



STATE OF MINNESOTA

Minnesota Pollution Control Agency**Industrial Division****National Pollutant Discharge Elimination System (NPDES)/
State Disposal System (SDS) Permit MN0068241**

PERMITTEE: Essar Steel Minnesota LLC
FACILITY NAME: Essar Steel Minnesota LLC
RECEIVING WATER: Sullivan Mine Pit and Ann Mine Pit (Class 2B, 3C, 4A, 4B, 5, 6 waters)

CITY OR TOWNSHIP: Nashwauk **COUNTY:** Itasca
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 August 21, 2007. This permit expires at midnight on the expiration date identified above.

Signature: _____
Jeff Udd, P.E. for The Minnesota Pollution Control Agency
Supervisor, Water Quality Permits Unit
Water 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:
Belinda Nicholas, 651-757-2613.
- For specific permit requirements or permit compliance status, contact:
John Thomas, 218-302-6616.
- General permit or NPDES program questions, contact:
MPCA, 651-282-6143 or 1-800-657-3938.

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Facility Description

Essar Steel Minnesota LLC (ESML) is located at Township 56 and 57 North, Range 22 and 23 West, Nashwauk, Itasca County, Minnesota.

Permit Coverage

This NPDES/SDS Permit incorporates an SDS Permit authorizing the operation of the tailings basin and an NPDES Permit authorizing a discharge of stormwater and mine pit dewatering water to the Ann and Sullivan Pits, as well as individual coverage for industrial stormwater discharges. Separately, ESML obtained coverage under the NPDES/SDS General Construction Stormwater Permit for construction activities.

Site and Activity Description

The principal activities at this facility will include open-pit taconite mining of the Biwabik Iron Formation at a rate of approximately 24.0 million metric tons of ore per year, crushing, concentrating, and pelletizing a combination of approximately 6.5 million metric tons of high-flux oxide pellets or approximately 7.0 million metric tons of low flux/DRI grade oxide pellets; direct iron reduction of approximately 1.8 million metric tons of iron pellets; and production of approximately 1.5 million metric tons of steel slabs using arc furnaces, ladle metallurgy furnaces, and casters.

Taconite ore will be mined from Pit 5 and Pit 6 (adjacent and including to the Draper Annex Pit) using open-pit mining methods. The mining area will eventually be known as Essar Pit when all the pits are consolidated. After overburden material is removed, waste rock and taconite ore will be drilled, blasted, and loaded into mine trucks by diesel-hydraulic shovels. The raw ore will be trucked to the ore processing facilities. Waste rock will either be placed in waste rock stockpiles or used to construct dike and haul roads. The ore processing facilities will consist of a crusher, concentrator, pellet plant, and direct reduced iron (DRI) plant. Crushed ore will be conveyed to the concentrator where the magnetic iron oxide materials (concentrate) will be separated from the nonmagnetic waste (tailings). Tailings from the concentrator will be pumped to a tailings thickener where solids will be thickened by sedimentation into tailings slurry. The tailings slurry will be pumped from the thickener to a new tailings basin to be constructed on the site of the former Butler Taconite facility tailings basin. The steel manufacturing facilities will include one electric arc furnace, water pre-treatment and water recovery and reuse system (WRRS), one ladle furnace, one thick slab caster, one tunnel furnace, a vacuum degasser, a hot strip rolling mill, and a sheet steel coiler.

In addition to the above mentioned facilities, the facility will also include the general office building, materials and equipment storage areas, warehouses, and a mobile equipment shop building. Additionally, the property will include haul roads, pipelines, rail lines, and related appurtenances that are used to route ore to the facility, tailings to the tailings basin, clear water to the concentrator, and products to its final end use point.

Various chemicals as identified in the NPDES/SDS Permit application submitted to the MPCA in December 2011, may be applied in the concentrator, pellet plant, DRI plant, meltshop, and hot mill for flotation, dust control, thickening, and water chemistry control. Conditional approval for the following chemical additives is dependent upon submittal of usage rate information as required by Chapter 7.2.1 and Chapter 9.1.43 of this permit.

Product Name/Location of Use	Average Rate/Volume per Year	Purpose
Concentrator		
N-8338	TBD	Corrosion inhibitor
Frother (Methyl Isobutyl Carbinol)	0.5 pounds/ton of concentrate	Floatation
Diamine (DA-16.5% Acetate)	0.10 pounds/ton of concentrate	Floatation
Dus Treat DC9102	TBD	Dust control
Pellet Plant		
N-8338	TBD	Corrosion inhibitor
N-7763	TBD	Flocculant for thickener
N-8357	TBD	Scale inhibitor (non-phosphorus)
N-7330	TBD	Biocide
Caustic	TBD	pH adjustment

The only water entering the tailings basin will be precipitation and the water used to convey tailings to the basin from the concentrator.

All water collected in floor drains and sumps in the plant area buildings, as well as the crusher and concentrator buildings, will be recycled directly into process water system or into the stormwater collection system, which eventually reports to the process water system. Sanitary wastewater generated at the facility will be piped to the city of Nashwauk Wastewater Treatment System for treatment prior to discharge.

Water Supply

Water for the steel making operations will be supplied from stormwater run-off which will be collected from the production/storage plant areas and maintenance dewatering of ore mining Pit 5 and Pit 6 (to be named Essar Pit when consolidated), as well as the Ann and Sullivan natural ore Pits. Prior to use as process water, the collected stormwater will be conveyed to the Ann or Sullivan Pit along with the mine pit dewatering flow. The Ann and Sullivan Pits will serve as the main reservoirs of source water for the facility. Water from Pits 1&2 will also be appropriated for supplemental supply water and will be piped directly to the processing plant.

Yard and roof run-off from the pellet and steel making plant area will be collected in a stormwater basin to be located near the plant area. Excess water from the basin will be conveyed to the Ann Pit through a combination of pumps and pipelines and gravity flow through ditches. Stormwater from the crusher/concentrator area will be conveyed to a stormwater basin to be located near the crushing/concentrator area. Stormwater from Stockpile A area will be conveyed to the stormwater basin to be located near the crusher/concentrator area. Stormwater from the Stockpile B area will be conveyed to the stormwater basin to be located near the Stockpile B area. Stormwater from the Stockpile C area will be conveyed to a stormwater basin to be located near the Stockpile C area. Stormwater from all stormwater basins to be located in the vicinity of the crusher/concentration and stockpiles will be transported via pumps through pipelines and via gravity flow through ditches to the Sullivan Mine Pit. ESML will divert stormwater from construction and operating areas away from Pits

1&2, Pit 5, and the Draper Annex Pit in order to prevent pollutants from being added to those pits from construction and mining activities during transfer dewatering. The diversion of stormwater away from Pits 1 and 2 will continue for the life of the project to preserve the availability of those pits to serve as stream augmentation water.

Eventually as old Pit 5, new Pit 5, and new Pit 6 are consolidated into one pit called the Essar Pit, the Draper Annex, Ann, and Sullivan Pits and the stormwater basins to be located in the crusher/concentrator area may be consumed by the mine expansion. At that time, stormwater from the facility will be directed into active Essar Pit for storage and eventually to the production areas for use as process water.

The supply water for the steel manufacturing operations will be transferred to the water pretreatment building located near the DRI building. The supply water may be pre-treated using lime softening, re-carbonation for pH adjustment, clarification and filtration. The majority of the pretreatment unit operations will be located inside a building equipped with a sump system for collecting and transferring recycle, backwash, and spill streams. The clarifiers will be located outside of the building on concrete foundations. Pre-treated process water will be conveyed to head tanks or secondary treatment units. Secondary treatment units including reverse osmosis (RO) and chemical addition may be used to provide additional treatment to meet specific operation needs in the DRI, caster and hot strip mill. The RO equipment will be located in a process building serviced by a containment sump. Treated supply water will be used as carrier media for concentrating operations, scrubber water for the DRI plant, non-contact and contact cooling water for the DRI, melt Shop, and hot strip mill operations, boiler water, chemical make-up, dust control, fire/emergency system supply, and make-up for evaporation, blow downs and other production related uses.

Process Water Reuse and Recovery System (WRRS)

Water utilized in the DRI and Steel Mill production operations will be routed to the WRRS located in the plant area near the DRI building and is conceptually designed as follows: Influent to the WRRS will be routed to an equalization/storage system consisting of two storage tanks and a diversion basin that will provide at least 24 hours of storage when the production plant is running at full capacity. The storage tanks will be located in concrete containment structures equipped with a sump that will sound an alarm and provide liquid transfer capability in the event of a spill. The diversion basin will be constructed with a double liner and leak detection and seepage recovery capability. All of the equalization/storage structures will be equipped with continuous level indicators. The WRRS will collect and treat process water streams, remove blow-down streams, and receive make-up water such that undesirable constituents can be removed and disposed and recovered water can be reused at the facility. The WRRS design may include the following unit operations: influent flow equalization, precipitation, clarification, pH adjustment, filtration, reverse osmosis, and brine concentration via evaporation and crystallization. All process water treated via the WRRS will be either reused or evaporated. There will be no discharge from the WRRS. Solids generated by the WRRS will be tested and characterized as either hazardous or non-hazardous and will be further evaluated for beneficial use suitability. Solids that are found not suitable for beneficial use will be disposed in an appropriate certified landfill.

Permitted Discharge Points

There are four surface discharge points authorized in the permit. Surface discharge SD001 consists of maintenance mine pit dewatering flow from Pits 5 and 6 (eventually Essar Pit when consolidated) at a maximum rate of 5 mgd to Sullivan Pit. Surface discharge SD002 consists of maintenance dewatering flow from Pits 5 and 6 (Essar Pit) at a maximum rate of 5 mgd to Ann Pit. Surface discharge SD003 includes stormwater runoff from the crusher/concentrator area and Stock Pile Areas A, B, and C at an

average rate of 0.52 mgd to Sullivan Pit. Surface discharge SD004 includes stormwater from the pellet and steel production plant area at an average rate of 0.42 million gallons per day (mgd) to Ann Pit. The Sullivan and Ann Mine Pits are classified as 2B, 3B, 4A, 4B, 5, and 6 waters of the state.

Surface Water Monitoring Points

The permit includes five surface water monitoring stations, SW001, SW002, SW003, SW004, and SW005 located in Oxhide Lake, Snowball Lake, and Swan Lake (2), and O'Brien Lake respectively. All four lakes are classified as 2B, 3B, 4A, 4B, 5, and 6 waters of the state.

Groundwater Monitoring Points

The permit includes five groundwater monitoring wells in the vicinity of the tailings basin. Up-gradient monitoring well, GW001 is located north of tailings basin. Down-gradient wells GW002, GW003, GW004, and GW005 are located east, southeast, southwest, and west of the tailings basin, respectively. The down-gradient wells are located between the tailings basin and the nearest surfaces of O'Brien Lake, Little O'Brien Lake, Swan Lake, and Pickerel Creek.

Dewatering Activities

ESML will begin mining the undisturbed area of new Pit 5 and new Pit 6. Concurrently ESML will transfer dewater present Pit 5 and Draper Annex Pit before mining can begin within those Pits. During construction of the production facilities and pre-stripping of the new mining areas old Pit 5 will be transfer dewatered to Oxhide Lake over a five to six-year period starting in December 2008. Once Pit 5 has been completely dewatered, water from ongoing maintenance dewatering will be directed to the Ann or Sullivan Pits. Draper Annex Pit will be transfer dewatered to Snowball Lake over a six to eight-year period starting in 2012. As a result of the initial transfer dewatering of Pit 5, the current discharge from these pits to Oxhide Lake will increase by approximately 1-5 cubic feet per second (cfs) above the original overflow rate of approximately 7.2 cfs during the first five to six years of the project. Transfer dewatering of Draper Annex Pit will increase the current flow to Snowball Lake by approximately 0.5 cfs.

The pumps to be used during initial dewatering will be sealed so that the act of pumping will not add any lubricants to the water being pumped to Oxhide and Snowball Lakes. Upon the initiation of mining operations signified by the construction of mining roads that will add pollutants into Pit 5, all Pit 5 maintenance dewatering flows will be directed along with stormwater flows to either the Ann or Sullivan Pits for use as process water as described above. At this point water within Pit 5 will no longer be considered waters of the state but subject to the Categorical Effluent Limitations for the Iron Ore Subcategory (40 CFR § 440). Similarly upon the initiation of construction of mining roads that will add pollutants into Draper Annex Pit/Pit 6, all maintenance dewatering from that pit will be directed to Ann or Sullivan Pits and the water within Draper Annex Pit/Pit 6 will no longer be considered waters of the state.

As stated above, ESML plans to collect stormwater in the vicinity of Pits 1&2, 5, and Draper Annex/Pit 6 for use as process water during dewatering activities and throughout the life of the project. The diversion and collection of stormwater will prevent pollutants from being added to those pits during construction and transfer dewatering activities.

Tailings Basin

Coarse and fine tailings separated from iron oxide materials in the concentrator will be pumped to tailings thickeners. Tailings slurry from the thickeners will be pumped approximately four miles to the tailings basin and discharged hydraulically from a two mile pipeline to be constructed around the perimeter of the basin. The tailings basin design includes two pipelines to carry tailings into the basin,

one of which will operate at any given time and one of which will be on standby. Tailings slurry of approximately 33 percent solids will be transported to the basin at an average rate of approximately 12,000 gallons per minute. The coarse fraction of the tailings will settle out of the slurry near the discharge point and will be used for dike construction. The fine tailings will flow toward the center of the basin and will eventually settle out near the middle of the structure. The perimeter dam of the basin will be constructed by moving the discharge point around the basin at intervals. At a fifteen-year average rate of approximately 28.9 % weight recovery for 14.2 million metric tons of mined ore (6 % dry cobber rejection and 4.1 million metric tons of pellets) the pipelines will transport approximately 9.2 million metric tons of tailings to the tailings basin during each of the first two years following concentrator initiation. After the initial startup, production will increase to 24 million metric tons of mined ore (6 % dry cobber rejection and 7.0 million metric tons of low flux pellets) and tailings production will increase to approximately 15.7 million metric tons per year. The approximate distribution of tailings to be produced is 30 percent coarse and 70 percent fine tailings by volume. Fugitive dust emissions from tailings basin will be regulated by Title V Air Permit 06100067 issued by the MPCA to ESML. A Fugitive Emissions Control Plan to ensure minimal fugitive emissions impacts from the tailings basin was submitted and approved as required by the air permit.

Lower elevation segments of the four mile pipeline from the tailings thickener to the basin will be equipped with drains and catchment basins. The system of drains and catchment basins will be sized to accommodate all of the tailings drained from the pipeline with sufficient remaining volume to handle precipitation runoff in the event of a heavy rain event. The preliminary design of the pipeline route indicates the need to install drain systems on the northwest side of Highway 169 at the future site of the tailings pipeline booster pump and potentially at the outer base of the tailings basin. The tailings pipeline will cross a yet-to-be constructed bridge over Highway 169. The tailings pipeline crossing the bridge over highway 169 will be constructed with a secondary containment sleeve to direct tailings away from the roadway in the event of a leak in that section of the pipeline. A similar bridge or other structure will be constructed where the tailings pipeline will cross over Pickerel Creek. The Pickerel Creek crossing will be installed with a sleeve around the pipe to prevent any leaks from the pipeline from entering Pickerel Creek. Any potential leaks from segments of the pipeline not directly adjacent to the drains and catchments will flow through constructed or natural ditches toward the nearest drain system. During routine tailings pipeline switches, clear water will be pumped through the pipeline to flush the tailings from the line into the tailings system. During freezing weather, after the line is flushed, the clear water in the line will be drained into the catchment basins and subsequently pumped back into the process water system. Similar protocol will be employed in the case of emergency tailings line shutdowns. In either case any tailings collected in the catchments will be pumped or dug out of the basin and disposed in the tailings basin. Water and/or tailings in the drain systems will be removed as soon as practicable to ensure adequate freeboard in the drain catchments for future line draining. The tailings pipelines will be equipped with instrumentation to indicate changes in flow to alert operators of possible leaks in the pipelines. The tailings pipelines will be rubber-lined or otherwise treated to prevent premature wear.

In addition to the two tailings slurry pipelines described above, the tailings basin design includes one clear water pipeline to return water to the concentrator head tank from the tailings basin. The clear water return line will be buried below the bed of Pickerel Creek and under Highway 169.

A seepage collection and return system will be constructed at the tailings basin to collect any potential seepage and return it back to the tailings basin to ensure there is no discharge to surface waters from the tailings basin

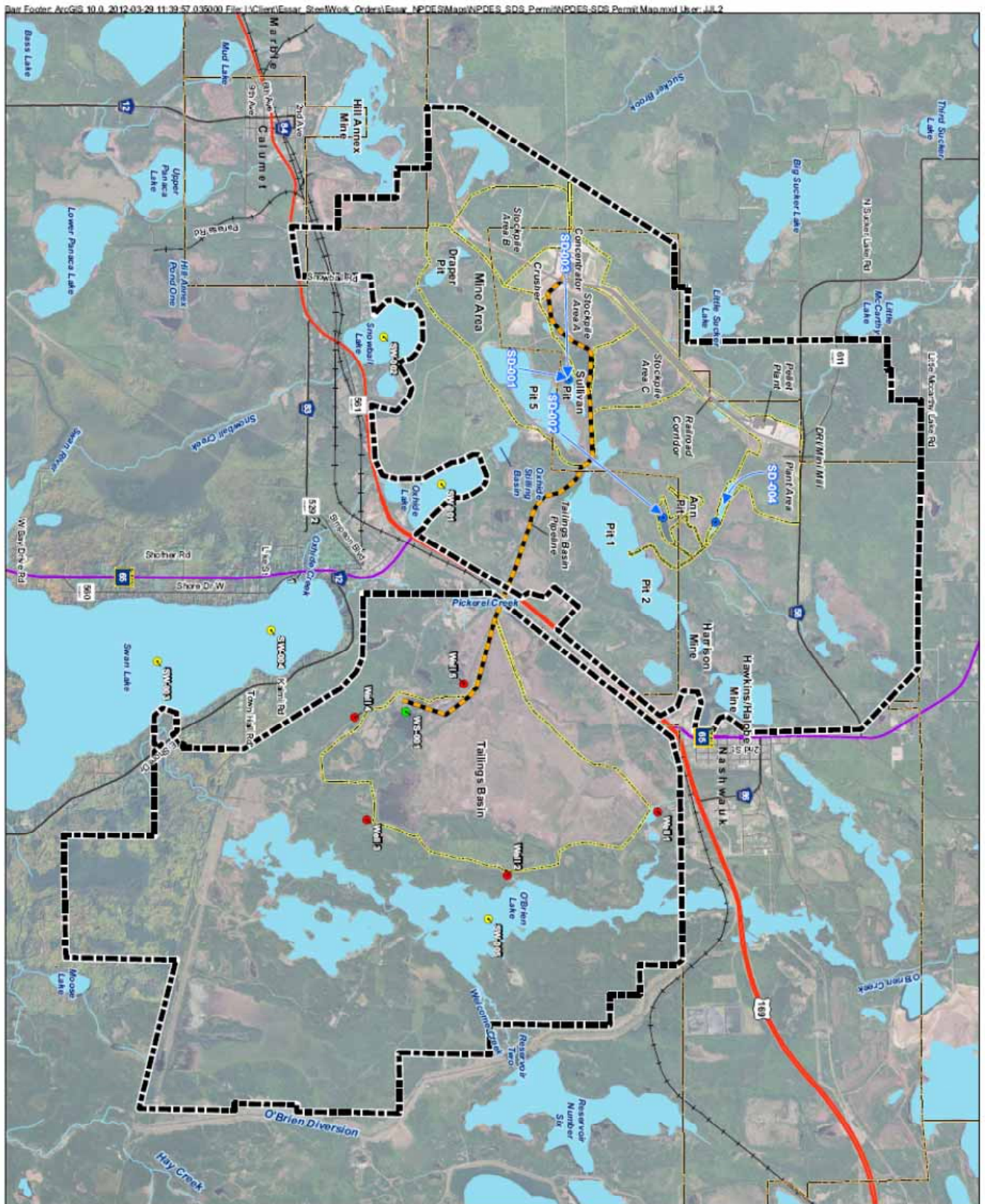
The permit includes one waste stream monitoring station WS001 which represents the tailings discharge to the basin. This will be monitored by sampling the return water. The permit requires the Permittee to monitor the total mass of tailings transported to the basin each month along with the surface water elevation in the tailings basin. If more than one discharge point is used in any given month data collected shall be representative of the total mass of tailings transported to the basin in any given month. The reference elevation point for measuring the water level shall be mean sea level.

The location of the facility is shown on the attached topographical map.

Nondegradation Consideration

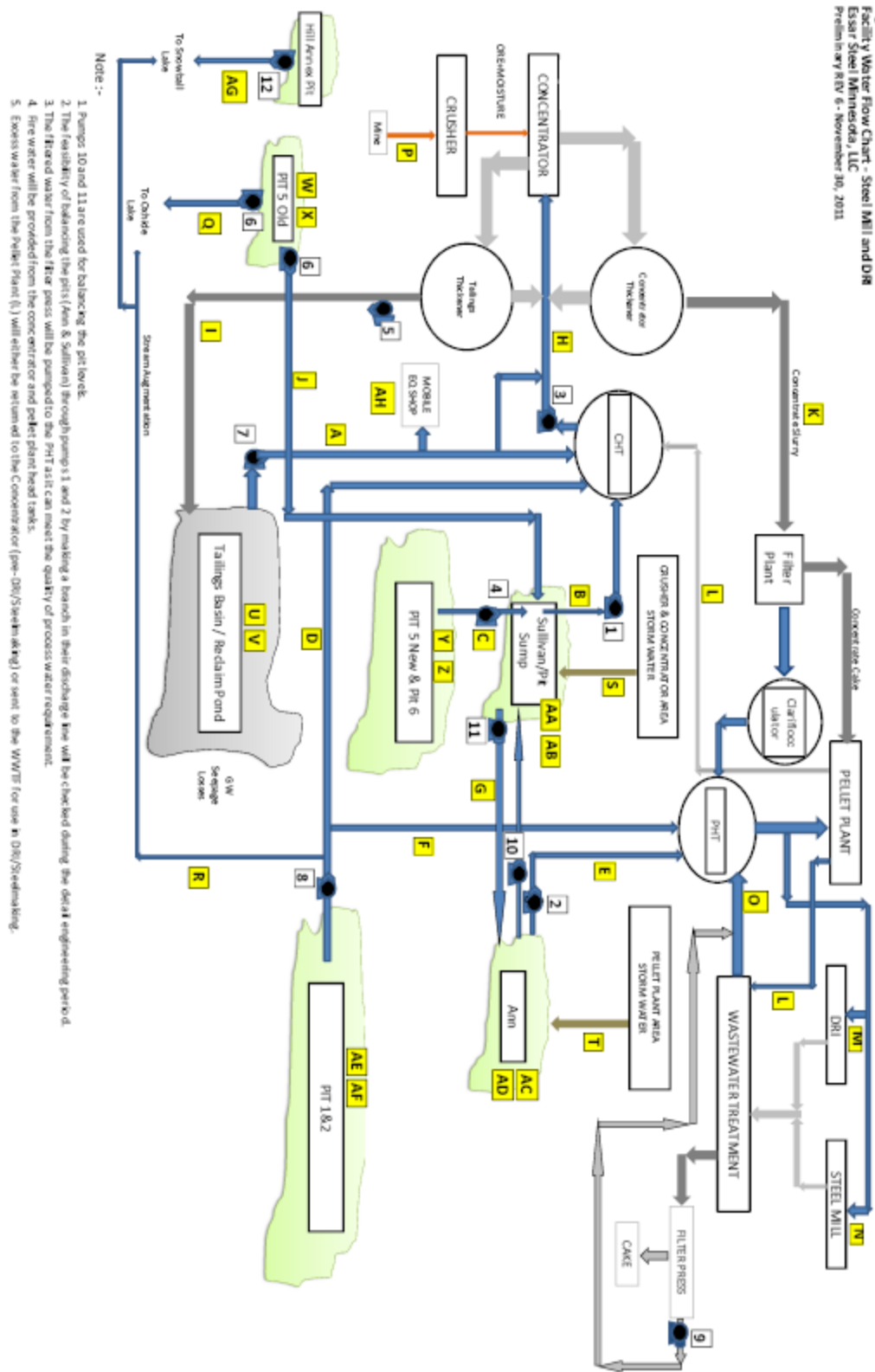
The permitted facility did not exist at the time of the January 1, 1988, nondegradation trigger date. In accordance with Minn R. 7050.0185, nondegradation review is required for all new facilities and all existing facilities that increase design flow greater than 0.2 million gallons per day (mgd) and increase loading of one or more pollutants or any change a discharge containing toxic pollutants that results in a mass loading rate likely to increase the concentration of a toxicant in the receiving water by greater than one percent over the baseline quality. MPCA staff completed a nondegradation review for the original project permitted by Minnesota Steel for the mine pit dewatering and stormwater discharges as part of the permit issuance. The permitted design flow for the facility is 5.6 mgd. If at any time in the future ESML applies for an increase in the design flow greater than 0.2 mgd an additional nondegradation evaluation would be required.

Map of Permitted Facility



Schematic/Process Flow Diagram

Figure 3
 Facility Water Flow Chart - Steel Mill and DR
 Essar Steel Minnesota, LLC
 Preliminary REV 6 - November 30, 2011



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<u>Station</u>	<u>Type of Station</u>	<u>Local Name</u>	<u>PLS Location</u>
GW001	Well, Upgradient	North Well	NW Quarter of the NE Quarter of Section 5, Township 56 North, Range 22 West
GW002	Well, Downgradient	East Well	SE Quarter of the NW Quarter of Section 9, Township 56 North, Range 22 West
GW003	Well, Downgradient	Southeast Well	SE Quarter of the NE Quarter of Section 17, Township 56 North, Range 22 West
GW004	Well, Downgradient	Southwest Well	NW Quarter of the SW Quarter of Section 17, Township 56 North, Range 22 West
GW005	Well, Downgradient	West Well	NW Quarter of the SE Quarter of Section 7, Township 56 North, Range 22 West

Surface Discharge Stations

<u>Station</u>	<u>Type of Station</u>	<u>Local Name</u>	<u>PLS Location</u>
SD001	Effluent To Surface Water	Maintenance mine pit dewaterflow to Sullivan Mine Pit	SW Quarter of the SW Quarter of Section 2, Township 56 North, Range 23 West
SD002	Effluent To Surface Water	Maintenance mine pit dewatering to Ann Pit	NE Quarter of the NW Quarter of Section 1, Township 56 North, Range 23 West
SD003	Stormwater, Non-specific Runoff	ISW Benchmark monitoring: stockpiles/crusher/concentrator areas to Sullivan Pit	SW Quarter of the SW Quarter of Section 2, Township 56 North, Range 23 West
SD004	Stormwater, Non-specific Runoff	ISW Benchmark monitoring: pellet & steel plant areas to the Ann Pit	NE Quarter of the NW Quarter of Section 1, Township 56 North, Range 23 West

Surface Water Stations

<u>Station</u>	<u>Type of Station</u>	<u>Local Name</u>	<u>PLS Location</u>
SW001	Lake/Reservoir	Oxhide Lake	NW Quarter of the SW Quarter of Section 12, Township 56 North, Range 23 West
SW002	Lake/Reservoir	Snowball Lake	SE Quarter of the NE Quarter of Section 15, Township 56 North, Range 23 West
SW003	Lake/Reservoir	Swan Lake - Middle	NE Quarter of the NE Quarter of Section 30, Township 56 North, Range 22 West
SW004	Lake/Reservoir	Swan Lake - North Bay	NE Quarter of the NW Quarter of Section 19, Township 56 North, Range 22 West
SW005	Lake/Reservoir	O'Brien Lake aka Blue Lake	SW Quarter of the NE Quarter of Section 9, Township 56 North, Range 22 West

Waste Stream Stations

<u>Station</u>	<u>Type of Station</u>	<u>Local Name</u>	<u>PLS Location</u>
WS001	Internal Waste Stream	Tailings Basin	NW Quarter of the NW Quarter of Section 17, Township 56 North, Range 22 West

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

GW 001, GW 002, GW 003, GW 004, GW 005

Parameter	Limit	Units	Limit Type	Effective Period	Sample Type	Frequency	Notes
Alkalinity, Total	Monitor Only	mg/L	Calendar Month Maximum	May, Jul, Oct	Grab	1 x Month	
Calcium, Dissolved (as Ca)	Monitor Only	mg/L	Calendar Month Maximum	May, Jul, Oct	Grab	1 x Month	
Chloride, Total	Monitor Only	mg/L	Calendar Month Maximum	May, Jul, Oct	Grab	1 x Month	
Chromium, Total (as Cr)	Monitor Only	mg/L	Calendar Month Maximum	May, Jul, Oct	Grab	1 x Month	
Cobalt, Dissolved (as Co)	Monitor Only	ug/L	Calendar Month Maximum	May, Jul, Oct	Grab	1 x Month	
Elevation of GW Relative to Mean Sea Level	Monitor Only	feet	Calendar Month Maximum	May, Jul, Oct	Grab	1 x Month	
Fluoride, Total (as F)	Monitor Only	mg/L	Calendar Month Maximum	May, Jul, Oct	Grab	1 x Month	
Hardness, Carbonate (as CaCO ₃)	Monitor Only	mg/L	Calendar Month Maximum	May, Jul, Oct	Grab	1 x Month	
Iron, Dissolved (as Fe)	Monitor Only	mg/L	Calendar Month Maximum	May, Jul, Oct	Grab	1 x Month	
Magnesium, Dissolved (as Mg)	Monitor Only	mg/L	Calendar Month Maximum	May, Jul, Oct	Grab	1 x Month	
Manganese, Dissolved (as Mn)	Monitor Only	ug/L	Calendar Month Maximum	May, Jul, Oct	Grab	1 x Month	
Mercury, Dissolved (as Hg)	Monitor Only	ug/L	Calendar Month Maximum	Jul	Grab	1 x Month	5
Molybdenum, Dissolved (as Mo)	Monitor Only	ug/L	Calendar Month Maximum	May, Jul, Oct	Grab	1 x Month	
Nitrite Plus Nitrate, Total (as N)	Monitor Only	mg/L	Calendar Month Maximum	May, Jul, Oct	Grab	1 x Month	
pH	Monitor Only	SU	Calendar Month Maximum	May, Jul, Oct	Grab	1 x Month	
pH	Monitor Only	SU	Calendar Month Minimum	May, Jul, Oct	Grab	1 x Month	
Potassium, Total (as K)	Monitor Only	mg/L	Calendar Month Maximum	May, Jul, Oct	Grab	1 x Month	
Sodium, Total (as Na)	Monitor Only	mg/L	Calendar Month Maximum	May, Jul, Oct	Grab	1 x Month	
Solids, Total Dissolved (TDS)	Monitor Only	mg/L	Calendar Month Maximum	May, Jul, Oct	Grab	1 x Month	
Specific Conductance	Monitor Only	umh/cm	Calendar Month Maximum	May, Jul, Oct	Grab	1 x Month	
Sulfate, Total (as SO ₄)	Monitor Only	mg/L	Calendar Month Maximum	May, Jul, Oct	Grab	1 x Month	

SD 001, SD 002

Parameter	Limit	Units	Limit Type	Effective Period	Sample Type	Frequency	Notes
Flow	Monitor Only	mgd	Calendar Month Average	Jan-Dec	Measurement, Continuous	1 x Week	
Flow	Monitor Only	MG	Calendar Month Total	Jan-Dec	Measurement, Continuous	1 x Week	
Hardness, Calcium & Magnesium, Calculated (as CaCO ₃)	Monitor Only	mg/L	Calendar Quarter Maximum	Jan-Dec	Grab	1 x Quarter	4
Iron, Total (as Fe)	1.0	mg/L	Calendar Month Average	Jan-Dec	Grab	1 x Week	

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

SD 001, SD 002

Parameter	Limit	Units	Limit Type	Effective Period	Sample Type	Frequency	Notes
Iron, Total (as Fe)	2.0	mg/L	Daily Maximum	Jan-Dec	Grab	1 x Week	
Mercury, Total (as Hg)	Monitor Only	ng/L	Calendar Quarter Maximum	Jan-Dec	Grab	1 x Quarter	4
Oil & Grease, Total	Monitor Only	mg/L	Calendar Month Average	Jan-Dec	Grab	1 x Week	
pH	9.0	SU	Calendar Month Maximum	Jan-Dec	Grab	1 x Week	
pH	6.0	SU	Calendar Month Minimum	Jan-Dec	Grab	1 x Week	
Phosphorus, Total (as P)	Monitor Only	mg/L	Calendar Month Average	Jan-Dec	Grab	1 x Week	6
Solids, Total Dissolved (TDS)	Monitor Only	mg/L	Calendar Quarter Maximum	Jan-Dec	Grab	1 x Quarter	4
Solids, Total Suspended (TSS)	20.0	mg/L	Calendar Month Average	Jan-Dec	Grab	1 x Week	
Solids, Total Suspended (TSS)	30.0	mg/L	Daily Maximum	Jan-Dec	Grab	1 x Week	
Specific Conductance, Field	Monitor Only	umh/cm	Calendar Quarter Maximum	Jan-Dec	Grab	1 x Quarter	4
Sulfate, Total (as SO4)	Monitor Only	mg/L	Calendar Quarter Maximum	Jan-Dec	Grab	1 x Quarter	4

SD 003, SD 004

Parameter	Limit	Units	Limit Type	Effective Period	Sample Type	Frequency	Notes
Aluminum, Total (as Al)	1.5	mg/L	Calendar Year Average Intervention-Qtr	Jan-Dec	Grab	1 x Year	8
Antimony, Total (as Sb)	0.18	mg/L	Calendar Year Average Intervention-Qtr	Jan-Dec	Grab	1 x Year	8
Arsenic, Total (as As)	0.680	mg/L	Calendar Year Average Intervention-Qtr	Jan-Dec	Grab	1 x Year	8
Cadmium, Total (as Cd)	0.0078	mg/L	Calendar Year Average Intervention-Qtr	Jan-Dec	Grab	1 x Year	8
Copper, Total (as Cu)	0.028	mg/L	Calendar Year Average Intervention-Qtr	Jan-Dec	Grab	1 x Year	8
Flow	Monitor Only	mgd	Calendar Month Average	Jan-Dec	Measurement, Continuous	1 x Month	
Flow	Monitor Only	MG	Calendar Month Total	Jan-Dec	Measurement, Continuous	1 x Month	
Hardness, Calcium & Magnesium, Calculated (as CaCO3)	Monitor Only	mg/L	Calendar Year Average Intervention-Qtr	Jan-Dec	Grab	1 x Year	8
Iron, Total (as Fe)	1.0	mg/L	Calendar Year Average Intervention-Qtr	Jan-Dec	Grab	1 x Year	8
Lead, Total (as Pb)	0.164	mg/L	Calendar Year Average Intervention-Qtr	Jan-Dec	Grab	1 x Year	8
Nickel, Total (as Ni)	0.938	mg/L	Calendar Year Average Intervention-Qtr	Jan-Dec	Grab	1 x Year	8
pH	9.0	SU	Calendar Year Maximum Intervention-Qtr	Jan-Dec	Grab	1 x Year	3
pH	6.0	SU	Calendar Year Minimum Intervention-Qtr	Jan-Dec	Grab	1 x Year	3
Selenium, Total (as Se)	0.040	mg/L	Calendar Year Average Intervention-Qtr	Jan-Dec	Grab	1 x Year	8

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

SD 003, SD 004

Parameter	Limit	Units	Limit Type	Effective Period	Sample Type	Frequency	Notes
Silver, Total (as Ag)	0.0041	mg/L	Calendar Year Average Intervention-Qtr	Jan-Dec	Grab	1 x Year	8
Solids, Total Suspended (TSS)	100	mg/L	Calendar Year Average Intervention-Qtr	Jan-Dec	Grab	1 x Year	8
Zinc, Total (as Zn)	0.234	mg/L	Calendar Year Average Intervention-Qtr	Jan-Dec	Grab	1 x Year	8

SW 001, SW 002, SW 005

Parameter	Limit	Units	Limit Type	Effective Period	Sample Type	Frequency	Notes
Chloride, Total	Monitor Only	mg/L	Calendar Month Maximum	Jun, Aug	Grab	1 x Month	1
Chlorophyll a, corrected	Monitor Only	mg/L	Calendar Month Maximum	Jun, Aug	Grab	1 x Month	1
Eh, Field	Monitor Only	mv	Calendar Month Maximum	Jun, Aug	Grab	1 x Month	1
Eh, Field	Monitor Only	mv	Calendar Month Minimum	Jun, Aug	Grab	1 x Month	1
Hardness, Carbonate (as CaCo3)	Monitor Only	mg/L	Calendar Month Maximum	Jun, Aug	Grab	1 x Month	1
Iron, Total (as Fe)	Monitor Only	ug/L	Calendar Month Maximum	Jun, Aug	Grab	1 x Month	1
Oxygen, Dissolved	Monitor Only	mg/L	Calendar Month Minimum	Jun, Aug	Grab	1 x Month	1
pH, Field	Monitor Only	SU	Calendar Month Maximum	Jun, Aug	Grab	1 x Month	1
pH, Field	Monitor Only	SU	Calendar Month Minimum	Jun, Aug	Grab	1 x Month	1
Phosphorous, In Total Orthophosphate (as P)	Monitor Only	mg/L	Calendar Month Maximum	Jun, Aug	Grab	1 x Month	1
Phosphorus, Total (as P)	Monitor Only	mg/L	Calendar Month Maximum	Jun, Aug	Grab	1 x Month	1
Solids, Total Dissolved (TDS)	Monitor Only	mg/L	Calendar Month Maximum	Jun, Aug	Grab	1 x Month	1
Solids, Total Suspended (TSS)	Monitor Only	mg/L	Calendar Month Maximum	Jun, Aug	Grab	1 x Month	1
Specific Conductance, Field	Monitor Only	umh/cm	Calendar Month Maximum	Jun, Aug	Grab	1 x Month	1
Sulfate, Total (as SO4)	Monitor Only	mg/L	Calendar Month Maximum	Jun, Aug	Grab	1 x Month	1
Temperature, Water (C)	Monitor Only	Deg C	Calendar Month Maximum	Jun, Aug	Grab	1 x Month	1

SW 003, SW 004

Parameter	Limit	Units	Limit Type	Effective Period	Sample Type	Frequency	Notes
Chloride, Total	Monitor Only	mg/L	Calendar Month Maximum	Jun, Aug	Grab	1 x Month	1
Chlorophyll a, corrected	Monitor Only	mg/L	Calendar Month Maximum	Jun, Aug	Grab	1 x Month	1
Eh, Field	Monitor Only	mv	Calendar Month Maximum	Jun, Aug	Grab	1 x Month	1

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

SW 003, SW 004

Parameter	Limit	Units	Limit Type	Effective Period	Sample Type	Frequency	Notes
Eh, Field	Monitor Only	mv	Calendar Month Minimum	Jun, Aug	Grab	1 x Month	1
Hardness, Carbonate (as CaCo3)	Monitor Only	mg/L	Calendar Month Maximum	Jun, Aug	Grab	1 x Month	1
Iron, Total (as Fe)	Monitor Only	ug/L	Calendar Month Maximum	Jun, Aug	Grab	1 x Month	1
Oxygen, Dissolved	Monitor Only	mg/L	Calendar Month Minimum	Jun, Aug	Grab	1 x Month	1
pH, Field	Monitor Only	SU	Calendar Month Maximum	Jun, Aug	Grab	1 x Month	1
pH, Field	Monitor Only	SU	Calendar Month Minimum	Jun, Aug	Grab	1 x Month	1
Phosphorous, In Total Orthophosphate (as P)	Monitor Only	mg/L	Calendar Month Maximum	Jun, Aug	Grab	1 x Month	1
Phosphorus, Total (as P)	Monitor Only	mg/L	Calendar Month Maximum	Jun, Aug	Grab	1 x Month	1
Solids, Total Dissolved (TDS)	Monitor Only	mg/L	Calendar Month Maximum	Jun, Aug	Grab	1 x Month	1
Solids, Total Suspended (TSS)	Monitor Only	mg/L	Calendar Month Maximum	Jun, Aug	Grab	1 x Month	1
Specific Conductance, Field	Monitor Only	umh/cm	Calendar Month Maximum	Jun, Aug	Grab	1 x Month	1
Sulfate, Total (as SO4)	Monitor Only	mg/L	Calendar Month Maximum	May, Jun, Aug, Sep	Grab	1 x Month	2
Temperature, Water (C)	Monitor Only	Deg C	Calendar Month Maximum	Jun, Aug	Grab	1 x Month	1

WS 001

Parameter	Limit	Units	Limit Type	Effective Period	Sample Type	Frequency	Notes
Calcium, Total (as Ca)	Monitor Only	mg/L	Calendar Month Average	May, Jul, Oct	Grab	1 x Month	
Chloride, Total	Monitor Only	mg/L	Calendar Month Average	May, Jul, Oct	Grab	1 x Month	
Elevation of Water Level Relative to Ref Point	Monitor Only	feet	Calendar Month Maximum	May, Jul, Oct	Measurement, Continuous	1 x Month	
Fluoride, Total (as F)	Monitor Only	mg/L	Calendar Month Average	May, Jul, Oct	Grab	1 x Month	
Hardness, Carbonate (as CaCo3)	Monitor Only	mg/L	Calendar Month Average	May, Jul, Oct	Grab	1 x Month	
Magnesium, Total (as Mg)	Monitor Only	mg/L	Calendar Month Average	May, Jul, Oct	Grab	1 x Month	
Mass Transported From Facility	Monitor Only	ton/yr	Calendar Year To Date Total	Jan-Dec	Measurement	1 x Month	9
Nitrite Plus Nitrate, Total (as N)	Monitor Only	mg/L	Calendar Month Average	May, Jul, Oct	Grab	1 x Month	
Phosphorus, Total (as P)	Monitor Only	mg/L	Calendar Month Average	May, Jul, Oct	Grab	1 x Month	
Sodium, Total (as Na)	Monitor Only	mg/L	Calendar Month Average	May, Jul, Oct	Grab	1 x Month	
Solids, Total Dissolved (TDS)	Monitor Only	mg/L	Calendar Month Average	May, Jul, Oct	Grab	1 x Month	
Sulfate, Total (as SO4)	Monitor Only	mg/L	Calendar Year Average Intervention	Jan-Dec	Grab	1 x Month	7

Essar Steel Minnesota LLC
Limits and Monitoring Requirements

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

WS 001

Parameter	Limit	Units	Limit Type	Effective Period	Sample Type	Frequency	Notes
Sulfate, Total (as SO ₄)	Monitor Only	mg/L	Calendar Month Average	May, Jul, Oct	Grab	1 x Month	

Notes:

1 -- Collect one sample during June and August of each year. Samples shall be collected at varying depths in the water column consistent with the requirements of Chapter 3, Section 3.1-3.2 of this permit.

2 -- Collect one sample during May, June, August and September of each year. Samples shall be collected at two-meter intervals. Sampling frequency shall be increased, if necessary, in accordance with Chapter 5, Section 1.1 of this permit.

3 -- Report instantaneous results only and not a calculation of pH averages.

4 -- Samples may be taken any time during each calendar quarter but must be reported on the DMR for the last month of each quarter (e.g. the sample for the first calendar quarter of Jan - Mar should be reported on the March DMR). The permittee may request to modify this permit after 12 months of monitoring data have been submitted to MPCA, in order to remove or modify limits or monitoring requirements.

5 -- Samples shall be analyzed using EPA Method 1631, Revision E.

6 -- See General Requirements in Chapter 2, Section 3.1.

7 -- The annual average sulfate concentration shall be reported on the December DMR.

8 -- This value is an average of the quarterly samples taken throughout the calendar year, reported annually in December. See the Industrial Stormwater Chapter for more information.

9 -- Tons of tailings transported to the tailings basin; see Metallic Mining Chapter, Mine Tailings Basin requirements, for detailed limits, monitoring and reporting that apply to the transport of coarse tailings from the facility. If unable to measure using a meter at the thickener estimate using volume transported and specific information regarding makeup of talings.

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Chapter 1. Ground Water Stations

1. Monitoring Wells

- 1.1 The Permittee shall install and maintain ground water monitoring wells according to the Minnesota Water Well Construction Code, Minnesota Rules, ch. 4725. Damaged or improperly constructed monitoring wells shall be repaired or properly abandoned and replaced. Information on licensed water well contractors is available from the Minnesota Department of Health. A minimum of 5 ground water monitoring wells shall be maintained surrounding the tailings basin.
- 1.2 If a ground water monitoring well is abandoned, the Permittee shall replace it with a new well within 60 days, or before the next monitoring date required by this permit for the abandoned well, whichever is sooner, and as approved in writing by the MPCA. Wells shall be abandoned consistent with Minnesota Water Well Construction Code, Minnesota Rules, ch. 4725.
- 1.3 The Permittee shall submit a detailed monitoring well log for each monitoring well at the facility and a detailed US Geological Survey topographical map identifying the location of each well.
- 1.4 Each monitoring well shall be clearly numbered on the outside of the well with either indelible paint or an inscribed number.
- 1.5 The monitoring wells shall be sampled in accordance with "Minnesota Pollution Control Agency, Water Quality Division: Sampling Protocol for Ground Water Monitoring Wells, July 1997," Triplett, et. al. Copies of this publication are available on the internet at <http://www.pca.state.mn.us/water/groundwater/wqsampling.html> or may be obtained from the MPCA by calling 651-282-6143 or 800-657-3938.
- 1.6 Prior to well purging and sampling, depths to groundwater shall be measured to the nearest 0.01 foot below the top of the well casing, and groundwater elevations shall be reported to the nearest 0.01 foot above mean sea level.
- 1.7 Temperature, specific conductance and pH shall be reported as the final field measurements from well stabilization.
- 1.8 Tailings, wastewater, and other wastes shall not be deposited on, in, or next to monitoring wells at the facility.

2. Reporting

- 2.1 After two years of operation of the tailings basin, the Permittee shall submit a Comprehensive Ground Water Evaluation Report (Report). The Report shall include a summary of at least two years of ground water monitoring data collected prior to start-up of the tailings basin and two years of monitoring data collected during operation of the basin. The purpose of the Report is to assess any potential impacts from the tailings basin to ground water and to evaluate the effectiveness of the monitoring well network and the need for further ground water monitoring requirements or limitations. The Report shall be submitted to the MPCA no later than one year prior to permit expiration.

3. General Requirements

- 3.1 The MPCA may require the Permittee to conduct further evaluations of existing geotechnical information, conduct additional geotechnical investigations and/or ground water assessments to demonstrate the adequacy of the existing ground water monitoring program in assessing water quality impacts. The requirement to conduct additional geotechnical evaluations and/or ground water assessments shall be based upon clear indications of adverse ground water quality impacts due to the operation of the facility. The MPCA's determination that additional evaluations are required shall be consistent with Minn. R. 7060.0500, and with the ground water Limits & Monitoring Requirements section of this permit. Such determinations shall be made consistent with Minnesota Rules and applicable court decisions. The Permittee reserves all legal rights to contest the validity or reasonableness of any such determination by the MPCA.

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Chapter 1. Ground Water Stations

3. General Requirements

3.2 If after the analysis of the annual report required by 1.5 of Chapter 6 of this Permit, the MPCA concludes that the operation of the tailings basin has caused adverse changes to ground water quality, the MPCA shall notify the Permittee. As used in this permit, 'adverse changes' are site and constituent specific and will be determined through detection of constituents attributable to tailings disposal (including but not limited to sulfate, chloride, fluoride, hardness, calcium, magnesium, and total dissolved solids) in relation to available baseline data as well as established Health Risk Limits (HRLs). Unless a different time period is established in notice, within 60 days of receipt of notice of adverse changes from the MPCA, the Permittee shall submit a report that identifies the Permittee's proposed actions in response to the MPCA's notice. These actions may include additional monitoring, the installation of additional monitoring wells, and/or implementation of other corrective actions. The report must include a work plan and time table for all proposed actions. Following review and approval of the report by the MPCA, the Permittee shall implement the actions as approved or modified by the MPCA.

4. Requirements for Specific Stations

4.1 GW 001, GW 002, GW 003, GW 004, GW 005: Submit a monthly DMR monthly by 21 days after the end of each calendar month following permit issuance.

Chapter 2. Surface Discharge Stations

1. Requirements for Specific Stations

1.1 SD 001, SD 002, SD 003, SD 004: Submit a monthly DMR monthly by 21 days after the end of each calendar month following permit issuance.

2. Sampling Location

- 2.1 Samples for Station SD-001 and SD-002 shall be taken at points representative of the maintenance mine pit dewatering flow to the Sullivan and Ann Pits, respectively.
- 2.2 Samples for SD-003 and SD-004 shall be taken at a point representative of the stormwater discharge to the Sullivan and Ann Pits, respectively.
- 2.3 Samples and measurements required by this permit shall be representative of the stormwater and mine pit maintenance dewatering flows at the facility.

3. Sampling Frequency

3.1 After two years, the Permittee may request a reduction in the phosphorus monitoring frequency listed in the Limits & Monitoring Section of this Permit for SD-001 and SD-002. The Permittee shall be notified in writing if a reduction in monitoring has been authorized; a reduction in monitoring frequency SHALL NOT OCCUR until a written authorization has been given.

4. Surface Discharges

- 4.1 With the exception of the discharge of stormwater and mine pit maintenance dewatering flows to the Ann and Sullivan Pits this permit does not authorize a discharge to surface waters of the state.
- 4.2 The Permittee shall begin sampling the discharge for SD-001 upon the construction of mining roads that would add pollutants to Pit 5. Sampling and reporting for SD-001 shall be done in accordance with the Limits and Monitoring section of this permit.
- 4.3 The Permittee shall begin sampling the discharge for SD-002 upon the construction of mining roads that would add pollutants to the Draper Annex/Pit 6. Sampling and reporting for SD-002 shall be done in accordance with the Limits and Monitoring section of this permit.
- 4.4 The Permittee shall notify the MPCA when construction of mining roads or of any other activities that would add pollutants to Pit 5 or the Pit 6/Draper Annex Pit has occurred.

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Chapter 2. Surface Discharge Stations

4. Surface Discharges

- 4.5 Floating solids or visible foam shall not be discharged in other than trace amounts.
- 4.6 Oil or other substances shall not be discharged in amounts that create a visible color film.
- 4.7 The Permittee shall install and maintain outlet protection measures at the discharge stations to prevent erosion.

5. Winter Sampling Conditions

- 5.1 The Permittee shall sample flows at the designated monitoring stations including when this requires removing ice to sample the water. If the station is completely frozen throughout a designated sampling month, the Permittee shall check the "No Discharge" box on the Discharge Monitoring Report (DMR) and note the ice conditions in Comments on the DMR.

6. Discharge Monitoring Reports

- 6.1 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).

7. General Requirements

Water Reuse & Recovery Treatment System

- 7.1 The Permittee shall notify the MPCA of the date of when it plans to begin construction of the water reuse and recovery treatment system within 30 days of permit issuance.
- 7.2 The Permittee shall submit to the MPCA, for review and approval, final plans and specifications for the water reuse and recovery treatment system within 60 days prior to initiating construction of the treatment system.
- 7.3 The Permittee shall notify the MPCA in writing at least 14 days prior to the planned initiation of operation of the facility. Following the MPCA staff concurrence that the water treatment system is adequately prepared, MPCA staff will notify the Permittee that it may initiate operation.

Chapter 3. Surface Water Stations

1. Requirements for Specific Stations

- 1.1 SW 001, SW 002, SW 003, SW 004, SW 005: Submit a monthly DMR monthly by 21 days after the end of each calendar month following permit issuance.

2. Discharge Monitoring Reports

- 2.1 The Permittee shall submit monitoring results in accordance with the limits and monitoring requirements for this station. If flow conditions are such that no sample could be acquired, the Permittee shall check the "No Flow" box and note the conditions on the Discharge Monitoring Report (DMR).

3. Sampling Location

- 3.1 Samples for Station SW-001, SW-002, SW-003, and SW-005 shall be taken in the middle of Oxhide Lake, Snowball Lake, Swan Lake and O'Brien Lake respectively. Samples for SW-003 shall be taken in the middle of Swan Lake. Samples for SW-004 shall be taken in the center of the Swan Lake north bay near Pengilly.
- 3.2 Lake samples for chloride, chlorophyll-a, hardness, iron, ortho phosphate, total phosphorus, sulfate, total dissolved solids and total suspended solids shall be collected at 2-meter intervals. Field measurements of lake temperature, dissolved oxygen, conductivity, pH, and oxidation-reduction potential shall be collected at one meter intervals. The location, date, time and results for each sample shall be recorded on the supplemental Discharge Monitoring Report form.

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Chapter 3. Surface Water Stations

4. Sampling Protocol

- 4.1 All instruments used for field measurements shall be maintained and calibrated to insure accuracy of measurements.
- 4.2 Sample water shall be preserved according to lab instructions and delivered to a certified lab within the minimum holding times.

5. Winter Sampling Conditions

- 5.1 The Permittee shall sample flows at the designated monitoring stations including when this requires removing ice to sample the water. If the station is completely frozen throughout a designated sampling month, the Permittee shall check the "No Flow" box on the Discharge Monitoring Report (DMR) and note the ice conditions in Comments on the DMR.

Chapter 4. Waste Stream Stations

1. Requirements for Specific Stations

- 1.1 WS 001: Submit a monthly DMR monthly by 21 days after the end of each calendar month following permit issuance.

2. Special Requirements

- 2.1 This permit authorizes the discharge of tailings concentrate to the tailings basin. This permit does not authorize the discharge of any other water streams associated with the facility to the tailings basin.

3. Sampling Location

- 3.1 Data for Station WS-001 shall be taken at a point representative of the tailings concentrator discharge to the tailings basin. If more than one discharge point is used in any given month, data collected shall be representative of the total mass of tailings transported to the basin in any given month.
- 3.2 The reference elevation point for measuring the water level shall be mean sea level.

Chapter 5. Special Requirements

1. Special Requirements

Tailings Basin Area and Swan Lake Enhanced Water Quality Monitoring.

- 1.1 If the annual average sulfate concentration in the tailings basin exceeds 50 mg/L, the water quality sampling frequency for sulfate at SW-003 and SW-004 shall be increased to eight (8) times per year when Swan Lake is ice-free.
- 1.2 The Permittee shall submit a Source Identification Study Workplan describing how the evaluation will be completed and anticipated timeframes for completion. The Workplan shall be submitted for MPCA review and approval if the annual average sulfate concentration in the tailings basin exceeds 50 mg/L.
- 1.3 In addition to the increased monitoring frequency if the annual sulfate concentration in the tailings basin exceeds 50 mg/L, a Source Identification Study shall be conducted to identify sources of sulfate loading that may be different than previously predicted. The Source Identification Study shall include an evaluation of tailings basin, ground water and Swan Lake water quality data for any correlations that may exist. The Source Identification Study shall be conducted after the Source Identification Study Workplan has been reviewed and approved by the MPCA. Results of the Source Identification Study shall be submitted to the MPCA for review.

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Chapter 5. Special Requirements

1. Special Requirements

- 1.4 If sulfate levels in the tailings basin are within expected levels (less than 50 mg/L), and in the event that an upward trend in sulfate concentrations is observed in ground water monitoring well or lake sampling, the company shall conduct a Source Identification Study. The study shall include discussion on tailings basin operation and potential transport of pollutants from the tailings basin to surface waters as well as potential sources of sulfate including sources outside of the company's operations.
- 1.5 In the event that an upward trend in sulfate concentrations is observed in ground water well or lake sampling and that trend can be correlated to an upward trend in the tailings basin sulfate concentration, potential water treatment options shall be evaluated. This could include removal of sulfate from process streams via suitable water treatment technology, such as, but not limited to; reverse osmosis, ion exchange, chemical treatment and/or some other appropriate water management strategy or technology that is determined to be feasible based on the results of the study. If feasible, water management options that could be considered include concentrating and removing sulfate from the water stream, using source water alternatives, and/or channeling the recirculating water to other parts of the plant for use in other operations such that it never reaches the tailings basin.

Chapter 6. Metallic Mining

1. Mine Tailings Basin

- 1.1 This permit does not authorize a surface water discharge from the tailings basin and associated pipelines and appurtenances.
- 1.2 The use of tailings for stream diversions during construction, operation, and post-operational phases is prohibited. The transport and use of coarse tailings from the facility is prohibited if it would not be consistent with the facility description section of this permit.
- 1.3 The Permittee shall conduct a detailed field survey of the seepage collection system and the perimeter dikes of the tailings basin during October of each year.
- 1.4 The Permittee shall submit a Dike and Seepage Survey Annual Report by February 1 of each calendar year following permit issuance.
- 1.5 The Dike and Seepage Survey Annual Report shall include the following information:
 - a. a current map of the tailings basin area that details the dikes, berms, dams, seepage collection points, roads and cells, as well as the current topographic and water level elevations;
 - b. the estimated flow rates through the seepage collection system;
 - c. a brief description of the changes in the nature of the seepage from previous observations;
 - d. a trend analysis of the monitoring well data and the tailings basin water quality data;
 - e. information collected during the annual field survey of seepage collection system and perimeter dikes;
 - f. the annual net precipitation determined from the previous calendar year; and
 - g. photographs as needed to document items a. - e.
- 1.6 The Permittee shall notify the Commissioner in writing at least 180 days in advance of any expansion of the area covered by mine tailings beyond the area enclosed by the initial perimeter basin dams.

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Chapter 6. Metallic Mining

1. Mine Tailings Basin

- 1.7 The Permittee shall notify the Commissioner in writing at least 30 days in advance of any changes to the seepage collection system.
- 1.8 Engineering analyses and charts, developed to correlate instrumentation readings for dams and foundations to readily predict the stability of the dams, shall be made available to the MPCA upon request.
- 1.9 Permanent markers in the ground, established for each dam structure based upon surveying conducted before construction, shall not be subject to further disturbance.
- 1.10 The Permittee shall maintain the tailings basin in such a way as to comply with the freeboard requirements included in the Minnesota Department of Natural Resources Dam Safety Permit.
- 1.11 The tailings disposal system, pipelines, transport system, and appurtenances shall be designed, constructed and operated to collect and treat process wastewater, rainfall, runoff and seepage collected in the seepage collection system.
- 1.12 The Permittee shall make every effort to prevent breaks and spills from the tailings transport, return water pipelines, and tailings basin dikes through regular inspection and maintenance activities. In addition, the Permittee shall be prepared to respond to any releases from systems conveying tailings and process waters by identifying sensitive areas, training employees in spill reporting and response, and having basic spill response materials on site. The Permittee shall in particular comply with the requirements in this permit addressing Noncompliance, Upset Defense, and Duty to Notify and Avoid Pollution Requirements, should a pipeline break/spill or a tailings basin dike breach.

In the event that a spill, break, or breach occurs, the Permittee shall identify the cause and correct the problem within 24 hours of discovery or as soon as possible.

- 1.13 The Permittee shall sample the water in the tailings basin three times per year in accordance with the Limits & Monitoring Section of this permit. A trend analysis of the tailings basin water quality data and the monitoring well data shall be submitted with the Dike and Seepage Survey Annual Report each year.
- 1.14 The tailings basin and associated appurtenances shall be designed and operated to maximize the collection of seepage and surface water runoff during the continuing construction and operation phases. All seepage water collected during the operation phase shall be returned to the tailings basin.
- 1.15 The Permittee shall submit the design plans for the seepage collection system to the MPCA for review and approval at least 60 days prior to initiating construction of that system. The seepage collection system shall be designed such that the base and side walls of the collection ditch have a permeability of less than or equal to 1×10^{-7} cm/s. The Permittee shall not begin construction of the seepage collection system until MPCA approval has been received.

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Chapter 6. Metallic Mining

2. Mobile and Rail Equipment Service Areas

- 2.1 Mobile equipment and rail equipment service areas in the facility shall be operated in compliance with the following:
- a. The Permittee shall collect and dispose of locomotive traction sand, degreasing wastes, motor oil, oil filters, oil sorbent pads and booms, transmission fluids, power steering fluids, brake fluids, coolant/antifreeze, radiator flush wastewater and spent solvents in accordance with applicable solid and hazardous waste management rules. These materials shall not be discharged to surface or ground waters of the state.
 - b. The steam-cleaning of mobile equipment and rail equipment, except for limited outdoor cleaning of large drills and shovels, shall be conducted in wash bays that drain to wastewater treatment systems that include the removal of suspended solids and flammable liquids. The only washing of mobile equipment done in outside areas shall be to remove mud and dirt that has accumulated during outside work.
 - c. The Permittee shall not use solvent-based cleaners, such as those available for brake cleaning and degreasing, to wash mobile and rail equipment unless the cleaning fluids are completely contained and not allowed to flow to surface or ground waters of the state. Soaps and detergents used in washing shall be biodegradable.
 - d. Mobile and rail equipment maintenance and repairs shall not be conducted in wash bays.
 - e. Hazardous materials shall not be stored or handled in wash bays.
 - f. The Permittee shall inspect wastewater containment systems regularly, and repair any leaks that are detected immediately.
 - g. If the Permittee discovers that recoverable amounts of petroleum products have entered wastewater containment systems, they shall be recovered immediately and reported to the MPCA.
 - h. Spill cleanup procedures shall be posted in mobile and rail equipment maintenance and repair areas.

Chapter 7. Industrial Process Wastewater

1. Prohibited Discharges

- 1.1 This permit does not authorize the discharge of sewage, process wastewater, 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.

2. Chemical Additives

- 2.1 Rates of chemical additives for use in the concentrator or pellet plant must be submitted to the MPCA for review and approval within 60 days of the intended use. The chemical additive request for additives used in the concentrator or pellet plant shall follow the requirements in Chapter 9 Section 1.43.

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Chapter 7. Industrial Process Wastewater

3. Toxic Substance Reporting

- 3.1 The Permittee shall notify the MPCA immediately of any knowledge or reason to believe that an activity has occurred that would result in the discharge of a toxic pollutant listed in Minnesota Rules, pt. 7001.1060, subp. 4 to 10 or listed below that is not limited in the permit, if the discharge of this toxic pollutant has exceeded or is expected to exceed the following levels:
- a. for acrolein and acrylonitrile, 200 ug/L;
 - b. for 2,4-dinitrophenol and 2-methyl-4,6-dinitrophenol, 500 ug/L;
 - c. for antimony, 1mg/L;
 - d. for any other toxic pollutant listed in Minnesota Rules, pt. 7001.1060, subp. 4 to 10, 100 ug/L; or
 - e. five times the maximum concentration value identified and reported for that pollutant in the permit application. (Minnesota Rules, pt. 7001.1090, subp. 2.A)
- 3.2 The Permittee shall notify the MPCA immediately if the Permittee has begun or expects to begin to use or manufacture as an intermediate or final by-product a toxic pollutant that was not reported in the permit application under Minnesota Rules, pt. 7001.1050, subp. 2.J. (Minnesota Rules, pt. 7001.1090, subp. 2.B)

4. Polychlorinated Biphenyls (PCBs)

- 4.1 PCBs, including but not limited to those used in electrical transformers and capacitors, shall not be discharged or released to the environment.

5. Application for Permit Reissuance

- 5.1 The permit application shall include analytical data as part of the application for reissuance of this permit. These analyses shall be done on individual samples taken during the twelve-month period before the reissuance application is submitted.

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Chapter 7. Industrial Process Wastewater

5. Application for Permit Reissuance

5.2 The permit application shall include analytical data for at least the following parameters at monitoring station SD-001 & SD-002:

- a. biochemical oxygen demand, chemical oxygen demand, total organic carbon, gasoline range organics, diesel range organics, fecal coliform, ammonia, temperature;
- b. color, fluoride, nitrate-nitrite (as nitrogen), total organic nitrogen, oil and grease, total phosphorus, chloride, sulfate, sulfide (as sulfur), surfactants, bicarbonates, alkalinity, total salinity, total dissolved solids, specific conductance;
- c. aluminum, antimony, arsenic, barium, beryllium, boron, cadmium, calcium, chromium, cobalt, copper, iron, lead, magnesium, manganese, molybdenum, nickel, potassium, selenium, silver, sodium, thallium, tin, titanium, vanadium, zinc (all in total form) according to 40 CFR Part 136.3;
- d. total mercury using EPA Method 1631;
- e. gross alpha particles, radium-226, radium-228, radon-222, uranium;
- f. PCB-1016, PCB-1221, PCB-1232, PCB-1242, PCB-1248, PCB-1254, PCB-1260; and
- g. a scan of constituents using EPA Methods 624 and 625, in 40 CFR Part 136.

The Permittee shall identify, in addition to those pollutants noted in Methods 624 and 625 (Appendix D, Table II), the concentrations of at least ten of the most abundant constituents of the acid and base/neutral organic fractions shown to be present by peaks on the total ion plots (reconstructed gas chromatograms) within ten percent of the nearest internal standard. Identification shall be through the use of U.S. EPA/NIH computerized library of mass spectra, with visual confirmation and potential quantification.

5.3 The Permittee shall include, as part of the application for reissuance of this permit:

- a. a current map of the tailings basin, showing the dikes, dams, cells, and current topographic and water level elevations in the basin;
- b. an updated water balance for the facility;
- c. an updated Operating Plan for the tailings basin for the next five (5) years; and
- d. an updated Pollution Prevention Plan for the facility.

5.4 The Pollution Prevention Plan may be a revision of or an attachment to the current Pollution Prevention Plan.

Chapter 8. Stormwater Management

1. Authorization

- 1.1 This chapter authorizes the Permittee to discharge stormwater associated with industrial activity associated with SIC code 1011 and 3312 in accordance with the terms and conditions of this chapter.
- 1.2 The facility shall be designed and operated in such a way to minimize stormwater runoff from areas impacted by facility operations. During the construction phase, all stormwater impacted by construction and pre-mining activities shall be collected and conveyed to either the Ann or Sullivan Mine Pits. During the operation phase, stormwater runoff from the mining, processing, and stockpiling areas shall be pumped to the Ann or Sullivan Mine Pits.

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Chapter 8. Stormwater Management

2. Prohibited Discharges

- 2.1 This permit, unless specifically authorized by another chapter, does not authorize the discharge of sewage, wash water, scrubber water, floor drains from process areas, spills, oil, hazardous substances, or equipment/vehicle cleaning and maintenance wastewaters to ditches, wetlands or other surface waters of the state.

3. Water Quality Standards

- 3.1 The Permittee shall operate and maintain the facility and shall control runoff, including stormwater, from the facility to prevent the exceedance of water quality standards specified in Minnesota Rules, chs. 7050 and 7060.
- 3.2 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.

4. Stormwater Pollution Prevention Plan

- 4.1 The Permittee shall develop and implement a Stormwater Pollution Prevention Plan (Plan) to address the specific conditions at the industrial facility. The goal of the Plan is to eliminate or minimize contact of stormwater with significant materials that may result in pollution of the runoff. If contact cannot be eliminated or reduced, stormwater that has contacted significant material should be treated before it is discharged from the site.

- 4.2 At a minimum, the SWPPP must include:

- a. a description of appropriate Best Management Practices (BMPs) (including structural and non-structural) for protection of surface and ground water quality at the facility and a schedule for implementing the practices;
- b. a drainage map for the entire facility;
- c. an inventory of exposed significant materials;
- d. an evaluation of the facility areas with exposure of significant materials to stormwater;
- e. an evaluation of all discharge conveyances from the site; a preventative maintenance program;
- f. a spill prevention and response procedure;
- g. procedures to be followed by designated staff employed by the Permittee to implement the SWPPP; and
- h. description of stormwater controls

- 4.3 The SWPPP must include a facility map identifying the following:

Identify where any of the following may be exposed to stormwater: mining or milling site boundaries; access and haul roads; outline of drainage areas of each monitoring location within the facility with indications of the types of discharges from the drainage areas; location of all permitted discharge points, outdoor equipment storage, fueling and maintenance areas; materials handling areas; outdoor manufacturing, outdoor storage and material disposal areas; outdoor chemicals and explosives storage areas; overburden materials, soils or waste storage areas; location of mine drainage or other process water; tailings piles and ponds; heap leach pads; off site points of discharge for mine drainage and process water; surface waters; boundary of tributary areas that are subject to effluent limits; location(s) of sites undergoing reclamation and reclaimed areas; storage or disposal of wastes such as spent solvents and baths, sand, slag and dross; pollution control equipment (e.g. baghouses); coal, coke, scrap, sand, fluxes, refractories, or metal in any form.

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Chapter 8. Stormwater Management

4. Stormwater Pollution Prevention Plan

4.4 The SWPPP must include potential pollutant sources:

For each area of the mine or mill site where stormwater discharges associated with industrial activities occur, the Permittee shall identify the types of pollutants (e.g. heavy metals, sediment) likely to be present in significant amounts. The Permittee shall consider the following factors: the mineralogy of the ore and waste rock (e.g. acid forming); toxicity and quantity of chemicals used, produced or discharged; the likelihood of contact with stormwater; vegetation of site if discharged; the likelihood of contact with stormwater; vegetation of site (if any); history of significant leaks or spills of toxic or hazardous pollutants, including a summary of any existing ore or waste rock or overburden characterization data and test results for potential generation of acid rock. If any new data is acquired due to changes in ore type being mined, the Permittee shall update the SWPPP with this information.

The Permittee shall also describe the following additional sources that have potential pollutants associated with them: Areas where accumulation of significant amounts of particulate matter could occur from such sources as furnace or oven emissions and losses from coal and coke handling operations.

4.5 The SWPPP shall be developed and implemented within 180 days after permit issuance and shall be available for inspection.

5. Inspection and Maintenance

5.1 The Permittee must develop and implement an inspection schedule that includes a minimum of one facility inspection per calendar month. A total of two monthly inspections shall occur during runoff events with at least one being performed during snow melt. Inspections must be conducted by appropriately trained personnel at the facility. The purpose of inspections is to: 1) determine whether structural and non-structural BMPs require maintenance or changes, and 2) evaluate the completeness and accuracy of the SWPPP.

Inspection results and documentation must remain on-site whenever Permittee staff are available on the site and must be available upon request.

5.2 Inspections must be documented and must include the following information:

- a. inspection date and time;
- b. weather conditions;
- c. inspector name;
- d. findings; and
- e. description of any corrective actions and a schedule for corrective action completion.

A copy of all inspection documentation must be stored within the SWPPP.

5.3 In addition to the inspection requirements listed above, the following areas (including, but not limited to) must be inspected:

- a. air pollution control equipment (e.g. baghouses, electrostatic precipitators, scrubbers, and cyclones) for any signs of degradation (e.g. leaks, corrosion, or improper operation) that could limit efficiency and lead to excessive emissions.
- b. air flow at inlets and outlets (or use equivalent measures) to check for leaks or blockage in ducts;
- c. all process and material handling equipment (e.g. conveyors, cranes and vehicles) for leaks, drips or the potential loss of material.

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Chapter 8. Stormwater Management

5. Inspection and Maintenance

- 5.4 If the facility is inactive and unstaffed, temporarily inactive and unstaffed, or is a site undergoing reclamation, the Permittee is waived from the requirement to conduct monthly inspections and shall conduct semiannual inspections. If circumstances change, and the facility becomes active, and/or staffed, this exception no longer applies and compliance with the monthly inspection requirements in accordance with Chapter 6. Section 6.1 shall begin immediately.
- 5.5 The Permittee shall inspect the site when the Permittee has reason to believe that severe weather or natural disasters may have damaged stormwater control measures or increased discharges.
- 5.6 If conditions are observed at the site that require changes in the SWPPP, such changes must be made to the SWPPP prior to submission of the annual report for that calendar year.
- 5.7 If the findings of a site inspection indicate that BMPs are not meeting the objectives as identified above, corrective actions must be initiated within thirty days and the BMP restored to full operation as conditions allow.

6. Sedimentation Basin Design and Construction

- 6.1 The Permittee is authorized to use designed infiltration devices or industrial stormwater ponds/sedimentation basins for stormwater management. Stormwater ponds/sedimentation basins must be designed by a registered professional engineer and installed under the direct supervision of a registered professional engineer. If a new stormwater pond/sedimentation basin will be constructed, the Permittee must follow the guidance located on the website at:

<http://www.pca.state.mn.us/index.php/water/water-types-and-programs/stormwater/industrial-stormwater/industrial-stormwater.html>.

7. Application of Chemical Dust Suppressants

- 7.1 If chemical dust suppressants are applied, the Permittee shall submit a Chemical Dust Suppressant Annual Report due 31 days after the end of each calendar year following the application of a chemical dust suppressant.
- 7.2 The Chemical Dust Suppressant Annual Report shall include:
 - a. a record of the dates, methods, locations and amounts by volume of chemical application at the facility;
 - b. whether the product was applied in the preceding year; and,
 - c. the results of a chemical analysis of the materials applied each year.
- 7.3 If a material applied is mixed with water or another solvent before application, the chemical analysis shall be done on the aqueous or other mixture that is representative of the solution applied. This analysis shall be conducted during the same calendar year of application. This analysis shall include the parameters that may be determined by U.S. Environmental Protection Agency (EPA) Methods 624 and 625 which are described in 40 CFR Part 136.
- 7.4 Submittal of the MSDS for magnesium chloride or sodium chloride is considered sufficient for chemical analysis if only magnesium chloride or sodium chloride is used as a chemical dust suppressant. The results of chemical analysis is required for all other chemical dust suppressants used at the site.

8. Reporting

- 8.1 Submit a Stormwater Annual Report by March 31 of each year following permit issuance. A copy of the Stormwater Annual Report Form is located on the MPCA's website at:

<http://www.pca.state.mn.us/index.php/water/water-types-and-programs/wastewater/wastewater.html>.

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Chapter 8. Stormwater Management

8. Reporting

- 8.2 The Permittee shall, upon request of the Agency, submit within a reasonable time the information and reports that are relevant to compliance with this Chapter, including the Plan, inspection reports, annual reports, original laboratory sheets from analyses conducted on the waste stream, and BMP plans and specifications.

9. Records

- 9.1 The SWPPP shall be retained for the duration of the permit. A copy of the SWPPP shall remain on the permitted site whenever Permittee staff are available on the site, and be available upon request. The Permittee shall maintain the following records for the period of permit coverage:

- a. dates and findings inspections;
- b. completed corrective actions;
- c. documentation of all changes to the SWPPP; and,
- d. a copy of annual reports.

10. Notification

- 10.1 If the Permittee discharges stormwater into a municipal storm sewer, the Permittee shall notify the operator of the municipal storm sewer of the existence of this permit.

11. Request for Termination of Stormwater Permit Coverage

- 11.1 If the Permittee meets the eligibility criteria for No Exposure and is eligible for the conditional exclusion for No Exposure, as regulated by 40 CFR 122.26(b)(14)(i) through (ix) and (xi), it may submit: a) a No Exposure certification to the MPCA in accordance with Minn. R. 7090.3060, and b) a permit application for a modification of the NPDES/SDS permit.
- 11.2 The Permittee must apply for the No Exposure certification to the MPCA once every five years. A copy of the No Exposure certification card shall be submitted with the permit application for permit reissuance.
- 11.3 The No Exposure exclusion is conditional. The Permittee must maintain a condition of No Exposure at the facility in order for the No Exposure exclusion to remain applicable. In the event of any change or circumstance that causes exposure of industrial activities or materials to stormwater, the Permittee must comply with the stormwater requirements of this chapter.
- 11.4 The no exposure certification is non-transferrable in accordance with Minn. R. 7090.3060, subp. 5(D). In the event that the facility operator changes, then the new operator must submit a new no exposure certification to the MPCA, Industrial Stormwater Program, 520 Lafayette Rd N, St Paul, MN 55155-4194.
- 11.5 The MPCA retains the authority to require the facility operator to comply with the requirements of this chapter, even when an industrial operator certifies no exposure, if the MPCA has determined that the discharge is contributing to the violation of, or interfering with the attainment or maintenance of water quality standards, including designated uses.

12. Definitions

- 12.1 "Best Management Practices" or "BMPs" means practices to prevent or reduce the pollution of waters of the state, including schedules of activities, prohibitions of practices, other management practices, and also includes treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge, waste disposal or drainage from raw material storage.
- 12.2 "No exposure" means all industrial materials and activities are protected by a storm resistant shelter to prevent exposure to rain, snow, snow melt, and/or runoff. Industrial activities or materials include, but are not limited to, material handling equipment or activities, industrial machinery, raw materials, intermediate products, by-products, final products, or waste products.

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Chapter 8. Stormwater Management

12. Definitions

- 12.3 "Non-stormwater discharge" means any discharge not comprised entirely of stormwater discharges authorized by a NPDES permit.
- 12.4 "Runoff" means any liquid that drains over land from any part of a facility.
- 12.5 "Benchmark Monitoring Location" means the location(s) within the boundary of the facility where the Permittee will collect stormwater samples for the purpose of compliance with the benchmark monitoring requirements of this permit. The benchmark monitoring location(s) shall be in a location that:
- a. is below the most down-gradient BMP from the source of the industrial activity or significant materials, but prior to discharging from the Permittee's operational control;
 - b. minimizes or eliminates sampling of stormwater from off-site sources (run-on); and
 - c. yields a sample that best represents the contribution of pollutants the Permittee is required to monitor for in accordance with the Benchmark Monitoring Requirements section of this permit, and that receives drainage from an area of industrial activities, processes, and significant materials exposed to stormwater.
- 12.6 "Active Metal Mining Facility" means a place where work or other activity related to the extraction, removal or recovery of metal ore is being conducted. For surface mines, this definition does not include any land where grading has returned the earth to a desired contour and reclamation has begun. This definition is derived from the definition of 'active mining area' found at 40 CFR pt. 440.132(a).
- 12.7 "Inactive metal mining facility" means a site or portion of a site where metal mining and/or milling occurred in the past but is not an active facility as defined above, and where the inactive portion is not covered by an active mining permit issued by the State.
- 12.8 "Reclamation" means activities undertaken, in compliance with applicable mined land reclamation requirements, following cessation of the activities associated with extraction through production of a salable product, intended to return the land to an appropriate post-mining land use in order to meet applicable Federal and State reclamation requirements.
- 12.9 "Temporary inactive metal mining facility" means a site or portion of a site where metal mining and/or milling occurred in the past but currently are not being actively undertaken, and the facility is covered by an active mining permit issued by the State or Federal agency

13. Good Housekeeping & Control Measures

- 13.1 The Permittee shall include a cleaning and maintenance program for all impervious areas of the facility where particulate matter, dust, or debris may accumulate, especially areas where material loading and unloading, storage handling and processing occur.
- 13.2 The Permittee shall also implement a cleaning program which includes regular sweeping for paved areas where vehicle traffic or material storage occur but where vegetative or other stabilization methods are not practicable.
- 13.3 Vehicle entrances/exits must be inspected for evidence of off-site sediment tracking onto paved surfaces. Tracked sediment must be removed from all paved surfaces within no more than 24 hours after discovery. Off-site accumulations of sediment must be removed in a manner and at a frequency sufficient to minimize off-site impacts (e.g., fugitive sediment in streets could be washed into storm sewers by the next rain and/or pose a safety hazard to users of public streets). Street sweeping or other collection measure that ensures sediment will not be discharged to roadside ditches or other waters of the state must be used if vehicle sediment tracking occurs.
- 13.4 For unstabilized areas where sweeping is not practicable, the Permittee shall choose alternative stormwater management devices that effectively trap or remove sediment.

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Chapter 8. Stormwater Management

14. Benchmark Monitoring Requirements

- 14.1 The Permittee must comply with the benchmark monitoring procedures and sample collection methods located in the Benchmark Monitoring Fact sheet on the following website:

<http://www.pca.state.mn.us/index.php/water/water-types-and-programs/wastewater/wastewater.html>.

- 14.2 The Permittee shall complete Benchmark Monitoring four times per year and comply with the limits and monitoring requirements specified for the Surface Discharge Stormwater, Non-Specific Runoff Station. Specified parameters shall be sampled on a calendar quarter basis beginning the first full quarter following permit issuance. Each quarterly sample may be collected at any time during the calendar quarter. Quarterly sample results must be averaged annually and the annual quarterly average must be reported on the December DMR.
- 14.3 An exceedance of a benchmark monitoring intervention limit does not constitute a violation under this permit. However, the Permittee is required to perform any necessary corrective action(s) to address stormwater control measures, including the maintenance or implementation of BMPs, when an exceedance of an applicable benchmark value occurs. Failure to respond to any benchmark intervention limit exceedance is a violation of the permit.
- 14.4 If benchmark monitoring intervention limits are exceeded, the Permittee shall modify the SWPPP and document all corrective actions and shall implement necessary non-structural BMPs within 60 days after discovery and structural BMPs within 180 days after discovery of the exceedance.
- 14.5 Sample results shall be reported on quarterly Discharge Monitoring Reports (DMRs) which shall be provided by the MPCA. DMRs shall be postmarked or electronically submitted by the 21st day of the month following the sampling interval. The final quarterly report for the year will also include the annual average of the four results collected throughout the year.

The Permittee may submit the DMRs using the electronic submittal process or by mailing them to the following address:

Minnesota Pollution Control Agency
Attn: Water Quality Submittals Center
520 Lafayette Road North
St. Paul, MN 55155-4194

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Chapter 8. Stormwater Management

15. Employee Training Program

15.1 The Permittee must develop and implement an employee training program to inform appropriate personnel of the components and goals of the SWPPP. At a minimum, training must address:

- a. spill/leak prevention and response;
- b. good housekeeping;
- c. petroleum product management;
- d. process chemical management;
- e. fueling procedures;
- f. proper procedures for using fertilizer, herbicides, and pesticides;
- g. erosion and sedimentation controls;
- h. inspections;
- i. preventative maintenance;
- j. runoff management; and
- k. materials management practices.

The SWPPP must identify periodic dates for such training as well as personnel responsible for managing and implementing the SWPPP and those responsible for the reporting requirements of this permit. This must include the facility contact person as indicated on the permit application. Identified personnel must be available at reasonable times of operation.

15.2 The Permittee shall conduct training at active and temporarily inactive sites. All training regardless of site type shall be documented in the facility's SWPPP.

16. Sector Specific Special Requirements

16.1 When capping is necessary to minimize pollutant discharges in the stormwater, identify the source being capped and the material used to construct the cap.

Chapter 9. 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)

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Chapter 9. Total Facility Requirements

1. General Requirements

- 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)
- 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.

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Chapter 9. Total Facility Requirements

1. General Requirements

- 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)
- 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.

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Chapter 9. Total Facility Requirements

1. General 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

- 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)

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Chapter 9. Total Facility Requirements

1. General Requirements

- 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)
- 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))

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Chapter 9. Total Facility Requirements

1. General Requirements

- 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 9. 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.

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Chapter 9. Total Facility Requirements

1. General Requirements

Operation and Maintenance

- 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 9. 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.l.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 9. 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.