

Minnesota Attorney General: Administrative Rules Proceedings

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13 February 1981

Jerry Anderson
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Room G-25
Administration Building
50 Sherburne Avenue
St. Paul, MN 55155

RE: Waste Discharge Rules for the Metropolitan Waste Disposal System, 6 MCAR §§6.010-6.019
Our File No. MW110-054

Dear Sirs:

On behalf of the Metropolitan Waste Control Commission, the above-entitled rules are hereby submitted to the Attorney General for review pursuant to Minn. Stat. §15.0412, subd. 4e (1980). In addition to the hearing record and the documents indicating approval by the Commission which are transmitted herewith, enclosed please find a copy of the rules as finally adopted by the Commission and provisions of the rules which are to be published in the State Register indicating the amendments made since the original publication at 5 S.R. 355 (September 8, 1980).

Sincerely,

Larry M. Wertheim

Larry M. Wertheim

LMW/csw

Enclosure

cc: Don Madore

RECEIVED
FEB 13 1981
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

Exhibits

A. Order for Public Hearing

B. Notice of Hearing as mailed

C. Statement of Number of Persons and Length of Hearing

D. Copy of Proposed Waste Discharge Rules for the Metropolitan Disposal System (as submitted to Hearing Examiner)

E. Copy of Proposed Waste Discharge Rules for the Metropolitan Disposal System (as published in the State Register)

F. Affidavit of Receipt of the Secretary of State's list.

G. Affidavit of Mailing the Notice to all persons on the Metropolitan Waste Control Commission, Secretary of State, and Metropolitan Council lists.

H. Statement of Need and Reasonableness.

I. Statement of materials received pursuant to Notice of Intent to Solicit Outside Information.

J. Notice of Intent to Solicit Outside Information.

K. Names of Agency Personnel

L. Order of Chief Hearing Examiner regarding incorporation by reference.

M. Amendments Proposed by Metropolitan Waste Control Commission at Public Hearing

N. Additional Statement of Need and Reasonableness

O. Statement of Richard A. Beens

SF-00006-02

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : SALISBURY ADAMS
Chairman

DATE: March 6, 1981

ATTN : Larry M. Wertheim

FROM : H. Theodore Grindal HTG
Special Assistant
Attorney General

PHONE: 296-1288

SUBJECT: In the Matter of the Proposed Adoption of the Waste Discharge Rule for the Metropolitan Waste Disposal System, 6 MCAR §§6.010 - 6.018

Enclosed herewith are the rules you have submitted for approval. These rules have been approved by this office and filed with the Secretary of State. Please note that they have not been filed with the State Register; this must be done promptly by your agency.

Upon receipt and before transmittal to your agency, however, it is important that you recheck these rules as to:

1. Affixation of stamps of the Attorney General and Secretary of State to the last page of the rules;

2. Coverage by these stamps of all rules submitted; and

3. Inclusion of all pages to the rules in the approved set.

If you have any questions in this regard, please contact me.

Our File No. 675

2/23 Tom L. Weirheim - Authorizing Cert. requested
2/24 Authorizing Cert. rec'd

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 2/13/81
DATE FOR REVIEW 2/23/81
DATE DUE 3/5/81

Adopted w/a hearing X
Adopted w/o a hearing _____
Temporary rule _____

Approved _____ Disapproved _____ Returned to Agency _____

Resubmitted _____ Due _____
Approved _____ Disapproved _____ Returned to Agency _____

Date filed w/Secretary of State _____

✓ Rule as Adopted

✓ Rule as Proposed

✓ Order Adopting

✓ Notice of Intent to Solicit Outside Opinion 6.9.80 see HE 4

✓ Order for rulemaking
10.9.80 Date of Hearing

✓ Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking
✓ Sufficiency

✓ Affidavit of Mailing Notice of rulemaking
9.4+5.80 At least 30 days prior to hearing/adoption

? Mailing list Certificate see Affidavit of Receipt of Secy. State's list and Affidavit of Mailing.

✓ Publication in State Register
9.8.80 At least 30/20 days prior to hearing/adoption

✓ Hearing Examiner's Report

✓ Chief Hearing Examiner's Report(s)
✓ 11.26.80 Approving H.E.'s Report ✓ Amending Rept. of HE 12.9.80
✓ 12.17.80 Approving agency action

✓ Agency's Findings of Fact

N/A LCRAR Report or agency Affidavit

✓ Certificate of Board's Resolution Adopting Rules

✓ Order Approving Incorporation by Reference see HE 7

✓ Statement of Need and Reasonableness see HE 8

N/A Petition for Adoption of a Rule

✓ Record (includes transcript or tape, exhibits, comments received by agency, requests for a hearing, and other relevant materials)

___ Certificate of Compliance w/Rulemaking Procedures
not submitted.

✓ Affidavit of Mailing Notice of Submission to Attorney General

✓ Notice of Submission to the Attorney General

Metropolitan Waste Control Commission

In the Matter of the
Proposed Adoption of
the Waste Discharge
Rule for the Metropolitan
Waste Disposal System,
6 MCAR §§6.010 - 6.018.

ORDER ADOPTING
RULES

The above-entitled matter came on for hearing before Hearing Examiner Reha on the 9th day of October, 1980 at 9:30 a.m. in the Southdale - Hennepin Area Library Community Room, 7001 York Avenue South, Edina, Minnesota, after proper notice required by Minnesota Statutes §15.0412 was served upon all persons, associations and other interested groups registered with the Secertary of State and the Metropolitan Waste Control Commission for that purpose.

After affording interested persons an opportunity to present written and oral data, statements and arguments, having heard all of the testimony, having considered all the evidence adduced and upon the records, files and proceedings herein, and applicable statutory standards or criteria, and confirming the need for and reasonableness of the above-captioned rules,

NOW, THEREFORE, IT IS ORDERED That these rules identified as the Waste Discharge Rules for the Metropolitan Disposal System, 6 MCAR §§6.010 - 6.018 are adopted the 20th day of January, 1981, pursuant to the authority vested in me.

Date: January 20, 1981

Metropolitan Waste Control Commission

Salisbury Adams

Salisbury Adams
Chairman

Rules As Adopted

AG copy.

WASTE DISCHARGE RULES

FOR THE

METROPOLITAN DISPOSAL SYSTEM

Metropolitan Waste Control Commission
350 Metro Square Building
Saint Paul, Minnesota 55101

6 M.C.A.R. §§6.010-6.019

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6 MCAR. §6.010. POLICY, AUTHORITY, AND PURPOSE

A. The Metropolitan Waste Control Commission designs, constructs, owns, and operates the Metropolitan Disposal System, a publicly owned system of interceptors and treatment works, for the conveyance, treatment, and disposal of Domestic and Industrial Wastes from residential, commercial, institutional, and Industrial Users in the Metropolitan Area. To achieve the highest and best use of the Commission's facilities, the Commission shall regulate the quantity and quality of discharges into the public sewers of local units of government and the interceptors of the Commission. Further, the Commission shall maintain a program to regulate, enforce and charge for services necessary to carry out its obligations under federal and state laws.

B. These Rules are adopted by the Metropolitan Waste Control Commission pursuant to Minnesota Statutes, Chapter 473, and are declared to be necessary for the efficient, economic, and safe operation of the Metropolitan Disposal System, and for protection of the health, safety, and general welfare of the public in the Metropolitan Area.

C. These Rules are intended:

1. To carry out the comprehensive plan for the Metropolitan Disposal System as contained in the "Metropolitan Development Guide, Waste Management Policy Plan" adopted by the Metropolitan Council, as amended;

2. To comply with provisions of the Federal Clean Water Act (33 U.S.C. 1251 et seq), as amended;

3. To comply with permit requirements under the National Pollutant Discharge Elimination System;

4. To comply with federal (EPA) and state (Minnesota Pollution Control Agency) rules and regulations in order to maintain eligibility for federal and state grants for construction of treatment facilities;

5. To prevent and abate pollution;

6. To prevent the introduction of pollutants into the MDS which will interfere with the operation of the MDS, including Interference with its use or disposal of Sewage Sludge;

HE 15

7. To prevent the introduction of pollutants into the MDS which will pass through the treatment works or otherwise be incompatible with such works; and

8. To improve opportunities to recycle and reclaim municipal and industrial waste water and sludges.

6 MCAR. §6.011 DEFINITIONS

The following definitions shall be used in the interpretation of these Rules unless otherwise indicated by the context:

A. "Act" - The Federal Water Pollution Control Act (PL 92-500), and the Clean Water Act (PL 95-217), as amended.

B. "Chief Administrator" - The Chief Administrator of the Metropolitan Waste Control Commission, or his duly authorized representative.

C. "Commission" - The Metropolitan Waste Control Commission, established by Minnesota Statutes, Section 473.503, as amended.

D. "Domestic Waste" - Wastes from residential users and from the sanitary conveniences of multiple dwellings, commercial buildings, institutions, and industrial facilities.

E. "EPA" - The U.S. Environmental Protection Agency.

F. "General Pretreatment Regulations" - The general pretreatment regulations for existing and new sources of pollution promulgated by EPA under Section 307(b) and (c) of the Act and found at 40 CFR Part 403.

G. "Industrial Discharge Permit" or "Permit" - A permit issued by the Commission to an Industrial User to use the Metropolitan Disposal System, as established by §6.012 herein.

H. "Industrial User" - A person whose activity is listed in the SIC major group, group, or industry numbers contained in attached Appendix C unless the discharge contains only Domestic Waste generated at the discharge site.

HE 16a

I. "Industrial Waste" - Solid, liquid, or gaseous wastes, including cooling water (except where exempted by an NPDES permit), resulting from any industrial, manufacturing, or business process, or from the development, recovery or processing of a natural resource.

J. "Interference" - A disruption or an inhibition of the sewer system and/or treatment plant processes or operations or a violation of any requirement of an NPDES Permit. The term also includes prevention of Sewage Sludge use or disposal by the Commission in accordance with local, state, and federal rules or regulations.

K. "May" - Permissive.

L. "Metropolitan Area" - The area in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

M. "Metropolitan Disposal System" or "MDS" - Any or all of the interceptors and treatment works owned and operated by the Commission.

N. "NPDES Permit" - A discharge permit issued pursuant to the National Pollutant Discharge Elimination System established under the Act.

O. "pH" - A measure of the acidity or basicity of a waste. It is the logarithm of the reciprocal of the hydrogen ion concentration in moles per liter.

P. "Permittee" - An Industrial User authorized to discharge, directly or indirectly, Industrial Waste into the MDS pursuant to an Industrial Discharge Permit.

Q. "Person" - Any individual, partnership, association, corporation, public agency, and any other organization or group of individuals, public or private.

R. "Pretreatment" - The process of equalizing or reducing the amount of pollutants in wastewater or eliminating pollutants or altering the nature of pollutant properties in wastewater to a less harmful state by physical, chemical, or biological processes prior to or in lieu of discharging or otherwise introducing such pollutants into the Metropolitan Disposal System.

S. "Pretreatment Standards" - Regulations, applicable to specific categories of Industrial Users, containing pollutant discharge limits promulgated by EPA in accordance with Section 307(b) and (c) of the Act as established under 40 C.F.R. Chapter I, Subchapter N.

T. "Rules" - The Waste Discharge Rules for the Metropolitan Disposal System contained herein.

U. "SIC" - The Standard Industrial Classification Code (1972) issued by the Executive Office of the President, Office of Management and Budget, for use in the classification of establishments by types of business and the primary and economic activity engaged in.

V. "Sewage Sludge" - Solids and associated liquids in municipal wastewater which are encountered and concentrated by a municipal wastewater treatment plant.

W. "Shall" - Mandatory.

X. "Slug" - Any waste discharge which, in concentration of any given constitutent or in quantity of flow, exceeds four (4) times the average twenty-four (24) hour concentration or flow during normal operation.

Y. "Waste Transport Hauler" - An Industrial User who transports Industrial or Domestic Waste for the purpose of discharge into the MDS.

6 MCAR. §6.012. INDUSTRIAL DISCHARGE PERMIT

A. Scope

Industrial Users discharging directly or indirectly into the Metropolitan Disposal System shall obtain an Industrial Discharge Permit pursuant to these Rules unless the Chief Administrator determines after a review of completed permit application that the discharge has no noticeable or measurable impact on the MDS. Issuance of an Industrial Discharge Permit shall not relieve the Industrial User from any obligation to obtain a hazardous waste permit from the appropriate other authorities.

see HE 16b

HE 17

B. Permit Application

1. All Industrial Users shall complete and file with the Commission a Permit application in a form substantially the same as that set forth in Appendix A. The appropriate Permit fee as provided by §6.012F. shall accompany the Permit application form at the time of application. No Industrial User shall discharge into the MDS after March 1, 1982, unless the Industrial User has been granted an Industrial Discharge Permit.

see HE 16c and CHE 12/9/80

2. If the Permit application is incomplete or otherwise deficient, the Chief Administrator shall promptly advise the applicant of such incompleteness or deficiency. An Industrial Discharge Permit shall not be issued until an application is complete.

3. Within sixty (60) days after receipt of a completed application form from the Industrial User, the Chief Administrator shall, upon a determination that the applicant is capable of compliance with the Industrial Discharge Permit conditions and these Rules, issue an Industrial Discharge Permit subject to the terms and conditions provided herein.

C. Permit Conditions

Industrial Discharge Permits shall be subject to all provisions of these Rules. Permits shall include the following conditions, if applicable:

1. Payment of Strength Charge and Industrial Cost Recovery charge;

2. The maximum allowable wastewater constituents and characteristics, either in terms of concentrations, mass limitations, or other appropriate limits;

3. Requirements for installation, maintenance, and operation of sampling and monitoring points;

4. Pretreatment requirements;

5. Specifications for self-monitoring programs, which include sampling locations, frequency and method of sampling, number and type of tests as well as reporting schedules;

6. Requirements for access to the Permittee's premises and records pursuant to §6.012H.;

7. Requirements for submission of plans and maintenance of records for the prevention and control of accidental discharges pursuant to §6.016;

8. Compliance schedules;

9. Requirements for notification to the Chief Administrator of any change in the volume or characteristics of Industrial Waste introduced into the MDS which the Permittee knows or has reason to believe will or is likely to have, either singly or by interaction with other wastes, a negative impact on the MDS treatment process; HE 19

10. Requirements for notification of Slug and/or bypass discharges.

11. Requirements for the specific location, time, and volume of discharge to the MDS for Waste Transport Haulers.

D. Permit Modification, Suspension, and Revocation

1. An Industrial Discharge Permit shall be modified, suspended, or revoked, in whole or in part, by the Chief Administrator during its term for the following causes: HE 20

HE 20, public hearing amendment.

a. Violation of these Rules;

b. Violation of any terms or conditions of the Industrial Discharge Permit;

c. Obtaining an Industrial Discharge Permit by misrepresentation or failure to disclose fully all relevant facts;

d. Amendment of these Rules where Permit provisions are affected;

e. A change in the MDS treatment process which results in the Permittee's discharge having a significantly different and negative impact on the process;

f. A change in the Permittee's Industrial Waste volume or characteristics which will or is likely to have, either singly or by interaction with other wastes, a negative impact on the MDS treatment process (modification only);

See HE 21 re deletion

g. A determination by the Chief Admninistrator that the Permittee's discharge reasonably appears to present an imminent endangerment to the health or welfare of Persons, present an endangerment to the environment, or threaten Interference with the operation of the MDS.

2. Any modifications in the Industrial Discharge Permit shall specify a reasonable time schedule for compliance.

3. A Permittee may surrender an Industrial Discharge Permit to the Commission prior to the Permit's scheduled termination. In the event that a Permit is surrendered or revoked, the Permittee shall be refunded a pro rata portion of the Permit fee paid.

E. Permit Duration & Reissuance

Industrial Discharge Permits shall be issued for a period of three (3) years; provided, however, that original Permits may be issued for a period of between two (2) and three (3) years for the administrative convenience of the Commission so as to stagger the renewal dates of Permits. The Permittee shall apply for Permit reissuance at least ninety (90) days prior to the Permit's expiration date by filing with the Commission a Permit reissuance application in a form substan-

tially the same as that set forth in Appendix G, the applicable fee, and any proposed revisions to the conditions of the expiring Permit. Within ninety (90) days after receipt of the fee and Permit reissuance application, the Chief Administrator, upon a determination that the Permittee has been in compliance with the expiring Permit and is capable of complying with the reissued Permit, shall reissue an Industrial Discharge Permit upon the terms and conditions specified for an additional period of three (3) years. An expiring Permit may be modified for any of the causes specified in §6.012D.

F. Permit Fees

The Industrial Discharge Permit fee shall be as follows:

Total Waste Discharge (Million Gallons Per Year)	Permit Fee (Both Initial and Reissuance)
Less than 2	$ 30.00
Between 2 and 20	90.00
Greater Than 20	180.00

G. Permit Transfer

1. Industrial Discharge Permits shall be issued to specific Industrial Users at specific locations, except in the case of Waste Transport Haulers. An Industrial Discharge Permit shall not be assigned or transferred to a new owner or a different premises without the written consent of the Commission.

2. In the event of a change in the entity owning the Industrial Waste discharge facilities for which there is an

Industrial Discharge Permit, the prior owner, if feasible, shall notify the Commission of said change in ownership and the succeeding owner of the provisions of the Industrial Discharge Permit and these Rules.

3. The new owner shall submit a new Permit application under §6.012B.1. or shall submit to the Commission an executed statement agreeing to be bound by the terms and conditions of the existing Industrial Discharge Permit for the facility in which case, upon consent of the Commission, the Permit shall continue in effect until its expiration date.

H. Monitoring and Records

1. Each Permittee, except a Waste Transport Hauler or unless exempted by Permit, shall provide and operate at the Permittee's own expense a monitoring point to allow for reasonable inspection, sampling, and flow measurements by the Commission of all Industrial Waste discharged directly or indirectly to the MDS. This point shall be the same as the Permittee's monitoring location. The monitoring point shall be situated on the Permittee's premises or, upon prior approval from the local government unit in which the facility is located, the monitoring point may be constructed in a public right of way. There shall be sufficient room and adequate access in or near such monitoring point to allow for accurate sampling and flow measurement.

2. The Chief Administrator shall have the right to inspect the monitoring point of any Permittee to determine

compliance with these Rules and the Industrial Discharge Permit. The Permittee shall allow the Chief Administrator to enter upon the premises of the Permittee during normal operating hours to inspect the facility, disposal systems, or monitoring methods after informal notice. However, in the event of emergency conditions in the MDS or where the Chief Administrator has reasonable cause to believe that a Permittee is evading detection of Permit violations through advanced notice, the Chief Administrator may enter a Permittee's premises without providing any notice. The Chief Administrator shall also have the right to set up on the Permittee's premises necessary devices to conduct sampling, inspection, compliance monitoring and/or metering operations.

3. Wastewater discharge records of a Permittee shall be kept by the Permittee for a period of not less than three (3) years. The Permittee shall provide the Chief Administrator reasonable access to these records during normal business hours. A Permittee subject to an applicable Pretreatment Standard shall maintain all records required by 40 CFR §403.12(n) of the General Pretreatment Regulations.

I. Sampling and Analysis

1. Representative samples of a Permittee's Industrial Waste shall be collected on normal operating days and in accordance with guidelines listed in Appendix B. Industrial Users subject to Pretreatment Standards shall sample in accordance with the Pretreatment Standards. Self-monitoring

point(s) for Industrial Users who are not subject to Pretreatment Standards shall be at a location before wastewater is mixed with other discharges or at a point where waste can be adequately monitored.

2. A Permittee whose Industrial Waste discharge is greater than 100,000 gallons per day through single or multiple connection(s) at a permitted facility to the Metropolitan Disposal System shall install and maintain a flow measurement device for instantaneous rate and/or cumulative flow volume determinations. Metered water supply may be used in lieu of flow measurement devices if it can be documented that the water usage and waste discharge are the same, or where a measurable adjustment to the metered supply can be made to determine the waste volume.

3. Meters and flow recorders shall be maintained at the Permittee's expense in good operating condition at all times. The Permittee shall notify the Chief Administrator in writing within five (5) days in the event that the Permittee becomes aware that the meter or flow recorder has failed to accurately register the flow. The Permittee shall also notify the Chief Administrator of the Permittee's intention to alter the installation of a meter or flow recorder so as to affect the accurate recording of Industrial Waste entering the MDS.

4. Test procedures for the analysis of pollutants for Permit applications and routine self-monitoring shall conform to the guidelines established in 40 CFR Part 136 and 40 CFR §403.12(g) of the General Pretreatment Regulations.

J. Self-Monitoring Reports

1. A condition of the Industrial Discharge Permit shall include the completion and submittal of accurate routine self-monitoring reports to the Commission in the form substantially similar to that set forth in Appendix E, or, in the case of Waste Transport Haulers, Appendix F. The nature and frequency of routine reporting shall be based upon the information provided in the permit application form. Except in the case of Waste Transport Haulers, reports shall be required as follows:

Total Waste Discharge (Million Gallons Per Year)	Reporting Frequency
Less than 2	annually
Between 2 and 20	semi-annually
Greater than 20	quarterly

The Chief Administrator may modify the above reporting schedule for a particular Permittee based on the Permittee's Industrial Waste characteristics. Waste Transport Haulers shall submit reports semi-annually.

2. Permittees subject to Pretreatment Standards shall submit reports to the Commission in accordance with the applicable Pretreatment Standards.

K. Report and Monitoring Discrepancies

A Permittee shall be notified in writing by the Chief Administrator of a significant discrepancy between the Permittee's routine self-monitoring reports and the Commission's

monitoring results within thirty (30) days after the receipt of such reports and monitoring results. The Permittee shall then have ten (10) working days to reply in writing to such notification. If mutual resolution of such discrepancy is not achieved, additional sampling shall be performed by the Commission. Samples shall be split between the Permittee's laboratory or agent and the Commission's laboratory for analysis.

L. Public Access to Information

Public access to information and data furnished to the Commission by Permittees shall be available to the public as provided by the Minnesota Government Data Practices Act, Minn. Stat. §§15.1611 to 15.1698, and 40 CFR §403.14 of the General Pretreatment Regulations.

6 MCAR. §6.013. PROHIBITED WASTE DISCHARGES

No Person shall discharge or cause to be discharged, directly or indirectly, into the Metropolitan Disposal System any of the following substances:

A. Any combustible, flammable or explosive solids, liquids, or gases which by their nature or quantity will or are likely to cause either alone or by interaction with other substances a fire or explosion or be injurious to the treatment plant operation. At no time shall two (2) successive readings on an explosimeter, at the point of discharge into the sewer system, be more than five percent (5%) nor shall there be any single reading over ten percent (10%) of the Lower Explosive Limit (L.E.L.). Prohibited materials include gasoline, kerosene, naphtha, fuel oil, lubricating oil, benzene, toluene, xylene, ethers, alcohols, and ketones.

B. Any solids or viscous substances which will or are likely to cause obstruction to the flow in a sewer or Interference with the operation of the MDS. These include garbage with particles greater than one-half inch (1/2") in any dimension, grease, animal guts or tissues, bones, hair, hides or fleshings, entrails, feathers, ashes, sand, spent lime, stone or marble dust, metal, glass, grass clippings, rags, spent grains, waste paper, wood, plastic, gas tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, glass grinding and polishing wastes.

C. Any wastewater containing inert suspended solids (including lime slurries and lime residues) or dissolved solids (including sodium chloride) in such quantities that will or is likely to cause Interference with the MDS.

D. Any wastewater having a corrosive property that will or is likely to cause damage or hazard to structures, equipment, or personnel of the MDS.

E. Any wastewater containing toxic or poisonous pollutants in sufficient quantity, either singly or by interaction with other pollutants, that will or is likely to cause Interference or constitute a hazard to humans.

F. Any noxious or malodorous solids, liquids, or gases, which, either singly or by interaction with other wastes, will or are likely to create a public nuisance or hazard to life or prevent the entry of Commission's personnel into a sewer for its monitoring, maintenance, and repair.

G. Any wastewater which will or is likely to cause excessive discoloration in treatment plant effluent, including dye wastes, vegetable tanning solutions, and printing inks.

H. Wastes, other than Domestic Wastes, that are infectious before discharging into the sewer.

I. Any sludge from an industrial pretreatment facility except as provided in §6.014B.2.

HE 26

J. After August 25, 1981, heat in amounts which will or is likely to inhibit biological activity in any Commission treatment plant resulting in interference or causing damage to the MDS, but in no case heat in such quantities that the Industrial Waste temperature is greater than 65°C(150°F) at its point of discharge to the MDS, or heat causing, individually or in combination with other wastewater, the influent at any Commission treatment plant to have a temperature exceeding 40°C(104°F).

K. Any wastewater containing fat, wax, grease or oil in excess of 100 mg/l that will or is likely to solidify or become viscous at temperatures between 0 and 65°C and which will or is likely to cause obstruction to the flow in sewers or other Interference to the MDS.

L. Any Slug discharged in such volume or strength which a Person knows or has reason to know will or is likely to cause Interference in the MDS.

M. Any unpolluted water including cooling water, rain water, storm water, or groundwater unless there is no prudent and feasible alternative.

N. Radioactive wastes or isotopes of such a half-life or concentration that they are in non-compliance with standards issued by the appropriate authority having control over their use and which will or are likely to cause damage or hazards to the MDS or personnel operating it.

O. Any hazardous waste, as defined by Minn. Stat. §116.06, subd. 13 and 6 MCAR §§4.9001 through 4.9002, unless prior approval has been obtained from the Chief Administrator upon a showing by the discharger that the hazardous waste would not cause, or threaten to cause, an endangerment to the health or welfare of persons, an endangerment to the environment, or Interference with the operation of the MDS.. HE 28

P. Any waste generated outside the Metropolitan Area.

6 MCAR. §6.014. MDS LIMITATIONS ON DISCHARGES

A. Local Limitations

1. No Person, except as authorized pursuant to a compliance schedule in a Permit, shall discharge or cause or allow to be discharged, directly or indirectly, into the MDS any waste containing concentrations in excess of the following: HE 29

Pollutant	Limitation (Maximum for any operating day)
HE 29	
Cadmium (Cd)	2.0 mg/l
Chromium total (Cr)	8.0 mg/l
Copper (Cu)	6.0 mg/l
Cyanide total (Cn)	4.0 mg/l
Lead (Pb)	1.0 mg/l
Mercury (Hg)	0.1 mg/l
Nickel (Ni)	6.0 mg/l
Zinc (Zn)	8.0 mg/l

2. No Person shall discharge or cause or allow to be discharged, directly or indirectly, into the MDS any waste containing a pH less than 5.0 units or more than 10.0 units.

3. Notwithstanding the provisions of §6.014A.1., in the event that a discharge of pollutants results in a violation of any requirement of an NPDES Permit for a particular Commission treatment plant or results in the Sewage Sludge from a particular Commission treatment plant exceeding standards or limitations contained in local, state, or federal law, the Commission shall order all Persons discharging to said treatment plant to reduce the concentration of pollutants to the degree necessary to remedy NPDES permit violations or

to meet Sewage Sludge rules and regulations. Upon receipt of said order all Persons discharging pollutants to said treatment plant shall immediately comply with said order by reducing the concentration of pollutants accordingly. This provision shall be applicable to Industrial Users subject to Pretreatment Standards notwithstanding less stringent pollutant limitations contained in said Pretreatment Standards or the provisions of §6.015A.1.

B. Pretreatment

1. An Industrial User shall make Industrial Waste acceptable under the limitations established in §6.014A.1., the prohibitions under §6.013, and/or any applicable Pretreatment Standard before discharging, directly or indirectly, into the MDS. Any Industrial User required to pretreat Industrial Waste shall provide, operate, and maintain such a facility at the Industrial User's expense. Detailed plans showing the Pretreatment facilities shall be submitted to the Commission for review and approval at least sixty (60) days prior to the initiation of construction. The Chief Administrator shall approve the Industrial User's Pretreatment plans if it appears that the proposed Pretreatment facility is capable of meeting all applicable limitations and prohibitions. The Commission's review and approval shall in no way relieve the Industrial User from the responsibility of modifying the facility as necessary to produce an effluent complying with the provisions of these Rules. Any subsequent modifications in the Pretreat-

ment facilities which will result in a substantial change in discharge shall be reported to and be approved by the Chief Administrator, upon a determination that the modified facility is capable of meeting all applicable limitations and prohibitions, prior to the modification of the existing facility.

2. Residual solids from a Pretreatment facility shall not be disposed, directly or indirectly, into the MDS without prior written approval from the Chief Administrator. The disposal method shall be in accordance with local, state, and federal requirements. The Chief Administrator shall be notified in writing within ten (10) days of any substantial changes in such residual solids disposal procedures and/or characteristics.

C. Dilution

No Person shall use potable or process water in any way for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations set forth in these Rules or applicable Pretreatment Standards.

D. Trap Installations

Grease, oil and sand traps shall be provided for the proper discharge of waste containing excessive amounts of grease, oil, or sand. All trap installations shall be regularly cleaned and maintained for adequate performance.

E. Non-Contact Cooling Water

Every Person shall discharge non-contact cooling water via an NPDES Permit whenever prudent and feasible.

6 MCAR. §6.015. PRETREATMENT STANDARDS

A. Conditions

1. Pretreatment Standards as promulgated pursuant to Section 307 of the Act shall be met by all affected Industrial Users. Where an Industrial User is subject to applicable Pretreatment Standards, such Industrial User shall comply with the pollutant limitations contained therein and not the limitations under §6.014A.1., except that where the applicable Pretreatment Standards do not regulate all the pollutants specified in §6.014A.1. for that Industrial User, then such Industrial User shall be subject to the limitations provided in §6.014A.1. for those pollutants for which it is not regulated under the Pretreatment Standards. In all other respects, Industrial Users subject to Pretreatment Standards shall comply with all provisions of these Rules and any Permit issued thereunder, notwithstanding less stringent provisions of the General Pretreatment Regulations or any applicable Pretreatment Standard. Industrial Users subject to Pretreatment Standards shall comply with all more stringent provisions of the General Pretreatment Regulations and applicable Pretreatment Standards, notwithstanding less stringent provisions contained in these Rules or any Permit issued thereunder.

2. The Pretreatment Standards, as of the date of adoption of these Rules, listed in Appendix D shall be applicable to Industrial Users.

3. The Chief Administrator shall notify all affected Industrial Users of the applicable Pretreatment Standards, their amendments, and reporting requirements in accordance with 40 CFR §403.12 of the General Pretreatment Regulations. A compliance schedule shall be developed between the Commission and the Industrial User to ensure that the Industrial User complies with local, state, and federal limitations in a timely manner as provided by the same section of the General Pretreatment Regulations.

B. Removal Credits and Variances

1. If the Commission achieves consistent removal of pollutants limited by Pretreatment Standards, the Commission may apply to EPA for modification of specific limits of the Pretreatment Standards. The Commission shall modify pollutant discharge limits applicable to an Industrial User in the Pretreatment Standards if the requirements contained in 40 CFR §403.7 of the General Pretreatment Regulations relating to credits for the removal of pollutants are fulfilled and prior approval from EPA is obtained. However, nothing herein shall be construed to require the Commission to apply to EPA for removal credits nor shall it be construed to in any way limit the applicability of the limitations provided in §6.014A.1. in the event that such a removal credit is granted, except as provided in §6.015A.1.

2. The Commission shall recognize and enforce the conditions allowed for by variances from Pretreatment Standards

for fundamentally different factors as granted by EPA to individual Industrial Users in accordance with 40 CFR §403.13 of the General Pretreatment Regulations.

C. Reports

Reports specified in 40 CFR 403.12 of the General Pretreatment Regulations shall be submitted to the Commission by affected Industrial Users.

6 MCAR. §6.016. ACCIDENTAL AND SLUG DISCHARGES

A. Prevention

All Industrial Users shall provide adequate protective procedures to prevent the accidental discharge of any waste prohibited in §6.013, any waste in excess of the limitations provided in §6.014A.1., or any waste in violation of an applicable Pretreatment Standard.

B. Accidental Discharges

1. Any Person who has knowledge of an accidental discharge into the MDS of any waste referred to in §6.016A. shall immediately notify the Chief Administrator of such a discharge. In the event that the Person reporting the accidental discharge is not the Person responsible for the discharge, the Chief Administrator shall immediately notify the responsible Person of the discharge. The responsible Person shall take immediate action as is reasonably possible to minimize or abate the prohibited discharge.

2. The responsible Person shall send a letter describing the prohibited discharge to the Commission within five (5) calender days after obtaining knowledge of the discharge. The letter shall include the following information:

a. the time and location of the spill;

b. description of the accidentally discharged waste, including estimate of pollutant concentrations;

c. time period and volume of wastewater discharged;

d. actions taken to correct or control the spill;

e. a schedule of corrective measures to prevent further spill occurrences.

3. Such notification as described herein shall not relieve the responsible Person of liability for expenses, loss, or damage to the MDS or treatment processes or for any fines or penalties imposed under local, state, or federal law.

C. Slug Discharges

In the event that an Industrial User discharges a Slug in such volume or strength which the Industrial User knows or has reason to know will cause Interference in the MDS, the Industrial User shall immediately report the same to the Chief Administrator. Within five (5) calender days thereafter, the Industrial User shall send a letter to the Commission describing the Slug.

6 MCAR. §6.017. ENFORCEMENT

A. Remedies Available

The provision of these Rules and all standards, limitations, orders, schedules of compliance, and all provisions and the conditions of any Permit issued by the Commission thereunder shall be enforced by the Commission by any one or any combination of the following: criminal prosecutions; action to recover civil damages; injunction; action to compel performance; termination of service.

B. Criminal Penalties

1. a. Any Person who willfully or negligently violates any provision of these Rules or any provision of a Permit issued by the Commission thereunder shall be guilty of a misdemeanor.

HE 33

b. Any Person who continues any violation of any provision of these Rules or any provision of a Permit issued by the Commission thereunder beyond the time limit provided for in the Chief Administrator's written notice of violation shall be guilty of a misdemeanor.

c. Each day in which a violation referred to in either §6.017 B. 1. a. or b. continues shall be deemed a separate offense.

2. Any Person who knowingly makes any false statement or representation in any record, report, plan or other docu-

ment filed with the Commission, or who falsifies, tampers with, or renders inaccurate any monitoring device or method required under these Rules or any Permit issued by the Commission thereunder shall be guilty of a misdemeanor.

C. Civil Liability

Any Person discharging waste in violation of these Rules or any provision or condition of any Permit issued by the Commission thereunder shall be subject to civil liability to the Commission for any or all of the following:

1. the added costs to the Commission of handling the improper discharge;

2. the costs incurred by the Commission in correcting the violation, in repairing damage to the Metropolitan Disposal System, and in cleanup of the unauthorized discharge;

3. any costs or penalties imposed upon the Commission by regulatory authorities by reason of the violating discharge.

D. Injunctions

Any violation of these Rules or any provision or condition of any Permit issued by the Commission thereunder which causes, or threatens to cause, an imminent endangerment to the health or welfare of Persons, an endangerment to the environment, or Interference with the operation of the MDS may be enjoined by the Commission as provided by law.

E. Actions to Compel Performance

In the event of a violation of these Rules or any provision or condition of any Permit issued by the Commission thereunder, the Commission may petition a court of competent jurisdiction for an order compelling compliance with these Rules or any Permit issued thereunder or any order compelling the person in violation to:

1. Demonstrate that in-plant improvements will modify a discharge in such a way as to comply with these Rules and any applicable Permit;

2. Install and maintain pretreatment, handling, or monitoring facilities necessary to reduce or eliminate those characteristics of the discharge which resulted in the violation; or

3. Discontinue any discharge, or part thereof, into the Metropolitan Disposal System.

F. Termination of Service

In the event that a discharge directly or indirectly to the MDS in violation of these Rules or of any Permit issued thereunder is causing, or threatens to cause, an imminent endangerment to the health or welfare of Persons, an endangerment to the environment, or Interference with the operation of the MDS, the Chief Administrator may interrupt or terminate the sewage service to the violator after informal notice and, if feasible, an opportunity to respond.

6 MCAR. §6.018. ADMINISTRATION

A. Administration

These Rules, and interpretations thereof, shall be administered by the Chief Administrator.

B. Enforcement

The Chief Administrator shall take all reasonable actions necessary to enforce these Rules and to correct violations thereof.

C. Notice of Violation

Any Person found to be in violation of any provision of these Rules, or of the provisions of an Industrial Discharge Permit, shall be served by the Chief Administrator with a written notice of such violation and an order to cease and desist. The notice shall direct the person to comply forthwith or to comply in accordance with a time schedule set forth by the Chief Administrator. The Chief Administrator shall also serve a notice in cases of threatened violations and direct that appropriate remedial or preventive action be taken.

D. Variances

Except in the case of Pretreatment Standards, upon the written request of any Person the Commission HE 35 shall grant a variance where there is no prudent and feasible alternative to

non-compliance with these Rules or a Permit issued thereunder. The Chief Administrator, upon approval of the Commission, shall respond within forty-five (45) days of a request for a variance and shall set forth in writing the reasons for granting or denying the variance.

E. Appeals

1. Any Person affected by any decision or order made by the Chief Administrator in interpreting or administering the provisions of these Rules or of any Permit issued pursuant hereto, may file with the Chief Administrator a written request for reconsideration within ten (10) days of such decision, action or determination, setting forth in detail the facts supporting the request for reconsideration. The Chief Administrator shall respond in writing on the decision within ten (10) days of receipt of the request for reconsideration.

2. The Chief Administrator's decision may be appealed for hearing to the Commission by giving written notice of appeal, within ten (10) days after receipt of the decision of the Chief Administrator. Notice of a scheduled hearing shall be mailed to the appealing Person. The decision of the Commission on such appeal shall be the final administrative determination.

6 MCAR. §6.019. EFFECTIVE DATE AND SEVERABILITY

A. Effective Date

These Rules shall become effective thirty (30) days after adoption by the Commission and publication as required by law.

B. Severability

If the provisions of any section, paragraph, or sentence of these Rules shall for any reason be held to be unconstitutional or invalid by any Court of competent jurisdiction, the provisions of the remaining sections, paragraphs and sentences shall nevertheless continue in full force and effect.

C. Conflicts

If conflicts arise between these Rules and any other Rules or regulations previously adopted by the Commission, these Rules, and the interpretations thereof, shall take precedence.

D. Date of Adoption

These Rules are approved and adopted by the Metropolitan Waste Control Commission on the 20th day of January, 1981.

METROPOLITAN WASTE CONTROL COMMISSION

By _____
George Lusher
Chief Administrator

By _____
Salisbury Adams
Chairman

APPENDIX A

INDUSTRIAL DISCHARGE PERMIT APPLICATION

For Commission Use Only
Permit No.: _____
Date Received: _____
Permit Issued: _____

METROPOLITAN WASTE CONTROL COMMISSION

PERMIT APPLICATION FOR DISCHARGE OF INDUSTRIAL WASTE TO THE METROPOLITAN DISPOSAL SYSTEM

A. GENERAL

1. Company Name: _____
2. Mailing Address: _____
   _____
3. Facility Address: _____
   _____
4. Facility Community: _____
5. Contact Person: _____
   Job Title: _____
   Phone Number: _____
6. Application for:
   - ☐ Existing Facility
   - ☐ New Facility

B. OPERATION

1. Total Number of Employees: _____
2. Operating Hours Per Day: _____
3. Number of Shifts Per Day: _____
4. Number of Employees Per Shift: 1st _____ 2nd _____ 3rd _____
5. Operating Days Per Week: _____

C. PRODUCTION

1.

Nature of Operation	SIC Code	Estimated Rate of Production	Estimated Total Quantity per Yr.

2.

Principal Raw Materials	% Total

3.

Principal Products	% Total

4. If there are seasonal changes in your rate of production, please describe. _____

_____

_____

_____

_____

D. SOURCE OF WATER SUPPLY

Source	Gal/yr	Determined by
Municipal		
Private Well		
Other		
Total		

E. WASTE DISCHARGE

Type	Gal/yr.	Determined by
Uncontaminated Cooling Water Discharged to:		
a). Storm Sewer		
b). Receiving Water		
c). Domestic or Combined Sewer		
Domestic Waste		
Industrial Waste		
Other		
Total		

Explain discrepancy, if any, between total water supply and total waste discharge _____

_____

_____

_____

_____

_____

F. INDUSTRIAL WASTE FLOW CHARACTERISTICS

1. Continuous Discharge

	Daily Flow Rate	Time & Duration	Determined by
Average			
Maximum			
Minimum			

Please indicate, if any, the weekly, monthly, yearly or seasonal variations on your discharges. _____

_____

2. Batch Dump

Quantity	Contents	Duration	Frequency

3. Does your company have an NPDES permit for discharge? _____

If "YES", please indicate the discharge volume, location, and name of the receiving water.

_____

_____

G. ANALYTICAL DATA ON INDUSTRIAL WASTE

1. Date representative sample collected: _____
2. Sample collected by (organization): _____
3. Sample analyzed by (organization): _____
4. Method of sample collection: _____

_____

_____

5. Method of sample composition: _____

_____

Present	Absent	Constituent	Result
_____	_____	pH	_____ units
_____	_____	Suspended Solids	_____ mg/l
_____	_____	Chemical Oxygen Demand	_____ mg/l
_____	_____	Grease and/or Oil	_____ mg/l
_____	_____	Cadmium	_____ mg/l
_____	_____	Total Chromium	_____ mg/l
_____	_____	Copper	_____ mg/l
_____	_____	Lead	_____ mg/l
_____	_____	Mercury	_____ mg/l
_____	_____	Nickel	_____ mg/l
_____	_____	Zinc	_____ mg/l
_____	_____	Total Cyanide	_____ mg/l
_____	_____	Other	_____ mg/l

H. PRETREATMENT

1. All Industrial Users

a). Does the Company accomplish in-line and/or end-of-pipe treatment of its wastes? _____

b). If "YES", please list the parameter treated, the treatment processes, their objectives and solid waste disposal method:

Parameter Treated	Process	Objective	Solid Waste Disposal

c). If "NO", please indicate which method(s) your company will consider for meeting MWCC limitations and/or EPA Pretreatment Standards.

- ☐ Already in Compliance.
- ☐ Addition of Pretreatment Processes (Describe).
- ☐ Modification of Processes (Describe).
- ☐ Substitution of Alternative Chemicals (Describe).
- ☐ Elimination of Certain Processes (Describe).
- ☐ Other (Describe).

_____

_____

_____

2. Federal Categorical Pretreatment Industries Only.

a). Categorical Process Wastewater flow.

EPA Category	Average (GPD)	Maximum (GPD)	% Total

b). If your Company cannot meet the EPA Pretreatment Standards on a consistent basis, please complete the following table for additional pretreatment and/or operation and maintenance (O & M):

Major Pretreatment Component and/or Additional O & M	Commencement Date	Completion Date	Operating Date

I. DESCRIPTION OF INDUSTRIAL WASTE GENERATING PROCESS

1). Please sketch a flow chart of your operation(s) on a separate sheet of paper including the following information:

a). Manufacturing steps;

b). Stages where water and/or chemicals are added or discharged to the sewer;

c). Source of water supply;

d). Pretreatment System location, if required;

e). Continuous flow and/or batch discharge stages;

f). Location of meters, sampling, and monitoring points;

g). Number and location of sanitary and/or combined sewer connections.

J. CERTIFICATION OF INFORMATION

I hereby certify that the information supplied in this application is complete and correct to the best of my knowledge.

* Name (PRINT): _____

Title: _____

Signature: _____

Phone (Area Code): _____

Date: _____

* For Federal Categorical Pretreatment Industries, the signatory must be an authorized representative. An authorized representative may be:

1) a principal executive officer of at least the level of vice president, if the Permittee is a corporation;

2) a general partner or proprietor, if the Permittee is a partnership or sole proprietorship, respectively; or

3) a duly authorized representative of the individual designated in (1) or (2) above if such representative is responsible for overall

operation of the facility.

Send completed form and an application fee of _____ to:

Metropolitan Waste Control Commission
Industrial Waste Section
350 Metro Square Bldg.
St. Paul, MN 55101

APPENDIX B

INDUSTRIAL WASTE
SELF-MONITORING GUIDELINES

A. Scope

This Appendix is to serve as a guideline for Industrial Users and commercial analytical laboratories who collect and/or analyze Industrial Waste samples. Methods of sample collection, sample preservation, sample handling and sample analysis are addressed herein in order to standardize the format of sampling and sample analysis.

B. Location of Self-Monitoring Point

Major factors to be considered in selecting the sampling point(s) are:

(1) Whether the origin and volume of wastewater flow is known or can be determined;

(2) Whether the sampling point is easily accessible with adequate safeguards;

(3) Whether the wastewater is well mixed and has adequate velocity for proper sampling techniques.

C. Type of Samples

(1) Grab Samples - Grab samples may be taken manually or automatically. Wide mouth jars are preferred in order to facilitate the rapidity of sample collection. A grab sample is preferred over a composite one when:

(a) Wastewater to be sampled does not flow on a continuous basis, such as periodic dumping of spent process tanks; or

(b) It is desirable to determine the instantaneous condition of a wastewater.

Grab samples are required when analyzing wastewaters for parameters such as temperature and pH.

2. Composite Samples - Samples may be composited on the basis of any of the following:

(a) Equal time intervals and equal size samples.

(b) Equal time, unequal volume samples--amount of samples collected or added to the mixture for compositing during the sampling period is proportional to the wastewater flow at equal time intervals. Each individual sample should have a volume of at least 100 ml.

(c) Unequal time, equal volume samples--collection of fixed volume samples passing through the sampling point over unequal time intervals. When the wastewater flow varies considerably throughout a normal working day, individual samples should be taken at least hourly.

Individual samples should be composited totally and mixed well. A 2 to 4 liter portion of the total mixture should be taken as a representative sample of the total mixture for analysis. Generally, a composite sample is accep-

table if individual samples are collected hourly over a normal working day or 24 hours.

D. General Precautions in Sample Handling

(1) Samples should be taken in the well-mixed region of the wastewater;

(2) Intake of the collecting device should be placed below the water surface to avoid excessive floating materials and above the bottom to avoid sediment;

(3) Before a grab sample is taken, the container should be rinsed several times with the wastewater;

(4) For an automatic sampler, the intake line velocity should be sufficiently high to ensure representative sampling of suspended solids.

E. Sample Preservation

Container, preservative, and maximum holding time for pollution parameters to be analyzed should be in accordance with Table B-1. Sample preservations should be performed immediately upon collection, if feasible.

TABLE B-1

CONTAINERS, PRESERVATION, AND HOLDING TIMES

Parameter	Container	Preservative	Maximum Holding Time
1. CN(T)	Polyethylene/ Glass	Cool, $4^{o}C$ NaOH, pH >12	14 days
2. Hg	Polyethylene/ Glass	HNO_3, pH <2	28 days
3. Other metals	Polyethylene/ Glass	HNO_3, pH <2	6 months
4. Chemical Oxygen Demand (COD)	Polyethylene/ Glass	Cool, $4^{o}C$ H_2SO_4, pH <2	28 days
5. pH	Polyethylene/ Glass	Determine on site	2 hours
6. Oil & Grease	Glass	Cool, $4^{o}C$ H_2SO_4, pH <2	28 days
7. Sus- pended Solids	Polyethylene/ Glass	Cool, $4^{o}C$	14 days

APPENDIX C

CLASSIFICATION OF INDUSTRIAL USERS

CLASSIFICATION OF INDUSTRIAL USERS

SIC Code of Major Group, Group or Industry	Title
20	Food and Kindred Products
21	Tobacco Manufacture
22	Textile Mill Products
23	Apparel and Other Finished Products Made From Fabrics and Similar Materials
24	Lumber and Wood Products, Except Furniture
25	Furniture and Fixtures
26	Paper and Allied Products
27	Printing Publishing and Allied Industries
28	Chemicals and Allied Products
29	Petroleum Refining and Related Industries
30	Rubber and Miscellaneous Plastic Products
31	Leather and Leather Products
32	Stone, Clay, Glass and Concrete Products
33	Primary Metal Industries
34	Fabricated Metal Products, Except Machinery and Transportation Equipment
35	Machinery, Except Electrical
36	Electrical and Electronic Machinery Equipment and Supplies
37	Transportation Equipment
38	Measuring, Analyzing and Controlling Instruments; Photographic, Medical and Optical Goods; Watches and Clocks
39	Miscellaneous Manufacturing Industries
40	Railroad Transportation

41	Local and Suburban Transit and Interurban Highway Passenger Transportation
42	Motor Freight Transportation and Warehousing
44	Water Transportation
45	Transportation by Air
47	Transportation Services
49	Electric, Gas and Sanitary Services
50	Wholesale Trade - Durable Goods
51	Wholesale Trade - Nondurable Goods
721	Laundry, Cleaning and Garment Services
7395	Photofinishing Laboratories
7399	Business Services, Not Elsewhere Classified (Solvents recovery service, on a contract basis)
7542	Car Washes
7699	Repair Shops and Related Services, Not Elsewhere Classified (Cesspool cleaning) (Replating shops) (Septic Tank cleaning service) (Sewer cleaning and rodding) (Tank and boiler cleaning service) (Tank truck cleaning service)
806	Hospitals

APPENDIX D

PRETREATMENT STANDARDS

PRETREATMENT STANDARDS

1. Electroplating Point Source Category, 40 CFR Part 413.

APPENDIX E

INDUSTRIAL WASTE DISCHARGE REPORT

METROPOLITAN WASTE CONTROL COMMISSION
Twin Cities Area

350 Metro Square Bldg.
St. Paul, Minnesota 55101

For Commission Use Only
Permit No._____
Date Issued_____

INDUSTRIAL WASTE DISCHARGE REPORT FORM

1. Company Name: _____

2. Location Address: _____ Mailing Address: _____

3. Reporting period covered by this report:

Quarterly Reporters	Semi-annual Reporters	Annual Reporters
☐ Jan. - Mar., 19____	☐ Jan. - June, 19____	☐ 19____
☐ Apr. - June, 19____	☐ July - Dec., 19____	
☐ July - Sept.,19____		
☐ Oct. - Dec., 19____		

4. Total days of operation during this reporting period _____

5. Total number of employees working during this reporting period _____

6. Quantity of waste discharge:
   a). All Permittees.

Type	Total gallons in this reporting period	Determined by
Uncontaminated Cooling Water Discharged to:		
a). Storm Sewer		
b). Receiving Water		
c). Domestic or Combined Sewer		
Domestic Waste		
Industrial Waste		
Other		
Total		

   b). Federal Categorical Pretreatment Industries Only.

Categorical Process Wastewater flow

EPA Category	Average gallons per day	Maximum gallons per day	%Total Discharge

7. Date and time frame of representative sample collection _____

8. Total volume discharged during sampling time frame _____

9. How was volume in Question 8 determined _____

10. Sampling Location _____

11. Method of Sample collection ☐ manually ☐ automatically
    Describe _____

12. Sample collected by ☐ Permittee ☐ other, name _____

13. Method of Sample compositing ☐ manually ☐ automatically
    Describe _____

14. Sample composited by ☐ Permittee ☐ other, name _____

15. Sample analyzed by ☐ Permittee ☐ other, name _____

16. Analytical results. A value should be reported for each parameter indicated in your Industrial Discharge Permit. Federal Categorical Pretreatment Industries should indicate all parameters regulated under EPA Pretreatment Standards from Categorical process wastewater. A copy of lab. report(s) should also be attached.

Parameter	Total Discharge	EPA Category 1 ( )	EPA Category 2 ( )
Suspended solids	_____mg/l	_____mg/l	_____mg/l
pH	_____units	_____units	_____units
Chemical Oxygen Demand	_____mg/l	_____mg/l	_____mg/l
Grease and oil	_____mg/l	_____mg/l	_____mg/l
Chromium, total	_____mg/l	_____mg/l	_____mg/l
Cadmium	_____mg/l	_____mg/l	_____mg/l
Copper	_____mg/l	_____mg/l	_____mg/l
Lead	_____mg/l	_____mg/l	_____mg/l
Nickel	_____mg/l	_____mg/l	_____mg/l
Zinc	_____mg/l	_____mg/l	_____mg/l
Cyanide, total	_____mg/l	_____mg/l	_____mg/l
	_____mg/l	_____mg/l	_____mg/l
	_____mg/l	_____mg/l	_____mg/l

Report Submitted by:

Name (PRINT): _____

Title: _____

Phone: _____

Date: _____

Signature: _____

Authorized Representative: (Federal Categorical Pretreatment Industries Only)

Name (PRINT): _____

Title: _____

Phone: _____

Date: _____

Signature: _____

An Authorized Representative may be:

1). a principal executive officer of at least the level of vice president, if the Permittee is a corporation;
2). a general partner or proprietor if the Permittee is a partnership or sole proprietorship, respectively;
3). a duly authorized representative of the individual designated in (1) or (2) above if such representative is responsible for the overall operation of the facility.

APPENDIX F

WASTE TRANSPORT HAULER DISCHARGE REPORT

METROPOLITAN WASTE CONTROL COMMISSION
Twin Cities Area

For Commission Use Only
Permit No. _____
Date Issued: _____

350 Metro Square Bldg.
St. Paul, Minnesota 55101

WASTE TRANSPORT HAULER DISCHARGE REPORT

DATE: _____

1. Company Name: _____

2. Location Address: _____ Mailing Address: _____

   _____ _____

   _____ _____

3. Reporting Period covered by this report: ☐ January-June, 19____
   ☐ July-December, 19____

4. Number of trucks hauling liquid waste within this reporting period _____

5. List below the location of discharge, date and approximate time of discharge, volume, and a brief description of the waste characteristics. Attach extra pages if necessary.

Location of Discharge	Date and Time	Volume (gallons)	Description of Waste Characteristics

Form completed by:

Name(Print)_____

Title: _____

Phone: _____

Date: _____

Signature: _____

Further contact should be addressed to:

Name(Print)_____

Title: _____

Phone: _____

APPENDIX G

INDUSTRIAL DISCHARGE PERMIT

RENEWAL APPLICATION

METROPOLITAN WASTE CONTROL COMMISSION
Twin Cities Area

350 Metro Square Bldg.
St. Paul, Minnesota 55101

For Commission Use Only
Permit No. _____
Date Issued _____

INDUSTRIAL DISCHARGE PERMIT RENEWAL APPLICATION

DATE: _____

1. Company Name: _____

2. Location Address: _____

   _____

   Mailing Address: _____

   _____

3. Number of shifts per day _____

4. Number of employees per shift 1st_____ 2nd_____ 3rd_____

5. Number of operating days per week _____

6. Does your company plan any significant changes in production, business, or manufacturing in the next three years? ☐ No ☐ Yes (Describe) _____

7. Does your company plan any significant changes in either the quantity or quality of wastewater discharged in the next three years? ☐ No ☐ Yes (Describe) _____

8. Does your company plan to modify or expand its pretreatment system or equipment in the next three years? ☐ Not applicable ☐ No ☐ Yes (Explain) _____

9. Is your firm's pretreatment compliance schedule in accordance with the timetable submitted in Section H(2)(b) of the initial Permit Application? ☐ Not applicable ☐ No (Explain) ☐ Yes _____

10. (Waste Transport Haulers only) Number of trucks anticipated to haul wastes in the next three years? _____

NOTE: A PERMIT REISSUANCE FEE OF _____ SHOULD ACCOMPANY THIS APPLICATION.

I hereby certify that the above information is true and accurate to the best of my knowledge.

Form completed by:

Name (Print): _____

Title: _____

Date: _____

Phone: _____

Signature: _____

Further contact should be made to:

Name: _____

Title: _____

Phone: _____

APPROVED AS TO FORM AND LEGALITY

March 4 19 81

WARREN SPANNAUS, ATTORNEY GENERAL

BY [signature]

SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
MAR - 6 1981
[signature]
Secretary of State

11:00 AM

Attorneys at Law

JAMES S. HOLMES
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JOHN M. LEFEVRE, JR.
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Of Counsel:
KATHERINE M. HOLMES

HOLMES & GRAVEN
CHARTERED
4610 IDS Center, Minneapolis, Minnesota 55402
Telephone 612/338-1177

3 March 1981

H. Theodore Grindal
Room G-25
Administration Building
50 Sherburne Avenue
St. Paul, MN 55155

RE: Waste Discharge Rules for the Metropolitan Disposal System
6 MCAR §§6.010-6.019

Dear Mr. Grindal:

In accordance with our telephone conversation, enclosed please find revised pages 3, 16, 28, 29, and 34 of the Rules. Also enclosed please find revised pages 5 and 10 of the Adopted Amendments to be published in the State Register.

Sincerely,

Larry M. Wertheim

LMW/csw

Enclosure

cc: Don Madore

RECEIVED
MAR 4 1981
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

Amendments to K. as Propose
AG copy.

METROPOLITAN WASTE CONTROL COMMISSION

Adopted Amendments to the Waste Discharge Rules for the Metropolitan Disposal System

The rules published at State Register, Volume 5, Number 10, pp. 356-378 (5 S.R.356) are now adopted with the following amendments:

Amendments as Adopted

6 MCAR §6.010 C.

C. These rules are intended:

1. To carry out the comprehensive plan for the Metropolitan Disposal System as contained in the "Metropolitan Development Guide, Waste Management Policy Plan" adopted by the Metropolitan Council, as amended;

2. To comply with provisions of the Federal Clean Water Act (33 U.S.C. 1251 et.seq), as amended;

3. To comply with permit requirements under the National Pollutant Discharge Elimination System;

4. To comply with federal ~~(U.S. Environmental Protection Agency~~ (EPA) and state (Minnesota Pollution Control Agency) rules and regulations in order to maintain eligibility for federal and state grants for construction of treatment facilities; p.4

5. To prevent and abate pollution;

6. To prevent the introduction of pollutants into the MDS which will interfere with the operation of the MDS, including interference with its use or disposal of sewage sludge;

7. To prevent the introduction of pollutants into the MDS which will pass through the treatment works or otherwise be incompatible with such works; and

8. To improve opportunities to recycle and reclaim municipal and industrial waste water and sludges.

6MCAR §6.011H.

H. "Industrial user" - A persons ~~who discharge industrial waste and~~ whose ~~activities are~~ activity is listed in the SIC major group, group, or industry numbers contained in attached Appendix C ~~shall be deemed industrial users~~ unless the discharge contains only domestic waste generated at the discharge site. ~~or unless the discharge of Industrial Waste is insignificant.~~

6MCAR §6.012 A. Scope.

Industrial users discharging directly or in directly into the Metropolitan Disposal System shall obtain an industrial discharge permit pursuant to these rules. unless the Chief Administrator determines after a review of a completed permit application that the discharge has no noticeable or measurable impact on the MDS. Issuance of an industrial discharge permit shall not relieve the industrial user from any obligation to obtain a hazardous waste permit from the appropriate other authorities.

6 MCAR §6.012 B.1.

1. ~~An industrial user who is required to obtain an industrial discharge permit~~ All industrial users shall complete and file with the Commission a permit application in a form substantially the same as that set forth in Appendix A. The appropriate permit fee as provided in §6.012 F. shall accompany the permit application form at the time of application. No industrial user shall discharge into the MDS after ~~January~~ March 1, 1982, unless the industrial user has been granted an industrial discharge permit. ~~or has submitted a completed permit application.~~ p.7

6 MCAR §6.012 C. 9.

9. Requirements for notification to the chief administrator of any change in the volume or characteristics of industrial waste introduced into the MDS which the permittee knows or has reason to ~~know~~ believe will or is likely to have, either singly or by interaction with other wastes, a negative impact on the MDS treatment process; p.9

6 MCAR §6.012 D.1.

1. An industrial discharge permit ~~may~~ shall be modified, suspended, or revoked, in whole or in part, by the chief administrator during its term for ~~cause, including~~ the following causes: p.9 p.9

a. Violation of these rules;

b. Violation of any terms or conditions of the industrial discharge permit;

c. Obtaining an industrial discharge permit by misrepresentation or failure to disclose fully all relevant facts;

d. Amendment of these rules <u>where permit provisions are affected</u>; p.9

e. A change in the MDS treatment process which results in the permittee's discharge having a significantly different and negative impact on the process;

f. A change in the permittee's industrial waste volume or characteristics which ~~the permittee knows or has reason to know~~ will or is likely to have, either singly or by interaction with other wastes, a negative impact on the MDS treatment process (modification only);

g. A determination by the chief administrator that the permittee's discharge reasonably appears to present an imminent endangerment to the health or welfare of persons, present an endangerment to the environment, or threaten interference with the operation of the MDS.

6 MCAR §6.012 G.1.

1. Industrial discharge permits shall be issued to specific <u>industrial</u> users at specific location<u>, except in the case of waste transport haulers</u>. An industrial discharge permit shall not be assigned or transferred to a new owner or different premises without the written consent of the Commission. p.11

6 MCAR 6.012 K. Report and Monitoring Discrepancies

A permittee shall be notified in writing by the ~~Commission~~ chief administrator of a significant discrepancy between the permittee's routine self-monitoring reports and the Commission's monitoring results within thirty (30) days after the receipt of such reports and monitoring results. The permittee shall then have ten (10) working days to reply in writing to such notification. If mutual resolution of such discrepancy is not achieved, additional sampling shall be performed by the Commission. Samples shall be split between the permittee's laboratory or agent and the Commission's laboratory for analysis.

6 MCAR §6.012 L. Public access to information. Public access to information and data furnished to the Commission by permittees shall be available to the public as provided by the Minnesota Government Data Practices Act, Minn. Stat. §15.1611 to §15.1698, and 40 CFR §403.14 of the General Pretreatment Regulations.

6 MCAR §6.013 J. After August 25, 1981, heat in amounts which will or is likely to inhibit biological activity in any Commission treatment plant resulting in interference or causing damage to the MDS, but in no case heat in such quantities that the industrial waste temperature is greater than 65°C(150°F) at its point of discharge to the MDS, or heat causing, individually or in combination with other wastewater, the influent at any Commission treatment plant to have a temperature exceeding 40°C(104°F).

6 MCAR §6.013 O.

O. Any hazardous waste, as defined by Minn. Stat. §116.06, subd. 13 and 6 MCAR §§4.9001 through 4.9002, unless prior approval has been obtained from the chief administrator upon a showing by the discharger that the hazardous waste would not cause, or threaten to cause, an endangerment to the health or welfare of persons, an endangerment to the environment, or interference with the operation of the MDS.

6MCAR §6.014 A. 1. No person, except as authorized pursuant to a compliance schedule in a permit, shall discharge or cause or allow to be discharged, directly or indirectly, into the MDS any waste containing concentrations in excess of the following:

Pollutant ~~Parameter~~	Limitation (Maximum for any operating day)
Cadmium (Cd)	2.0 mg/l
Chromium total (Cr)	8.0 mg/l
Copper (Cu)	6.0 mg/l
Cyanide total (Cn)	4.0 mg/l
Lead (Pb)	1.0 mg/l
Mercury (Hg)	0.1 mg/l
Nickel (Ni)	6.0 mg/l
Zinc (Zn)	8.0 mg/l

6 MCAR §6.014 B. 1.An industrial user shall make industrial waste acceptable under the limitations established in §6.014A.1., the prohibitions under §6.013, and/or any applicable pretreatment standard before discharging, directly or indirectly, into the MDS. Any industrial user required to pretreat industrial waste shall provide, operate, and maintain such a facility at the industrial user's expense. Detailed plans showing the pretreatment facilities shall be submitted

to the Commission for review and approval at least sixty (60) days prior to the initiation of construction. The chief administrator shall approve the industrial user's pretreatment plans if it appears that the proposed pretreatment facility is capable of meeting all applicable limitations and prohibitions. The Commission's review and approval shall in no way relieve the industrial user from the responsibility of modifying the facility as necessary to produce an effluent complying with the provisions of these rules. Any subsequent modifications in the pretreatment facilities which will result in a substantial change in discharge shall be reported to and be approved by the chief administrator, upon a determination that the modified facility is capable of meeting all applicable limitations and prohibitions, prior to the modification of the existing facility.

6MCAR §6.015 A. 1. Pretreatment standards as promulgated pursuant to §307 of the Act shall be met by all affected industrial users. Where an industrial user is subject to applicable pretreatment standards, such industrial user shall comply with the pollutant limitations contained therein and not the limitations under §6.014A.1., except that where the applicable pretreatment standards, ~~by reason of the nature of particular industrial user~~, do not regulate all the pollutants ~~parameters~~ specified in §6.014A.1. for that industrial user, then such industrial user shall be subject to the limitations provided in §6.014A.1. for those pollutants ~~parameters~~ for

which it is not regulated under the pretreatment standards. In all other respects, industrial users subject to pretreatment standards shall comply with all provisions of these rules and any permit issued thereunder, notwithstanding less stringent provisions of the General Pretreatment Regulations or any applicable pretreatment standard. Industrial users subject to pretreatment standards shall comply with all more stringent provisions of the General Pretreatment Regulations and applicable pretreatment standards, notwithstanding less stringent provisions contained in these rules or any permit issued thereunder.

6 MCAR §6.016 B. 2. The responsible person shall send a letter describing the prohibited discharge to the Commission within ~~three (3)~~ five (5) calendar days after obtaining knowledge of the discharge. The letter shall include the following information: †.28

(a) the time and location of the spill;

(b) description of the accidentally discharged waste, including estimate of pollutant concentrations;

(c) time period and volume of wastewater discharged;

(d) actions taken to correct or control the spill;

(e) a schedule of corrective measures to prevent further spill occurrences.

6 MCAR §6.016 C. Slug discharges.

this deletion + addition not made

In the event that an industrial user discharges a slug in ~~such~~ a volume or strength ~~that~~ which the industrial user knows or has reason to know ~~it~~ will cause interference in the MDS, the industrial user shall immediately report the same to the chief administrator. Within ~~three (3)~~ five (5) calendar days thereafter, the industrial user shall send a letter to the Commission describing the slug.

p. 29

p. 29

6 MCAR §6.017 Enforcement.

B. Criminal Penalties

~~1. Any person who willfully or negligently violates any provision of these rules or any provision or condition of any permit issued by the Commission thereunder including discharging waste in violation of any Commission order, prohibition, discharge limitation, or pretreatment standard, or any person who continues such violation beyond the time limit provided for in the chief administrator's written notice of violation, shall be a misdemeanor. Each day in which any such violation continues shall be deemed a separate offense.~~

1. a. Any person who willfully or negligently violates any provision of these rules or any provision of a permit issued by the Commission thereunder shall be guilty of a misdemeanor.

p. 30

b. Any person who continues any violation of any provision of these rules or any provision of a permit issued by the Commission thereunder beyond the time limit provided for in the chief administrator's written notice of violation shall be guilty of a misdemeanor.

c. Each day in which a violation referred to in either §6.017 B. 1. a. or b. continues shall be deemed a separate offense.

6 MCAR §6.018 D. Variances.

Except in the case of pretreatment standards, upon the written request of any person the ~~chief administrater~~ Commission shall grant a variance where there is no prudent and feasible alternative to non-compliance with these rules or a permit issued thereunder. The chief administrator, upon approval of the Commission, shall respond within forty-five (45) days of a request for a variance and shall set forth in writing ~~his~~ the reasons for granting or denying the variance.

APPENDIX A. J.

J. CERTIFICATION OF INFORMATION

I hereby certify that the information supplied in this application is complete and correct to the best of my knowledge.

* Name (PRINT): _____

Title: _____

Signature: _____

Phone (Area Code): _____

Date: _____

*For Federal Categorical Pretreatment Industries, the signatory must be an authorized representative. An authorized representative may be:

1) a principal executive officer of a least the level of vice president, if the permittee is a corporation;

2) a general partner or proprietor, if the permittee is a partnership or sole proprietorship, respectively; or

3) a duly authorized representative of the individual designated in (1) or (2) above if such representative is responsible for overall operation of the facility.

Send completed form and an application fee of _____ to:

Metropolitan Waste Control Commission
Industrial Waste Section
350 Metro Square Building
St. Paul, Minnesota 55101

CERTIFICATE OF COMMISSION'S
RESOLUTION ADOPTING RULES

I, George W. Lusher, do hereby certify that I am the secretary of the Metropolitan Waste Control Commission, a commission duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at the meeting of the Commission, duly and properly called and held on the 20th day of January, 1981, that a quorum was present at said meeting, that a majority of those present voted for the resolution, and that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

RESOLVED, That the Waste Discharge Rules for the Metropolitan Disposal System be and they hereby are approved and adopted pursuant to the authority vested in us by Minnesota Statutes §§ 473.501 - 473.549 and that Salisbury Adams, the Chairman of the Commission, be and hereby is authorized to sign the attached Findings of Fact and Conclusions and the attached Order adopting these rules and further is authorized to perform the necessary acts to provide that these rules shall have the force and effect of law.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 30th day of January, 1981.

G W Lusher
George W. Lusher

Attested By

Kenneth E. Rohm

My Commission expires June 7, 1981

METROPOLITAN WASTE CONTROL COMMISSION
350 Metro Square Building, Saint Paul, Minnesota 55101

RESOLUTION NO. 81-2

RESOLUTION ADOPTING WASTE DISCHARGE RULES FOR THE METROPOLITAN DISPOSAL SYSTEM

WHEREAS, The Metropolitan Waste Control Commission hereby makes the findings of fact indicated in the attached Findings of Fact and Conclusions;

NOW, THEREFORE, BE IT RESOLVED, That the Waste Discharge Rules for the Metropolitan Disposal System be and they hereby are approved and adopted pursuant to the authority vested in the Commission by Minnesota Statutes § 473.501 - 473.549 and that Salisbury Adams, the Chairman of the Commission, be and hereby is authorized to sign the attached Findings of Fact and Conclusions and the attached Order adopting these rules and further is authorized to perform the necessary acts to provide that these rules shall have the force and effect of law.

Adopted this 20th day of January, 1981

METROPOLITAN WASTE CONTROL COMMISSION

By Salisbury Adams
Salisbury Adams
Chairman

By G W Lusher
George W. Lusher
Chief Administrator

DRM:jl

Metropolitan Waste Control Commission

In the Matter of the
Proposed Adoption of
the Waste Discharge
Rule for the Metropolitan
Waste Disposal System,
6 MCAR §§ 6.010 - 6.019.

AFFIDAVIT OF MAILING
NOTICE OF SUBMISSION
TO THE ATTORNEY GENERAL

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Donald R. Madore, being first duly sworn, states and deposes that pursuant to Minn. Stat. § 15.0412, subd. 4d (1980), on the 13th day of February, 1981, in the City of St. Paul, County of Ramsey, State of Minnesota, he served the attached Notice of Submission to the Attorney General by depositing in the United States mail, a copy thereof, properly enveloped, with postage prepaid, to all persons and associations who requested notice that the rules in the above-entitled matter have been submitted to the Attorney General.

D R Madore

Donald R. Madore
Deputy Director of Quality Control
Metropolitan Waste Control Commission

Subscribed and sworn to
before me this 13th day
of February, 1981.

R L Berg

Notary

R. L. BERG
NOTARY PUBLIC - MINNESOTA
HENNEPIN COUNTY
My Comm. Expires Mar. 5, 1987

Metropolitan Waste Control Commission

In the Matter of the
Proposed Adoption of
the Waste Discharge
Rule for the Metropolitan
Waste Disposal System,
6 MCAR § §6.010 - 6.019.

NOTICE OF SUBMISSION
TO THE ATTORNEY
GENERAL

Pursuant to your request and in accordance with Minnesota Statutes, section 15.0412, subd. 4d (1980):

PLEASE TAKE NOTICE that the above-captioned rules have been submitted to the Office of the Attorney General on this date, February 13, 1981, for review.

D R Madore

Donald R. Madore
Deputy Director of Quality Control
Metropolitan Waste Control Commission

FROM:

METROPOLITAN WASTE CONTROL COMMISSION
Twin Cities Area

350 METRO SQUARE BLDG.
7TH & ROBERT STREET
SAINT PAUL MN 55101
612 222-8423

TO:

Mr. Gregory Lie
Hennepin County
320 Washington Ave. S
Hopkins, MN 55343

FROM:

METROPOLITAN WASTE CONTROL COMMISSION
Twin Cities Area

350 METRO SQUARE BLDG.
7TH & ROBERT STREET
SAINT PAUL MN 55101
612 222-8423

TO:

Mr. Dwight Baesler
Certain Teed Corp.
3303 East 4th Ave.
Shakopee, MN 55379

FROM:

METROPOLITAN WASTE CONTROL COMMISSION
Twin Cities Area

350 METRO SQUARE BLDG.
7TH & ROBERT STREET
SAINT PAUL MN 55101
612 222-8423

TO:

Mr. Gary L. Kaziukewicz
Champion Packaging
P.O. Box 43200
St. Paul, MN 55164

FROM:

METROPOLITAN WASTE CONTROL COMMISSION
Twin Cities Area

350 METRO SQUARE BLDG.
7TH & ROBERT STREET
SAINT PAUL MN 55101
612 222-8423

TO:

Mr. Steve Reed
MPCA
1935 W. County Road B-2
Roseville, MN 55113

FROM:

METROPOLITAN WASTE CONTROL COMMISSION
Twin Cities Area

350 METRO SQUARE BLDG.
7TH & ROBERT STREET
SAINT PAUL MN 55101
612 222-8423

TO:

Mr. Michael Thompson
1211 McLean Ave.
St. Paul, MN 55106

FROM:

METROPOLITAN WASTE CONTROL COMMISSION
Twin Cities Area

350 METRO SQUARE BLDG.
7TH & ROBERT STREET
SAINT PAUL MN 55101
612 222-8423

TO:

Mr. Edward Monteleone
Hennepin County
320 Washington Ave. S.
Hopkins, MN 55343

FROM:

METROPOLITAN WASTE CONTROL COMMISSION
Twin Cities Area

350 METRO SQUARE BLDG.
7TH & ROBERT STREET
SAINT PAUL MN 55101
612 222-8423

TO:

Mr. Russ Felt
MPCA
1935 W. County Road B-2
Roseville, MN 55113

FROM:

METROPOLITAN WASTE CONTROL COMMISSION
Twin Cities Area

350 METRO SQUARE BLDG.
7TH & ROBERT STREET
SAINT PAUL MN 55101
612 222-8423

TO:

Mr. William Lloyd
City of Bloomington
2215 W. Old Shakopee Road
Bloomington, MN 55431

FROM:

METROPOLITAN WASTE CONTROL COMMISSION
Twin Cities Area

350 METRO SQUARE BLDG.
7TH & ROBERT STREET
SAINT PAUL MN 55101
612 222-8423

TO:

Mr. Douglas Robohm
Gould, Inc.
931 N. Vandalia
St. Paul, MN 55114

FROM:

METROPOLITAN WASTE CONTROL COMMISSION
Twin Cities Area

350 METRO SQUARE BLDG.
7TH & ROBERT STREET
SAINT PAUL MN 55101
612 222-8423

TO:

Mr. Bob Freemore
Mid-America Dairymen, Inc.
15 - 4th St.
Farmington, MN 55024

FROM:

METROPOLITAN WASTE CONTROL COMMISSION
Twin Cities Area

350 METRO SQUARE BLDG.
7TH & ROBERT STREET
SAINT PAUL MN 55101
612 222-8423

TO:

Mr. T. W. Ruonavar
Ford Motor Co.
966 S. Mississippi River Blvd.
St. Paul, MN 55116

FROM:

METROPOLITAN WASTE CONTROL COMMISSION
Twin Cities Area

350 METRO SQUARE BLDG.
7TH & ROBERT STREET
SAINT PAUL MN 55101
612 222-8423

TO:

Mr. Ted Shields
MACI
480 Cedar St.
St. Paul, MN 55101

FROM:

METROPOLITAN WASTE CONTROL COMMISSION
Twin Cities Area

350 METRO SQUARE BLDG.
7TH & ROBERT STREET
SAINT PAUL MN 55101
612 222-8423

TO:

Mr. Don Reger
Engineered Sales Co.
311 West 44th St.
Minneapolis, MN 55409

FROM:

METROPOLITAN WASTE CONTROL COMMISSION
Twin Cities Area

350 METRO SQUARE BLDG.
7TH & ROBERT STREET
SAINT PAUL MN 55101
612 222-8423

TO:

Mr. David Cushman
Capsule Labs
840 Sibley Memorial Hiway
St. Paul, MN 55118

FROM:

METROPOLITAN WASTE CONTROL COMMISSION
Twin Cities Area

350 METRO SQUARE BLDG.
7TH & ROBERT STREET
SAINT PAUL MN 55101
612 222-8423

TO:

Mr. Jim Jewett
Medtronic, Inc.
6970 Central Ave. N.E.
Minneapolis, MN 55432

FROM:

METROPOLITAN WASTE CONTROL COMMISSION
Twin Cities Area

350 METRO SQUARE BLDG.
7TH & ROBERT STREET
SAINT PAUL MN 55101
612 222-8423

TO:

Mr. Clive Leonard
Control Data Corp.
Box 0
Minneapolis, MN 55440

FROM:

METROPOLITAN WASTE CONTROL COMMISSION
Twin Cities Area

350 METRO SQUARE BLDG.
7TH & ROBERT STREET
SAINT PAUL MN 55101
612 222-8423

TO:

Mr. Lyle Van Blaricom
Midwest Finishing
2191 - 106th Lane N.E.
Blaine, MN 55434

FROM:

METROPOLITAN WASTE CONTROL COMMISSION
Twin Cities Area

350 METRO SQUARE BLDG.
7TH & ROBERT STREET
SAINT PAUL MN 55101
612 222-8423

TO:

Mr. R. P. Netko
EDD Div., Ball Corp
Box 44376
St. Paul, MN 55164

FROM:

METROPOLITAN WASTE CONTROL COMMISSION
Twin Cities Area

350 METRO SQUARE BLDG.
7TH & ROBERT STREET
SAINT PAUL MN 55101
612 222-8423

TO:

Mr. O. J. Hayes
International Multifoods
1200 Multifoods Building
Minneapolis, MN 55402

FROM:

METROPOLITAN WASTE CONTROL COMMISSION
Twin Cities Area

350 METRO SQUARE BLDG.
7TH & ROBERT STREET
SAINT PAUL MN 55101
612 222-8423

TO:

Mr. Jeff Bell
N.W. Engineering Lab
4056 Washington Ave. N.
Minneapolis, MN 55412

FROM:

METROPOLITAN WASTE CONTROL COMMISSION
Twin Cities Area

350 METRO SQUARE BLDG.
7TH & ROBERT STREET
SAINT PAUL MN 55101
612 222-8423

TO:

Mr. E. H. Schentzel
NSP
414 Nicollet Mall
Minneapolis, MN 55401

FROM:

METROPOLITAN WASTE CONTROL COMMISSION
Twin Cities Area

350 METRO SQUARE BLDG.
7TH & ROBERT STREET
SAINT PAUL MN 55101
612 222-8423

TO:

Mr. Bob Yunker
Avtec Finishing Systems
4926 No. County Road 18
Minneapolis, MN 55428

FROM:

METROPOLITAN WASTE CONTROL COMMISSION
Twin Cities Area

350 METRO SQUARE BLDG.
7TH & ROBERT STREET
SAINT PAUL MN 55101
612 222-8423

TO:

Mr. John A. Simmons
Professional Color Service
909 Hennepin Ave.
Minneapolis, MN 55402

FROM:

METROPOLITAN WASTE CONTROL COMMISSION
Twin Cities Area

350 METRO SQUARE BLDG.
7TH & ROBERT STREET
SAINT PAUL MN 55101
612 222-8423

TO:

Mr. Cal Comfort
Gross Industrial
2108 Washington Ave. N.
Minneapolis, MN 55411

FROM:

METROPOLITAN WASTE CONTROL COMMISSION
Twin Cities Area

350 METRO SQUARE BLDG.
7TH & ROBERT STREET
SAINT PAUL MN 55101
612 222-8423

TO:

Mr. Steven Leaf
Honeywell SSEC
12001 State Hwy 55
Plymouth, MN 55441

FROM:

METROPOLITAN WASTE CONTROL COMMISSION
Twin Cities Area

350 METRO SQUARE BLDG.
7TH & ROBERT STREET
SAINT PAUL MN 55101
612 222-8423

TO:

Mr. Morris Carlson
A & B Sanitation
5692 Centerville Road
White Bear Lake, MN 5511C

FROM:

METROPOLITAN WASTE CONTROL COMMISSION
Twin Cities Area

350 METRO SQUARE BLDG.
7TH & ROBERT STREET
SAINT PAUL MN 55101
612 222-8423

TO:

Mr. Bob Borchardt
Donohue & Associates
7400 Metro Blvd.
Bloomington, MN 55435

FROM:

METROPOLITAN WASTE CONTROL COMMISSION
Twin Cities Area

350 METRO SQUARE BLDG.
7TH & ROBERT STREET
SAINT PAUL MN 55101
612 222-8423

TO:

Mr. Dick Iantosca
RAI Associates
Suite 558
9925 Lyndale So.
Bloomington, MN 55420

FROM:

METROPOLITAN WASTE CONTROL COMMISSION
Twin Cities Area

350 METRO SQUARE BLDG.
7TH & ROBERT STREET
SAINT PAUL MN 55101
612 222-8423

TO:

Mr. Don Weidt
MN & S Railway
701 Indiana Ave. N.
Minneapolis, MN 55422

FROM:

METROPOLITAN WASTE CONTROL COMMISSION
Twin Cities Area

350 METRO SQUARE BLDG.
7TH & ROBERT STREET
SAINT PAUL MN 55101
612 222-8423

TO:

Mr. Ed Walhof
Micom Corp.
475 NW 8th Ave.
New Brighton, MN 55112

FROM:

METROPOLITAN WASTE CONTROL COMMISSION
Twin Cities Area

350 METRO SQUARE BLDG.
7TH & ROBERT STREET
SAINT PAUL MN 55101
612 222-8423

TO:

Mr. W. N. Olson
Olson Sewer Service
17638 Lyons St.
Forest Lake, MN 55025

FROM:

METROPOLITAN WASTE CONTROL COMMISSION
Twin Cities Area

350 METRO SQUARE BLDG.
7TH & ROBERT STREET
SAINT PAUL MN 55101
612 222-8423

TO:

Mr. Jack Vaughan
Champion International
150 26th Ave. S.E.
Minneapolis, MN 55414

FROM:

METROPOLITAN WASTE CONTROL COMMISSION
Twin Cities Area

350 METRO SQUARE BLDG.
7TH & ROBERT STREET
SAINT PAUL MN 55101
612 222-8423

TO:

Mr. George W. Burton
Fairview Southdale Hospital
6401 France Ave. S.
Edina, MN 55435

FROM:

METROPOLITAN WASTE CONTROL COMMISSION
Twin Cities Area

350 METRO SQUARE BLDG.
7TH & ROBERT STREET
SAINT PAUL MN 55101
612 222-8423

TO:

Ms. Lorraine Walton
St. Mary's Hospital
2414 - So. 7th St.
Minneapolis, MN 55454

FROM:

METROPOLITAN WASTE CONTROL COMMISSION
Twin Cities Area

350 METRO SQUARE BLDG.
7TH & ROBERT STREET
SAINT PAUL MN 55101
612 222-8423

TO:

Mr. Gary G. Dodge
St. Paul Energy Office
365 City Hall
St. Paul, MN 55102

FROM:

METROPOLITAN WASTE CONTROL COMMISSION
Twin Cities Area

350 METRO SQUARE BLDG.
7TH & ROBERT STREET
SAINT PAUL MN 55101
612 222-8423

TO:

Mr. R. H. Friedlander
Osmonics, Inc.
15404 Industrial Road
Hopkins, MN 55343

FROM:

METROPOLITAN WASTE CONTROL COMMISSION
Twin Cities Area

350 METRO SQUARE BLDG.
7TH & ROBERT STREET
SAINT PAUL MN 55101
612 222-8423

TO:

Mr. R. H. Jacobs
Ziegler, Inc.
901 W. 94th St.
Minneapolis, MN 55420

FROM:

METROPOLITAN WASTE CONTROL COMMISSION
Twin Cities Area

350 METRO SQUARE BLDG.
7TH & ROBERT STREET
SAINT PAUL MN 55101
612 222-8423

TO:

Mr. William Brooks
H.D. Hudson Mfg. Co.
2nd and Eddy Streets
Hastings, MN 55033

FROM:

METROPOLITAN WASTE CONTROL COMMISSION
Twin Cities Area

350 METRO SQUARE BLDG.
7TH & ROBERT STREET
SAINT PAUL MN 55101
612 222-8423

TO:

Mr. Gary Engvail
Micom Corp.
475 N.W. 8th Ave.
New Brighton, MN 55112

FROM:

METROPOLITAN WASTE CONTROL COMMISSION
Twin Cities Area

350 METRO SQUARE BLDG.
7TH & ROBERT STREET
SAINT PAUL MN 55101
612 222-8423

TO:

Mr. Joseph S. Sarkis
Magnetic Controls Co.
4900 W. 78th St.
Minneapolis, MN 55435

FROM:

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Twin Cities Area

350 METRO SQUARE BLDG.
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TO:

Mr. John S. Fudalo, Jr.
S-K Products
3620 Xenwood Ave. S.
St. Louis Park, MN 55416

FROM:

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TO:

Mr. William Girtz
Hitchcock Industries
8701 Harriet Ave. S.
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FROM:

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TO:

Mr. H. F. Davidson
Spencer Kellogg Div., Textron
525-28th Ave. S.E.
Minneapolis, MN 55414

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Twin Cities Area

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TO:

Mr. Russell K. Johnson
Fatori Tek Inc.
9210 Science Center Drive
New Hope, MN 55428

FROM:

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350 METRO SQUARE BLDG.
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TO:

Mr. Peter Hanson
Minnetonka, Inc.
Jonathan Industrial Park
Chaska, MN 55318

FROM:

METROPOLITAN WASTE CONTROL COMMISSION
Twin Cities Area

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TO:

Mr. Eugene Barringer
PAKO Corp.
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FROM:

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TO:

Mr. Ron Jecha
Northland Elec., Inc.
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Eden Prairie, MN 55343

FROM:

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FROM:

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TO:

Mr. Don Groff
Gould, Inc.
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St. Paul, MN 55105

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350 METRO SQUARE BLDG.
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TO:

Mr. William H. Thorne
Processed Potatoes, Inc.
3171 - 5th St. S.E.
Minneapolis, MN 55414

FROM:

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TO:

Mr. David Richfield
MPCA
1935 W. County Road B-2
Roseville, MN 55113

FROM:

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Twin Cities Area

350 METRO SQUARE BLDG.
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TO:

Ms. Tari Johnson
Capsule Labs
840 Sibley Memorial Hiway
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FROM:

METROPOLITAN WASTE CONTROL COMMISSION
Twin Cities Area

350 METRO SQUARE BLDG.
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TO:

Mr. Donald E. Warner
Schmidt Brewing Co.
882 W. 7th St.
St. Paul, MN 55103

FROM:

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Twin Cities Area

350 METRO SQUARE BLDG.
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TO:

Mr. John D. Parrish
Advance Machine Co.
4080 Sunset Drive
Spring Park, MN 55384

FROM:

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TO:

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Wayzata, MN 55391

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TO:

Mr. Guido A. Leutem
Unitog Rental, Inc.
2306 Washington Ave. N.
Minneapolis, MN 55411

FROM:

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Twin Cities Area

350 METRO SQUARE BLDG.
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TO:

Mr. Jim Czaja
Bureau of Engraving
219 - 2nd St. N.
Minneapolis, MN 55401

FROM:

METROPOLITAN WASTE CONTROL COMMISSION
Twin Cities Area

350 METRO SQUARE BLDG.
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TO:

Mr. R. L. Koch
Thru-Blu, Inc.
501 Malden St.
South St. Paul, MN 55075

FROM:

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Twin Cities Area

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TO:

Mr. R. J. Corbett
Packson Corp.
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612 222-8423

TO:

Mr. Dunn
Etchit, Inc.
643 - 13th Ave. S.
Hopkins, MN 55343

FROM:

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350 METRO SQUARE BLDG.
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TO:

Mr. Dick Barrett
Methodist Hospital
6500 Excelsior Blvd.
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FROM:

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Twin Cities Area

350 METRO SQUARE BLDG.
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612 222-8423

TO:

Mr. Stan Remeneski
Chemical Services & Equipm
529 S. 7th St.
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FROM:

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TO:

Mr. Stout
SCI
833 - 3rd St.
New Brighton, MN 55112

FROM:

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TO:

Mr. Fay Thompson
University of Minnesota
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FROM:

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TO:

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St. Louis Park, MN 55426

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TO:

Mr. Richard M. Enty
Astrocom Corp.
15012 Minnetonka Industr
Minnetonka, MN 55343

FROM:

METROPOLITAN WASTE CONTROL COMMISSION
Twin Cities Area

350 METRO SQUARE BLDG.
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TO:

Mr. Jim Schmit
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Jonathan Industrial Park
Chaska, MN 55318

FROM:

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TO:

Mr. R. Buckley
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St. Paul, MN 55112

FROM:

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TO:

Mr. Jay Gad
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Jonathan Industrial Park
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FROM:

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350 METRO SQUARE BLDG.
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TO:

Mr. Imants Sturnieks
Leef Bros., Inc.
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FROM:

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TO:

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TO:

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Ton Circuits
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FROM:

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350 METRO SQUARE BLDG.
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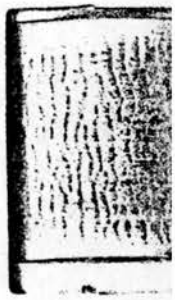
TO:

Mr. S. Stephen Chapman
Clear Air Clear Water
12833 Goodview Ave. N.
White Bear Lake, MN 55110



FROM:

METROPOLITAN WASTE CONTROL COMMISSION
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350 METRO SQUARE BLDG.
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TO:

Mr. John Keenan
Economics Laboratory
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FROM:

METROPOLITAN WASTE CONTROL COMMISSION
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350 METRO SQUARE BLDG.
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TO:

Mr. Al Schafer
Conklin Company
Valley Park Drive
Shakopee, MN 55379



In the Matter of the
Proposed Waste Discharge
Rules for the Metropolitan
Disposal System,
6 MCAR §§6.010-6.019.

ADDITIONAL STATEMENT OF NEED AND REASONABLENESS FOR AMENDMENTS PROPOSED BY MWCC AT PUBLIC HEARING OCTOBER 9, 1980.

1. This change will limit the grounds for modification, revocation, and suspension to those specified in the Rule.

2. By reason of their operations, Waste Transport Haulers are not limited to a specific discharge location. Under §6.012(11), their Permits will specify the permitted locations.

3. This change is consistent with the general practice in the Rules to place day-to-day administration in the hands of the Chief Administrator, rather than the Commission.

4. This merely inserts a specific statutory reference.

5. Gaps in Pretreatment Standards are not applicable to only certain types of discharges, i.e. small dischargers. The electroplating standards do not regulate mercury for either small or large dischargers. Thus, the exception is applicable to Industrial User subject to a non-comprehensive Pretreatment Standard, regardless of whether or not the gap arises because of the nature of the particular Industrial User.

6. As in the case of the Industrial Waste Discharge Report Form (Appendix E), 40 CFR §403.12(k) requires that the baseline report required by 40 CFR §403.12(b) (the Industrial Discharge Permit Application Form-Appendix A) be signed by an Authorized Representative as defined in 40 CFR §403.12(k) (1)-(3).

MWCC EXHIBIT NO. N
DATE 10-9-80
NANCY J. DUEHN

STATEMENT OF NEED AND REASONABLENESS

Section 6.010 Policy, Authority and Purpose

The purpose and need for these Rules are twofold. The first is to comply with federal requirements to establish a local Pretreatment program to enforce federal Pretreatment Standards. This requirement is found both as a condition of EPA construction grants and as a condition of the Commission's NPDES permits. The nature of this requirement is more fully explained in the attached legal opinion, Exhibit 1.

The second consideration is that of updating the Commission's earlier waste discharge rules and regulations. A copy of those rules is attached hereto as Exhibit 2. The rules, originally adopted on December 1, 1971, have become out-dated in some instances and are in need of revision. For example, the pollutant concentration limitations no longer are consistent with treatment plant capacity or other regulatory limitations. In addition, the reporting requirements in the 1971 rules under Section 5-10 are too limited and indefinite for present needs. Therefore, at the same time that the Commission drafted its pretreatment rules it was deemed necessary and reasonable that the Commission incorporate revisions and additions to the 1971 rules and regulations.

6.011 Definitions.

The following comments explain the need for and reasonableness of the definitions contained in this section, except for those definitions which are self-explanatory or are merely a means of short-hand reference to certain other terms.

D. Domestic Waste - The term is used to refer to all non-Industrial Waste or so-called "sanitary waste". The term includes all waste from residences and waste from sanitary conveniences, regardless of the use of the structure containing the sanitary convenience. The Rules generally do not regulate Domestic Waste, except for Domestic Waste which is not generated at the discharge site, and Domestic Waste is the general term used to refer to waste which is not regulated by these Rules.

F. General Pretreatment Regulations - These are EPA regulations which set standards for what an acceptable local pretreatment program shall contain.

H. Industrial User - Earlier Commission rules on Industrial Cost Recovery ("ICR"), 6 M.C.A.R. § 6.002(B)(6), use a definition of Industrial User based upon SIC classifications but do not limit the definition to any particular major groups, groups or industry numbers. The definition in these Rules limits the definition to those who (1) discharge Industrial Waste and (2) are specifically referred to in

Appendix C. This definition will leave no doubt as to whether a particular discharger is or is not an Industrial User. Two exceptions are made to this definition. The first exempts a discharger whose discharge contains only Domestic Waste generated at the discharge site. This is intended to exempt industries who have no processes which result in Industrial Waste. However, Waste Transport Haulers are included because while they may only discharge Domestic Waste, that Domestic Waste is not generated at the discharge site. Thus, Waste Transport Haulers come within the definition of Industrial Users. The second exception excludes industries who discharge insignificant amounts of Industrial Waste since the effect on the MDS is de minimis. The term "insignificant" is used because it indicates in a general way the types and amounts of Industrial Waste which do not have a noticeable or measureable impact on the MDS.

I. Industrial Waste - This provides an all inclusive definition - everything except Domestic Waste. The limitation in the scope of the Rules comes in the definition of Industrial User.

J. Interference - This definition is generally taken from the General Pretreatment Regulations, 40 CFR § 403.3(h). However, this definition varies from the EPA in that a disruption or an inhibition per se will constitute Interference, regardless of whether it causes an NPDES permit violation. The reason for such a change is that Interference under these

Rules is intended to deal with problems which do not result in permit violations. Serious problems requiring extraordinary maintenance can occur without an NPDES permit violation.

L. Metropolitan Area - This corresponds to the definition contained in Minn. Stat. § 473.121, subd. 2 (1978).

M. Metropolitan Disposal System - This corresponds to the definition contained in Minn. Stat. § 473.121, subd. 24 (1978) and is identical to the definition contained in the Commission's ICR Rules, 6 M.C.A.R. § 6.002(B)(7).

Q. Person - The purpose of this definition is to establish a category for all dischargers, including non-Industrial Users, for certain provisions of these Rules.

R. Pretreatment - This definition is a modified version of the one in the General Pretreatment Regulations, 40 CFR § 403.3(n).

V. Sewage Sludge - This is an abbreviated version of the definition contained in Laws 1980, Ch. 564, Art. I, Sec. 3, enacting Section 115A.03, subd. 29.

X. Slug - The purpose of this definition is to denote a large quantity or concentration of discharge. Slugs per se are not prohibited, but only certain types of slugs. See Section 6.013(L). The General Pretreatment Regulations do not have a similar definition but do use a similar concept. See 40 CFR § 403.5(b)(4).

Y. Waste Transport Hauler - This is needed to designate a certain type of Industrial User who must complete and file a

different type of report (Appendix F) who and has additional Permit conditions. See Section 6.012(C)(11). Inclusion of Waste Transport Haulers removes the necessity of requiring a separate permit for the disposal of septic tank sludge as required under Article VI of the 1971 Commission rules.

Section 6.012 Industrial Discharge Permit

A. The General Pretreatment Regulations recognize that a permit system may be used to implement the local pretreatment program. 40 CFR §§ 403.8(f)(1)(iii) and 403.9(a)(1). A Permit system has been selected over other alternatives because it is within the Commission's statutory authority, provides for uniformity (every Industrial User must obtain one), yet allows for needed flexibility (Permits may be tailored to a certain extent to the specific needs and conditions of particular dischargers). It is estimated that approximately 1,500 Industrial Users will have to obtain Permits. The Commission's present voluntary Industrial Waste registration program has encountered many problems in obtaining full registration and compliance from all Industrial Users. (Approximately 3,500 dischargers have registered under the voluntary program, approximately 2,000 of which do not constitute Industrial Users under the proposed Rules.) A Permit system is a means of obtaining such full registration and compliance by putting the major burden upon the Industrial User who knows that it discharges Industrial Waste, rather than putting the burden on the Commission who must use trial and error to locate all Industrial Users. Finally, because of the desire for uniformity, the requirement of obtaining Permits and the mandatory terms and conditions of the Permit apply to all Industrial

Users, not just the approximate two-thirds who will be subject to federal Pretreatment Standards.

B.(1) The purpose of the Permit application is to indicate to the Commission the nature of the discharge, its likely effect on the MDS and the particular Permit conditions which may be required. The precise application is attached as an Appendix so that every Industrial User will know what is expected of them. The deadline of January 1, 1982 is provided so as to give reasonable lead time to both existing and new industries before Permit-less discharges are prohibited.

(2) A completed application is necessary before the Chief Administrator can properly act on it.

(3) A sixty (60) day period was deemed a reasonable time to review an application, particularly since it can be expected that a large number of applications will be received shortly before the January 1, 1982, deadline. The Chief Administrator's determination is necessary so that a Permit is not issued where the Chief Administrator can expect that the discharger will not be in compliance.

C. The charges referred to in provision (1) are required by other Commission rules. Commission Resolution No. 76-172 (Strength Charge) and 6 M.C.A.R. § 6.002 (ICR). Provisions (2) through (7) and (10) generally summarize most of those provisions of the Rules which must be met by Permittees, as explained elsewhere in this Statement. Provision (8) is mandated by 40 CFR § 403.8(f) (1)(iv)(A) which requires a com-

pliance schedule for installation of technology. Provision (9) is a notification provision so that the Chief Administrator will be aware of an event under Section 6.012(D)(1) of a Permit. Provision (11) is necessary because Waste Transport Haulers, unlike other Industrial Users, do not discharge at regular locations, times or volumes.

D.(1) This provision is based in part on a similar MPCA rule for NPDES permits. WPC 36(1)(b)(hh). The events referred to in provisions (a), (b), and (c) are also dealt with in Section 6.017. Modification, suspension and revocation are consistent, additional remedies. Provision (d) is necessary so that in the event that the Rules are amended, particularly to add new Pretreatment Standards, the Commission need not wait until the end of the 3 year Permit to modify the Permit. Provision (e) is necessary so that a Permittee cannot claim that its Permit may not be affected if its discharge has not been changed, even if the conditions of the receiving treatment system have changed. Provision (f) is necessary if there is a change of circumstance so that the present discharge is not the same as the one permitted, but only if the Permit knows or has reason to know of the change. Provision (g) is similar to language contained in Section 6.017 so that if a discharge is particularly dangerous, the Commission has a means of affecting that discharge.

(2) Not all modifications to a Permit can be effectuated immediately so a reasonable compliance schedule is necessary.

(3) Pro rata refunds of unused or unuseable Permits are a fair means of compensation for the loss of the right to discharge.

E. Three years is not so frequent so as to put an excessive administrative burden on the Commission and not so infrequent so as to lose track of a discharger or so as to require a large number of Permit modifications during the Permit term because of changes in discharge. Staggering is necessary to avoid all renewals coming due in the same ninety (90) day period. The reissuance application in Appendix G informs a discharger exactly what information is required. The determination by the Chief Administrator is necessary so that a Permit will not be issued to a past violater or to a discharger who will likely violate its Permit in the future.

F. The Permit system results in administrative costs to the Commission, primarily to the Industrial Waste section. These costs include both staff costs to process Permit applications, draft Permit conditions, issue Permits, and follow up on compliance schedules and also include data processing costs for handling the large amount of data. Permit fees are deemed necessary. Although everyone benefits from a cleaner environment, the need for the Permit program is due to industry and therefore, industry should assume the cost, or at least a large part of the cost, of administering the program, rather than charging the cost to the public. It is simply a cost of doing business which should be reflected in the price of products or services of the dischargers.

It was also determined that the fee should vary between small, medium, and large dischargers because of the different reporting frequencies of these dischargers under Section 6.012(J)(1) as well as the generally greater complexity of the Permit application and evaluation process for the larger dischargers. It is estimated that the administrative costs to handle the Permit system would be $20.00 per hour. The estimated time per Permit term to administer the Permit would be 1.5 hours for small dischargers, 4.5 hours for medium dischargers, and 9 hours for large dischargers, resulting in fees of $30.00, $90.00 and $180.00, respectively. It is estimated that small dischargers constitute 25% of all Industrial Users, medium dischargers 50%, and large dischargers 25%.

G.(1) Since the Permit application and conditions are tied to a particular discharge point, it is non-transferrable. Also, because the applicant must be personally bound by the Permit, it is not transferrable.

(2) A change in the entity will require action by the Commission and it is helpful if the Commission receives knowledge from the old owners. However, often the old owner, in his or her haste to vacate the premises, will be unable to notify the Commission and the new owner.

(3) Since the new owner will not have been previously bound to comply with the Permit, a new Permit or an assumption of the obligations of the old Permit are necessary.

H.(1) The General Pretreatment Regulations at 40 CFR § 403.8(f)(1)(v) require the Commission to carry out all inspections, surveillance and monitoring necessary to determine compliance or non-compliance and enter into the premises. A monitoring point is necessary for the Commission to adequately monitor a discharge for sampling and flow measurement.

(2) This is similar to Section 5-7 of the 1971 rules and regulations. Inspection by the Chief Administrator is necessary so as to assure that there is compliance. Informal notice will normally be given to avoid unnecessary business disruption. However, the exception for emergencies is necessary since danger to the MDS outweighs any conceivable business disruption. The evasion exception is necessary to remedy the problem of dischargers who might take advantage of the informal notice requirement.

(3) The General Pretreatment Regulations at 40 CFR § 403.12(n)(2) require industries to retain for a minimum of three (3) years any records of monitoring activities and results and to make such records available for inspection and copying to the Commission. Section 403.8(f)(1)(v) requires that the Commission be authorized to enter onto premises in which records are required to be kept.

I.(1) Collection of sampling on normal operating days is necessary to obtain representative samples. A similar requirement is contained in the Commission's ICR Rules, 6 M.C.A.R. § 6.002(F)(2)(b). The guidelines in Exhibit B are

merely included as aids for an Industrial User so as to obtain a sample which will be consistent with the Commission's sampling technique. Sampling prior to mixing with other discharges is normally necessary to avoid unrepresentative samples.

(2) Flow measurement devices are necessary to determine significant flows to the MDS, but the requirement is limited to large dischargers because of the high cost and because only large dischargers have a significant impact on the total flow. Presently 15% of the industries contribute 78% of the total industrial flow. The documented metered water supply is an acceptable alternative since flow measurement devices would be a duplicative expense. Similar provisions are contained in 6 M.C.A.R. § 6.002(F)(2)(a) and Section 5-9 of the 1971 rules.

(3) Maintenance is necessary to achieve accurate results, and knowledge by the Chief Administrator of failure or alteration is necessary so that the Commission can take those changes into account in its monitoring.

(4) The General Pretreatment Regulations at 40 CFR § 403.12(g) require that all analysis be performed in accordance with 304(g) of the Act and 40 CFR Part 136 or any other test procedure approved by the Administrator. Part 136 includes procedures referred to in Section 5-11 of the 1971 rules.

J.(1) The General Pretreatment Regulations at 40 CFR § 403.8(f)(1)(iv)(B) mandate that a local pretreatment pro-

gram require the submission of self-monitoring reports. These reports include, under 40 CFR § 403.12(e)(1), a report on the nature and concentration of pollutants during the months of June and December, unless required more frequently in the Pretreatment Standard or by the local authority. The Commission has chosen to require quarterly reporting for those Industrial Users discharging more than 20 million gallons per year, regardless of whether or not they are subject to Pretreatment Standards. This increased reporting frequency is justified by the greater significance of large dischargers in terms of impact on total flow. In addition, the economic burden caused by reporting requirements is greater upon smaller dischargers than larger dischargers. However, in the case of small dischargers (less than 2 million gallons per year), Industrial Users subject to Pretreatment Standards will still be required to report twice per year, notwithstanding the less stringent provision contained in the Rules. See Section 6.015(A)(1).

Section 403.12(n)(i) of the General Pretreatment Regulations sets forth the data needed on all reports and Appendix E requests that information. Appendix E also indicates that if the discharger is subject to Pretreatment Standards, the report must be signed by an authorized representative of the Industrial User, as required and defined by 40 CFR § 403.12(k). Waste Transport Haulers have a separate report due to their distinct mode of operation.

(2) The various Pretreatment Standards may require additional or different reports than those required by the Commission. See 40 CFR § 402.12(e)(1).

K. A means of resolving discrepancies between the Commission's and the discharger's testing is necessary so that the correct data may be ascertained. The obligation to seek resolution is on the Commission since only the Commission has knowledge of "a significant discrepancy". To avoid the possibility of discrepancies caused by different sampling locations, time or techniques, the Commission will perform the additional sampling.

L. The General Pretreatment Regulations in 40 CFR § 403.14 require public disclosure of information provided by an Industrial Users except in the case of trade secrets. A similar provision is contained in the Minnesota Governmental Data Practices Act, Minn. Stat. §§ 15.1611 to 15.1698 (1980).

Section 6.013 Prohibited Waste Discharges

Minn. Stat. & 473.515, subd. 3 (1978) authorizing the Commission to prohibit the discharge into the MDS of "any substance which it determines will or may be harmful to the system or any persons operating it . . . " By this Rule, the Commission has determined that the discharges referred to therein will or may be harmful to the MDS or persons operating it. A shorter list of prohibited waste is included in Section 5-4 of the 1971 MWCC rules and regulations.

In addition, 40 CFR § 403.5(b)(1)-(5) sets forth a list of prohibited discharges and Section 403.5(c) requires the Commission in developing its local program "to develop and enforce specific limits for discharge of those prohibited pollutants".

The prohibitions, like several other provisions in the Rules, refers to discharging "directly or indirectly" into the MDS. Minn. Stat. § 473.515, subd. 3 (1978), dealing with the Commission's authority to require pretreatment and prohibit certain wates, also provides that the Commission may require any person or local government unit to provide for the discharge of its sewage "directly or indirectly" into the MDS. See also Minn. Stat. § 473.517, subd. 2 (1978) (referring to local government units which discharge "directly or indirectly" to the MDS). The phrase refers to both individuals who

discharge immediately into the MDS, or indirectly, either by means of a local connected disposal system or over land. In any case, such discharges affect the MDS and are treated as the same for the purpose of these Rules.

Finally, the prohibition applies to all "Persons" not just Industrial Users. Persons who are not required to obtain Permits may possibly have reason to discharge such prohibited substances and this section applies to them also.

A. Section 403.5(b)(1) requires the prohibition of pollutants which create a fire or explosion hazard. This provision is based upon a similar provision in Section 5-4(B) of the 1971 rules and regulations. Specific examples are provided as a further clarification for dischargers.

B. Section 403.5(b)(3) requires the prohibition of solids or viscous pollutants in amounts which will cause obstruction to the flow in sewers, or other Interference with operations. A similar provision is contained in Section 5-4(D) and (F) of the 1971 MWCC rules and regulations. Obstruction may cause sewage to back-up uncontrollably into the environment or may result in clogging of the bar screens at the treatment plant.

C. A similar provision is contained in Section 5-4 (H)(1) of the 1971 rules and regulations. These substances can cause loadings to the plant to exceed the plant's capacity resulting in either equipment damage or inadequately treated effluent being discharged to receiving waters.

D. Section 403.5(b)(2) requires prohibition of pollutants which will cause corrosive structural damage to the POTW.

E. Toxic or poisonous pollutants are likely to disrupt the biological treatment process or be inadequately treated before being discharged into receiving waters.

F. This is based on a similar provision contained in Section 5-4(C) of the 1971 rules and regulations. For example, hydrogen sulfide in sufficiently high concentrations is likely to result in injury or toxification to Commission employees.

G. This is based upon Section 5-4(H)(2) of the old rules. Prevention of excessive discoloration in effluent is usually a requirement of NPDES permits.

H. Unlike Domestic Waste, for which the MDS is the sole means of disposal, infectious Industrial Waste may be disposed of by other means. In addition, infectious Industrial Waste may pose problems in treatment not encountered with infectious Domestic Waste.

I. No purpose is served in requiring Pretreatment if the Pretreatment sludge is merely discharged into the MDS.

J. Section 403.5(b)(5)(proposed revision) requires a virtually identical prohibition.

K. This is based on a similar prohibition in Section 5-4(A) of the old rules. As required by 40 CFR § 403.5(c), the prohibition is more specific than Section 6.013(B). In addi-

tion, while Section 6.013(B) generally covers substances which cause obstruction by reason of their size, this prohibition deals specifically with grease and oil.

L. Section 403.5(b)(4)(proposed revision) requires prohibition of any pollutant released in a discharge at a flow rate and/or pollutant concentration which a discharger knows or has reason to know will cause Interference. "Slug" is defined under Section 6.011(X) of the Rules as exceeding 4 times the average 24 hour concentration or flow. A similar but less comprehensive provision is found at Section 5-4(H)(3) of the 1971 rules. Although the MDS can handle some Slugs, no waste treatment system can handle unlimited Slugs.

M. Unpolluted water has no purposeful place in the MDS. It only takes up capacity which may result in by-passes or premature system expansion.

N. This is based upon the provision in Section 5-4(E) of 1971 rules and regulations.

O. The MDS is not the proper vehicle for the disposal of hazardous waste in large quantities. The discharge of hazardous waste would merely transfer the problem of disposal from the generator-discharger to the Commission. There are other regulatory responses available to deal with hazardous waste.

P. The Commission is responsible only for treating waste generated in the Metropolitan Area. See Minn. Stat. § 473.502 (1978).

Section 6.014 MDS Limitations on Discharges

A.(1) Concentration limitations are contained in Section 5-3 of the 1971 MWCC rules and regulations. The specific limitations,except for Cadmium, have all been adjusted, either higher or lower, based upon experience and present treatment capabilities. The need for and reasonableness of these specific figures is set forth in Exhibit 3.

(2) The 1971 rules and regulations at Section 5-3 contained a pH limitation of 5.5-9.5. The General Pretreatment Regulations at 40 CFR § 403.5(b)(2) prohibit discharges with pH lower than 5.0, unless the treatment works is specifically designed to accommodate such discharges. In general, the MDS is not so specifically designed. The 9.5 limit has been revised to 10.0 in accordance with the limitation contained in the electroplating Pretreatment Standard, 40 CFR Part 413.

(3) The general limitations contained in Section 6.014(A)(1) are the Commission's estimates of the concentrations which all treatment plants can accommodate. However, a particular plant, either on a temporary or permanent basis, may not be able to accommodate such concentrations meeting such general limitations. Therefore, a reduction of all dischargers to that particular plant may be necessary, including those dischargers whose Pretreatment Standards would otherwise permit a discharge in excess of the limitations contained in Section 6.014(A) (1).

B.(1) Minn. Stat. § 473.515, subd. 3 (1978) authorizes the Commission to require any person discharging into the MDS to "provide preliminary treatment thereof . . . " In addition, the General Pretreatment Regulations require the Commission to enforce requirements for pretreatment. 40 CFR § 403.8(f) (1)(iv)(A). Prior submittal of construction or modification plans is necessary to assure that the waste will indeed be pretreated to the necessary degree. A similar provision is contained in Section 5-5 of the 1971 rules. A rough estimate (based upon promulgation of one of twenty-one Pretreatment Standards addressing ten of 129 priority pollutants) is that between 200 and 800 Industrial Users will have to eventually make capital expenditures for Pretreatment facilities.

(2) The rationale is the same as that provided for Section 6.013(I). In the event that there are easily removable constituents, approval would be forthcoming.

C. This is similar to 40 CFR § 403.6(d) which prohibits the increase of the use of process water or the attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a Pretreatment Standard. Dilution does not reduce the mass of pollutants and, in fact, takes up even more capacity.

D. This is similar to the provision contained in Section 5-8 of the 1971 rules and regulations. Traps are necessary to prevent obstruction to the MDS.

E. The rationale is the same as that provided for Section 6.013(M).

Section 6.015 Pretreatment Standards

A.(1) The General Pretreatment Standards at 40 CFR § 403.8(f)(1) require the Commission to enforce Pretreatment Standards against all affected Industrial Users. Section 403.4 provides that the General Pretreatment Regulations are not intended to affect any local law as long as the local requirements are not less stringent than federal requirements or prohibitions. Generally, the Commission will defer to federal expertise and not enforce more stringent local concentration limits under Section 6.014(A)(1) since the federal standards are based upon best available technology economically achievable. An exception to this rule is provided where a Pretreatment Standards does not regulate a particular pollutant parameter for a particular type of discharger. These gaps in the federal standards generally are applicable to small dischargers. An analysis of data from metropolitan electroplaters indicates a poor correlation between flow and mass of pollutants; i.e. small dischargers can give high loadings of pollutants. Therefore, in order to be fair to large dischargers and to protect the treatment plants, local limitations fill in the small discharger gaps. All other more stringent local requirements, such as reporting frequencies, must be met, regardless of less stringent federal requirements in the interest of local uniformity. Of course, because of

federal supremacy, where federal requirements are more stringent, they will control over less stringent local requirements.

(2) Under state law there can be no future incorporation by reference. Wallace v. Commissioner of Taxation, 289 Minn. 220, 184 N.W.2d, 588 (1971). Therefore, these Rules can only incorporate by reference those federal regulations which have been promulgated at the time the Rules are adopted. At the present time only the electroplating Pretreatment Standards have been promulgated, although they are already in the process of revision. Approximately 180 dischargers to the MDS are subject to these Pretreatment Standards. It is anticipated that no other Pretreatment Standards will be promulgated by the date of adoption of these Rules. Amendments to these Rules will be necessary when other Pretreatment Standards are promulgated. It is anticipated that all twenty one Pretreatment Standards will be promulgated by 1984.

(3) The General Pretreatment Regulations under 40 CFR § 403.8(f)(2)(iii) require that the Commission notify Industrial Users of applicable Pretreatment Standards and other federal requirements, including the reporting requirements for Industrial Users under § 403.12. Section 403.12 (b)(7) requires Industrial Users to submit a compliance schedule in accordance with the conditions set forth in Section 403.12(c)(1)-(3).

B.(1) The General Pretreatment Standards under 40 CFR § 403.7 allow revision of categorical Pretreatment Standards to reflect treatment work removal of pollutants. This is essentially a local variance (reduction in standards) for Industrial Users subject to Pretreatment Standards where the treatment works can meet all terms of its NPDES permit. However, the decision of whether to seek removal credit under § 403.7 is a policy matter left for later determination by the Commission since the granting of removal credits will have a significant impact on the operation of the MDS in that a removal credit will result in higher pollutant concentrations in both Sewage Sludge and in effluent.

(2) The General Pretreatment Standards under 40 CFR § 403.13 allow for variances from categorical Pretreatment Standards for fundamentally different factors. This is essentially a means of granting variances to particular Industrial Users. Unlike removal credits under § 403.7, the Commission has no direct involvement in the request or granting of such § 403.7 variance. However, the Commission will recognize such variance if granted.

C. Section 403.12(b), (d), and (e) require various reports of Industrial Users subject to Pretreatment Standards.

Section 6.016 Accidental and Slug Discharges

A. Since it can be anticipated that a certain number of accidents will occur, preventive measures must be taken to avoid undue injury to the MDS.

B.(1) Immediate reporting of accidental discharges of waste which are prohibited, excessively concentrated, or in violation of Pretreatment Standards is necessary so that changes in plant operation may be made so as to minimize any damage from the discharge. A similar provision is contained in Section 5-15 of the 1971 rules and regulations. The need for notice applies regardless of whether the responsible Person or a third party is first aware of the discharge.

(2) A confirming, detailed letter is necessary to fully assess the effect of the accidental discharge on the MDS.

(3) Resonsibility for a discharge cannot be absolved merely because notification is provided.

C. The General Pretreatment Regulations provide in 40 CFR § 403.12(f) that Industrial Users must notify a POTW immediately of any slug loadings, as defined by § 403.5(b)(4), by the Industrial Users. Wrongful discharge of Slugs may not be accidental (and therefore not within the reporting requirements of Section 6.016(B)), but the Commission still desires immediate notice of the discharge and a confirming letter to analyze the effect of the Slug on the MDS and make any necessary adjustments.

Section 6.017 Enforcement

A. The remedies provided are similar to those provided for the MPCA under Minn. Stat. § 115.071. Section 403.8(f)(1)(vi)(A) of the General Pretreatment Regulations require a local pretreatment program to have the authority to seek injunctive relief for non-compliance, and, where state law permits, to assess civil or criminal penalties for non-compliance.

B. Minn. Stat. § 473.504, subd. 4 (1978), authorizing the Commission to adopt rules relating to interceptors and treatment works, provides that the Commission "may provide penalties for the violation thereof not exceeding the maximum which may be specified for a misdemeanor". Minn. Stat. § 609.02, subd. 2 (1978) defines a misdemeanor as a crime for which a sentence of not more than ninety (90) days or a fine of $500.00, or both, may be imposed. Under Section 6.017(B) the Commission has provided that a violation of the Rules or a Permit issued thereunder or misrepresentation or falsification shall constitute misdemeanors. A somewhat similar provision is contained in Section 7-2 of the 1971 rules.

C. A similar provision authorizing the taking of action to recover costs resulting from a violation was contained in Section 7-3 and Section 5-5(D) of the 1971 rules. This provision is included so that violating dischargers will bear the costs resulting from illegal discharges.

D. 40 CFR § 403.8(f)(1)(vi)(A) requires the Commission to seek injunctive relief for noncompliance by Industrial Users with Pretreatment Standards and Requirements.

E. This is similar to a provision contained in Section 5-5(B) and (C) of the 1971 rules.

F. Minn. Stat. § 473.515, subd. 3 (1978) authorizes the Commission to prohibit the discharge of harmful substances. In addition, 40 CFR, § 403.8(f)(1)(vi)(B)(proposed revision) requires the Commision to have the authority, after informal notice, to immediately and effectively halt or prevent any discharge of the pollutants referred to in Section 6.017(F).

Section 6.018 Administration

A. & B. Similar responsibility is vested in the Chief Administrator under Sections 8-1 and 8-2 of the 1971 rules.

C. A similar notice provision is contained in Section 7-1 of the 1971 rules. An official notice procedure is necessary so that a discharger cannot claim that it was without notice of its violation. Also, notice will allow corrective measures by a violator prior to any need for enforcement under Section 6.017.

D. Minn. Stat. § 15.0412, subd. 1a (1980) requires that future rules contain a variance standard and procedure. This section sets forth a standard and procedure for granting variance for non-federal standards, since the Commission cannot grant variances for federal limitations and requirements. The standard is taken from the Minnesota Environmental Rights Act, Minn. Stat. § 116B.04 (1978). The requirement for Commission approval is necessary because variances may be a policy question and the granting of a variance, unlike the denial of a variance, will not likely be appealed to the Commission under Section 6.018(E). The forty-five (45) days are needed because the full Commission only meets monthly.

E. This provision is similar to the one contained in the ICR rules. 6 M.C.A.R. § 6.002(I)(2) and (3).

Section 6.019 Effective Date and Severability

A. Minn. Stat. § 473.504, subd. 4 (1978) requires that, "Any rule or regulation prescribing a penalty for violation shall be published at least once in a newspaper having general circulation in the metropolitan area." A similar provision is contained in Section 9-1 of the 1971 rules.

B. Similar provisions are contained in Section 9-2 of the 1971 rules and 6 M.C.A.R. § 6.002(J) of the ICR rules.

C. This provision is necessitated by the existance of several earlier Commission rules and regulations, some of which have or will be repealed and some of which will remain effective after adoption of these Rules.

Appendix A. Industrial Discharge Permit Application

Information requested in this Permit application form is generally needed to determine the impact of the permitted facility on the MDS. It also incorporates the information requested in the present voluntary Industrial Waste Registration Form and EPA General Pretreatment Regulations baseline monitoring report requirements, 40 CFR 403.12 (b)(1) - (7). Upon subsequent promulgations of categorical Pretreatment Standards by EPA, affected Industrial Users will not have to file with the Commission any extra baseline monitoring reports. The information is already contained in the Industrial Waste Discharge Permit Application form.

A. General

1. The Company Name is that used for official contact. It is required under 40 CFR 403.12 (b)(1).
2. The Mailing Address is where all correspondence pertaining to this application or other business from the Commission is to be sent. It is required under 40 CFR 403.12 (b)(1).
3. The Facility Address is the location for which this Permit is to be issued. It is required under 40 CFR 403.12 (b)(2).
4. The Facility Community is the local government unit to which sewer charges are paid. This designation also enables the Commission to determine which treatment facility in the MDS the discharge from this facility is going to.
5. The designation of a Contact Person is essential for the request of pertinent technical information with regard to the evaluation of this application. Frequently, the Contact Person differs from the person who initiates the application.

6. The distinction between an existing and a new facility enables the Commission to cross reference the application with any information already on file from the present voluntary Industrial Waste Registration Program.

B. Operation

This section describes the extent and daily fluctuations in operations at this facility. These variations may affect the facility's impact on the MDS. For example, does its production rate shift during each operating day, which shift has the highest rate of production, are there continuous operations throughout the day or is it operating 7 days a week with no interruption?

C. Production

1. The disclosure of the nature of operations will provide a brief description of manufacturing or service activities at the facility. The SIC system serves as the basis for data base management as approached by EPA. The estimated rate of production gives an indication of the size and intensity of activities at the facility. All the above information is required under 40 CFR 403.12 (b)(3).
2. This enables the estimation of quantity of pollutants contributed from raw materials and the distribution by the % total indicated.
3. This enables the estimation of types and distribution of products and services from the facility. This allows for a cross-check of raw materials and also indicates to what extent raw materials are incorporated in the product.
4. This is used to reflect any seasonal variations in the types and concentrations of pollutants derived from the facility.

D. Source of Water Supply

This provides the quantity and sources of water supply to the facility annually through the estimation of water supply records from municipality billings, pump rate for private wells, or metered private wells. Quantity of water is necessary to determine the total mass loading of pollutants.

E. Waste Discharge

Uncontaminated cooling water is the cooling water in which no pollutants are added and which does not come into direct contact with any process waste. It could be discharged into a storm sewer or directly to a receiving water with an NPDES Permit from the Minnesota Pollution Control Agency (MPCA). The disclosure of its disposal method allows the Commission to encourage Industrial Users to utilize the storm sewer, if feasible, rather than the combined sewer to avoid any extra hydraulic loading to the MDS. The differentiation between Domestic and Industrial Waste is essential for the design of a pretreatment system at the facility to achieve compliance of the MWCC local limitations and/or Pretreatment Standards.

Because quantity of water is necessary to determine the mass loading of pollutants, it is important to explain any discrepancies between total water supply and total waste discharge. Such discrepancies can be due to, among other reasons, water used for lawn sprinkling, water evaporated during process, and water retained in products. Unexplained discrepancies can indicate the need for a follow-up investigation.

F. Industrial Waste Flow Characteristics

1. Even with a continuous discharge, there are still daily variations with regard to the quantity of industrial waste flow. Average and maximum daily flow rates to the MDS are required under 40 CFR 403.12 (b)(4).

2. Batch dumps of spent solutions are common in various manufacturing processes. The types, amounts, and concentrations of pollutants introduced into the MDS through these operations are of major concerns to the Commission. Slugs which may result from batch dumps are also a primary concern to the Commission.

3. Disclosure of NPDES permits enables the Commission to keep track of the fate of wastes discharged into a storm sewer or receiving water by cross reference with the MPCA's NPDES permit program.

G. Analytical Data on Industrial Waste

Identification of the person or organization responsible for sample collection and analysis should be documented and made available for verification. Parameters listed to be analyzed are required baseline information under 40 CFR 403.12 (b)(5). Suspended solids and chemical oxygen demand are included for strength charge purposes as well as to serve as indicators for other toxic pollutants. The remaining parameters are included in the MWCC local limitations or EPA categorical Pretreatment Standards. Other parameters may have to be included when EPA promulgates categorical Pretreatment Standards with new regulated pollutants to be monitored. Other parameters may also be deemed necessary for a particular Industrial User who is involved in processes that generate a particular type of highly concentrated waste. For example, silver from a silver-smith, sulfide from a tannery, or aluminum from an aluminum smelter may require analysis.

H. Pretreatment

1. For Industrial Users who are required to pretreat Industrial Waste, the Commission needs this information in order to ascertain whether solid waste generated by Pretreatment is disposed of in a proper manner.

2. Under Pretreatment Standards, each categorical process wastewater regulated under a categorical Pretreatment Standard will have to indicate the maximum and average daily discharge of the process wastewater from that category. In case of an integrated facility, the percentage will indicate the distribution of process wastewater under different categories discharged from the facility.

   EPA also requires the establishment of a compliance schedule if additional pretreatment and/or operation and maintenance are required in order to be in compliance with EPA categorical Pretreatment Standards, 40 CFR 403.12 (b)(6) and (7).

I. Description of Industrial Waste Generating Process

This flow-chart will enhance the evaluation process when the Commission reviews the operations at the facility with respect to the quantity and quality of Industrial Waste generated. It can also provide an opportunity to the Commission to evaluate the potential, type, and adequacy of the Pretreatment system for the facility, if one is required.

J. Certification of Information

This held a company official responsible for the information provided as required by 40 CFR 403.12 (b)(6) and 403.12 (k).

Appendix B. Industrial Waste Self-monitoring Guidelines

Basically, these guidelines are abbreviated from the "Handbook of Monitoring Industrial Wastewater", published by EPA, Technology Transfer, August 1973. These guidelines are solely for the purpose of obtaining representative samples and the Commission has no intention of strictly restricting the methods and locations of sampling and monitoring. Various physical limitations are anticipated to be encountered by many existing Industrial Users for the collection of representative samples.

Sample preservations and maximum holding times are condensed for convenience from the proposed amendments to 40 CFR Part 136. These amendments were published in the Federal Register on December 3, 1979, 44 FR 69464.

Appendix C. Classification of Industrial Users

Industrial Users under the listed codes generally have a potentially significant amount of pollutants in their discharges. The main purpose of this listing is to facilitate a potential Industrial User in its determination of whether or not a Permit is required. The SIC codes were used because industries can readily ascertain their applicable codes. The Commission has determined that substantial amounts of pollutants contributed by Industrial Users to the MDS can be reduced if all Industrial Users classified in this listing are in compliance with the MWCC local limitations and Pretreatment Standards.

Major Groups 20-39 are all involved in manufacturing activities. They, along with Major Group 49, are the fundamental targets of EPA's classification of 21 categories of industries (40 CFR Part 403, Appendix C) for the promulgation of Pretreatment Standards.

Group 721 and Industry 7542 are included in EPA 21 categories of industrial classification, 40 CFR Part 403 Appendix C. They are to be regulated by Pretreatment Standards.

Group 806 and Industry 7395 are included because their operations usually involve the handling and discharge of heavy toxic metal pollutants into the MDS. Group 806 may generate radioactive wastes through its research and development or its clinical labs.

Industries 7399 and 7699 designate Waste Transport Haulers.

Appendix D. Pretreatment Standards

This is a listing of the EPA promulgated categorical Pretreatment Standards. Presently, only the Electroplating Point Source Category has been promulgated.

Appendix E. Industrial Waste Discharge Report

This form is designed to satisfy both MWCC and General Pretreatment Regulations self-monitoring reporting requirements.

1 and 2 — They are the same as Appendix A, Section A (1)-(3).

3 - 5 — They should be self-explanatory.

6 (a) — This is the same as Appendix A, Section E.

6 (b) — This is the same as Appendix A, Section H (2).

7 - 9 — This allows the Commission to determine if the quantity of a representative sample collected and its duration of sampling can reflect the total discharge within the reporting period. The date and time of sampling are required under 40 CFR 403.12 (n)(1)(i).

10 - 15 — Sampling location, method of sample collection, the person or persons responsible for sample collections and analyses are required under 40 CFR 403.12 (n)(1)(i) and (iii).

16 — Disclosure of representative concentrations of pollutants in the Permittee's total discharge enables the Commission to evaluate the extent of impact from this discharge on the MDS. It also enables the Commission to determine if this discharge is in compliance with MWCC local limitations or not. These analyses can also facilitate the company officials to determine if the designed removal efficiency of the facility's pretreatment system has been achieved.

If Pretreatment Standards are applicable to a category of process wastewater discharged from the facility to the MDS, concentrations

of regulated pollutants have to be reported under that particular category, 40 CFR 403.12 (n)(1)(v).

Signature of an authorized representative to certify the accuracy of data and information submitted is required under 40 CFR 403.12 (k) and (m).

Appendix F. Waste Transport Hauler Discharge Report

1 - 4 They should be self-explanatory.

5 This enables the Commission to be aware of the type, quantity, location, and duration of discharges from Waste Transport Haulers to the MDS. It can also serve as a check-list for compliance.

Appendix G. Industrial Discharge Permit Renewal Application

To avoid unnecessary duplications of information and excessive forms filed by a Permittee to the Commission, this form is geared towards the minimum amount of information required for the renewal of a Permit. It aims at disclosing only those significant changes anticipated in the Permittee's operations that will have an impact on the MDS.

1 and 2	They are the same as Appendix A, Section A (1)-(3).
3 - 5	They are probably different from the last application.
6 - 9	They indicate anticipated changes that will have an impact on the MDS.
10	This is primarily directed towards anticipated changes in a Waste Transport Hauler's operations.

EXHIBIT 1

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April 30, 1980

Mr. Richard J. Dougherty
Chief Administrator
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Re: Legal Opinion No. 556
MWCC - Pretreatment
MW110-054

You have asked our office to provide a legal opinion as to the authority of the Commission to establish and enforce a pretreatment program pursuant to the requirements of federal law.

Section 307(b) and (c) of the of the Clean Water Act, Pub. L. 92-500, as amended by Pub. L. 95-217, 42 U.S.C. § 1317(b) and (c), requires the Administrator of the United States Environmental Protection Agency ("EPA") to promulgate pretreatment standards for the introduction of pollutant into publically owned treatment works ("POTW") for those pollutants which are determined not to be susceptible to treatment by such treatment works or which would interfere with the operation of such treatment works. Pursuant to that authority, the EPA Administrator has promulgated general pretreatment regulations for existing and new sources of pollution, 40 CFR Part 403, 43 F.R. 27737-77 (June 26, 1978), as amended. See also 44 F.R. 62260 (October 29, 1979) (proposed amendments).

In addition, Section 402(b)(8) of the Clean Water Act, Pub. L. 92-500, as amended by Pub. L. 95-217, § 54(c)(1), 33 U.S.C. § 1342(b)(8), requires as a condition of a National Pollution Discharge Elimination System ("NPDES") permit issued to a POTW that the POTW develop a local pretreatment program to enforce national pretreatment standards. Furthermore, Section 309(f), as amended by Pub. L. 95-217, § 54(b), 33 U.S.C. § 1319(f), requires notice to the POTW by the EPA Administrator of a violation of pretreatment standards. If the POTW does not commence appropriate enforcement action within 30 days of the notice, the EPA Administrator is authorized to commence a civil action against the POTW and the violating source.

Finally, an adequate pretreatment program is required as a condition of EPA grants under the Clean Water Act. 40 C.F.R. § 35.935-

19 (1979). That regulation generally restricts grant payments to 90% of the federal share unless significant progress is made toward the development of an approvable pretreatment program. See also 40 C.F.R. § 35.907 (1979).

POTW Pretreatment Program

As part of the POTW Pretreatment Program Submission for Approval, 40 C.F.R. § 403.9(a)(1) requires a statement from the official attorney (or independent legal counsel) for the POTW that the POTW has adequate authority to carry out the required pretreatment program specified in 40 C.F.R. § 403.8. This must include an identification of legal authority, an identification of manner of implementation of the pretreatment program, and an identification of how the POTW intends to ensure compliance and enforce its program. Since the Commission has not determined the manner in which it will implement its program and the manner in which it will ensure compliance, this opinion is directed solely at the question of legal authority.

Specifically, Section 403.9(a)(1)(i) requires that the legal opinion shall "[i]dentify the provision of the legal authority under § 403.8(f)(1) which provides the basis for each procedure under § 403.8(f)(2)." The POTW Pretreatment Program Requirements[1] regarding legal authority require the POTW to have legal authority to apply and enforce pretreatment standards and further provide that such authority may be based upon:

> a statute, ordinance, or series of contracts or joint powers agreements which the POTW is authorized to enact, enter into or implement, and which are authorized by state law. 40 C.F.R. § 403.8(f)(1).

Under this authority, the POTW must be able to: (i) regulate contribution of pollutants to the POTW by Industrial Users; (ii) require compliance with pretreatment standards; (iii) control the contribution to the POTW by each Industrial User; (iv) require compliance schedules and self-monitoring reports; (v) carry out monitoring and inspection; (vi) (A) obtain remedies for noncompliance by seeking injunctive relief and either assess civil or criminal penalties or assess liquidated damages by contract and (B) halt discharges which endanger the health or welfare of persons, the environment or the operation of the POTW (proposed amendment).

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[1]Certain amendments to § 403.8(f) have been proposed, 44 F.R. 62260 (October 29, 1979). However, these proposed amendments, if adopted, will not affect this opinion.

In addition to the legal authority, § 403.8(f)(2) generally requires the POTW to have procedures to enable the POTW to: (i) identify Industrial Users; (ii) identify the character and volume of pollutants contributed by Industrial Users; (iii) notify Industrial Users of pretreatment requirements; (iv) receive and analyze self-monitoring reports; (v) randomly sample and analyze effluent from Industrial Users; (vi) investigate instances of noncompliance; and (vii) comply with public participation requirements, including publication of the identity of significant violators.

Commission Legal Authority

Under its enabling legislation, Minn. Stat. § 473.501 et seq. (1979), the Commission has been specifically empowered to carry out several of the elements of the federally-mandated pretreatment program. Minn. Stat. § 473.515, subd. 3, generally authorizes the Commission to regulate the discharge of sewage and connections into the metropolitan disposal system. The subdivision goes on to provide that the Commission

> . . . may require any person or local government unit discharging sewage into the metropolitan disposal system to provide preliminary treatment thereof; may prohibit the discharge into the metropolitan disposal system of any substance which it determines will or may be harmful to the system or any persons operating it . . . .

Thus, the Commission is specifically authorized to require pretreatment by Industrial Users and to prohibit discharges as provided by § 403.8(f) (1)(iv)(B). In addition, Minn. Stat. § 473.504, subd. 7, authorizes the Commission to collect and analyze data relating to the metropolitan disposal system as required by § 403.8(f)(iv), (v) and (vi).

The Commission has also been authorized to enact rules and regulations relating to the metropolitan system. Minn. Stat. § 473.504, subd. 4, provides that:

> The Commission shall have the power to adopt rules and regulations relating to the operation of any interceptors or treatment works operated by it, and may provide penalties for the violation thereof not exceeding the maximum which may be specified for a misdemeanor. Any rule or regulation prescribing a penalty for violation shall be published at least once in a newspaper having general circulation in the metropolitan area.

Minn. Stat. § 609.02, subd. 2 (1978) defines a misdemeanor as a crime for which a sentence of not more than 90 days or a fine of $500, or both, may be imposed. Under the Commission's enabling legislation, the only remedy provided for violation of rules and regulations is a misdemeanor, no reference being made to injunctive relief. The general rule in Minnesota is that where certain activity is made a crime, that will be the exclusive remedy and the criminal activity will not be subject to an injunction. Higgins v. La Croix, 119 Minn. 145, 137 N.W. 417 (1912); 9A Dun. Dig. (3rd Ed.) § 4483.10. However, an exception has been recognized in cases where the criminal activity also constitutes a continuing public nuisance endangering public health and where there is no adequate remedy at law. In those cases an injunction may be a granted. State v. Red Owl Stores, Inc., 253 Minn. 236, 92 N.W.2d 103 (1958), after remand 262 Minn. 31, 115 N.W.2d 643 (1962).

Most importantly, to the extent not already covered by other specific authorizations, the Commission has authority to impose a pretreatment program under its authority to do all acts necessary to comply with the federal act. Minn. Stat. § 473.504, subd. 5, provides that:

> The commission with the consent of the council shall have all powers necessary to comply with the federal water pollution control act amendments of 1972 and any grant offered to it thereunder . . .

Under 33 U.S.C. § 1342(b)(8), a local pretreatment program is required as a condition of an NPDES permit under the federal act. In addition, under 40 C.F.R. § 35.935-19, a local pretreatment program is required as a condition of the EPA construction grant program. Since the pretreatment program powers are necessary to comply with the NPDES permit and grants under the federal act, the Commission, with consent of the Metropolitan Council, has all powers necessary to enforce a pretreatment program. There is no reason to believe that the Council will withhold its consent on a matter of this importance.

Finally, aside from its enabling legislation, the Commission could utilize the Minnesota Environmental Rights Act, Minn. Stat. Ch. 116B, to enjoin threatened improper discharges into its system. Minn. Stat. § 116B.03, subd. 1, authorizes any person, including any political subdivision, instrumentality or agency of the state, to bring a civil action for equitable relief against anyone for the protection of the water or other natural resources from "pollution, impairment, or destruction." Minn. Stat. § 116B.02, subd. 5,

defines "pollution, impairment or destruction" to include any conduct which either violates an environmental standard, rule or permit of a political subdivision of the state or materially adversely affects the environment. Thus, violation of the Commission's pretreatment program or any discharge which materially affects the environment or the Commission's ability to treat wastewater might be enjoined under the Act. Section 116B.03, subd. 1, creates a defense to such actions if the conduct is taken pursuant to a permit, rule or stipulation with the Minnesota Pollution Control Agency or three other state agencies. Finally, Section 116B.04 provides an affirmative defense to a civil action where there is "no feasible and prudent alternative" to the conduct, but economic considerations alone are not sufficient.

Based upon the foregoing, we, as counsel for the Commission, are of the opinion that the Metropolitan Waste Control Commission has the legal authority specified by 40 C.F.R. § 403.8(f)(1) to carry out the procedures under 40 C.F.R. § 403.8(f)(2) so as to establish and enforce a local pretreatment program in compliance with federal law.

Sincerely,

David L. Graven

DLG:mw

EXHIBIT 3

Statement of Need and Reasonableness
6 MCAR § 6.014 A (1)

This section deals with proposed pollutant limitations for the MDS. Keep in mind that the intent of the MDS limitations is to limit the contribution of pollutants from Industrial Users that are not regulated by Pretreatment Standards. Industrial Users regulated by Pretreatment Standards will be required to meet limitations contained therein. Also keep in mind that Pretreatment Standards developed by EPA are based on best available technology economically achieveable (BAT). Therefore, it is the Commission's contention that there must be some strong arguments to require Industrial Users to meet limitations more stringent than those based on BAT. Sufficient reasons may appear in the future, but, in the opinion of the Commission, such reasons presently do not exist.

Table 3-1 shows the proposed MDS limitations in relation to the Commission limitations in its 1971 rules and also in relation to the limitations specified in the Pretreatment Standards for electroplaters, 40 CFR Part 403. Please note that the proposed limitations are on a maximum day basis, which is a departure from the average day basis in the 1971 rules. The main reason for changing the basis of the limitations is for convenience in enforcement. The Commission can determine compliance of an Industrial User by monitoring its discharge for a one-day period. Under the 1971 rules, monitoring to determine compliance required multiple monitoring days; e.g., if the results from one monitoring day indicated levels above limitations, the results from another monitoring day could indicate levels below limitations, and the two-day "average" could be above or below limitations, and the Commission might not be any closer to determining compliance or noncompliance.

The limitations specified in the 1971 rules were not strictly enforced by the Commission. Administratively, the approach was to use the 1971 limitations to correct obvious problems in the MDS. As one example, when the Commission undertook its sludge utilization program by hauling dewatered sludge from the Metro Plant to farmland for agricultural purposes, it was determined that the amount of cadmium in Metro sludge was the limiting factor in the amount of sludge that could be applied to any farmland. This fact resulted in nitrogen (also present in Sewage Sludge) addition to the soils being less than desired by farmers accepting the sludge. The Commission worked with the largest cadmium contributor to the MDS and required compliance with the cadmium limitation in the 1971 rules. As a result, cadmium is no longer the limiting factor in utilizing Metro sludge on farmland.

Table 3-2 shows effluents from 5 Commission plants that handle diverse Industrial Users in relation to water quality standards for copper (Cu), chromium (Cr) and cyanide (CN). Please note that the Anoka Plant is the only plant with established NPDES Permit limitations for metals and cyanide. The basis for the other 4 plants' limits is the existing water quality standards in the Mississippi and Minnesota Rivers, taking into account the dilution of the plant effluent in the river. For example, the dilution factor for the Hastings Plant is the river flow divided by the plant effluent flow; i.e., 2025 cfs ÷ 2.9 cfs = 700 dilution factor. Note that copper at the Metro Plant is the only pollutant that exceeded the calculated limit during the 1979-1980 monitoring period.

Table 3-3 shows the proposed MDS limitations for several pollutants compared with limitations from other large metropolitan areas around the U.S. The

limitations from other areas were compiled by others, and listed for comparison purposes only. The comparison shows that for all 4 pollutants, the proposed MDS limitations are neither the most stringent nor the least stringent, but lie in the middle of the range.

Tables 3-4A through 3-4E show the results of a special Commission monitoring project during 1979 and 1980. The project was entitled the Removal Credit Monitoring Study (RCM) and was conducted in response to the removal credit provisions in the general Pretreatment Regulations (40 CFR 403.7). The results are included here to substantiate the effluent averages contained in Table 3-2, and will be covered further in a discussion on discrepancies in data. Tables 3-5A through 3-5E show the results of another special Commission monitoring project during 1977 and 1978 on characterizing influents to Commission plants and will be covered further in the discussion on discrepancies.

Tables 3-6 and 3-7 are from a study conducted during 1979 on metal loadings at the Metro Plant. One of the purposes of the study was to estimate the non-industrial contribution of metals to the Metro Plant so that the potential effects of the national pretreatment program could be assessed. The study pointed out that the non-industrial loading remains generally high for the Metro Plant which leads Commission staff to the conclusion that a significant portion of the metals contributed should fall into the unaccounted-for category. Table 3-6 shows the average plant influent loading from Commission monitoring. Industrial self-reporting data was summarized as accountable industrial loading. By subtracting the industrial loading from the total loading, the non-industrial loading was determined. This was then divided by the estimated population to arrive at a non-industrial loading

in terms of pounds per day per million people. Table 3-7 compares the non-industrial loading at the Metro Plant with such loadings experienced in other cities around the U.S. as reported in the literature. The net conclusion is that this significant unaccounted-for loading is likely the result of inadequate industrial contribution data. As a result of Commission monitoring of treatment plant influents and effluents, we generally know what pollutants are entering Commission plants, how Commission plants are operating, and what is being discharged from Commission plants; however, we have difficulty determining the source of the pollutants. This may be the result of our existing program, referred to elsewhere as a voluntary registration program, and is the primary reason for initiating a Permit system.

Figure 3-1 shows the same pattern for several other Commission plants as discussed above for the Metro Plant.

Some further discussion of discrepancies is warranted. The Commission has conducted, since 1976, various monitoring studies on plant influents, plant effluents and plant sludges. The data appears to vary considerably with time. For example, the influent monitoring results in Tables 3-4A through 3-4E do not correlate well with influent monitoring results in Tables 3-5A through 3-5E. Part of the reason likely is the different time frames over which samples were taken and analyzed. In addition, we would anticipate the pollutants removed during the treatment process to be accounted for in the treatment plant sludge. Such is not always the case. For example, please refer to Table 3-8 which includes a summary of sludge analyses. Looking at the Anoka Plant and using influent and effluent data

from Table 3-4A, we would expect the copper concentration in the sludge to be approximately 600 mg/kg; however, data from 1977 and 1978 shows 2,400 mg/kg, or 4 times the expected amount. The same irregularity appears with Anoka nickel; i.e., we would expect approximately 120 mg/kg and earlier data shows 550 mg/kg. Table 3-8 shows MPCA sludge guidelines (not standards), and the sludge results which exceed those guidelines are circled. The circles on the sludge data do, however, in a general way show problem areas that are not shown in influent and effluent data. For example, the Blue Lake Plant has a significant number of printed circuit board manufacturers (copper) tributary to the plant, and we would expect copper to be experienced at elevated levels in the sludge. However, Figure 3-1 shows that only 18% of the copper entering the plant is accounted for in the industrial self-monitoring program. As another example, the elevated levels of copper and chromium in the Hastings Plant sludge, as shown in Table 3-8, can be attributed to a printed circuit board manufacturer (copper) and to a shearling tannery (chromium). In this case, both pollutants do show up in the influent and effluent monitoring results.

The above discussion leads Commission staff to the conclusion that we cannot presently derive mathematical relationships to determine, with any degree of certainty, specific standards either more stringent or less stringent than those proposed in Section 6.014 A (1). It is proposed that the Commission should initiate a Permit system through the Rules; develop an enforcement program; develop coordinated monitoring programs for monitoring plant influents, plant effluents, plant sludges, Industrial Users and Domestic areas; and modify MDS limitations where warranted in the future based on experience.

There exists a great deal of data, although not all consistent, on influents, effluents, sludges, receiving waters and Industrial Users. Others may analyze the data differently and arrive at different conclusions. It is felt that the proposed MDS limitations are both needed and reasonable based on the above discussion.

TABLE 3 - 1

COMPARISON OF LIMITATIONS

	Electroplating Standards				1971 MWCC Rules	Proposed 1980 MWCC Rules
	Large		Small			
	(Avg)	(Max)	(Avg)	(Max)	(Avg)	(Max)
Cadmium	0.7	1.2	0.7	1.2	2.0	2.0
Chromium, T	4.0	7.0	-	-	25.0	8.0
Copper	2.7	4.5	-	-	5.0	6.0
Cyanide, T	1.0	1.9	2.7*	5.0*	10.0	4.0
Lead	0.4	0.6	0.4	0.6	0.5	1.0
Mercury	-	-	-	-	-	0.1
Nickel	2.6	4.1	-	-	10.0	6.0
Zinc	2.6	4.2	-	-	15.0	8.0

* Cyanide A

TABLE 3 - 2

EFFLUENT CONSIDERATIONS AT 5 MWCC PLANTS

PLANT	POLLUTANT	LIMIT (mg/l)	BASIS[1]	AVERAGE[2]
Anoka	Cu	0.3	1	0.04
	Cr	0.4	1	0.06
	CN	0.5	1	0.42
Blue Lake	Cu	0.12	2	0.065
	Cr	0.60	2	0.01
	CN	0.24	2	< 0.02
Hastings	Cu	7.0	3	0.15
	Cr	35.0	3	0.58
	CN	14.0	3	< 0.02
Metro	Cu	0.05	4	0.07
	Cr	0.25	4	0.11
	CN	0.10	4	0.068
Seneca	Cu	0.10	5	0.04
	Cr	0.50	5	0.11
	CN	0.20	5	0.024

(1) BASIS: 1 - NPDES Permit
2 - W.Q. Std. x dilution (12)
3 - W.Q. Std.x dilution (700)
4 - W.Q. Std. x dilution (5)
5 - W.Q. Std. x dilution (10)

(2) AVERAGE: Using effluent monitoring data 1979-1980

TABLE 3 - 3

CONCENTRATION LIMITS - METROPOLITAN AREAS

	Copper (mg/l)	Lead (mg/l)	Cadmium (mg/l)	Nickel (mg/l)
Atlanta, GA	3.0	1.0	5.0	0.1
Chicago, IL	3.0	0.5	2.0	10.0
Dallas, TX	3.0	3.0	0.1	3.0
Detroit, MI	3.0	1.0	2.0	5.0
East Bay MUD, CA	5.0	2.0	1.0	5.0
Kansas City, MO	5.0	2.0	2.0	5.0
Los Angeles, CA	15.0	5.0	15.0	12.0
St. Louis, MO	2.0	0.1	2.0	2.0
Seattle, WA	3.0	3.0	3.0	6.0
MWCC (proposed)	6.0	1.0	2.0	6.0

TABLE 3-4A MWCC MONITORING (RCM) RESULTS 1979-1980

ANOKA TREATMENT PLANT

Copper			Nickel			Lead			Zinc			Cadmium			Chromium			Cyanide		
I	E	%R	I	E	%R	I	E	%R	I	E	%R	I	E	%R	I	E	%R	I	E	%R
.30	.03	90	.25	.17	32	.12	.036	70	.37	.06	84	.008	.0068	15	.42	.08	81	.132	.052	61
.18	.02	89	.22	.08	64	.06	.012	80	.19	.03	84	.010	.0097	3	.30	.028	91	.028	.012	57
.12	.02	83	.12	.10	17	.10	.008	92	.17	.04	76	.0075	.010	0	.15	.01	93	.012	.012	0
.27	.02	93	.07	.07	0	.06	.006	90	.16	.04	75	.0141	.0060	57	.025	.003	88	.065	.045	31
.19	.04	79	.05	.05	0	.11	.012	89	.16	.03	81	.0122	.0063	48	.019	.003	84	1.64	.620	6
.20	.02	90	.02	.02	0	.10	.006	94	.20	.03	85	.0116	.0063	46	.029	.004	86	2.26	1.38	39
.21	.09	57	.10	.08	20	.06	.009	85	.20	.09	55	.0050	.0047	6	.89	.16	82	1.26	.617	51
.13	.08	38	.12	.06	50	.08	.006	93	.26	.04	85	.0042	.0039	7	.30	.10	67	.23	.56	0
.15	.04	73	.12	.08	33	.08	.005	94	.21	.06	71	.0051	.0129	0	.22	.05	77	.11	.13	0
.11	.05	55	.09	.05	44	.04*	.14*	0*	.21	.07	67	.0176	.0216	0	.25	.06	76	.92	.78	15
.17	.04	76	.14	.12	14	.10	.04	60	.25	.05	80	.0151	.0184	0	.60	.11	82			
.19	.05	74	.12	.14	0	.09	.014	84	.23	.06	74	.0086	.0105	0	.44	.08	82			
			.16	.10	38															
		Avg. 75%			Avg. 24%												Avg. 82%			
.18	.04	RCM 62%	.12	.09	RCM 9%	.09	.014		.22	.05		.0100	.0117		.30	.06	RCM 78%	.666	.421	

TABLE 3-4B MWCC MONITORING (RCM) RESULTS 1979-1980

BLUE LAKE TREATMENT PLANT

Copper			Nickel			Lead			Zinc			Cadmium			Chromium			Cyanide		
I	E	%R	I	E	%R	I	E	%R	I	E	%R	I	E	%R	I	E	%R	I	E	%R
.72	.03	96	.04	.012	70	.14	.008	94	.62	.04	94	.010	.009		.18	.012	93	.015	—	—
.67	.04	94	.04	.007	83	.20	.014	93	.33	.08	76	.010	.009		.031	.010	68	.018	.004	78
.61	.05	92	.05	.006	88	.12	.010	92	.47	.06	87	.010	.010		.25	.008	97	.014	.012	14
.60	.03	95	.066	.028	58	.14	.007	95	.27	.04	85	.007	.004		.08	.005	94	—	—	—
.56	.04	93	.20	.030	85	.10	.008	92	.32	.05	84	.012	.006		.05	.031	38	.025	<.02	>2
.52	.14	73	.04	.038	5	.10	—	—	.32	.04	88	.007	.003		.10	.006	94	—	—	—
1.68	.06	96	.09	.015	83	.11	.002	98	.35	.07	80	.013	.005		.08	.010	88	<.02	—	—
.74	.08	89	.054	.022	59	.08	.002	98	.27	.07	74	.009	.005		.039	.009	77	<.02	<.02	—
.71	.06	92	.04	.04	0	.10	.002	98	.45	.08	82	.010	.006		.10	.012	88	.020	<.02	—
.55	.09	84	.16	.04	75	.031	.005	84	1.23	.08	93	.014	.013		.04	.011	73	—	—	—
.62	.09	85	.04	.04	0	.06	.06	0	.45	.10	78	.018	.010		.04	.007	83	—	—	—
1.16	.07	94	.04	.04	0	.10	.003	97	.35	.12	66	.007	.009		.04	.004	90	—	—	—
		Avg.															Avg			
.76	.065	90%	.07	.027		.11	.011		.45	.07		.011	.0074		.09	.010	82%	.02	<.02	
		RCM															RCM			
		86%															71%			

TABLE 3-4C MWCC MONITORING (RCM) RESULTS 1979-1980

HASTINGS TREATMENT PLANT

Copper			Nickel			Lead			Zinc			Cadmium			Chromium			Cyanide		
I	E	%R	I	E	%R	I	E	%R	I	E	%R	I	E	%R	I	E	%R	I	E	%R
.38	.07		.017	<.001		.07	.05		.24	.12		.017	.0096		10.2	.44		.004	.006	
.21	.08		.006	<.001		.10	.013		.15	.09		.0055	.0077		8.1	.42		—	<.02	
.23	.05		.002	<.001		.07	.019		.22	.25		.012	.008		.42	.50		<.02	<.02	
1.15	.08		.026	<.001		.14	.030		.30	.15		.012	.008		4.5	.51		<.02	<.02	
.20	.20		.016	.010		.015	.010		.20	.10		.005	.005		1.41	.29		<.02	<.02	
.36	.08		.038	.023		.07	.008		.33	.10		.008	.004		2.6	.50		<.02	<.02	
1.12	.10		.059	.015		.17	.06		.44	.10		.007	.011		1.54	.38		<.02	<.02	
1.15	.34		.020	.004		.09	.018		.33	.10		.007	.005		9.8	1.15		—	—	
.98	.26		.026	.005		.12	.010		.41	.16		.010	.005		9.2	.40		—	—	
.81	.21		.017	.005		.10	.014		.44	.13		.009	.006		2.25	.93		—	—	
.90	.19		.019	.008		.10	.014		.58	.11		.010	.017		3.4	.72		—	—	
.29	.18		.012	.007		.12	.06		.36	.15		.005	.004		1.6	.58		—	—	
.75	.16		.039	.016		.12	.08		.48	.13		.003	.002		7.9	.70		—	—	
.66	.15		.023	.007		.10	.030		.35	.13		.0085	.0071		4.86	.58		<.02	<.02	

TABLE 3-4D MWCC MONITORING (RCM) RESULTS 1979-1980

METRO TREATMENT PLANT

Copper			Nickel			Lead			Zinc			Cadmium			Chromium			Cyanide		
I	E	%R	I	E	%R	I	E	%R	I	E	%R	I	E	%R	I	E	%R	I	E	%R
.18	.09		.23	.16		.11	.06		.36	.21		.041	.025		.30	.13		.018	.031	
.25	.11		.22	.17		.10	.053		.36	.25		.055	.029		.35	.16		.017	.008	
.29	.04		.23	.15		.11	.022		.49	.11		.059	.015		.40	.05		.032	.003	
.28	.06		.16	.10		.15	.018		.47	.16		.13	.03		.28	.08		.074	.056	
.19	.15		.11	.10		.14	.08		.39	.32		.03	.04		.32	.34		.114	.070	
.29	.06		.25	.16		.08	.015		.36	.17		.08	.03		.41	.11		.376	+	
.35	.06		.29	.13		.15	.013		.51	.12		.07	.10		.36	.05		.163	.065	
.37	.03		.30	.15		.19	.009		.50	.09		.08	.01		.53	.04		.157	.070	
.40	.03		.30	.19		.22	.013		.81	.07		.175	.018		.44	.036		.437	.136	
.38	.05		.29	.16		.26	.09		.66	.11		.144	.028		.38	.05		.12	.044	
.39	.09		.27	.19		.22	.05		.82	.22		.114	.040		.38	.13		.71	.11	
.29	.11		.27	.18		.26	.06		.63	.27		.110	.044		.40	.15		.10	.16	
.31	.07		.24	.15		.17	.04		.53	.175		.091	.034		.38	.11		.193	.068	

TABLE 3-4E MWCC MONITORING (RCM) RESULTS 1/17-1/80

SENECA TREATMENT PLANT

Copper			Nickel			Lead			Zinc			Cadmium			Chromium			Cyanide		
I	E	%R	I	E	%R	I	E	%R	I	E	%R	I	E	%R	I	E	%R	I	E	%R
.43	.03		.030	.006		.09	.017		.61	.06		.016	.005		.58	.10		.015	.013	
.46	.016		.012	<.001		.06	.012		.24	.03		.014	.012		.50	.04		.010	.012	
.32	.017		.021	<.001		.09	.011		.20	.03		.012	.008		.34	.06		.012	.012	
.25	.04		.030	.046		.08	.020		.21	.10		.010	.013		.38	.07		.036	.026	
.29	.04		.060	.054		.028	.042		.17	.04		.013	.009		.43	.046		.053	.026	
.25	.04		.027	.045		.052	.014		.27	.08		.010	.009		.51	.05		.049	.045	
.41	.04		.040	.040		.17	.006		.40	.06		.49*	.10*		.49	.49		<.020	—	
.41	.05		.022	.030		.08	.014		.25	.08		.011	.008		.39	.04		.026	.024	
.78	.02		.11	.040		.10	.085		.22	.04		.010	.003		1.95	.28		.07	.036	
.38	.07		.020	.021		.009	.016		.18	.11		.008	.013		.40	.05		<.020	<.020	
.15	.10		.023	.030		.10	.050		.29	.10		.010	.008		.18	.07		.020	<.020	
.20	.05		.030	.030		.10	.025		.25	.10		.012	.016		.38	.07		.026	.029	
.36	.04		.035	.030		.076	.026		.27	.07		.011	.0095		.54	.11		.030	.024	

TABLE 3-5A

from ref. 6

201 FACILITIES PLANNING

Project 76-10 Industrial Waste Studies

Waste Characterization

Anoka Plant Influent

Parameter	Units	Average Value *	Range of Values *
Flow	mgd	2.07	1.67 - 2.34
TSS	mg/l	255	68 - 705
TS	mg/l	1120	600 - 2200
BOD	mg/l	>244	120 - >420
COD	mg/l	496	134 - 1569
TOC	mg/l	-	-
pH	pH units	7.5	6.9 - 8.5
Cu	mg/l	0.68	0.12 - 2.80
Ni	mg/l	<0.31	<0.05 - 6.20
Pb	mg/l	<0.34	<0.10 - 6.70
Zn	mg/l	0.24	0.06 - 0.70
Cd	mg/l	<0.02	<0.02
Cr	mg/l	<0.97	<0.05 - 7.00
CN	mg/l	0.486	0.010 - 4.750

* Note: Summary of hourly values

Monitoring period May 5-12, 1978

TABLE 3-5B

from ref. 6

201 FACILITIES PLANNING

Project 76-10 Industrial Waste Studies

Waste Characterization

Blue Lake Plant Influent

Parameter	Units	Average Value *	Range of Values *
Flow	mgd	10.71	10.32 - 11.16
TSS	mg/l	422	47 - 2820
TS	mg/l	1862	1040 -11950
BOD	mg/l	358	93 - 620
COD	mg/l	751	261 - 3148
TOC	mg/l	-	-
pH	pH units	7.16	6.6 - 9.0
Cu	mg/l	0.36	0.07 - 1.82
Ni	mg/l	<0.05	<0.05 - 0.42
Pb	mg/l	<0.14	<0.10 - 1.02
Zn	mg/l	0.28	0.09 - 0.82
Cd	mg/l	<0.02	<0.02
Cr	mg/l	<0.08	<0.05 - 1.13
CN	mg/l	0.025	0.005- 0.160

* Note: Summary of hourly values

Monitoring period Dec. 7-14, 1977

TABLE 3-5C

from ref. 6

201 FACILITIES PLANNING

Project 76-10 Industrial Waste Studies

Waste Characterization

Hastings Plant Influent

Parameter	Units	Average Value *	Range of Values *
Flow	mgd	1.63	1.54 - 1.71
TSS	mg/l	341	74 - 2080
TS	mg/l	1700	615 - 8940
BOD	mg/l	>258	66 - >525
COD	mg/l	563	132 - 3532
TOC	mg/l	147	32 - 670
pH	pH units	7.32	6.6 - 8.1
Cu	mg/l	<0.10	<0.02 - 0.38
Ni	mg/l	<0.05	<0.05
Pb	mg/l	<0.10	<0.10 - 0.30
Zn	mg/l	0.20	0.04 - 0.89
Cd	mg/l	<0.02	<0.02
Cr	mg/l	<2.90	<0.05 - 46.50
CN	mg/l	<0.010	<0.005 - 0.030

* Note: Summary of hourly values

Monitoring period April 11-18, 1978

TABLE 3-5D
from ref. 6

201 FACILITIES PLANNING

Project 76-10 Industrial Waste Studies

Waste Characterization

Metro Plant Influent

Parameter	Units	Average Value *	Range of Values *
Flow	mgd	183.78	162.12 - 192.58
TSS	mg/l	305	135 - 640
TS	mg/l	1230	970 - 1770
BOD	mg/l	299	213 - 406
COD	mg/l	636	475 - 893
TOC	mg/l	198	145 - 388
pH	pH units	7.28	6.8 - 8.0
Cu	mg/l	0.32	0.09 - 0.88
Ni	mg/l	<0.23	<0.05 - 1.87
Pb	mg/l	<0.27	<0.05 - 4.80
Zn	mg/l	0.78	0.15 - 6.10
Cd	mg/l	<0.06	<0.02 - 0.14
Cr	mg/l	0.47	0.12 - 3.05
CN	mg/l	0.30	0.045 - 2.90

$6.1 \times \frac{200}{24} \times 8.34 = 424$ lb/hr

* Note: Summary of hourly values

Monitoring period Nov. 29-Dec. 6, 1977

TABLE 3-5E

from ref. 6

201 FACILITIES PLANNING

Project 76-10 Industrial Waste Studies

Waste Characterization

Seneca Plant Influent

Parameter	Units	Average Value *	Range of Values *
Flow	mgd	11.90	11.07 - 13.47
TSS	mg/l	364	160 - 2020
TS	mg/l	1026	740 - 1870
BOD	mg/l	264	95 - 399
COD	mg/l	508	252 - 728
TOC	mg/l	-	-
pH	pH units	7.34	7.00 - 8.80
Cu	mg/l	0.22	0.06 - 3.45
Ni	mg/l	<0.06	<0.05 - 0.42
Pb	mg/l	<0.11	<0.10 - 0.50
Zn	mg/l	0.21	0.07 - 1.32
Cd	mg/l	<0.02	<0.02
Cr	mg/l	<0.22	<0.05 - 1.75
CN	mg/l	0.04	0.01 - 0.32

* Note: Summary of hourly values

Monitoring period Dec. 15-22, 1977

TABLE 3-6

TABLE 20 — from ref. 7

HEAVY METAL LOADINGS TO THE METRO PLANT - 1979

	Mean Influent Loading to MWTP (lb/Day)	Accountable Industrial Loading (lb/Day)	Non-Industrial Loading (1) lb/Day	Non-Industrial Loading (1) lb/Day/10^6 people
Cd	108.6	77.8	30.8	19.3
Cr	913.8	258.0	655.8	409.9
Cu	551.8	223.2	328.6	205.4
Pb	373.9	36.1	337.8	211.1
Ni	301.8	297.9	3.9	2.4
Zn	1051.8	710.4	341.4	213.3

1. Based upon preliminary 1979 population estimates.

   Metropolitan Council. (1.6 million)

TABLE 3-7

TABLE 21 — *from ref. 7*

COMPARISON OF NON-INDUSTRIAL LOADINGS

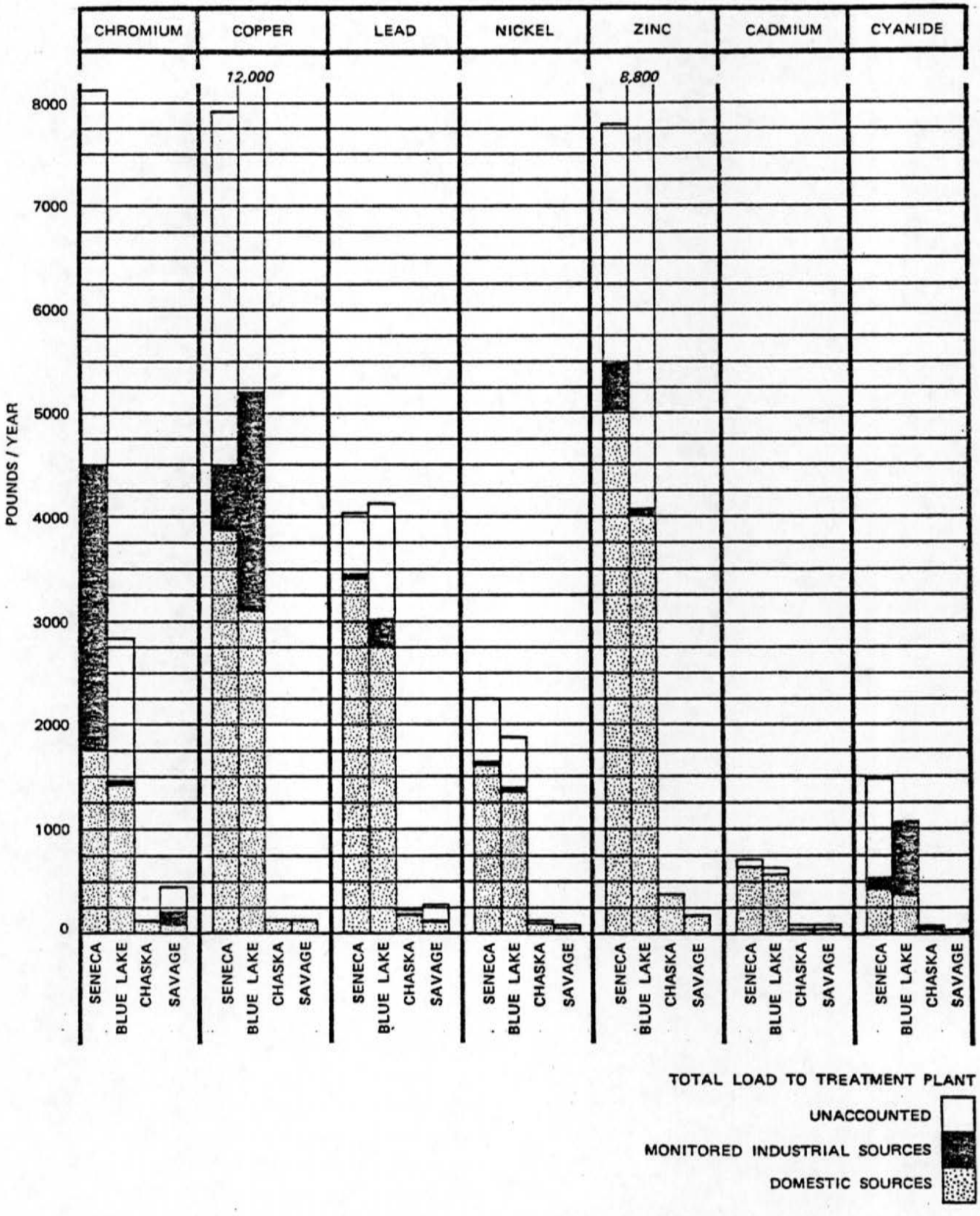
	(1) MWTP 1977		(2) MWTP 1979			Other Cities	
	lb/Day	lb/Day/ 10^6 people	lb/Day	lb/Day/ 10^6 people		lb/Day 10^6 people (Ave. /	Range)
Cd	50.2	31	30.8	19.3	3	6	0.8 - 16
Cr	572.8	358	655.8	409.9	1b	25	4.2 - 80
Cu	546.6	341	328.6	205.4	2	104	9.2 - 180
Pb	145.4	91	337.8	211.1	4	48	9.2 - 100
Ni	187.1	117	3.9	2.4		29	12 - 80
Zn	794.2	496	341.4	213.3		199	28.4 - 408

1. MWCC Industrial Contributors to the Metro Plant, November, 1977
2. MWCC Based upon current data base, See Table 25
3. Based upon values obtained from Table 5

FIGURE 3-1

from ref. 4 — 5 — Figure 2

MONITORED TOXIC POLLUTANT LOADS



November 1979
Harza Engineering Company

Southwest Facility Planning Study

TABLE 3-8

Table 3-9
Raw Sludge Characteristics — from ref. 8

Plant	Kj-N	NH_3-N	NO_3-N	P	K	Constituents[a] Cu	Ni	Pb	Zn	Cd	Cr	Hg	PCB	B	VS (%)
						850(1)	100(1)	500(1)	1750(1)	20(1)	900(1)				
Anoka	53,000	5,000	-	15,000	4,400	2,400	550	940	1,400	10	2,100	NG[d]	6	40	78
Apple Valley[b]	62,000[c]	7,000[c]	-	20,000[c]	4,100[c]	610[c]	10[c]	110[c]	730[c]	10[c]	20[c]	-	4	30[c]	70[e]
Bayport	51,000	1,300	13	29,000	3,500	290	20	170	820	10	50	NG[d]	1	120	70
Blue Lake	46,800	6,200	1	9,300	3,000	1210 / 700[f]	50	260 / 180[f]	780	4	210 / 170[f]	0.23	6	50[c]	66
Chaska	67,000[c]	7,000[c]	-	26,000[c]	6,000[c]	310	50[e]	130[e]	560[e]	20	160	-	7	50	70
Cottage Grove															
o Primary	42,000	4,000	-	30,000	2,400	400	50	280	1,110	10	50	-	2	30	74
o Secondary	75,000[e]	6,900[e]	-	30,000[e]	12,000[e]	340	50	170	830	20	100	-			70[e]
Farmington[b]	68,000[c]	7,000[c]	-	35,000[e]	13,000[e]	240[e]	10[e]	120[e]	750[e]	10[e]	30[e]	-	3	20[c]	70[e]
Hastings	45,000[c]	5,000[c]	-	26,000[c]	2,300[c]	1,400[f]	20[c]	180[c]	630[c]	5[c]	11,400 / 8000[f]		1	4[c]	70
Lakeville[b]	31,000[c]	3,000[c]	-	14,000[c]	1,400[c]	810[e]	30[e]	4,900[f]	1,100[e]	10[e]	1,700	-	7	31	70[e]
Maple Plain	17,000	1,300	-	5,300	800	850	30	310	800	5	30	0.34	2	12	67
Metro															
o Primary	25,900	1,500	-	68,500	2,500	600 / 530[f]	140 / 100[f]	340 / 150[f]	1240 / 980[f]	90 / 40[f]	760 / 520[f]	0.11	-	20	76
o Secondary	94,200	9,200	-	28,100	11,300	1240 / 1090[f]	290 / 210[f]	490 / 220[f]	1750 / 1390[f]	250 / 105[f]	1700 / 1150[f]	NG[d]	2	170	70
Rosemount	7,500[c]	2,300[c]	-	8,600[c]	-	140[c]	30[c]	150[c]	450[c]	10[c]	200[c]	1.4[c]	-	60	24
Savage	31,000	3,000	-	22,300	2,200	800	30	1,300	1,050	10	1,200	1.3	2	60	70[e]
Seneca															
o Primary	39,010	6,690	-	15,940	2,050	860	60	310	810	9	770 / 690[f]	6.0	-	20	67
o Secondary	78,900	6,950	-	30,120	11,790	1,020	50	320	690	7	1290 / 1140[f]	NG[d]	-	30	70
Stillwater	35,000	4,000	-	25,000	-	410	20	210	840	6	260	-	2	30	63

[a] In mg/kg unless noted otherwise
[b] Phased out in 1979. Wastewater treated at Empire plant
[c] Based on historical data collected at Rosemount Experiment Station (1974-1977)
[d] Negligible
[e] Estimated
[f] With industrial pretreatment

(1) Guidelines — from ref. 2

References - Exhibit 3

1.) Federal Guidelines, "State and Local Pretreatment Programs", Volumes I, II and III, January 1977, USEPA Publication No. MCD-43. (Available from General Services Administration, Denver, Colorado 80225)

2.) "Recommendations For Application Of Municipal Wastewater Sludges On Land", August 1978, MPCA.
(Available from Minnesota Pollution Control Agency, Roseville, Minnesota 55113)

3.) "Study of Toxic and Hazardous Substances at the Metropolitan Wastewater Treatment Plant", May 1979, TKDA/M & E.
(Available at Metropolitan Waste Control Commission, St. Paul, Minnesota 55101)

4.) "Toxic Pollutant Limitations - Southwest Facility Planning Study", November 1979, Harza Engineering Co.
(Available at MWCC)

5.) "Industrial Toxic Pollutant Study - Service Area Six", April 1980, HDR.
(Available at MWCC)

6.) "201 Summary Report Series", Volume VIII, June 1980, MWCC.
(Available at MWCC)

7.) "Evaluation of Heavy Metal Loadings at the Metropolitan Wastewater Treatment Plant", October 1979 , MWCC.
(Available at MWCC)

8.) "Residual Solids Management Study - Systems Analysis, Volume 2, Appendices A through L", MWCC.
(Available at MWCC)

Metropolitan Waste Control Commission

In the Matter of the
Proposed Adoption of
the Waste Discharge
Rule for the Metropolitan
Waste Disposal System,
6 MCAR §§ 6.010 - 6.018.

FINDINGS OF FACT AND
CONCLUSIONS

The above-entitled matter came on for hearing before Hearing Examiner Reha on the 9th day of October, 1980, at 9:30 a.m. in the Southdale - Hennepin Area Library Community Room, 7001 York Avenue South, Edina, Minnesota, Statutes § 15.0412 was served upon all persons, associations and other interested groups registered with the Secretary of State and the Metropolitan Waste Control Commission for that purpose.

After affording interested persons an opportunity to present written and oral data, statements and arguments, having heard all of the testimony, having considered all the evidence adduced and upon the records, files, and proceedings herein, the Commission hereby finds the following:

1. The Commission's Statement of Need and Reasonableness, as amended, is hereby incorporated by reference.

2. The Findings of Fact of the Hearing Examiner and the Chief Hearing Examiner in their reports dated November 26, 1980, as amended by orders dated December 9, 1980, and December 17, 1980 with the exception of those suggestions in the Hearing Examiner report dated November 26, 1980, which were not adopted by the Commission, are hereby adopted and incorporated by reference.

3. The reasons for changes between the rules as proposed and the rules as adopted set forth in the letter from Commission counsel to the Chief Hearing Examiner, dated December 11, 1980, and the Post-Hearing Submission of the Commission, dated October 29, 1980, are hereby incorporated by reference.

Date: January 20, 1981

Metropolitan Waste Control Commission

Salisbury Adams
Chairman

In the Matter of the
Proposed Waste Discharge
Rules for the Metropolitan
Disposal System,
6 MCAR §§6.010-6.019.

AMENDMENTS PROPOSED BY
MWCC AT PUBLIC HEARING,
OCTOBER 9, 1980.

1. §6.012 D(1). After "during its terms for" delete ~~cause,-including:~~ and insert the following causes:

2. §6.012 G(1). After "issued to specific" delete ~~users~~ and insert Industrial Users. After "specific locations" insert ,except in the case of Waste Transport Haulers.

3. §6.012 K. In the first sentence, delete first reference to ~~Commission~~ and insert Chief Administrator.

4. §6.012 L. After "Minnesota Data Practices Act" insert , Minn. Stat. §§15.1611 to 15.1698 (1980),.

5. §6.015 A(1). In second sentence, delete ~~-by-reason-of-the-nature of-particular-Industrial-User,~~ and after first reference to "Section 6.014 (A) (1) "in that sentence, insert for that Industrial User.

6. Appendix A, Section J. Place an asterisk by "Name (Print)" and below insert *For Federal Categorical Pretreatment Industries, the signatory must be an Authorized Representative. An Authorized Representative may be:

   1) a principal executive officer of at least the level of vice president, if the Permittee is a corporation;

   2) a general partner or proprietor, if the Permittee is a partnership or sole proprietorship, respectively; or

   3) a duly authorized representative of the individual designated in (1) or (2) above if such representative is responsible for overall operation of the facility.

MWCC EXHIBIT NO. 77

DATE 10-9-80

NANCY J. DUEHN

TITLE 12 SOCIAL SERVICE
Part 2 Public Welfare Department
12 MCAR § 2.049 (adopted temporary) 186
12 MCAR § 2.200 (proposed) 384
Part 3 Housing Finance Agency
12 MCAR § 3.002 (proposed) 159
12 MCAR §§ 3.136-3.139 (adopted temporary) 339
TITLE 13 TAXATION
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14 MCAR §§ 1.4000-1.4005 (adopted) 119
14 MCAR §§ 1.4006-1.4009 (adopted) 164
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Metropolitan Waste Control Commission EXHIBIT NO. E

DATE 10-9-80

NANCY J. DUEHN

PROPOSED RULES

Pursuant to Minn. Stat. § 15.0412, subd. 4, agencies must hold public hearings on proposed new rules and/or proposed amendment of existing rules. Notice of intent to hold a hearing must be published in the *State Register* at least 30 days prior to the date set for the hearing, along with the full text of the proposed new rule or amendment. The agency shall make at least one free copy of a proposed rule available to any person requesting it.

Pursuant to Minn. Stat. § 15.0412, subd. 5, when a statute, federal law or court order to adopt, suspend or repeal a rule does not allow time for the usual rulemaking process, temporary rules may be proposed. Proposed temporary rules are published in the *State Register*, and for at least 20 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Metropolitan Waste Control Commission

Proposed Waste Discharge Rules for the Metropolitan Disposal System

Notice of Hearing

A public hearing concerning the proposed rules will be held in the Southdale-Hennepin Area Library Community Room, 7001 York Avenue South, Edina, Minnesota, on Thursday, October 9, 1980, commencing at 9:30 a.m. The proposed rules may be modified as a result of the hearing process. Therefore, if you are concerned about the content of the rules, you are urged to participate in the rule hearing process.

Following the commission's presentations at the hearing, all interested or affected persons will have an opportunity to ask questions and make comments. Statements may be made orally and written material may be submitted. In addition, whether or not an appearance is made at the hearing, written statements or material may be submitted to Phyllis Reha, Hearing Examiner, Room 300, 1745 University Avenue, St. Paul, Minnesota 55104, telephone (612) 296-8109, either before the hearing or within five working days after the close of the hearing. The hearing examiner may, at the hearing order that the record be kept open for a longer period not to exceed 20 calendar days. All such statements will be entered into and become part of the record. The rule hearing procedure is governed by Minn. Stat. §§ 15.0411-15.0417 and 15.052 and by 9 MCAR §§ 2.101-2.112 (Minnesota Code of Agency Rules). If you have any questions about the procedure, call or write the Hearing Examiner.

The proposed rules regulate waste discharges into the Commission's Metropolitan Disposal System. In order to be eligible for federal construction grants, the Commission must meet all grant requirements of the Federal Clean Water Act. Adoption of rules governing the discharge of Industrial Wastes is one of these requirements. The rules provide:

—for procedures to ensure commission compliance with provisions of the Federal Clean Water Act (33 U.S.C. 1251 *et seq.*). as amended.

KEY: RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike-outs~~ indicate deletions from proposed rule language. PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike-outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material."

—for rules to prevent and abate pollution.

—for rules requiring Industrial Users discharging into the Metropolitan Disposal System to obtain an Industrial Discharge Permit.

—for routine sampling and analysis of a permitted Industrial Waste discharge.

—for monitoring controls, record keeping and a routine reporting by an Industrial User.

—for the prohibition of discharge of specified substances into the Metropolitan Disposal System.

—for the regulation of waste discharges containing specified heavy metals beyond certain concentration limitations and outside a specified pH range.

—for conditions under which specific categories of Industrial Users are subject to applicable Pretreatment Standards promulgated by the EPA in accordance with the Federal Clean Water Act.

—for protective procedure requirements by the Industrial User to prevent accidental discharges of prohibited wastes, waste in excess of concentration limitations, and wastes in violations of an applicable Pretreatment Standard.

—for various enforcement, administrative, notification, and appeal matters.

The commission estimates that there will be no cost to local public bodies in the metropolitan area in excess of $100,000 to implement the rules for the two years immediately following its adoption, within the meaning of Minn. Stat. § 15.0412, subd. 7 (1978).

Copies of the proposed rules are now available and at least one free copy may be obtained by writing to Donald R. Madore, Metropolitan Waste Control Commission, 350 Metro Square Building, Saint Paul, Minnesota 55101. Additional copies will be available at the door on the date of the hearing.

Notice is hereby given that twenty-five days prior to the hearing, a Statement of Need and Reasonableness will be available for review at the commission office and at the Office of Administrative Hearings. This Statement of Need and Reasonableness will include a summary of all of the evidence which the commission intends to present at the hearing to justify the need for and the reasonableness of the proposed rules. Copies of the Statement of Need and Reasonableness may be obtained from the Office of Administrative Hearings at a minimal charge.

The statutory authority of the commission to adopt these rules is contained in Minn. Stat. § 473.504, subds. 4 and 5, and § 473.515, subd. 3 (1978).

Any person may request notification of the date on which the hearing examiner's report will be available, after which date the commission may not take any final action on the rules for a period of five working days. Any person may request notification of the date on which the hearing record has been submitted or resubmitted to the Attorney General by the commission. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the hearing examiner, in the case of the Hearing Examiner's Report, or to the commission, in the case of the commissioner's submission or resubmission to the Attorney General.

Minn. Stat. ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. § 10A.01, subd. 11 (1979 Supp.) as any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250, not including *his own* travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than $250, not including *his own* traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, Saint Paul, Minnesota 55155, telephone (612) 296-5615.

August 20, 1980

Salisbury Adams, Chairman
Metropolitan Waste Control Commission

Rules as Proposed (all new material)

Table of Contents

6 MCAR §

6.010 Policy, authority, and purpose.
6.011 Definitions.
6.012 Industrial discharge permit.

6.013 Prohibited waste discharges.
6.014 MDS limitations on discharges.
6.015 Pretreatment standards.
6.016 Accidental and slug discharges.
6.017 Enforcement.
6.018 Administration.
6.019 Effective date and severability.
Appendix A Industrial discharge permit application.
Appendix B Industrial waste self-monitoring guidelines.
Appendix C Classification of industrial users.
Appendix D Pretreatment standards.
Appendix E Industrial waste discharge report.
Appendix F Waste transport hauler discharge report.
Appendix G Industrial discharge permit renewal application.

6 MCAR § 6.010 Policy, authority, and purpose.

A. The Metropolitan Waste Control Commission designs, constructs, owns, and operates the Metropolitan Disposal System, a publicly owned system of interceptors and treatment works, for the conveyance, treatment, and disposal of Domestic and Industrial Wastes from residential, commercial, institutional, and Industrial Users in the Metropolitan Area. To achieve the highest and best use of the commission's facilities, the commission shall regulate the quantity and quality of discharges into the public sewers of local units of government and the interceptors of the commission. Further, the commission shall maintain a program to regulate, enforce and charge for services necessary to carry out its obligations under federal and state laws.

B. These rules are adopted by the Metropolitan Waste Control Commission pursuant to Minn. Stat. ch. 473, and are declared to be necessary for the efficient, economic, and safe operation of the Metropolitan Disposal System, and for protection of the health, safety, and general welfare of the public in the Metropolitan Area.

C. These rules are intended:

1. To carry out the comprehensive plan for the Metropolitan Disposal System as contained in the "Metropolitan Development Guide, Waste Management Policy Plan" adopted by the Metropolitan Council, as amended;

2. To comply with provisions of the Federal Clean Water Act (33 U.S.C. 1251 *et seq*) as amended;

3. To comply with permit requirements under the National Pollutant Discharge Elimination System;

4. To comply with federal (U.S. Environmental Protection Agency) and state (Minnesota Pollution Control Agency) rules and regulations in order to maintain eligibility for federal and state grants for construction of treatment facilities; and

5. To prevent and abate pollution.

6 MCAR § 6.011 Definitions.

The following definitions shall be used in the interpretation of these rules unless otherwise indicated by the context.

A. "Act"—the Federal Water Pollution Control Act (PL 92-500), and the Clean Water Act (PL 95-217), as amended.

B. "Chief administrator"—The Chief Administrator of the Metropolitan Waste Control Commission, or his duly authorized representative.

C. "Commission"—The Metropolitan Waste Control Commission, established by Minn. Stat. § 473.503, as amended.

D. "Domestic waste"—Wastes from residential users and from the sanitary conveniences of multiple dwellings, commercial buildings, institutions, and industrial facilities.

E. "EPA"—The U.S. Environmental Protection Agency.

F. "General pretreatment regulations"—The general pretreatment regulations for existing and new sources of pollution promulgated by EPA under § 307(b) and (c) of the Act and found at 40 CFR Part 403.

G. "Industrial discharge permit" or "permit"—A permit issued by the commission to an industrial user to use the Metropolitan Disposal System, as established by § 6.012 herein.

KEY: RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike-outs~~ indicate deletions from proposed rule language. PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material."

H. "Industrial user"—Persons who discharge industrial waste and whose activities are listed in the SIC major group, group, or industry numbers contained in attached Appendix C shall be deemed industrial users unless the discharge contains only domestic waste generated at the discharge site or unless the discharge of industrial waste is insignificant.

I. "Industrial waste"—Solid, liquid, or gaseous wastes, including cooling water (except where exempted by a NPDES permit), resulting from any industrial, manufacturing, or business process, or from the development, recovery or processing of a natural resource.

J. "Interference"—A disruption or an inhibition of the sewer system and/or treatment plant processes or operations or a violation of any requirement of an NPDES Permit. The term also includes prevention of Sewage Sludge use or disposal by the commission in accordance with local, state, and federal rules or regulations.

K. "May"—permissive.

L. "Metropolitan Area"—The area in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

M. "Metropolitan Disposal System" or "MDS"—Any or all of the interceptors and treatment works owned and operated by the commission.

N. "NPDES permit"—A discharge permit issued pursuant to the National Pollutant Discharge Elimination System established under the Act.

O. "pH"—A measure of the acidity or basicity of a waste. It is the logarithm of the reciprocal of the hydrogen ion concentration in moles per liter.

P. "Permittee"—An industrial user authorized to discharge, directly or indirectly, industrial waste into the MDS pursuant to an industrial discharge permit.

Q. "Person"—Any individual, partnership, association, corporation, public agency, and any other organization or group of individuals, public or private.

R. "Pretreatment"—The process of equalizing or reducing the amount of pollutants in wastewater or eliminating pollutants or altering the nature of pollutant properties in wastewater to a less harmful state by physical, chemical, or biological processes prior to or in lieu of discharging or otherwise introducing such pollutants into the Metropolitan Disposal System.

S. "Pretreatment standards"—Regulations, applicable to specific categories of Industrial Users, containing pollutant discharge limits promulgated by EPA in accordance with § 307(b) and (c) of the Act as established under 40 C.F.R. Chapter I, Subchapter N.

T. "Rules"—The waste discharge rules for the Metropolitan Disposal System contained herein.

U. "SIC"—The Standard Industrial Classification Code (1972) issued by the Executive Office of the President, Office of Management and Budget, for use in the classification of establishments by types of business and the primary and economic activity engaged in.

V. "Sewage sludge"—Solids and associated liquids in municipal wastewater which are encountered and concentrated by a municipal wastewater treatment plant.

W. "Shall"—Mandatory.

X. "Slug"—Any waste discharge which, in concentration of any given constituent or in quantity of flow, exceeds four (4) times the average twenty-four (24) hour concentration or flow during normal operation.

Y. "Waste transport hauler"—An industrial user who transports industrial or domestic waste for the purpose of discharge into the MDS.

6 MCAR § 6.012 Industrial discharge permit.

A. Scope. Industrial users discharging directly or indirectly into the Metropolitan Disposal System shall obtain an industrial discharge permit pursuant to these rules.

B. Permit application.

1. An industrial user who is required to obtain an industrial discharge permit shall complete and file with the commission a permit application in a form substantially the same as that set forth in Appendix A. The appropriate permit fee as provided by § 6.012 F. shall accompany the permit application form at the time of application. No industrial user shall discharge into the MDS after January 1, 1982, unless the industrial user has been granted an industrial discharge permit or has submitted a completed permit application.

2. If the permit application is incomplete or otherwise deficient, the chief administrator shall promptly advise the applicant of such incompleteness or deficiency. An industrial discharge permit shall not be issued until an application is complete.

3. Within sixty (60) days after receipt of a completed application form from the industrial user, the chief administrator shall, upon a determination that the applicant is capable of compliance with the industrial discharge permit conditions and these rules, issue an industrial discharge permit subject to the terms and conditions provided herein.

C. Permit conditions. Industrial discharge permits shall be subject to all provisions of these rules. Permits shall include the following conditions, if applicable:

1. Payment of strength charge and industrial cost recovery charge;

2. The maximum allowable wastewater constituents and characteristics, either in terms of concentrations, mass limitations, or other appropriate limits;

3. Requirements for installation, maintenance, and operation of sampling and monitoring points;

4. Pretreatment requirements;

5. Specifications for self-monitoring programs, which include sampling locations, frequency and method of sampling, number and type of tests as well as reporting schedules;

6. Requirements for access to the permittee's premises and records pursuant to § 6.012 H.;

7. Requirements for submission of plans and maintenance of records for the prevention and control of accidental discharges pursuant to § 6.016;

8. Compliance schedules;

9. Requirements for notification to the chief administrator of any change in the volume or characteristics of industrial waste introduced into the MDS which the permittee knows or has reason to know will or is likely to have, either singly or by interaction with other wastes, a negative impact on the MDS treatment process;

10. Requirements for notification of Slug and/or bypass discharges.

11. Requirements for the specific location, time, and volume of discharge to the MDS for waste transport haulers.

D. Permit modification, suspension, and revocation.

1. An industrial discharge permit may be modified, suspended, or revoked, in whole or in part, by the chief administrator during its term for cause, including:

a. Violation of these rules;

b. Violation of any terms or conditions of the industrial discharge permit;

c. Obtaining an industrial discharge permit by misrepresentation or failure to disclose fully all relevant facts;

d. Amendment of these rules;

e. A change in the MDS treatment process which results in the permittee's discharge having a significantly different and negative impact on the process;

f. A change in the permittee's industrial waste volume or characteristics which the permittee knows or has reason to know will or is likely to have, either singly or by interaction with other wastes, a negative impact on the MDS treatment process (modification only);

g. A determination by the chief administrator that the permittee's discharge reasonably appears to present an imminent endangerment to the health or welfare of persons, present an endangerment to the environment, or threaten interference with the operation of the MDS.

2. Any modifications in the industrial discharge permit shall specify a reasonable time schedule for compliance.

3. A permittee may surrender an industrial discharge permit to the commission prior to the permit's scheduled termination. In the event that a permit is surrendered or revoked, the permittee shall be refunded a pro rata portion of the permit fee paid.

E. Permit duration and reissuance. Industrial discharge permits shall be issued for a period of three (3) years; provided, however, that original permits may be issued for a period of between two (2) and three (3) years for the administrative convenience of the commission so as to stagger the renewal dates of permits. The permittee shall apply for permit reissuance at least ninety (90) days prior to the permit's expiration date by filing with the commission a permit reissuance application in a form substantially the same as that set

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forth in Appendix G, the applicable fee, and any proposed revisions to the conditions of the expiring permit. Within ninety (90) days after receipt of the fee and permit reissuance application, the chief administrator, upon a determination that the permittee has been in compliance with the expiring permit and is capable of complying with the reissued permit, shall reissue an industrial discharge permit upon the terms and conditions specified for an additional period of three (3) years. An expiring permit may be modified for any of the causes specified in § 6.012 D.

F. Permit fees. The industrial discharge permit fee shall be as follows:

Total Waste Discharge (Million Gallons Per Year)	Permit Fee (Both Initial and Reissuance)
Less than 2	$ 30.00
Between 2 and 20	90.00
Greater Than 20	180.00

G. Permit transfer.

1. Industrial discharge permits shall be issued to specific users at specific locations. An industrial discharge permit shall not be assigned or transferred to a new owner or a different premises without the written consent of the commission.

2. In the event of a change in the entity owning the industrial waste discharge facilities for which there is an industrial discharge permit, the prior owner, if feasible, shall notify the commission of said change in ownership and the succeeding owner of the provisions of the industrial discharge permit and these rules.

3. The new owner shall submit a new permit application under § 6.012 B.1. or shall submit to the commission an executed statement agreeing to be bound by the terms and conditions of the existing industrial discharge permit for the facility in which case, upon consent of the commission, the permit shall continue in effect until its expiration date.

H. Monitoring and records.

1. Each permittee, except a waste transport hauler or unless exempted by permit, shall provide and operate at the permittee's own expense a monitoring point to allow for reasonable inspection, sampling, and flow measurements by the commission of all Industrial Waste discharged directly or indirectly to the MDS. This point shall be the same as the permittee's monitoring location. The monitoring point shall be situated on the permittee's premises or, upon prior approval from the local government unit in which the facility is located, the monitoring point may be constructed in a public right of way. There shall be sufficient room and adequate access in or near such monitoring point to allow for accurate sampling and flow measurement.

2. The chief administrator shall have the right to inspect the monitoring point of any permittee to determine compliance with these rules and the industrial discharge permit. The permittee shall allow the chief administrator to enter upon the premises of the permittee during normal operating hours to inspect the facility, disposal systems, or monitoring methods after informal notice. However, in the event of emergency conditions in the MDS or where the chief administrator has reasonable cause to believe that a permittee is evading detection of permit violations through advanced notice, the chief administrator may enter a permittee's premises without providing any notice. The chief administrator shall also have the right to set up on the permittee's premises necessary devices to conduct sampling, inspection, compliance monitoring and/or metering operations.

3. Wastewater discharge records of a permittee shall be kept by the permittee for a period of not less than three (3) years. The permittee shall provide the chief administrator reasonable access to these records during normal business hours. A permittee subject to an applicable pretreatment standard shall maintain all records required by 40 CFR § 403.12(n) of the General Pretreatment Regulations.

I. Sampling and analysis.

1. Representative samples of a permittee's industrial waste shall be collected on normal operating days and in accordance with guidelines listed in Appendix B. Industrial users subject to pretreatment standards shall sample in accordance with the pretreatment standards. Self-monitoring point(s) for industrial users who are not subject to pretreatment standards shall be at a location before wastewater is mixed with other discharges or at a point where waste can be adequately monitored.

2. A permittee whose industrial waste discharge is greater than 100,000 gallons per day through single or multiple connection(s) at a permitted facility to the Metropolitan Disposal System shall install and maintain a flow measurement device for instantaneous rate and/or cumulative flow volume determinations. Metered water supply may be used in lieu of flow measurement devices if it can be documented that the water usage and waste discharge are the same, or where a measurable adjustment to the metered supply can be made to determine the waste volume.

3. Meters and flow recorders shall be maintained at the permittee's expense in good operating condition at all times. The permittee shall notify the chief administrator in writing within five (5) days in the event that the permittee becomes aware that the meter or flow recorder has failed to accurately register the flow. The permittee shall also notify the chief administrator of the permittee's intention to alter the installation of a meter or flow recorder so as to affect the accurate recording of Industrial Waste entering the MDS.

4. Test procedures for the analysis of pollutants for permit applications and routine self-monitoring shall conform to the guidelines established in 40 CFR Part 136 and 40 CFR § 403.12(g) of the General Pretreatment Regulations.

J. Self-monitoring reports.

1. A condition of the industrial discharge permit shall include the completion and submittal of accurate routine self-monitoring reports to the commission in the form substantially similar to that set forth in Appendix E, or, in the case of Waste Transport Haulers, Appendix F. The nature and frequency of routine reporting shall be based upon the information provided in the permit application form. Except in the case of waste transport haulers, reports shall be required as follows:

Total Waste Discharge (Million Gallons Per Year)	Reporting Frequency
Less than 2	annually
Between 2 and 20	semi-annually
Greater than 20	quarterly

The chief administrator may modify the above reporting schedule for a particular permittee based on the permittee's industrial waste characteristics. Waste transport haulers shall submit reports semi-annually.

2. Permittees subject to pretreatment standards shall submit reports to the commission in accordance with the applicable pretreatment standards.

K. Report and monitoring discrepancies. A permittee shall be notified in writing by the commission of a significant discrepancy between the permittee's routine self-monitoring reports and the commission's monitoring results within thirty (30) days after the receipt of such reports and monitoring results. The permittee shall then have ten (10) working days to reply in writing to such notification. If mutual resolution of such discrepancy is not achieved, additional sampling shall be performed by the commission. Samples shall be split between the permittee's laboratory or agent and the commission's laboratory for analysis.

L. Public access to information. Public access to information and data furnished to the commission by permittees shall be available to the public as provided by the Minnesota Government Data Practices Act and 40 CFR § 403.14 of the General Pretreatment Regulations.

6 MCAR § 6.013 Prohibited waste discharges. No person shall discharge or cause to be discharged, directly or indirectly, into the Metropolitan Disposal System any of the following substances:

A. Any combustible, flammable or explosive solids, liquids, or gases which by their nature or quantity will or are likely to cause either alone or by interaction with other substances a fire or explosion or be injurious to the treatment plant operation. At no time shall two (2) successive readings on an explosimeter, at the point of discharge into the sewer system, be more than five percent (5%) nor shall there be any single reading over ten percent (10%) of the Lower Explosive Limit (L.E.L.). Prohibited materials include gasoline, kerosene, naphtha, fuel oil, lubricating oil, benzene, toluene, xylene, ethers, alcohols, and ketones.

B. Any solids or viscous substances which will or are likely to cause obstruction to the flow in a sewer or Interference with the operation of the MDS. These include garbage with particles greater than one-half inch (½") in any dimension, grease, animal guts or tissues, bones, hair, hides or fleshings, entrails, feathers, ashes, sand, spent lime, stone or marble dust, metal, glass, grass clippings, rags, spent grains, waste paper, wood, plastic, gas tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, glass grinding and polishing wastes.

C. Any wastewater containing inert suspended solids (including lime slurries and lime residues) or dissolved solids (including sodium chloride) in such quantities that will or is likely to cause Interference with the MDS.

D. Any wastewater having a corrosive property that will or is likely to cause damage or hazard to structures, equipment, or personnel of the MDS.

E. Any wastewater containing toxic or poisonous pollutants in sufficient quantity, either singly or by interaction with other pollutants, that will or is likely to cause Interference or constitute a hazard to humans.

F. Any noxious or malodorous solids, liquids, or gases, which, either singly or by interaction with other wastes, will or are likely to create a public nuisance or hazard to life or prevent the entry of commission's personnel into a sewer for its monitoring, maintenance, and repair.

G. Any wastewater which will or is likely to cause excessive discoloration in treatment plant effluent, including dye wastes, vegetable tanning solutions, and printing inks.

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H. Wastes, other than domestic wastes, that are infectious before discharging into the sewer.

I. Any sludge from an industrial pretreatment facility except as provided in § 6.014 B.2.

J. Heat in amounts which will or is likely to inhibit biological activity in any commission treatment plant resulting in Interference or causing damage to the MDS, but in no case heat in such quantities that the Industrial Waste temperature is greater than 65°C (150°F) at its point of discharge to the MDS, or heat causing, individually or in combination with other wastewater, the influent at any Commission treatment plant to have a temperature exceeding 40°C (104°F).

K. Any wastewater containing fat, wax, grease or oil in excess of 100 mg/l that will or is likely to solidify or become viscous at temperatures between 0 and 65°C and which will or is likely to cause obstruction to the flow in sewers or other Interference to the MDS.

L. Any slug discharged in such volume or strength which a person knows or has reason to know will or is likely to cause Interference in the MDS.

M. Any unpolluted water including cooling water, rain water, storm water, or groundwater unless there is no prudent and feasible alternative.

N. Radioactive wastes or isotopes of such a half-life or concentration that they are in non-compliance with standards issued by the appropriate authority having control over their use and which will or are likely to cause damage or hazards to the MDS or personnel operating it.

O. Any hazardous waste, unless prior approval has been obtained from the chief administrator.

P. Any waste generated outside the Metropolitan Area.

6 MCAR § 6.014 MDS limitations on discharges.

A. Local limitations.

1. No person shall discharge or cause or allow to be discharged, directly or indirectly, into the MDS any waste containing concentrations in excess of the following:

Parameter	Limitation (Maximum for any operating day)
Cadmium (Cd)	2.0 mg/l
Chromium total (Cr)	8.0 mg/l
Copper (Cu)	6.0 mg/l
Cyanide total (Cn)	4.0 mg/l
Lead (Pb)	1.0 mg/l
Mercury (Hg)	0.1 mg/l
Nickel (Ni)	6.0 mg/l
Zinc (Zn)	8.0 mg/l

2. No person shall discharge or cause or allow to be discharged, directly or indirectly, into the MDS any waste containing a pH less than 5.0 units or more than 10.0 units.

3. Notwithstanding the provisions of § 6.014 (A) (1), in the event that a discharge of pollutants results in a violation of any requirement of an NPDES permit for a particular commission treatment plant or results in the sewage sludge from a particular commission treatment plant exceeding standards or limitations contained in local, state, or federal law, the commission shall order all persons discharging to said treatment plant to reduce the concentration of pollutants to the degree necessary to remedy NPDES permit violations or to meet sewage sludge rules and regulations. Upon receipt of said order all persons discharging pollutants to said treatment plant shall immediately comply with said order by reducing the concentration of pollutants accordingly. This provision shall be applicable to industrial users subject to pretreatment standards notwithstanding less stringent pollutant limitations contained in said pretreatment standards or the provisions of § 6.015 A.1.

B. Pretreatment.

1. An industrial user shall make industrial waste acceptable under the limitations established in § 6.014 A.1. and/or any applicable pretreatment standard before discharging, directly or indirectly, into the MDS. Any industrial user required to pretreat industrial waste shall provide, operate, and maintain such a facility at the Industrial User's expense. Detailed plans showing the pretreatment facilities shall be submitted to the commission for review and approval at least sixty (60) days prior to the initiation of construction. The chief administrator shall approve the industrial user's pretreatment plans if it appears that the proposed pretreatment facility is capable of meeting all applicable limitations. The commission's review and approval shall in no way relieve the industrial user from the responsibility of modifying the facility as necessary to produce an effluent complying with the provisions of these rules. Any subsequent modifications in the pretreatment facilities which will result in a substantial change in discharge shall be reported to

and be approved by the chief administrator, upon a determination that the modified facility is capable of meeting all applicable limitations, prior to the modification of the existing facility.

2. Residual solids from a pretreatment facility shall not be disposed, directly or indirectly, into the MDS without prior written approval from the chief administrator. The disposal method shall be in accordance with local, state, and federal requirements. The chief administrator shall be notified in writing within ten (10) days of any substantial changes in such residual solids disposal procedures and/or characteristics.

C. Dilution. No person shall use potable or process water in any way for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations set forth in these rules or applicable pretreatment standards.

D. Trap installations. Grease, oil and sand traps shall be provided for the proper discharge of waste containing excessive amounts of grease, oil, or sand. All trap installations shall be regularly cleaned and maintained for adequate performance.

E. Non-contact cooling water. Every person shall discharge non-contact cooling water via a NPDES permit whenever prudent and feasible.

6 MCAR § 6.015 Pretreatment standards.

A. Conditions.

1. Pretreatment standards as promulgated pursuant to § 307 of the Act shall be met by all affected industrial users. Where an industrial user is subject to applicable pretreatment standards, such industrial user shall comply with the pollutant limitations contained therein and not the limitations under § 6.014 A.1., except that where the applicable pretreatment standards, by reason of the nature of particular industrial user, do not regulate all the pollutant parameters specified in § 6.014 A.1., then such industrial user shall be subject to the limitations provided in § 6.014 A.1. for those pollutant parameters for which it is not regulated under the pretreatment standards. In all other respects, industrial users subject to pretreatment standards shall comply with all provisions of these rules and any permit issued thereunder, notwithstanding less stringent provisions of the General Pretreatment Regulations or any applicable pretreatment standard. Industrial users subject to pretreatment standards shall comply with all more stringent provisions of the General Pretreatment Regulations and applicable pretreatment standards, notwithstanding less stringent provisions contained in these rules or any permit issued thereunder.

2. The pretreatment standards, as of the date of adoption of these rules, listed in Appendix D shall be applicable to industrial users.

3. The chief administrator shall notify all affected industrial users of the applicable pretreatment standards, their amendments, and reporting requirements in accordance with 40 CFR § 403.12 of the General Pretreatment Regulations. A compliance schedule shall be developed between the commission and the industrial user to ensure that the industrial user complies with local, state, and federal limitations in a timely manner as provided by the same section of the General Pretreatment Regulations.

B. Removal credits and variances.

1. If the commission achieves consistent removal of pollutants limited by pretreatment standards, the commission may apply to EPA for modification of specific limits of the pretreatment standards. The commission shall modify pollutant discharge limits applicable to an industrial user in the pretreatment standards if the requirements contained in 40 CFR § 403.7 of the General Pretreatment Regulations relating to credits for the removal of pollutants are fulfilled and prior approval from EPA is obtained. However, nothing herein shall be construed to require the commission to apply to EPA for removal credits nor shall it be construed to in any way limit the applicability of the limitations provided in § 6.014 A.1. in the event that such a removal credit is granted, except as provided in § 6.015 A.1.

2. The commission shall recognize and enforce the conditions allowed for by variances from pretreatment standards for fundamentally different factors as granted by EPA to individual industrial users in accordance with 40 CFR § 403.13 of the General Pretreatment Regulations.

C. Reports. Reports specified in 40 CFR 403.12 of the General Pretreatment Regulations shall be submitted to the commission by affected industrial users.

6 MCAR § 6.016 Accidental and slug discharges.

A. Prevention. All industrial users shall provide adequate protective procedures to prevent the accidental discharge of any waste prohibited in § 6.013, any waste in excess of the limitations provided in § 6.014 A.1., or any waste in violation of an applicable pretreatment standard.

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B. Accidental discharges.

1. Any person who has knowledge of an accidental discharge into the MDS of any waste referred to in § 6.016 A. shall immediately notify the chief administrator of such a discharge. In the event that the person reporting the accidental discharge is not the person responsible for the discharge, the chief administrator shall immediately notify the responsible person of the discharge. The responsible person shall take immediate action as is reasonably possible to minimize or abate the prohibited discharge.

2. The responsible person shall send a letter describing the prohibited discharge to the commission within three (3) days after obtaining knowledge of the discharge. The letter shall include the following information:

a. the time and location of the spill;

b. description of the accidentally discharged waste, including estimate of pollutant concentrations;

c. time period and volume of wastewater discharged;

d. actions taken to correct or control the spill;

e. a schedule of corrective measures to prevent further spill occurrences.

3. Such notification as described herein shall not relieve the responsible person of liability for expenses, loss, or damage to the MDS or treatment processes or for any fines or penalties imposed under local, state, or federal law.

C. Slug discharges. In the event that an industrial user discharges a slug in such volume or strength that the industrial user knows or has reason to know it will cause interference in the MDS, the industrial user shall immediately report the same to the chief administrator. Within three (3) days thereafter, the industrial user shall send a letter to the commission describing the slug.

6 MCAR § 6.017 Enforcement.

A. Remedies available. The provision of these rules and all standards, limitations, orders, schedules of compliance, and all provisions and the conditions of any permit issued by the commission thereunder shall be enforced by the commission by any one or any combination of the following: criminal prosecutions; action to recover civil damages; injunction; action to compel performance; termination of service.

B. Criminal penalties.

1. Any person who willfully or negligently violates any provision of these rules or any provision or condition of any permit issued by the commission thereunder including discharging waste in violation of any commission order, prohibition, discharge limitation, or pretreatment standard, or any person who continues such violation beyond the time limit provided for in the chief administrator's written notice of violation, shall be guilty of a misdemeanor. Each day in which any such violation continues shall be deemed a separate offense.

2. Any person who knowingly makes any false statement or representation in any record, report, plan or other document filed with the commission, or who falsifies, tampers with, or renders inaccurate any monitoring device or method required under these rules or any permit issued by the commission thereunder shall be guilty of a misdemeanor.

C. Civil liability. Any person discharging waste in violation of these rules or any provision or condition of any permit issued by the commission thereunder shall be subject to civil liability to the commission for any or all of the following:

1. the added costs to the commission of handling the improper discharge;

2. the costs incurred by the commission in correcting the violation, in repairing damage to the Metropolitan Disposal System, and in cleanup of the unauthorized discharge;

3. any costs or penalties imposed upon the commission by regulatory authorities by reason of the violating discharge.

D. Injunctions. Any violation of these rules or any provision or condition of any permit issued by the commission thereunder which causes, or threatens to cause, an imminent endangerment to the health or welfare of persons, an endangerment to the environment, or interference with the operation of the MDS may be enjoined by the commission as provided by law.

E. Actions to compel performance. In the event of a violation of these rules or any provision or condition of any permit issued by the commission thereunder, the commission may petition a court of competent jurisdiction for an order compelling compliance with these rules or any permit issued thereunder or any order compelling the person in violation to:

1. Demonstrate that in-plant improvements will modify a discharge in such a way as to comply with these rules and any applicable permit;

2. Install and maintain pretreatment, handling, or monitoring facilities necessary to reduce or eliminate those characteristics of the discharge which resulted in the violation; or

3. Discontinue any discharge, or part thereof, into the Metropolitan Disposal System.

F. Termination of service. In the event that a discharge directly or indirectly to the MDS in violation of these rules or of any permit issued thereunder is causing, or threatens to cause, an imminent endangerment to the health or welfare of persons, an endangerment to the environment, or interference with the operation of the MDS, the chief administrator may interrupt or terminate the sewage service to the violator after informal notice and, if feasible, an opportunity to respond.

6 MCAR § 6.018 Administration.

A. Administration. These rules, and interpretations thereof, shall be administered by the chief administrator.

B. Enforcement. The chief administrator shall take all reasonable actions necessary to enforce these rules and to correct violations thereof.

C. Notice of violation. Any person found to be in violation of any provision of these rules, or of the provisions of an industrial discharge permit, shall be served by the chief administrator with a written notice of such violation and an order to cease and desist. The notice shall direct the person to comply forthwith or to comply in accordance with a time schedule set forth by the chief administrator. The chief administrator shall also serve a notice in cases of threatened violations and direct that appropriate remedial or preventive action be taken.

D. Variances. Except in the case of pretreatment standards, upon the written request of any person the chief administrator shall grant a variance where there is no prudent and feasible alternative to non-compliance with these rules or a permit issued thereunder. The chief administrator, upon approval of the commission, shall respond within forty-five (45) days of a request for a variance and shall set forth in writing his reasons for granting or denying the variance.

E. Appeals.

1. Any person affected by any decision or order made by the chief administrator in interpreting or administering the provisions of these rules or of any permit issued pursuant hereto, may file with the chief administrator a written request for reconsideration within ten (10) days of such decision, action or determination, setting forth in detail the facts supporting the request for reconsideration. The chief administrator shall respond in writing on the decision within ten (10) days of receipt of the request for reconsideration.

2. The chief administrator's decision may be appealed for hearing to the commission by giving written notice of appeal, within ten (10) days after receipt of the decision of the chief administrator. Notice of a scheduled hearing shall be mailed to the appealing person. The decision of the commission on such appeal shall be the final administrative determination.

6 MCAR § 6.019 Effective date and severability.

A. Effective date. These rules shall become effective thirty (30) days after adoption by the commission and publication as required by law.

B. Severability. If the provisions of any section, paragraph, or sentence of these rules shall for any reason be held to be unconstitutional or invalid by any court of competent jurisdiction, the provisions of the remaining sections, paragraphs and sentences shall nevertheless continue in full force and effect.

C. Conflicts. If conflicts arise between these rules and any other rules or regulations previously adopted by the commission, these rules, and the interpretations thereof, shall take precedence.

Appendix A

Industrial Discharge Permit Application

METROPOLITAN WASTE CONTROL COMMISSION
PERMIT APPLICATION FOR DISCHARGE OF INDUSTRIAL WASTE
TO THE METROPOLITAN DISPOSAL SYSTEM

A. GENERAL

1. Company Name: _____

2. Mailing Address: _____

_____

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3. Facility Address: _____

_____

4. Facility Community: _____

5. Contact Person: _____

Job Title: _____

Phone Number: _____

6. Application for:

☐ Existing Facility

☐ New Facility

B. OPERATION

1. Total Number of Employees: _____

2. Operating Hours Per Day: _____

3. Number of Shifts Per Day: _____

4. Number of Employees Per Shift: 1st _____ 2nd _____ 3rd _____

5. Operating Days Per Week: _____

C. PRODUCTION

1.

Nature of Operation	SIC Code	Estimated Rate of Production	Estimated Total Quantity per Yr.

2.

Principal Raw Materials	% Total

3.

Principal Products	% Total

4. If there are seasonal changes in your rate of production, please describe.

D. SOURCE OF WATER SUPPLY

Source	Gal/yr	Determined by
Municipal		
Private Well		
Other		
Total		

E. WASTE DISCHARGE

Type	Gal/yr.	Determined by
Uncontaminated Cooling Water Discharged to:		
a). Storm Sewer		
b). Receiving Water		
c).Domestic or Combined Sewer		
Domestic Waste		
Industrial Waste		
Other		
Total		

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Explain discrepancy, if any, between total water supply and total waste discharge _____

F. INDUSTRIAL WASTE FLOW CHARACTERISTICS

1. Continuous Discharge

	Daily Flow Rate	Time & Duration	Determined by
Average			
Maximum			
Minimum			

Please indicate, if any, the weekly, monthly, yearly or seasonal variations on your discharges. _____

2. Batch Dump

Quantity	Contents	Duration	Frequency

3. Does your company have an NPDES permit for discharge? _____
If "YES", please indicate the discharge volume, location, and name of the receiving water.

G. ANALYTICAL DATA ON INDUSTRIAL WASTE

1. Date representative sample collected: _____

2. Sample collected by (organization): _____

3. Sample analyzed by (organization): _____

4. Method of sample collection: _____

_____

_____

5. Method of sample composition: _____

_____

Present	Absent	Constituent	Result
_____	_____	pH	_____ units
_____	_____	Suspended Solids	_____ mg/l
_____	_____	Chemical Oxygen Demand	_____ mg/l
_____	_____	Grease and/or Oil	_____ mg/l
_____	_____	Cadmium	_____ mg/l
_____	_____	Total Chromium	_____ mg/l
_____	_____	Copper	_____ mg/l
_____	_____	Lead	_____ mg/l
_____	_____	Mercury	_____ mg/l
_____	_____	Nickel	_____ mg/l
_____	_____	Zinc	_____ mg/l
_____	_____	Total Cyanide	_____ mg/l
_____	_____	Other	_____ mg/l

H. PRETREATMENT

1. All Industrial Users

a). Does the Company accomplish in-line and/or end-of-pipe treatment of its wastes? _____

b). If "YES", please list the parameter treated, the treatment processes, their objectives and solid waste disposal method:

Parameter Treated	Process	Objective	Solid Waste Disposal

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c). If "NO", please indicate which method(s) your company will consider for meeting MWCC limitations and/or EPA Pretreatment Standards.

- ☐ Already in Compliance.
- ☐ Addition of Pretreatment Processes (Describe).
- ☐ Modification of Processes (Describe).
- ☐ Substitution of Alternative Chemicals (Describe).
- ☐ Elimination of Certain Processes (Describe).
- ☐ Other (Describe).

2. Federal Categorical Pretreatment Industries Only.

a). Categorical Process Wastewater flow.

EPA Category	Average (GPD)	Maximum (GPD)	% Total

b). If your Company cannot meet the EPA Pretreatment Standards on a consistent basis, please complete the following table for additional pretreatment and/or operation and maintenance (O & M):

Major Pretreatment Component and/or Additional O & M	Commencement Date	Completion Date	Operating Date

I. DESCRIPTION OF INDUSTRIAL WASTE GENERATING PROCESS

1). Please sketch a flow chart of your operation(s) on a separate sheet of paper including the following information:

a). Manufacturing steps;

b). Stages where water and/or chemicals are added or discharged to the sewer;

c). Source of water supply;

d). Pretreatment System location, if required;

e). Continuous flow and/or batch discharge stages;

f). Location of meters, sampling, and monitoring points;

g). Number and location of sanitary and/or combined sewer connections.

J. CERTIFICATION OF INFORMATION

I hereby certify that the information supplied in this application is complete and correct to the best of my knowledge.

Name (PRINT): _____

Title: _____

Signature: _____

Phone (Area Code): _____

Date: _____

Send completed form and an application fee of _____ to:

Metropolitan Waste Control Commission
Industrial Waste Section
350 Metro Square Bldg.
St. Paul, MN 55101

Appendix B

Industrial Waste Self-Monitoring Guidelines

A. Scope. This appendix is to serve as a guideline for industrial users and commercial analytical laboratories who collect and/or analyze industrial waste samples. Methods of sample collection, sample preservation, sample handling and sample analysis are addressed herein in order to standardize the format of sampling and sample analysis.

B. Location of self-monitoring point. Major factors to be considered in selecting the sampling point(s) are:

1. Whether the origin and volume of wastewater flow is known or can be determined;
2. Whether the sampling point is easily accessible with adequate safeguards;
3. Whether the wastewater is well mixed and has adequate velocity for proper sampling techniques.

C. Type of samples.

1. "Grab samples"—Grab samples may be taken manually or automatically. Wide mouth jars are preferred in order to facilitate the rapidity of sample collection. A grab sample is preferred over a composite one when:

a. Wastewater to be sampled does not flow on a continuous basis, such as periodic dumping of spent process tanks; or

b. It is desirable to determine the instantaneous condition of a wastewater.

Grab samples are required when analyzing wastewaters for parameters such as temperature and pH.

2. "Composite samples"—Samples may be composited on the basis of any of the following:

a. Equal time intervals and equal size samples.

b. Equal time, unequal volume samples—amount of samples collected or added to the mixture for compositing during the sampling period is proportional to the wastewater flow at equal time intervals. Each individual sample should have a volume of at least 100 ml.

c. Unequal time, equal volume samples—collection of fixed volume samples passing through the sampling point over unequal time intervals. When the wastewater flow varies considerably throughout a normal working day, individual samples should be taken at least hourly.

KEY: RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language. PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material."

Individual samples should be composited totally and mixed well. A 2 to 4 liter portion of the total mixture should be taken as a representative sample of the total mixture for analysis. Generally, a composite sample is acceptable if individual samples are collected hourly over a normal working day or 24 hours.

D. General precautions in sample handling.

1. Samples should be taken in the well-mixed region of the wastewater;

2. Intake of the collecting device should be placed below the water surface to avoid excessive floating materials and above the bottom to avoid sediment;

3. Before a grab sample is taken, the container should be rinsed several times with the wastewater;

4. For an automatic sampler, the intake line velocity should be sufficiently high to ensure representative sampling of suspended solids.

E. Sample preservation. Container, preservative, and maximum holding time for pollution parameters to be analyzed should be in accordance with Table B-1. Sample preservations should be performed immediately upon collection, if feasible.

Table B-1

Containers, Preservation, and Holding times

Parameter	Container	Preservative	Maximum Holding Time
1. CN(T)	Polyethylene/ Glass	Cool, 4°C $NaOH$, pH > 12	14 days
2. Hg	Polyethylene/ Glass	HNO_3, pH < 2	28 days
3. Other metals	Polyethylene/ Glass	HNO_3, pH < 2	6 months
4. Chemical Oxygen Demand (COD)	Polyethylene/ Glass	Cool, 4°C H_2SO_4, pH < 2	28 days
5. pH	Polyethylene/ Glass	Determine on site	2 hours
6. Oil & Grease	Glass	Cool, 4°C H_2SO_4, pH < 2	28 days
7. Suspended Solids	Polyethylene/ Glass	Cool, 4°C	14 days

Appendix C

Classification of Industrial Users

SIC Code of Major Group, Group or Industry	Title
20	Food and Kindred Products
21	Tobacco Manufacture
22	Textile Mill Products
23	Apparel and Other Finished Products Made From Fabrics and Similar Materials
24	Lumber and Wood Products, Except Furniture
25	Furniture and Fixtures
26	Paper and Allied Products

27	Printing, Publishing and Allied Industries
28	Chemicals and Allied Products
29	Petroleum Refining and Related Industries
30	Rubber and Miscellaneous Plastic Products
31	Leather and Leather Products
32	Stone, Clay, Glass and Concrete Products
33	Primary Metal Industries
34	Fabricated Metal Products, Except Machinery and Transportation Equipment
35	Machinery, Except Electrical
36	Electrical and Electronic Machinery Equipment and Supplies
37	Transportation Equipment
38	Measuring, Analyzing and Controlling Instruments; Photographic, Medical and Optical Goods; Watches and Clocks
39	Miscellaneous Manufacturing Industries
40	Railroad Transportation
41	Local and Suburban Transit and Interurban Highway Passenger Transportation
42	Motor Freight Transportation and Warehousing
44	Water Transportation
45	Transportation by Air
47	Transportation Services
49	Electric, Gas and Sanitary Services
50	Wholesale Trade—Durable Goods
51	Wholesale Trade—Nondurable Goods
721	Laundry, Cleaning and Garment Services
7395	Photofinishing Laboratories
7399	Business Services, Not Elsewhere Classified (Solvents recovery service, on a contract basis)
7542	Car Washes
7699	Repair Shops and Related Services, Not Elsewhere Classified (Cesspool cleaning) (Replating shops) (Septic Tank cleaning service) (Sewer cleaning and rodding) (Tank and boiler cleaning service) (Tank truck cleaning service)
806	Hospitals

Appendix D

Pretreatment Standards

1. Electroplating Point Source Category, 40 CFR Part 413.

KEY: RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language. PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material."

Appendix E

Industrial Waste Discharge Report

INDUSTRIAL WASTE DISCHARGE REPORT FORM

1. Company Name: _____

2. Location Address: _____ Mailing Address: _____

_____ _____

_____ _____

3. Reporting period covered by this report:

Quarterly Reporters	Semi-annual Reporters	Annual Reporters
☐ Jan.-Mar., 19____	☐ Jan.-June, 19____	☐ 19____
☐ Apr.-June, 19____	☐ July-Dec., 19____	
☐ July-Sept., 19____		
☐ Oct.-Dec., 19____		

4. Total days of operation during this reporting period _____

5. Total number of employees working during this reporting period _____

6. Quantity of waste discharge:

a). All Permittees.

Type	Total gallons in this reporting period	Determined by
Uncontaminated Cooling Water Discharged to:		
a). Storm Sewer		
b). Receiving Water		
Domestic or c). Combined Sewer		
Domestic Waste		
Industrial Waste		
Other		
Total		

b). Federal Categorical Pretreatment Industries Only.

Categorical Process Wastewater flow

EPA Category	Average gallons per day	Maximum gallons per day	% Total Discharge

7. Date and time frame of representative sample collection _____

8. Total volume discharged during sampling time frame _____

9. How was volume in Question 8 determined _____

10. Sampling Location _____

11. Method of Sample collection ☐ manually ☐ automatically

Describe _____

12. Sample collected by ☐ Permittee ☐ other, name _____

13. Method of Sample compositing ☐ manually ☐ automatically

Describe _____

14. Sample composited by ☐ Permittee ☐ other, name _____

15. Sample analyzed by ☐ Permittee ☐ other, name _____

16. Analytical results. A value should be reported for each parameter indicated in your Industrial Discharge Permit. Federal Categorical Pretreatment Industries should indicate all parameters regulated under EPA Pretreatment Standards from Categorical process wastewater. A copy of lab report(s) should also be attached.

Parameter	Total Discharge	EPA Category 1 ( )	EPA Category 2 ( )
Suspended solids	_____ mg/l	_____ mg/l	_____ mg/l
pH	_____ units	_____ units	_____ units
Chemical Oxygen Demand	_____ mg/l	_____ mg/l	_____ mg/l
Grease and oil	_____ mg/l	_____ mg/l	_____ mg/l
Chromium, total	_____ mg/l	_____ mg/l	_____ mg/l
Cadmium	_____ mg/l	_____ mg/l	_____ mg/l
Copper	_____ mg/l	_____ mg/l	_____ mg/l
Lead	_____ mg/l	_____ mg/l	_____ mg/l
Nickel	_____ mg/l	_____ mg/l	_____ mg/l
Zinc	_____ mg/l	_____ mg/l	_____ mg/l
Cyanide, total	_____ mg/l	_____ mg/l	_____ mg/l
	_____ mg/l	_____ mg/l	_____ mg/l
	_____ mg/l	_____ mg/l	_____ mg/l

Report Submitted by:

Name (PRINT): _____

Title: _____

Phone: _____

Date: _____

Signature: _____

KEY: RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language. PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material."

Authorized Representative: (Federal Categorical Pretreatment Industries Only)

Name (PRINT): _____

Title: _____

Phone: _____

Date: _____

Signature: _____

An Authorized Representative may be:

1). a principal executive officer of at least the level of vice president, if the Permittee is a corporation;

2). a general partner or proprietor if the Permittee is a partnership or sole proprietorship, respectively;

3). a duly authorized representative of the individual designated in (1) or (2) above if such representative is responsible for the overall operation of the facility.

Appendix F
Waste Transport Hauler Discharge Report

DATE: _____

1. Company Name: _____

2. Location Address: _____ Mailing Address: _____

_____ _____

_____ _____

3. Reporting Period covered by this report:

☐ January-June, 19_____
☐ July-December, 19_____

4. Number of trucks hauling liquid waste within this reporting period_____

5. List below the location of discharge, date and approximate time of discharge, volume, and a brief description of the waste characteristics.
Attach extra pages if necessary.

Location of Discharge	Date and Time	Volume (gallons)	Description of Waste Characteristics

Form completed by:

Name (Print) _____

Title: _____

Phone: _____

Date: _____

Signature: _____

Further contact should be addressed to:

Name (Print) _____

Title: _____

Phone: _____

KEY: RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language. PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material."

Appendix G

Industrial Discharge Permit
Renewal Application

INDUSTRIAL DISCHARGE PERMIT RENEWAL APPLICATION

DATE: _____

1. Company Name: _____

2. Location Address: _____

   _____

   Mailing Address: _____

   _____

3. Number of shifts per day _____

4. Number of employees per shift 1st _____ 2nd _____ 3rd _____

5. Number of operating days per week _____

6. Does your company plan any significant changes in production, business, or manufacturing in the next three years? ☐ No ☐ Yes (Describe)

   _____

   _____

   _____

7. Does your company plan any significant changes in either the quantity or quality of wastewater discharged in the next three years? ☐ No ☐ Yes (Describe)

   _____

   _____

   _____

8. Does your company plan to modify or expand its pretreatment system or equipment in the next three years? ☐ Not applicable ☐ No ☐ Yes (Explain)

   _____

   _____

   _____

9. Is your firm's pretreatment compliance schedule in accordance with the timetable submitted in Section H(2)(b) of the initial Permit Application? ☐ Not applicable ☐ No (Explain) ☑ Yes

   _____

   _____

10. (Waste Transport Haulers only) Number of trucks anticipated to haul wastes in the next three years? _____

NOTE: A PERMIT REISSUANCE FEE OF _____ SHOULD ACCOMPANY THIS APPLICATION.

I hereby certify that the above information is true and accurate to the best of my knowledge.

Form completed by:

Name (Print): _____

Title: _____

Date: _____

Phone: _____

Signature: _____

Further contact should be made to:

Name: _____

Title: _____

Phone: _____

METROPOLITAN WASTE CONTROL COMMISSION

WASTE DISCHARGE RULES FOR THE
METROPOLITAN DISPOSAL SYSTEM

AFFIDAVIT OF RECEIPT OF
THE SECRETARY OF STATE'S LIST

I hereby swear that the Metropolitan Waste Control Commission did receive on August 20, 1980 a complete list of 10 persons who, prior to August 1, 1980 had requested pursuant to M.S. 1974-15.0142 that their names be placed on file with the Secretary of State for the purpose of receiving notice of public hearing on proposed rules dealing with environmental quality and water resources.

METROPOLITAN WASTE CONTROL COMMISSION

BY Donald R Madore
Donald R. Madore
Deputy Director of Quality Control

Subscribed and sworn to before me this
12th day of September, 1980

Notary Public R L Berg

R. L. BERG
NOTARY PUBLIC - MINNESOTA
HENNEPIN COUNTY
My Comm. Expires Mar. 5, 1987

Ramsey County, Minnesota

My Commission expires

Metropolitan Waste Control Commission EXHIBIT NO. F

DATE 10-9-80

NANCY J. DUEHN

METROPOLITAN WASTE CONTROL COMMISSION

WASTE DISCHARGE RULES FOR THE
METROPOLITAN DISPOSAL SYSTEM

AFFIDAVIT OF MAILING

Donald R. Madore, being first duly sworn, deposes and says:

That on the 4th and 5th days of September, 1980 at the City of St. Paul, County of Ramsey, State of Minnesota, he served the attached Notice of Hearing and Proposed Rules by depositing in the United States mail at said City of St. Paul, true and correct copies thereof, properly enveloped, with postage prepaid, to all persons and associations at the addresses listed on the attached Metropolitan Waste Control Commission, Secretary of State, and Metropolitan Council lists.

Donald R Madore

Donald R. Madore

1

MWCC EXHIBIT NO. 6

DATE 10-9-80

NANCY J. DUEHN

Subscribed and sworn before me this
12th day of September, 1980

Notary Public R L Berg

Ramsey County, Minnesota

My Commission expires

R. L. BERG
NOTARY PUBLIC - MINNESOTA
HENNEPIN COUNTY
My Comm. Expires Mar. 5, 1985

Exhibit B

METROPOLITAN WASTE CONTROL COMISSION

NOTICE OF HEARING

WASTE DISCHARGE RULES FOR THE METROPOLITAN DISPOSAL SYSTEM
6 M.C.A.R. § 6.010-6.019 (proposed)

A public hearing concerning the proposed rules will be held in the Southdale-Hennepin Area Library Community Room, 7001 York Avenue South, Edina, Minnesota, on Thursday, October 9, 1980, commencing at 9:30 A.M. The proposed rules may be modified as a result of the hearing process. Therefore, if you are concerned about the content of the rules, you are urged to participate in the rule hearing process.

Following the Commission's presentations at the hearing, all interested or affected persons will have an opportunity to ask questions and make comments. Statements may be made orally and written material may be submitted. In addition, whether or not an appearance is made at the hearing, written statements or material may be submitted to Phyllis Reha, Hearing Examiner, Room 300, 1745 University Avenue, St. Paul, Minnesota 55104, telephone (612) 296-8109, either before the hearing or within five working days after the close of the hearing. The hearing examiner may, at the hearing, order that the record be kept open for a longer period not to exceed 20 calendar days. All such statements will be entered into and become part of the record. The rule hearing procedure is governed by Minn. Stat. §§ 15.0411-15.0417 and 15.052 and by 9 MCAR §§ 2.101-2.112 (Minnesota Code of Agency Rules). If you have any questions about the procedure, call or write the Hearing Examiner.

The proposed rules regulate Waste Discharges into the Commission's Metropolitan Disposal System. In order to be eligible for federal construction grants, the Commission must meet all grant requirements of the federal Clean Water Act. Adoption of rules governing the discharge of Industrial Wastes is one of these requirements. The rules provide:

--for procedures to ensure Commission compliance with provisions of the Federal Clean Water Act (33 U.S.C. 1251 et seq.), as amended.

--for rules to prevent and abate pollution.

--for rules requiring Industrial Users discharging into the Metropolitan Disposal System to obtain an Industrial Discharge Permit.

--for routine sampling and analysis of a permitted Industrial Waste discharge.

--for monitoring controls, record keeping and a routine reporting by an Industrial User.

--for the prohibition of discharge of specified substances into the Metropolitan Disposal System.

--for the regulation of waste discharges containing specified heavy metals beyond certain concentration limitations and outside a specified pH range.

--for conditions under which specific categories of Industrial Users are subject to applicable Pretreatment Standards promulgated by the EPA in accordance with the Federal Clean Water Act.

--for protective procedure requirements by the Industrial User to prevent accidental discharges of prohibited wastes, waste in excess of concentration limitations, and wastes in violations of an applicable Pretreatment Standard.

--for various enforcement, administrative, notification, and appeal matters.

The Commission estimates that there will be no cost to local public bodies in the metropolitan area in excess of $100,000 to implement the rules for the two years immediately following its adoption, within the meaning of Minn. Stat. § 15.0412, subd. 7 (1978).

Copies of the proposed rules are now available and at least one free copy may be obtained by writing to Donald R. Madore, Metropolitan Waste Control Commission, 350 Metro Square Building, Saint Paul, Minnesota 55101. Additional copies will be available at the door on the date of the hearing.

Notice is hereby given that twenty-five days prior to the hearing, a Statement of Need and Reasonableness will be available for review at the Commission office and at the Office of Administrative Hearings. This Statement of Need and Reasonableness will include a summary of all of the evidence which the Commission intends to present at the hearing to justify the need for and the reasonableness of the proposed rules. Copies of the Statement of Need and Reasonableness may be obtained from the Office of Administrative Hearings at a minimal charge.

The statutory authority of the Commission to adopt these rules is contained in Minn. Stat. § 473.504 subds. 4 and 5, and § 473.515, subd. 3 (1978).

Any person may request notification of the date on which the hearing examiner's report will be available, after which date the Commission may not take any final action on the rules for a period of five working days. Any person may request notification of the date on which the hearing record has been submitted or resubmitted to the Attorney General by the Commission. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the hearing examiner, in the case of the hearing examiner's report, or to the Commission, in the case of the Commissioner's submission or resubmission to the Attorney General.

Minn. Stat. ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. § 10A.01, subd. 11 (1979 Supp.) as any

individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than $250, not including his own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, Saint Paul, Minnesota 55155, telephone (612) 296-5615.

Date: August 20, 1980

Salisbury Adams, Chairman

Richard J. Dougherty, Chief Administrator

STATE OF MINNESOTA)
) SS
COUNTY OF RAMSEY)

SECRETARY'S CERTIFICATE AUTHENTICATING RESOLUTION
No. 80-164

I, the undersigned, being the duly qualified and acting Secretary of the Metropolitan Waste Control Commission duly organized and existing under Minnesota Statutes, Chapter 422, hereby certify that the Resolution attached hereto has been compared with the original records of the Commission in my legal custody, from which it has been transcribed, that the same is a true and correct copy of a Resolution duly adopted by the Commission at its regular meeting held July 15, 1980 and that said meeting was duly held by the Commission on said date, pursuant to call and notice given as required by law and the Commission's Bylaws.

Dated this 23rd day of February, 1981

Certified to be a true
and correct signature.

R. L. BERG
NOTARY PUBLIC - MINNESOTA
HENNEPIN COUNTY
My Comm. Expires Mar. 5, 1987

George W. Lusher, Secretary
METROPOLITAN WASTE CONTROL COMMISSION

METROPOLITAN WASTE CONTROL COMMISSION
350 Metro Square Building, St. Paul, Minnesota 55101
222-8423

RESOLUTION NO. 80-164

RESOLUTION AUTHORIZING PUBLIC
HEARING ON WASTE CONTROL RULES

WHEREAS, The Metropolitan Waste Control Commission intends to adopt Waste Control Rules governing use of the Metropolitan Disposal System through the State Administrative Procedures Act process; and

WHEREAS, The Metropolitan Waste Control Commission must submit its local pretreatment program to the Minnesota Pollution Control Agency by December 31, 1980;

NOW, THEREFORE, BE IT RESOLVED That the Metropolitan Waste Control Commission hereby authorize a Public Hearing on proposed Waste Control Rules to be held on or about September 23, 1980.

Adopted this 15th day of July, 1980

METROPOLITAN WASTE CONTROL CIMMISSION

By _____
Salisbury Adams
Chairman

By _____
Richard J. Dougherty
Chief Administrator

DRM:jl
7.9.80

STATE OF MINNESOTA)
) SS
COUNTY OF RAMSEY)

SECRETARY'S CERTIFICATE AUTHENTICATING RESOLUTION
No. 80-166

I, the undersigned, being the duly qualified and acting Secretary of the Metropolitan Waste Control Commission duly organized and existing under Minnesota Statutes, Chapter 422, hereby certify that the Resolution attached hereto has been compared with the original records of the Commission in my legal custody, from which it has been transcribed, that the same is a true and correct copy of a Resolution duly adopted by the Commission at its regular meeting held August 19 , 1980 and that said meeting was duly held by the Commission on said date, pursuant to call and notice given as required by law and the Commission's Bylaws.

Dated this 23rd day of February, 1981

Certified to be a true
and correct signature.

R. L. BERG
NOTARY PUBLIC - MINNESOTA
HENNEPIN COUNTY
My Comm. Expires Mar. 5, 1987

George W. Lusher, Secretary
METROPOLITAN WASTE CONTROL COMMISSION

METROPOLITAN WASTE CONTROL COMMISSION
350 Metro Square Building, Saint Paul, Minnesota 55101
222-8423

RESOLUTION NO. 80-166

RESOLUTION APPROVING PROPOSED "WASTE DISCHARGE RULES FOR THE METROPOLITAN DISPOSAL SYSTEM" FOR PUBLIC HEARING PURPOSES AND AUTHORIZING SIGNING OF ORDER FOR HEARING AND AUTHORIZING TRANSMITTAL TO THE METROPOLITAN COUNCIL

WHEREAS, The Metropolitan Waste Control Commission is obligated to develop a local pretreatment program to comply with federal law and regulations; and

WHEREAS, The Metropolitan Waste Control Commission must obtain concurrence of the Metropolitan Council to have all powers necessary to comply with federal law; and

WHEREAS, The proposed "Waste Discharge Rules for the Metropolitan Disposal System" have been drafted by the staff;

NOW, THEREFORE, BE IT RESOLVED, That the Metropolitan Waste Control Commission hereby approves the proposed "Waste Discharge Rules for the Metropolitan Disposal System" for purposes of a Public Hearing to be held at 9:30 A.M. on October 9, 1980, at the Southdale-Hennepin Area Library Community Room.

BE IT FURTHER RESOLVED, That the Metropolitan Waste Control Commission authorizes the Chairman and Chief Administrator to sign the order for said hearing.

BE IT FURTHER RESOLVED, That the Metropolitan Waste Control Commission authorizes the Chief Administrator to transmit the subject rules to the Metropolitan Council for concurrence.

Adopted this 19th day of August, 1980

METROPOLITAN WASTE CONTROL COMMISSION

By _____
Salisbury Adams, Chairman

By _____
Richard J. Dougherty, Chief Administrator

RJD:DRM:rw

METROPOLITAN
WASTE
CONTROL
COMMISSION
Twin Cities Area

February 23, 1981

Ms. Judith Wehrwein
Room G-25
Administration Building
50 Sherburne Avenue
St. Paul, MN 55155

RE: Waste Discharge Rules for the Metropolitan Disposal System,
6 MCAR S S 6.010-6.019

Dear Ms. Wehrwein:

Pursuant to your request, transmitted herewith are certified copies of Commission Resolutions 80-164 and 80-166 concerning the public hearing on the proposed rules.

Sincerely,

Donald R. Madore
Deputy Director of Quality Control

DRM:rw

Enclosures

cc: Larry M. Wertheim, Legal Counsel

RECEIVED
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

350 METRO SQUARE BLDG.
7TH & ROBERT STREETS
SAINT PAUL MN 55101
612/222-8423

MWCC EXHIBIT NO. J
DATE 10-9-80
NANCY J. DUEHN

view physician is generally limited to the multi-county region surrounding MDH district offices. The deadline for submission of applications is 4:00 P.M., June 20, 1980. To obtain a copy of the Request for Professional Services, contact Kent E. Peterson at the address given above.

Pediatrician Consultation: Minnesota Department of Health is contracting with pediatricians to teach seminars for local nurses who will be screening children under the auspices of the Early and Periodic Screening and the Preschool Screening program. Requirements: Pediatricians with teaching experience and some knowledge of public health will be considered. Interested persons may apply by submitting a written resume to:

Sheila Swaiman
Comprehensive Child Health Screening
Minnesota Department of Health
717 Delaware Street, S.E.
Minneapolis, Minnesota 55440

Pediatric Nurse Associate: Minnesota Department of Health is contracting with Pediatric Nurse Associates to provide: (1) technical consultation evaluation to each Early and Periodic Screening and Preschool Screening program, and (2) to teach seminars for local nurses who will be screening children under the auspices of the Early and Periodic Screening and the Preschool Screening program. Requirements: Pediatric Nurse Associates with teaching experience and knowledge of public health nursing will be considered. Interested persons may apply by submitting a written resume to the above address.

Review of Disability Requests: Consultation services by a physician is sought for case review on disability requests for state employees. Consulting services are needed an average of 20 hours per week throughout the year and are provided from the Minneapolis office of MDH. To obtain more information contact:

Duane Johnson
Assistant Commissioner of Administration
Minnesota Department of Health
717 Delaware Street, S.E.
Minneapolis, Minnesota 55440

State Board of Investment

Meeting Notices

State Board of Investment

Notice of Regular Meeting

The next regular meeting of the State Board of Investment will be held Tuesday, June 10, 1980, at 9:30 a.m., Room 130, State Capitol, St. Paul, MN.

Investment Advisory Council

Notice of Special Meeting

The Investment Advisory Council will meet Tuesday, June 10, 1980 at 7:30 a.m. at the Minnesota Club, 317 Washington, St. Paul, MN to discuss the Staff Compensation Plan.

Metropolitan Council

Public Hearing on the Proposed Juvenile Justice Policy Plan of the Law and Justice Chapter of the Metropolitan Development Guide

The Metropolitan Council will hold two public hearings, one on Monday, June 30, 1980 at 7 p.m. in the Metropolitan Council Chambers, 300 Metro Square Building, 7th and Robert Sts., St. Paul, Minnesota (use Jackson St. entrance) and the other on Monday, July 14, 1980, at 7 p.m. in the Hennepin County Government Center, Level A Auditorium, 300 6th St. S., Minneapolis, Minnesota (use entrance on the north side of 6th St.), for the purpose of receiving public comments and a draft policy plan on juvenile justice that will become, on adoption, part of a revised Law and Justice Chapter of the Metropolitan Development Guide. The policy plan focuses on a two-part approach for dealing with delinquency and juvenile crime. Copies of the proposed Policy Plan on Juvenile Justice are available free of charge from the Council's Public Information Office at 291-6464. Persons wishing to speak at the hearings may register to do so in advance by contacting the Council's public hearing coordinator at 291-6482.

Charles Weaver
Chairman

Metropolitan Waste Control Commission

Notice of Intent to Solicit Outside Information Regarding Proposed Rules Governing Pretreatment Standards

Notice is hereby given that the Metropolitan Waste Control Commission is seeking information or opinion from sources outside the commission in preparing to propose the adoption of rules governing the pretreatment of industrial waste discharges into the Metropolitan Disposal System through specific effluent standards and limitations prior to such discharge by the industrial user. It is proposed that the commission will adopt by reference or incorporation the national categorical pretreatment standards and the national prohibitive pretreatment standards. Any interested persons may submit data or comments on the subject in writing to:

Mr. Donald R. Madore
Deputy Director of Quality Control
Metropolitan Waste Control Commission
350 Metro Square Building
Saint Paul, Minnesota 55101
(612) 222-8423

Exhibit A

METROPOLITAN WASTE CONTROL COMMISSION
350 Metro Square Building, St. Paul, Minnesota 55101
222-8423

ORDER FOR PUBLIC HEARING
WASTE DISCHARGE RULES FOR THE
METROPOLITAN DISPOSAL SYSTEM
6 M.C.A.R. § 6.010-6.019 (proposed)

IT IS HEREBY ORDERED that, in accordance with official action of the Metropolitan Waste Control Commission (Resolutions No. 80-164 and No. 80-166, attached hereto) at regular meetings of July 15, 1980 and August 19, 1980, a public hearing on the above-captioned rules be held in the Southdale--Hennepin Area Library Community Room, 7001 York Avenue South, Edina, Minnesota on Thursday, October 9, 1980, commencing at 9:30 A.M. and continuing until all persons have had an opportunity to be heard.

IT IS FURTHER ORDERED that, a Notice of Hearing be mailed to all persons or representatives of associations or other interested groups who have, prior to August 1, 1980, registered their names with the Secretary of State for that purpose as well as to all interested or affected persons whose names appear on the Metropolitan Waste Control Commission or Metropolitan Council records or lists.

IT IS FURTHER ORDERED that the Notice of Hearing be published in the State Register.

Salisbury Adams, Chairman

Richard J. Dougherty, Chief Administrator

Date _____

MWCC-81-001-PR

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE METROPOLITAN WASTE CONTROL COMMISSION

In the Matter of the Proposed Waste Discharge Rules for the Metropolitan Disposal System.

ORDER OF THE CHIEF HEARING EXAMINER

WHEREAS, on July 31, 1980, the Metropolitan Waste Control Commission (MWCC), by its attorney Larry M. Wertheim, submitted a proposed Order for Hearing, Notice of Hearing and proposed rules, and simultaneously requested approval to incorporate by reference certain documents in the proposed rules, to wit:

1) Metropolitan Development Guide, Waste Management Policy Plan, as amended, -- Metropolitan Council.
2) Federal Clean Water Act (33 U.S.C. 1251, et seq.), as amended.
3) EPA General Pretreatment Regulations For Existing and New Sources of Pollution, Federal Register, Part IV, June 26, 1978, 40 CFR Part 403, 43 F.R. 27737-77, as amended.
4) The Standard Industrial Classification Code (1972), Executive Office of the President, Office of Management and Budget.
5) Guidelines Establishing Test Procedures for the Analysis of Pollutants, October 16, 1973, 40 CFR Part 136, 38 F.R. 28758.
6) Pretreatment Standards for Existing Electroplating Point Sources, July 3, 1980, 40 CFR Part 413, 45 F.R. 45322.

WHEREAS, pursuant to Minn. Stat. 1978, as amended, § 15.0412, subd. 4a, agencies may incorporate by reference provisions of federal law or rule or other materials from sources which the Chief Hearing Examiner determines are conveniently available for viewing, copying and acquisition by interested persons; and

WHEREAS, the Chief Hearing Examiner has reviewed the aforesaid documents, and has found them to be in excess of 3,000 words and has determined that they would exceed five pages of publication in the State Register; and

WHEREAS, the MWCC has indicated and the Chief Hearing Examiner finds that the documents are readily available for viewing at the MWCC, and are otherwise readily available and accessible to the public.

NOW, THEREFORE, IT IS ORDERED that the MWCC shall have the approval of the Chief Hearing Examiner to incorporate by reference in their proposed rules the above-referenced documents.

Dated: September 11th, 1980.

DUANE R. HARVES
Chief Hearing Examiner

MWCC EXHIBIT NO. 2

DATE 10-9-80

NANCY J. DUEHN

MWCC-81-001-PR

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE METROPOLITAN WASTE CONTROL COMMISSION

In the Matter of the Waste Discharge Rules for the Metropolitan Disposal System.

REPORT OF THE CHIEF HEARING EXAMINER

The above-entitled matter came on for review by the Chief Hearing Examiner pursuant to the provisions of Minn. Laws 1980, Ch. 615, § 6, subd. 4d (to be codified as Minn. Stat. § 15.0412, subd. 4d) which provides in part:

> If the [hearing examiner's] report contains a finding that the proposed rule is substantially different from that which was proposed at the public hearing, or that the agency has not met the requirements of section 15.0412, subdivisions 4 through 4f, it shall be submitted to the chief hearing examiner for approval. If the chief hearing examiner approves the finding of the hearing examiner, he shall advise the agency of actions which will correct the defects, and the agency shall not adopt the rule until the chief hearing examiner determines that the defects have been corrected. If the chief hearing examiner determines that the need for and reasonableness of the rule has not been established pursuant to subdivision 4, clause (c), and if the agency does not elect to follow the suggested actions of the hearing examiner to correct that defect, then the agency shall submit the proposed rule to the legislative commission to review administrative rules for the commission's advice and comment. The agency shall not proceed to adopt the rule until it has received and considered the advice of the commission; provided, that the agency is not required to delay adoption longer than 30 days after the commission's receipt of the agency's submission.

Based upon a review of the record in this proceeding, the Chief Hearing Examiner hereby approves the Report of the Hearing Examiner in all respects and specifically as to any finding of substantial change or of failure to comply with Minn. Laws 1980, Ch. 615, § 6 (to be codified as Minn. Stat. § 15.0412, subd. 4-4f), or of failure to establish need for and reasonableness of the proposed rule.

In order to correct the defects enumerated by the Hearing Examiner, the agency shall either take the action recommended by the Hearing Examiner or reconvene the rule hearing if appropriate. If the agency chooses to reconvene the rule hearing, it shall do so as if it is initiating a new rule hearing, complying with all substantive and procedural requirements imposed on the agency by law or rule.

If the agency chooses to take the action recommended by the Hearing Examiner, it shall, prior to submitting the rules to the Attorney General for review, submit to the Chief Hearing Exmainer a copy of the rules as initially published in the State Register, a copy of the rules as proposed for final adoption in the form required by the State Register for final publication, and a copy of the agency's Findings of Fact and Order Adopting Rules. The Chief Hearing Examiner will then make a determination as to whether the defect in

regard to substantial change and the requirements of Minn. Laws 1980, Ch. 615, § 6 (to be codified as Minn. Stat. § 15.0412, subd. 4-4f) have been corrected.

Should the agency make changes in the rules other than those recommended by the Hearing Examiner, it shall also, prior to submitting the rule to the Attorney General, submit the complete record to the Chief Hearing Examiner for a review in regard to substantial changes.

Dated: November 25th, 1980.

DUANE R. HARVES
Chief Hearing Examiner

regard to substantial change and the requirements of Minn. Laws 1980, Ch. 615, § 6 (to be codified as Minn. Stat. § 15.0412, subd. 4-4f) have been corrected.

Should the agency make changes in the rules other than those recommended by the Hearing Examiner, it shall also, prior to submitting the rule to the Attorney General, submit the complete record to the Chief Hearing Examiner for a review in regard to substantial changes.

Dated: November 26th, 1980.

DUANE R. HARVES
Chief Hearing Examiner

MWCC-81-001-PR

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE METROPOLITAN WASTE CONTROL COMMISSION

In the Matter of the Waste Discharge Rules for the Metropolitan Disposal System.

ORDER AMENDING REPORT OF THE HEARING EXAMINER

WHEREAS, on November 26, 1980 a Report of the Hearing Examiner was issued regarding the Waste Discharge Rules for the Metropolitan Disposal System; and

WHEREAS, on December 2, 1980 the Metropolitan Waste Control Commission requested the Hearing Examiner to reconsider a Conclusion in the Report relating to Finding 16; and

WHEREAS, the Hearing Examiner has reconsidered the Finding and Conclusion; and

NOW THEREFORE, it is hereby ordered that the first sentence in the fourth paragraph of Finding 16 is amended to read as follows:

> Adoption of the recommended amendments would not create a substantial revision of the rule as published in the State Register because the requirement that all users apply for a permit would not affect a class of persons who were not represented at the hearing.

IT IS FURTHER ORDERED that Conclusion 5 be amended to read as follows:

> That the additions to the proposed rules which were proposed after publication of the rules in the State Register are not substantially different than the rules as published in the State Register within the meaning of Minn. Stat. § 15.0412, subd. 4d (Minn. Laws 1980, Ch. 615, Sec. 6, subd. 4d), ~~except that the recommended amendment of the Hearing Examiner in Finding 16 would be considered a substantial change.~~

Dated this 9th day of December, 1980.

Phyllis A. Reha
PHYLLIS A. REHA
Hearing Examiner

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE METROPOLITAN WASTE CONTROL COMMISSION

In the Matter of the Waste Discharge Rules for the Metropolitan Disposal System.

ORDER OF THE CHIEF HEARING EXAMINER

On December 11, 1980, pursuant to the provisions of Minn. Laws 1980, Ch. 615, § 6, subd. 4d and 4e (to be codified as Minn. Stat. § 15.0412, subd. 4d and 4e) and pursuant to 9 MCAR § 2.112 A. (1980), the Metropolitan Waste Control Commission (MWCC) submitted the entire record in the above-entitled matter to the Chief Hearing Examiner for his determination as to whether or not the defects found by the Hearing Examiner and the Chief Hearing Examiner in their Reports dated November 26, 1980, have been corrected and for determination as to whether any of the corrections, other than those discussed by the Hearing Examiner, constitute substantial changes in the rules.

Based on a review of the files, records and proceedings herein, the Chief Hearing Examiner finds the following:

1. That with respect to the defect found regarding the lack of definition of the term "insignificant discharge", Rule 6 MCAR § 6.011 H. deletes the insignificant discharge exception thereby making it unnecessary to define the term "insignificant discharge". Considered in light of the changes in § 6.012, which identifies the level at which an industrial user would be required to obtain a permit, the Chief Hearing Examiner finds that the defects noted in Finding 16 of the Report have been cured and the changes would not result in a rule substantially different from that which had been proposed.

2. That with respect to all other defects and changes, the Chief Hearing Examiner finds that they have been cured and that there are no substantial changes.

NOW, THEREFORE, the MWCC has the responsibility of submitting the complete hearing record and the rules as adopted to the Attorney General, notifying all persons who requested to be informed that the hearing record has been submitted to the Attorney General, and complying with all other pertinent requirements of Minn. Stat. § 15.0412, subd. 4e.

Dated: December 17th, 1980.

DUANE R. HARVES
Chief Hearing Examiner

MWCC-81-001-PR

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE METROPOLITAN WASTE CONTROL COMMISSION

In the Matter of the Waste Discharge Rules for the Metropolitan Disposal System.

REPORT OF THE HEARING EXAMINER

The above-entitled matter came on for hearing before Hearing Examiner Phyllis A. Reha on October 9, 1980, at 9:30 a.m. in the Southdale-Hennepin Area Library Community Room, 7001 York Avenue South, Edina, Minnesota. The hearing continued until all persons had an opportunity to be heard.

This Report is part of a rulemaking proceeding pursuant to Minn. Stat. Ch. 15. to determine whether the proposed rules governing the discharge of industrial wastes into the Metropolitan Disposal System should be adopted by the Metropolitan Waste Control Commission (MWCC). A copy of this Report may be obtained from the Office of Administrative Hearings for the cost of reproduction.

Members of the agency panel appearing at the hearing included: Richard A. Beens, Commissioner, MWCC; Wayne Courtney, Commissioner, MWCC; Glen Wallace, Commissioner, MWCC; Donald R. Madore, Deputy Director of Quality Control for the MWCC; Brian C. Lim, Staff Engineer, MWCC; Tari L. Johnson, Environmental Specialist, MWCC; Leo Hermes, Staff Engineer, MWCC; Mike Pliml, Staff Engineer, MWCC; Maurice Robins, Consultant for the MWCC; and Larry Wertheim of the firm of Holmes and Graven, 4610 IDS Center, Minneapolis, Minnesota, counsel to the MWCC.

One hundred and fourteen (114) persons signed the hearing register. Twelve (12) public witnesses appeared and spoke at the hearing. The Commission submitted 15 written exhibits at the hearing and one post-hearing written comment. Fourteen (14) timely written comments were received from the public prior to the close of the record, which remained open through October 29, 1980 by order of the Hearing Examiner.

The MWCC must wait at least five working days before taking any final action on the rules; during that period, this Report must be made available to all interested persons upon request.

Pursuant to the provisions of Minn. Laws 1980, Ch. 615, § 6, subd. 4d, this Report has been submitted to the Chief Hearing Examiner for his approval. If the Chief Hearing Examiner approves the findings of this Report, he will advise the MWCC of actions which will correct the defects and the Commission may not adopt the rule until the Chief Hearing Examiner determines that the defects have been corrected. However, in the cases where the Chief Hearing Examiner identifies defects which relate to the issues of need or reasonableness, the Commission may either adopt the Hearing Examiner's recommendations to cure the defects or, in the alternative, if the Commission does

not elect to adopt the recommendations, it may submit the proposed rule to the Legislative Commission to Review Administrative Rules (LCRAR) for its advice and comment. Provisions relating to this submission to the LCRAR may be found in Minn. Laws 1980, Ch. 615, § 6, subd. 4d.

If the MWCC elects to adopt the recommendations of the Hearing Examiner and makes no other changes and the Chief Hearing Examiner determines that the defects have been corrected, then the Commission shall submit the rule to the Attorney General for review of form and legality. If the Commission makes changes in the rule other than those recommended by the Hearing Examiner, then it shall submit the rule, with the complete record, to the Chief Hearing Examiner for a review of the changes before adopting it and submitting it to the Attorney General. Procedures relating to this subsequent review by the Chief Hearing Examiner are set forth in Minn. Laws 1980, Ch. 615, § 6, subd. 4e.

When the MWCC submits the rule to the Attorney General, it shall give notice on the day of submission to all persons who requested that they be informed of the submission to the Attorney General.

Based upon all the records and proceedings herein, the Examiner makes the following:

FINDINGS OF FACT

Procedural Requirements

1. On July 31, 1980, the MWCC filed the following documents with the Chief Hearing Examiner:

(a) A copy of the proposed rules.
(b) The Order for Hearing proposed to be issued.
(c) The Notice of Hearing proposed to be issued.

2. On September 8, 1980, a Notice of Hearing and a copy of the proposed rules were published at 5 State Register 355.

3. On September 4 and 5, 1980, the Commission mailed the Notice of Hearing and proposed rules to all persons and associations who had registered their names with the Metropolitan Waste Control Commission. The agency also mailed the Notice of Hearing and proposed rules to all persons who, prior to August 1, 1980, had requested that their names be placed on file with the Secretary of State for the purpose of receiving notice of public hearings on proposed rules dealing with environmental quality and water resources. Additionally, the Commission mailed the Notice of Hearing and proposed rules to all persons and associations who had registered their names with the Metropolitan Council.

4. There was solicitation of outside opinion and information in the development of the proposed rules. Pursuant to Minn. Stat. § 15.0412, subd. 6, such solicitation is permitted, but not mandatory. However, the statute requires that if an agency intends to solicit outside opinion, it must first publish notice of this action in the State Register. The notice of intent to solicit outside opinion regarding the proposed rules was published on June 9, 1980, at 4 State Register 1924 (MWCC Ex. 5). However, several public meetings were held in the fall of 1979 to discuss the form that the proposed rules would take. Notice of these meetings was not published in the State Register,

but was given by mailing to public officials, public interest groups, industry and by publication in general circulation newspapers (Tr. pp. 55-56). The meetings were also publicized at MWCC meetings (Tr. p. 57).

Although the notice of intent to solicit was not published at the proper time, the Hearing Examiner concludes that, based upon the record, all interested persons had an adequate opportunity to participate in the rule drafting. The error is considered to be a technical rather than a substantial noncompliance. See, City of Minneapolis v. Wurtele, 291 N.W.2d 386 (Minn. 1980).

5. On September 12, 1980, the Commission filed the following documents:

(a) The Order for Public Hearing.
(b) The Notice of Hearing.
(c) The Affidavit of Receipt of the Secretary of State's list.
(d) The Affidavit of Mailing.
(e) A statement concerning notice of intent to solicit outside information.
(f) The mailing lists.
(g) The Statement of Need and Reasonableness.
(h) The proposed waste discharge rules.
(i) A list of personnel who will represent the Commission.

The documents listed above were available for inspection at the Office of Administrative Hearings from the date of filing to the date of the hearing.

6. On September 26, 1980, the Commission filed the statement of number of persons expected to attend the public hearing and estimated length of time that would be necessary for the Commission to present its evidence. 9 MCAR § 2.102 requires this information to be filed with the Hearing Examiner prior to the publication of the proposed rules in the State Register. The Hearing Examiner finds that the tardiness in filing this document did not prejudice any interested party and, therefore, was a technical rather than a substantial noncompliance with the rules. See, City of Minneapolis v. Wurtele, supra.

7. On July 31, 1980, the Commission requested approval to incorporate by reference certain documents in the proposed rules pursuant to 9 MCAR § 2.109. The actual documents, however, were not provided to the Chief Hearing Examiner until after the proposed rules were published in the State Register. The Chief Hearing Examiner determined that the documents met the criteria of Minn. Stat. § 15.0412, subd. 4a, and by Order dated September 11, 1980, the Chief Hearing Examiner approved the incorporation of the documents in the proposed rules.

Although subdivision 4a of the statute and 9 MCAR § 2.109 state that the requests for incorporation by reference should be made before publication of the rules in the State Register, the Hearing Examiner received no objection to the inclusion of the documents in the record and therefore finds that the tardiness did not prejudice any interested party and, therefore, was a technical rather than a substantial noncompliance. See, City of Minneapolis v. Wurtele, supra.

8. The Commission failed to make available for those in attendance at the hearing a sufficient number of copies of the Statement of Need and Reasonableness (MWCC Ex. H) and several amendments to the proposed rules that were proposed during the hearing (MWCC Ex. M). 9 MCAR § 2.104 states, in part, as follows: "If the agency so desires, the statement of need and reasonableness

may . . . be either read at the hearing or, if all persons appearing at the hearing have had an opportunity to review the statement, may be introduced as an exhibit into the record as though read."

The Commission offered the Statement of Need and Reasonableness as though read, and it was so received (Tr. p. 12). The Commission's failure to have an adequate number of copies on hand for all interested persons constitutes a technical noncompliance with 9 MCAR § 2.104. This noncompliance was cured by the Commission by mailing a copy of the Statement of Need and Reasonableness on October 14, 1980, to the persons who so requested. The fact that the delayed availability of the Statement of Need and Reasonableness did not work to the prejudice of any member of the public is made apparent by the fact that at least one of the persons who received the post-hearing mailing was able to submit a written statement prior to the close of the record (See, Public Exhibit 7).

Further, the Statement of Need and Reasonableness was timely filed with the Office of Administrative Hearings prior to the hearing. 9 MCAR § 2.105 requires the Statement of Need and Reasonableness to be filed in said office "at least 25 days prior to the date and time of the hearing". The document was therefore available for inspection at the Office of Administrative Hearings from the date of filing to the date of the hearing. The failure of the Commission to comply with the letter of 9 MCAR § 2.104 in this instance does not reflect bad faith and did not prejudice the rights of those intended to be protected in the course of this proceeding. City of Minneapolis v. Wurtele, supra.

9. The record remained open through October 29, 1980, for the receipt of written comments and statements.

Statutory Authority

10. The specific statutory authority to adopt and promulgate these proposed rules is contained in Minn. Stat. § 473.504, subd. 4, which provides, in part:

> The Commission shall have the power to adopt rules and regulations relating to the operation of any interceptors or treatment works operated by it, and may provide penalties for the violation thereof not exceeding the maximum which may be specified for a misdemeanor.

11. The MWCC has cited additional statutory provisions as its authority to promulgate the proposed rules. Minn. Stat. § 473.515, subd. 3, authorizes the Commission to regulate the discharge of sewage and connections into the Metropolitan Disposal System (MDS). Subdivision 3 provides that the Commission:

> [M]ay require any person or local government unit discharging sewage into the metropolitan disposal system to provide preliminary treatment thereof; may prohibit the discharge into the metropolitan disposal system of any substance which it determines will or may be harmful to the system or any persons operating it . . . .

In addition, Minn. Stat. § 473.504, subd. 7, grants authority to the MWCC to "collect and analyze data" relating to the Metropolitan Disposal System.

Finally, the MWCC has authority to impose a pretreatment program under its statutory grant of "all powers necessary to comply with the federal water pollution control amendments of 1972 and any grant offered to it thereunder . . . ." Minn. Stat. § 473.504, subd. 5.

12. The proposed rules are also required by federal law. In order to be eligible for federal construction grants, the MWCC must meet all grant requirements of the Federal Clean Water Act. Adoption of rules governing the discharge of industrial wastes is one of those requirements. In addition, § 402(b)(8) of the Federal Clean Water Act requires as a condition of a National Pollution Discharge Elimination System (NPDES) permit issued to a Publicly Owned Treatment Work (POTW), that the POTW develop a local pretreatment program to enforce national pretreatment standards.

13. The Examiner finds that the MWCC has the statutory authority to promulgate rules regarding discharge of wastes by industrial users into the Metropolitan Disposal System.

Need for and Reasonableness of the Proposed Rules

14. Many sections of the proposed rules were not opposed, and this Report is generally limited to those that were opposed. A detailed discussion of each section of the proposed rules is believed to be unnecessary. Such an analysis is contained in the Statement of Need and Reasonableness submitted by the Commission (MWCC Ex. H). The Hearing Examiner notes at this point that sections not commented on in this Report are hereby found to be needed and reasonable and that the Commission has documented this by an affirmative presentation of facts. With respect to the sections commented on in this Report, all of the concerns discussed on the record and in written comments have been carefully considered. In addition, the Hearing Examiner has examined the factual basis supporting some of the more controversial sections and at discretionary language not objected to by the public.

15. Proposed Rule 6 MCAR § 6.010 Policy, Authority and Purpose.

Section 6.010 sets forth the policy, authority and purpose of the proposed rules. The Commission demonstrated the need for and reasonableness of the proposed section both in its Statement of Need and Reasonableness (MWCC Ex. H) and by presentation of oral and written testimony from Richard A. Beens, Metropolitan Waste Control Commissioner (Tr. pp. 13-17) (MWCC Ex. O).

This proposed rule provision drew little comment, but the Hearing Examiner does find merit in one recommendation made by the United States Environmental Protection Agency (EPA) (Public Ex. 5). The Federal Pretreatment Regulations issued by EPA, 40 C.F.R. § 403, contain the following statement of objectives:

> By establishing the responsibilities of government and industry to implement National Pretreatment Standards this regulation fulfills three objectives: (a) to prevent the introduction of pollutants into POTWs which will interfere with the operation of a POTW, including interference with its use or disposal of municipal sludge; (b) to prevent the introduction of pollutants into POTWs which will pass through the treatment works or otherwise be incompatible with such works; and (c) to improve opportunities to recycle and reclaim municipal and industrial wastewaters and sludges. 40 C.F.R. § 403.2.

Although one could assume from the broad text of § 6.010 that the MWCC has spoken to the general objectives of a pretreatment program, the Hearing Examiner feels that the objectives as identified in 40 C.F.R. § 403.2 should be specifically included in the proposed rule section. The rule provision, however, is deemed to be needed and reasonable as written.

included p. 2

16. Proposed Rule 6 MCAR § 6.011 Definitions.

Section 6.011 H. defines "industrial user". The definition serves to limit the scope of the proposed rules by virtue of § 6.012 A., which requires industrial users to discharge directly or indirectly into the Metropolitan Disposal System to obtain an industrial discharge permit. The definition was, therefore, the subject of some controversy both at the public hearing and in written comments submitted to the Hearing Examiner. (Tr. pp. 41, 83-84) (See also, Public Exs. 8 and 9). In particular, concern was expressed about the exception to the definition of industrial user for discharges of industrial wastes that are "insignificant".

The difficulty with the "insignificant discharge" exception stems from the fact that, by the Commission's own admission, there is "no threshold test" for determining when a discharge reaches the level of significance. (Tr. p. 84, Testimony of Donald Madore, Deputy Director of Quality Control for MWCC). A close reading of the proposed rules, however, leaves the impression that it is left to each industrial user to determine whether or not his discharge is significant and therefore whether he needs to apply for a permit under § 6.012 A. and B. However, the MWCC is in a better position to make that determination rather than leaving it to each discharger because it is in a better position to evaluate the impact of specific amounts of discharge on its operation.

In order to alleviate the foregoing problems, the Hearing Examiner recommends that the MWCC drop the insignificant discharge exception and require all users discharging industrial waste to apply for a permit. Under this scheme, the following amendments are recommended:

a. Section 6.011 H. should be amended to delete the clause "or unless the discharge of industrial waste is insignificant".

deleted p. 4

b. Section 6.012 A. should be amended by adding at the end thereof the clause "unless the Chief Administrator determines that such discharge is insignificant". This amendment would make clear that although insignificant dischargers need not obtain a permit, the determination of significance rests with the Chief Administrator, not the discharger.

see new language p. 7

c. Section 6.012 B.1. should be amended to delete the phrase "who is required to obtain an industrial discharge permit" and to read as follows: "All industrial users shall complete and file . . . ." This recommended amendment preserves the exception contained in § 6.011 H. for domestic waste dischargers, but makes it clear that all other industrial users must apply for a permit whether or not they deem their discharge to be significant.

so amended p. 7

Adoption of the recommended amendments would create a substantial revision of the rule as published in the State Register because the new requirement that all users apply for a permit would effect a large class of persons who were not represented at the hearing. See, 9 MCAR § 2.111 A. The Hearing Examiner also recognizes that the recommended changes could cause serious administrative problems for the agency. The Chief Administrator would have to

see CHE 12/9/8

review many more permit applications and make determinations as to the significance or insignificance of the permit applicants' discharges. A rule of this broad application could cause serious practical problems as it relates to the Commission's notification and enforcement obligations.

Because the effect on the MDS of insignificant waste is de minimis, the Hearing Examiner does not find that the insignificant discharge exception is without rational justification.

However, the absence of a threshold test of significance causes vagueness problems. One who discharges without a permit what is thought to be an insignificant discharge into the Metropolitan Disposal System may be subject, for example, to civil liability under § 6.017 C. if the MWCC determines that the discharge was significant. Without any clearly defined standard for the insignificant discharge exception, an attempt to apply the remedies contained in § 6.017 against a permitless discharger, may be subject to a due process claim that the rule was so vague as to not inform the discharger of the acts which it was his duty to avoid. See, State v. Hays, 244 Minn. 296, 298, 70 N.W.2d 110, 112 (1955).

In order to alleviate the vagueness problems, the Hearing Examiner will require, as an alternative to the recommendation that the MWCC drop the insignificant discharge exception, that the Commission include within this rule a definition of the term "insignificant discharge". Although there may be no threshold test for determining when a discharge reaches the level of significance, if the discharge has a noticeable or measurable impact on the MDS, it has risen to the level that would require a permit application. (See, MWCC Ex. H at p. 3) The inclusion of a definition of insignificant discharge will at least give some guidance to a potential permittee as to whether or not he need apply for a permit. not included see CHE 12/1

Minn. Stat. § 15.0412, subd. 3 (Minn. Laws 1980, Ch. 615, § 6, subd. 3) requires the agency to set forth with specificity "the nature and requirements of all formal and informal procedures related to the administration of official agency duties to the extent that those procedures directly effect the rights or procedures available to the public." Without a definition of the term "insignificant discharge", the agency has failed to comply with the specificity requirements of the statute. In order to correct this defect, the MWCC must insert a definition of the term "insignificant discharge" in accordance with this finding.

Adoption of this recommendation would not operate as a substantial change from the rule as published in the State Register as it would be considered to be a clarifying amendment.

17. Proposed Rule 6 MCAR § 6.012 A. Industrial Discharge Permit Scope.

Section 6.012 A. sets forth the scope of these proposed rules. In addition to the change recommended above, the Hearing Examiner concurs with statements made at the public hearing (Tr. p. 43) and in the written comments (Public Ex. 9) that the rules should state that the issuance of a pretreatment permit does not relieve the facility of the duty to file for a hazardous waste permit. Section 6.012 A. is the most likely place to insert this statement. The rule as written is nevertheless needed and reasonable. included p. 7

18. Proposed Rule 6 MCAR § 6.012 B. Permit Application.

Section 6.012 B.1. is addressed to the permit application process. The Hearing Examiner calls attention to the recommended change in the first sentence of this section spelled out in Finding 16.

The last sentence of § 6.012 B.1. reads that "no industrial user shall discharge into the MDS after January 1, 1982, unless the industrial user has been granted an industrial discharge permit or has submitted a completed permit application." The wording of this provision gives rise to some concern. The provision makes no distinction between an existing discharger and a new source. A new source should be required to apply for a permit sufficiently in advance of the planned date of commencement of the new discharge so that a permit can be issued prior to the new discharge. (See, Public Ex. 8) This notification is necessary to prevent a new source from submitting a permit application and discharging into the MDS before the Commission has a chance to review the effects of the proposed discharge or set limits on it. Pursuant to this recommendation, the written comments that urge adoption of a definition for the term "new source" should be followed (Public Exs. 5 and 8). A new source should be defined to include both a new connection and discharge to the MDS and a new type of discharge from an existing discharger to the system (See, Public Ex. 8). It is noteworthy in this regard that the Federal Pretreatment Regulations do include a definition of new source. See, 40 C.F.R. § 403.3(j).

Section 6.012 B.3. requires the Chief Administrator to issue a permit to an industrial user "upon a determination that the applicant is capable of compliance" with the permit condition and proposed rules. Mr. Madore, testifying on behalf of the MWCC at the hearing, gave the following explanation of the "capable of compliance" language:

> With respect to the capable of compliance in 6.012 B.3. that refers to the fact that some systems the Commission is simply going to have to make a determination and a judgment that they are not capable of compliance. Others we are not insuring compliance but we are saying if properly operated the system likely will produce a discharge that is in compliance with the appropriate rules. That is why we use the terms capable of compliance because it depends on how it is operated. (Tr. p. 89)

A procedure is reasonable so long as it is not arbitrary and capricious. In re Application of Hansen, 275 N.W.2d 790, 793 (Minn. 1978). The capable of compliance standard is not so arbitrary as to make the proposed rule unreasonable. The Hearing Examiner does suggest, however, that some procedure be implemented in the proposed rule whereby a permit applicant be afforded an informal opportunity to be heard prior to or shortly after a determination by the Chief Administrator that the applicant is not capable of compliance (Public Ex. 5). The Hearing Examiner finds that the proposed rule has been shown to be both needed and reasonable as written.

As a caveat, the MWCC should consider the written comment by the Minnesota Pollution Control Agency (Public Ex. 8) regarding the proposed amendment to § 6.012 B.3. and determine whether this change should be adopted irrespective of the affirmative finding made by the Hearing Examiner. The adoption of the PCA standard would not be considered a substantial change to the rules as published.

19. Proposed Rule 6 MCAR § 6.012 C.9. Permit Condition.

Section 6.012 C.9. requires that the permittee give notice to the Chief Administrator of changes in the volume of characteristics of its discharge "which the permittee knows or has reason to know will or is likely to have . . . a negative impact on the MDS treatment process". Concern was expressed in the written comments received by the Hearing Examiner that this provision leaves too much discretion in the hands of the permittee. (Public Exs. 5 and 8) The MWCC should not allow permittees to decide if their discharges, due to changes in volume or characteristics, will have negative impacts on the MDS. This determination is better left to the MWCC. Therefore, the Hearing Examiner strongly recommends that the reporting requirement of § 6.012 C.9. be more narrowly drawn so as to require permittees to give notice of any material change in the volume or characteristics of their discharge so that the MWCC can determine the impact on the MDS of such changes. The adoption of this recommendation is not considered to be a substantial change.

Finally, it should be noted that the present wording of § 6.012 C.9. leaves open an "escape hatch" based on the assertion that an individual permittee cannot know how changes in its discharge will interact with wastes from other industrial users. This leaves open the possibility that the provision will be virtually unenforceable in many instances and thus will not serve its purpose.

See new language p.9.

Nevertheless, the reporting requirement of § 6.012 C.9. is needed and, as presently written, cannot be said to be unreasonable.

20. Proposed Rule 6 MCAR § 6.012 D.1. Permit Modification, Suspension, and Revocation.

Section 6.012 D.1. sets forth the circumstances under which the Chief Administrator may modify, suspend or revoke an industrial discharge permit. The section contains an amendment to the proposed rules as published in the State Register. At the hearing, the MWCC submitted six proposed amendments to the proposed rules as published. Proposed Rule § 6.102 D.1. as amended reads, in part, as follows:

> 1. An industrial discharge permit may be modified, suspended or revoked, in whole or in part, by the chief administrator during its term for the following causes . . . (See, MWCC Ex. M).

p.9

The proposed amendment serves to limit the grounds for modification, suspension or revocation of a discharge permit to those specified in § 6.012 D.1. (MWCC Ex. N). The proposed amendment works no substantial change in the proposed rule as originally published, and is deemed to be needed and reasonable.

An aspect of § 6.012 D.1. that received no comment was the proposed rule's use of the word "may" instead of "shall" in the description of the power to modify, suspend or revoke a permit. The use of "may" in the provision makes it improper. It suggests that the Chief Administrator "may" arbitrarily decide to modify, suspend or revoke the permit of some industrial users for the specified causes, while not doing so for others. At the same time, it appears to the Hearing Examiner that the conduct enumerated in § 6.012 D.1.a. through g., with the exception of D.1.d., are all contrary to the purported

objectives of the proposed rules. (See, 6 MCAR § 6.010 B.) In this sense, they constitute almost per se violations of the spirit, if not the letter, of the proposed rules. It, therefore, seems unreasonable to leave such broad discretion in the hands of the Chief Administrator, especially when the remedies of modification, suspension or revocation of a permit leave the Administrator with enough flexibility to achieve a fair result on a case-by-case basis.

By using the word "may", the Agency has granted the Chief Administrator more discretion than is permissible and therefore the Agency has failed to demonstrate that it has complied with a substantive requirement of law, i.e., that the rule must be specific. In order to correct this defect, the word "shall" must be substituted for the "may". complied p. 9

21. Proposed Rule 6 MCAR § 6.012 D.1.f.

Section 6.012 D.1.f. provides for permit modification if there is a change in the volume or characteristics of the permittee's discharge "which the permittee knows or has reason to know will or is likely to have . . . a negative impact on the MDS treatment process." This section is analogous to the reporting requirements of § 6.012 C.9. and the Examiner's Findings of Fact with respect to that section (Finding No. 19) are incorporated by reference into this Finding. The only comment that need be made here is that if an industrial user's discharge is changed so as to have a negative impact on the MDS, the Chief Administrator's power to modify the permit to alleviate the problem should not be made to depend upon the discharger's knowledge of such negative impact. (Public Exs. 5 and 8)

The proposed rule as written is needed and reasonable, but the suggested change should be made so that the rule will be more rationally related to the end sought to be achieved. see p. 10 for deletion

22. Proposed Rule 6 MCAR § 6.012 G.1. Permit Transfer.

Section 6.012 G.1. is another provision for which the MWCC proposed an amendment at the hearing (See, MWCC Ex. M). The proposed rule now reads as follows:

> Industrial Discharge Permits shall be issued to specific Industrial Users at specific locations, except in the case of Waste Transport Haulers. An Industrial Discharge permit shall not be assigned or transferred to a new owner or a different premises without the written consent of the Commission. p. 11

The Hearing Examiner does not find the proposed amendment to be a substantial change to the provision as published. The change from "users" to "industrial users" is a clarifying amendment. The insertion of the clause "except in the case of waste transport haulers" is merely a recognition of the practicality that by reason of their operations, waste transport haulers are not limited to a specific discharge location. The proposed rule, as amended, is needed and reasonable.

23. Proposed Rule 6 MCAR § 6.012 H.2. Monitoring and Records.

Section 6.012 H.2. deals with the right to inspect permittees' facilities to determine compliance with the proposed rules and permits. The MWCC's statement (MWCC Written Comments, Ex. 1 at p. 12) as to the need and reasonableness of limiting the right to inspect only permittees and not "all persons" to avoid constitutional problems is concurred with by the Hearing Examiner.

However, the term "facility" as used in this section might be more precisely defined so as to leave no doubt about the reach of the MWCC's right to inspect. The proposed definition contained in Public Exhibit 8, Recommendation No. 8, of the Minnesota Pollution Control Agency written comments is hereby incorporated by reference as a recommendation of the Hearing Examiner.

no change p. 12

The proposed rule as presently drafted is both needed and reasonable.

24. Proposed Rule 6 MCAR § 6.012 K. Report and Monitoring Discrepancies.

Section 6.012 K. contains a proposed amendment to the rule as published in the State Register. This amendment was part of the Commission's presentation at the public hearing. The Commission proposes to delete the word "Commissioner" in the first sentence and substitute therefor the words "Chief Administrator" (MWCC Ex. M). The proposed amendment does not create a substantial revision of the rule as published and together with the entire § 6.012 K. is declared by the Hearing Examiner to be needed and reasonable.

25. Proposed Rule 6 MCAR § 6.012 L. Public Access to Information.

Section 6.012 L. also is the subject of a nonsubstantial proposed amendment, whereby the MWCC proposed to insert the statutory reference, Minn. Stat. §§ 15.1611 to 15.1698 (1980), after the words "Minnesota Data Practices Act". This proposed amendment is needed and reasonable.

This section was also the subject of some controversy at the public hearing insofar as it relates to the issue of confidentiality and possible disclosure to the public of trade secrets of permit applicants. (Tr. p. 66) That issue is reserved for discussion together with Appendix A in the proposed rules for the purpose of organizational clarity.

26. Proposed Rule 6 MCAR § 6.013 J. Prohibited Waste Discharges.

Section 6.013 J. makes specified amounts of heat a prohibited waste discharge. In its post-hearing written comments (MWCC Written Comments, Ex. 1), the MWCC proposed to amend this section by inserting the phrase "after August 25, 1981", at the beginning of the provision and changing "H" in the word "Heat" to lower case. This amendment is necessary in order to bring the proposed rules into compliance with federal regulations. See, 40 C.F.R. § 403.5(b)(5) and § 403.5(e) (See also, MWCC Written Comments, Ex. 1 at p. 9). The assertion of the effective date of this rule does not appear to be a substantial change from the rule as published in the State Register. The proposed amendment is therefore needed and reasonable.

p. 19

27. Proposed Rule 6 MCAR § 6.013 K Prohibited Waste Discharges.

Section 6.013 K. prohibits any discharge of wastewater containing fat, wax, grease or oil in excess of 100 mg/l that is likely to cause interference to the MDS. Charles R. Jacoby, Senior Chemical Engineer for the Gillette Company, submitted written comments in opposition to the proposed rule and suggested it be amended to limit the prohibition of fat, wax, grease or oil to those of "petroleum or mineral origin". (Public Ex. 2) For the reasons stated by the MWCC in its written comments at page 11, the Hearing Examiner finds that the rule as proposed is needed and reasonable. The Commission has clearly demonstrated a reasonable basis for the exercise of its judgment. See, American Trucking Association, Inc. v. U.S., 344 U.S. 298 (1953).

28. Proposed Rule 6 MCAR § 6.013 O. Prohibited Waste Discharges.

Section 6.013 O. in the form presented at the public hearing, prohibited the discharge of:

> O. Any hazardous waste, unless prior approval has been obtained from the Chief Administrator.

Much of the testimony at the public hearing, and particularly the testimony of Greg Lie, who spoke on behalf of the Metropolitan Inter-county Association, was directed at the question of the relationship of the proposed rules to various hazardous waste rules. Written comments received by the Hearing Examiner voice concern over the absence of a definition of hazardous waste in the proposed rules. In response to these comments, the MWCC proposed to amend § 6.013 O. in the post-hearing submission. The section as amended now prohibits the discharge of:

> O. Any hazardous waste as defined by Minn. Stat. § 116.06, subd. 13 and 6 MCAR §§ 4.9001 through 4.9002, unless prior approval has been obtained from the Chief Administrator upon a showing by the discharger that the hazardous waste would not cause, or threaten to cause, an endangerment to the health or welfare of persons, an endangerment to the environment, or interference with the operation of the MDS. p.20

Questions raised at the public hearing (Tr. pp. 41, 44-45, 86-88) and in written comments (Public Exs. 8 and 9) regarding the lack of definition for hazardous waste in the proposed rules are resolved by reference to the definition under state statute and Minnesota Pollution Control Agency rules. That portion of the proposed amendment is therefore found to be needed and reasonable.

The second part of the proposed amendment responds to concerns raised about the lack of standards to guide the Chief Administrator in determining whether to permit the discharge of a hazardous waste (Tr. pp. 86-88). The standard adopted by the MWCC in the proposed amendment is consistent with the overall objective of the rules; that is, to protect against harm to persons, the environment or the MDS. This standard is used in other proposed rule sections. (See, § 6.012 D.1.g.; § 6.017 D.; § 6.017 F.). The Hearing Examiner finds that the proposed rule as amended is therefore needed and reasonable. The Hearing Examiner finds that the proposed amendment is not substantially different from the rule which was published in the State Register. The rule hearing need not therefore be reconvened.

29. Proposed Rule 6 MCAR § 6.014 A. MDS Limitations on Discharges.

Section 6.014 A. deals with local limitations for specified types of discharges. The section is the subject of two amendments proposed by the Commission in its post-hearing submission. Both are clarifying amendments and are found by the Hearing Examiner to be not substantial changes.

The first proposed amendment is found in the first sentence of the section. As amended, the section will read as follows:

> No person, except as authorized pursuant to a compliance schedule in a permit, shall discharge or cause or allow to be discharged . . . .

The purpose of the proposed amendment is to make clear that an industrial user will be excused from a temporary failure to meet the local limits where the permittee is under an agreed upon compliance schedule pursuant to § 6.012

C.8. The purpose of compliance schedules and permits is that for some industrial users meeting discharge limits may require time-consuming physical construction or major changes in production. The purpose of the proposed amendment is merely to clarify that an industrial user will not be subject to the local limits of § 6.014 A. if under a compliance schedule. The proposed amendment is therefore needed and reasonable.

The second amendment to § 6.014 A. proposed by the Commission deletes the word "parameter" in the table and substitutes the word "pollutant". This amendment is intended to achieve internal consistency in the rules, since the § 6.014 A.3. reference to "pollutants" is intended to refer only to the eight pollutants in the chart in § 6.014 A.1. (See, MWCC Written Comments, Ex. 1 at p. 10). This proposed amendment is found to be needed and reasonable.

The Hearing Examiner recommends, however, that § 6.015 A.1. also be amended to substitute the word "pollutants" for the words "pollutant parameters" where that phrase appears in the second sentence of the noted section. There are two references in that section to "pollutant parameters" and the recommended amendment is suggested for internal consistency. p.25

30. Proposed Rule 6 MCAR § 6.014 B.1. Pretreatment.

Section 6.014 B.1. requires industrial users to pretreat wastes in order to meet standards for and limitations on discharges set forth in the proposed rule. As proposed at the public hearing, the first sentence of this section read as follows:

> An Industrial User shall make Industrial Waste acceptable under the limitations established in section 6.014 A.1. and/or any applicable Pretreatment Standard before discharging, directly or indirectly, into the MDS.

In written comments submitted by the EPA (Public Ex. 5), it was pointed out that an industrial user may need to pretreat waste to meet the prohibited waste discharge rules contained in § 6.013. The EPA recommended that § 6.013 be specified in addition to § 6.014 A.1. and "applicable pretreatment standards" in the first sentence of § 6.014 B.1. The Commission concurred with this written comment (see, MWCC Written Comment, Ex. 1 at p. 8) and proposed the following amendment to § 6.014 B.1.:

> An Industrial User shall make Industrial Waste acceptable under the limitations established in section 6.014 A.1., the prohibitions under section 6.013, and any applicable Pretreatment Standard before discharging, directly or indirectly, into the MDS.

The Hearing Examiner finds that the proposed amendment is intended to correct an error of omission in the rule as originally proposed and does not make any substantial change in § 6.014 B.1. The rule as amended is needed and reasonable. so amended p. 22 23

31. Proposed Rule 6 MCAR § 6.015 A.1. Pretreatment Standards.

At the hearing, the Commission proposed to amend the second sentence of this section by deleting the words "by reason of the nature of particular Industrial User," and after the first reference to section 6.014 A.1. in that sentence, inserting "for that Industrial User". (See, MWCC Ex. M) The proposed amendment drew no comment either at the public hearing or in the written comments. The need and reasonableness of the proposed amendment was supported by an affirmative presentation of facts by the MWCC (Tr. p. 28) (MWCC Ex. N). so amended p. 25

32. Proposed Rule 6 MCAR § 6.016 B.2. Accidental Discharges and § 6.016 B.3. Slug Discharges.

The requirement of §§ 6.016 B.2. and 6.016 B.3. that a written letter be sent to the Commission within three days after obtaining knowledge of an accidental or slug discharge drew comment at both the public hearing (Tr. pp. 57-58) and in the written comments (Public Exs. 1 and 10). It was urged that the letter to the Commission describing their prohibited discharge be required within five days (Public Ex. 10), or five working days (Public Ex. 1). The reasons for the recommended change are two-fold. First, the standard NPDES permit specifies five days for submitting a report on such discharges. Thus, the change to five days would achieve consistency between the proposed rules and the existing requirements.

The second and more practical reason for the suggested change is to allow more time to assemble the data requested and have the report written and typed. The problem would be especially acute if an accidental or slug discharge occurred on a Friday. As the rule is presently written, the report would be required to be sent out on Monday, since it does not specify three working days, but rather just three days. The Commission's position on this issue was that it had "no objection or strong feelings one way or the other". (Tr. p. 58)

The Hearing Examiner finds that the rule in its present form is needed and reasonable, but recommends that the rule be amended to allow three working days, five calendar days, or five working days for submission of the written report in order to meet the concerns noted above. so amended p. 28, 29

33. Proposed Rule 6 MCAR § 6.017 B.1. Criminal Penalties.

Section 6.017 B.1. provides for enforcement through misdemeanor penalties for certain described violations by dischargers. It provides that:

> Any person who willfully or negligently violates any provision of these rules or any provision or condition of any Permit issued by the Commission thereunder including discharging waste in violation of any Commission order, prohibition, discharge limitation, or Pretreatment Standard, or any person who continues such violation beyond the time limit provided for in the Chief Administrator's written notice of violation, shall be guilty of a misdemeanor. Each day in which any such violation continues shall be deemed a separate offense.

At the public hearing, the MWCC was asked whether the phrase "any such violation" in the second sentence of this section refers to willful or negligent violations or to violations "beyond the time limit provided for in the Chief Administrator's written notice of violation". The Commission's reponse was that it applied to both (Tr. p. 86). That response, however, does not clarify the inherent ambiguity in the proposed rule. The language of the rule is subject to several equally plausible interpretations because of the use of the phrase "such violation" in both sentences.

It may be that the phrase "such violation" in the first sentence refers to willful or negligent violations. It may also refer to any violation of the rules or of permit conditions irrespective of whether that violation is willful or negligent. Therefore, the first usage of "such violation" in clause two of sentence one may lead to one or two plausible constructions. First,

clause two may mean that any person who continues a willful or negligent violation beyond the time limit provided for in the written notice is guilty of a misdemeanor. Or, clause two may mean that any person who continues to violate the rules or a permit condition beyond the time limit provided for in the written notice is guilty of a misdemeanor.

Even greater vagueness problems arise by the use of the phrase "any such violation" in the second sentence of this section. We start with the premise that "any such violation" as used in the second sentence may refer either to clause one of the first sentence (willful or negligent violations) or to clause two of the first sentence (violations after written notice), or to both. Since the use of "such violation" in clause two of sentence one refers exclusively to the type of violation described in clause one of sentence one, it logically follows that the use of the term "any such violation" in sentence also refers exclusively to the type of violation described in clause one of sentence one, i.e. negligent or willful. However, the apparent intent of the Commission is that its use in the second sentence refers to both clauses of sentence one, i.e. negligent or willful violations and violations that occur after written notice.

A rule which defines a crime must meet the standards of definiteness applicable to statutory definitions of criminal offenses. State v. Courtney, 247 N.W.2d 714, 718 (Wis. 1976). The concept of vagueness rests on the constitutional principle that procedural due process requires fair notice and proper standards for adjudication. Id. Vague rules do not afford those who are subject to their reach a reasonable opportunity to know what conduct is prohibited. Furthermore, vague rules are unconstitutional because they permit or encourage arbitrary and discriminatory enforcement. See, 1 Davis, Administrative Law Treatise, § 3.9 at 181 (2d ed. 1978).

Based on the foregoing principles, the Hearing Examiner finds that § 6.017 B.1. of the proposed rules as written constitutes a failure of the Commission to comply with a substantive requirement of law, i.e. the Constitution. In addition, the discretion which the proposed rule gives to the Administrator constitutes a separate failure of the Commission to comply with a substantive provision of law, i.e. that the rule must be specific. In order to cure these defects, the rule must be redrafted with sufficient clarity to eliminate its vagueness.

redrafted p. 30

34. Proposed Rule 6 MCAR § 6.017 F. Termination of Service.

Section 6.017 F. gives the Chief Administrator discretionary power to "interrupt or terminate sewage service to a violator after informal notice and, if feasible, an opportunity to respond". Minn. Stat. § 473.515, subd. 3 (1978) authorizes the Commission to prohibit the discharge of harmful substances. In addition, 40 C.F.R. § 403.8(f)(1)(vi)(B) (proposed revision) requires the Commission to have the authority, after informal notice, to immediately and effectively halt or prevent any discharge of the pollutants referred to in § 6.017 F. The rule as proposed is needed and reasonable. However, the Hearing Examiner urges the MWCC to give consideration to the written comments of the City of St. Paul (Public Ex. 12), which recommends the inclusion in this section of the rights and administrative procedures available to a violator who is subject to this section.

no change p. 32

35. Proposed Rule 6 MCAR § 6.018 D. Variances.

Section 6.018 D. sets forth the procedures and standards to be applied in determining whether variances from compliance should be granted to waste dischargers. The Hearing Examiner recommends that the Commission give consideration to two written comments regarding this provision. The Metropolitan Inter-county Association suggested that the power to grant a variance should rest with the Commission board and not the Chief Administrator, since the granting of a variance is a policy decision and not an administrative decision (Public Ex. 9). changed P. 33

The Hearing Examiner finds this to be a sound recommendation.

In addition, the written comments urged that a public hearing process prior to the granting of a variance be established to aid in the MWCC's determination of whether a "feasible and prudent alternative" to noncompliance exists. (Public Exs. 9 and 12) This, too, is a sound recommendation.

The Hearing Examiner finds, however, that the proposed rule is needed and reasonable.

36. Proposed Rule 6 MCAR Appendix A, § J.

Appendix A, § J. deals with the signatory for industrial discharge permit application under the proposed rules. The MWCC proposed an amendment to this section at the hearing (MWCC Ex. M). The proposed amendment would place an asterisk by the "Name (Print)" and insert the following language immediately below as part of § J:

> For Federal Categorical Pretreatment Industries, the signatory must be an Authorized Representative. An Authorized Representative may be:
>
> 1. a principal executive officer of at least the level of vice president if the Permittee is a corporation;
>
> 2. a general partner or proprietor, if the Permittee is a partnership or sole proprietorship, respectively; or
>
> 3. a duly authorized representative of the individual designated in (1) or (2) above if such representative is responsible for overall operation of the facility.

The proposed amendment is required by federal law. See, 40 C.F.R. § 403.12(b) and 40 C.F.R. § 403.12(k). The Hearing Examiner finds that the proposed amendment is needed and reasonable (see, MWCC Ex. N).

37. Proposed Rule 6 MCAR Appendix A Industrial Permit Application.

The industrial discharge permit application form contained in Appendix A was the subject of many oral and written comments. Those comments need not be reiterated in this Report. It is enough to say that there was a split of opinion on the need and reasonableness of the amount of information requested by the Commission in the permit application. To summarize, some representatives of regulated industry argued that disclosure of manufacturing processes, production rates, raw materials used--to name only a few of the objectionable disclosures--would force the disclosure of trade secrets and other confidential information that is not necessary to carry out the waste discharge rules. (See, Public Exs. 7, 10, 11A) (Tr. pp. 62-73). The argument, in essence, is that such information is superfluous with respect to the determination by the MWCC whether an industrial user is in compliance or capable of compliance with the proposed rules.

The Commission's position, on the other hand, is that the requested information is not only required by federal regulations (see, 40 C.F.R. § 403.12(b)0), but is also necessary to assess a discharger's impact on the MDS (MWCC Written Comments, Ex. 1 at pp. 5-6). The Commission's position gains support from oral and written comments which suggest that the information requested in Appendix A is needed to form a basis for "proper management decisions" (Tr. p. 44; see also, Public Exs. 8 and 9). In addition, the Commission pointed out that it is bound by federal and state laws regarding whether certain information is obtained in the regulatory process is or is not confidential. In particular, it pointed to 40 C.F.R. § 403.14, which requires that all information provided by an industrial user be made available to the public unless it is demonstrated by the industrial user that the information, with the exception of the nature and frequency of a discharge, is entitled to protection as a "trade secret". Similarly, Minn. Stat. § 15.1673, subd. 1b (1980) provides that "trade secret information", as defined therein, is nonpublic data. The Hearing Examiner finds these federal and state provisions to be determinative of the "confidentiality" issue.

The proposed rule section that seemingly gave rise to the dispute over confidentiality is § 6.012 L., which requires that:

> Public access to information and data furnished to the Commission by Permittees shall be available to the public as provided by the Minnesota Government Data Practices Act, Minn. Stat. § 15.1611 to 15.1698 (1980), and 40 C.F.R. § 403.14 of the General Pretreatment Regulations.

However, both of the cited laws, as noted above, recognize and give protection to trade secrets. The Hearing Examiner has given due regard to the needs and desires of competitive industry to keep certain information from public disclosure. Balanced against that private interest is the public's interest, represented by the Commission in this matter, to regulate the discharge of industrial waste that might pose a threat to public health, the environment and the Metropolitan Disposal System. The EPA and the State Legislature have considered these interests and have struck the balance in favor of public disclosure, while at the same time providing protection for trade secrets. Viewed in this light, the Hearing Examiner finds the whole of Appendix A to be both needed and reasonable.

Based upon the foregoing Findings of Fact, the Hearing Examiner makes the following:

CONCLUSIONS

1. That the MWCC gave due, timely and legally adequate legal notice of the hearing.

2. That the MWCC has met the procedural requirements of Minn. Stat. § 15.0412, subds. 4 through 4f (Minn. Laws 1980, Ch. 615, § 6, subds. 4 through 4f); the procedural irregularities noted at Findings 4, 6, 7, and 8 are technical in nature, and no corrective action is needed in the absence of any evidence of prejudice to interested parties.

3. That the MWCC has demonstrated its statutory authority to adopt the proposed rules within the meaning of Minn. Stat. § 15.0412, subd. 4c (Minn. Laws 1980, Ch. 615, § 6, subd. 4c), and has complied with all other substantive requirements of law or rule, except as noted at Findings 16, 20 and 33, as discussed throughout this Report.

4. That the MWCC has demonstrated the need for and reasonableness of the proposed rules by an affirmative presentation of facts in the record within the meaning of Minn. Stat. § 15.0412, subd. 4c (Minn. Laws 1980, Ch. 615, § 6, subd. 4c).

5. That the additions to the proposed rules which were proposed after publication of the rules in the State Register are not substantially different than the rules as published in the State Register within the meaning of Minn. Stat. § 15.0412, subd. 4d (Minn. Laws 1980, Ch. 615, § 6, subd. 4d), except that the recommended amendment of the Hearing Examiner in Finding 16 would be considered a substantial change. see CHE 12/9/80

6. That the Hearing Examiner has suggested action to correct the defects mentioned in Conclusion 3, as noted at Findings 16, 20 and 33.

7. That due to Conclusions 3 and 6, this Report has been submitted to the Chief Hearing Examiner for his approval pursuant to Minn. Stat. § 15.0412, subd. 4d (Minn. Laws 1980, Ch. 615, § 6, subd. 4d).

8. That any Findings which might properly be termed Conclusions, and any Conclusions which might properly be termed Findings, are hereby adopted as such.

Based upon the foregoing Conclusions, the Hearing Examiner makes the following:

RECOMMENDATION

It is hereby recommended that the proposed rules be adopted consistent with the Findings of Fact and Conclusions made above.

Dated: November 26, 1980.

Phyllis A. Reha

PHYLLIS A. REHA
Hearing Examiner