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| Minnesota Pollution Control Agency (MPCA), 520 Lafayette Road North, St. Paul, MN 55155-4194 | Sulfate variance request form**NPDS/SDS Permit Program**National Pollutant Discharge Elimination System (NPDES)/State Disposal System (SDS)*Doc Type: Permit Application* |

**Instructions:** The National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) Permit Program regulates wastewater discharges to land and surface waters. This form is required for all municipal (domestic) wastewater applicants seeking a variance from the Class 4A sulfate water quality standard for waters used for production of wild rice (Minn. R. 7050.0224, subp. 2) and the associated water quality based effluent limit (WQBEL). Submitting this form indicates that a variance is sought under Minn. R. 7050.0190, subp. 4(A)(6) or Minn. R. 7052.0280, subp. 3(A)(6), where controls more stringent than those required under 301(b) and 306 of the Clean Water Act and U.S. Code 33, section 1311(b) and 1316 would result in substantial and widespread negative economic and social impacts.

**Important:** This form is specific to the pollutant and water quality standard listed above. If you are considering a variance for a different pollutant, standard, or WQBEL, please complete the *Variance request form* (wq-wwprm2-10b). Industrial facilities also use form wq-wwprm2-10b.

**Variance eligibility:** Your facility will need to complete and submit a *Sulfate Variance Eligibility Tool* (*wq-wwprm2-111*) to be considered for a variance. The form is available at <https://www.pca.state.mn.us/business-with-us/water-quality-variances>. MPCA review of a variance request will begin when the forms are received. See Section V for additional information.

**Applications that are submitted without an authorized signature and attachments** **will be returned**. Please make copies for your records. You may submit this along with a permit application packet as part of a reissuance or modification. If not, submit the completed request form and attachments *(including plans and specifications, if applicable)* electronically to wq.submittals.mpca@state.mn.us.

Minn. R. 7002.0253 requires billing for additional work required to issue or reissue permits that include a variance. An additional fee is applied once a variance is included in a permit and approved by U.S. Environmental Protection Agency (EPA). You will receive an invoice from the MPCA when the permit is placed on public notice. Currently, additional fees for variances are 35 points or $10,850. [*Water Quality Application Fee Guidance*](https://www.pca.state.mn.us/sites/default/files/wq-wwprm7-51.pdf) *(wq-wwprm7-51)* can be found on the MPCA website at <https://www.pca.state.mn.us/business-with-us/wastewater-permit-forms>.

**For more information**: Please contact the MPCA variance coordinators at WQSvariances.MPCA@state.mn.us.

An approved variance will require a modification of your permit. You will be contacted if any further documentation for this modification is needed.

Section I – Existing permit information

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| 1. Permittee name:
 |       |
| 1. Facility name:
 |       |
| 1. Permit number:
 |       | 1. Permit expiration date (mm/dd/yyyy):
 |       |
| 1. Are there any plans to make changes to the facility within the next five years? [ ]  Yes [ ]  No

If yes, please provide a list of all proposed changes to the facility below: |
|       |
| 1. Are there currently any unresolved enforcement issues with any other media (air, waste, etc.)? [ ]  Yes [ ]  NoIf yes, describe below:
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|       |

1. If submitting this form separately from a permit application packet, attach a map indicating the location of the facility discharge.
2. Does your facility dechlorinate using sulfate or sulfur-containing chemicals? [ ]  Yes [ ]  No

If yes, which chemical(s) are used and at what application rate?

Section II – Source water information

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| 1. Is the community served by a community public water supply as defined by Minnesota Department of Health (MDH)?
 |
| [ ]  Yes [ ]  No (Skip to Section III.) |
| 1. What fraction of residents are hooked up:
 |       |  |
| 1. Is the water source for the public water supply groundwater, surface water, or both?
 |
| [ ]  Groundwater [ ]  Surface water [ ]  Both groundwater and surface water [ ]  Not applicable |
| 1. Has the community or another entity (such as MDH) measured sulfate concentrations in the source water? [ ]  Yes [ ]  No
 |
|  If Yes, attach all measurements taken during the most recent five year sampling period. |
| 1. Does the water treatment plant use aluminum sulfate as a flocculant?
 | [ ]  Yes [ ]  No |
| If Yes, please indicate the dosage: |       |  |
| 1. Has the community or another entity (such as MDH) measured sulfate concentrations in treated water delivered to customers?
 | [ ]  Yes [ ]  No |
| If Yes, attach all measurements taken during the most recent five year sampling period. |

Section III – Source reduction or pollution minimization information

As part of the variance, you must commit to controlling sulfate by investigating point and nonpoint pollutant sources and implementing source reduction and minimization efforts. Below is a list of sources of sulfate that may be present in a community, whether from a Significant Industrial User (SIU) or smaller industrial, residential, or commercial sources. Indicate whether these entities are in your community and are connected to the wastewater facility’s collection system. If any are, consider activities that have been or could be implemented to reduce sulfate loading. Should a variance be approved, these will be part of the Sulfate Investigation and Minimization Plan. A strategy to begin the discharger-specific Plan can be found in #21 below.

1. Indicate if these sources are known in your community and if so, provide a summary of source reduction activities:
(Minn. R. 7000.7000, supb. 2, Item H)

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| **Name of industry** | **Do you have any in your community?** | **Are they connected to the wastewater collection system?** |
| Metallic mining |       |       |
| Ethanol production |       |       |
| Paper milling/manufacturing |       |       |
| Fertilizer manufacturing |       |       |
| Pesticide manufacturing |       |       |
| Soap or cosmetic product manufacturing |       |       |
| Animal feedlots |       |       |
| Hotels, motels, or other multi-unit temporary lodging |       |       |
| Laundromats and/or dry cleaners |       |       |
| Hair salons, nail salons, and/or spas |       |       |
| Privately-owned golf courses, campgrounds, or other maintained recreational areas |       |       |
| Vehicle repair (on and off road), oil change, or autobody shops |       |       |
| Small engine maintenance and/or repair shops |       |       |
| Municipal golf courses, parks, campgrounds, or other maintained recreational areas |       |       |
| Municipal vehicle (on and off road), small engine, and/or other mechanical repair shops or garages |       |       |
| Other presumed municipal, commercial, or industrial users (please list below):      |       |       |

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| 1. Have you requested voluntary reductions of sulfate from any industrial users (SIUs or otherwise) to your sewer system?
 |
| [ ]  Yes [ ]  No |
| If yes, please specify below: |
|       |
| 1. Does the wastewater facility treat hauled waste?
 |
| [ ]  Yes [ ]  No |
| If yes, describe sources below: |
|       |
| 1. Have you instituted sewer use ordinances regulating or limiting the discharge of sulfate from SIUs?
 |
| [ ]  Yes [ ]  No |
| If yes, please copy and paste the citation for and language of the ordinance below: |
|       |
| 1. Does your community have any ordinances in place to reduce or eliminate use of sulfate-containing products like household or institutional cleaners, degreasers, soaps, shampoos, fertilizers, or other products?
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| [ ]  Yes [ ]  No |
| If Yes, please copy and paste the citation for and language of the ordinance below: |
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| 1. Using average and maximum data values reported at your facility over the last five years, indicate a reasonable expectation of the concentration of the pollutant for which the variance is being requested that will be discharged during the period of the proposed variance [Minn. R. 7000.7000, supb. 2, Item H(1)]. This value should take into account measures that can be done immediately that will reduce the concentration value (i.e., high sulfate dischargers that can be reduced).
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| 1. Indicate ideas of steps to be taken during the period of the variance to reduce pollutant levels to the lowest levels practical, such as controlling dischargers of high concentrations of the pollutant [Minn. R. 7000.7000, supb. 2, Item H(2)]. Additional steps will be identified and implemented through a sulfate variance action tree.
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| 1. Pollutant Minimization Plan
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| Have you submitted a Pollutant Minimization Plan for sulfate as part of past permit requirements? [ ]  Yes [ ]  No |
| If yes, indicate a date (mm/dd/yyyy): |       |  |
| If no, a new Sulfate Investigation and Minimization Plan will be part of the permit’s variance requirements. |

Section IV – Treatment alternative(s) information

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| 1. An Alternatives Analysis for removing sulfate from wastewater discharges was completed by Bolton & Menk, Inc. and Barr Engineering on behalf of the MPCA [*Analyzing Alternatives for Sulfate Treatment in Municipal Wastewater* (wq-rule4-15pp) <https://www.lccmr.mn.gov/projects/2016/finals/2016_04m_mpca_report.pdf>].

If treatment alternatives for your facility are different than those considered and analyzed in the document above, please include that information below and add an attachment, if necessary [Minn. R. 7000.7000, supb. 2, Item H(4)]. Include any implemented or planned source reduction activities that could result in reduced sulfate loading at the facility. |
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Section V – Seeking a variance due to substantial and widespread social and economic impacts

The MPCA has designed an Eligibility Tool that will allow municipal (domestic) wastewater permittees to investigate if compliance with a WQBEL for the Class 4A sulfate water quality standard would result in substantial and widespread economic and social impact. The MPCA has taken information from past water monitoring activities and public financial information to determine if the permittee would be eligible for this type of variance.

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| 1. If your municipality has submitted the *Sulfate Variance Eligibility Tool* via email to WQSvariances.mpca@state.mn.us, indicate the date sent (mm/dd/yyyy):
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| **If not, either fill out and complete the Eligibility Tool and attach it to this request form or follow the directions below.** |
| Review *MPCA’s Water Quality Variance Guidance* available on the MPCA’s website at <https://www.pca.state.mn.us/business-with-us/water-quality-variances>. This document outlines various components needed to justify a variance using economic and social impacts. The MPCA recommends you use the worksheets available in *EPA’s Interim Economic Guidance for Water Quality Standards.* All U.S. Environmental Protection Agency (EPA) worksheets have been bundled together in this document located on the EPA’s website found at <http://water.epa.gov/scitech/swguidance/standards/economics/>. Economic requirements in #19 and 20 can be fulfilled with the use of EPA’s Worksheets. |
| 1. Indicate (in a concise statement) the effect on the establishment, maintenance, operation and expansion of business, commerce, trade, traffic, and other economic factors that may result from approval and from denial of the requested variance [Minn. R. 7000.7000, supb. 2, Item H(5)]
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| 1. If a variance is sought based primarily on economic burden the following must be submitted (Minn. R. 7000.7000, subp. 2, Item E):
* Financial statements prepared or approved by a certified accountant.
* Status of business, plant, system, or facility for each of the last three financial years.
* Result of study to determine the capital cost of end-of-pipe removal of the chloride for which the variance is sought, including capital and Operations and Maintenance (O&M) costs, solids/residual handling costs (if not considered in O&M), comparison to current costs and integrated management costs.
* Effect on financial status if variance is not granted.
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| Section VI – Commitment to source reduction during variance termThe MPCA has designed a *Sulfate variance action tree* that identifies the source reduction activities permittees will be required to investigate and potentially implement during the variance term. The Action Tree will require permittees to investigate sources, analyze sulfate loads in the collection system, and potentially implement source reduction methods that will reduce sulfate entering the collection system. Permittees will also be required to engage in nonpoint source investigation and potential reduction in the community, with the eventual goal of reducing human contributions to sulfate loads in surface water [Minn. R. Ch. 7050.0190, subp. 1(B)].The MPCA will be creating Action Trees for Permittees. Permittees will have the opportunity to review and comment on their customized *Sulfate variance action tree* for their facility during the pre-public notice and public notice periods. The *Sulfate variance action tree* template is available for review on the MPCA website at [https://www.pca.state.mn.us/business-with-us/water-quality-variances.](https://www.pca.state.mn.us/business-with-us/water-quality-variances)**By requesting a variance, the applicant commits to meeting the requirements of a customized Action Tree for their facility if the variance request is approved.** |

Certification

Federal Regulations (40 CFR Part 122.22) and State Regulations (Minn. R. 7001.0060) require all permit applications to be signed as follows:

1. For a corporation: by a responsible corporate officer. For the purpose of this permit, a responsible corporate officer means: 1) a president, secretary, treasurer or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or 2) The manager of one or more manufacturing, production or operating facilities employing more than 250 persons or having a gross annual sales or expenditures exceeding 425 million, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
2. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.
3. For a municipality, county or other political subdivision: by a principal executive officer or ranking elected official.
4. For a state, federal or other public agency/agents: by a commissioner, assistant or deputy commissioner; director, assistant or deputy director.

*“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”*

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| Printed name: |       | Title: |       |
| Authorized signature: |  | Date (mm/dd/yyyy): |       |
| State tax ID#: |       | Federal tax ID#: |       |