Permittee: Multiple

Facility name: Industrial By-Product General Permit
520 Lafayette Road North
Saint Paul, Minnesota 55155

Current permit expiration date: November 30, 2018

Public comment period begins: November 13, 2018

Public comment period ends: December 12, 2018

Receiving water: None. There is no discharge to surface waters authorized under this permit.

Permitting contact: Emily Schnick
520 Lafayette Road North
Saint Paul, Minnesota 55155
651-757-2699
emily.schnick@state.mn.us
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Purpose and participation

Applicable statutes
This fact sheet has been prepared according to Minn. R. 7001.0100, subp. 3 in regards to a draft State Disposal System (SDS) permit to construct and/or operate disposal facilities and the land application of industrial by-products in the State of Minnesota.

Purpose
This fact sheet outlines the principal issues related to the preparation of this draft permit and documents the decisions that were made in the determination of the limitations and conditions of this permit.

Public participation
You may submit written comments on the terms of the draft permit or on the Commissioner’s preliminary determination. Your written comments must include the following:

1. A statement of your interest in the permit application or the draft permit.
2. A statement of the action you wish the Minnesota Pollution Control Agency (MPCA) to take, including specific references to sections of the draft permit that you believe should be changed.
3. The reasons supporting your position, stated with sufficient specificity as to allow the Commissioner to investigate the merits of your position.

You may also request that the MPCA Commissioner hold a public informational meeting. A public informational meeting is an informal meeting, which the MPCA may hold to help clarify and resolve issues.

In accordance with Minn. R. 7000.0650 and Minn. R. 7001.0110, your petition requesting a public informational meeting must identify the matter of concern and must include the following: items one through three identified above; a statement of the reasons the MPCA should hold the meeting; and the issues you would like the MPCA to address at the meeting.

In addition, you may submit a petition for a contested case hearing. A contested case hearing is a formal hearing before an administrative law judge. Your petition requesting a contested case hearing must include a statement of reasons or proposed findings supporting the MPCA decision to hold a contested case hearing pursuant to the criteria identified in Minn. R. 7000.1900, subp. 1 and a statement of the issues proposed to be addressed by a contested case hearing and the specific relief requested. To the extent known, your petition should include a proposed list of witnesses to be presented at the hearing, a proposed list of publications, references or studies to be introduced at the hearing, and an estimate of time required for you to present the matter at hearing.

You must submit all comments, requests, and petitions during the public comment period identified on page one of this notice. All written comments, requests, and petitions received during the public comment period will be considered in the final decisions regarding the permit. If the MPCA does not receive any written comments, requests, or petitions during the public comment period, the Commissioner or other MPCA staff as authorized by the Commissioner will make the final decision concerning the draft permit.

Comments, petitions, and/or requests must be submitted by the last day of the public comment period to:
Emily Schnick
520 Lafayette Road North
Saint Paul, Minnesota 55155
651-757-2699
The permit will be reissued if the MPCA determines that the proposed Permittee or Permittees will, with respect to the facility or activity to be permitted, comply or undertake a schedule to achieve compliance with all applicable state and federal pollution control statutes and rules administered by the MPCA and the conditions of the permit and that all applicable requirements of Minn. Stat. ch. 116D and the rules promulgated thereunder have been fulfilled.

More detail on all requirements placed on the facility may be found in the permit document.

**General Permit Authority**

Minn. R. 7001.0210 provides authority to the MPCA to issue a single permit to a category of permittees whose activities are the same or substantially similar. This single SDS permit that can apply to numerous facilities is referred to as a general permit. Title 40 CFR § 122.28 and Minn. R. 7001.0210 allows for the issuance of general permits to regulate categories of discharges if the sources within each category:

a. Involve the same or substantially similar types of operations.
b. Discharge the same types of wastes.
c. Require the same effluent limitations or operating conditions.
d. Require the same or similar monitoring.
e. Are more appropriately controlled under a general permit rather than under individual permits.

This SDS permit has been issued as a general permit under Minn. R. 7001.0210, and the MPCA has determined that it is appropriate to continue to issue this permit as a general permit for the reasons previously stated. The MPCA adopts the rationale previously stated in support of issuance of this permit as a general permit in 2003.

**Facility description**

*Background information*

A general permit is being used as a regulatory tool in this case because of the common source and management of the waste being generated, the fact that nutrient and/or contaminant levels in the waste are similar and predictable, and that the waste is destined for land application, where nutrients can be utilized by plants, or the industrial by-product can be utilized as a soil amendment. This reissued general permit contains soil loading limits based on established agronomic rates of application.

In addition, this approach focuses on maximum environmental results using the least amount of resources for both the MPCA and the regulated facilities. The general permit process requires the agency to public notice the permit once, which will expedite the permit issuance/reissuance process for the Permittees and also maintain consistent requirements across the state.

*General description of permitted activities*

Any facility meeting the applicability criteria of this permit will be eligible for permit coverage. Generally, a Permittee will be food, beverage and/or agro-industrial processors that generate a waste from processing their activities, and seek to land apply the waste. Waste streams from other types of industries generating wastes similar in nature to these are also eligible for coverage under this permit. In addition, some Permittees will seek permit coverage for storage of the waste prior to land application, either at the site of generation or at the land application site. Examples of facilities that may qualify for coverage under this general permit are dairy processors, meat and poultry processors, vegetable processors, soft drink and beer manufacturers, ethanol plants, vehicle wash facilities, livestock truck operations, and other miscellaneous industries with similar waste streams. Examples of industrial by-products eligible for coverage under this permit include liquid or dewatered wastewater treatment sludges from industrial wastewater facilities, wash water from small food preparation industries, livestock truckwash wash water and solids, vehicle wash facilities (washwater holding tanks only), pretreatment solids settled from wastewater before discharging to a municipal wastewater system,
whey from cheese processing, sweet corn silage, sweet corn silage leachate, and ethanol by-products. Industries that produce industrial by-products which have characteristics similar to the above by-products may also apply for coverage under this permit.

**General permit applicability criteria**

General permit authorization for the land application of food, beverage and/or agro-industrial processing waste will only be issued when characteristics of the industrial by-product which is proposed to be land applied meets the following criteria:

A. The industrial by-product cannot be a hazardous waste.
B. The Permittee(s) shall meet the concentrations below prior to the first land application of industrial by-product and shall evaluate industrial by-product if there are changes to its industrial process and/or chemical additives. Before making a concentration determination, Permittee(s) cannot dilute industrial by-products or mix with other materials.

<table>
<thead>
<tr>
<th>Analyte</th>
<th>mg/kg (dry weight basis)</th>
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<tbody>
<tr>
<td>Total Arsenic</td>
<td>41</td>
</tr>
<tr>
<td>Total Cadmium</td>
<td>39</td>
</tr>
<tr>
<td>Total Copper</td>
<td>1500</td>
</tr>
<tr>
<td>Total Lead</td>
<td>300</td>
</tr>
<tr>
<td>Total Mercury</td>
<td>5</td>
</tr>
<tr>
<td>Total Molybdenum</td>
<td>75</td>
</tr>
<tr>
<td>Total Nickel</td>
<td>420</td>
</tr>
<tr>
<td>Total Selenium</td>
<td>100</td>
</tr>
<tr>
<td>Total Zinc</td>
<td>2800</td>
</tr>
<tr>
<td>Total dioxin equivalents</td>
<td>10 parts per trillion</td>
</tr>
<tr>
<td>Total Polychlorinated biphenyls</td>
<td>6</td>
</tr>
</tbody>
</table>

The following types of industrial by-product do not qualify for coverage under this general permit:

1. Egg shells managed in accordance with Minn. R. ch. 7035 (Beneficial Use Rules).
2. Industrial by-products from the processing of sugar beets.
3. Animal manures and paunch manure covered under Minn. R. ch. 7020 (Feedlot Rules). Animal manures and paunch manure generated and land applied by an industry are not regulated by Minn. R. 7020, thus are authorized to land apply under this permit.
4. Dead animals.
5. Residuals from the treatment of drinking water or conditioning of industrial process water managed in accordance with Minn. R. ch. 7035 (Beneficial Use Rules) or covered under general permit MNG820000 or MNG640000 (Water Treatment Plant General Permits).
6. Solid or liquid wastes generated at these facilities as part of other operations, such as vehicle maintenance, shipping, and cooling water.
7. Sediment from floor drains and from flammable and sediment traps at vehicle wash facilities.

Staging and storage areas and/or structures must be constructed and managed in accordance with specific provisions, based on the length of storage and storage method.
Existing and proposed permit limits

The limitations established in this permit will be the same for all facilities that apply for and obtain coverage under this general permit. Generally, there is a limit on the amount of specific nutrients/contaminants that can be land applied annually, which is based on the established agronomic application of the waste. A conservative calculation of what can be utilized by plants during a given cropping year is used to determine the limit for annual loading.

Additional requirements

Monitoring

Prior to coverage under this permit, all facilities will be required to characterize their waste to determine whether it meets the applicability of the permit. In addition, under the terms of this permit, facilities will be required to monitor their waste, as well as any land application sites to which the waste is applied, and application rates. The frequency of monitoring of the waste stream is based on the volume of the waste generated; the size of the land application parcel dictates the number of sample to be taken for evaluation. If the waste is stored prior to land application, standards for storage vary depending on whether the waste is dewatered (or liquid), the length of time the waste will be stored and the specific type of storage structure.

Changes proposed for permit reissuance

1. The MPCA has made a preliminary determination to reissue this permit for a term of approximately 10 years.
2. The permit allows for the land application of holding tank wastewater from vehicle wash facilities.
3. The waste stream limits and monitoring table now includes sampling requirements specific to vehicle wash facilities.
4. The permit allows for alternative soil sampling methods. The alternative methods proposed by the Permittee(s) must meet the current minimum sampling frequency required for characterization of soils through representative sampling.
5. The permit includes clarification regarding the use of one land application site by multiple Permittee(s).
6. The MPCA now allows for GPS mapping for identifying land application sites.
7. The permit includes additional calculations information for low solid waste streams for the total amount of nitrogen available for crop uptake.
8. Land application records are proposed to be kept by the facility for as long as a site is considered active.
9. The operation certification requirements include the exclusion for private livestock truck washes per Minn. Stat. 116.07 promulgated in 2015.
10. The MPCA will no longer require written approval of transfers of IBP to manure storage structures. The transfers will continue to be approved by the township and county feedlot officers. The form will continue to be submitted to the MPCA and signed off by all parties involved; a new station will continue to be added to the permit for the transfer site when the form is submitted; and the transfer information submitted to the MPCA in the Annual Report each December.
11. Facilities with pond storage will not be required to complete a Pond Performance Evaluation as a part of this reissuance. This was required in the previous permit. However, the pond inspection and certification by a registered professional engineer is required every five years.
12. The limits and monitoring requirements for GW stations (pond tile line discharges) have been updated.
   a. The specific conductance units have been changed to micromhos per centimeter (umh/cm).
   b. The pH monitoring requirement has been removed. This is not a standard parameter for tile line discharges.
13. Other administrative corrections have been made, including, but not limited to: website links, appendix table references, typographic errors, etc.
Total facility requirements (TFR)

All SDS permits issued in the State of Minnesota contain certain conditions that remain the same regardless of the size, location, or type of discharge. The standard conditions satisfy the requirements outlined in Minn. R. 7001.0150. These conditions are listed in the Total Facility Requirements chapter of the SDS permit. These requirements cover a wide range of areas, including recordkeeping, sampling, reporting, changes in operation and permit modification and reissuance.