

Statement of Basis

Minnesota Pollution Control Agency

Saint Paul Port Authority, Saint Paul, Minnesota, Ramsey County

NPDES/SDS Permit No: MN0056081

February 6, 2018

Description of permitted facility

The St. Paul Port Authority conducts dredging within its barge terminals located along the Mississippi River within the city limits of St. Paul between river markers 833.0 and 840.0. This permit authorizes the management of dredged material from multiple terminals with all dredged material being transferred to the Southport Terminal. These terminals serve industry that utilize waterborne shipping with a barge channel providing access for Midwest producers to the Mississippi River transportation system, gulf coast ports and world-wide markets. The total volume of material dredged is approximately 50,000 cubic yards per year.

The nature and quality of dredged sediment removed will vary considerably depending on its location in the channels. Dredged material removed will be placed for temporary storage at the US Army Corps of Engineers (USACE) placement site identified as 2-836.3-RMP: "Southport" (Channel Maintenance Management Plan dated 4/96), which is located on-site at Southport. Dredged material will remain in the placement site for a period of up to a year for dewatering, followed by re-use of the dredged materials. Sediment samples are taken from each removal phase after dewatering at the placement site, but prior to final disposition; the composition and pollutant level of the respective material will dictate its final disposition in accordance with the terms and conditions of this permit.

The Southport Terminal is served by a stormwater system that drains surface water 60 feet back from the dock wall and filters it through two rain gardens before being routed to two Nationwide Urban Runoff Program (NURP) settling ponds for infiltration into the surrounding wetlands area. A third NURP settling pond exists to provide drainage and sediment control at the head of the barge channel.

There is no return water or other discharge from the project sites or placement area associated with either project; surface water discharge is not authorized by this permit.

Storage and reuse of dredged material are authorized in accordance with the terms and conditions of this permit. Prior to the use of a new site for storage or disposal of dredged material, the Permittee shall obtain written MPCA approval for such use.

This permit does not authorize or otherwise regulate dredging activity. However, dredging activity is subject to the water quality standards specified in Minn. R. chs. 7050 and 7060. Surface water discharge, except stormwater and incidental discharges as specified by this permit, is not authorized under the terms of this permit.

Regulatory Overview

Dredged material includes material that is excavated at or below the Ordinary High Water Level of water basins, watercourses, public waters, or public waters wetlands, as defined by Minn. Stat. § 103G.005.

Dredged material is defined as a “waste” and “other waste material” by Minn. Stat. § 115.01. It is therefore the duty of the MPCA, as set forth in Minn. Stat. § 115.03, subd. 1(e), to regulate the management and disposal of dredged material.

State Disposal System Permitting Criteria

The MPCA’s permitting role in the dredge program is for authorizing the on-land disposal or reuse of dredge materials, not the dredge activity itself. In-water disposal of dredged material is an activity regulated by the Minnesota Department of Natural Resources (MDNR) and/or the USACE, depending on the destined site of placement of the dredged material.

A State Disposal System (SDS) permit is required based on the location of the dredge, size of the project and how the material is going to be reused/disposed.

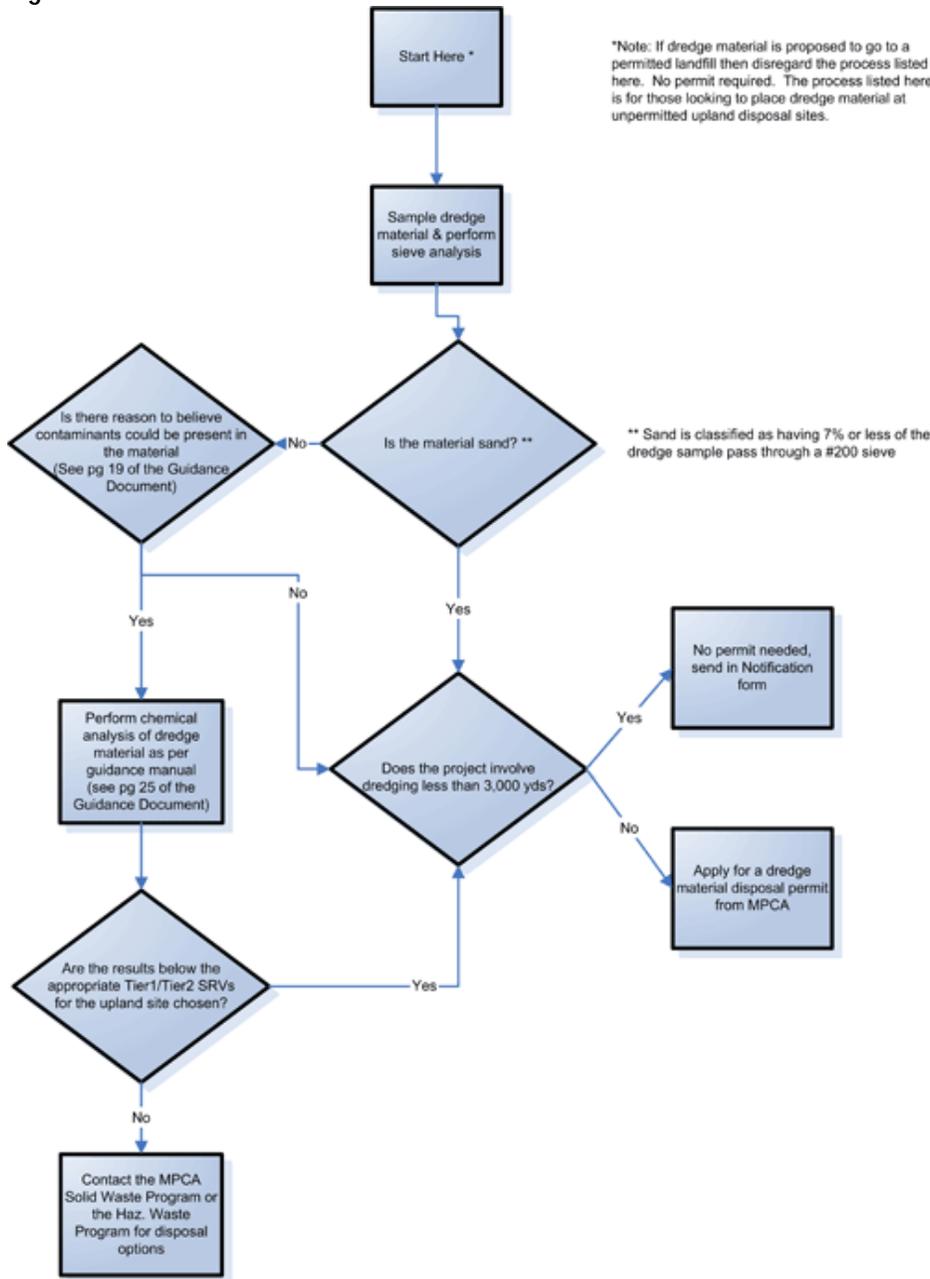
An SDS permit may be required to store, treat, dispose, and/or reuse dredged materials on-land in Minnesota if the dredged material originates from pollution remediation projects or from navigational channels and associated bays, harbors, docks, and marinas from the following areas:

- Mississippi River downstream of River Mile 857.6 (which is approximately at the Soo Line Rail crossing near St. Anthony Parkway in Minneapolis)
- Minnesota River downstream of River Mile 27 (which is approximately two miles upstream of the CSAH 101 crossing at Shakopee)
- St. Croix River downstream of River Mile 26 (which is approximately three miles upstream of the East Chestnut Street crossing at Stillwater)
- St. Louis River downstream of the State Highway 23 crossing
- St. Louis bay or Duluth/Superior Harbor
- Out of state projects

Proposers of these projects should proceed to the flow diagram (Figure 1). If a permit is required, the type of permit required will vary depending on the level of pollutant contamination in the dredged material, whether effluent is being discharged, and how the dredged material and/or effluent is being managed.

As noted in Figure 1, “de minimus” amounts of dredged material from projects involving the removal of less than 3,000 cubic yards of dredged material may not require a permit for the storage, disposal and/or reuse of this material if the material meets certain specifications. For the purposes of making the de minimus volume determination, a “project” is defined as a discrete one-time excavation of material, or a series of dredging activities, such as with maintenance dredging, which involves multiple projects and multiple stages of a single project that are connected or are phased actions. Dredged material from connected or phased actions are to be summed over the course of a five year permitting window and considered in total in making the de minimus volume determination.

Figure 1.



Note: If the proposed dredged material is going to a permitted MPCA disposal site, including a landfill, an SDS permit for dredge material management is not required. However, Best Management Practices in the MPCA’s guidance document, “Managing Dredged Material in Minnesota,” must be followed for the management of the dredged material.

Environmental Risk Assessment

In determining the most appropriate management method for dredged material, an evaluation of the reasonable likelihood for a given pollutant to be present in the material must be made. A determination as to whether a pollutant has ‘reasonable likelihood’ is done through a combination of empirical and technical evaluation of the sediment to be dredged, which may include sampling and analysis.

The following methods are used in preparing a risk assessment for the proposed dredging material:

- Grain size analysis
- Determination of past industrial activities/sources of pollutants
- Sampling and analysis of pollutants likely to be present

The dredge material risk assessment begins by determining whether the material to be dredged is predominantly sand, gravel or pebble, or is comprised of other materials. Dredge material that is predominantly sand, gravel, or pebble is unlikely to be contaminated, as pollutants do not generally adhere to these types of particles, and are therefore not incorporated into the sediment. Dredge materials that are primarily sand are unlikely to be contaminated and do not require additional chemical evaluation. If 93 percent or more of the dredged material is retained on a #200 sieve, that is, the material is coarser than silt, the dredged material is unlikely to be contaminated, and does not require additional evaluation.

Dredged material not excluded from additional analysis, as determined using the grain size analysis described above, must be more thoroughly characterized by evaluation of past industrial activities and analysis of dredged material for any pollutant has a reasonable likelihood to be present in the dredged material.

Based on the results of completed sediment characterization, that is, the type and level of pollutants in the material in comparison to established soil reverse values; dredged material is categorized into one or more Management Levels. The Management Level of a dredged material dictates the appropriate disposition of the material.

Complete details regarding the environmental risk assessment, including evaluation of past industrial activities and Management Levels, is included in the MPCA's guidance, "Managing Dredged Materials in the Minnesota." (<http://www.pca.state.mn.us/index.php/view-document.html?gid=12959>)

Management Levels are based on current MPCA's Soil Reference Values (SRVs). Current SRVs are under revision. Due to the uncertainty of the SRV final revision date and the length of time this permit has been expired, the MPCA is proceeding with this permit reissuance. The MPCA will evaluate possible changes to the Management Levels following the SRV revisions. The MPCA retains the right to modify the permit per Minn. R. ch. 7001.0170.

Management Standards

Once dredged material is excavated, it meets the definition of an "other waste" material, as defined by Minn. Stat. § 115.01, subd. 9. Dredged material has the potential to affect surface and groundwater through on-land management methods if not managed in consideration of environmental risk factors.

In general, dredged material may be disposed at a permitted solid waste facility, through permitted on-site disposal, or through use or reuse for a beneficial purpose, including fill. Interim management methods, such as the short-term placement of dredged material during off-loading or re-handling activities, the temporary storage of dredged material for dewatering prior to reuse of the material, or the long-term storage of dredged material awaiting final disposal are often used for the management of dredged materials. These management methods can be used either at the dredge project site, at an off-site location, or a combination of the two.

Whether managed on-site or an another off-site location, there are a number of considerations for the proper management, mainly relating to mitigating the impact that the project and/or dredged material management area(s) have on stormwater and snowmelt, entering, passing through or leaving the site(s).

Temporary storage is defined as storage of dredged material for a period of less than or equal to one year. Storage of dredged material at a site for more than one year, which begins when dredged material is first placed at the storage site, constitutes disposal.

In general, sites being used for the management of dredged material must be managed to control runoff, including stormwater and snowmelt, from the facility to prevent the exceedance of water quality standards specified in Minn. R. chs. 7050 and 7060.

In addition, use of materials at the facility that may cause exceedances of groundwater standards specified in Minn. R. ch. 7060 must be limited and controlled.

Except in cases where the dredged material is heavily contaminated, the use or reuse of dredged material is a viable and suitable management method. Use or reuse of dredged material, where suitable, is recommended as a management option by the MPCA.

Discharge to Surface Waters

The MPCA is not authorized to issue National Pollutant Discharge Elimination System (NPDES) permits for discharges of dredged or fill material from dredge activities (40 CFR § 122.3 [b]). The USACE Regulatory Programs include Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act. The St. Paul District's regulatory jurisdiction covers the states of Minnesota and Wisconsin.

A NPDES/SDS permit is required for any surface water discharge not authorized by Section 404 of the Clean Water Act, including stormwater.

Term of Permit

The MPCA has made a preliminary determination to reissue this NPDES/SDS permit for a term of five years, per Minn. R. 7001.0150.