



# **Minnesota Pollution Control Agency**

## **STATE OF MINNESOTA**

### **Minnesota Pollution Control Agency**

#### **MUNICIPAL DIVISION**

#### **PUBLIC NOTICE OF INTENT TO REISSUE**

#### **NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)/**

#### **STATE DISPOSAL SYSTEM (SDS) PERMIT MN0022691**

Public Comment Period Begins: July 18, 2012  
Public Comment Period Ends: August 17, 2012

Current Permit Issued: April 6, 2007  
Current Permit Expiration Date: March 31, 2012

#### **Name and Address of Permittee:**

City of Bagley  
PO Box M  
Bagley, MN 56621

#### **Facility Name and Location:**

Bagley Wastewater Treatment Facility  
20602 US Highway 2 W  
T147N, R37W, Section 29, Copley Township  
Clearwater County, Minnesota

**Receiving Water:** Unnamed Wetlands (Class 2D, 3D, 4C, 5 and 6 water)

#### **Description of Permitted Facility**

The Bagley Wastewater Treatment Facility (Facility) is located at Section 29, Township 147 North, Range 37 West, Copley Township, Clearwater County, Minnesota. This is a Class D facility. Major components of the Facility include:

- 2 Primary Stabilization Ponds (10.9 acres each)
- 1 Secondary Stabilization Pond (4.6 acres)
- 1 Secondary Stabilization Pond (15.9 acres)
- 1 Phosphorus Removal – Alum Addition to 15.9 acre pond

The application and plans indicate that the existing Facility consists of one lift station, 2,250 feet of 6-inch force main and a four cell stabilization pond system with alum addition for phosphorus removal.

The Facility has a controlled discharge (SD002) to an unnamed wetland (class 2D, 3D, 4C, 5, and 6 water) which flows to Walker Brook (class 2B, 3C, 4A, 4B, 5 and 6 water) and then to the Clearwater River (class 2B, 3C, 4A, 4B, 5 and 6 water). The Facility is designed to treat an average wet weather flow of 0.263 million gallons per day (MGD) with a 5-day carbonaceous biological oxygen demand (CBOD<sub>5</sub>) concentration of 216 milligrams per liter (mg/L).

The stabilization pond system consists of two primary cells and two secondary cells. The primary cells are 10.9 acres each and the secondary cells are 4.6 and 15.9 acres, respectively. The discharge is treated with alum and discharged via the 15.9 acre secondary cell.

In accordance with MPCA rules regarding non-degradation for all waters that are not Outstanding Resource Value Waters, non-degradation review is required for any new or expanded significant discharge (Minn. R. 7050.0185). A significant discharge is 1) a new discharge (not in existence before January 1, 1988) that is greater than 200,000 gallons per day to any water other than a Class 7 water or 2) an expanded discharge that expands by greater than 200,000 gallons per day that discharges to any water other than a Class 7 water or 3) a new or expanded discharge containing any toxic pollutant at a mass loading rate likely to increase the concentration of the toxicant in the receiving water by greater than one percent over the baseline quality. The flow rate used to determine significance is the design average wet weather flow. The January 1, 1988, design average wet weather flow for this facility is 0.140 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 NPDES permit has been issued by the MPCA that contains effluent limits more stringent than those that would be established by parts 7053.0215 to 7053.0265 shall continue to meet the effluent limits established by the permit, unless the permittee establishes that less stringent effluent limits are allowable pursuant to federal law, under section 402(o) of the Clean Water Act, United States Code, title 33, section 1342.

The location of the Facility is shown on the attached map.

#### **Preliminary Determination on the Draft Permit**

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

A draft permit is available for review at the Detroit Lakes office at the address listed below, MPCA office at the St. Paul office located at 520 Lafayette Road North, St. Paul, MN 55155, and on-line at <http://www.pca.state.mn.us/index.php/about-mpca/mpca-news/public-notices/public-notices.html>.

A copy of the draft permit will be mailed to you if the MPCA receives your written or oral request at this office. If you have questions about this draft permit or the Commissioner's preliminary determination, please contact Denise Oakes at 218-846-8119.

#### **Written Comments**

You may submit written comments on the conditions of the draft permit or on the Commissioner's preliminary determination.

Written comments must include the following:

1. A statement of your interest in the permit application or the draft permit.
2. A statement of the action you wish the MPCA to take, including specific references to sections of the draft permit that you believe should be changed.
3. The reasons supporting your position, stated with sufficient specificity as to allow the Commissioner to investigate the merits of your position.

### **Petition for Public Informational Meeting**

You also may request that the MPCA Commissioner hold a public informational meeting. A public informational meeting is an informal meeting that the MPCA may hold to solicit public comment and statements on matters before the MPCA, and to help clarify and resolve issues.

A petition requesting a public informational meeting must include the following information:

1. A statement identifying the matter of concern.
2. The information required under items 1 through 3 of "Written Comments," identified above.
3. A statement of the reasons the MPCA should hold a public informational meeting.
4. The issues that you would like the MPCA to address at the public informational meeting.

### **Petition for Contested Case Hearing**

You also may submit a petition for a contested case hearing. A contested case hearing is a formal evidentiary hearing before an administrative law judge. In accordance with Minn. R. 7000.1900, the MPCA will grant a petition to hold a contested case hearing if it finds that: (1) there is a material issue of fact in dispute concerning the application or draft permit; (2) the MPCA has the jurisdiction to make a determination on the disputed material issue of fact; and (3) there is a reasonable basis underlying the disputed material issue of fact or facts such that the holding of the contested case hearing would allow the introduction of information that would aid the MPCA in resolving the disputed facts in making a final decision on the draft permit. A material issue of fact means a fact question, as distinguished from a policy question, whose resolution could have a direct bearing on a final MPCA decision.

A petition for a contested case hearing must include the following information:

1. A statement of reasons or proposed findings supporting the MPCA decision to hold a contested case hearing according to the criteria in Minn. R. 7000.1900, as discussed above.
2. A statement of the issues proposed to be addressed by a contested case hearing and the specific relief requested or resolution of the matter.

In addition and to the extent known, a petition for a contested case hearing should also include the following information:

1. A proposed list of prospective witnesses to be called, including experts, with a brief description of proposed testimony or summary of evidence to be presented at a contested case hearing.
2. A proposed list of publications, references, or studies to be introduced and relied upon at a contested case hearing.
3. An estimate of time required for you to present the matter at a contested case hearing.

### **MPCA Decision**

You may submit a petition to the Commissioner requesting that the MPCA Citizens' Board (Board) consider the permit issuance. To be considered timely, the petition must be received by the MPCA by 4:30 p.m. on the date the public comment period ends, identified on page 1 of this notice. Under the provisions of Minn. Stat. § 116.02, subd. 6(4), the decision whether to issue the permit and, if so, under what terms will be presented to the Board for decision if: (1) the Commissioner grants the petition requesting the matter be presented to the Board; (2) one or more Board members request to hear the matter before the time the Commissioner makes a final decision on the permit; or (3) a timely request for a contested case hearing is pending. You may participate in the activities of the Board as provided in Minn. R. 7000.0650.

The written comments, requests, and petitions submitted on or before the last day of the public comment period will be considered in the final decision on this permit. If the MPCA does not receive written comments, requests, or petitions during the public comment period, MPCA staff as authorized by the Board, will make the final decision on the draft permit.

Comments, petitions, and/or requests must be submitted in writing on or before the end date of the public comment period identified on page 1 of this notice to:

Denise Oakes, P.G.  
Minnesota Pollution Control Agency  
714 Lake Avenue, Suite 220  
Detroit Lakes, MN 56501

