



STATE OF MINNESOTA

Minnesota Pollution Control Agency**Industrial Division****National Pollutant Discharge Elimination System (NPDES)/
State Disposal System (SDS) Permit MN0060089**

PERMITTEE: Northern States Power Co a Minn Corp
FACILITY NAME: Xcel - Hydrostatic Test
RECEIVING WATER: Various throughout service territory

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 June 25, 2007. This permit expires at midnight on the expiration date identified above.

Signature: _____

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

_____ for The Minnesota Pollution Control Agency

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 specific permit requirements or permit compliance status, contact: Eric Pederson, 651-757-2645.
- General permit or NPDES program questions, contact: MPCA, 651-282-6143 or 1-800-657-3938.
- For permit reporting issues, contact: Tamara Dahl, 507-476-4252.

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Facility Description

Northern States Power Company (NSP) d/b/a Xcel Energy is the owner and operator of a natural gas pipeline serving customers throughout the Twin Cities metropolitan area. Additionally, Xcel Energy services an area known as the Northwest Region which includes the Brainerd Lakes Area and such communities as New London, Spicer, St. Cloud, Waite Park, Royalton and Foley; a Southern Region which includes a large portion of southern Minnesota including the Minnesota - Wisconsin border area from Red Wing, to LaCrosse, communities along the Minnesota River, Interstate 35, US52, US212 and State Highway's 60, 23 and 30; and a North Dakota Region which includes Moorhead, Dilworth, Barnsville, Ada and East Grand Forks.

The service area pipeline has routes through the following counties: Polk, Norman, Clay, Cass, Crow Wing, Morrison, Benton, Sherburne, Wright, Stearns, Todd, Douglas, Pipe, Kandiyohi, Meeker, Renville, Chippewa, Yellow Medicine, Lyon, Lincoln, Murray, Watonwan, Blue Earth, Waseca, Steele, Freeborn, Mower, Dodge, Olmsted, Winona, Houston, Wabasha, Goodhue, Rice, Le Sueur, Nicollet, Sibley, Carver, Scott, Dakota, Washington, Anoka, and Chisago. Bulk storage tank facilities are located in the following cities: Shakopee, Mankato, Becker, Inver Grove Heights, Burnsville, St. Paul, Minneapolis, St. Cloud, Monticello, Red Wing, Granite Falls, and Faribault.

The permit provides for regulation of the following waste streams in conjunction with pipeline and bulk tank construction and operations:

- 1) the discharge of water used to test the structural integrity of new and existing pipelines;
- 2) the discharge of water used to test the structural integrity of new and existing bulk fuel storage tanks;
- 3) the discharge of stormwater associated with construction activities which disturb greater than one acre, or are part of a related project for which the Permittee is responsible, which would disturb greater than one acre;
- 4) trench dewatering activities where accumulated groundwater hampers the efficacy of construction management; and
- 5) trench dewatering activities in areas of known or suspected groundwater contamination (surficial groundwater potentially affected by past industrial and some commercial activities; e.g., Brownfields) where accumulated groundwater hampers the efficacy of construction management.

Hydrotest Activities

Xcel Energy is responsible for periodically testing the structural integrity of new and existing pipelines used to transport natural gas and above-ground bulk storage tanks (ASTs) used for product storage. Prior to testing, existing pipelines and tanks are emptied of all product and pipelines may be scraped clean with a pig. Cleaning agents and water may be used in conjunction with the pipeline cleaning process and require approval and pretreatment prior to use and discharge. Prior to testing ASTs, the inside of the tank is cleaned by sandblasting the floor area along with approximately two feet of tank wall. This area is then re-coated with an epoxy material and the remaining tank wall is cleaned to remove residual product.

The asset is then filled with 'clean' water until a desired pressure is reached and maintained for a period of time. Subsequent inspections determine if the asset is strong enough to be used for its intended purpose. Upon test completion, test water is discharged at a rate and quantity determined by the size and location of the asset being tested.

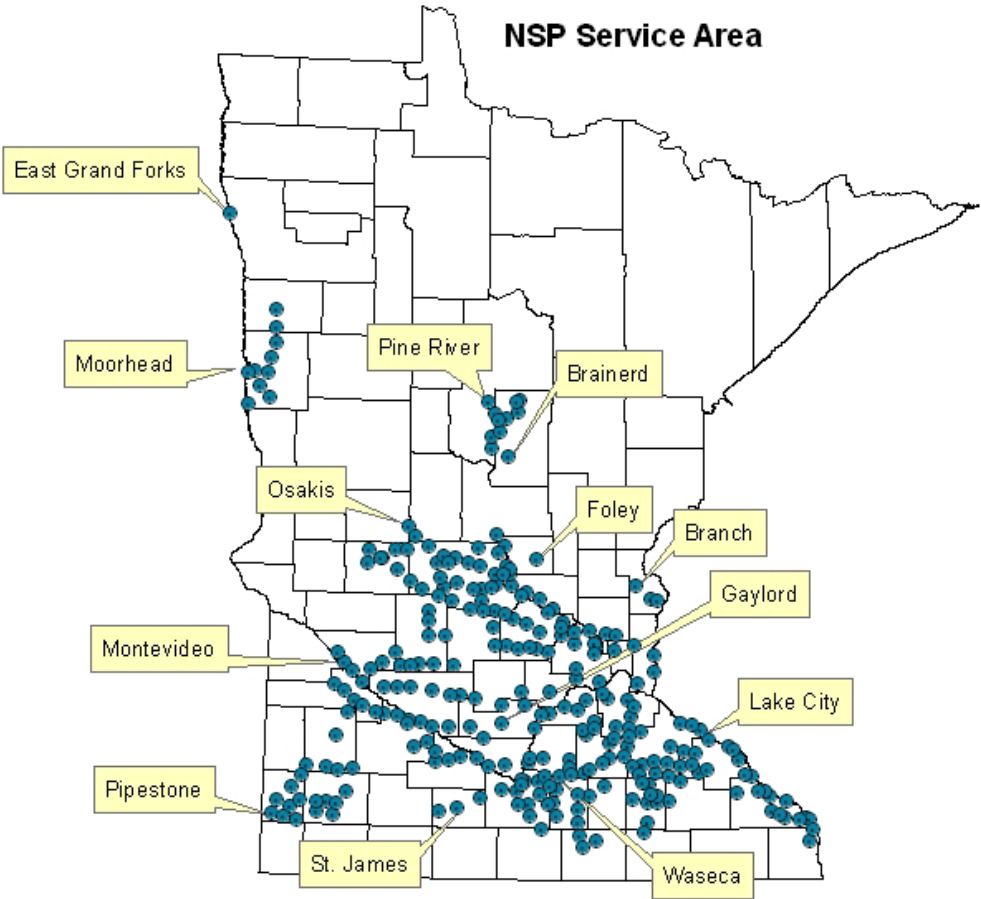
The water source for test waters would be either a municipal water supply line or appropriated from a nearby waterbody per authorization of the Minnesota Department of Natural Resources. Hydrotesting can occur year-round, but most often this is a seasonal activity occurring between the months of March through October. Actual discharge volumes, water source, and discharge location until a need for testing becomes apparent.

Waters used for testing ASTs are usually discharged into the tank's secondary containment structure. The preferred discharge location for pipeline hydrotest waters is on-land along the pipeline corridor, into the Permittee's right-of-way and/or directed to a well-vegetated upland area. On-land discharges are low in volume and discharged slowly over many hours allowing the waste stream to readily soak into the ground. On-site treatment methods used to prevent soil erosion, scouring and sediment runoff include: (1) discharging into a well-vegetated upland area; (2) discharging into a sump constructed from silt fence and straw bales and/or (3) discharging into geotextile filter bags. Although the preferred discharge location is to a well-vegetated upland area, there are occasions when discharge volume and location will dictate a discharge to surface waters. Best management practices are employed for energy dispersal to reduce discharge velocity and to avoid conditions which would cause erosion, scouring and sediment transport.

Trench dewatering

Because most pipelines are located or place underground, groundwater collecting in the trench can hamper inspection and testing activities. This is especially so when a work area has a deep excavation, shallow groundwater, or there is a high volume of precipitation during the excavation activity. When trench dewatering becomes necessary, dewatering filter bags made of non-woven geotextile fabric are used to reduce the potential for sediment to be discharged off-site. Sand, silt, and fines are trapped in the dewatering bag preventing the discharge of most sediment with trench waters. Trench waters are usually discharge to a flat area with reasonable potential for infiltration and minimal off-site runoff.

The permit authorizes the Permittee to request discharge authorization for and stormwater associated with construction activities for projects not requiring detailed review (e.g., <50 acres of land disturbance). The Permittee has written a General Stormwater Pollution Prevention Plan for (SWPPP), submitted in conjunction with the permit application, for the management of stormwater associated with construction activities. The SWPPP provides Standard Operating Procedures and Best Management Practices to prevent polluted stormwater runoff during construction projects.



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Chapter 1. Pipelines

1. Authorization

- 1.1 This permit authorizes the Permittee to request discharge authorization for the disposal of waters used to test the structural integrity (hydrotest waters) of new and existing pipelines or other assets of a similar nature.
- 1.2 There shall be no discharge of pipeline test waters without prior written approval from the MPCA (Industrial Division). Prior authorization shall be requested for all discharges regardless of discharge point. The Permittee shall notify the MPCA at least forty-five days in advance of its intention to discharge; and shall request authorization and approval of the proposed discharge site from the MPCA.
- 1.3 The Permittee shall conduct the discharge activity in accordance with the terms and conditions of this permit and any additional controls given in the project discharge approval letter. All project discharge approval letters become an enforceable part of this permit.

2. Limitations

- 2.1 This permit DOES NOT authorize:
 - a. the construction or installation of pipeline facilities;
 - b. the Permittee to work in waters of the state; or
 - c. the Permittee to appropriate waters for hydrotests.

3. Hydrotest Discharges

- 3.1 Direct discharges into surface waters are prohibited. All hydrotest waters shall be routed through energy dispersal devices rather than pumped directly into surface waters.
- 3.2 The permittee and/or operator shall visually observe each discharge event to ensure that the discharge does not cause erosion, scouring or sediment transport. The permittee/operator shall immediately cease the discharge and corrective measures shall be taken for any discharge activity which causes, contributes to or creates turbid conditions in the receiving water.
- 3.3 The discharge of hydrotest waters shall not result in scouring, erosion and/or sediment transport.
- 3.4 There shall be no discharge of waters used to test the structural integrity of new or existing pipeline, or other assets, without prior written approval from the MPCA (Industrial Division).
- 3.5 Prior authorization shall be requested for all discharges regardless of discharge point (unless test waters are directly discharged to a publicly owned treatment works). The Permittee shall request authorization and approval of the proposed discharge site at least thirty days in advance of its intention to discharge.

4. Trench Dewatering Activities

- 4.1 This permit authorizes the Permittee identified herein to dispose of waters collecting in the excavation areas (trench waters), to the extent that such waters are not known to be contaminated, or can reasonably be presumed not to be contaminated from past activities, in accordance and compliance with the conditions contained herein. Site- specific project approval is not required for trench dewatering activities associated with the hydrotest discharge activities.
- 4.2 The trench dewatering disposal authorization does not replace or obviate the need for authorization for the discharge of stormwater associated with construction activities in accordance with Minn. R. 7090.0030 and 7090.2000 through 7090.2060.
- 4.3 Trench dewatering activities shall be handled in a manner such that the discharge shall not cause or contribute to a receiving water impairment. Sediment levels in point source discharges trench waters shall not create turbid conditions in the receiving water.

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Chapter 1. Pipelines

4. Trench Dewatering Activities

- 4.4 All trench water shall be discharged in a manner that does not cause scouring and/or erosion in receiving channels or on downslope properties. Trench dewatering shall be conducted so as not to cause erosion, scouring or sediment transport nor not result in heavily silt laden water flowing into any waterbody.
- 4.5 The Permittee shall employ Best Management Practices during trench dewatering activities to minimize sediment uptake or withdrawal and to control discharge velocity. The permittee shall consider the use of filter bags during uptake, sediment barriers for silt control, and dewatering structures for flow dispersal.
- 4.6 All pumps will be equipped with floats on the intake hose to keep hoses from reaching

5. Requesting Hydrotest Discharge Authorization

- 5.1 The Permittee shall provide the information necessary to evaluate the potential impact of the requested discharge and to ensure compliance with this permit and protection of the receiving water for its designated beneficial uses.
- 5.2 Information to be provided with each hydrotest discharge request shall include:
 - a. the proposed date(s) for the discharge event ☐ the discharge approval would be limited to these dates to the extent that there is the potential for seasonal impacts (e.g., management of the discharge through infiltration would not be probable during frozen conditions);
 - b. the name and location of any receiving or nearby water bodies, the closest city and/or township as applicable, and the county in which the discharge activity will occur,
 - c. The location of the discharge activity in units of quarter-section, quarter-section, section/township/range;
 - d. the estimated total flow volume of the discharge and the rate of discharge in terms of estimated average and maximum discharge rates (gallons per minutes), which will become an enforceable part of the discharge approval;
 - e. water source for test waters, with documentation of the Minnesota Department of Natural Resources (DNR) water appropriation authorization, if applicable; and
 - f. any chemicals which may be used or present in waters used for hydrotesting, and anticipated concentrations in the hydrotest discharge.
- 5.3 The Permittee shall provide information on how the asset will be cleaned of residual product; or in the case of a new asset being tested before being put into use, how the asset will be cleaned of residual slag, oils, degreasing agents, or other installation debris.
- 5.4 The Permittee shall provide information on the measures which will be taken for energy dispersal in the control of the environmental impacts associated with discharge velocity.
- 5.5 The Permittee shall include the best management practices which will be employed to prevent scouring, sediment transport and/or erosion due to the discharge activity.
- 5.6 The Permittee shall include with the request, a USGS 7.5 minute series (topographic) map showing proposed discharge location(s) and monitoring point(s).

6. Technology-Based Controls

- 6.1 The permittee shall employ best management practices (BMPs) to reduce discharge velocity in order to minimize scouring, erosion and/or sediment transport. The use of BMPs represents the minimum technology necessary to meet the 'pollutant removal' goal of the federal Clean Water Act.
- 6.2 Best Management Practices are considered to be those practices capable of controlling or dissipating discharge velocity to the extent that the force and intensity of the discharge does not cause scouring, erosion and/or sediment transport. Discharge activities resulting in eroding conditions, sediment transport, scouring, channeling, sediment plumes, deltas and the like would indicate a lack in the use of appropriate BMPs.
- 6.3 The use of BMPs represents the minimum technology necessary to meet the 'pollutant removal' goal of the Clean Water Act. Additional water quality-based measures, monitoring or restrictions may be applied if necessary to protect the receiving water for its designated beneficial uses.

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Chapter 1. Pipelines

7. Erosion Control Measures

- 7.1 The Permittee shall maintain the discharge operation in such a manner so as to cause no erosion, scouring, sediment transport or other nuisance conditions in the area of the discharge or in the receiving stream.
- 7.2 The permittee/operator shall immediately cease the discharge and corrective measures shall be taken for any discharge activity which causes or results in scouring, erosion or sediment transport.

8. Water Quality Considerations

- 8.1 The MPCA reserves the right to prohibit or not approve a hydrotest discharge request if it is believed that the discharge activity will cause or contribute, or has a reasonable potential to cause or contribute, to a receiving water impairment and/or otherwise create nuisance conditions in, at or near surface waters.
- 8.2 Discharge authorization will not be given if there is a reasonable potential that pollutant loadings in the discharge will cause or contribute to a violation of a water quality standard.
- 8.3 Discharge velocity shall not cause or contribute to streambank erosion or bottom scouring.
- 8.4 Sediment levels in discharges from trench dewatering and/or hydrotest activities shall not cause, create or contribute to a sediment plume or delta in the receiving water.
- 8.5 Outstanding Resource Value Waters/Trout Waters
Discharges to outstanding resource value waters (ORVW), as defined in Minn. R. 7050.0180, subp. 3, are not authorized by this permit.
Additional control measures may be established for ORVW's-restricted [Minn. R. 7050.0180, subp. 6] and/or trout waters as defined in Minn. R. 7050.0420. Requests for discharges to trout waters or ORVW-restricted waters may not be approved at the discretion of the MPCA.

9. Additional Effluent Limitations and Requirements

- 9.1 The effluent limitations contained herein are based on the technological removal and/or control of pollutant levels in the waste stream(s) and the environmental impacts associated with the discharge activity (i.e., discharge velocity). These are minimum standards required by Sec. 301(b)(1)(A) of the federal Clean Water Act. However, in accordance with Sec. 301(b)(1)(C), discharges must achieve any more stringent limitation, including those necessary to meet water quality standard, established pursuant to any State law or regulations.
- 9.2 The MPCA may establish in the discharge approval letter any more additional requirements, including numeric limitations and monitoring if deemed necessary to ensure the protection of a specific receiving water for its designated beneficial uses. The MPCA's project discharge approval letter notifying the Permittee of these additional requirements, more stringent limitations, and/or monitoring shall then become a part of the enforceable requirements applicable through this permit for the specific discharge activity and the Permittee shall comply with such additional requirements.
- 9.3 The technology-based controls required herein (bmps) should protect receiving waters with a fishable/swimmable (Class 2 waters) beneficial use designation. However time of year, asset being tested, volume of water in relation to stream flow, potential pollutant levels in the hydrotest waters, all must be considered when conducting a reasonable potential analyses. These are factors which cannot be known until an actual discharge event is anticipated.
- 9.4 Water quality-based effluent limitations shall be developed based upon, but not necessarily limited to, receiving water, discharge volume, projected in-stream volume (biological capability of the receiving stream to accommodate the influx of pollutants), time of year, and discharge duration.
- 9.5 The Permittee shall be notified, via the project discharge approval letter, if it becomes necessary to establish more stringent water quality-based effluent limitations, additional or more frequent monitoring, and/or any other restrictions or requirements believed necessary to protect the receiving water for its designated beneficial uses.

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Chapter 1. Pipelines

10. Reporting Requirements

- 10.1 Reporting is required for all discharge events unless otherwise noted in the project discharge approval letter. Submittal of discharge results for specific discharge activities shall be within thirty days of project completion unless otherwise noted in a project discharge approval letter.
- 10.2 When applicable (i.e., monitoring of the waste stream and establishment of numeric water quality-based effluent limitations), the Permittee shall report monitoring results as a project composite. That is, only the average of the three grab samples need be reported. Reporting on individual sampling results is not required.

11. Annual Report

- 11.1 The Permittee shall submit an annual report of no discharge for calendar years in which no discharges have occurred. The annual report of no discharge is due by January 31st of the following year.

12. Application for Permit Reissuance

- 12.1 The Permittee shall include, as part of the application for reissuance of this permit:
 - a. a current map of the pipeline route(s), including (access to) an electronic version;
 - b. Best Management Practices (BMPs) which will be employed to control erosion and to reduce bottom scouring, sediment transport, and discharge velocities; and
 - c. if requested, a Pollution Prevention Plan for the pipeline and its associated activities.

13. General Requirements

- 13.1 The Permittee shall provide the MPCA/Industrial Division - NPDES Permits with copies of Notice of Applications made to the Federal Energy Regulatory Commission and Commission approvals when such application/approval may affect discharge activities within the State of Minnesota.

14. Environmental Review Considerations

- 14.1 In accordance with Minn. Stat. 116D.04 and Minnesota Environmental Quality Board R. 4410.3100, this permit does not authorize the discharge from pipeline hydrostatic testing in the state of Minnesota for which an Environmental Assessment Worksheet (EAW) is required.

15. Tribal Lands

- 15.1 This permit cannot be used to meet discharge authorization as required by the Clean Water Act for discharges to surface waters located on Tribal Lands. In addition to state approval, the Permittee shall seek authorization from the US Environmental Protection Agency (EPA Region V, John Coletti; 312-886-6106) to meet Sec. 402 CWA requirements in addition to any state disposal system approvals, for any discharge located within tribal land boundaries.

16. Special Requirements

- 16.1 **Twenty-four Hour Advance Notice**
The Permittee shall provide the MPCA with twenty-four hour advance notice of any discharge when so requested. Such a request shall be made when the MPCA feels the need to be on-site during the proposed discharge.
- 16.2 For discharges of no significant impact (e.g., non-surface water discharges) verbal or email consensus can be used in lieu of the more formal project discharge approval letter. The goal is a forty-eight hour turn-around time for this no impact discharges.

17. Prohibited Discharges

- 17.1 This permit does not authorize the discharge of sewage, wash water, scrubber water, spills, oil, hazardous substances, or equipment/vehicle cleaning and maintenance wastewaters to ditches, wetlands or other surface waters of the state.

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Chapter 1. Pipelines

17. Prohibited Discharges

- 17.2 The Permittee shall not transport pollutants to a municipal wastewater treatment system that will interfere with the operation of the treatment system or cause pass-through violations of effluent limits or water quality standards.

Chapter 2. Construction Stormwater Management (SDS)

1. Authorization

- 1.1 Discharge authorization is required for each project which disturbs one (1) or more acres of land or is part of a larger project for which the Permittee is responsible, that will ultimately disturb one or more acres. The commencement of any construction activity requiring discharge authorization under Minn. R. 7090 is prohibited until the MPCA has issued a permit letter and certificate with a unique identification number authorizing the discharge of stormwater associated with construction activity for the project.
- 1.2 The Permittee shall use the Application for General Stormwater Permit for Construction Activity (MN R100001) form to secure construction stormwater discharge authorization under this permit; on the MPCA's web site at: <http://www.pca.state.mn.us/publications/wq-strm2-57.doc>

The application for construction stormwater discharge authorization shall be submitted to the permit writer identified on the front of this permit. Submittals to the General Construction Stormwater Permit program could result in return of the application pending submittal of the appropriate fee.

- 1.3 The Permittee and its contractor shall jointly apply for authorization to discharge stormwater associated with construction activities in accordance with the provisions of the chapter and Minn. R. 7090 prior to the commencement of any construction activity requiring permit coverage. The Permittee shall sign the application as owner of the project and the contractor shall sign as co-Permittee assuming responsibility for compliance with the terms and conditions of this chapter as it relates to subject project. If the contractor hasn't been selected yet, the Permittee must also fill out the contractor information section and sign that portion of the application.

2. Prohibited Discharges

- 2.1 Trench dewatering activities shall not result in the deposition of silt or sediment into waterbodies, including wetlands and tile lines.

3. Drantile Outlets

- 3.1 Prior to initiation of construction, the Permittee shall attempt to locate or otherwise identify existing drain tiles and natural drainage ways typically used for stormwater conveyance.

4. Discharges to Special Waters

- 4.1 'Special waters' are listed in part B.1. through B.8. of Appendix A of the General Stormwater Permit for Construction Activity (MN R100001) and consist primarily of the Outstanding Resource Value Waters (ORVWs) listed in Minn. R. 7050.0180 and trout waters.

5. Discharges to Impaired Waters

- 5.1 The Permittee must incorporate the BMPs outlined in C.1 and C.2 of Appendix A of the General Stormwater Permit for Construction Activity (MN R100001) in its stormwater pollution prevention plan for discharges which have the potential to impact impaired waters.

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Chapter 2. Construction Stormwater Management (SDS)

5. Discharges to Impaired Waters

- 5.2 Note on impaired waters listing terminology: The terms in parenthesis in Appendix A and herein are the most current terminology used to list waters as impaired at the time of permit issuance. These terms are subject to change. For example, at one time waters were listed as impaired for phosphorus and now those same waters are listed as impaired for nutrient eutrophication biological indicators. If the terminology changes for one of the pollutant(s) or stressor(s) identified in the permit, the MPCA will keep a list of the new terms on its construction stormwater web site.

6. Special Requirements for Discharges to Wetlands

- 6.1 The Permittee shall follow the wetland mitigative sequence found in part D of Appendix A of the General Stormwater Permit for Construction Activity (MN R100001) if the project has any stormwater discharges with the potential for significant adverse impacts to a wetland.

7. Water Quality Standards

- 7.1 Surface waters, including drainage ditches and conveyance systems, must be inspected for evidence of sediment being deposited by erosion. The Permittee(s) must remove all deltas and sediment deposited in surface waters, including drainage ways, catch basins, and other drainage systems, and restabilize the areas where sediment removal results in exposed soil. The removal and stabilization must take place within seven (7) days of discovery unless precluded by legal, regulatory, or physical access constraints. The Permittee shall use all reasonable efforts to obtain access. If precluded, removal and stabilization must take place within seven (7) calendar days of obtaining access. The Permittee is responsible for contacting all local, regional, state and federal authorities and receiving any applicable permits, prior to conducting any work.
- 7.2 The Permittee is responsible for the operation and maintenance of temporary and permanent water quality management BMPs, as well as all erosion prevention and sediment control BMPs, for the duration of the construction work at the site. The Permittee is responsible until another Permittee has assumed control over all areas of the site that have not been finally stabilized or the site has undergone final stabilization, and a NOT has been submitted to the MPCA.

8. Stormwater Pollution Prevention Plan

- 8.1 The Permitt shall develop a Stormwater Pollution Prevention Plan (SWPPP) for the management of stormwater associated with construction activities. The purpose of the SWPPP is to identify proactive measures which will be taken before, during and after construction to prevent silt, debris and sediments from being carried off-site site and into surface waters and/or drainageways as a result of the co-occurrence of construction activities and precipitation events.
- 8.2 The Permittee shall identify a person knowledgeable and experienced in the application of erosion prevention and sediment control BMPs, who will oversee the implementation of the SWPPP and the installation, inspection and maintenance of the erosion prevention and sediment control BMPs before and during construction.

The Permittee shall develop a chain of responsibility with all operators on site to ensure that the SWPPP will be implemented and stay in effect until the construction project is complete, the site has undergone final stabilization, and a NOT has been submitted to the MPCA.

When applicable, the Permittee shall identify who will have responsibility for long-term operation and maintenance of any permanent stormwater management system installed as a result of pipeline installation activities. [That is, if pipeline construction work is in conjunction with land development for housing or commercial operations, and such development includes a permanent stormwater detention basin to serve the new development that is the result of the proposed new development, not pipeline installation activities.]

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Chapter 2. Construction Stormwater Management (SDS)

8. Stormwater Pollution Prevention Plan

8.3 The SWPPP requirements must be incorporated into the project's final plans and specifications and/or project documentation, as appropriate, and must include:

- a. Location and type of all temporary and permanent erosion prevention and sediment control BMPs along with procedures to be used to establish additional temporary BMPs as necessary for the site conditions during construction. Standard plates and/or specifications for the BMPs used on the project must be included in the final plans and specifications for the project.
- b. A site map with existing and final grades, including dividing lines and direction of flow for all pre and post-construction stormwater runoff drainage areas located within the project limits. The site map must also include impervious surfaces and soil types.
- c. Locations of areas not to be disturbed.
- d. Location of areas where construction will be phased to minimize duration of exposed soil areas.
- e. All surface waters and existing wetlands, which can be identified on maps such as United States Geological Survey 7.5 minute quadrangle maps or equivalent maps within one-half mile from the project boundaries, which will receive storm water runoff from the construction site, during or after construction. Where surface waters receiving runoff associated with construction activity will not fit on the plan sheet, they must be identified with an arrow, indicating both direction and distance to the surface water.
- f. Methods to be used for final stabilization of all exposed soil areas.

8.4 The Permittee(s) must amend the SWPPP as necessary to include additional requirements, such as additional or modified BMPs, designed to correct problems identified or address situations whenever:

- a. There is a change in design, construction, operation, maintenance, weather or seasonal conditions that has a significant effect on the discharge of pollutants to surface waters or underground waters;
- b. Inspections or investigations by site operators, local, state or federal officials indicate the SWPPP is not effective in eliminating or significantly minimizing the discharge of pollutants to surface waters or underground waters or that the discharges are causing water quality standard exceedances; or
- c. The SWPPP is not achieving the general objectives of controlling pollutants in stormwater discharges associated with construction activity, or the SWPPP is not consistent with the terms and conditions of this permit.

At any time after discharge authorization is effective for the project, the MPCA may determine that the project's stormwater discharges may cause, have reasonable potential to cause, or contribute to non-attainment of any applicable water quality standard, or that the SWPPP does not incorporate the requirements related to an approved Total Maximum Daily Load (TMDL) implementation plan that contains construction stormwater related requirements. If MPCA makes such determination(s), MPCA will notify the Permittees in writing. In response, the Permittees must develop a supplemental BMP action plan or appropriate SWPPP amendments describing SWPPP modifications to address the identified concerns and submit information requested by MPCA.

8.5 The SWPPP must factor in any findings of and include any storm water mitigation measures required as the result of any environmental, archeological or other required local, state or federal review conducted for the project. For the purposes of this permit provision, mitigation measures mean avoiding, minimizing rectifying (e.g., repairing, rehabilitating, restoring), reducing, eliminating or compensating for impacts related to: (a) storm water discharges associated with the project's construction activity; and (2) erosion preventing, sediment control and the permanent storm water management system for the project.

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Chapter 2. Construction Stormwater Management (SDS)

8. Stormwater Pollution Prevention Plan

- 8.6 The SWPPP must provide additional measures as necessary to assure compliance with surface and ground water standards in Minn. R. chapters 7053 and 7060 in karst areas and to ensure protection of drinking water supply management areas (see Minn. R. 4725.4450).

9. Training Requirements

- 9.1 The Permittee must comply with these training requirements prior to submittal of the construction stormwater discharge authorization request or initiation of construction, as applicable.
- 9.2 The Permittee shall ensure that individuals conducting the activities proscribe herein have been trained in accordance with this section's training requirements.
- 9.3 The Permittee shall ensure the training is recorded in or with the SWPPP before the start of construction or as soon as the personnel for the project have been identified.
- 9.4 The Permittee shall ensure that the individuals are trained by local, state, federal agencies, professional organizations, or other entities with expertise in erosion prevention, sediment control or permanent stormwater management such as the University of Minnesota, Minnesota Erosion Control Association, Soil and Water Conservation Districts or the MPCA.
- 9.5 Who must be trained:
- Individual(s) preparing the SWPPP for the project.
 - Individual(s) overseeing implementation of, revising, and amending the SWPPP and individual(s) performing inspections. One of these individual(s) must be available for an on site inspection within 72 hours upon request by the MPCA.
 - Individual(s) performing or supervising the installation, maintenance and repair of BMPs. At least one individual on a project must be trained in these job duties.
- 9.6 Contents of training:
- The content and extent of training must be commensurate with the individual's job duties and responsibilities with regard to activities covered under this chapter for the project. At least one individual present on the permitted project site (or available to the project site in 72 hours) must be trained in the job duties described ii and iii above.
- 9.7 Training documentation.
- Documentation must be in or with the SWPPP or be available within 72 hours upon request.
 - Names of the personnel associated with this project that are required to be trained per above.
 - Dates of training and name of instructor(s) and entity providing training.
 - Content of training course or workshop (including number of hours of training).

10. Erosion Prevention Practices

- 10.1 All stormwater must be discharged in a manner that does not cause nuisance conditions in receiving water, which includes avoiding erosion in receiving channels and/or on down slope properties, or inundation in wetlands resulting in significant adverse impact(s) to the wetland(s).
- 10.2 Erosion control measures shall be inspected on a regular basis and within twenty-four hours of each one-half inch of rainfall. Ineffective or defective erosion control measures shall be corrected within twenty-four hours of identification.
- 10.3 The Permittee shall revegetate the right-of-way and all temporary work space to prevent on-going erosion, scouring, and sediment transport to waters of the state of Minnesota.

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Chapter 2. Construction Stormwater Management (SDS)

10. Erosion Prevention Practices

- 10.4 The Permittee(s) must plan for and implement appropriate construction phasing, vegetative buffer strips, horizontal slope grading, and other construction practices that minimize erosion, so that the inspection and maintenance requirements are complied with. The location of areas not to be disturbed must be delineated (e.g. with flags, stakes, signs, silt fence etc.) on the development site before work begins.
- 10.5 All exposed soil areas with a continuous positive slope within 200 lineal feet of surface water, must have temporary erosion protection or permanent cover for the exposed soil areas year round, according to the following table of slopes and time frames:

Type of Slope	Time (Maximum time an area can remain open when the area is not actively being worked.)
Steeper than 3:1	7 days
10:1 to 3:1	14 days
Flatter than 10:1	21 days

These areas include constructed stormwater management pond side slopes, and any exposed soil areas with a positive slope to a storm water conveyance system, such as a curb and gutter system, storm sewer inlet, temporary or permanent drainage ditch or other natural or man made systems that discharge to a surface water. Temporary stockpiles without significant silt, clay or organic components (e.g., clean aggregate stockpiles, demolition concrete stockpiles, sand stockpiles) are exempt from this requirement but must comply with other applicable requirements contained herein.

- 10.6 The normal wetted perimeter of any temporary or permanent drainage ditch that drains water from a construction site, or diverts water around a site, must be stabilized within 200 lineal feet from the property edge, or from the point of discharge to any surface water. Stabilization must be completed within 24 hours of connecting to surface water.
- 10.7 Pipe outlets must be provided with temporary or permanent energy dissipation within 24 hours of connection to surface water.

11. Sediment Control Practices

- 11.1 Sediment control practices must minimize sediment from entering surface waters, including curb and gutter systems and storm sewer inlets.
- a. Temporary or permanent drainage ditches and sediment basins that are designed as part of a treatment system (e.g., ditches with rock check dams) require sediment control practices only as appropriate for site conditions.
- b. If the down gradient treatment system is overloaded, additional upgradient sediment control practices must be installed to eliminate the overloading, and the SWPPP must be amended to identify these additional practices as required herein.
- c. In order to maintain sheet flow and minimize rills and/or gullies, there shall be no unbroken slope length of greater than 75 feet for slopes with a grade of 3:1 or steeper.
- 11.2 Sediment control practices must be established on all down gradient perimeters before any upgradient land disturbing activities begin. These practices shall remain in place until final stabilization has been established in accordance with conditions contained herein.
- 11.3 The timing of the installation of sediment control practices may be adjusted to accommodate short-term activities such as clearing or grubbing, or passage of vehicles. Any short-term activity must be completed as quickly as possible and the sediment control practices must be installed immediately after the activity is completed. However, sediment control practices must be installed before the next precipitation event even if the activity is not complete.

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Chapter 2. Construction Stormwater Management (SDS)

11. Sediment Control Practices

- 11.4 All storm drain inlets must be protected by appropriate BMPs during construction until all sources with potential for discharging to the inlet have been stabilized.
- 11.5 Temporary soil stockpiles must have silt fence or other effective sediment controls, and cannot be placed in surface waters, including stormwater conveyances such as curb and gutter systems, or conduits and ditches.
- 11.6 Vehicle tracking of sediment from the construction site must be minimized by BMPs such as stone pads, concrete or steel wash racks, or equivalent systems. Street sweeping must be used if such BMPs are not adequate to prevent sediment from being tracked onto the street.
- 11.7 The Permittee is responsible for the installation of sediment barriers to stop the flow of sediments and to prevent the deposition of sediments into waterbodies. Temporary sediment barriers shall be placed across the entire construction right-of-way at the base of slopes greater than five percent where the base of the slope is less than fifty feet from tile line openings, natural drainageways, wetlands and/or waterbodies until the area is revegetated and there no longer exists the potential scouring or sediment transport to surface waters.
- 11.8 The Permittee is responsible for the installation of sediment barriers where tile lines, natural drainage ways, wetlands are waterbodies are adjacent to and/or downslope of construction work areas.
- 11.9 The Permittee is responsible for the installation of temporary erosion controls following initial soil disturbance and maintenance of same throughout construction (on a daily basis) and re-installation as necessary (such as after backfilling of the trench) until replaced by permanent erosion controls or restoration is complete.
- 11.10 The Permittee shall ensure that the outfall of each temporary slope breaker directs the discharge of stormwaters to a stable, well vegetated upland area and/or that energy-dissipating, sediment control/removal device(s) are installed/constructed at the end of the slope breaker.
- 11.11 The Permittee shall ensure that the outfall position of each temporary slope breaker prevents the discharge of sediments into surface waters including tile lines, natural drainageways, and wetlands.
- 11.12 If woven filter-fabric silt fences are used for sediment control, the Permittee shall ensure that the fences are installed in such a way that soils can not migrate through, spill over, or slip under the silt fence.
- 11.13 If straw or hay bales are use for sediment control, the Permittee shall ensure that the bales remain compact and that the straw or hay is not allowed to come unbound and be swept offsite by either rain or wind.
- 11.14 The permittee shall ensure the proper installation of erosion controls as necessary to prevent sediment flow into waterbodies, including wetlands and tile lines.

12. Additional BMPs for Special and/or Impaired Waters

- 12.1 Additional Best Management Practices (BMPs), together with enhanced runoff controls, are required for discharges to the waters identified as impaired under section 303 (d) of the federal Clean Water Act for phosphorus (nutrient eutrophication biological indicators), turbidity, dissolved oxygen or aquatic biota (fish bioassessment, aquatic plant bioassessment and aquatic macroinvertebrate bioassessment).
- 12.2 The Permittee is directed to part C of Appendix A of the General Stormwater Permit for Construction Activity (MN R100001) for a listing of the additional BMPs requirements.
- 12.3 Additional Best Management Practices (BMPs), together with enhanced runoff controls, are required for discharges to the special waters.

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13. Temporary Sediment Basins

- 13.1 Where ten or more acres of disturbed soil, for which the Permittee is the responsible party or in control, drain to a common location, a temporary (or permanent) sediment basin must be provided prior to the runoff leaving the construction site or entering surface waters. The sediment basin shall be designed and constructed in accordance with the applicable requirements given in the General Stormwater Permit for Construction Activity (MN R100001).
- 13.2 The Permittee is encouraged, but not required, to install temporary sediment basins where appropriate in areas with steep slopes or highly erodible soils even if less than ten acres drain to one area.

14. Permanent Stormwater Management System

- 14.1 The Permittee is responsible for post-construction restoration measures designed to prevent ground surface souring/erosion and continued sediment transport during rainfall and snowmelt events.
- 14.2 Where a project results in the replacement of one or more acres of cumulative pervious surface with impervious surface, the Permittee must provide treatment for a water quality volume of ½ inch of runoff from the new impervious surface prior to the leaving the construction site or entering surface waters (excluding man made drainage systems that convey stormwater to a constructed permanent stormwater management facility designed to treat the water quality volume from the project). [Refer to General Stormwater Permit for Construction Activity (MN R100001) for acceptable treatment options.]
- 14.3 For projects where the lack of right-of-way precludes the installation of any of the permanent stormwater management practices other treatment systems such as grassed swales, smaller ponds, or grit chambers are required prior to discharge to surface waters.

15. Dewatering and Basin Draining

- 15.1 Dewatering or basin draining (e.g., pumped discharges, trench/ditch cuts for drainage) related to the construction activity that may have turbid or sediment laden discharge water must be discharged to a temporary or permanent sedimentation basin on the project site whenever possible. If the water cannot be discharged to a sedimentation basin prior to entering the surface water, it must be treated with the appropriate BMPs, such that the discharge does not adversely affect the receiving water or downstream landowners. The Permittee(s) must ensure that discharge points are adequately protected from erosion and scour. The discharge must be dispersed over natural rock riprap, sand bags, plastic sheeting or other accepted energy dissipation measures. Adequate sedimentation control measures are required for discharge water that contains suspended solids.
- 15.2 All water from dewatering or basin draining activities must be discharged in a manner that does not cause nuisance conditions, erosion in receiving channels or on downslope properties, or inundation in wetlands causing significant adverse impact to the wetland.

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Chapter 2. Construction Stormwater Management (SDS)

16. Best Management Practices (BMP)

16.1 Within the SWPPP, the Permittee shall:

- a. Identify measures which shall be taken to prevent the deposition of sediments into surface waters, including all intakes or conveyances to surface waters (ie., tile line intakes, natural drainageways);
- b. Identify measures which will be taken to control erosion and scouring during precipitation events and the control of sediment-laden runoff as a result therefrom;
- c. Provide a description of sediment barriers which may be used, how and when they will be used, and the means for measuring and ensuring their effectiveness;
- d. Identify measures which shall be taken to control and/or contain construction debris, accidental spills, waste materials, etc.
- e. Identify measures which will be taken to prevent precipitation from contacting or carrying away topsoil and trench spoil stockpiles;
- f. Identify measures which will be taken for stream bank stabilization and erosion control and final restoration;
- g. Identify postconstruction measures to ensure disturbed areas are successfully revegetated and/or otherwise returned to pre-construction status (i.e., surface condition similar to adjacent undisturbed land) in a manner which will not lead to continued silt or sediment laden runoff during precipitation or snowmelt events.

17. Inspection and Maintenance

- 17.1 The Permittee(s) (either the owner or operator, whoever is identified in the SWPPP) must routinely inspect the construction site once every seven (7) days during active construction and within 24 hours after a rainfall event greater than 0.5 inches in 24 hours.
- 17.2 All inspections and maintenance conducted during construction must be recorded in writing and these records must be retained with the SWPPP. Records of each inspection and maintenance activity shall include:
 - a. Date and time of inspections;
 - b. Name of person(s) conducting inspections;
 - c. Findings of inspections, including recommendations for corrective actions;
 - d. Corrective actions taken (including dates, times, and party completing maintenance activities);
 - e. Date and amount of all rainfall events greater than 1/2 inch (0.5 inches) in 24 hours; and
 - f. Documentation of changes made to the SWPPP as required.

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Chapter 2. Construction Stormwater Management (SDS)

17. Inspection and Maintenance

- 17.3 All erosion prevention and sediment control BMPs must be inspected to ensure integrity and effectiveness. All nonfunctional BMPs must be repaired, replaced, or supplemented with functional BMPs. The Permittee(s) must investigate and comply with the following inspection and maintenance requirements:
- a. All silt fences must be repaired, replaced, or supplemented when they become nonfunctional or the sediment reaches 1/3 of the height of the fence. These repairs must be made within 24 hours of discovery, or as soon as field conditions allow access.
 - b. Temporary and permanent sedimentation basins must be drained and the sediment removed when the depth of sediment collected in the basin reaches 1/2 the storage volume. Drainage and removal must be completed within 72 hours of discovery, or as soon as field conditions allow access.
- 17.4 All infiltration areas must be inspected to ensure that no sediment from ongoing construction activities is reaching the infiltration area and these areas are protected from compaction due to construction equipment driving across the infiltration area.
- 17.5 Construction site vehicle exit locations must be inspected for evidence of off-site sediment tracking onto paved surfaces. Tracked sediment must be removed from all off-site paved surfaces, within 24 hours of discovery, or if applicable, within a shorter time.
- 17.6 If sediment escapes the construction site, 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).
- 17.7 Where parts of the construction site have undergone final stabilization, but work remains on other parts of the site, inspections of the stabilized areas may be reduced to once per month. Where work has been suspended due to frozen ground conditions, the required inspections and maintenance must take place as soon as runoff occurs at the site or prior to resuming construction, whichever comes first.

18. Pollution Prevention Management Measures

- 18.1 The Permittee(s) shall implement the following pollution prevention management measures on the site:
- a. Solid Waste: Collected sediment, asphalt and concrete millings, floating debris, paper, plastic, fabric, construction and demolition debris and other wastes must be disposed of properly and must comply with MPCA disposal requirements.
 - b. Hazardous Materials: Oil, gasoline, paint and any hazardous substances must be properly stored, including secondary containment, to prevent spills, leaks or other discharge. Restricted access to storage areas must be provided to prevent vandalism. Storage and disposal of hazardous waste must be in compliance with MPCA regulations.
 - c. External washing of trucks and other construction vehicles must be limited to a defined area of the site. Runoff must be contained and waste properly disposed of. No engine degreasing is allowed on site.

19. Records

- 19.1 The SWPPP, including all certificates, reports, records, or other information required by this chapter, must be made available to federal, state, county or other location officials within seventy-two hours upon request. Documents shall be maintained and made available for the duration of the discharge authorization coverage and for three years following submittal of the Notice of Termination.
- 19.2 The SWPPP, all changes to it, and inspections and maintenance records must be kept at the site during construction by the Permittee who has operational control of that portion of the site. The SWPPP can be kept in either the field office or in an on-site vehicle.

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19. Records

- 19.3 The Permittee shall keep the Stormwater Pollution Prevention Plan (SWPPP), along with the following additional records, on file for three years after submittal of the Notice of Termination.
- a. Any other permits required for the project;
 - b. Records of all inspection and maintenance conducted during construction;
 - c. All permanent operation and maintenance agreements that have been implemented, including all right-of-way, contracts, covenants and other binding requirements regarding perpetual maintenance; and
 - d. All required calculations for design of the temporary and permanent stormwater management systems.
- This does not include any records after submittal of the Notice of Termination.

20. Request for Termination of Stormwater Permit Coverage

- 20.1 The Permittee must ensure final stabilization of the site prior to submitting a Notice of Termination (NOT). The Permittee shall submit a NOT within thirty days after final stabilization has been achieved on all portions of the site for which the Permittee is responsible.
- 20.2 All soil disturbing activities at the site shall be completed and all soils shall be stabilized to a uniform perennial vegetative cover with a density of 70 percent over the entire pervious surface area or other equivalent means necessary to prevent soil failure under erosive conditions. For land used for agricultural purposes, final stabilization may be accomplished by returning the disturbed land to its preconstruction use.
- 20.3 The Permittee must clean out all sediment from conveyances and from temporary sedimentation basins that are to be used as permanent water quality management basins. Sediment must be stabilized to prevent it from being washed back into the basin, conveyances or drainageways discharging off-site or to surface waters. The cleanout of permanent basins must be sufficient to return the basin to design capacity.
- 20.4 All temporary synthetic, and structural erosion prevention and sediment control BMPs (such as silt fence) must be removed as part of the site final stabilization

21. Final Stabilization

- 21.1 All drainage ditches constructed to drain stormwater from the site after construction is complete must be stabilized to preclude erosion.

22. Definitions

- 22.1 "Construction activity" means activities for the purpose of construction, including clearing, grading, and excavating, that result in land disturbance of equal to or greater than one acre, including the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one acre. This includes a disturbance to the land that results in a change in the topography, existing soil cover, both vegetative and nonvegetative, or the existing soil topography that may result in accelerated storm water runoff which may lead to soil erosion and movement of sediment. Construction activity does not include a disturbance to the land of less than five acres for the purpose of routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, and original purpose of the facility.
- 22.2 "Impervious Surface" means a constructed hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development. Examples include rooftops, sidewalks, patios, driveways, parking lots, storage areas and concrete, asphalt, or gravel roads.
- 22.3 "Dewatering" means the removal of water for construction activity. It can be a discharge of appropriated surface or groundwater to dry and/or solidify a construction site. It may require Minnesota Department of Natural Resources permits to be appropriated and if contaminated may require other MPCA permits to be discharged.

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22. Definitions

22.4 "Final Stabilization" means that either:

- a. All soil disturbing activities at the site have been completed and a uniform (e.g., evenly distributed, without large bare areas) perennial vegetative cover with a density of 70% of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed; or
- b. For construction projects on land used for agricultural purposes (e.g., pipelines across crop or range land) final stabilization may be accomplished by returning the disturbed land to its preconstruction agricultural use. Areas disturbed that were not previously used for agricultural activities, such as buffer strips immediately adjacent to surface waters and drainage systems, and areas which are not being returned to their preconstruction agricultural use must meet the final stabilization criteria given above.

22.5 "General Contractor" means the party who signs the construction contract with the owner to construct the project described in the final plans and specifications. Where the construction project involves more than one contractor, the general contractor will be the party responsible for managing the project on behalf of the owner. In some cases, the owner may be the general contractor. In these cases, the owner may contract an individual as the operator who would become the Co-permittee.

22.6 "Normal Wetted Perimeter" means the area of a conveyance, such as a ditch, channel, or pipe that is in contact with water during flow events that are expected to occur once every year.

22.7 "Notice of Termination" or "NOT" means notice to terminate coverage under this permit after construction is complete, the site has undergone final stabilization, and maintenance agreements for all permanent facilities have been established, in accordance with all applicable conditions of this permit. Notice of Termination forms are available from the MPCA.

22.8 "Owner" means the person or party possessing the title or easement to the land on which the construction activities will occur; or if the construction activity is for a lease holder, the party or individual identified as the lease holder; or the contracting government agency responsible for the construction activity.

22.9 "Permanent Cover" means final stabilization. Examples include grass, gravel, asphalt, and concrete.

22.10 "Stabilized" means the exposed ground surface has been covered by appropriate materials such as mulch, staked sod, riprap, wood fiber blanket, or other material that prevents erosion from occurring. Grass seeding is not stabilization.

22.11 "Stormwater Pollution Prevention Plan" means a plan for stormwater discharge that includes erosion prevention measures and sediment controls that, when implemented, will decrease soil erosion on a parcel of land and decrease off-site nonpoint pollution.

22.12 Stormwater is defined under Minn. R. 7077.0105, subp. 41(b), and includes precipitation runoff, stormwater runoff, snow melt runoff, and any other surface runoff and drainage.

22.13 "Surface Water or Waters" means all streams, lakes, ponds, marshes, wetlands, reservoirs, springs, rivers, drainage systems, waterways, watercourses, and irrigation systems whether natural or artificial, public or private.

23. Limitations

23.1 This chapter will not provide construction stormwater discharge authorization for discharges into or onto Tribal lands.

23.2 This chapter will not provide construction stormwater discharge authorization for projects requiring special review and/or approval. Specifically, this chapter cannot be used for projects disturbing fifty acres or more; or if alternative methods are proposed for permanent stormwater management systems. [Refer to General Stormwater Permit for Construction Activity (MN R100001)]

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Chapter 2. Construction Stormwater Management (SDS)

23. Limitations

- 23.3 In accordance with Minn. R. ch. 4410, this chapter does not authorize discharges from sites for which an Environmental Assessment Worksheet or Environmental Impact Statement is required, until that review is completed.
- 23.4 This chapter does not authorize the placement of fill into waters of the state requiring local, state or federal authorizations (such as U.S. Army Corps of Engineers Section 404 permits, Department of Natural Resources Public Waters Work Permits, or Local Governmental Unit Wetland Conservation Act replacement plans or determinations.)

24. General Requirements

- 24.1 In developing this chapter, the MPCA has attempted to not reiterate those requirements which would not be generally applicable to pipeline construction activities. However, if in the review of a discharge authorization request it is determined that the project would be better managed by the General Stormwater Permit for Construction Activity (MN R100001), the MPCA is not estopped from refusing construction discharge authorization under this permit and directing the company and contractor to apply for discharge authorization under the construction stormwater permit program.
- 24.2 The Permittee is advised to familiarize itself with the requirements of the General Stormwater Permit for Construction Activity (MN R100001) in the management of stormwater associated with construction activities. If there is a discrepancy or inconsistency between this chapter's requirements and the latest version of the General Stormwater Permit for Construction Activity, deference will be made to the general permit.
- 24.3 This permit cannot be used as a shield to avoid compliance with the construction stormwater program requirements.

Chapter 3. Facility Specific Definitions

1. Definitions

- 1.1 "Sediment Control" means methods employed to prevent sediment from leaving the site. Sediment control practices include silt fences, sediment traps, earth dikes, drainage swales, check dams, subsurface drains, pipe slope drains, storm drain inlet protection, and temporary or permanent sedimentation basins.
- 1.2 "Energy Dissipation" means methods employed at pipe outlets to prevent erosion. Examples include, but are not limited to: concrete aprons, riprap, splash pads, and gabions that are designed to prevent erosion.
- 1.3 "Erosion Prevention" means measures employed to prevent erosion including but not limited to: soil stabilization practices, limited grading, mulch, temporary or permanent cover, and construction phasing.
- 1.4 "Project Composite" means a minimum of three grab samples, taken at the beginning, in the middle and at the end of each discharge event. For reporting purposes, the average of the analytic results is reported as the composite sample. Notwithstanding the foregoing, composite sampling may be used for total suspended solids.

Chapter 4. Surface Discharge Stations

1. Prohibited Discharges

- 1.1 The hydrotest discharge activity shall not cause or result in a sediment plume or delta.
- 1.2 The Permittee is prohibited from the transfer of waters between waterbodies (e.g., water appropriated from one surface waterbody shall not be discharged into an alternate surface waterbody).

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Chapter 4. Surface Discharge Stations

2. Special Requirements

- 2.1 The technology-based effluent limitations applicable for hydrotest discharges are the utilization of best management practices for the reduction of or control of total suspended solids levels in the proposed discharge. The need for actual numeric effluent limitations will be determined when discharge authorization is requested. Numeric limitations may not be required when it is demonstrated that narrative criteria will be sufficient to protect the receiving water body for its designated beneficial uses.

3. Sampling Location

- 3.1 For intake credits, receiving water body samples shall be taken as described in a project discharge approval letter. Typically this will mean taking a sample mid-stream, mid-depth in the early morning hours.
- 3.2 For determining maintenance of background (generally applicable to a discharge to a wetland), monitoring within the water body shall occur before and after the discharge at a point which would represent the discharge's impact on the receiving water body.
- 3.3 Samples and measurements required by this permit shall be taken at a point representative of the monitored activity and shall be in accordance with any special requirements given in the project discharge approval letter.

4. Sampling Frequency

- 4.1 The measurement frequency shall be at least once per discharge event.
- 4.2 Monitoring may be required when pipeline and/or tank testing activities have a reasonable potential to cause or contribute to a receiving water impairment. Such a water quality-based control shall be established in the project discharge approval letter and the Permittee shall then comply with the monitoring requirements imposed by the approval letter.

5. Sampling Protocol

- 5.1 Each project for which discharge authorization is requested is considered a discharge event. Each discharge point of a project is considered a separate discharge event. (E.g. If a discharge is proposed from each end point of a project, each point would be considered a separate discharge event.)
- 5.2 When sampling of pollutant levels in the discharge is required, the Permitting shall take a minimum of three grab samples during each such discharge event. Grab samples shall be taken at the beginning, in the middle and at the end of discharge event requiring sampling.
- 5.3 The permittee shall observe each hydrotest discharge event and report within thirty days of the discharge event the results of this observation.

The permittee shall observe the discharge to ensure that sediments levels in the discharge whether caused by pollutant levels in the hydrotest waters or scouring/sediment transport do no cause turbid conditions or create a sediment plume in the receiving water(s).

- 5.4 A project composite shall consist of one grab sample or at the Permittee's option the average of a series of at least three grab samples.

6. Surface Discharges

- 6.1 Floating solids or visible foam shall not be discharged in other than trace amounts.
- 6.2 Oil or other substances shall not be discharged in amounts that create a visible color film.
- 6.3 The discharge shall not degrade the aquatic habitat, which includes the waters of the state and stream bed, in any material manner.

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Chapter 4. Surface Discharge Stations

6. Surface Discharges

- 6.4 The discharge shall not seriously impair or endanger the normal fishery and lower aquatic biota upon which it is dependent. The species composition shall not be altered materially, and the propagation or migration of the fish or other biota normally present shall not be prevented or hindered by the discharge.
- 6.5 The discharge shall not in any manner render the receiving water unsuitable or objectionable for fishing, fish culture or recreational uses.
- 6.6 The discharge shall not cause or contribute to a material increase in undesirable slime growths or aquatic plants, including algae.
- 6.7 Energy dissipation devices of a sufficient magnitude shall be used to disperse the discharge so as to prevent erosion, bottom scouring and/or sediment transport.
- 6.8 Irrespective of numeric effluent limitations, the pollutant levels in the discharge shall not impair the receiving water for its designated use.

The permittee shall immediately cease any discharge which creates turbid conditions or results in a sediment plume or delta in the receiving water and immediately employ corrective measures to mitigate the impairment.

7. Discharge Monitoring Reports

- 7.1 Discharge Monitoring Report forms will not be generated for specific discharge events. The Permittee shall develop a format for the submittal of sampling results and/or discharge observations. The self-reporting format shall include the project name, the project location, the name (or location if unnamed) of the receiving water body, and the date of the project discharge approval letter.
- 7.2 The Permittee shall submit monitoring results/observations of the discharge activities in accordance with the terms given in a project discharge approval letter.

8. Reporting Requirements

- 8.1 The Permittee shall immediately notify the MPCA permit writer if pollutant levels in the discharge exceed the effluent limitations or narrative restrictions given in the project discharge approval letter. The verbal notification shall be followed by a written explanation of the cause of the violation, steps which were taken to minimize any adverse effects of the noncompliant waste stream on the receiving waters, mitigative actions taken to reduce or undo the effects of the noncompliance discharge and actions which will be taken to prevent future violations. The written notification shall be submitted with 30 days.

9. General Requirements

- 9.1 The MPCA is not precluded from requiring additional analyses should other parameters be noted or expected. A determination shall be made based on information provided by the Permittee at the time a discharge request is submitted. The Permittee shall include with its discharge request any pollutants known to be, or reasonably expected to be, present in the discharge waste stream.
- 9.2 Effluent limitations may be established to ensure that no violation of the standards of any waters of the state shall occur by reason of the discharge. Monitoring requirements and decisions for numeric effluent limitations shall be based on receiving water quality and designated beneficial uses, discharge volume, discharge duration and velocity, past compliance history and waste flow type.
- 9.3 Applicable limits, monitoring and reporting requirements shall be as given in a project discharge approval letter and may differ from the limits and monitoring suggested in the Limits and Monitoring Section of this permit. Effluent limitations, are lack thereof, and monitoring and observation requirements are as established in a project discharge approval letter and become an enforceable part of this permit.

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Chapter 5. Total Facility Requirements

1. General Requirements

General Requirements

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

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Chapter 5. Total Facility Requirements

1. General Requirements

- 1.13 Control Users. The Permittee shall regulate the users of its wastewater treatment facility so as to prevent the introduction of pollutants or materials that may result in the inhibition or disruption of the conveyance system, treatment facility or processes, or disposal system that would contribute to the violation of the conditions of this permit or any federal, state or local law or regulation.

Sampling

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

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Chapter 5. Total Facility Requirements

1. General Requirements

- 1.20 Completing Reports. The Permittee shall submit the results of the required sampling and monitoring activities on the forms provided, specified, or approved by the MPCA. The information shall be recorded in the specified areas on those forms and in the units specified. (Minn. R. 7001.1090, subp. 1, item D; Minn. R. 7001.0150, subp. 2, item B)

Required forms may include:

DMR Supplemental Form

Individual values for each sample and measurement must be recorded on the DMR Supplemental Form which, if required, will be provided by the MPCA. DMR Supplemental Forms shall be submitted with the appropriate DMRs. You may design and use your own supplemental form; however it must be approved by the MPCA. Note: Required summary information **MUST** also be recorded on the DMR. Summary information that is submitted **ONLY** on the DMR Supplemental Form does not comply with the reporting requirements.

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

MPCA

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

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

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

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

MPCA

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

- 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 5. 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 5. 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 5. Total Facility Requirements

1. General Requirements

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

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

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

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

Operation and Maintenance

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Chapter 5. Total Facility Requirements

1. General Requirements

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

Changes to the Facility or Permit

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

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

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

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

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Chapter 5. 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 5. 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.