MINNESOTA POLLUTION CONTROL AGENCY

National Pollutant Discharge Elimination System/State Disposal System

MN0072320

Permittee:	MN DNR
Facility name:	Mud Lake Site
City or Township:	Duluth **County:** St. Louis
Issuance date:	**TBD**
Expiration date:	**TBD**

The state of Minnesota, on behalf of its citizens through the Minnesota Pollution Control Agency (MPCA), authorizes the Permittee to operate a disposal system at the facility 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 the U.S. Clean Water Act, Minnesota statutes and rules, and federal laws and regulations.

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

Signature:

This document has been electronically signed.

for the Minnesota Pollution Control Agency

Brandon Montgomery
Supervisor
Water Section
Industrial Division

Resources

Submit electronic Discharge Monitoring Reports (eDMR) via the MPCA e-Services at: https://rsp.pca.state.mn.us/TEMPO_RSP/Orchestrate.do?initiate=true

Submit documents electronically to wq.submittals.mpca@state.mn.us. **Note:** The Water quality submittals form located at https://www.pca.state.mn.us/sites/default/files/wq-wwprm7-71.docx must be attached.

For eDMR and other permit reporting issues, use the directory listed at the bottom of the Discharge Monitoring Report page: https://www.pca.state.mn.us/water/discharge-monitoring-reports

For specific permit requirements, contact your compliance staff: https://www.pca.state.mn.us/water/wastewater-compliance-and-enforcement-staff-contacts

For wastewater permit program general questions, contact the MPCA at 651-282-6143 or 800-657-3938, or reference the permit user's manual at https://www.pca.state.mn.us/sites/default/files/wq-wwtp7-09.pdf.

Additional guidance and resources are located at: https://www.pca.state.mn.us/water/wastewater.

A printable summary of sampling requirements can be found at: https://www.pca.state.mn.us/water/wastewater-permit-submittal-checklists.

A printable checklist of submittals can be found at: https://www.pca.state.mn.us/water/wastewater-permit-submittal-checklists

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1. Permitted facility description

The Mud Lake Site facility (facility) is located at 598 East Gary Street, Duluth, Minnesota 55808, St. Louis County.

The project includes dredged accumulated silt and sediments in Mud Lake, a backwater slough of the St. Louis River. The overarching project aims to improve water quality and biodiversity in the bay by increasing water flow to the water body as it goes downstream on the St. Louis River. Deep water areas of the bay are currently overburdened by sediment deposits from previous infrastructure activities in the 19th century and further contamination from previous industrial activities. The average depth of the open water is 2.4 feet and the maximum depth is 10.3 feet.

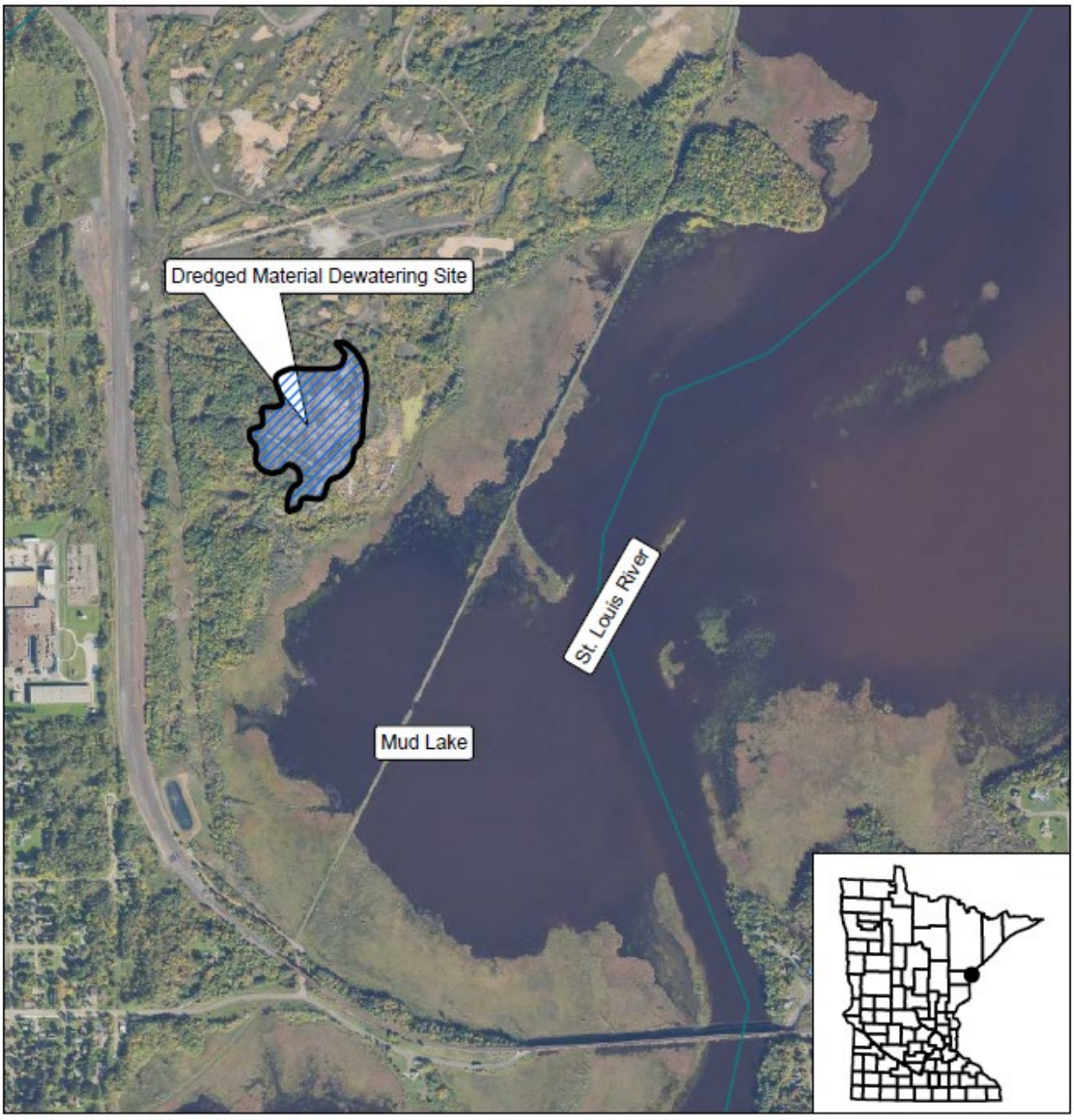
The project will not exceed 95,300 cubic yards (cu) of dredged material. The bay will be both mechanically and hydraulically dredged. The dredged material will help to create a channel space that at most will be five feet deep and 20 feet wide. The dredge activity will create a 3:1 slope in the channel to ensure material does not drift. The material will be transported via high-density polyethylene (HDPE) pipeline to a dewatering pad location on US Steel property where it will be placed in Geotubes® for dewatering. Approximately 11,200 cubic yards of this material will not be suitable for beneficial reuse and will be disposed as Level 3 material. The remaining material will be beneficially reused at the purview of the contractor, meeting the requirements for reuse described in this permit. Storage of the dewatered dredged material will not exceed one year.

Changes to the facility may result in an increase in pollutant loading to surface waters or other causes of degradation to surface waters. If a change to the facility will result in a net increase in pollutant loading or other causes of degradation that exceed the maximum loading authorized through conditions specified in the existing permit, the changes to the facility are subject to antidegradation requirements found in Minn. R. 7050.0250 to 7050.0335.

Any point source discharger of sewage, industrial, or other wastes for which a National Pollutant Discharge Elimination System (NPDES) permit has been issued by the MPCA that contains effluent limits more stringent than those that would be established by Minn. R. 7053.0215 to 7053.0265 shall continue to meet the effluent limits established by the permit, unless the permittee establishes that less stringent effluent limits are allowable pursuant to federal law, under section 402(o) of the Clean Water Act, United States Code, title 33, section 1342.

2. Location map of permitted facility

Project Location Map
MN0072320: Mud Lake Site
T48N, R15W, Section 2
Duluth, St. Louis County, Minnesota



Map produced by: MPCA Staff, 4/21/2026
Scale: 1:12,000

0 0.13 0.25 0.5 Miles

3. Summary of stations and station locations

Station	Type of station	Local name	PLS location
WS 001	Solids to Land Disposal/Non-application	Dredged Material to Management Sites	T48N, R15W, S02, SW Quarter

4. Permit requirements

MN0072320	Minnesota DNR Mud Lake Site	
		Waste Stream Station General Requirements
	4.1.1	**Representative Samples**. [Minn. R. 7001]
	4.1.2	Samples shall be collected at points representative of the dredged material. [Minn. R. 7001]
		Dredged Material Management
	4.2.3	**Authorization**. [Minn. R. 7001]
	4.2.4	This permit authorizes the Permittee to store and/or beneficially use dredged material in accordance with the provisions of this permit. [Minn. R. 7001]
	4.2.5	This permit authorizes discharges of stormwater originating from storage and beneficial use of dredged material described in the Storage of Dredged Material and Beneficial Use of Dredged Material parts of this chapter, and includes incidental discharges associated with rehandling, off-loading, and transportation activities when managed in accordance with the Rehandling, Off-Loading, and Transportation of Dredged Material part of this chapter. This permit does not authorize other discharges of wastewater. [Minn. R. 7001]
	4.2.6	This permit does not authorize or otherwise regulate dredging activity. However, dredging activity is subject to the water quality standards specified in Minn. R. chs. 7050 and 7060. 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 from the Minnesota Department of Natural Resources (DNR) regulating activities in the bed of public waters as defined in Minn. Stat. sec. 103G.245 and Minn. R. 6115.0200, federal permits from the United States Army Corps of Engineers (USACE) for dredge or fill material, and local permits from the appropriate Soil and Water Conservation District, county, or local unit of government (LUG). [Minn. R. 7050, Minn. R. 7060]
	4.2.7	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 the Authorization part of this chapter. B. The discharge of dredged material or return water to surface water from a storage, disposal, or beneficial use site, including disposal methods such as unconfined disposal, beach nourishment, disposal in wetlands, or other in-water disposal. [33 CFR part 323] 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, or other surface waters of the state. E. The routing of pollutants from the dredging activity or from dredged material storage, disposal, or beneficial use sites to a municipal wastewater treatment system. This activity would need to be authorized by the pretreatment standards of the MPCA and the municipal authority. [Minn. R. 7001]
	4.2.8	Compliance with the terms and conditions of this permit releases the Permittee from the requirement to obtain a separate permit for industrial activities at a storage or beneficial use site that would otherwise require the Permittee to obtain an industrial stormwater permit in accordance with the Clean Water Act and MPCA rules, except where the use 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. [Minn. R. 7001]
	4.2.9	**Rehandling, Off-Loading, and Transportation of Dredged Material**. [Minn. R. 7001]
	4.2.10	Dredged material shall be managed in a manner to minimize the amount of material returned to waters

		of the state by spillage, erosion, or other discharge during rehandling, off-loading, and transportation activities. [Minn. R. 7001]
	4.2.11	Sites used for rehandling 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 prevents the site from being sloped away from surface water, the Permittee shall otherwise manage the area to minimize the amount of material returned to waters of the state by spillage, erosion, or other discharge. [Minn. R. 7001]
	4.2.12	Dredged material hauled on federal, state, or local highways, roads, or streets shall 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 shall be immediately removed and properly disposed. [Minn. R. 7001]
	4.2.13	The Permittee shall minimize vehicle tracking of soil or dredged material onto off-site impervious surfaces at locations where vehicles exit dredging, storage, and beneficial use sites by using best management practices such as stone pads, concrete or steel wash racks, or equivalent systems. [Minn. R. 7001]
	4.2.14	Tracked soil and dredged material shall be removed from impervious surfaces that do not drain back to a storage or beneficial use site within 24 hours of discovery and placed in a storage or beneficial use site. [Minn. R. 7001]
	4.2.15	**Disposal of Dredged Material**. [Minn. R. 7001]
	4.2.16	Disposal of dredged material is not authorized by this permit. [Minn. R. 7001]
	4.2.17	If the proposed dredged material is going directly to a permitted MPCA disposal site, including a landfill, an NPDES/SDS permit for dredged material management is not required. [Minn. R. 7001]
	4.2.18	If the proposed dredged material is going to be stored prior to disposal at a permitted MPCA disposal site, an NPDES/SDS permit for dredged material management may be required. [Minn. R. 7001]
	4.2.19	**Storage of Dredged Material**. [Minn. R. 7001]
	4.2.20	**Authorization**. Prior to the use of a site for storage of dredged material, the Permittee shall obtain written MPCA approval for such use. [Minn. R. 7001]
	4.2.21	**General**. The Permittee shall operate and maintain a dredged material storage site to prevent exceedance of water quality standards specified in Minn. R. chs. 7050 and 7060 by controlling and preventing runoff, including stormwater and snowmelt. [Minn. R. 7001, Minn. R. 7060]
	4.2.22	The Permittee shall limit and control the use of materials at the storage site that may cause exceedances of groundwater standards specified in Minn. R. 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. [Minn. R. 7060]
	4.2.23	The following requirements apply to the storage and/or dewatering of dredged material: A. Storage must not exceed one year. Storage or accumulation of dredged material for more than one year constitutes disposal and is not covered by this permit. B. The quantity of dredged material stored at the site must not exceed the quantity of material authorized. C. Manage dredged material in a manner to minimize the amount of material returned to waters of the state by spillage, erosion, or other discharge. Follow best management practices for the management of dredged material outlined in the MPCA guidance, "Best Management Practices for the Management of Dredged Material (wq-gen2-02)." D. Do not remove dikes, berms, or silt fences constructed to contain stockpiles of dredged material until all stockpiled material is removed from the containment area. [Minn. R. 7001]
	4.2.24	**Storage Site Approval**. Submit a storage site plan 30 days prior to the use of a new storage site for MPCA review and approval. [Minn. R. 7001]
	4.2.25	**Storage Site Plan**. A storage site plan shall be prepared and submitted for MPCA review and approval. The storage site plan shall consist of the following: A. The volume calculations for the final permitted capacity. B. A map of the storage site. The map shall include: i. The permitted boundaries;

		ii. Dimensions; iii. Site contours (at contour intervals of two feet or less); iv. Soil boring locations with surface elevations; and v. Present and planned pertinent features, including but not limited to roads, screening, buffer zones, fencing, gates, shelter and equipment buildings, and surface water diversion and drainage. C. Sediment control measures. D. Site preparation methods. [Minn. R. 7001]
	4.2.26	**Site Selection, Design, and Construction**. [Minn. R. 7001]
	4.2.27	**Locational Prohibitions**. The following locational standards apply to a dredged material storage site: A. Storage along shorelines or within floodplains shall be removed within one year. (Minn. R. 6115.0200, subp. 5(B)(2)(c). B. The storage site shall not be located within a shoreland, or wild and scenic river land use district governed by Minn. R. chs. 6105 and 6120, unless specific approval is granted. C. The site shall not be located within a wetland, unless the Permittee has obtained all federal, state, and/or local approvals that may be required for a particular project. D. The site shall not be located in the designated Karst Region in the Southeastern portion of Minnesota that was subject to the 1993 Administrative Order that required the preparation of a contingency plan. [Minn. R. 7001]
	4.2.28	**Separation Distances**. A minimum separation distance of 50 feet shall be maintained between the boundaries of the storage site and the site property line. [Minn. R. 7001]
	4.2.29	**Storage Site Operation and Maintenance**. [Minn. R. 7001]
	4.2.30	**Operation and Maintenance**. The Permittee must operate and maintain at all times the integrity of the dike system, embankment, or other erosion-control equipment in compliance with this chapter. [Minn. R. 7001]
	4.2.31	**Periodic Site Inspections**. The Permittee shall inspect the storage site to ensure integrity of the erosion control measures, system stability, and dredge material containment. At a minimum, the site shall be inspected: A. Prior to the initial placement of any dredged material at the storage site; and B. Within 24 hours of each significant storm event and/or the subsidence of flood events; or C. At least once per month if A or B are not occurring. D. The Permittee must continue inspections required by this part until the storage site is no longer operated. [Minn. R. 7001]
	4.2.32	Nonfunctioning erosion and sediment control measures shall be repaired, replaced, or supplemented with functioning erosion and/or sediment control measures within three days of discovery. [Minn. R. 7001]
	4.2.33	Dikes and berms constructed to contain hydraulically dredged material and the attendant liquid shall be maintained free of all types of animal burrows. Animal burrows shall be backfilled with compacted material within three days of discovery. [Minn. R. 7001]
	4.2.34	Where dredging and beneficial use have been suspended due to frozen ground conditions, the inspections and maintenance shall begin as soon as weather conditions warrant, or prior to resuming dredged material placement in the storage site, whichever occurs first. [Minn. R. 7001]
	4.2.35	**Removal from Storage Sites**. [Minn. R. 7001]
	4.2.36	Dredged material shall be removed from storage in a manner so as to not damage the integrity and effectiveness of the containment area. [Minn. R. 7001]
	4.2.37	The Permittee must manage dredged material removed from a storage site in accordance with this permit. [Minn. R. 7001]
	4.2.38	The Permittee must cease to store dredged material and immediately empty and close the dredged material storage site when: A. The Permittee declares the need for dredged material storage has ended; B. An MPCA permit held by the facility expires and the Permittee does not apply for its renewal or the MPCA denies an application for renewal; C. The MPCA revokes the permit for the facility; or D. The MPCA issues an order to cease operations. [Minn. R. 7001]

	4.2.39	**Recordkeeping**. [Minn. R. 7001]
	4.2.40	The Permittee shall record the date of each inspection, any problem identified with the storage site, and the action(s) taken to correct any identified problem. The Permittee shall keep these inspection records onsite indefinitely and available to MPCA staff upon request. [Minn. R. 7001]
	4.2.41	The Permittee shall record the dates dredged material is removed from the storage site, the volume removed, and the method and location of the disposition (disposal or beneficial use) of removed material. This information shall be submitted with the "Dredge Material Annual Report," as specified in the "Annual Report" part of this chapter. [Minn. R. 7001]
	4.2.42	**Beneficial Use of Dredged Material**. [Minn. R. 7001]
	4.2.43	**Authorization**. The Permittee may use dredged material for beneficial purposes. Use of dredged material is subject to this part of the permit. The Permittee shall characterize the sediment prior to dredging to determine its suitability and applicable beneficial use category, as described in this part. [Minn. R. 7001]
	4.2.44	**General**. The Permittee shall operate and maintain a dredged material beneficial use site to prevent exceedance of water quality standards specified in Minn. R. chs. 7050 and 7060 by controlling and preventing runoff, including stormwater and snowmelt. [Minn. R. 7053, Minn. R. 7060]
	4.2.45	Storage of dredged material prior to beneficial use is subject to the storage requirements of this chapter, as applicable. [Minn. R. 7001]
	4.2.46	**Beneficial Use Categories**. The suitability of dredged material for beneficial use is based on comparing pollutant concentrations in the dredged material to Soil Reference Values (SRVs). SRVs are listed in Appendix Tables 1 to 4. Authorized beneficial uses are differentiated by the beneficial use category the material is categorized as. There are three beneficial use categories: Level 1, Level 2, and Level 3. A. The MPCA authorizes Level 1 material for use at sites with residential or recreational land uses. Level 1 material is defined as: i. All pollutants reasonably expected to be present in the dredged material are at or below their respective Residential SRV; or ii. Material that is at least 93% sand, as determined by the grain size analysis described in the Sediment Characterization part of this chapter, and any available laboratory analysis does not show pollutant concentrations above Residential SRVs. B. The MPCA authorizes Level 2 material for use at sites with commercial or industrial land uses. Level 2 material is defined as all pollutants reasonably expected to be present in the dredged material are at or below their respective Industrial SRV. C. The MPCA does not authorize Level 3 material for beneficial use under this permit. Level 3 material is defined as any pollutant reasonably expected to be present in the dredged material is greater than its respective Industrial SRV. [Minn. R. 7001]
	4.2.47	**Sediment Characterization**. [Minn. R. 7001]
	4.2.48	**Characterization Timing**. Sediment shall be characterized prior to dredging in accordance with the terms and conditions of this permit. Recharacterization is not required prior to final disposition except when commingling with other material has occurred at the storage site or if additional analysis is specified by the MPCA. Level 3 material cannot be mixed with lower-level material. [Minn. R. 7001]
	4.2.49	**Sampling Location**. Sample locations shall properly characterize the sediment to be dredged. [Minn. R. 7001]
	4.2.50	**Number of Samples**. Refer to Appendix Table 5 to determine the minimum number of samples required for sediment characterization. The Permittee must collect samples that are representative of the sediment to be dredged and in consideration of current and historical activities surrounding the dredge project site. In some cases, the minimum number of samples may not be adequate to characterize the sediment and additional samples may be required. [Minn. R. 7001]
	4.2.51	**Grain Size Analysis**. If samples are predominantly sand, analysis of the parameters in Appendix Tables 1 to 4 is not required. Predominantly sand is defined as 93% or more of the sediment sample by mass is retained on a #200 sieve. To determine whether sediment samples are predominantly sand, the following procedure shall be used when the Permittee intends to potentially exclude samples from additional analysis: A. Conduct a sieve analysis using ASTM Method C-136 for gradation and ASTM Method D-2487 for

		classification. B. Determine the minimum number of samples required for grain size analysis using Appendix Table 5 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. [Minn. R. 7001]
	4.2.52	**Sample Analysis**. Analyze sediment samples for the baseline parameters listed in Appendix Table 1 when grain size analysis demonstrates a sample is not predominantly sand or when grain size analysis is not completed. Samples requiring analysis must also be analyzed for all parameters listed in Appendix Tables 2 to 4 unless a completed and documented environmental risk assessment determines there is not a reasonable likelihood for a particular parameter to be present. [Minn. R. 7001]
	4.2.53	**Sampling Procedures**. The following measures 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, or subsequent reapprovals. B. All samples shall be taken with a core sampler or other MPCA-approved method. C. All sampling equipment shall be properly cleaned prior to and following collection of each sample. D. Samples collected for polychlorinated biphenyls (PCBs), pesticides, 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 nonmetallic liners, tubs, spoons, and spatulas. E. Core samples shall be taken to the proposed dredging depth plus two feet and shall be analyzed from each distinct horizon observed in the material to be dredged. If distinct horizons do not exist, core samples shall be divided into two-foot segments and each segment analyzed for the required parameters. For cores extending into parent material, analysis of only the top two-foot segment of parent material is required. F. Core samples shall be visually inspected for the existence of horizons and a written description of the position, length, odor, texture, and color of each horizon provided to the MPCA. [Minn. R. 7001]
	4.2.54	**Annual Report**. [Minn. R. 7001]
	4.2.55	The Permittee must submit an annual dredged material report: Due annually, by the 1st of February of each year following permit issuance for the previous calendar year. [Minn. R. 7001]
	4.2.56	The Permittee shall provide this report even if no dredging occurred during the previous calendar year. [Minn. R. 7001]
	4.2.57	The "Dredged Material Annual Report" must be on a form provided by the MPCA and must include the following elements: A. Dates of dredging. B. Volume of material placed into storage. C. Any incidents, such as spills, unauthorized discharge, and/or other permit violations that occurred. D. Such information as the MPCA may reasonably require of the Permittee pursuant to Minn. R. ch. 7001 and Minn. Stat. ch. 115 and 116 as amended. E. For storage sites, the following information must also be provided: i. The dates of "Periodic Site Inspections" required by this chapter and the status of erosion control measures at the site; ii. The dates dredged material is removed, the volume removed, and the method and location of the disposition (disposal or beneficial use) of removed material; and iii. Water level records for storage of hydraulic dredging projects. G. For beneficial use of dredged material during the previous calendar year, the following information must also be provided: i. A written description of the use of the dredged material; ii. A written determination of the beneficial use category and appropriate Soil Reference Values (SRVs), as described in this chapter; and

		iii. The results of a comparison of pollutant concentrations in the dredged material to SRVs, as described in this chapter. [Minn. R. 7001]
	4.2.58	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 the "Total Facility Requirements" chapter, must be included in the "Dredged Material Annual Report.". [Minn. R. 7001]
	4.2.59	**Definitions**. [Minn. R. 7001]
	4.2.60	"Beach Nourishment" means the placement of dredged material on the beach or in the water starting at or above the Ordinary High Water Level (OHWL) for the purpose of adding to, replenishing, or preventing the erosion of beach material. [State Definitions]
	4.2.61	"Beneficial Use" means the 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. [State Definitions]
	4.2.62	"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 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 Minn. R. 7001.1020, subp. 4. [State Definitions]
	4.2.63	"Carriage, or Conveyance, Water" means the water portion of a slurry of water and dredged material. [State Definitions]
	4.2.64	"Construction Activity" means a disturbance to the land that results in a change in the topography, existing soil cover (both vegetative and nonvegetative), or the existing soil topography that may result in accelerated stormwater runoff, leading to soil erosion and movement of soil into waters of the state. Examples can include clearing, grading, filling, and excavating. [State Definitions]
	4.2.65	"Discharges of Dredged Material" means any addition of dredged material into waters of the state and includes discharges of water from dredged material operations including beach nourishment, upland storage, or confined disposal which return to waters of state. Material re-suspended during normal dredging operations is considered "de minimis" and is not a dredged material discharge. [State Definitions]
	4.2.66	"Dredged Material" means any material removed from the bed of any waterway by dredging. [State Definitions]
	4.2.67	"Dredging" means any part of the process of the removal of material from the beds of waterways; transport of the material; dewatering and rehandling of the material; discharge of carriage or interstitial water; and storage and disposal of the material. [State Definitions]
	4.2.68	"Erosion Control" means methods employed to prevent erosion. Examples include soil stabilization practices, horizontal slope grading, temporary or permanent cover, and construction phasing. [State Definitions]
	4.2.69	"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 the 2020 Standard Specifications for Construction located at this website: https://www.dot.state.mn.us/pre-letting/spec/ (Minnesota Department of Transportation, 2020). [State Definitions]
	4.2.70	"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. [State Definitions]
	4.2.71	"Grain Size Analysis" means a method to determine particle size distribution of sediment and dredged material. [State Definitions]
	4.2.72	"Groundwater" means water contained below the surface of the earth in the saturated zone including, without limitation, all waters whether under confined, unconfined, or perched conditions, in near-surface unconsolidated sediment or regolith, or in rock formations deeper underground. [State Definitions]
	4.2.73	"Hazardous Waste" has the meaning given in Minn. Stat. sec. 116.06, subd. 11. [State Definitions]
	4.2.74	"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. [State Definitions]

	4.2.75	"Impoundment" means a natural or artificial body of water or sludge confined by a dam, dike, floodgate, or other barrier. [State Definitions]
	4.2.76	"Interstitial, or Pore, Water" means water contained in the interstices or voids of soil or rock in the dredged material. This water is considered dredged material. [State Definitions]
	4.2.77	"MPCA" means the Minnesota Pollution Control Agency, or Minnesota Pollution Control Agency staff as delegated by the Minnesota Pollution Control Agency. [State Definitions]
	4.2.78	"Ordinary High Water Level (OHWL)" means the boundary of water basins, 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. sec. 103G.005, subd. 14 and Minn. R. 6120.2500 subp. 11.). [State Definitions]
	4.2.79	"Other Waste" means garbage, municipal refuse, decayed wood, sawdust, shavings, bark, lime, ashes, offal, oil, tar, chemicals, dredge spoil, solid waste, incinerator residue, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, cellar dirt or municipal or agricultural waste, and all other substances not included within the definitions of sewage and industrial waste set forth in Minn. Stat. ch. 115 which may pollute or tend to pollute waters of the state. (Minn. Stat. ch. 115.01, subd. 9). [State Definitions]
	4.2.80	"Permittee" means the entity identified as Permittee on the cover letter authorizing coverage under this permit. [State Definitions]
	4.2.81	"Pollutant" means any sewage, industrial waste, or other wastes, as defined in Minn. Stat. ch. 115, discharged into a disposal system or to waters of the state. [State Definitions]
	4.2.82	"Pollution of water," "water pollution," or "pollute the water" means: A. The discharge of any pollutant into any waters of the state or the contamination of any waters of the state so as to create a nuisance or render such waters unclean, or noxious, or impure so as to be actually or potentially harmful or detrimental or injurious to public health, safety or welfare, to domestic, agricultural, commercial, industrial, recreational or other legitimate uses, or to livestock, animals, birds, fish or other aquatic life; or B. The alteration made or induced by human activity of the chemical, physical, biological, or radiological integrity of waters of the state. (Minn. Stat. sec. 115.01, subd. 13). [State Definitions]
	4.2.83	"Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment which occurred at a point in time or which continues to occur. Release does not include: A. Emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, watercraft, or pipeline pumping station engine; B. Release of source, by-product, or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954, under United States Code, title 42, section 2014, if the release is subject to requirements with respect to financial protection established by the federal Nuclear Regulatory Commission under United States Code, title 42, section 2210; C. Release of source, by-product or special nuclear material from any processing site designated pursuant to the Uranium Mill Tailings Radiation Control Act of 1978, under United States Code, title 42, section 7912(a)(1) or7942(a); or D. Any release resulting from the application of fertilizer or agricultural or silvicultural chemicals, or disposal of emptied pesticide containers or residues from a pesticide as defined in Minn. Stat. sec. 18B.01, subd. 18. (Minn. Stat. sec. 115B.02, subd. 15). [State Definitions]
	4.2.84	"Return Water" means the carriage/conveyance or interstitial/pore water that is returned to a receiving water after separation of the dredged material from the water in a rehandling or storage site. [State Definitions]
	4.2.85	"Run-off" means any liquid that drains over land from any part of a facility. [State Definitions]
	4.2.86	"Run-on" means any liquid that drains over land onto any part of a facility. [State Definitions]
	4.2.87	"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. [State Definitions]
	4.2.88	"Sediment Control" means methods employed to prevent sediment from leaving the site. Sediment control practices include silt fences, sediment traps, earth dikes, drainage swales, check dams, subsurface drains, pipe slope drains, storm drain inlet protection, and temporary or permanent sedimentation basins. [State Definitions]
	4.2.89	"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. [State Definitions]
	4.2.90	"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. [State Definitions]
	4.2.91	"Storage Site" 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 could be for dewatering or rehandling. [State Definitions]
	4.2.92	"Surface Water" means all streams, lakes, ponds, marshes, wetlands, reservoirs, springs, rivers, drainage systems, waterways, watercourses, and irrigation systems whether natural or artificial, public or private. [State Definitions]
	4.2.93	"Unconfined Disposal" means the deposition of dredged material in the water on the bed of a waterway. [State Definitions]
	4.2.94	"Upland" means the disposal, storage, or beneficial use of dredged material landward from the ordinary high water level of a waterway or waterbody. [State Definitions]
	4.2.95	"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. [State Definitions]
	4.2.96	"Water table" means the surface of the groundwater at which the pressure is atmospheric. Generally, this is the top of the saturated zone. [State Definitions]
	4.2.97	"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 shall 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. [State Definitions]
		Total Facility Requirements (NPDES/SDS)
	4.3.98	**Definitions.** Refer to the Permit User's Manual found on the MPCA's website at https://www.pca.state.mn.us/sites/default/files/wq-wwtp7-09.pdf for standard definitions. [Minn. R. 7001]
	4.3.99	**Incorporation by Reference.** This permit incorporates the following applicable federal and state laws as enforceable parts of this permit: 40 CFR pts. 122.41, 122.42, 136, 403 and 503; Minn. R. chs. 7001, 7041, 7045, 7050, 7052, 7053, 7060, and 7080; and Minn. Stat. chs. 115 and 116. [Minn. R. 7001]
	4.3.100	**Permittee Responsibility.** The Permittee shall perform the actions or conduct the activities authorized by this permit in compliance with the conditions of the permit and, if required, in accordance with the plans and specifications approved by the MPCA. [Minn. R. 7001.0150, subp. 3(E)]
	4.3.101	**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 40 CFR pts. 400 to 460; Minn. R. chs. 7050, 7052, and 7053; and any other applicable MPCA rules. [Minn. R. 7001.1090, subp. 1(A)]

	4.3.102	**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. The discharge shall not cause a material discoloration in the receiving water. Any discharge that results in a discernable change to the existing/ambient color of the receiving water constitutes material discoloration. [Minn. R. 7050.0210, subp. 2]
	4.3.103	**Property Rights.** This permit does not convey a property right or an exclusive privilege. [Minn. R. 7001.0150, subp. 3(C)]
	4.3.104	**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(O)]
	4.3.105	The MPCA's issuance of this permit does not obligate the MPCA to enforce local laws, rules, or plans beyond what Minnesota statutes authorize. [Minn. R. 7001.0150, subp. 3(D)]
	4.3.106	**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(A)]
	4.3.107	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(B)]
	4.3.108	**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. [Minn. R. 7001]
	4.3.109	**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. [Minn. R. 7001]
	4.3.110	**Inspection and Entry.** When authorized by Minn. Stat. ch. 115.04, 115B.17, subd. 4, and 116.091, and upon presentation of proper credentials, the Permittee shall allow the MPCA, or an authorized employee or agent of the MPCA, to enter at reasonable times upon the property of the Permittee to examine 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 investigations, including sampling, monitoring, and other inspection equipment, pertaining to the construction, modification, or operation of the facility covered by the permit or pertaining to the activities covered by the permit. [Minn. R. 7001.0150, subp. 3(I)]
	4.3.111	**Control Users.** The Permittee shall regulate the users of its facility 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. [Minn. R. 7001.0150, subp. 3(F)]
	4.3.112	**Sampling**. [Minn. R. 7001]
	4.3.113	**Representative Sampling.** Sampling and measurements required by the permit shall be conducted as specified in the permit and shall be representative of the discharge or monitored activities. [Minn. R. 7001.0150, subp. 2(B)]
	4.3.114	**Additional Sampling.** If the Permittee monitors more frequently than required, they shall report the results and the frequency of monitoring on their eDMR for that reporting period. [Minn. R. 7001.1090, subp. 1(E)]
	4.3.115	**Certified/Accredited Laboratory.** A laboratory accredited by the Minnesota Department of Health [Minn. R. 4740.2010 through Minn. R. 4740.2120] and/or certified by the MPCA [Minn. R. 7001.4310 through Minn. R. 7001.4390] shall conduct analyses required by this permit, unless approved in writing by the MPCA. A certified/accredited laboratory does not need to complete analyses of dissolved oxygen, pH,

		temperature, specific conductance, and total residual oxidants (chlorine, bromine). Those analyses shall comply with 40 CFR pt. 136, including calibrations and the QA/QC section. Dissolved oxygen, pH, and total residual oxidants must be performed on-site. Follow the manufacturer's specifications for equipment maintenance and use. [Minn. R. 4740.2010-4740.2120, Minn. R. 7001.4310-7001.4390]
	4.3.116	**Sample Preservation and Procedure.** Sample preservation and test procedures for the analysis of pollutants shall conform to 40 CFR pt. 136, including calibrations, the QA/QC section, and Minn. R. 7041.3200. Note - Table II of 40 CFR pt. 136.3 contains the requisite sample container, preservation (including, but not limited to thermal and pH adjustment), and holding times. [Minn. R. 7001.0150, subp. 2(B), Minn. R. 7041.3200]
	4.3.117	**Equipment Calibration.** The Permittee shall check and/or calibrate flow meters, pumps, flumes, lift stations, or other flow monitoring equipment used for purposes of determining compliance (within plus or minus ten percent of the true flow values) with permit requirements at least twice annually. [Minn. R. 7001.0150, subp. 2(B & C)]
	4.3.118	**Maintain Records.** The Permittee shall keep the records required by this permit for at least three 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. 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 and time 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. [Minn. R. 7001.0150, subp. 2(C)]
	4.3.119	**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 or as stipulated elsewhere in this permit. The Permittee shall record the information in the specified areas on those forms and in the units specified. Required forms may include a Sample Values Form. If required, the Permittee shall record individual values for each sample and measurement on the Sample Values Form provided by the MPCA. The Permittee shall submit the Sample Values Form with the appropriate eDMRs. The Permittee may design and use their own Sample Values Form after MPCA review and approval. Note: The Permittee shall also record required summary information on their eDMR. Permittee submitted summary information contained only on the Sample Values Form does not comply with reporting requirements. [Minn. R. 7001.0150, subp. 2(B), Minn. R. 7001.1090, subp. 1(D)]
	4.3.120	**Submitting Reports.** The Permittee shall submit eDMRs, Sample Values Forms, and other supplemental attachment forms via MPCA e-Services after the MPCA approves their authorization request. The Permittee shall electronically submit eDMRs, Sample Values Forms, and other supplemental attachment forms by the 21st day of the month following the sampling period or otherwise as specified in this permit. The Permittee shall complete eDMR submittal on or before 11:59 p.m. of the 21st day of the month following the sampling period or as otherwise specified in this permit. The Permittee shall submit an eDMR for each required station even if no discharge occurred during the reporting period. The Permittee shall submit other reports required by this permit electronically. The Permittee shall submit reports by the date specified in this permit. The Permittee shall submit reports on or before 11:59 p.m. on the date specified in this permit. Electronically: wq.submittals.mpca@state.mn.us Include water quality submittals form: www.pca.state.mn.us/sites/default/files/wq-wwprm7-71.docx. [Minn. R. 7001.0150, subp. 2(B), Minn. R. 7001.0150, subp. 3(H)]

	4.3.121	**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 a comment on the eDMR explaining the circumstances of the incomplete or incorrect report. If it is impossible to amend the report or eDMR electronically, the Permittee shall immediately notify the MPCA and the MPCA will provide direction for the amendment submittals. [Minn. R. 7001.0150, subp. 3(G)]
	4.3.122	**Required Signatures.** The Permittee or the duly authorized representative of the Permittee shall sign all eDMRs, forms, reports, and other documents submitted to the MPCA per Minn. R. 7001.0150, subp. 2(D). The person or persons who sign the eDMRs, forms, reports, or other documents shall certify that he or she understands and complies with the certification requirements of Minn. R. chs. 7001.0070 and 7001.0540, including the penalties for submitting false information. A registered professional engineer shall certify technical documents, such as design drawings and specifications, and engineering studies submitted as part of a permit application or by permit conditions. [Minn. R. 7001.0540]
	4.3.123	**Reporting Limit (RL).** The Permittee shall report monitoring results below the 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 Permittee shall report the concentration as "< 0.1 mg/L." The Permittee shall not use "non-detected," "undetected," "below detection limit," or "zero" when reporting results. The MPCA considers these terms as permit reporting violations. Where sample values are less than the RL and the permit requires reporting of an average, the Permittee shall calculate the average as follows: A. If some values are less than (<) the RL, substitute zero for all non-detectable values to use in the average calculation; B. If all values are less than (<) the RL, calculate the average and report as < the RL average concentration; and C. To calculate a mass loading with a less than (<) the RL concentration, use the RL value in the calculation and then add the "<" to the product of the concentration and the volume. [Minn. R. 7001.0150, subp. 2(B)]
	4.3.124	**Records.** The Permittee shall, when requested by the MPCA, 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 activities covered by the permit. [Minn. R. 7001.0150, subp. 3(H)]
	4.3.125	**Confidential Information.** Except for data determined to be confidential according to Minn. Stat. ch. 116.075, subd. 2, all reports required by this permit are available for public inspection. The MPCA does not consider effluent data confidential. To request the MPCA maintain data as confidential, the Permittee shall follow Minn. R. 7000.1300. [Minn. R. 7000.1300]
	4.3.126	**Noncompliance and Enforcement**. [Minn. R. 7001]
	4.3.127	**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. ch. 115.071 and 116.072, including monetary penalties, imprisonment, or both. [Minn. R. 7001.1090, subp. 1(B)]
	4.3.128	**Criminal Activity.** The Permittee shall not knowingly make a false statement, representation, or certification in a record or other document submitted to the MPCA. A person who falsifies a report or document submitted to the MPCA, or tampers with, or knowingly renders inaccurate a monitoring device or method that requires maintenance under this permit is subject to criminal and civil penalties provided by federal and state law. [Minn. R. 7001.0150, subp. 3(G), Minn. R. 7001.1090, subp. 1(G & H), Minn. Stat. ch. 609.671, subd. 1]
	4.3.129	**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)]
	4.3.130	**Effluent Violations.** If sampling by the Permittee indicates a violation of any discharge limitation specified in this permit, the Permittee shall immediately make every effort to verify the violation by collecting

		additional samples, if appropriate, investigate the cause of the violation, and take action to prevent future violations. If the Permittee discovers that noncompliance with a condition of the permit occurred and that the noncompliance 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 five days of the discovery. If the Permittee discovers other noncompliance that does not explicitly endanger human health, public drinking water supplies, or the environment, the Permittee shall report the description of noncompliance within 30 days of the discovery. If no eDMR is required within 30 days, the Permittee shall submit a written report (see the Submitting Reports part of this chapter) including the description of noncompliance 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. 3(K)]
	4.3.131	**Upset Defense.** In the event of temporary noncompliance with an applicable effluent limitation(s) 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 MPCA 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(I); and F. That the Permittee implemented the remedial measures required by Minn. R. 7001.0150, subp. 3(J). [Minn. R. 7001.1090]
	4.3.132	**Release**. [Minn. R. 7001]
	4.3.133	**Unauthorized Releases of Wastewater Prohibited.** This permit prohibits overflows, discharges, spills, or other releases of wastewater or materials to the environment, whether intentional or not, except for discharges from outfalls specifically authorized by this permit. 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. [Minn. Stat. ch. 114.061]
	4.3.134	**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 800-422-0798 or 651-649-5451 (metro area) immediately upon discovery of the release. In addition to the required notification to the Duty Officer, the Permittee may also contact the MPCA during business hours at 800-657-3864 or 651-296-6300 (metro area); C. Promptly after notifying the agency of a discharge, a publicly owned treatment works or a publicly or privately owned domestic sewer system owner must provide notice to the potentially impacted public and to any downstream drinking water facility that may be impacted by the discharge. Notice to the public and to any drinking water facility must be made using the most efficient communications system available to the facility owner such as in person, telephone call, radio, social media, web page, or another expedited form. In addition, signage must be posted at all impacted public use areas within the same jurisdiction or notification must be provided to the entity that has jurisdiction over any impacted public

		use areas. A notice under this paragraph must include the date and time of the discharge, a description of the material released, a warning of the potential public health risk, and the permittee's contact information; and D. 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 Permittee cannot immediately or completely recover the released materials or substances, 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. [Minn. R. 7001.1090, Minn. Stat. ch. 115.061, subp. C]
	4.3.135	**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 permitted effluent parameters and other 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, the Permittee shall collect fecal coliform bacteria samples where the Permittee determines that the release contains or may contain sewage. If the Permittee cannot immediately stop the release, the Permittee shall consult with the MPCA regarding additional sampling requirements. The Permittee shall collect samples at least, but not limited to, two times per week for as long as the release continues, or as stipulated elsewhere in this permit; B. The Permittee shall submit the Release Report information according to guidance found here: https://www.pca.state.mn.us/sites/default/files/wq-wwtp7-20a.docx. The Permittee shall submit the Release Report to the MPCA with the next eDMR or within 30 days, whichever is sooner. If the Permittee submits quarterly eDMRs and the next submittal is greater than 30 days, the Release Report may be submitted to the water quality submittals email address (see the Submitting Reports part of this chapter); and C. Submit the sampling results on the Release Report located on the MPCA's website at https://www.pca.state.mn.us/business-with-us/discharge-monitoring-reports. [Minn. R. 7001.1090]
	4.3.136	**Bypass**. [Minn. R. 7001]
	4.3.137	"Essential Maintenance" is a scheduled maintenance event that is required to ensure efficient operation of the facility. [Minn. R. 7001.1020, subp. 13]
	4.3.138	"Effluent limitation" means a restriction established by rule or permit condition on quantities, discharge rates, and concentrations of pollutants that are discharged from point sources into waters of the state. [Minn. R. 7001.1020, subp. 13]
	4.3.139	**Anticipated Bypass.** The Permittee may allow any bypass to occur that does not cause effluent limitation exceedances, but only if the bypass is for a scheduled essential maintenance event to assure efficient operation of the facility. The Permittee shall submit prior notice to the MPCA at least ten days before the date of the bypass, if possible. 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 shall enter waters of the state from outfalls specifically authorized by this permit. Therefore, the Permittee shall collect samples 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. [Minn. R. 7001.1090, subp. 1(J)]
	4.3.140	Any bypass that is not anticipated for a scheduled essential maintenance event is considered unanticipated and is prohibited. This permit prohibits all other bypasses. 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 800-422-0798 or 651-649-5451 (metro area) immediately upon commencement of the bypass. In addition to the required notification to the Duty Officer, the Permittee may also contact the MPCA during business hours at 800-657-3864 or

		651-296-6300 (metro area); 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; and D. The Permittee shall collect samples 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. [Minn. R. 7001.1090, subp. 1(K), Minn. Stat. ch. 115.061]
	4.3.141	**Notification of the Public**. Following immediate notification to the Minnesota Department of Public Safety Duty Officer and the MPCA of any discharge event that could endanger human health, public drinking water supplies, or the environment, or a Release or Bypass, as described above, the Permittee shall promptly notify the public and any drinking water facility of the discharge. Notice to the public and to any drinking water facility must be made using the most efficient communications system available to the facility owner such as in person, telephone call, radio, social media, webpage, or another expedited form. In addition, signage must be posted at all impacted public use areas within the same jurisdiction or notification must be provided to the entity that has jurisdiction over any impacted public use areas. A notice under this requirement must include the date and time of the discharge, a description of the material released, a warning of the potential public health risk, and the Permittee's contact information. [Minn. Stat. ch. 114.061]
	4.3.142	In addition to other facts or incidents required by the permit to be reported within 24 hours, the Permittee shall report in accordance with part 7001.0150, subpart 3, item K any unanticipated bypass, or upset that causes an exceedance of an applicable effluent limitation. [Minn. R. 7001.1090, subp. 1]
	4.3.143	**Operation and Maintenance**. [Minn. R. 7001]
	4.3.144	The Permittee shall at all times properly operate and maintain the facilities, sewer system, 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(F)]
	4.3.145	In the event of a reduction or loss of effective treatment of wastewater at the facility, the Permittee shall control production or curtail 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 they restore facility treatment processes or until the Permittee provides an alternative method of treatment. [Minn. R. 7001.1090, subp. 1(C)]
	4.3.146	**Solids Management.** The Permittee shall properly store, transport, and manage biosolids, septage, sediments, residual solids, filter backwash, screenings, oil, grease, and other substances so that pollutants do not enter surface waters or groundwaters of the state. The Permittee shall manage solids in accordance with local, state, and federal requirements. [40 CFR 503, Minn. R. 7041]
	4.3.147	**Scheduled Maintenance.** The Permittee shall schedule maintenance of the treatment works during non-critical water quality periods to prevent water quality degradation, except where the facility requires emergency maintenance to prevent a condition that would be detrimental to water quality or human health. [Minn. R. 7001.0150, subp. 2(B), Minn. R. 7001.0150, subp. 3(F)]
	4.3.148	**Control Tests.** The Permittee shall conduct in-plant control tests at a frequency adequate to ensure compliance with the conditions of this permit. [Minn. R. 7001.0150, subp. 2(B), Minn. R. 7001.0150, subp. 3(F)]
	4.3.149	**Changes to the Facility or Permit**. [Minn. R. 7001]
	4.3.150	**Permit Modifications.** Except as provided under Minn. Stat. ch. 115.07, subd. 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 MPCA issues a written permit for the facility or activity. Permittees that propose to make changes to the facility or discharge that requires permit modification shall follow Minn. R. 7001.0190. If the Permittee cannot determine whether the proposed changes require a permit modification, the Permittee shall contact the MPCA prior to any action. The MPCA recommends that Permittees submit the application for permit modification to the MPCA at least 180 days prior to the planned change. [Minn. R. 7001.0030]
	4.3.151	This permit does not require plans, specifications, and MPCA approval when maintenance dictates the need for installation of new equipment, provided the equipment is the same design size and has the same design intent. For instance, Permittees can replace a broken pipe, lift station pump, aerator, or blower with the same design-sized equipment without MPCA approval. If this permit does not expressly authorize proposed construction, the MPCA may require a permit modification. If the proposed construction project requires an Environmental Assessment Worksheet under Minn. R. 4410, no construction shall begin until the MPCA issues a negative declaration and the Permittee receives or implements all approvals. [Minn. R. 7001.0030]
	4.3.152	**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(M)]
	4.3.153	**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 increase or new use of a chemical additive at least 60 days, or as soon as possible, before the proposed increase or new use. The Permittee shall include at least the following information for the proposed additive as instructed in the chemical additive approvals section on the MPCA's website at https://www.pca.state.mn.us/business-with-us/wastewater-permit-additional-guidance-and-information (under Chemical additive approvals): A. Follow Chemical Additive Review Guidance (wq-prm2-12) and complete the Chemical Additive calculator tool (wq-wwprm2-12a.xlsm), including; B. The process for which the additive will be used; C. Safety Data Sheet (SDS) 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 (such as Ceriodaphnia or Daphnia sp.) and b) a 96-hour LC50/EC50 acute study such as rainbow trout, bluegill, or fathead minnow or another North American freshwater aquatic species other than a planktonic crustacean; D. A complete product use and instruction label; E. The commercial and chemical names and Chemical Abstract Survey (CAS) number for all ingredients in the additive (If the SDS 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 F. The proposed method of application, application frequency, and maximum rates of use. 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 or use of an additive not requiring formal review and approval 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, including nuisance conditions and material discoloration. [Minn. R. 7001.0170]

	4.3.154	**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 of this permit pursuant to Minn. R. 7001.0180. [Minn. R. 7001.0170, Minn. R. 7001.0180]
	4.3.155	**Total Maximum Daily Load (TMDL) Impacts.** The MPCA may require facilities that discharge to an impaired surface water, watershed, or drainage basin to comply with additional permits or permit requirements. These requirements can include additional restriction or relaxation of limits and monitoring as authorized by the CWA 303(d)(4)(A) and 40 CFR ch. 122.44(l)(2)(i), necessary to ensure consistency with the assumptions and requirements of any applicable EPA approved wasteload allocations resulting from TMDL studies. [40 CFR 122.44(I)(2)(i)]
	4.3.156	**Permit Transfer.** This permit is not transferable to any person without the express written approval of the MPCA after compliance with the requirements of Minn. R. 7001.0190. A person who receives permit transference shall comply with the conditions of this permit. [Minn. R. 7001.0150, subp. 3(N)]
	4.3.157	**Facility Closure or Significant Reduction in Activity.** 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 Permittee may submit a Facility Closure Plan to the MPCA no later than 150 days prior to the Facility Closure, and the MPCA may require submittal of a Facility Closure Plan via written notification. The Permittee may comply with the submitted Facility Closure Plan. The MPCA may require a permit modification or reissuance for facility closure that could result in a potential long-term water quality concern, such as the ongoing discharge of wastewater to surface or groundwater. 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 the MPCA requires financial assurance, the MPCA shall approve the amount and type of financial assurance, and proposed modifications to previously MPCA-approved financial assurance. [Minn. Stat. ch. 116.07, subd. 4]
	4.3.158	**Permit Reissuance.** If the Permittee desires to continue permit coverage beyond the date of permit expiration, the Permittee shall submit an application for permit reissuance: Due by 180 days prior to permit expiration. [Minn. R. 7001.0040]
	4.3.159	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: 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; or 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. [Minn. R. 7001.0040, Minn. R. 7001.0160]

5. Submittal action summary

MN0072320	Minnesota DNR Mud Lake Site	
		Dredged Material Management
	5.1.1	The Permittee must submit an annual dredged material report: Due annually, by the 1st of February of each year following permit issuance for the previous calendar year. [Minn. R. 7001]
		Total Facility Requirements (NPDES/SDS)
	5.2.2	**Permit Reissuance.** If the Permittee desires to continue permit coverage beyond the date of permit expiration, the Permittee shall submit an application for permit reissuance: Due by 180 days prior to permit expiration. [Minn. R. 7001.0040]

6. Appendix A: Dredged Material Management

Tables for Dredged Material Management

Table 1. Baseline Sediment Parameter List

Parameter	Analytical Method[1,2]	Reporting Limit *(mg/kg, dry weight unless noted)*	Residential Soil Reference Value (SRV) *(mg/kg, dry weight unless noted)*	Industrial Soil Reference Value (SRV) *(mg/kg, dry weight unless noted)*
Inorganics – Metals				
Arsenic	EPA 6010 or 7061	1.0	9	9
Cadmium	EPA 6010 or 7010	0.15	1.6	23
Chromium III	EPA 6010 or 7010	0.5	23,000	100,000
Chromium VI	EPA 6010 or 7196	0.5	7.1	200
Copper	EPA 6010 or 7010	0.5	180	33,000
Lead	EPA 6010 or 7010	0.5	200	460
Mercury	EPA 7471 or 7473	0.02	2.7	3.1
Nickel	EPA 6010	1.0	170	2000
Selenium	EPA 6010	1.0	78	1,200
Zinc	EPA 6010 or 7010	1.0	4,700	70,000
Inorganics – Nutrients				
Ammonia-Nitrogen	*EPA 350.1	20		
Nitrate + Nitrite	EPA 9056	10		
Total Kjeldahl Nitrogen	*EPA 351.2	150		
Total Phosphorus	*EPA 365.2/365.3	50		
Organics				
Polychlorinated biphenyls (total)	EPA 8082	0.02	0.82	10
Total Organic Carbon	EPA 9060	0.2%		

[1]SW-846 methods are used unless indicated with an asterisk (*)

[2]Use the most current promulgated version available for Minnesota certification.

Table 2. Additional Sediment Parameter List – Inorganics, Organics, and Polycyclic Aromatic Hydrocarbons

Parameter	Analytical Method[1,2]	Reporting Limit *(mg/kg, dry weight unless noted)*	Residential Soil Reference Value (SRV) (*mg/kg, dry weight unless noted)*	Industrial Soil Reference Value (SRV) *(mg/kg, dry weight unless noted)*
Inorganics				
Barium	EPA 6010	0.5	260	41,000
Cyanide	EPA 9012		7.3	190
Manganese	EPA 6010	0.5	730	10,000
Organics				
Aldrin	EPA 8081	0.01	0.45	2.6
Chlordane	EPA 8081	0.01	9.6	100
DDD	EPA 8081	0.01	6.7	90
DDE	EPA 8081	0.01	11	130
DDT	EPA 8081	0.01	7.4	87
Dieldrin	EPA 8081	0.01	0.11	1.5
Endrin	EPA 8081	0.01	4	54
Heptachlor	EPA 8081	0.01	1.6	8.9
Lindane (Gamma BHC)	EPA 8081	0.01	0.012	0.17
Toxaphene	EPA 8081	0.05	1.2	16
Oil and Grease	EPA 9071	250		
Polycyclic Aromatic Hydrocarbons				
Acenapthene	EPA 8270	0.3	460	6,800
Anthracene	EPA 8270	0.3	2,800	42,000
Fluoranthene	EPA 8270	0.3	210	2,700
Fluorene	EPA 8270	0.3	390	5,800
Naphthalene	EPA 8270	0.3	81	280
Pyrene	EPA 8270	0.3	220	3,200
Quinoline	EPA 8270	0.3	1.4	7.8

[1]SW-846 methods are used unless indicated with an asterisk (*)

[2]Use the most current promulgated version available for Minnesota certification.

Table 3. Additional Sediment Parameter List – Carcinogenic Polycyclic Aromatic Hydrocarbons (Benzo[a]pyrene Equivalents)

Parameter[1]	Analytical Method[2,3]	Reporting Limit *(mg/kg, dry weight unless noted)*	Residential Soil Reference Value (SRV) *(mg/kg, dry weight unless noted)*	Industrial Soil Reference Value (SRV) *(mg/kg, dry weight unless noted)*
Benzo[a]pyrene (B[a]P) equivalents			**2**	**23**
Add the results for the following carcinogenic polycyclic aromatic hydrocarbons using the B[a]P equivalents calculation[4].				
Benz[a]anthracene	EPA 8270	0.01		
Benzo[a]pyrene	EPA 8270	0.01		
Benzo[b]fluoranthene	EPA 8270	0.03		
Benzo[j]fluoranthene	EPA 8270	0.03		
Benzo[k]fluoranthene	EPA 8270	0.03		
Chrysene	EPA 8270	0.01		
Dibenz[a,h]acridine	EPA 8270	0.01		
Dibenz[a,h]anthracene	EPA 8270	0.01		
Dibenz[a,j]acridine	EPA 8270	0.01		
Dibenzo[a,e]pyrene	EPA 8270	0.01		
Dibenzo[a,h]pyrene	EPA 8270	0.01		
Dibenzo[a,i]pyrene	EPA 8270	0.01		
Dibenzo[a,l]pyrene	EPA 8270	0.01		
7H-Dibenzo[c,g]carbazole	EPA 8270	0.01		
7,12-Dimethylbenzanthracene	EPA 8270	0.01		
1,6-Dinitropyrene	EPA 8270			
1,8-Dinitropyrene	EPA 8270			
Indeno[1,2,3-c,d]pyrene	EPA 8270	0.01		
3-Methylcholanthrene	EPA 8270	0.01		
5-Methylchrysene	EPA 8270	0.01		
5-Nitroacenaphthene	EPA 8270	0.01		
6-Nitrochrysene	EPA 8270	0.01		
2-Nitrofluorene	EPA 8270			
1-Nitropyrene	EPA 8270			
4-Nitropyrene	EPA 8270			

[1]All 25 parameters should be analyzed if established analytical methods exist.

[2]SW-846 methods are used unless indicated with an asterisk (*)

[3]Use the most current promulgated version available for Minnesota certification.

[4]See SRV spreadsheet. https://www.pca.state.mn.us/sites/default/files/c-r1-06.xlsx

Table 4. Additional Sediment Parameter List – Dioxins and dioxin-like compounds (2,3,7,8-tetrachlorodibenzo-p-dioxin Equivalents)

Parameter	Analytical Method[1,2]	Reporting Limit *(mg/kg, dry weight unless noted)*	Residential Soil Reference Value (SRV) *(mg/kg, dry weight unless noted)*	Industrial Soil Reference Value (SRV) *(mg/kg, dry weight unless noted)*
2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD[3]) equivalents			**7.00E-06**	**2.80E-05**
Add the results for the following analytes using the TCDD equivalents calculation[4].				
Polychlorinated dibenzo-p-dioxins (dioxins)				
2,3,7,8-TCDD	EPA 8290	6E-08		
1,2,3,7,8-PeCDD	EPA 8290	6E-08		
1,2,3,4,7,8-HxCDD	EPA 8290	6E-08		
1,2,3,6,7,8-HxCDD	EPA 8290	6E-08		
1,2,3,7,8,9-HxCDD	EPA 8290	6E-08		
1,2,3,4,6,7,8-HpCDD	EPA 8290	6E-08		
1,2,3,4,6,7,8,9-OCDD	EPA 8290	6E-08		
Polychlorinated dibenzofurans (furans)				
2,3,7,8-TCDF	EPA 8290	6E-08		
1,2,3,7,8-PeCDF	EPA 8290	6E-08		
2,3,4,7,8-PeCDF	EPA 8290	6E-08		
1,2,3,4,7,8-HxCDF	EPA 8290	6E-08		
1,2,3,6,7,8-HxCDF	EPA 8290	6E-08		
1,2,3,7,8,9-HxCDF	EPA 8290	6E-08		
2,3,4,6,7,8-HxCDF	EPA 8290	6E-08		
1,2,3,4,6,7,8-HpCDF	EPA 8290	6E-08		
1,2,3,4,7,8,9-HpCDF	EPA 8290	6E-08		
1,2,3,4,6,7,8,9-OCDF	EPA 8290	6E-08		

[1]SW-846 methods are used unless indicated with an asterisk (*)

[2]Use the most current promulgated version available for Minnesota certification.

[3]Abbreviations of analytes: TCDD—tetrachlorinated dibenzo-p-dioxin; PeCDD—pentachlorinated dibenzo-p-dioxin; HxCDD—hexachlorinated dibenzo-p-dioxin; HpCDD—heptachlorinated dibenzo-p-dioxin; OCDD—octachlorinated dibenzo-p-dioxin; TCDF—tetrachlorinated dibenzofuran; PeCDF—pentachlorinated dibenzofuran; HxCDF—hexachlorinated dibenzofuran; HpCDF—heptachlorinated dibenzofuran; OCDF—octachlorinated dibenzofuran; TeCB—tetrachlorinated biphenyl; PeCB—pentachlorinated biphenyl; HxCB—hexachlorinated biphenyl; HpCB—heptachlorinated biphenyl

[4]See SRV spreadsheet. https://www.pca.state.mn.us/sites/default/files/c-r1-06.xlsx

Table 5. Minimum number of samples for sediment characterization.

Volume planned for removal in cubic yards	Number of core sample locations	Number of sieve analysis locations[1]
0–30,000	3	6
30,000–100,000	5	10
100,000–500,000	6	12
500,000–1,000,000	8	16
>1,000,000	>8	>16

[1]Sieve analysis is required for dredged material only if the Permittee intends to potentially exclude from additional analysis.