



Minnesota Pollution Control Agency

STATE OF MINNESOTA

Minnesota Pollution Control Agency

**MUNICIPAL DIVISION
PUBLIC NOTICE OF INTENT TO REISSUE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)/
STATE DISPOSAL SYSTEM (SDS) PERMIT MN0065391**

Public Comment Period Begins: May 14, 2012
Public Comment Period Ends: June 13, 2012

Current Permit Issued: May 2, 2007
Current Permit Expiration Date: April 30, 2012

Name and Address of Permittee:

Benton Utilities, LLC
3636 Quail Road NE
Sauk Rapids, MN 56379

Facility Name and Location:

Benton Utilities Wastewater Treatment Facility
221 85th Street NE
T37N, R31E, Section 23
Watab Township, Benton County, Minnesota

Receiving Water: Unnamed Wetland Complex (Class 2D, 3D, 4C, 5, 6 Water)

Description of Permitted Facility:

The Benton Utilities Wastewater Treatment Facility (Facility) is located in the NE 1/4 of the NE 1/4 of Section 23, Township 37 North, Range 31 West, Watab Township, Benton County, Minnesota. This is a Class C Facility.

Major components of the existing Facility include (Phase 1):

- 1 Pumping (Lift) Station
- 2 Septic Tanks – 15,000 gallons each
- 1 Filter Tank – 10,000 gallons
- 1 Recirculation Tank – 10,000 gallons
- 1 Constructed Vertical Flow Wetland - subsurface flow, 8,400 square feet
- 1 Sand Filter Dosing Tank – 10,000 gallons
- 1 Single Pass Sand Filter - without backwash, 10,440 square feet
- 1 Ultraviolet Disinfection Unit – three banks of lights

The existing Facility (Phase 1) treats domestic wastewater from the Oak Hill Estates Development and Golf Haven

Estates. The Facility is designed with a continuous discharge (SD001) to a partially ditched, unnamed wetland complex (palustrine/inland wetland), a Class 2D, 3D, 4C, 5, 6 Water. The discharge will flow from the wetland to an unnamed intermittent stream (Class 2B, 3C, 4A, 4B, 5, 6 Water) which is a tributary to Little Rock Creek (Class 2B, 3C, 4A, 4B, 5, 6 Water). There are no bypass or overflow points known to exist at this Facility.

Within this permit cycle, the Permittee plans to expand the Facility by adding two Phases, tripling the size of the existing system. Each Phase has been designed to handle 25,000 gallons per day (gpd), for a total of an average wet weather flow of 75,000 gpd. The Permittee will add the following components for each additional Phase: two 15,000 gallon septic tanks, one 10,000 gallon filter tank, one 10,000 gallon recirculation tank, one 8,400 square foot constructed vertical flow wetland, one 10,000 gallon sand filter dosing tank, and one 10,440 square foot single pass sand filter. The existing lift station and ultraviolet disinfection unit will service all of the Phases. The completed Facility is designed to treat a five-day carbonaceous biochemical oxygen demand strength of 267 milligrams per liter (mg/l) and a total suspended solids concentration of 315 mg/l. The discharge location will remain the same for all of the Phases and it will still be a Class C Facility. Construction of Phases 2 and 3 is planned to begin during this five-year permit cycle.

Major components of the completed Facility include (Phases 1-3):

- 1 Pumping (Lift) Station
- 6 Septic Tanks – 15,000 gallons each
- 3 Filter Tanks – 10,000 gallons each
- 3 Recirculation Tanks – 10,000 gallons each
- 3 Constructed Vertical Flow Wetlands - subsurface flow, 8,400 square feet each
- 3 Sand Filter Dosing Tanks – 10,000 gallons each
- 3 Single Pass Sand Filters - without backwash, 10,440 square feet each
- 1 Ultraviolet Disinfection Unit – three banks of lights

The system is further described in plans and specifications on file with the Minnesota Pollution Control Agency and in an engineering report prepared by North American Wetland Engineering, P.A., Forest Lake, Minnesota.

In accordance with Minnesota Pollution Control Agency rules regarding nondegradation for all waters that are not Outstanding Resource Value Waters (ORVW), nondegradation review is required for any new or expanded significant discharge (Minn. R. 7050.0185). A significant discharge is 1) a new discharge (not in existence before January 1, 1988) that is greater than 200,000 gallons per day to any water other than a Class 7 water or 2) an expanded discharge that expands by greater than 200,000 gallons per day that discharges to any water other than a Class 7 water or 3) a new or expanded discharge containing any toxic pollutant at a mass loading rate likely to increase the concentration of the toxicant in the receiving water by greater than one percent over the baseline quality. The flow rate used to determine significance is the design average wet weather flow. The January 1, 1988 design average wet weather flow for this Facility is 0.0 gpd.

This permit also complies with Minn. R. 7053.0275 regarding anti-backsliding.

Any point source discharger of sewage, industrial, or other wastes for which a National Pollutant Discharge Elimination System permit has been issued by the agency that contains effluent limits more stringent than those that would be established by parts 7053.0215 to 7053.0265 shall continue to meet the effluent limits established by the permit, unless the permittee establishes that less stringent effluent limits are allowable pursuant to federal law, under section 402(o) of the Clean Water Act, United States Code, title 33, section 1342.

The location of the Facility is shown on the map on page 5.

Preliminary Determination on the Draft Permit

The MPCA Commissioner has made a preliminary determination to reissue this NPDES/SDS permit for a term of approximately five years.

A draft permit is available for review at the MPCA office at the St. Paul address listed below, at the Brainerd regional office and on-line at <http://www.pca.state.mn.us/index.php/about-mpca/mpca-news/public-notices/public-notices.html>.

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 Holly Christensen at 218-846-8104.

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:

Holly L. Christensen
Minnesota Pollution Control Agency
714 Lake Avenue, Suite 220
Detroit Lakes, MN 56501

Topographic Map of Permitted Facility

MN0065391, Benton Utilities Wastewater Treatment Facility

NE 1/4 of the NE 1/4 of Section 23, T37N, R31W

Watab Township, Benton County, Minnesota



Map produced by: MPCA Staff, 02/29/2012

Source: USA Topo

Scale: 1:25,000

0 0.2 0.4 0.8 Miles

