



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 MN0057436

Public Comment Period Begins: August 30, 2012
Public Comment Period Ends: September 28, 2012

Current Permit Issued: October 8, 2007
Current Permit Expiration Date: September 30, 2012

Name and Address of Permittee:

Wintertree Inc.
P.O. Box 1000
Grand Marais, MN 55604-1000

Facility Name and Location:

Wintertree Inc.
10B Terrace Point Road West, Hwy 61
T61N, R1W, Section 34,
Grand Marais, Cook County, Minnesota

Receiving Water: Lake Superior (Class 1B, 2A, 3A, 3C, 4A, 4B, 5, 6, water) [ORVW]

Description of Permitted Facility

The Wintertree Inc. Wastewater Treatment Facility (Facility) is located at NW 1/4 of SE 1/4 of Section 34, Township 61 North, Range 1 West, Grand Marais, Cook County, Minnesota. This is a Class C Facility.

The Facility is currently used as a holding tank. All of the wastewater from the Facility is pumped to another Wastewater Treatment Facility. The Permit includes an Initiation of Operation – Voluntary Schedule that the Permittee must follow in order to initiate operation of the Facility.

Major components of the Facility include:

Collection System with gravity and/or Pressure Sewer

1 Bar Screen - manual

1 Activated Sludge Unit - extended aeration

1 Secondary Clarifier
Phosphorus Removal - chemical
Ultraviolet Disinfection

The application and plans indicate that the existing Facility consists of 8-inch gravity sanitary sewer, an activated sludge-extended aeration package plant (screening, a single aeration basin of 10,150 gallons, a single clarifier of 1,685 gallons, sludge and holding basin of 1,400 gallons), with phosphorus removal by alum addition and ultraviolet disinfection. A 6-inch perforated outfall line extends into the receiving water for discharge under the surface of the water. There are no designed bypass points known to exist in the disposal system.

The Facility is permitted to discharge to Lake Superior (Class 1B, 2A, 3A, 3C, 4A, 4B, 5, 6, water) and is designed to treat an average wet weather flow of 0.00931 million gallons per day (mgd) with a 5-day carbonaceous biochemical oxygen demand (CBOD5) strength of 258 milligrams per Liter (mg/L).

The original Facility is further described in plans and specifications on file with the Minnesota Pollution Control Agency (MPCA) and in an engineering report by the firm of Seaway Engineering Company, Duluth, Minnesota.

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

Lake Superior was designated an Outstanding Resource Value Water (ORVW) on November 5, 1984. The design average wet weather flow of this Facility on the date of ORVW designation is 0 mgd.

In accordance with the MPCA rules regarding nondegradation for ORVWs, nondegradation review is required for any new or expanded discharge (Minn. R. 7050.0180). A new discharge is a discharge that was not in existence on the effective date the ORVW was designated as described in Minn. R. 7050.0460 and 7050.0470. An expanded discharge is a discharge that changes in volume, quality, location, or any other manner after the effective date the outstanding resource value water was designated as described in Minn. R. 7050.0460 and 7050.0470, such that an increased loading of one or more pollutants results. Any change that results in an increased mass loading of one or more pollutants is subject to nondegradation review in accordance with Minn. R. 7050.0180.

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/SDS 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.

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 MPCA Brainerd office at the address listed below, at the Duluth and St. Paul offices and on-line at <http://www.pca.state.mn.us/news/data/index.cfm?PN=1>.

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 Nicole Blasing at 218-316-3890.

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.

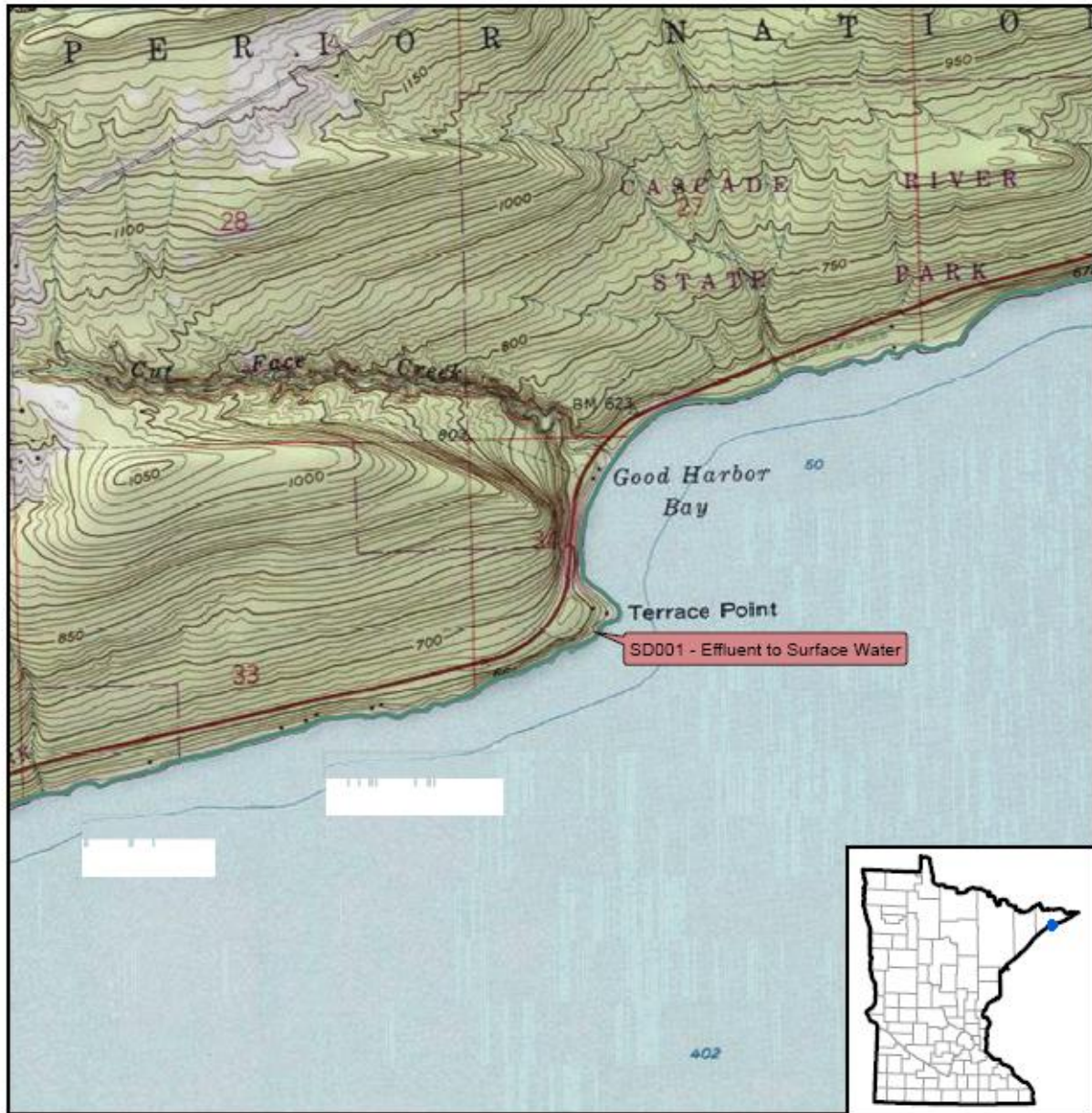
The written comments, requests, and petitions submitted on or before the last day of the public comment period will be considered in the final decision on this permit. If the MPCA does not receive written comments, requests, or petitions during the public comment period, MPCA staff as authorized by the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

Nicole Blasing
Municipal Division
7678 College Road, Suite 105
Baxter, MN 56425

Topographic Map of Permitted Facility

MN0057436: Wintertree Inc. Wastewater Treatment Facility
T61N, R1W, Section 34
Grand Marais, Cook County, Minnesota



Map produced by: MPCA Staff, August 21, 2012
Source: USGS Quad
Scale: 1:20,000

0 0.125 0.25 0.5 Miles

