposal site sediment particle size distribution.
- 6.17 "Hazardous Waste" has the meaning given in Minn. Stat. section 116.06, subd. 11.
- 6.18 "Impervious Surface" means a constructed hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development. Examples include: rooftops, sidewalks, patios, driveways, parking lots, storage areas, and concrete, asphalt, or gravel roads.
- 6.19 "Impoundment" means a natural or artificial body of water or sludge confined by a dam, dike, floodgate, or other barrier.
- 6.20 "Interstitial, or Pore, Water" means water contained in the interstices or voids of soil or rock in the dredged material.
- 6.21 "MPCA" means the Minnesota Pollution Control Agency, or Minnesota Pollution Control Agency staff as delegated by the Minnesota Pollution Control Agency.

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## **Chapter 1. Dredged Material Management**

### **6. Definitions**

- 6.22 "Ordinary High-Water Level (OHWL)" means the boundary of waterbasins, watercourses, public waters, and public waters wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool. (Minn. Stat. chap. 103G.005 Subd. 14 and MN Rule 6120.2500 Subp. 11.)
- 6.23 "Permittee" means the entity identified as Permittee on the cover letter authorizing coverage under this permit.
- 6.24 "Pollutant" means any sewage, industrial waste, or other wastes, as defined in Minnesota Statutes permit 115.01, discharged into a disposal system or to waters of the state.
- 6.25 "Rehandling Facility" means a temporary storage site or facility used during the transportation of dredged material to a treatment or disposal facility.
- 6.26 "Run-off" means any liquid that drains over land from any part of a facility.
- 6.27 "Run-on" means any liquid that drains over land onto any part of a facility.
- 6.28 "Sediment" means the unconsolidated inorganic and organic material that is suspended in and being transported by surface water, or has settled out and has deposited into beds.
- 6.29 "Significant Storm Event" means a storm event that is greater than 1.0 inches in magnitude and that occurs at least 72 hours from the previously measurable (greater than 1.0 inch rainfall) storm event. The 72-hour storm event interval may be waived where:
- a. the preceding measurable storm event did not result in a measurable discharge from the facility; or,
  - b. the Permittee documents that less than a 72-hour interval is representative for local storm events during the season when sampling is being conducted.
- 6.30 "Stabilized" means staked sod, riprap, wood fiber blanket, or other material that prevents erosion from occurring has covered the exposed ground surface. Grass seed is not stabilization.
- 6.31 "Storage Facility" means a structure, site or area for the holding of dredged material for more than 48 hours in quantities equal to or greater than ten cubic yards. Storage for more than 1 year constitutes disposal.
- 6.32 "Treatment Facility" in this permit means a natural or artificial confinement structure, site or area used for the separation of dredged material solids from the interstitial or carriage water.
- 6.33 "Unconfined Disposal" means the deposition of dredged material, in water, on the bed of a waterway.
- 6.34 "Upland Disposal" means the disposal of dredged materials landward from the ordinary high-water level of a waterway or waterbody.
- 6.35 "Waters of the State" means all streams, lakes, ponds, marshes, wetlands, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.
- 6.36 "Water table" means the surface of the ground water at which the pressure is atmospheric. Generally this is the top of the saturated zone.

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## **Chapter 1. Dredged Material Management**

### **6. Definitions**

- 6.37 "Wetlands" means those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Constructed wetlands designed for wastewater treatment are not waters of the state. Wetlands must have the following attributes:
- a. a predominance of hydric soils;
  - b. inundated or saturated by surface water or groundwater at a frequency and duration to support a prevalence of hydrophytic vegetation typically adapted for life in a saturated soil condition; and,
  - c. under normal circumstances support a prevalence of such vegetation.

## **Chapter 2. Waste Stream Stations**

### **1. Sampling Location**

- 1.1 Samples shall be collected at a point representative of the dredged material.

## **Chapter 3. Total Facility Requirements**

### **1. General Requirements**

#### **General Requirements**

- 1.1 Incorporation by Reference. The following applicable federal and state laws are incorporated by reference in this permit, are applicable to the Permittee, and are enforceable parts of this permit: 40 CFR pts. 122.41, 122.42, 136, 403 and 503; Minn. R. pts. 7001, 7041, 7045, 7050, 7052, 7053, 7060, and 7080; and Minn. Stat. Sec. 115 and 116.
- 1.2 Permittee Responsibility. The Permittee shall perform the actions or conduct the activity authorized by the permit in compliance with the conditions of the permit and, if required, in accordance with the plans and specifications approved by the Agency. (Minn. R. 7001.0150, subp. 3, item E)
- 1.3 Toxic Discharges Prohibited. Whether or not this permit includes effluent limitations for toxic pollutants, the Permittee shall not discharge a toxic pollutant except according to Code of Federal Regulations, Title 40, sections 400 to 460 and Minnesota Rules 7050, 7052, 7053 and any other applicable MPCA rules. (Minn. R. 7001.1090, subp.1, item A)
- 1.4 Nuisance Conditions Prohibited. The Permittee's discharge shall not cause any nuisance conditions including, but not limited to: floating solids, scum and visible oil film, acutely toxic conditions to aquatic life, or other adverse impact on the receiving water. (Minn. R. 7050.0210 subp. 2)
- 1.5 Property Rights. This permit does not convey a property right or an exclusive privilege. (Minn. R. 7001.0150, subp. 3, item C)
- 1.6 Liability Exemption. In issuing this permit, the state and the MPCA assume no responsibility for damage to persons, property, or the environment caused by the activities of the Permittee in the conduct of its actions, including those activities authorized, directed, or undertaken under this permit. To the extent the state and the MPCA may be liable for the activities of its employees, that liability is explicitly limited to that provided in the Tort Claims Act. (Minn. R. 7001.0150, subp. 3, item O)
- 1.7 The MPCA's issuance of this permit does not obligate the MPCA to enforce local laws, rules, or plans beyond what is authorized by Minnesota Statutes. (Minn. R. 7001.0150, subp.3, item D)

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## **Chapter 3. Total Facility Requirements**

### **1. General Requirements**

- 1.8 Liabilities. The MPCA's issuance of this permit does not release the Permittee from any liability, penalty or duty imposed by Minnesota or federal statutes or rules or local ordinances, except the obligation to obtain the permit. (Minn. R. 7001.0150, subp.3, item A)
- 1.9 The issuance of this permit does not prevent the future adoption by the MPCA of pollution control rules, standards, or orders more stringent than those now in existence and does not prevent the enforcement of these rules, standards, or orders against the Permittee. (Minn. R. 7001.0150, subp.3, item B)
- 1.10 Severability. The provisions of this permit are severable and, if any provisions of this permit or the application of any provision of this permit to any circumstance are held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby.
- 1.11 Compliance with Other Rules and Statutes. The Permittee shall comply with all applicable air quality, solid waste, and hazardous waste statutes and rules in the operation and maintenance of the facility.
- 1.12 Inspection and Entry. When authorized by Minn. Stat. Sec. 115.04; 115B.17, subd. 4; and 116.091, and upon presentation of proper credentials, the agency, or an authorized employee or agent of the agency, shall be allowed by the Permittee to enter at reasonable times upon the property of the Permittee to examine and copy books, papers, records, or memoranda pertaining to the construction, modification, or operation of the facility covered by the permit or pertaining to the activity covered by the permit; and to conduct surveys and investigations, including sampling or monitoring, pertaining to the construction, modification, or operation of the facility covered by the permit or pertaining to the activity covered by the permit. (Minn. R. 7001.0150, subp.3, item I)
- 1.13 Control Users. The Permittee shall regulate the users of its wastewater treatment facility so as to prevent the introduction of pollutants or materials that may result in the inhibition or disruption of the conveyance system, treatment facility or processes, or disposal system that would contribute to the violation of the conditions of this permit or any federal, state or local law or regulation.

### **Sampling**

- 1.14 Representative Sampling. Samples and measurements required by this permit shall be conducted as specified in this permit and shall be representative of the discharge or monitored activity. (40 CFR 122.41 (j)(1))
- 1.15 Additional Sampling. If the Permittee monitors more frequently than required, the results and the frequency of monitoring shall be reported on the Discharge Monitoring Report (DMR) or another MPCA-approved form for that reporting period. (Minn. R. 7001.1090, subp. 1, item E)
- 1.16 Certified Laboratory. A laboratory certified by the Minnesota Department of Health shall conduct analyses required by this permit. Analyses of dissolved oxygen, pH, temperature, specific conductance, and total residual oxidants (chlorine, bromine) do not need to be completed by a certified laboratory but shall comply with manufacturers specifications for equipment calibration and use. (Minn. Stat. Sec. 144.97 through 144.98 and Minn. R. 4740.2010 and 4740.2050 through 4740.2120) (Minn. R. 4740.2010 and 4740.2050 through 2120)
- 1.17 Sample Preservation and Procedure. Sample preservation and test procedures for the analysis of pollutants shall conform to 40 CFR Part 136 and Minn. R. 7041.3200.
- 1.18 Equipment Calibration: Flow meters, pumps, flumes, lift stations or other flow monitoring equipment used for purposes of determining compliance with permit shall be checked and/or calibrated for accuracy at least twice annually. (Minn. R. 7001.0150, subp. 2, items B and C)

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## **Chapter 3. Total Facility Requirements**

### **1. General Requirements**

- 1.19 Maintain Records. The Permittee shall keep the records required by this permit for at least three years, including any calculations, original recordings from automatic monitoring instruments, and laboratory sheets. The Permittee shall extend these record retention periods upon request of the MPCA. The Permittee shall maintain records for each sample and measurement. The records shall include the following information (Minn. R. 7001.0150, subp. 2, item C):
- a. The exact place, date, and time of the sample or measurement;
  - b. The date of analysis;
  - c. The name of the person who performed the sample collection, measurement, analysis, or calculation; and
  - d. The analytical techniques, procedures and methods used; and
  - e. The results of the analysis.
- 1.20 Completing Reports. The Permittee shall submit the results of the required sampling and monitoring activities on the forms provided, specified, or approved by the MPCA. The information shall be recorded in the specified areas on those forms and in the units specified. (Minn. R. 7001.1090, subp. 1, item D; Minn. R. 7001.0150, subp. 2, item B)

Required forms may include:

#### **DMR Supplemental Form**

Individual values for each sample and measurement must be recorded on the DMR Supplemental Form which, if required, will be provided by the MPCA. DMR Supplemental Forms shall be submitted with the appropriate DMRs. You may design and use your own supplemental form; however it must be approved by the MPCA.

Note: Required summary information **MUST** also be recorded on the DMR. Summary information that is submitted **ONLY** on the DMR Supplemental Form does not comply with the reporting requirements.

- 1.21 Submitting Reports. DMRs and Supplementals shall be submitted to:

**MPCA**

Attn: Discharge Monitoring Reports  
520 Lafayette Road North  
St. Paul, Minnesota 55155-4194.

DMRs, DMR supplemental forms and related attachments may be electronically submitted via the MPCA Online Services Portal after authorization is approved. When electronically submitted, the paper DMR submittal requirement is waived.

DMRs and DMR Supplemental Forms shall be postmarked or electronically submitted by the 21st day of the month following the sampling period or as otherwise specified in this permit. Electronic DMR submittal must be complete on or before 11:59 PM of the 21st day of the month following the sampling period or as otherwise specified in this permit. A DMR shall be submitted for each required station even if no discharge occurred during the reporting period. (Minn. R. 7001.0150, subps. 2.B and 3.H)

Other reports required by this permit shall be postmarked by the date specified in the permit to:

**MPCA**

Attn: WQ Submittals Center  
520 Lafayette Road North  
St. Paul, Minnesota 55155-4194

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## **Chapter 3. Total Facility Requirements**

### **1. General Requirements**

- 1.22 Incomplete or Incorrect Reports. The Permittee shall immediately submit an amended report or DMR to the MPCA upon discovery by the Permittee or notification by the MPCA that it has submitted an incomplete or incorrect report or DMR. The amended report or DMR shall contain the missing or corrected data along with a cover letter explaining the circumstances of the incomplete or incorrect report. (Minn. R. 7001.0150 subp. 3, item G)
- 1.23 Required Signatures. All DMRs, forms, reports, and other documents submitted to the MPCA shall be signed by the Permittee or the duly authorized representative of the Permittee. Minn. R. 7001.0150, subp. 2, item D. The person or persons that sign the DMRs, forms, reports or other documents must certify that he or she understands and complies with the certification requirements of Minn. R. 7001.0070 and 7001.0540, including the penalties for submitting false information. Technical documents, such as design drawings and specifications and engineering studies required to be submitted as part of a permit application or by permit conditions, must be certified by a registered professional engineer. (Minn. R. 7001.0540)
- 1.24 Detection Level. The Permittee shall report monitoring results below the reporting limit (RL) of a particular instrument as "<" the value of the RL. For example, if an instrument has a RL of 0.1 mg/L and a parameter is not detected at a value of 0.1 mg/L or greater, the concentration shall be reported as "<0.1 mg/L." "Non-detected," "undetected," "below detection limit," and "zero" are unacceptable reporting results, and are permit reporting violations. (Minn. R. 7001.0150, subp. 2, item B)

Where sample values are less than the level of detection and the permit requires reporting of an average, the Permittee shall calculate the average as follows:

- a. If one or more values are greater than the level of detection, substitute zero for all nondetectable values to use in the average calculation.
  - b. If all values are below the level of detection, report the averages as "<" the corresponding level of detection.
  - c. Where one or more sample values are less than the level of detection, and the permit requires reporting of a mass, usually expressed as kg/day, the Permittee shall substitute zero for all nondetectable values. (Minn. R. 7001.0150, subp. 2, item B)
- 1.25 Records. The Permittee shall, when requested by the Agency, submit within a reasonable time the information and reports that are relevant to the control of pollution regarding the construction, modification, or operation of the facility covered by the permit or regarding the conduct of the activity covered by the permit. (Minn. R. 7001.0150, subp. 3, item H)
- 1.26 Confidential Information. Except for data determined to be confidential according to Minn. Stat. Sec. 116.075, subd. 2, all reports required by this permit shall be available for public inspection. Effluent data shall not be considered confidential. To request the Agency maintain data as confidential, the Permittee must follow Minn. R. 7000.1300.

### **Noncompliance and Enforcement**

- 1.27 Subject to Enforcement Action and Penalties. Noncompliance with a term or condition of this permit subjects the Permittee to penalties provided by federal and state law set forth in section 309 of the Clean Water Act; United States Code, title 33, section 1319, as amended; and in Minn. Stat. Sec. 115.071 and 116.072, including monetary penalties, imprisonment, or both. (Minn. R. 7001.1090, subp. 1, item B)
- 1.28 Criminal Activity. The Permittee may not knowingly make a false statement, representation, or certification in a record or other document submitted to the Agency. A person who falsifies a report or document submitted to the Agency, or tampers with, or knowingly renders inaccurate a monitoring device or method required to be maintained under this permit is subject to criminal and civil penalties provided by federal and state law. (Minn. R. 7001.0150, subp. 3, item G., 7001.1090, subps. 1, items G and H and Minn. Stat. Sec. 609.671)



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## **Chapter 3. Total Facility Requirements**

### **1. General Requirements**

- 1.29 Noncompliance Defense. It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. ( 40 CFR 122.41(c))
- 1.30 Effluent Violations. If sampling by the Permittee indicates a violation of any discharge limitation specified in this permit, the Permittee shall immediately make every effort to verify the violation by collecting additional samples, if appropriate, investigate the cause of the violation, and take action to prevent future violations. If the permittee discovers that noncompliance with a condition of the permit has occurred which could endanger human health, public drinking water supplies, or the environment, the Permittee shall within 24 hours of the discovery of the noncompliance, orally notify the commissioner and submit a written description of the noncompliance within 5 days of the discovery. The written description shall include items a. through e., as listed below. If the Permittee discovers other non-compliance that does not explicitly endanger human health, public drinking water supplies, or the environment, the non-compliance shall be reported during the next reporting period to the MPCA with its Discharge Monitoring Report (DMR). If no DMR is required within 30 days, the Permittee shall submit a written report within 30 days of the discovery of the noncompliance. This description shall include the following information:
- a. a description of the event including volume, duration, monitoring results and receiving waters;
  - b. the cause of the event;
  - c. the steps taken to reduce, eliminate and prevent reoccurrence of the event;
  - d. the exact dates and times of the event; and
  - e. steps taken to reduce any adverse impact resulting from the event. (Minn. R. 7001.0150, subp. 3k)
- 1.31 Unauthorized Releases of Wastewater Prohibited. Except for conditions specifically described in Minn. R. 7001.1090, subp. 1, items J and K, all unauthorized bypasses, overflows, discharges, spills, or other releases of wastewater or materials to the environment, whether intentional or not, are prohibited. However, the MPCA will consider the Permittee's compliance with permit requirements, frequency of release, quantity, type, location, and other relevant factors when determining appropriate action. (40 CFR 122.41 and Minn. Stat. Sec 115.061)

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## **Chapter 3. Total Facility Requirements**

### **1. General Requirements**

1.32 Discovery of a release. Upon discovery of a release, the Permittee shall:

- a. Take all reasonable steps to immediately end the release.
- b. Notify the Minnesota Department of Public Safety Duty Officer at 1(800)422-0798 or (651)649-5451 (metro area) immediately upon discovery of the release. You may contact the MPCA during business hours at 1(800)657-3864 or (651)296-6300 (metro area).
- c. Recover as rapidly and as thoroughly as possible all substances and materials released or immediately take other action as may be reasonably possible to minimize or abate pollution to waters of the state or potential impacts to human health caused thereby. If the released materials or substances cannot be immediately or completely recovered, the Permittee shall contact the MPCA. If directed by the MPCA, the Permittee shall consult with other local, state or federal agencies (such as the Minnesota Department of Natural Resources and/or the Wetland Conservation Act authority) for implementation of additional clean-up or remediation activities in wetland or other sensitive areas.
- d. Collect representative samples of the release. The Permittee shall sample the release for parameters of concern immediately following discovery of the release. The Permittee may contact the MPCA during business hours to discuss the sampling parameters and protocol. In addition, Fecal Coliform Bacteria samples shall be collected where it is determined by the Permittee that the release contains or may contain sewage. If the release cannot be immediately stopped, the Permittee shall consult with MPCA regarding additional sampling requirements. Samples shall be collected at least, but not limited to, two times per week for as long as the release continues.
- e. Submit the sampling results as directed by the MPCA. At a minimum, the results shall be submitted to the MPCA with the next DMR.

1.33 Upset Defense. In the event of temporary noncompliance by the Permittee with an applicable effluent limitation resulting from an upset at the Permittee's facility due to factors beyond the control of the Permittee, the Permittee has an affirmative defense to an enforcement action brought by the Agency as a result of the noncompliance if the Permittee demonstrates by a preponderance of competent evidence:

- a. The specific cause of the upset;
- b. That the upset was unintentional;
- c. That the upset resulted from factors beyond the reasonable control of the Permittee and did not result from operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or increases in production which are beyond the design capability of the treatment facilities;
- d. That at the time of the upset the facility was being properly operated;
- e. That the Permittee properly notified the Commissioner of the upset in accordance with Minn. R. 7001.1090, subp. 1, item I; and
- f. That the Permittee implemented the remedial measures required by Minn. R. 7001.0150, subp. 3, item J.

### **Operation and Maintenance**

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## **Chapter 3. Total Facility Requirements**

### **1. General Requirements**

- 1.34 The Permittee shall at all times properly operate and maintain the facilities and systems of treatment and control, and the appurtenances related to them which are installed or used by the Permittee to achieve compliance with the conditions of the permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. The Permittee shall install and maintain appropriate backup or auxiliary facilities if they are necessary to achieve compliance with the conditions of the permit and, for all permits other than hazardous waste facility permits, if these backup or auxiliary facilities are technically and economically feasible Minn. R. 7001.0150. subp. 3, item F.
- 1.35 In the event of a reduction or loss of effective treatment of wastewater at the facility, the Permittee shall control production or curtail its discharges to the extent necessary to maintain compliance with the terms and conditions of this permit. The Permittee shall continue this control or curtailment until the wastewater treatment facility has been restored or until an alternative method of treatment is provided. (Minn. R. 7001.1090, subp. 1, item C)
- 1.36 Solids Management. The Permittee shall properly store, transport, and dispose of biosolids, septage, sediments, residual solids, filter backwash, screenings, oil, grease, and other substances so that pollutants do not enter surface waters or ground waters of the state. Solids should be disposed of in accordance with local, state and federal requirements. (40 CFR 503 and Minn. R. 7041 and applicable federal and state solid waste rules)
- 1.37 Scheduled Maintenance. The Permittee shall schedule maintenance of the treatment works during non-critical water quality periods to prevent degradation of water quality, except where emergency maintenance is required to prevent a condition that would be detrimental to water quality or human health. (Minn. R. 7001.0150. subp. 3, item F and Minn. R. 7001.0150. subp. 2, item B)
- 1.38 Control Tests. In-plant control tests shall be conducted at a frequency adequate to ensure compliance with the conditions of this permit. (Minn. R. 7001.0150. subp. 3, item F and Minn. R. 7001.0150. subp. 2, item B)

#### **Changes to the Facility or Permit**

- 1.39 Permit Modifications. Except as provided under Minnesota Statutes, section 115.07, subdivisions 1 and 3, no person required by statute or rule to obtain a permit may construct, install, modify, or operate the facility to be permitted, nor shall a person commence an activity for which a permit is required by statute or rule until the agency has issued a written permit for the facility or activity. (Minn. R. 7001.0030)

Permittees that propose to make a change to the facility or discharge that requires a permit modification must follow Minn. R. 7001.0190. If the Permittee cannot determine whether a permit modification is needed, the Permittee must contact the MPCA prior to any action. It is recommended that the application for permit modification be submitted to the MPCA at least 180 days prior to the planned change.

- 1.40 No person required by statute or rule to obtain a permit may construct, install, modify, or operate the facility to be permitted except as provided under Minnesota Statutes, section 115.07, subdivisions 1 and 3, nor shall a person commence an activity for which a permit is required by statute or rule until the agency has issued a written permit for the facility or activity.
- 1.41 Plans, specifications and MPCA approval are not necessary when maintenance dictates the need for installation of new equipment, provided the equipment is the same design size and has the same design intent. For instance, a broken pipe, lift station pump, aerator, or blower can be replaced with the same design-sized equipment without MPCA approval.

If the proposed construction is not expressly authorized by this permit, it may require a permit modification. If the construction project requires an Environmental Assessment Worksheet under Minn. R. 4410, no construction shall begin until a negative declaration is issued and all approvals are received or implemented.

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## **Chapter 3. Total Facility Requirements**

### **1. General Requirements**

- 1.42 Report Changes. The Permittee shall give advance notice as soon as possible to the MPCA of any substantial changes in operational procedures, activities that may alter the nature or frequency of the discharge, and/or material factors that may affect compliance with the conditions of this permit. (Minn. R. 7001.0150, subp. 3, item M)
- 1.43 Chemical Additives. The Permittee shall receive prior written approval from the MPCA before increasing the use of a chemical additive authorized by this permit, or using a chemical additive not authorized by this permit, in quantities or concentrations that have the potential to change the characteristics, nature and/or quality of the discharge.

The Permittee shall request approval for an increased or new use of a chemical additive at least 60 days, or as soon as possible, before the proposed increased or new use.

This written request shall include at least the following information for the proposed additive:

- a. The process for which the additive will be used;
  - b. Material Safety Data Sheet (MSDS) which shall include aquatic toxicity, human health, and environmental fate information for the proposed additive. The aquatic toxicity information shall include at minimum the results of: a) a 48-hour LC50 or EC50 acute study for a North American freshwater planktonic crustacean (either Ceriodaphnia or Daphnia sp.) and b) a 96-hour LC50 acute study for rainbow trout, bluegill or fathead minnow or another North American freshwater aquatic species other than a planktonic crustacean;
  - c. A complete product use and instruction label;
  - d. The commercial and chemical names and Chemical Abstract Survey (CAS) number for all ingredients in the additive (If the MSDS does not include information on chemical composition, including percentages for each ingredient totaling to 100%, the Permittee shall contact the supplier to have this information provided); and
  - e. The proposed method of application, application frequency, concentration, and daily average and maximum rates of use. (Minn. R. 7001.0170)
- 1.44 Upon review of the information submitted regarding the proposed chemical additive, the MPCA may require additional information be submitted for consideration. This permit may be modified to restrict the use or discharge of a chemical additive and include additional influent and effluent monitoring requirements.
- Approval for the use of an additive shall not justify the exceedance of any effluent limitation nor shall it be used as a defense against pollutant levels in the discharge causing or contributing to the violation of a water quality standard.
- 1.45 MPCA Initiated Permit Modification, Suspension, or Revocation. The MPCA may modify or revoke and reissue this permit pursuant to Minn. R. 7001.0170. The MPCA may revoke without reissuance this permit pursuant to Minn. R. 7001.0180.
- 1.46 TMDL Impacts. Facilities that discharge to an impaired surface water, watershed or drainage basin may be required to comply with additional permits or permit requirements, including additional restriction or relaxation of limits and monitoring as authorized by the CWA 303(d)(4)(A) and 40 CFR 122.44.1.2.i., necessary to ensure consistency with the assumptions and requirements of any applicable US EPA approved wasteload allocations resulting from Total Maximum Daily Load (TMDL) studies.
- 1.47 Permit Transfer. The permit is not transferable to any person without the express written approval of the Agency after compliance with the requirements of Minn. R. 7001.0190. A person to whom the permit has been transferred shall comply with the conditions of the permit. (Minn. R., 7001.0150, subp. 3, item N)

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## **Chapter 3. Total Facility Requirements**

### **1. General Requirements**

- 1.48 Facility Closure. The Permittee is responsible for closure and post-closure care of the facility. The Permittee shall notify the MPCA of a significant reduction or cessation of the activities described in this permit at least 180 days before the reduction or cessation. The MPCA may require the Permittee to provide to the MPCA a facility Closure Plan for approval.

Facility closure that could result in a potential long-term water quality concern, such as the ongoing discharge of wastewater to surface or ground water, may require a permit modification or reissuance.

The MPCA may require the Permittee to establish and maintain financial assurance to ensure performance of certain obligations under this permit, including closure, post-closure care and remedial action at the facility. If financial assurance is required, the amount and type of financial assurance, and proposed modifications to previously MPCA-approved financial assurance, shall be approved by the MPCA. (Minn. Stat. Sec. 116.07, subd. 4)

- 1.49 Permit Reissuance. If the Permittee desires to continue permit coverage beyond the date of permit expiration, the Permittee shall submit an application for reissuance at least 180 days before permit expiration. If the Permittee does not intend to continue the activities authorized by this permit after the expiration date of this permit, the Permittee shall notify the MPCA in writing at least 180 days before permit expiration.

If the Permittee has submitted a timely application for permit reissuance, the Permittee may continue to conduct the activities authorized by this permit, in compliance with the requirements of this permit, until the MPCA takes final action on the application, unless the MPCA determines any of the following (Minn. R. 7001.0040 and 7001.0160):

- a. The Permittee is not in substantial compliance with the requirements of this permit, or with a stipulation agreement or compliance schedule designed to bring the Permittee into compliance with this permit;
- b. The MPCA, as a result of an action or failure to act by the Permittee, has been unable to take final action on the application on or before the expiration date of the permit;
- c. The Permittee has submitted an application with major deficiencies or has failed to properly supplement the application in a timely manner after being informed of deficiencies.