



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 MN0049531**

Public Comment Period Begins: August 13, 2012
Public Comment Period Ends: September 12, 2012

Current Permit Issued: November 9, 2007
Current Permit Expiration Date: October 31, 2012

Name and Address of Permittee:

City of Eitzen
P.O. Box 110
Eitzen, Minnesota 55931-0110

Facility Name and Location:

Eitzen Wastewater Treatment Facility
2998 County Road 2
T101N, R5W, Section 33,
Winnebago Township, Houston County, Minnesota

Receiving Water: Intermittent Stream (Class 2B, 3C, 4A, 4B, 5, 6 Water)

Description of Permitted Facility

The Eitzen Wastewater Treatment Facility (Facility) is located in the SE¼ of the NW¼ of Section 33, Township 101 North, Range 5 West, Winnebago Township, Houston County, Minnesota.

The application and plans indicate that the existing treatment system consists of a gravity main, a double-sealed two-cell stabilization pond system (2.74 and 1.28 acres), and 3,145 feet of forcemain to a three-site spray irrigation area, totaling 66 acres. This is a Class D facility.

The pond system provides a detention time of approximately 180 days and was designed to treat an average wet weather (AWW) flow of 24,000 gallons per day (gpd) with a five-day carbonaceous biochemical oxygen demand strength of 319 milligrams per liter.

The Facility discharges treated wastewater to the spray irrigation area except when the ground is frozen or saturated. During emergency situations, the Facility may also discharge from the pond system to an intermittent creek.

Because the city of Eitzen is located in an area of southeastern Minnesota where karstic geological characteristics are prevalent, the Permittee was required in an administrative order to develop a contingency plan to be implemented in the event that the Facility is affected by these characteristics. Special requirements and definitions pertaining to karst geology can be found in the Limits and Monitoring section and in Chapter 1 - Karst Requirements.

The Facility is further described in plans and specifications on file with the MPCA and in a facilities plan by Davy Engineering of LaCrosse, Wisconsin.

In accordance with MPCA rules regarding nondegradation for all waters that are not Outstanding Resource Value Waters, 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 gpd to any water other than a Class 7 water or 2) an expanded discharge that expands by greater than 200,000 gpd 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 AWW. The January 1, 1988, design AWW flow for this facility is 24,000 gpd.

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 (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 (page 5).

Preliminary Determination on the Draft Permit

The MPCA Commissioner has made a preliminary determination to reissue this NPDES / State Disposal System Permit for a term of approximately five years.

A draft permit is available for review at the MPCA office at the Rochester regional office address listed below, at the St. Paul office located at 520 Lafayette Road North, St. Paul, Minnesota 55155-4194, 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 Melanie Miland at 507-206-2647.

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.

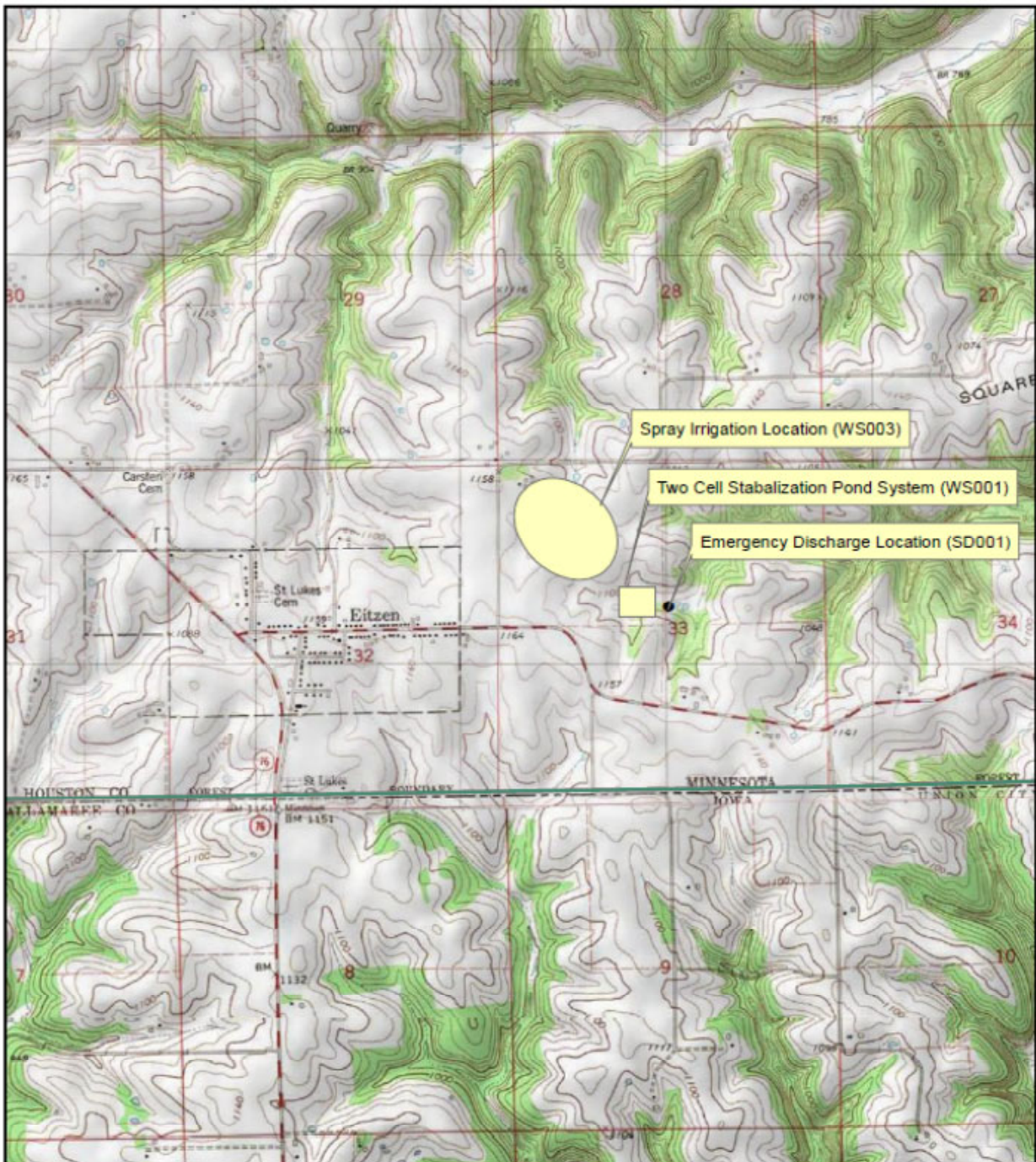
The written comments, requests, and petitions submitted on or before the last day of the public comment period will be considered in the final decision on this permit. If the MPCA does not receive written comments, requests, or petitions during the public comment period, MPCA staff as authorized by the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

Melanie Miland
Municipal Division
Minnesota Pollution Control Agency
18 Wood Lake Drive Southeast
Rochester, Minnesota 55904

Topographic Map of Permitted Facility

MN0049531, Eitzen Wastewater Treatment Facility
T101N, R5W, Section 33
Eitzen, Houston County, Minnesota



Map produced by: MPCA Staff, 5/14/2012
Source: USGS USA Topo Maps
Scale: 1:24,000

