



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 MN0050288

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

Current Permit Issued: November 30, 2004
Current Permit Expiration Date: October 31, 2009

Name and Address of Permittee:

City of Okabena
P.O. Box 8
Okabena, Minnesota 56161-0008

Facility Name and Location:

Okabena Wastewater Treatment Facility
Honeysuckle Lane
Section 7, T103N, R37W
West Heron Lake Township, Jackson County, Minnesota

Receiving Water: Okabena Creek (Class 2C , 3C, 4A, 4B, 5, 6 water)

Description of Permitted Facility:

The Okabena Wastewater Treatment Facility (Facility) is located at the SW¹/₄ of Section 7, Township 103 North, Range 37 West, West Heron Lake Township, Jackson County, Minnesota.

The existing Facility consists of a three-cell stabilization pond system. The system consists of approximately 2,460 feet of six-inch force main, two primary pond cells, each with surface areas of 1.44 acres at mean operation depth, a secondary pond cell with a surface area of 1.5 acres at mean operating depth, and a 280-foot 12-inch outfall pipe.

The Facility has a controlled discharge (SD001) to Okabena Creek. It is designed for an average annual design flow of 31,100 gallons per day (gpd) and a five-day carbonaceous biochemical oxygen demand (CBOD₅) strength of 213 milligrams per liter. The system provides 180 days of storage at design flow.

The Facility is further described in plans and specifications by the firm of Rieke Carroll Muller Associates, Inc., on file with the MPCA.

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 (MN0050288), the City will also be required, upon issuance of the watershed permit, to comply with the conditions established with in 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, or 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.

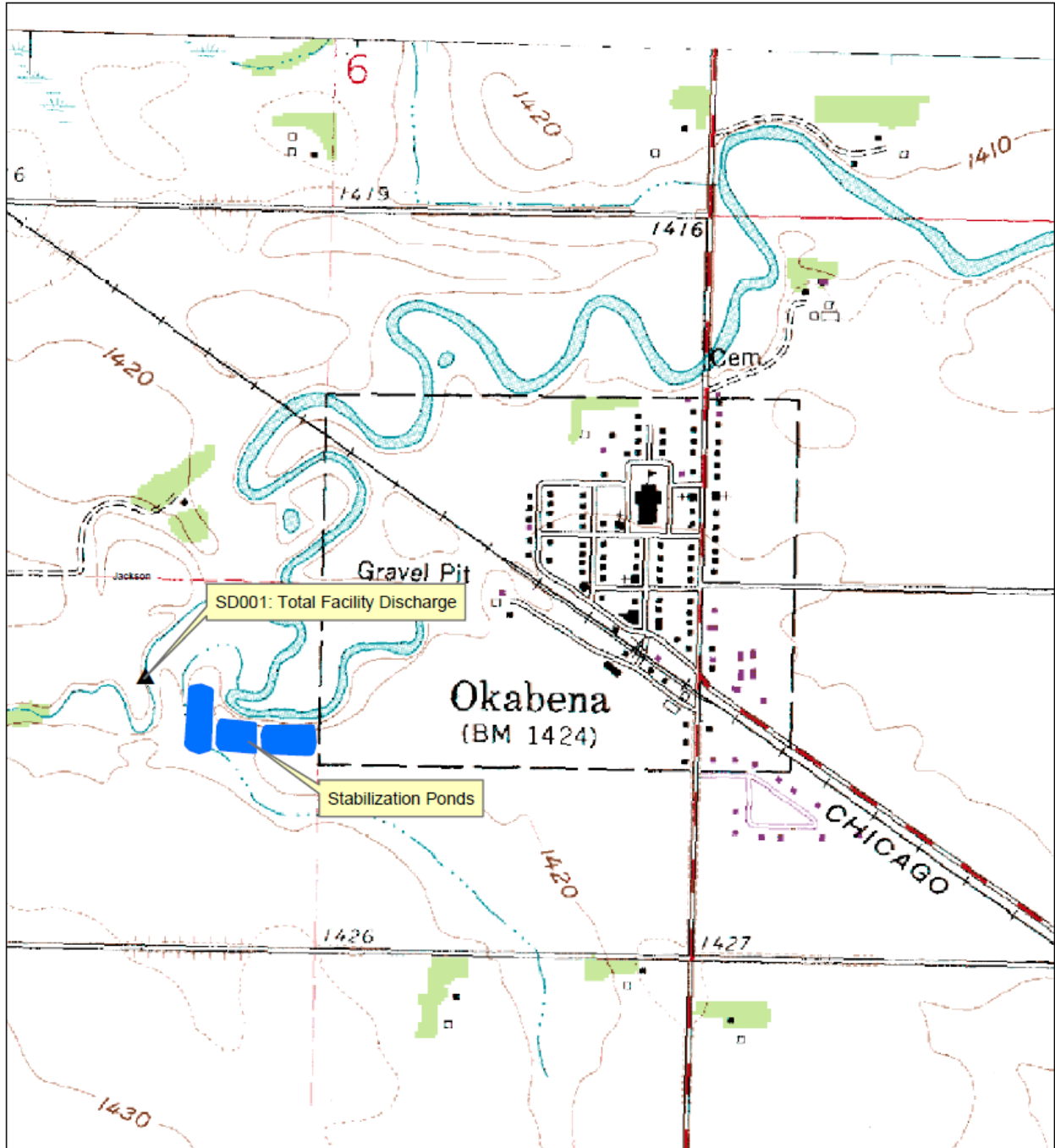
The written comments, requests, and petitions submitted on or before the last day of the public comment period will be considered in the final decision on this permit. If the MPCA does not receive written comments, requests, or petitions during the public comment period, MPCA staff as authorized by the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

MN0050288, Okabena Wastewater Treatment Facility
T103N, R37W, Section 7
West Heron Lake Township, Jackson County, Minnesota



Map produced by: MPCA Staff, 10/01/2009
Source: USGS Quads
Scale: 1:10,591

