STATE OF MINNESOTA

Minnesota Pollution Control Agency
Industrial Division
National Pollutant Discharge Elimination System (NPDES)/
State Disposal System (SDS) Permit MN0053384

PERMITTEE: Wisconsin Central Limited
FACILITY NAME: Wisconsin Central Limited - Duluth Ore Dock
RECEIVING WATER: St. Louis Bay of St. Louis River (Duluth Harbor) Class 2B, 3C, 4A 4B, 5&6
CITY OR TOWNSHIP: Duluth
COUNTY: St. Louis

ISSUANCE DATE:
EXPIRATION DATE:

The state of Minnesota, on behalf of its citizens through the Minnesota Pollution Control Agency (MPCA), authorizes the Permittee to construct, install and 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 Minnesota and U.S. statutes and rules, including Minn. Stat. chs. 115 and 116, Minn. R. chs. 7001, 7050, 7053, 7060, 7090, and the U.S. Clean Water Act.

This permit is effective on the issuance date identified above, and supersedes the previous permit that was issued for this facility on December 2, 2004. This permit expires at midnight on the expiration date identified above.

Signature: Jeff Udd, P.E.
for The Minnesota Pollution Control Agency
Supervisor, Water Quality Permits Unit
Water Section
Industrial Division

Submit eDMRs
Submit via the MPCA Online Services Portal at https://netweb.pca.state.mn.us/private/

Submit Other WQ Reports to:
Attention: WQ Submittals Center
Minnesota Pollution Control Agency
520 Lafayette Rd N
St Paul, MN 55155-4194

Questions on this permit?
  • For eDMR and other permit reporting issues, contact: Jennifer Satnik, 651-757-2692.
  • For specific permit requirements or permit compliance status, contact: John Thomas, 218-302-6616.
  • General permit or NPDES program questions, contact: MPCA, 651-282-6143 or 1-800-657-3938.
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**Facility Description:**

**Location:**
Wisconsin Central Limited operates a facility commonly known as the Duluth Ore Dock located at 212 South 37th Avenue West, Duluth, St. Louis County, Minnesota.

**Permitted Activities:**
The site is permitted to discharge dust control process wastewater, contaminated stormwater, and non-contaminated stormwater from the drainage areas (described below). The facility is also authorized under this permit to store and reuse dredged material from the channel.

Operations at this site include: (a) vehicle and equipment fueling and fuel storage facilities [a 550 and a 560 gallon gasoline storage tank, 500 gallon used oil tank, 12,000 gallon diesel fuel tank, 55 gallon drums, etc.], (b) product (taconite and limestone) unloading, transfer, storage and bulk ship loading, and (c) dredging to maintain navigability.

The industrial process waste stream(s) authorized for discharge by this permit consists of waters used for dust suppression (cannon system). Stock piling and transfer of taconite iron-ore and limestone is an integral component of the ore dock loading and unloading operations. These activities generate the need for dust control measures.

Dredging occasionally takes place in the slips along both sides of Dock 6 as necessary to maintain navigability. The dredge materials are stockpiled in the area labeled on the map in discharge area 6, where usable taconite pellets are excavated out of the material and reused. There has yet to be any disposal of dredged materials.

For the management of stormwater associated with an industrial activity, the site map included with this permit has the site partitioned into stormwater drainage areas. Each drainage area is addressed specifically below.

**Discharge Areas:**

**Discharge Area 1** - Includes road and parking lot runoff areas plus vegetated open lands not used for industrial operations, and is routed by sheet flow to Merrit Creek then to St. Louis Bay (No Station Designation).

**Discharge Area 2** - Includes runoff from exterior portions of the building 2473 and 2487 and adjacent areas, along with stormwater from both the I-35 corridor and BNSF Right-of-Way (No Station Designation).

**Discharge Area 3** - Includes runoff from the exterior portions of buildings 821, 2402, 2459, 2460, 2412, and a portion of Dock 6, as well as approximately 385 acres of commercial and residential areas of the City of Duluth upstream of the facility, and contributing areas from the I-35 corridor and BNSF Right-of-Way (No Station Designation).
Discharge Area 4- Includes runoff from the materials storage area and access road, and is routed to a vegetated open ditch where it largely infiltrates into the ground with some overflow into Drainage Area 3 (No Station Designation).

Discharge Area 5- Includes runoff from the materials storage area and access road and from the conveyor belting storage site, as well as an 87 acres portion of the commercial and residential areas of the City of Duluth upstream of the facility, and contributing areas from the I-35 corridor and BNSK Right-of-Way (SD003).

Discharge Area 6- Includes runoff from short term and long term limestone, dolomite, and Taconite pellets, storage sites, from a scrap steel and steel parts storage site, the conveyor system, and dredged materials storage and drainage area. This new Discharge Area 6 encompasses the old Discharge Areas 6, 6A, 7A, 7B, 8, 9, 10, 11, and 12. The contaminated stormwater infiltrates to the groundwater from the new stormwater retention ponds. Discharge is allowed from the stormwater upon sampling that indicates discharge will meet Water Quality requirements through a valve to the St. Louis Bay (New station SD009).

Catch Basin 1- Catch Basin 1 services the maintenance pad inside Discharge Area 6. On a normal day the stormwater from this area is routed to the lift station at the head of the dock and is then routed to the proposed stormwater retention pond. When the facility is pressure washing, cleaning, or degreasing equipment the wastewater is routed to the sanitary sewer via a electronic valve which allows for selection between the sanitary and the stormsewer located at the pad.

Settling Basin 1: Contaminated stormwater from inside Discharge Area 6 flows here which is then routed to the proposed stormwater retention ponds.

Settling Basin 2: Contaminated stormwater from inside Discharge Area 6 flows here which is then routed to the proposed stormwater retention ponds.

Settling Basin 3: Contaminated stormwater from inside Discharge Area 6 flows here which is then routed to the proposed stormwater retention ponds.

Sanitary Sewer:
Wash waters from vehicle maintenance activities are routed through the floor drains in the vehicle maintenance building through an oil/water separator, then discharged to the Western Lake Superior Sanitary District. Sanitary wastewater and wash water from maintenance activities are discharged to the Western Lake Superior Sanitary District, and are not covered under this permit.

Chemical Additives:
Current approved additives are all used for dust suppression and include: Coherex, Magnesium chloride Diethylene glycol, and GE-Betz Dus Treat DC9131E.
Significant Permit Changes:
The previous permit was issued on September 1, 2006, and expired on October 31, 2009. Many changes have occurred at the facility since 2009.

1. A new water cannon system (used for dust suppression) was constructed between July 2010 and October 2010. This was built to provide dust suppression for Area 6 (previously Area 6 and 6A). The cannon has a maximum flow rate of 500 gallons per minute. The source water is from the St. Louis Bay.

2. The facility is planning construction of a new retention pond with a primary and secondary pond for settling and treatment. Construction is scheduled to begin late 2014 (shown on the aerial maps). Re-grading will be done to combine the old discharge areas 6, 6A, 7A, 7B, 8, 9, 10, 11, and 12 into one discharge area: Discharge Area 6.

3. SD001, SD002, SD004, SD005, SD006, SD007, and SD008 have all been inactivated. SD009 was added to include the discharge from the retention pond. All of the above stations were inactivated due to the lack of contaminated material that was exposed to stormwater. SD004-SD008 were all combined into one monitoring point: SD009.
Aerial Photo of Permitted Facility:
## Wisconsin Central Limited - Duluth Ore Dock
### Summary of Stations

**Permit #: MN0053384**

**Permit Issued:**

**Permit Expires:**

### Surface Discharge Stations

<table>
<thead>
<tr>
<th>Station</th>
<th>Type of Station</th>
<th>Local Name</th>
<th>PLS Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>SD003</td>
<td>Storm Sewer To Surface Water</td>
<td>Storm Water from Drainage Area 5</td>
<td>NW Quarter of Section 4, Township 49 North, Range 14 West</td>
</tr>
<tr>
<td>SD009</td>
<td>Effluent To Surface Water</td>
<td>Discharge from New Retention Pond</td>
<td>NE Quarter of the SW Quarter of Section 4, Township 49 North, Range 14 West</td>
</tr>
</tbody>
</table>

### Waste Stream Stations

<table>
<thead>
<tr>
<th>Station</th>
<th>Type of Station</th>
<th>Local Name</th>
<th>PLS Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>WS001</td>
<td>Solids to Land Disposal/Non-application</td>
<td>Dredged material to storage/reuse site</td>
<td>SW Quarter of Section 4, Township 49 North, Range 14 West</td>
</tr>
</tbody>
</table>
Wisconsin Central Limited - Duluth Ore Dock
Limits and Monitoring Requirements

The Permittee shall comply with the limits and monitoring requirements as specified below.

SD 003: Storm Water from Drainage Area 5

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Limit</th>
<th>Units</th>
<th>Limit Type</th>
<th>Effective Period</th>
<th>Sample Type</th>
<th>Frequency</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chloride, Total</td>
<td>Monitor Only</td>
<td>mg/L</td>
<td>Calendar Year Maximum</td>
<td>Jan-Dec</td>
<td>Grab</td>
<td>2 x Year</td>
<td>1</td>
</tr>
<tr>
<td>Mercury, Dissolved (as Hg)</td>
<td>Monitor Only</td>
<td>ug/L</td>
<td>Calendar Year Maximum</td>
<td>Jan-Dec</td>
<td>Grab</td>
<td>2 x Year</td>
<td>1</td>
</tr>
<tr>
<td>pH</td>
<td>Monitor Only</td>
<td>SU</td>
<td>Calendar Year Maximum</td>
<td>Jan-Dec</td>
<td>Grab</td>
<td>2 x Year</td>
<td>1</td>
</tr>
<tr>
<td>pH</td>
<td>Monitor Only</td>
<td>SU</td>
<td>Calendar Year Minimum</td>
<td>Jan-Dec</td>
<td>Grab</td>
<td>2 x Year</td>
<td>1</td>
</tr>
<tr>
<td>Solids, Total Suspended (TSS)</td>
<td>100</td>
<td>mg/L</td>
<td>Calendar Year Maximum</td>
<td>Jan-Dec</td>
<td>Grab</td>
<td>2 x Year</td>
<td>1</td>
</tr>
</tbody>
</table>

SD 009: Discharge from New Retention Pond

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Limit</th>
<th>Units</th>
<th>Limit Type</th>
<th>Effective Period</th>
<th>Sample Type</th>
<th>Frequency</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Flow</td>
<td>Monitor Only</td>
<td>mgd</td>
<td>Calendar Month Average</td>
<td>Jan-Dec</td>
<td>Measurement</td>
<td>1 x Month</td>
<td>3</td>
</tr>
<tr>
<td>Flow</td>
<td>Monitor Only</td>
<td>MG</td>
<td>Calendar Month Maximum</td>
<td>Jan-Dec</td>
<td>Measurement</td>
<td>1 x Month</td>
<td>3</td>
</tr>
<tr>
<td>Hardness, Calcium &amp; Magnesium, Calculated (as CaCO3)</td>
<td>Monitor Only</td>
<td>mg/L</td>
<td>Calendar Month Maximum</td>
<td>Jan-Dec</td>
<td>Grab</td>
<td>1 x Month</td>
<td>3</td>
</tr>
<tr>
<td>Iron, Dissolved (as Fe)</td>
<td>Monitor Only</td>
<td>ug/L</td>
<td>Calendar Month Maximum</td>
<td>Jan-Dec</td>
<td>Grab</td>
<td>1 x Month</td>
<td>3</td>
</tr>
<tr>
<td>Mercury, Dissolved (as Hg)</td>
<td>Monitor Only</td>
<td>ng/L</td>
<td>Calendar Month Maximum</td>
<td>Jan-Dec</td>
<td>Grab</td>
<td>1 x Month</td>
<td>3</td>
</tr>
<tr>
<td>pH</td>
<td>9.0</td>
<td>SU</td>
<td>Calendar Month Maximum</td>
<td>Jan-Dec</td>
<td>Grab</td>
<td>1 x Month</td>
<td>3</td>
</tr>
<tr>
<td>pH</td>
<td>6.0</td>
<td>SU</td>
<td>Calendar Month Minimum</td>
<td>Jan-Dec</td>
<td>Grab</td>
<td>1 x Month</td>
<td>3</td>
</tr>
<tr>
<td>Solids, Total Dissolved (TDS)</td>
<td>Monitor Only</td>
<td>mg/L</td>
<td>Calendar Month Maximum</td>
<td>Jan-Dec</td>
<td>Grab</td>
<td>1 x Month</td>
<td>3</td>
</tr>
<tr>
<td>Solids, Total Suspended (TSS)</td>
<td>30</td>
<td>mg/L</td>
<td>Calendar Month Maximum</td>
<td>Jan-Dec</td>
<td>Grab</td>
<td>1 x Month</td>
<td>3</td>
</tr>
<tr>
<td>Specific Conductance</td>
<td>Monitor Only</td>
<td>umh/cm</td>
<td>Calendar Month Maximum</td>
<td>Jan-Dec</td>
<td>Grab</td>
<td>1 x Month</td>
<td>3</td>
</tr>
<tr>
<td>Sulfate, Total (as SO4)</td>
<td>Monitor Only</td>
<td>mg/L</td>
<td>Calendar Month Maximum</td>
<td>Jan-Dec</td>
<td>Grab</td>
<td>1 x Month</td>
<td>3</td>
</tr>
</tbody>
</table>

WS 001: Dredged material to storage/reuse site

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Limit</th>
<th>Units</th>
<th>Limit Type</th>
<th>Effective Period</th>
<th>Sample Type</th>
<th>Frequency</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arsenic, Total, Dry Weight</td>
<td>20</td>
<td>mg/kg</td>
<td>Single Value</td>
<td>Jan-Dec</td>
<td>Composite</td>
<td>1 x Year</td>
<td>2</td>
</tr>
<tr>
<td>Cadmium, Total, Dry Weight, (as Cd)</td>
<td>160</td>
<td>mg/kg</td>
<td>Single Value</td>
<td>Jan-Dec</td>
<td>Composite</td>
<td>1 x Year</td>
<td>2</td>
</tr>
<tr>
<td>Carbon, Total Organic (TOC)</td>
<td>Monitor Only</td>
<td>%</td>
<td>Single Value</td>
<td>Jan-Dec</td>
<td>Composite</td>
<td>1 x Year</td>
<td>2</td>
</tr>
<tr>
<td>Chromium, Hexavalent, Dry Weight, (as Cr)</td>
<td>650</td>
<td>mg/kg</td>
<td>Single Value</td>
<td>Jan-Dec</td>
<td>Composite</td>
<td>1 x Year</td>
<td>2</td>
</tr>
<tr>
<td>Chromium, Trivalent, Dry Weight, (as Cr)</td>
<td>100000</td>
<td>mg/kg</td>
<td>Single Value</td>
<td>Jan-Dec</td>
<td>Composite</td>
<td>1 x Year</td>
<td>2</td>
</tr>
<tr>
<td>Copper, Total, Dry Weight, (as Cu)</td>
<td>9000</td>
<td>mg/kg</td>
<td>Single Value</td>
<td>Jan-Dec</td>
<td>Composite</td>
<td>1 x Year</td>
<td>2</td>
</tr>
<tr>
<td>Lead, Total, Dry Weight (as Pb)</td>
<td>700</td>
<td>mg/kg</td>
<td>Single Value</td>
<td>Jan-Dec</td>
<td>Composite</td>
<td>1 x Year</td>
<td>2</td>
</tr>
</tbody>
</table>
Wisconsin Central Limited - Duluth Ore Dock Limits and Monitoring Requirements

The Permittee shall comply with the limits and monitoring requirements as specified below.

**WS 001: Dredged material to storage/reuse site**

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Limit</th>
<th>Units</th>
<th>Limit Type</th>
<th>Effective Period</th>
<th>Sample Type</th>
<th>Frequency</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mercury, Total, Dry Weight, (as Hg)</td>
<td>1.5</td>
<td>mg/kg</td>
<td>Single Value</td>
<td>Jan-Dec</td>
<td>Composite</td>
<td>1 x Year</td>
<td>2</td>
</tr>
<tr>
<td>Moisture Content</td>
<td>Monitor Only</td>
<td>%</td>
<td>Single Value</td>
<td>Jan-Dec</td>
<td>Composite</td>
<td>1 x Year</td>
<td>2</td>
</tr>
<tr>
<td>Nickel, Total, Dry Weight, (as Ni)</td>
<td>2500</td>
<td>mg/kg</td>
<td>Single Value</td>
<td>Jan-Dec</td>
<td>Composite</td>
<td>1 x Year</td>
<td>2</td>
</tr>
<tr>
<td>Nitrite Plus Nitrate, Total, Dry Weight, (as N)</td>
<td>Monitor Only</td>
<td>mg/kg</td>
<td>Single Value</td>
<td>Jan-Dec</td>
<td>Composite</td>
<td>1 x Year</td>
<td>2</td>
</tr>
<tr>
<td>Nitrogen, Ammonia, Dry Weight</td>
<td>Monitor Only</td>
<td>mg/kg</td>
<td>Single Value</td>
<td>Jan-Dec</td>
<td>Composite</td>
<td>1 x Year</td>
<td>2</td>
</tr>
<tr>
<td>Nitrogen, Kjeldahl, Total, Solid Fraction, Dry Weight</td>
<td>Monitor Only</td>
<td>%</td>
<td>Single Value</td>
<td>Jan-Dec</td>
<td>Composite</td>
<td>1 x Year</td>
<td>2</td>
</tr>
<tr>
<td>Particle Size, .05-2.0 mm Sand, Dry Weight</td>
<td>Monitor Only</td>
<td>%</td>
<td>Single Value</td>
<td>Jan-Dec</td>
<td>Composite</td>
<td>1 x Year</td>
<td>2</td>
</tr>
<tr>
<td>PCBs (Polychlorinated bipheyls), Dry Weight</td>
<td>8</td>
<td>mg/kg</td>
<td>Single Value</td>
<td>Jan-Dec</td>
<td>Composite</td>
<td>1 x Year</td>
<td>2</td>
</tr>
<tr>
<td>Phosphorus, Total, Dry Weight (as P)</td>
<td>Monitor Only</td>
<td>mg/kg</td>
<td>Single Value</td>
<td>Jan-Dec</td>
<td>Composite</td>
<td>1 x Year</td>
<td>2</td>
</tr>
<tr>
<td>Selenium, Total, Dry Weight (as Se)</td>
<td>1250</td>
<td>mg/kg</td>
<td>Single Value</td>
<td>Jan-Dec</td>
<td>Composite</td>
<td>1 x Year</td>
<td>2</td>
</tr>
<tr>
<td>Zinc, Total, Dry Weight, (as Zn)</td>
<td>70000</td>
<td>mg/kg</td>
<td>Single Value</td>
<td>Jan-Dec</td>
<td>Composite</td>
<td>1 x Year</td>
<td>2</td>
</tr>
</tbody>
</table>

**Notes:**
1. One sample shall be taken during the spring thaw (Jan-Jun) and one shall be taken during July-Dec. The permittee can request a reduction/elimination of sampling after 12 samples or 2 years time.
2. Refer to Table 3 of Appendix 1 to this permit to determine the minimum number of samples required for sediment evaluation. Analysis must be conducted on samples that are representative of, and in consideration of the dredged material and activities at the project site. In some cases, the minimum number of samples indicated on Table 3 will not be adequate to obtain representative samples, and additional analysis may be required.
3. The Permittee shall refer to Chapter 4: Industrial Pond, Part 4.3 for sampling instructions.
Chapter 1. Surface Discharge Stations

1. Requirements for Specific Stations

1.1 SD 003: Submit an annual DMR annually by January 22 of each year following permit issuance.

1.2 SD 009: Submit a monthly DMR monthly by 21 days after the end of each calendar month following permit issuance.

1.3 SD 009: Samples for SD009 shall be collected only when discharges out of the stormwater retention pond occur (not including infiltration). If no discharge has occurred mark no discharge on the eDMRs.

2. Sampling Location

2.1 Samples for SD003 shall be taken where the discharge from the non-contaminated stormwater pond discharge reaches the lake. The samples for SD003 shall be only the discharge from the pond and shall not include any contamination of lake water. Sample for SD009 shall be taken form the final cell outlet control structure from the proposed stormwater retention ponds before it reaches the lake. Samples shall only be taken when discharge occurs through the final outlet structure.

2.2 Samples and measurements required by this permit for SD003 shall be representative of non-contaminated stormwater and samples and measurements required from SD009 shall be representative of contaminated stormwater that has been through the stormwater retention ponds.

3. Surface Discharges

3.1 Floating solids or visible foam shall not be discharged in other than trace amounts.

3.2 Oil or other substances shall not be discharged in amounts that create a visible color film.

3.3 The Permittee shall install and maintain outlet protection measures at the discharge stations to prevent erosion.

4. Winter Sampling Conditions

4.1 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.

5. Mercury Limits and Monitoring Requirements

5.1 Permittees are required to sample for TSS (grab sample) at the same time that Total/Dissolved Mercury samples are taken. Total Mercury, Dissolved Mercury, and TSS (grab sample) samples must be collected via grab samples. All results must be recorded on DMRs.

5.2 Total and Dissolved Mercury samples must be analyzed using the most current versions of EPA Method 1631 with clean techniques method 1669. Should another mercury analytical method that has a reportable quantitation level of <0.5 ng/L that allows for low-level sample characterization be approved by the EPA and certified by an MPCA recognized accreditation body, the method may be used in place of 1631/1669.

6. Discharge Monitoring Reports

6.1 The Permittee shall submit monitoring results for discharges in accordance with the limits and monitoring requirements for this station. If no discharge occurred during the reporting period, the Permittee shall check the "No Discharge" box on the Discharge Monitoring Report (DMR).
Chapter 2. Industrial Process Wastewater

1. Prohibited Discharges

   1.1 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.

   1.2 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.

   1.3 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.

2. Toxic Substance Reporting

   2.1 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. (Minnesota Rules, pt. 7001.1090, subp. 2.A)

   2.2 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. (Minnesota Rules, pt. 7001.1090, subp. 2.B)

3. Mobile and Rail Equipment Service Areas

   3.1 Locomotive traction sand, 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.

   3.2 The steam-cleaning of mobile equipment and rail 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.

   3.3 Mobile and rail 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.

   3.4 Mobile and rail equipment maintenance and repairs shall not be conducted in wash bays.

   3.5 Hazardous materials shall not be stored or handled in wash bays.

   3.6 Wastewater containment systems, including pipes shall be inspected regularly. Leaks that are detected shall be repaired immediately.
Chapter 2. Industrial Process Wastewater

3. Mobile and Rail Equipment Service Areas

3.7 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.

3.8 Spill cleanup procedures shall be posted in mobile and rail equipment maintenance and repair areas.

Chapter 3. Dredged Material Management

1. Authorization

1.1 This permit authorizes the Permittee to store and/or reuse dredged material in accordance with the provisions of this permit.

1.2 The dredged material managed at the facility site is limited to material that is dredged from the zones adjacent to Dock 6, to the north of the North Channel of St. Louis Bay, as delineated by the zones marked on the map in the 'Facility Description' section of this permit.

1.3 This permit authorizes the discharge of stormwater originating from the project site, as well as incidental discharges associated with rehandling, off-loading and/or transportation activities when managed in accordance with parts of this chapter.

Other discharges of waste water are not authorized by this permit.

1.4 This permit authorizes the Permittee to store and/or reuse dredged material in accordance with the provisions of this permit after the Industrial Dredge Material Management Application and associated sampling is submitted to the MPCA and written approval is received from the MPCA. Disposal of dredged material is not authorized by this permit.

1.5 This permit does not authorize or otherwise regulate dredging activity. However, dredging activity is subject to the water quality standards specified in Minnesota Rules chs. 7050 and 7060.

Initiation of dredge activities shall not commence until the Permittee has obtained all federal, state and/or local approvals that may be required for a particular project, including but not limited to state permits regulating activities in the bed of public waters as defined in Minn. Stat. sec. 105 from the Minnesota Department of Natural Resources (DNR), federal permits for dredged or fill material from the US Army Corps of Engineers (USCOE), and local permits from the appropriate Soil and Water Conservation District, county or local unit of government (LUG).
Chapter 3. Dredged Material Management

1. Authorization

1.6 The following activities are not authorized by this permit:

   a. The discharge of wastewater or stormwater into waters of the state, except as provided by part 1.2 of this permit.

   b. The discharge of dredged material to surface water from the storage and/or reuse facility, including disposal methods such as unconfined disposal, beach nourishment, disposal in wetlands, other in-water disposal, or hydraulic dredging with return flow (non-confined hydraulic dredging).

   c. Permit coverage at sites for which Environmental Assessment Worksheets or Environmental Impact Statements are required, in accordance with Minn. R. ch. 4410, until that environmental review is completed.

   d. The discharge of sewage, wash water, scrubber water, spills, oil, hazardous substances, or equipment/vehicle cleaning and maintenance wastewaters to ditches, wetlands nor other surface waters of the state.

   e. The routing of pollutants from the dredging activity or the dredged material storage and/or reuse facility to a municipal wastewater treatment system in any manner unless authorized by the pretreatment standards of the MPCA and the municipal authority.

   f. The transport of 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.

1.7 Compliance with the terms and conditions of this permit releases the Permittee from the requirement to obtain a separate permit for industrial activities at the storage and/or reuse site that would otherwise require the Permittee to obtain an industrial stormwater permit in accordance with the Clean Water Act and Agency rules, except where the use or reuse of dredged material is occurring at a location separate from other activity covered by this permit. The requirement to obtain a construction stormwater permit for land disturbing activities, where otherwise required, is not waived by this permit.

2. Rehandling, Off-Loading and Transportation of Dredged Material

2.1 Dredged materials shall be managed in a manner so as to minimize the amount of material returned by spillage, erosion or other discharge to waters of the state during rehandling, off-loading and/or transportation activities.

2.2 Areas for the rehandling and/or off-loading of dredged material shall be sloped away from surface water, or otherwise designed to prevent runoff from the area. In cases where the topography of the project does not physically allow for a slope away from surface water, the Permittee shall otherwise manage the area to minimize the amount of material returned by spillage, erosion or other discharge to waters of the state.

2.3 Dredged material hauled on federal, state, or local highways, roads, or streets must be hauled in such a way as to prevent dredged material from leaking, spilling, or otherwise being deposited in the right-of-way. Dredged material deposited on a public roadway must be immediately removed and properly disposed.

2.4 The Permittee shall minimize vehicle tracking of soil or dredged material off-site at locations where vehicles exit the dredging, storage, disposal and/or reuse facility onto impervious surfaces by BMPs such as stone pads, concrete or steel wash racks, or equivalent systems.

2.5 Tracked soil and/or dredged material shall be removed from impervious surfaces that do not drain back to the dredged material storage, disposal and/or reuse facility within 24 hours of discovery, and placed in the storage, disposal and/or reuse facility site.

3. Storage, Disposal and/or Reuse of Dredged Material

3.1 The use or reuse of dredged material as beach nourishment is not authorized by this permit.
Chapter 3. Dredged Material Management

3. Storage, Disposal and/or Reuse of Dredged Material

3.2 Storage Prior to Reuse. Storage of dredged material prior to reuse or use is subject to the temporary storage requirements of part 3.5 of this chapter.

C. Disposal

3.3 Authorization. Prior to the use of a site for the storage, disposal, and/or reuse of dredged material, the Permittee shall obtain written MPCA approval for such use.

3.4 General. Any site used for the storage and/or reuse of a dredged material shall be operated and maintained by the Permittee to control runoff, including stormwater, from the facility to prevent the exceedance of water quality standards specified in Minnesota Rules, chs. 7053 and 7060.

3.5 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.

3.6 The Permittee may dispose of dredged material at a permitted solid waste landfill or through reuse for a beneficial purpose, as follows:

a. Temporary storage and/or treatment of dredged material at the dredge project site. Temporary storage of dredged material is subject to the requirements of part 3.5 of this chapter.

b. Reuse of dredged material for beneficial purposes. Reuse of dredged material is subject to parts 3.6 through 3.9 of this chapter.

A. Temporary Storage and/or Treatment of Dredged Material

3.7 All of the following requirements apply to the temporary storage and/or treatment of dredged material:

a. Temporary storage shall not exceed 1 year. Storage or accumulation of dredged material for more than 1 year constitutes disposal, and is subject to the disposal facility requirements of parts 3.6 through 3.41 of this chapter.

b. The quantity of dredged material to be stored at the site shall not exceed the quantity of material authorized for disposal at the site, as specified by part 3.12 of this chapter.

c. Dredged materials shall be managed in a manner so as to minimize the amount of material returned by spillage, erosion or other discharge to waters of the state. Best management practices for the management of dredged materials are outlined in the MPCA fact sheet, "Best Management Practices for the Management of Dredged Material", (wq-qen2-01, 4/07), which is included in the Appendices section of this permit.

d. If dikes, berms or silt fences have been constructed to contain temporary stockpiles of dredged material, they shall not be removed until all material has been removed from the stockpile.

B. Beneficial Use or Re-Use of Dredged Material

3.8 Prior to the use or reuse of a dredged material, the Permittee shall determine the appropriate "suitable reuse category" of the dredged material to be used or reused, as described below.
Chapter 3. Dredged Material Management

3. Storage, Disposal and/or Reuse of Dredged Material

3.9 Suitable Reuse Categories. The suitable reuse category of a dredged material is based on the analyzed characteristics of the dredged material and appropriately applied Soil Reference Values (SRVs), which are listed in Table 1 in the Appendices section of this permit.

For the purposes of this permit, dredged material intended for the beneficial use or reuse is categorized into three tiers: Level 1, Level 2, and Level 3.

a. Level 1 material is authorized to be used or reused at/on sites with a residential or recreational property use category. Level 1 material is characterized by:

i. a contaminant level that is at or below all respective analyte concentrations listed in the Residential SRV column for any contaminant that can be reasonably expected to be present in the dredged material; or,

ii. having more than 93% sand, as demonstrated by the grain size analysis described by part 4.7 of this chapter.

b. Level 2 material is authorized to be used or reused on/at sites with an industrial use category. Level 2 material is characterized by a contaminant level that is at or below all respective analyte concentrations listed in the Industrial SRV column for any contaminant that can be reasonably expected to be present in the dredged material.

c. Level 3 material is NOT authorized to be used or reused under this permit. Level 3 material is characterized by a contaminant level that is greater than any respective analyte concentrations listed in the Industrial SRV column.

3.10 Disposal of dredged material is not authorized by this permit.

4. Sampling and Analyses

4.1 Timing of sediment evaluation. Dredged material shall be evaluated for pollutant contamination prior to removal of sediment, and in accordance with the terms and conditions of this permit. Evaluation need not be repeated prior to final disposition, except in the case where co-mingling with other material has occurred at the treatment, storage, disposal and/or reuse site, and/or if additional analysis is specified by the MPCA.

4.2 Sampling location. Sample locations must properly characterize the dredged sediment.

4.3 Number of samples. Except for sieve grain size analysis, refer to Table 3 of Appendix 1 to this permit to determine the minimum number of samples required for sediment evaluation. Analysis must be conducted on samples that are representative of, and in consideration of the dredged material and activities at the project site. In some cases, the minimum number of sampled indicated on Table 3 will not be adequate to obtain representative samples, and additional analysis may be required. For sieve grain size analysis, a minimum of six representative sediment samples is required. For samples demonstrating sediment composition equal to or greater than 93% sand, as evidenced by the analyte results for "Particle Size .05-2.0 mm Sand, Dry Weight", analysis of remaining analytes in the 'Limits and Monitoring' section of this permit is not required (Table 1 of the Appendix).

4.4 Based on the evaluation of historical land uses and the reasonable likelihood for pollutants in the sediment to be dredged, analysis of analytes beyond the baseline analytes (Table 1 of the Appendix) may be required. These additional analytes are listed in Table 2 of the Appendix.
Chapter 3. Dredged Material Management

4. Sampling and Analyses

4.5 All of the following apply to sediment sampling at dredge project sites:

a. Samples shall be managed in accordance with ASTM E1391-03 Standard Guide for Collection, Storage, Characterization, and Manipulation of Sediments for Toxicological Testing and for Selection of Samplers Used to Collect Benthic Invertebrates.

b. All samples shall be taken with a core sampler, or another MPCA approved method.

c. All sampling equipment shall be properly cleaned prior to and following each sample collection.

d. Samples collected for PCB, pesticide and other organic analyses shall be collected and processed using metallic (stainless steel preferred) liners, tubs, spoons and spatulas. Samples collected for other chemical analysis, including heavy metals, shall be collected and processed using non-metallic liners, tubs, spoons and spatulas.

e. Core samples from the dredging site shall be taken to the proposed dredging depth plus 2 feet, and shall be analyzed from each distinct layer observed in the material to be dredged. If no strata formation exists, core samples shall be divided into 2-foot segments, and each segment shall be analyzed for the required chemicals and characteristics. For cores extending into parent material, analysis of only the top 2-foot segment of parent material is required.

f. Core samples shall be visually inspected for the existence of strata formation, and a written description including position, length, odor, texture and color of the strata shall be provided to the Agency.

4.6 Grain Size Analysis. To demonstrate that dredged material from a given project or site is predominantly sand, and is therefore unlikely to be contaminated, 93% of the dredged material must be coarser than silt. To make this determination, the following procedure must be used:


b. Determine the minimum number of samples required using Table 3 in the Appendices section of this permit, based on the total amount of material to be dredged.

c. Conduct the analysis using the following US Standard sieves: 1"", 1/2"", 3/8"", #4, #10, #100 and #200.

d. Report the results for each of the discrete sample locations as a mass percentage of retained sediments.

5. Annual Report

5.1 Submit an annual 'Dredged Material Report' by February 1 of each year following permit issuance, for the preceding calendar year. The Permittee shall provide this report even if no dredging occurred during the preceding calendar year. Report on the form provided by the MPCA in the Appendices section of this permit, or another MPCA approved form.
Chapter 3. Dredged Material Management

5. Annual Report

5.2 The annual 'Dredged Material Report' shall be on a form provided by the MPCA, or another MPCA approved form, and shall include the following elements:

a. Dates of dredging;

b. Volume of material placed into storage or disposal facility;

c. Any incidents, such as spills, unauthorized discharge and/or other permit violations which may have occurred;

d. Water level records for the disposal facilities of hydraulic dredging projects;

e. Such information as the MPCA may reasonably require of the Permittee pursuant to Minn. R. 7001 and Minn. Stat. chap. 115 and 116 as amended;

f. For disposal facilities, the dates of 'Periodic Site Inspections' required by part 3.21 of this chapter, and the status of erosion control measures at the disposal facility;

g. For disposal facilities, the dates, the volume of dredged material removed from the disposal facility, and the method and location of the disposition (disposal or reuse) of such materials.

h. For facilities that used or reused dredged material during the previous calendar year, the following information shall also be provided:

i. A written description of the use or reuse of the dredged material;

5.3 Where a spill, unauthorized discharge and/or other violation occurred during the previous calendar year, a copy of the report generated or information submitted in accordance with part 1.31 and/or part 1.33 of the 'Total Facility Requirements' chapter shall be included in the annual 'Dredged Material Report'.

6. Definitions

6.1 "Agency" means the Minnesota Pollution Control Agency (MPCA).

6.2 "Beach Nourishment" means the disposal of dredged material on the beaches or in the water waterward starting at or above the Ordinary High Water Level (OHWL) for the purpose of adding to, replenishing, or preventing the erosion of, beach material.

6.3 "Beneficial Re-use" means the re-use of dredged material, after the material has been dewatered, in projects such as, but not limited to: road base, building base or pad, etc.

6.4 "Best Management Practices" (BMPs) means practices to prevent or reduce pollution of the waters of the state, including schedules of activities, prohibitions of practices, and other management practices and also includes treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge, or waste disposal or drainage from material storage, as defined in Minnesota Rules pt. 7001.1020, subp.5.

6.5 "Carriage, or Conveyance, Water" means the water portion of a slurry of water and dredged material.

6.6 "Carriage Water Return Flow" means the carriage water which is returned to a receiving water after separation of the dredged material from the carriage water in a disposal, rehandling or treatment facility.

6.7 "Construction Activity" means a disturbance to the land that results in a change in the topography, existing soil cover (both vegetative and non-vegetative), or the existing soil topography that may result in accelerated stormwater runoff, leading to soil erosion and movement of sediment into waters of the state. Examples can include clearing, grading, filling and excavating.
Chapter 3. Dredged Material Management

6. Definitions

6.8 "Design capacity" means the total volume of compacted dredged materials, along with any topsoil, intermittent, intermediate, and/or final cover, as calculated from final contour and cross-sectional plan sheets that define the areal and vertical extent of the fill area.

6.9 "Discharges of Dredged Material" means any addition of dredged material into waters of the state and includes discharges of water from dredged material disposal operations including beach nourishment, upland, or confined disposal which return to waters of state. Material resuspended during normal dredging operations is considered "de minimis" and is not a dredged material discharge.

6.10 "Disposal Facility" means a structure, site or area for the disposal of dredged material.

6.11 "Dredged Material" means any material removed from the bed of any waterway by dredging.

6.12 "Dredging" means any part of the process of the removal of material from the beds of waterways; transport of the material to a disposal, rehandling or treatment facility; treatment of the material; discharge of carriage or interstitial water; and disposal of the material.

6.13 "Erosion Control" means methods employed to prevent erosion. Examples include: soil stabilization practices, horizontal slope grading, temporary or permanent cover, and construction phasing. (look for SW definition)

6.14 "Final Stabilization" means that all soil disturbing activities at the site have been completed, and that a uniform perennial vegetative cover (a density of 70 percent cover for unpaved areas and areas not covered by permanent structures) has been established or equivalent permanent stabilization measures have been employed. Examples of vegetative cover practices can be found in Supplemental Specifications to the 1988 Standard Specifications for Construction (Minnesota Department of Transportation, 1991).

6.15 "Flood Event" means that the surface elevation of a waterbody has risen to a level that causes the inundation or submersion of areas normally above the Ordinary High Water Level.

6.16 "Grain Size Analysis" means a method to determine dredged material and disposal site sediment particle size distribution.

6.17 "Hazardous Waste" has the meaning given in Minn. Stat. section 116.06, subd. 11.

6.18 "Impervious Surface" means a constructed hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development. Examples include: rooftops, sidewalks, patios, driveways, parking lots, storage areas, and concrete, asphalt, or gravel roads.

6.19 "Impoundment" means a natural or artificial body of water or sludge confined by a dam, dike, floodgate, or other barrier.

6.20 "Interstitial, or Pore, Water" means water contained in the interstices or voids of soil or rock in the dredged material.

6.21 "MPCA" means the Minnesota Pollution Control Agency, or Minnesota Pollution Control Agency staff as delegated by the Minnesota Pollution Control Agency.

6.22 "Ordinary High-Water Level (OHWL)" means the boundary of waterbasins, watercourses, public waters, and public waters wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool. (Minn. Stat. chap. 103G.005 Subd. 14 and MN Rule 6120.2500 Subp. 11.)

6.23 "Permittee" means the entity identified as Permittee on the cover letter authorizing coverage under this permit.
Chapter 3. Dredged Material Management

6. Definitions

6.24 "Pollutant" means any sewage, industrial waste, or other wastes, as defined in Minnesota Statutes permit 115.01, discharged into a disposal system or to waters of the state.

6.25 "Rehandling Facility" means a temporary storage site or facility used during the transportation of dredged material to a treatment or disposal facility.

6.26 "Run-off" means any liquid that drains over land from any part of a facility.

6.27 "Run-on" means any liquid that drains over land onto any part of a facility.

6.28 "Sediment" means the unconsolidated inorganic and organic material that is suspended in and being transported by surface water, or has settled out and has deposited into beds.

6.29 "Significant Storm Event" means a storm event that is greater than 1.0 inches in magnitude and that occurs at least 72 hours from the previously measurable (greater than 1.0 inch rainfall) storm event. The 72-hour storm event interval may be waived where:

a. the preceding measurable storm event did not result in a measurable discharge from the facility; or,

b. the Permittee documents that less than a 72-hour interval is representative for local storm events during the season when sampling is being conducted.

6.30 "Stabilized" means staked sod, riprap, wood fiber blanket, or other material that prevents erosion from occurring has covered the exposed ground surface. Grass seed is not stabilization.

6.31 "Storage Facility" means a structure, site or area for the holding of dredged material for more than 48 hours in quantities equal to or greater than ten cubic yards. Storage for more than 1 year constitutes disposal.

6.32 "Treatment Facility" in this permit means a natural or artificial confinement structure, site or area used for the separation of dredged material solids from the interstitial or carriage water.

6.33 "Unconfined Disposal" means the deposition of dredged material, in water, on the bed of a waterway.

6.34 "Upland Disposal" means the disposal of dredged materials landward from the ordinary high-water level of a waterway or waterbody.

6.35 "Waters of the State" means all streams, lakes, ponds, marshes, wetlands, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.

6.36 "Water table" means the surface of the ground water at which the pressure is atmospheric. Generally this is the top of the saturated zone.

6.37 "Wetlands" means those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Constructed wetlands designed for wastewater treatment are not waters of the state. Wetlands must have the following attributes:

a. a predominance of hydric soils;

b. inundated or saturated by surface water or groundwater at a frequency and duration to support a prevalence of hydrophytic vegetation typically adapted for life in a saturated soil condition; and,

c. under normal circumstances support a prevalence of such vegetation.
Chapter 4. Industrial Pond System

1. Authorization

1.1 This chapter authorizes the Permittee to manage contaminated stormwater in a pond system, as described in the 'Facility Description' section 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.

1.2 The requirements of this chapter apply to all components of the permitted pond system, including but not limited to all impoundments at the facility used for collection, containment, storage, and/or treatment; and all related structures, conveyances, and/or appurtenances.

2. Operation and Maintenance

   Maintenance of Stormwater Ponds

2.1 Operating Depth. All of the following apply to impoundments at the Facility:

   a. Except for impoundments lined with synthetic material, such as HDPE or PVC, impoundments that do not discharge continuously shall maintain a minimum depth of 2 feet at all times, except for maintenance.

   b. At least 3 feet freeboard on all stormwater pond containment dams at the Facility shall be maintained at all times.

   c. Based on specific Facility conditions and upon demonstration of an acceptable alternative, an alternate performance standard may be approved by the MPCA. Specific written authorization by the MPCA shall be obtained prior to implementing an alternately approved performance standard in lieu of item a. and/or b. of this part.

2.2 Harmful vegetative growth shall be controlled and such plants removed from the pond and pond structure.

2.3 Plants with long root structures, such as alfalfa, reed canary, willows, poplars, cottonwoods, shrubs, and cattails shall not be allowed to grow in the pond or on the dikes, regardless of water depth in the pond. Such harmful vegetative growth shall be controlled and such plants removed from the pond and pond structure.

2.4 The Permittee shall use approved methods to prevent muskrats and other burrowing animals from tunneling and causing damage to the pond liner or dikes.

2.5 Prior to the excavation or removal of solids from any stormwater pond at the facility, the Permittee shall implement measures to maintain the integrity of the pond during the removal process.

   Inspection of Stormwater Pond

2.6 The Permittee shall inspect the pond system in accordance with the inspection requirement of Chapter 5: Industrial Stormwater of this permit, and shall take measurements of pond water depth, estimate the coverage of aquatic plants, floating mats and ice cover on the surface of the ponds, and note odors, the condition of the dikes and the presence of burrowing animals. The Permittee shall maintain records of these inspections with the SWPPP in accordance with Chapter 5, Part 11.

2.7 The Permittee shall maintain daily precipitation records.

3. Application for Permit Reissuance

3.1 By the end of each calendar five years following permit issuance, stormwater treatment ponds; related conveyances; and appurtenances to the pond system at the permitted facility shall be inspected and certified for structural integrity, complete containment, and compliance with performance standards.

3.2 The inspection and certification shall be completed by a registered professional engineer with expertise in wastewater/stormwater structures.

3.3 An inspection report shall be prepared by the professional engineer and submitted with the application for permit reissuance and/or every five years, whichever comes first.
Chapter 4. Industrial Pond System

3. Application for Permit Reissuance

3.4 If repairs are necessary as a result of the professional engineer's inspection, a detailed proposal for restoration shall be submitted to the Agency for review within 180 days of discovery, and at least 60 days prior to initiation of restoration work.

4. Discharge Requirements

4.1 Pre-Discharge Sampling. The Permittee shall sample the stormwater in the final pond structure prior to discharge to ensure compliance with applicable discharge limitations. Pre-discharge sample results shall be submitted to the MPCA via eDMRs. The Permittee shall retain these records for at least three (3) years, and provide them to the MPCA upon request.

4.2 If predischarge sample results indicate that one or more of the effluent limitations may be exceeded, the Permittee shall notify the MPCA of potential noncompliance prior to discharge. The Permittee shall call the MPCA at the appropriate regional office and indicate that the call is for notification of a pond discharge.

4.3 Pre-discharge samples shall be taken from four sides of the final impoundment and composited prior to discharge and analyzed for permitted parameters. This sampling must be taken no more than two weeks prior to the beginning of the discharge; dissolved oxygen and pH (both are field tests, and can not be composited) must be taken no more than 24 hours prior to the beginning of the discharge. If more than two weeks pass prior to the beginning of discharge, additional pre-discharge samples shall be obtained and analyzed prior to discharge.

Chapter 5. Industrial Stormwater -- Sector P: Land Transportation & Warehousing

1. Authorization

1.1 This chapter authorizes the Permittee to discharge stormwater associated with industrial activity from industrial activity associated with SIC code 4011 in accordance with the terms and conditions of this chapter.

1.2 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.

2. Water Quality Standards

2.1 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.

2.2 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.

3. Stormwater Pollution Prevention Plan

3.1 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.
Chapter 5. Industrial Stormwater -- Sector P: Land Transportation & Warehousing

3. Stormwater Pollution Prevention Plan

3.2 At a minimum, the SWPPP must 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.

3.3 In addition, the SWPPP must include the following:

a. Facility Map. Identify where any of the following may be exposed to stormwater: fueling stations; vehicle/equipment maintenance or cleaning areas; and storage areas for vehicle/equipment with actual or potential fluid leaks.

b. Potential Pollutant Sources. Describe the following additional sources that have potential pollutants associated with them: On-site waste storage or disposal; dirt/gravel parking areas for vehicles awaiting maintenance; and fueling areas.

3.4 The SWPPP shall be developed and implemented within 180 days after permit issuance and shall be available for inspection.

4. Industry Specific Stormwater Controls

4.1 All petroleum bulk oil stations and terminals shall comply with applicable State and Federal laws regulating large bulk fuel storage tanks, including the Spill Prevention, Control, and Countermeasure (SPCC) and provisions for secondary containment.

5. Employee Training Program

5.1 The Permittee must develop and implement an employee training program to inform appropriate personnel of the components and goals of the SWPPP. At a minimum, training must address:

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 must 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 must include the facility contact person as indicated on the permit application. Identified personnel must 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.
Chapter 5. Industrial Stormwater -- Sector P: Land Transportation & Warehousing

5. Employee Training Program

5.2 In addition, when conducting employee training the Permittee shall include: proper management and disposal of used oil and spent solvent management; fueling procedures; proper painting procedures; and used battery management.

6. Inspection and Maintenance

6.1 The Permittee must 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 must 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 must remain on-site whenever Permittee staff are available on the site and must be available upon request. The inspection form is located on the MPCA's website at: http://www.pca.state.mn.us/r4ard68.

6.2 Inspections must be documented. Documentation must 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 must be stored with the SWPPP.

6.3 In addition to the inspection requirements listed above, the following areas (including, but not limited to) must be inspected:

a. Storage areas for vehicles/equipment awaiting maintenance;
b. Fueling areas;
c. Indoor and outdoor vehicle/equipment maintenance areas; and
d. Vehicle/equipment cleaning areas.

6.4 If conditions are observed at the site that require changes in the SWPPP, such changes must be made to the SWPPP prior to submission of the annual report for that calendar year.

6.5 If the findings of a site inspection indicate that BMPs are not meeting the objectives as identified above, corrective actions must be initiated within thirty days and the BMP restored to full operation as soon as conditions allow.

7. Preventive Maintenance

7.1 The Permittee shall maintain all storage vessels (e.g. used oil/oil filter, spent solvents, paint wastes, hydraulic fluids) to prevent contamination of stormwater, and plainly label the storage vessels.

8. Good Housekeeping & Control Measures

8.1 The Permittee shall minimize or prevent stormwater from contacting locomotive sanding (loading sand for traction) areas. Sediment removal practices shall be implemented to minimize the offsite transport of sanding material.
Chapter 5. Industrial Stormwater -- Sector P: Land Transportation & Warehousing

9. Sedimentation Basin Design and Construction

9.1 The Permittee is authorized to use designed infiltration devices or industrial stormwater ponds/sedimentation basins for stormwater management. Stormwater ponds/sedimentation basins must 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 must follow the guidance located on the website at: http://www.pca.state.mn.us/r4ard68.

10. Reporting

10.1 Submit a Stormwater Annual Report by February 28 of each year following permit issuance. A copy of the Stormwater Annual Report Form is located on the MPCA's website at: http://www.pca.state.mn.us/r4ard68.

10.2 The Permittee shall, upon request of the Agency, submit within a reasonable time the information and reports that are relevant to compliance with this Chapter, including the Plan, inspection reports, annual reports, original laboratory sheets from analyses conducted on the waste stream, and BMP plans and specifications.

11. Records

11.1 The SWPPP must be retained for the duration of the permit. A copy of the SWPPP must remain on the permitted site whenever Permittee staff is on the site and be available upon request. The Permittee must 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.

12. Notification

12.1 If the Permittee discharges stormwater into a regulated Municipal Separate Storm Sewer System (MS4), the Permittee must notify the operator of the first MS4 of the existence of this permit within 30 days of its issuance.

13. Definitions

13.1 "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.

13.2 "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.

13.3 "Non-Stormwater Discharge" means any discharge not comprised entirely of stormwater discharges authorized by a NPDES permit.

13.4 "Runoff" means any liquid that drains over land from any part of a facility.
Wisconsin Central Limited - Duluth Ore Dock

Chapter 5. Industrial Stormwater -- Sector P: Land Transportation & Warehousing

13. Definitions

13.5 "Benchmark Monitoring Location" means the location(s) within the boundary of the facility where the Permittee will collect stormwater samples for the purpose of compliance with the benchmark monitoring requirements of this permit. The benchmark monitoring location(s) shall be in a location that:

a. is below the most down-gradient BMP from the source of the industrial activity or significant materials, but prior to discharging from the Permittee's operational control;
b. minimizes or eliminates sampling of stormwater from off-site sources (run-on); and
c. yields a sample that best represents the contribution of pollutants the Permittee is required to monitor for in accordance with the Benchmark Monitoring Requirements section of this permit, and that receives drainage from an area of industrial activities, processes, and significant materials exposed to stormwater.

Chapter 6. Total Facility Requirements

1. General Requirements

1.1 Definitions. Refer to the 'Permit Users Manual' found on the MPCA website (www.pca.state.mn.us) for standard definitions.

1.2 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. Sec. 115 and 116.

1.3 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 and/or operations and maintenance manuals approved by the Agency. (Minn. R. 7001.0150, subp. 3, item E)

1.4 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, item A)

1.5 Nuisance Conditions Prohibited. The Permittee's discharge shall not cause any nuisance conditions including, but not limited to: floating solids, scum and visible oil film, excessive suspended solids, material discoloration, obnoxious odors, gas ebullition, deleterious sludge deposits, undesirable slimes or fungus growths, aquatic habitat degradation, excessive growths of aquatic plants, acutely toxic conditions to aquatic life, or other adverse impact on the receiving water. (Minn. R. 7050.0210 subp. 2)

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

1.7 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, item O)

1.8 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, item D)
Chapter 6. Total Facility Requirements

1. General Requirements

1.9 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, item A)

1.10 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, item B)

1.11 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.

1.12 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.

1.13 Inspection and Entry. When authorized by Minn. Stat. Sec. 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 inspect 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 inspections, 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, item I)

1.14 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.

Sampling

1.15 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))

1.16 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. 7001.0190, subp. 1, item E)

1.17 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 be completed by equipment that is verified for accuracy before use. (Minn. Stat. Sec. 144.97 through 144.98 and Minn. R. 4740.2010 and 4740.2050 through 4740.2120) (Minn. R. 4740.2010 and 4740.2050 through 2120)

1.18 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.

1.19 Equipment Calibration: Flow meters, pumps, flumes, lift stations or other flow monitoring equipment used for purposes of determining compliance with the permit shall be verified and/or calibrated for accuracy at least twice annually. (Minn. R. 7001.0150, subp. 2, items B and C)
Chapter 6. Total Facility Requirements

1. General Requirements

1.20 Maintain Records. The Permittee shall keep the records required by this permit for at least three years, including DMRs, inspections, calibration and accuracy verifications, maintenance records, any calculations, original recordings from field or automatic monitoring instruments, laboratory sheets, chain of custody forms, copies of all reports required by the permit, and all data used to complete the permit application. 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 of all monitoring and testing which is related to compliance with the terms and conditions of the permit shall include the following information (Minn. R. 7001.0150, subp. 2, item C):

a. The exact place, date, and time of the sample or measurement;

b. The date of analysis;

c. The name of the person(s) who performed the sample collection and/or measurement;

d. The name of the person(s) who performed the analysis and/or calculation;

e. The analytical techniques, procedures and methods used; and

f. The results of the analysis.

1.21 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. (Minn. R. 7001.1090, subp. 1, item D; Minn. R. 7001.0150, subp. 2, item B)

Required forms may include:

DMR Sample Values and/or Operational Spreadsheets or DMR Supplemental Form: If required, individual values for each sample and measurement must be recorded on the DMR Sample Values and/or Operational Spreadsheets provided by the MPCA. DMR Sample Values and/or Operational Spreadsheets or DMR Supplemental Forms shall be submitted with the appropriate eDMRs. Note: Required summary information MUST be recorded on the electronic Discharge Monitoring Report. Summary information that is submitted ONLY on the DMR Sample Values and/or Operational Spreadsheets or DMR Supplemental Form does not comply with the reporting requirements.
Chapter 6. Total Facility Requirements

1. General Requirements

1.22 Submitting Reports. Electronic Discharge Monitoring Reports (eDMRs), DMR Sample Values and/or Operational Spreadsheets or DMR Supplemental Forms, and related attachments shall be submitted electronically via the MPCA Online Services Portal after authorization is approved. Authorization must be applied for and approved prior to submittal via the Online Services Portal.

eDMRs and DMR Sample Values and/or Operational Spreadsheets or DMR Supplemental Forms shall be electronically submitted by the 21st day of the month following the monitoring period end or as otherwise specified in this permit. Electronic DMR submittal must be complete on or before 11:59 PM of the 21st day of the month following the end of the monitoring period or as otherwise specified in this permit. A DMR shall be submitted for each required station even if no discharge occurred during the monitoring period. (Minn. R. 7001.0150, subps. 2.B and 3.H)

If electronic submittal is not possible, the Permittee must apply for an exception to electronic submittal. Exceptions requests for extreme conditions (no computer on-site is not an extreme condition) must at a minimum contain the extreme reason for the exception, actions to be taken, and date the facility will submit eDMR. All exception requests, and paper DMRs, DMR supplemental forms, and related attachments must be submitted by the 21st day of the month following the monitoring period end to:

MPCA
Attn: Discharge Monitoring Reports
520 Lafayette Road North
St. Paul, Minnesota 55155-4194

Other reports required by this permit shall be submitted on or before the due date specified in the permit to:

MPCA
Attn: WQ Submittals Center
520 Lafayette Road North
St. Paul, Minnesota 55155-4194

1.23 Incomplete or Incorrect Reports. The Permittee shall immediately submit an electronically amended report or eDMR to the MPCA upon discovery by the Permittee or notification by the MPCA that it has submitted an incomplete or incorrect report or eDMR. The amended report or eDMR shall contain the missing or corrected data along with an explanation of the circumstances of the incomplete or incorrect report. The explanation must be added to the eDMR comments field or must be an attachment to the eDMR. If it is impossible to electronically amend the report or eDMR, the Permittee shall immediately notify the MPCA and the MPCA will provide direction for the amendment submittals. (Minn. R. 7001.0150 subp. 3, item G)

1.24 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 must certify that he or she understands and complies with the certification requirements of Minn. R. 7001.0070 and 7001.0540, including the penalties for submitting false information. 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, must be certified by a registered professional engineer. (Minn. R. 7001.0540)
Chapter 6. Total Facility Requirements

1. General Requirements

1.25 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. (Minn. R. 7001.0150, subp. 2, item B)

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, subp. 2, item B)

1.26 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, subp. 3, item H)

1.27 Confidential Information. Except for data determined to be confidential according to Minn. Stat. Sec. 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 must follow Minn. R. 7000.1300.

Noncompliance and Enforcement

1.28 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. Sec. 115.071 and 116.072, including monetary penalties, imprisonment, or both. (Minn. R. 7001.1090, subp. 1, item B)

1.29 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, subp. 3, item G., 7001.1090, subps. 1, items G and H and Minn. Stat. Sec. 609.671)

1.30 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))
Chapter 6. Total Facility Requirements

1. General Requirements

1.31 Effluent Violations. If sampling by the Permittee indicates a violation of any discharge limitation specified in this permit, the Permittee shall immediately investigate the cause of the violation, which may include but is not limited to, collecting additional samples and/or other investigative actions. The Permittee shall also take appropriate 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. 7001.0150, subp. 3k)

1.32 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.

Release

1.33 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 and Minn. Stat. Sec 115.061)
Chapter 6. Total Facility Requirements

1. General Requirements

1.34 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.

1.35 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.

Bypass

1.36 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 (40 CFR 122.41(m)(2) and 122.41(m)(3) and Minn. R. Ch. 7001.1090, subp. 1, J).

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 must 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.
Chapter 6. Total Facility Requirements

1. General Requirements

1.37 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). (Minn. Stat. Sec 115.061)

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.

Operation and Maintenance

1.38 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.

1.39 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, subp. 1, item C)

1.40 Solids Management. The Permittee shall properly store, transport, and dispose of biosolids, septage, sediments, residual solids, filter backwash, lime waste, 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 and Minn. R. 7041 and applicable federal and state solid waste rules)

1.41 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. subp. 3, item F and Minn. R. 7001.0150. subp. 2, item B)

1.42 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. subp. 3, item F and Minn. R. 7001.0150. subp. 2, item B)

Changes to the Facility or Permit
Chapter 6. Total Facility Requirements

1. General Requirements

1.43 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. (Minn. R. 7001.0030)

Permittees that propose to make a change to a facility or discharge that requires a permit modification must follow Minn. R. 7001.0190. If the Permittee cannot determine whether a permit modification is needed, the Permittee must 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.

1.44 Submittal of plans and specifications for MPCA approval is not required for routine maintenance work. Routine maintenance work means installation of new equipment to replace worn out or broken items, provided the new equipment is the same design size and has the same design intent. For instance, a broken sewer pipe, a worn out lift station pump, or a malfunctioning aerator or blower can be replaced with the same design-sized equipment (or pipe) 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.

1.45 Report Changes. The Permittee shall give advance notice as soon as possible to the MPCA of any substantial changes in operational procedures, activities that may alter the nature or frequency of the discharge, and/or material factors that may affect compliance with the conditions of this permit. (Minn. R. 7001.0150, subp. 3, item M)

1.46 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. Material Safety Data Sheet (MSDS) 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
e. The proposed method of application, application frequency, concentration, and daily average and maximum rates of use. (Minn. R. 7001.0170)
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1.47 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.

1.48 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.

1.49 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 122.44.1.2.i., 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.

1.50 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, subp. 3, item N)

1.51 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. Sec. 116.07, subd. 4)
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1.52 Permit Reissuance. If the Permittee desires to continue permit coverage beyond the date of permit expiration, the Permittee shall submit an application for reissuance at least 180 days before 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.