

WASTE DISCHARGE RULES

for the Metropolitan Disposal System



February 2013

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Waste Discharge Rules
for the
Metropolitan Disposal System

February 2013

Metropolitan Council Environmental Services

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Introduction

001.00 Policy

The Metropolitan Council designs, constructs, and operates the Metropolitan Disposal System (MDS), a publicly owned system of interceptor sewers and treatment facilities, 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 applicable provisions of Minnesota Rules, chapter 7049, and shall enforce national and State of Minnesota pretreatment standards and requirements. The Metropolitan Council shall, therefore, maintain a program to regulate use of public sewers, enforce applicable standards and requirements, and charge for services and activities necessary to carry out its obligations under federal and state law.

002.00 Authority

These rules are adopted by the Council Board pursuant to Minnesota Statutes, chapter 473, and are declared to be necessary for the efficient, economic, and safe operation of the MDS, and for protection of the health, safety, and general welfare of the public in the metropolitan area. Further, the Metropolitan Council is the delegated control authority under the General Pretreatment Regulations and Minnesota Rules, chapter 7049 and these rules, therefore, supersede any customer community rules or requirements related to federal pretreatment standards and requirements.

These rules apply to the use of the Metropolitan Disposal System by all persons and facilities whether served directly or indirectly by the MDS.

003.00 Purpose

These rules are intended:

- A. to carry out plans, policies and strategies for the MDS, 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 and Minnesota Rules, chapter 7049;
- 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 facilities or otherwise be incompatible with such facilities;
- H. to enhance opportunities to recycle and/or reclaim municipal and industrial wastewater, residual solids and pretreatment solids;
- I. to reduce the introduction of pollutants into public sewers and thereby prevent detrimental environmental effects; and
- J. to prevent the introduction of excessive amounts of inflow and infiltration into public sewers.

004.00 Definitions

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

- 004.01 “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.
- 004.02 “CFR”** - The Code of Federal Regulations, which is the codification of general and permanent rules of departments and agencies of the federal government.
- 004.03 “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.
- 004.04 “Council Board”** - The governing board of the Metropolitan Council, or its successor, that is responsible for setting policy for the Metropolitan Council.
- 004.04a “Customer Community”** - Any one, group, or all of the cities, townships, domestic dependent nations and authorized building authorities served by the MDS.
- 004.05 “Domestic Waste”** - Wastes from residential users and from the sanitary conveniences of multiple dwellings, commercial buildings, institutions, and industrial facilities.
- 004.06 “EPA”** - The United States Environmental Protection Agency.
- 004.07 “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.
- 004.08 “Industrial Discharge Permit” or “Permit”** - A permit issued by the Metropolitan Council to an industrial user to use the MDS, as established by Article II, except when indicated otherwise by context.

- 004.09 “Industrial User”** - Any person who discharges industrial waste into public sewers.
- 004.10 “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, contaminated groundwater or surface water disposed into public sewers, with the exception of inflow and infiltration, is industrial waste.
- 004.10a “Inflow and Infiltration”** - Stormwater, surface water and groundwater that is not intended to be disposed of in the MDS, but enters public sewers via leaks, cracks, unsealed joints or similar means, or that enters public sewers illicitly by means prohibited by these rules, the Regional Administrator or the Council Board. This definition does not include such waters disposed of into public sewers under provisions in Section 304.00 of these rules.
- 004.11 “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.
- 004.12 “Leachate”** - Wastewater resulting from the percolation of rain water and/or internal liquids through the deposited material in a solid waste disposal facility.
- 004.13 “Liquid Waste Hauler”** - An industrial user who transports waste for the purpose of discharge into public sewers.
- 004.14 “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.
- 004.15 “May”** - Indicates permissive, subject to the Regional Administrator’s discretion.
- 004.16 “Metropolitan Area”** - The area in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington, and other counties as defined in Minnesota Statutes, section 473.121, subdivision 2, and amendments thereto.
- 004.17 “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.

- 004.18 “Metropolitan Disposal System” or “MDS”** - Any or all of the interceptor sewer pipes, lift stations, meter stations, and treatment facilities owned and operated by the Metropolitan Council.
- 004.18a “Minnesota Pretreatment Rules”** - Minnesota Rules, chapter 7049 that implement the General Pretreatment Regulations, federal categorical pretreatment standards and the authorities of Minnesota Statutes, section 115.03, subdivision 1, paragraph (e), clause (2). This definition may also be used in the singular, as “Minnesota Pretreatment Rule.”
- 004.19 “NPDES/SDS Permit”** - A discharge permit issued pursuant to the National Pollutant Discharge Elimination System and the State Disposal System under Minnesota Rules, chapter 7001.
- 004.20 “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.
- 004.21 “Operating Day”** - The specific time period(s) when industrial waste is discharged into public sewers during a continuous 24 hour period.
- 004.22 “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.
- 004.23 “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.
- 004.24 “Permittee”** - An industrial user authorized to discharge industrial waste into public sewers pursuant to an industrial discharge permit.
- 004.25 “Person”** - Any individual, partnership, association, corporation, customer community, public agency, and any other organization or group of individuals, public or private.
- 004.26 “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.
- 004.27 “Pretreatment Solids”** - Any materials that are formed, concentrated, or removed by pretreatment performed by any person.
- 004.28 “Public Sewers”** - The MDS and all sanitary and combined sewers that are directly connected to the MDS. This definition may also be used in the singular, as “public sewer.”
- 004.29 “Regional Administrator”** - The Regional Administrator of the Metropolitan Council, or a duly authorized representative, who may include, but is not limited to, Metropolitan

Council staff and management personnel responsible for interpreting and administering these rules or conducting related Metropolitan Council functions.

- 004.30 “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.
- 004.31 “Rules”** - The Waste Discharge Rules for the Metropolitan Disposal System contained in this document.
- 004.31a “SAC Procedure Manual”** - The compilation of Metropolitan Council Sewer Availability Charge (SAC) procedures established by the Regional Administrator or Council Board.
- 004.31b “Sewer Availability Charge” or “SAC”** - The Metropolitan Council charge to customer communities served by the MDS for each new connection or increase in capacity demand to the MDS.
- 004.32 “Shall”** - Mandatory.
- 004.33 “Significant Industrial User” or “SIU”** - Any industrial user: who is subject to federal categorical pretreatment 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; unless exempted by the Regional Administrator from this designation in accordance with conditions established under Minnesota Pretreatment Rule 7049.0120, subpart 24, items B. and D.
- 004.34 “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, as defined in Section 004.21.
- 004.35 “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.
- 004.35a “Temporary Capacity Charge”** - A charge for temporary use of capacity in the MDS.
- 004.36 “Total Suspended Solids” or “TSS”** - The residue material from a wastewater sample after filtration, using EPA approved laboratory procedures.

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Article I

Customer Community Requirements

101.00 Applicability

In accordance with Section 001.00, the MDS is designed, constructed and operated to accommodate waste from residential, commercial, institutional, and industrial users in the metropolitan area. Customer community requirements related to public sewers connected to the MDS that are owned and operated by customer communities are contained in this article, and are declared to be necessary for the efficient, economic, and safe operation of the MDS pursuant to the authority stated in Section 002.00. In addition, requirements related to private sewers tributary to or directly connected to the MDS are contained, when applicable, in this article.

102.00 Connections to and Withdrawals from the Metropolitan Disposal System

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 contained in this section.

- 102.01 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.

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 facility, a connection shall be made to the public sewer in accordance with these rules, unless an exemption has been granted through a comprehensive sewer plan approved by the Council Board. The private disposal facilities shall be abandoned in a safe and suitable manner.

Persons discharging via an NPDES/SDS permit are exempt from the requirements of this section, unless such exemption conflicts with or is otherwise inconsistent with the provisions of the approved comprehensive sewer plan for the customer community in which such discharge is located.

- 102.02 Requirements Related to Direct Connections.** The following apply to new direct connections to the MDS:

- A. no direct connection shall be made without prior issuance of a direct connection permit, the payment of a direct connection application fee, and, if required, the payment of SAC;
- B. private direct connections are prohibited, unless approved by the Regional Administrator;

- C. all direct connections shall conform to the following:
 - 1) direct connections shall be made in accordance with Metropolitan Council design standards;
 - 2) all direct connections shall be made at maintenance holes; and
 - 3) the direct connection ownership boundary is the outside surface of the MDS facility where the connection is made. All elements of the connection outside of and beyond this boundary belong to the permit holder. Maintenance of such elements and the tributary sewer pipeline shall be the responsibility of the direct connection permit holder, or other persons, as applicable. Further, the maintenance of all drop direct connections, including both inside and outside drop connections, shall be the responsibility of the direct connection permit holder, or other persons as applicable.

- D. whenever any person or customer community desires to connect directly to the MDS, a direct connection application for the connection shall be submitted to the Regional Administrator. All applications for direct connection permits shall be made by a designated representative of the customer community in which the connection is to be located, and shall include:
 - 1) plans, specifications, and details showing the location, dimensions, depths, materials of construction, and grades of the proposed sewer or sewer system to be connected;
 - 2) complete information regarding the population, service areas, and zoning for each direct connection;
 - 3) information regarding the source, flow rate, and flow quantity of the waste to be discharged; and
 - 4) the time frame when the proposed connection will be constructed.

- E. all direct connections are subject to inspection by the Regional Administrator before the discharge of any waste into the MDS. No inspection will be made without prior issuance of a direct connection permit, the payment of a direct connection application fee, and, if required, the payment of SAC;

- F. any person or customer community that has been issued a direct connection permit shall notify the Regional Administrator at least two full working days prior to beginning any work under the permit;

- G. geospatial location identification, representing as-constructed information for the direct connection, shall be provided by the permit holder after the connection has been constructed and inspected by the Regional Administrator; and

- H. any modification to an existing direct connection to the MDS shall require a new direct connection permit.

102.03 Withdrawals from the Metropolitan Disposal System. Withdrawal from the MDS by any person that intends to construct and operate a private wastewater treatment

plant shall require approval of the Council Board. The person shall submit a request for withdrawal from the MDS not less than eighteen months prior to the date on which the person 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. After approval by the Council Board, withdrawal from the MDS by any person shall be subject to the following conditions:

- A. the person shall notify the Regional Administrator, in writing, of their intent to apply to the Minnesota Pollution Control Agency for an NPDES/SDS permit;
- B. the customer community in which the withdrawal from the MDS is located, shall submit an amendment to the customer community's comprehensive sewer plan that describes the withdrawal from the MDS and the impact to the customer community's volume of wastewater discharged to the MDS;
- C. the person shall submit plans, specifications, a construction timetable and withdrawal details to the Regional Administrator prior to initiating any construction activities;
- D. the Regional Administrator may inspect all construction and facilities related to withdrawals in accordance with Section 214.00;
- E. upon completion of the withdrawal, MDS capacity will not be available for use by the withdrawing person. Further, there shall be no physical connection from the private treatment plant, directly or indirectly, to the MDS unless approved by the Regional Administrator; and
- F. in the event that the person desires to reconnect to the MDS, the applicable customer community shall be required to pay SAC for the capacity demand at rates applicable at the time of reconnection, and such reconnection will be subject to the availability of MDS capacity at that time. Further, any such reconnection shall be subject to all applicable provisions of these rules.

103.00 Requirements Related to Operation of Public or Private Sewers Connected to the Metropolitan Disposal System

The requirements in this section apply to the operation of customer community sewer systems, or private sewer systems, as well as specific components of such systems including, but not limited to, any and all sewer pipes, connections to public or private sewers, lift stations, or other ancillary components that exist within the system.

103.01 Inflow and Infiltration Control. To operate the MDS in an efficient and effective manner, to avoid construction of MDS capacity solely to accommodate excessive inflow and infiltration into public sewers and the MDS, and to prevent sanitary sewer overflows from public sewers and the MDS, the Council Board has established requirements related to inflow and infiltration control. The Regional Administrator

shall use such requirements to establish inflow and infiltration goals for each customer community served by the MDS.

When required by the Regional Administrator, customer communities shall develop and implement an inflow and infiltration reduction plan to reduce peak hourly discharge rates to meet the established design standards and related goals. In addition, the Regional Administrator may require any customer community to disclose all known sources of inflow and infiltration within its sanitary sewers.

Any customer community that does not sufficiently reduce inflow and infiltration, and thereby achieve the established goals, shall be subject to an annual surcharge or other requirements established by the Council Board. Remittance of inflow and infiltration surcharges by customer communities shall be in accordance with Section 306.00.

The Council Board may establish and implement an inflow and infiltration demand charge for any customer community, when necessary to fund construction of MDS capacity related to the storage, conveyance and treatment of excessive inflow and infiltration. Remittance of inflow and infiltration demand charges by customer communities shall be in accordance with Section 306.00.

In addition to requiring payment of inflow and infiltration surcharges and demand charges by specific customer communities, the Metropolitan Council may take actions to limit future increases in wastewater service within any customer community that has not met an established inflow and infiltration goal. The method and duration of such limitation shall be determined by the Regional Administrator or Council Board. Further, the Council Board may require such customer communities to adopt and implement local rules that require inflow and infiltration reductions by private property sources that, alone or in conjunction with other inflow and infiltration sources, contribute to the customer community's inability to meet established inflow and infiltration goals or other related requirements.

In the event that excessive inflow and infiltration within customer community sewers causes or contributes to a sanitary sewer overflow from the MDS, the Regional Administrator may require the customer community or communities involved to:

- A. revise and resubmit the inflow and infiltration reduction plan required in this section to address and mitigate the conditions that caused or contributed to the sanitary sewer overflow from the MDS, and
- B. upon approval by the Regional Administrator, implement the modified plan in the shortest feasible timeframe, or in accordance with a schedule established by the Regional Administrator.

Any failure by a customer community to fulfill the requirements herein related to inflow and infiltration control, and sanitary sewer overflows, may be subject to enforcement by the Regional Administrator using remedies provided in Article V of these rules.

103.02 Sewer Cleaning and Maintenance Practices. Maintenance of all public sewers connected to the MDS is the sole responsibility of the customer community. Customer community sewer cleaning and maintenance practices shall be conducted using methods that prevent the discharge or deposition of sewer cleaning wastes into the MDS. These practices shall maximize the conveyance capacity and prevent sanitary sewer overflow occurrence due to obstructions. Specific requirements related to sewer cleaning and maintenance practices include:

- A. sewer cleaning activities shall be conducted such that all sewer cleaning wastes including, but not limited to, solids, roots, grease and debris, are collected and removed from the sewer being cleaned. These cleaning wastes shall not be jetted, flushed, or otherwise moved downstream into the MDS. Sanitary sewer cleaning wastes shall be disposed of in accordance with all local, state and federal requirements;
- B. customer communities shall perform inspections, sewer cleaning activities, repairs and other maintenance functions sufficient to prevent sanitary sewer backups and overflows, and any adverse impacts on the MDS; and
- C. no person or customer community shall dispose of any sewer cleaning wastes into the MDS, or any public sewer connected to the MDS. This prohibition notwithstanding, in the event a facility designed for the disposal of sewer cleaning wastes is established, the Regional Administrator may approve use of such a facility for sewer cleaning waste disposal. Whether established by the Metropolitan Council, one or more customer communities, or any other person, the facility shall be designed and operated to remove solids and discharge the remaining liquid to sanitary sewer systems that have sufficient existing wastewater flow volume and capacity for such purpose.

Customer communities shall ensure that owners or operators of private sewers directly connected to the MDS within their jurisdiction comply with any and all applicable requirements of this subsection.

103.03 Reporting of Sanitary Sewer Overflows and Operational Problems. All customer communities shall immediately report known overflows, spills or bypasses from public sewers to the Minnesota Pollution Control Agency in accordance with Minnesota Statutes, section 115.061. Further, in the event that any customer community overflow, spill or bypass is causing damage to the MDS or a danger to the public, or has the immediate potential to cause such adverse impacts, immediate notification shall also be made to the Regional Administrator, or designated agent.

Customer communities shall also report public or private sewer operational problems that have the potential to adversely impact the MDS to the Regional Administrator within 24 hours of discovery. In addition, if a customer community becomes aware of or observes a discharge into a public sewer that may violate the Waste Discharge Rules, including the discharge of any prohibited waste discharge described in Section

406.00, the customer community shall report that discharge to the Regional Administrator.

103.04 Sewer Use Rules or Ordinance. A customer community may adopt and implement local rules related to the use of customer community sewers. In addition, a customer community may adopt by reference the Waste Discharge Rules, or any portion thereof, into a community sewer use rule or ordinance. These provisions notwithstanding, a customer community shall not implement any rule, ordinance or practice related to customer community sewer use that is in conflict with or less stringent than requirements in the Waste Discharge Rules, or any permit issued under the Waste Discharge Rules.

In accordance with Section 002.00, the Metropolitan Council is the delegated control authority for federal and state pretreatment standards and requirements. The Metropolitan Council Waste Discharge Rules for the Metropolitan Disposal System, therefore, supersede any related customer community rule or ordinance provision.

Customer communities shall provide notice to the Regional Administrator of any adoption or revision of a customer community sewer use rule or ordinance that is related to the Waste Discharge Rules or involves incorporation of the Waste Discharge Rules, or any portion thereof, into a customer community sewer use rule or ordinance.

103.05 Management of Grease Interceptors and Other Separators. A customer community may adopt and implement local requirements to properly control the discharge of fats, oils, grease, sediments, and flammable wastes. Such local requirements shall be in conformance with the Minnesota Plumbing Code, when applicable, and shall not be less stringent than any requirement in the Waste Discharge Rules or any permit issued under the Waste Discharge Rules.

In the event that the Council Board adopts a regional program to control the discharge of fats, oils and grease, or other wastes, the Regional Administrator shall determine the implementation method and the extent, if any, to which the regional program supersedes any related local requirements. Further, the Regional Administrator may establish specific customer community responsibilities related to the management of grease interceptors and other separators under a regional program, and, if applicable, require modifications to any related local requirements that may exist.

103.06 Hauled Liquid Waste Disposal. Customer communities and other persons are prohibited from designating disposal sites for accepting hauled liquid waste into public sewers in accordance with Minnesota Pretreatment Rule 7049.0140, subpart 4. In addition, customer communities shall report any potentially illegal discharge of hauled liquid waste into public sewers or into MDS facilities within the customer community, in accordance with applicable provisions of Section 103.03.

The above prohibition notwithstanding, a customer community may allow recreational vehicle dump stations provided there is no adverse effect on public sewers.

103.07 Access to Customer Community Sewers. Customer communities shall allow representatives authorized by the Regional Administrator access to customer community sewers without cost, fee or waivers of any kind, to determine compliance with the Waste Discharge Rules by any person, or to investigate accidental and slug discharges or operational problems, within community sewers or the MDS. Entry to customer community sewers and related facilities shall be in accordance with the security and safety requirements for MDS facilities in Section 308.00, and any related customer community requirements.

104.00 Requirements Related to Metropolitan Disposal System Facilities

Customer communities, and other affected persons, shall comply with requirements and provisions in this section. The requirements and provisions in this section are related to MDS facilities located within customer communities.

104.01 Metropolitan Council Easement Rights. The Metropolitan Council owns both fee title and easement rights that enable the ownership, operation, and maintenance of various MDS facilities. These rights shall be maintained and shall not be diminished by unauthorized encroachment due to land development, public improvements, roadways, highways, trails, and public and private utilities. Encroachment onto Metropolitan Council owned fee title property and easements requires execution of an encroachment agreement. The Regional Administrator may consider easement encroachment requests subject to the following criteria:

- A. surface and subsurface alterations impacting MDS facilities shall be avoided;
- B. the proposed encroachment and improvements shall not hinder or interfere with access to or the operation and maintenance of the MDS facility;
- C. the proposed improvements shall not cause damage to the MDS facility by causing settlement, horizontal movement, instability, or structural damage; and
- D. in the event that the Regional Administrator requires access to an MDS facility, and a proposed improvement is constructed that impedes access, the improvement shall be removed and replaced at the expense of the applicant.

No customer community, developer, agency, or any other person shall cause or allow easements to be platted or otherwise granted over Metropolitan Council easements without the written approval of the Regional Administrator.

104.02 Encroachment and Encroachment Fee. Any customer community, landowner, developer, or a representative thereof, or any other person that desires to encroach on an MDS facility, property, or easement shall notify the Regional Administrator of such intent. If the Regional Administrator determines that an encroachment application is required, the applicant shall submit an encroachment application and the encroachment application fee established by the Council Board.

No surface or subsurface improvements or grade alterations shall occur within MDS right-of-way until an encroachment application has been approved by the Regional Administrator. Submittal of the encroachment application form and payment of the fee shall not obligate the Regional Administrator to approve an encroachment request.

The encroachment agreement shall include provisions related to relocation, indemnity, liability for damage, and any other conditions deemed necessary, in rights-of-way granted to any person on Metropolitan Council property or easements. The applicant shall accept full responsibility for any and all future damage to the proposed improvements in the event Metropolitan Council requires access to MDS facilities and/or associated right-of-way to perform routine or emergency maintenance.

104.03 MDS Facilities Modifications within Public Right-of-Way. The Metropolitan Council owns and operates facilities located within public right-of-way. All customer communities shall notify the Regional Administrator of any proposed public right-of-way improvements that may affect MDS facilities, and shall configure such improvements to minimize or avoid damage to MDS facilities caused by settlement, rebound, horizontal movement, instability, or excessive loading on facilities.

Proposed surface grade adjustments to MDS structures shall be documented in the encroachment application and shall include details of the proposed adjustment, including methods, materials, and final manhole rim elevations.

104.04 Reconveyance of MDS Facilities. The Council Board shall transfer, dispose of or charge the beneficiaries of all MDS facilities that are no longer needed for Metropolitan Council purposes, pursuant to Minnesota Statutes, sections 473.5111 and 473.504 subd.11, or other applicable statutes. The Metropolitan Council shall transfer such facilities in good operating condition appropriate for their use, and at no cost to the customer community, in accordance with the statutes specified herein and using procedures established by the Regional Administrator or Council Board. The customer community shall accept ownership of facilities subject to reconveyance that are within their jurisdiction, or pay applicable fees determined by the Council Board.

In the event that a customer community requests reconveyance of an MDS facility, the Regional Administrator may negotiate with the customer community involved, and thereby transfer the facility subject to mutually acceptable terms. Such reconveyance shall follow procedures established by the Regional Administrator or Council Board, and may thereby be completed without regard to Minnesota Statutes, section 473.5111.

104.05 Right-of-Way Abandonment. In the event that public right-of-way will be abandoned, vacated or otherwise changed in status, the customer community shall ensure that an easement be established and preserved by the right-of-way owner for the operation and maintenance of MDS facilities associated with or located within that right-of-way such that the Regional Administrator's ability to operate and maintain such MDS facilities has not been degraded prior to completion of the right-of-way change in status.

104.06 Prohibition of Tampering with or Causing Damage to Metropolitan Council Facilities. No person or customer community shall tamper with, alter, adjust or otherwise interfere with any MDS facility, or portion thereof, without approval of the Regional Administrator. Immediate notification to the Regional Administrator shall be made if emergency conditions require customer community entry to, or immediate action related to the operation of, any MDS facility.

In accordance with Section 308.00, any person or customer community that enters an MDS facility for any authorized purpose shall comply with all established security and safety requirements established for such entry or purpose. Further, unauthorized entry to MDS facilities is prohibited, and any person or customer community causing damage during an unauthorized entry shall be subject to civil liability in accordance with Section 505.00.

105.00 Municipal Wastewater Charges – Customer Community Remittance

All customer communities served by the MDS shall be subject to municipal wastewater charges. Customer communities are charged for the volume of wastewater discharged into the MDS and thereby conveyed and treated at a Metropolitan Council treatment plant. Municipal wastewater charges are allocated at a uniform rate, regardless of the strength or nature of the wastewater discharged into the MDS. The Regional Administrator shall reasonably estimate or determine customer community wastewater volumes using methods deemed appropriate. The customer community may be required to submit water supply records and other information for any wastewater discharges not metered by the Metropolitan Council. Failure to submit the required information as requested by the Regional Administrator shall result in use of wastewater discharge estimates determined by the Regional Administrator. Further, the Council Board may change the allocation method for municipal wastewater charges pursuant to Minnesota Statutes, section 473.517, and other applicable statutes. Remittance of municipal wastewater charges by customer communities shall be in accordance with Section 306.00.

Each customer community shall adopt a system of local charges for the use and availability of the MDS in accordance with Minnesota Statutes, section 473.519, and substantive changes in such charges shall be submitted to the Regional Administrator for review. Further, each customer community shall take all actions necessary to provide funds to pay wastewater fees to the Metropolitan Council, as provided in Minnesota Statutes, section 473.521. Customer communities shall also comply with federal rules regarding user charge systems at 40 CFR part 35.929-2 by periodically submitting a survey of municipal residential wastewater rates to Metropolitan Council using a form provided by the Regional Administrator.

In the event that adjustments to volume determinations or other corrections are needed for previous customer community billing periods, the Regional Administrator shall limit such adjustments or corrections to the prior six years pursuant to Minnesota Statutes, section 541.05. The provisions of Section 306.00 notwithstanding, the Regional Administrator may consider all relevant factors to determine customer community payment requirements, or the specific method of Metropolitan Council refund to a customer community, whichever is applicable, for such previous billing periods. Customer communities shall comply with procedures related to volume and billing disputes established by the Regional Administrator or Council Board, and shall cooperate in the administration of any billing adjustments that result.

106.00 Sewer Availability Charge – Customer Community Administration

In accordance with Minnesota Statutes, customer communities shall be subject to SAC, and requirements related to SAC in these rules and the Metropolitan Council SAC Procedure Manual.

Metropolitan Council SAC procedures shall be compiled in a SAC Procedure Manual by the Regional Administrator, and made available to customer communities and any other person. The manual may be updated annually or when necessary, and any substantive changes or new procedures shall be approved by the Regional Administrator or Council Board. If there is any conflict, the SAC Procedure Manual shall supersede these Waste Discharge Rules.

Customer communities may establish a method to collect SAC from property owners or other persons in accordance with Minnesota Statutes, section 444.475 subd.3c. Local fees and charges may be included by customer communities in invoices or statements used to collect SAC, provided that the Metropolitan Council SAC amount is separately identified on any document used for such purpose.

106.01 Customer Community SAC Determinations. SAC determinations, to compute or review the number of SAC units assigned to a specific property, shall be based on the actual or potential capacity demand for use of the MDS. Circumstances subject to a SAC determination may include, but are not limited to:

- A. issuance of building, plumbing or sewer connection permits by a customer community;
- B. development or redevelopment within a customer community;
- C. a change in the use of a specific property;
- D. process or production changes by an industrial user;
- E. availability of information that contradicts the basis of the most recent SAC determination; and
- F. other circumstances that result in a change in capacity demand for use of the MDS.

SAC determinations shall be conducted as follows, unless determined otherwise by the Regional Administrator:

- A. by the customer community for residential properties;
- B. by the customer community for commercial and institutional properties, or by the Regional Administrator when requested by the customer community; and
- C. by the Regional Administrator for industrial properties.

All SAC determinations, whether by the customer community or Regional Administrator, shall follow criteria and procedures in the SAC Procedure Manual. As specified in the SAC Procedure Manual, customer communities may be required to

certify demolitions and wastewater volume at a property in the prior eight years to get credit for the prior capacity demand for use of the MDS.

Customer communities shall retain the overall responsibility to verify that any new installation or modifications are built according to the plans submitted for SAC purposes.

In addition to the procedures described herein for SAC determinations, the Regional Administrator may review wastewater volume records for any industrial user at any time to determine the need, if any, for additional customer community SAC payment, in accordance with Section 305.00. The Regional Administrator shall provide the results of any such reviews or SAC determinations to the customer community in which the industrial user property is located.

106.02 SAC Reports and Remittance. Each customer community shall submit SAC reports and pay SAC due to the Metropolitan Council, using report forms provided in the SAC Procedure Manual, according to a schedule established by the Regional Administrator. Payment of SAC is due to Metropolitan Council regardless of local permit requirements or failure of the customer community to collect SAC for new connections or modified use of the MDS. The SAC amount remitted for each reporting period shall be determined as the sum of the gross SAC amounts due for the new or increased capacity demand at each specific property, less any allowed credits. The SAC amount due for each specific property shall be determined as the number of SAC units required multiplied by the Metropolitan Council SAC rate in effect at the time of SAC unit payment for each specific property. In accordance with provisions of the SAC Procedure Manual, customer communities shall not allow advance payment of SAC for specific properties.

106.03 Metropolitan Council Review of Customer Community SAC Records.

- A. Community Reviews. The Regional Administrator may review customer community SAC records and payments to determine compliance with these rules and requirements of the SAC Procedure Manual at any time. Customer communities shall provide relevant records and documents to the Regional Administrator for this purpose upon request. Such records and documents may include, but are not limited to:
 - 1) building, plumbing and sewer connection permits issued by a customer community during specific periods;
 - 2) any or all construction plans, records or documents related to specific developments or redevelopment within a customer community; and
 - 3) other records or documents related to property use, zoning, and any type of business activity.
- B. Record Retention. Customer communities shall retain local SAC records for Metropolitan Council community reviews for a minimum of eight years.

- 106.04 Customer Community SAC Credit Transfer.** Customer communities may allow a transfer of SAC credits between customer communities, or between sites within a customer community, in accordance with criteria and procedures in the SAC Procedure Manual. Specifically, SAC credit transfers between customer communities shall only be approved by the Regional Administrator in cases that have statewide economic significance as determined by the Minnesota Department of Employment and Economic Development, and that meet other established criteria.

107.00 Information and Plan Submittal

Customer communities, and other affected persons, shall comply with requirements in this section related to information and plan submittal.

- 107.01 Annual Sewer Use Survey.** Each customer community, and other local government units as applicable, shall provide to the Regional Administrator by March 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. Other information, as deemed necessary by the Regional Administrator to construct, operate and maintain the MDS, may also be required through this survey. The report shall be on a form provided by the Regional Administrator.

- 107.02 Comprehensive Sewer Plans.** In conformance with Minnesota Statutes, section 473.859, each affected customer community, and other local government units as applicable, shall submit a comprehensive sewer plan to the Regional Administrator. The plan, and any amendments thereto, shall conform to all requirements of the Metropolitan Development Guide: Water Resources Management Policy Plan, as amended.

In addition, each customer community, and other local government units as applicable, shall annually, or when requested, submit updated maps of its sanitary sewer system to the Regional Administrator. If no changes to the sanitary sewer system occurred since the previous submittal, the customer community or local government unit shall submit a written statement to that effect.

- 107.03 Information Related to Commercial, Institutional and Industrial Users.** Upon request by the Regional Administrator, customer communities shall provide information concerning commercial, institutional and industrial users located within the community. Information requested may include, but is not limited to, water use volumes, sanitary sewer connection locations, SAC payment records, and property ownership information.

In addition, customer communities shall inform the Regional Administrator of any new or unpermitted facilities that may be subject to Metropolitan Council requirements.

New customer communities may be required to provide additional information to the Regional Administrator related to sewer use and other related matters.

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.

In accordance with Sections 004.09 and 004.10, persons subject to the permit requirement under these rules may include, but are not limited to, industrial, manufacturing, commercial, institutional and other business facilities. In addition, the Regional Administrator may determine that any such facility that seeks to discharge industrial waste into public sewers, or that is connected to public sewers and has the potential to violate these rules or adversely affect public sewers, is subject to the permit requirements in this section.

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.

In lieu of, or prior to, completion and submittal of the permit application required by this section, the Regional Administrator may require any affected industrial user or other person to disclose specific

information related to the nature and extent of the person's business activity and waste discharge into public sewers. This information shall be submitted to the Metropolitan Council using a form provided by the Regional Administrator, and on or prior to the date established by the Regional Administrator.

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, surface water, 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, temporary capacity charge or volume charge for special discharge permittees as required by Sections 302.00, 303.02, 304.04 and 305.05;
- E. payment of Sewer Availability Charge or other reserve capacity charges in accordance with provisions of the SAC Procedure Manual;
- F. the maximum allowable wastewater constituents and characteristics, either in terms of concentrations, mass limitations, or other appropriate limits;
- G. requirements for installation, operation, and maintenance of metering devices, monitoring points and sampling equipment;
- H. pretreatment requirements;
- I. requirements for implementing pollution prevention or other best management practices;
- J. requirements for submitting a toxic organic management plan;
- K. self-monitoring requirements, which include sampling locations, frequency and method of sampling, and number and type of tests;
- L. requirements for submittal of self-monitoring and other necessary reports;
- M. requirements for access to the permittee's premises and records under Section 214.00;
- N. requirements for reporting production data applicable to mass-based pretreatment standards;
- O. 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;
- P. compliance schedules;
- Q. requirements for notification to the Regional Administrator of changes in the volume or characteristics of industrial waste discharged into public sewers;
- R. requirements for notification of slug, accidental and/or pretreatment bypass discharges;
- S. requirements for notification to the Regional Administrator within 24 hours of knowledge of a discharge violation;
- T. violation resampling requirements pursuant to Minnesota Pretreatment Rule 7049.0210, subpart 2;
- U. requirements designating the location, time, and volume for discharges into public sewers;
- V. requirements for approval by the Regional Administrator for the discharge of non-routine industrial wastes and special discharges; and
- W. requirements related to industrial user SAC provisions.

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 or state pretreatment standards or requirements; or
- J. a change in the Metropolitan Council's NPDES/SDS 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. updated toxic organic management plans and updated plans for the prevention and control of accidental or prohibited slug discharges;
- I. other relevant information; and
- J. 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, and such fees shall be paid in accordance with Section 306.00.

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. When feasible, the notification required herein shall be made at least 30 days 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 temporary capacity 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. Any related transfer of an assigned SAC baseline shall be in accordance with provisions of section 305.00, and the SAC Procedure Manual and procedures established therein.

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 determinations of incoming water sources less incoming water not discharged to public sewers, 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 that 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.

213.05 Monitoring by the Regional Administrator. The Regional Administrator may collect and analyze wastewater samples, or conduct wastewater flow measuring, in order to evaluate data generated and submitted under provisions of these rules, or to independently determine compliance with these rules by any permittee or person. No person shall alter, tamper with or damage any monitoring device or equipment installed and operated by the Regional Administrator for such purposes.

When monitoring a permittee discharge, the Regional Administrator shall utilize the monitoring point and methods specified in the permit whenever feasible. When infeasible, or when the Regional Administrator has reasonable cause to believe that an industrial user is evading or attempting to evade detection of violations, an alternative monitoring point and methods, to best represent the permittee discharge, may be utilized for this purpose. Data obtained by the Regional Administrator, whether obtained in accordance with permit requirements or alternatively, may be used for enforcement under remedies available in Article V.

The Regional Administrator may also monitor the wastewater discharge of any person to determine compliance with these rules, using a monitoring point and methods that result in data representative of such discharge.

214.00 Access to Premises and Records

The Regional Administrator shall have the unconditional 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, the waste discharge, 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 industrial discharge permits, 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 part 403.12(o) and Minnesota Pretreatment Rules. This includes electronic data and information records maintained and/or submitted in accordance with Section 223.00. 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. Wastewater sources that shall be accounted for include, but are not limited to, process and raw material sources, contact and non-contact cooling water, domestic waste, surface water and groundwater. Water meters may be used to determine reporting period discharge volumes if the Regional Administrator determines that all wastewater sources and 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 Minnesota Pretreatment Rule 7049.0540. 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 all wastewater monitoring conducted during the reporting period;
- G. description of sampling and analytical methods; and
- H. other information that is relevant to determine compliance with these rules.

Permittees shall submit analytical results from all wastewater monitoring, conducted for any required or regulated parameter, with the required self-monitoring reports. This includes in-house self-monitoring, whether done in accordance with the permit requirements or not, if such monitoring could reasonably be used to determine permittee compliance with applicable discharge limitations.

The frequency of routine reporting shall be based primarily upon the permittee's total discharge volume to public sewers: permittees holding standard permits as specified in Section 204.00 discharging less than 2,000,000 gallons of wastewater per year shall report annually; permittees holding a standard permit discharging between 2,000,000 and 20,000,000 gallons per year shall report semi-annually; and

permittees holding standard permits discharging greater than 20,000,000 gallons per year shall report quarterly. Liquid waste haulers shall report at least semi-annually. The reporting frequency for permittees subject to special discharge and general permits shall be determined by the Regional Administrator.

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.

Permittees subject to categorical pretreatment standards shall submit self-monitoring reports and other required reports to the Regional Administrator in accordance with Minnesota Pretreatment Rule 7049.0570 and any requirement of a categorical pretreatment standard.

Permittees, except liquid waste haulers, shall submit complete self-monitoring reports to the Regional Administrator so that they are received by the Regional Administrator on or before the 30th calendar day of the month following the end of each applicable reporting period. Liquid waste haulers shall submit complete self-monitoring reports to the Regional Administrator so that they are received by the Regional Administrator on or before the 15th 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. Late fees shall be paid in accordance with Section 306.00.

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 part 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. All such fees shall be paid in accordance with Section 306.00.

223.00 Electronic Data and Information Submittal

The Regional Administrator shall determine which specific reports and data may be submitted under an electronic submittal program, and may also determine that electronic submittal is required for specific reports and data.

Electronic submittal of reports and data by any person under an electronic submittal program established pursuant to 40 CFR part 3 is subject to the following requirements:

- A. The submitting person is subject to enforcement under Section 502.00, for failure to comply with a reporting requirement, when electronically submitting reports and data required by these rules, and any applicable federal pretreatment standards and requirements, if the person does not comply with all requirements of the established electronic submittal program.

- B. In the event that any submittal under the established electronic submittal program bears an electronic signature, the electronic signature has the same effect under these rules, and any permit issued under these rules, as if the submitting person had instead submitted a paper document with a handwritten signature.
- C. Proof that a particular electronic signature device was used to create an electronic signature included in reports or data submitted under the established electronic submittal program shall be sufficient for the Regional Administrator to conclude that the person uniquely entitled to use the electronic signature device did so with the intent to sign the electronic report or data and thereby validate and give effect to the electronic submittal.
- D. Nothing in the established electronic submittal program limits the use of the electronically submitted reports or data, or any information contained therein, for enforcement remedies or actions under these rules or any permit issued under these rules.

Article III

Specific Programs and Requirements

301.00 Pollution Prevention and Best Management Practices

In accordance with the federal Pollution Prevention Act of 1990, as amended, and to achieve any purpose stated in Section 003.00, the Regional Administrator may require permittees, specific industrial, manufacturing, commercial, and institutional groups, and other persons to implement pollution prevention and best management practices in order to reduce or eliminate waste at the source. Such practices include, but are not limited to: process modifications; the use of non-toxic or less toxic raw materials and other substances; reuse and recycling of raw materials, intermediate and final materials and products; and other conservation, source reduction and waste minimization techniques.

Further, pollution prevention and best management practices that result in the reduction of source water use, and therefore the subsequent discharge volume of wastewater and industrial waste into public sewers, may be included as practices required under this section.

The applicability and extent of such practices may be determined by the Regional Administrator or established by the Council Board.

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 at any time, and the Council Board may designate additional parameters, including but not limited to nitrogen, phosphorus, and related compounds, that are subject to a strength charge. While the primary source of data utilized by the Regional Administrator to issue a strength charge invoice or statement shall be self-monitoring reports submitted pursuant to Section 218.00, other data may be used for such purpose in accordance with Section 220.00, other applicable sections of these rules, or revised procedures established by the Regional Administrator. All strength charges shall be paid in accordance with Section 306.00.

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. The Regional Administrator may exempt specific industrial users, or specific industry groups, from the permit requirement based on a finding of insignificant impact on the MDS. Owners or operators of recreational vehicles are not subject to liquid waste hauler requirements for the disposal of holding tank waste into public sewers directly from such vehicles.

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 by the Council Board at any time. While the primary source of data utilized by the Regional Administrator to issue a load charge invoice or statement shall be self-monitoring reports submitted pursuant to Section 218.00, other data may be used for such purpose in accordance with Section 220.00, other applicable sections of these rules, or revised procedures established by the Regional Administrator. All load charges shall be paid in accordance with Section 306.00.

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.

Owners or operators of recreational vehicles are prohibited from discharging at sites approved for liquid waste haulers, provided, however, such discharge may be allowed at recreational vehicle dump stations established in accordance with Section 103.06.

No person shall tamper with, alter, adjust, damage or otherwise interfere with any MDS facility or equipment at approved disposal sites including, but not limited to, security or access gates, fencing, truck scales, flowmeters, data entry systems and cameras.

Any person or liquid waste hauler utilizing or entering an approved disposal site shall immediately report to the Regional Administrator any damage observed or caused to the site or any related MDS equipment. Any person causing such damage may be subject to penalties or liability in accordance with provisions in Article V of these rules.

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.

The above provisions notwithstanding, the Regional Administrator may establish criteria and provide blanket approval for specific hauled liquid waste types, or waste source locations. Such blanket approval exempts liquid waste haulers that meet the criteria from the written approval requirement stated herein.

303.05 Conditions of Discharge. Any person who has obtained a written approval or permit for MDS disposal of hauled liquid waste 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, Minnesota Pretreatment Rules and any other requirements set forth by the Regional Administrator.

The Regional Administrator may require liquid waste haulers to provide specific information regarding the source of any load, including, but not limited to, the address and property owner name or hauled liquid waste generator name.

Liquid waste haulers shall allow the Regional Administrator to sample any hauled liquid waste load intended for disposal into the MDS. Further, the Regional Administrator may reject any such load determined to be unacceptable for discharge under these rules or any local, state, or federal requirements. No person shall discharge a load rejected by the Regional Administrator into the MDS.

303.06 Entry to Metropolitan Disposal System Facilities. Liquid waste haulers shall comply with security and safety requirements associated with MDS facilities, as specified in Section 308.00.

304.00 Special Discharge Requirements

Any person seeking to discharge any of the following into public sewers shall first obtain a special discharge approval from the Regional Administrator: landfill leachate, landfill condensate, contaminated groundwater, contaminated surface water, surface water requiring disposal when non-MDS disposal is infeasible, or other wastes that are subject to specific or individual discharge requirements.

304.01 Application. A written application for approval to discharge wastes subject to this section into public sewers shall be submitted to the Regional Administrator as follows:

- A. an application for approval to discharge for a duration less than six months shall be submitted at least 30 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 90 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. Further, application fees may be required for applications for discharge approval. All such fees shall be paid in accordance with procedures established by the Regional Administrator, or in accordance with Section 306.00.

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.

The above provisions notwithstanding, the Regional Administrator may establish criteria and provide blanket approval for specific wastes or waste source locations subject to this subsection. Such blanket approval exempts persons seeking to discharge wastes under this section, and that meet the criteria, from the written approval or permit requirement stated herein.

304.04 Conditions of Discharge. Any person who has obtained a written approval or permit for a special discharge shall discharge in accordance with the terms of that approval or permit, Minnesota Pretreatment Rules, any other applicable provisions of these rules, applicable pretreatment standards under the act, and any other requirements set forth by the Regional Administrator. Specifically, any such person shall pay any applicable fees and charges, including but not limited to, application and permit fees, strength and load charges, and temporary capacity charges, in accordance with procedures established by the Regional Administrator, or in accordance with Section 306.00. The discharge of such wastes into public sewers via liquid waste hauler shall be in accordance with applicable provisions of this section and Section 303.00 of these rules.

305.00 Sewer Availability Charge – Industrial User Provisions

Provisions and requirements related to industrial user Sewer Availability Charge are described herein. Additional procedures, related to customer community SAC administration, are provided in Section 106.00.

305.01 Review of Wastewater Records. In addition to SAC determinations for industrial properties described in Section 106.00, the Regional Administrator may routinely review wastewater records of permitted industrial users to determine increases in volume, if any, discharged to public sewers. If the SAC unit equivalent of the current capacity demand, expressed as discharge volume, exceeds the assigned SAC baseline, and the permittee does not reduce the discharge volume down to the

assigned SAC baseline in accordance with a schedule established by the Regional Administrator, additional SAC liability will accrue to the customer community in which the permittee premises are located. This may result in a customer community SAC charge to the permittee. While such reviews are generally conducted prior to permit reissuance, the Regional Administrator may conduct a volume review for any industrial user at any time, and require a customer community SAC payment as necessary.

- 305.02 Time Extension for Discharge Volume Reduction.** In the event a permittee seeks to reduce the current discharge volume in lieu of causing additional customer community SAC liability pursuant to a review of wastewater records, a time extension in the schedule for required actions may be granted by the Regional Administrator. Conditions related to the time extension may include, but are not limited to, payment of a temporary capacity charge by the permittee for discharge volume that exceeds the assigned SAC baseline. The total length of such extensions shall not exceed two years.
- 305.03 Permittee SAC Credit Transfer.** Assigned SAC baselines may be transferred from a prior owner of a permitted facility to a new owner provided the Industrial Discharge Permit is transferred in accordance with Section 211.00, and such transfer is also in accordance with criteria and procedures established in the SAC Procedure Manual.
- 305.04 Metropolitan Council SAC Procedures.** Procedures related to industrial user SAC determinations, wastewater records review, credits, and other related matters shall be compiled in a SAC Procedure Manual and made available to any person by the Regional Administrator. The manual may be updated annually, or when necessary, and any substantive changes or new procedures shall be approved by the Regional Administrator or Council Board. If there is any conflict, the SAC Procedure Manual shall supersede the Waste Discharge Rules.
- 305.05 Temporary Capacity Charge.** Permitted contaminated groundwater and surface water sites and landfills that are connected to public sewers shall be subject to a temporary capacity charge, in lieu of SAC, for temporary use of the reserve capacity of the MDS. Additional persons may be subject to a temporary capacity charge, when required by the Regional Administrator. Temporary capacity charge rates, and the method for determining temporary capacity charges, shall be set forth by the Council Board. These rates and methods may be adjusted by the Council Board at any time. While the primary source of data utilized by the Regional Administrator to issue a temporary capacity charge invoice or statement shall be self-monitoring reports submitted pursuant to Section 218.00, other data may be used for such purpose in accordance with Section 220.00, other applicable sections of these rules, or revised procedures established by the Regional Administrator. Temporary capacity charges shall be paid in accordance with Section 306.00.

306.00 Payments and Finance Charges

All fees and charges necessary to equitably construct, operate and maintain the MDS shall be established by the Regional Administrator or Council Board and may be adjusted at any time. The Regional Administrator shall issue an invoice or statement, which requires payment for fees and charges incurred or due, to customer communities, industrial users, or other affected persons, and such invoices shall be paid within thirty (30) calendar days of demand.

Metropolitan Council fees and charges related to the MDS include, but are not limited to, municipal wastewater charges, strength charges, load charges, temporary capacity charges, permit fees, self-monitoring report late fees, payments related to stipulation agreements, cost recovery fees, encroachment application fees, direct connection application fees, wastewater inefficiency fees, and fees and charges related to the discharge of excessive inflow and infiltration. The Regional Administrator shall provide information regarding the nature and amounts of all MDS fees and charges to any person upon request, and shall also publish or electronically post MDS fee and charge information for the general public.

Any Metropolitan Council fee or charge not paid within 30 calendar days may be subject to an additional monthly interest charge of up to one and one-half percent. Further, the Regional Administrator may utilize any and all means as provided for in these rules, including enforcement actions which may result in revocation of a permit, or any other agreement, empowerment or civil statute, to recover delinquent fees and charges.

307.00 Dental Clinic Discharge Requirements

Requirements related to dental clinics and offices discharging to public sewers are specified herein, and shall be met by any affected person.

307.01 Best Management Practices. All dental clinics connected to public sewers shall implement applicable best management practices. These practices include, but are not limited to, the proper management, dry storage, recycling and disposal of waste mercury, amalgam and lead x-ray foils; on-site pretreatment of spent photographic fixer prior to discharge or off-site shipment of untreated fixer; the use of non-chlorinated vacuum line cleaning chemicals that minimize the release of mercury; the proper cleaning methods of mercury or amalgam-containing instruments prior to ultrasonic cleaning, disinfection or sterilization; and the proper neutralization of waste acidic cleaners prior to discharge. Further, all dental clinics shall manage hazardous waste in accordance with Minnesota Rules, chapter 7045, and any applicable local, state and federal requirements.

307.02 Amalgam Separators. Affected dental clinics shall install and properly operate and maintain an amalgam separator in accordance with requirements determined by the Regional Administrator or established by the Council Board to pretreat vacuum line or other mercury or amalgam-bearing wastewater. Dental clinics in compliance with Metropolitan Council requirements, or similar requirements under any Metropolitan Area, State of Minnesota or federal dental clinic amalgam separator program accepted or implemented by the Regional Administrator, may be exempt from the

local pretreatment standard for mercury specified in Section 401.01. Dental clinics shall be subject to the permit requirements in Section 201.00 unless determined exempt by the Regional Administrator or Council Board.

- 307.03 Applicability.** The requirements of Section 307.02 apply to dental clinics that place, repair or remove amalgam. Specialty dental clinics that do not place or remove amalgam, and that primarily conduct procedures related to orthodontia, periodontia, endodontia, and oral and maxillofacial surgery, radiology or pathology, may be exempt from Section 307.02. The Regional Administrator may also exempt other individual dental clinics from Section 307.02 on a case-by-case basis, due to a finding of insignificant impact on the MDS.

308.00 Entry to Metropolitan Disposal System Facilities

Any person entering an MDS facility shall comply with applicable requirements specified herein.

- 308.01 Security and Safety.** Any person entering any MDS facility shall comply with all security and safety requirements established by the Regional Administrator for authorized entry to that facility. Further, any person entering any other Metropolitan Council facility associated with the operation of the MDS may be subject to security and safety requirements established by the Regional Administrator.
- 308.02 Unauthorized Entry.** Unauthorized entry to MDS facilities is prohibited. Any person causing damage during an unauthorized entry to an MDS facility shall be subject to civil liability in accordance with Section 505.00.

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Article IV

Metropolitan Disposal System 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.

An Industrial Discharge Permit issued in accordance with Sections 204.00 A. and D. may include local pretreatment standards for inorganic parameters that are adjusted to account for the proportion of the total facility discharge, and waste type, present at the monitoring point or points specified in the permit.

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 003.00.

If feasible, permittees and the public shall be notified at least 30 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.

401.06 Applicability of Local Pretreatment Standards to Hauled Waste. Local pretreatment standards shall be applied by the Regional Administrator to hauled waste in the following manner:

- A. At the source, if determining whether the material is acceptable to be hauled and discharged into the MDS, or
- B. At the hauling vehicle when determining compliance with local pretreatment standards, other provisions of these rules and liquid waste hauler requirements in Section 303.00.

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 and state 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, except as authorized in a permit or special discharge approval, 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 and state pretreatment standards and requirements.

405.00 Requirements for Grease Interceptors and Other Separators

Grease interceptors and other separators for the proper control of fats, oils, grease, sediments, and flammable wastes shall be installed by any affected person when required by the Minnesota Plumbing Code, Minnesota Rules, chapter 4715, or where the Regional Administrator determines such control is necessary.

All grease interceptors and other separators 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 grease interceptors and other separators of sufficient size and capacity to meet the requirements of these rules. Such equipment and devices shall be installed to accept only the flow from processes or sources that generate fats, oils, grease, sediments and flammable wastes, as applicable. The distance between the inlet and outlet of the interceptor or separator 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 grease interceptor or other separator shall be installed to be readily accessible for removal of the cover, servicing, and maintenance. If installed substantially below grade, safe access shall be provided.

Grease interceptors and other separators shall be maintained for efficient operation. Periodic removal of accumulated solids and floating materials shall be performed as part of routine maintenance. 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 grease interceptor or separator capacity.

Pretreatment solids removed from a grease interceptor or other separator, if intended for subsequent public sewer disposal, shall be transported and discharged by a permitted liquid waste hauler. Such

transport and discharge into public sewers shall be in accordance with applicable provisions of Sections 303.00 and 403.00.

Any person discharging fats, oils or grease of animal or vegetable origin into public sewers, from food service establishments, may be required to meet additional requirements established by the Regional Administrator or Council Board through a regional program regulating such discharge.

Customer community requirements related to the management of grease interceptors and other separators are set forth in Section 103.05.

406.00 Prohibited Waste Discharges

No person, except as authorized in a permit or special discharge approval, 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, including biofuel, 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 has a potential 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, textile and other solid utensil objects from hospitals, physician and dental clinics, veterinary facilities, other health care facilities, criminal detention and correctional facilities,

mortuaries, blood banks, laboratories of any kind and food preparation facilities, provided, however, that the Regional Administrator may allow the use of grinder units at such facilities when the sole purpose is to protect public sewers from the indiscriminate discharge of materials specified herein.

- 406.07** Any wastewater containing 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 or sumps, or roof drainage, unless there is no effective and practical alternative, as determined by the Regional Administrator. Groundwater or surface water determined by the Regional Administrator to be contaminated is exempt from this prohibition provided, however, that any such discharge is subject to all applicable provisions in these rules related to permit or special discharge requirements.
- 406.18** Any material exhibiting a half-life or having radioactive or physical properties that are in noncompliance with limitations established by the United States Nuclear Regulatory Commission, 10 CFR part 20 or Minnesota Rules, chapters 4731 and 4732.
- 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 or 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 subsection 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 operational problems within public sewers, or which violates applicable state or federal laws or requirements.
- 406.23** Any wastewater resulting from the processing, for public sewer disposal, of any waste or material when the effect of such actions is the avoidance of off-site solid waste disposal.

407.00 Additional Prohibited Waste Discharges

The Council Board may adopt additional prohibited waste discharges to achieve any purpose stated in Section 003.00. 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 and State Pretreatment Standards and Requirements

Federal pretreatment standards and requirements promulgated pursuant to section 307 of the act and Minnesota Rules, chapter 7049, shall be met by all affected persons.

Further, industrial users subject to federal categorical pretreatment standards promulgated under section 307 of the act, established under Code of Federal Regulations, title 40, chapter I, subchapter N and adopted under Minnesota Pretreatment Rule 7049.0310, 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, Minnesota Pretreatment Rules or an applicable categorical pretreatment standard. Industrial users shall also comply with all more stringent provisions of the general pretreatment regulations, Minnesota Pretreatment Rules 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 Minnesota Pretreatment Rule or 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.

Any person subject to any liability identified in this subsection shall pay such costs in accordance with Section 306.00.

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 and State Pretreatment Standards and Requirements

The Regional Administrator shall notify all affected industrial users of applicable federal pretreatment standards and requirements, amendments thereto, reporting requirements and applicable Minnesota Pretreatment Rules; 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 part 403.12 and Minnesota Pretreatment Rules 7049.0200 and 7049.0500-0570 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, Minnesota Pretreatment Rules 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.

The above provision notwithstanding, in accordance with Sections 106.00 and 305.04, in the event of conflict between these rules and the SAC Procedure Manual, the SAC Procedure Manual 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.

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