National Pollutant Discharge Elimination System/State Disposal System
MN0068764

Permittee: LG Everist, Inc.
Facility name: LG Everist, Inc.
Receiving water: Minnesota River - Class 1C, 2Bdg, 3C, 4A, 4B, 5, 6 water
City or Township: Ortonville
County: Big Stone
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: Theresa Haugen
for the Minnesota Pollution Control Agency
Theresa Haugen, Supervisor
Water Section
Industrial Division

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

Questions on this permit?
For eDMR and other permit reporting issues, contact:
Jennifer Satnik (jennifer.satnik@state.mn.us) 651-757-2692

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

For specific permit requirements, please refer to:
Taylor Olson (taylor.olson@state.mn.us) 507-476-4274

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

The LG Everist, Inc. facility (facility) is located at 43966 County Highway 17, Ortonville, Minnesota 56278, Big Stone County.

This granite mining facility mines, crushes, and processes granite for use in the aggregate industry. It produces an average of 20,000 tons of granite per week and a maximum of 25,000 tons of granite per week for use as product. Quarry operations include drilling and blasting granite, loading granite fragments into haul trucks by front-end loader, transporting granite fragments to the processing plant, sizing by crushing and screening, and washing crushed granite. Sized material is stockpiled for load-out into truck or rail. The plant generally operates from March through October, although maintenance activities continue throughout the year.

Discharge from the facility covered under this permit includes stormwater, quarry dewatering, and process wastewater from washing crushed granite.

Quarry dewatering facilitates quarry mining operations. Groundwater seeping into the quarry collects in a small pond. This water is pumped out of the quarry and discharges to the Minnesota River. The dewatering water discharges at an average rate of 200,000 gallons per day and a maximum rate of 480,000 gallons per day. Dewatering usually occurs for 10 hours per day from March through October. Dewatering is rarely needed during the winter months. At no time does any plant process or non-process water come into contact with any quarry dewatering activities.

Process water is used to wash granite particulates off of newly crushed granite, and is recycled for repeated use through two settling ponds. The pond system receives water from an adjacent slough (MNDNR Water Appropriation Permit Number 1976-4024), stormwater, and spring water. The first pond (Pond 1) accepts the washwater, where most of the particulate granite settles out. Pond 1 flows to a second settling pond (Pond 2) where further settling occurs. Water from Pond 2 is pumped to the washing station, where it is used again to wash additional crushed granite.

Process generated wastewater discharges intermittently. Discharge is precipitation dependent driven by an increase in stormwater runoff and spring discharge. This additional water causes the settling ponds to discharge via the southern end of pond 2 (SD002). The water is discharged into an intermittent stream that flows through the quarry area to a flood plain on the Minnesota River. On quarry grounds, the west side of the stream is stabilized with riprap while the east side is stabilized with vegetation.

Settling ponds are excavated weekly or as needed during the production season. Fines are dug out of the ponds with an excavator and hauled to a storage site. These ponds were modified from existing wetlands in 1971 for use as settling ponds, and their shape prevents accessing portions of the ponds with excavators. Excavation occurs around the perimeter of the ponds where accessible by heavy equipment. Placement of a silt screen in front of the outlet from Pond 2 will be required during excavating to mitigate discharge of re-suspended sediment from these activities.

Fines excavated from the ponds are temporarily stockpiled next to the ponds to allow excess water to drain back into the treatment ponds. The fines are later moved to a stockpiling area near the western border of the facility.

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.]
2. Location map of permitted facility
3. Flow diagram
4. Summary of stations and station locations

<table>
<thead>
<tr>
<th>Station</th>
<th>Type of station</th>
<th>Local name</th>
<th>PLS location</th>
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<tr>
<td>SD 001</td>
<td>Nonmetallic Mining</td>
<td>Pit dewatering &amp; Stormwater</td>
<td>T121N, R46W, S26, SW Quarter</td>
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<td>Wastewater</td>
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<tr>
<td>SD 002</td>
<td>Nonmetallic Mining</td>
<td>Crushed granite washwater</td>
<td>T121N, R46W, S26, SE Quarter</td>
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<td>Wastewater</td>
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## 5. Permit requirements

<table>
<thead>
<tr>
<th>SD 001</th>
<th>Nonmetallic Mining Wastewater</th>
<th>Facility Specific Limit and Monitoring Requirements</th>
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<tr>
<td></td>
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<td>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)]</td>
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<td></td>
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<td>5.1.2 Sampling Location. [Minn. R. 7001.0150, Subp. 2(B)]</td>
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<td>5.1.3 Samples for Station SD001 shall be taken at a point representative of the discharge. [Minn. R. 7001.0150, Subp. 2(B)]</td>
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<td>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 &quot;No Flow&quot; or &quot;No Discharge&quot; 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)]</td>
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<table>
<thead>
<tr>
<th>SD 002</th>
<th>Nonmetallic Mining Wastewater</th>
<th>Facility Specific Limit and Monitoring Requirements</th>
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<td></td>
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<td>5.2.1 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)]</td>
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<td>5.2.2 Sampling Location. [Minn. R. 7001.0150, Subp. 2(B)]</td>
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<td>5.2.3 Samples for Station SD002 shall be taken at a point representative of the discharge. [Minn. R. 7001.0150, Subp. 2(B)]</td>
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<tr>
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<td>5.2.4 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 &quot;No Flow&quot; or &quot;No Discharge&quot; 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)]</td>
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<th>Surface Discharge Station General Requirements</th>
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<tr>
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<td>5.3.1 Analysis Requirements. [Minn. R. 7001]</td>
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<td>5.3.2 pH analyses shall be conducted within 15 minutes of Sample collection. [Minn. R. 7001]</td>
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<td>5.3.3 Representative Samples. [Minn. R. 7001]</td>
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<td>5.3.4 Samples and measurements required by this permit shall be representative of the monitored activity. [Minn. R. 7001]</td>
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<td>5.3.5 Surface Discharge Prohibitions. [Minn. R. 7001]</td>
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<td>5.3.6 Floating solids or visible foam shall not be discharged in other than trace amounts. [Minn. R. 7001]</td>
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<td>5.3.7 Oil or other substances shall not be discharged in amounts that create a visible color film. [Minn. R. 7001]</td>
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<td>5.3.8 The Permittee shall install and maintain outlet protection measures at the discharge stations to prevent erosion. [Minn. R. 7001]</td>
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<td>5.3.9 Winter Sampling Conditions. [Minn. R. 7001]</td>
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|                | 5.3.10 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]

5.3.11 Nitrogen Limits and Monitoring Requirements. [Minn. R. 7001]

5.3.12 "Total Nitrogen" is to be reported as the summation of the Total Kjeldahl Nitrogen and Total Nitrite plus Nitrate Nitrogen values. [Minn. R. 7001]

Industrial Process Wastewater

5.4.13 Prohibited Discharges. [Minn. R. 7001]

5.4.14 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. [Minn. R. 7001.1090, Subp. 1(A)]

5.4.15 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. 7001.1090, Subp. 1(A)]

5.4.16 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. 7049.140, Subp. 2]

5.4.17 Toxic Substance Reporting. [Minn. R. 7001]

5.4.18 The Permittee shall notify the MPCA immediately of any knowledge or reason to believe that an activity has occurred that would result in the discharge of a toxic pollutant listed in Minnesota Rules, pt. 7001.1060, subp. 4 to 10 or listed below that is not limited in the permit, if the discharge of this toxic pollutant has exceeded or is expected to exceed the following levels:

   a. for acrolein and acrylonitrile, 200 ug/L;
   b. for 2,4-dinitrophenol and 2-methyl-4,6-dinitrophenol, 500 ug/L;
   c. for antimony, 1mg/L;
   d. for any other toxic pollutant listed in Minnesota Rules, pt. 7001.1060, subp. 4 to 10, 100 ug/L; or
   e. five times the maximum concentration value identified and reported for that pollutant in the permit application. [Minn. R. 7001.1090, Subp. 2]

5.4.19 The Permittee shall notify the MPCA immediately if the Permittee has begun or expects to begin to use or manufacture as an intermediate or final by-product a toxic pollutant that was not reported in the permit application under Minnesota Rules, pt. 7001.1050, subp. 2.J. [Minn. R. 7001.1050, Subp. 2(J)]

5.4.20 Mobile Service Areas. [Minn. R. 7001]

5.4.21 Degreasing wastes, motor oil, oil filters, oil sorbent pads and booms, transmission fluids, power steering fluids, brake fluids, coolant/antifreeze, radiator flush wastewater and spent solvents shall be collected and disposed of in accordance with applicable solids and hazardous waste management rules. These materials shall not be discharged to surface or ground waters of the state. [Minn. R. 7001.150, Subp. 2]

5.4.22 The steam-cleaning of mobile equipment, except for limited outdoor cleaning of large drills and shovels, shall be conducted in wash bays that drain to wastewater treatment systems that include the removal of suspended solids and flammable liquids. The only washing of mobile equipment done in outside areas shall be to remove mud and dirt that has accumulated during outside work. [Minn. R. 7001.150, Subp. 2]

5.4.23 Mobile equipment washing shall not use solvent-based cleaners such as those available for brake cleaning and degreasing, unless the cleaning fluids are completely contained and not allowed to flow to surface or ground waters of the state. Soaps and detergents used in washing shall be biodegradable. [Minn. R. 7001.150, Subp. 2]

5.4.24 Mobile equipment maintenance and repairs shall not be conducted in wash bays.
5.4.25 Hazardous materials shall not be stored or handled in wash bays. [Minn. R. 7001.150, Subp. 2]

5.4.26 Wastewater containment systems, including pipes shall be inspected regularly. Leaks that are detected shall be repaired immediately. [Minn. R. 7001.150, Subp. 2]

5.4.27 If the Permittee discovers that recoverable amounts of petroleum products have entered wastewater containment systems, they shall be recovered immediately, and reported to the MPCA. [Minn. R. 7001.150, Subp. 2]

5.4.28 Spill cleanup procedures shall be posted in mobile equipment maintenance and repair areas. [Minn. R. 7001.150, Subp. 2]

5.4.29 New Proposed Dewatering. [Minn. R. 7001]

5.4.30 The Permittee shall obtain a permit modification before discharging from a new dewatering outfall. [Minn. R. 7001.170]

5.4.31 In addition to the requirements in the Permit Modifications section of this permit, the Permittee shall submit to the MPCA detailed plans and specifications for the proposed methods of achieving discharge limits for turbidity and total suspended solids, based in part upon representative water quality data for untreated wastewater and a detailed map and diagram description of the proposed design for the flow control structures, and route of the discharge to receiving waters. [Minn. R. 7001.170]

5.4.32 Application for Permit Reissuance. [Minn. R. 7001, Minn. R. 7001.50]

5.4.33 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. [Minn. R. 7001.50]

5.4.34 The permit application shall include analytical data for at least the following parameters at monitoring station SD001/SD002. Analysis of all parameters shall comply with their specific 40 CFR Part 136 analytical methodologies or any updates to those methodologies. The reporting limits shall meet the minimum levels as defined by this permit and all state and federal regulations.

a. gasoline range organics, diesel range organics, oil and grease, fecal coliform, ammonia, temperature;
b. nitrate-nitrite (as nitrogen), total organic nitrogen, total phosphorus, surfactants, total dissolved solids, hardness, specific conductance;
c. antimony, arsenic, beryllium, cadmium, chromium, copper, lead, nickel, selenium, silver, thallium, zinc (all in total form) according to 40 CFR Part 136.3;
d. aluminum, barium, boron, cobalt, iron, magnesium, manganese, molybdenum, total tin, and total aluminum. [Minn. R. 7001, Minn. R. 7001.50]

5.4.35 The Permittee shall include, as part of the application for reissuance of this permit:

a. a current map of all basins, showing the inlets, outlets, and current topographic and water level elevations in the basin;
b. an updated water balance for the facility; [Minn. R. 7001, Minn. R. 7001.50]

5.5.36 Definitions. [Minn. R. 7001]

5.5.37 "Pit dewatering" means any water that is impounded or that collects in the mine and is pumped, drained or otherwise removed from the mine through the efforts of the mine operator. This term shall also include wet pit overflows caused solely by direct rainfall and ground water seepage. However, if a mine is also used for treatment of...
process generated waste water, discharges of commingled water from the facilities shall be deemed discharges of process generated wastewater. [State Definitions]

5.5.38 Authorization. [Minn. R. 7001]

5.5.39 This chapter authorizes the Permittee to discharge industrial waste water generated at the facility, as described in the ‘Facility Description’ portion of this permit. This activity is limited by the ‘Limits and Monitoring’ section of this permit, as well as the other terms and conditions of this permit. [Minn. R. 7001]

5.5.40 Surface Discharges. [Minn. R. 7001]

5.5.41 Any outlet pipe, culvert or hose outlets for the discharge shall be located on the ground. The Permittee shall install and maintain outlet protection measures, such as properly sized riprap, splash pads or gabions at the discharge stations (outlets) to prevent erosion. [Minn. R. 7001]

5.5.42 Any inlet pipe, culvert or hose for the discharge shall be raised above the ground so that the discharge flow does not draw in and transport solids from the sump area. [Minn. R. 7001]

Industrial Stormwater Sector J: Mineral Mining and Dressing

5.6.43 Authorization. [Minn. R. 7001]

5.6.44 This chapter authorizes the Permittee to discharge stormwater associated with industrial activity from industrial activity associated with SIC codes 1423 in accordance with the terms and conditions of this chapter. [Minn. R. 7090]

5.6.45 This permit, unless specifically authorized by another chapter, does not authorize the discharge of sewage, wash water, scrubber water, floor drains from process areas, spills, oils, hazardous substances, or equipment/vehicle cleaning and maintenance wastewaters to ditches, wetlands, or other surface waters of the state. [Minn. R. 7090]

5.6.46 Water Quality Standards. [Minn. R. 7001]

5.6.47 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]

5.6.48 The Permittee shall limit and control the use of materials at the facility that may cause exceedances of ground water 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]

5.6.49 Stormwater Pollution Prevention Plan. [Minn. R. 7001]

5.6.50 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: http://www.pca.state.mn.us/r4ard68. [Minn. R. 7090]

5.6.51 At a minimum, the SWPPP shall include:

a. a description of appropriate Best Management Practices (BMPs) (including structural and non-structural) for protection of surface and groundwater quality at the facility and a schedule for implementing the practices;

b. a drainage map for the entire facility;
c. an inventory of exposed significant materials;  
d. an evaluation of the facility areas with exposure of significant materials to stormwater;  
e. an evaluation of all discharge conveyances from the site; a preventative maintenance program;  
f. a spill prevention and response procedure; and  
g. procedures to be followed by designated staff employed by the Permittee to implement the SWPPP. [Minn. R. 7090]

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<tr>
<th>5.6.52</th>
<th>In addition, the SWPPP shall include the following:</th>
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</table>
| a. Facility Map. Identify where any of the following may be exposed to stormwater: mining or milling site boundaries; access and haul roads; outline of drainage areas of each monitoring location within the facility with indications of the types of discharges from the drainage areas; location of all permitted discharge points, outdoor equipment storage, fueling and maintenance areas; materials handling areas; outdoor manufacturing, outdoor storage and material disposal areas; outdoor chemicals and explosives storage areas; overburden, materials, soils or waste storage areas; location of mine drainage or other process water; ponds; heap leach pads; off site points of discharge for mine drainage and process water; surface waters; boundary of tributary areas that are subject to effluent limits; location(s) of sites undergoing reclamation and reclaimed areas.  
b. Potential Pollutant Sources. For each area of the mine or mill site where stormwater discharges associated with industrial activities occur, the Permittee shall identify the types of pollutants (e.g. heavy metals, sediment) likely to be present in significant amounts. The Permittee shall consider the following factors: the mineralogy of the waste rock (e.g. acid forming); toxicity and quantity of chemicals used, produced or discharged; the likelihood of contact with stormwater; vegetation of site (if any); history of significant leaks or spills of toxic or hazardous pollutants. If any new data is acquired due to changes in ore type being mined, the Permittee shall update the SWPPP with this information. [Minn. R. 7090] |

| 5.6.53 | The SWPPP shall be developed and implemented within 180 days after permit issuance and shall be available for inspection. [Minn. R. 7090] |

| 5.6.54 | Employee Training Program. [Minn. R. 7001] |

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<tr>
<th>5.6.55</th>
<th>The Permittee shall develop and implement an employee training program to inform appropriate personnel of the components and goals of the SWPPP. At a minimum, training shall address:</th>
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| a. spill/leak prevention and response;  
b. good housekeeping;  
c. petroleum product management;  
d. process chemical management;  
e. fueling procedures;  
f. proper procedures for using fertilizer, herbicides, and pesticides;  
g. erosion and sedimentation controls;  
h. inspections;  
i. preventative maintenance;  
j. runoff management; and  
k. materials management practices.  

The SWPPP shall identify periodic dates for such training as well as personnel responsible for managing and implementing the SWPPP and those responsible for the reporting requirements of this permit. This shall include the facility contact person as indicated on the permit application. Identified personnel shall be available at reasonable times of operation.
Guidance regarding employee training programs is available on the web at: http://www.pca.state.mn.us/r4ard68. [Minn. R. 7090]

5.6.56 Inspection and Maintenance. [Minn. R. 7001]

5.6.57 The Permittee shall develop and implement an inspection schedule that includes a minimum of one facility inspection per calendar month. A total of two monthly inspections shall occur during runoff events, with at least one being performed during snow melt. Inspections shall be conducted by appropriately trained personnel at the facility. The purpose of inspections is to:

1) determine whether structural and non-structural BMPs require maintenance or changes, and
2) evaluate the completeness and accuracy of the SWPPP.

Inspection results and documentation shall remain on-site whenever Permittee staff are available on the site and shall be available upon request. The inspection form is located on the MPCA’s website at: http://www.pca.state.mn.us/r4ard68. [Minn. R. 7090]

5.6.58 Inspections shall be documented. Documentation shall include the following information:

a. inspection date and time;
b. weather conditions;
c. inspector name;
d. findings; and
e. a description of any necessary corrective actions and a schedule for corrective action completion.

A copy of all inspection documentation shall be stored with the SWPPP. [Minn. R. 7090]

5.6.59 If the facility is inactive and unstaffed, temporarily inactive and unstaffed, or is a site undergoing reclamation, the Permittee is waived from the requirement to conduct monthly facility inspections and shall conduct semiannual inspections. If circumstances change, and the facility becomes active, and/or staffed, this exception no longer applies and compliance with the monthly inspection requirements in accordance with the Inspection and Maintenance section of this permit shall begin immediately. [Minn. R. 7090]

5.6.60 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]

5.6.61 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]

5.6.62 Erosion and Sedimentation Control. [Minn. R. 7001]

5.6.63 The Permittee shall implement sediment control on all downgradient perimeters before any upgradient land disturbing activities begin. Use a range of controls within the broad categories of: flow diversion (e.g. swales); stabilization (e.g. temporary or permanent seeding); and structural controls (e.g. sediment traps, dikes, silt fences). The timing of the installation of sediment control practices may be adjusted to accommodate short-term activities. [Minn. R. 7090]

5.6.64 Sedimentation Basin Design and Construction. [Minn. R. 7001]

5.6.65 The Permittee is authorized to use designed infiltration devices or industrial stormwater ponds/sedimentation basins 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: http://www.pca.state.mn.us/r4ard68. [Minn. R. 7090]

5.6.66 Records. [Minn. R. 7001]

5.6.67 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:

a. dates and findings of inspections;
b. completed corrective actions;
c. documentation of all changes to the SWPPP; and
d. a copy of all annual reports. [Minn. R. 7090]

5.6.68 Notification. [Minn. R. 7001]

5.6.69 If the Permittee discharges stormwater into a regulated Municipal Separate Storm Sewer System (MS4), the Permittee shall notify the operator of the first MS4 of the existence of this permit within 30 days of its issuance. [Minn. R. 7090]

5.6.70 No Exposure. [Minn. R. 7001]

5.6.71 If the Permittee meets the eligibility criteria for No Exposure and is eligible for the conditional exclusion for No Exposure, as regulated by 40 CFR 122.26(b)(14)(i) through (ix) and (x), it may submit:

a. a No Exposure certification to the MPCA in accordance with Minn. R. 7090.3060; and
b. a permit application for a modification of the NPDES/SDS Permit. [Minn. R. 7090]

5.6.72 The Permittee shall apply to the MPCA for the No Exposure certification once every five years. [Minn. R. 7090]

5.6.73 The No Exposure exclusion is conditional. The facility shall maintain a condition of No Exposure at the facility in order for the No Exposure exclusion to remain applicable. In the event of any change or circumstance that causes exposure of industrial activities or materials to stormwater, the facility shall comply with the stormwater requirements of this chapter. [Minn. R. 7090]

5.6.74 The no exposure certification is non-transferrable in accordance with Minn. R. 7090.3060, subp. 5(D). In the event that the facility operator changes, then the new operator shall submit written notification of the change to the MPCA, Attn: WQ Submittal Center, 520 Lafayette Road North, St Paul, Minnesota 55155-4194. [Minn. R. 7090]

5.6.75 The MPCA retains the authority to require the facility operator to comply with the requirements of this chapter, even when an industrial operator certifies no exposure, if the MPCA has determined that the discharge is contributing to the violation of, or interfering with the attainment or maintenance of water quality standards, including designated uses. [Minn. R. 7090]

5.6.76 Definitions. [Minn. R. 7001]

5.6.77 "Best Management Practices" or "BMPs" means practices to prevent or reduce the pollution of waters of the state, including schedules of activities, prohibitions of practices, other management practices, and also includes treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge, waste disposal or drainage from raw material storage. [State Definitions]

5.6.78 "Inactive mining facility" means a site or portion of a site where mining and/or milling occurred in the past but is not an active facility as defined above, and where the inactive portion is not covered by an active mining permit issued by the State.
5.6.79 "No Exposure" means all industrial materials and activities are protected by a storm resistant shelter to prevent exposure to rain, snow, snow melt, and/or runoff. Industrial activities or materials include, but are not limited to, material handling equipment or activities, industrial machinery, raw materials, intermediate products, by-products, final products, or waste products. [State Definitions]

5.6.80 "Non-Stormwater Discharge" means any discharge not comprised entirely of stormwater discharges authorized by a NPDES permit. [State Definitions]

5.6.81 "Reclamation" means activities undertaken, in compliance with applicable mined land reclamation requirements, following cessation of the activities associated with extraction through production of a salable product, intended to return the land to an appropriate post-mining land use in order to meet applicable Federal and State reclamation requirements. [State Definitions]

5.6.82 "Runoff" means any liquid that drains over land from any part of a facility. [State Definitions]

5.6.83 "Temporary inactive mining facility" means a site or portion of a site where mining and/or milling occurred in the past but currently are not being actively undertaken, and the facility is covered by an active mining permit issued by the State or Federal agency. [State Definitions]

Total Facility Requirements (NPDES/SDS)

5.7.84 Definitions. Refer to the 'Permit Users Manual' found on the MPCA website (www.pca.state.mn.us) for standard definitions. [Minn. R. 7001]

5.7.85 Incorporation by Reference. The following applicable federal and state laws are incorporated by reference in this permit, are applicable to the Permittee, and are enforceable parts of this permit: 40 CFR pts. 122.41, 122.42, 136, 403 and 503; Minn. R. pts. 7001, 7041, 7045, 7050, 7052, 7053, 7060, and 7080; and Minn. Stat. ch. 115 and 116. [Minn. R. 7001]

5.7.86 Permittee Responsibility. The Permittee shall perform the actions or conduct the activity authorized by the permit in compliance with the conditions of the permit and, if required, in accordance with the plans and specifications approved by the Agency. [Minn. R. 7001.0150, subp. 3(E)]

5.7.87 Toxic Discharges Prohibited. Whether or not this permit includes effluent limitations for toxic pollutants, the Permittee shall not discharge a toxic pollutant except according to Code of Federal Regulations, Title 40, sections 400 to 460 and Minnesota Rules 7050, 7052, 7053 and any other applicable MPCA rules. [Minn. R. 7001.1090, subp. 1(A)]

5.7.88 Nuisance Conditions Prohibited. The Permittee’s discharge shall not cause any nuisance conditions including, but not limited to: floating solids, scum and visible oil film, acutely toxic conditions to aquatic life, or other adverse impact on the receiving water. [Minn. R. 7050.0210, subp. 2]

5.7.89 Property Rights. This permit does not convey a property right or an exclusive privilege. [Minn. R. 7001.0150, subp. 3(C)]

5.7.90 Liability Exemption. In issuing this permit, the state and the MPCA assume no responsibility for damage to persons, property, or the environment caused by the activities of the Permittee in the conduct of its actions, including those activities authorized, directed, or undertaken under this permit. To the extent the state and the MPCA may be liable for the activities of its employees, that liability is explicitly limited to that provided in the Tort Claims Act. [Minn. R. 7001.0150, subp. 3(O)]

5.7.91 The MPCA’s issuance of this permit does not obligate the MPCA to enforce local laws, rules, or plans beyond what is authorized by Minnesota Statutes. [Minn. R. 7001.0150, subp. 3(D)]

5.7.92 Liabilities. The MPCA’s issuance of this permit does not release the Permittee from
any liability, penalty or duty imposed by Minnesota or federal statutes or rules or local ordinances, except the obligation to obtain the permit. [Minn. R. 7001.0150, subp. 3(A)]

5.7.93 The issuance of this permit does not prevent the future adoption by the MPCA of pollution control rules, standards, or orders more stringent than those now in existence and does not prevent the enforcement of these rules, standards, or orders against the Permittee. [Minn. R. 7001.0150, subp. 3(B)]

5.7.94 Severability. The provisions of this permit are severable and, if any provisions of this permit or the application of any provision of this permit to any circumstance are held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby. [Minn. R. 7001]

5.7.95 Compliance with Other Rules and Statutes. The Permittee shall comply with all applicable air quality, solid waste, and hazardous waste statutes and rules in the operation and maintenance of the facility. [Minn. R. 7001]

5.7.96 Inspection and Entry. When authorized by Minn. Stat. ch. 115.04; 115B.17, subd. 4; and 116.091, and upon presentation of proper credentials, the agency, or an authorized employee or agent of the agency, shall be allowed by the Permittee to enter at reasonable times upon the property of the Permittee to examine and copy books, papers, records, or memoranda pertaining to the construction, modification, or operation of the facility covered by the permit or pertaining to the activity covered by the permit; and to conduct surveys and investigations, including sampling or monitoring, pertaining to the construction, modification, or operation of the facility covered by the permit or pertaining to the activity covered by the permit. [Minn. R. 7001.0150, subp. 3(I)]

5.7.97 Control Users. The Permittee shall regulate the users of its wastewater treatment facility so as to prevent the introduction of pollutants or materials that may result in the inhibition or disruption of the conveyance system, treatment facility or processes, or disposal system that would contribute to the violation of the conditions of this permit or any federal, state or local law or regulation. [Minn. R. 7001.0150, subp. 3(F)]

5.7.98 Sampling. [Minn. R. 7001]

5.7.99 Representative Sampling. Samples and measurements required by this permit shall be conducted as specified in this permit and shall be representative of the discharge or monitored activity. [40 CFR 122.41(j)(1)]

5.7.100 Additional Sampling. If the Permittee monitors more frequently than required, the results and the frequency of monitoring shall be reported on the Discharge Monitoring Report (DMR) or another MPCA-approved form for that reporting period. [Minn. R. 7001.1090, subp. 1(E)]

5.7.101 Certified Laboratory. A laboratory certified by the Minnesota Department of Health and/or registered by the MPCA shall conduct analyses required by this permit. Analyses of dissolved oxygen, pH, temperature, specific conductance, and total residual oxidants (chlorine, bromine) do not need to be completed by a certified laboratory but shall comply with manufacturers specifications for equipment calibration and use. [Minn. R. 4740.2010, Minn. R. 4740.2050 through 2120]

5.7.102 Sample Preservation and Procedure. Sample preservation and test procedures for the analysis of pollutants shall conform to 40 CFR Part 136 and Minn. R. 7041.3200. [40 CFR 136, Minn. R. 7041.3200]

5.7.103 Equipment Calibration: Flow meters, pumps, flumes, lift stations or other flow monitoring equipment used for purposes of determining compliance with permit shall be checked and/or calibrated for accuracy at least twice annually. [Minn. R. 7001.0150, 2(B and C)]

5.7.104 Maintain Records. The Permittee shall keep the records required by this permit for at least three years, including any calculations, original recordings from automatic monitoring instruments, and laboratory sheets. The Permittee shall extend these...
record retention periods upon request of the MPCA. The Permittee shall maintain records for each sample and measurement. The records shall include the following information:

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, 2(C)]

5.7.105 Completing Reports. The Permittee shall submit the results of the required sampling and monitoring activities on the forms provided, specified, or approved by the MPCA. The information shall be recorded in the specified areas on those forms and in the units specified.

Required forms may include DMR Supplemental/Sample Value Form Individual values for each sample and measurement shall be recorded on the DMR Supplemental/Sample Value Form which, if required, will be provided by the MPCA. DMR Supplemental/Sample Value Forms shall be submitted with the appropriate DMRs. You may design and use your own supplemental form; however it shall be approved by the MPCA. Note: Required summary information shall also be recorded on the DMR. Summary information that is submitted ONLY on the DMR Supplemental/Sample Value Form does not comply with the reporting requirements. [Minn. R. 7001.1090, 1(D), Minn. R. 7001.150, 2(B)]

5.7.106 Submitting Reports. DMRs, DMR supplemental forms and related attachments must be electronically submitted via MPCA e-Services after authorization is approved.

DMRs and DMR Supplemental Forms shall be electronically submitted by the 21st day of the month following the sampling period or otherwise as specified in this permit. Electronic DMR submittal shall be complete on or before 11:59 PM of the 21st day of the month following the sampling period or as otherwise specified in this permit. A DMR shall be submitted for each required station even if no discharge occurred during the reporting period.

Other reports required by this permit shall be postmarked by the date specified in the permit to: MPCA, Attn: WQ Submittals Center, 520 Lafayette Road North, St Paul Minnesota 551554194. [Minn. R. 7001.0150, 2(B), Minn. R. 7001.0150, 3(H)]

5.7.107 Incomplete or Incorrect Reports. The Permittee shall immediately submit an electronically amended report or DMR to the MPCA upon discovery by the Permittee or notification by the MPCA that it has submitted an incomplete or incorrect report or DMR. The amended report or DMR shall contain the missing or corrected data along with a cover letter explaining the circumstances of the incomplete or incorrect report. If it is impossible to electronically amend the report or DMR, the Permittee shall immediately notify the MPCA and the MPCA will provide direction for the amendment submittals. [Minn. R. 7001.0150, 3(G)]

5.7.108 Required Signatures. All DMRs, forms, reports, and other documents submitted to the MPCA shall be signed by the Permittee or the duly authorized representative of the Permittee. Minn. R. 7001.0150, subp. 2, item D. The person or persons that sign the DMRs, forms, reports or other documents shall certify that he or she understands and complies with the certification requirements of Minn. R. 7001.0070 and 7001.0540, including the penalties for submitting false information. Technical documents, such as design drawings and specifications and engineering studies required to be submitted as part of a permit application or by permit conditions, shall be certified by a registered professional engineer. [Minn. R. 7001.0540]
Detection Level. The Permittee shall report monitoring results below the reporting limit (RL) of a particular instrument as "<" the value of the RL. For example, if an instrument has a RL of 0.1 mg/L and a parameter is not detected at a value of 0.1 mg/L or greater, the concentration shall be reported as "<0.1 mg/L." "Non-detected," "undetected," "below detection limit," and "zero" are unacceptable reporting results, and are permit reporting violations.

Where sample values are less than the level of detection and the permit requires reporting of an average, the Permittee shall calculate the average as follows:

a. If one or more values are greater than the level of detection, substitute zero for all nondetectable values to use in the average calculation.

b. If all values are below the level of detection, report the averages as "<" the corresponding level of detection.

c. Where one or more sample values are less than the level of detection, and the permit requires reporting of a mass, usually expressed as kg/day, the Permittee shall substitute zero for all nondetectable values. [Minn. R. 7001.0150, 2(B)]

Records. The Permittee shall, when requested by the Agency, submit within a reasonable time the information and reports that are relevant to the control of pollution regarding the construction, modification, or operation of the facility covered by the permit or regarding the conduct of the activity covered by the permit. [Minn. R. 7001.0150, 3(H)]

Confidential Information. Except for data determined to be confidential according to Minn. Stat. ch. 116.075, subd. 2, all reports required by this permit shall be available for public inspection. Effluent data shall not be considered confidential. To request the Agency maintain data as confidential, the Permittee shall follow Minn. R. 7000.1300. [Minn. R. 7000.1300]

Noncompliance and Enforcement. [Minn. R. 7001]

Subject to Enforcement Action and Penalties. Noncompliance with a term or condition of this permit subjects the Permittee to penalties provided by federal and state law set forth in section 309 of the Clean Water Act; United States Code, title 33, section 1319, as amended; and in Minn. Stat. ch. 115.071 and 116.072, including monetary penalties, imprisonment, or both. [Minn. R. 7001.1090, 1(B)]

Criminal Activity. The Permittee may not knowingly make a false statement, representation, or certification in a record or other document submitted to the Agency. A person who falsifies a report or document submitted to the Agency, or tampers with, or knowingly renders inaccurate a monitoring device or method required to be maintained under this permit is subject to criminal and civil penalties provided by federal and state law. [Minn. R. 7001.0150, 3(G), Minn. R. 7001.1090, 1(G and H), Minn. Stat. ch. 609.671, 1]

Noncompliance Defense. It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. [40 CFR 122.41(c)]

Effluent Violations. If sampling by the Permittee indicates a violation of any discharge limitation specified in this permit, the Permittee shall immediately make every effort to verify the violation by collecting additional samples, if appropriate, investigate the cause of the violation, and take action to prevent future violations. If the permittee discovers that noncompliance with a condition of the permit has occurred which could endanger human health, public drinking water supplies, or the environment, the Permittee shall within 24 hours of the discovery of the noncompliance, orally notify the commissioner and submit a written description of the noncompliance within 5 days of the discovery. The written description shall include items a. through e., as listed below. If the Permittee discovers other non-compliance that does not explicitly
endanger human health, public drinking water supplies, or the environment, the non-compliance shall be reported during the next reporting period to the MPCA with its Discharge Monitoring Report (DMR). If no DMR is required within 30 days, the Permittee shall submit a written report within 30 days of the discovery of the noncompliance. This description shall include the following information:

a. a description of the event including volume, duration, monitoring results and receiving waters;
b. the cause of the event;
c. the steps taken to reduce, eliminate and prevent reoccurrence of the event;
d. the exact dates and times of the event; and
e. steps taken to reduce any adverse impact resulting from the event.

[Minn. R. 7001.150, 3(K)]

5.7.117 Upset Defense. In the event of temporary noncompliance by the Permittee with an applicable effluent limitation resulting from an upset at the Permittee’s facility due to factors beyond the control of the Permittee, the Permittee has an affirmative defense to an enforcement action brought by the Agency as a result of the noncompliance if the Permittee demonstrates by a preponderance of competent evidence:

a. the specific cause of the upset;
b. that the upset was unintentional;
c. that the upset resulted from factors beyond the reasonable control of the Permittee and did not result from operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or increases in production which are beyond the design capability of the treatment facilities;
d. that at the time of the upset the facility was being properly operated;
e. that the Permittee properly notified the Commissioner of the upset in accordance with Minn. R. 7001.1090, subp. 1, item I; and
f. that the Permittee implemented the remedial measures required by Minn. R. 7001.0150, subp. 3, item J. [Minn. R. 7001.1090]

5.7.118 Release. [Minn. R. 7001]

5.7.119 Unauthorized Releases of Wastewater Prohibited. Except for discharges from outfalls specifically authorized by this permit, overflows, discharges, spills, or other releases of wastewater or materials to the environment, whether intentional or not, are prohibited. However, the MPCA will consider the Permittee’s compliance with permit requirements, frequency of release, quantity, type, location, and other relevant factors when determining appropriate action. [40 CFR 122.41, Minn. Stat. ch. 115.061]

5.7.120 Discovery of a release. Upon discovery of a release, the Permittee shall:

a. Take all reasonable steps to immediately end the release.
b. Notify the Minnesota Department of Public Safety Duty Officer at 1(800)422-0798 or (651)649-5451 (metro area) immediately upon discovery of the release. You may contact the MPCA during business hours at 1(800)657-3864 or (651)296-6300 (metro area).
c. Recover as rapidly and as thoroughly as possible all substances and materials released or immediately take other action as may be reasonably possible to minimize or abate pollution to waters of the state or potential impacts to human health caused thereby. If the released materials or substances cannot be immediately or completely recovered, the Permittee shall contact the MPCA. If directed by the MPCA, the Permittee shall consult with other local, state or federal agencies (such as the Minnesota Department of Natural Resources and/or the Wetland Conservation Act authority) for implementation of additional clean-up or remediation activities in wetland or other sensitive areas. [Minn. R. 7001.1090]
5.7.121 Sampling of a release. Upon discovery of a release, the Permittee shall:

a. Collect representative samples of the release. The Permittee shall sample the release for parameters of concern immediately following discovery of the release. The Permittee may contact the MPCA during business hours to discuss the sampling parameters and protocol. In addition, Fecal Coliform Bacteria samples shall be collected where it is determined by the Permittee that the release contains or may contain sewage. If the release cannot be immediately stopped, the Permittee shall consult with MPCA regarding additional sampling requirements. Samples shall be collected at least, but not limited to, two times per week for as long as the release continues.

b. Submit the sampling results on the Release Sampling Form (http://www.pca.state.mn.us/index.php/view-document.html?gid=18867). The Release Sampling Form shall be submitted to the MPCA with the next DMR or within 30 days whichever is sooner. [Minn. R. 7001.1090]

5.7.122 Bypass. [Minn. R. 7001]

5.7.123 Anticipated bypass. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if the bypass is for essential maintenance to assure efficient operation of the facility. The permittee shall submit prior notice, if possible at least ten days before the date of the bypass to the MPCA.

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, samples shall be collected 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 and 3), Minn. R. 7001.1090, 1(j)]

5.7.124 All other bypasses are prohibited. The MPCA may take enforcement action against the Permittee for a bypass, unless the specific conditions described in Minn. R. Ch. 7001.1090 subp. 1, K and 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. You 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.

d. Only allow bypass wastewater as specified in this section to enter waters of the state from outfalls specifically authorized by this permit. Samples shall be collected 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)(i), Minn. Stat. ch. 115.061]

5.7.125 Operation and Maintenance. [Minn. R. 7001]
5.7.126 The Permittee shall at all times properly operate and maintain the facilities and systems of treatment and control, and the appurtenances related to them which are installed or used by the Permittee to achieve compliance with the conditions of the permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. The Permittee shall install and maintain appropriate backup or auxiliary facilities if they are necessary to achieve compliance with the conditions of the permit and, for all permits other than hazardous waste facility permits, if these backup or auxiliary facilities are technically and economically feasible Minn. R. 7001.0150. subp. 3, item F. [Minn. R. 7001.0150, 3(F)]

5.7.127 In the event of a reduction or loss of effective treatment of wastewater at the facility, the Permittee shall control production or curtail its discharges to the extent necessary to maintain compliance with the terms and conditions of this permit. The Permittee shall continue this control or curtailment until the wastewater treatment facility has been restored or until an alternative method of treatment is provided. [Minn. R. 7001.1090, 1(C)]

5.7.128 Solids Management. The Permittee shall properly store, transport, and dispose of biosolids, septage, sediments, residual solids, filter backwash, screenings, oil, grease, and other substances so that pollutants do not enter surface waters or ground waters of the state. Solids should be disposed of in accordance with local, state and federal requirements. [40 CFR 503, Minn. R. 7041]

5.7.129 Scheduled Maintenance. The Permittee shall schedule maintenance of the treatment works during non-critical water quality periods to prevent degradation of water quality, except where emergency maintenance is required to prevent a condition that would be detrimental to water quality or human health. [Minn. R. 7001.0150, 3(F), Minn. R. 7001.150, 2(B)]

5.7.130 Control Tests. In-plant control tests shall be conducted at a frequency adequate to ensure compliance with the conditions of this permit. [Minn. R. 7001.0150, 3(F), Minn. R. 7001.150, 2(B)]

5.7.131 Changes to the Facility or Permit. [Minn. R. 7001]

5.7.132 Permit Modifications. Except as provided under Minnesota Statutes, section 115.07, subdivisions 1 and 3, no person required by statute or rule to obtain a permit may construct, install, modify, or operate the facility to be permitted, nor shall a person commence an activity for which a permit is required by statute or rule until the agency has issued a written permit for the facility or activity.

Permittees that propose to make a change to the facility or discharge that requires a permit modification shall follow Minn. R. 7001.0190. If the Permittee cannot determine whether a permit modification is needed, the Permittee shall contact the MPCA prior to any action. It is recommended that the application for permit modification be submitted to the MPCA at least 180 days prior to the planned change. [Minn. R. 7001.0030]

5.7.133 Plans, specifications and MPCA approval are not necessary when maintenance dictates the need for installation of new equipment, provided the equipment is the same design size and has the same design intent. For instance, a broken pipe, lift station pump, aerator, or blower can be replaced with the same design-sized equipment without MPCA approval.

If the proposed construction is not expressly authorized by this permit, it may require a permit modification. If the construction project requires an Environmental Assessment Worksheet under Minn. R. 4410, no construction shall begin until a negative declaration is issued and all approvals are received or implemented.
5.7.134 Report Changes. The Permittee shall give advance notice as soon as possible to the MPCA of any substantial changes in operational procedures, activities that may alter the nature or frequency of the discharge, and/or material factors that may affect compliance with the conditions of this permit. [Minn. R. 7001.0150, 3(M)]

5.7.135 Chemical Additives. The Permittee shall receive prior written approval from the MPCA before increasing the use of a chemical additive authorized by this permit, or using a chemical additive not authorized by this permit, in quantities or concentrations that have the potential to change the characteristics, nature and/or quality of the discharge.

The Permittee shall request approval for an increased or new use of a chemical additive at least 60 days, or as soon as possible, before the proposed increased or new use. This written request shall include at least the following information for the proposed additive:

a. The process for which the additive will be used;
b. Safety Data Sheet (SDS) which shall include aquatic toxicity, human health, and environmental fate information for the proposed additive. The aquatic toxicity information shall include at minimum the results of: a) a 48-hour LC50 or EC50 acute study for a North American freshwater planktonic crustacean (either Ceriodaphnia or Daphnia sp.) and b) a 96-hour LC50 acute study for rainbow trout, bluegill or fathead minnow or another North American freshwater aquatic species other than a planktonic crustacean;
c. a complete product use and instruction label;
d. the commercial and chemical names and Chemical Abstract Survey (CAS) number for all ingredients in the additive (If the MSDS does not include information on chemical composition, including percentages for each ingredient totaling to 100%, the Permittee shall contact the supplier to have this information provided); and

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]

5.7.136 MPCA Initiated Permit Modification, Suspension, or Revocation. The MPCA may modify or revoke and reissue this permit pursuant to Minn. R. 7001.0170. The MPCA may revoke without reissuance this permit pursuant to Minn. R. 7001.0180. [Minn. R. 7001.0170, Minn. R. 7001.0180]

5.7.137 TMDL Impacts. Facilities that discharge to an impaired surface water, watershed or drainage basin may be required to comply with additional permits or permit requirements, including additional restriction or relaxation of limits and monitoring as authorized by the CWA 303(d)(4)(A) and 40 CFR 122.441.2.1., necessary to ensure consistency with the assumptions and requirements of any applicable US EPA approved wasteload allocations resulting from Total Maximum Daily Load (TMDL) studies. [40 CFR 122.441(2)(ii)]

5.7.138 Permit Transfer. The permit is not transferable to any person without the express written approval of the Agency after compliance with the requirements of Minn. R. 7001.0190. A person to whom the permit has been transferred shall comply with the conditions of the permit. [Minn. R. 7001.0150, 3(N)]
5.7.139 Facility Closure. The Permittee is responsible for closure and post-closure care of the facility. The Permittee shall notify the MPCA of a significant reduction or cessation of the activities described in this permit at least 180 days before the reduction or cessation. The MPCA may require the Permittee to provide to the MPCA a facility Closure Plan for approval.

Facility closure that could result in a potential long-term water quality concern, such as the ongoing discharge of wastewater to surface or ground water, may require a permit modification or reissuance.

The MPCA may require the Permittee to establish and maintain financial assurance to ensure performance of certain obligations under this permit, including closure, post-closure care and remedial action at the facility. If financial assurance is required, the amount and type of financial assurance, and proposed modifications to previously MPCA-approved financial assurance, shall be approved by the MPCA. [Minn. Stat. ch. 116.07, 4]

5.7.140 Permit Reissuance. If the Permittee desires to continue permit coverage beyond the date of permit expiration, the Permittee shall submit an application for permit reissuance: Due by 180 days prior to permit expiration. If the Permittee does not intend to continue the activities authorized by this permit after the expiration date of this permit, the Permittee shall notify the MPCA in writing at least 180 days before permit expiration.

If the Permittee has submitted a timely application for permit reissuance, the Permittee may continue to conduct the activities authorized by this permit, in compliance with the requirements of this permit, until the MPCA takes final action on the application, unless the MPCA determines any of the following (Minn. R. 7001.0040 and 7001.0160):

a. The Permittee is not in substantial compliance with the requirements of this permit, or with a stipulation agreement or compliance schedule designed to bring the Permittee into compliance with this permit;

b. The MPCA, as a result of an action or failure to act by the Permittee, has been unable to take final action on the application on or before the expiration date of the permit;

c. The Permittee has submitted an application with major deficiencies or has failed to properly supplement the application in a timely manner after being informed of deficiencies. [Minn. R. 7001.0160]
6. Submittal action summary

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<td>6.2.1 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)]</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>MN0068764</th>
<th>LG Everist Inc</th>
<th>Total Facility Requirements (NPDES/SDS)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>6.3.1 Permit Reissuance. If the Permittee desires to continue permit coverage beyond the date of permit expiration, the Permittee shall submit an application for permit reissuance: Due by 180 days prior to permit expiration. If the Permittee does not intend to continue the activities authorized by this permit after the expiration date of this permit, the Permittee shall notify the MPCA in writing at least 180 days before permit expiration. If the Permittee has submitted a timely application for permit reissuance, the Permittee may continue to conduct the activities authorized by this permit, in compliance with the requirements of this permit, until the MPCA takes final action on the application, unless the MPCA determines any of the following (Minn. R. 7001.0040 and 7001.0160):</td>
</tr>
<tr>
<td></td>
<td></td>
<td>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;</td>
</tr>
<tr>
<td></td>
<td></td>
<td>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;</td>
</tr>
<tr>
<td></td>
<td></td>
<td>c. The Permittee has submitted an application with major deficiencies or has failed to properly supplement the application in a timely manner after being informed of deficiencies. [Minn. R. 7001.0160]</td>
</tr>
</tbody>
</table>
### Limits and monitoring

<table>
<thead>
<tr>
<th>Subject item</th>
<th>Parameter</th>
<th>Discharge limitations</th>
<th>Monitoring requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>SD 001 Pit dewatering &amp; Stormwater</td>
<td>Flow</td>
<td>Monitor only. Calendar month total million gallons</td>
<td>Monitor only. Calendar month maximum million gallons per day once per day Measurement, Continuous Jan-Dec</td>
</tr>
<tr>
<td>SD 001 Pit dewatering &amp; Stormwater</td>
<td>Nitrite Plus Nitrate, Total (as N)</td>
<td>Monitor only. Calendar month average milligrams per liter</td>
<td>once per month Grab Jan-Dec</td>
</tr>
<tr>
<td>SD 001 Pit dewatering &amp; Stormwater</td>
<td>Nitrogen, Kjeldahl, Total (as N)</td>
<td>Monitor only. Calendar month average milligrams per liter</td>
<td>once per month Grab Jan-Dec</td>
</tr>
<tr>
<td>SD 001 Pit dewatering &amp; Stormwater</td>
<td>Nitrogen, Total (as N)</td>
<td>Monitor only. Calendar month average milligrams per liter</td>
<td>once per month Grab Jan-Dec</td>
</tr>
<tr>
<td>SD 001 Pit dewatering &amp; Stormwater</td>
<td>pH</td>
<td>6.0 instantaneous minimum 9.0 instantaneous maximum standard units</td>
<td>once per month Measurement, Instantaneous Jan-Dec</td>
</tr>
<tr>
<td>SD 001 Pit dewatering &amp; Stormwater</td>
<td>Phosphorus, Total (as P)</td>
<td>Monitor only. Calendar month average milligrams per liter</td>
<td>once per month Grab Jan-Dec</td>
</tr>
<tr>
<td>SD 001 Pit dewatering &amp; Stormwater</td>
<td>Solids, Total Suspended (TSS)</td>
<td>30 calendar month average milligrams per liter</td>
<td>once per month Grab Jan-Dec</td>
</tr>
<tr>
<td>SD 002 Crushed granite washwater</td>
<td>Flow</td>
<td>Monitor only. Calendar month total million gallons</td>
<td>Monitor only. Calendar month maximum million gallons per day once per day Measurement, Continuous Jan-Dec</td>
</tr>
<tr>
<td>Subject item</td>
<td>Parameter</td>
<td>Discharge limitations</td>
<td>Monitoring requirements</td>
</tr>
<tr>
<td>-----------------------------------</td>
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<td>-----------------------</td>
<td>-------------------------</td>
</tr>
<tr>
<td>SD 002 Crushed granite washwater</td>
<td>Nitrite Plus Nitrate, Total (as N)</td>
<td></td>
<td>Monitor only, calendar month average</td>
</tr>
<tr>
<td>SD 002 Crushed granite washwater</td>
<td>Nitrogen, Kjeldahl, Total</td>
<td></td>
<td>Monitor only, calendar month average</td>
</tr>
<tr>
<td>SD 002 Crushed granite washwater</td>
<td>Nitrogen, Total (as N)</td>
<td></td>
<td>Monitor only, calendar month average</td>
</tr>
<tr>
<td>SD 002 Crushed granite washwater</td>
<td>pH</td>
<td>6.0 instantaneous minimum</td>
<td>9.0 instantaneous maximum</td>
</tr>
<tr>
<td>SD 002 Crushed granite washwater</td>
<td>Phosphorus, Total (as P)</td>
<td></td>
<td>Monitor only, calendar month average</td>
</tr>
<tr>
<td>SD 002 Crushed granite washwater</td>
<td>Solids, Total Suspended (TSS)</td>
<td>30 calendar month average</td>
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</tr>
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</table>