

**National Pollutant Discharge and Elimination System (NPDES)/State Disposal System (SDS)
Forest Canopy Insect Pest Control Pesticide General Permit
MNG87B000**

Permittee: Various
Facility name: Forest Canopy Insect Pest Control Pesticide General Permit
Receiving water: Minnesota state waters
City or Township: Multi-locations **County:** Multi-locations
Issuance date: December 1, 2023
Expiration date: November 30, 2028

The State of Minnesota, on behalf of its citizens through the Minnesota Pollution Control Agency (MPCA), authorizes the Permittee to discharge a biological pesticide or chemical pesticide that leaves a residue in waters of the state for control of Forest Canopy Insect Pests in accordance with the requirements of this permit. If pesticides are applied by the Decision-makers listed in this permit in excess of the Threshold or by certain entities as stated in the permit, then a Notice of Intent (NOI) must be submitted.

The goal of this permit is to protect water quality in accordance with Minnesota and U.S. statutes and rules, including Minn. Stat. chs. 115 and 116, Minn. R. chs. 7001, 7050, 7052, and 7053; and the U.S. Clean Water Act (CWA).

This permit is effective on the issuance date identified above. This permit expires at midnight on the expiration date identified above.

Signature: Elise M. Doucette

This document has been electronically signed.

Elise M. Doucette, Supervisor
Water Section
Industrial Division

for the Minnesota Pollution Control Agency

Submit eDMRs

Submit via the MPCA e-Services at
https://rsp.pca.state.mn.us/TEMPO_RSP/Orchestrate.do?initiate=true

Submit WQ reports electronically to:

wq.submittals.mPCA@state.mn.us
Include *Water quality submittals form*:
<https://www.pca.state.mn.us/sites/default/files/wq-wwprm7-71.docx>

Questions on this permit?

For eDMR and other permit reporting issues, use the directory listed at the bottom of the DMR page:
<https://www.pca.state.mn.us/business-with-us/discharge-monitoring-reports>

For specific permit requirements, contact your compliance staff:
<https://www.pca.state.mn.us/business-with-us/wastewater-compliance-and-enforcement-staff>

Wastewater Permit Program general questions, contact:
MPCA, 651-282-6143 or 800-657-3938.

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1. Permit requirements

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Pesticide-Forest Canopy Pest Control General Permit Requirements		
	5.1.1	General Permit Applicability and Eligibility. [Minn. R. 7001.0210]
	5.1.2	This permit applies to individuals, groups, units of government, or other entities who discharge to waters of the state from the application of biological pesticides or chemical pesticides that leave a residue (hereinafter collectively "pesticides") when the pesticide application is for the control of Forest Canopy Insect Pests. This includes application of a pesticide over a forest canopy to control the population of a pest species, including but not limited to gypsy moths, spruce budworm, and forest tent caterpillar, where, to target the pests effectively a portion of the pesticide unavoidably will be applied over and deposited to water. [Minn. R. 7001.0210]
	5.1.3	Individuals, groups, units of government, and other entities associated with the application of pesticides which result in a discharge to a water of the state under this permit are considered Decision-makers or Applicators. For the purpose of this permit, "Decision-maker" means any entity with control over the decision to perform pesticide applications, including the ability to modify those decisions. "Applicator" means any entity who performs the application of a pesticide or who has day-to-day control of the application (i.e., they are authorized to direct workers to carry out those activities). More than one entity (Decision-maker and/or Applicator) may be responsible for complying with this permit for any single discharge from the application of pesticides. A Decision-maker that self-applies pesticides is also considered an Applicator and must comply with applicable requirements imposed on both Applicators and Decision-makers. [Minn. R. 7001.0210]
	5.1.4	For the purposes of this permit, both Decision-makers and Applicators are considered "Permittees" unless otherwise noted and regardless of whether a Notice of Intent (NOI) is required to be submitted. [Minn. R. 7001.0210]
	5.1.5	<p>The following Decision-makers are required to submit a NOI under this general permit for discharges to waters of the state resulting from the application of pesticides (hereinafter "Thresholds"):</p> <p>Any Agency, or Pest Control District for which pest management for land resource stewardship is an integral part of the organization's operations must submit an NOI</p> <p>Forest Canopy Insect Pest Control All Decision-makers with a treatment area* of 6400 acres (10 square miles), or greater.</p> <p>* "Treatment Area" means the entire area, including both land and water, where the pesticide application is intended to provide pesticidal benefits. This Threshold applies to pesticides applied by land and by air. This Threshold is cumulative and based on a calendar year total. Each application of pesticide is to be added for a cumulative total to compare with the Threshold. [Minn. R. 7001]</p>
	5.1.6	The following discharges, consistent with the permit eligibility provisions in the General Permit Applicability and Eligibility Section, are automatically authorized by the issuance date of this permit:

	<p>A. Eligible discharges made prior to the NOI submission deadline in the Requirements for Decision-makers that Must Submit a NOI.</p> <p>B. Eligible discharges that result from the application of a pesticide as part of pesticide research and development, as defined in the Permit Specific Definitions.</p> <p>C. Eligible discharges for which submission of an NOI is not required.</p> <p>However, these discharges are still required to comply with the minimum requirements of this permit as defined in the Basic Requirements and the Standard Permit Requirements Sections. [Minn. R. 7001, Minn. R. 7001.0150, subp. 2, Minn. R. 7001.1000-1150]</p>
5.1.7	For Decision-makers required to submit a NOI, see the authorization to discharge section for timing of submittal and authorization to discharge. [Minn. R. 7001]
5.1.8	Decision-makers and Applicators covered under this permit that are not required to submit a NOI are terminated from permit coverage when they no longer have a discharge from the application of pesticides nor activities associated with the discharge required by this Permit, including, but not limited to monitoring, reporting, and recordkeeping. [Minn. R. 7001]
5.1.9	Exclusions / Limitations on Coverage. [Minn. R. 7001.0210]
5.1.10	Decision-makers and Applicators are not eligible for coverage under this permit for discharges to: <p>A. Waters of the state identified as impaired for the pesticide in question or its degradates. Impaired waters are those which have been identified pursuant to Section 303(d) of the Clean Water Act (CWA) as not meeting applicable state water quality standards.</p> <p>B. Waters designated by the state as Prohibited Outstanding Resource Value Waters (ORVWs) for antidegradation purposes under Minn. R. 7050.0335. [Minn. R. 7001, Minn. R. 7050..0335]</p>
5.1.11	Decision-makers and Applicators are not eligible for coverage under this permit due to other National Pollutant Discharge Elimination System, Surface Disposal System (NPDES/SDS) coverage in the following cases: <p>A. Discharges currently covered under another point source NPDES/SDS permit.</p> <p>B. Discharges covered within five years prior to the effective date of this permit by an individual permit or alternative general permit that established numeric water quality-based limitations for the pesticide in question or its degradates. See Individual or Alternative General Permits section for submittal of an application for an individual permit or alternative general permit.</p> <p>C. Discharges from activities where any NPDES/SDS permit has been or is in the process of being denied, terminated, or revoked by the MPCA (this does not apply to the routine reissuance of permits every five years). [Minn. R. 7001]</p>
5.1.12	Facilities located within Indian Country must apply to the U.S. EPA for coverage under the pesticide general permit or for an individual permit. <p>Note: Indian country is defined under 18 USC § 1151. [Minn. R. 7001]</p>
5.1.13	Basic Requirements. [Minn. R. 7001.0210]
5.1.14	Technology-Based Effluent Limits. [Minn. R. 7001.0210]
5.1.15	Decision-makers' Responsibilities. To meet the effluent limitations of this permit, all Decision-makers must minimize the discharge of pesticides to waters of the state from the application of pesticides, through the use of pest management measures as defined in the Permit Specific Definitions. To the extent the Decision-maker determines the amount of pesticide or frequency of pesticide application, the Decision-maker must use the lowest effective amount of pesticide product per application and optimum frequency

	of pesticide application necessary to control the target pest, consistent with reducing the potential for development of pest resistance. [Minn. R. 7001]
5.1.16	<p>Applicators' Responsibilities. To meet the effluent limitations of this permit, all Applicators must implement the following requirements to minimize the discharge of pesticides to waters of the state from the application of pesticides, through the use of pest management measures:</p> <p>A. To the extent not determined by the Decision-maker, use the lowest effective amount of pesticide product per application and optimum frequency of pesticide application necessary to control the target pest, consistent with reducing the potential for development of pest resistance, and apply pesticides in accordance with the product label or labeling and in a manner that will not cause unreasonable adverse effects to the environment. This includes using equipment and application procedures appropriate for this task.</p> <p>B. Maintain pesticide application equipment in proper operation conditions, including requirement to calibrate, clean, and repair such equipment to prevent leaks, spills, or other unintended discharges and to ensure the rate of pesticide application is calibrated (e.g., nozzle choice, droplet size, etc.) to deliver the precise quantity of pesticide needed to achieve the requirements outlined in the Applicators' Responsibilities in a. above.</p> <p>C. Assess weather conditions (e.g., temperature, wind speed and wind direction) in the treatment area to ensure application is consistent with all applicable federal requirements. [Minn. R. 7001, Minn. R. 7001.1080]</p>
5.1.17	Water Quality-Based Effluent Limitations. [Minn. R. 7050]
5.1.18	Your discharge must be controlled as necessary to meet applicable numeric and narrative state water quality standards in accordance with Minn. R. 7000, 7050, 7052, and 7053 including the narrative standards governing nondegradation for all waters and ORVWs. [Minn. R. 7000, Minn. R. 7050, Minn. R. 7052, Minn. R. 7053]
5.1.19	If at any time you become aware, or MPCA determines, that your discharge causes or contributes to an exceedance of applicable water quality standards, you must take corrective action as required in the Corrective Action Section of this Permit. [Minn. R. 7001.1090, Minn. R. 7050]
5.1.20	The MPCA may impose additional water quality-based limitations or require you to obtain coverage under an individual permit if information in your NOI, required reports, or other sources indicates that your discharges are not controlled as necessary to meet applicable water quality standards or for any reason in 40 CFR § 122.28(b)(3)(i)(A)-(G). [Minn. R. 7001, Minn. R. 7050]
5.1.21	Site Monitoring. [Minn. R. 7001.0210]
5.1.22	Applicators' Responsibilities. All Applicators must, when considerations for safety and feasibility allow, visually assess the area to and around where pesticides are applied for possible and observable Adverse Incidents (defined in the Permit Specific Definitions) caused by application of pesticides, including the unanticipated death or distress of non-target organisms and disruption of wildlife habitat, recreational or municipal water use. [Minn. R. 7001, Minn. R. 7001.0150, subp. 2]
5.1.23	Decision-makers' Responsibilities. If any post-application surveillance occurs, all Decision-maker must visually assess the area to and around where pesticides were applied for possible and observable Adverse Incidents caused by application of pesticides, including the unanticipated death or distress of non-target organisms and disruption of wildlife habitat, recreational or municipal water use. [Minn. R. 7001]
5.1.24	Adverse Incident Notification and Reporting for both Decision-makers and Applicators. [Minn. R. 7001.0210]
5.1.25	Immediate Adverse Incident Notification. If you observe or are otherwise made aware of

	<p>an Adverse Incident that may have resulted from a discharge from your pesticide application, you must notify the Minnesota Public Safety Duty Officer at 800-422-0798 (651-649-5451 in the metro area) immediately. "Adverse Incident" means an incident that you have observed upon inspection or of which you otherwise become aware in which non-target organisms may have been exposed to a pesticide residue and suffered a toxic or adverse effect. See the Permit Specific Definitions for the full definition.</p> <p>The Adverse Incident notification must include at least the following information:</p> <ul style="list-style-type: none"> A. The caller's name and telephone number. B. Decision-makers and/or Applicators name and mailing address. C. If covered by a NOI, the NPDES/SDS tracking number. D. The name and telephone number of a contact person, if different than the person providing the 24-hour notice. E. How and when you became aware of the Adverse Incident. F. Description of the Adverse Incident identified and the location. G. The U.S. Environmental Protection Agency (EPA) pesticide registration number for each product you applied in the area of the Adverse Incident. H. Description of any steps you have taken or will take to correct, repair, remedy, cleanup, or otherwise address any adverse effects, if applicable. The Adverse Incident notification and reporting requirements are in addition to what the registrant is required to submit under Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) Section 6(a)(2) and its implementing regulations at 40 CFR pt. 159. [Minn. R. 7001.0150, subp. 2, Minn. R. 7001.0150, subp. 2, Minn. R. 7001.1080, subp. 4-5, Minn. R. 7001.1090]
5.1.26	<p>Following Immediate Adverse Incident Notification in the Adverse Incident Notification and Reporting for both Decision-makers and Applicators, submittal of an Adverse Incident Report per the Adverse Incident Report Section is not required in situations identified in A. through D. below. However, documentation must be submitted to the MPCA either by electronic mail to the assigned MPCA staff or by letter to the Water Quality Submittals Center within fifteen (15) days of the Notification and must include justification as to why the Decision-maker and/or Applicator believes the Adverse Incident meets one or more of the situations identified below:</p> <ul style="list-style-type: none"> A. An Adverse Incident occurs to pests that are similar in kind to pests identified as potential targets on the FIFRA label. B. You are aware of facts that clearly establish that the Adverse Incident was not related to toxic effects or exposure from the pesticide application. C. You have been notified in writing by MPCA that the reporting requirement has been waived for this incident or category of incidents. D. You receive information notifying you of an Adverse Incident but that information is clearly erroneous. [Minn. R. 7001.0150, subp. 2, Minn. R. 7001.0150, subp. 4-5, Minn. R. 7001.1090]
5.1.27	<p>Adverse Incident Report. Within fifteen (15) days of a reportable Adverse Incident pursuant to The Adverse Incident Notification and Reporting for both Decision-makers and Applicators of this Permit, you must provide a written Adverse Incident Report to the MPCA Water Quality Submittals Center. Your Adverse Incident Report must include at least the following information: Permit No. MNG87B000</p> <ul style="list-style-type: none"> A. Information required to be provided in the Adverse Incident Notification and Reporting for both Decision-makers and Applicators Section. B. Date and time you notified authorities, whom you spoke with, and any instructions you received. C. Location of incident, including the names of any waters affected and appearance of those waters (sheen, color, clarity, etc).

	<p>D. A description of the circumstances, including species affected estimated number of individual and approximate size of dead or distressed organisms.</p> <p>E. Magnitude and scope of the affected area (e.g. aquatic square area or total stream distance affected).</p> <p>F. Pesticide application rate, intended use site (e.g., banks, above, or direct to water), method of application, and name of pesticide product, description of pesticide ingredients, and EPA registration number.</p> <p>G. Description of the habitat and the circumstances under which the Adverse Incident occurred (including any available ambient water data for pesticides applied).</p> <p>H. If laboratory tests were performed, indicate what test(s) were performed and when, and provide a summary of the test results within 5 days after they become available.</p> <p>I. Actions to be taken to prevent recurrence of Adverse Incidents.</p> <p>J. Signed and dated in accordance with the Standard Permit Requirements Section (Required Signatures). [Minn. R. 7001, Minn. R. 7001.0150, subp. 2, Minn. R. 7001.1080, subp. 4-5, Minn. R. 7001.1090]</p>
5.1.28	<p>Adverse Incident to Threatened or Endangered Species or Critical Habitat.</p> <p>Notwithstanding any of the other Adverse Incident notification requirements of the Adverse Incident Notification and Reporting for both Decision-makers and Applicators, if you become aware of an Adverse Incident to a federally or state-listed threatened or endangered species or its federally-designated critical habitat, that may have resulted from a discharge from your pesticide application, you must immediately notify the U.S. Fish and Wildlife Service (FWS) - Twin Cities Field Office (Ecological Services) at 612-725-3548 (TwinCities@fws.gov) or the Minnesota Department of Natural Resources (MDNR) Division of Ecological and Water Resources at 888-646-6367 or 651-296-6157, in the metro area. This notification must be made by telephone immediately upon your becoming aware of the Adverse Incident and must include at least the following information:</p> <p>A. The caller's name and telephone number.</p> <p>B. Applicator name, mailing address, and telephone number (if different than above).</p> <p>C. The name of the affected species.</p> <p>D. How and when you became aware of the Adverse Incident.</p> <p>E. Description of the location of the Adverse Incident.</p> <p>F. Description of the Adverse Incident, including the EPA pesticide registration number for each product you applied in the area of the Adverse Incident.</p> <p>G. Description of any steps you have taken or will take to alleviate the adverse impact to the species.</p> <p>Additional information on federal and state-listed threatened or endangered species and critical habitat is available from FWS (http://www.fws.gov/midwest/TwinCities/) and Minnesota Department of Natural Resources MDNR http://www.dnr.state.mn.us/eco/index.html). [Minn. R. 7001, Minn. R. 7001.0150, subp. 2, Minn. R. 7001.1080, subp. 1]</p>
5.1.29	<p>Where multiple entities are authorized for a discharge that results in an Adverse Incident, notification and reporting by any one of the entities (Decision-maker or Applicator) constitutes compliance for all of the entities, provided a copy of the written report required in the Adverse Incident Report Section is also provided to all of the other authorized Decision-makers and/or Applicators within 30 days of the reportable adverse incident. [Minn. R. 7001, Minn. R. 7001.0150, subp. 2, Minn. R. 7001.1080, subp. 4-5, Minn. R. 7001.1090]</p>
5.1.30	<p>Corrective Action. [Minn. R. 7001]</p>
5.1.31	<p>If any site-monitoring activities conclusively indicate that you failed to meet the basic requirements in the Basic Requirements Section of this Permit, you must review and, as</p>

	necessary, revise the evaluation and selection of your pest management measures to ensure that the situation is eliminated and will not be repeated in the future. [Minn. R. 7001.0150, subp. 2-3, Minn. R. 7001.1090]
5.1.32	<p>If any of the following situations occur, Decision-makers and Applicators must review and, as necessary, revise the evaluation and selection of your pest management measures to ensure that the situation is eliminated and will not be repeated in the future:</p> <p>A. An unauthorized release or discharge associated with the application of pesticides (e.g., spill, leak, or discharge not authorized by this or another NPDES/SDS permit) occurs.</p> <p>B. You become aware, or MPCA concludes, that your control measures are not adequate/sufficient for the discharge to meet applicable water quality standards.</p> <p>C. An inspection or evaluation of your activities by an MPCA official or local entity reveals that modifications to the control measures are necessary to meet the non-numeric effluent limits in this permit.</p> <p>D. You observe, or are otherwise made aware of, a Reportable Adverse Incident. [Minn. R. 7001]</p>
5.1.33	If you determine that changes to your pest management measures are necessary to eliminate any situation identified in the Corrective Action Section, such changes must be made before the next pesticide application that results in a discharge if practicable, or if not, as soon as possible thereafter. [Minn. R. 7001, Minn. R. 7001.0150, subp. 2, Minn. R. 7001.1080, Minn. R. 7001.1090]
5.1.34	The occurrence of a situation identified in Corrective Action Section may constitute a violation of the permit. Correcting the situation does not absolve you of liability for any original violation. However, failure to comply with the Corrective Action Section constitutes an additional permit violation. The MPCA will consider the appropriateness and promptness of corrective action in determining enforcement responses to permit violations. [Minn. R. 7001, Minn. R. 7001.1080, subp. 4, Minn. R. 7001.1090, subp. 1(B)]
5.1.35	The MPCA or a court may impose additional requirements and schedules of compliance, including requirements to submit additional information concerning the condition(s) triggering corrective action or schedules and requirements more stringent than specified in this permit. Those requirements and schedules will supersede those of the Corrective Action Section if such requirements conflict. [Minn. R. 7001, Minn. R. 7001.0150, subp. 2-3(B), Minn. R. 7001.1080]
5.1.36	Recordkeeping. [Minn. R. 7001.0080]
5.1.37	Decision-makers and Applicators must keep written records as required in this permit. These records must be accurate and complete and sufficient to demonstrate your compliance with the conditions of this permit. You can substitute records and documents developed for other obligations, such as requirements FIFRA and state or local pesticide programs, provided all requirements of this permit are satisfied. [Minn. R. 7001.0080]
5.1.38	Decision-makers and Applicators shall keep records of acres or linear miles treated and/or the amount of pesticide applied (in gallons) for all activities covered under this general permit. The records must be kept up-to-date to help you determine if your permitted discharge meets the thresholds as identified in the General Permit Applicability and Eligibility Section. [Minn. R. 7001., Minn. R. 7001.0150]
5.1.39	<p>Decision-makers and Applicators must keep the following records:</p> <p>A. A copy of any Adverse Incident Reports (Adverse Incident Report Section of this Permit).</p> <p>B. Your rationale for any determination that reporting of an identified Adverse Incident is not required consistent with allowances in the Adverse Incident Notification and Reporting for both Decision-makers and Applicators. [Minn. R. 7001]</p>

5.1.40	<p>Applicators must retain the following records required under authority of the Minnesota Department of Agriculture. When an application is performed by a for-hire Applicator, the Applicator is required to give a copy of the records to the Decision-maker (customer):</p> <ul style="list-style-type: none"> A. Name of Target pest. B. Name of Applicator (individual and company), including license number and company address. C. Pesticide application date(s) and time(s). D. Brand name of the pesticide, the EPA registration number, and dosage used. E. Location of the site where the pesticide was applied, including number of units treated (acres or linear feet, or gallons of pesticide applied). F. Temperature, wind speed, and wind direction at time of each pesticide application. G. Documentation of equipment calibration. H. Whether or not visual monitoring was conducted during pesticide application and if not, why not and whether monitoring identified any possible or observable adverse incidents caused by application of pesticides. [Minn. R. 7001, Minn. R. 7001.0150, Minn. R. 7001.1080]
5.1.41	Requirements for Decision-makers that Must Submit a NOI. [Minn. R. 7001.0210, subp. 4]
5.1.42	Authorization to Discharge under This Permit. [Minn. R. 7001]
5.1.43	<p>To obtain authorization under this permit, a Decision-maker must meet the eligibility requirements identified in the General Permit Applicability and Eligibility Section and, if so required, submit a NOI in accordance with the General Permit Applicability and Eligibility Section (Thresholds) of this Permit. [Minn. R. 7001, Minn. R. 7001.1030]</p>
5.1.44	<p>Decision-makers are authorized to discharge under this permit as follows:</p> <ul style="list-style-type: none"> A. Decision-makers that are Agencies or Pest Control Districts with land resource stewardship responsibilities authorization date is upon obtaining notice of coverage (NOC); NOI is due 30 days prior to application. B. Any Decision-maker not required to submit an NOI- an NOI is Not applicable and Discharge authorization date is Immediately upon beginning the discharge. C. Decision-makers whose discharges begin after final permit issuance and that meet the criteria in the General Permit Applicability and Eligibility Section requiring submission of an NOI. The NOI is due 10 days prior to exceeding a threshold and those entities that must obtain coverage as stated in General Permit Applicability and Eligibility section. The Discharge is authorized immediately upon beginning to discharge, until the discharge exceeds a threshold, unless that decision-maker is required to obtain permit coverage regardless of thresholds. D. Decision-makers whose discharge is in response to a declared pest emergency situation, as defined in the Permit Specific Definitions Section for which that activity triggers the NOI requirement identified in the General Permit Applicability and Eligibility Section. The NOI is due no later than 30 days after beginning discharge. The discharge is authorized immediately for activities in response to a declared emergency situation. A complete and accurate NOI shall be submitted within 30 days of the declared emergency. Coverage is reauthorized after MPCA notified them of receipt of a complete and accurate NOI. E. Any Decision-makers requiring permit coverage for a treatment area not within the pest management area identified on a previously submitted NOI. (If the Decision-maker cannot determine whether a revised NOI is needed, the Decision-maker may contact the MPCA.) The NOI is due at least 10 days before beginning to discharge in that newly identified area, unless discharges are in response to a declared pest emergency, in which case the NOI is due no later than 30 days after beginning discharge. Discharge is authorized after MPCA notifies the Decision-maker of receipt of a complete and accurate NOI, unless discharges are in response to a declared pest emergency. If a declared pest

	emergency, a complete and accurate NOI shall be submitted within 30 days of the declared emergency. Coverage is reauthorized after MPCA notifies Decision-maker of receipt on the Internet of a complete and accurate NOI. [Minn. R. 7001]
5.1.45	Coverage is for the Decision-maker who filed a NOI, including its employees, contractors, subcontractors, Applicators (commercial/for-hire applicators) and other agents, for all activities identified on the NOI. Applicators that are not also Decision-makers do not need to submit a NOI. [Minn. R. 7001]
5.1.46	If required to submit an NOI, a Decision-maker must submit the NOI in accordance with the deadlines in the Requirements for Decision-makers Section of the Permit. The Decision-maker must prepare and submit the application available on MPCA's website (https://www.pca.state.mn.us/business-with-us/wastewater-permit-forms). MPCA will notify Decision-makers of complete and accurate NOIs received. Late NOIs will be accepted, but authorization to discharge will not be retroactive. Additional information can be found on the Pesticide permit webpage (https://www.pca.state.mn.us/business-with-us/pesticide-npdes-permits). [Minn. R. 7001, Minn. R. 7001.0150]
5.1.47	Based on a review of your NOI or other information, the MPCA may coverage for further review, notify you that additional effluent limitations are necessary, or may deny coverage under this permit and require submission of an application for an individual NPDES/SDS permit, as detailed in the MPCA Requiring Coverage under an Individual or Alternative General Permit Section. In these instances, the MPCA will notify you in writing of the delay, of the need for additional effluent limits, or of the request for submission of an individual NPDES/SDS permit application. [Minn. R. 7001, Minn. R. 7001.0150, subp. 3(B), Minn. R. 7001.1010, Minn. R. 7001.1080, Minn. R. 7001.1090]
5.1.48	Technology-Based Effluent Limits. [Minn. R. 7001.0210]
5.1.49	Pesticide Management Measures. [Minn. R. 7001.0210]
5.1.50	If you discharge pollutants as a result of the application of pesticides for the sole purpose of pesticide research and development (defined in Permit Specific Definitions Section), you are not required to fully implement the Pesticide Management Measures Section for such discharges, but you still must implement the Basic Requirements Section to the extent that its requirements do not compromise the research design. [Minn. R. 7001, Minn. R. 7001.0150, subp. 2, Minn. R. 7001.0712, Minn. R. 7001.1030]
5.1.51	Decision-makers that submit a NOI are required to evaluate, select, and implement site-specific control measures that reduce and/or eliminate discharges of pesticides to waters of the state to the extent technologically available and economically practicable and achievable to meet the effluent limits in the Basic Requirements and Pesticide Management Measures Sections of the permit. Control measures can be actions (including processes, procedures, schedules of activities, prohibitions on practices and other management practices), or structural or installed devices to minimize discharges of pesticides to waters of the state. [Minn. R. 7001]
5.1.52	Part 1: Identify the Problem. [Minn. R. 7001.0210]
5.1.53	Prior to the first pesticide application covered under this permit that will result in a discharge to waters of the state, and at least once each year thereafter during which you will have a discharge, you must do the following for each pest management area: A. Establish target pest densities to serve as action threshold(s) for implementing pest management strategies. The action threshold is a point at which pest populations or environmental conditions indicate that pest control action must be taken. Action thresholds help determine both the need for control action and the proper time of such actions. B. Identify target species to develop a species-specific pest management strategy based on developmental and behavioral considerations for each species.

	<p>C. Identify current distribution of the target pest and assess potential distribution in the absence of control measures.</p> <p>D. In the event there are no data for your pest management area in the past calendar year, use other available data as appropriate to meet the permit conditions A - C above. [Minn. R. 7001, Minn. R. 7001.1080]</p>
5.1.54	Part 2: Pest Management Strategies. [Minn. R. 7001.0210]
5.1.55	<p>Prior to the first pesticide application covered under this permit that will result in a discharge to waters of the state, and at least once each year thereafter during which you will have a discharge, you must select and implement for each pest management area efficient and effective pest management strategies that most successfully minimize discharges resulting from application of pesticides to control mosquitoes or other flying insect pests, including the use of pesticide and non-pesticide methods. In developing your pest management strategies, you must evaluate the following management options considering impact to water quality, non-target organisms, pest resistance, feasibility, and cost effectiveness:</p> <p>A. No action.</p> <p>B. Prevention.</p> <p>C. Mechanical/physical methods.</p> <p>D. Cultural methods.</p> <p>E. Biological control agents.</p> <p>F. Pesticides. [Minn. R. 7001]</p>
5.1.56	Part 3: Pesticide Use. [Minn. R. 7001.0210]
5.1.57	<p>If a pesticide is selected to managing pests and application of the pesticide will result in a discharge to waters of the state, you must:</p> <p>A. Conduct surveillance prior to each application to assess the pest management area and to determine when the pest action threshold is met that necessitates the need for pest management.</p> <p>B. Assess environmental conditions (e.g. temperature, wind speed, and wind direction) in the treatment area to identify conditions that support target pest development and are conducive for treatment activities.</p> <p>C. Reduce the impact on the environment and non-target organisms by evaluating the restrictions, application timing, and application methods in addition to applying the pesticide only when the action thresholds have been met.</p> <p>D. Evaluate using pesticides against the most susceptible developmental stage. [Minn. R. 7001]</p>
5.1.58	Pesticide Discharge Management Plan (PDMP) for Large Entities. [Minn. R. 7001.0210]
5.1.59	<p>Decision-makers required to submit a NOI and are a Large Entity (defined in Permit Specific Definitions), must prepare a PDMP for discharges from all treatment areas covered under this permit prior to submittal of the NOI. The PDMP does not contain effluent limitations; the limitations are contained in the Basic Requirements and Pesticide Management Measures Section of this Permit. One PDMP may cover one or more treatment areas for each pesticide application activity. [Minn. R. 7001, Minn. R. 7001.0150, Minn. R. 7001.1080, Minn. R. 7001.1090]</p>
5.1.60	<p>The PDMP is intended to document the evaluation and selection of control measures. The additional documentation requirements (see Adverse Incidents and Recordkeeping Sections of this permit) are intended to document the implementation (including inspection, maintenance, monitoring, and corrective action) of the permit requirements. In your PDMP, you may refer to procedures in other documents that meet the requirements of this permit. If you reference other documents, you must keep a copy of relevant portions of those documents with your PDMP and make it available for review</p>

	consistent with the PDMP Availability Section. [Minn. R. 7001, Minn. R. 7001.0150, Minn. R. 7001.1080, subp. 4, Minn. R. 7001.1090]
5.1.61	Your PDMP must contain the following elements: A. Pesticide Discharge Management Team. B. Problem Description. C. Control Measures Description. D. Schedules and Procedures. 1) Spill Response Procedures. 2) Adverse Incident Response Procedures. E. Signature Requirements. [Minn. R. 7001]
5.1.62	PDMP - Team. [Minn. R. 7001.0210]
5.1.63	You must identify the persons (by name or title) that comprise the team as well as their individual responsibilities, including: A. Person(s) responsible for managing pests in the treatment area described below. B. Person(s) responsible for developing and revising the PDMP. C. Person(s) responsible for taking corrective actions where required. D. Person(s) responsible for pesticide applications. If Applicator is unknown at the time of plan development, indicate whether or not a for-hire Applicator will be used. [Minn. R. 7001]
5.1.64	Identification of team members must include any written agreement(s), such as a for-hire Applicator, that specify the division of responsibilities between Decision-makers and Applicators as necessary to comply with the provisions of this permit. [Minn. R. 7001]
5.1.65	PDMP - Problem and Pest Management Area Description. [Minn. R. 7001.0210]
5.1.66	You must document the pest problem in your pest management area as required in the Pesticide Management Measures Section of this permit, including, but not limited to, identification of the target pest(s), source of the pest problem, and source of data used to identify the problem, action thresholds, and how they were determined. [Minn. R. 7001, Minn. R. 7001.0150, Minn. R. 7001.1080]
5.1.67	You must include a general location map (e.g., USGS quadrangle map, a portion of a city or county map, or other map) that identifies the geographic boundaries of the area to which the plan applies and location of the waters of the state. [Minn. R. 7001]
5.1.68	You must document any water(s) identified as impaired by a substance which either is an active ingredient or a degradate of such an active ingredient. [Minn. R. 7001]
5.1.69	PDMP - Control Measure Description. [Minn. R. 7001.0210]
5.1.70	You must document your evaluation of control measures for your pest management area. You must document the control measures you will implement to comply with the effluent limitations required in Basic Requirements and Pesticide Management Measures. Include in the description the active ingredient(s) evaluated. [Minn. R. 7001, Minn. R. 7001.0150, Minn. R. 7001.1080]
5.1.71	PDMP - Schedules and Procedures. [Minn. R. 7001.0210]
5.1.72	You must document schedules and procedures in your PDMP pertaining to control measures and pest management measures used to comply with the "Effluent Limitations" in the Basic Requirements and Pesticide Management Measures Sections of this Permit, including: A. Spill Response Procedures - At a minimum, Decision-makers must have: 1) Procedures for expeditiously stopping, containing, and cleaning up leaks, spills, and other releases to waters of the states. Employees who may cause, detect, or respond to a spill or leak must be trained in these procedures and have necessary spill response equipment available. If possible, one of these individuals should be a member of the PDMP team.

	<p>2) Procedures for notification of appropriate facility personnel, emergency response agencies, and regulatory agencies.</p> <p>B. Adverse Incident Response Procedures - At a minimum, Decision-makers must have:</p> <p>1) Procedures for responding to any adverse incident resulting from pesticide applications;</p> <p>2) Procedures for notification of the adverse incident, both internal to the Decision-maker's agency/organization and external. Contact information for state/federal permitting agency, nearest emergency medical facility, and nearest hazardous chemical responder must be in locations that are readily accessible and available. [Minn. R. 7001, Minn. R. 7001.0150, Minn. R. 7001.1080, Minn. R. 7001.1090]</p>
5.1.73	PDMP - Signature and Modifications. [Minn. R. 7001.0210]
5.1.74	You must sign, date, and certify your PDMP in accordance with the Required Signatures portion of the Standard Permit Requirements. [Minn. R. 7001, Minn. R. 7001.0070, Minn. R. 7001.0150, subp. 2(D), Minn. R. 7001.0540]
5.1.75	You must modify your PDMP whenever necessary to address any of the triggering conditions for corrective action in the Corrective Action Section or when a change in pest control activities significantly changes the type or quantity of pollutants discharged. [Minn. R. 7001, Minn. R. 7001.0150, Minn. R. 7001.0170]
5.1.76	Changes to your PDMP must be made before the next pesticide application that results in a discharge, if practicable, or if not, as soon as possible thereafter. The revised PDMP must be signed and dated in accordance with the Standard Permit Requirements Section. [Minn. R. 7001, Minn. R. 7001.0070, Minn. R. 7001.0150, Minn. R. 7001.0170, Minn. R. 7001.1080, Minn. R. 7001.1090]
5.1.77	Changes to your PDMP must be made before the next pesticide application that results in a discharge, if practicable, or if not, as soon as possible thereafter. The revised PDMP must be signed and dated in accordance with the Standard Permit Requirements Section. [Minn. R. 7001]
5.1.78	PDMP - Availability. [Minn. R. 7001.0210]
5.1.79	You must retain a copy of the current PDMP, along with all supporting maps and documents, at the address provided in the NOI. The PDMP and all supporting documents must be readily available, upon request, and copies of any of these documents provided, upon request, to the MPCA or agencies governing discharges or pesticide applications within their respective jurisdictions. [Minn. R. 7001]
5.1.80	The MPCA may provide copies of your PDMP or other information related to this permit that is in its possession to members of the public (Minn. Stat. § 13). Any Confidential Business Information (CBI), as defined in Minn. Stat. § 116.075 (40 CFR pt. 2), may be withheld from the public provided that a claim of confidentiality is properly asserted and documented in accordance with Minn. R. 7000.1300 (40 CFR pt. 2). However, confidential business information (CBI) must be submitted to the MPCA if requested, and may not be withheld from those staff within the MPCA or local/federal agencies cleared for CBI review in the Confidential Information portion of the Standard Permit Requirements. [Minn. R. 7000.1300, Minn. Stat. ch. 116.075, State Definitions]
5.1.81	Corrective Action Documentation. [Minn. R. 7001.0210]
5.1.82	Decision-makers required to submit a NOI, for situations identified in the Corrective Action Section that do not include Adverse Incidents, must document the situation triggering corrective action and the planned corrective action within fifteen (15) days of becoming aware of the situation and retain a copy of this documentation. This documentation must include, but is not limited to the following information: <p>A. Identification of the condition triggering the need for corrective action review, including any ambient water quality monitoring that assisted in determining that</p>

	<p>discharges did not meet water quality standards.</p> <p>B. Date the problem was identified.</p> <p>C. Brief description of the situation.</p> <p>D. Brief description of how the problem was identified, how you learned of the situation, and date you learned of the situation.</p> <p>E. Summary of corrective action taken or to be taken including date initiated and date completed or expected to be completed.</p> <p>F. Any measures to prevent reoccurrence of such a problem.</p> <p>G. For large entities, include whether PDMP modifications are required as a result of the problem. [Minn. R. 7001]</p>
5.1.83	Recordkeeping. [Minn. R. 7001.0210]
5.1.84	<p>In addition to the recordkeeping requirements under this portion of this permit, Decision-makers who submit a NOI are required to keep records listed below at the address provided on the NOI. This includes recordkeeping requirements listed at the end of this Section of this permit, which is required by Minnesota Department of Agriculture to be recorded by any for-hire Applicators and copied to the Decision-maker (customer).</p> <p>A. A copy of the NOI submitted to the MPCA, any correspondence exchanged between you and the MPCA specific to coverage under this permit, and your assigned permit tracking number.</p> <p>B. Documentation of any equipment cleaning, calibration, and repair (only if Decision-maker is also the Applicator).</p> <p>C. Description of pest management measures(s) implemented prior to the first pesticide application.</p> <p>D. Target pest(s) and pest density prior to pesticide application.</p> <p>E. Identification of any waters, either by name or by location, to which you discharged any pesticide(s).</p> <p>F. Quantity of each pesticide product applied to each treatment area.</p> <p>G. Whether or not visual monitoring was conducted during pesticide application and/or post application and if not, why not and whether monitoring identified any possible or observable adverse incidents caused by application of pesticides. [Minn. R. 7001]</p>
5.1.85	Recordkeeping for Large Entities. [Minn. R. 7001.0210]
5.1.86	<p>In addition to the Recordkeeping Section, any Decision-maker required to submit an NOI and is a Large Entity must retain the following records at the address provided on the NOI:</p> <p>A. A copy of the PDMP, including any modifications made to the PDMP during the term of this permit.</p> <p>B. Copy of Annual Reports submitted to MPCA.</p> <p>C. Action Thresholds.</p> <p>D. Method and/or data used to determine that action threshold(s) has been met. [Minn. R. 7001]</p>
5.1.87	<p>All required records must be documented as soon as possible but no later than 15 days following pesticide application. You must retain any records required under this permit for at least 5 years after the date of pesticide application. You must make available to the MPCA, including an authorized representative of MPCA, all records, including electronic records, kept under this permit upon request and provide copies of such records, upon request. [Minn. R. 7001]</p>
5.1.88	Annual Reporting for Large Entities. [Minn. R. 7001.0210]
5.1.89	<p>If you submitted a NOI and are considered a Large Entity, you must submit an Annual Report to the MPCA by February 15 for all pesticide activities covered under this permit occurring during the previous calendar year. You must retain a copy for your records. The</p>

	report shall be completed on MPCA's Annual Report form. The first Annual Report is due February 15, 2021, for facilities that discharged during 2020 for new permittees. [Minn. R. 7001]
5.1.90	Once you meet the obligation to submit an Annual Report, you must submit an Annual Report each calendar year thereafter for the duration of coverage under this general permit. If pesticide application does not occur in a subsequent calendar year, you may indicate "No Discharge" on the Annual Report form for that year. [Minn. R. 7001]
5.1.91	The Annual Report must include information for the previous calendar year. The first annual report must include activities for the portion of the calendar year after the effective receipt date of the NOI. If the effective date is after November 1, you are not required to submit an Annual Report for that first partial year but must submit annual reports thereafter, with the first Annual Report submitted also including information from the first partial year. [Minn. R. 7001]
5.1.92	When you terminate permit coverage, as specified in the Terminating Coverage Section, you must submit an Annual Report for the portion of the year up through the date of your termination. The Annual Report must be postmarked no later than 45 days after your termination date, or February 15 of the following year, whichever is earlier. [Minn. R. 7001]
5.1.93	The Annual Report must contain the following information: A. Decision-maker name. B. NPDES/SDS permit tracking number(s). C. Contact person name, title, e-mail address (if any), and telephone number. D. For each pest treatment area, report the following information: 1) Identification of any waters or other treatment area either by name or by location, including size and Latitude and Longitude, to which you discharged any pesticide(s). 2) Pesticide use pattern(s) and target pest(s). 3) Total amount of each pesticide product applied for the reporting year listed by the EPA registration number(s) and by application method (e.g., aerially by fixed-wing or rotary aircraft, broadcast spray, etc.). 4) Whether this pest control activity was addressed in your PDMP prior to pesticide application. 5) If applicable, a Report of any Adverse Incidents as a result of these treatment(s). 6) A description of any corrective action(s), including spill responses, resulting from pesticide application activities and the rationale for such action(s). [Minn. R. 7001]
5.1.94	Terminating Coverage. [Minn. R. 7001.0210]
5.1.95	Decision-makers required to submit a NOI must submit a complete and accurate Notification of Permit Termination via e-services to terminate permit coverage. Authorization to discharge under this permit terminates after the Decision-maker receives either written or electronic notification by the MPCA that permit coverage has been terminated. You are responsible for meeting the terms of this permit until your authorization is terminated. [Minn. R. 7001]
5.1.96	You must submit a Notification of Permit Termination via e-services within 30 days after one of the following conditions has been met: A. You have ceased all discharges from the application of pesticides for which you obtained permit coverage and you do not expect to discharge during the remainder of the permit term for the activity identified in the General Permit Applicability Section including, but not limited to monitoring, reporting and recordkeeping; or B. You have obtained coverage under an individual permit or an alternative general permit for all discharges required to be covered by an NPDES/SDS permit, no Notification of Permit Termination is required to be submitted. If you submit a Notification of Permit Termination without meeting one of the above conditions, your form is not valid. [Minn.

	R. 7001]
5.1.97	Decision-makers are required to submit Annual Reports pursuant to the Annual Reporting for Large Entities Section and must file an Annual Report for the portion of the year up through the date of termination. The Annual Report is due no later than 45 days after termination date. [Minn. R. 7001]
5.1.98	Individual or Alternative General Permits. [Minn. R. 7001.0210]
5.1.99	MPCA Requiring Coverage under an Individual or Alternative General Permit. [Minn. R. 7001.0210]
5.1.100	The MPCA may require you to obtain authorization to discharge under either an individual NPDES/SDS permit or an alternative NPDES/SDS general permit in accordance with 40 CFR § 122.64 and § 124.5, and Minn. R. ch. 7001. [Minn. R. 7001]
5.1.101	If MPCA requires you to apply for an individual NPDES/SDS permit, the MPCA will notify you in writing that a permit application is required. This letter will include a brief statement of the reasons for this decision and will provide application information, including a deadline to file the permit application. The MPCA may grant additional time to submit the application if you submit a request setting forth reasonable grounds for additional time. [Minn. R. 7001]
5.1.102	If you are covered under this permit and fail to submit an individual NPDES/SDS permit application as required by the MPCA, then this permit's coverage to you is terminated at the end of the day specified by the MPCA as the deadline for application submittal. The MPCA may take appropriate enforcement action for any unpermitted discharge. [Minn. R. 7001]
5.1.103	If during the course of this general permits' term the water of the state being discharged to is listed as Impaired pursuant to Section 303(d) of the CWA for a pesticide or its degradates, and general permit coverage is for the discharge of that specific pesticide or one of its degradates, you shall notify the MPCA whether you will retain coverage under the general permit and thus are required to change the pesticide being used, or obtain an individual permit or an alternative general permit by meeting the requirements of the Decision-maker Requesting Coverage under an Individual or Alternative General Permit section of this Permit. The listing of Impaired Waters can be found at https://www.pca.state.mn.us/air-water-land-climate/minnesotas-impaired-waters-list . [Minn. R. 7001]
5.1.104	Decision-maker Requesting Coverage under an Individual or Alternative General Permit. [Minn. R. 7001.0210]
5.1.105	You may request to be excluded from coverage under this general permit by applying for an individual permit. In such a case, you must submit an individual permit application in accordance with the requirements of Minn. R. 7001.0050 with reasons supporting the request. The request may be granted by issuance of an individual permit or authorization of coverage under an alternative general permit if your reasons are warranted. Any interested person may petition the MPCA commissioner to take action under 40 C.F.R. § 122.28(b)(3)(i) to require a facility covered by the general permit to apply for and obtain an individual permit. [Minn. R. 7001]
5.1.106	When an individual NPDES/SDS permit or an alternative NPDES/SDS general permit is issued, the Permittee shall request Permit Termination via the Notification of Permit Termination e-services. e-Services notification should occur on the effective date of the individual permit, or as soon as practicably possible following the effective date of coverage under the alternative general permit. [Minn. R. 7001]
5.1.107	Standard Permit Requirements. [Minn. R. 7001.0210]
5.1.108	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. [Minn. R. 7001]
5.1.109	Other federal and state laws. Permittees must comply with all other applicable federal and state laws and regulations that pertain to the application of pesticides. For example, this permit does not negate the requirements under the FIFRA and its implementing regulations to use registered pesticides consistent with the product's labeling. In fact, applications in violation of certain FIFRA requirements could also be a violation of the permit and therefore a violation of the CWA (e.g. exceeding label application rates). [Minn. R. 7001]
5.1.110	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 MPCA. [Minn. R. 7001.0150, subp. 3(E)]
5.1.111	Toxic Discharges Beyond Impact to Target Species Prohibited. Whether or not this permit includes effluent limitations for toxic pollutants, the Permittee shall not discharge a toxic pollutant that will impact non-target species except according to 40 CFR pt. 400 to 460 and Minn. R. chs. 7050, 7052, 7053 and any other applicable MPCA rules (Minn. R. 7001.1090, subp. 1,[A]). [Minn. R. 7001]
5.1.112	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 non-target aquatic life, or other adverse impact on the receiving water. [Minn. R. 7001, Minn. R. 7001.0210, subp. 2]
5.1.113	Property Rights. This permit does not convey a property right or an exclusive privilege. [Minn. R. 7001, Minn. R. 7001.0150, subp. 3(C)]
5.1.114	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, Minn. R. 7001.0150, subp. 3(O)]
5.1.115	MPCA Obligations. 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, Minn. R. 7001.0150, subp. 3(D)]
5.1.116	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, Minn. R. 7001.0150, subp. 3(A)]
5.1.117	More Stringent Rules. 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(B)]
5.1.118	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. [Minn. R. 7001]
5.1.119	Compliance with Other Rules and Statutes. The Permittee shall comply with all applicable air quality, solid waste, and hazardous waste statutes and rules. [Minn. R. 7001]
5.1.120	Inspection and Entry. When authorized by Minn. Stat. § 115.04; 115B.17, subd. 4; and 116.091, and upon resresentation of proper credentials, the MPCA, 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]
5.1.121	<p>Completing Reports. The Permittee shall submit the results of the required sampling and monitoring activities as required in this permit. The information shall be recorded in the specified areas on those forms and in the units specified (Minn. R. 7001.1090, subp. 1[D]; Minn. R. 7001.0150, subp. 2[B]). Required reports may include:</p> <p>A. Adverse Incident Report B. Annual Report. [Minn. R. 7001, Minn. R. 7001.0150, subp. 2(B)]</p>
5.1.122	<p>Submitting Reports. Forms shall be submitted to:</p> <p>Attn: WQ Submittals Center Minnesota Pollution Control Agency 520 Lafayette Road North St. Paul, Minnesota 55155-4194</p> <p>Reports shall be submitted as specified in this permit. Annual Reports shall be submitted for each event even if no discharge occurred during the reporting period. [Minn. R. 7001, Minn. R. 7001.0150, subp. 2(B), Minn. R. 7001.0150, subp. 3(H)]</p>
5.1.123	<p>Incomplete or Incorrect Reports. The Permittee shall immediately submit an amended report to the MPCA upon discovery by the Permittee or notification by the MPCA that it has submitted an incomplete or incorrect report. The amended report shall contain the missing or corrected data along with a cover letter explaining the circumstances of the incomplete or incorrect report. [Minn. R. 7001, Minn. R. 7001.0150, subp. 3(G)]</p>
5.1.124	<p>Required Signatures. All 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 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. [Minn. R. 7001, Minn. R. 7001.0070, Minn. R. 7001.0150, subp. 2(D), Minn. R. 7001.0540]</p>
5.1.125	<p>Records. The Permittee shall, when requested by the MPCA, 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, Minn. R. 7001.0150, subp. 3(H)]</p>
5.1.126	<p>Confidential Information. Except for data determined to be confidential according to Minn. Stat. § 116.075, subd. 2, all reports required by this permit shall be available for public inspection. In order to maintain data for confidential use of the MPCA, pursuant to Minn. Stat. § 116.075, or as nonpublic data not on individuals or private data as it relates to individuals, pursuant to Minn. Stat. § 13.37, a person must affirmatively request such recognition by providing the Commissioner a written request setting forth the statutory grounds and the reasons that justify the classification of the records or other information as not public. Effluent data shall not be considered confidential. To request the MPCA maintain data as confidential, the Permittee must follow Minn. R. 7000.1300. [Minn. R. 7001]</p>
5.1.127	Noncompliance and Enforcement. [Minn. R. 7001.0210]
5.1.128	<p>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 CWA; 33 U.S.C. § 1319, as amended; and in Minn. Stat. § 115.071</p>

	and 116.072, including monetary penalties, imprisonment, or both (Minn. R. 7001.1090, subp. 1, item D. [Minn. R. 7001]
5.1.129	Criminal Activity. The Permittee may not knowingly make a false statement, representation, or certification in a record or other document submitted to the MPCA. A person who falsifies a report or document submitted to the MPCA, 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[G]). [Minn. R. 7001]
5.1.130	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), Minn. R. 7001]
5.1.131	Civil and Criminal Liability. Nothing in this permit shall be construed to relieve the Permittee from civil or criminal penalties for noncompliance with the terms and conditions provided herein. Nothing in this permit shall be construed to preclude the initiation of any legal action or relieve the Permittee from any responsibilities, liabilities, or penalties to which the Permittee is or may be subject to under Section 311 of the CWA and Minn. Stat. chs. 115 and 116, as amended; and any rules adopted thereunder. [Minn. Stat. ch. 115, Minn. Stat. ch. 116]
5.1.132	Noncompliance. If the Permittee discovers, through any means, including notification by the MPCA, that noncompliance with a condition of the permit has occurred, the Permittee shall take all reasonable steps to minimize the adverse impacts on human health, public drinking water supplies, or the environment resulting from the noncompliance (Minn. R. 7001.1090, subp. 3[J]). [Minn. R. 7001, Minn. R. 7001.1090, subp. 3(J)]
5.1.133	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. § 115.061). [40 CFR 122.41, Minn. R. 7001.1090, subp. 1(J), Minn. R. 7001.1090, subp. 1(K), Minn. Stat. ch. 115.061]
5.1.134	Discovery of a Release. Upon discovery of a release, the Permittee shall: A. Immediately take all reasonable action necessary to minimize or abate the incident and to recover any pesticides involved in the incident. B. Notify the Minnesota Department of Public Safety Duty Officer at 800-422-0798 (toll free) or 651-649-5451 (metro area) immediately upon discovery of the release. In addition, you may also contact the MPCA during business hours at 800-657-3864. 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 MDNR and/or the Wetland Conservation Act authority) for implementation of additional clean-up or remediation activities in wetland or other sensitive areas. D. If directed by the MPCA, the Permittee shall 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. If the release cannot be

	<p>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.</p> <p>E. Submit the sampling results as directed by the MPCA. At a minimum, the results shall be submitted to the MPCA within 15 days of the release. [Minn. R. 7001]</p>
5.1.135	<p>Upset Defense. In the event of temporary noncompliance by the Permittee with an applicable effluent limitation resulting from an upset of the Permittee's activity due to factors beyond the control of the Permittee, the Permittee has an affirmative defense to an enforcement action brought by the MPCA as a result of the noncompliance if the Permittee demonstrates by a preponderance of competent evidence:</p> <p>A. The specific cause of the upset.</p> <p>B. That the upset was unintentional.</p> <p>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.</p> <p>D. That at the time of the upset the facility was being properly operated.</p> <p>E. That the Permittee properly notified the Commissioner of the upset in accordance with Minn. R. 7001.1090, subp. 1, item I.</p> <p>F. That the Permittee implemented the remedial measures required by Minn. R. 7001.0150, subp. 3, item J. [Minn. R. 7001, Minn. R. 7001.0150, subp. 3(J), Minn. R. 7001.1090, subp. 1(I)]</p>
5.1.136	<p>The Permittee shall at all times properly operate and maintain the equipment 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. [Minn. R. 7001]</p>
5.1.137	<p>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, Minn. R. 7001.0150, subp. 3(M)]</p>
5.1.138	<p>The 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. [Minn. R. 7001, Minn. R. 7001.0170, Minn. R. 7001.0180]</p>
5.1.139	<p>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 restrictions 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 EPA approved waste load allocations resulting from Total Maximum Daily Load (TMDL) studies. [Minn. R. 7001]</p>
5.1.140	<p>Permit Transfer. The permit is not transferable to any person without the express written approval of the MPCA 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). [Minn. R. 7001.0150, subp. 3(N), Minn. R. 7001.0190]</p>
5.1.141	<p>Permit Reissuance. If the Decision-maker desires to continue permit coverage beyond the date of permit expiration, the Decision-maker shall submit an application for reissuance at least 180 days before permit expiration. If the Decision-maker does not intend to continue the activities authorized by this permit after the expiration date of this permit,</p>

	<p>the Decision-maker shall notify the MPCA in writing at least 180 days before permit expiration, or utilize e-Services for Notice of Permit Termination (https://www.pca.state.mn.us/about-mpca/online-services). If the Decision-maker 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:</p> <p>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.</p> <p>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.</p> <p>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. [Minn. R. 7001.0040, Minn. R. 7001.0160]</p>
5.1.142	Permit Specific Definitions. [Minn. R. 7001.0210]
5.1.143	This permit incorporates the definitions in the EPA Pesticide General Permit, https://downloads.regulations.gov/EPA-HQ-OW-2020-0005-0079/content.pdf , except as otherwise defined below. [State Definitions]
5.1.144	"Act" means the federal CWA, as amended, 33 U.S. C. § 1251 et seq. [State Definitions]
5.1.145	"Applicator," for the purpose of this permit, means any entity associated with the application of pesticides which results in a discharge to waters of the state who performs the application of a pesticide or who has day-to-day control of the application (i.e., they are authorized to direct workers to carry out those activities). Applicators are required to be licensed if hired or to apply registered pesticides. See Minn. Stat. § 18B.29 through 18B.35 for specifics on certification and licensing. [State Definitions]
5.1.146	"Best Management Practices" or "BMPs" means practices to prevent or reduce the pollution of waters of the state, including schedules of activities, prohibitions of practices, and other management practices, and also includes treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal or drainage from raw material storage (Minn. R. 7001.1020, subp. 5). [State Definitions]
5.1.147	"CFR" means the Code of Federal Regulations. [State Definitions]
5.1.148	"Commissioner" means the commissioner of the Minnesota Pollution Control Agency or a designated representative. [State Definitions]
5.1.149	"Control Measures" refers to any BMP or other method used to meet the effluent limitations. Control measures must comply with manufacturer specifications, industry standards and recommended industry practices related to the application of pesticides, and relevant legal requirements. Additionally, control measures could include other actions that a prudent operator would implement to reduce and/or eliminate pesticide discharges to waters of the state to comply with the effluent limitations in the Basic Requirements and Requirements for Decision-makers that Must Submit a NOI Sections of this permit. [State Definitions]
5.1.150	"Cultural Methods" means manipulation of the habitat to increase pest mortality by making the habitat less suitable to the pest. [State Definitions]
5.1.151	"Decision-maker" means any entity associated with the application of pesticides which results in a discharge to waters of the state and that has control over the decision to perform pesticide applications, including the ability to modify those decisions. This does not include local, state or other units of government that may provide instruction or control documents based on their authority over pests or the use of pesticides by

	another party (i.e. the Lake Association is considered the Decisionmaker even if the MDNR may direct the Lake Association to use a specific pesticide product or limit the amount to be applied). [State Definitions]
5.1.152	"Duty Officer" means the Minnesota Duty Officer, Department of Public Safety, Division of Emergency Management. [State Definitions]
5.1.153	"For-Hire Applicator" includes persons who make contractual pesticide applications for which they or their employer receives compensation (e.g., lawn care firms, pest control companies). This includes "Commercial Applicators" as defined in Minn. Stat. ch. 18B. [State Definitions]
5.1.154	"General Permit" means a permit issued under Minn. R. 7001.0210 to a category of permittees whose operations, emissions, activities, discharges, or facilities are the same or substantially similar. [State Definitions]
5.1.155	"Large Entity" means any: (a) public entity that serves a population greater than 10,000 or (b) private enterprise that exceeds the Small Business Administration size standard as identified at 13 CFR § 121.201. [State Definitions]
5.1.156	"MPCA" means the Minnesota Pollution Control Agency, or Minnesota Pollution Control Agency staff as delegated by the Minnesota Pollution Control Agency. [State Definitions]
5.1.157	"NPDES" means National Pollutant Discharge Elimination System which is the program for issuing, modifying, revoking, reissuing, terminating, monitoring, and enforcing permits and imposing and enforcing pretreatment requirements under sections, 307, 318, 402, and 405 of the CWA; 33 U.S.C § 1317, 1328, 1342, and 1345. [State Definitions]
5.1.158	"Outstanding Resource Value Waters" are waters within the Boundary Waters Canoe Area Wilderness, Voyageur's National Park, and Department of Natural Resources designated scientific and natural areas, wild, scenic, and recreational river segments, Lake Superior, those portions of the Mississippi River from Lake Itasca to the southerly boundary of Morrison County that are included in the Mississippi Headwaters Board comprehensive plan dated February 12, 1981, and other waters of the state with high water quality, wilderness characteristics, unique scientific or ecological significance, exceptional recreational value, or other special qualities which warrant stringent protection from pollution (Minn. R. 7050.0335). [State Definitions]
5.1.159	"Permittee" means any entity associated with the application of pesticides which results in a discharge to waters of the state, regardless of whether a NOI is required to be submitted. [State Definitions]
5.1.160	"Pest" means an insect, rodent, nematode, fungus, weed, terrestrial or aquatic plant, animal life, virus, bacteria, or other organism designated by rule as a pest, except a virus, bacteria, or other microorganism on or in living humans or other living animals. [State Definitions]
5.1.161	"Pest Management Area" means the area of land, including any water, for which you are conducting pest management activities covered by this permit. [State Definitions]
5.1.162	"Pollutant" means any sewage, industrial waste, or other wastes, as defined in Minn. Stat. § 115.01, discharged into a disposal system or to waters of the state, and includes dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water. For purposes of this definition, a "biological pesticide" is considered a "biological material," and any "pesticide residue" resulting from use of a "chemical pesticide" is considered a "chemical waste" (excerpted from 40 CFR § 122.2). [State Definitions]
5.1.163	"Release" means any bypass, overflow, discharge, spill, or other release of wastewater or materials to the environment. [State Definitions]
5.1.164	"SDS" means State Disposal System and generally describes a permit issued by the state

	of Minnesota that is non-surface water discharging or land application facilities. [State Definitions]
5.1.165	"Technology-based effluent limitation, standard, or prohibition" means an effluent limitation standard, or prohibition promulgated by the Environmental Protection Agency at 40 CFR pts. 400 to 460, under sections 301 and 306 of the CWA, 33 U.S.C. § 1311 and 1316 (Minn. R. 7010.0120, subp. 29). [State Definitions]
5.1.166	"Total maximum daily load" or "TMDL" means the sum of the individual wasteload allocations for point sources and load allocations for nonpoint sources and natural background, as more fully defined in 40 CFR § 130.2, paragraph (i). A TMDL sets and allocates the maximum amount of a pollutant that may be introduced into a water of the state and still assure attainment and maintenance of water quality standards (Minn. R. 7052.0010 subp. 42). [State Definitions]
5.1.167	"Treatment Area" means the area of land including any waters, or the linear distance along water's edge, to which pesticides are being applied. Multiple treatment areas may be located within a single "pest management area." It includes the entire area, whether over land or water, where the pesticide application is intended to provide pesticidal benefits. In some instances, the treatment area will be larger than the area where pesticides are actually applied. [State Definitions]
5.1.168	"Upset" means an exceptional incident in which the permit discharge limits are unintentionally and temporarily exceeded due to factors beyond the reasonable control of the Permittee. [State Definitions]
5.1.169	"Waters of the State" means all streams, lakes, ponds, marshes, wetlands, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof (Minn. Stat. § 115.01, subp. 22). [State Definitions]
5.1.170	"You" and "Your," as used in this permit are intended to refer to the permittee as the context indicates and that party's activities or responsibilities. [State Definitions]
5.1.171	Total Facility Requirements. [Minn. R. 7001]
5.1.172	Definitions. Refer to the Permit User's Manual found on the MPCA's website (https://www.pca.state.mn.us/sites/default/files/wq-wwtp7-09.pdf) for standard definitions. [Minn. R. 7001]
5.1.173	Incorporation by Reference. This permit incorporates the following applicable federal and state laws applicable to the Permittee and enforceable parts of this permit: 40 CFR pts. 122.41, 122.42, 136, 403 and 503; Minn. R. chs. 7001, 7041, 7045, 7050, 7052, 7053, 7060, and 7080; and Minn. Stat. chs. 115 and 116. [Minn. R. 7001]
5.1.174	Permittee Responsibility. The Permittee shall perform the actions or conduct the activity authorized by this permit in compliance with the conditions of the permit and, if required, in accordance with the plans and specifications approved by the MPCA. [Minn. R. 7001.0150, subp. 3(E)]
5.1.175	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 40 CFR pts. 400 to 460 and Minn. R. chs. 7050, 7052, 7053 and any other applicable MPCA rules. [Minn. R. 7001.1090, subp. 1(A)]
5.1.176	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, excessive suspended solids, material discoloration, obnoxious odors, gas ebullition, deleterious sludge deposits, undesirable slimes or fungus growths, aquatic habitat degradation, excessive growths of aquatic plants, acutely toxic conditions to aquatic life, or other adverse impact on the receiving water. [Minn. R. 7050.0210, subp. 2]

5.1.177	Property Rights. This permit does not convey a property right or an exclusive privilege. [Minn. R. 7001.0150, subp. 3(C)]
5.1.178	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(O)]
5.1.179	The MPCA's issuance of this permit does not obligate the MPCA to enforce local laws, rules, or plans beyond what Minnesota statutes authorize. [Minn. R. 7001.0150, subp. 3(D)]
5.1.180	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(A)]
5.1.181	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(B)]
5.1.182	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. [Minn. R. 7001]
5.1.183	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. [Minn. R. 7001]
5.1.184	Inspection and Entry. When authorized by Minn. Stat. ch. 115.04, 115B.17, subd. 4, and 116.091, and upon presentation of proper credentials, the Permittee shall allow the MPCA, or an authorized employee or agent of the MPCA, 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(I)]
5.1.185	Control Users. The Permittee shall regulate the users of its facility 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. [Minn. R. 7001.0150, subp. 3(F)]
5.1.186	Sampling . [Minn. R. 7001]
5.1.187	Representative Sampling. The Permittee shall conduct samples and measurements required by this permit as specified in this permit and shall be representative of the discharge or monitored activity. [Minn. R. 7001.0150, subp. 2(B)]
5.1.188	Additional Sampling. If the Permittee monitors more frequently than required, they shall report the results and the frequency of monitoring on their eDMR for that reporting period. [Minn. R. 7001.1090, subp. 1(E)]
5.1.189	Certified/Accredited Laboratory. A laboratory accredited by the Minnesota Department of Health [Minn. R. 4740.2010 through Minn. R. 4740.2120] and/or certified by the MPCA [Minn. R. 7001.4310 through Minn. R. 7001.4390] shall conduct analyses required by this permit, unless approved in writing by the MPCA. A certified/accredited laboratory does not need to complete analyses of dissolved oxygen, pH, temperature, specific

	<p>conductance, and total residual oxidants (chlorine, bromine). Those analyses shall comply with 40 CFR pt. 136. Dissolved oxygen, pH, and total residual oxidants must be performed on-site. Follow the manufacturer's specifications for equipment maintenance and use. [Minn. R. 4740.2010-4740.2120, Minn. R. 7001.4310-7001.4390]</p>
5.1.190	<p>Sample Preservation and Procedure. Sample preservation and test procedures for the analysis of pollutants shall conform to 40 CFR pt. 136 and Minn. R. 7041.3200. [Minn. R. 7001.0150, subp. 2(B), Minn. R. 7041.3200]</p>
5.1.191	<p>Equipment Calibration. The Permittee shall check and/or calibrate flow meters, pumps, flumes, lift stations, or other flow monitoring equipment used for purposes of determining compliance (within plus or minus ten percent of the true flow values) with permit requirements at least twice annually. [Minn. R. 7001.0150, subp. 2(B & C)]</p>
5.1.192	<p>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:</p> <ul style="list-style-type: none"> 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; D. The analytical techniques, procedures, and methods used; and E. The results of the analysis. [Minn. R. 7001.0150, subp. 2(C)]
5.1.193	<p>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 Permittee shall record the information in the specified areas on those forms and in the units specified.</p> <p>Required forms may include a Sample Values Form. If required, the Permittee shall record individual values for each sample and measurement on the Sample Values Form provided by the MPCA. The Permittee shall submit Sample Values Form with the appropriate eDMRs. The Permittee may design and use their own Sample Values Form; however, the Permittee shall not use their form until the MPCA reviews and approves the form.</p> <p>Note: The Permittee shall also record required summary information on their eDMR. Permittee submitted summary information contained only on the Sample Values Form does not comply with reporting requirements. [Minn. R. 7001.0150, subp. 2(B), Minn. R. 7001.1090, subp. 1(D)]</p>
5.1.194	<p>Submitting Reports. The Permittee shall submit eDMRs, Sample Values Forms, and other supplemental attachment forms via MPCA e-Services after the MPCA approves their authorization request.</p> <p>The Permittee shall electronically submit eDMRs, Sample Values Forms, and other supplemental attachment forms by the 21st day of the month following the sampling period or otherwise as specified in this permit. The Permittee shall complete eDMR submittal on or before 11:59 PM of the 21st day of the month following the sampling period or as otherwise specified in this permit. The Permittee shall submit an eDMR for each required station even if no discharge occurred during the reporting period.</p> <p>The Permittee shall submit other reports required by this permit electronically or by mail. The Permittee shall submit reports by the date specified in this permit. For electronic submittals, the Permittee shall submit on or before 11:59 PM on the date specified in this</p>

	<p>permit. For mailed submittals, the Permittee shall ensure that submittals via U.S. Postal Service or other hand delivery method contain postmarks by the date specified in this permit.</p> <p>Electronically: wq.submittals.mPCA@state.mn.us Include Water quality submittals form: www.pca.state.mn.us/sites/default/files/wq-wwprm7-71.docx</p> <p>Or by mail: Attention: WQ Submittals Center Minnesota Pollution Control Agency 520 Lafayette Road North St. Paul, MN 55155-4191. [Minn. R. 7001.0150, subp. 2(B), Minn. R. 7001.0150, subp. 3(H)]</p>
5.1.195	<p>Incomplete or Incorrect Reports. The Permittee shall immediately submit an electronically amended report or eDMR to the MPCA upon discovery by the Permittee or notification by the MPCA that it has submitted an incomplete or incorrect report or eDMR. The amended report or eDMR shall contain the missing or corrected data along with a comment on the eDMR explaining the circumstances of the incomplete or incorrect report. If it is impossible to amend the report or eDMR electronically, the Permittee shall immediately notify the MPCA and the MPCA will provide direction for the amendment submittals. [Minn. R. 7001.0150, subp. 3(G)]</p>
5.1.196	<p>Required Signatures. The Permittee or the duly authorized representative of the Permittee shall sign all eDMRs, forms, reports, and other documents submitted to the MPCA per Minn. R. 7001.0150, subp. 2(D). The person or persons who sign the eDMRs, forms, reports, or other documents shall certify that he or she understands and complies with the certification requirements of Minn. R. chs. 7001.0070 and 7001.0540, including the penalties for submitting false information. A registered professional engineer shall certify technical documents, such as design drawings and specifications, and engineering studies submitted as part of a permit application or by permit conditions. [Minn. R. 7001.0540]</p>
5.1.197	<p>Reporting Limit (RL). The Permittee shall report monitoring results below the 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 Permittee shall report the concentration as "< 0.1 mg/L." The Permittee shall not use "non-detected," "undetected," "below detection limit," or "zero" when reporting results. The MPCA considers these terms as permit reporting violations.</p> <p>Where sample values are less than the RL and the permit requires reporting of an average, the Permittee shall calculate the average as follows:</p> <ul style="list-style-type: none"> A. If some values are less than (<) the RL, substitute zero for all non-detectable values to use in the average calculation; B. If all values are less than (<) the RL, calculate the average and report as < the RL average concentration; and C. To calculate a mass loading with a less than (<) the RL concentration, use the RL value in the calculation and then add the "<" to the product of the concentration and the volume. [Minn. R. 7001.0150, subp. 2(B)]
5.1.198	<p>Records. The Permittee shall, when requested by the MPCA, 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</p>

	regarding the conduct of the activity covered by the permit. [Minn. R. 7001.0150, subp. 3(H)]
5.1.199	Confidential Information. Except for data determined to be confidential according to Minn. Stat. ch. 116.075, subd. 2, all reports required by this permit are available for public inspection. The MPCA does not consider effluent data confidential. To request the MPCA maintain data as confidential, the Permittee shall follow Minn. R. 7000.1300. [Minn. R. 7000.1300]
5.1.200	Noncompliance and Enforcement. [Minn. R. 7001]
5.1.201	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. ch. 115.071 and 116.072, including monetary penalties, imprisonment, or both. [Minn. R. 7001.1090, subp. 1(B)]
5.1.202	Criminal Activity. The Permittee shall not knowingly make a false statement, representation, or certification in a record or other document submitted to the MPCA. A person who falsifies a report or document submitted to the MPCA, or tampers with, or knowingly renders inaccurate a monitoring device or method that requires maintenance under this permit is subject to criminal and civil penalties provided by federal and state law. [Minn. R. 7001.0150, subp. 3(G), Minn. R. 7001.1090, subp. 1(G & H), Minn. Stat. ch. 609.671, subd. 1]
5.1.203	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)]
5.1.204	<p>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.</p> <p>If the Permittee discovers that noncompliance with a condition of the permit occurred and that the noncompliance 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 five days of the discovery.</p> <p>If the Permittee discovers other noncompliance that does not explicitly endanger human health, public drinking water supplies, or the environment, the Permittee shall report the description of noncompliance within 30 days of the discovery. If no eDMR is required within 30 days, the Permittee shall submit a written report including the description of noncompliance within 30 days of the discovery of the noncompliance. This description shall include the following information:</p> <ul style="list-style-type: none"> 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. 3(K)]
5.1.205	Upset Defense. In the event of temporary noncompliance with applicable effluent limitation(s) 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 MPCA as a result of the noncompliance if the Permittee

	<p>demonstrates by a preponderance of competent evidence:</p> <p>A. The specific cause of the upset;</p> <p>B. That the upset was unintentional;</p> <p>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;</p> <p>D. That at the time of the upset the facility was being properly operated;</p> <p>E. That the Permittee properly notified the Commissioner of the upset in accordance with Minn. R. 7001.1090, subp. 1(I); and</p> <p>F. That the Permittee implemented the remedial measures required by Minn. R. 7001.0150, subp. 3(J). [Minn. R. 7001.1090]</p>
5.1.206	Release. [Minn. R. 7001]
5.1.207	Unauthorized Releases of Wastewater Prohibited. This permit prohibits overflows, discharges, spills, or other releases of wastewater or materials to the environment, whether intentional or not, except for discharges from outfalls specifically authorized by this permit. 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, Minn. Stat. ch. 115.061]
5.1.208	Discovery of a Release. Upon discovery of a release, the Permittee shall: <p>A. Take all reasonable steps to immediately end the release;</p> <p>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. The Permittee may contact the MPCA during business hours at 1(800)657-3864 or (651)296-6300 (metro area); and</p> <p>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 Permittee cannot immediately or completely recover the released materials or substances, 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. [Minn. R. 7001.1090]</p>
5.1.209	Sampling of a Release. Upon discovery of a release, the Permittee shall: <p>A. Collect representative samples of the release. The Permittee shall sample the release for permitted effluent parameters and other 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, the Permittee shall collect fecal coliform bacteria samples where the Permittee determines that the release contains or may contain sewage. If the Permittee cannot immediately stop the release, the Permittee shall consult with the MPCA regarding additional sampling requirements. The Permittee shall collect samples at least, but not limited to, two times per week for as long as the release continues; and</p> <p>B. Submit the sampling results on the Release Report located on the MPCA's website at https://www.pca.state.mn.us/business-with-us/discharge-monitoring-reports.</p> <p>The Permittee shall submit the Release Report to the MPCA with the next eDMR or within 30 days, whichever is sooner. [Minn. R. 7001.1090]</p>
5.1.210	Bypass. [Minn. R. 7001]

5.1.211	<p>Anticipated Bypass. The Permittee may allow any bypass to occur that does not cause effluent limitation exceedances, but only if the bypass is for essential maintenance to assure efficient operation of the facility. The Permittee shall submit prior notice to the MPCA at least ten days before the date of the bypass, if possible. The notice of the need for an anticipated bypass shall include the following information:</p> <ul style="list-style-type: none"> A. The proposed date and estimated duration of the bypass; B. The alternatives to bypassing; and C. A proposal for effluent sampling during the bypass. Any bypass wastewater shall enter waters of the state from outfalls specifically authorized by this permit. Therefore, the Permittee shall collect samples at the frequency and location identified in this permit or two times per week for as long as the bypass continues, whichever is more frequent. [40 CFR 122.41(m)(2 & 3), Minn. R. 7001.1090, subp. 1(J)]
5.1.212	<p>This permit prohibits all other bypasses. The MPCA may take enforcement action against the Permittee for a bypass, unless the specific conditions described in Minn. R. 7001.1090 subp. 1(K) and 40 CFR 122.41(m)(4)(i) are met.</p> <p>In the event of an unanticipated bypass, the Permittee shall:</p> <ul style="list-style-type: none"> A. Take all reasonable steps to immediately end the bypass; B. Notify the Minnesota Department of Public Safety Duty Officer at 1(800)422-0798 or (651)649-5451 (metro area) immediately upon commencement of the bypass. The Permittee may contact the MPCA during business hours at 1(800)657-3864 or (651)296-6300 (metro area); C. Immediately take 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 directed by the MPCA, the Permittee shall consult with other local, state, or federal agencies for implementation of abatement, clean up, or remediation activities; and D. Only allow bypass wastewater as specified in this section to enter waters of the state from outfalls specifically authorized by this permit. The Permittee shall collect samples at the frequency and location identified in this permit or two times per week for as long as the bypass continues, whichever is more frequent. The Permittee shall also follow the reporting requirements for effluent violations as specified in this permit. [40 CFR 122.41(m)(4)j, Minn. R. 7001.1090, subp. 1(K), Minn. Stat. ch. 115.061]
5.1.213	<p>Operation and Maintenance. [Minn. R. 7001]</p>
5.1.214	<p>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(F)]</p>
5.1.215	<p>In the event of a reduction or loss of effective treatment of wastewater at the facility, the Permittee shall control production or curtail 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 they restore facility treatment processes or until the Permittee provides an alternative method of treatment. [Minn. R. 7001.1090, subp. 1(C)]</p>
5.1.216	<p>Solids Management. The Permittee shall properly store, transport, and manage biosolids, septage, sediments, residual solids, filter backwash, screenings, oil, grease, and other</p>

	<p>substances so that pollutants do not enter surface waters or groundwaters of the state. The Permittee shall manage solids in accordance with local, state, and federal requirements. [40 CFR 503, Minn. R. 7041]</p>
5.1.217	<p>Scheduled Maintenance. The Permittee shall schedule maintenance of the treatment works during non-critical water quality periods to prevent water quality degradation, except where the facility requires emergency maintenance to prevent a condition that would be detrimental to water quality or human health. [Minn. R. 7001.0150, subp. 2(B), Minn. R. 7001.0150, subp. 3(F)]</p>
5.1.218	<p>Control Tests. The Permittee shall conduct in-plant control tests at a frequency adequate to ensure compliance with the conditions of this permit. [Minn. R. 7001.0150, subp. 2(B), Minn. R. 7001.0150, subp. 3(F)]</p>
5.1.219	<p>Changes to the Facility or Permit. [Minn. R. 7001]</p>
5.1.220	<p>Permit Modifications. Except as provided under Minn. Stat. ch. 115.07, subd. 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 MPCA issues a written permit for the facility or activity.</p> <p>Permittees that propose to make changes to the facility or discharge that requires permit modification shall follow Minn. R. 7001.0190. If the Permittee cannot determine whether the proposed changes require a permit modification, the Permittee shall contact the MPCA prior to any action. The MPCA recommends that Permittees submit the application for permit modification to the MPCA at least 180 days prior to the planned change. [Minn. R. 7001.0030]</p>
5.1.221	<p>This permit does not require plans, specifications, and MPCA approval 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, Permittees can replace a broken pipe, lift station pump, aerator, or blower with the same design-sized equipment without MPCA approval.</p> <p>If this permit does not expressly authorize the Permittee proposed construction, the MPCA may require a permit modification. If the proposed construction project requires an Environmental Assessment Worksheet under Minn. R. 4410, no construction shall begin until the MPCA issues a negative declaration and the Permittee receives or implements all approvals. [Minn. R. 7001.0030]</p>
5.1.222	<p>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(M)]</p>
5.1.223	<p>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.</p> <p>The Permittee shall request approval for an increase or new use of a chemical additive at least 60 days, or as soon as possible, before the proposed increase or new use. The Permittee shall include at least the following information for the proposed additive as instructed in the chemical additive approvals section on the MPCA website at https://www.pca.state.mn.us/business-with-us/wastewater-permit-additional-guidance-and-information:</p>

	<p>A. The process for which the additive will be used; B. Safety Data Sheet (SDS) 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 SDS 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.</p> <p>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. [Minn. R. 7001.0170]</p>
5.1.224	<p>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 of this permit pursuant to Minn. R. 7001.0180. [Minn. R. 7001.0170, Minn. R. 7001.0180]</p>
5.1.225	<p>Total Maximum Daily Load (TMDL) Impacts. The MPCA may require facilities that discharge to an impaired surface water, watershed, or drainage basin to comply with additional permits or permit requirements. These requirements can include additional restriction or relaxation of limits and monitoring as authorized by the CWA 303(d)(4)(A) and 40 CFR ch. 122.44(l)(2)(i), necessary to ensure consistency with the assumptions and requirements of any applicable EPA approved wasteload allocations resulting from TMDL studies. [40 CFR 122.44(l)(2)i]</p>
5.1.226	<p>Permit Transfer. This permit is not transferable to any person without the express written approval of the MPCA after compliance with the requirements of Minn. R. 7001.0190. A person who receives permit transference shall comply with the conditions of this permit. [Minn. R. 7001.0150, subp. 3(N)]</p>
5.1.227	<p>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 a Facility Closure Plan to the MPCA for approval.</p> <p>The MPCA may require a permit modification or reissuance for facility closure that could result in a potential long-term water quality concern, such as the ongoing discharge of wastewater to surface or groundwater.</p> <p>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 the MPCA requires financial assurance,</p>

	the MPCA shall approve the amount and type of financial assurance, and proposed modifications to previously MPCA-approved financial assurance. [Minn. Stat. ch. 116.07, subd. 4]
5.1.228	Permit Reissuance. If the Permittee desires to continue permit coverage beyond the date of permit expiration, the Permittee shall submit an application for permit reissuance : Due by 180 days prior to permit expiration. [Minn. R. 7001.0040]
5.1.229	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: 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; or 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. [Minn. R. 7001.0160]