

STATE OF MINNESOTA



Minnesota Pollution Control Agency

Industrial Division

National Pollutant Discharge Elimination System (NPDES) and
State Disposal System (SDS) Permit MN0055662

PERMITTEE: Aitkin agri-peat, Inc.

FACILITY NAME: Aitkin agri-peat, Inc. – Cromwell location

RECEIVING WATERS: Kettle Lake and Kettle River via drainage ditches

CITY/TOWNSHIP: Cromwell

COUNTY: Carlton

MODIFICATION DATE: August 10, 2006

EXPIRATION DATE: December 31,
2001

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 waters named above, in accordance with the requirements of this permit.

The goal of this permit is to protect water quality according to Minnesota and U.S. statutes and rules, including Minn. Stat. chs. 115 and 116, Minn. R. chs. 7001, 7050 and 7060, 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 March 4, 1997.

This permit expires at midnight on the expiration date identified above.

Signature: _____

Jeff Stollenwerk, Supervisor
Land and Water Quality Permit Section
Industrial Division

For The Minnesota Pollution Control Agency

If you have questions on this permit, including the specific permit requirements, permit reporting or permit compliance status, please contact:

Minnesota Pollution Control Agency
Industrial Division
520 Lafayette Road North
St. Paul, MN 55155-4194
Telephone: 1-800-657-3864
Telephone Device for Deaf (TTY): (651) 282-5332

Table of Contents

| | <u>Page</u> | |
|--|-------------|--|
| Permitted Facility Description..... | 3 | |
| Limits and Monitoring Requirements..... | 5 | |
| Chapter 1. Surface Discharge Station Requirements - General..... | 11 | |
| Chapter 2. Surface Water Station Requirements - General | 12 | |
| Chapter 3. Station Requirements - Specific..... | 12 | |
| Chapter 4. Industrial Stormwater, NPDES/SDS | 13 | |
| Chapter 5. Total Facility Requirements | 13 | |

Permitted Facility Description

Written Description

The principal activity at this facility is the mining of peat (fibric sphagnum and hemic reed-sedge) for horticultural uses, at a maximum rate of approximately 130,000 cubic yards per year. The facility consists of all mine excavation areas, mining waste disposal areas, plant areas and nonsewage wastewater disposal systems within the area designated on the map on page 4.

A system of field ditches and drainage ditches within the facility drains ground water and surface runoff to ditches outside the facility. Field ditches are spaced at 60-100 meters and average 1.3 meters deep. That portion of the facility north of the Burlington Northern railroad tracks drains to a ditch that parallels the tracks on the north side and flows to the west. Outfall SD002 (formerly known as 040) is located in this westward flowing ditch, at the westernmost boundary of the facility, in the SE $\frac{1}{4}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$, of Section 5. This same ditch continues to flow westward until it discharges to the Kettle River in the SE $\frac{1}{4}$, NE $\frac{1}{4}$, of Section 6. Outfall SD002 has average and maximum flows of 2.2 and 4.3 million gallons per day (MGD), respectively.

That portion of the facility south of the Burlington Northern railroad tracks drains to a ditch that flows south along the boundary between Section 8 and 9. Outfall SD001 (formerly known as 030) is located in this ditch, at the southernmost boundary of the facility, at the southeasternmost corner of Section 8. The same ditch continues to flow southward until it discharges to Kettle Lake in the NE $\frac{1}{4}$ of Section 20. Outfall SD001 has average and maximum flows of 1.8 and 3.5 MGD, respectively. There are no sedimentation basins to treat the discharge at either outfall SD001 or SD002. Both the Kettle River and Kettle Lake are class 2B, 3B, 4A, 4B, 5 and 6 waters. Kettle Lake supports the growth of wild rice.

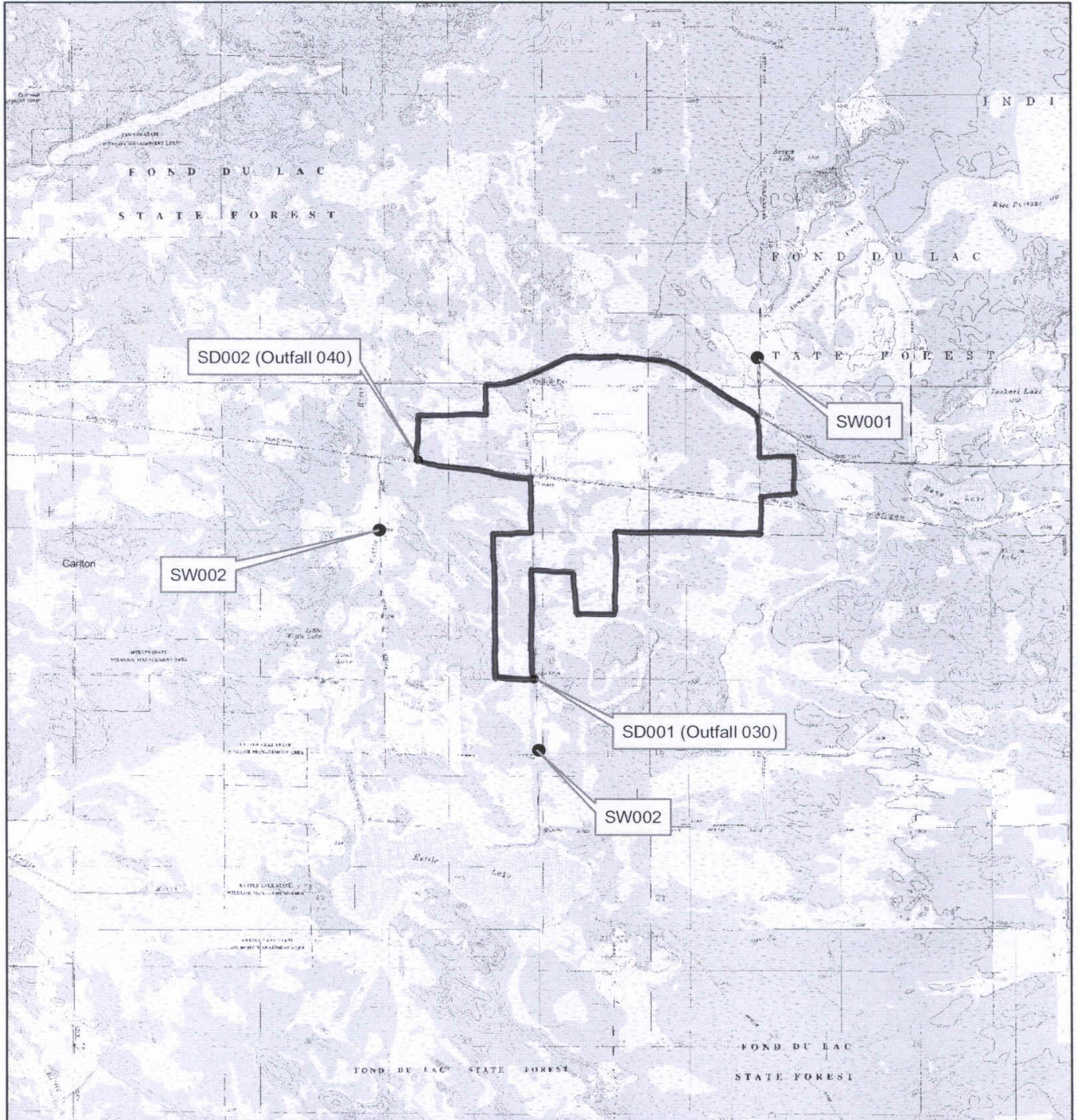
Milled peat is excavated, stockpiled and transported to the process plant, in the NW $\frac{1}{4}$, NW $\frac{1}{4}$, of Section 4, where it is screened, ground, and bagged. The process waste, which consists mainly of woody and fibrous material, is disposed of onsite or used as road material in the facility. A second shop and equipment storage area is located north of the Burlington Northern railroad tracks, in the NW $\frac{1}{4}$, SW $\frac{1}{4}$, of Section 4. Drainage from both plant/shop/equipment areas is routed to the 040 outfall ditch. Sewage generated at the facility is disposed of through a septic tank/drainfield system.

Monitoring station SW001 (formerly known as 701) is located on an unnamed ditch tributary to Annamahasung Creek on the east side of Olesiak Road, approximately 0.4 miles north of Highway 210. Monitoring station SW002 (formerly known as 703) is located approximately 120 feet west of the eastern boundary of Section 17, in the ditch parallel to the north side of the road through the middle of the section. Monitoring station SW003 (formerly known as 704) is located on the Kettle River, on the west side of Kettle Lake Road, approximately 1.1 miles south of Highway 210. Stations SW001 and SW002 are upstream stations and SW003 is downstream of the facility discharges.

The location of the facility and the designated monitoring stations is shown on the map below.

Topographic Map of Permitted Facility

MN00055662, Aitkin agri-peat, Inc. - Cromwell location
T48N and T49N, R19W
Carlton County, Minnesota



Map produced by: MPCA Staff, 7/31/06
Source: USGS Sawyer, Cromwell East, Barnum, Cromwell SE Quads
Scale: 1:52,791

0 0.45 0.9 1.8 Miles



**Michigan Peat Co
Summary of Stations**

Surface Discharge Stations

| <u>Station</u> | <u>Type of Station</u> | <u>Local Name</u> | <u>PLS Location</u> |
|----------------|---------------------------------|----------------------------|---|
| SD001 | Effluent To Surface Water | South Drainage Outfall 030 | SE Quarter of the SE Quarter of the SE Quarter of Section 8, Township 48 North, Range 19 West |
| SD002 | Effluent To Surface Water | North Drainage Outfall 040 | SE Quarter of the SW Quarter of the NW Quarter of Section 5, Township 48 North, Range 19 West |
| SD003 | Stormwater, Non-specific Runoff | | NW Quarter of Section 4, Township 48 North, Range 19 West |

Surface Water Stations

| <u>Station</u> | <u>Type of Station</u> | <u>Local Name</u> | <u>PLS Location</u> |
|----------------|---------------------------|---|--|
| SW001 | Stream/River/Ditch, Other | Ditch Station 701 To Annamahasung Creek | NE Quarter of the SE Quarter of the SW Quarter of Section 34, Township 49 North, Range 19 West |
| SW002 | Stream/River/Ditch, Other | Ditch Station 703 | SE Quarter of the SE Quarter of the NE Quarter of Section 17, Township 48 North, Range 19 West |
| SW003 | Stream/River/Ditch, Other | Kettle River Station 704 | SE Quarter of the NE Quarter of Section 6, Township 48 North, Range 19 West |

Michigan Peat Co Limits and Monitoring Requirements

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

SD 001

| Parameter | Limit | Units | Limit Type | Effective Period | Sample Type | Frequency | Notes |
|--------------------------------------|--------------|--------|------------------------|------------------|----------------------------|-----------|-------|
| Aluminum, Total (as Al) | 0.125 | mg/L | Calendar Month Average | Mar-Oct | Grab | 1 x Month | 3 |
| Aluminum, Total (as Al) | 1.07 | mg/L | Daily Maximum | Mar-Oct | Grab | 1 x Month | 3 |
| Flow | Monitor Only | mgd | Calendar Month Average | Mar-Oct | Measurement, Instantaneous | 1 x Week | |
| Flow | Monitor Only | MG | Calendar Month Total | Mar-Oct | Measurement, Instantaneous | 1 x Week | |
| Flow | Monitor Only | mgd | Daily Maximum | Mar-Oct | Measurement, Instantaneous | 1 x Week | |
| Iron, Total (as Fe) | 0.3 | mg/L | Calendar Month Average | Apr, Jul | Grab | 1 x Month | 3 |
| Iron, Total (as Fe) | 1.36 | mg/L | Daily Maximum | Apr, Jul | Grab | 1 x Month | 3 |
| Mercury, Total (as Hg) | 0.007 | ug/L | Calendar Month Average | Apr, Jul | Grab | 1 x Month | 1 |
| Mercury, Total (as Hg) | 2.4 | ug/L | Daily Maximum | Apr, Jul | Grab | 1 x Month | 1 |
| Nitrogen, Ammonia, Total (as N) | Monitor Only | mg/L | Calendar Month Average | Apr, Jul | Grab | 1 x Month | |
| Nitrogen, Ammonia, Total (as N) | Monitor Only | mg/L | Daily Maximum | Apr, Jul | Grab | 1 x Month | |
| Nitrogen, Ammonia, Un-ionized (as N) | Monitor Only | mg/L | Calendar Month Average | Apr, Jul | Calculation | 1 x Month | |
| Nitrogen, Ammonia, Un-ionized (as N) | Monitor Only | mg/L | Daily Maximum | Apr, Jul | Calculation | 1 x Month | |
| pH | 8.5 | SU | Instantaneous Maximum | Mar-Oct | Grab | 1 x Week | 2 |
| pH | 6.5 | SU | Instantaneous Minimum | Mar-Oct | Grab | 1 x Week | 4 |
| Phosphorus, Total (as P) | 1 | mg/L | Calendar Month Average | Mar-Oct | Grab | 1 x Month | |
| Phosphorus, Total (as P) | 2.0 | mg/L | Daily Maximum | Mar-Oct | Grab | 1 x Month | |
| Solids, Total Suspended (TSS) | 30 | mg/L | Calendar Month Average | Mar-Apr | Grab | 1 x Week | |
| Solids, Total Suspended (TSS) | 60 | mg/L | Daily Maximum | Mar-Apr | Grab | 1 x Week | |
| Solids, Total Suspended (TSS) | 30 | mg/L | Calendar Month Average | May-Oct | Grab | 2 x Month | |
| Solids, Total Suspended (TSS) | 60 | mg/L | Daily Maximum | May-Oct | Grab | 2 x Month | |
| Specific Conductance | Monitor Only | umh/cm | Calendar Month Average | Mar-Oct | Grab | 1 x Week | 2 |
| Specific Conductance | Monitor Only | umh/cm | Daily Maximum | Mar-Oct | Grab | 1 x Week | 2 |
| Temperature, Water (C) | Monitor Only | Deg C | Calendar Month Average | Mar-Oct | Measurement, Instantaneous | 1 x Week | 5 |
| Temperature, Water (C) | Monitor Only | Deg C | Daily Maximum | Mar-Oct | Measurement, Instantaneous | 1 x Week | 5 |
| Turbidity | Monitor Only | NTU | Calendar Month Average | Mar-Apr | Grab | 1 x Week | |
| Turbidity | 25 | NTU | Daily Maximum | Mar-Apr | Grab | 1 x Week | |
| Turbidity | Monitor Only | NTU | Calendar Month Average | May-Oct | Grab | 2 x Month | |

Michigan Peat Co Limits and Monitoring Requirements

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

SD 001

| Parameter | Limit | Units | Limit Type | Effective Period | Sample Type | Frequency | Notes |
|-----------|-------|-------|---------------|------------------|-------------|-----------|-------|
| Turbidity | 25 | NTU | Daily Maximum | May-Oct | Grab | 2 x Month | |

SD 002

| Parameter | Limit | Units | Limit Type | Effective Period | Sample Type | Frequency | Notes |
|--------------------------------------|--------------|--------|------------------------|------------------|----------------------------|-----------|-------|
| Aluminum, Total (as Al) | 0.125 | mg/L | Calendar Month Average | Mar-Oct | Grab | 1 x Month | 3 |
| Aluminum, Total (as Al) | 1.07 | mg/L | Daily Maximum | Mar-Oct | Grab | 1 x Month | 3 |
| Flow | Monitor Only | mgd | Calendar Month Average | Mar-Oct | Measurement, Instantaneous | 1 x Week | |
| Flow | Monitor Only | MG | Calendar Month Total | Mar-Oct | Measurement, Instantaneous | 1 x Week | |
| Flow | Monitor Only | mgd | Daily Maximum | Mar-Oct | Measurement, Instantaneous | 1 x Week | |
| Iron, Total (as Fe) | 0.3 | mg/L | Calendar Month Average | Apr, Jul | Grab | 1 x Month | 3 |
| Iron, Total (as Fe) | 1.36 | mg/L | Daily Maximum | Apr, Jul | Grab | 1 x Month | 3 |
| Mercury, Total (as Hg) | 0.007 | ug/L | Calendar Month Average | Apr, Jul | Grab | 1 x Month | 1 |
| Mercury, Total (as Hg) | 2.4 | ug/L | Daily Maximum | Apr, Jul | Grab | 1 x Month | 1 |
| Nitrogen, Ammonia, Total (as N) | Monitor Only | mg/L | Calendar Month Average | Apr, Jul | Grab | 1 x Month | |
| Nitrogen, Ammonia, Total (as N) | Monitor Only | mg/L | Daily Maximum | Apr, Jul | Grab | 1 x Month | |
| Nitrogen, Ammonia, Un-ionized (as N) | Monitor Only | mg/L | Calendar Month Average | Apr, Jul | Calculation | 1 x Month | |
| Nitrogen, Ammonia, Un-ionized (as N) | Monitor Only | mg/L | Daily Maximum | Apr, Jul | Calculation | 1 x Month | |
| pH | 8.5 | SU | Instantaneous Maximum | Mar-Oct | Grab | 1 x Week | 2 |
| pH | 6.5 | SU | Instantaneous Minimum | Mar-Oct | Grab | 1 x Week | 4 |
| Solids, Total Suspended (TSS) | 30 | mg/L | Calendar Month Average | Mar-Apr | Grab | 1 x Week | |
| Solids, Total Suspended (TSS) | 60 | mg/L | Daily Maximum | Mar-Apr | Grab | 1 x Week | |
| Solids, Total Suspended (TSS) | 30 | mg/L | Calendar Month Average | May-Oct | Grab | 2 x Month | |
| Solids, Total Suspended (TSS) | 60 | mg/L | Daily Maximum | May-Oct | Grab | 2 x Month | |
| Specific Conductance | Monitor Only | umh/cm | Calendar Month Average | Mar-Oct | Grab | 1 x Week | 2 |
| Specific Conductance | Monitor Only | umh/cm | Daily Maximum | Mar-Oct | Grab | 1 x Week | 2 |
| Temperature, Water (C) | Monitor Only | Deg C | Calendar Month Average | Mar-Oct | Measurement, Instantaneous | 1 x Week | 5 |
| Temperature, Water (C) | Monitor Only | Deg C | Daily Maximum | Mar-Oct | Measurement, Instantaneous | 1 x Week | 5 |
| Turbidity | Monitor Only | NTU | Calendar Month Average | Mar-Apr | Grab | 1 x Week | |

Michigan Peat Co Limits and Monitoring Requirements

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

SD 002

| Parameter | Limit | Units | Limit Type | Effective Period | Sample Type | Frequency | Notes |
|-----------|--------------|-------|------------------------|------------------|-------------|-----------|-------|
| Turbidity | 25 | NTU | Daily Maximum | Mar-Apr | Grab | 1 x Week | |
| Turbidity | Monitor Only | NTU | Calendar Month Average | May-Oct | Grab | 2 x Month | |
| Turbidity | 25 | NTU | Daily Maximum | May-Oct | Grab | 2 x Month | |

SW 001, SW 002

| Parameter | Limit | Units | Limit Type | Effective Period | Sample Type | Frequency | Notes |
|---------------------------------|--------------|--------|------------------------|------------------|----------------------------|-----------|-------|
| Aluminum, Total (as Al) | Monitor Only | mg/L | Calendar Month Average | Mar-Oct | Grab | 1 x Month | |
| Aluminum, Total (as Al) | Monitor Only | mg/L | Calendar Month Maximum | Mar-Oct | Grab | 1 x Month | |
| Flow | Monitor Only | mgd | Calendar Month Average | Mar-Oct | Measurement, Instantaneous | 2 x Month | |
| Flow | Monitor Only | mgd | Calendar Month Maximum | Mar-Oct | Measurement, Instantaneous | 2 x Month | |
| Flow | Monitor Only | MG | Calendar Month Total | Mar-Oct | Measurement, Instantaneous | 2 x Month | |
| Iron, Total (as Fe) | Monitor Only | mg/L | Calendar Month Average | Apr, Jul | Grab | 1 x Month | |
| Iron, Total (as Fe) | Monitor Only | mg/L | Calendar Month Maximum | Apr, Jul | Grab | 1 x Month | |
| Nitrogen, Ammonia, Total (as N) | Monitor Only | mg/L | Calendar Month Average | Apr, Jul | Grab | 1 x Month | |
| Nitrogen, Ammonia, Total (as N) | Monitor Only | mg/L | Calendar Month Maximum | Apr, Jul | Grab | 1 x Month | |
| pH | Monitor Only | SU | Instantaneous Maximum | Mar-Apr | Grab | 1 x Week | |
| pH | Monitor Only | SU | Instantaneous Minimum | Mar-Apr | Grab | 1 x Week | |
| pH | Monitor Only | SU | Instantaneous Maximum | May-Oct | Grab | 2 x Month | |
| pH | Monitor Only | SU | Instantaneous Minimum | May-Oct | Grab | 2 x Month | |
| Specific Conductance | Monitor Only | umh/cm | Calendar Month Average | Mar-Apr | Grab | 1 x Week | |
| Specific Conductance | Monitor Only | umh/cm | Calendar Month Average | May-Oct | Grab | 2 x Month | |
| Specific Conductance, Field | Monitor Only | umh/cm | Calendar Month Maximum | Mar-Apr | Grab | 1 x Week | |
| Specific Conductance, Field | Monitor Only | umh/cm | Calendar Month Maximum | May-Oct | Grab | 2 x Month | |
| Temperature, Water (C) | Monitor Only | Deg C | Calendar Month Average | Mar-Apr | Measurement, Instantaneous | 1 x Week | |
| Temperature, Water (C) | Monitor Only | Deg C | Calendar Month Maximum | Mar-Apr | Measurement, Instantaneous | 1 x Week | |
| Temperature, Water (C) | Monitor Only | Deg C | Calendar Month Average | May-Oct | Measurement, Instantaneous | 2 x Month | |
| Temperature, Water (C) | Monitor Only | Deg C | Calendar Month Maximum | May-Oct | Measurement, Instantaneous | 2 x Month | |
| Turbidity | Monitor Only | NTU | Calendar Month Average | Mar-Apr | Grab | 1 x Week | |

Michigan Peat Co Limits and Monitoring Requirements

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

SW 001, SW 002

| Parameter | Limit | Units | Limit Type | Effective Period | Sample Type | Frequency | Notes |
|-----------|--------------|-------|------------------------|------------------|-------------|-----------|-------|
| Turbidity | Monitor Only | NTU | Calendar Month Maximum | Mar-Apr | Grab | 1 x Week | |
| Turbidity | Monitor Only | NTU | Calendar Month Average | May-Oct | Grab | 2 x Month | |
| Turbidity | Monitor Only | NTU | Calendar Month Maximum | May-Oct | Grab | 2 x Month | |

SW 003

| Parameter | Limit | Units | Limit Type | Effective Period | Sample Type | Frequency | Notes |
|---------------------------------|--------------|--------|------------------------|------------------|----------------------------|-----------|-------|
| Aluminum, Total (as Al) | 0.125 | mg/L | Calendar Month Average | Mar-Oct | Grab | 1 x Month | 6 |
| Aluminum, Total (as Al) | Monitor Only | mg/L | Calendar Month Maximum | Mar-Oct | Grab | 1 x Month | |
| Flow | Monitor Only | mgd | Calendar Month Average | Mar-Oct | Measurement, Instantaneous | 2 x Month | |
| Flow | Monitor Only | mgd | Calendar Month Maximum | Mar-Oct | Measurement, Instantaneous | 2 x Month | |
| Flow | Monitor Only | MG | Calendar Month Total | Mar-Oct | Measurement, Instantaneous | 2 x Month | |
| Iron, Total (as Fe) | 0.3 | mg/L | Calendar Month Average | Apr, Jul | Grab | 1 x Month | 6 |
| Iron, Total (as Fe) | Monitor Only | mg/L | Calendar Month Maximum | Apr, Jul | Grab | 1 x Month | |
| Nitrogen, Ammonia, Total (as N) | Monitor Only | mg/L | Calendar Month Average | Apr, Jul | Grab | 1 x Month | |
| Nitrogen, Ammonia, Total (as N) | 1 | mg/L | Calendar Month Maximum | Apr, Jul | Grab | 1 x Month | 6 |
| pH | 8.5 | SU | Instantaneous Maximum | Mar-Apr | Grab | 1 x Week | |
| pH | 6.5 | SU | Instantaneous Minimum | Mar-Apr | Grab | 1 x Week | 7 |
| pH | 8.5 | SU | Instantaneous Maximum | May-Oct | Grab | 2 x Month | |
| pH | 6.5 | SU | Instantaneous Minimum | May-Oct | Grab | 2 x Month | 7 |
| Specific Conductance | Monitor Only | umh/cm | Calendar Month Average | Mar-Apr | Grab | 1 x Week | |
| Specific Conductance | Monitor Only | umh/cm | Calendar Month Average | May-Oct | Grab | 2 x Month | |
| Specific Conductance, Field | Monitor Only | umh/cm | Calendar Month Maximum | Mar-Apr | Grab | 1 x Week | |
| Specific Conductance, Field | Monitor Only | umh/cm | Calendar Month Maximum | May-Oct | Grab | 2 x Month | |
| Temperature, Water (C) | Monitor Only | Deg C | Calendar Month Average | Mar-Apr | Measurement, Instantaneous | 1 x Week | |
| Temperature, Water (C) | Monitor Only | Deg C | Calendar Month Maximum | Mar-Apr | Measurement, Instantaneous | 1 x Week | |
| Temperature, Water (C) | Monitor Only | Deg C | Calendar Month Average | May-Oct | Measurement, Instantaneous | 2 x Month | |
| Temperature, Water (C) | Monitor Only | Deg C | Calendar Month Maximum | May-Oct | Measurement, Instantaneous | 2 x Month | |
| Turbidity | Monitor Only | NTU | Calendar Month Average | Mar-Apr | Grab | 1 x Week | |

Michigan Peat Co Limits and Monitoring Requirements

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

SW 003

| Parameter | Limit | Units | Limit Type | Effective Period | Sample Type | Frequency | Notes |
|-----------|--------------|-------|------------------------|------------------|-------------|-----------|-------|
| Turbidity | 25 | NTU | Calendar Month Maximum | Mar-Apr | Grab | 1 x Week | 6 |
| Turbidity | Monitor Only | NTU | Calendar Month Average | May-Oct | Grab | 2 x Month | |
| Turbidity | 25 | NTU | Calendar Month Maximum | May-Oct | Grab | 2 x Month | 6 |

Notes:

- 1 -- A test result that is "non-detect" or "less than" the approved analytical detection limit (using EPA method 245.1) is in compliance.
- 2 -- Analyze in the field, within one hour of sample collection. Sampling shall be done at the same time of sampling for all other parameters.
- 3 -- Or the natural background level, whichever is greater.
- 4 -- Or the natural background level, whichever is less. Analyze in the field, within one hour of sample collection. Sampling shall be done at the same time of sampling for all other parameters.
- 5 -- Sampling shall be done at the same time of sampling for all other parameters.
- 6 -- The Permittee shall control discharge when such discharge has caused or is likely to cause the indicated water quality standard limit, or the natural background level, whichever is greater, to be exceeded at this station.
- 7 -- The Permittee shall control discharge when such discharge has caused or is likely to cause the indicated water quality standard limit, or the natural background level, whichever is less, to be violated at this station.

Chapter 1. Surface Discharge Station Requirements - General

1. Special Requirements

- 1.1 The natural background levels for outfall SD001 shall be determined by using data from stations SW001 and SW002. Natural background for outfall SD002 and station SW003 shall be determined by using data from stations SW001 and SW002, as well as historical data from sites on the Kettle River upstream of outfall SD002.

2. Sampling Location

- 2.1 Samples for Stations SD001 and SD002 shall be taken at a point representative of the discharge to each ditch.

3. Sampling Frequency

- 3.1 The Commissioner may reduce the monitoring frequency for turbidity, total suspended solids and flow by as much as one-half at outfalls SD001 and SD002 if:
 - a. The Permittee achieves long-term compliance; and
 - b. The Permittee constructs, operates and maintains a sedimentation basin treatment system at the facility that has been approved in writing in advance by the Commissioner. Proposed design plans and specifications for a settling basin treatment system shall detail at least the following: the projected average and maximum discharge rates; the dimensions and holding capacities of the basins; a short description of how the basins would be constructed and maintained; a description of the inflow and outflow structures for the basins; and the engineering basis for the designs of the basins.

4. Surface Discharges

- 4.1 Floating solids or visible foam shall not be discharged in other than trace amounts.
- 4.2 Oil or other substances shall not be discharged in amounts that create a visible color film.
- 4.3 The Permittee shall install and maintain outlet protection measures at the discharge stations to prevent erosion.

5. Discharge Monitoring Reports

- 5.1 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 1. Surface Discharge Station Requirements - General

6. Winter Sampling Conditions

- 6.1 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.

Chapter 2. Surface Water Station Requirements - General

1. Sampling Location

- 1.1 Samples for Station SW001, SW002, and SW003 shall be taken at mid-stream, mid-depth. Record location, date, time and results for each sample on the supplemental Discharge Monitoring Report form.

2. Discharge Monitoring Reports

- 2.1 The Permittee shall submit monitoring results in accordance with the limits and monitoring requirements for this station. If flow conditions are such that no sample could be acquired, the Permittee shall check the "No Flow" box and note the conditions on the Discharge Monitoring Report (DMR).

3. Winter Sampling Conditions

- 3.1 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 Flow" box on the Discharge Monitoring Report (DMR) and note the ice conditions in Comments on the DMR.

Chapter 3. Station Requirements - Specific

1. Surface Discharge Stations

- 1.1 SD 001: Submit a monthly DMR quarterly: due 21 days after end of each calendar quarter following permit issuance.
- 1.2 SD 002: Submit a monthly DMR quarterly: due 21 days after end of each calendar quarter following permit issuance.

2. Surface Water Stations

- 2.1 SW 001: Submit a monthly DMR quarterly: due 21 days after end of each calendar quarter following permit issuance.
- 2.2 SW 002: Submit a monthly DMR quarterly: due 21 days after end of each calendar quarter following permit issuance.

Chapter 3. Station Requirements - Specific

2. Surface Water Stations

2.3 SW 003: Submit a monthly DMR quarterly: due 21 days after end of each calendar quarter following permit issuance.

Chapter 4. Industrial Stormwater, NPDES/SDS

1. Authorization

1.1 This permit authorizes the Permittee to discharge stormwater associated with industrial activity in accordance with the provisions in this chapter.

2. Prohibited Discharges

2.1 This permit does not authorize the discharge of sewage, wash water, scrubber water, spills, oil, hazardous substances, nor equipment/vehicle cleaning and maintenance wastewaters to ditches, wetlands nor other surface waters of the state.

3. Water Quality Standards

3.1 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.

3.2 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.

4. Application of Chemical Dust Suppressants

4.1 Chemical dust suppressants shall not be applied within 100 feet of the surface receiving waters identified in this permit. These materials also shall not be applied within 100 feet of ditches that conduct surface flow to the surface receiving waters identified in this permit.

4.2 Chemical dust suppressants shall not be applied within 200 feet of any private water supply well nor within 1,000 feet of any public water supply well.

4.3 Chemical dust suppressants shall be applied in a manner that does not result in ponding or surface runoff, shall not be applied during rainfall or other wet surface conditions, and shall not be applied to paved or other impervious areas.

Chapter 5. Total Facility Requirements

1. Permit Reissuance

1.1 The Permittee shall include, with the application for reissuance of this permit, analytical data for at least the following characteristics at monitoring sites SD001 and SD002:

- a. Biochemical oxygen demand, chemical oxygen demand, total organic carbon, ammonia;
- b. Color, fluoride, nitrate-nitrite N, total organic nitrogen, oil and grease, total phosphorus, chloride, sulfate, surfactants;
- c. Aluminum, barium, boron, cobalt, magnesium, molybdenum, manganese, mercury, tin, titanium, antimony, arsenic, beryllium, cadmium, chromium, copper, lead, nickel, selenium, silver, thallium, zinc (all in total form).

These analysis shall be done on samples taken during the six-month period before the reissuance application is submitted. The application shall identify the sampling date.

The Permittee shall also include, with the application for reissuance of this permit, a detailed report that discusses how discharges from the facility may be influencing wild rice growth in the Kettle Lake area.

1.2 The MPCA may require the Permittee to establish financial assurance for closure, postclosure care and remedial action at the facility.

1.3 The plans and specifications stated above shall detail the following:

- 1) A map of the proposed expansion area, including the specific locations of the current and proposed excavation areas, stockpile areas, sedimentation basins and drainageways, with the directions of water flow indicated;
- 2) A short description of the mining and processing methods;
- 3) The projected average and maximum rates of surface discharge to surface waters from the proposed expansion area, and the basis for these projections;
- 4) The dimensions, holding capacities and slope gradients of all ditches and sedimentation basins
- 5) A description of the inflow and outflow structures for the sedimentation basins;
- 6) A short description of how the sedimentation basins would be constructed and maintained;
- 7) The engineering basis for the design of the treatment system for total suspended solids, turbidity, pH and aluminum, based in part upon representative water quality for untreated wastewater; and
- 8) A map description of the lands that the Permittee controls, through lease or ownership.

1.4 Discharge from the facility shall not cause a material increase in the trophic status of Kettle Lake. Trophic state evaluations shall be based upon measurements of total phosphorus, chlorophyll-a, and Secchi transparency by standard limnological methods. A discussion of the results of these evaluations shall be submitted annually and shall include analytical results used in the evaluations.

Chapter 5. Total Facility Requirements

1. Facility Closure

- 1.5 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. An application for permit modification shall be submitted to the MPCA for approval before the proposed change is implemented.
- 1.6 Expansion of the area covered by any mine excavations, ditching, mining waste and wastewater disposal is strictly prohibited without prior written approval from the Commissioner. The Permittee shall notify the Commissioner in writing at least 180 days in advance of any expansion of the area covered by mine excavations, mining waste, and wastewater disposal systems beyond the area described in this permit. The Permittee shall submit to the Commissioner in writing at least the following materials at the same time as this notification is submitted:
- a. A description of the peat deposits in the proposed expansion area, with respect to fiber content (in accordance with ASTM Designation D4427) and classification (in accordance with ASTM Designation D2607).
 - b. The proposed design plans and specifications for control of total suspended solids, turbidity, pH, and aluminum in the discharge from the proposed expansion area.
 - c. The proposed production rate after expansion.
 - d. The permit modification application fee, in accordance with Minn. R. 7002.0250.
- 1.7 The Commissioner may require the Permittee to submit a Pollution Control Closure Plan for approval. The Permittee shall notify the Commissioner of any significant reduction or cessation of the operations described in this permit. If a Plan is required, the Commissioner will inform the Permittee in writing of this request, and will state the site-specific concerns that the Plan shall address and the date by which the Plan shall be submitted. The Plan shall provide for the implementation, including continued maintenance if necessary, of best management practices and best available technology and shall assure compliance with all applicable statutes, rules and regulations that apply to air quality, water quality and the disposal of solid and hazardous wastes. The Plan also shall specify how the Permittee proposes to ensure that adequate funding will be available to cover the costs of closure, post-closure and contingency action activities. Closure shall not proceed until this Plan is approved by the Commissioner.

2. Reporting

- 2.1 A Discharge Monitoring Report (DMR) shall be submitted for each station even if no discharge occurred during the reporting period. The Permittee shall report 'No Discharge', 'No Flow' or 'No Materials Generated' on a DMR or other monitoring report form only if no discharge, flow or materials are generated during the entire reporting period. The schedule for reporting can be found on the Submittals Summary section of this permit.
- 2.2 A person who falsifies, tampers with, or knowingly renders inaccurate a monitoring device or method required to be maintained under this permit is subject to penalties provided by federal and state law. (Minnesota Rules, pt. 7001.1090, subp. 1.G)

Chapter 5. Total Facility Requirements

2. Reporting

- 2.3 A person who knowingly makes a false statement, representation, or certification in a record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance is subject to penalties provided by federal and state law set forth. (Minnesota Rules, pt. 7001.0150, subp. 3.L)
- 2.4 The Permittee or the duly authorized representative of the Permittee shall sign the reports and documents submitted to the MPCA by the Permittee. (Minnesota Rules, pt. 7001.0150, subp. 2.D)
- 2.5 The Permittee shall report noncompliance with the permit not reported under Minnesota Rules, part 7001.0150, subpart 3, item K as a part of the next report which the Permittee is required to submit under this permit. If no reports are required within 30 days of the discovery of the noncompliance, the Permittee shall submit the information listed in Minnesota Rules, part 7001.0150, subpart 3, item K within 30 days of the discovery of the noncompliance. (Minnesota Rules, pt. 7001.1090, subp. 1.H)
- 2.6 The Permittee shall report the following information on the Discharge Monitoring Report (DMR):
- a. any substantial changes in operational procedures;
 - b. activities which alter the nature or frequency of the discharge; and
 - c. material factors affecting compliance with the conditions of this permit.
- 2.7 Reports shall include complete monitoring results from all monitoring completed during the quarter before the report is submitted.
- 2.8 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.
- 2.9 The Permittee shall report monitoring results for the completed reporting period in the units specified by this permit on a Discharge Monitoring Report (DMR) form or other report form provided by the MPCA.

3. Sampling and Analyses

- 3.1 Samples and measurements required by this permit shall be representative of the monitored activity and shall be analyzed by a laboratory certified by the Minnesota Department of Health for the applicable permitted parameters. Analyses of dissolved oxygen, pH, temperature and total residual chlorine do not need to be completed by a certified laboratory.

Chapter 5. Total Facility Requirements

3. Sampling and Analyses

- 3.2 Sample preservation and test procedures for the analysis of pollutants shall conform to 40 CFR Part 136 and Minnesota Rules, part 7041.3200.
- 3.3 Volatile organics shall be analyzed using Minnesota Department of Health Method 465E or equivalent method.
- 3.4 All monitoring and analytical instruments used to monitor as required by this permit shall be calibrated and maintained at a frequency necessary to ensure accuracy. The Permittee shall measure flows to ensure accuracy within plus or minus ten percent of the true flow values. The Permittee shall maintain written records of all calibrations and maintenance.
- 3.5 The "sample type", "sampling frequency" and "effective period" identified in the Limits and Monitoring section of this permit together designate the minimum required monitoring frequency.
- 3.6 If a Permittee monitors more frequently than required by this permit, the results and the frequency of monitoring shall be reported on the Discharge Monitoring Report (DMR) or other form for that reporting period.
- 3.7 For bypasses, upsets, spills or any other discharge that may cause pollution of the waters of the state, the Permittee shall take at least one (1) grab sample for permitted effluent parameters two (2) times per week. If the Permittee believes that measuring these parameters is inappropriate due to known information about the discharge, the monitoring may be modified in consultation with the MPCA. Where there is reason to believe a pollutant other than those limited in the permit is present, the Permittee shall sample for that pollutant. Appropriate sampling shall be determined in consultation with the MPCA.

4. Intervention Limits

- 4.1 If an intervention limit is exceeded, the Permittee shall:
 - a. sample the monitoring station again within two (2) days of receiving sample results if the previous samples at the facility did not exceed the intervention limit;
 - b. evaluate the significance and the cause of the intervention limit having been exceeded;
 - c. evaluate the need for immediate corrective action to prevent pollutant levels from exceeding the intervention limits again; and
 - d. evaluate the need for changes in monitoring, including but not limited to, increasing sampling frequencies, changing the characteristics monitored, installing additional monitoring stations, and reducing pollutant loadings.

Chapter 5. Total Facility Requirements

4. Intervention Limits

- 4.2 The Permittee shall submit a Discharge Evaluation Report 30 days after obtaining sample results.
- 4.3 This report shall describe the evaluations and conclusions, and the schedule of actions taken or planned to prevent the intervention limits from being exceeded.

5. Records

- 5.1 The Permittee shall maintain records for each sample and measurement. The records shall include the following information:
- a. the exact place, date and time of the sample or measurement;
 - b. the date of analysis;
 - c. the name of the person who performed the sample collection, measurement, analysis, or calculation;
 - d. the analytical techniques, procedures and methods used; and,
 - e. the results of the analysis.
- 5.2 The Permittee shall keep the records required by this permit for at least three (3) years, including any calculations, original recordings from automatic monitoring instruments, and laboratory sheets. The Permittee shall extend these record retention periods upon request of the MPCA and/or during the course of an unresolved enforcement action. (Minnesota Rules, pt. 7001.0150, subp. 2.C.)
- 5.3 Except for data determined to be confidential according to Minnesota Statutes, ch. 116.075, subd. 2, all reports required by this permit shall be available for public inspection at the MPCA St. Paul office. Effluent data shall not be considered confidential. Confidential material shall be submitted according to Minnesota Rules, pt. 7000.1300.
- 5.4 The Permittee shall, when requested by the commissioner, 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. (Minnesota Rules, pt. 7001.0150, subp. 3.H.)

6. Compliance Responsibility

- 6.1 The Permittee shall perform the actions or conduct the activity authorized by the permit in accordance with the plans and specifications approved by the agency and in compliance with the conditions of the permit. (Minnesota Rules, pt. 7001.0150, subp. 3.E.)

Chapter 5. Total Facility Requirements

7. Noncompliance

7.1 Noncompliance with the requirements of this permit subjects the Permittee to penalties provided by federal and state law including monetary penalties, imprisonment, or both. (Minnesota Rules, pt. 7001.1090, subp. 1.B.; U.S.C. title 33, sect. 1319; Minn. Stat. sect. 115.071)

7.2 If the Permittee discovers that noncompliance with a condition of the permit has occurred, the Permittee shall:

a. take all reasonable steps to minimize the adverse impacts to human health, public drinking water supplies, or the environment resulting from a permit violation.

b. notify the Minnesota Department of Public Safety Duty Officer at 1(800)422-0798 or (651)649-5451 within 24 hours of becoming aware of a permit violation that may endanger human health, public drinking water supplies or the environment. The Permittee shall submit a written description of the exceedance to the MPCA within five (5) days of discovery of the exceedance.

Nothing in this requirement relieves the Permittee from immediately notifying the MPCA of any release to surface waters of the state. (Minnesota Rules, pt. 7001.0150, subp. 3. J, K)

7.3 The Permittee shall submit a written description of any bypass, spill, upset or permit violation during the 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. (Minnesota Rules, pt. 7001.0150, subp. 3.K)

Chapter 5. Total Facility Requirements

8. Upset Defense

- 8.1 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 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 Minnesota Rules, part 7001.0150, subpart 3, items K and L; and
 - f. that the Permittee implemented the remedial measures required by Minnesota Rules, part 7001.0150, subpart 3, item J. (Minnesota Rules, pt. 7001.1090, subp. 1.L)

9. Duty to Notify and Avoid Water Pollution

- 9.1 The Permittee shall notify the Minnesota Department of Public Safety Duty Officer at (800)422-0798 or (651)649-5451 immediately of the discharge, accidental or otherwise, of any substance or material under its control which, if not recovered, may cause pollution of waters of the state. Notification is not required for a discharge of five (5) gallons or less of petroleum. (Minnesota Statutes, section 115.061)
- 9.2 The Permittee shall report to the Duty Officer all pertinent information regarding the discharge. Refer to the MPCA "Emergency Notification Guidance for Wastewater Treatment Systems" for further information.
- 9.3 The Permittee shall take all reasonable steps to minimize the adverse impacts to human health, public drinking water supplies or to the environment resulting from the discharge. This may include restricting or preventing untreated or partially treated wastewater, plant chemicals or feedlot materials from entering waterways, containing spilled materials, recycling by-passed wastewater through the plant, or using auxiliary treatment methods. (Minnesota Statutes, section 115.061)

Chapter 5. Total Facility Requirements

9. Duty to Notify and Avoid Water Pollution

9.4 The Permittee shall maintain a plan designed to adequately notify the public of potential health threats due to discharges of untreated or partially treated wastewater. The Permittee shall notify the public in accordance with the plan.

10. Anticipated Bypasses

10.1 The Permittee may allow a bypass to occur if the bypass will not cause the exceedance of an effluent limitation but only if the bypass is necessary for essential maintenance to assure efficient operation of the facility. The permittee shall submit notice of the need for the bypass at least ten days before the date of the bypass. (Minnesota Rules, pt. 7001.1090, subp. 1.J)

10.2 The notice of the need for a bypass shall include the following information:

- a. The proposed date and estimated duration of the bypass.
- b. The alternatives to bypassing.
- c. The proposed measures to mitigate environmental harm caused by the bypass.
- d. A proposal for bypass monitoring.

10.3 The Permittee shall not allow an anticipated bypass to occur that will cause an exceedance of an applicable effluent limitation unless the following conditions are met:

- a. The bypass is unavoidable to prevent loss of life, personal injury, or severe property damage. For the purposes of this paragraph, "severe property damage" means substantial damage to property of the Permittee or of others; damage to the wastewater treatment facilities that may cause them to become inoperable; or substantial and permanent loss of natural resources that can be reasonably expected to occur in the absence of a bypass. "Severe property damage" does not mean economic loss as a result of a delay in production.
- b. There is no feasible alternative to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or performance of maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance.
- c. The Permittee has notified the commissioner of the anticipated bypass and the commissioner has approved the bypass. The commissioner shall approve the bypass if the commissioner finds that the conditions set forth in Minnesota Statutes, part 7001.1090, subpart 1, items A and B are met. (Minnesota Rules, pt. 7001.1090, subp. 1.K)

Chapter 5. Total Facility Requirements

11. Facilities Operation

- 11.1 The Permittee shall properly operate and maintain the systems used to achieve permit compliance. Proper operation and maintenance includes effective performance, adequate funding, adequate staffing and training, and adequate process and laboratory controls, including appropriate quality assurance procedures. (Minnesota Rules, pt. 7001.0150, subp. 3.F)
- 11.2 The Permittee is responsible for insuring system reliability and shall install adequate backup or support systems to achieve permit compliance and prevent the discharge of untreated or inadequately treated waste. These systems may include alternative power sources, auxiliary treatment works and sufficient storage volume for untreated wastes. (Minnesota Rules, pt. 7001.0150, subp. 3.F)
- 11.3 The Permittee shall store, transport and dispose of biosolids, sediments, residual solids, filter backwash, screenings, oil, grease and other substances so that pollutants do not enter surface waters or ground waters of the state.
- 11.4 The Permittee's discharge shall not cause any nuisance conditions, acutely toxic conditions to aquatic life or other adverse impact on the receiving water.
- 11.5 The Permittee shall comply with all applicable water quality, air quality, solid waste and hazardous waste statutes and rules in the operation and maintenance of the facility.
- 11.6 The Permittee shall schedule maintenance of the treatment works during non-critical water quality periods to prevent degradation of water quality.
- 11.7 In-plant control tests shall be conducted at a frequency adequate to ensure continuous efficient operation of the treatment facility.

12. Chemical Additives

- 12.1 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. "Chemical additive" includes processing reagents, water treatment products, cooling water additives, freeze conditioning agents, chemical dust suppressants, detergents and solvent cleaners used for equipment and maintenance cleaning, among other materials.
- 12.2 The Permittee shall request approval for an increased or new use of a chemical additive 60 days before the proposed increased or new use.

Chapter 5. Total Facility Requirements

12. Chemical Additives

12.3 This written request shall include the following information for the proposed additive:

- a. Material Safety Data Sheet.
- b. A complete product use and instruction label.
- c. The commercial and chemical names of all ingredients.
- d. Aquatic toxicity and human health or mammalian toxicity data including a carcinogenic, mutagenic or teratogenic concern or rating.
- e. Environmental fate information including, but not limited to, persistence, half-life, intermediate breakdown products, and bioaccumulation data.
- f. The proposed method, concentration, and average and maximum rates of use.
- g. If applicable, the number of cycles before wastewater bleedoff.
- h. If applicable, the ratio of makeup flow to discharge flow.

12.4 This permit may be modified to restrict the use or discharge of a chemical additive.

13. Inspection And Entry

13.1 The Permittee shall allow a representative of the MPCA, in accordance with Section 308 of the Act and Minnesota Statutes, section 115.04, and upon presentation of proper credentials, to:

- a. enter the premises where the facility is located or activity conducted;
- b. review and copy the records required by this permit;
- c. inspect the facilities, systems, equipment, practices or operations regulated or required by this permit;
- d. sample or monitor to determine compliance; and
- e. bring equipment upon the Permittee's premises necessary to conduct surveys and investigations. (Minnesota Rules, pt. 7001.0150, subp. 3.I)

Chapter 5. Total Facility Requirements

14. Permit Modifications

- 14.1 Changes to the facility or operation of the facility may require a permit modification. The Permittee shall submit an application describing the changes to the facility or operation to the MPCA and receive a permit modification prior to implementing the changes. The Permittee must submit the permit modification application fee in accordance with Minnesota Rules, part 7002.0250 with the application.
- 14.2 The following changes may require a permit modification:
- a. Increased use or new use of a chemical additive.
 - b. Changes in the characteristics, concentrations or frequency of the wastewater flow, which may include new significant industrial discharges to a sanitary sewage treatment system, significant changes in existing industrial discharges to a sanitary system, significant rerouting of wastewater for reuse or for land disposal or significant changes in the levels of indicator characteristics.
 - c. Changes in biosolids or residual solids use and disposal practices.
- 14.3 The procedures as set forth in Minnesota Rules, pt. 7001.0100 through 7001.0130, including public notice, apply to applications for permit modifications, with the following exceptions:
- a. Modifications solely as to ownership or control as described in Minnesota Rules, pt. 7001.0190, subp. 2.
 - b. Minor modifications as described in Minnesota Rules, pt. 7001.0190, subp. 3.
- 14.4 No permit may be assigned or transferred by the holder without the approval of the MPCA. A person to whom the permit has been transferred shall comply with the conditions of the permit. (Minnesota Rules, pt. 7001.0150, subp. 3.N)

15. Construction

- 15.1 Construction related to facility modifications, additions or expansions that is not expressly authorized by this permit requires a permit modification. If the construction project requires an Environmental Assessment Worksheet under Minnesota Rules, ch. 4410, no construction shall begin until a negative declaration has been issued and all approvals have been received or implemented. (Minnesota Rules, pt. 7001.0030)
- 15.2 No construction shall begin until the Permittee has received written approval of plans and specifications for the construction from the MPCA.

Chapter 5. Total Facility Requirements

16. Permit Modification, Suspension or Revocation

16.1 This permit may be modified, suspended, or revoked for the following reasons:

- a. A violation of permit requirements.
- b. Misrepresentation or failure to disclose fully all relevant information to obtain the permit.
- c. A change in a condition that alters the discharge.
- d. The establishment of a new or amended pollution standard, limitation or effluent guideline that is applicable to the permitted facility or activity.
- e. Failure to pay permit fees.
- f. Other reasons listed in Minnesota Rules, pt. 7001.0170.

17. Permit Reissuance

17.1 The Permittee shall submit an application for permit reissuance at least 180 days before permit expiration. (Minnesota Rules, pt. 7001.0040, subp. 3)

17.2 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 one of the following:

- 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. (Minnesota Rules, pt. 7001.0160)

17.3 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. The MPCA may require the Permittee to apply for reissuance or a major modification of this permit to authorize facility closure.

Chapter 5. Total Facility Requirements

18. Property Rights

18.1 The permit does not convey a property right or an exclusive privilege. (Minnesota Rules, pt. 7001.0150, subp. 3.C)

19. Liability Exemption

19.1 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 actions, including those activities authorized, directed, or undertaken to achieve compliance with this permit. To the extent the state and MPCA may be liable for the activities of its employees, that liability is explicitly limited to that provided in the Tort Claims Act, Minnesota Statutes, section 3.736. (Minnesota Rules, pt. 7001.0150, subp. 3.O)

19.2 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. (Minnesota Rules, pt. 7001.0150, subp. 3.D)

20. Liabilities

20.1 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. (Minnesota Rules, pt. 7001.0150, subp. 3.A)

20.2 The issuance of a 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. (Minnesota Rules, pt. 7001.0150, subp. 3.B)

21. Severability

21.1 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, is held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby.

22. Incorporation By Reference

22.1 The Permittee shall comply with the provisions of 40 CFR Parts 122.41 and 122.42, Minnesota Rules, pt. 7001.0150, subp. 3, and pt. 7001.1090, which are incorporated into this permit by reference, and are enforceable parts of this permit.