



STATE OF MINNESOTA  
**Minnesota Pollution Control Agency**

**Municipal Division**

**National Pollutant Discharge Elimination System (NPDES)/  
State Disposal System (SDS) Permit MN0030643**

**PERMITTEE:** City of Hibbing  
**FACILITY NAME:** Hibbing WWTP - South Plant  
**RECEIVING WATER:** East Swan Creek (Class 2B, 3C, 4A, 4B, 5, 6 water)

**CITY:** Hibbing **COUNTY:** St. Louis  
**ISSUANCE DATE:** **EXPIRATION DATE:**

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

The goal of this permit is to reduce pollutant levels in point source discharges and protect water quality in accordance with Minnesota and US statutes and rules, including Minn. Stat. chs. 115 and 116, Minn. R. chs. 7001, 7041, 7049, 7050, 7053, 7060, 7090, and the US Clean Water Act.

This permit is effective on the issuance date identified above, and supersedes the previous permit that was issued for this facility on March 16, 2007. This permit expires at midnight on the expiration date identified above.

*Signature:* \_\_\_\_\_  
Paul C. Scheirer, Supervisor *for The Minnesota Pollution Control Agency*  
Northeast/Northwest Regional Unit  
Municipal Division

***Submit DMRs to:***

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

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

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

***Questions on this permit?***

- For DMR and other permit reporting issues, contact:  
Jennifer Satnik, 651-757-2692.
- For specific permit requirements or permit compliance status, contact:  
Jaramie Logelin, 218-302-6640.
- General permit or NPDES program questions, contact:  
MPCA, 651-282-6143 or 1-800-657-3938.

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## Facility Description

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The Hibbing Wastewater Treatment Plant - South Plant (Facility) is located in the SW 1/4 of SW 1/4 of Section 32, Township 57 North, Range 20 West, Hibbing, St. Louis County, Minnesota. This is a Class A Facility.

Major Components of the Facility Include:

- 2 Bar Screens – mechanical
- 3 Grit Removal Units
- 2 Primary Clarifiers
- 4 Trickling Filters
- 4 Secondary Clarifiers
- 1 Phosphorus Removal - chemical
- 1 Chlorination/Dechlorination Tank
- 1 Gravity Thickening Unit
- 2 Anaerobic Digesters - complete mixed, heated - mesophilic
- 3 Flow Equalization Basins
- 1 Biosolids Storage Lagoon

Proposed Additions to the Facility Include:

- 1 Filter System Diversion Structure (manhole) (Proposed)
- 5 Dual Media Sand Filters (Sand and Anthracite) (Proposed)

The Facility has a continuous discharge (SD001) to the East Swan Creek (Class 2B, 3B, 4A, 4B, 5, 6 water) to the East Swan River (Class 1B, 2A, 3B, 3C, 4A, 4B, 5, 6 water). The Facility is designed to treat wastewater at an average wet weather flow rate of 4.5 million gallons per day (MGD) with a 5-day carbonaceous biological oxygen demand strength of 5,629.5 pounds per day or 150 milligrams per liter.

The Facility includes a bypass diversion structure that can divert flow during periods of high flow to an equalization (EQ) basin system consisting of 2.0 acre and 15.0 acre aerated EQ basins and a 0.8 acre EQ basin. The Facility also has an emergency discharge from the EQ basins that have the capability of discharging partially treated wastewater when the basins are full and the plant is at maximum capacity.

As part of this permit action the City of Hibbing will be constructing five (4 duty/1 redundant) rectangular dual media sand filters (with 12 inches of sand and 18 inches of anthracite and a surface area of 407 ft<sup>2</sup> each) at the Facility in accordance with the schedule of compliance that was executed between the City of Hibbing and the MPCA on July 16, 2012. The new dual media sand filters will be

designed for a loading rate of 2.13 gpm/ft<sup>2</sup> (average) and 2.35 gpm/ft<sup>2</sup> (peak). The existing Facility includes a three point chemical addition system (for alum injection) that allows for operational flexibility to improve and fine tune treatment, if necessary.

The dual media sand filters will be located in the southeast corner of the existing Facility. A new filter system diversion structure will divert treated secondary effluent from the third stage secondary clarifier to the new filter building. Filtered effluent will then flow back to the existing chlorination/dechlorination tank for disinfection and subsequently flow to the post aeration tank prior to discharge.

The location of the Facility is shown on the "Topographic Map of Permitted Facility" (page 5).

The location of designated monitoring stations is specified on the "Summary of Stations" (page 6).

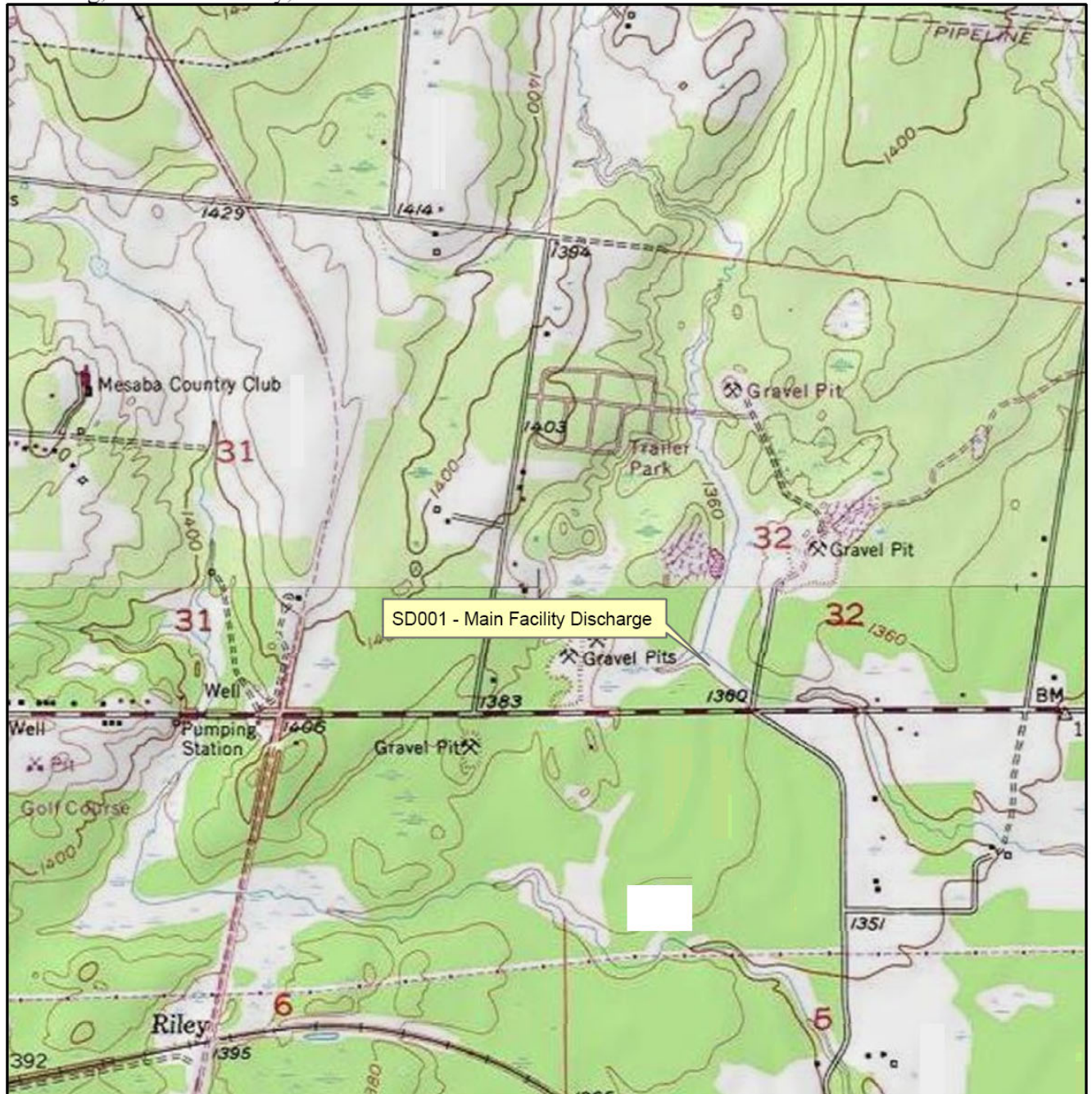
In accordance with Minnesota Pollution Control Agency rules regarding nondegradation for all waters that are not Outstanding Resource Value Waters (ORVW), nondegradation review is required for any new or expanded significant discharge (Minn. R. 7050.0185). A significant discharge is 1) a new discharge (not in existence before January 1, 1988) that is greater than 200,000 gallons per day to any water other than a Class 7 water or 2) an expanded discharge that expands by greater than 200,000 gallons per day that discharges to any water other than a Class 7 water or 3) a new or expanded discharge containing any toxic pollutant at a mass loading rate likely to increase the concentration of the toxicant in the receiving water by greater than one percent over the baseline quality. The flow rate used to determine significance is the design average wet weather flow. The January 1, 1988 calculated design average wet weather flow for this facility is 2.0 mgd.

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

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

**Topographic Map of Permitted Facility**

MN0030643, Hibbing Wastewater Treatment Plant - South Plant  
SW 1/4 of the SW 1/4 of Section 32, T57N, R20W  
Hibbing, St. Louis County, Minnesota



Map produced by: MPCA Staff, 1/12/12  
Source: USA Topo  
Scale: 1:15,000

# Schematic Flow Diagram

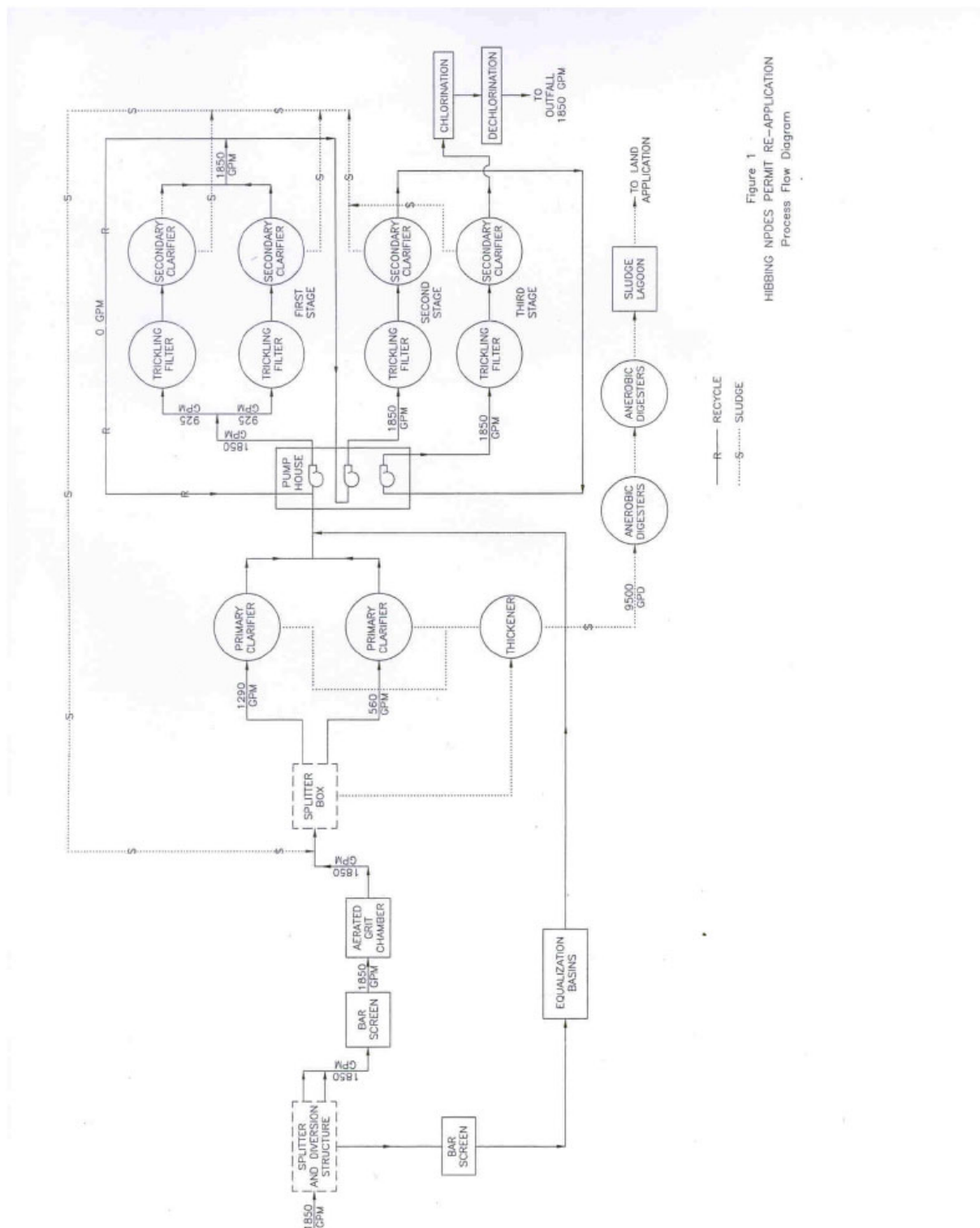
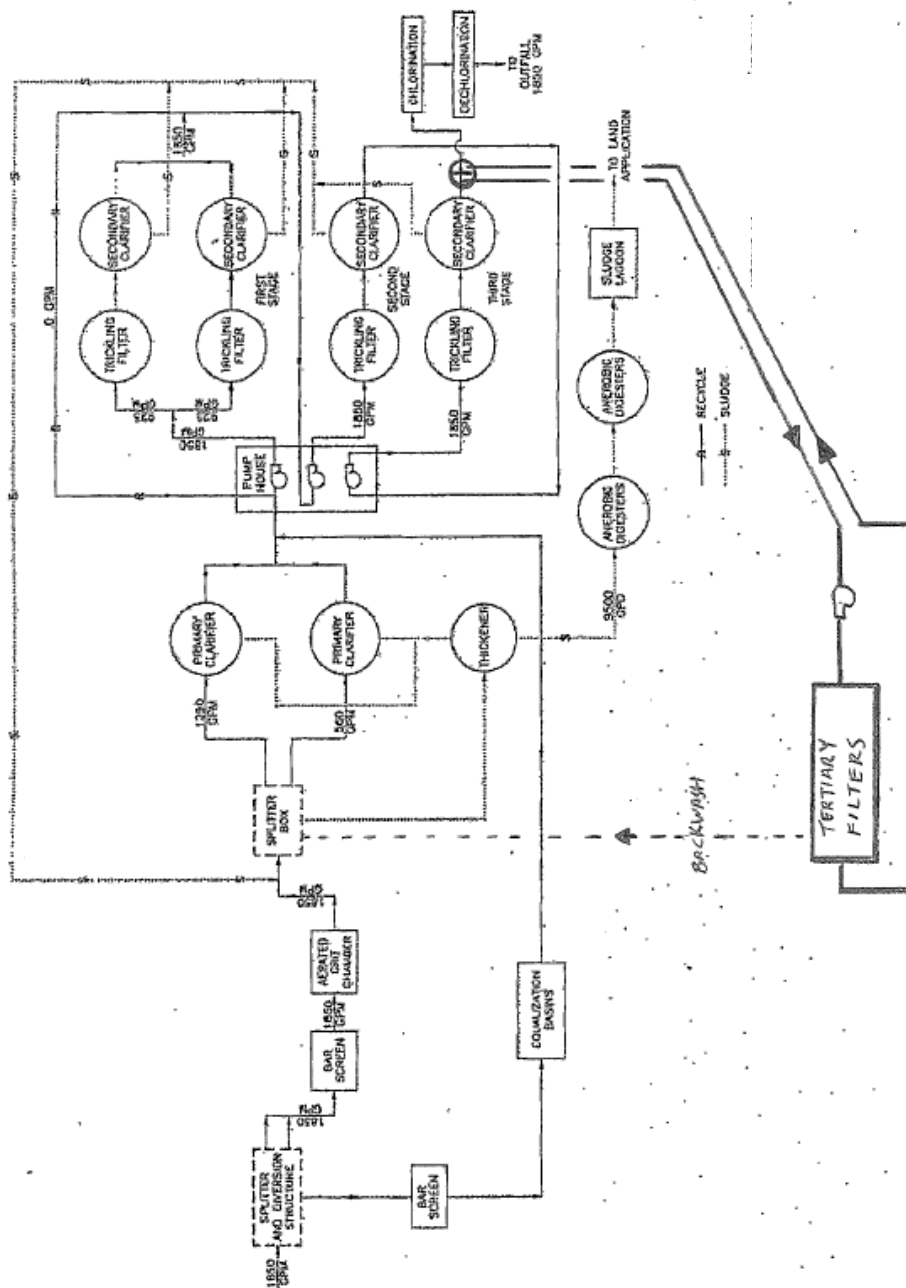


Figure 1  
HIBBING NPDES PERMIT RE-APPLICATION  
Process Flow Diagram

# Proposed Schematic Flow Diagram



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**Surface Discharge Stations**

| <u>Station</u> | <u>Type of Station</u>    | <u>Local Name</u>  | <u>PLS Location</u>   |
|----------------|---------------------------|--------------------|---|
| SD001          | Effluent To Surface Water | 001 Main Discharge | SW Quarter of the SW Quarter of Section 32, Township 57<br>North, Range 20 West |

**Waste Stream Stations**

| <u>Station</u> | <u>Type of Station</u> | <u>Local Name</u>     | <u>PLS Location</u>   |
|----------------|------------------------|-----------------------|---|
| WS001          | Influent Waste         | Influent Waste Stream | SW Quarter of the SW Quarter of Section 32, Township 57<br>North, Range 20 West |



# Hibbing WWTP South Plant

## Limits and Monitoring Requirements

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

### SD 001: 001 Main Discharge

| Parameter  | Limit        | Units  | Limit Type                     | Effective Period | Sample Type             | Frequency   | Notes |
|--|--------------|--------|--------------------------------|------------------|-------------------------|-------------|-------|
| Bicarbonates   | Monitor Only | mg/L   | Calendar Month Maximum         | Jan-Dec          | 24-Hour Flow Composite  | 1 x Month   | 4     |
| BOD, Carbonaceous 05 Day (20 Deg C)                  | 131          | kg/day | Calendar Month Average         | Dec-Mar          | 24-Hour Flow Composite  | 3 x Week    |       |
| BOD, Carbonaceous 05 Day (20 Deg C)                  | 7.7          | mg/L   | Calendar Month Average         | Dec-Mar          | 24-Hour Flow Composite  | 3 x Week    |       |
| BOD, Carbonaceous 05 Day (20 Deg C)                  | 204          | kg/day | Maximum Calendar Week Average  | Dec-Mar          | 24-Hour Flow Composite  | 3 x Week    |       |
| BOD, Carbonaceous 05 Day (20 Deg C)                  | 12           | mg/L   | Maximum Calendar Week Average  | Dec-Mar          | 24-Hour Flow Composite  | 3 x Week    |       |
| BOD, Carbonaceous 05 Day (20 Deg C)                  | 160          | kg/day | Calendar Month Average         | Apr-Nov          | 24-Hour Flow Composite  | 3 x Week    |       |
| BOD, Carbonaceous 05 Day (20 Deg C)                  | 9.4          | mg/L   | Calendar Month Average         | Apr-Nov          | 24-Hour Flow Composite  | 3 x Week    |       |
| BOD, Carbonaceous 05 Day (20 Deg C)                  | 255          | kg/day | Maximum Calendar Week Average  | Apr-Nov          | 24-Hour Flow Composite  | 3 x Week    |       |
| BOD, Carbonaceous 05 Day (20 Deg C)                  | 15           | mg/L   | Maximum Calendar Week Average  | Apr-Nov          | 24-Hour Flow Composite  | 3 x Week    |       |
| BOD, Carbonaceous 05 Day (20 Deg C) Percent Removal  | 85           | %      | Minimum Calendar Month Average | Jan-Dec          | Calculation             | 3 x Week    |       |
| Calcium, Total (as Ca)                               | Monitor Only | mg/L   | Calendar Month Maximum         | Jan-Dec          | 24-Hour Flow Composite  | 1 x Month   | 4     |
| Chloride, Total                                      | Monitor Only | mg/L   | Calendar Month Maximum         | Jan-Dec          | 24-Hour Flow Composite  | 1 x Month   | 4     |
| Chlorine, Total Residual                             | 0.038        | mg/L   | Daily Maximum                  | Jan-Dec          | Grab                    | 1 x Day     | 6     |
| Copper, Total (as Cu)                                | Monitor Only | ug/L   | Calendar Quarter Maximum       | Jan-Dec          | 24-Hour Flow Composite  | 1 x Quarter | 2     |
| Fecal Coliform, MPN or Membrane Filter 44.5C         | 200          | #100ml | Calendar Month Geometric Mean  | Apr-Oct          | Grab                    | 3 x Week    |       |
| Flow   | Monitor Only | mgd    | Calendar Month Average         | Jan-Dec          | Measurement, Continuous | 1 x Day     | 5     |
| Flow   | Monitor Only | mgd    | Calendar Month Maximum         | Jan-Dec          | Measurement, Continuous | 1 x Day     | 5     |
| Flow   | Monitor Only | MG     | Calendar Month Total           | Jan-Dec          | Measurement, Continuous | 1 x Day     | 5     |
| Hardness, Calcium & Magnesium, Calculated (as CaCO3) | Monitor Only | mg/L   | Calendar Month Maximum         | Jan-Dec          | 24-Hour Flow Composite  | 1 x Month   | 4     |
| Magnesium, Total (as Mg)                             | Monitor Only | mg/L   | Calendar Month Maximum         | Jan-Dec          | 24-Hour Flow Composite  | 1 x Month   | 4     |
| Mercury, Total (as Hg)                               | 30.6         | mg/day | Calendar Month Average         | Jan-Dec          | Grab                    | 2 x Month   | 3     |
| Mercury, Total (as Hg)                               | 1.8          | ng/L   | Calendar Month Average         | Jan-Dec          | Grab                    | 2 x Month   | 3     |
| Mercury, Total (as Hg)                               | 54.4         | mg/day | Daily Maximum                  | Jan-Dec          | Grab                    | 2 x Month   | 3     |
| Mercury, Total (as Hg)                               | 3.2          | ng/L   | Daily Maximum                  | Jan-Dec          | Grab                    | 2 x Month   | 3     |
| Nitrite Plus Nitrate, Total (as N)                   | Monitor Only | mg/L   | Calendar Month Average         | Apr, Sep         | 24-Hour Flow Composite  | 1 x Month   |       |
| Nitrogen, Ammonia, Total (as N)                      | 114          | kg/day | Calendar Month Average         | Dec-Mar          | 24-Hour Flow Composite  | 3 x Week    |       |
| Nitrogen, Ammonia, Total (as N)                      | 6.7          | mg/L   | Calendar Month Average         | Dec-Mar          | 24-Hour Flow Composite  | 3 x Week    |       |
| Nitrogen, Ammonia, Total (as N)                      | 149          | kg/day | Calendar Month Average         | Apr-May          | 24-Hour Flow Composite  | 3 x Week    |       |

# Hibbing WWTP South Plant Limits and Monitoring Requirements

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

## SD 001: 001 Main Discharge

| Parameter                                     | Limit        | Units  | Limit Type                     | Effective Period | Sample Type            | Frequency | Notes |
|---|--------------|--------|--------------------------------|------------------|------------------------|-----------|-------|
| Nitrogen, Ammonia, Total (as N)               | 8.8          | mg/L   | Calendar Month Average         | Apr-May          | 24-Hour Flow Composite | 3 x Week  |       |
| Nitrogen, Ammonia, Total (as N)               | 20           | kg/day | Calendar Month Average         | Jun-Sep          | 24-Hour Flow Composite | 3 x Week  |       |
| Nitrogen, Ammonia, Total (as N)               | 1.3          | mg/L   | Calendar Month Average         | Jun-Sep          | 24-Hour Flow Composite | 3 x Week  |       |
| Nitrogen, Ammonia, Total (as N)               | 82           | kg/day | Calendar Month Average         | Oct-Nov          | 24-Hour Flow Composite | 3 x Week  |       |
| Nitrogen, Ammonia, Total (as N)               | 4.9          | mg/L   | Calendar Month Average         | Oct-Nov          | 24-Hour Flow Composite | 3 x Week  |       |
| Nitrogen, Kjeldahl, Total                     | Monitor Only | mg/L   | Calendar Month Average         | Apr, Sep         | 24-Hour Flow Composite | 1 x Month |       |
| Oxygen, Dissolved                             | 12.5         | mg/L   | Calendar Month Minimum         | Dec-Mar          | Grab                   | 1 x Day   | 1     |
| Oxygen, Dissolved                             | 7.8          | mg/L   | Calendar Month Minimum         | Apr-Nov          | Grab                   | 1 x Day   | 1     |
| pH  | 9.0          | SU     | Calendar Month Maximum         | Jan-Dec          | Grab                   | 1 x Day   | 1     |
| pH  | 6.0          | SU     | Calendar Month Minimum         | Jan-Dec          | Grab                   | 1 x Day   | 1     |
| Phosphorus, Total (as P)                      | 17.0         | kg/day | Calendar Month Average         | Jan-Dec          | 24-Hour Flow Composite | 3 x Week  |       |
| Phosphorus, Total (as P)                      | 1.0          | mg/L   | Calendar Month Average         | Jan-Dec          | 24-Hour Flow Composite | 3 x Week  |       |
| Potassium, Total (as K)                       | Monitor Only | mg/L   | Calendar Month Maximum         | Jan-Dec          | 24-Hour Flow Composite | 1 x Month | 4     |
| Sodium, Total (as Na)                         | Monitor Only | mg/L   | Calendar Month Maximum         | Jan-Dec          | 24-Hour Flow Composite | 1 x Month | 4     |
| Solids, Total Dissolved (TDS)                 | Monitor Only | mg/L   | Calendar Month Maximum         | Jan-Dec          | 24-Hour Flow Composite | 1 x Month | 4     |
| Solids, Total Suspended (TSS)                 | 510          | kg/day | Calendar Month Average         | Jan-Dec          | 24-Hour Flow Composite | 3 x Week  |       |
| Solids, Total Suspended (TSS)                 | 30           | mg/L   | Calendar Month Average         | Jan-Dec          | 24-Hour Flow Composite | 3 x Week  |       |
| Solids, Total Suspended (TSS)                 | 766          | kg/day | Maximum Calendar Week Average  | Jan-Dec          | 24-Hour Flow Composite | 3 x Week  |       |
| Solids, Total Suspended (TSS)                 | 45           | mg/L   | Maximum Calendar Week Average  | Jan-Dec          | 24-Hour Flow Composite | 3 x Week  |       |
| Solids, Total Suspended (TSS) Percent Removal | 85           | %      | Minimum Calendar Month Average | Jan-Dec          | Calculation            | 3 x Week  |       |
| Specific Conductance                          | Monitor Only | umh/cm | Calendar Month Maximum         | Jan-Dec          | Measurement            | 1 x Month | 4     |
| Sulfate, Total (as SO4)                       | Monitor Only | mg/L   | Calendar Month Maximum         | Jan-Dec          | 24-Hour Flow Composite | 1 x Month | 4     |

## WS 001: Influent Waste Stream

| Parameter                           | Limit        | Units | Limit Type               | Effective Period | Sample Type            | Frequency   | Notes |
|-------------------------------------|--------------|-------|--------------------------|------------------|------------------------|-------------|-------|
| BOD, Carbonaceous 05 Day (20 Deg C) | Monitor Only | mg/L  | Calendar Month Average   | Jan-Dec          | 24-Hour Flow Composite | 3 x Week    |       |
| BOD, Carbonaceous 05 Day (20 Deg C) | Monitor Only | mg/L  | Calendar Month Maximum   | Jan-Dec          | 24-Hour Flow Composite | 3 x Week    |       |
| Mercury, Total (as Hg)              | Monitor Only | ng/L  | Calendar Quarter Maximum | Jan-Dec          | Grab                   | 1 x Quarter | 3     |

# Hibbing WWTP South Plant Limits and Monitoring Requirements

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

## WS 001: Influent Waste Stream

| Parameter                     | Limit        | Units | Limit Type             | Effective Period | Sample Type            | Frequency | Notes |
|-------------------------------|--------------|-------|------------------------|------------------|------------------------|-----------|-------|
| pH                            | Monitor Only | SU    | Calendar Month Maximum | Jan-Dec          | Grab                   | 3 x Week  | 1     |
| pH                            | Monitor Only | SU    | Calendar Month Minimum | Jan-Dec          | Grab                   | 3 x Week  | 1     |
| Phosphorus, Total (as P)      | Monitor Only | mg/L  | Calendar Month Average | Jan-Dec          | 24-Hour Flow Composite | 3 x Week  |       |
| Precipitation                 | Monitor Only | in    | Calendar Month Total   | Jan-Dec          | Measurement            | 1 x Day   |       |
| Solids, Total Suspended (TSS) | Monitor Only | mg/L  | Calendar Month Average | Jan-Dec          | 24-Hour Flow Composite | 3 x Week  |       |
| Solids, Total Suspended (TSS) | Monitor Only | mg/L  | Calendar Month Maximum | Jan-Dec          | 24-Hour Flow Composite | 3 x Week  |       |

### Notes:

- 1 -- Analyze immediately. This means within 15 minutes or less of sample collection.
- 2 -- EPA Method 200.8, with a method detection limit of 0.5 ug/L. The priority pollutant sample can also be used for this sample.
- 3 -- EPA method 1631, with clean techniques method 1669, and any revisions to those methods. Please refer to Chapter 5 Mercury Minimization Plan for further information.
- 4 -- If monitoring data indicates a reasonable potential to exceed a limit the permittee will be required to submit an application for a permit modification and a compliance schedule (if appropriate) will be added to the permit to ensure progress towards meeting the standard. The compliance schedule will contain a requirement that the facility either demonstrate compliance with the standard as soon as possible or submit a variance request with the application for permit reissuance. Permittees may request a reduction in monitoring if after two years of data the monitoring does not indicate a reasonable potential to exceed a limit.
- 5 -- Influent flow measurements are to be reported on the SD001 DMR. You do not need to install effluent flow meters.
- 6 -- Whenever chlorine is added. Analyze immediately. This means within 15 minutes or less of sample collection. A Method Detection Limit and a Reporting Limit must be established for this parameter. The Reporting Limit cannot be greater than 0.1 mg/L.

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## **Chapter 1. Compliance Schedule**

### **1. Compliance Related Construction Schedule**

- 1.1 The Permittee must proceed with construction of a tertiary treatment filtration unit as agreed upon in the Schedule of Compliance that was executed between the City of Hibbing and the MPCA on July 16, 2012.

#### **Schedule**

- 1.2 The Permittee must submit the following to the MPCA within one year after the initiation of operation date:
- a. An MPCA-approved certification form that is signed by a professional engineer registered in the state of Minnesota stating that the project meets the performance standards.
  - b. A revised operation and maintenance manual or a maintenance plan; or a certificate of completion of an operation and maintenance manual on a form prescribed by the MPCA. At a minimum, this plan must include a detailed discussion of operation and controls, maintenance, sampling and analysis, problem mitigation, VOC management, personnel records and reporting, and safety. This plan must be maintained and updated regularly and made available to the MPCA staff upon request.
  - c. One copy of as-built plans and specifications, also known as record drawings, must be submitted in a format approved by the MPCA. The factsheet titled: Wastewater Treatment Facility Construction Record Documents, As-built Submittal Requirements contains specific information regarding the required format of the submittal. The document is located on the MPCA web page at:  
<http://www.pca.state.mn.us/index.php/view-document.html?gid=15492>

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

### **1. Requirements for Specific Stations**

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

### **2. Sampling Location**

- 2.1 Samples for Station WS001 shall be collected at a point representative of the total influent flow to the Facility.

## **Chapter 3. Surface Discharge Stations**

### **1. Requirements for Specific Stations**

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

### **2. Special Requirements**

#### **Salty Discharge Monitoring Requirements**

- 2.1 Industrial and municipal facilities that have a stream to effluent dilution ratio of less than 5:1 or that have salty waste streams from concentrated treatment technologies (e.g. reverse osmosis, ion exchange, membrane filtration, cooling tower blowdown, etc.) or that have food processing industries using density based (saline) sorting processes are required to complete the analyses for the following salty discharge parameters: chloride, calcium and magnesium hardness as CaCO<sub>3</sub>, specific conductance, total dissolved salts (solids), sulfates as SO<sub>4</sub>, bicarbonates (HCO<sub>3</sub>), sodium, calcium, magnesium, and potassium. These analyses are required to be sampled once per month from the effluent waste stream.
- 2.2 The Permittee may request a reduction in monitoring for the salty discharge parameters if after a minimum of two years of data collection the monitoring data does not indicate a reasonable potential to exceed a water quality standard.

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## **Chapter 3. Surface Discharge Stations**

### **2. Special Requirements**

- 2.3 If salty discharge monitoring results indicate a reasonable potential for any of the parameters to exceed water quality standards, the Permittee will be required to submit an application for permit modification. If necessary, a compliance schedule will be added to the permit to ensure progress towards meeting the water quality standards.

### **3. Sampling Location**

- 3.1 Samples for Station SD001 shall be taken at a point representative of the total effluent flow from the Facility.  
3.2 Samples and measurements required by this permit shall be representative of the monitored activity.

### **4. Surface Discharges**

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

### **5. Priority Pollutants - Monitoring Requirements**

- 5.1 The Permittee shall monitor the effluent three times in the life of the permit for the following specified priority pollutants. Sampling events shall not be less than one year apart.

Monitoring shall be for the organic priority pollutants identified under the volatile, acid, base/neutral, and pesticide fractions using EPA methods 624, 625 and 608 (40 CFR Part 136, October 25, 1984) as listed in Table II of 40 CFR Part 122, Appendix D.

The following priority pollutant total metals shall also be monitored using either EPA method 200.8 or their corresponding graphite furnace method found in Table IB of 40 CFR Part 136: antimony, arsenic, beryllium, cadmium, chromium, copper, lead, nickel, selenium, silver, thallium, and zinc. In addition, the Permittee shall monitor for Total Cyanide (EPA method 335), Total Phenolic Compounds (EPA method 420), and Hardness (total as CaCO<sub>3</sub>) (EPA method 130). Total Mercury shall be monitored by EPA method 1631, if not already required by the permit.

- 5.2 Submit the results of the first sampling event no later than three years prior to the expiration date of this permit.  
5.3 Submit the results of the second sampling event no later than two years prior to the expiration date of this permit.  
5.4 Submit the results of the third or final sampling event no later than one year prior to the expiration date of this permit.

### **6. Discharge Monitoring Reports**

- 6.1 The Permittee shall submit monitoring results for discharges in accordance with the limits and monitoring requirements for this station. If no discharge occurred during the reporting period, the Permittee shall check the "No Discharge" box on the Discharge Monitoring Report (DMR).

## **Chapter 4. Whole Effluent Toxicity (WET) Testing - Chronic**

### **1. General Requirements**

- 1.1 The Permittee shall conduct annual chronic toxicity test batteries on Discharge SD001 beginning with the issuance date of the permit. The first set of annual results are due one year from the end of the calendar quarter of permit issuance and annually thereafter. (For example, if the permit is issued April 28, the first test results are due June 30 of the following year.)

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## **Chapter 4. Whole Effluent Toxicity (WET) Testing - Chronic**

### **1. General Requirements**

- 1.2 Any test that exceeds 1.1 TUC shall be re-tested according to the provisions of Positive Test Results for WET to determine if toxicity is still present above the monthly average limit of 1.1 TUC (RWC < 92%).

### **2. Species and Procedural Requirements**

- 2.1 Tests shall be conducted in accordance with procedures outlined in EPA-821-R-02-013 "Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms" - Fourth Edition (Chronic Manual) and any revisions to the Manual. Any test that is begun with an effluent sample that exceeds a total ammonia concentration of 5 mg/l shall use the carbon dioxide-controlled atmosphere technique to control pH drift.
- 2.2 Test organisms for each test battery shall include the fathead minnow (*Pimephales promelas*)-Method 1000.0 and *Ceriodaphnia dubia*-Method 1002.0.
- 2.3 Static renewal chronic serial dilution tests of the effluent shall consist of a control, 12, 25, 50, 75 and 100% effluent. A 92% Receiving Water Concentration (RWC) may be substituted for the 75% effluent concentration or provided in addition to the above dilution series.
- 2.4 All effluent samples shall be flow proportioned, 24-hour composites. Test solutions shall be renewed daily from each fresh composite. Testing of the effluent shall begin within 36 hours of sample collection. Receiving water collected outside of the influence of discharge shall be used for dilution and controls. Chronic toxicity tests shall be conducted in accordance with procedures outlined in EPA-821-R-02-013 "Short-term Methods for Measuring the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms" - Fourth Edition (Chronic Manual) and any revisions to the Manual.
- 2.5 Any other circumstances not addressed in the previous requirements or that require deviation from that specified in the previous requirements shall first be approved by the MPCA.

### **3. Quality Control and Report Submittals**

- 3.1 Any test that does not meet quality control measures, or results which the Permittee believes reflect an artifact of testing shall be repeated within two (2) weeks. These reports shall contain information consistent with the report preparation section of the Chronic Manual. The MPCA shall make the final determination regarding test validity.

### **4. Positive Toxicity Result for WET**

- 4.1 Should a test exceed 1.1 TUC for whole effluent toxicity based on results from the most sensitive test species, the Permittee shall conduct two repeat test batteries on all species. The repeat tests are to be completed within forty-five (45) days after completion of the positive test. These tests will be used to determine if toxicity exceeding 1.1 TUC remains present for any test species. If no toxicity is present above 1.1 TUC for any test species, the Permittee shall return to the test frequency specified by the permit. If the repeat test batteries indicate toxicity above 1.1 TUC for any test species, the Permittee shall submit for MPCA review a plan for conducting a Toxicity Reduction Evaluation (TRE), including the Facility Performance Review (to be submitted to the MPCA WQ Submittals Center within 60 days after toxicity discovery date) and, at a minimum, provide quarterly reports starting from the date of TRE submittal, regarding progress towards the identity, source, and any plans for the removal of the toxicity. The TRE shall be consistent with EPA guidance or subsequent procedures approved by the MPCA in attempting to identify and remove the source of the toxicity. Routinely scheduled chronic toxicity test batteries required in this permit section shall be suspended for the duration of the TRE. The return to routine chronic toxicity testing is subject to successful completion of conformation testing, as determined by the MPCA. Amendments to the initial TRE shall be approved by MPCA staff and the schedules identified therein.

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## **Chapter 4. Whole Effluent Toxicity (WET) Testing - Chronic**

### **5. WET Data and Test Acceptability Criteria (TAC) Submittal**

- 5.1 All WET test data and TAC must be submitted to the MPCA by the dates required by this section of the permit using the following form(s) and associated instruction forms:

Minnesota Pollution Control Agency Acute Toxicity Test Report/ Minnesota Pollution Control Agency Ceriodaphnia dubia Chronic Toxicity Test Report/ Minnesota Pollution Control Agency Fathead Minnow Chronic Toxicity Test Report. Data not submitted on the correct form(s), or submitted incomplete, will be returned to the permittee and deemed incomplete until adequately submitted on the designated form (identified above). Data should be submitted to:

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

### **6. Whole Effluent Toxicity Requirement Definitions**

- 6.1 "Chronic Whole Effluent Toxicity (WET) Test is a static renewal test conducted on an exponentially diluted series of effluent. The purpose is to calculate appropriate biological effect endpoints (NOEC/LOEC or IC25), specified in the referenced chronic manual. A statistical effect level less than or equal to the Receiving Water Concentration (RWC) constitutes a positive test for chronic toxicity. The RWC equals the 92 percent effluent concentration or 1.1 TUc.
- 6.2 "Chronic toxic unit (TUc)" is the reciprocal of the effluent dilution that causes no unacceptable effect on the test organisms by the end of the chronic exposure period. For example, a TUc equals  $[7Q_{10} \text{flow (mgd)} + \text{effluent average dry weather flow (mgd)}] / [\text{effluent average dry weather flow (mgd)}]$ .
- 6.3 "Test" refers to an individual species.
- 6.4 "Test Battery" consists of WET testing of all test species for the specified test. For chronic WET testing, all test species includes Fathead minnows and ceriodaphnia dubia.

## **Chapter 5. Mercury Minimization Plan (Lake Superior Basin)**

### **1. Mercury Pollutant Minimization Plan**

- 1.1 Mercury is present in all municipal and many industrial wastewater discharges. Mercury is a powerful neurotoxin that affects human health and the environment. A naturally-occurring element, mercury does not break down into less-harmful substances over time. Instead, mercury released into the environment accumulates in fish and animal tissues, a process known as bioaccumulation. Widespread mercury contamination has prompted the Minnesota Department of Health (MDH) to issue fish consumption advisories throughout the state. Most of Minnesota's impaired waters are contaminated by mercury and other bioaccumulative toxins. The MPCA is carefully evaluating all mercury discharges in the state.
- 1.2 The Permittee is required submit annual Mercury Pollutant Minimization Plan (MMP) updates to the MPCA as detailed in this section. The purpose of the MMP is to evaluate collection and treatment systems to determine possible sources of mercury as well as potential mercury reduction options. Guidelines for developing a MMP are detailed in this section.

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## **Chapter 5. Mercury Minimization Plan (Lake Superior Basin)**

### **1. Mercury Pollutant Minimization Plan**

- 1.3 The Permittee shall submit an annual MMP update to the MPCA Water Quality Submittals Center by March 1 of each year following permit reissuance. The annual report shall include, but is not limited to:
  - a) All minimization program monitoring results for the year.
  - b) A list of potential sources of mercury.
  - c) A schedule to complete a certified mercury analysis on all components being discharged from each SIU discharging to the Hibbing sewer system. A MSDS sheet is not a certified mercury analysis because if a component is below 1% concentration it does not have to be listed on the MSDS sheet. The certified mercury analysis should include product components, additives, or any by-product which are or may be discharged by an SIU. Where mercury is found a mercury free substitute should be used, if possible.
  - d) A schedule to clean sewer line sections of the Hibbing sewer system below areas which have been historically known to have mercury discharges. These would include where hospitals, schools, dental offices, SIUs, etc. discharge in to the sewer line.
  - e) A summary of all actions taken to remove any potential sources of mercury.
  - f) Any updates on the operation of the tertiary treatment system and its effectiveness on mercury removal.
- 1.4 The specific discharge limits for mercury assigned to this facility are detailed in the limits and monitoring section of this permit. Information gained through the MMP process can be used to reduce mercury concentrations to achieve the specified discharge limit. If the facility is currently achieving this limit, the information gained through the MMP can be used to further reduce mercury in the facility's discharge. As part of its mercury control strategy, the Permittee should consider selecting activities based on the potential of those activities to reduce mercury loadings to the wastewater treatment facility.
- 1.5 In addition to the sampling required in the Limits and Monitoring section of this permit, the Permittee shall sample effluent from the total facility discharge station for Dissolved Mercury and TSS on a quarterly basis throughout the life of this permit. The sampling method is a concurrent grab sample for the two parameters. Dissolved Mercury shall be analyzed using an EPA approved low level mercury analysis method. Samples shall be taken at any time during the calendar quarter and reported on the custom supplemental form provided by the MPCA. The custom supplemental form must be submitted with the DMR for the last month of each quarter.



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## **Chapter 6. Total Residual Oxidants - Domestic**

### **1. General Requirements**

- 1.1 "Daily Maximum" for Total Residual Chlorine (TRC) concentration limits means:
  - a. The value of a single sample in a 24-hour period if the concentration of TRC in that sample is 0.038 mg/L or less, or below the Reportable Limit (RL).
  - b. If the concentration of TRC in the first sample is greater than 0.038 mg/L or greater than the RL, reporting the average of two to twelve samples analyzed in a 24-hour period is allowed. The second sample must be taken two hours after the first sample and subsequent samples are to be taken at one-hour intervals thereafter, not to exceed a total of twelve samples in a 24-hour period. Values below the Reportable Limit for TRC are assumed to be zero for averaging purposes only. Whenever daily TRC values are averaged, the 0.038 mg/L limit must be met and the average value must be reported, not < the RL.
  - c. The average value of multiple daily TRC effluent sample analyses must meet the 0.038 mg/L limit to be in compliance.
- 1.2 Total Residual Chlorine must be analyzed immediately. This means within 15 minutes or less of sample collection. (40 CFR Part 136 and Standard Methods for the Examination of Water and Wastewater, Latest Edition)
- 1.3 A Method Detection Limit (MDL) must be established for this parameter.
- 1.4 The Reportable Limit must be established for this parameter. This should be based on the Method Detection Limit and laboratory, analyst, and equipment used in the analysis. The Reportable Limit cannot be greater than 0.1 mg/L.
- 1.5 The Method Detection Limit and Reportable Limit should be reassessed when the method, equipment, laboratory, or analyst changes.
- 1.6 Monitoring results below the Reportable Limit should be reported as "<" the Reportable Limit. For example, if the Reportable Limit is 0.01 mg/L and a parameter is not detected at a value of 0.01 mg/L or greater, the concentration shall be reported as "<0.01mg/L." The symbol "<" means "less than."
- 1.7 The equipment should be checked against a known standard at least monthly.

## **Chapter 7. Domestic Wastewater -- Mechanical System**

### **1. Bypass Structures**

- 1.1 All structures capable of bypassing the treatment system shall be manually controlled and kept locked at all times.

### **2. Sanitary Sewer Extension Permit**

- 2.1 The Permittee may be required to obtain a Sanitary Sewer Extension Permit from the MPCA prior to the start of construction of any addition, extension or replacement to the sanitary sewer. If a sewer extension permit is required, no construction of any part of the system may begin until that permit has been issued.

### **3. Operator Certification**

- 3.1 The Permittee shall provide a Class A state certified operator who is in direct responsible charge of the operation, maintenance and testing functions required to ensure compliance with the terms and conditions of this permit.
- 3.2 The Permittee shall provide the appropriate number of operators with a Type IV certification to be responsible for the land application of biosolids or semisolids from commercial or industrial operations.

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## **Chapter 7. Domestic Wastewater -- Mechanical System**

### **3. Operator Certification**

3.3 If the Permittee chooses to meet operator certification requirements through a contractual agreement, the Permittee shall provide a copy of the contract to the MPCA, WQ Submittals Center. The contract shall include the certified operator's name, certificate number, company name if appropriate, the period covered by the contract and provisions for renewal; the duties and responsibilities of the certified operator; the duties and responsibilities of the permittee; and provisions for notifying the MPCA 30 days in advance of termination if the contract is terminated prior to the expiration date.

3.4 The Permittee shall notify the MPCA within 30 days of a change in operator certification or contract status.

## **Chapter 8. Domestic Wastewater -- Pond System**

### **1. Bypass Structures**

1.1 All structures capable of bypassing the treatment system shall be manually controlled and kept locked at all times.

### **2. Ponds - Observations**

2.1 The Permittee shall inspect the pond system weekly, and shall take measurements of pond water depth, estimate the coverage of aquatic plants, floating mats and ice cover on the surface of the ponds, and note odors, the condition of the dikes and the presence of muskrats. The Permittee shall maintain records of these weekly inspections for the last three (3) years, and submit the results on the Discharge Monitoring Report (DMR) supplemental form.

## **Chapter 9. Domestic Wastewater -- Pretreatment**

### **1. Pretreatment - Definitions**

1.1 An "Individual Control Mechanism" is a document, such as an agreement or permit, that imposes limitations or requirements on an individual industrial user of the POTW.

1.2 "Significant Industrial User" (SIU) means any industrial user that:

- a. discharges 25,000 gallons per day or more of process wastewater;
- b. contributes a load of five (5) % or more of the capacity of the POTW; or
- c. is designated as significant by the Permittee or the MPCA on the basis that the SIU has a reasonable potential to adversely impact the POTW, or the quality of its effluent or residuals. (Minn. R. 7049.0120, Subp. 24)

### **2. Pretreatment - Permittee Responsibility to Control Users**

2.1 It is the Permittee's responsibility to regulate the discharge from users of its wastewater treatment facility. The Permittee shall prevent any pass through of pollutants or any inhibition or disruption of the Permittee's facility, its treatment processes, or its sludge processes or disposal that contribute to the violation of the conditions of this permit or any federal or state law or regulation limiting the release of pollutants from the POTW. (Minn. R. 7049.0600)

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## **Chapter 9. Domestic Wastewater -- Pretreatment**

### **2. Pretreatment - Permittee Responsibility to Control Users**

2.2 The Permittee shall prohibit the discharge of the following to its wastewater treatment facility:

- a. pollutants which create a fire or explosion hazard, including any discharge with a flash point less than 60 degrees C (140 degrees F);
- b. pollutants which would cause corrosive structural damage to the POTW, including any waste stream with a pH of less than 5.0;
- c. solid or viscous pollutants which would obstruct flow;
- d. heat that would inhibit biological activity, including any discharge that would cause the temperature of the waste stream at the POTW treatment plant headworks to exceed 40 degrees C (104 degrees F);
- e. pollutants which produce toxic gases, vapors, or fumes that may endanger the health or safety of workers; or
- f. any pollutant, including oxygen demanding pollutants such as biochemical oxygen demand, released at a flow rate or pollutant concentration that will cause interference or pass through. (Minn. R. 7049.0140)

2.3 The Permittee shall prohibit new discharges of non-contact cooling waters unless there is no cost effective alternative. Existing discharges of non-contact cooling water to the Permittee's wastewater treatment facility shall be eliminated, where elimination is cost-effective, or where an infiltration/inflow analysis and sewer system evaluation survey indicates the need for such removal.

2.4 If the Permittee accepts trucked-in wastes, the Permittee shall evaluate the trucked in wastes prior to acceptance in the same manner as it monitors sewered wastes. The Permittee shall accept trucked-in wastes only at specifically designated points. (Minn. R. 7049.0140, Subp. 4)

2.5 Pollutant of concern means a pollutant that is or may be discharged by an industrial user that is, or reasonably should be of concern on the basis that it may cause the permittee to violate any permit limits on the release of pollutants. The following pollutants shall be evaluated to determine if they should be pollutants of concern: pollutants limited in this permit, pollutants for which monitoring is required in this permit, pollutants that are likely to cause inhibition of the Permittee's POTW, pollutants which may interfere with sludge disposal, and pollutants for which the Permittee's treatment facility has limited capacity. (Minn. R. 7049.0120, Subp. 13)

### **3. Control of Significant Industrial Users**

3.1 The Permittee shall impose pretreatment requirements on SIUs which will ensure compliance with all applicable effluent limitations and other requirements set forth in this permit or any federal or state law or regulation limiting the release of pollutants from the POTW. These requirements shall be applied to SIUs by means of an individual control mechanism. (Minn. R. 7049.0600)

3.2 The Permittee shall not knowingly enter into an individual control mechanism with any user that would allow the user to contribute an amount or strength of wastewater that would cause violation of any limitation or requirement in the permit, or any applicable federal, state or local law or regulation. (Minn. R. 7049.0600 Subp. 3)

### **4. Monitoring of Significant Industrial Users**

4.1 The Permittee shall obtain from SIUs specific information on the quality and quantity of the SIU's discharges to the Permittee's POTW. Except where specifically requested by the Permittee and approved by the MPCA, this information shall be obtained by means of representative monitoring conducted by the Permittee or by the SIU under requirements imposed by the Permittee in the SIU's individual control mechanism. Monitoring performed to comply with this requirement shall include all pollutants for which the SIU is significant and shall be done at a frequency commensurate with the significance of the SIU. (Minn. R. 7049.0710)

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## **Chapter 9. Domestic Wastewater -- Pretreatment**

### **5. Reporting and Notification**

- 5.1 If a SIU discharges to the POTW during a given calendar year, the Permittee shall submit a Pretreatment Annual Report for that calendar year, due by January 31 of the following year. The Pretreatment Annual Report shall be submitted on forms provided by the agency or shall provide equivalent information.

The Permittee shall submit the pre-treatment report to the following address:

MPCA  
Attn: WQ Submittals Center  
520 Lafayette Road North  
St. Paul, Minnesota 55155-4194 (Minn. R. 7049.0720)

- 5.2 The Permittee shall notify the MPCA in writing of any:
- a. SIU of the Permittee's POTW which has not been previously disclosed to the MPCA;
  - b. anticipated or actual changes in the volume or quality of discharge by an industrial user that could result in the industrial user becoming an SIU as defined in this chapter; or
  - c. anticipated or actual changes in the volume or quality of discharges by a SIU that would require changes to the SIU's required local limits.

This notification shall be submitted within 30 days of identifying the IU as a SIU. Where changes are proposed, they must be submitted prior to changes being made. (Minn. R. 7049.0700, Subp. 1)

- 5.3 Upon notifying the MPCA of a SIU or change in a SIU discharge as required above, the Permittee shall submit the following information on forms provided by the agency or in a comparable format:
- a. the identity of the SIU and a description of the SIU's operation and process;
  - b. a characterization of the SIU's discharge;
  - c. the required local limits that will be imposed on the SIU;
  - d. a technical justification of the required local limits; and
  - e. a plan for monitoring the SIU which is consistent with monitoring requirements in this chapter. (Minn. R. 7049.0700)
- 5.4 In addition, the Permittee shall, upon request, submit the following to the MPCA for approval:
- a. additional information on the SIU, its processes and discharge;
  - b. a copy of the individual control mechanism used to control the SIU;
  - c. the Permittee's legal authority to be used for regulating the SIU; and
  - d. the Permittee's procedures for enforcing the requirements imposed on the SIU. (Minn. R. 7049.0700, Subp. 3)
- 5.5 The permittee shall notify MPCA of any of its industrial users that may be subject to national categorical pretreatment standards.
- 5.6 This permit may be modified in accordance with Minnesota Rules, ch. 7001 to require development of a pretreatment program approvable under the Federal General Pretreatment Regulation (40 CFR 403).

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## **Chapter 10. Biosolids Land Application**

### **1. Authorization**

- 1.1 This permit authorizes the Permittee to store and land apply domestic wastewater treatment biosolids in accordance with the provisions in this chapter and Minnesota Rules, ch. 7041.
- 1.2 Permittees who prepare bulk biosolids must obtain approval of the sites on which bulk biosolids are applied before they are applied unless they are exceptional quality biosolids. Site application procedures are set forth in Minnesota Rules, pt. 7041.0800.

### **2. Compliance Responsibility**

- 2.1 The Permittee is responsible for ensuring that the applicable requirements in this chapter and Minnesota Rules ch. 7041 are met when biosolids are prepared, distributed, or applied to the land.

### **3. Notification Requirements**

- 3.1 The Permittee shall provide information needed to comply with the biosolids requirements of Minnesota Rules, ch. 7041 to others who prepare or use the biosolids.

### **4. Pollutant Limits**

- 4.1 Biosolids which are applied to the land must not exceed the ceiling concentrations in Table 1 and must not be applied so that the cumulative amounts of pollutant in Table 2 are exceeded.

Table 1 Ceiling Concentrations (dry weight basis)

Parameter in units mg/kg

Arsenic 75  
Cadmium 85  
Copper 4300  
Lead 840  
Mercury 57  
Molybdenum 75  
Nickel 420  
Selenium 100  
Zinc 7500

Table 2 Cumulative Loading Limits

Parameter in units lbs/acre

Arsenic 37  
Cadmium 35  
Copper 1339  
Lead 268  
Mercury 15  
Molybdenum not established\*  
Nickel 375  
Selenium 89  
Zinc 2500

\*The cumulative limit for molybdenum has not been established at the time of permit issuance

### **5. Pathogen and Vector Attraction Reduction**

- 5.1 Biosolids shall be processed, treated, or be incorporated or injected into the soil to meet one of the vector attraction reduction requirements in Minnesota Rules, pt. 7041.1400.

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## **Chapter 10. Biosolids Land Application**

### **5. Pathogen and Vector Attraction Reduction**

- 5.2 Biosolids shall be processed or treated by one of the alternatives in Minnesota Rules, pt. 7041.1300 to meet the Class A or Class B standards for the reduction of pathogens. When Class B biosolids are applied to the land, the site restrictions in Minnesota Rules, pt. 7041.1300 must also be met.
- 5.3 The minimum duration between application and harvest, grazing or public access to areas where Class B biosolids have been applied to the land is as follows:
- a. 14 months for food crops whose harvested parts may touch the soil/biosolids mixture (such as melons, squash, tomatoes, etc.), when biosolids are surface applied, incorporated or injected.
  - b. 20 months or 38 months depending on the application method for food crops whose harvested parts grow in the soil (such as potatoes, carrots, onions, etc.). The 20 month time period is required when biosolids are surface applied or surface applied and incorporated after they have been on the soil surface for at least four (4) months. The 38 month time period is required when the biosolids are injected or surface applied and incorporated within four (4) months of application.
  - c. 30 days for feed crops, other food crops (such as field corn, sweet corn, etc.), hay or fiber crops when biosolids are surface applied, incorporated or injected.
  - d. 30 days for grazing of animals when biosolids are surface applied, incorporated or injected.
  - e. One year where there is a high potential for public contact with the site, (such as a reclamation site located in populated areas, a construction site located in a city, turf farms, plant nurseries, etc.) and 30 days where there is low potential for public contact (such as agricultural land, forest, a reclamation site located in an unpopulated area, etc.) when biosolids are surface applied, incorporated, or injected.

### **6. Management Practices**

- 6.1 The management practices for the land application of biosolids are described in detail in Minnesota Rules, pt. 7041.1200 and must be followed unless specified otherwise in a site approval letter or a permit issued by the MPCA.
- 6.2 Overall management requirements:
- a. Biosolids must not be applied to the land if it is likely to adversely affect a threatened or endangered species listed under Section 4 of the Endangered Species Act or its designated critical habitat.
  - b. Biosolids must not be applied to flooded, frozen or snow covered ground so that the biosolids enter wetlands or other waters of the state.
  - c. Biosolids must be applied at an agronomic rate unless specified otherwise by the MPCA in a permit.
  - d. Biosolids shall not be applied within 33 feet of a wetland or waters of the state unless specified otherwise by the MPCA in a permit.

### **7. Monitoring Requirements**

- 7.1 Representative samples of biosolids applied to the land must be analyzed by methods specified in Minnesota Rule pt. 7041.3200 for the following parameters: arsenic, cadmium, copper, lead, mercury, molybdenum, nickel, selenium, zinc, Kjeldahl nitrogen, ammonia nitrogen, total solids, volatile solids, phosphorus, potassium and pH.

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## Chapter 10. Biosolids Land Application

### 7. Monitoring Requirements

- 7.2 At a minimum, biosolids must be monitored at the frequencies specified in Table 3 for the parameters listed above, and any pathogen or vector attraction reduction requirements in Minnesota Rules, pts. 7041.1300 and 7041.1400 if used to determine compliance with those parts.

Table 3 Minimum Sampling Frequencies

| Biosolids Applied*<br>(metric tons/365-day period) | Biosolids Applied*<br>(tons/365-day period) | Frequency<br>(times/365-day period) |
|--|---|-------------------------------------|
| >0 but <290  | >0 but <320                                 | 1                                   |
| >=290 but <1,500                                   | >=320 but <1,650                            | 4                                   |
| >=1,500 but <15,000                                | >=1,650 but <16,500                         | 6                                   |
| >=15,000   | >=16,500                                    | 12                                  |

\* Either the amount of bulk biosolids applied to the land or the amount of biosolids received by a person who prepares biosolids that are sold or given away in a bag or other container for application to the land (dry weight basis).

- 7.3 Representative samples of biosolids that are transferred to storage units and are stored for more than two years shall be analyzed by methods specified in Minnesota Rule pt. 7041.3200 for each cropping year they are stored for the following parameters: arsenic, cadmium, copper, lead, molybdenum, nickel, selenium, and zinc. Mercury is specifically NOT included in the stored biosolids analysis because of the short holding time [28 days] required between sampling and analysis.
- 7.4 Increased sampling frequencies are specified for the parameters listed in Table 4. Sampling at a frequency at twice the minimum frequencies in Table 3 is required if concentrations listed in Table 4 are exceeded (based on the average of all analyses made during the previous cropping year).

Table 4 Increased Frequency of Sampling

Parameter (mg/kg dry weight basis)  
Arsenic 38  
Cadmium 43  
Copper 2150  
Lead 420  
Mercury 28  
Molybdenum 38  
Nickel 210  
Selenium 50  
Zinc 3750

### 8. Records

- 8.1 The Permittee shall keep records of the information necessary to show compliance with pollutant concentrations and loadings, pathogen reduction requirements, vector attraction reduction requirements and management practices as specified in Minnesota Rules, pt. 7041.1600, as applicable to the quality of biosolids produced.

### 9. Reporting Requirements

- 9.1 By December 31 following the end of each cropping year, the Permittee shall submit a Biosolids Annual Report for the land application of biosolids on a form provided by or approved by the MPCA. The report shall include the requirements in Minnesota Rules, part 7041.1700.

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## **Chapter 10. Biosolids Land Application**

### **9. Reporting Requirements**

- 9.2 If, during any cropping year, biosolids were transferred, or not land applied, the Permittee shall submit a Biosolids Annual Report by December 31 following the end of the cropping year. The report shall state that biosolids were not land applied, how much was generated, and where they were transferred to.
- 9.3 For biosolids that are stored for more than two years, the Biosolids Annual Report must also include the analytical data from the representative sample of the biosolids generated during the cropping year.
- 9.4 The Permittee shall submit the Biosolids Annual Report to:
- Biosolids Coordinator  
Minnesota Pollution Control Agency  
520 Lafayette Road North  
St. Paul, Minnesota 55155-4194
- 9.5 The Permittee must notify the MPCA in writing when 90 percent or more of any of the cumulative pollutant loading rates listed for any Land Application Sites has been reached for a site.

## **Chapter 11. 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)



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## **Chapter 11. Total Facility Requirements**

### **1. General Requirements**

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

#### **Sampling**

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

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## **Chapter 11. Total Facility Requirements**

### **1. General Requirements**

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

Required forms may include:

#### **DMR Supplemental Form**

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

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

- 1.21 Submitting Reports. DMRs and DMR Supplemental Forms shall be submitted to:

**MPCA**

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

DMRs and DMR Supplemental Forms shall be postmarked by 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)

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## **Chapter 11. Total Facility Requirements**

### **1. General Requirements**

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

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

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

### **Noncompliance and Enforcement**

- 1.27 Subject to Enforcement Action and Penalties. Noncompliance with a term or condition of this permit subjects the Permittee to penalties provided by federal and state law set forth in section 309 of the Clean Water Act; United States Code, title 33, section 1319, as amended; and in Minn. Stat. Sec. 115.071 and 116.072, including monetary penalties, imprisonment, or both. (Minn. R. 7001.1090, subp. 1, item B)
- 1.28 Criminal Activity. The Permittee may not knowingly make a false statement, representation, or certification in a record or other document submitted to the Agency. A person who falsifies a report or document submitted to the Agency, or tampers with, or knowingly renders inaccurate a monitoring device or method required to be maintained under this permit is subject to criminal and civil penalties provided by federal and state law. (Minn. R. 7001.0150, subp.3, item G., 7001.1090, subps. 1, items G and H and Minn. Stat. Sec. 609.671)
- 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 11. 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. Violations that are determined to pose a threat to human health or a drinking water supply, or represent a significant risk to the environment shall be immediately reported to the Minnesota Department of Public Safety Duty Officer at 1(800)422-0798 (toll free) or (651)649-5451 (metro area). In addition, you may also contact the MPCA during business hours. Otherwise the violations and the results of any additional sampling shall be recorded on the next appropriate DMR or report.
- 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)
- 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.

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## **Chapter 11. Total Facility Requirements**

### **1. General Requirements**

- 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**

- 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**

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## **Chapter 11. Total Facility Requirements**

### **1. General Requirements**

- 1.39 Permit Modifications. 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 Construction. No construction shall begin until the Permittee receives written approval of plans and specifications from the MPCA (Minn. Stat. Sec. 115.03(f)).

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.

- 1.41 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)
- 1.42 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;
- 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.

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. (Minn. R. 7001.0170)

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## **Chapter 11. Total Facility Requirements**

### **1. General Requirements**

- 1.43 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.
- 1.44 TMDL Impacts. Facilities that discharge to an impaired surface water, watershed or drainage basin may be required to comply with additional permits or permit requirements, including additional restriction or relaxation of limits and monitoring as authorized by the CWA 303(d)(4)(A) and 40 CFR 122.44.1.2.i., necessary to ensure consistency with the assumptions and requirements of any applicable US EPA approved wasteload allocations resulting from Total Maximum Daily Load (TMDL) studies.
- 1.45 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)
- 1.46 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)

- 1.47 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.