

**National Pollutant Discharge Elimination System/State Disposal System**

**MN0068063**

**Permittee:** Green Plains LLC  
**Facility name:** Green Plains Fairmont LLC  
**Receiving water:** Center Creek - Class 2Bg, 3C, 4A, 4B, 5, 6 water  
**City or Township:** Fairmont **County:** Martin  
**Issuance date:** TBD  
**Expiration date:** TBD

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

The goal of this permit is to reduce pollutant levels in point source discharges and protect water quality in accordance with the U.S. Clean Water Act, Minnesota statutes and rules, and federal laws and regulations.

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

*Signature:* (.....)

*This document has been electronically signed.*

*for the Minnesota Pollution Control Agency*

Elise Doucette  
Supervisor  
Water Quality Permits Unit  
Industrial Division

**Submit eDMRs**

Submit via the MPCA e-Services at  
[https://rsp.pca.state.mn.us/TEMPO\\_RSP/Orchestrate.do?initiate=true](https://rsp.pca.state.mn.us/TEMPO_RSP/Orchestrate.do?initiate=true)

**Submit WQ reports to:**

**Electronically:** [wq.submittals.mpca@state.mn.us](mailto:wq.submittals.mpca@state.mn.us)  
Include *Water quality submittals form*:  
<https://www.pca.state.mn.us/sites/default/files/wq-wwprm7-71.docx>

**Or, by mail:**

Attention: WQ Submittals Center  
Minnesota Pollution Control Agency  
520 Lafayette Road North  
St. Paul, MN 55155-4194

*Whole Effluent Testing (WET) and Pretreatment Annual Reports must be mailed to the WQ Submittals Center*

**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/water/discharge-monitoring-reports>

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

**Wastewater Permit Program general questions, contact:**  
MPCA, 651-282-6143 or 1-800-657-3938.

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## 1. Permitted facility description

The Green Plains Fairmont LLC facility (Facility) is located at 1125 Bixby Road, Fairmont, Minnesota 56031-1418, Martin County.

Facility production is 123 million gallons per year of undenatured ethanol, consuming approximately 43.7 million bushels (approximately 1.2 million tons) of corn per year. The Facility co-produces 360,000 tons per year of distiller's dry grains with solubles (DDGS) and occasional lesser amounts of syrup and wet cake, sold as animal feed. The Facility also extracts corn oil as a co-product, and manages warehousing/storage/shipment elevators for grain not consumed at the Facility. The fuel supply is natural gas.

The source water is supplied by wells in the Cretaceous, Mt. Simon and sand and gravel aquifers. The water supply is treated and distributed to the ethanol production process, boiler, cooling tower and cold lime softening (CLS) system. The water treatment residual wastes, boiler and cooling tower blowdowns, and floor drainage from the Water Treatment Building are treated by the CLS system, with the sludge press filtrate and Water Treatment Building sumps returning back to the holding tanks for re-treatment. The lime sludge is stored indoors before transport off-site to a MPCA-authorized landfill for disposal. As another option, the Facility plans to sell by-product limes as agricultural liming materials. The boiler feed ion exchange softener regeneration wastes are incorporated into the wet cake/DDGS.

Reverse osmosis (RO) system cleaning and permeate flush wastewaters and residuals are hauled into the process water system. Boiler cleaning residuals have no blowdown or other release from the Facility. The CLS clarifier effluent, and other flows (such as tank bottoms, hydroblasting and washdown waters, floor drainage and wet air emission control waters) generated by the ethanol and co-product production processes are recycled and contained within the production process system, and have no blowdown or other release from the Facility. Rinse waters, sediments and the residuals from the other non-utility waste streams noted above are returned to the ethanol manufacturing process, which leads to the generation of ethanol and other co-products. None of the syrup, stillage, wet cake, modified wet cake, DDGS, or other byproducts are land-applied.

The only outdoor storage of raw materials, products, byproducts and solid wastes is for containerized totes, packaged containers, wet cake and truck and rail fuel loading/transfer areas. The outdoor management of wet cake consists of storage on, and transport from, a walled, unroofed concrete pad. Drainage from this pad is collected on the pad and returned to the ethanol production process.

Stormwater runoff is managed by best management practices, including detention ponds, most of which collectively discharge through weir outfall SD 002 to the municipal storm sewer, which discharges at County Highway 39 to Judicial Ditch (JD) 18 to Center Creek (both class 2Bg, 3C, 4A, 4B, 5, 6 waters). Drainage from the DDGS Storage Building, Administration Building and entrance road flows to the Highway 39 ditch, separate from outfall SD 002. No tile drains are present except for: pre-existing east-flowing tiles in the N ½ of the NE ¼ of Section 1; the JD 18 old and new (parallel) tile mains; JD 18 tile Branches F and G; tile placed laterally along the edge of the rail loop immediately upgradient of the SD 002 pond inlets; and a drain tile from the north side of the cooling towers to the stormwater collection system. No tiles have open intakes/drains on the Facility property, or convey cooling water or other non-stormwater flows. The Facility description is continued on page 8.

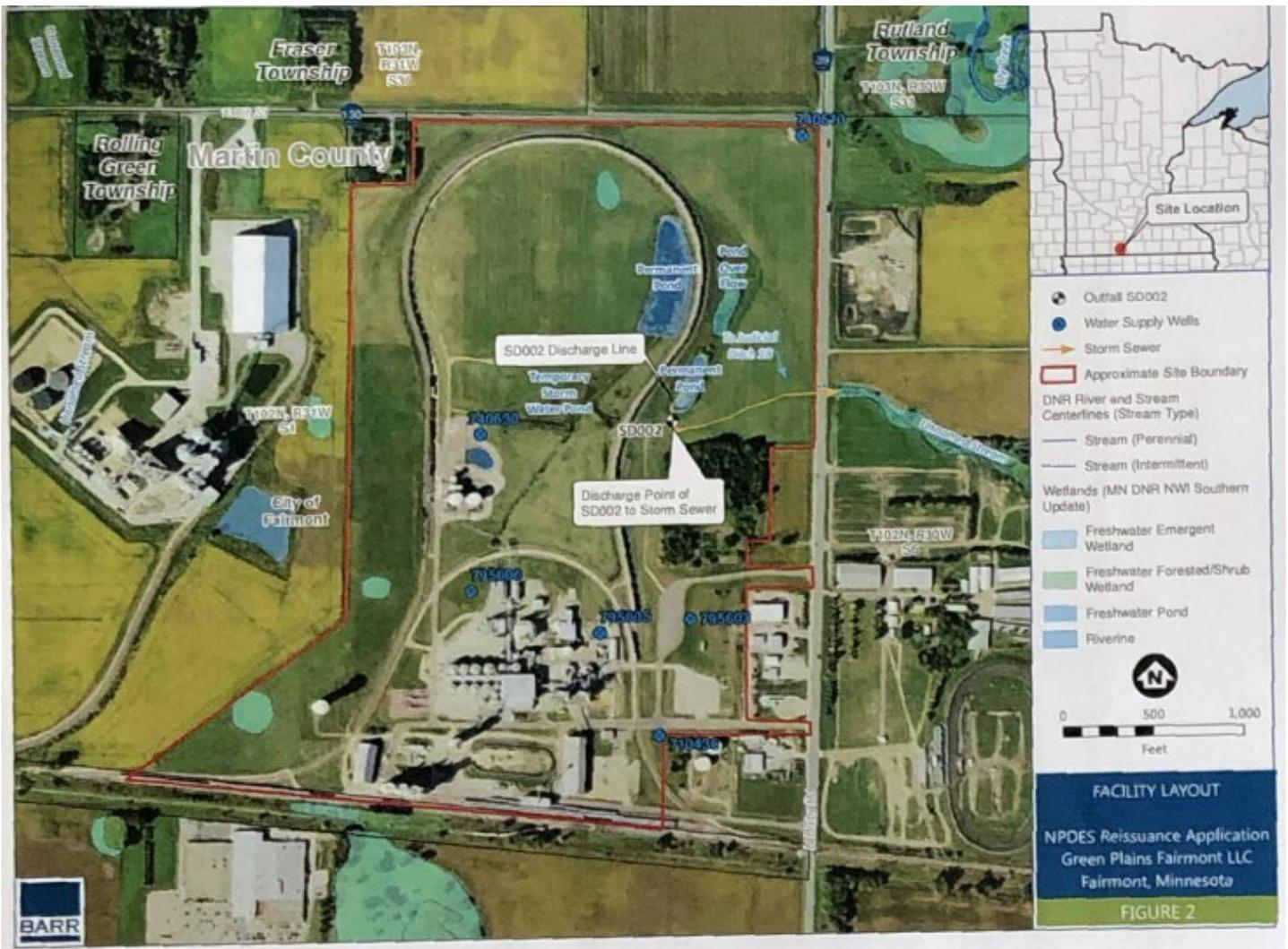
Changes to the Facility may result in an increase in pollutant loading to surface waters or other causes of degradation to surface waters. If a change to the Facility will result in a net increase in pollutant loading or other causes of degradation that exceed the maximum loading authorized through conditions specified in the existing permit, the changes to the Facility are subject to antidegradation requirements found in Minn. R. 7050.0250 to 7050.0335.

This Permit also complies with Minn. R. 7053.0275 regarding anti-backsliding.

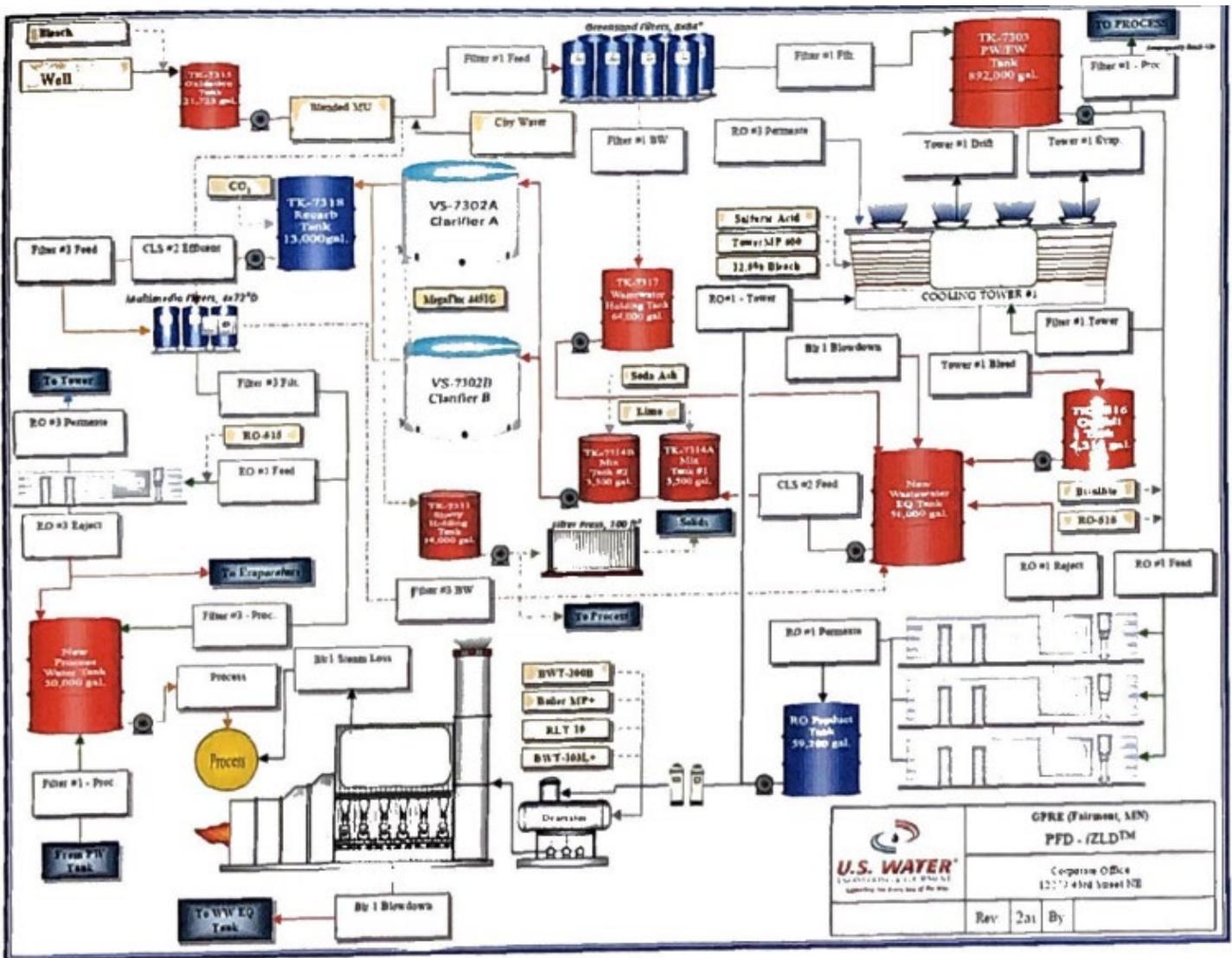
Any point source discharger of sewage, industrial, or other wastes for which a NPDES permit has been issued by the MPCA that contains effluent limits more stringent than those that would be established by Minn. R. 7053.0215 to 7053.0265 shall continue to meet the effluent limits established by the permit, unless the permittee establishes that less stringent effluent limits are allowable pursuant to federal law, under section 402(o) of the Clean Water Act, United States Code, title 33, section 1342.]

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2. Location map of permitted facility



3. Flow diagram



**4. Summary of stations and station locations**

<b>Station</b>	<b>Type of station</b>	<b>Local name</b>	<b>PLS location</b>
SD 002	Stormwater, Non-specific Runoff	Stormwater Pond #2 valve outfall	T102N, R30W, S06, NW Quarter of the SW Quarter of the NW Quarter

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**5. Permit requirements**

SD 002	Stormwater, Non-specific Runoff	
<b>Facility Specific Limit and Monitoring Requirements</b>		
5.1.1		The Permittee shall submit a monthly DMR: Due by 21 days after the end of each calendar month following permit issuance. [Minn. R. 7001.0150, Subp. 2(B)]
5.1.2		Sampling Location. [Minn. R. 7001.0150, Subp. 2(B)]
5.1.3		Samples for Station SD 002 shall be representative of the stormwater discharge to the municipal storm sewer. Samples shall be collected from the manhole access between the secondary stormwater pond and the sewer. [Minn. R. 7001.0150, Subp. 2(B)]
5.1.4		The Permittee shall submit monitoring results in accordance with the limits and monitoring requirements for this station. If conditions are such that no sample can be acquired, the Permittee shall report "No Flow" or "No Discharge" on Discharge Monitoring Report (DMR) and shall add a Comments attachment to the DMR detailing why the sample was not collected. [Minn. R. 7001.0150, Subp. 2(B)]
MN0068063	Green Plains Fairmont LLC	
<b>Facility Description and Location</b>		
5.2.1		<p>Facility description continued:</p> <p>No dust control chemicals are applied. Aboveground storage tanks are permitted under Aboveground Storage Tank (AST) Permit #TS0124223 which covers the tank secondary containment drainage, including the flows from the truck and rail fuel loading sites. The drainage that accumulates in the tank secondary containment area is inspected and tested for the absence of fuel-related contaminants before release to the stormwater detention ponds.</p> <p>Certain types of hydrostatic testing water discharges for new equipment may occur.</p> <p>Domestic wastewater is discharged to the city of Fairmont sanitary sewer collection system and is not covered by this permit. [Minn. R. 7001]</p>
<b>Surface Discharge Station General Requirements</b>		
5.3.2		Sampling Location. [Minn. R. 7001]
5.3.3		Analysis Requirements. [Minn. R. 7001]
5.3.4		Duration of discharge shall be reported as a whole number for each day during which discharge occurs. [Minn. R. 7001]. [Minn. R. 7001]
5.3.5		Temperature and pH analyses shall be conducted within 15 minutes of sample collection. [Minn. R. 7053]
5.3.6		Representative Samples. [Minn. R. 7001]
5.3.7		Samples and measurements required by this permit shall be representative of the monitored activity. [Minn. R. 7001]
5.3.8		Surface Discharge Prohibitions. [Minn. R. 7001]
5.3.9		Floating solids or visible foam shall not be discharged in other than trace amounts. [Minn. R. 7001]
5.3.10		Oil or other substances shall not be discharged in amounts that create a visible color film. [Minn. R. 7001]
5.3.11		The Permittee shall install and maintain outlet protection measures at the discharge stations to prevent erosion. [Minn. R. 7001]

5.3.12	The permittee shall employ the use of best management practices to control discharge velocity. Energy dispersal devices shall be used to avoid or minimize sediment transport and bottom scouring. [Minn. R. 7001]. [Minn. R. 7001]
5.3.13	Winter Sampling Conditions. [Minn. R. 7001]
5.3.14	The Permittee shall sample flows at the designated monitoring stations including when this requires removing ice to sample the water. If the station is completely frozen throughout a designated sampling month, the Permittee shall check the "No Discharge" box on the Discharge Monitoring Report (DMR) and note the ice conditions in Comments on the DMR. [Minn. R. 7001]
5.3.15	Phosphorus Limits and Monitoring Requirements. [Minn. R. 7001]
5.3.16	The total phosphorus measured shall use an analytical method approved under 40 CFR 136 that can meet a Reporting Limit (RL) of 0.01 mg/L. [Minn. R. 7001]
	<b>Ethanol</b>
5.4.17	<b>Prohibited Discharges.</b> [Minn. R. 7001]
5.4.18	This permit does not authorize the discharge of boiler waters, industrial process wastes (including, but not limited to, wet cake, stillage, syrup, process condensate, infected batches), sewage, wash water, scrubber water, spills, oil, hazardous substances, or equipment/vehicle cleaning and maintenance wastewaters to ditches, wetlands or other waters of the state. [Minn. R. 7001]
5.4.19	The Permittee shall develop and implement appropriate best management practices to ensure that failing/leaking heat exchangers, ammonia compressors, etc. do not contaminate discharges of non-contact cooling water.  There shall be no discharge of wastes from the physical cleaning of the cooling system. Cleaning wastewaters from periodic and/or routine maintenance of the cooling system and/or from cleaning the insides of the tubes/heat exchangers are not authorized for discharge under this permit. [Minn. R. 7001]
5.4.20	This permit prohibits the discharge of any still, tank, pipe, boiler or filter cleaning wastes. [Minn. R. 7001]
5.4.21	This permit prohibits the discharge of RO membrane cleaning wastes, including all waters and wastes associated with the Membrane Cleaning (CIP) System.  This permit prohibits the discharge of ion exchange system backwash, regenerate, rinsate or cleaning residuals. [Minn. R. 7001]
5.4.22	The Permittee shall prevent the routing of pollutants from the facility to a municipal wastewater treatment system in any manner unless authorized by the pretreatment standards of the MPCA and the municipal authority. [Minn. R. 7001]
5.4.23	The Permittee shall not transport pollutants to a municipal wastewater treatment system that will interfere with the operation of the treatment system or cause pass-through violations of effluent limits or water quality standards. [Minn. R. 7001]
5.4.24	<b>General Requirements.</b> [Minn. R. 7001]
5.4.25	Wet cake and modified wet cake stored outside at the facility are limited to the walled and roofed outdoor concrete pad. The amount of wet cake and modified wet cake stored shall not exceed 1200 tons. There shall be no measurable drainage from the wet cake and modified wet cake.  The Permittee shall periodically (no less than once per quarter) inspect the wet cake concrete pad for deterioration and repair as necessary. The Permittee shall maintain records of these inspections and repairs. [Minn. R. 7035]
5.4.26	During emergency conditions, one or more of the following options will be implemented for wet cake: sell as animal feed, store in DDGS building, store in covered/lined dumpsters, dispose of off-site in a permitted landfill or compost facility, store off-site in an enclosed building or other storage location acceptable to the MPCA or cease production of wet cake. The Permittee may propose to expand the existing wet cake storage pad or construct additional storage pads.

	<p>The facility maximum wet cake production is 2400 tons/day and the design capacity of the wet cake storage pad is 1200 tons.</p> <p>If spills of wet cake are recoverable but not saleable, it is disposed of as solid waste or composted or, in the future, may be used as fertilizer in accordance with Minnesota Department of Agriculture and MPCA regulations.</p> <p>If the Permittee proposes to expand the existing wet cake storage pad or construct additional storage pads, plans and specifications for such construction shall be reviewed and approved by the MPCA.</p> <p>If the Permittee proposes to store wet cake in an off-site enclosed building or other storage location, the Permittee must notify the MPCA in writing of the proposed structure and location a sufficient time in advance in order to determine the need for, and if needed obtain, MPCA authorization for that proposed storage.</p> <p>Wet cake disposal in a landfill or compost facility must be at a landfill or solid waste compost facility authorized to accept the wet cake. [Minn. R. 7035]</p>
5.4.27	<p>The Permittee shall manage Industrial byproducts, such as wet cake and DDGS to minimize adverse effects resulting from odors, noise and aerosol drift. The Permittee shall provide reasonable assurance that the management of industrial byproducts will not cause nuisance conditions.</p> <p>The Permittee shall consider operational and structural controls, or some combination thereof, in providing reasonable assurance. Operational controls include methods such as timing outdoor storage to minimize inconvenience to neighboring residents and to minimize the potential for human contact.</p> <p>If the measures or equipment intended to create reasonable assurance no longer function as intended, the Permittee shall take corrective action (which may include additional maintenance or modifications of the management system).</p> <p>The Permittee shall submit a written description of the corrective actions taken to eliminate the nuisance conditions to the MPCA within five days of discovery of the incident. The MPCA may require other corrective actions as needed to comply with the requirements of this part. [Minn. R. 7035]</p>
5.4.28	<p>The Permittee shall use EPA Method 8260B, and any revision to that method, for the analysis of ethanol. The reporting limit shall not exceed 100 micrograms per liter. [Minn. R. 7001]</p>
5.4.29	<p>GRO analyses shall meet a reporting limit of 100 micrograms per liter, analyzed consistent with the Wisconsin DNR Modified GRO Method, dated September 1995, and any revision to that method. [Minn. R. 7001]</p>
5.4.30	<p>The Permittee is authorized to use methods approved by the EPA and certified by the Minnesota Department of Health should other ethanol or GRO analytical methods that have a reportable quantitation level that allows for sample characterization, to the same or lesser levels as those stated above. [Minn. R. 7001]</p>
5.4.31	<p><b>Spoiled or Unusable Products.</b> [Minn. R. 7001]</p>
5.4.32	<p>For excess wet cake and/or DDGS that does not exceed one truckload, the Permittee is not required to report to the MPCA as outlined below for the excess wet cake and DDGS, as long as the amount of this wet cake and DDGS does not exceed one ton per day, and that wet cake and DDGS is disposed of at a landfill authorized to accept wet cake and DDGS. [Minn. R. 7035]</p>
5.4.33	<p>Materials such as stillage, syrup, wet cake, distillers grains and oils generated by the facility that will not be reused in the production process nor be used for livestock feed or fuel (for example, due to contamination, spoilage, infection or poor grade) shall be disposed of at a landfill authorized to accept the waste, or at a publicly owned treatment works (POTW) consistent with the requirements of the NPDES/SDS permit for the POTW.</p>

	<p>The Permittee shall submit an annual report that notifies the MPCA of incidences when more than 100 gallons per day of such off-grade, spoiled, contaminated or infected materials (those that will not be reused in the production process nor used for livestock feed or fuel) have been generated.</p> <p>This annual report shall include at least the following information for each incident:</p> <ul style="list-style-type: none"> <li>A. Name and basic description of the unusable material generated;</li> <li>B. Origin of the unusable material in the production process;</li> <li>C. Volume of the unusable material generated;</li> <li>D. Physical and chemical characterization of the unusable material;</li> <li>E. Explanation of why the material is being landfilled or handled by a POTW; and</li> <li>F. The name and location of the facility that will ultimately dispose of the waste.</li> </ul> <p>If no such material was generated, the Permittee shall indicate so in the annual report.          Submit annual report: Due annually, by the 30th of June. [Minn. R. 7035]</p>
5.4.34	<b>Alternative Disposal Plan.</b> [Minn. R. 7001]
5.4.35	<p>The Permittee may submit, for MPCA review and approval, an Ethanol Byproducts Management and Disposal Plan (Plan) if the Permittee proposes disposal methods other than those identified above. The MPCA shall approve this Plan in writing prior to implementation. The Permittee shall submit the Plan to the MPCA at least 180 days before the proposed implementation date.</p> <p>This Plan shall consist of:</p> <ul style="list-style-type: none"> <li>A. For proposed land application of the material, a complete NPDES/SDS permit application to the MPCA for industrial by-product land application.</li> <li>B. For other than proposed land application of the material, complete information as determined by MPCA in order to evaluate the proposed Plan, including but not limited to plans, specifications, and other technical information that is necessary to determine whether the proposal will meet the applicable statutes and rules. [Minn. R. 7035]</li> </ul>
5.4.36	<p>Based on the evaluation for the potential of migration from the site, the Permittee shall design, construct, and operate the storage facility to meet the requirements in items A-C, below:</p> <ul style="list-style-type: none"> <li>A. Prevent migration of contaminants into the adjacent subsurface soil, groundwater, or surface water at any time during the active life, or the closure period.</li> <li>B. Control run on and runoff of stormwater. The Permittee shall implement management practices designed to control run on and runoff of stormwater from the storage area. The Permittee shall design, construct, operate, and maintain a stormwater management system capable of collecting and controlling the volume of contaminated stormwater resulting from a 24-hour, 25-year storm unless otherwise directed by the Agency.</li> <li>C. Manage collection and holding facilities, such as tanks or basins, associated with the run on and runoff control systems to maintain the design capacity of the system. Manage disposal of wastes and wastewaters generated from these facilities appropriately. [Minn. R. 7035]</li> </ul>
5.4.37	<b>Application for Permit Reissuance.</b> [Minn. R. 7001]
5.4.38	<p>The permit application shall include analytical data as part of the application for reissuance of this permit. These analyses shall be done on individual samples taken during the twelve-month period before the reissuance application is submitted. The application shall identify the sampling date(s). [Minn. R. 7001]</p>
5.4.39	<p>The permit application shall include analytical data for the following parameters at monitoring station SD 002:</p> <ul style="list-style-type: none"> <li>A. Ethyl alcohol, gasoline range organics, carbonaceous biochemical oxygen demand, chemical oxygen demand, total organic carbon, temperature, ammonia, nitrate-nitrite, total Kjeldahl nitrogen;</li> <li>B. Bicarbonates, boron, chloride, sulfate, sulfide (as sulfur), total dissolved solids, conductivity;</li> <li>C. The following total elements, each in total form, with a reporting limit of one microgram/liter or less: arsenic, copper, selenium, zinc;</li> </ul>

	D. Total suspended solids, total phosphorus; and E. Hardness as calcium and magnesium and total salinity. [Minn. R. 7001]
	<b>General Requirements</b>
5.5.40	Constructed gravity and pressurized wastewater sewer systems shall meet the specifications for pressure testing and leakage as stated under the Standard Utilities Specifications for Watermain and Service Line Installation, Section 2611.3 G, Hydrostatic Testing of Watermains, as published by the City Engineers Association of Minnesota, 1999. Changes made to the specifications may be made upon request to, and approval by, the MPCA. [Minn. R. 7001]. [Minn. R. 7001]
5.5.41	<p>The Permittee shall obtain authorization under this permit for adequate wastewater treatment capability before a production capacity expansion that would result in the generation of increased wastewater or pollutant levels.</p> <p>The following changes may require a permit modification, and shall be proposed to the MPCA before implementation:</p> <p>a. Proposed changes to the permit "Facility Description," including an increase in production capacity, the addition of additional wastewater pond or spray irrigation acreage, and the increased use or new use of a chemical additive that may enter the SD001 discharge.</p> <p>b. Changes in the characteristics, concentrations or frequency of the wastewater flow. These changes may include: significant rerouting of wastewater for land disposal; or significant changes in the levels of indicator characteristics; changes to the facility may result in an increase in pollutant loading to surface waters or other causes of degradation to surface waters. If a change to the facility will result in a net increase in pollutant loading or other causes of degradation that exceed the maximum loading authorized through conditions specified in the existing permit, the changes to the facility are subject to antidegradation requirements found in Minn. R. 7050.0250 to 7050.0335.</p> <p>c. Changes in industrial byproducts or residual solids use and disposal practices. [Minn. R. 7001]</p>
	<b>Tank Farms</b>
5.6.42	Authorization. [Minn. R. 7001]
5.6.43	Upon receipt of prior written MPCA approval, the Permittee is authorized for a surface or non-surface water discharge of hydrostatic test waters from new and existing pipelines and above-ground storage tanks (ASTs) in accordance and in compliance with the applicable conditions of this permit and the specific approval letter. [Minn. R. 7001]
5.6.44	<p>The Permittee shall maintain the discharge operation in such a manner so as to cause no erosion, scouring, sediment transport or other nuisance conditions in the area of the discharge or in the receiving stream.</p> <p>Trench dewatering activities resulting in a point source discharge are subject to Best Management Practices such that the discharge will not cause a violation of water quality standards. Additionally the Permittee shall employ best management practices to minimize sediment withdrawal and transport. [Minn. R. 7001]</p>
5.6.45	Prohibited Discharges. [Minn. R. 7001]
5.6.46	<p>This permit does not authorize the discharge of sewage, wash water, scrubber water, spills, oil, hazardous substances, or equipment/vehicle cleaning and maintenance wastewaters to ditches, wetlands or other surface waters of the state.</p> <p>This permit does not authorize the disposal of fuel "contact" wastewater from sources such as tank condensate, or of hydrostatic test or cleaning waters from used piping or tanks. [Minn. R. 7001]</p>

5.6.47	The Permittee shall prevent the routing of pollutants associated with waste streams regulated by this permit from the facility to a municipal wastewater treatment system in any manner unless authorized by the pretreatment standards of the MPCA and the municipal authority. This DOES NOT INCLUDE wastes associated with sanitary conveniences. [Minn. R. 7001]
5.6.48	<p>This permit DOES NOT authorize:</p> <ul style="list-style-type: none"> <li>a. the construction or installation of pipeline facilities or storage tanks;</li> <li>b. Construction Stormwater NPDES/SDS coverage;</li> <li>c. the Permittee to work in waters of the state; or</li> <li>d. the Permittee to appropriate waters for hydrotests.</li> </ul> <p>The Permittee shall apply for coverage under the Construction Stormwater General Permit MNR100001 in order to be authorized to discharge stormwater associated with construction. More information about applying can be found at <a href="https://www.pca.state.mn.us/water/construction-stormwater">https://www.pca.state.mn.us/water/construction-stormwater</a>. [Minn. R. 7001]</p>
5.6.49	The Permittee shall not transport pollutants to a municipal wastewater treatment system that will interfere with the operation of the treatment system or cause pass-through violations of effluent limits or water quality standards. This clause does not apply to wastes associated with sanitary conveniences. [Minn. R. 7001]
5.6.50	Hydrotest Discharges. [Minn. R. 7001]
5.6.51	<p>The Permittee shall submit a written request for approval to discharge forty-five days prior to any hydrostatic test activities. The Permittee shall provide information necessary to evaluate the potential impact of the proposed discharge, including but not limited to:</p> <ul style="list-style-type: none"> <li>a. what is being hydrotest, (e.g. used 50,000 gallon ABST; new pipeline);</li> <li>b. the proposed discharge point and discharge date(s);</li> <li>c. contaminants believed to be present in the waste stream;</li> <li>d. the estimated average and maximum discharge rates and estimated total flow volume of discharge;</li> <li>e. the water supply for the test waters, with a copy of the Minnesota Department of Natural Resources (DNR) water appropriation permit, if applicable;</li> <li>f. proposed treatment method(s) before discharge; and</li> <li>g. best management practices to be used to prevent scouring, sediment transport and erosion due to the discharge. [Minn. R. 7001]</li> </ul>
5.6.52	There shall be no discharge of hydrotest waters without prior written approval from the MPCA. The Permittee shall notify the MPCA at least forty-five days in advance of its intention to discharge; and shall request authorization, effluent limitations, monitoring and reporting criteria from the MPCA. [Minn. R. 7001]
5.6.53	The MPCA reserves the right to prohibit a surface water discharge of hydrostatic test waters or trench waters if the MPCA determines that such a discharge will impair water quality and/or otherwise create a nuisance condition at or near the proposed discharge point. At no time during any discharge shall Minnesota water quality standards be violated. [Minn. R. 7001]
5.6.54	<p>The MPCA will notify the Permittee if it is determined that additional requirements, more or less stringent limits and/or monitoring are appropriate for a specific water body. The MPCA's letter notifying the Permittee of these additional requirements, more or less stringent limits and/or monitoring shall then become a part of the enforceable requirements applicable through this permit for the specific discharge point and the Permittee shall comply with these requirements.</p> <p>The Permittee shall provide the MPCA with twenty-four hour advance notice of any discharge when</p>

	so requested. Such a request shall be made when the MPCA feels the need to be on-site during the proposed discharge. [Minn. R. 7001]
	<b>Water Treatment Plant (NPDES)</b>
5.7.55	Residual Solids Management. [Minn. R. 7001]
5.7.56	The Permittee shall provide for the effective management and/or disposal of residual solids, or other substances resulting from treatment of potable water. [Minn. R. 7035]
5.7.57	The Permittee shall dispose of residual solids in such a manner and at such locations that disposal practices shall not result in unlawful pollution of the air, surface water or groundwater, or create nuisance conditions. [Minn. R. 7035]
5.7.58	Disposal of water filter backwash solids shall be in accordance with the MPCA guidance documents. Facilities that land apply uncontaminated by-product lime shall follow the guidance document titled "Guidelines for Land Application of By-Product Limes." Facilities disposing of water filter backwash solids shall follow the guidance document titled "Guidelines - Disposal Methods for Water Filter Backwash Solids."  Guidance documents for proper management of residual solids are located on the internet at <a href="http://www.pca.state.mn.us/">http://www.pca.state.mn.us/</a> , or by request from the MPCA. [Minn. R. 7035]
5.7.59	Any other uses of these solid wastes authorized by the MPCA shall follow the procedure for obtaining a case-specific beneficial use determination (CSBUD) or a demonstration/research project (DRP) as outlined in Minn. R. 7035.2860 and Minn. R. 7035.0450 respectively. [Minn. R. 7001]
5.7.60	Stockpiling residual solids is prohibited unless authorized by the MPCA. If the Permittee proposes to stockpile residual solids, the Permittee shall submit a description of the type and amount of solids to be stockpiled and the proposed location for review and approval. [Minn. R. 7001]
	<b>Industrial Stormwater Sector C: Chemical and Allied Products Manufacturing</b>
5.8.61	<b>Authorization.</b> [Minn. R. 7000]
5.8.62	The following non-stormwater discharges are authorized by this permit provided that appropriate Best Management Practices (BMPs) are utilized to minimize erosion and the discharges of sediment where necessary:  A. Emergency fire-fighting activities. B. Fire hydrant and fire suppression system flushings. C. Potable water line flushings. D. Uncontaminated condensate from air conditioners, coolers, and other compressors and from the outside storage of refrigerated gases or liquids. E. Landscape watering provided all pesticides, herbicides, and fertilizers have been applied in accordance with manufacturer's instructions. F. Pavement wash waters where no detergents are used and no spills or leaks of potential pollutants such as fertilizers, salts, or toxic and hazardous materials have occurred unless all spilled material has been removed. G. Routine external building washdown that does not use detergents, solvents, or degreasers. H. Uncontaminated groundwater or spring water. I. Foundation or footing drains where flows are not contaminated. J. Incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of the facility, but not intentional discharges from the cooling tower (e.g. "piped" cooling tower blowdown or drains). [Minn. R. 7090]
5.8.63	This chapter authorizes the Permittee to discharge stormwater associated with industrial activity from industrial activities associated with SIC code(s) 2869 in accordance with the terms and conditions of this chapter. [Minn. R. 7090]
5.8.64	<b>Prohibited Discharges.</b> [Minn. R. 7000]

5.8.65	This chapter does not authorize the discharge of stormwater to prohibited waters as defined in Minn. R. 7050.0335. [Minn. R. 7090]
5.8.66	<b>Limits on Authorization.</b> [Minn. R. 7000]
5.8.67	The following discharges are not authorized under this chapter: A. Non-stormwater discharges containing inks, paints, other hazardous or non-hazardous substances, etc. resulting from an on-site spill, including materials collected in drip pans; B. Wash water from material handling and processing areas; C. Wash water from drum, tank, or container rinsing and cleaning; and D. Discharges of runoff from coal yards and coal piles. The discharge of any coal yard and coal pile runoff is a wastewater and will require a separate NPDES/SDS permit. [Minn. R. 7090]
5.8.68	<b>Water Quality Standards.</b> [Minn. R. 7000]
5.8.69	The Permittee shall operate and maintain the facility and shall control runoff, including stormwater, from the facility to prevent the exceedance of water quality standards specified in Minnesota Rules, chs. 7050 and 7060. [Minn. R. 7050, Minn. R. 7060]
5.8.70	The Permittee shall limit and control the use of materials at the facility that may cause exceedances of groundwater standards specified in Minnesota Rules, ch. 7060. These materials include, but are not limited to, detergents and cleaning agents, solvents, chemical dust suppressants, lubricants, fuels, drilling fluids, oils, fertilizers, explosives and blasting agents. [Minn. R. 7060]
5.8.71	<b>Stormwater Pollution Prevention Plan.</b> [Minn. R. 7000]
5.8.72	The Permittee shall develop and implement a Stormwater Pollution Prevention Plan (SWPPP) to address the specific conditions at the facility. The goal of the SWPPP is to eliminate or minimize contact of stormwater with significant materials that may result in pollution of the runoff. If contact cannot be eliminated or reduced, stormwater that has contacted significant material should be treated before it is discharged from the site. Guidance for preparing the SWPPP can be found on the web at: <a href="http://www.pca.state.mn.us">http://www.pca.state.mn.us</a> . [Minn. R. 7090]
5.8.73	At a minimum, the SWPPP must include: A. A description of the industrial activities conducted at the facility; B. A drainage map (USGS or equivalent) showing: i. Location of all impervious surfaces; ii. Arrows indicating directions of stormwater flow; and iii. Location of all structural and non-structural BMPs. C. An assessment and inventory of all activities or exposed materials that can potentially be sources of pollutants to stormwater discharges; D. A description of all structural and non-structural BMPs the Permittee designs or implements at the facility; E. A list of personnel receiving training to conduct facility inspections; F. Records of all details relating to the monthly visual inspections; G. Information pertaining to maintenance in accordance with Maintenance Requirements section of this permit; H. A spill prevention and response procedure; and I. A Mercury Minimization Plan if the Permittee discovers mercury sources as a result of compliance with the Stormwater Control Measures section of this permit. [Minn. R. 7090]
5.8.74	The Permittee shall evaluate all stormwater conveyances (storm sewers, pipes, tile lines, ditches, etc.) to document if non-stormwater flows are being conveyed. This should be done during dry weather when stormwater flow is not occurring. This evaluation should include sewer inlets and floor drains to determine which inlets/drains are connected to sanitary sewer lines, storm sewer lines, or septic tanks/drainage fields.  The Permittee shall document this evaluation with the SWPPP, and include:  a. The date of the evaluation. b. A description of the evaluation criteria used. c. A list of monitoring locations observed during the evaluation.

	<p>d. The different types of non-stormwater flows and source locations.          e. The action(s) taken, such as a list of control measures used to eliminate any unauthorized flow(s) the Permittee identifies.</p> <p>The Permittee shall eliminate all non-stormwater discharges not authorized by this permit or a separate NPDES/SDS permit. [Minn. R. 7090]</p>
5.8.75	<p>In addition to the requirements in the Stormwater Pollution Prevention Plan section of this permit, the Permittee shall also comply with the following:</p> <p>A. Facility Map; and          The Permittee shall identify where any of the following come into contact with stormwater:</p> <p>i. Access roads, rail cars, and tracks;          ii. Areas where bulk substance transfers occur; and          iii. Operating machinery.</p> <p>B. Potential Pollutant Sources.          The Permittee shall describe the following sources that have potential pollutants associated with them:</p> <p>i. Outdoor storage of salt, pallets, coal, drums and containers;          ii. Access roads, rail cars, and tracks;          iii. Areas where bulk substance transfers occur; and          iv. Areas where machinery operates. [Minn. R. 7090]</p>
5.8.76	<p>The SWPPP must describe measures to prevent or minimize contamination of the storm water runoff from fuel areas. The facility shall consider covering the fueling area, using spill and overflow protection and cleanup equipment, minimizing runoff/runoff of storm water to the fueling area, using dry cleaning methods, collecting the stormwater runoff and providing treatment or recycling or other equivalent measures. [Minn. R. 7090]</p>
5.8.77	<p>The SWPPP shall be developed and implemented within 180 days after permit issuance and shall be available to the MPCA upon request. [Minn. R. 7090]</p>
5.8.78	<p><b>Stormwater Control Measures.</b> [Minn. R. 7000]</p>
5.8.79	<p>DDGS shall be managed in enclosed structures so as to have no exposure to stormwater, and measures shall be in place to prevent these materials from being released (including by wind and vehicle tracking) from these structures to areas where they may come into contact with stormwater. [Minn. R. 7090]</p>
5.8.80	<p>The Permittee shall design and implement all stormwater control measures, including BMPs, to reduce or eliminate contact or exposure of pollutants to stormwater, to prevent erosion, control sediment and manage runoff, or remove pollutants from stormwater prior to discharge from the facility. [Minn. R. 7090]</p>
5.8.81	<p><b>Good Housekeeping.</b> [Minn. R. 7000]</p>
5.8.82	<p>The Permittee shall employ good housekeeping practices to:</p> <p>A. Keep exposed areas that may contribute pollutants to stormwater sufficiently clean to reduce or eliminate contaminated stormwater runoff; and          B. Remove and properly dispose of significant materials that have been tracked off-site within 72 hours of discovery</p> <p>In addition, the Permittee shall identify and manage all on-site sources of dust to minimize stormwater contamination from the deposition of dust on areas exposed to precipitation. [Minn. R. 7090]</p>
5.8.83	<p><b>Salt Storage, Use, and Management at the Facility.</b> [Minn. R. 7000]</p>
5.8.84	<p>The Permittees should implement the following BMPs if salt piles are present at the facility:</p> <p>A. Cover salt piles or store the salt piles indoors;          B. Minimize the use of salt or other de-icing materials by using the proper equipment, material, and application rates;          C. Implement practices to reduce exposure resulting from adding or removing material from the salt piles (e.g., sweeping, diversions, containment); and</p>

	D. Document within the SWPPP the location of any storage piles containing salt stored outside. [Minn. R. 7090]
5.8.85	<b>Erosion Prevention &amp; Sediment Control.</b> [Minn. R. 7000]
5.8.86	The Permittee shall identify areas at the facility that, due to topography, land disturbance (e.g. construction, grading, landscaping), or other factors, have potential for soil erosion. In those areas, the Permittee shall implement structural, vegetative, and/or stabilization BMPs to prevent or control on-site erosion and reduce sediment loads in stormwater discharges. [Minn. R. 7090]
5.8.87	<b>Chemical Additive Use.</b> [Minn. R. 7000]
5.8.88	If the Permittee intends to use polymers, flocculants, or other sedimentation treatment chemicals at the facility, the Permittee shall comply with the following minimum requirements: A. The Permittees must use conventional erosion and sediment controls prior to chemical addition to ensure effective treatment; B. Chemicals may only be applied where treated stormwater flows to a sediment control system that allows for filtration or settlement of the floc prior to discharge; C. Chemicals must be selected that are appropriately suited to the types of soils likely to be exposed to stormwater runoff at the facility, and to the expected turbidity, pH, and flow rate of stormwater flowing into the chemical treatment system; and D. Use chemicals in accordance with standard engineering practices, and with dosing specifications and sediment removal design specifications of the manufacturer or chemical supplier. [Minn. R. 7090]
5.8.89	The Permittee shall complete an inventory of exposed significant materials. Indicate the types of significant materials handled or stored at the site that may potentially contact stormwater. The following are examples of materials that, if exposed to stormwater, must be included in the inventory: A. Raw materials, such as corn feedstock, fuels; solvents; petroleum products; detergents; plastic pellets; materials used in food processing or production; stockpiled sand, salt or coal; B. By-products or intermediate products, such as wood dust, chips or bark; screened limestone, taconite or gravel by-product, recycled blacktop; C. Finished materials, such as ethanol; D. Waste products, such as ashes, sludge, solid and liquid wastes, slag, cleaning wastes, off-spec and unusable byproducts; boiler, cooling tower and filter wastes; E. Outdoor storage of salt, pellets, coal, drums and containers; access roads, rail cars and tracks; areas where the transfer of substances in bulk occurs; and areas where machinery operates; F. Hazardous substances designated under section 101(14) of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA); and G. Any chemical the facility is required to report under section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA). [Minn. R. 7090]
5.8.90	<b>Facility Inspection Requirements.</b> [Minn. R. 7000]
5.8.91	The Permittee shall develop and implement an inspection schedule that includes a minimum of one facility inspection per calendar month. A minimum of one of these inspections must be conducted during a rain or snowmelt runoff event. [Minn. R. 7090]
5.8.92	All facility inspections must include the following: A. An evaluation of the facility to determine that the SWPPP accurately reflects site conditions. At a minimum, the Permittee shall inspect storage tank areas, waste disposal areas, maintenance areas, loading/unloading areas, and raw material, intermediate product, by-product and final product storage areas; B. An evaluation of all structural and non-structural BMPs to determine effectiveness and proper function; C. An evaluation of the facility to determine whether there are new exposed significant materials or activities at the site since completion of the SWPPP; and D. During an inspection conducted during a runoff event, an evaluation of the stormwater runoff to determine discoloration or if other contaminants are visible in the runoff (e.g. oil & grease). [Minn. R. 7090]

5.8.93	The Permittee shall document all inspections and the following information must be stored with the SWPPP: A. Inspection date (i.e. mm/dd/yyyy), time, and weather conditions; B. Inspector name; C. Inspection findings; and D. A description of any necessary corrective actions and a schedule for corrective action completion. [Minn. R. 7090]
5.8.94	In addition to the inspection requirements outlined in Stormwater Control Measures section of this permit, the Permittee shall ensure that a total of 2 inspections occur during runoff events, with at least one inspection occurring during a snowmelt runoff event. Each inspection must include a visual assessment of the runoff to identify any visible sheens or films that indicate the presence of oil or grease in the discharge. If sheens are present in stormwater discharges, implement corrective actions to prevent sheen and document those corrective actions in the SWPPP. [Minn. R. 7090]. [Minn. R. 7090]
5.8.95	If conditions are observed at the site that require changes in the SWPPP, such changes shall be made to the SWPPP prior to submission of the annual report for that calendar year. [Minn. R. 7090]
5.8.96	If the findings of a site inspection indicate that BMPs are not meeting the objectives as identified above, corrective actions shall be initiated within thirty days and the BMP restored to full operation as soon as conditions allow. [Minn. R. 7090]
5.8.97	<b>Maintenance Requirements.</b> [Minn. R. 7000]
5.8.98	BMP Maintenance. [Minn. R. 7000]
5.8.99	The Permittee shall maintain all stormwater BMPs at the facility, to ensure BMP effectiveness. A. The Permittee shall develop a schedule for preventive maintenance of all stormwater BMPs, and store the schedule with the SWPPP; B. If the Permittee identifies BMPs that are not functioning properly, the Permittee shall replace, maintain, or repair the BMPs within 7 calendar days of discovery. If the Permittee cannot complete BMP replacement, maintenance, or repair within 7 calendar days, the Permittee shall implement effective backup BMPs within 48 hours of discovery, and maintain the backup BMPs until the Permittee restores the effectiveness of the original BMPs. The Permittee shall document the justification for an extended replacement, maintenance, or repair schedule of the failed BMPs, and store it with the SWPPP; and C. The Permittee shall record dates of maintenance and repairs. The Permittee shall store these records with the SWPPP. [Minn. R. 7090]
5.8.100	The Permittee shall remove tracked material from the road surface and return it to the facility within one day of discovery so that the materials drain to the sedimentation basin(s) at the facility. [Minn. R. 7090]
5.8.101	Equipment Preventive Maintenance. [Minn. R. 7000]
5.8.102	The Permittee shall develop and implement a preventive maintenance program and store the information with the SWPPP. The program must require regular inspection, maintenance, and repair of industrial equipment and systems. The inspections must identify conditions that could cause breakdowns or failures, which may result in leaks, spills, and other releases (e.g. hydraulic leaks, torn bag-house filters, etc.), and the discharge of pollutants to stormwater. The preventive maintenance program may incorporate, by reference, a separate Operation and Maintenance Manual (or equivalent), as long as it addresses the items the preventive maintenance program requires above. [Minn. R. 7090]
5.8.103	<b>Spill Prevention and Response Requirements.</b> [Minn. R. 7000]
5.8.104	The Permittee shall develop and implement a spill prevention and response procedure. If the facility already has a separate plan (e.g. Prevention and Response Plan as required by Minn. Stat. ch. 115E, or Spill Prevention Control and Countermeasure (SPCC) Plan as required by Federal Law), that Permittee can incorporate the plan by reference into the SWPPP. [Minn. R. 7090]
5.8.105	The Permittee shall ensure the use of infiltration is not part of a spill containment plan. This includes spill plans required under Federal Spill Prevention Containment and Control (SPCC) requirements or Minn. Stat. ch. 115E "The Spill Bill.". [Minn. R. 7090]

5.8.106	All spilled product and other spilled wastes potentially subject to stormwater contact shall be immediately cleaned up and disposed of according to all applicable regulations or Spill Prevention Control and Countermeasure plans. Use of detergents, emulsifiers, or dispersants to clean up spilled product is prohibited except where necessary to comply with state or federal safety regulations (i.e., requirement for non-slippery work surface) except where the cleanup practice does not result in discharges and does not leave residues exposed to future storm events. In all cases, initial cleanup shall be done by physical removal and chemical usage shall be minimized. [Minn. R. 7090]
5.8.107	The Permittee shall ensure the use of a pond is not part of a spill containment plan, including spill plans required under Federal Spill Prevention Containment and Control (SPCC requirements or Minn. Stat. ch. 115E), unless appropriate controls are in place to contain the spill. If the Permittee uses a pond as part of a spill containment plan, the pond must have a chemically compatible liner for chemical spills that the Permittee expects to enter the pond and must have outlet controls to contain a spill. A plan must also be in place to clean up a spill so that the pond will not continue to be a source of spilled pollutants. The Permittee shall document evaluations with the SWPPP. [Minn. R. 7090]
5.8.108	<b>Employee Training Program.</b> [Minn. R. 7000]
5.8.109	<p>The Permittee shall develop and implement a training program for employees. Training must cover stormwater control measures, components and goals of the SWPPP, monitoring procedures, and other applicable requirements of the permit.</p> <p>The program must include a training schedule that includes training at least annually. Training must correlate with the job function of the employee. At a minimum, the Permittee shall ensure that the following individuals receive training:</p> <ul style="list-style-type: none"> <li>A. Employee(s) responsible for writing, revising, and implementing the SWPPP;</li> <li>B. Employee(s) responsible for installing, inspecting, maintaining, and repairing BMPs;</li> <li>C. Employee(s) whose work involves the regulated industrial activity, including but not limited to loading/unloading areas, processing areas, waste and fluid management areas, fueling areas, and vehicle maintenance areas; and</li> <li>D. Employee(s) who conduct stormwater discharge monitoring. [Minn. R. 7090]</li> </ul>
5.8.110	<p>The Permittee shall maintain training records including:</p> <ul style="list-style-type: none"> <li>A. The trainer's name and trainer's organization (internal or external);</li> <li>B. The names (printed first and last) of the employee(s) and date(s) the employee(s) received training; and</li> <li>C. A detailed description of the training provided to each employee. [Minn. R. 7090]</li> </ul>
5.8.111	The Permittee shall maintain the training records either in the SWPPP, or in a separate record stored with the SWPPP, for at least three years. [Minn. R. 7090]
5.8.112	<b>Records.</b> [Minn. R. 7000]
5.8.113	<p>The SWPPP shall be retained for the duration of the permit. A copy of the SWPPP shall remain on the permitted site whenever Permittee staff is on the site and be available upon request. The Permittee shall maintain the following records for the period of permit coverage:</p> <ul style="list-style-type: none"> <li>A. Dates and findings of inspections;</li> <li>B. Completed corrective actions;</li> <li>C. Documentation of all changes to the SWPPP; and</li> <li>D. A copy of all annual reports. [Minn. R. 7090]</li> </ul>
5.8.114	<b>Reporting.</b> [Minn. R. 7000]
5.8.115	The Permittee shall submit a stormwater annual report: Due annually, by the 31st of March of each year following permit issuance. The Permittee shall submit the Annual Report in a format determined by the MPCA. [Minn. R. 7090]
5.8.116	<p>The Annual Report must cover those portions of the previous calendar year the Permittee had authorization to discharge industrial stormwater. The Annual Report must include, at a minimum, the following information:</p> <ul style="list-style-type: none"> <li>A. A summary of inspection dates, findings, and any BMP maintenance the Permittee conducted during the course of the reporting year;</li> </ul>

	<p>B. The results of any inspection requirements involving oil and grease, as described in the Sector-Specific Requirements section of this permit, if applicable;</p> <p>C. A confirmation that the SWPPP accurately reflects facility conditions;</p> <p>D. A confirmation that newly-exposed significant materials (if any) are identified and that the Permittee modifies the SWPPP to address them;</p> <p>E. A confirmation that the Permittee conducts a review of impaired waters and that the Permittee modifies the SWPPP to address applicable permit requirements of the Stormwater Pollution Prevention Plan and Benchmark Monitoring Requirements sections of this permit, if necessary;</p> <p>F. A confirmation that the Permittee meets the review requirements of USEPA-approved TMDLs that may apply to the facility;</p> <p>G. A description of any SWPPP modification the Permittee makes in accordance with the Stormwater Pollution Prevention Plan section of this permit, including any information supporting the use of a monitoring waiver outlined in the Benchmark Monitoring Requirements Section of this permit;</p> <p>H. A list of all spills and leaks (as pursuant to Minn. Stat. 115.061) occurring at the facility during the reporting year; and</p> <p>I. If applicable, a summary of all facility mobile industrial activities. At a minimum, the summary must include a description (including SIC code and/or narrative activity), locations of the mobile industrial activity (including latitude and longitude coordinates), and length of time of the mobile industrial activity occurrence(s). [Minn. R. 7090]</p>
5.8.117	<b>Industrial Stormwater Ponds and Infiltration Systems.</b> [Minn. R. 7000]
5.8.118	Sector C industrial facilities may use designed infiltration systems or industrial stormwater ponds for stormwater management. Stormwater ponds/sedimentation basins shall be designed by a registered professional engineer and installed under the direct supervision of a registered professional engineer. If a new stormwater pond/sedimentation basin will be constructed, the Permittee shall follow the guidance located on the website at: <a href="http://www.pca.state.mn.us/r4ard68">http://www.pca.state.mn.us/r4ard68</a> . [Minn. R. 7090]
5.8.119	When the depth of sediment collected in the final sedimentation basin above the outfall reaches one-half of the riser height, or one-half of the basin design hydraulic storage volume, the Permittee shall drain the basin and remove the sediment within thirty days of discovery. No outflow from the sedimentation basin shall occur while sediment is being removed from that basin. The sediment removed from the basin shall be disposed of at a site which drains to the sedimentation basin(s) at the facility. [Minn. R. 7090]
5.8.120	<b>Notification.</b> [Minn. R. 7000]
5.8.121	If the Permittee has an industrial stormwater discharge and directly discharges into a regulated Municipal Separate Storm Sewer System (MS4), the Permittee shall notify the MS4 operator that they are discharging industrial stormwater into their storm sewer system. [Minn. R. 7090]
5.8.122	<b>No Exposure.</b> [Minn. R. 7000]
5.8.123	"No exposure" means that all industrial materials or activities are protected by a storm resistant shelter to prevent exposure to rain, snow, snowmelt, or runoff. Industrial materials or activities include, but are not limited to, material handling equipment or activities, industrial machinery, raw materials, intermediate products, by-products, final products, or waste products. Material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product, or waste product. [Minn. R. 7090.80, 9]
5.8.124	A facility that meets the eligibility requirements for the No Exposure Exclusion requirements outlined below must submit an application through e-Services for No Exposure to the MPCA in accordance with Minn. R. 7090.3060. Directions to acquire a No Exposure Exclusion can be found on the MPCA website at <a href="https://www.pca.state.mn.us/water/industrial-stormwater">https://www.pca.state.mn.us/water/industrial-stormwater</a> . [Minn. R. 7090.3060]
5.8.125	This exclusion is for facilities where all industrial materials or activities are protected by a storm-resistant shelter to prevent exposure to rain, snow, snowmelt, and/or runoff. A facility must meet the following conditions to qualify for this exclusion: <ul style="list-style-type: none"> <li>A. Eliminate or obtain permit coverage for all prohibited non-stormwater discharges;</li> <li>B. As appropriate, inspect and eliminate all areas of past exposure (e.g., stains or debris resulting from previous runoff and exposure of stormwater to significant materials);</li> <li>C. Eliminate exposure of authorized non-stormwater discharges and all significant materials related</li> </ul>

	<p>to industrial activity (including but not limited to waste materials, dumpsters that are not empty/lidded or at loading docks);</p> <p>D. Eliminate exposure of all industrial activities or authorized non-stormwater discharges coming in contact with stormwater. Ensure that industrial equipment is properly maintained and free of leaks; and</p> <p>E. Eliminate exposure of significant materials through any direct or indirect pathway, such as from industrial activities that generate dust and particulates. [40 CFR 122.26(g), Minn. R. 7090.3060, Minn. R. 7090.3080]</p>
5.8.126	<p>If a Permittee plans a change that will result in failure to maintain a condition of No Exposure at a facility, the Owner/Operator of a facility shall apply for a permit modification and receive permit authorization for the discharge of industrial stormwater before commencing the change or the facility may apply for coverage under the Industrial Stormwater General Permit. [Minn. R. 7090.3060, Minn. R. 7090.3060, 5]</p>
	<p><b>Total Facility Requirements (NPDES/SDS)</b></p>
5.9.127	<p><b>Definitions.</b> Refer to the Permit User's Manual found on the MPCA's website (<a href="https://www.pca.state.mn.us">https://www.pca.state.mn.us</a>) for standard definitions. [Minn. R. 7001]</p>
5.9.128	<p><b>Incorporation by Reference.</b> 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]</p>
5.9.129	<p><b>Permittee Responsibility.</b> 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)]</p>
5.9.130	<p><b>Toxic Discharges Prohibited.</b> 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)]</p>
5.9.131	<p><b>Nuisance Conditions Prohibited.</b> 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]</p>
5.9.132	<p><b>Property Rights.</b> This permit does not convey a property right or an exclusive privilege. [Minn. R. 7001.0150, subp. 3(C)]</p>
5.9.133	<p><b>Liability Exemption.</b> 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)]</p>
5.9.134	<p>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)]</p>
5.9.135	<p><b>Liabilities.</b> 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)]</p>
5.9.136	<p>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)]</p>
5.9.137	<p><b>Severability.</b> 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</p>

	such provision to other circumstances and the remainder of this permit shall not be affected thereby. [Minn. R. 7001]
5.9.138	<b>Compliance with Other Rules and Statutes.</b> 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]
5.9.139	<b>Inspection and Entry.</b> 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(l)]
5.9.140	<b>Control Users.</b> 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)]
5.9.141	<b>Sampling.</b> [Minn. R. 7001]
5.9.142	<b>Representative Sampling.</b> 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)]
5.9.143	<b>Additional Sampling.</b> 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)]
5.9.144	<b>Certified/Accredited Laboratory.</b> 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 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]
5.9.145	<b>Sample Preservation and Procedure.</b> 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]
5.9.146	<b>Equipment Calibration.</b> 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)]
5.9.147	<b>Maintain Records.</b> 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: 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)]
5.9.148	<b>Completing Reports.</b> 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

	<p>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>
5.9.149	<p><b>Submitting Reports.</b> 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 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. Whole Effluent Testing (WET) and Pretreatment Annual Reports must be mailed to the WQ Submittals Center.</p> <p>Electronically: <a href="mailto:wq.submittals.mPCA@state.mn.us">wq.submittals.mPCA@state.mn.us</a> Include Water quality submittals form: <a href="http://www.pca.state.mn.us/sites/default/files/wq-wwprm7-71.docx">www.pca.state.mn.us/sites/default/files/wq-wwprm7-71.docx</a></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>
5.9.150	<p><b>Incomplete or Incorrect Reports.</b> 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>
5.9.151	<p><b>Required Signatures.</b> 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>

5.9.152	<p><b>Reporting Limit (RL).</b> The Permittee shall report monitoring results below the RL of a particular instrument as "&lt;" 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 "&lt; 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> <p>A. If some values are less than (&lt;) the RL, substitute zero for all non-detectable values to use in the average calculation;</p> <p>B. If all values are less than (&lt;) the RL, calculate the average and report as &lt; the RL average concentration; and</p> <p>C. To calculate a mass loading with a less than (&lt;) the RL concentration, use the RL value in the calculation and then add the "&lt;" to the product of the concentration and the volume. [Minn. R. 7001.0150, subp. 2(B)]</p>
5.9.153	<p><b>Records.</b> 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. 7001.0150, subp. 3(H)]</p>
5.9.154	<p><b>Confidential Information.</b> 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]</p>
5.9.155	<p><b>Noncompliance and Enforcement.</b> [Minn. R. 7001]</p>
5.9.156	<p><b>Subject to Enforcement Action and Penalties.</b> 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)]</p>
5.9.157	<p><b>Criminal Activity.</b> 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 &amp; H), Minn. Stat. ch. 609.671, subd. 1]</p>
5.9.158	<p><b>Noncompliance Defense.</b> 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)]</p>
5.9.159	<p><b>Effluent Violations.</b> 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</p>

	<p>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"><li>A. A description of the event including volume, duration, monitoring results, and receiving waters;</li><li>B. The cause of the event;</li><li>C. The steps taken to reduce, eliminate, and prevent reoccurrence of the event;</li><li>D. The exact dates and times of the event; and</li><li>E. Steps taken to reduce any adverse impact resulting from the event.</li></ul> <p>[Minn. R. 7001.0150, subp. 3(K)]</p>
5.9.160	<p><b>Upset Defense.</b> 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 demonstrates by a preponderance of competent evidence:</p> <ul style="list-style-type: none"><li>A. The specific cause of the upset;</li><li>B. That the upset was unintentional;</li><li>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;</li><li>D. That at the time of the upset the facility was being properly operated;</li><li>E. That the Permittee properly notified the Commissioner of the upset in accordance with Minn. R. 7001.1090, subp. 1(I); and</li><li>F. That the Permittee implemented the remedial measures required by Minn. R. 7001.0150, subp. 3(J). [Minn. R. 7001.1090]</li></ul>
5.9.161	<p><b>Release.</b> [Minn. R. 7001]</p>
5.9.162	<p><b>Unauthorized Releases of Wastewater Prohibited.</b> 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]</p>
5.9.163	<p><b>Discovery of a Release.</b> Upon discovery of a release, the Permittee shall:</p> <ul style="list-style-type: none"><li>A. Take all reasonable steps to immediately end the release;</li><li>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</li><li>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]</li></ul>
5.9.164	<p><b>Sampling of a Release.</b> Upon discovery of a release, the Permittee shall:</p> <ul style="list-style-type: none"><li>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</li><li>B. Submit the sampling results on the Release Report located on the MPCA's website at <a href="https://www.pca.state.mn.us/water/discharge-monitoring-reports">https://www.pca.state.mn.us/water/discharge-monitoring-reports</a>.</li></ul>

		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]
5.9.165		<b>Bypass.</b> [Minn. R. 7001]
5.9.166		<b>Anticipated Bypass.</b> 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: 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)]
5.9.167		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.  In the event of an unanticipated bypass, the Permittee shall: 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]
5.9.168		<b>Operation and Maintenance.</b> [Minn. R. 7001]
5.9.169		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)]
5.9.170		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)]
5.9.171		<b>Solids Management.</b> The Permittee shall properly store, transport, and manage biosolids, septage, sediments, residual solids, filter backwash, screenings, oil, grease, and other substances so that

	<p>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>
5.9.172	<p><b>Scheduled Maintenance.</b> 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>
5.9.173	<p><b>Control Tests.</b> 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>
5.9.174	<p><b>Changes to the Facility or Permit.</b> [Minn. R. 7001]</p>
5.9.175	<p><b>Permit Modifications.</b> 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>
5.9.176	<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>
5.9.177	<p><b>Report Changes.</b> 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>
5.9.178	<p><b>Chemical Additives.</b> 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 <a href="https://www.pca.state.mn.us/water/wastewater-additional-guidance-and-information">https://www.pca.state.mn.us/water/wastewater-additional-guidance-and-information</a>:</p> <ul style="list-style-type: none"> <li>A. The process for which the additive will be used;</li> <li>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;</li> <li>C. A complete product use and instruction label;</li> <li>D. The commercial and chemical names and Chemical Abstract Survey (CAS) number for all</li> </ul>

	<p>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</p> <p>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>
5.9.179	<p><b>MPCA Initiated Permit Modification, Suspension, or Revocation.</b> 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>
5.9.180	<p><b>Total Maximum Daily Load (TMDL) Impacts.</b> 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>
5.9.181	<p><b>Permit Transfer.</b> 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>
5.9.182	<p><b>Facility Closure.</b> 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, 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]</p>
5.9.183	<p><b>Permit Reissuance.</b> 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]</p>
5.9.184	<p>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:</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; or</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.</p>

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[Minn. R. 7001.0040, Minn. R. 7001.0160]

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6. Submittal action summary

SD 002	Stormwater, Non-specific Runoff	
<b>Facility Specific Limit and Monitoring Requirements</b>		
	6.1.1	The Permittee shall submit a monthly DMR: Due by 21 days after the end of each calendar month following permit issuance. [Minn. R. 7001.0150, Subp. 2(B)]
MN0068063	Green Plains Fairmont LLC	
<b>Ethanol</b>		
	6.2.1	<p>Materials such as stillage, syrup, wet cake, distillers grains and oils generated by the facility that will not be reused in the production process nor be used for livestock feed or fuel (for example, due to contamination, spoilage, infection or poor grade) shall be disposed of at a landfill authorized to accept the waste, or at a publicly owned treatment works (POTW) consistent with the requirements of the NPDES/SDS permit for the POTW.</p> <p>The Permittee shall submit an annual report that notifies the MPCA of incidences when more than 100 gallons per day of such off-grade, spoiled, contaminated or infected materials (those that will not be reused in the production process nor used for livestock feed or fuel) have been generated.</p> <p>This annual report shall include at least the following information for each incident:</p> <ul style="list-style-type: none"> <li>A. Name and basic description of the unusable material generated;</li> <li>B. Origin of the unusable material in the production process;</li> <li>C. Volume of the unusable material generated;</li> <li>D. Physical and chemical characterization of the unusable material;</li> <li>E. Explanation of why the material is being landfilled or handled by a POTW; and</li> <li>F. The name and location of the facility that will ultimately dispose of the waste.</li> </ul> <p>If no such material was generated, the Permittee shall indicate so in the annual report.          Submit annual report: Due annually, by the 30th of June. [Minn. R. 7035]</p>
<b>Industrial Stormwater Sector C: Chemical and Allied Products Manufacturing</b>		
	6.3.2	The Permittee shall submit a stormwater annual report: Due annually, by the 31st of March of each year following permit issuance. The Permittee shall submit the Annual Report in a format determined by the MPCA. [Minn. R. 7090]
<b>Total Facility Requirements (NPDES/SDS)</b>		
	6.4.3	<b>Permit Reissuance.</b> 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]

7. Limits and monitoring

Subject item	Parameter	Discharge limitations						Monitoring requirements				Notes
		Quantity /Loading avg.	Quantity /Loading max.	Quantity /Loading units	Quality /Conc. min.	Quality /Conc. avg.	Quality /Conc. max.	Quality/ Conc. units	Frequency	Sample type	Effective period	
SD 002 Stormwater Pond #2 valve outfall	BOD, Carbonaceous 05 Day (20 Deg C)					25 calendar month average	40 daily maximum	milligrams per liter	once per month	Grab	Jan-Dec	
SD 002 Stormwater Pond #2 valve outfall	Duration of Discharge		Monitor only. calendar month total	days per month					once per day	Measurement	Jan-Dec	
SD 002 Stormwater Pond #2 valve outfall	Ethanol (Ethyl Alcohol)						Monitor only. calendar month maximum	micrograms per liter	once per month	Grab	Mar, Jun, Sep, Dec	
SD 002 Stormwater Pond #2 valve outfall	Flow		Monitor only. calendar month total	million gallons		Monitor only. calendar month average	Monitor only. calendar month maximum	million gallons per day	once per day	Measurement, Continuous	Jan-Dec	
SD 002 Stormwater Pond #2 valve outfall	Nitrogen, Ammonia, Total (as N)						Monitor only. calendar month maximum	milligrams per liter	once per month	Grab	Jan-Dec	
SD 002 Stormwater Pond #2 valve outfall	Organics, Gasoline Range as gasoline, Total						Monitor only. calendar month maximum	micrograms per liter	once per month	Grab	Mar, Jun, Sep, Dec	
SD 002 Stormwater Pond #2 valve outfall	pH				6.0 instantaneous minimum		9.0 instantaneous maximum	standard units	once per month	Grab	Jan-Dec	
SD 002 Stormwater Pond #2 valve outfall	Phosphorus, Total (as P)					Monitor only. calendar month average		milligrams per liter	once per month	Grab	Jan-Dec	

Subject item	Parameter	Discharge limitations					Monitoring requirements					Notes
		Quantity /Loading avg.	Quantity /Loading max.	Quantity /Loading units	Quality /Conc. min.	Quality /Conc. avg.	Quality /Conc. max.	Quality/ Conc. units	Frequency	Sample type	Effective period	
SD 002 Stormwater Pond #2 valve outfall	Solids, Total Suspended (TSS)					30 calendar month average	48 daily maximum	milligrams per liter	once per month	Grab	Jan-Dec	
SD 002 Stormwater Pond #2 valve outfall	Specific Conductance					Monitor only. calendar month average		micromhos per cm	once per month	Grab	Jan-Dec	
SD 002 Stormwater Pond #2 valve outfall	Temperature, Water (F)					Monitor only. monthly average of daily maximum		degrees Fahrenheit	once per month	Measurement	Jan-Dec	

