



STATE OF MINNESOTA
Minnesota Pollution Control Agency

Industrial Division

National Pollutant Discharge Elimination System (NPDES)/
State Disposal System (SDS) Permit MN0045896

PERMITTEE: Magellan Midstream Partners LP
FACILITY NAME: Magellan Pipeline Company, L.P. Mpls Complex
RECEIVING WATER: Unnamed Wetland [62-0202-00]

CITY OR TOWNSHIP: Roseville COUNTY: Ramsey
ISSUANCE DATE: EXPIRATION DATE:

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 U.S. statutes and rules, including Minn. Stat. chs. 115 and 116, Minn. R. chs. 7001, 7050, 7053, 7060, 7090, and the U.S. 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 April 10, 2007. This permit expires at midnight on the expiration date identified above.

Signature: _____

Jeff Udd, P.E., Supervisor
Land and Water Quality Permits Unit
Water Section
Industrial Division

for The Minnesota Pollution Control Agency

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

Questions on this permit?

- For DMR and other permit reporting issues, contact:
Belinda Nicholas, 651-757-2613.
- For specific permit requirements or permit compliance status, contact:
- General permit or NPDES program questions, contact:
MPCA, 651-282-6143 or 1-800-657-3938.
St Paul, MN 55155-4194

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Facility Description

Magellan Pipeline Company, L.P. - Minneapolis Terminal is located at 2451 West County Road C, Roseville, Ramsey County, Minnesota. The major activity at the terminal is the pipeline transportation of refined petroleum products. Other activities include loading and unloading of transport trucks and trains with refined petroleum products and ethanol for storage and distribution. The facility stores petroleum products, ethanol, and fuel additives in approximately 37 aboveground storage tanks (AST) of various sizes located at the site. The content and capacities of the ASTs are found in the on-site Spill Prevention Countermeasure and Control Plan.

The transfer of petroleum products and general operation at this facility can result in small spills and drippings collecting in loading racks that can become commingled with precipitation. This waste stream, known as petroleum contact water, is characterized by a high ratio of petroleum constituents to accumulated stormwater. All petroleum contact waters are collected in Tank 271. Additionally lab drain wastes and tank condensate water are also collected and stored in Tank 271. The lab at the terminal is a quality control lab that performs basic analyses of the product (flashpoint, haze, water content, distillation fractions, etc.). Only water and product are drained. Tank condensate is the water that accumulates in the bottom of the product tanks. The water is drawn from the tanks with either portable tanks and pumps or a vacuum truck. The removed liquids from the tank are processed through an oil/water separator. The on-site discharge from Tank 271 is regulated as WS 001. Following treatment, the treated waste stream may be discharged to the storm water drainage channel.

City water is used at the Minneapolis Terminal for testing the structural integrity of new and existing tanks and pipelines. The permit authorizes the discharge of waters used for hydrotesting (WS 002) anywhere within the terminal property, depending on the location of the asset being tested. Hydrotest discharges are directed to on-site soils to maximize infiltration and evaporation. Because of the potential for hydrotest waters to overflow to the facility stormwater drainage channel, the permit requires the implementation of best management practices (bmps) to control discharge velocity to ensure that the discharge activity does not result in scouring, erosion or sediment transport. Each hydrotest discharge event shall be observed. The discharge shall be immediately halted and corrective measures taken should the discharge result in erosion, scouring, or sediment transport.

The potential for stormwater contamination at the site comes from four possible sources: rainfall inside secondary containment basins, rainfall outside secondary containment basins, rainfall within the ethanol truck unloading area, and rainfall within the rail (jet fuel and gasoline loading and ethanol unloading) area. These stormwater waste streams are managed as follows:

- Manual operation for stormwater discharges from inside the secondary containment basin. Captured stormwater is visually inspected prior to discharge to the facility's stormwater drainage channel, which in turn discharges to outfall station SD 002.
- Stormwater that falls outside the containment basin flows to the facility stormwater drainage channel which discharges to outfall station SD 002.
- Stormwater that falls within the ethanol truck unloading area flows to the facility secondary containment pond (outfall station SD 003). Pond contents are discharged to the facility stormwater drainage channel (SD 002).
- Stormwater that falls within the rail unloading/loading area (ethanol unloading and refined petroleum product loading) flows to an oil/water separator in-line between the rail area and the secondary containment pond (SD 003), which is manually discharged to the facility stormwater drainage channel (SD 002). Good housekeeping measures and bmps such as using small

catchment pans to prevent drips and drops of product from entering the rail containment pans and pressure-washer cleaning are employed to ensure the rail containment pans are kept clean. Water used for washing is collected with a vacuum truck and processed through the location's primary oil/water separator system.

The stormwater drainage channel will follow the surrounding area's storm drainage route, which is along the railroad right-of-way to an unnamed wetland [62-0202-00]. Area precipitation rates will determine the volume and frequency of discharges from the retention pond/discharge channel.

A second storm retention pond is located in the northwest corner of the facility. This pond collects stormwater from the employee parking lot and office buildings. This pond does not have a surface water outlet and does not contain stormwater accumulations which are required to be regulated by the federal Clean Water Act.

Aerial Photo of Permitted Facility and Discharge Route



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Surface Discharge Stations

<u>Station</u>	<u>Type of Station</u>	<u>Local Name</u>	<u>PLS Location</u>
SD002	Stormwater, Non-specific Runoff	Discharge from NE Storm Retention Pond	NE Quarter of the SW Quarter of the NE Quarter of Section 5, Township 29 North, Range 23 West
SD003	Effluent To Surface Water	ethanol 'contact' waste stream	NE Quarter of Section 32, Township 30 North, Range 23 West

Waste Stream Stations

<u>Station</u>	<u>Type of Station</u>	<u>Local Name</u>	<u>PLS Location</u>
WS001	Intermediate: WW to Land	petroleum "contact" water	SE Quarter of the NW Quarter of the NW Quarter of Section 5, Township 29 North, Range 23 West
WS002	Intermediate: WW to Land	Tank & Piping hydrostatic test waters	SW Quarter of Section 5, Township 29 North, Range 23 West

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

SD 002: Discharge from NE Storm Retention Pond

Parameter	Limit	Units	Limit Type	Effective Period	Sample Type	Frequency	Notes
Flow	Monitor Only	MG	Calendar Month Total	Jan-Dec	Estimate	1 x Month	
Petroleum Hydrocarbons, Total	10	mg/L	Calendar Month Average	Apr-Jun, Sep, Oct	Grab	1 x Month	
Petroleum Hydrocarbons, Total	15	mg/L	Daily Maximum	Apr-Jun, Sep, Oct	Grab	1 x Month	
pH	9.0	SU	Calendar Month Maximum	Apr-Jun, Sep, Oct	Grab	1 x Month	
pH	6.0	SU	Calendar Month Minimum	Apr-Jun, Sep, Oct	Grab	1 x Month	

WS 001: petroleum "contact" water

Parameter	Limit	Units	Limit Type	Effective Period	Sample Type	Frequency	Notes
Flow	Monitor Only	mgd	Calendar Month Average	Jan-Dec	Measurement	1 x Day	
Flow	Monitor Only	MG	Calendar Month Total	Jan-Dec	Measurement	1 x Day	
Organics, Diesel Range as diesel, Total	10	mg/L	Calendar Month Average	Jan-Dec	Grab	1 x Month	
Organics, Gasoline Range as gasoline, Total	10	mg/L	Calendar Month Average	Jan-Dec	Grab	1 x Month	
pH, Field	9.0	SU	Instantaneous Maximum	Jan-Dec	Grab	1 x Month	
pH, Field	6.0	SU	Instantaneous Minimum	Jan-Dec	Grab	1 x Month	

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Chapter 1. Tank Farms

1. Authorization

- 1.1 The Permittee is authorized to discharge stormwater and condensate which has collected in the secondary containment areas in accordance and in compliance with the applicable conditions of this permit. The Permittee shall employ Best Management Practices for the control of pollutants and velocity in discharges to surface waters.
- 1.2 The Permittee is authorized to discharge waters used to test the structural integrity of new and existing above-ground storage tanks (ASTs) and on-site pipelines in accordance and in compliance with the applicable conditions of this permit.

2. General Requirements

- 2.1 All wastewater discharges authorized by this permit shall be treated as necessary to meet the pollutant control criteria, including discharge velocity, of this permit.
- 2.2 This permit shall not apply to activities which produce a wastewater containing substance that are not addressed by or could not be adequately detected by the effluent limitations (e.g., indicator pollutant) of this permit.
- 2.3 The conditions of this permit do not apply to, nor authorize, discharges from sanitary conveniences.
- 2.4 This permit does not apply to the discharges of waste streams to publicly owned treatment works (indirect discharge).

3. Petroleum Contact Water

- 3.1 Treatment System Inspection and Maintenance:
 - (a) Oil/water separators shall have any accumulated oil, grease and solids removed on a periodic basis to maintain the hydraulic capacity of the treatment system and prevent carry over of oil and grease. The water discharge side of the separator (effluent chamber) shall be maintained; there shall be no oil sheen or scum on the water or oil accumulation on the equipment. At a minimum, oil/water separators shall be inspected on a monthly basis.
 - (b) Treatment systems for the removal of gasoline contaminants and/or heavier petroleum products shall be inspected on at least a quarterly basis. The equipment shall be maintained so as to have sufficient capacity to treat the largest anticipated discharge volume without pollutants levels in the discharge exceeding permit limits. This includes maintaining treatment equipment free of accumulations of biological growth and maintaining sufficient adsorptive capacity in activated carbon or clay units by removing spent units on a regular basis.
- 3.2 All discharges of wastewater contaminated by petroleum constituents shall be treated for pollutant removal using the best available technology economically achievable in accordance with Sec. 301(b)(2) of the Clean Water Act.

Pollutant removal for off-site (third-party) discharges shall be at the discretion of the waste disposal handler.

- 3.3 The transfer of products and the general operation of equipment at a tank farm typically results in small spills and drippings of product that become commingled with water from natural and artificial sources. These waters are characterized as containing free phase (not emulsified or dissolved) petroleum products.

4. Hydrotest Discharges

- 4.1 This permit does not authorize the construction or installation of pipeline facilities, or underground or above ground storage tanks.
- 4.2 All hydrotest waters shall be discharged in a manner which does not cause scouring, sediment transport and/or erosion in receiving channels or on downslope properties.

All hydrotest discharges shall be conducted so as not to cause erosion, scouring or sediment transport nor not result in silt laden water flowing into any waterbody.

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Chapter 1. Tank Farms

4. Hydrotest Discharges

- 4.3 This permit does not grant easement rights or access to fields, ditches or wooded areas for wastewater and/or stormwater disposal. MPCA review and approval is for ensuring a reduction in pollutant levels in point source discharges and protecting surface and ground waters of the state.
- 4.4 The discharge of hydrotest waters into secondary containment structures shall not effect the available capacity needed to meet the function for which the containment structures were built [containment of tank(s) content(s) in the event of a release].

5. Hydrotest Water

- 5.1 Technology-Based Effluent Limitations
The permittee shall employ best management practices (BMPs) to reduce discharge velocity in order to minimize scouring, erosion and sediment transport. The use of BMPs represents the minimum technology necessary to meet the 'pollutant removal' goal of the Clean Water Act.
- 5.2 All tanks and piping to be tested shall be free from contaminants such as excess product, wax, debris, liquids, etc. All product shall be removed and the tank or pipe cleaned prior to hydrostatic testing.
- 5.3 Erosion and Nuisance Conditions

The Permittee shall maintain the discharge operation in such a manner so as to cause no erosion, scouring, sediment transport or other nuisance conditions in the area of the discharge or in the conveyance to surface waters.
- 5.4 The permittee and/or operator shall visually observe each discharge event to ensure that the discharge does not cause erosion, scouring or sediment transport. The permittee/operator shall immediately cease the discharge and corrective measures shall be taken for any discharge activity which causes erosion, scouring or sediment transport or which contributes to or creates turbid conditions in the conveyance to surface waters.
- 5.5 Best Management Practices are considered to be those practices capable of controlling or dissipating discharge velocity to the extent that the force and intensity of the discharge does not cause scouring, erosion and/or sediment transport.

6. Containment Basin Stormwater

- 6.1 Wastewater that has collected in secondary containment structures, that consists solely of stormwater that has not been mixed with other waste streams, including leaks and spills unless otherwise authorized herein, can be discharged to on land or to surface waters without treatment provided the following conditions are met:
- 1) The bypass valve is normally sealed close.
 - 2) Upon visual inspection, the wastewater contains no visible oil sheen or film.
 - 3) The bypass valve is opened after the visual inspection and resealed following drainage of the containment structure under supervision.
 - 4) Records of all discharges of this wastewater and the results of the visual inspection are maintained on site for Agency inspection.
- 6.2 All diked areas surrounding storage tanks or stormwater collection basins shall be free of residual oil or other contaminants so as to prevent the accidental discharge of these materials in the event of flooding, dike failure, or improper draining of the diked areas. All drains from diked areas shall be equipped with valves which shall be kept in the closed condition except during period of supervised discharge.
- 6.3 All check valves, tanks, drains, or other potential sources of pollutant releases shall be inspected and maintained on a regular basis to assure their proper operation and to prevent the discharge of pollutant.
- 6.4 The discharge from secondary containment structures or other stormwater basins shall be managed to avoid or minimize sediment transport, erosion and/or scouring.

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Chapter 1. Tank Farms

7. Spill Prevention Control and Countermeasure Plans (SPCC)

- 7.1 The Permittee shall have developed an SPCC plan in conformance with and in compliance with the applicable conditions of 40 CFR Part 112, Minn. R. 7151, and/or other federal or state rules and regulations, as appropriate.
- 7.2 The SPCC Plan shall be a carefully thought-out plan, prepared in accordance with good engineering practices, and which has the full approval of management at a level with authority to commit the necessary resources. [40 CFR 112.7]
- 7.3 All spilled product and other spilled wastes shall be immediately cleaned up and disposed of according to all applicable regulations, Spill Prevention and Control plans or Spill Prevention Control and Countermeasures (SPCC) plans. Use of detergents, emulsifiers, or dispersants to clean up spilled product is prohibited except where necessary to comply with state or federal safety regulations (i.e., requirement for non-slippery work surface) except where the cleanup practice does not result in a discharges and does not leave residues exposed to future storm events. In all cases, initial cleanup shall be done by physical removal and chemical usage shall be minimized.

8. Tank Bottom Waters

- 8.1 Tank bottom waters are managed, and regulated, in the same manner as petroleum contact waters.

9. Definitions

- 9.1 "Daily Discharge" means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonable represents the calendar day for purposes of sampling. "Daily discharge" determination of a concentration made using a composite sample shall be the concentration of the composite sample. When grab samples are used, the "daily discharge" determination of concentration shall be the arithmetic average (weighted by flow) of all the samples collected during that sampling day.
- 9.2 "Daily Maximum" discharge limitation means the highest allowable "daily discharge" during the calendar month.
- 9.3 "Monthly Average" discharge limitations means the highest allowable average of "daily discharge" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.
- 9.4 "No Discharge of Free Oil" means that no discharge shall occur which results in a sheen.
- 9.5 "Sheen" means an iridescent appearance on the surface of the water.
- 9.6 "Petroleum Contact Water" means discharges from petroleum loading and transfer areas. Transfer of petroleum products and the general operation of equipment at tank farms typically result in small spills and drippings of petroleum products that become commingled with water from natural and artificial sources.
- 9.7 "Contaminated Storm Water" discharges of storm water including precipitation and snow melt events in areas, other than loading and transfer areas, where there exists the potential for contact with significant materials.
- 9.8 "Noncontact" or "Uncontaminated Storm Water Runoff" means the discharge of storm water runoff uncontaminated by an industrial activity, such as employee/visitor parking lot(s) and which has not been discharged through an oil/water separator or other treatment equipment or facility.
- 9.9 "Petroleum" and "Petroleum Products" means crude oil, gasoline, diesel fuel, aviation fuel, fuel oils, gasoline additives stored and used in conjunction with gasoline storage, petroleum lubricants, petroleum solvents, petroleum derived asphalts.

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Chapter 1. Tank Farms

9. Definitions

- 9.10 "Petroleum Storage and Transfer Facility" or "PST Facility" [alternately referred to as Bulk Petroleum Stations and Terminals (BPSTs)] means any facility which stores, in one or more stationary bulk storage receptacles, petroleum and petroleum products in large quantities, via pipeline, marine transportation, tank car or tank truck, to the wholesale or commercial market. PST facilities include marketing and pipeline terminals (which primarily store and return petroleum and petroleum products to the pipeline system but do not dispense such products to delivery vessels or vehicles), diesel dispensing facilities with diesel storage capacity exceeding 42,000 gallons and which are equipped with oil water separators, and airport terminals which are equipped with oil water separators and secondary containment areas (terminals on or adjacent to airports which dispense petroleum and petroleum products primarily via airport delivery vehicles). The term "PST facility" does not include any facility which is part of a crude oil and gas production facility, a natural gas or gasoline plant, a petroleum refinery or any facility which primarily stores or transfers non-petroleum related products.
- 9.11 "Best Management Practices" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices which prevent or reduce the pollution of 'waters of the United States.' BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, waste disposal, or drainage from raw material storage. BMPs do not preclude the use of treatment works to reduce pollutant levels in discharges.
- 9.12 Bulk gasoline terminal means any gasoline storage and distribution facility that receives gasoline by pipeline, ship or barge, or cargo tank and has a gasoline throughput of 20,000 gallons per day or greater. (40 CFR 63.11100)
- 9.13 The "best available technology economically achievable (BAT)" level of performance is defined as the 'very best control and treatment measures that have been or are capable of being achieved.'

10. Prohibited Discharges

- 10.1 The Permittee shall not transport 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. This clause does not apply to wastes associated with sanitary conveniences.
- 10.2 The Permittee shall prevent the routing of pollutants associated with waste streams regulated by this permit from the facility to a municipal wastewater treatment system in any manner unless authorized by the pretreatment standards of the municipal authority. This DOES NOT INCLUDE wastes associated with sanitary conveniences.
- 10.3 This permit does not authorize the discharge of sewage, wash water, scrubber water, spills, oil, hazardous substances, or equipment/vehicle cleaning and maintenance wastewaters to ditches, wetlands or other surface waters of the state.

Chapter 2. Surface Discharge Stations

1. Requirements for Specific Stations

- 1.1 SD 002: Submit a monthly DMR annually by January 22 of each year following permit issuance.

2. Sampling Location

- 2.1 Samples and measurements required by this permit shall be representative of the permitted activity.
- 2.2 Sampling for Station SD 003 shall be representative of discharges from the secondary containment pond.
- 2.3 Samples for Station SD 002 shall be taken at a point representative of the discharge from the stormwater drainage channel.

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Chapter 2. Surface Discharge Stations

3. Sampling Frequency

- 3.1 If the permittee monitors more frequently than required, the results and the frequency of the additional monitoring shall be reported on the Discharge Monitoring Report form for that reporting period.

4. Surface Discharges

- 4.1 Floating solids or visible foam shall not be discharged in other than trace amounts.
- 4.2 Oil or other substances shall not be discharged in amounts that create a visible color film.
- 4.3 The discharge shall not degrade the aquatic habitat, which includes the waters of the state and stream bed, in any material manner.
- 4.4 The discharge shall not cause or contribute to a material increase in undesirable slime growths or aquatic plants, including algae.
- 4.5 All discharges to surface waters shall:
- o Be free of toxic substances in concentrations that produce detrimental physiological responses in human, plant, animal, or aquatic life;
 - o Be free of discoloration that causes nuisance or adversely affects beneficial uses;
 - o Not contain floating material in amounts that cause nuisance conditions or adversely affect beneficial uses.
- 4.6 Irrespective of numeric effluent limitations contained herein [or lack thereof], the pollutant levels in the discharge shall not impair the receiving water for its designated use
- 4.7 The discharge shall not in any manner render the receiving water unsuitable for recreational activities in and on the water.

5. Discharge Monitoring Reports

- 5.1 The Permittee shall submit monitoring results for discharges in accordance with the limits and monitoring requirements for this station. If no discharge occurred during the reporting period, the Permittee shall check the "No Discharge" box on the Discharge Monitoring Report (DMR).
- 5.2 All applications, discharge monitoring reports forms, or other reports or information submitted to the MPCA shall be signed and certified.
- 5.3 All discharge monitoring reports or other reports or information required by the permit or requested by the agency shall be signed by a person prescribed above or by a duly authorized representative of that person. A person is a duly authorized representative only if: (1) The authorization is made in writing by a person described above and submitted to the agency and (2) The authorization specifies either an individual or a position having responsibility, including decision-making authority, for the overall operation of the regulated facility or activity, such as the position of plant manager, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company.
- 5.4 All permit applications shall be signed as follows:
- a) For a corporation: by a responsible corporate officer. For the purpose of this permit, a responsible corporate officer means: (1) a president, secretary, treasurer or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or (2) The manager of one or more manufacturing, production or operating facilities employing more than 250 persons or having a gross annual sales or expenditures exceeding 425 million, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - b) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.
 - c) For a municipality, county or other political subdivision: by a principal executive officer or ranking elected official; or
 - d) For a state, federal or other public agency/agents: by a commissioner, assistant or deputy commissioner; director, assistant or deputy director.

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Chapter 3. Waste Stream Stations

1. Requirements for Specific Stations

- 1.1 WS 001: Submit a monthly DMR annually by January 22 of each year following permit issuance.

2. Sampling Location

- 2.1 Sampling for Station WS 002 shall be representative of the petroleum contact discharge.

3. Sampling Frequency

- 3.1 Sampling is required for each discharge event; however, sampling is only required for discharge events authorized by this permit. Sampling for discharges to the POTW, or other off-site disposal of petroleum contact discharges is

Chapter 4. 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)
- 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)

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Chapter 4. Total Facility Requirements

1. General Requirements

- 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 4. 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 4. 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 4. 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 4. 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 4. 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 4. 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 4. 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.