



STATE OF MINNESOTA

Minnesota Pollution Control Agency

INDUSTRIAL DIVISION
PUBLIC NOTICE OF INTENT TO REISSUE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) AND
STATE DISPOSAL SYSTEM (SDS) PERMIT MNG490000

General Permit Authorization for Construction Sand and Gravel, Rock Quarrying And Hot Mix Asphalt Production Facilities

Public Comment Period Begins: October 30, 2006
Public Comment Period Ends: November 28, 2006

Current Permit Issued: October 24, 2001
Current Permit Expiration Date: September 30, 2006

Name and Address of Permittee

Specifically as identified in the
General Permit Applicability Criteria

Facility Name and Location

Any facility in Minnesota meeting the
applicability requirements of this permit

Description of Permitted Facility

The general permit is proposed to provide alternative permit coverage for stormwater and gravel pit dewatering activities as an option to NPDES permits for these activities. The permit may cover owners and operators of facilities within the boundary of the state of Minnesota that: a) discharge construction stormwater from sand and gravel, crushed and broken stone, or dimension stone mining and quarrying areas; b) discharge stormwater from hot mix asphalt production areas; c) discharge pit dewatering flow from construction sand and gravel mine pits; or d) operate wet scrubber wastewater disposal systems at hot mix asphalt production plants.

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 copy of the draft permit and fact sheet are available for review on the internet at <http://www.pca.state.mn.us/permits> and at the St. Paul MPCA office at the address listed below.

A copy of the draft permit and fact sheet will be mailed to you if the MPCA receives your written or oral request at this office. If you have questions about this draft permit or the Commissioner's preliminary determination, please contact **Terry Mader** at **651-296-7021**.

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; and
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.

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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; and
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:

Terry Mader, SP-5
Land and Water Quality Permits
Industrial Division
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155-4194