

Minnesota Pollution Control Agency

**National Pollutant Discharge Elimination System (NPDES)/
State Disposal System (SDS) Permit MN0022691**

CITY OR TOWNSHIP: Copley **COUNTY:** Clearwater
ISSUANCE DATE: **EXPIRATION DATE:**

This permit is effective on the issuance date identified above, and supersedes the previous permit that was issued for this facility on April 6, 2007. This permit expires at midnight on the expiration date identified above.

- General permit or NPDES program questions, contact:
MPCA, 651-282-6143 or 1-800-657-3938.

Table of Contents

Permitted Facility Description.....	3
Topographic Map of Permitted Facility	5
Summary of Stations.....	6
Limits and Monitoring Requirements	7
 Chapter 1. Surface Water Stations.....	 10
1. Requirements for Specific Stations	
2. Special Requirements	
3. Discharge Monitoring Reports	
4. Sampling Location	
5. Sampling Protocol	
6. Winter Sampling Conditions	
Chapter 2. Waste Stream Stations	11
1. Requirements for Specific Stations	
2. Sampling Location	
Chapter 3. Surface Discharge Stations	12
1. Requirements for Specific Stations	
2. Sampling Location	
3. Surface Discharges	
4. Winter Sampling Conditions	
5. Mercury Limits and Monitoring Requirements	
6. Discharge Monitoring Reports	
Chapter 4. Domestic Wastewater -- Pond System.....	12
1. Bypass Structures	
2. Sanitary Sewer Extension Permit	
3. Operator Certification	
4. Ponds - Acceptable Discharge Periods	
5. Ponds - Discharges Outside Acceptable Discharge Periods	
6. Ponds - Discharge Rate	
7. Ponds - Pre-discharge Sampling	
8. Ponds - Observations	
Chapter 5. Pretreatment.....	14
1. Pretreatment – Definitions	
2. Pretreatment - Permittee Responsibility to Control Users	
3. Control of Significant Industrial Users	
4. Monitoring of Significant Industrial Users	
5. Reporting and Notification	
Chapter 6. Non-waste Streams -- Mercury Minimization Plan	16
1. Mercury Pollutant Minimization Plan	
Chapter 7. Total Facility Requirements.....	17
1. General Requirements	

Facility Description

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 (CBOD₅) 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.

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 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.

Topographic Map of Permitted Facility

MN0022691, Bagley WWTF

T147N, R37W, Section 28

Copley Township, Clearwater County, Minnesota



Map produced by: MPCA Staff, 3/29/12

Source: MNGeo Information Office

Scale: 1:10,000

0 0.075 0.15 0.3 Miles



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Surface Discharge Stations

<u>Station</u>	<u>Type of Station</u>	<u>Local Name</u>	<u>PLS Location</u>
SD002	Effluent To Surface Water (Monitor only during discharge)	Total Facility Discharge	SW Quarter of the NE Quarter of Section 28, Township 147 North, Range 37 West

Surface Water Stations

<u>Station</u>	<u>Type of Station</u>	<u>Local Name</u>	<u>PLS Location</u>
SW001	Wetland, Downstream	Wetland Monitoring, Downstream	SW Quarter of the NE Quarter of Section 28, Township 147 North, Range 37 West
SW002	Wetland, Upstream	Reference Wetland / Upstream Wetland	SW Quarter of the SW Quarter of the SE Quarter of Section 24, Township 147 North, Range 37 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	Section 28, Township 147 North, Range 37 West

Limits and Monitoring Requirements

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

SD 002: Total Facility Discharge (Applicable only during discharge)

Parameter	Limit	Units	Limit Type	Effective Period	Sample Type	Frequency	Notes
BOD, Carbonaceous 05 Day (20 Deg C)	245	kg/day	Calendar Month Average	Jan-Dec	Grab	2 x Week	3
BOD, Carbonaceous 05 Day (20 Deg C)	25	mg/L	Calendar Month Average	Jan-Dec	Grab	2 x Week	7
BOD, Carbonaceous 05 Day (20 Deg C)	392	kg/day	Maximum Calendar Week Average	Jan-Dec	Grab	2 x Week	3
BOD, Carbonaceous 05 Day (20 Deg C)	40	mg/L	Maximum Calendar Week Average	Jan-Dec	Grab	2 x Week	7
Fecal Coliform, MPN or Membrane Filter 44.5C	200	#100ml	Calendar Month Geometric Mean	Apr-Oct	Grab	2 x Week	7
Flow	0	MG	Calendar Month Total Intervention	Jan-Feb, Jul, Aug	Measurement	1 x Day	11
Flow	Monitor Only	mgd	Calendar Month Average	Mar-Jun, Sep-Dec	Measurement	1 x Day	
Flow	Monitor Only	MG	Calendar Month Total	Mar-Jun, Sep-Dec	Measurement	1 x Day	10
Mercury, Dissolved (as Hg)	Monitor Only	ng/L	Calendar Year Maximum	Jan-Dec	Grab	1 x Year	9
Mercury, Total (as Hg)	Monitor Only	ng/L	Calendar Year Maximum	Jan-Dec	Grab	1 x Year	9
Nitrite Plus Nitrate, Total (as N)	Monitor Only	mg/L	Calendar Month Maximum	Jan-Jun, Jul-Dec	Grab	1 x Half Year	5
Nitrogen, Ammonia, Total (as N)	Monitor Only	mg/L	Calendar Month Maximum	Jan-Jun, Jul-Dec	Grab	1 x Half Year	5
Nitrogen, Kjeldahl, Total	Monitor Only	mg/L	Calendar Month Maximum	Jan-Jun, Jul-Dec	Grab	1 x Half Year	5
Oxygen, Dissolved	Monitor Only	mg/L	Calendar Month Minimum	Jan-Dec	Grab	2 x Week	2
pH	9.0	SU	Calendar Month Maximum	Jan-Dec	Grab	2 x Week	2
pH	6.0	SU	Calendar Month Minimum	Jan-Dec	Grab	2 x Week	2
Phosphorus, Total (as P)	9.8	kg/day	Calendar Month Average	Jan-Dec	Grab	2 x Week	3
Phosphorus, Total (as P)	1.0	mg/L	Calendar Month Average	Jan-Dec	Grab	2 x Week	7
Solids, Total Dissolved (TDS)	Monitor Only	mg/L	Calendar Month Maximum	Jan-Jun, Jul-Dec	Grab	1 x Half Year	5
Solids, Total Suspended (TSS)	441	kg/day	Calendar Month Average	Jan-Dec	Grab	2 x Week	3
Solids, Total Suspended (TSS)	45	mg/L	Calendar Month Average	Jan-Dec	Grab	2 x Week	7
Solids, Total Suspended (TSS)	636	kg/day	Maximum Calendar Week Average	Jan-Dec	Grab	2 x Week	3
Solids, Total Suspended (TSS)	65	mg/L	Maximum Calendar Week Average	Jan-Dec	Grab	2 x Week	7
Solids, Total Suspended (TSS), grab (Mercury)	Monitor Only	mg/L	Calendar Year Maximum	Jan-Dec	Grab	1 x Year	9

SW 001: Wetland Monitoring, Downstream

Parameter	Limit	Units	Limit Type	Effective Period	Sample Type	Frequency	Notes
Oxygen, Dissolved	Monitor Only	mg/L	Instantaneous Minimum	Apr-Nov	Measurement, Instantaneous	1 x Month	8

Bagley WWTF
Limits and Monitoring Requirements

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

SW 001: Wetland Monitoring, Downstream

Parameter	Limit	Units	Limit Type	Effective Period	Sample Type	Frequency	Notes
pH, Field	Monitor Only	SU	Instantaneous Maximum	Apr-Nov	Measurement, Instantaneous	1 x Month	8
Temperature, Water (F)	Monitor Only	Deg F	Instantaneous Maximum	Apr-Nov	Measurement, Instantaneous	1 x Month	8

SW 002: Reference Wetland / Upstream Wetland

Parameter	Limit	Units	Limit Type	Effective Period	Sample Type	Frequency	Notes
Oxygen, Dissolved	Monitor Only	mg/L	Single Value	Apr-Nov	Measurement, Instantaneous	1 x Month	8
pH, Field	Monitor Only	SU	Single Value	Apr-Nov	Measurement, Instantaneous	1 x Month	8
Temperature, Water (F)	Monitor Only	Deg F	Single Value	Apr-Nov	Measurement, Instantaneous	1 x Month	8

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 Quarter Average	Jan-Dec	4-Hour Flow Composite	1 x Quarter	6
Flow	Monitor Only	mgd	Calendar Month Average	Jan-Dec	Measurement, Continuous	1 x Day	
Flow	Monitor Only	mgd	Calendar Month Maximum	Jan-Dec	Measurement, Continuous	1 x Day	
Flow	Monitor Only	MG	Calendar Month Total	Jan-Dec	Measurement, Continuous	1 x Day	
Mercury, Total (as Hg)	Monitor Only	ng/L	Calendar Quarter Maximum	Jan-Dec	Grab	1 x Quarter	4
pH	Monitor Only	SU	Instantaneous Maximum	Jan-Dec	Grab	1 x Quarter	1
Phosphorus, Total (as P)	Monitor Only	mg/L	Calendar Quarter Average	Jan-Dec	4-Hour Flow Composite	1 x Quarter	6
Precipitation	Monitor Only	in	Calendar Month Total	Jan-Dec	Measurement	1 x Day	
Solids, Total Suspended (TSS)	Monitor Only	mg/L	Calendar Quarter Average	Jan-Dec	4-Hour Flow Composite	1 x Quarter	6

Bagley WWTF
Limits and Monitoring Requirements

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

Notes:

- 1 -- Analyze immediately. Samples may be taken any time during each calendar quarter but must be reported on the DMR for the last month of each quarter (e.g. the sample for the first calendar quarter of Jan - Mar should be reported on the March DMR).
- 2 -- Analyze immediately. Samples shall be collected from the final cell outlet control structure.
- 3 -- Based on a maximum 6-inch per day drawdown rate from the 15.9 acre secondary cell.
- 4 -- EPA method 1631, with clean techniques method 1669, and any revisions to those methods. Please refer to Chapter 6 Mercury Minimization plan for further information. Only two influent samples per year are required - one collected during a spring discharge and one collected during a fall discharge. Report results on DMR for month when sample was collected. For discharges in other months when sample result has already been reported on a previous DMR, leave DMR box blank.
- 5 -- Only two effluent samples per year are required - one collected during a spring discharge and one collected during a fall discharge. Samples shall be collected from the final cell outlet control structure. Report results on DMR for month when sample was collected. For discharges in other months when sample result has already been reported on a previous DMR, leave DMR box blank.
- 6 -- Samples may be taken any time during each calendar quarter but must be reported on the DMR for the last month of each quarter (e.g. the sample for the first calendar quarter of Jan - Mar should be reported on the March DMR).
- 7 -- Samples shall be collected from the final cell outlet control structure.
- 8 -- Samples shall be taken within two to three hours after sunrise on the date of the sampling event.
- 9 -- See Surface Discharge Stations Chapter for additional information.
- 10 -- The acceptable discharge periods are March 1 through June 30 and September 1 through December 31.
- 11 -- The problem discharge periods are January through February, July, and August.

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Chapter 1. Surface Water Stations

1. Requirements for Specific Stations

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

2. Special Requirements

- 2.1 For this permit cycle of the facility, Stations SW001 (wetland receiving water) and SW002 (reference wetland area) shall be monitored for temperature, pH, and dissolved oxygen. In addition to these parameters, which are listed in the limits section of this permit, the Stations shall be monitored for plant community integrity during the 2016 growing season.

The plant community integrity reports shall include: 1) List of all taxa present and their respective cover class, 2) Note any nonnative plant taxa present on the site, 3) An expression of plant community composition using accepted ecological formulas: Dominance and Shannon-Weaver diversity index, 4) Similarity index differences between the discharge site, the reference site and between successive years results, and 5) A map should be included which shows the extent of the plant communities of interest and the location of the sampling plots. All unidentified taxa should be enumerated in such a way that their cover can be recorded.

Cover class values for estimating coverage area by plant taxa as a measure of importance.

Estimated Coverage Area (%)	Cover Class Value
75-100	5
50-75	4
25-50	3
15-25	2
5-15	1
1-5	0.5
<1, rare	0.1

- 2.2 If, after this five-year permit period, the monitoring results show impairment has occurred to the wetland and likely to have resulted due to the discharge, then wetland mitigation in conformance with Minn. R. 7050.0186, including provisions for wetland replacement must be considered along with other discharge management response options.
- 2.3 Chemical parameters shall be sampled and reported monthly, including the date and time the samples were collected. The samples shall be collected from the wetland just below the water surface within the vegetated zone. If inundated waters are not present, but saturated soils exist, the water samples shall be collected by digging a small depression which would fill with ground water or be pumped using a mini-piezometer which is fitted with a filtering apparatus. The discharge monitoring report shall explain if the water samples were surface or shallow ground water and the sample collection method used (grab or pumped).

Two grab samples shall be collected during each sampling visit for all parameters and the reported value should be the arithmetic mean of the two grab samples. Dissolved oxygen and temperature samples must be collected between two and three hours after sunrise on the date of the sampling event. The sample collection/analysis time must be noted and reported. All other samples can be collected at this same time or at whatever time is convenient.

During periods of ice cover or frozen ground the sampling may be suspended. If adequate sample volume can not be obtained from shallow ground water, which is not deeper than 12 inches down then sampling can be suspended. In these situations, provide an explanation in the monthly DMR reports detailing why the sample was not able to be completed.

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Chapter 1. Surface Water Stations

2. Special Requirements

- 2.4 Complete all the plant community integrity monitoring for stations SW001 and SW002 during the 2016 growing season and submit a report following completion of integrity monitoring by December 31, 2016.

The growing season is that time when the plant community is sufficiently mature and species are able to be identified. This is typically in July.

3. Discharge Monitoring Reports

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

4. Sampling Location

- 4.1 Samples shall be taken at mid-stream, mid-depth. Record location, date, time and results for each sample on the supplemental Discharge Monitoring Report form.
- 4.2 One 10-meter by 10-meter study plot for station SW001 in the wetland receiving water should be established within the wetland herbaceous community. The plot is to be located downstream from the actual outfall in the emergent marsh community within the longitudinal middle, in an area that is recognized to be representative of the plant community.
- 4.3 One 10-meter by 10-meter study plot for Station SW002 should be established as a reference wetland. The plot is to be located in an area that is recognized to be representative of the plant community.

5. Sampling Protocol

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

6. Winter Sampling Conditions

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

Chapter 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 Influent grab and composite samples for station WS001 shall be collected in the main lift station prior to the primary pond cell.

Chapter 3. Surface Discharge Stations

1. Requirements for Specific Stations

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

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Chapter 3. Surface Discharge Stations

2. Sampling Location

- 2.1 Samples for Station SD002 shall be collected from the final cell outlet control structure.
- 2.2 Samples and measurements required by this permit shall be representative of the monitored activity.

3. Surface Discharges

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

4. Winter Sampling Conditions

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

5. Mercury Limits and Monitoring Requirements

- 5.1 Permittees are required to sample for TSS (grab sample) at the same time that Total/Dissolved Mercury samples are taken. All results must be recorded on DMRs.
- 5.2 Total and Dissolved Mercury samples must be analyzed using EPA Method 1631 with clean techniques method 1669 and any revisions to those methods. Should another mercury analytical method that has a reportable quantitation level that allows for low-level sample characterization be approved by the EPA and certified by the Minnesota Department of Health, the Permittee is authorized to use that method.
- 5.3 Mercury monitoring and a concurrent TSS grab sample are required once during the spring or fall discharge. Discharge results must be reported on the December DMR. If a discharge does not occur, the Permittee must add a comment to the December DMR stating that no discharge occurred.

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. 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. Sanitary Sewer Extension Permit

- 2.1 The Permittee may be required to obtain a Sanitary Sewer Extension Permit from the MPCA for any addition, extension or replacement to the sanitary sewer. If a sewer extension permit is required, construction may not begin until plans and specifications have been submitted and a written permit is granted except as allowed in Minn. Stat. 115.07, Subd. 3(b).

3. Operator Certification

- 3.1 The Permittee shall provide a Class D 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.

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Chapter 4. Domestic Wastewater -- Pond System

3. Operator Certification

3.2 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.

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

4. Ponds - Acceptable Discharge Periods

4.1 Acceptable Discharge Periods are March 1 through June 30 and September 1 through December 31 for facilities located in the Detroit Lakes, Brainerd and Duluth regions.

4.2 Effluent limitations for this permit have been assigned based upon the assumption that the receiving waters exhibit favorable flow and reaeration characteristics during the acceptable discharge periods.

5. Ponds - Discharges Outside Acceptable Discharge Periods

5.1 For discharges occurring outside the acceptable discharge periods, refer to the "Stabilization Pond Guidance Discharge Guidance" located at www.pca.state.mn.us/water/wastewater.html#operation. If any of the discharge occurs outside of the acceptable discharge periods, the Permittee shall notify the MPCA of the potential noncompliance prior to discharge. The Permittee shall call the appropriate regional office and indicate that the call is for notification of a pond discharge.

5.2 For any discharge outside of acceptable discharge periods or to an ice covered receiving water, an adequate dilution ratio is required. If an adequate dilution ratio is not available, receiving water monitoring is required.

5.3 For any discharge outside of acceptable discharge periods or to an ice covered receiving water, the Permittee shall submit a "Discharge Evaluation Report" on a form provided in the "Stabilization Pond Discharge Guidance" located at www.pca.state.mn.us/water/wastewater.html#operation.

6. Ponds - Discharge Rate

6.1 The discharge rate shall be limited so as not to create a shock load on the receiving waters, disturb the pond bottom sediment in the area of the intake of the outfall structure or flood downstream properties. If the drawdown rate should exceed six (6) inches per day, call the MPCA at the appropriate regional office and indicate that the call is for notification of a pond discharge.

7. Ponds - Pre-discharge Sampling

7.1 If predischage sample results indicate that one or more of the effluent limitations may be exceeded, the Permittee shall notify the MPCA of potential noncompliance prior to discharge. The Permittee shall call the MPCA at the appropriate regional office and indicate that the call is for notification of a pond discharge.

7.2 Samples shall be taken from four sides of the pond and composited prior to discharge and analyzed for permitted parameters. This sampling must be taken no more than two weeks prior to the beginning of the discharge; dissolved oxygen and pH (both are field tests) must be taken no more than 24 hours prior to the beginning of the discharge. If more than two weeks pass prior to the beginning of discharge, additional predischage samples shall be obtained and analyzed prior to discharge.

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Chapter 4. Domestic Wastewater -- Pond System

8. Ponds - Observations

- 8.1 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.
- 8.2 The Permittee shall maintain daily precipitation records.

Chapter 5. 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)
- 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.

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Chapter 5. Domestic Wastewater -- Pretreatment

2. Pretreatment - Permittee Responsibility to Control Users

- 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)

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)

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Chapter 5. Domestic Wastewater -- Pretreatment

5. Reporting and Notification

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).

Chapter 6. Non-waste Streams -- Mercury Minimization Plan

1. Mercury Pollutant Minimization Plan

1.1 The Permittee is required to complete and submit a Mercury Pollutant Minimization Plan (MMP) to the MPCA as detailed in this section. If the Permittee has previously submitted a MMP, it must update its MMP and submit the updated MMP to the MPCA. 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 6. Non-waste Streams -- Mercury Minimization Plan

1. Mercury Pollutant Minimization Plan

- 1.2 The specific mercury monitoring requirements are detailed in the limits and monitoring section of this permit. Information gained through the MMP process can be used to reduce mercury concentrations. 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.
- 1.3 The Permittee shall submit a Mercury Minimization Plan by 180 days before permit expiration. At a minimum, the MMP must include the following:
 - a) A summary of mercury influent and effluent concentrations and biosolids monitoring data using the most recent five years of monitoring data, if available.
 - b) Identification of existing and potential sources of mercury concentrations and/or loading to the facility. As appropriate for your facility, you should consider residential, institutional, municipal, and commercial sources (such as dental clinics, hospitals, medical clinics, nursing homes, schools, laundries, and industries with potential for mercury contributions). You should also consider other influent mercury sources, such as stormwater inputs, ground water (inflow & infiltration) inputs, and waste streams or sewer tributaries to the wastewater treatment facility.
 - c) An evaluation of past and present WWTF operations to determine those operating procedures that maximize mercury removal.
 - d) A summary of any mercury reduction activities implemented during the last five years.
 - e) A plan to implement mercury management and reduction measures during the next five years.

Chapter 7. Total Facility Requirements

1. General Requirements

General Requirements

- 1.1 Incorporation by Reference. The following applicable federal and state laws are incorporated by reference in this permit, are applicable to the Permittee, and are enforceable parts of this permit: 40 CFR pts. 122.41, 122.42, 136, 403 and 503; Minn. R. pts. 7001, 7041, 7045, 7050, 7052, 7053, 7060, and 7080; and Minn. Stat. Sec. 115 and 116.
- 1.2 Permittee Responsibility. The Permittee shall perform the actions or conduct the activity authorized by the permit in compliance with the conditions of the permit and, if required, in accordance with the plans and specifications approved by the Agency. (Minn. R. 7001.0150, subp. 3, item E)
- 1.3 Toxic Discharges Prohibited. Whether or not this permit includes effluent limitations for toxic pollutants, the Permittee shall not discharge a toxic pollutant except according to Code of Federal Regulations, Title 40, sections 400 to 460 and Minnesota Rules 7050, 7052, 7053 and any other applicable MPCA rules. (Minn. R. 7001.1090, subp.1, item A)
- 1.4 Nuisance Conditions Prohibited. The Permittee's discharge shall not cause any nuisance conditions including, but not limited to: floating solids, scum and visible oil film, acutely toxic conditions to aquatic life, or other adverse impact on the receiving water. (Minn. R. 7050.0210 subp. 2)
- 1.5 Property Rights. This permit does not convey a property right or an exclusive privilege. (Minn. R. 7001.0150, subp. 3, item C)

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Chapter 7. Total Facility Requirements

1. General Requirements

- 1.6 Liability Exemption. In issuing this permit, the state and the MPCA assume no responsibility for damage to persons, property, or the environment caused by the activities of the Permittee in the conduct of its actions, including those activities authorized, directed, or undertaken under this permit. To the extent the state and the MPCA may be liable for the activities of its employees, that liability is explicitly limited to that provided in the Tort Claims Act. (Minn. R. 7001.0150, subp. 3, item O)
- 1.7 The MPCA's issuance of this permit does not obligate the MPCA to enforce local laws, rules, or plans beyond what is authorized by Minnesota Statutes. (Minn. R. 7001.0150, subp.3, item D)
- 1.8 Liabilities. The MPCA's issuance of this permit does not release the Permittee from any liability, penalty or duty imposed by Minnesota or federal statutes or rules or local ordinances, except the obligation to obtain the permit. (Minn. R. 7001.0150, subp.3, item A)
- 1.9 The issuance of this permit does not prevent the future adoption by the MPCA of pollution control rules, standards, or orders more stringent than those now in existence and does not prevent the enforcement of these rules, standards, or orders against the Permittee. (Minn. R. 7001.0150, subp.3, item B)
- 1.10 Severability. The provisions of this permit are severable and, if any provisions of this permit or the application of any provision of this permit to any circumstance are held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby.
- 1.11 Compliance with Other Rules and Statutes. The Permittee shall comply with all applicable air quality, solid waste, and hazardous waste statutes and rules in the operation and maintenance of the facility.
- 1.12 Inspection and Entry. When authorized by Minn. Stat. Sec. 115.04; 115B.17, subd. 4; and 116.091, and upon presentation of proper credentials, the agency, or an authorized employee or agent of the agency, shall be allowed by the Permittee to enter at reasonable times upon the property of the Permittee to examine and copy books, papers, records, or memoranda pertaining to the construction, modification, or operation of the facility covered by the permit or pertaining to the activity covered by the permit; and to conduct surveys and investigations, including sampling or monitoring, pertaining to the construction, modification, or operation of the facility covered by the permit or pertaining to the activity covered by the permit. (Minn. R. 7001.0150, subp.3, item I)
- 1.13 Control Users. The Permittee shall regulate the users of its wastewater treatment facility so as to prevent the introduction of pollutants or materials that may result in the inhibition or disruption of the conveyance system, treatment facility or processes, or disposal system that would contribute to the violation of the conditions of this permit or any federal, state or local law or regulation.

Sampling

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

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Chapter 7. Total Facility Requirements

1. General Requirements

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

Required forms may include:

DMR Supplemental Form

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

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Chapter 7. Total Facility Requirements

1. General Requirements

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

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

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

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

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

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

- 1.22 Incomplete or Incorrect Reports. The Permittee shall immediately submit an amended report or DMR to the MPCA upon discovery by the Permittee or notification by the MPCA that it has submitted an incomplete or incorrect report or DMR. The amended report or DMR shall contain the missing or corrected data along with a cover letter explaining the circumstances of the incomplete or incorrect report. (Minn. R. 7001.0150 subp. 3, item G)
- 1.23 Required Signatures. All DMRs, forms, reports, and other documents submitted to the MPCA shall be signed by the Permittee or the duly authorized representative of the Permittee. Minn. R. 7001.0150, subp. 2, item D. The person or persons that sign the DMRs, forms, reports or other documents must certify that he or she understands and complies with the certification requirements of Minn. R. 7001.0070 and 7001.0540, including the penalties for submitting false information. Technical documents, such as design drawings and specifications and engineering studies required to be submitted as part of a permit application or by permit conditions, must be certified by a registered professional engineer. (Minn. R. 7001.0540)

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Chapter 7. Total Facility Requirements

1. General Requirements

- 1.24 Detection Level. The Permittee shall report monitoring results below the reporting limit (RL) of a particular instrument as "<" the value of the RL. For example, if an instrument has a RL of 0.1 mg/L and a parameter is not detected at a value of 0.1 mg/L or greater, the concentration shall be reported as "<0.1 mg/L." "Non-detected," "undetected," "below detection limit," and "zero" are unacceptable reporting results, and are permit reporting violations. (Minn. R. 7001.0150, subp. 2, item B)

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

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

Noncompliance and Enforcement

- 1.27 Subject to Enforcement Action and Penalties. Noncompliance with a term or condition of this permit subjects the Permittee to penalties provided by federal and state law set forth in section 309 of the Clean Water Act; United States Code, title 33, section 1319, as amended; and in Minn. Stat. Sec. 115.071 and 116.072, including monetary penalties, imprisonment, or both. (Minn. R. 7001.1090, subp. 1, item B)
- 1.28 Criminal Activity. The Permittee may not knowingly make a false statement, representation, or certification in a record or other document submitted to the Agency. A person who falsifies a report or document submitted to the Agency, or tampers with, or knowingly renders inaccurate a monitoring device or method required to be maintained under this permit is subject to criminal and civil penalties provided by federal and state law. (Minn. R. 7001.0150, subp.3, item G., 7001.1090, subps. 1, items G and H and Minn. Stat. Sec. 609.671)
- 1.29 Noncompliance Defense. It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. (40 CFR 122.41(c))

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Chapter 7. Total Facility Requirements

1. General Requirements

- 1.30 Effluent Violations. If sampling by the Permittee indicates a violation of any discharge limitation specified in this permit, the Permittee shall immediately make every effort to verify the violation by collecting additional samples, if appropriate, investigate the cause of the violation, and take action to prevent future violations. If the permittee discovers that noncompliance with a condition of the permit has occurred which could endanger human health, public drinking water supplies, or the environment, the Permittee shall within 24 hours of the discovery of the noncompliance, orally notify the commissioner and submit a written description of the noncompliance within 5 days of the discovery. The written description shall include items a. through e., as listed below. If the Permittee discovers other non-compliance that does not explicitly endanger human health, public drinking water supplies, or the environment, the non-compliance shall be reported during the next reporting period to the MPCA with its Discharge Monitoring Report (DMR). If no DMR is required within 30 days, the Permittee shall submit a written report within 30 days of the discovery of the noncompliance. This description shall include the following information:
- a. a description of the event including volume, duration, monitoring results and receiving waters;
 - b. the cause of the event;
 - c. the steps taken to reduce, eliminate and prevent reoccurrence of the event;
 - d. the exact dates and times of the event; and
 - e. steps taken to reduce any adverse impact resulting from the event. (Minn. R. 7001.0150, subp. 3k)
- 1.31 Unauthorized Releases of Wastewater Prohibited. Except for conditions specifically described in Minn. R. 7001.1090, subp. 1, items J and K, all unauthorized bypasses, overflows, discharges, spills, or other releases of wastewater or materials to the environment, whether intentional or not, are prohibited. However, the MPCA will consider the Permittee's compliance with permit requirements, frequency of release, quantity, type, location, and other relevant factors when determining appropriate action. (40 CFR 122.41 and Minn. Stat. Sec 115.061)

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Chapter 7. Total Facility Requirements

1. General Requirements

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

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

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

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

Operation and Maintenance

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Chapter 7. Total Facility Requirements

1. General Requirements

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

Changes to the Facility or Permit

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

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

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

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

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Chapter 7. Total Facility Requirements

1. General Requirements

- 1.42 Report Changes. The Permittee shall give advance notice as soon as possible to the MPCA of any substantial changes in operational procedures, activities that may alter the nature or frequency of the discharge, and/or material factors that may affect compliance with the conditions of this permit. (Minn. R. 7001.0150, subp. 3, item M)
- 1.43 Chemical Additives. The Permittee shall receive prior written approval from the MPCA before increasing the use of a chemical additive authorized by this permit, or using a chemical additive not authorized by this permit, in quantities or concentrations that have the potential to change the characteristics, nature and/or quality of the discharge.

The Permittee shall request approval for an increased or new use of a chemical additive at least 60 days, or as soon as possible, before the proposed increased or new use.

This written request shall include at least the following information for the proposed additive:

- a. The process for which the additive will be used;
 - b. Material Safety Data Sheet (MSDS) which shall include aquatic toxicity, human health, and environmental fate information for the proposed additive. The aquatic toxicity information shall include at minimum the results of: a) a 48-hour LC50 or EC50 acute study for a North American freshwater planktonic crustacean (either Ceriodaphnia or Daphnia sp.) and b) a 96-hour LC50 acute study for rainbow trout, bluegill or fathead minnow or another North American freshwater aquatic species other than a planktonic crustacean;
 - c. A complete product use and instruction label;
 - d. The commercial and chemical names and Chemical Abstract Survey (CAS) number for all ingredients in the additive (If the MSDS does not include information on chemical composition, including percentages for each ingredient totaling to 100%, the Permittee shall contact the supplier to have this information provided); and
 - e. The proposed method of application, application frequency, concentration, and daily average and maximum rates of use. (Minn. R. 7001.0170)
- 1.44 Upon review of the information submitted regarding the proposed chemical additive, the MPCA may require additional information be submitted for consideration. This permit may be modified to restrict the use or discharge of a chemical additive and include additional influent and effluent monitoring requirements.
- Approval for the use of an additive shall not justify the exceedance of any effluent limitation nor shall it be used as a defense against pollutant levels in the discharge causing or contributing to the violation of a water quality standard.
- 1.45 MPCA Initiated Permit Modification, Suspension, or Revocation. The MPCA may modify or revoke and reissue this permit pursuant to Minn. R. 7001.0170. The MPCA may revoke without reissuance this permit pursuant to Minn. R. 7001.0180.
- 1.46 TMDL Impacts. Facilities that discharge to an impaired surface water, watershed or drainage basin may be required to comply with additional permits or permit requirements, including additional restriction or relaxation of limits and monitoring as authorized by the CWA 303(d)(4)(A) and 40 CFR 122.44.1.2.i., necessary to ensure consistency with the assumptions and requirements of any applicable US EPA approved wasteload allocations resulting from Total Maximum Daily Load (TMDL) studies.
- 1.47 Permit Transfer. The permit is not transferable to any person without the express written approval of the Agency after compliance with the requirements of Minn. R. 7001.0190. A person to whom the permit has been transferred shall comply with the conditions of the permit. (Minn. R., 7001.0150, subp. 3, item N)

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Chapter 7. Total Facility Requirements

1. General Requirements

- 1.48 Facility Closure. The Permittee is responsible for closure and post-closure care of the facility. The Permittee shall notify the MPCA of a significant reduction or cessation of the activities described in this permit at least 180 days before the reduction or cessation. The MPCA may require the Permittee to provide to the MPCA a facility Closure Plan for approval.

Facility closure that could result in a potential long-term water quality concern, such as the ongoing discharge of wastewater to surface or ground water, may require a permit modification or reissuance.

The MPCA may require the Permittee to establish and maintain financial assurance to ensure performance of certain obligations under this permit, including closure, post-closure care and remedial action at the facility. If financial assurance is required, the amount and type of financial assurance, and proposed modifications to previously MPCA-approved financial assurance, shall be approved by the MPCA. (Minn. Stat. Sec. 116.07, subd. 4)

- 1.49 Permit Reissuance. If the Permittee desires to continue permit coverage beyond the date of permit expiration, the Permittee shall submit an application for reissuance at least 180 days before permit expiration. If the Permittee does not intend to continue the activities authorized by this permit after the expiration date of this permit, the Permittee shall notify the MPCA in writing at least 180 days before permit expiration.

If the Permittee has submitted a timely application for permit reissuance, the Permittee may continue to conduct the activities authorized by this permit, in compliance with the requirements of this permit, until the MPCA takes final action on the application, unless the MPCA determines any of the following (Minn. R. 7001.0040 and 7001.0160):

- a. The Permittee is not in substantial compliance with the requirements of this permit, or with a stipulation agreement or compliance schedule designed to bring the Permittee into compliance with this permit;
- b. The MPCA, as a result of an action or failure to act by the Permittee, has been unable to take final action on the application on or before the expiration date of the permit;
- c. The Permittee has submitted an application with major deficiencies or has failed to properly supplement the application in a timely manner after being informed of deficiencies.