

PLANNING & ZONING COMMISSION AGENDA

Date: April 15, 2024

Time: Following the adjournment of the Nicollet County Board of Adjustments and Appeals Meeting (doors open at 6:45)

Location: Emergency Operations Center - Government Center, 501 S. Minnesota Avenue, St. Peter

Copies of the meeting agenda and packet are available on the Nicollet County website at:
mn-nicolletcounty.civicplus.com/AgendaCenter

Questions or comments regarding the meeting can be directed to the Nicollet County Property Services Department by calling 507-934-7070, or by email to niccopermitapps@co.nicollet.mn.us.

1. Call to Order
2. Roll Call
3. Silence Your Cell Phone
4. Review of Cancellations and Additions
5. Approval of Minutes: *February 26, 2024*
6. Public Appearances
7. **PUBLIC HEARING: PLN24-07**
 - Applicant: Willis Walter
 - Landowner: Willis Walter
 - Request: 3-year Mineral Extraction Conditional Use Permit renewal
 - Location: Northeast ¼ of the Northwest ¼ and the Southeast ¼ of the Northwest ¼, Section 5 110 26, in Traverse Township
 - Parcel Number: 12.105.0200
8. Review Permits
9. Old Business
10. Other Business
11. Communications
12. Adjourn

Mission Statement

Providing efficient services with innovation and accountability.

Vision Statement

Setting the standard for providing superior and efficient county government services through leadership, accountability and innovation to a growing and diverse society.

Core Values

Leadership. Integrity.
Accountability.
Efficiency. Innovation.

PLANNING COMMISSION REGULAR MONTHLY MEETING MINUTES

FEBRUARY 26, 2024	7:45 PM	COUNTY BOARD ROOM
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ROLL CALL	COMMISSIONERS PRESENT	COMMISSIONERS ABSENT EXCUSED	NICOLLET COUNTY STAFF PRESENT
	☒ Lloyd Hoffmann ☐ Justin Laven ☒ Randy Schwab ☒ Jon Thoreson, <i>Vice Chair</i> ☒ Dave Ubel, <i>Chair</i> ☒ Kurt Zins, <i>Commissioner</i>	☐ Lloyd Hoffmann ☒ Justin Laven ☐ Randy Schwab ☐ Jon Thoreson, <i>Vice Chair</i> ☐ Dave Ubel, <i>Chair</i> ☐ Kurt Zins, <i>Commissioner</i>	☒ Spencer Crawford, Zoning Specialist (ZS) ☒ John Zehnder, Zoning Specialist (ZS) ☒ Michelle Zehnder Fischer, County Attorney (CA) ☒ Crystal Madden, Recording Secretary ☐ Other Staff:

REVIEW OF CANCELLATIONS & ADDITIONS	None.
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APPROVAL OF JANUARY 22, 2024 MINUTES	MOTION	SECOND
APPROVE	☒ Lloyd Hoffmann ☐ Justin Laven ☐ Randy Schwab ☐ Jon Thoreson, <i>Vice Chair</i> ☐ Dave Ubel, <i>Chair</i> ☐ Kurt Zins, <i>Commissioner</i>	☐ Lloyd Hoffmann ☐ Justin Laven ☐ Randy Schwab ☒ Jon Thoreson, <i>Vice Chair</i> ☐ Dave Ubel, <i>Chair</i> ☐ Kurt Zins, <i>Commissioner</i>
VOTE TO APPROVE MINUTES	☒ PASS ☐ FAIL	VOTE: 5 - 0

PUBLIC APPEARANCES	None.
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CONDITIONAL USE PUBLIC HEARINGS		
PLN24-04	APPLICANT/LANDOWNER: Keith Olson with Mathiowetz Construction / Sheri Hulke	
DESCRIPTION OF REQUEST	3-year Mineral Extraction Permit renewal to mine, crush, and stockpile gravel on property owned by Sheri Hulke. PID: 04.316.0300	
CONFLICT OF INTEREST	None.	
SITE VISIT & PUBLIC CONTACT	No Commissioner visited the site. There was no contact with Commissioners from members of the public.	
STAFF REPORT PRESENTED BY	ZS Crawford	
APPLICANT TESTIMONY	Present to represent the application was Keith Olson with Mathiowetz Construction, 30676 Co Rd 24, Sleepy Eye, MN 56085.	
PUBLIC TESTIMONY	No one was present to provide public testimony. No other correspondence was received.	
COMMISSIONER DISCUSSION	Further discussion between the Applicant, Commission, and Staff took place.	
COMMISSION ACTION - MOTION	MOTION	SECOND
RECOMMEND APPROVAL with conditions, as recommended by Staff	☐ Lloyd Hoffmann ☐ Justin Laven ☐ Randy Schwab ☐ Jon Thoreson, <i>Vice Chair</i> ☐ Dave Ubel, <i>Chair</i> ☒ Kurt Zins, <i>Commissioner</i>	☐ Lloyd Hoffmann ☐ Justin Laven ☐ Randy Schwab ☒ Jon Thoreson, <i>Vice Chair</i> ☐ Dave Ubel, <i>Chair</i> ☐ Kurt Zins, <i>Commissioner</i>

COMMISSION ACTION – VOTE ON MOTION			
RECOMMEND APPROVAL with conditions, as recommended by Staff	☒ PASS	☐ FAIL	VOTE: 5 - 0
COMMISSION ACTION – ADOPT FINDINGS	MOTION		SECOND
ADOPT THE FINDINGS OF THE FACT AS STATED	☒ Lloyd Hoffmann ☐ Justin Laven ☐ Randy Schwab ☐ Jon Thoreson, <i>Vice Chair</i> ☐ Dave Ubel, <i>Chair</i> ☐ Kurt Zins, <i>Commissioner</i>		☐ Lloyd Hoffmann ☐ Justin Laven ☐ Randy Schwab ☐ Jon Thoreson, <i>Vice Chair</i> ☐ Dave Ubel, <i>Chair</i> ☒ Kurt Zins, <i>Commissioner</i>
VOTE TO ADOPT THE FINDINGS OF FACT	☒ PASS	☐ FAIL	VOTE: 5 – 0

ADDITIONAL ITEMS			
REVIEW ZONING PERMITS	The Commission had no questions for Staff.		
OLD BUSINESS	None.		
OTHER BUSINESS	None.		
COMMUNICATIONS	None.		
ADJOURN MEETING	MOTION		SECOND
8:13 PM	☐ Lloyd Hoffmann ☐ Justin Laven ☐ Randy Schwab ☒ Jon Thoreson, <i>Vice Chair</i> ☐ Dave Ubel, <i>Chair</i> ☐ Kurt Zins, <i>Commissioner</i>		☐ Lloyd Hoffmann ☐ Justin Laven ☐ Randy Schwab ☐ Jon Thoreson, <i>Vice Chair</i> ☐ Dave Ubel, <i>Chair</i> ☒ Kurt Zins, <i>Commissioner</i>
VOTE TO ADJOURN MEETING	☒ CARRIED	☐ FAILED	VOTE: 5 – 0

SPENCER CRAWFORD, ZONING SPECIALIST		DATE	4/15/2024
DAVE UBEL, CHAIR		DATE	4/15/2024



CONDITIONAL USE PERMIT

MINERAL EXTRACTION PERMIT RENEWAL

Willis Walter

PLN24-07

**NICOLLET COUNTY
PLANNING & ZONING ADVISORY COMMISSION**

SUBJECT	Conditional Use Permit PLN24-07
APPLICANT	Willis Walter
LANDOWNER	Willis Walter
LOCATION	Northeast ¼ of the Northwest ¼ and the Southeast ¼ of the Northwest ¼, Section 5-110-26, in Traverse Township
PARCEL NO	12.105.0200
EXISTING ZONING	Agricultural, Shoreland, & Conservancy Zoning Districts
HEARING DATE	04/15/2024
COUNTY BOARD DATE	04/23/2024
60 DAYS FROM REQUEST	05/27/2024
PREPARED BY	Spencer Crawford

REQUEST

The Applicant is requesting a three-year review of their mineral extraction permit to mine, crush, and stockpile gravel.

ORDINANCE

Mineral extraction operations are required to renew their conditional use permit every three (3) years per Nicollet County Zoning Ordinance 724.2 (3). General standards for mineral extraction are found in Nicollet County Zoning Ordinance Section 724.

PROJECT DESCRIPTION

Operations:

The Walter Pit is an approximately seven acre mine located along County Road 20 Northwest of the City of Saint Peter. The Applicant, Willy Walter, states that 11,069 cubic yards of material have been removed over the past three years. Gravel and sand are mined as needed and stored in piles. The equipment used is typical for a gravel pit; a backhoe, two front end loaders, and dump trucks. The site is not permitted for a hot mix plant.

Mining currently takes place in the central-eastern part of the property and is moving in a westward direction. The site plan submitted by the Applicant shows that 14.1 additional acres will be mined in the future, predominantly in the southern and central part of the property. The northern part of the pit, which is adjacent to Rogers Creek, is no longer being mined and is used to store material.

Zoning Ordinance Violations:

In 2015, the Applicant began to expand the mine outside of the area permitted per their Conditional Use Permit for a total of 3.6 acres (see attachment B). 1.23 acres of the unpermitted area was within the 100-foot right of way setback and 500-foot residential structure setback outlined in Nicollet County Zoning Ordinance 724.5 (17). In 2018, staff became aware of the encroachment into the required setbacks and a violation notice was issued. The owner would go on to request a variance (PLN20-31) in 2020 to reduce the following setbacks:

	Required	Proposed	Reduction	% Reduction
Residential Structure Setback	500'	425.4'	-74.6'	-15%
Right of Way Setback	100'	3.8'	-96.2'	-96%

The variance was denied with the following conditions:

1. The mined area encroaching into the required 500-foot residential setback and the 100-foot right of way setback, as depicted on the Applicant's survey (Attachment G.1), must be restored to pre-mining condition. The back slope of the mined area must not exceed one foot vertical to three feet horizontal (33% slope). Such restoration must be completed within nine months from the date of denial of PLN20-31.
2. Following completion of restoration, the Applicant must contact the Zoning Administrator and schedule a final inspection of the site. If the site is not in accordance with these conditions, the County will notify the Applicant of the deficiency and the Applicant must correct the deficiency within thirty days of notification. If the site is in accordance with the conditions, the County shall issue a letter of compliance to the Applicant.
3. The Applicant must submit an erosion and sediment control plan within 60 days from the date of denial of PLN20-31. The plan must identify the practices and methods to be used to mitigate erosion and sedimentation resulting from the encroachment into the required setbacks and from the efforts to restore the encroaching mined areas to pre-mining condition. The plan must be approved by Property Services.

Property Services staff conducted a site visit on November 2nd, 2023 and found that the violation remained and the conditions of the denied variance had not been complied with. However, staff did note that some progress had been made through the placement of fill dirt within the setback area. The property owner stated that he working to correct the violation on a periodic basis as material is obtained from off site.

The property owner met with Property Services staff on December 4th, 2023 and tentatively agreed to fully correct the violation by April 1st, 2027. However, he did note that this timeline may vary

due to the large scale of the job and the availability of materials. If approved, staff have included a recommended condition that all setback violations are restored to their pre-mining condition by the next Conditional Use Permit renewal.

Nonconforming Setbacks:

The facility pre-exists the current setback standards for mineral extraction outlined below. These are not considered Zoning Ordinance violations, but they may not be expanded or enlarged.

Pre- Existing Nonconforming Setbacks (approximate)		
Setback	Required Distance	Existing Distance
Property Lines	50'	36' (East)
Zoning District where mineral extraction is prohibited	100'	40' (North)
Road Right of Way	100'	36' (East)
Ordinary High-Water Level	200'	40' (North)

Access:

The site has an existing access onto County Road 20.

Appearance:

The facility is somewhat visible from Country Road 20, especially around the storage area where mining took place near the ravine. The current mining area is mostly screened by berms.

Hours of Operation:

The Applicant states the hours of operation are Monday through Friday, 7 am to 7 pm. Work occasionally takes place on the weekends as needed, and the pit is closed during the winter.

Bond Requirements:

The required bond amounts are as follows:

Acreage	Required amount per acre	Total
4.7	\$2,500 (pre-2014 amendment)	\$11,750
3.6	\$5,000 (post-2014 amendment)	\$18,000

The Applicant currently has a bond for \$22,500, which will need to be increased to \$29,750.00 to cover the actively mined and not yet reclaimed acres.

Stormwater:

Stormwater drains to the low areas of the pit where it naturally filters into the ground.

Dust, Noise, & Odor Control:

Dust is controlled by spraying water onto the road as needed.

Reclamation Plan:

The Applicant has submitted a reclamation plan which shows the end use as wildlife habitat.

SURROUNDING LAND USE

The surrounding land use is varied with a ravine and platted subdivision to the north; bluff, farmland, and Traverse Cemetery to the east; and farmland to the south and west. There are scattered residences in all directions.

NEIGHBOR NOTIFICATION

Property owners were notified of the request per the standards of Section 505.3 of the Zoning Ordinance and Minnesota State Statute 394.26.

CRITERIA FOR GRANTING A CONDITIONAL USE PERMIT

- 1. Given the nature of the land, the requested use is compatible with the public health, safety, and general welfare.**
 - Mineral extraction is a conditionally permitted use in the Agricultural, Shoreland, & Conservancy Zoning Districts.
 - The Applicant has a general Industrial Stormwater (ISW) Permit from the Minnesota Pollution Control Agency to cover the mining operation.
- 2. The requested use will not create an unreasonably excessive burden on the existing roads or utilities.**
 - The size and function of the facility is not unreasonable for the location, and the pit has access to County Road 20.
 - The existing setback violation creates an increased potential for erosion within the County Road 20 right of way, which may lead to the exposure of existing utilities or problems installing future utilities.
 - Per the staff recommend conditions, the Applicant would be required to restore the setback violations as a requirement of the permit. This would resolve any road or utility concerns if it is fully complied with.

3. The requested use is compatible with the surrounding area and will not significantly depreciate nearby properties.

- The mineral extraction operation is partially screened from the road.
- No unreasonable noise, odor, or glare is expected. The Applicant has a method of controlling dust.
- The Applicant has a procedure in place to handle and resolve complaints.
- An end use plan is on file, and the Applicant will be required to restore the property when extraction operations cease.

4. The structure and the use shall have an appearance that will not have an unreasonably adverse effect on nearby properties.

- The mineral extraction operation is partially screened from the road.
- With the exception of the setback violation, the operation appears to be typical for mineral extraction within the County.

5. The requested use is consistent with the Nicollet County Land Use Ordinances.

- The requested use is **not** consistent with the Nicollet County Land Use Ordinances. It does not meet the setbacks outlined in Nicollet County Zoning Ordinance 724.5 (17).
- The staff recommended conditions requires the Applicant to address all violations before the next renewal. If complied with, the pit would be meet all Nicollet County Zoning Ordinance standards, with the exception of the Pre- Existing Nonconforming Setbacks.

6. The requested use is not in conflict with the Nicollet County Comprehensive Plan.

- The Comprehensive Plan states that the aggregate industry provides vital jobs for residents and revenue for local businesses.
- The Comprehensive Plan states that Nicollet County will continue to work with aggregate businesses, such as this one, to ensure that these operations can continue in a sustainable and environmentally friendly manner.

7. The requested use will not create an unreasonably adverse effect because of noise, odor, glare, or general unsightliness, for nearby property owners.

- No noise, odor, glare or general unsightliness beyond what is reasonable for a gravel pit is expected.
- The Applicants have a method of controlling dust.

- No blasting takes place onsite.

8. The requested use is reasonably related to the existing land use and environment.

- Mineral extraction is a conditionally permitted use in the Agricultural, Shoreland, & Conservancy Zoning Districts.

9. There are no apparent unreasonable health risks posed to neighbors or the public in general.

- The Applicant has a general Industrial Stormwater (ISW) Permit from the Minnesota Pollution Control Agency to cover the mining operation.
- The Applicants are not using explosives nor storing hazardous waste.

10. The requested use will/will not have an adverse effect upon public health, safety, and welfare due to the following other factors:

- The requested use does not appear to have an impact on public health, safety, and welfare, provided the setback violations are resolved.

STAFF RECOMMENDATIONS

1. The Applicant shall undertake the project according to the plans and specifications submitted to the County with the application.
2. The Conditional Use Permit will be periodically reviewed by the County to assure compliance with the permit and permit conditions.
3. The County may enter onto the premises at reasonable times and in a reasonable manner to ensure the permit holder is in compliance with the conditions, and all other applicable statutes, rules, and ordinances.
4. The conditional use permit to mine, crush, and stockpile gravel will be reviewed in April of 2027.
5. The bond shall be amended as needed to cover the amount of actively mined acres and not yet reclaimed acres. The bond must be kept in force during the time of operation.
6. A continuation certificate of the bond shall be sent to the Property Services Division with no lapse in time during the course of this permit.
7. The Applicants shall conduct mining operations between 7 a.m. and 7 p.m., except in the event of an emergency.
8. The Applicant shall maintain all required permits from the Minnesota Pollution Control Agency.
9. The mined area encroaching into the required 500-foot residential setback and the 100-foot right of way setback, as depicted on the Applicant's site plan submitted with the application, shall be restored to pre-mining condition. The back slope of the mined area must not exceed one foot vertical to three feet horizontal (33% slope). Such restoration must be completed by April 1st, 2027.
10. It is the property owner's reasonability to pay for any damage to the County Road 20 right of way resulting from the setback violations.

**Applicant: Willis Walter
Landowner: Willis Walter**

PLN24-07

ATTACHMENT A	Application
ATTACHMENT B	Submitted by Applicant
ATTACHMENT C	Aerial Map
ATTACHMENT D	Location Map
ATTACHMENT E	Site Photographs
ATTACHMENT F	Neighbor Notification List
ATTACHMENT G	Criteria for Conditional Use Permit



PROPERTY SERVICES DIVISION
501 S MINNESOTA AVENUE, SAINT PETER, MN 56082
507-934-7070

PLANNING & ZONING ADVISORY COMMISSION APPLICATION

TOTAL FEES: \$496.00

Parcel#: 12.105.0200

Permit#: PLN24-07

Date: 3/27/2024

Applicant: Willis Walter

Telephone: 507 381 2139

Owner: Willis Walter

Property Address: 40512 CO RD 20, SAINT PETER, MN 56082

Abbreviated Legal Description: NENW 5-110-26 & SESW 5-110-26

Township: Traverse Township

Zoning District(s): AGRICULTURAL

CONSERVANCY

SHORELAND

Record Type: Conditional Use Permit

Subtype: Renewal

Category: Other

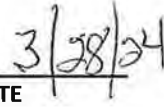
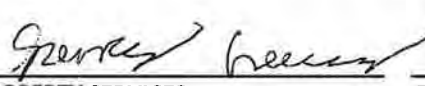
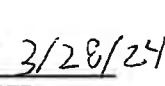
Description: Mineral Extraction renewal

G.C. Licence#: N/A

Job Cost: N/A

ATTACHMENT A
Application

Hearing Date: 04/15/24

			
APPLICANT SIGNATURE	DATE	PROPERTY SERVICES	DATE



MINERAL EXTRACTION CHECKLIST

The following information is required to be provided for a conditional use permit application. Additional information may be required, as determined necessary by the Zoning Administrator and per Section 724 of the Zoning Ordinance.

NUMBER OF ACRES AS FOLLOWS:

7.07 _____ Acres being mined or used for mining purposes (stockpiles, equipment storage, haul roads, etc).
14.1 39 _____ Acres permitted and remaining to be mined in future phases.
0. 0 _____ Acres where land reclamation has occurred.
80.83 43 _____ Acres not permitted to be mined (non-mining related acres).
82 82 _____ Total acreage of property.

W.W. TONNAGE OF MATERIAL REMOVED:

11,069 cu. yds Tons of material removed from site over the past three (3) years, or since last permit renewal date.

Include a copy of the renewed **BOND** or **LETTER OF CREDIT** for the site. Continuation letters must to be sent to the Property Services Office on years when the permit is not scheduled for renewal.

PLEASE PRINT:

Property Owner: WILLY WALTER

Owner's Address: 40512 Co. Rd 20 ST. PETER

Contractor working the site: WILLY'S INC. / WALTER GRANULAR MATERIALS

Contractor's address: SAME

Contractor's phone number: (507) 381-2139

Date: 3/18/24

Applicant (Landowner or Contractor) Signature: Willy Walter

Parcel No. _____

Map No. _____

Revised 11-29-18 JH

ATTACHMENT B
Submitted by Applicant

Mission Statement

Providing efficient services
with innovation and accountability.

**Leadership. Efficiency.
Accountability. Innovation.
Integrity.**

Vision Statement

Setting the standard for providing superior and
efficient county government services through
leadership, accountability and innovation to a
growing and diverse society.

Walter Pit Summary

A description of the vehicles, machinery, and materials used on site, including any hot mix or batch plants.

Backhoe, two front end loaders, and dump trucks. No hot mix or batch plants.

Estimated number of trips to the facility per day.

1.4 trips per day; no work during the winter.

Dust, noise, and odor control measures.

Apply water as needed.

A list of any hazardous materials stored or used on site.

None.

An explanation of how waste and hazardous materials are disposed of.

No hazardous materials on site.

Dates and hours of operation.

7 am to 7 pm, typically Monday- Friday, but sometimes on weekends as needed.

Complaint management procedures, including the primary contact.

Call the pit owner, Willy Walter.

Dictated by Willy Walter to Spencer Crawford, Nicollet County Zoning Specialist.



EXISTING CONDITIONS



WATER TABLE ELEVATIONS = VARIES FROM 820' to 900'±
DATA SOURCE: NICOLLET COUNTY, NRCS, MNDNR, MDH, MGS

LEGEND

- PROPERTY BOUNDARY LINE
- - - RIGHT OF WAY LINE
- - - INTERMEDIATE CONTOUR
- - - INDEX CONTOUR
- DRAINAGE



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BOLTON & MENK

1960 PREMIER DRIVE
MANKATO, MINNESOTA 56001
(507) 625-4171

EXHIBIT SKETCH NICOLLET COUNTY, MINNESOTA

PART OF THE E 1/2 OF THE NW 1/4 OF SECTION 5, TOWNSHIP 110 NORTH, RANGE 26 WEST, NICOLLET COUNTY, MINNESOTA

FOR: WILLY WALTERS

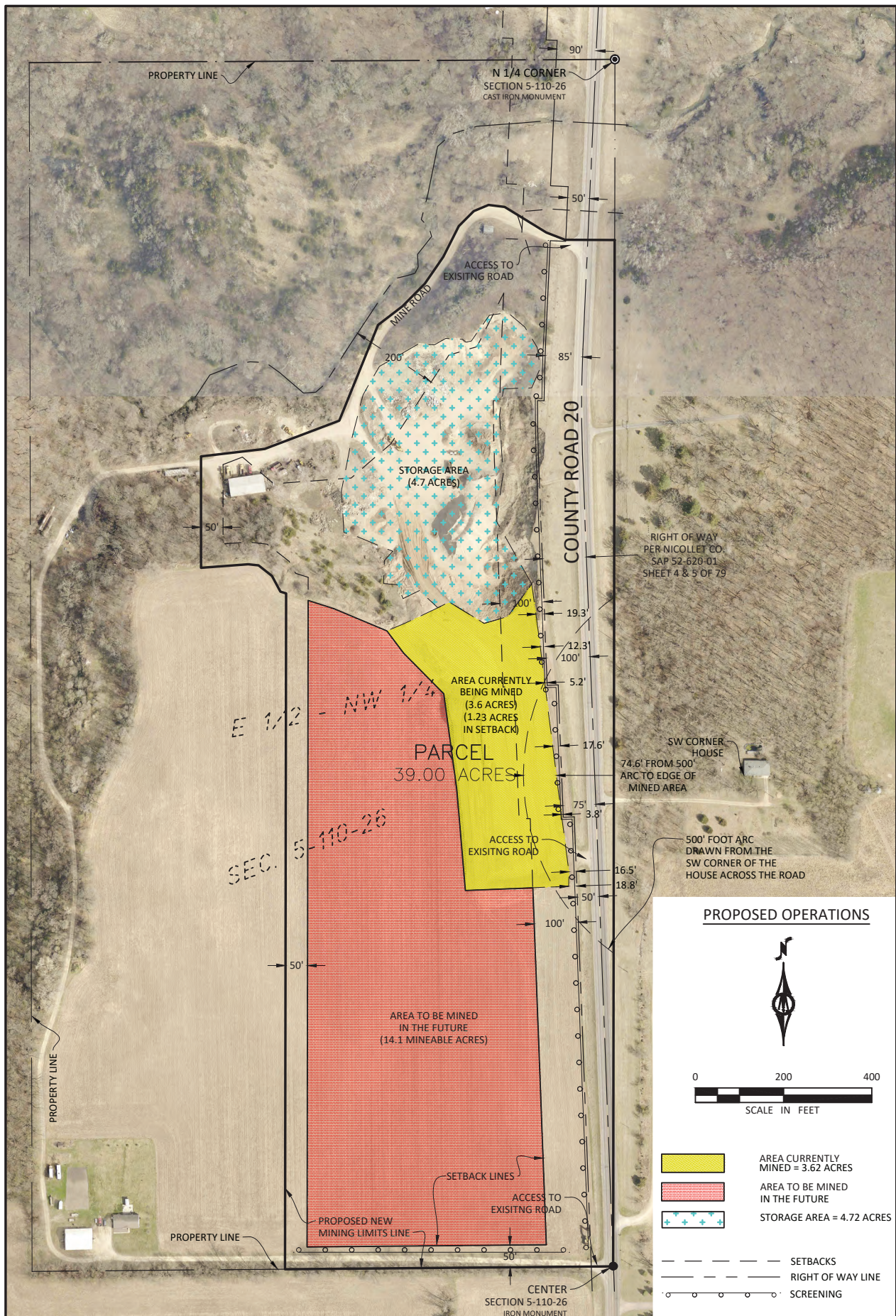


EXHIBIT SKETCH
NICOLLET COUNTY, MINNESOTA



BOLTON & MENK

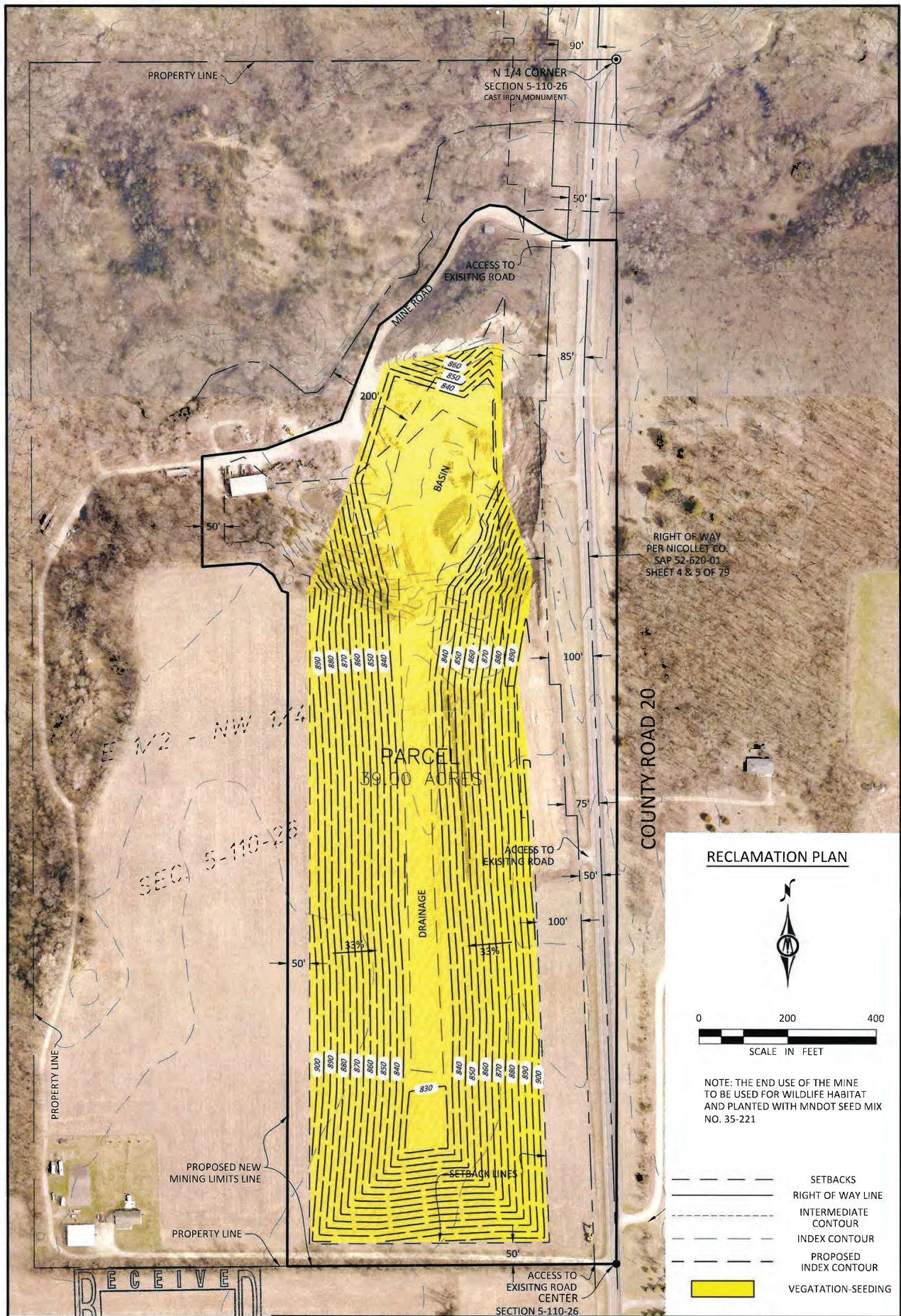
1960 PREMIER DRIVE
MANKATO, MINNESOTA 56001
(507) 625-4171

PART OF THE E 1/2 OF THE NW 1/4 OF SECTION 5, TOWNSHIP 110 NORTH, RANGE 26 WEST, NICOLLET COUNTY, MINNESOTA

FOR: WILLY WALTERS

SD8118236H

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RECLAMATION PLAN



NOTE: THE END USE OF THE MINE TO BE USED FOR WILDLIFE HABITAT AND PLANTED WITH MNDOT SEED MIX NO. 35-221

- SETBACKS
- RIGHT OF WAY LINE
- INTERMEDIATE CONTOUR
- INDEX CONTOUR
- PROPOSED INDEX CONTOUR
- VEGATION-SEEDING

SD8118236H



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EXHIBIT SKETCH
NICOLLET COUNTY, MINNESOTA

1960 PREMIER DRIVE
MANKATO, MINNESOTA 56001
(507) 625-4171

PART OF THE E 1/2 OF THE NW 1/4 OF SECTION 5, TOWNSHIP 110 NORTH, RANGE 26 WEST, NICOLLET COUNTY, MINNESOTA

FOR: WILLY WALTERS



**AUTHORIZATION TO DISCHARGE
STORMWATER ASSOCIATED WITH INDUSTRIAL ACTIVITY
UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)/
STATE DISPOSAL SYSTEM (SDS) PROGRAM
MNR053CM6**

Facility Name: Walter Granular Materials
Permittee (Owner): Willy's Inc.
Permittee (Operator): Willy's Inc.
City or Township: Saint Peter, **County:** Nicollet
Issuance date: October 14, 2022
Expiration date: March 31, 2025

The state of Minnesota, on behalf of its citizens through the Minnesota Pollution Control Agency (MPCA), authorizes the Permittee named above seeking coverage under this general permit to discharge stormwater associated with industrial activity to waters of the state of Minnesota 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

Jeff Udd, P.E.
Manager
Water and Mining Section
Industrial Division

Permit application & reports:
Submit via the MPCA Online e-Services Portal at
<https://rsp.pca.state.mn.us/>

Questions?
Contact the Stormwater Program at:
iswprogram.pca@state.mn.us or
651-757-2119 or 800-657-3804

Table of Contents

1. Monitoring locations
2. Limits and monitoring requirements
3. Submittal requirements summary
4. Permit requirements

1. Monitoring locations

Location ID	Monitoring location description	Latitude	Longitude
Gravel Pit	Lowest point on property	44.367012	-93.981355

2. Limits and monitoring requirements

Monitoring location	Parameter	Benchmark value	Units	Minimum sampling frequency
Gravel Pit Lowest point on property	Solids, Total Suspended (TSS)	100	milligrams per liter	once per quarter

Monitoring location	Parameter	Effluent limit minimum	Effluent limit average	Effluent limit maximum	Units	Frequency	Effective period
There are no effluent limits for this facility							

3. Submittal requirements summary

Gravel Pit	Lowest point on property	
		Benchmark Monitoring
	6.1.1	The Permittee shall submit a quarterly CMR : Due by 21 days after the first full calendar quarter following coverage issuance & quarterly thereafter. [Minn. R. 7001]
MNR053CM6	Walter Granular Materials	
		General Requirements
	6.2.1	To continue permit coverage beyond the date of permit expiration, Permittees shall submit an application for permit reissuance : Due by 180 days prior to permit expiration. [Minn. R. 7001.0040, Minn. R. 7090.0160]
	6.2.2	Permittees shall submit an annual report : Due annually, by the 31st of March. [Minn. R. 7090]

4. Permit requirements

0.1	This Notice of Coverage (NOC) is specific to your facility. The requirements contained in the NOC are determined by the industrial activities conducted at your facility, according to your permit application. Permittees are required to comply with all applicable requirements of the Industrial Stormwater General Permit MNR050000 (General Permit). A copy of the General Permit can be found on the MPCA website at
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	https://www.pca.state.mn.us/sites/default/files/wq-strm3-67i.pdf . [Minn. R. 7090]
1.1	PART I. PERMIT AUTHORIZATION. [Minn. R. 7090]
1.2	This permit authorizes stormwater discharges associated with industrial activity for any primary SIC code and/or narrative activities and co-located industrial activities, as defined in 40 CFR 122.26 (b)(14)(i)- (xi), except (x), which includes ten categories of industrial activity required to obtain an industrial stormwater permit. The categories are organized by 29 sectors of industrial activity listed in Appendix A of the General Permit, available on the MPCA website. [Minn. R. 7090.0010]
1.3	For sectors J and L that have construction stormwater discharges, as defined in 40 CFR parts 122.26(b)(14)(x) and (b)(15), a separate construction stormwater permit is not required if the Permittee notifies the MPCA prior to starting construction activity as described in Sector J - Mineral Mining and Dressing and Sector L - Landfills and Land Application Sites. [Minn. R. 7090]
2.1	Prohibitions and Limitations on Authorization. [Minn. R. 7090]
2.2	This permit does not authorize the following activities, discharges, or releases. a. Non-stormwater (except those with authorization of non-stormwater discharges), such as: i. Non-contact cooling water. ii. Domestic and industrial wastewater and process wastewater. For example, wash water, commercial equipment and/or vehicle cleaning. iii. Biosolids. iv. Spills of any substance that may cause water pollution as defined in Minn. Stat. 115.01, subd. 13. v. Placement of fill into waters of the state requiring local, state, or federal authorizations (such as U.S. Army Corps of Engineers Section 404 Permits, Department of Natural Resources Public Waters Work Permits, or Local Governmental Unit Wetland Conservation Act replacement plans or determinations). b. Piping and drainage systems for process wastewater and floor drains from process areas that lead to the stormwater drainage system must be separated from the storm drainage system to prevent any inadvertent discharge of pollutants. The Permittee shall obtain a separate NPDES/SDS permit for process wastewater discharges. c. Stormwater discharges mixed with non-stormwater, except those authorized non-stormwater discharges identified as: emergency firefighting activities and uncontaminated non-stormwater discharges not already listed in 2.2.a. d. Stormwater discharges from any portion of the facility where stormwater discharge has authorization under an NPDES/SDS permit. e. Stormwater discharges associated with construction activity as defined in 40 CFR 122.26(b)(14)(x) and (b)(15) (except for sectors J and L that have construction stormwater discharges, as defined in 40 CFR parts 122.26(b)(14)(x) and (b)(15)) and have notified the MPCA prior to construction activity. f. This permit does not replace or satisfy any environmental review requirements, including those under the Minnesota Environmental Policy Act (Minn. Stat. ch. 116D), or the National Environmental Policy Act (42 U.S.C. 4321 - 4370 f). g. This permit does not replace or satisfy any review requirements for endangered or threatened species, from new or expanded discharges that adversely impact or contribute to adverse impacts on a listed endangered or threatened species, or adversely modify a designated critical habitat. h. This permit does not replace or satisfy any review requirements for historic places or archeological sites, from new or expanded discharges which adversely affect properties listed or eligible for listing in the National Register of Historic Places or affecting known or discovered archeological sites. i. Discharges to impaired water(s) when a USEPA-approved Total Maximum Daily Load (TMDL) report applies a Waste Load Allocation of zero (0) to a specific facility or industrial activity. j. Discharges to an impaired water when a USEPA-approved TMDL report has identified a specific facility or industrial activity that requires stormwater control measures, BMP provisions, or compliance schedules not contained in this permit for that impaired water. k. Industrial stormwater discharges flowing to prohibited waters, as defined in Minn. R. 7050.0335. l. Any discharges or activities described under "limitation on authorization" in the sector-specific requirements of the permit. [40 CFR 122.26, Minn. R. 7090, Minn. Stat. 115.01, Subd. 13, Minn. Stat. 116.D]

2.3	This permit authorizes the following discharges or activities provided the Permittee complies with all terms and conditions of this permit, and all terms and conditions of the Additional Requirements for Discharges to Special (Prohibited, Restricted, Other) and Impaired Waters section of this permit. a. Industrial stormwater discharges flowing to restricted waters as defined in Minn. R. 7050.0335. b. Industrial stormwater discharges flowing to trout waters listed in Minn. R. 6264.0050, subps. 2 and 4 and Minn. R. 7050.0420. c. Industrial stormwater discharges flowing to wetlands as defined in Minn. R. 7050.0186, subp. 1a(B). [Minn. R. 6264.0050, Subp. 2, Minn. R. 6264.0050, Subp. 4, Minn. R. 7050.0186, Subp. 1(a)B, Minn. R. 7050.0335, Minn. R. 7050.0420, Minn. R. 7090]
3.1	Eligibility Requirements. [Minn. R. 7090]
3.2	To be eligible for authorization to discharge industrial stormwater under this permit, the Owner/Operator's facility shall have a primary Standard Industrial Classification (SIC) code or narrative activity as defined in 40 CFR 122.26(b)(14)(i)-(xi), except (x), and as summarized in Appendix A of the General Permit, available on the MPCA website. [Minn. R. 7090]
4.1	Obtaining Coverage. [Minn. R. 7090]
4.2	To obtain coverage under the General Permit, the applicant shall: a. Meet the eligibility requirements of this permit. b. Develop a Stormwater Pollution Prevention Plan (SWPPP) in accordance with the requirements of the Stormwater Pollution Prevention Plan (SWPPP) section of this permit prior to submitting an application to the MPCA. c. Submit a complete and accurate permit application with appropriate fee, on a form the MPCA provides, and certify that the Applicant has completed a SWPPP. d. Receive written or electronic notification from the Agency granting permit coverage. [Minn. R. 7090]
4.3	The Agency issues a facility-specific Notice of Coverage to facilities that obtain coverage under the General Permit. The Notice of Coverage includes effluent limit and/or benchmark monitoring requirements specific to the facility. [Minn. R. 7090]
5.1	Submitting an Application. [Minn. R. 7090]
5.2	An Owner/Operator of a facility that has a stormwater discharge associated with industrial activity for any primary SIC code and/or narrative activities and co-located industrial activities regulated under 40 CFR 122.26(b)(14)(i)-(xi), except (x), as summarized in Table 5 of Appendix A of the General Permit (available on the MPCA website), that is seeking a conditional exclusion for No Exposure in accordance with this Part of the permit shall submit an application to obtain the No Exposure Exclusion. Any facility that obtains a conditional exclusion for No Exposure prior to the effective date of this permit must submit a new application for the No Exposure Exclusion. A facility seeking the No Exposure Exclusion does not need to develop a SWPPP. [Minn. R. 7090.3060]
5.3	If a person proposes to construct a new facility or engages in a new activity that requires permit coverage, the person shall submit a complete permit application at least 180 days before the planned date of the commencement of facility construction or the planned date of the commencement of the activity, whichever occurs first. [Minn. R. 7090.3010]
5.4	To continue permit coverage beyond the date of permit expiration, Permittees shall submit an application for permit reissuance : Due by 180 days prior to permit expiration. [Minn. R. 7001.0040, Minn. R. 7090.0160]
5.5	If the Permittee has submitted a timely application, the Permittee may continue to conduct the activities authorized by this permit, in compliance with the requirements of this permit, until the MPCA takes final action on the application, unless the MPCA determines any of the following (Minn. R. 7001.0040 and 7001.0160): a. The Permittee is not in substantial compliance with the requirements of this permit, or with a stipulation agreement or compliance schedule designed to bring the Permittee into compliance with this permit; b. The Permittee has submitted an application with major deficiencies or has failed to properly supplement the application. [Minn. R. 7001.0040, Minn. R. 7090.0160]
5.6	The MPCA may deny authorization under this permit and require the applicant to submit an application for a separate NPDES/SDS permit in accordance with Minn. R. ch. 7001. [Minn. R. 7090.0020]
5.7	Permittees are authorized to discharge industrial stormwater from their facility under the terms and conditions

	of this permit beginning on the issuance date listed on their permit coverage. [Minn. R. 7090]
6.1	MS4 Notification. [Minn. R. 7090]
6.2	If the Permittee has an industrial stormwater discharge and directly discharges into a regulated Municipal Separate Storm Sewer System (MS4), the Permittee shall notify the MS4 operator that they are discharging industrial stormwater into their storm sewer system. [Minn. R. 7090]
7.1	Transfer of Ownership or Control. [Minn. R. 7090]
7.2	When the ownership or operational control of the facility changes, the Permittee must submit an application request, on a form the MPCA provides, for permit transfer to the MPCA as designated by the Agency. The new Owner/Operator shall sign, certify, and submit the form to the Agency on or before the effective date of the change. The new Owner/Operator shall comply with the terms and conditions of this permit. [Minn. R. 7090.2060]
8.1	Termination of Coverage. [Minn. R. 7090]
8.2	Permittees shall comply with this permit until the Permittee completes and submits a Notice of Termination Form, on a form the MPCA provides. The Permittee shall sign and submit a Notice of Termination request within 30 days after one or more of the following conditions are met: a. The Permittee ceases industrial activity regulated under this permit and eliminates the contact of stormwater with significant materials. b. The Permittee obtains authorization under an individual NPDES/SDS permit or industry specific general NPDES/SDS permit for industrial stormwater discharges. [Minn. R. 7090]
8.3	Authorization to discharge industrial stormwater under this permit terminates after the Permittee receives either written or electronic notification of coverage termination by the MPCA. [Minn. R. 7001.0030]
9.1	Issuance of an Individual Permit. [Minn. R. 7090]
9.2	In place of General Permit coverage, an Owner/Operator may apply for an individual permit to authorize industrial stormwater discharges, in accordance with Minn. R. 7001.0210, subp. 6. [Minn. R. 7001.0210, Subp. 6]
9.3	The Agency may require an individual permit for the applicant or Permittee, in accordance with Minn. R. 7001.0210, subp. 6. [Minn. R. 7001.0210, Subp. 6]
10.1	Conditional Exclusion for No Exposure. [Minn. R. 7090.3060]
10.2	A facility that meets the eligibility requirements for this permit and No Exposure Exclusion requirements outlined below may submit an application for No Exposure to the Agency in accordance with Minn. R. 7090.3060. Beginning upon the issuance date on the written or electronic notification of No Exposure from the Agency, the facility must maintain the No Exposure Exclusion requirements for the permit term or apply for permit coverage. [Minn. R. 7090.3060]
11.1	No Exposure Exclusion Requirements. [Minn. R. 7090]
11.2	This exclusion is for facilities where all industrial materials or activities are protected by a storm-resistant shelter to prevent exposure to rain, snow, snowmelt, and/or runoff. A facility must meet the following conditions to qualify for this exclusion: a. Eliminate or obtain permit coverage for all prohibited non-stormwater discharges. b. As appropriate, inspect and eliminate all areas of past exposure (e.g., stains or debris resulting from previous runoff and exposure of stormwater to significant materials). c. Eliminate exposure of authorized non-stormwater discharges and all significant materials related to industrial activity (including but not limited to waste materials, dumpsters that are not empty/lidded or at loading docks). d. Eliminate exposure of all industrial activities or authorized non-stormwater discharges coming in contact with stormwater. Ensure that industrial equipment is properly maintained and free of leaks. e. Eliminate exposure of significant materials through any direct or indirect pathway, such as from industrial activities that generate dust and particulates. [40 CFR 122.26(g), Minn. R. 7090.3060, Minn. R. 7090.3080]
11.3	The conditional exclusion for No Exposure is available on a facility-wide basis in accordance with Minn. R. 7090.3060, subp. 5(B). [Minn. R. 7090.3060, Subp. 5(B)]
11.4	If a Permittee is ending their permit coverage to certify for No Exposure Exclusion, a separate Notice of Termination is not required. The permit coverage will automatically end when the Permittee completes the No

	Exposure Exclusion application. The same is true if a facility must switch from No Exposure Exclusion to permit coverage. [Minn. R. 7090]
11.5	If the facility operations terminate entirely after obtaining the conditional exclusion for No Exposure, the Permittee shall submit a Notice of Termination. [Minn. R. 7090.3060, Subp. 5]
11.6	The conditional exclusion for No Exposure is nontransferable, in accordance with Minn. R. 7090.3060, subp. 5(D). [Minn. R. 7090.3060, Subp. 5(D)]
11.7	Any facility that has a conditional exclusion for No Exposure must re-certify for the exclusion at least 180 days before the expiration date of the existing permit. [Minn. R. 7090.3060, Subp. 5(D)]
11.8	If a Permittee plans a change that will result in failure to maintain a condition of No Exposure at a facility, the Owner/Operator of a facility shall apply for and receive permit authorization before commencing the change. [Minn. R. 7090.3010, Subp. 2, Minn. R. 7090.3060, Subp. 5]
11.9	Any facility that has authorization for the conditional exclusion for No Exposure by the Agency must post the No Exposure Certification in an area of the facility that provides highest visibility to employees and visitors. [Minn. R. 7090]
11.10	An Owner/Operator of a facility that has a stormwater discharge associated with industrial activity for any primary SIC code and/or narrative activities and co-located industrial activities regulated under 40 CFR 122.26(b)(14)(i)-(xi), except (x), as summarized in this Part of the permit, that is seeking a conditional exclusion for No Exposure shall submit an application to obtain the No Exposure Exclusion. Any facility that obtains a conditional exclusion for No Exposure prior to the effective date of this permit must submit a new application for the No Exposure Exclusion. A facility seeking the No Exposure Exclusion does not need to develop a SWPPP. [40 CFR 122.26(g), Minn. R. 7090]
12.1	Responsibilities. [Minn. R. 7090]
12.2	The Owner/Operator, who signs the application, is the Permittee and is responsible for compliance with all terms and conditions of this permit. [Minn. R. 7001.0150, Subp. 3, Minn. R. 7090]
13.1	PART II. STORMWATER CONTROL MEASURES. [Minn. R. 7090]
13.2	The Permittee shall design and implement BMPs for each stormwater control measure below. The Permittee shall design and implement all stormwater control measures, including BMPs, to reduce or eliminate contact or exposure of pollutants to stormwater or remove pollutants from stormwater prior to discharge from the facility. The SWPPP must include the type and objective of the BMP, and a description of how the Permittee shall evaluate each BMP to determine proper function. The Permittee shall implement all non-structural BMPs immediately and all structural BMPs within 12 months of receiving authorization to discharge industrial stormwater under this permit. [Minn. R. 7090]
14.1	Good Housekeeping. [Minn. R. 7090]
14.2	The Permittee shall keep exposed areas that may contribute pollutants to stormwater sufficiently clean to reduce or eliminate contaminated stormwater runoff. Typical problem areas include, but are not limited to, trash containers, storage areas, loading docks, vehicle fueling, maintenance areas, and: a. Dust Generation. Identify and properly manage through BMPs all on-site sources of dust to minimize stormwater contamination from the deposition of dust on the areas exposed to precipitation. b. Vehicle Tracking of Significant Materials. The Permittee shall remove and properly dispose of significant materials that have been tracked off-site within 72 hours of discovery. [Minn. R. 7090]
15.1	Eliminating and Reducing Exposure. [Minn. R. 7090]
15.2	The Permittee shall evaluate their stormwater control measures of their significant materials to determine if and how they can reduce or eliminate exposed materials. To the extent prudent and feasible, the Permittee shall situate industrial activities and significant materials in areas not exposed to rain, snow, snowmelt, or runoff. [Minn. R. 7090]
16.1	Salt storage, use, and management at the facility (If present at the facility). [Minn. R. 7090]
16.2	The Permittees should implement the following BMPs if salt piles are present at the facility: a. Cover salt piles or store the salt piles indoors; b. Minimize the use of salt or other de-icing/anti-icing materials by using the proper equipment, material, and

	application rates. c. Implement practices to reduce exposure resulting from adding or removing material from the salt piles (e.g., sweeping, diversions, containment); and d. Document within the SWPPP the location of any storage piles containing salt stored outside. [Minn. R. 7090]
16.3	Hired contractors should minimize the use of salt or other de-icing/anti-icing materials by using equipment, material, and application rates, as recommended by the Winter Parking Lot and Sidewalk Maintenance Manual found on the MPCA's website (www.pca.state.mn.us). In addition, the Permittee may attend and/or encourage their contractor to attend training and/or utilize best practices for winter maintenance activities. [Minn. R. 7090]
17.1	Erosion Prevention and Sediment Control. [Minn. R. 7090]
17.2	The Permittee shall identify areas at the facility that, due to topography, land disturbance (e.g. construction, grading, landscaping), or other factors, have potential for soil erosion. In those areas, the Permittee shall implement structural, vegetative, and/or stabilization BMPs to prevent or control on-site erosion and reduce sediment loads in stormwater discharges. [Minn. R. 7090]
18.1	Chemical Additive Use. [Minn. R. 7090]
18.2	If the Permittee intends to use polymers, flocculants, or other sedimentation treatment chemicals at the facility, the Permittee shall comply with the following minimum requirements: a. The Permittees must use conventional erosion and sediment controls prior to chemical addition to ensure effective treatment. b. Chemicals may only be applied where treated stormwater flows to a sediment control system that allows for filtration or settlement of the floc prior to discharge. c. Chemicals must be selected that are appropriately suited to the types of soils likely to be exposed to stormwater runoff at the facility, and to the expected turbidity, pH, and flow rate of stormwater flowing into the chemical treatment system. d. Use chemicals in accordance with standard engineering practices, and with dosing specifications and sediment removal design specifications of the manufacturer or chemical supplier. [Minn. R. 7090]
18.3	The SWPPP must contain an inventory of all chemical additives the Permittee uses to treat stormwater including, at a minimum, the following: a. The process for the use of the additive. b. The method of application, application frequency, concentration, and daily average and maximum rates of use. c. A complete product use and instruction label. d. Material Safety Data Sheet (MSDS), for the additive(s), which must include: i. Aquatic toxicity, human health, and environmental fate information for the additive. The aquatic toxicity information must include, at minimum, the results of: a) a 48-hour LC50 or EC50 acute study for a North American freshwater planktonic crustacean (either Ceriodaphnia or Daphnia sp.) and b) a 96-hour LC50 acute study for rainbow trout, bluegill or fathead minnow or another North American freshwater aquatic species other than a planktonic crustacean; and ii. The commercial and chemical names and Chemical Abstract Survey (CAS) number for all ingredients in the additive to the extent possible. [Minn. R. 7090]
18.4	The Permittee shall retain chemical additive use records for at least three years. [Minn. R. 7090]
19.1	Management of Runoff. [Minn. R. 7090]
19.2	The SWPPP must describe all permanent stormwater BMPs the Permittee implements at the facility to manage runoff, including, but not limited to, the permanent structural BMPs used to divert stormwater runoff away from fueling, manufacturing, treatment, storage, and disposal areas, and BMPs that treat, infiltrate, reuse, contain, or otherwise reduce pollutants in stormwater discharges. [Minn. R. 7090]
19.3	Industrial stormwater ponds and infiltration systems must not contribute to contaminant spreading to a greater extent or rate in locations where high levels of contaminants (as defined by the Agency) exist in the soil or in the shallow aquifer. A qualified professional (e.g. professional hydrogeologist, engineer, etc.) shall conduct a site analysis and file a report with the SWPPP for any contamination on-site, as determined by the Agency. [Minn. R. 7090]

19.4	If the Permittee finds that industrial stormwater ponds and infiltration systems are a contributor to contaminant increases or movement, the Permittee shall submit a plan to the Agency that describes how the Permittee will reduce contaminants, or will redesign, relocate, or eliminate the industrial stormwater ponds and infiltration systems, as needed, to eliminate the contribution to contaminant problems. The Permittee shall submit the plan to the Agency within one year of the Permittee's authorization to discharge under this permit or within one year of discovery if the Permittee discovers their ponds or infiltration systems are a contributor of contaminant spreading. The Permittee shall implement the plan as soon as the Agency grants approval. The plan does not reduce or eliminate more stringent requirements that other Agency regulatory programs may impose. If the Permittee and the Agency cannot seek agreement with an acceptable plan, the Permittee shall apply for an individual NPDES/SDS permit. [Minn. R. 7090]
19.5	This permit prohibits Permittees from constructing infiltration systems in areas within 1,000 feet up-gradient or 100 feet down-gradient of active karst features. The Permittee shall not use industrial stormwater ponds and infiltration systems in any high-risk karst area unless a qualified professional (e.g. professional hydrogeologist, engineer, etc.) conducts a geotechnical evaluation to ensure that the industrial stormwater pond or infiltration system does not present a significant risk to groundwater. The Minnesota Stormwater Manual describes standard engineering practices. The Manual can be found on the MPCA's website. If the industrial stormwater ponds and infiltration systems present a risk, the Permittee shall take appropriate measures to minimize or eliminate the risk, such as sealing or removal of the industrial stormwater ponds or infiltration systems. The Permittee shall document the evaluation with the SWPPP. [Minn. R. 7090]
19.6	This permit prohibits the construction of a new infiltration system in the following areas: a. Areas that receive discharges from vehicle fueling and maintenance activity. b. Areas with less than three (3) feet of separation distance from the bottom of the infiltration system to the elevation of the seasonally saturated soils or the top of bedrock. c. Areas of predominately Hydrologic Soil Group D (clay) soils. d. Areas where soil infiltration rates are field measured at more than 8.3 inches per hour unless the Permittee amends the soil to slow the infiltration rate below 8.3 inches per hour. [Minn. R. 7090]
19.7	The Permittee shall coordinate industrial stormwater ponds and infiltration systems in vulnerable wellhead protection areas with local drinking water authorities and design them to not adversely affect drinking water supplies. The Permittee shall contact the appropriate local drinking water authorities and document coordination efforts with the SWPPP. [Minn. R. 7090]
19.8	This permit prohibits Permittees from constructing infiltration systems within a Drinking Water Supply Management Area (DWSMA) as defined in Minn. R. 4720.5100, subp. 13. If Permittees locate infiltration systems within the following areas, Permittees shall review and apply the requirements found in the "Guidance and recommendations for conducting a higher level of engineering review for stormwater infiltration in DWSMAs and Wellhead Protection Areas" section of the Minnesota Stormwater manual (www.pca.state.mn.us): a. In an Emergency Response Area (ERA) within a DWSMA classified as having high or very high vulnerability as defined by the Minnesota Department of Health; or b. In an ERA within a DWSMA classified as moderate vulnerability unless a regulated MS4 Permittee performed or approved a higher level of engineering review sufficient to provide a functioning treatment system and to prevent adverse impacts to groundwater; or c. Outside of an ERA within a DWSMA classified as having high or very high vulnerability, unless a regulated MS4 Permittee performed or approved a higher level of engineering review sufficient to provide a functioning treatment system and to prevent adverse impacts to groundwater. [Minn. R. 7090]
19.9	Permittees with any infiltration system defined as a USEPA "Class V injection well" shall contact the USEPA Region V to determine the need to register as a "Class V injection well." Refer to the USEPA Underground Injection Well Program for the definitions and complete registration process. The Permittee shall document contacts and USEPA response with the SWPPP. [Minn. R. 7090]
20.1	Facility Inspection Requirements. [Minn. R. 7090]
20.2	Unless the facility is inactive and unstaffed, the Permittee shall develop and implement an inspection schedule that includes a minimum of 1 facility inspection per calendar month that the facility is active and staffed. Further, the Permittee shall conduct a minimum of 1 of these inspections per calendar year during a rain or snowmelt

	runoff event. [Minn. R. 7090]
20.3	If a facility is inactive and unstaffed, monthly facility inspections are not required as long as there are no industrial materials or activities exposed to stormwater. However, the Permittee shall include the following in the SWPPP: a. BMP implementation that assures adequate protection of all waters receiving industrial stormwater discharges from the facility during the months the facility is inactive and unstaffed and; b. which months the facility was inactive and unstaffed. [Minn. R. 7090]
20.4	All facility inspections must include the following: a. An evaluation of the facility to determine that the SWPPP accurately reflects site conditions. At a minimum, the Permittee shall inspect storage tank areas, waste disposal areas, maintenance areas, loading/unloading areas, and raw material, intermediate product, by-product and final product storage areas. b. An evaluation of all structural and non-structural BMPs to determine effectiveness and proper function. c. An evaluation of the facility to determine whether there are new exposed significant materials or activities at the site since completion of the SWPPP. d. During an inspection conducted during a runoff event, an evaluation of the stormwater runoff to determine discoloration or if other contaminants are visible in the runoff (e.g. oil & grease). [Minn. R. 7090]
20.5	The Permittee shall document all inspections and the following information must be stored with the SWPPP: a. Inspection date (i.e. mm/dd/yyyy), time, and weather conditions. b. Inspector name. c. Inspection findings. d. A description of any necessary corrective actions and a schedule for corrective action completion. [Minn. R. 7090]
21.1	Maintenance Requirements. [Minn. R. 7090]
22.1	BMP Maintenance. [Minn. R. 7090]
22.2	The Permittee shall maintain all stormwater BMPs at the facility, to ensure BMP effectiveness. a. The Permittee shall develop a schedule for preventive maintenance of all stormwater BMPs, and store the schedule with the SWPPP. b. If the Permittee identifies BMPs that are not functioning properly, the Permittee shall replace, maintain, or repair the BMPs within 7 calendar days of discovery. If the Permittee cannot complete BMP replacement, maintenance, or repair within 7 calendar days, the Permittee shall implement effective backup BMPs within 48 hours of discovery, and maintain the backup BMPs until the Permittee restores the effectiveness of the original BMPs. The Permittee shall document the justification for an extended replacement, maintenance, or repair schedule of the failed BMPs, and store it with the SWPPP. c. The Permittee shall record dates of all maintenance and repairs. The Permittee shall store these records with the SWPPP. [Minn. R. 7090]
23.1	Equipment Preventative Maintenance. [Minn. R. 7090]
23.2	The Permittee shall develop and implement a preventive maintenance program and store the information with the SWPPP. The program must require regular inspection, maintenance, and repair of industrial equipment and systems. The inspections must identify conditions that could cause breakdowns or failures, which may result in leaks, spills, and other releases (e.g. hydraulic leaks, torn bag-house filters, etc.), and the discharge of pollutants to stormwater. The preventive maintenance program may incorporate, by reference, a separate Operation and Maintenance Manual (or equivalent), as long as it addresses the items the preventive maintenance program requires above. [Minn. R. 7090]
24.1	Elimination of Unauthorized Non-Stormwater Discharges. [Minn. R. 7090]
24.2	The Permittee shall evaluate and document all non-stormwater discharges and eliminate all discharges not authorized by this permit or a separate NPDES/SDS permit. The Permittee shall document the evaluation with the SWPPP, and must include: a. The date of any evaluation. b. A description of the evaluation criteria used. c. A list of monitoring locations the Permittee observes during the evaluation.

	d. The different types of non-stormwater discharges and source locations. e. The action(s) taken, such as a list of control measures used to eliminate any unauthorized discharge(s) the Permittee identifies. [Minn. R. 7090]
25.1	Spill Prevention and Response Requirements. [Minn. R. 7090]
25.2	The Permittee shall develop and implement a spill prevention and response procedure. If the facility already has a separate plan (e.g. Prevention and Response Plan as required by Minn. Stat. ch. 115E, or Spill Prevention Control and Countermeasure (SPCC) Plan as required by Federal Law), that Permittee can incorporate the plan by reference into the SWPPP. In either case, the Permittee shall include a minimum of the following components with the SWPPP or in a separate SPCC document: a. Areas where the storage, transfer, or use of solid or liquid significant materials occurs and, where spills and leaks of the material may potentially contribute pollutants to stormwater discharges. b. Identify areas, monitoring locations and surface waters that may be affected by spills, leaks, or discharges from emergency firefighting activities. c. Report and document spills or leaks (pursuant to Minn. Stat. 115.061) that occur in exposed areas, or that drain to a monitoring location. d. Material handling procedures, storage requirements, and cleanup equipment/materials and procedures necessary to recover as rapidly and thoroughly as possible spills or leaks pursuant to Minn. Stat. 115.061. The Permittee shall make all methods and procedures available to appropriate facility personnel. e. Contact information for individuals and emergency and regulatory agencies that require notification in the event of a spill. When a spill or discharge of a potentially polluting material occurs, the Permittee shall immediately notify the Minnesota Department of Public Safety Duty Officer at 1-800-422-0798 (toll free) or 651-649-5451 (metro area) per Minn. Stat. 115.061. [Minn. R. 7090]
25.3	The Permittee shall ensure the use of infiltration is not part of a spill containment plan. This includes spill plans required under Federal Spill Prevention Containment and Control (SPCC) requirements or Minn. Stat. ch. 115E "The Spill Bill.". [Minn. R. 7090]
25.4	The Permittee shall ensure the use of a pond is not part of a spill containment plan, including spill plans required under Federal Spill Prevention Containment and Control (SPCC requirements or Minn. Stat. ch. 115E), unless appropriate controls are in place to contain the spill. If the Permittee uses a pond as part of a spill containment plan, the pond must have a chemically compatible liner for chemical spills that the Permittee expects to enter the pond and must have outlet controls to contain a spill. A plan must also be in place to clean up a spill so that the pond will not continue to be a source of spilled pollutants. The Permittee shall document evaluations with the SWPPP. [Minn. R. 7090]
26.1	Mercury Minimization Plan. [Minn. R. 7090]
26.2	The Permittee shall evaluate the facility to determine if stormwater can come into contact with any mercury sources. If mercury sources are exposed to stormwater, the Permittee shall develop a Mercury Minimization Plan that describes how the Permittee will manage mercury sources at the site to eliminate exposure to precipitation and stormwater runoff. To the extent feasible, the Permittee shall remove and manage mercury sources and devices from stormwater exposure in accordance with Minn. R. ch. 7045, Hazardous Waste, and any additional applicable state and federal rules. [Minn. R. 7090]
27.1	Employee Training Program. [Minn. R. 7090]
27.2	The Permittee shall develop and implement a training program for employees. Training must cover stormwater control measures, components and goals of the SWPPP, monitoring procedures, and other applicable requirements of the permit. The program must include a training schedule that includes training at least annually. Training must correlate with the job function of the employee. At a minimum, the Permittee shall ensure that the following individuals receive training: a. Employee(s) responsible for writing, revising, and implementing the SWPPP. b. Employee(s) responsible for installing, inspecting, maintaining, and repairing BMPs. c. Employee(s) whose work involves the regulated industrial activity, including but not limited to loading/unloading areas, processing areas, waste and fluid management areas, fueling areas, and vehicle maintenance areas. d. Employee(s) who conduct stormwater discharge monitoring. [Minn. R. 7090]

27.3	The Permittee shall maintain training records including: a. The trainer's name and trainer's organization (internal or external). b. The names (printed first and last) of the employee(s) and date(s) the employee(s) received training. c. A detailed description of the training provided to each employee. [Minn. R. 7090]
27.4	The Permittee shall maintain the training records either in the SWPPP, or in a separate record stored with the SWPPP, for at least three years. [Minn. R. 7090]
28.1	PART III. STORMWATER POLLUTION PREVENTION PLAN (SWPPP). [Minn. R. 7090]
29.1	General SWPPP Requirements. [Minn. R. 7090]
29.2	a. The Permittee shall develop, implement and maintain a SWPPP for each facility authorized by this permit. b. The Permittee shall complete a SWPPP prior to submitting the permit application. c. A Permittee with authorization under the previous version of this permit shall modify the SWPPP to comply with the requirements of this permit prior to submitting the application. d. The SWPPP must identify the individuals responsible for managing, implementing, maintaining, modifying, and ensuring compliance with the facility's SWPPP. e. The Permittee shall incorporate into the SWPPP, a section specific to any mobile industrial activities the Permittee conducts away from the facility. The section must address each stormwater control measure required by this permit, and sector specific requirements of all applicable sectors. The Permittee shall keep a copy of this section of the SWPPP at the location where the mobile industrial activity occurs. f. Any sector specific SWPPP requirements must be in addition to SWPPP requirements in this section of the permit. g. The SWPPP must list all personnel receiving training to conduct facility inspections. h. The SWPPP must include records of all details relating to the monthly visual inspections in accordance with the Stormwater Control Measures section of this permit. i. The SWPPP must include all information pertaining to maintenance in accordance with the Stormwater Control Measures section of this permit. j. The SWPPP must include all documentation pertaining to the elimination of unauthorized non-stormwater discharges as required by the Stormwater Control Measures section of this permit. k. The SWPPP must contain, or the Permittee shall keep as a separate document, any documentation the Spill Prevention and Response Requirements of the Stormwater Control Measures section of this permit requires. l. The SWPPP must contain a Mercury Minimization Plan if the Permittee discovers mercury sources as a result of compliance with the Stormwater Control Measures section of this permit. The SWPPP must include all information regarding the Employee Training Program requirements from the Stormwater Control Measures section of this permit. [Minn. R. 7090]
30.1	Facility Description. [Minn. R. 7090]
30.2	The SWPPP must include: a. A narrative description of the industrial activities the Permittee conducts at the facility. b. The total size of the facility property in acres. c. A calculation of the facility acreage that has industrial activity and/or significant materials in contact with stormwater. The calculation excludes acreage that does not discharge industrial stormwater, such as natural and landscaped areas, employee parking lots, and office buildings, etc. [Minn. R. 7090]
31.1	Facility Map. [Minn. R. 7090]
31.2	The SWPPP must include a map. The facility map(s) must be a United States Geological Survey map or equivalent, and must depict the following: a. Location of the facility in relation to surface waters receiving industrial stormwater discharges from the facility. Include the name of the surface water on the map. If the name is not known, indicate that on the map. b. Location of all impervious surfaces within the facility property boundaries. c. Arrows that indicate directions of stormwater flow. d. Location of all activities and materials identified in the Assessment of Activities and Materials items 33.1 through 35.2 below. e. Location of all structural BMPs. f. Location of all impaired waters within one mile of any monitoring location. The Permittee shall include the

	name of the impaired water and the impairment (e.g. impaired for biota, turbidity, nutrients, etc.). g. Location and name of any designated, special or restricted waters described in the Additional Requirements for Discharges to Special and Impaired Waters section of this permit that is within one mile of a facility's monitoring location. h. Location of all storm sewer inlets. i. Location of all loading dock drains, including those that connect to a storm sewer. j. Location of each benchmark monitoring location. Assign each benchmark monitoring location a unique identifying number (e.g. BML01, BML02, BML03, etc.) that the Permittee uses when submitting monitoring data to the Agency. Clearly label each benchmark monitoring location from which a discharge flows to, and is within one mile of, an impaired water. k. Location of each effluent monitoring location, if applicable. Assign each effluent monitoring location a unique identifying number (e.g. EML01, EML02, EML03, etc.) that the Permittee uses when submitting monitoring data to the Agency. Clearly label each effluent monitoring location to which a discharge flows, and is within one mile of, an impaired water. l. Location and description of any non-stormwater discharges authorized by this permit. [Minn. R. 7090]
32.1	Facility Assessment of Activities and Materials. [Minn. R. 7090]
33.1	Assessment of Activities. [Minn. R. 7090]
33.2	The SWPPP must include an assessment and inventory of all activities that can potentially be sources of pollutants to industrial stormwater discharges. Examples of these activities include: a. Fueling. b. Vehicle and equipment maintenance. c. Loading and unloading of dry bulk materials or liquids. d. Liquid storage tanks. e. Outdoor manufacturing and processing. f. Outdoor storage of significant materials. g. Access roads, rail cars, and tracks. h. Waste treatment, storage, or disposal including waste ponds, dumpsters, and solid waste storage or management. i. Dust or particulate-generating processes including dust collection devices and vents. j. Contamination of rooftops by pollution control devices. The Permittee may have additional examples. [Minn. R. 7090]
34.1	Assessment of Materials and Associated Pollutants. [Minn. R. 7090]
34.2	The SWPPP must include documentation of an assessment and inventory of all facility materials that can potentially be a source of pollutants to industrial stormwater discharges from the following: a. Raw materials. b. Intermediate products. c. By-products. d. Final products. e. Waste products. The assessment must also include pollutant constituents, such as crankcase oil, zinc, sulfuric acid, cleaning solvents, etc. associated with the sources listed above. [Minn. R. 7090]
35.1	BMP Documentation. [Minn. R. 7090]
35.2	The Permittee shall document in the SWPPP all BMPs the Permittee uses to comply with each stormwater control measure required in the Stormwater Control Measures section of this permit. The Permittee shall design and implement BMPs to address the potential pollutants associated with the activities and materials that the Permittee identifies in the Facility Assessment of Activities and Materials section above. The documentation must include a list of all structural and non-structural BMPs the Permittee designs and implements at the facility. [Minn. R. 7090]

36.1	SWPPP Modification Requirements. [Minn. R. 7090]
36.2	The Permittee shall review the SWPPP at least annually and modify the SWPPP if: a. There is construction or a change in design, operation, or maintenance at the facility that affects stormwater management or compliance with this permit. b. The Permittee identifies a monitoring location that is within one mile of an impaired water, including newly listed impaired waters. c. A routine inspection, compliance evaluation, or visual inspection identifies deficiencies in the SWPPP and/or BMPs. d. Additional stormwater control measures and BMPs are necessary to meet applicable water quality standards or to address exceedances of benchmark values. e. There is an unauthorized discharge from the facility. If the SWPPP modification is because of a release or unauthorized discharge, update the SWPPP to include a description and date of the release, the circumstances leading to the release, actions taken in response to the release, and measures to prevent the recurrence of such releases. Unauthorized releases and discharges are subject to the reporting requirements in the Stormwater Control Measures section of this permit. f. There is a change in personnel responsible for managing the SWPPP, implementing BMPs, conducting monthly visual inspections, or collecting stormwater samples at the facility. [Minn. R. 7090]
37.1	SWPPP Availability Requirements. [Minn. R. 7090]
37.2	Permittees shall keep the SWPPP at the industrial facility and make it available to the Agency within 72 hours of a request for review. (Minn. R. 7090.3040, subp. 2). [Minn. R. 7090]
38.1	PART IV. ANNUAL REPORT. [Minn. R. 7090]
38.2	Permittees shall submit an annual report : Due annually, by the 31st of March. [Minn. R. 7090]
38.3	The Annual Report must cover those portions of the previous calendar year the Permittee had authorization to discharge industrial stormwater. The Annual Report must include, at a minimum, the following information: a. A summary of inspection dates, findings, and any BMP maintenance the Permittee conducted during the course of the reporting year. b. The results of any inspection requirements involving oil and grease, as described in the Sector-Specific Requirements section of this permit, if applicable. c. A confirmation that the SWPPP accurately reflects facility conditions. d. A confirmation that newly-exposed significant materials (if any) are identified and that the Permittee modifies the SWPPP to address them. e. A confirmation that the Permittee conducts a review of impaired waters and that the Permittee modifies the SWPPP to address applicable permit requirements of the Stormwater Pollution Prevention Plan and Benchmark Monitoring Requirements sections of this permit, if necessary. f. A confirmation that the Permittee meets the review requirements of USEPA-approved TMDLs that may apply to the facility, g. A description of any SWPPP modification the Permittee makes in accordance with the Stormwater Pollution Prevention Plan section of this permit, including any information supporting the use of a monitoring waiver outlined in the Benchmark Monitoring Requirements Section of this permit. h. A list of all spills and leaks (as pursuant to Minn. Stat. 115.061) occurring at the facility during the reporting year. i. If applicable, a summary of all facility mobile industrial activities. At a minimum, the summary must include a description (including SIC code and/or narrative activity), locations of the mobile industrial activity (including latitude and longitude coordinates), and length of time of the mobile industrial activity occurrence(s). [Minn. R. 7090]
38.4	The Permittee shall submit the Annual Report in a format determined by the MPCA. [Minn. R. 7090]
39.1	PART V. BENCHMARK MONITORING REQUIREMENTS. [Minn. R. 7090]
39.2	The Permittee shall monitor benchmark parameters specified for the Permittee's industrial sector(s) using the procedures outlined in this section of the Permit. [Minn. R. 7090]
39.3	The Permittee shall monitor each benchmark monitoring location for all benchmark parameters specified for the

	facility's primary SIC code and/or narrative activity and any co-located industrial activity as outlined in the Sector-Specific Requirements portion of this permit, unless exempted by a benchmark monitoring waiver. Appendix B of the General Permit, available on the MPCA website, lists the benchmark monitoring parameters and corresponding values for each sector. [Minn. R. 7090]
39.4	An exceedance of an applicable benchmark value does not constitute a violation. However, the Permittee shall perform all necessary corrective action(s) to address stormwater control measures, including the maintenance or implementation of BMPs, when an exceedance of an applicable benchmark value occurs. Failure to respond to a benchmark value exceedance is a permit violation. [Minn. R. 7090]
40.1	Monitoring Procedures and Sample Collection Methods. [Minn. R. 7090]
40.2	If the Permittee identifies multiple but separate industrial stormwater discharges, and each area of discharge is substantially similar in terms of exposure, BMPs, pollutants, and surface water receiving runoff, the Permittee may choose one benchmark monitoring location that is most representative and best allows for obtaining a sample. If the surface water receiving runoff is not substantially similar, the Permittee must designate multiple unique benchmark monitoring location(s). [Minn. R. 7090]
40.3	The Permittee shall ensure that a laboratory certified by the Minnesota Department of Health (MDH) and/or registered with the MPCA (or other MPCA-approved accredited lab) conducts analyses this permit requires. Laboratory certification is not required for the visual observation of the presence of debris. Analysis of pH must comply with manufacturer's specifications for equipment calibration and use. pH analysis must occur on-site, within 15 minutes of sample collection. (Minn. Stat. 144.97 through 144.98 and Minn. R. 4740.2010 and 4740.2050 through 4740.2120). The Permittee shall maintain written records of all calibrations and maintenance within the SWPPP. Sample preservation and test procedures for the analysis of pollutants must conform to 40 CFR 136.3. [40 CFR 136.3]
40.4	Sample preservation and test procedures for the analysis of pollutants must conform to 40 CFR 136.3(e). [Minn. R. 7090]
41.1	Where to Collect a Sample; Number of Samples. [Minn. R. 7090]
41.2	Permittees shall collect one sample per quarter from each benchmark monitoring location and analyze each sample for the sector-specific benchmark parameters. The Permittee shall collect samples from each stormwater benchmark monitoring location the Permittee identifies in the permit application and the SWPPP. Permittees shall collect samples for at least four calendar quarters. [Minn. R. 7090]
41.3	Sampling intervals correspond to calendar quarters. Sampling requirements begin the first full calendar quarter following the facility's coverage issuance date. For example, if the Permittee obtains coverage on June 29, monitoring starts in the quarter beginning July 1. If the Permittee obtains coverage on April 1, monitoring starts in the quarter beginning July 1. [Minn. R. 7090]
42.1	When to Collect a Sample. [Minn. R. 7090]
42.2	Permittees shall collect samples from a measurable runoff event (rain or snowmelt) at the benchmark monitoring location(s), provided there is a gap of 3 days between measurable runoff events. During a measurable runoff event, Permittees shall collect samples in each of the first 4 calendar quarters after receiving coverage. The Permittee shall attempt to collect a stormwater sample within the first 30 minutes upon the discharge reaching the benchmark monitoring location, to the extent feasible. If it is not possible to collect the sample within the first 30 minutes of a measurable runoff event, the Permittee shall collect the sample as soon as practicable and note this information on the Stormwater Monitoring Report. It is not necessary to collect samples outside the facility's normal operating hours. [Minn. R. 7090]
43.1	How to Collect a Sample. [Minn. R. 7090]
43.2	The Permittee shall take samples either manually by grab method, or by automated sampling. If a Permittee uses automated sampling, the device must either collect one sample during the first 30 minutes of discharge or must collect samples throughout the discharge period, and then combined them as a composite sample. [Minn. R. 7090]
44.1	Unable to Collect a Sample. [Minn. R. 7090]
44.2	Permittees shall submit a Stormwater Monitoring Report to the MPCA for every calendar quarter the Permittee

	has sampling requirements, even if there is not a measurable runoff sufficient to obtain a sample. In the absence of a measurable runoff event during a quarter due to weather conditions and/or site soil characteristics, the Permittee shall complete the appropriate sections of a Stormwater Monitoring Report, providing an explanation, and submit the report to the MPCA. [Minn. R. 7090]
44.3	If the Permittee is unable to obtain a minimum of four (4) quarterly samples over four (4) separate quarters, the Permittee shall continue the quarterly monitoring requirements until they obtain four (4) quarterly samples. [Minn. R. 7090]
45.1	Compare four (4) quarterly samples to benchmark value. [Minn. R. 7090]
45.2	After collecting and analyzing four (4) separate quarterly samples, one per calendar quarter for each benchmark monitoring location, Permittees shall average the values for each benchmark parameter, and compare it against the benchmark value. If the Permittee collects more than one sample per quarter then, the results must be averaged within the quarter. The Permittee shall compare the average of the quarterly monitoring results with the applicable benchmark value for its applicable sectors and refer to the "Benchmark Values Met" and/or "Benchmark Values Exceeded" sections below to determine any necessary further actions. [Minn. R. 7090]
45.3	For averaging purposes, the Permittee shall use a value of zero for any sample result the laboratory reports that is less than the method detection limit. For results the laboratory reports as falling between the method detection level and the quantitation limit (i.e. a confirmed detection, but below the level that can be reliably quantified), the Permittee shall use a value halfway between zero and the quantitation limit. [Minn. R. 7090]
46.1	Benchmark Values Met. [Minn. R. 7090]
46.2	The Permittee does not need to collect additional samples for any parameter where the averaged results are below the permit benchmark value, unless the Agency lists a new impaired water and the facility has a monitoring location from which the discharge flows to, and is within one mile of the impaired water. If this occurs, the Permittee shall complete additional monitoring for the benchmark parameter(s) for which the recently listed water is impaired. This only applies if the pollutant(s) of impairment or its appropriate surrogate(s) is among the list of benchmark parameters listed for the Permittee's industrial sector(s). [Minn. R. 7090]
47.1	Pollutant of Impairment: Surrogate. [Minn. R. 7090]
47.2	Biota (Fish): Solids, Total Suspended (TSS) Biota (Macroinvertebrates): Solids, Total Suspended (TSS) Biota (Plant): Solids, Total Suspended (TSS) Dissolved Oxygen (DO): *BOD, Carbonaceous 05 Day (20 Deg C) (CBOD5), and/or COD (Chemical Oxygen Demand) Nutrient Eutrophication Biological Indicators: Phosphorus, Total (as P) Turbidity: Solids, Total Suspended (TSS) *In the case of water impaired for Dissolved Oxygen, the Permittee shall monitor for either CBOD 5 or COD, or both, depending if these pollutants are among the sector-specific pollutants of the Permittee's sector. [Minn. R. 7090]
47.3	Prior to the first full calendar quarter following the USEPA-approved listing of the impaired water, the Permittee shall submit a modification application to restart benchmark monitoring. Then, beginning the first full calendar quarter following the USEPA-approved listing of the impaired water, the Permittee shall begin the additional monitoring for the pollutant(s) of impairment or its appropriate surrogate(s), using the procedures outlined above. [Minn. R. 7090]
48.1	Benchmark Values Exceeded. [Minn. R. 7090]
48.2	The Permittee shall collect a least one sample in the following quarter at the benchmark monitoring location(s) where exceedance(s) have occurred. Calculate the average of the four most recent quarters and compare this new average with the applicable benchmark value(s). [Minn. R. 7090]
48.3	If a benchmark value is at or is exceeded, Permittees shall complete the following steps: 1. Modify the SWPPP and document all corrective actions necessary to meet the applicable benchmark values, including improvements to BMPs. 2. Initiate modifications and upgrade the SWPPP and BMPs immediately, but no later than 14 days beyond

	discovery of a benchmark value exceedance. 3. Install a new or repair an existing control measure to make it operational as soon as possible. a. If the Permittee is unable to complete the installation or repair within 14 calendar days, the Permittee shall document why it is infeasible within the 14-day timeframe. b. Identify a schedule for completing the work, and document as soon as practicable after the 14-day timeframe but no longer than 45 days after discovery. Include all documentation within or as an attachment to the SWPPP. These time intervals are not grace periods, but are reasonable schedules for documenting findings and for making repairs and improvements. These time intervals are in this permit to ensure that the conditions prompting the need for these repairs and improvements do not persist indefinitely. [Minn. R. 7090]
49.1	Reporting Benchmark Monitoring Data. [Minn. R. 7090]
49.2	Monitoring data must be submitted in a format determined by the MPCA. The Permittee shall record information in the specific areas on the form and in the units specified. [Minn. R. 7001.0150, Subp. 2(B), Minn. R. 7001.1090, Subp. 1(D)]
49.3	The Permittee shall submit monitoring data to the MPCA no later than the 21st day of the month following the sampling quarter. [Minn. R. 7090]
49.4	If the Permittee discovers their submission of an incomplete or incorrect report, or if the Agency notifies the Permittee that they submitted an incomplete or incorrect report, the Permittee shall immediately submit an amended report to the Agency. The amended report must contain the missing or corrected data along with a cover letter explaining the circumstances of the incomplete or incorrect report. [Minn. R. 7001.0150, Subp. 3(G)]
50.1	Benchmark Monitoring Waivers. [Minn. R. 7090]
50.2	Permittees shall complete benchmark monitoring as required by the Sector-Specific Requirements section in this permit unless they are approved for a benchmark monitoring waiver. Permittees may submit a benchmark monitoring waiver during the permit application process. [Minn. R. 7090]
50.3	There are three Benchmark Monitoring Waivers Permittees may request depending on their facility circumstances: 1. General Benchmark Monitoring Waiver, 2. Run-On Demonstration Waiver, or 3. Natural Background Pollutant Waiver. These waivers are for Benchmark monitoring only, not effluent limits. [Minn. R. 7090]
51.1	General Benchmark Monitoring Waiver. [Minn. R. 7090]
51.2	Permittees with either of the following systems at the facility or a portion of the facility may be eligible for a General Benchmark Monitoring Waiver: a. Infiltration system: The Permittee has an infiltration system in accordance with the Benchmark Monitoring Waiver for Industrial Stormwater Infiltration and Ponding section of this permit b. Pond system: The Permittee has a pond system in accordance with the Benchmark Monitoring Waiver for Industrial Stormwater Infiltration and Ponding section of this permit. [Minn. R. 7090]
52.1	Run-On Demonstration Waiver. [Minn. R. 7090]
52.2	Upon calculating quarterly benchmark averages, if Permittees demonstrate drainage onto the site from upgradient sources (run-on) are the source of any benchmark value exceedance, the Permittee may be eligible for a Run-On Demonstration Waiver. [Minn. R. 7090]
52.3	To qualify for this waiver, the Permittee shall demonstrate that the specific run-on pollutant is causing the parameter exceedance at the benchmark monitoring location. At a minimum, the Permittee shall conduct the following activities to complete the demonstration: a. Sample the run-on prior to co-mingling with other stormwater discharges, and analyze the run-on against the pollutant parameter with exceedances. b. Complete a run-on demonstration narrative that describes the following: i. Nature of the run-on including a description of the adjacent property, land use type, and the activity the

	Permittee believes to be responsible for the stormwater contamination. ii. The dates and lab results of the samples taken for comparison purposes of the facility benchmark monitoring locations and the sampling points the Permittee selects for run-on sampling. iii. A statement that the Permittee assesses and believes that the run-on flows to, and is directly impacting the specific benchmark monitoring location where exceedances are occurring. iv. Any efforts the Permittee takes to divert or minimize run-on to the facility. v. Any other relevant information that supports the Permittee's use of this waiver. c. The Permittee shall document the demonstration in the facility's waiver request and, once approved, in the facility's SWPPP. d. Address the use of an approved waiver in all subsequent Annual Report submittals to the Agency. [Minn. R. 7090]
53.1	Natural Background Pollutant Waiver. [Minn. R. 7090]
53.2	Upon calculating quarterly benchmark averages, if Permittees demonstrate the exceedance of the benchmark value is attributable to the presence of that pollutant in the natural background, the Permittee may be eligible for a Natural Background Pollutant Waiver. Pollutants from former site operations or run-on are not natural background pollutants. [Minn. R. 7090]
53.3	To qualify for the waiver, Permittees shall complete the following: a. Demonstrate that the average of all samples taken of a specific benchmark parameter of the natural background is significantly contributing to and causing the benchmark value exceedance at the benchmark monitoring location. b. Document in the facility's waiver request and, once approved, maintain with the SWPPP the supporting rationale for concluding the benchmark value exceedance is attributable to natural background pollutant levels. The Permittee shall include with the supporting rationale any previously collected data that describes the levels of natural background pollutants in the industrial facility stormwater discharge. c. Address the use of an approved waiver in all subsequent Annual Report submittals to the MPCA. [Minn. R. 7090]
54.1	Benchmark Monitoring Waiver for Industrial Infiltration and Ponding. [Minn. R. 7090]
54.2	This section addresses requirements for the Benchmark Monitoring Waiver for industrial stormwater infiltration systems, and industrial stormwater ponds as defined in the Definitions and Abbreviations section of this permit. (Note that effluent limit monitoring is not exempt from monitoring.) The Agency will not grant the Benchmark Monitoring Waiver unless the Permittee complies with all applicable requirements of the permit, and specifically this section. Note that the Stormwater Control Measures and Sector-Specific Requirements sections of this permit have specific additional sector or subsector requirements and certain prohibitions as stated in the Stormwater Control Measures - Facility Inspection Requirements section of this permit regarding stormwater infiltration. The Permittee shall comply with the Stormwater Control Measures and Sector-Specific Requirements sections in order to utilize infiltration or ponding as part of a stormwater treatment system. Violation of any specific requirements that may affect the operation of the industrial stormwater pond or infiltration system may result in revocation of the monitoring waiver. [Minn. R. 7090]
55.1	Requirements for a Benchmark Monitoring Waiver for Infiltration Systems. [Minn. R. 7090]
55.2	Unless prohibited from obtaining a Benchmark Monitoring Waiver under the sector or subsector requirements of the Sector-Specific section of this permit, a Permittee may request a Benchmark Monitoring Waiver for infiltration systems that the Permittee operates in accordance with the applicable requirements of the permit. For Permittees with infiltration systems that experience a bypass or overflow of stormwater from storm events that exceed the design capacity of the infiltration system, the Permittee does not have to monitor for benchmark parameters. (Note that effluent limit monitoring is not exempt from monitoring.) To obtain a Benchmark Monitoring Waiver, the Permittee shall submit a waiver request to the MPCA and once approved, comply with the terms and conditions below. [Minn. R. 7090]
56.1	Design Requirements for a Benchmark Monitoring Waiver for Infiltration Systems. [Minn. R. 7090]
56.2	The Permittee shall design infiltration systems consistent with accepted engineering practices. A professional engineer or other licensed professional shall approve the designs. The Minnesota Stormwater Manual describes accepted practices. The Permittee can use other applicable technical sources as appropriate. The design must

	meet the minimum requirements outlined in this section. [Minn. R. 7090]
56.3	The Permittee shall design and operate Infiltration systems to infiltrate at a long-term expected rate of no less than 0.2 inches per hour to no greater than 1.63 inches per hour. See the Minnesota Stormwater Manual for detailed information on soils and long-term versus perk test or infiltrometer measurements. [Minn. R. 7090]
56.4	The infiltration system must provide, at minimum, a storage volume that will contain the entire volume of runoff to the infiltration system, up to and including the 2-year, 24-hour storm event. [Minn. R. 7090]
56.5	Infiltration devices must infiltrate the design storage volume (which may be equal to or greater than the runoff from the 2-year event) within 48 hours at the long-term infiltration rate. The Permittee shall base the calculated design volume of runoff from National Oceanic and Atmospheric Administration Atlas 14, Volume 8 (NOAA Atlas 14, Volume 8) and the runoff characteristics of the watershed to the infiltration system. [Minn. R. 7090]
56.6	Infiltration devices must have suitable soils to provide treatment at the design long-term infiltration rate. The Permittee shall conduct testing to ensure that the infiltration system stormwater storage area has at least three feet of suitable soils between the stormwater storage area and either groundwater, the soil elevation leaving evidence of seasonally saturated soils, or fractured bedrock, whichever is least. The Permittee shall test the soil pursuant to the recommendations of the Minnesota Stormwater Manual or equivalent professional sources. [Minn. R. 7090]
57.1	Operation and Maintenance. [Minn. R. 7090]
57.2	The Permittee shall maintain and operate the infiltration system to meet the design criteria. In addition, the Permittee shall design, maintain, and modify the outlets, overflows or bypasses to expedite maintenance including periodic cleaning and repair. For example, pre-settling of solids, removal of floatable material, and other maintenance actions, which allow the Permittee to provide effective long-term operation of the infiltration system. [Minn. R. 7090]
57.3	The Permittee shall visually inspect all newly constructed or up-graded infiltration systems after all precipitation events for 30 days after initiation of operation, and thereafter in accordance with inspection requirements outlined in the Stormwater Pollution Prevention Plan - Facility Inspection Requirements section of the permit or, if applicable, the Sector-Specific Requirements of the permit, to ensure that infiltration is occurring at the appropriate rate and the device is operating correctly. [Minn. R. 7090]
57.4	The Permittee shall provide appropriate access, equipment, and training for staff for operation and maintenance of the infiltration systems. [Minn. R. 7090]
57.5	Permit violations regarding the design, operation, and maintenance of an infiltration system, may be grounds for the Agency to revoke the Benchmark Monitoring Waiver. [Minn. R. 7090]
58.1	Documentation. [Minn. R. 7090]
58.2	The Permittee shall keep the design basis for meeting the criteria for a Benchmark Monitoring Waiver under this part with the SWPPP. The Permittee shall keep all design assumptions, operational and maintenance methods, tests, calculations and monitoring with the SWPPP. The Permittee may summarize portions of the SWPPP that are essential to operations with specific references. The Permittee shall make design and reference documents available within 72 hours of request. [Minn. R. 7090]
59.1	Requirements for a Benchmark Monitoring Waiver for Industrial Stormwater Ponds. [Minn. R. 7090]
59.2	For industrial stormwater ponds meeting the requirements of a Benchmark Monitoring Waiver, stormwater bypasses or overflow from storm events exceeding the Benchmark Monitoring Waiver design capacity are exempt from permit monitoring requirements. Note that effluent limit monitoring is not exempt from monitoring, under this part. To obtain a Benchmark Monitoring Waiver, the Permittee shall submit a waiver request to the MPCA and comply with the following terms and conditions. [Minn. R. 7090]
60.1	Design Requirements for an Industrial Stormwater Pond Benchmark Monitoring Waiver. [Minn. R. 7090]
60.2	The Permittee shall design industrial stormwater ponds qualifying for a Benchmark Monitoring Waiver consistent with accepted engineering practices and a professional engineer or other licensed professional approves. The applicable portions of the Minnesota Stormwater Manual describe generally accepted practices. The Permittee can use other applicable technical sources as appropriate. The design must meet the minimum requirements outlined in this section. [Minn. R. 7090]

60.3	Permittees shall design and operate the industrial stormwater pond to eliminate scour and re-suspending of sediment at high flows, so Permittees expect to meet that benchmark values up to the 10-year, 24-hour storm event based on NOAA Atlas 14, Volume 8. [Minn. R. 7090]
60.4	The Permittee shall design the industrial stormwater pond permanent storage (dead storage below the outlet) volume to eliminate scour and re-suspension of settled solids for the expected flow velocities. The Permittee shall adjust the maximum permanent storage (or dead storage) depth for the site conditions to provide enough sediment storage, and to prevent scour. The Permittee shall limit the depth to prevent anaerobic conditions from developing in the pool. The optimum depth in the permanent pool usually varies between 3 feet to 10 feet deep, depending on the site-specific conditions of flow and the nature of the pollutants. [Minn. R. 7090]
60.5	The Permittee shall incorporate skimmers, screens, or equivalent collection devices into the outlets so that the industrial stormwater pond will not discharge floatable materials. The Permittee shall inspect and maintain such devices to prevent clogging or discharge of collected material. The Permittee shall dispose collected materials properly. [Minn. R. 7090]
61.1	Operation and Maintenance. [Minn. R. 7090]
61.2	The Permittee shall maintain and operate the industrial stormwater pond to meet design criteria. In addition, the Permittee shall design, maintain and modify outlets, overflows or bypasses to expedite maintenance including periodic cleaning and repair, as needed. For example, pre-settling of solids, removal of floatable material, or other maintenance actions which allow the Permittee to provide effective long-term operation of the industrial stormwater pond. [Minn. R. 7090]
61.3	The Permittee shall visually inspect newly constructed or up-graded industrial stormwater ponds after all precipitation events for 30 days after initiation of operation, and thereafter in accordance with inspection requirements outlined in the Stormwater Pollution Prevention Plan - Facility Inspection Requirements section of the permit or, if applicable, the Sector-Specific Requirements section of the permit, to ensure that the industrial stormwater pond is operating correctly. [Minn. R. 7090]
61.4	The Permittee shall provide access, equipment, and training for appropriate staff for operation and maintenance of the industrial stormwater pond. [Minn. R. 7090]
61.5	The Permittee shall operate and maintain all industrial stormwater ponds as required by this permit, and any restrictions in the sector or subsector specific requirements of the Sector-Specific section of this permit. Permit violations regarding the design, operation, and maintenance of an industrial stormwater pond, may be grounds for the Agency to revoke the Benchmark Monitoring Waiver. [Minn. R. 7090]
62.1	Documentation. [Minn. R. 7090]
62.2	The Permittee shall keep all design assumptions, operational and maintenance methods, tests, calculations and monitoring with the SWPPP. The Permittee may summarize portions of the SWPPP that are essential to operations with specific references. The Permittee shall make design and reference documents available within 72 hours of request. [Minn. R. 7090]
63.1	PART VI. EFFLUENT LIMIT REQUIREMENTS. [Minn. R. 7090]
63.2	If applicable, Permittees shall comply with the effluent limitations required in the Sector-Specific Requirements section of this permit. The Permittee shall identify and monitor all effluent monitoring locations at the facility where industrial activity with an effluent limit occurs. [Minn. R. 7090]
63.3	Appendix B of the General Permit, available on the MPCA website, lists the parameters with corresponding effluent limits for specific sectors. This Effluent Limit Requirements section of the permit is not applicable to Permittees with no effluent limit requirements listed for their corresponding sector(s). [Minn. R. 7090]
64.1	Effluent Monitoring Procedures and Sample Collection Methods. [Minn. R. 7090]
64.2	Permittees shall collect one (1) sample annually from each effluent monitoring location and analyze the sample for each required effluent limit parameter. Permittees shall collect the sample(s) each calendar year the Permittee has permit coverage. [Minn. R. 7090]
64.3	Permittees shall collect samples during any measurable runoff event at each effluent monitoring location. Collect the sample(s) within the first 30 minutes of the measurable runoff event. If it is not possible to collect the sample(s) within the first 30 minutes, collect the sample(s) as soon as practicable and document on the

	Monitoring Report Form that it was not possible to collect the sample(s) within the first 30 minutes. [Minn. R. 7090]
64.4	Permittees shall take samples either manually by grab method, or by automated sampling. If the Permittee uses automated sampling, the device must either collect one sample during the first 30 minutes of discharge, or must collect a series of samples throughout the discharge period and combine them as a composite sample. [Minn. R. 7090]
64.5	If the Permittee determines that an effluent monitoring location and a benchmark monitoring location are at the same location, and the effluent sampling of a pollutant parameter coincides with the sampling of a benchmark pollutant parameter, the Permittee may collect one sample and analyze for both purposes. [Minn. R. 7090]
65.1	Effluent Limit Exceedances. [Minn. R. 7090]
65.2	A sampling result that exceeds an effluent limit is a permit violation. The Permittee shall immediately make every effort to verify the violation by collecting additional samples. The Permittee shall investigate the cause of the violation and take action to prevent future violations. Immediately report violations that pose a threat to human health or a drinking water supply, or represent a significant risk to the environment to the Minnesota Department of Public Safety Duty Officer at 1-800-422-0798 (toll free) or 651-649-5451 (metro area). In addition, the Permittee may also contact the Agency during business hours. [Minn. R. 7090]
65.3	If any monitoring value exceeds a numeric effluent limit contained in this permit, the Permittee shall indicate the violation on its Industrial Stormwater Monitoring Report and conduct follow-up monitoring within 30 calendar days (or during the next qualifying runoff event, should none occur within 30 days) of implementing the corrective actions required below. [Minn. R. 7090]
65.4	If an effluent limit is at or is exceeded, Permittees shall complete the following steps: 1. Modify the SWPPP and document all corrective actions necessary to meet the applicable effluent limit, including improvements to BMPs. 2. Initiate modifications and upgrade the SWPPP and BMPs immediately, but no later than 14 days beyond discovery of an effluent limit violation. 3. Install a new or repair an existing control measure to make it operational as soon as possible. a. If the Permittee is unable to complete the installation or repair within 14 calendar days, the Permittee shall document why it is infeasible within the 14-day timeframe. b. Identify a schedule for completing the work, and document as soon as practicable after the 14-day timeframe but no longer than 45 days after discovery. Include all documentation within or as an attachment to the SWPPP. These time intervals are not grace periods, but are reasonable schedules for documenting findings and for making repairs and improvements. These time intervals are in this permit to ensure that the conditions prompting the need for these repairs and improvements do not persist indefinitely. [Minn. R. 7090]
65.5	Additional effluent monitoring must be conducted monthly, at a minimum, until the discharge is in compliance with the effluent limit or the MPCA waives the requirement for additional monitoring. The additional monitoring must be reported to the MPCA. [Minn. R. 7090]
66.1	Effluent Monitoring Data Reporting. [Minn. R. 7090]
66.2	The Permittee shall submit the data in a format determined by the MPCA. Record the information in the specific areas on the form and in the specific units. If the Permittee cannot acquire a sample during the sampling period due to weather conditions and/or site soil characteristics, the Permittee shall check the "No Flow" box and note the conditions on the form. [Minn. R. 7001.0150, Subp. 2(B), Minn. R. 7001.1090, Subp. 1(D)]
66.3	The Permittee shall submit the monitoring data for each required effluent monitoring location even if a discharge did not occur during the sampling period. [Minn. R. 7001.0150, Subp. 2(B), Minn. R. 7001.0150, Subp. 3(H)]
66.4	The Permittee shall submit the annual monitoring report no later than 21 days after the end of each calendar year following issuance of ISW permit coverage. [Minn. R. 7090]
66.5	If the Permittee discovers their submission of an incomplete or incorrect report, or if the Agency notifies the

	Permittee of an incomplete or incorrect report, the Permittee shall immediately submit an amended form to the Agency. The amended report must contain the missing or correct data along with a cover letter explaining the circumstances of the incomplete or incorrect report. [Minn. R. 7001.0150, Subp. 3(G)]
67.1	PART VIII. GENERAL PROVISIONS. [Minn. R. 7090]
68.1	Incorporation by Reference. [Minn. R. 7090]
68.2	This permit incorporates by reference the applicable portions of 40 CFR pts. 122, 123, and 124; Minn. R. chs. 7001, 7050, and 7090; and Minn. Stat. chs. 115 and 116, all of which are enforceable parts of this permit. [Minn. R. 7090]
69.1	Liabilities. [Minn. R. 7001.0150, Subp. 3(A)]
69.2	The Agency'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)]
70.1	More Stringent Rules. [Minn. R. 7001.0150, Subp. 3(B)]
70.2	The Agency's issuance of this permit does not prevent the future adoption by the Agency 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)]
71.1	Property Rights. [Minn. R. 7001.0150, Subp. 3(C)]
71.2	This permit does not convey a property right or an exclusive privilege. [Minn. R. 7001.0150, Subp. 3(C)]
72.1	Agency Obligation. [Minn. R. 7001.0150, Subp. 3(D)]
72.2	The Agency's issuance of this permit does not obligate the Agency to enforce local laws, rules, or plans beyond what Minnesota statutes authorizes. [Minn. R. 7001.0150, Subp. 3(D)]
73.1	Compliance. [Minn. R. 7001.0150, Subp. 3(E)]
73.2	The Permittee shall perform the actions or conduct the activity this permit authorizes in accordance with the plans and specifications the Agency approves, if required, and in compliance with the conditions of the permit. [Minn. R. 7001.0150, Subp. 3(E)]
74.1	Toxic Pollutant Discharge. [Minn. R. 7001.0190, Subp. 1(A)]
74.2	Notwithstanding the absence in this permit of an effluent limitation for any toxic pollutant, the Permittee shall not discharge a toxic pollutant except according to 40 CFR pts. 400 to 460 and Minn. R. 7050.0100 to 7050.0220 and 7055.0010 to 7055.0120, and any other applicable Agency rules. [Minn. R. 7001.0190, Subp. 1(A)]
75.1	Operation and Maintenance. [Minn. R. 7001.0150, Subp. 3(F)]
75.2	The Permittee shall at all times properly operate and maintain the facility and systems of treatment and control and the appurtenances related to them that the Permittee uses or installs 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 of 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)]
76.1	Criminal Activity. [Minn. R. 7001.0150, Subp. 3(G)]
76.2	The Permittee may not knowingly make a false or misleading statement, representation, or certification in a record, report, plan, or other document the permit requires the Permittee to submit to the Agency. Upon discovery, the Permittee shall immediately report to the Agency an error or omission in these records, reports, plans, or other documents. [Minn. R. 7001.0150, Subp. 3(G)]
77.1	Noncompliance. [Minn. R. 7001.0150, Subp. 3(J)]
77.2	If the Permittee discovers an occurrence of noncompliance with a condition of the permit, through any means including notification by the Agency, the Permittee shall take all reasonable steps to minimize the adverse impacts on human health, public drinking water supplies, or the environment resulting from the noncompliance.

	[Minn. R. 7001.0150, Subp. 3(J)]
78.1	Subject to Enforcement Action and Penalties. [Minn. R. 7001.1090, Subp. 3(B)]
78.2	Noncompliance with a term or condition of this permit subjects the Permittee to federal and state law penalties set forth in section 309 of the Clean Water Act, United States Code, Title 33, Section 1319 as amended; and in Minn. Stat. 115.071, including monetary penalties, imprisonment, or both. [Minn. R. 7001.1090, Subp. 3(B)]
79.1	Records. [Minn. R. 7001.0150, Subp. 3(H)]
79.2	Upon request from the Agency, the Permittee shall 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 authorized by the permit or regarding the conduct of the activity authorized by the permit. [Minn. R. 7001.0150, Subp. 3(H)]
79.3	The Permittee shall retain copies of the permit application, all data and information gathered to complete the application, and all data and information related to the requirements of this permit or by the Agency's request, for a period of at least three (3) years. This period automatically extends throughout the course of an unresolved enforcement action regarding the facility or upon request by the Agency. [Minn. R. 7090]
79.4	The Permittee shall keep all monitoring records for at least three (3) years, including any calculations, original recordings from automatic monitoring devices, and laboratory sheets. The Permittee shall extend these record retention periods upon request by the Agency. In accordance with Minn. R. 7001.0150, subp. 2(C), the records must include the following information: a. The exact place, date, and time of 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. e. The results of the analysis. [Minn. R. 7001.0150, Subp. 2(C)]
79.5	The Permittee shall ensure that a laboratory certified by the Minnesota Department of Health (MDH) and/or registered with the MPCA (or other MPCA-approved accredited lab) conducts all analyses this permit requires. Laboratory certification is not required for the visual observation of the presence of debris. Analysis of pH must comply with manufacturer's specifications for equipment calibration and use. pH analysis must occur on-site within 15 minutes of sample collection. The Permittee shall maintain written records of all calibrations and maintenance with the SWPPP. [Minn. R. 7090]
80.1	Confidential Information. [Minn. R. 7000.1300, Subp. 1]
80.2	All reports this permit requires must be available for public inspection, except for any records or other information under Minn. Stat. 116.075, subd. 2 determines to be confidential. In order to maintain data for confidential use of the Agency, (pursuant to Minn. Stat. 116.075, or as nonpublic data not on individuals or private data as it relates to individuals, pursuant to Minn. Stat. 13.37), a person shall affirmatively request such recognition by providing to the Agency a written request setting forth the statutory grounds and the reasons that justify the classification of the records or other information as not public. [Minn. R. 7000.1300, Subp. 1]
81.1	Inspection and Entry. [Minn. R. 7001.0150, Subp. 3(I)]
81.2	The Permittee shall allow the Agency, an authorized employee, or agent of the Agency 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 or the facility industrial activities under authorization of this permit; and to conduct surveys and investigations, including sampling or monitoring, pertaining to the construction, modification, or operation of the facility authorized by the permit or pertaining to the activity authorized by the permit with authorization of Minn. Stat. 115.04, 115B.17, subd. 4, and 116.091; and upon presentation of proper credentials. [Minn. R. 7001.0150, Subp. 3(I)]
82.1	Transfer of Ownership or Control. [Minn. R. 7001.0150, Subp. 3(N)]
82.2	This permit is not transferable to any person without the express written approval of the Agency after compliance with the requirements of Minn. R. 7001.0190. A person receiving the permit shall comply with the conditions of the permit. [Minn. R. 7001.0150, Subp. 3(N)]
83.1	Liability Exemption. [Minn. R. 7001.0150, Subp. 3(O)]

83.2	This permit authorizes the Permittee to perform the activities in this permit under the conditions of the permit. In issuing this permit, the State and Agency assume no responsibility for any damage to persons, property or the environment caused by the activities of the Permittee in the conduct of its actions, including those activities this permit authorizes, directs, or undertook. To the extent the State and Agency may be liable for the activities of its employees, that liability is explicitly limited to that provided in the Torts Claim Act, Minn. Stat. 3.736. [Minn. R. 7001.0150, Subp. 3(O)]
84.1	Civil and Criminal Liability. [Minn. R. 7001.0150, Subp. 3(A)]
84.2	Nothing in this permit shall relieve the Permittee from civil or criminal penalties for noncompliance with the terms and conditions herein. Nothing in this permit shall preclude the initiation of any legal action or relieve the Permittee from any responsibilities, liabilities, or penalties to which the Permittee is or may be subject to under Section 311 of the Clean Water Act and Minn. Stat. chs. 115 and 116, as amended; and any rules adopted thereunder. [Minn. R. 7090]
85.1	Severability. [Minn. R. 7001]
85.2	The provisions of this permit are severable. If any provision in this permit, or application of any provision, is invalid, the remainder of this permit still applies. [Minn. R. 7001]
86.1	PART IX. ADDITIONAL REQUIREMENTS FOR DISCHARGES TO SPECIAL (PROHIBITED, RESTRICTED, OTHER) AND IMPAIRED WATERS. [Minn. R. 7050]
87.1	General Requirements. [Minn. R. 7050]
87.2	The Permittee shall document and implement all appropriate changes to the SWPPP, including all industrial stormwater BMPs used to comply with this section of the permit in accordance with the documentation, conclusions, and other requirements in this section. [Minn. R. 7050]
87.3	If the Permittee cannot meet the terms and conditions of this section of the permit, the Permittee does not have authorization to discharge industrial stormwater under this permit. The Permittee shall notify the Agency and seek coverage under an individual NPDES/SDS permit in accordance with Minn. R. ch. 7001. [Minn. R. 7050]
87.4	Specific Requirements for Industrial Facility Discharges Regulated Under Minn. R. 7050.0335., Nondegradation For Outstanding Resource Value Waters. [Minn. R. 7050.0335]
87.5	Industrial facilities do not have authorization to discharge industrial stormwater to the Outstanding Resource Value Waters listed below unless the Permittee complies with all terms and conditions of this permit, including the additional required BMP's outlined below. Any industrial facility that has a monitoring location from which a discharge flows to, and is within one mile of, the Outstanding Resource Value Water, if after the effective date the Outstanding Resource Value Water was designated, the industrial facility either: a. Commenced discharging industrial stormwater, or b. Changed industrial stormwater discharges in a manner (location, volume, or any other manner) such that an increase in one or more pollutants has occurred. [Minn. R. 7050]
87.6	Restricted discharges as defined in Minn. R. 7050.0335. [Minn. R. 7050.0335]
87.7	Lake Superior, except those portions identified as a prohibited discharges zone. a. The Permittee shall comply with BMP 1 below. [Minn. R. 7050]
87.8	The Mississippi River, those portions from Lake Itasca to the southerly boundary of Morrison County that are included in the Mississippi Headwaters Board comprehensive plan dated February 12, 1981. a. The Permittee shall comply with BMP 1 below. [Minn. R. 7050]
87.9	Lake trout lakes, identified in Minn. R. 7050.0460 to 7050.0470. a. The Permittee shall comply with BMP 1 and BMP 3 below. [Minn. R. 7050]
87.10	Federal or state designated scenic or recreational river segments: Saint Croix river, entire length; Cannon River from northern city limits of Faribault to its confluence with the Mississippi River; North Fork of the Crow River from Lake Koronis outlet to the Meeker-Wright County line; Kettle River from north Pine County line to the site of the former dam at Sandstone; Minnesota River from Lac qui Parle dam to Redwood County state aid highway 11; Mississippi River from county state aid highway 7 bridge in Saint Cloud to northwestern city limits of Anoka; and Rum River from state aid Highway 27 bridge in Onamia to Madison and Rice streets in Anoka. a. The Permittee shall comply with BMP 1 below. [Minn. R. 7050]

87.11	Calcareous fens as identified in Minn. R. 7050.0335 subp. 1(E). a. The Permittee shall comply with BMP 1, and BMP 5 below. [Minn. R. 7050.0335, subp. (1)E]
87.12	Special requirements for industrial facilities that have a monitoring location from which a discharge flows to, and is within One Mile of, Trout Streams listed in Minn. R. 6264.0050, subp. 4 and Minn. R. 7050.0420. a. The Permittee shall comply with BMP 1, and BMP 2 below. [Minn. R. 7050]
87.13	Special requirements for industrial facilities that have a monitoring location from which a discharge flows to, and is within One Mile of, Trout Lakes listed in Minn. R. 6264.0050, subp. 2 and Minn. R. 7050.0420. a. The Permittee shall comply with BMP 1, and BMP 3 below. [Minn. R. 7050]
87.14	Special requirements for industrial facilities that have a monitoring location from which a discharge flows to, and is within One Mile of, Wetlands as defined in Minn. R. 7050.0186, subp 1a.B. The Permittee shall comply with the requirements of Minn. R. 7050.0186, WETLAND STANDARDS AND MITIGATION. [Minn. R. 7050.0189, Subp. 1(a)B]
87.15	Additional Required BMPs. [Minn. R. 7050]
87.16	If the Permittee cannot certify a condition of No Exposure, as described in this permit, the Permittee shall comply with the appropriate requirements below. [Minn. R. 7050]
87.17	BMP 1. The Permittee shall develop and implement stormwater control measures, including BMPs that restrict the facility industrial stormwater discharges to the extent necessary to preserve the existing high quality, or to preserve the wilderness, scientific, recreational, or other special characteristics that make the water an Outstanding Resource Value Water. In addition, a benchmark value of 65 mg/L for Solids, Total Suspended (TSS) applies to the discharge at a benchmark monitoring location, instead of 100 mg/L as specified in the sector requirements of Appendix B of the General Permit, available on the MPCA website. If the Permittee has a waiver from the requirements to conduct benchmark monitoring, the benchmark value does not apply. The SWPPP must contain the following components: a. A selection of industrial stormwater volume reduction and/or pollutant concentration reduction BMPs, designed to restrict industrial stormwater discharges to the designated water. The SWPPP must include necessary calculations to demonstrate the effectiveness of the chosen BMPs in reducing volume and/or pollutant concentrations. BMP options the Permittee can include, but are not limited to, removing industrial activities and/or significant materials from contact with rain or snowmelt, re-use of industrial stormwater, stormwater ponding, infiltration, filtration, porous pavement, constructed wetlands, evaporation, evapotranspiration, etc. b. A narrative discussion describing how the Permittee will monitor and maintain the BMPs the Permittee uses long-term, to ensure the industrial facility will sustain restricted industrial stormwater discharges. [Minn. R. 7050]
87.18	BMP 2. The Permittee shall design and implement BMPs specifically protecting the water quality of trout streams from excess temperature increases. The Permittee shall include any associated calculations and design details with the SWPPP, as required by BMP 1. [Minn. R. 7050]
87.19	BMP 3. The Permittee shall design and implement BMPs specifically protecting the water quality of trout lakes from excess phosphorus increases. The Permittee shall include any associated calculations and design details with the SWPPP, as required by BMP 1. [Minn. R. 7050]
87.20	BMP 4. The Permittee shall design and implement BMPs specifically protecting the water quality of calcareous fens. The BMPs must ensure that the Permittee does not impact or otherwise degrade calcareous fens, wholly or partially, unless the Permittee has a management plan the DNR Commissioner approves. The Permittee shall include any associated calculations and design details with the SWPPP, as required by BMP 1. [Minn. R. 7050]
88.1	PART X. BENCHMARK MONITORING WAIVER FOR INDUSTRIAL STORMWATER INFILTRATION AND PONDING. [Minn. R. 7090]
88.2	This part addresses requirements for the Benchmark Monitoring Waiver for industrial stormwater infiltration

	systems, and industrial stormwater ponds. (Note that effluent limit monitoring is not exempt from monitoring.) The Agency will not grant the Benchmark Monitoring Waiver unless the Permittee complies with all applicable requirements of the permit. Note that the Stormwater Control Measures and the Sector-Specific sections of this permit have specific additional sector or subsector requirements and certain prohibitions as stated in the Stormwater Control Measures section of this permit regarding stormwater infiltration. The Permittee shall comply with the Stormwater Control Measures and the Sector-Specific sections of this permit in order to utilize infiltration or ponding as part of a stormwater treatment system. Violation of any specific requirements that may affect the operation of the industrial stormwater pond or infiltration system may result in revocation of the monitoring waiver. [Minn. R. 7090]
89.1	Requirements for a Benchmark Monitoring Waiver for Infiltration Systems. [Minn. R. 7090]
89.2	Unless specifically prohibited from obtaining a Benchmark Monitoring Waiver under the sector or subsector requirements of the Sector-Specific Requirements section of this permit, a Benchmark Monitoring Waiver has authorization for infiltration systems that the Permittee operates in accordance with the applicable requirements of the permit. For infiltration systems that meet the requirements of a Benchmark Monitoring Waiver, bypasses or overflow of stormwater from storm events that exceed the Benchmark Monitoring Waiver design capacity, the Permittee does not have to monitor for benchmark parameters. (Note that effluent limit monitoring is not exempt from monitoring.) To obtain a Benchmark Monitoring Waiver, the Permittee shall comply with the following terms and conditions: [Minn. R. 7090]
90.1	Design Requirements for a Benchmark Monitoring Waiver for Infiltration Systems. [Minn. R. 7090]
90.2	The Permittee shall design infiltration systems consistent with accepted engineering practices. A professional engineer or other licensed professional shall approve the designs. The Minnesota Stormwater Manual describes accepted practices. The Permittee can use other applicable technical sources as appropriate. The design must meet the minimum requirements for a Benchmark Monitoring Waiver outlined in this section. [Minn. R. 7090]
90.3	The Permittee shall design and operate Infiltration systems to infiltrate at a long-term expected rate of no less than 0.2 inches per hour to no greater than 1.63 inches per hour. See the Minnesota Stormwater Manual for detailed information on soils and long-term versus perk test or infiltrometer measurements. [Minn. R. 7090]
90.4	The infiltration system must provide, at minimum, a storage volume that will contain the entire volume of runoff to the infiltration system, up to and including the 2-year, 24-hour storm event. [Minn. R. 7090]
90.5	Infiltration devices must infiltrate the design storage volume (which may be equal to or greater than the runoff from the 2 year event) within 48 hours at the long-term infiltration rate. The Permittee shall base the calculated design volume of runoff from National Oceanic and Atmospheric Administration Atlas 14, Volume 8 (NOAA Atlas 14, Volume 8) and the runoff characteristics of the watershed to the infiltration system. [Minn. R. 7090]
90.6	Infiltration devices must have suitable soils to provide treatment at the design long-term infiltration rate. The Permittee shall conduct testing to ensure that the infiltration system stormwater storage area has at least three feet of suitable soils between the stormwater storage area and either groundwater, the soil elevation leaving evidence of seasonally saturated soils, or fractured bedrock, whichever is least. The Permittee shall test the soil pursuant to the recommendations of the Minnesota Stormwater Manual or equivalent professional sources. [Minn. R. 7090]
91.1	Operation and Maintenance. [Minn. R. 7090]
91.2	The Permittee shall maintain and operate the infiltration system to meet the design criteria. In addition, the Permittee shall design, maintain, and modify the outlets, overflows or bypasses to expedite maintenance including periodic cleaning and repair. For example, pre-settling of solids, removal of floatable material, and other maintenance actions, which allow the Permittee to provide effective long-term operation of the infiltration system. [Minn. R. 7090]
91.3	The Permittee shall visually inspect all newly constructed or up-graded infiltration systems after all precipitation events for 30 days after initiation of operation, and thereafter in accordance with inspection requirements outlined in the Stormwater Control Measures of the permit or, if applicable, the Sector-Specific Requirements section of the permit, to ensure that infiltration is occurring at the appropriate rate and the device is operating correctly. [Minn. R. 7090]
91.4	The Permittee shall provide appropriate access, equipment, and training for staff for operation and maintenance

	of the infiltration systems. [Minn. R. 7090]
91.5	Permit violations regarding the design, operation, and maintenance of an infiltration system, may be grounds for the Agency to revoke the Benchmark Monitoring Waiver. [Minn. R. 7090]
92.1	Documentation. [Minn. R. 7090]
92.2	The Permittee shall keep the design basis for meeting the criteria for a Benchmark Monitoring Waiver under this part with the SWPPP. The Permittee shall keep all design assumptions, operational and maintenance methods, tests, calculations and monitoring with the SWPPP. The Permittee may summarize portions of the SWPPP that are essential to operations with specific references. The Permittee shall make design and reference documents available within 72 hours of request. [Minn. R. 7090]
93.1	Requirements for a Benchmark Monitoring Waiver for Industrial Stormwater Ponds. [Minn. R. 7090]
93.2	Unless specifically prohibited from obtaining a Benchmark Monitoring Waiver under the sector or subsector requirements of the Sector-Specific Requirements section of this permit, a Benchmark Monitoring Waiver has authorization for industrial stormwater ponds that the Permittee operates in accordance with the applicable requirements of the permit. For industrial stormwater ponds meeting the requirements of a Benchmark Monitoring Waiver, stormwater bypasses or overflow from storm events exceeding the Benchmark Monitoring Waiver design capacity are exempt from permit monitoring requirements. Note that effluent limit monitoring is not exempt from monitoring, under this part. To obtain a Benchmark Monitoring Waiver, the Permittee shall comply with the following terms and conditions. [Minn. R. 7090]
94.1	Design Requirements for an Industrial Stormwater Pond Benchmark Monitoring Waiver. [Minn. R. 7090]
94.2	The Permittee shall design industrial stormwater ponds qualifying for a Benchmark Monitoring Waiver consistent with accepted engineering practices and a professional engineer or other licensed professional approves. The applicable portions of the Minnesota Stormwater Manual describe generally accepted practices. The Permittee can use other applicable technical sources as appropriate. The design must meet the minimum requirements outlined in this section. [Minn. R. 7090]
94.3	The Permittee shall design the industrial stormwater pond to have a permanent dead storage volume, which is the volume below the normal outlet, that is equal to or exceeds the entire runoff volume to the pond which would result from the 5-year, 24-hour rainfall event based on NOAA Atlas 14, Volume 8. [Minn. R. 7090]
94.4	The industrial stormwater pond must be designed and operated to eliminate scour and re-suspending of sediment at high flows, so that benchmark values will be expected to be met up to the 10-year, 24-hour storm event based on NOAA Atlas 14, Volume 8. [Minn. R. 7090]
94.5	The Permittee shall design the industrial stormwater pond permanent storage (dead storage below the outlet) volume to eliminate scour and re-suspension of settled solids for the expected flow velocities. The Permittee shall adjust the maximum permanent storage (or dead storage) depth for the site conditions to provide enough sediment storage, and to prevent scour. The Permittee shall limit the depth to prevent anaerobic conditions from developing in the pool. The optimum depth in the permanent pool usually varies between 3 feet to 10 feet deep, depending on the site-specific conditions of flow and the nature of the pollutants. [Minn. R. 7090]
94.6	The Permittee shall incorporate skimmers, screens, or equivalent collection devices into the outlets so that the industrial stormwater pond will not discharge floatable materials. The Permittee shall inspect and maintain such devices to prevent clogging or discharge of collected material. The Permittee shall dispose collected materials properly. [Minn. R. 7090]
95.1	Operation and Maintenance. [Minn. R. 7090]
95.2	The Permittee shall maintain and operate the industrial stormwater pond to meet design criteria. In addition, the Permittee shall design, maintain and modify outlets, overflows or bypasses to expedite maintenance including periodic cleaning and repair, as needed. For example, pre-settling of solids, removal of floatable material, or other maintenance actions which allow the Permittee to provide effective long-term operation of the industrial stormwater pond. [Minn. R. 7090]
95.3	The Permittee shall visually inspect newly constructed or up-graded industrial stormwater ponds after all precipitation events for 30 days after initiation of operation, and thereafter in accordance with inspection requirements outlined in the Stormwater Control Measures of the permit or, if applicable, the Sector-Specific

	Requirements section of the permit, to ensure that the industrial stormwater pond is operating correctly. [Minn. R. 7090]
95.4	The Permittee shall provide access, equipment, and training for appropriate staff for operation and maintenance of the industrial stormwater pond. [Minn. R. 7090]
95.5	The Permittee shall operate and maintain all industrial stormwater ponds as required by this permit, including all applicable specific requirements of this section and any restrictions in the sector or subsector specific requirements of the Sector-Specific Requirements section of this permit. Permit violations regarding the design, operation, and maintenance of an industrial stormwater pond, may be grounds for the Agency to revoke the Benchmark Monitoring Waiver. [Minn. R. 7090]
96.1	Documentation. [Minn. R. 7090]
96.2	The Permittee shall keep all design assumptions, operational and maintenance methods, tests, calculations and monitoring with the SWPPP. The Permittee may summarize portions of the SWPPP that are essential to operations with specific references. The Permittee shall make design and reference documents available within 72 hours of request. [Minn. R. 7090]
97.1	PART XI. DEFINITIONS AND ABBREVIATIONS. [Minn. R. 7090]
97.2	"Active" means that significant materials and/or industrial activities, whether temporary or permanent, are present at the facility, regardless if staff is present at the facility. [Minn. R. 7090]
97.3	"Agency" means the Minnesota Pollution Control Agency or MPCA. [Minn. Stat. 116.36, Subd. 2]
97.4	"Benchmark monitoring location" for purposes of the industrial stormwater permit, means the location(s) within the boundary of the facility where the Permittee will collect stormwater samples for the purpose of compliance with the benchmark monitoring requirements of this permit. The benchmark monitoring location(s) selected by the Permittee shall be in a location that: a. Is below the most down-gradient BMP from the source of industrial activity or significant materials, but prior to discharging from the Permittee's operational control. b. Minimizes or eliminates sampling of stormwater from off-site sources (run-on). c. Yields a sample that best represents the contribution of pollutants the Permittee is required to monitor for in accordance with the Benchmark Monitoring Requirements section of this permit, and that receives discharge from an area of industrial activities, processes, and significant materials exposed to stormwater. [Minn. R. 7090]
97.5	"Best management practices" or "BMPs" means practices to prevent or reduce the pollution of waters of the state, including schedules of activities, prohibitions of practices, and other management practices, and also includes treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge, or waste disposal or drainage from raw material storage. [Minn. R. 7001.1020, Subp. 5]
97.6	"Class V Injection Well" refers to any well or disposal method used to dispose of non-hazardous fluids underground. Examples of Class V Injection Wells include stormwater drainage wells, septic system leach fields, and agricultural drainage wells. [Minn. Stat. 115.03]
97.7	"Co-located industrial activities" means any industrial activities at a facility defined by the stormwater regulations at 40 CFR 122.26(b)(14)(i)-(ix) and (xi), other than the primary SIC Code or narrative activity. [Minn. R. 7090]
97.8	"Commissioner" means the Commissioner of the Minnesota Pollution Control Agency or the Commissioner's designee. [Minn. Stat. 116.36, Subd. 3]
97.9	"Construction activity" for this permit includes construction activity as defined in 40 CFR 122.26(b)(14)(x) and small construction activity as defined in 40 CFR 122.26(b)(15). This includes a disturbance to the land that results in a change in the topography, existing soil cover (both vegetative and non-vegetative), or the existing soil topography that may result in accelerated stormwater runoff, leading to soil erosion and movement of sediment into surface waters or drainage systems. Examples of construction activity may include clearing, grading, filling, and excavating. Construction activity includes the disturbance of less than one acre of total land area that is a part of a larger common plan of development or sale if the larger common plan will ultimately disturb one (1) acre or more. [40 CFR 122.26(b)]
97.10	"Effluent monitoring location" for the purposes of this permit means the location(s) within the boundary of the facility where the Permittee will collect stormwater samples for the purpose of compliance with the Effluent

	Monitoring Requirements section of this permit. The effluent monitoring location(s) selected by the Permittee shall be in a location that: a. Is immediately below the most down-gradient BMP from the specific industrial activity that has a numeric effluent limit, but prior to where the discharge co-mingles with stormwater from other sources. b. Yields a sample that represents the contribution of the pollutants the Permittee is required to monitor for in accordance with the Sector-Specific Requirements section of this permit, and that receives discharge from an area of industrial activities, processes, and significant materials exposed to stormwater that has a numeric effluent limit. [Minn. R. 7090]
97.11	"Facility" for the purposes of this permit, means land that shares a common border and that has an industrial stormwater discharge as defined by 40 CFR 122.26(b)(14) with the discharge having a common owner or operator. [40 CFR 122.26(b)(14)]
97.12	"Impaired water" means waters identified as impaired by the Agency, and approved by the USEPA, pursuant to section 303(d) of the Clean Water Act (33 U.S.C. 303(d)). [CWA Sect. 303]
97.13	"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. [Minn. R. 7090]
97.14	"Inactive" means a facility or portion of a facility at which significant materials are not present and at which no industrial activities are conducted and is not an active facility, and where the inactive portion is not covered by any active permit issued by the applicable State or Federal agency. An inactive facility has no staff, no significant materials, and no industrial activities exposed to stormwater. [Minn. R. 7090]
97.15	"Industrial activity" means the eleven categories of industrial activity which are directly related to manufacturing, processing, or raw materials storage areas at an industrial plant, as defined in 40 CFR 122.26(b)(14)(i)-(xi). Not every industrial activity in this definition is eligible for authorization under this permit (e.g. construction activity); see the Authorization section of this permit for eligibility criteria. [Minn. R. 7090.0080, Subp. 6]
97.16	"Industrial stormwater pond" for purposes of the industrial stormwater permit means constructed detention or retention facilities for the treatment of stormwater runoff under the requirements of this permit. This includes permanent ponds, dry ponds, flow equalization ponds (followed by other BMPs), and constructed wetlands. However, natural wetlands (including types 1-8) and other natural surface water bodies are not industrial stormwater ponds, parts of ponds or pond systems, and cannot be used as BMPs for stormwater treatment unless mitigated in accordance with applicable state rules. [Minn. R. 7090]
97.17	"Infiltration system" for purposes of the industrial stormwater permit, means a designed and constructed Best Management Practice to which industrial stormwater runoff is diverted, collected, or conveyed for the purpose of infiltration. An infiltration system does not include the parts of the system that diverts, collects, or conveys industrial stormwater. Incidental infiltration from conveyances such as swales or ditches, including those with erosion prevention devices such as vegetation, silt fence, or fiber bails, is not an infiltration system. However, swales, ditches, or similar devices constructed with stop logs, ditch excavation for storage or other retention devices, which are for the purpose of increased infiltration, are infiltration systems. Wetlands (including types 1 through 8) and other natural surface water bodies are not infiltration systems or parts of infiltration system systems, and cannot be used as infiltration systems, unless mitigated in accordance with applicable state rules. [Minn. R. 7090]
97.18	"Monitoring location" means any Benchmark Monitoring Location (including those locations that are part of a representative location) and/or any Effluent Monitoring Location. [Minn. R. 7090]
97.19	"Municipal separate storm sewer system or MS4" means a conveyance or system of conveyances including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains: a. owned or operated by a state, city, town, county, district, association, or other public body, created by or pursuant to state law, having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under state law such as a sewer district, flood control district, or drainage district or similar entity, or an Indian tribe or an authorized Indian tribe organization, or a designated and approved management agency under section 208 of the federal Clean Water Act, United States Code, title 33,

	section 1288, that discharges into waters of the state; b. designed or used for collecting or conveying storm water; c. that is not a combined sewer; and d. that is not part of a publicly owned treatment works as defined in Code of Federal Regulations, title 40, section 122.2. Municipal separate storm sewer systems do not include separate storm sewers in very discrete areas, such as individual buildings. [Minn. R. 7090.0800, Subp. 8]
97.20	"Narrative activity" means those industrial activities as defined by 40 CFR 122.26(b)(14)(i), (iv), (v), (vii) and (ix). [40 CFR 122.26(b)(14)]
97.21	"No exposure" means that all industrial materials or activities are protected by a storm resistant shelter to prevent exposure to rain, snow, snowmelt, or runoff. Industrial materials or activities include, but are not limited to, material handling equipment or activities, industrial machinery, raw materials, intermediate products, by-products, final products, or waste products. Material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product, or waste product. [Minn. R. 7090.0080, Subp. 9]
97.22	"Non-stormwater discharge" means any discharge not comprised entirely of stormwater. [Minn. R. 7090]
97.23	"One mile" for purposes of the industrial stormwater permit, means a direct horizontal distance of one mile measured from any monitoring location to the Ordinary High Water Level (Minn. Stat. 103G.005, subd. 14) where the stormwater discharge associated with industrial activity enters either an impaired water, or any water described in the Additional Requirements for Discharges to Special and Impaired Waters section of this permit. [Minn. R. 7090]
97.24	"Operator" is the person responsible for the overall operation of an industrial facility under Minn. R. 7090.3000. [Minn. R. 7090.0080, Subp. 10]
97.25	"Owner" is the person who owns an industrial facility or part of an industrial facility under Minn. R. pt. 7090.3000. [Minn. R. 7090.0080, Subp. 11]
97.26	"Permittee" means a person or persons, firm, or governmental agency or other institution that signs the permit application submitted to the Agency and is responsible for compliance with the terms and conditions of this permit. [Minn. R. 7090]
97.27	"Person" means any human being, any municipality or other governmental or political subdivision or public agency, any public or private corporation, any partnership, firm, association, or other organization, any receiver, trustee, assignee, agent, or other legal representative of any of the foregoing, or any other legal entity, but does not include the MPCA. [Minn. Stat. 116.06, Subd. 17]
97.28	"Primary standard industrial classification (SIC) code" for the purposes of the industrial stormwater permit, is the SIC code associated with the industrial activity that generates the greatest revenue. If revenue data is not available, the owner/operator shall base the determination on the number of employees engaged in the industrial activity. If it is not possible to determine the primary SIC code using either of these two methods, the owner/operator shall base the determination on the SIC code with the greatest production. The industrial activity that generates the greatest revenue, employs the most personnel, or has the greatest production, is the industrial activity assigned the primary SIC code. [Minn. R. 7090]
97.29	"Saturated soil" for the purposes of the industrial stormwater permit, means the highest seasonal elevation in the soil that is in a reduced chemical state because of soil voids being filled with water. Saturated soil is evidenced by the presence of redoximorphic features or other information upon determination by a Minnesota-licensed Professional Geoscientist or Engineer. [Minn. R. 7090]
97.30	"Significant materials" includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under Section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); any chemical the facility is required to report pursuant to Section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA); fertilizers; pesticides; and waste products such as ashes, slag, and sludge that have the potential to be released with stormwater discharges. When determining whether a material is significant, the physical and chemical characteristics of the

	material should be considered (e.g. the material's solubility, transportability, and toxicity characteristics) to determine the material's pollution potential. [40 CFR 122.26(b)(12)]
97.31	"Storm-resistant shelter" means completely roofed and walled buildings or structures, as well as structures with only a top cover but no side coverings, and the material under the structure is not subjected to any run-on and subsequent runoff of stormwater. [Minn. R. 7090]
97.32	"Stormwater" means stormwater runoff, snowmelt runoff, and surface runoff and drainage. [Minn. R. 7090.0080, Subp. 12]
97.33	"Stormwater discharge associated with industrial activity" or "industrial stormwater discharge" means the discharge from any conveyance that is used for collecting and conveying stormwater and that is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the NPDES program under 40 CFR pt. 122. For the categories of industries identified in this section, the term includes, but is not limited to, stormwater discharges from: a. Industrial plant yards. b. Immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility. c. Material handling sites. d. Refuse sites. e. Sites used for the application or disposal of process wastewater (as defined at part 401 of this chapter). f. Sites used for the storage and maintenance of material handling equipment. g. Sites used for residual treatment, storage, or disposal. h. Shipping and receiving areas. i. Manufacturing buildings. j. Storage areas (including tank farms) for raw materials, and intermediate and final products; and k. Areas where industrial activity has taken place in the past and significant materials remain and are exposed to stormwater. For the purposes of this paragraph, material handling activities include storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product, by- product or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with stormwater drained from the above described areas. Industrial facilities include those that are federally, State, or municipally owned or operated that meet the description of the facilities listed in 40 CFR 122.26 (b)(14)(i) through (xi), except (x). The term also includes those facilities designated under the provisions of 40 CFR 122.26 (a)(1)(v). [Minn. R. 7090]
97.34	"Stormwater pollution prevention plan" or "SWPPP" means a plan for stormwater discharge that includes facility-specific activities and actions to, first, identify sources of pollution or contamination at the facility, and second, select and implement BMPs to reduce or eliminate contact of stormwater with significant materials that may result in polluted runoff from the facility. [Minn. R. 7090]
97.35	"Control Measure or Stormwater Control Measure" means any stormwater control or other method (including numeric or narrative effluent limitations) used to prevent or reduce the discharge of pollutants to waters of the United States. [Minn. R. 7090]
97.36	"Surface water or waters" for purposes of the industrial stormwater permit, means all streams, lakes, ponds, marshes, wetlands, reservoirs, springs, rivers, drainage systems, waterways, watercourses, and irrigation systems whether natural or artificial, public, or private. [Minn. R. 7090]
97.37	"Total maximum daily load" or "TMDL" means the sum of the individual wasteload allocations for point sources and load allocations for nonpoint sources and natural background, as more fully defined in Code of Federal Regulations, title 40, section 130.2, paragraph (i). A TMDL sets and allocates the maximum amount of a pollutant that may be introduced into a water of the state and still assure attainment and maintenance of water quality standards. [Minn. R. 7052.0010, Subp. 42]
97.38	"Wasteload allocation (WLA)" means the portion of a receiving water's loading capacity that is allocated to one of its existing or future point sources of pollution, as more fully defined in Code of Federal Regulations, title 40, section 130.2, paragraph (h). In the absence of a TMDL approved by USEPA under 40 CFR, 130.7, or an

	assessment and remediation plan developed and approved according to part 7052.0200, subpart 1, item C, a WLA is the allocation for an individual point source that ensures that the level of water quality to be achieved by the point source is derived from and complies with all applicable water quality standards and criteria. [Minn. R. 7052.0010, Subp. 45]
97.39	"Water quality standards" means those provisions contained in Minn. R. 7050 and 7052. [Minn. R. 7050]
97.40	"Waters of the state" means all streams, lakes, ponds, marshes, 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. [Minn. Stat. 115.01, Subd. 22]
97.41	"Wetlands" are 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 sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in a saturated soil condition. c. Under normal circumstances support a prevalence of such vegetation. [Minn. R. 7050.0186, Subp. 1(B)]
97.42	ABBREVIATIONS AND ACRONYMS a. BOD 5 - Biochemical Oxygen Demand (5 day test) b. BMP - Best Management Practice c. CERCLA - Comprehensive Environmental Response, Compensation and Liability Act d. CFR - Code of Federal Regulations e. COD- Chemical Oxygen Demand f. CWA - Clean Water Act or the Federal Water Pollution Control Act, 33 U.S.C. 1251 et seq) g. LA - Load Allocations h. MS4 - Municipal Separate Storm Sewer System i. NPDES - National Pollutant Discharge Elimination System j. POTW - Publicly Owned Treatment Works k. SDS - State Disposal System l. SIC - Standard Industrial Classification m. SPCC - Spill Prevention, Control, and Countermeasures n. SWPPP - Stormwater Pollution Prevention Plan o. TMDL - Total Maximum Daily Load p. TSS - Total Suspended Solids q. USEPA means the United States Environmental Protection Agency. r. WLA - Wasteload Allocation. [Minn. R. 7090]
98.1	PART VII. SECTOR-SPECIFIC REQUIREMENTS. [Minn. R. 7090]
98.2	The Permittee shall comply with these sector-specific requirements for any primary SIC code and/or narrative activity and co-located industrial activities as defined in the eligibility requirements of this permit. The sector-specific requirements apply to those areas of the Permittee's facility where those sector- specific activities occur. [Minn. R. 7090]
99.1	Sector J. Mineral Mining and Dressing. [Minn. R. 7090]
100.1	Authorized Stormwater Discharges. [Minn. R. 7090]
100.2	These Sector J requirements apply to stormwater discharges occurring from construction activity and industrial activity from the following activities specified in Appendix A of the General Permit, available on the MPCA website: a. Active, temporarily inactive, and inactive mineral mining and dressing facilities; b. Mining sites undergoing reclamation; and c. Earth-disturbing activities conducted prior to active mining activities as defined in this section. [Minn. R. 7090]

101.1	Limitations on Eligibility for Coverage. [Minn. R. 7090]
101.2	The Permittee is not allowed to conduct the following earth-disturbing activities conducted prior to active mining activities under this permit: a. Disturbing 50 acres or more where stormwater will discharge within one mile to special waters; or b. Disturbing 50 acres or more where stormwater will discharge to impaired waters. If the Permittee will conduct either of these activities, the Permittee shall submit an application for coverage under the Construction Stormwater NPDES/SDS General Permit MNR100001 (CSW Permit). [Minn. R. 7090]
102.1	Limitations on Authorization. [Minn. R. 7090]
102.2	The following discharges are not authorized under this permit: a. Dewatering of mine or quarry areas. b. Aggregate wash water The following activities do not require coverage under this permit a. Discharges from exploration sites and land disturbance activities to determine the financial viability of a site prior to mineral extraction that disturb less than one acre, including the building of site roads and removal of overburden and waste rock to expose minerals and are not covered by an active mining permit issued by the applicable State or Federal agency. Note: If these activities disturb greater than one acre, you must obtain coverage under either this Industrial Stormwater Permit or the General Stormwater Permit for Construction Activity. b. Discharges from earth-disturbing activities that disturb less than one acre for construction of infrastructure at mineral extraction, including the building of site roads and removal of overburden and waste rock to expose minerals do not require industrial stormwater permit. c. Closed mineral mining sites where disturbances associated with extraction, removal or recovery of minerals took place prior to September 30, 1992, and where extraction, removal or recovery activities have not taken place on or after September 30, 1992 are not active or inactive mineral mining facilities and do not require an industrial stormwater permit. d. Sites where the Permittee maintains mineral mining claims to extraction disturbances removal, or recovery of minerals and sites where minimal activities are undertaken for the sole purpose of maintaining a mineral mining claim are not active or inactive mining facilities and do not require an industrial stormwater permit. [Minn. R. 7090]
103.1	Sector-Specific Definitions. [Minn. R. 7090]
103.2	The following definitions do not supersede the definitions of active and inactive mining facilities established by 40 CFR 122.26(b)(14)(iii). [Minn. R. 7090]
103.3	Earth-disturbing activities conducted prior to active mining activities. These activities consists of two classes of earth-disturbing (i.e., clearing, grading and excavation) activities: a. Activities performed for purposes of mine site preparation, including: cutting new rights of way (except when related to road construction); providing access to a mine site for vehicles and equipment (except when related to road construction); or other earth disturbances associated with mine site preparation activities on any areas where active mining activities have not yet commenced (e.g., for heap leach pads, waste rock facilities, tailings impoundments, wastewater treatment plants); and b. Construction of staging areas to prepare for erecting structures (e.g., to house project personnel and equipment, mill buildings, etc.) and construction of roads. Earth-disturbing activities associated with the construction of staging areas and the construction of roads conducted prior to active mining are "construction activity" or "small construction activity" as defined by 40 CFR Parts 122.26(b)(14)(x) and (b)(15)(i) and have additional effluent limits if more than one acre is disturbed. [Minn. R. 7090]
103.4	"Reclamation" means activities undertaken in compliance with applicable mined land reclamation requirements following the cessation of activities associated with extraction, removal and recovery of minerals, intended to return the land to an appropriate post- mining land use. [Minn. R. 7090]
103.5	"Active Mineral Mining Facility" means a place where the Permittee conducts work or other activity related to the extraction, removal, or recovery of minerals. For surface mines, this definition does not include any land where grading has returned the earth to desired contour and reclamation has begun. This definition is derived from the definition of "active mining area" found at 40 CFR 440.132(a). [Minn. R. 7090]

103.6	"Inactive Mineral Mining Facility" means a site or portion of a site with past mineral mining and/or milling activities but is not an active facility as defined above, and where the inactive portion does not have active mining permit coverage from the applicable State or Federal agency. [Minn. R. 7090]
103.7	"Temporarily Inactive Mineral Mining Facility" means a site or portion of a site where mineral mining and/or milling occurred in the past but currently are not active, and the facility is covered by an active mining permit issued by the applicable State or Federal agency. [Minn. R. 7090]
104.1	Requirements Applicable to Earth-Disturbing Activities Conducted Prior to Active Mining Activities. [Minn. R. 7090]
104.2	Permittees must notify the MPCA prior to initiating earth-disturbing activities conducted prior to active mining. Permittees must submit the notification to csw.notify.pca@state.mn.us or in another manner determined by the MPCA. The notification must include the following information: a. Name of facility or permit identification number b. County where work will be performed c. Estimated start date for construction and estimated completion date d. Approximate number of acres to be disturbed. [Minn. R. 7090]
104.3	This permit covers stormwater discharges from earth-disturbing activities conducted prior to active mining activities that disturb an area equal to or greater than one acre. For these earth-disturbing activities, the Permittee must comply with all applicable requirements of this permit except for the stormwater control measures in the Stormwater Control Measures and Sector Specific Requirements sections of this permit and the monitoring requirements in Effluent Monitoring & Benchmark sections of this permit. In addition, the Permittee shall comply with the following requirements: a. A Permittee that conducts type a. activities as defined by Earth-Disturbing Activities Conducted Prior to Active Mining must comply with sections 7-11, 14, and 22-23 of the CSW Permit. The CSW Permit stormwater control measures supersede the stormwater controls listed above. Compliance with the CSW Permit requirements for earth disturbing activities conducted prior to active mining no longer apply when active mining activities commence. b. A Permittee that conducts type b. activities as defined by Earth-Disturbing Activities Conducted Prior to Active Mining must comply with sections 5-23 of the CSW Permit. The CSW Permit stormwater control measures supersede the stormwater controls listed above. Compliance with these requirements for earth-disturbing activities conductive at active mine sites is no longer required when the Permittee ceases earth-disturbing activities and has met final stabilization requirements with the CSW Permit. [Minn. R. 7090]
105.1	Erosion and Sedimentation Controls. [Minn. R. 7090]
105.2	The Permittee shall implement sediment control on all down-gradient perimeters before any up-gradient land disturbing activities begin. Use a range of erosion controls within the broad categories of: flow diversion (e.g. swales); stabilization (e.g. temporary or permanent seeding); and structural controls (e.g. sediment traps, dikes, silt fences). The Permittee shall adjust the timing of the installation of sediment control practices to accommodate short-term activities. [Minn. R. 7090]
106.1	Inspections. [Minn. R. 7090]
106.2	If a facility is inactive and unstaffed, the Permittee does not have to conduct monthly facility inspections outlined in the Stormwater Controls Section of this permit and may conduct semi-annual inspections. This exception only applies to Sector J activities. [Minn. R. 7090]
107.1	SWPPP Requirements. [Minn. R. 7090]
107.2	The SWPPP requirements are applicable for active mineral mining facilities, earth-disturbing activities, inactive mining facilities, temporarily inactive mineral mining facilities, temporarily inactive mineral mining facilities, and sites undergoing reclamation. In addition to the requirements in the Stormwater Pollution Prevention Plan section of this permit, the Permittee shall also comply with the following: a. Facility Map. The Permittee shall identify the following locations: i. Mining or milling site boundaries. ii. Access and haul roads.

	iii. Outline of the drainage areas of each monitoring location within the facility with indications of the types of discharges from the drainage areas. iv. Location(s) of all permitted discharges covered under a separate NPDES/SDS permit. v. Outdoor equipment storage, fueling, and maintenance areas. vi. Materials handling areas. vii. Outdoor manufacturing, outdoor storage, and material disposal areas. viii. Outdoor chemicals and explosives storage areas. ix. Overburden, materials, soils, or waste storage areas. x. Heap leach pads. xi. Surface waters. xii. Boundary of tributary areas that are subject to effluent limitations guidelines. xiii. Location(s) of reclaimed areas.
	b. Potential Pollutant Sources. i. For each area of the mine or mill site where industrial stormwater discharges occur, the Permittee shall identify the types of pollutants (e.g. heavy metals, sediment) likely present in significant amounts. Evaluate the following factors in the identification of pollutants: a. The mineralogy of the waste rock (e.g. acid forming). b. Toxicity and quantity of chemicals the Permittee uses, produces, or discharges. c. The likelihood of contact with stormwater. d. Vegetation of site (if any). e. History of significant leaks or spills of toxic or hazardous pollutants. Also include a summary of any existing waste rock or overburden characterization data and test results for potential generation of acid rock. ii. The Permittee shall describe the mining and associated activities that can affect the stormwater discharges covered by this permit, including a general description of the location of the site relative to major transportation routes and communities. [Minn. R. 7090]
108.1	Monitoring and Reporting Requirements. [Minn. R. 7090]
108.2	In accordance with the Benchmark Monitoring Requirements section of this permit, the Permittee shall monitor the applicable parameters in Table J-1 in Appendix B of the General Permit, available on the MPCA website. [Minn. R. 7090]
109.1	Use of Infiltration Systems and/or Industrial Stormwater Ponds for Stormwater Treatment and Disposal. [Minn. R. 7090]
109.2	Sector J industrial facilities may use infiltration systems or industrial stormwater ponds for stormwater management. [Minn. R. 7090]
110.1	Termination of Coverage. [Minn. R. 7090]
110.2	If a site, or portion of a site, has no applicable county, state, or federal reclamation requirements after September 30, 1992, it no longer meets permit requirements provided the stormwater discharges do not have the potential to cause or contribute to violations of state water quality standards. The permit requirements also do not apply to reclamation sites after September 30, 1992. A site or portion of a site is considered a reclamation area if: a. Raw materials, intermediate byproducts, finished products, and waste products do not have the potential to cause or contribute pollutants to stormwater discharges. b. The Permittee stabilizes the drainage ways that leave the site to prevent erosion with riprap or other protective material. c. The Permittee completes soil-disturbing activities at the site and stabilizes all soils with a uniform perennial vegetative cover with a density of 70 percent over the entire pervious surface area, or other equivalent means necessary to prevent soil failure under erosive conditions. d. The Permittee stabilizes drainage ditches constructed to drain water from the site to preclude erosion. e. The Permittee removes temporary synthetic and structural erosion prevention and sediment control BMPs. f. The Permittee cleans out all sediment from conveyances and from temporary sedimentation basins that the

Permittee uses as permanent water quality management basins. The Permittee shall stabilize sediment to prevent it from washing back into the basin, conveyances or drainage-ways discharging off-site or to surface waters. The cleanout of permanent basins must be sufficient to return the basin to design capacity.

g. The Permittee shall install permanent stormwater treatment for new impervious surfaces the Permittee creates.

h. The Permittee shall implement other BMPs as necessary to prevent erosion from the site excavation areas and stockpiles that the Permittee uses. [Minn. R. 7090]

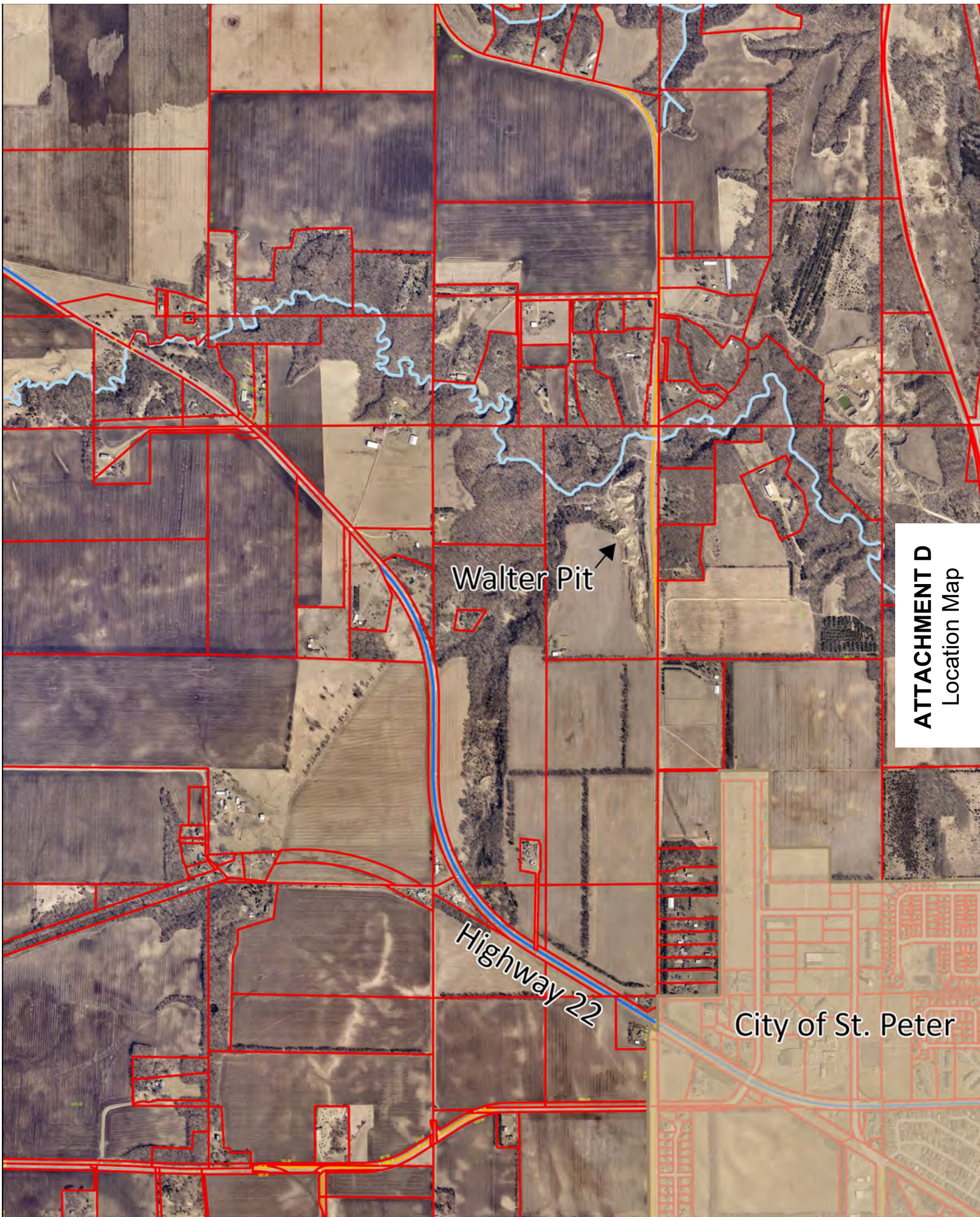


Rogers Creek

Co Rd 20

Walter Pit

ATTACHMENT C
Aerial Map



ATTACHMENT D
Location Map



ATTACHMENT E
Site Photographs



3/28/2024





3/28/2024



3/28/2024



3/28/2024

DISPLAYNAME	MAILINGADDR	MAILINGCITYSTATEZIP
ANDERSON KIRK H & AMY M ANDERSON	39870 COUNTY ROAD 20	SAINT PETER MN 56082
BAKKER BRADLEY W REVOCABLE TRUST	40535 COUNTY ROAD 20	SAINT PETER MN 56082
CARLBLOM TORREY C & JULIE A CARLBLOM	35545 398TH LN	SAINT PETER MN 56082
CHABOT DALE	35571 398TH LN	SAINT PETER MN 56082
CHILMAN HERBERT S JR	1754 DES JARDINES PO BOX 230172	HOUSTON TX 77023
CONLON FAMILY IRREVOCABLE TRUST	40297 STATE HIGHWAY 22	SAINT PETER MN 56082
DAVIS JAMES S & ANNE L DAVIS	39835 COUNTY ROAD 20	SAINT PETER MN 56082
DRANTTEL MARIE	34697 DAISY LN	SAINT PETER MN 56082
EMICH SCOTT R	35627 398TH LN	SAINT PETER MN 56082
HART MARILYN C	35697 398TH LN	SAINT PETER MN 56082
HELGESON TRUST	35615 398TH LN	SAINT PETER MN 56082
KEELEY JEFFREY J & KIM M KEELEY	35667 398TH LN	SAINT PETER MN 56082
KIENHOLZ JEFFERY L & DEBORAH J KIENHOLZ	35693 398TH LN	SAINT PETER MN 56082
MCCABE AMBROSE & SCHELLI REVOCABLE TRUST	40497 COUNTY ROAD 20	SAINT PETER MN 56082
MCCABE AMBROSE R & SCHELLI O MCCABE	40497 COUNTY ROAD 20	SAINT PETER MN 56082
MILLER GARY A & JOANN L	40415 STATE HWY 22	SAINT PETER MN 56082
OLSON SANDRA K	40323 COUNTY ROAD 20	SAINT PETER MN 56082
QUICK WESLEY H & KAREN E QUICK	35623 398TH LN	SAINT PETER MN 56082
SELY FRANKLIN P	40557 STATE HIGHWAY 22	SAINT PETER MN 56082
SKOOG DAVID MICHAEL	35689 398TH LN	SAINT PETER MN 56082
SODERLUND WILLIAM A JR & BETH A SODERLUND	40293 STATE HWY 22 PO BOX 492	SAINT PETER MN 56082
SOROKA JACEK T & MALGORZATA D SOROKA	39877 COUNTY ROAD 20	SAINT PETER MN 56082
THOEMKE JOHN D & CHERYL M THOEMKE	35631 398TH LN	SAINT PETER MN 56082
TRAVERSE CEMETERY	524 CAPITAL DRIVE	SAINT PETER MN 56082
TROCKE PETER J & WANDA A TROCKE	40301 STATE HIGHWAY 22	SAINT PETER MN 56082
WALTER JEREMY A & LISA F WALTER	39761 COUNTY ROAD 20	SAINT PETER MN 56082
WALTER WILLIS JOSEPH	40512 COUNTY RD 20	SAINT PETER MN 56082

ATTACHMENT F
Neighbor Notification List



PLANNING COMMISSION CRITERIA FOR GRANTING A CONDITIONAL USE PERMIT

Name of Applicant Willis Walter **Hearing** April 15, 2024
Property Owner Willis Walter **Continuation** N/A
File PLN24-07 **Commission Member** _____
Use Request 3-Year Mineral Extraction Conditional Use Permit renewal

FINDINGS OF FACT

Authority for issuance of conditional use permits is derived from Minnesota State Statute §394.301 and Nicollet County Zoning Ordinance, Section 505. The conditional use must maintain the health, safety, morals, and general welfare of the community.

1. Given the nature of the land, the requested use is compatible with public health, safety, and general welfare.

YES ☐ NO ☐ REASON: _____

2. The requested use will not create an unreasonably excessive burden on the existing roads or other utilities.

YES ☐ NO ☐ REASON: _____

3. The requested use is compatible with the surrounding area and will not significantly depreciate nearby properties.

YES ☐ NO ☐ REASON: _____

ATTACHMENT G
Criteria for Conditional Use Permit

4. The structure and the use shall have an appearance that will not have an unreasonably adverse effect on nearby properties.

YES ☐ NO ☐ REASON: _____

5. The requested use is consistent with the County Zoning Ordinance.

YES ☐ NO ☐ REASON: _____

6. The requested use is not in conflict with the County Comprehensive Plan.

YES ☐ NO ☐ REASON: _____

7. The requested use will not create an unreasonably adverse effect because of noise, odor, glare, or general unsightliness, for nearby property owners.

YES ☐ NO ☐ REASON: _____

8. The requested use is reasonably related to the existing land use and environment.

YES ☐ NO ☐ REASON: _____

9. There are no apparent unreasonable health risks posed to neighbors or the public in general.

YES ☐ NO ☐ REASON: _____

10. The requested use **[will/will not]** have adverse effect upon public health, safety and welfare due to the following other factors.

YES ☐ NO ☐ REASON: _____

THE NICOLLET COUNTY PLANNING COMMISSION

☐ RECOMMENDS APPROVAL OF THE REQUEST ☐ RECOMMENDS DENIAL OF THE REQUEST

THIS DECISION WAS BASED UPON

☐ Application ☐ Site visit ☐ Staff Report ☐ Photographs
☐ Information received at public hearing

SPECIAL CONDITIONS ARE LISTED ON THE RECORDED CONDITIONAL USE AND IN THE RECORD.
FACTS SUPPORTING THE ANSWER TO EACH QUESTION ABOVE ARE HEREBY CERTIFIED AS THE
FINDINGS OF THE NICOLLET COUNTY PLANNING COMMISSION.

Date: _____ Commission Member: _____

02/01/2024 - 03/31/2024 Permit Form

RECORD ID	RECORD TYPE	DESCRIPTION	ADDRESS	OWNER NAME	PARCEL ID
PLN24-04	CONDITIONAL USE PERMIT	THREE YEAR MINERAL EXTRACTION RENEWAL	51771 CO RD 21, COURTLAND, MN 56021	SHERI HULKE	04.316.0300
BLD24-05	STRUCTURE PERMIT	30' X 48' ACCESSORY STRUCTURE.	52133 350TH ST, LAFAYETTE MN 56054	M. BAGGENSTOSS & K. SCHAPEKAHM	02.009.0400
SPT24-02	SSTS PERMIT	NEW ATGRADE SSTs FOR NEW HOUSE	43764 361ST LANE, ST. PETER, MN 56082	RON & DEBRA VEITH	10.219.2410
BLD24-06	STRUCTURE PERMIT	NEW 2,908 SQ FT DWELLING & 30' X 45' DETACHED SHED	43764 361ST LANE, ST. PETER, MN 56082	RON & DEBRA VEITH	10.219.2410
SW24-11	SOLID WASTE HAULER LICENSE	SWH LICENSE 01.01-12.31.2024	2724 9TH ST E, STE 2, GLENCOE, MN 55336	PURPLE ROLL-OFF, LLC	N/A
BLD24-07	STRUCTURE PERMIT	15' X 36' SHED LEAN TO	54505 366TH ST, LAFAYETTE, MN 56054	ALLEN & DAWN OSWALD	02.018.0700
BLD24-08	STRUCTURE PERMIT	NEW ELECTRICAL, CONTROL, AND EQUIPMENT ROOMS	34175 CO RD 20, LE SUEUR, MN 56058	MG WALDBAUM COMPANY	07.106.0200
BLD24-09	STRUCTURE PERMIT	CONSTRUCTION OF 36' X 48' COLD STORAGE SHED	52631 MINNEWAUKON CT, NORTH MANKATO, MN 56003	WINCH DENNIS C TRUST AGREEMENT	01.105.1400
SPT24-04	SSTS PERMIT	NEW SEPTIC FOR A NEW 3 BEDROOM HOUSE	44322 STATE HIGHWAY 111, NICOLLET, MN 56074	PAUL HONKEN	05.028.0300
SPT24-05	SSTS PERMIT	NEW HOLDING TANK FOR SHOP	44322 STATE HIGHWAY 111, NICOLLET, MN 56074	PAUL HONKEN	05.028.0300
BLD24-10	STRUCTURE PERMIT	NEW 2,976 SQ FT DWELLING	44322 STATE HIGHWAY 111, NICOLLET, MN 56074	PAUL HONKEN	05.028.0300
PLN24-05	CONDITIONAL USE PERMIT	MINERAL EXTRACTION RENEWAL	52631 475TH ST, COURTLAND, MN 56021	RIVER VALLEY ENTERPRISES LLC	04.309.0710
BLD24-11	STRUCTURE PERMIT	32' X 40' POST FRAME SHED WITH 8' OPEN LEAN-TO	40391 551ST AVE, NEW ULM MN 56073	KEVIN KRAL	03.006.0200
BLD24-12	STRUCTURE PERMIT	54' X 96' MACHINE SHED	47843 FORT RD, NICOLLET MN 56074	RANDY FRAUENDIENST	05.008.0405
BLD24-13	STRUCTURE PERMIT	12KWDC/12KWAC FIXED GROUND MOUNT SOLAR ARRAY	44893 COUNTY ROAD 15, NICOLLET MN 56074	HERMANSON DONALD & RHONDA	08.035.0100
BLD24-14	STRUCTURE PERMIT	170' X 235' LMSA	61958 FORT RD, NEW ULM MN 56073	BERANEK BROTHERS LLP	13.025.0410
SPT24-06	SSTS PERMIT	SEPTIC TANK REPLACEMENT FOR EXISTING MOUND	40700 CEDAR RIDGE RD, ST PETER, MN 56082	RANDY & JOANN FREY-HAWKINS	12.104.0700
PLN24-06	VARIANCE	SIDE AND REAR YARD VARIANCE	45168 STATE HIGHWAY 111, NICOLLET MN 56074	RANDY & SHELLY DORN	05.033.0210
BLD24-15	LAND ALTERATION PERMIT	TEMPORARY 90 DAY BATCH PLANT	N/A	FRED HANSON JR	07.033.0600
PLN24-07	CONDITIONAL USE PERMIT	MINERAL EXTRACTION RENEWAL	40512 CO RD 20, SAINT PETER, MN 56082	WILLIS WALTER	12.105.0200
BLD24-16	STRUCTURE PERMIT	NEW 54' X 56' SHED	35724 375TH AVE, SAINT PETER, MN 56082	RONALD REGENSCHEID TRUST	07.014.0310