



STATE OF MINNESOTA
Minnesota Pollution Control Agency

Municipal Division

**National Pollutant Discharge Elimination System (NPDES)/
 State Disposal System (SDS) Permit MN0057436**

PERMITTEE:	Wintertree Inc.		
FACILITY NAME:	Wintertree Inc.		
RECEIVING WATER:	Lake Superior (Class 1B, 2A, 3A, 3C, 4A, 4B, 5, 6 water) [ORVW]		
CITY OR TOWNSHIP:	Grand Marais	COUNTY:	Cook
ISSUANCE DATE:		EXPIRATION DATE:	

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

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

This permit is effective on the issuance date identified above, and supersedes the previous permit that was issued for this facility on October 8, 2007. This permit expires at midnight on the expiration date identified above.

Signature: _____
 Paul C. Scheirer *for* The Minnesota Pollution Control Agency
 Supervisor, Northeast/Northwest Regional Unit
 Detroit Lakes Office
 Municipal Division

Submit DMRs to:

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

Submit Other WQ Reports to:

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

Questions on this permit?

- For DMR and other permit reporting issues, contact:
 Belinda Nicholas, 651-757-2613.
- For specific permit requirements or permit compliance status, contact:
 John Thomas, 218-302-6616.
- General permit or NPDES program questions, contact:
 MPCA, 651-282-6143 or 1-800-657-3938.

520 Lafayette Rd. N.; St. Paul, MN 55155-4194; 651-296-6300 (voice); 651-282-5332 (TTY)

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Facility Description

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 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). The location of designated monitoring stations is specified on the "Summary of Stations" (page 7).

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 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.

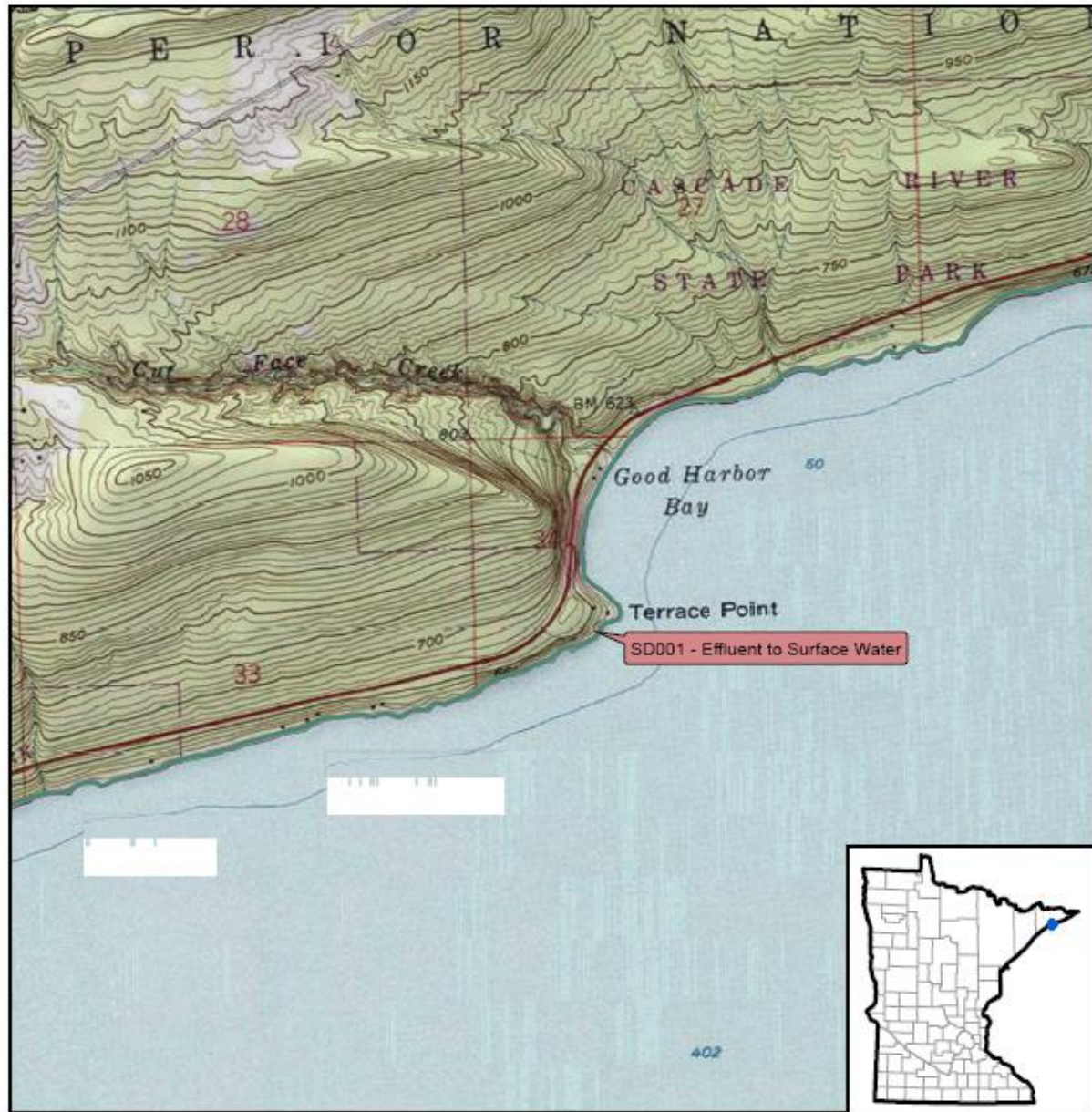
Any point source discharger of sewage, industrial, or other wastes for which a NPDES/SDS permit has been issued by the MPCA that contains effluent limits more stringent than those that would be established by parts 7053.0215 to 7053.0265 shall continue to meet the effluent limits established by the permit, 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.

Topographic Map of Permitted Facility

MN0057436: Wintertree Inc. Wastewater Treatment Facility

T61N, R1W, Section 34

Grand Marais, Cook County, Minnesota

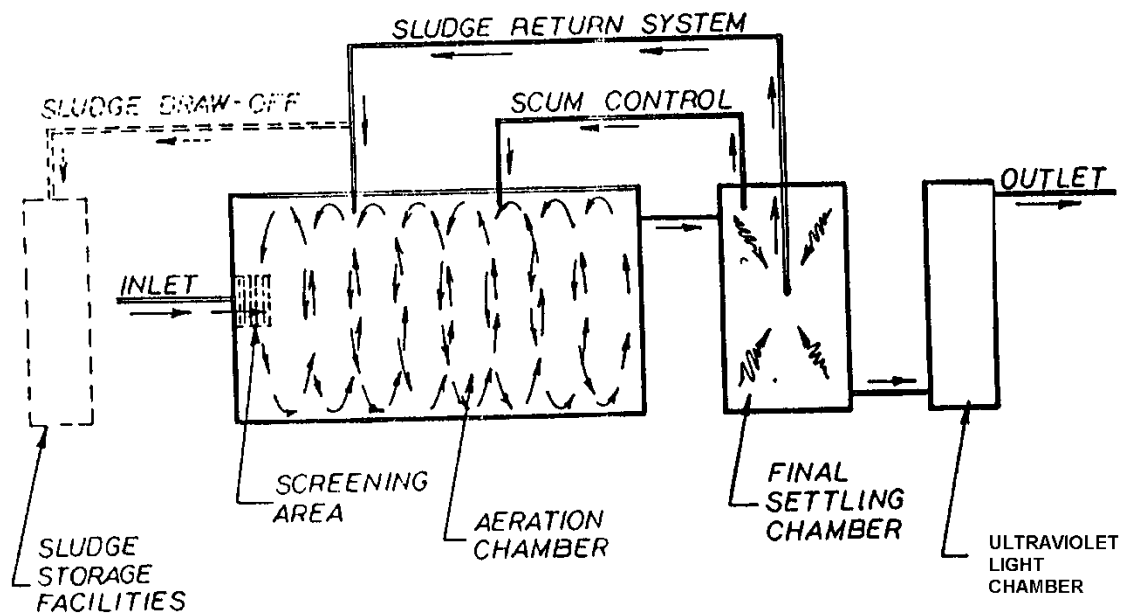


Map produced by: MPCA Staff, August 21, 2012
Source: USGS Quad
Scale: 1:20,000

0 0.125 0.25 0.5 Miles



Schematic Flow Diagram



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Surface Discharge Stations

<u>Station</u>	<u>Type of Station</u>	<u>Local Name</u>	<u>PLS Location</u>
SD001	Effluent To Surface Water	Total Facility Discharge	NW Quarter of the SE Quarter of Section 34, Township 61 North, Range 1 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	NW Quarter of the SE Quarter of Section 34, Township 61 North, Range 1 West

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

Period: Limits Applicable in the Interim Period

SD 001: Total Facility Discharge

Parameter	Limit	Units	Limit Type	Effective Period	Sample Type	Frequency	Notes
BOD, Carbonaceous 05 Day (20 Deg C)	Monitor Only	mg/L	Calendar Month Maximum	May, July, Aug, Sep, Nov, Dec	Grab	1 x Month	
Flow	Monitor Only	MG	Calendar Month Total	Jan-Dec	Measurement	1 x Month	2
pH	Monitor Only	SU	Calendar Month Maximum	May, July, Aug, Sep, Nov, Dec	Grab	1 x Month	
Phosphorus, Total (as P)	Monitor Only	mg/L	Calendar Month Maximum	May, July, Aug, Sep, Nov, Dec	Grab	1 x Month	
Precipitation	Monitor Only	in	Calendar Month Total	Jan-Dec	Measurement	1 x Month	
Solids, Total Suspended (TSS)	Monitor Only	mg/L	Calendar Month Maximum	May, July, Aug, Sep, Nov, Dec	Grab	1 x Month	

Period: Limits Applicable in the Final Period

SD 001: Total Facility Discharge

Parameter	Limit	Units	Limit Type	Effective Period	Sample Type	Frequency	Notes
BOD, Carbonaceous 05 Day (20 Deg C)	0.88	kg/day	Calendar Month Average	Jan-Dec	24-Hour Flow Composite	2 x Month	
BOD, Carbonaceous 05 Day (20 Deg C)	25	mg/L	Calendar Month Average	Jan-Dec	24-Hour Flow Composite	2 x Month	
BOD, Carbonaceous 05 Day (20 Deg C)	1.4	kg/day	Maximum Calendar Week Average	Jan-Dec	24-Hour Flow Composite	2 x Month	
BOD, Carbonaceous 05 Day (20 Deg C)	40	mg/L	Maximum Calendar Week Average	Jan-Dec	24-Hour Flow Composite	2 x Month	
BOD, Carbonaceous 05 Day (20 Deg C) Percent Removal	85	%	Minimum Calendar Month Average	Jan-Dec	Calculation	2 x Month	
Fecal Coliform, MPN or Membrane Filter 44.5C	200	#100ml	Calendar Month Geometric Mean	Apr-Oct	Grab	2 x Month	
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, Dissolved (as Hg)	Monitor Only	ng/L	Calendar Month Maximum	Apr, Oct	Grab	1 x Month	3
Mercury, Total (as Hg)	Monitor Only	ng/L	Calendar Month Maximum	Apr, Oct	Grab	1 x Month	3
Oxygen, Dissolved	Monitor Only	mg/L	Calendar Month Minimum	Jan-Dec	Grab	1 x Day	1
pH	9.0	SU	Calendar Month Maximum	Jan-Dec	Grab	2 x Month	1
pH	6.0	SU	Calendar Month Minimum	Jan-Dec	Grab	2 x Month	1
Phosphorus, Total (as P)	0.04	kg/day	Calendar Month Average	Jan-Dec	24-Hour Flow Composite	2 x Month	
Phosphorus, Total (as P)	1.0	mg/L	Calendar Month Average	Jan-Dec	24-Hour Flow Composite	2 x Month	
Solids, Total Suspended (TSS)	1.1	kg/day	Calendar Month Average	Jan-Dec	24-Hour Flow Composite	2 x Month	
Solids, Total Suspended (TSS)	30	mg/L	Calendar Month Average	Jan-Dec	24-Hour Flow Composite	2 x Month	

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

Period: *Limits Applicable in the Final Period*

SD 001: Total Facility Discharge

Parameter	Limit	Units	Limit Type	Effective Period	Sample Type	Frequency	Notes
Solids, Total Suspended (TSS)	1.6	kg/day	Maximum Calendar Week Average	Jan-Dec	24-Hour Flow Composite	2 x Month	
Solids, Total Suspended (TSS)	45	mg/L	Maximum Calendar Week Average	Jan-Dec	24-Hour Flow Composite	2 x Month	
Solids, Total Suspended (TSS) Percent Removal	85	%	Minimum Calendar Month Average	Jan-Dec	Calculation	2 x Month	
Solids, Total Suspended (TSS), grab (Mercury)	Monitor Only	mg/L	Calendar Month Maximum	Apr, Oct	Grab	1 x Month	3

WS 001: Influent Waste Stream

Parameter	Limit	Units	Limit Type	Effective Period	Sample Type	Frequency	Notes
BOD, Carbonaceous 05 Day (20 Deg C)	Monitor Only	mg/L	Calendar Month Average	Jan-Dec	24-Hour Flow Composite	2 x Month	
BOD, Carbonaceous 05 Day (20 Deg C)	Monitor Only	mg/L	Calendar Month Maximum	Jan-Dec	24-Hour Flow Composite	2 x Month	
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 Month Maximum	Apr, Oct	Grab	1 x Month	4
pH	Monitor Only	SU	Calendar Month Maximum	Jan-Dec	Grab	2 x Month	1
pH	Monitor Only	SU	Calendar Month Minimum	Jan-Dec	Grab	2 x Month	1
Phosphorus, Total (as P)	Monitor Only	mg/L	Calendar Month Average	Jan-Dec	24-Hour Flow Composite	2 x Month	
Precipitation	Monitor Only	in	Calendar Month Total	Jan-Dec	Measurement	1 x Day	
Solids, Total Suspended (TSS)	Monitor Only	mg/L	Calendar Month Average	Jan-Dec	24-Hour Flow Composite	2 x Month	
Solids, Total Suspended (TSS)	Monitor Only	mg/L	Calendar Month Maximum	Jan-Dec	24-Hour Flow Composite	2 x Month	

Notes:

- 1 -- Analyze immediately.
- 2 -- Estimate flow in million gallons (MG), the amount of wastewater transferred from the Facility.
- 3 -- See Surface Discharge Stations Chapter for additional information.
- 4 -- See Waste Stream Stations Chapter for additional information.

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Chapter 1. Special Requirements

1. Special Requirements

- 1.1 The Permittee is required to collect a grab sample of the wastewater transferred from the Facility for Total Mercury two times throughout the life of the permit while the Facility is operated as a holding tank. The two grab samples must be collected at least a year apart and the results of the two samples are required to be submitted with the application for permit reissuance.

The total Mercury samples must be analyzed using EPA Method 1631 with clean techniques method 1669 and any revisions to those methods.

Initiation of Operation - Voluntary Schedule

- 1.2 The Permittee is required to notify the MPCA in writing of the intent to initiate operation of the Facility and submit a Facility Evaluation Report (Report) to the MPCA for review and approval at least 60 days before initiation of operation of the Facility.

The Report shall include the results of the evaluation of the functional operability of all treatment facility components, equipment, and controls. The Report shall also describe the emergency operation plan to ensure that no partially treated wastewater is discharged as a result of a loss of electricity or equipment failure.

The Report shall include an updated operation and maintenance (O&M) manual.

The Report shall include a description of how the following will be performed:

- Influent and Effluent flow measurement,
- Influent and Effluent 24-hour flow composite sampling, and
- on-site pH and dissolved oxygen (DO) sampling

- 1.3 The Permittee must notify the MPCA in writing within 14 days after initiation of operation of the Facility.
- 1.4 The interim period for this permit is from the date of permit issuance until initiation of operation of the Facility. The Permittee must comply with all permit requirements and attain final limits within 90 days of initiation of operation of the Facility.
- 1.5 The Permittee must submit the following to the MPCA within one year after the first discharge from the facility:
- a) A revised O&M manual or a maintenance plan. At a minimum, this plan must include a detailed discussion of operation and controls, maintenance, sampling, and analysis, problem mitigation, VOC management, personnel records and reporting, and safety. This plan must be maintained, updated regularly, remain on-site, and be made available to MPCA staff upon request.
 - b) A written system effectiveness evaluation that summarizes the effectiveness of the treatment facility in meeting the permit requirements.
- 1.6 The Permittee is required to have on-site and available, an updated O&M manual. This manual must be available to MPCA staff upon request.

Chapter 2. Surface Discharge Stations

1. Requirements for Specific Stations

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

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Chapter 2. Surface Discharge Stations

2. Sampling Location

- 2.1 Samples for Station SD001 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. Mercury Limits and Monitoring Requirements

- 4.1 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.
- 4.2 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. Discharge Monitoring Reports

- 5.1 The Permittee shall submit monitoring results for discharges in accordance with the limits and monitoring requirements for this station (SD001). The interim limits and monitoring requirements are required to be collected from the sewage transferred from the Facility. If during the operation of the Facility and once the final limits and monitoring requirements are effective no discharge occurred during the reporting period, the Permittee shall check the "No Discharge" box on the Discharge Monitoring Report (DMR).

Chapter 3. 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 at a point representative of the total influent flow to the system.

3. Mercury Limits and Monitoring Requirements

- 3.1 Total 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.

Chapter 4. Biosolids / Septage Transfer

1. Reporting Requirements

- 1.1 If, during any cropping year, biosolids were transferred, or not land applied, the Permittee shall submit a Biosolids Annual Report by December 31 following the end of the cropping year. The report shall state that biosolids were not land applied, how much was generated, and where they were transferred to.

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Chapter 4. Biosolids / Septage Transfer

1. Reporting Requirements

1.2 The Permittee shall submit the Biosolids Annual Report to:

Biosolids Coordinator
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155-4194

Chapter 5. Domestic Wastewater -- Mechanical System

1. Bypass Structures

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

2. Sanitary Sewer Extension Permit

2.1 The Permittee may be required to obtain a Sanitary Sewer Extension Permit from the MPCA 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 C state certified operator who is in direct responsible charge of the operation, maintenance and testing functions required to ensure compliance with the terms and conditions of this permit.

3.2 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.

Chapter 6. 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)

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Chapter 6. Total Facility Requirements

1. General Requirements

- 1.4 Nuisance Conditions Prohibited. The Permittee's discharge shall not cause any nuisance conditions including, but not limited to: floating solids, scum and visible oil film, acutely toxic conditions to aquatic life, or other adverse impact on the receiving water. (Minn. R. 7050.0210 subp. 2)
- 1.5 Property Rights. This permit does not convey a property right or an exclusive privilege. (Minn. R. 7001.0150, subp. 3, item C)
- 1.6 Liability Exemption. In issuing this permit, the state and the MPCA assume no responsibility for damage to persons, property, or the environment caused by the activities of the Permittee in the conduct of its actions, including those activities authorized, directed, or undertaken under this permit. To the extent the state and the MPCA may be liable for the activities of its employees, that liability is explicitly limited to that provided in the Tort Claims Act. (Minn. R. 7001.0150, subp. 3, item O)
- 1.7 The MPCA's issuance of this permit does not obligate the MPCA to enforce local laws, rules, or plans beyond what is authorized by Minnesota Statutes. (Minn. R. 7001.0150, subp.3, item D)
- 1.8 Liabilities. The MPCA's issuance of this permit does not release the Permittee from any liability, penalty or duty imposed by Minnesota or federal statutes or rules or local ordinances, except the obligation to obtain the permit. (Minn. R. 7001.0150, subp.3, item A)
- 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)

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Chapter 6. Total Facility Requirements

1. General Requirements

- 1.16 Certified Laboratory. A laboratory certified by the Minnesota Department of Health shall conduct analyses required by this permit. Analyses of dissolved oxygen, pH, temperature, specific conductance, and total residual oxidants (chlorine, bromine) do not need to be completed by a certified laboratory but shall comply with manufacturers specifications for equipment calibration and use. (Minn. Stat. Sec. 144.97 through 144.98 and Minn. R. 4740.2010 and 4740.2050 through 4740.2120) (Minn. R. 4740.2010 and 4740.2050 through 2120)
- 1.17 Sample Preservation and Procedure. Sample preservation and test procedures for the analysis of pollutants shall conform to 40 CFR Part 136 and Minn. R. 7041.3200.
- 1.18 Equipment Calibration: Flow meters, pumps, flumes, lift stations or other flow monitoring equipment used for purposes of determining compliance with permit shall be checked and/or calibrated for accuracy at least twice annually. (Minn. R. 7001.0150, subp. 2, items B and C)
- 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 6. 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 6. 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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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 6. 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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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 6. 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.l.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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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.