

# Minnesota River Basin general phosphorus permit, MNG420000, updates and exclusion process

## **Background**

Phase 1 of the Minnesota River Basin General Phosphorus Permit (MNG42 Permit) was issued on December 1, 2005, in response to a dissolved oxygen impairment documented in the Lower Minnesota River and in accordance with the Lower Minnesota River Dissolved Oxygen Total Maximum Daily Load (TMDL), which was approved by the U.S. Environmental Protection Agency (EPA) in September of 2004. The purpose of the MNG42 Permit was to reduce phosphorus discharged by point sources to the Minnesota River Basin and achieve the dissolved oxygen water quality standard in the Minnesota River from river mile 22 to its mouth.

The MNG42 Permit originally required 40 existing continuously discharging wastewater treatment facilities upstream of Jordan (river mile 39.4) with a potential to discharge greater than 1,800 pounds per year of phosphorus in the Minnesota River Basin (Basin) to apply for coverage and achieve a 5-Month Mass Limit (Appendix B and Appendix B, Part 2). The MNG42 Permit also requires that all new and expanding continuously discharging phosphorus dischargers apply for MNG42 Permit coverage. Additionally, the MNG42 Permit also lists other classifications of facilities (appendix C, D, E, and F) which were identified in the MNG42 Permit but did not receive phosphorus limits.

The MNG42 Permit set up a framework for trading phosphorus credits to meet the assigned phosphorus limit while making progress toward the phosphorus reduction goal of the Lower Minnesota River Dissolved Oxygen TMDL. The phosphorus credits are identified as Jordan Trading Units (JTUs) among dischargers in the Basin. JTUs are set by a formula which includes a Jordan BOD Factor for each Permittee listed in Appendix B of the MNG42 Permit, which varies based upon their location in the Basin. Trade ratios of 1.1 to 1 for existing credit buyers and 1.2 to 1 for new credit buyers are required for each transaction. The MNG42 Permit requires submittal of Pre-Season Implementation Plans (PIPs) and Annual Compliance reports, unless Permittees request an annual exclusion via an Exclusion Application Form. Permittees participating in JTU trading are also required to submit a legal contract-to-trade form.

Phase 1 of the MNG42 Permit addressed the first five years and established an aggregate 35% reduction from baseline wastewater treatment plant (WWTP) phosphorus loadings. Phase 2 of the MNG42 Permit was planned for years 5-10 and was intended to achieve the full 52% TMDL reduction goal. For a variety of reasons, Phase 2 of the MNG42 Permit was never issued. MNG42 Permittees are still operating under phase 1 of the MNG42 Permit, which expired on November 30, 2010.

The MNG42 Permit also required new and expanded controlled discharge WWTPs in the Minnesota River Basin to be designed and constructed to avoid discharging June 1 through September 30.

# **River Eutrophication Standards**

In 2015 River Eutrophication Standards (RES) were adopted as Minnesota Water Quality Standards, and ambient water quality data demonstrated that the MPCA needed to establish phosphorus limits to prevent ongoing exceedances of RES. RES apply to all river reaches protected for aquatic life and recreation (Class 2), which results in more localized goals for establishing limits than what was established in the MNG42 Permit.

The MPCA has established phosphorus waste load allocations (WLAs) necessary to comply with RES. Although some of the individual RES WLAs are less restrictive than the Lower Minnesota River Dissolved Oxygen TMDL's WLAs, the aggregate sum of the RES WLAs is more restrictive than the aggregate sum of the Lower Minnesota River Dissolved Oxygen TMDL's WLAs. RES WLAs are therefore consistent with attaining the Lower Minnesota River's dissolved oxygen water quality standard. By including RES limits in individual permits to protect local rivers from excess algal growth, the MPCA will also achieve the aggregate WWTP phosphorus load reduction goal specified in the Lower Minnesota River Basin Dissolved Oxygen TMDL. TMDLs for RES impaired reaches of the Minnesota River are expected to be completed in the future.

Therefore, as the MNG42 Permittee's individual permits are re-issued with applicable RES based Total Phosphorus limits, the MPCA plans to incorporate the Exclusion Permit Language outlined below so those permittees will no longer need to comply with the MNG42 Permit. Several new dischargers (since the issuance of the MNG42 Permit) received 0 kg/day May 1-September 30 Lower Minnesota River Dissolved Oxygen TMDL WLAs. These dischargers have offsets under the MNG42 Permit. These offsets will be incorporated into their individual permits.

In practice, this exclusion will mean that Permittees will no longer need to make any of the submittals required by the MNG42 Permit, will no longer need to comply with limits in the MNG42 Permit, and will no longer need to conduct any monitoring required by the MNG42 Permit. The permit language included in the Exclusion Eligibility and Permit Language section below will be included in individual permits and Fact Sheets or Statements of Basis for eligible facilities (those listed in Appendix B and Appendix B, Part 2 of the MNG42 Permit). Facilities whose permits contain schedules to comply with RES based Total Phosphorus Limits in their individual permit, can continue to be a buyer as the means for complying with the MNG42 limit until such time as they achieve compliance with their RES based limits. Facilities who are still selling JTUs to other dischargers under the MNG42 Permit may elect to forgo the exclusion language and remain a full participant in the MNG42 Permit so long there are active MNG42 trade "buyers."

Once all MNG42 Permittees (listed in Appendix B and Appendix B, Part 2) have RES based Total Phosphorus effluent limits incorporated into reissued individual permits and there are no longer active JTU trades, the MPCA intends to terminate the MNG42 Permit.

# **Exclusion Eligibility and Permit Language**

The following conditions must be met for Permittees to qualify for the exclusion:

The Permittee must attain compliance with RES-based total phosphorus limits in their individual permit.

The Permittee must not be a buyer or seller of JTUs under the MNG42 Permit.

The italicized exclusion language will be added to the permit text and Fact Sheet or Statement of Basis of individual permits of MNG42 Permittees.

Under this individual permit, the (Facility) will comply with a Total Phosphorus effluent limit that is
consistent with the goals of the Lower Minnesota River Low Dissolved Oxygen TMDL. The Facility also has
coverage under the Minnesota River Basin General Phosphorus Permit (MNG42) issued on December
1, 2005. The Total Phosphorus effluent limit makes the Facility eligible for exclusion from the monitoring and
reporting requirements and effluent limits of MNG42 The Facility is therefore excluded from the monitoring
and reporting requirements and effluent limits of MNG42 The Facility is no longer required to submit a
Pre-Season Implementation Plan (PIP) and Annual Compliance Report or an Annual Exclusion Form. The Facility is
also no longer required to monitor Total Phosphorus as per the frequency in the MNG42 Permit, or
comply with effluent limits specified in the MNG42 Permit. The Facility should instead comply with the limits
and monitoring section of this individual permit. The MNG42 Permit will be terminated once all MNG42
Permittees have been excluded from the MNG42 Permit.

During permit reissuance, the MPCA will determine the Permittee's eligibility for this exclusion. The exclusion language will be put into the individual permit text and Fact Sheet or Statements of Basis. The Permittee will then have 30 days to review and comment on the exclusion. All interested parties will have the opportunity to review and comment on the exclusion during the permit public notice period.

(Table will be updated twice annually in approximately January and June.)

#### Current exclusion status as of 01/01/2025

ADM Corn Processing - Marshall No Amboy WWTP No Arlington WWTP No Belle Plaine WWTP Yes, upon attainment of RES limit (Due 12-31-29) Benson WWTP No Blue Earth WWTP No Clara City WWTP Yes Darling International inc - Blue Earth Yes Fairmont WWTP Yes, upon attainment of RES limit (Due 12-1-25) Granite Falls WWTP Yes, upon attainment of RES limit (Due 12-31-27) Green Plains Fairmont LLC No longer meets applicability Highwater Ethanol LLC No longer meets applicability Lake Crystal WWTP Yes Le Sueur WWTP Yes Le Sueur WWTP No Madelia WWTP Yes Mankato WWTP (WRRF) No Marshall WWTP Yes, upon attainment of RES limit (Due 3-1-34) Montevideo WWTP Yes, upon attainment of RES limit (Due 3-1-34) Montevideo WWTP Yes Now Michand WWTP Yes Now WITH Yes Now WITH WWTP Yes Norwood Young America WWTP No Olivia WWTP Yes Norwood Young America WWTP No Olivia WWTP Yes Saint James WWTP Yes Saint James WWTP Yes Saint Peter WWTP Yes Saint Peter WWTP Yes Saint Peter WWTP Yes Saint Peter WWTP Yes Saint James WWTP Yes Saint James WWTP No Starbuck WWTP No Truman WWTP No Wasea WWTP Yes Surind Hour WTP Yes Surind Hour WWTP Yes Surind Hour WWTP No Starbuck WWTP No Starbuck WWTP No Wasea WWTP No Wallmar WWTP Yes Willmar WWTP Yes	Facility	Exclusion Status
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Benson WWTP  Blue Earth WWTP  No  Clara City WWTP  Darling International Inc - Blue Earth Yes  Fairmont WWTP  Granite Falls WWTP  Yes, upon attainment of RES limit (Due 12-1-25)  Granite Falls WWTP  Yes, upon attainment of RES limit (Due 12-31-27)  Green Plains Fairmont LLC  No longer meets applicability  Lake Crystal WWTP  Yes  Le Center WWTP  Le Sueur WWTP  No  Madelia WWTP  Yes  Mankato WWTP  Yes, upon attainment of RES limit (Due 3-1-34)  MG Waldbaum Co - Gaylord  No  Montevideo WWTP  No  No  New Richland WWTP  Yes  Now Ulm WWTP  Yes  No longer meets applicability  Le Sueur WWTP  No  No  No  No  Montevideo WTP  No  No  No  No  No  No  No  No  No  N	Arlington WWTP	No
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New Ulm WWTP  Norwood Young America WWTP  No Olivia WWTP  Yes  POET Biorefining - Lake Crystal  Redwood Falls WWTP  No Sacred Heart WWTP  Saint Clair WWTP  Yes Saint James WWTP  Yes Springfield WWTP  Yes Springfield WWTP  No Starbuck WWTP  Yes  Trimont WWTP  No Walnut Grove WWTP  Welcome WWTP  Wes  Willmar WWTP  Yes  Yes  Yes  Yes  Yes  Yes  No  No  Yes  No  No  Willmar WWTP  No  Yes  Yes  Yes  Yes  Yes  Yes  Yes  No  Yes  Yes  Yes  Yes  Yes  Yes  Yes  Ye	Montevideo WWTP	No
Norwood Young America WWTP  Olivia WWTP  Yes  POET Biorefining - Lake Crystal  Redwood Falls WWTP  Yes, upon attainment of RES limit (Due 7/1/2030)  Renville WWTP  No  Sacred Heart WWTP  Yes  Saint Clair WWTP  Yes  Saint James WWTP  Yes  Saint Peter WWTP  Yes  Springfield WWTP  No  Starbuck WWTP  Trimont WWTP  No  Truman WWTP  No  Walnut Grove WWTP  Wes  Welcome WWTP  No  Willmar WWTP  Yes  Welcome WWTP  Yes  Yes  No  Yes  No  Wilmar WWTP  Yes	New Richland WWTP	Yes
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Redwood Falls WWTP  Renville WWTP  No  Sacred Heart WWTP  Yes  Saint Clair WWTP  Yes  Saint James WWTP  Yes  Saint Peter WWTP  Yes  Springfield WWTP  No  Starbuck WWTP  Trimont WWTP  No  Walnut Grove WWTP  Wes  Welcome WWTP  No  Willmar WWTP  Yes  Yes  Yes  Yes  Yes  Yes  Yes  Ye	Olivia WWTP	Yes
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Sacred Heart WWTP  Saint Clair WWTP  Yes  Saint James WWTP  Yes  Saint Peter WWTP  Yes  Springfield WWTP  No  Starbuck WWTP  Yes  Trimont WWTP  No  Walnut Grove WWTP  Wes  Welcome WWTP  No  Willmar WWTP  Yes  Yes  Yes	Redwood Falls WWTP	Yes, upon attainment of RES limit (Due 7/1/2030)
Saint Clair WWTP  Saint James WWTP  Yes  Saint Peter WWTP  Yes  Springfield WWTP  No  Starbuck WWTP  Yes  Trimont WWTP  No  Truman WWTP  No  Walnut Grove WWTP  Wes  Welcome WWTP  No  Willmar WWTP  Yes  Yes	Renville WWTP	No
Saint James WWTP  Saint Peter WWTP  Yes  Springfield WWTP  No  Starbuck WWTP  Trimont WWTP  No  Truman WWTP  No  Walnut Grove WWTP  Wes  Welcome WWTP  No  Willmar WWTP  Yes  Yes	Sacred Heart WWTP	Yes
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	Welcome WWTP	No
Winnebago WWTP Yes	Willmar WWTP	Yes
	Winnebago WWTP	Yes