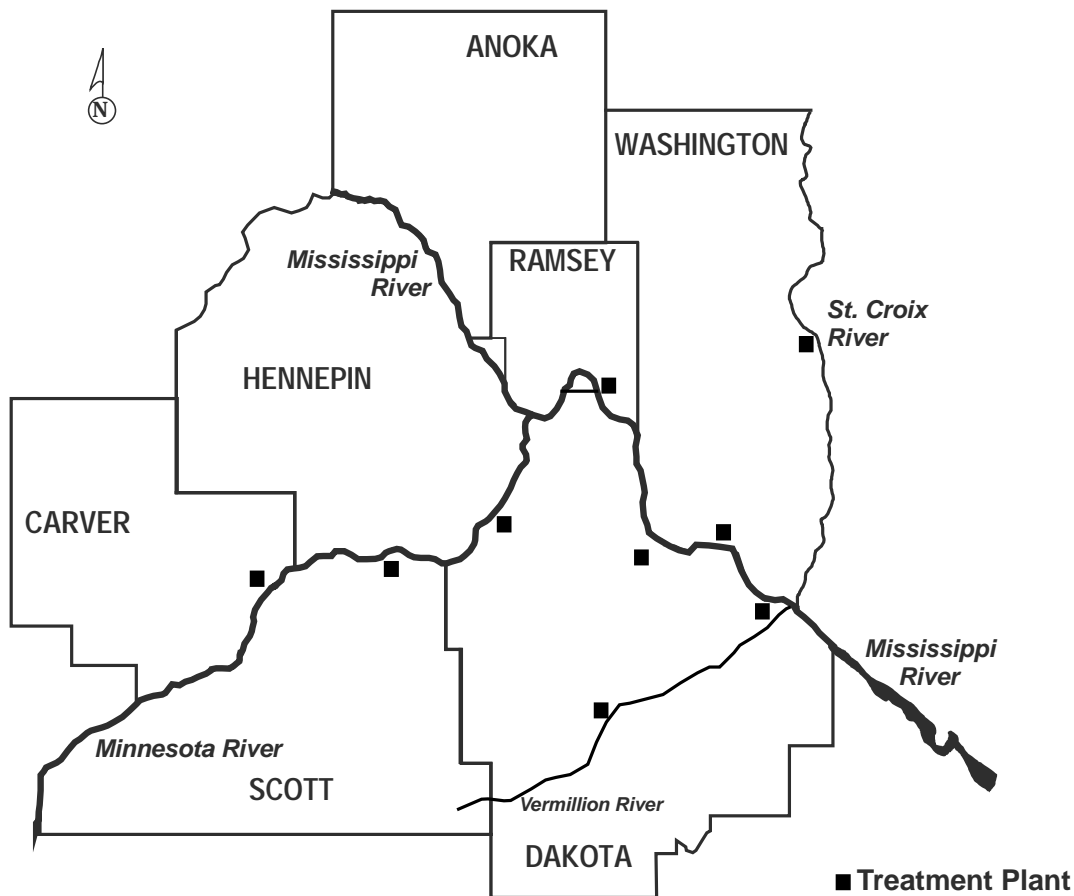


Waste Discharge Rules *for the* Metropolitan Disposal System



Metropolitan Council Environmental Services

Mears Park Centre / 230 East Fifth Street / St. Paul, Minnesota 55101

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Article I

General

101.00 Policy

The Metropolitan Council designs, constructs, and operates the Metropolitan Disposal System, a publicly owned system of interceptors and treatment works, for the conveyance, treatment and disposal of domestic waste, industrial waste and other waste from residential, commercial, institutional and industrial users in the metropolitan area. To achieve efficient and effective use of the Metropolitan Council's facilities, the Metropolitan Council shall regulate the quantity and quality of waste discharges into public sewers. Further, the Metropolitan Council shall implement applicable provisions of Code of Federal Regulations, title 40, chapter I, subchapter N, and shall enforce national pretreatment standards and requirements. The Metropolitan Council shall, therefore, maintain a program to regulate use of the MDS, enforce applicable standards and requirements, and charge for services and activities necessary to carry out its obligations under federal and state law.

102.00 Authority

These rules are adopted by the Council Board pursuant to Minnesota Statutes, chapter 473, including sections 473.504, subdivision 4, 473.511, subdivision 2, 473.515 and 473.5155, 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.

103.00 Purpose

These rules are intended:

- A. to carry out the comprehensive plan for the Metropolitan Disposal System, pursuant to the Metropolitan Council's Metropolitan Development Guide: Water Resources Management Policy Plan, as amended;
- B. to comply with provisions of the Federal Clean Water Act, title 33, United States Code, section 1251 et seq., as amended;

- C. to implement, comply with, and enforce pretreatment program requirements under Code of Federal Regulations, title 40, chapter I, subchapter N;
- D. to comply with federal (EPA) and state (Minnesota Pollution Control Agency) rules and regulations in order to maintain eligibility for federal and state grants and loans for construction of treatment facilities;
- E. to enable each Metropolitan Council treatment plant to meet NPDES/SDS and other permit requirements and, therefore, prevent and abate pollution;
- F. to prevent the introduction of pollutants into public sewers that could cause interference with the operation of public sewers and Metropolitan Council treatment plants, including interference with residual solids use and disposal;
- G. to prevent the introduction of pollutants into the MDS that could pass through the treatment works or otherwise be incompatible with such works;
- H. to enhance opportunities to recycle and/or reclaim municipal and industrial wastewater, residual solids and pretreatment solids; and
- I. to reduce the introduction of pollutants into public sewers and thereby prevent detrimental environmental effects.

104.00 Definitions

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

- 104.01 “Act”**- Effective portions of the Federal Water Pollution Control Act, as amended, commonly referred to as the Clean Water Act, United States Code, title 33, sections 1251, et. seq.
- 104.02 “CFR”** - The Code of Federal Regulations, which is the codification of general and permanent rules of departments and agencies of the federal government.
- 104.03 “Chemical Oxygen Demand” or “COD”**- A measure of the oxygen equivalent of that portion of organic matter that is susceptible to oxidation by a strong chemical oxidant, using EPA approved laboratory procedures.
- 104.04 “Council Board”**- The seventeen-member governing board of the Metropolitan Council that is responsible for setting policy for the Metropolitan Council.

- 104.05 “Domestic Waste”** - Wastes from residential users and from the sanitary conveniences of multiple dwellings, commercial buildings, institutions, and industrial facilities.
- 104.06 “EPA”** - The United States Environmental Protection Agency.
- 104.07 “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 in 40 CFR part 403.
- 104.08 “Industrial Discharge Permit” or “Permit”** - A permit issued by the Metropolitan Council to an industrial user to use the Metropolitan Disposal System, as established by Article II, except as referred to in Sections 103.00, 104.11, 104.19, 104.23, 301.01 and 401.05.
- 104.09 “Industrial User”** - Any person who discharges industrial waste into public sewers.
- 104.10 “Industrial Waste”** - Any solid, liquid or gaseous wastes, excluding domestic waste, resulting from any industrial, manufacturing, commercial, institutional or business activity, or from the development, recovery, or processing of a natural resource. Any waste that is transported by a liquid waste hauler and disposed into public sewers is industrial waste. Any leachate or contaminated groundwater disposed into public sewers is industrial waste.
- 104.11 “Interference”** - A discharge to a public sewer that, alone or in conjunction with a discharge or discharges from other sources, both:
- A. causes operational problems in public sewers or inhibits or disrupts any Metropolitan Council treatment plant, its treatment processes or operations, or its residual solids use or disposal; and
 - B. causes a violation of a plant’s NPDES/SDS permit, including an increase in the magnitude or duration of a violation, or the prevention of residual solids or incinerator ash use or disposal in compliance with applicable statutory provisions, regulations, or permits issued under federal, state, or local authority.
- 104.12 “Leachate”** - Wastewater resulting from the percolation of rain water and/or internal liquids through the deposited material in a solid waste disposal facility.
- 104.13 “Liquid Waste Hauler”** - An industrial user who transports waste for the purpose of discharge into public sewers.

- 104.14 “Load Charge”** - A treatment charge assessed by the Metropolitan Council to liquid waste haulers based on waste volume and chemical oxygen demand and/or total suspended solids levels exceeding base concentrations, and other parameters designated by the Council Board.
- 104.15 “May”** - Indicates permissive, subject to the Regional Administrator’s discretion.
- 104.16 “Metropolitan Area”** - The area in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington, as defined in Minnesota Statutes, section 473.121, subdivision 2.
- 104.17 “Metropolitan Council”** - The regional planning, coordinating and operating body established pursuant to Minnesota Statutes, section 473.123, subdivision 1, as a public corporation and political subdivision of the State of Minnesota, with jurisdiction in the metropolitan area.
- 104.18 “Metropolitan Disposal System” or “MDS”** - Any or all of the interceptors, lift stations, meter stations, and treatment works owned and operated by the Metropolitan Council.
- 104.19 “NPDES/SDS Permit”** - A discharge permit issued pursuant to the National Pollutant Discharge Elimination System and the State Disposal System under Minnesota Rules, part 7001.
- 104.20 “Noncontact Cooling Water”** - Water used for cooling purposes that does not contact raw materials, work pieces or a finished product. Noncontact cooling water discharged to public sewers is industrial waste.
- 104.21 “Operating Day”** - The specific time period(s) when industrial waste is discharged into public sewers during a continuous 24 hour period.
- 104.22 “pH”** - A measure of the acidity or basicity of a waste. It is defined as the negative logarithm of the hydrogen ion concentration in moles per liter.
- 104.23 “Pass-through”** - A discharge of sewered pollutants that flows from a Metropolitan Council treatment plant into waters of the United States in quantities or concentrations that, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the plant’s NPDES/SDS permit, including an increase in the magnitude or duration of a violation.
- 104.24 “Permittee”** - An industrial user authorized to discharge industrial waste into public sewers pursuant to an industrial discharge permit.

- 104.25 “Person”** - Any individual, partnership, association, corporation, public agency, and any other organization or group of individuals, public or private.
- 104.26 “Pretreatment”** - The use of physical, chemical, biological or other methods to equalize, reduce, eliminate and/or alter the nature of pollutant properties and/or quantity of pollutants in wastewater prior to or in lieu of discharge into public sewers.
- 104.27 “Pretreatment Solids”** - Any materials that are formed, concentrated, or removed by pretreatment performed by any person.
- 104.28 “Public Sewers”** - The Metropolitan Disposal System and all sanitary and combined sewers that are tributary to the Metropolitan Disposal System.
- 104.29 “Regional Administrator”** - The Regional Administrator of the Metropolitan Council, or a duly authorized representative.
- 104.30 “Residual Solids”** - The solids and associated liquids removed from wastewater by a municipal wastewater treatment plant, and ash resulting from the incineration of such solids.
- 104.31 “Rules”** - The Waste Discharge Rules for the Metropolitan Disposal System contained in this document.
- 104.32 “Shall”** - Mandatory.
- 104.33 “Significant Industrial User” or “SIU”** - Any industrial user: who is subject to federal categorical standards; or whose average discharge to public sewers of industrial waste, excluding noncontact cooling water and boiler blowdown wastewater, is greater than 25,000 gallons per day; or whose average discharge makes up 5% or more of the average dry weather flow or loading, for any parameter, of the receiving Metropolitan Council treatment plant; or whose discharge the Regional Administrator determines has a reasonable potential to adversely affect public sewers.
- 104.34 “Slug”** - Any waste discharge into public sewers which, in concentration of any given constituent, except pH, or in quantity of flow, exceeds four times the average concentration or flow rate for a normal operating day.
- 104.35 “Strength Charge”** - A treatment charge assessed by the Metropolitan Council to industrial users based on wastewater volume and chemical oxygen demand and/or total suspended solids levels exceeding base concentrations, and other parameters designated by the Council Board.

104.36 “Total Suspended Solids” or “TSS” - The residue material from a wastewater sample after filtration, using EPA approved laboratory procedures.

Article II

Industrial Discharge Permit

201.00 Permit Requirement

Industrial users discharging wastewater into public sewers shall apply for an industrial discharge permit in accordance with these rules unless the Regional Administrator determines that the wastewater has an insignificant impact on public sewers. No industrial user requiring a permit shall discharge into public sewers until the industrial user has been issued a permit. Issuance of an industrial discharge permit shall not relieve the industrial user from any obligation to obtain any hazardous waste license required by other authorities or to comply with any other local, state, or federal requirements regarding waste disposal.

202.00 Permit Application

All affected industrial users shall complete and file with the Metropolitan Council a permit application, using a form provided by the Regional Administrator, at least 90 calendar days prior to proposed initiation of industrial waste discharge. The permit application may require a person to disclose the following information:

- A. general facility data;
- B. operational data;
- C. production data;
- D. source and volume of water supply;
- E. total facility wastewater characteristics;
- F. industrial waste characteristics;
- G. analytical data of wastewater;
- H. process descriptions;
- I. pretreatment description;
- J. facility diagrams;
- K. liquid waste hauler data;
- L. other information as requested; and
- M. certification of information.

Each affected industrial user is solely responsible for submitting a completed permit application.

203.00 Incomplete or Deficient Application

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

204.00 Issuance of Industrial Discharge Permit

Within 90 calendar days, after receipt of a completed permit application from an industrial user, the Regional Administrator shall, upon a determination that the applicant is capable of compliance with permit conditions and these rules, issue an industrial discharge permit subject to applicable terms and conditions; or deny the request for a permit and state the reasons for denial. Industrial discharge permit duration shall be established by the Regional Administrator. Permits shall be issued in one of the following forms:

- A. a standard permit, with requirements for a specific facility, will be issued to an industrial user with a direct discharge connection to a public sewer. A standard permit will be issued to each significant industrial user, and other industrial users determined by the Regional Administrator;
- B. a general permit, with requirements applicable to a specific industry group, will be issued to an industrial user discharging to public sewers when the Regional Administrator has determined that a standard permit is not applicable, and that the industrial user's activity is within such industry group. A general permit may be issued if the Regional Administrator finds that there are several industrial users within a specific industry group that have similar operations, wastewater discharges, opportunities for pollution prevention and other factors such that uniform requirements are appropriate;
- C. a liquid waste hauler permit will be issued to an industrial user who transports and discharges industrial waste to public sewers; and
- D. a special discharge permit will be issued to an industrial user who discharges leachate, groundwater or other waste to public sewers, for which other permit forms are not applicable.

205.00 Permit Conditions

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

- A. payment of permit fees;
- B. payment of strength charge as required by the Metropolitan Council's strength charge system, Section 302.00;
- C. payment of load charge as required for liquid waste haulers, Section 303.02;
- D. payment of strength charge, load charge, add-on service charge or volume charge for special discharge permittees as required by Sections 302.00, 303.02 and 304.04;
- E. the maximum allowable wastewater constituents and characteristics, either in terms of concentrations, mass limitations, or other appropriate limits;
- F. requirements for installation, operation, and maintenance of metering devices, monitoring points and sampling equipment;
- G. pretreatment requirements;
- H. requirements for implementing pollution prevention or other best management practices;
- I. requirements for submitting a toxic organic management plan;
- J. self-monitoring requirements, which include sampling locations, frequency and method of sampling, and number and type of tests;
- K. requirements for submittal of self-monitoring and other necessary reports;
- L. requirements for access to the permittee's premises and records under Section 214.00;
- M. requirements for reporting production data applicable to mass based pretreatment standards;
- N. requirements for plan submittal and record keeping for the prevention and control of accidental or prohibited slug discharges under Sections 410.00 and 411.00;
- O. compliance schedules;

- P. requirements for notification to the Regional Administrator of changes in the volume or characteristics of industrial waste discharged into public sewers;
- Q. requirements for notification of slug, accidental and/or pretreatment bypass discharges;
- R. violation notification and resampling requirements pursuant to 40 CFR 403.12(g)(2);
- S. requirements designating the location, time, and volume for discharges into public sewers; and
- T. requirements related to MDS reserve capacity charges.

206.00 Permit Modification, Suspension, and Revocation

An industrial discharge permit may be modified, suspended, or revoked, in whole or in part, by the Regional Administrator during its term for any of the following causes:

- 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 Metropolitan Council treatment plant operations or the operation of public sewers which results in the permittee's discharge having a significantly different impact;
- F. a change in the permittee's industrial waste volume or characteristics;
- G. a determination by the Regional Administrator that the permittee's discharge appears to present an imminent endangerment to the health or welfare of persons, presents an endangerment to the environment, or threatens interference with the operation of public sewers;
- H. a change in the permittee's designated monitoring point or monitoring parameters;
- I. newly adopted or amended federal pretreatment standards or requirements; or
- J. a change in the Metropolitan Council's NPDES Permit requirements.

207.00 Time Schedule for Compliance

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

208.00 Permit Reissuance

Permittees intending to discharge industrial waste beyond a permit expiration date shall apply for permit reissuance at least 60 calendar days before the permit's expiration date by filing with the Metropolitan Council a permit reissuance application, using a form provided by the Regional Administrator. The reissuance application may require a person to disclose the following information:

- A. general facility data;
- B. operational data;
- C. production data;
- D. drawings of existing wastewater pretreatment systems;
- E. expected changes in operation, discharge, or pretreatment;
- F. facility and operational schematics;
- G. batch discharge data;
- H. other relevant information; and
- I. certification of information.

Following receipt of the permit reissuance application, the Regional Administrator, upon a determination that the permittee has been in compliance with the expiring permit, including the payment of fees and charges effective or incurred, and is capable of complying with a reissued permit, shall reissue an industrial discharge permit containing applicable terms and conditions; or deny the request for permit reissuance and state the reasons for denial.

209.00 Continuation of Expired Permit

A permittee may continue a permitted activity beyond the expiration date of the permit issued for such activity, until the effective date of a reissued permit, provided that:

- A. the permittee has submitted a timely and complete application for reissuance of the permit;
- B. the permittee is in compliance with the terms and conditions of the expired permit; and

- C. the Regional Administrator, through no fault of the permittee, has not taken final action on the application on or before the expiration date of the permit.

210.00 Permit Fees

All permittees shall be subject to permit fees established by the Council Board.

Permit fees shall be paid within 30 calendar days of demand. Permit fees not paid within 30 calendar days of demand may be subject to a one and one-half percent interest charge per month.

211.00 Permit Transfer

Industrial discharge permits shall be issued to specific industrial users at specific locations, except in the case of liquid waste haulers. An industrial discharge permit shall not be assigned or transferred to a new owner without the written approval of the Regional Administrator. Any relocation of a permitted industrial facility shall require the issuance of a new permit under Sections 201.00 and 202.00.

In the event of a change in the person owning the facility for which there is an industrial discharge permit, the prior owner shall notify the Metropolitan Council of the change in ownership and the succeeding owner of the provisions of the existing permit and these rules prior to the date of ownership transfer.

The prior owner is responsible for all requirements of the permit, including submittal of monitoring reports, compliance with specific conditions, and payment of fees and charges effective or incurred up to the date of ownership transfer. These payments include, but are not limited to, permit fees, strength and load charges, and add-on service charges, as applicable.

The new owner, prior to the date of ownership transfer, shall submit to the Metropolitan Council, as determined by the Regional Administrator, either a new permit application, as described in Section 202.00, or a permit assign and transfer form agreeing to be bound by the terms and conditions of the existing permit. The Regional Administrator, upon a determination that the prior owner has been in compliance with the permit, including the payment of fees and charges effective or incurred through the date of ownership transfer, and that the new owner is capable of complying with the permit, shall either issue a new permit or transfer the existing permit; or deny the request and state the reasons for denial.

212.00 Monitoring Requirements

Permittees, and non-permitted industrial users specified by the Regional Administrator, shall monitor industrial waste discharges into public sewers. Such monitoring shall accurately characterize the discharge and shall be performed in accordance with all applicable provisions of these rules and any permit issued under these rules.

212.01 Monitoring Point. Each permittee shall have an approved monitoring point provided at the permittee's expense. Liquid waste haulers and specific industrial users may be exempted by permit from portions of this section. An approved monitoring point shall meet the following criteria:

- A. the wastewater flow is visible and accessible for inspection and monitoring purposes;
- B. adequate safeguards are in place to protect Metropolitan Council personnel from accident or injury;
- C. the wastewater flow has appropriate velocity and is well mixed to yield representative samples;
- D. the wastewater flow at the monitoring point conveys all of the permittee's industrial waste;
- E. the monitoring point is large enough or space is provided nearby to allow for monitoring equipment placement; and
- F. the total wastewater flow of the permitted facility, if exceeding 25,000 gallons per day, can be measured using an open channel or other acceptable measuring device.

The Regional Administrator may allow multiple monitoring points provided that each point meets criteria A, B, C, E and F of this section.

All permittees shall have an approved monitoring point. Design plans for constructing a monitoring point shall be submitted to the Regional Administrator for approval 60 calendar days prior to any construction necessary to meet the criteria specified in this section. All new installations shall be in accordance with provisions of the Minnesota Plumbing Code, Minnesota Rules, chapter 4715.

Each permittee is responsible for all maintenance on the approved monitoring point, including routine cleaning.

212.02 Inspection Maintenance Hole. The Regional Administrator may require the installation of an inspection maintenance hole (manhole), in the event of any construction, replacement or modification of a permittee's sewer connection(s). Permittees shall provide notice to the Regional Administrator prior to any such replacement or modification. The inspection maintenance hole shall be of standard size and shape, and be located on the private sewer line between the facility and the public sewer. If feasible, the inspection maintenance hole shall convey the total facility wastewater discharge. The inspection maintenance hole may serve as a permittee's monitoring point provided all provisions of Section 212.01 are met.

212.03 Representative Sampling. Representative samples shall be collected by permittees at an approved monitoring point. Sampling shall be conducted on a normal operating day and in accordance with standard monitoring techniques described in Section 213.00. The samples shall accurately characterize the discharge, taking into account batch discharges, daily production variations, downtime, cleanup and other operating conditions. Each permittee shall accurately determine wastewater flow volumes during periods of sample collection. Sample compositing shall be flow proportional unless specified otherwise by the Regional Administrator.

212.04 Volume Determination. Wastewater volumes discharged by permittees to public sewers shall be determined during sampling periods using metered water supply or wastewater flow measuring devices or both.

Use of water meters for sampling period wastewater volume determinations shall comply with requirements of Section 215.00. When hourly water meter volumes do not correlate with monitoring point hourly wastewater volumes, hourly wastewater volume measurements at the monitoring point may be required. The installation and operation of flow measuring devices shall be in accordance with requirements and methods in Sections 213.00 and 215.00.

212.05 Monitoring Requirements for Non-permitted Industrial Users. Representative sampling and volume determination requirements, applicable for permit applicants and other persons utilizing public sewers for the disposal of industrial waste, shall be determined by the Regional Administrator. Such requirements shall conform to Sections 212.01 to 212.04 whenever feasible.

213.00 Monitoring Techniques

This section describes monitoring methods to be used by industrial users and contracted monitoring services and/or commercial analytical laboratories who collect and/or analyze wastewater samples to fulfill requirements of these rules or any permit issued under these

rules. Monitoring methods specified in this section include sample collection, preservation, handling, analysis, and flow measurement.

213.01 Grab and Composite Samples. Samples shall be collected as specified in the permit or as determined by the Regional Administrator. Grab and/or composite samples may be required.

- A. A series of at least four grab samples is required when analyzing wastewater for pH, grease and oil, total phenols, and sulfides. Samples for cyanide and volatile organics may be collected by the grab sampling procedure described above or by an automatic sampler, using acceptable techniques. For other parameters, grab samples may be required when the wastewater flow is not continuous or when necessary to determine the instantaneous wastewater characteristics. Grab samples can be taken manually or automatically. Appropriate containers shall be used when collecting grab samples.
- B. Composite samples are formed by combining discrete samples collected either manually or by an automatic sampler. Each discrete sample shall have a minimum volume of at least 100 milliliters. Discrete samples can be composited using any of the following methods:
 - (1) equal time intervals and equal volume samples;
 - (2) equal time intervals and unequal volume samples; or
 - (3) unequal time intervals and equal volume samples.

When an equal time interval method is used, the maximum sampling interval shall be 30 minutes. The composite sample volume shall be well mixed before subsampling.

213.02 Required Sampling Methods. Samples shall be collected in a well-mixed region of the wastewater. In order to avoid collecting nonrepresentative amounts of sediment or floating material, the intake of the sampling device shall be placed appropriately. When using an automatic sampler, the intake line velocity shall be sufficient to ensure representative sampling of suspended solids. The minimum intake velocity should be two feet per second. The minimum automatic sampler intake line inside diameter shall be one-fourth inch. When feasible, the automatic sampler intake shall be downstream of any primary flow device.

213.03 Sample Handling Procedures. All samples shall be contained, preserved and held in accordance with 40 CFR part 136. The sample temperature shall be maintained at 4 degrees Celsius, if necessary, from the time of collection until sample analysis is performed. When applicable, additional preservation shall be performed upon sample collection.

213.04 Wastewater Flow Measuring. The following requirements apply to the selection and installation of wastewater flow measuring devices:

- A. Flow measuring devices including, but not limited to, weirs, flumes, area-velocity sensors and closed-pipe flow meters, shall be installed such that proper hydraulic conditions exist. Factors used to determine the type, size and location of a flow measuring device include:
 - (1) flow rate and velocity;
 - (2) pipe configuration and slope;
 - (3) turbulence;
 - (4) presence of nearby tributary flows;
 - (5) solids concentration; and
 - (6) other factors.
- B. All flow measuring devices shall be properly installed and, where applicable, properly leveled and sealed.
- C. When a weir or a flume is utilized, the flow level sensing device shall be installed at a proper distance upstream of the primary flow device and in a location where excessive turbulence is not created.

214.00 Access to Premises and Records

The Regional Administrator shall have the right to enter the premises of any industrial user to determine compliance with these rules and any permit issued under these rules. The industrial user shall allow the Regional Administrator to enter the premises during normal operating hours to inspect the facility, pretreatment systems, pretreatment solids disposal methods, or monitoring methods without prior notice. The Regional Administrator shall also have the right to install on the industrial user's premises necessary devices to conduct sampling, inspection, compliance monitoring, and/or wastewater flow measuring without prior notice.

No person shall tamper with or render inaccurate any device installed by the Regional Administrator for wastewater monitoring purposes.

In the event of emergency conditions in public sewers or where the Regional Administrator has reasonable cause to believe that an industrial user is evading or attempting to evade detection of violations, the Regional Administrator may enter the premises at any time without any notice.

Waste disposal records of a permittee shall be retained by the permittee for a period of not less than three years. Such records include self-monitoring reports, all charts and records resulting from flow and pH measuring, water supply and wastewater volume records, laboratory data sheets, pretreatment maintenance records, spill reports, records of batch discharges, pretreatment solids disposal records, hazardous waste manifests and disclosure forms, any

additional records required by the permit and all records required by 40 CFR 403.12(o). Further, quality control and quality assurance documentation for wastewater monitoring and sample analysis, and chain of custody records, if applicable, shall be retained for not less than three years by the permittee or the contracted monitoring service and/or commercial analytical laboratory, and shall be made available to the Regional Administrator upon request.

The permittee shall provide the Regional Administrator reasonable access to these records during normal business hours. If an emergency exists, the Regional Administrator may inspect these records at any time.

215.00 Continuous Flow Measuring and Recording

Permittees shall provide accurate volume measurements for the discharge of wastewater to public sewers for self-monitoring report periods. Water meters may be used to determine reporting period discharge volumes if the Regional Administrator determines that operating day losses can be accounted for. Operating day losses include, but are not limited to, lawn sprinkling, loss to product, or evaporation. Water meters used for wastewater discharge volume determinations shall be maintained in good operating condition. The Regional Administrator may require routine calibration of such meters.

In the event the Regional Administrator determines that operating day losses cannot be accounted for, continuous flow measuring of industrial waste discharges to public sewers shall be required.

All continuous flow measuring installations shall include a continuous recording device and meet the requirements in Section 213.04.

All continuous flow measuring installations shall be maintained in good operating condition. Records of all maintenance conducted on flow measuring installations shall be kept as required by Section 214.00. Maintenance includes, but is not limited to, the removal of sediment from upstream and downstream of any primary device, and calibration of the flow meter.

The permittee shall notify the Regional Administrator in writing within five calendar days of any failure of a continuous flow measuring installation required by this section.

Written notification to the Regional Administrator shall also be made prior to any alteration of a continuous flow measuring installation.

216.00 Test Procedures for Analysis of Pollutants

Test procedures for sample analyses required by these rules and any permit issued under these rules shall conform to the guidelines established in 40 CFR part 136 and 40 CFR 403.12. The permittee or the contracted monitoring service and/or commercial analytical laboratory shall document analytical procedures including, but not limited to, the quality control and, if applicable, chain of custody procedures conducted on each sample.

217.00 Data from Certified Laboratories

The Regional Administrator may require that any sample analysis data submitted to fulfill requirements of these rules or any permit issued under these rules be obtained from a laboratory appropriately certified by the Minnesota Department of Health.

218.00 Self-Monitoring Reports

Permittees shall submit complete and accurate self-monitoring reports to the Regional Administrator at a frequency stated in the permit. Permittees shall use report forms provided by the Regional Administrator. Self-monitoring reports may require the permittee to disclose the following information for each reporting period:

- A. general facility data;
- B. operational data;
- C. source and volume of water supply;
- D. volumes of water used or lost;
- E. use and volume of wastewater discharged to public sewers;
- F. analytical results from wastewater monitoring;
- G. description of sampling and analytical methods; and
- H. other information that is relevant to determine compliance with these rules.

The frequency of routine reporting shall be based primarily upon the permittee's total discharge volume to public sewers: permittees discharging less than 2,000,000 gallons of wastewater per year shall report annually; permittees discharging between 2,000,000 and 20,000,000 gallons per year shall report semi-annually; permittees discharging greater than 20,000,000 gallons per year shall report quarterly.

The Regional Administrator may modify the above reporting schedule for any permittee based on the permittee's industrial waste characteristics or any other relevant consideration. Liquid waste haulers shall report at least semi-annually. Industrial users subject to special discharge permits shall report at least quarterly.

Permittees subject to categorical pretreatment standards shall submit self-monitoring reports and other required reports to the Metropolitan Council in accordance with the general

pretreatment regulations established under the act and any requirement of a categorical pretreatment standard.

Permittees shall submit complete self-monitoring reports to the Regional Administrator such that the Regional Administrator has received such reports on or before the 30th calendar day of the month following the end of each applicable reporting period. Any permittee not submitting a self-monitoring report by this date shall pay a late reporting fee under Section 219.00.

219.00 Self-Monitoring Report Late Fee

Permittees failing to submit a complete self-monitoring report as required by Section 218.00 shall pay a late fee determined by the Council Board.

220.00 Data Evaluation

All data generated and submitted under provisions of these rules or any permit issued under these rules shall be subject to evaluation for accuracy by the Regional Administrator within 60 calendar days of receipt. The permittee shall provide, upon request, any information relevant to procedures and equipment used to generate such data, including but not limited to, procedures for monitoring, analysis, quality control and quality assurance. Further, the Regional Administrator may require the permittee to conduct additional monitoring and analysis for data evaluation purposes. All data is subject to additional review and rejection under this rule for up to three years after receipt.

220.01 Data Rejection. The Regional Administrator may reject entire reports or specific data submitted by the permittee for any of the following reasons:

- A. monitoring techniques are improper;
- B. analytical techniques are improper;
- C. sample preservation techniques are improper;
- D. volume determination techniques are improper;
- E. unreasonable discrepancies exist between past and present data;
- F. unreasonable discrepancies exist between Metropolitan Council and permittee data;
- G. monitoring is not conducted according to permit provisions;

- H. quality control or quality assurance techniques are improper;
- I. operations or discharge characteristics are misrepresented or undisclosed;
and
- J. other factors which cause the data to be unrepresentative.

220.02 Notification and Appeal. The Regional Administrator shall notify permittees in writing if data is rejected. This notification shall be made within 30 calendar days of the Regional Administrator becoming aware of potential inaccuracies. Notification shall also include reasons for rejecting the data or reports, and may require the permittee to conduct additional monitoring. Further, for the purposes of calculating strength and load charges, and determining compliance with applicable pretreatment standards and requirements, the Regional Administrator may use data deemed to be representative in place of the rejected data. Permittees may appeal the Regional Administrator's decision to reject and/or substitute data, through the appeals process described in Section 515.00.

221.00 Public Access to Information

Access to information and data submitted to the Metropolitan Council by permittees shall be available to the public as provided by the Minnesota Government Data Practices Act, Minnesota Statutes, chapter 13, 40 CFR 403.14 or other applicable law.

222.00 Information Request Fee

The Regional Administrator may establish fees for providing requested information concerning Metropolitan Council activities conducted under provisions of these rules.

Article III

Special Programs and Requirements

301.00 Connections to and Withdrawals from the Metropolitan Disposal System

In accordance with Section 101.00, the MDS is designed, constructed and operated to accommodate waste from residential, commercial, institutional, and industrial users in the metropolitan area. Connections to and withdrawals from the MDS are subject to applicable conditions and criteria specified in the Metropolitan Development Guide: Water Resources Management Policy Plan, as amended. Procedures related to connections to and withdrawals from the MDS are specified in this section.

301.01 Connections to the Metropolitan Disposal System. Any person or local government unit in the metropolitan area may be required to provide for the discharge of its waste, directly or indirectly, into the MDS, or to connect any disposal system or part of it with the MDS wherever reasonable opportunity is provided. The Regional Administrator may require discharge flow measuring for connections to the MDS using appropriate methods.

Within 24 months after a public sewer connected to the MDS becomes available to a property served by a private sewage disposal system or treatment works, a connection shall be made to the public sewer in accordance with these rules. The private disposal facilities shall be abandoned in a safe and suitable manner.

The Regional Administrator may exempt industrial users discharging via an NPDES/SDS permit from the requirements of this section.

The following conditions apply to new connections to the Metropolitan Disposal System:

- A. no connection shall be made without prior issuance of a connection permit for the connection and, if required, the payment of a permit fee, MDS reserve capacity charges, or both;
- B. whenever any person or local government unit desires to connect, an application for the connection shall be submitted to the Regional Administrator. All applications for connection permits shall be made by an appropriate representative of the local government unit in which the connection is to be located;

- C. an application shall include plans, specifications and connection details showing the location, dimensions, depths, and grades of any sewer or sewer system to be connected. The application shall also include, if applicable, complete information regarding the population, service areas, and zoning. Other information regarding source, quantity, and characteristics of the waste to be discharged, materials of construction, and construction period shall also be included, if requested by the Regional Administrator;
- D. all connections are subject to inspection by the Regional Administrator before the discharge of any waste into the MDS. No inspection will be made before issuance of a permit and payment of any applicable permit fee and/or MDS reserve capacity charges;
- E. any person or local government unit that has been issued a permit for connection shall notify the Regional Administrator at least two full working days prior to beginning any work under the permit; and
- F. any modification to an existing connection to the MDS shall be subject to all applicable conditions contained in this section.

301.02 Withdrawals from the Metropolitan Disposal System. Withdrawal from the MDS by an industrial user that intends to construct and operate a private wastewater treatment plant shall require approval of the Council Board. The industrial user shall submit a request for withdrawal from the MDS not less than six months prior to the date on which the industrial user proposes to physically disconnect from the MDS and shall take no action to physically disconnect from the MDS unless and until the withdrawal is approved by the Council Board. If approved by the Council Board, withdrawal from the MDS by the industrial user shall be subject to the following conditions:

- A. the industrial user shall notify the Regional Administrator, in writing, prior to submitting an NPDES/SDS permit application to the Minnesota Pollution Control Agency;
- B. plans, specifications, construction timetable and withdrawal details shall be submitted to the Regional Administrator prior to initiating any construction activities;
- C. all construction and facilities related to withdrawals are subject to inspection by the Regional Administrator in accordance with Section 214.00;

- D. upon completion of the withdrawal, MDS capacity will not be available for contingent use. Further, there shall be no physical connection from the private treatment plant, directly or indirectly, to the MDS; and
- E. in the event that the industrial user desires to reconnect to the MDS, the industrial user may be required to repurchase reserve capacity at rates applicable at the time of repurchase and such reconnection will be subject to the availability of MDS capacity at that time. Further, any such reconnection will be subject to any applicable provisions of these rules and any permit issued under these rules.

301.03 Report. Each local government unit shall provide to the Regional Administrator by January 31 of each year, a report showing the total number of connections and withdrawals completed during the preceding calendar year. The report shall also describe the nature of all users and the actual or anticipated volume of discharge into the MDS. The report shall be on a form provided by the Regional Administrator.

302.00 Strength Charge System

Any permittee discharging into public sewers industrial waste at chemical oxygen demand and/or total suspended solids concentrations in excess of base levels established by the Council Board, shall be subject to a strength charge. Further, any person discharging waste into public sewers may be subject to a strength charge under the same provisions. Strength charge rates, and the procedures for determining strength charges, shall be set forth by the Council Board. These rates and methods may be adjusted annually, and the Council Board may designate additional parameters that are subject to a strength charge.

Persons subject to a strength charge shall pay the full amount due to the Metropolitan Council within 30 calendar days after the billing date. The Regional Administrator may utilize any and all means as provided for in these rules or any other agreement, empowerment or civil statute to recover delinquent strength charges. Delinquent strength charges may be subject to an additional monthly interest charge of up to one and one-half percent.

In the event that a person appeals, under Section 515.00, a strength charge invoice issued by the Regional Administrator, the Regional Administrator may require an interim strength charge payment. Such payment shall be based on previous average payments or data deemed representative by the Regional Administrator. Upon resolution of the appeal, the Regional Administrator shall collect the amount of additional payment due, or issue an appropriate refund.

303.00 Liquid Waste Hauler Requirements

Any person seeking to transport and subsequently discharge residential, commercial, institutional, or industrial waste into public sewers shall comply with applicable requirements specified in this section.

303.01 Permit. Liquid waste haulers shall obtain an industrial discharge permit and shall comply with applicable requirements of these rules.

303.02 Load Charge. Liquid waste haulers shall pay load charges to the Metropolitan Council. Load charge rates, and the method for determining load charges, shall be set forth by the Council Board. These rates and methods may be adjusted annually.

Persons subject to a load charge shall pay the full amount to the Metropolitan Council within 30 calendar days after the billing date. The Regional Administrator may utilize any and all means as provided for in these rules or any other agreement, empowerment or civil statute, to recover delinquent load charges. Delinquent load charges may be subject to an additional monthly interest charge of up to one and one-half percent.

In the event that a person appeals a load charge invoice issued by the Regional Administrator, under Section 515.00, the Regional Administrator may require an interim load charge payment. Such payment shall be based on previous average payments or data deemed representative by the Regional Administrator. Upon resolution of the appeal, the Regional Administrator shall collect the amount of additional payment due, or issue an appropriate refund.

303.03 Approved Disposal Sites. Liquid waste haulers shall discharge only at approved disposal sites, as designated by the Regional Administrator. Such discharges shall be conducted in accordance with all applicable local and state laws or requirements.

303.04 Waste Generated Outside of the Metropolitan Area. No waste generated outside of the Metropolitan Area shall be disposed of into public sewers, in accordance with Section 406.20, unless prior written approval has been obtained from the Regional Administrator.

303.05 Conditions of Discharge. Any person who has obtained a written approval or permit shall discharge in accordance with the terms of that approval or permit, any other applicable provisions of these rules, applicable pretreatment standards under the act, and any other requirements set forth by the Regional Administrator.

304.00 Leachate and Contaminated Groundwater Discharge Requirements

Any person seeking to discharge leachate or contaminated groundwater into public sewers shall apply to the Regional Administrator for discharge approval.

304.01 Application. A written application for approval to discharge leachate or contaminated groundwater into public sewers shall be submitted to the Regional Administrator according to the following:

- A. an application for approval to discharge for a duration less than six months shall be submitted at least 15 days prior to initiation of the proposed discharge; or
- B. an application for approval to discharge for a duration greater than six months shall be submitted at least 60 days prior to initiation of the proposed discharge.

The application shall be made in a form established by the Regional Administrator, and may require a person to disclose information listed under Section 202.00.

304.02 Approval or Denial. Upon receipt of a complete application for discharge approval, the Regional Administrator shall:

- A. within 30 calendar days, issue a written approval for discharges that will not exceed six months in duration; or
- B. within 90 calendar days, issue an industrial discharge permit for discharges that will exceed six months in duration; or
- C. deny the request for discharging into public sewers and state the reasons for denial.

304.03 Waste Generated Outside of the Metropolitan Area. No waste generated outside of the Metropolitan Area shall be disposed of into public sewers, in accordance with Section 406.20, unless prior written approval, and a permit if applicable, has been obtained from the Regional Administrator.

304.04 Add-on Service Charge. Permitted contaminated groundwater sites that are connected to the sanitary sewer will be subject to an add-on service charge for temporary use of the reserve capacity of the MDS. Add-on service charge rates, and the method for determining add-on service charges, shall be set forth by the Council Board. These rates and methods may be adjusted

annually. Persons subject to an add-on service charge shall pay the full amount to the Metropolitan Council within 30 calendar days after the billing date. The Regional Administrator may utilize any and all means as provided for in these rules or any other agreement, empowerment or civil statute, to recover delinquent add-on service charges. Delinquent add-on service charges may be subject to an additional monthly interest charge of up to one and one-half percent.

304.05 Conditions of Discharge. Any person who has obtained a written approval or permit shall discharge in accordance with the terms of that approval or permit, any other applicable provisions of these rules, applicable pretreatment standards under the act, and any other requirements set forth by the Regional Administrator.

Article IV

MDS Limitations on Discharges

401.00 Local Pretreatment Standards

Local pretreatment standards specified in this section shall be met by any person utilizing public sewers.

401.01 Inorganic Parameters. No person, except as authorized pursuant to a compliance schedule in a permit, shall discharge or cause or allow to be discharged into public sewers any waste that causes the total facility discharge, or the discharge for which a special discharge or a liquid waste hauler permit has been issued, to exceed the following local pretreatment standards:

Parameter	Local Pretreatment Standard (expressed in milligrams per liter)
A. Cadmium (Cd)	1.0
B. Chromium, total (Cr).....	6.0
C. Copper (Cu).....	4.0
D. Cyanide, total (CN)	4.0
E. Lead (Pb)	1.0
F. Mercury (Hg)	0.002
G. Nickel (Ni)	6.0
H. Zinc (Zn)	6.0

Each local pretreatment standard in this section is applicable to the total facility discharge over any continuous 24 hour period.

401.02 pH. No person, except as authorized pursuant to a compliance schedule in a permit, shall discharge or cause or allow to be discharged into public sewers any wastewater at a pH less than 5.0 standard units or more than 11.0 standard units.

401.03 Organic Parameters. No person, except as authorized pursuant to a compliance schedule in a permit, shall discharge or cause or allow to be discharged into public sewers any waste that causes the total facility discharge, or the discharge for which a special discharge or a liquid waste hauler permit has been issued, to exceed the following local pretreatment standards:

(RESERVED)

401.04 Additional Local Pretreatment Standards. The Council Board may adopt additional local pretreatment standards to achieve any purpose stated in Section 103.00.

If feasible, permittees and the public shall be notified at least 90 calendar days prior to Council Board consideration of additional local pretreatment standards proposed by the Regional Administrator. The Regional Administrator shall provide an opportunity for public comment on additional local pretreatment standards proposed under this section. Permittees and the public shall also be notified of any local pretreatment standard adopted by the Council Board. Persons using public sewers shall comply with such additional local pretreatment standards within one year of the date of adoption, unless otherwise directed by the Council Board.

401.05 Order for Reduction of Pollutants. Notwithstanding Sections 401.01 to 401.04, 408.00 and 409.00, in the event that pollutants discharged into public sewers result in an NPDES/SDS permit violation or disrupt the operation of a particular Metropolitan Council treatment plant or cause the residual solids or incinerator stack emissions from a particular Metropolitan Council treatment plant to exceed standards or limitations contained in local, state, or federal law or any permit held by the Metropolitan Council, the Regional Administrator may order persons discharging to the particular treatment plant to reduce the discharge of such pollutants. Upon receipt of the order all affected persons shall comply immediately.

402.00 Pretreatment

Industrial users shall make industrial waste acceptable, under the limitations established in Sections 401.00 to 407.00 and/or any applicable federal pretreatment standard or requirement, before discharging into public sewers. Industrial users required to pretreat industrial waste shall provide, operate, and maintain an industrial waste pretreatment system at the industrial users' expense. When required, detailed pretreatment system plans shall be submitted to the Regional Administrator, for review and approval, 60 calendar days before the initiation of construction. The Regional Administrator's review and approval shall in no way relieve industrial users from the responsibility of modifying pretreatment systems as necessary to comply with these rules. No permittee shall implement pretreatment system plans without the Regional Administrator's written approval. Any subsequent modifications by a permittee to a pretreatment system, other than minor operational adjustments, shall be reported to and approved by the Regional Administrator prior to modification of the existing system.

403.00 Pretreatment Solids Disposal

No person shall dispose pretreatment solids into public sewers, unless the disposal is in accordance with these rules and any local, state, and federal requirements. Further, no permittee shall dispose pretreatment solids from a pretreatment facility into public sewers without prior written approval from the Regional Administrator.

404.00 Dilution

No person shall intentionally dilute industrial waste discharged into public sewers as a partial or complete substitute for pretreatment needed to achieve compliance with these rules or applicable federal pretreatment standards and requirements.

405.00 Trap and Separator Installations

Oil, grease, sand, and flammable waste traps shall be installed for the proper discharge of wastewater containing excessive amounts of oil, grease, sand, or flammable liquids when required by the Minnesota Plumbing Code, Minnesota Rules, chapter 4715, or where the Regional Administrator determines such traps are necessary.

All separators and traps shall be designed and installed to meet the minimum required specifications provided in Minnesota Rules, chapter 4715. Notwithstanding the provisions of Minnesota Rules, chapter 4715, the Regional Administrator may require traps and separators of sufficient size and capacity to meet the requirements of these rules. The distance between the inlet and outlet of the separator or trap must be sufficient to allow gravity separation of

pretreatment solids. To prevent overloading, flow control baffles and any necessary inlet flow control fitting shall be provided.

Each separator or trap shall be installed to be readily accessible for removal of cover, servicing, and maintenance. If installed substantially below grade, safe access shall be provided.

Separators and traps shall be maintained in efficient operating condition by periodic removal of any accumulated pretreatment solids. Floating materials shall be removed before the accumulation is within two inches of the outlet. Settled solids shall be removed before the solids reach 75 percent of the trap or separator capacity. Pretreatment solids removed from a separator or trap, for subsequent public sewer disposal, shall be transported and discharged by a permitted liquid waste hauler

406.00 Prohibited Waste Discharges

No person, except as authorized in a permit, shall discharge or cause to be discharged into public sewers any of the following materials:

- 406.01** Any combustible, flammable, or explosive solids, liquids, or gases which by their nature or quantity are likely to cause either alone or by interaction with other substances, a fire or explosion or be injurious to Metropolitan Council treatment plant operations. Any liquid exhibiting a closed cup flash point less than 60 degrees Celsius (140 degrees Fahrenheit) is prohibited. At no time shall any reading on a methane-calibrated combustible gas meter, at the point of discharge into public sewers, exceed ten percent of the lower explosive limit. Prohibited materials can include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols and ketones.
- 406.02** Coal tar, asphalt residues, grease, paraffin wax and residues from refining or processing of fuel or lubricating oil.
- 406.03** Water insoluble oils, including but not limited to, fuel oil, nonbiodegradable cutting oil, lubricating oil, hydraulic oil, mineral oil and motor oil.
- 406.04** Any wastewater containing fat, wax, tallow, grease, or oil of animal or vegetable origin in excess of 100 milligrams per liter, that is likely to solidify, become viscous, or become water insoluble, and is likely to cause obstruction to the flow in public sewers or cause interference or pass-through.
- 406.05** Any solid or viscous material in amounts which are likely to cause obstruction to the flow in a public sewer or interference with the operation of public sewers. Prohibited materials include but are not limited to: garbage particles

greater than one-half inch in any dimension, animal guts or tissues, bones, body parts, hair, hides or fleshings, entrails, feathers, ashes, sand, spent lime, metal, glass, grass clippings, leaves, rags, spent grains, waste paper, wood, plastic, and residue from stone, marble, glass or plastic industrial grinding or polishing operations.

- 406.06** Whole, ground or shredded glassware, needles and other sharps, plastic and textile objects from hospitals, physician and dentist offices, clinics, veterinary facilities, other health care facilities, mortuaries, blood banks, laboratories of any kind and food preparation facilities.
- 406.07** Any wastewater containing inert suspended or dissolved solids, including, but not limited to, lime slurries, lime residues, or chlorides in such quantities that are likely to cause interference, pass-through or operational problems in public sewers, or when the effect of such disposal into public sewers is the avoidance of off-site solid waste disposal.
- 406.08** Any material having a corrosive property that is likely to constitute a hazard to operational personnel or cause damage to structures or equipment of public sewers.
- 406.09** Any wastewater containing toxic or poisonous materials in sufficient quantity, either singly or by interaction with other materials, that is likely to cause interference, pass-through or constitute a hazard to humans.
- 406.10** Any noxious or malodorous solids, liquids, or gases, which, either singly or by interaction with other wastes, are likely to create a public nuisance or hazard to humans or prevent the authorized entry of personnel into public sewers for monitoring, maintenance and repair.
- 406.11** Any material which is likely to cause excessive discoloration in treatment plant effluent, including but not limited to, dye wastes, vegetable tanning solutions, paint, and printing inks.
- 406.12** Any material containing foam or foam producing substances in sufficient quantities to cause a public nuisance, operational problems in public sewers or interference or pass-through.
- 406.13** Wastes, other than domestic wastes, that are infectious except as provided for in an acceptable infectious waste management plan submitted to Minnesota Department of Health or Minnesota Pollution Control Agency pursuant to Minnesota Statutes, sections 116.75 to 116.83.

- 406.14** Any pretreatment solids from an industrial pretreatment system except as provided in Section 403.00.
- 406.15** Any wastewater containing added heat or which creates added heat, when such heat causes interference, pass-through or damage to public sewers. In no case shall wastewater be discharged such that the discharge temperature is greater than 65 degrees Celsius (150 degrees Fahrenheit), or the added heat causes, individually or in combination with other wastewater, the influent at any Metropolitan Council treatment plant to have a temperature exceeding 40 degrees Celsius (104 degrees Fahrenheit).
- 406.16** Any slug or batch discharge of wastewater of such volume or strength that is likely to cause interference, pass-through or operational problems in public sewers.
- 406.17** Any unpolluted water, including but not limited to, noncontact cooling water, rain water, storm water, groundwater, or water collected from foundation drains, unless there is no prudent and feasible alternative.
- 406.18** Any material exhibiting a half-life or having radioactive properties that are in noncompliance with limitations established by the United States Nuclear Regulatory Commission, 10 CFR part 20 or Minnesota Rules, chapter 4730.
- 406.19** Any hazardous waste, as defined by Minnesota Statutes, section 116.06, subdivision 11 and Minnesota Rules, chapter 7045, unless prior approval has been obtained from the Regional Administrator and such discharge does not constitute a violation of local, state or federal law.
- 406.20** Any waste generated outside the metropolitan area, unless prior approval has been obtained from the Regional Administrator.
- 406.21** Garbage, discarded material and grease from non-domestic sources which results from the handling, processing, storage, preparation, serving and consumption of food, when the effect of such disposal into public sewers is the avoidance of off-site solid waste disposal; provided, however, that this section does not prohibit sink-fed garbage disposal units used for incidental food waste disposal.
- 406.22** Any material discharged to public sewers which is likely to cause interference, pass-through, or operational problems at any Metropolitan Council treatment plant, or which violates applicable state or federal laws or requirements.

407.00 Additional Prohibited Waste Discharges

The Council Board may adopt additional prohibited waste discharges to achieve any purpose stated in Section 103.00. The adoption method and compliance requirement for such additional prohibited waste discharges shall be as specified in Section 401.04 for additional local pretreatment standards.

408.00 Federal Pretreatment Standards and Requirements

Federal pretreatment standards and requirements promulgated pursuant to section 307 of the act shall be met by all affected persons.

Further, industrial users subject to federal categorical pretreatment standards promulgated under section 307 of the act and established under Code of Federal Regulations, title 40, chapter I, subchapter N, shall comply with all applicable standards and requirements contained in those provisions.

409.00 Applicable Pretreatment Standards and Requirements

Local pretreatment standards under Section 401.00 or federal categorical pretreatment standards under Section 408.00 shall be applicable to the wastewater discharge of an industrial user as follows:

- A. categorical pretreatment standards shall be applicable for any pollutant not regulated by local pretreatment standards;
- B. local pretreatment standards shall be applicable for any pollutant not regulated by categorical pretreatment standards; and
- C. the most stringent standard shall be applicable for any pollutant regulated by both local and categorical pretreatment standards.

For all other requirements, industrial users shall comply with these rules and any permit issued under these rules, notwithstanding less stringent provisions of the general pretreatment regulations or an applicable categorical pretreatment standard. Industrial users shall also comply with all more stringent provisions of the general pretreatment regulations or an applicable categorical pretreatment standard, notwithstanding less stringent provisions of these rules or any permit issued under these rules.

410.00 Prevention of Accidental and Slug Discharges

All persons shall provide adequate protective measures to prevent slug discharges prohibited under Section 406.16, the accidental discharge of any waste prohibited in Section 406.00, the accidental discharge of any waste which causes a violation of local pretreatment standards in Section 401.00 or the accidental discharge of any waste in violation of an applicable federal pretreatment standard.

The Regional Administrator may require any person to submit and implement written plans for the prevention and control of accidental discharges and slug discharges prohibited under Section 406.16.

411.00 Accidental or Slug Discharges

Provisions related to accidental or slug discharges into public sewers are specified in this section.

411.01 Notification and Responsibility. Any person who has knowledge of an accidental or prohibited slug discharge into public sewers shall immediately notify the Regional Administrator, or designated agent, and other appropriate public officials, of the discharge. Any person responsible for an accidental or prohibited slug discharge shall take immediate action as is reasonably possible to abate the discharge. Further, the responsible person shall perform any control and cleanup actions necessary to prevent additional accidental or prohibited slug discharge into public sewers.

411.02 Report. The responsible person shall submit to the Regional Administrator a written report describing the accidental or prohibited slug discharge within five calendar days after occurrence of the discharge. The report shall include the following information:

- A. time, duration and location of the discharge;
- B. description and quantity of the material or waste discharged including constituents and concentrations;
- C. cause of the accidental or prohibited slug discharge;
- D. actions taken to abate and clean up the accidental or prohibited slug discharge; and
- E. a schedule of corrective measures to prevent further occurrences.

411.03 Liability. The notification and report required by this section shall not relieve the responsible person of civil liability to the Metropolitan Council for any or all of the following:

- A. any added costs to the Metropolitan Council for receiving and treating the accidental or slug discharge;
- B. any costs incurred by the Metropolitan Council for investigating and abating the discharge, for repairing damage to the Metropolitan Disposal System, and for any necessary cleanup; and
- C. any costs and penalties imposed upon the Metropolitan Council by regulatory authorities as a result of the discharge.

412.00 Notice to Employees

Permittees shall post a permanent notice on an employee bulletin board or other prominent place advising employees how to notify the Regional Administrator or designated agent, in the event of an accidental or prohibited slug discharge.

Article V

Enforcement and Administration

501.00 Violations

Noncompliance with provisions of these rules or any permit issued under these rules and all standards, variances, limitations, orders, stipulations, agreements, or schedules of compliance shall constitute a violation.

In addition, an action by any person to make any false statement or misrepresentation in any record, report, plan or other document filed with the Regional Administrator or any action to falsify, tamper with or render inaccurate any required monitoring device or method shall constitute a violation.

Further, any continuation of such noncompliance or actions beyond the time provided for in a written notice of violation shall constitute a violation.

Each calendar day, in which a violation referred to in this section continues, shall constitute a separate violation.

502.00 Remedies Available

The requirements of these rules or any permit issued under these rules and all standards, variances, limitations, orders or schedules of compliance shall be met by all affected persons. Remedies available for enforcement include any one or any combination of the following: criminal prosecution; civil penalties; action to recover civil damages; injunction; action to compel performance; termination of service. The Regional Administrator shall apply these remedies, as well as actions pursuant to Sections 512.00 and 513.00, in accordance with the Metropolitan Council Enforcement Response Plan approved by the Minnesota Pollution Control Agency, as amended.

503.00 Criminal Penalties

Any person who willfully or negligently commits a violation under Section 501.00 shall be subject to fines, imprisonment, or both under Minnesota Statutes, section 473.5155.

504.00 Civil Penalties

Any person who commits a violation, under Section 501.00 shall be subject to civil penalties as provided by Minnesota Statutes, section 473.5155.

505.00 Civil Liability

Any person who commits a violation under Section 501.00 shall be subject to civil liability to the Metropolitan Council for any or all of the following:

- A. any added costs to the Metropolitan Council for receiving and treating the discharge;
- B. any costs incurred by the Metropolitan Council for investigating and correcting the violation, for repairing damage to the Metropolitan Disposal System, and for any necessary cleanup; and
- C. any costs and penalties imposed upon the Metropolitan Council by regulatory authorities as a result of the violation.

506.00 Injunction

Any violation under Section 501.00 may be enjoined by the Metropolitan Council as provided by law.

507.00 Actions to Compel Performance

The Council Board may petition a court of competent jurisdiction for an order compelling compliance to correct any violation under Section 501.00. The petition may specifically request that the order to compel compliance requires the person in violation to: perform in-plant or process changes, install and maintain a pretreatment system, or discontinue any discharge, or part thereof, to eliminate those characteristics which caused the violation.

508.00 Termination of Service

In the event that a discharge into public sewers constitutes a violation under Section 501.00 or is causing, or threatens to cause, an imminent endangerment to the health or welfare of persons, an endangerment to the environment, pass-through, or interference with the operation

of public sewers, the Regional Administrator may interrupt or terminate service to the person in violation after informal notice and, if feasible, an opportunity to respond.

509.00 Administration of Rules

The Regional Administrator shall interpret and administer these rules on behalf of the Council Board.

510.00 Administration of Federal Pretreatment Standards and Requirements

The Regional Administrator shall notify all affected industrial users of applicable federal pretreatment standards and requirements, amendments thereto, and reporting requirements; provided, however, that nothing contained herein shall relieve affected industrial users of the obligation to be aware of or comply with such standards and requirements. The Regional Administrator shall establish compliance schedules, when required, to ensure that each industrial user complies with federal pretreatment standards and requirements in a timely manner. Reports required under 40 CFR 403.12 shall be submitted to the Regional Administrator by affected industrial users.

511.00 Enforcement

The Regional Administrator shall take all reasonable actions necessary to enforce these rules and any permit issued under these rules, federal pretreatment standards and requirements, and any standards, variances, limitations, orders, stipulations, agreements, or schedules of compliance.

512.00 Notice of Violation

The Regional Administrator shall issue a written notice of violation to any person that has committed a violation under Section 501.00. The notice of violation may contain an order to cease and desist and shall direct the person to comply immediately or to comply in accordance with a time schedule established by the Regional Administrator. A notice of violation served to a permittee may contain a compliance schedule pursuant to Section 205.00, or may contain a permit modification pursuant to Section 206.00.

The Regional Administrator may also issue a notice of violation in cases of threatened violations and order remedial or preventive action be taken.

513.00 Order to Appear

The Regional Administrator may order any permittee who receives a notice of violation under Section 512.00 to appear before the Regional Administrator for the purpose of showing cause why the Regional Administrator should not proceed to modify, suspend, or revoke the permit pursuant to Section 206.00.

Further, the Regional Administrator may order any person that receives a notice of violation to appear before the Regional Administrator to show cause why the Regional Administrator should not proceed to correct the violation using remedies provided in Section 502.00.

The appearance under an order to appear shall be at a time and location determined by the Regional Administrator; provided, however, the person ordered to appear shall be given an opportunity to propose an alternate time. Such alternate time must be acceptable to the Regional Administrator.

Failure to comply with an order to appear may cause the Regional Administrator to proceed immediately, using remedies available under Section 502.00, to enforce against the violation for which the notice of violation was issued.

514.00 Variances

Except in the case of federal categorical pretreatment standards and requirements, upon the written request of any person the Council Board may grant a variance where there is no prudent and feasible alternative to noncompliance with these rules or any permit issued under these rules, standards, limitations, orders, or schedules of compliance. The Regional Administrator, upon approval of the Council Board, shall respond within 90 calendar days of receiving a request for a variance and shall either grant the variance and set forth appropriate conditions or shall deny the variance request and state the reasons for the denial.

515.00 Appeals

Any person affected by any decision or action made by the Regional Administrator in interpreting, administering, or enforcing these rules or any permit issued under these rules, or enforcing all standards, variances, limitations, orders, or schedules of compliance may file with the Regional Administrator a written request for reconsideration within 30 calendar days of such decision, or action, setting forth in detail the facts supporting the request for reconsideration. The Regional Administrator shall respond to such requests in writing within 30 calendar days of receipt.

The Regional Administrator's response can be appealed to the Council Board by giving written notice of appeal, within ten calendar days after receipt of the Regional Administrator's

response. The Council Board shall consider all such appeals and the Regional Administrator shall notify the appellant at least ten calendar days prior to the date of such consideration.

The decision of the Council Board on an appeal shall be the final administrative determination.

516.00 Conflicts

If conflicts arise between these rules and any other rules previously adopted by the Council Board, these rules and the interpretations of these rules, shall take precedence.

517.00 Severability

If the provisions of any section or item 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 and items shall nevertheless continue in full force and effect.