



Minnesota Pollution Control Agency

STATE OF MINNESOTA

Minnesota Pollution Control Agency

MUNICIPAL DIVISION

PUBLIC NOTICE OF INTENT TO REISSUE

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)/
STATE DISPOSAL SYSTEM (SDS) PERMIT MN0021750

Public Comment Period Begins: Tuesday, November 3, 2009
Public Comment Period Ends: Thursday, December 3, 2009

Current Permit Issued: December 23, 2004
Current Permit Expiration Date: November 30, 2009

Name and Address of Permittee:

City of Brewster
P.O. Box 55
Brewster, Minnesota 56119-0055

Facility Name and Location:

Brewster Wastewater Treatment Facility
County Road 18
Section 30, T103N, R38W
Alba Township, Jackson County, Minnesota

Receiving Water: Okabena Creek (Class 2C, 3C, 4A, 4B, 5, 6 water) to Division Creek (Class 2B, 3B, 4A, 4B, 5, 6 water) to North Heron Lake (Class 2B, 3B, 4A, 4B, 5, 6 water)

Description of Permitted Facility:

The Brewster Wastewater Treatment Facility (Facility) is located at the NW¹/₄ of the SW¹/₄ of Section 30, Township 103 North, Range 38 West, Alba Township, Jackson County, Minnesota.

The application and plans indicate that the existing Facility consists of two stabilization pond systems designed to operate in parallel. There is a three-cell stabilization pond system consisting of approximately 4,500 feet of six-inch force main, two primary ponds with surface areas of 4.58 acres and 4.42 acres measured at the 3.5 foot mean operating depth, a secondary pond with a surface area of 3.52 acres measured at the 3.5 foot mean operating depth, a 320-foot outfall pipe, and 875 feet of grass-lined outfall channel. The second stabilization pond system consists of one primary stabilization pond and one secondary stabilization pond, each with a surface area of 8.74 acres measured at the four-foot mean operating depth. The raw wastewater flow is split between the two pond systems in proportion to their respective volumes. This is a Class C facility.

The Facility has a controlled discharge (SD001) to a grass-lined channel to Okabena Creek (Class 2C, 3B, 3C, 4A, 4B, 5, 6 water), thence 22 miles to Division Creek (Class 2B, 3B, 4A, 4B, 5, 6 water), thence 2.3 miles to Heron Lake. It is designed to treat a five-day carbonaceous biochemical oxygen demand (CBOD₅) strength of 180 milligrams per liter, an average wet weather design flow of 0.191 million gallons per day (mgd), and provides a minimum of 180 days of storage at design flow.

In order to lower groundwater in the vicinity of the two-cell stabilization pond system, a drain tile line was

installed. The permit includes monitoring of the drain tile (SD002) at the outfall point of the tile line.

The Facility is further described in plans and specifications on file with the MPCA by the firm of DeWild Grant Reckert & Associates of Rock Rapids, Iowa.

The January 1, 1988, calculated design average wet weather flow for this Facility is 0.072 mgd. In accordance with MPCA rules regarding nondegradation for all waters, the design average wet weather flow of the Facility as of January 1, 1988, and associated mass loading are the baseline design flow and mass loading. This baseline flow and mass loading will be used to determine whether nondegradation review is required for any change in the discharge. Any change that results in an increase in design flow greater than 0.2 mgd and an increased loading of one or more pollutants, or any change in a discharge containing a toxic pollutant that results in a mass loading rate likely to increase the concentration of the toxicant in the receiving water by greater than one percent over the baseline quality, is subject to nondegradation review in accordance with Minn. R. 7050.0185.

The MPCA is in the process of developing a watershed-wide permit to address the excess nutrient impairment for the West Fork Des Moines River Watershed TMDL. In addition to the limits and requirements set forth in this individual permit (MN0021750), the City will also be required, upon issuance of the watershed permit, to comply with the conditions established within that permit.

The location of the Facility is shown on the map on page 4.

Preliminary Determination on the Draft Permit:

The MPCA Commissioner has made a preliminary determination to reissue this NPDES/SDS permit for a term of approximately five years.

A draft permit is available for review at the MPCA Marshall, Willmar, and St. Paul offices and on-line at <http://www.pca.state.mn.us/news/data/index.cfm?PN=1>.

A copy of the draft permit will be mailed to you if the MPCA receives your written or oral request at any of these offices. If you have questions about this draft permit or the Commissioner's preliminary determination, please contact Ashley Kleven at 507-476-4264.

Written Comments:

You may submit written comments on the conditions of the draft permit or on the Commissioner's preliminary determination.

Written comments must include the following:

1. A statement of your interest in the permit application or the draft permit.
2. A statement of the action you wish the MPCA to take, including specific references to sections of the draft permit that you believe should be changed.
3. The reasons supporting your position, stated with sufficient specificity as to allow the Commissioner to investigate the merits of your position.

Petition for Public Informational Meeting:

You also may request that the MPCA Commissioner hold a public informational meeting. A public informational meeting is an informal meeting that the MPCA may hold to solicit public comment and statements on matters before the MPCA, and to help clarify and resolve issues.

A petition requesting a public informational meeting must include the following information:

1. A statement identifying the matter of concern.
2. The information required under items 1 through 3 of “Written Comments,” identified above.
3. A statement of the reasons the MPCA should hold a public informational meeting.
4. The issues that you would like the MPCA to address at the public informational meeting.

Petition for Contested Case Hearing:

You also may submit a petition for a contested case hearing. A contested case hearing is a formal evidentiary hearing before an administrative law judge. In accordance with Minn. R. 7000.1900, the MPCA will grant a petition to hold a contested case hearing if it finds that: (1) there is a material issue of fact in dispute concerning the application or draft permit; (2) the MPCA has the jurisdiction to make a determination on the disputed material issue of fact; and (3) there is a reasonable basis underlying the disputed material issue of fact or facts such that the holding of the contested case hearing would allow the introduction of information that would aid the MPCA in resolving the disputed facts in making a final decision on the draft permit. A material issue of fact means a fact question, as distinguished from a policy question, whose resolution could have a direct bearing on a final MPCA decision.

A petition for a contested case hearing must include the following information:

1. A statement of reasons or proposed findings supporting the MPCA decision to hold a contested case hearing according to the criteria in Minn. R. 7000.1900, as discussed above.
2. A statement of the issues proposed to be addressed by a contested case hearing and the specific relief requested or resolution of the matter.

In addition and to the extent known, a petition for a contested case hearing should also include the following information:

1. A proposed list of prospective witnesses to be called, including experts, with a brief description of proposed testimony or summary of evidence to be presented at a contested case hearing.
2. A proposed list of publications, references, or studies to be introduced and relied upon at a contested case hearing.
3. An estimate of time required for you to present the matter at a contested case hearing.

MPCA Decision:

You may submit a petition to the Commissioner requesting that the MPCA Citizens’ Board (Board) consider the permit issuance. To be considered timely, the petition must be received by the MPCA by 4:30 p.m. on the date the public comment period ends, identified on page 1 of this notice. Under the provisions of Minn. Stat. § 116.02, subd. 6(4), the decision whether to issue the permit and, if so, under what terms will be presented to the Board for decision if: (1) the Commissioner grants the petition requesting the matter be presented to the Board; (2) one or more Board members request to hear the matter before the time the Commissioner makes a final decision on the permit; or (3) a timely request for a contested case hearing is pending. You may participate in the activities of the Board as provided in Minn. R. 7000.0650.

The written comments, requests, and petitions submitted on or before the last day of the public comment period will be considered in the final decision on this permit. If the MPCA does not receive written comments, requests, or petitions during the public comment period, MPCA staff as authorized by the

Board, will make the final decision on the draft permit.
Comments, petitions, and/or requests must be submitted in writing on or before the end date of the public comment period identified on page 1 of this notice to:

Ashley Kleven
Minnesota Pollution Control Agency
1420 East College Drive, Suite 900
Marshall, Minnesota 56258.

Location of Permitted Facility:

MN0021750, Brewster Wastewater Treatment Facility
T103N, R38W, Section 30
Alba Township, Jackson County, Minnesota

