

CITY OF MARSHALL

WASTEWATER DISCHARGE PERMIT

FOR ARCHER DANIELS MIDLAND

I. GENERAL

- A. The City of Marshall, Minnesota, a municipal corporation, hereinafter referred to as "City," hereby authorizes Archer Daniel Midland, 400 West Erie Road, Marshall, Minnesota, hereinafter referred to as "ADM" to discharge wastewater to the public sewer system in accordance with the effluent limitations, monitoring requirements, and other conditions set forth in this permit.
- B. City is the owner and operator of a wastewater treatment facility located in City of Marshall, County of Lyon, and State of Minnesota, which has a continuous discharge to the Redwood River. ADM is the owner and operator of a wet milling plant in Marshall, which discharges wastewater to the wastewater treatment facility.
- C. City has an NPDES Operating Permit No. MN0022179 for the City's Wastewater Treatment Facility as a part of a National and State Disposal Permit Program administered by the Minnesota Pollution Control Agency under the Clean Water Act as amended (33 U.S.C. 1251, et seq.), MSA Chapters 115 and 116 as amended by Minnesota Rules Chapter 7001 and 7050. Attached to this permit is a copy of the rule requirements set forth in Part III of the NPDES Permit concerning pretreatment of water prior to discharge of wastewater to the public sewer system.
- D. Under definitions set forth in City's Sanitary Sewer Ordinance (Sec. 78.26), ADM is defined as a Significant Industrial User. The ordinance requires all Significant Industrial Users to obtain a permit to discharge wastewater to the public sewer system.
- E. This permit and authorization to discharge becomes effective immediately upon issuance and shall automatically renew on January 1 of each and every subsequent year.
- F. User charges are subject to change upon change to the user rates as set annually by the Marshall City Council.
- G. The conditions of this permit supersede any arrangements or requirements by City pertaining to discharges from ADM to the public sewer system. ADM *shall* also comply with any terms of the City's Sanitary Sewer Ordinance (Article II, Chapter 78, Marshall City Code) not modified by this permit.

- H. The terms and conditions of this permit shall be subject to modification during the term of the permit if limitations on discharge from the wastewater treatment facility, as set forth in City's NPDES permit, are modified, or as the City deems necessary. City shall notify ADM of any change in this permit 60 days prior to the effective date of change.
- I. ADM shall not knowingly make any false statement, representation, or certification in any record, report, or plan required to be submitted to the City under this permit.
- J. This permit shall not release ADM from any liability or duty or penalty imposed by the State of Minnesota or State and Federal statutes, regulations, or local ordinances. ADM is required to comply with the general pretreatment regulations identified in 40 C.F.R., Part 403 and the Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR, Chapter I, Subchapter N. Nothing in this permit waives the right of the U.S. Environmental Protection Agency or the State of Minnesota from commencing appropriate enforcement action to correct any violation of the general pretreatment regulations or of this permit.
- K. This permit is not transferable without the prior written permission of the City of Marshall and ADM.

II. DISCHARGE LIMITS

- A. The discharge from ADM shall be subject to the following discharge limitations where said discharge enters the public sewer system.

Table 1

Effluent Parameter and Unit of Measurement	Monthly Average Value
Flow (gallons per day)	800,000 gal/day
Carbonaceous Biochemical Oxygen Demand (CBOD ₅) (lbs. per day)	2,500 lb./day
Total Suspended Solids (TSS) (lbs. per day)	6,000 lb./day
pH ⁽¹⁾	5.0 – 10.5 ⁽¹⁾

(1) pH shall be met at all times and shall not be subject to averaging.

III. PROHIBITED DISCHARGES

- A. ADM shall not discharge or cause to be discharged to the collection system, either directly or indirectly, any pollutants, which may pass through or cause interference with treatment, nor shall ADM discharge or cause to be discharged any of the following described wastes or wastewater:
 - 1. Storm water, ground water, or flow from roof runoff, subsurface drainage, downspouts, yard drains, yard fountain drains, swimming pools, ponds, or lawn sprays into any sanitary sewer. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or discharged to a

natural outlet approved by the Minnesota Pollution Control Agency, hereinafter referred to as the Approving Authority.

2. Any liquid having a temperature higher than 104 degrees Fahrenheit (40 degrees Centigrade). (Exceptions may be granted where it has been shown that the high temperature wastewater would not cause any significant issues to wastewater facilities or processes.)
3. Any water or wastes which contain wax, grease or oil, plastic or other substance that will solidify or become discernibly viscous at temperatures between 32 degrees to 104 degrees Fahrenheit.
4. Any solids, liquids or gases which by themselves or by interaction with other substances may cause fire or explosion hazards, or in any other way may be injurious to persons, property, or the operator of the wastewater treatment facilities, including, but not limited to, waste streams with a closed cup flashpoint of not less than 140 degrees Fahrenheit (60 degrees Celsius) using test methods specified in 40 CFR 261.21.
5. Any solids, slurries, or viscous substances of such character as to be capable of causing obstruction to the flow in sewers or other interference with the proper operation of the wastewater treatment facilities, such as ashes, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, whole blood, paunch manure, hair and fleshing's, entrails, lime slurry, lime residues, chemical residues, or bulk solids.
6. Any garbage that has not been properly comminuted or shredded.
7. Any noxious or malodorous substance, which either singly or by interaction with other substances is capable of causing objectionable odors, or hazard to life; or forms solids in concentrations exceeding limits established in Marshall City Code Section 78-47 or creates any other condition deleterious to structures or treatment processes; or requires unusual provisions, alterations, or expense to handle such materials.
8. Any waters or wastes having a pH lower than 5.0 or higher than 10.5 or having any corrosive property capable of causing damage or hazards to structures, equipment, or personnel. (Exceptions may be granted where it has been shown that the high or low pH would not cause any significant issues to wastewater facilities or processes.)
9. Any wastes or waters containing suspended or dissolved solids of such character and quantity that unusual attention or expense is required to handle such materials in the wastewater collection and treatment facilities.
10. Any radioactive wastes greater than allowable releases as specified by current United States Bureau of Standards Handbooks dealing with the handling and release of radioactive materials.

11. Any waters or wastes including hazardous wastes in sufficient quantity either singularly or following interaction with any other substance to injure or interfere with any wastewater treatment process, to constitute a hazard to humans or animals, or to create any hazard in the receiving water of the wastewater treatment facilities.
12. Free or emulsified oil and grease exceeding on analysis an average of 100 parts per million (834 pounds per million gallons) of either or both, or combinations of free emulsified oil and grease, if in the opinion of the Approving Authority it appears probable that such wastes:
 - a. Can deposit grease or oil in the sewer lines in such a manner to clog the sewers.
 - b. Are not amenable to bacterial action and will therefore pass to the receiving waters without being affected by normal wastewater treatment processes.
 - c. Can have deleterious effects on the treatment process.
13. Materials which exert or cause:
 - a. Unusual concentrations of solids or composition; as for example, in total suspended solids of inert nature (such as Fuller's Earth) and/or in total dissolved solids (such as sodium chloride or sodium sulfate).
 - b. Excessive discoloration.
 - c. Unusual biochemical oxygen demand or unusual immediate oxygen demand.
 - d. High hydrogen sulfide content.
14. Molybdenum based wastes, including, but not limited to, cooling tower chemical additives, boiler additives, antifreeze, and lubricants.
15. Any discharge that would cause the City to violate the requirements of their NPDES permit.
16. "Slugs" of waste or wastes to the collection system, which may be harmful to the operation of the wastewater facilities or processes. Where, in the opinion of the City engineer, slugging does occur, ADM shall construct and maintain, at their own expense, a storage reservoir of sufficient capacity with flow control equipment to ensure an equalized discharge over a 24-hour period.
 - a. A "slug" is defined as any flow rate or concentration or quantity of pollutants that may cause inhibition or disruption of the wastewater facility.

IV. MONITORING

- A. ADM shall be responsible for continuously monitoring flow with a primary flow-measuring device. Monitoring equipment and a 24-hour composite sample shall be placed onsite of the City Wastewater Treatment Facility at the Preliminary Treatment Building. ADM shall be responsible for calibrating and performing maintenance on its analytical instruments as required to ensure accuracy of measurement and to notify the City of calibrations to verify accuracy. A professional calibration shall be performed on all equipment at least annually with the results being reported to the City as soon as they are received. The City will perform monthly calibrations on the flow measuring device and pH meter at the Preliminary Building.
- B. Frequency and type of monitoring shall be in accordance with the schedule in Table 2. The City will collect and perform testing on the wastewater samples.

Table 2

Effluent Parameter and Unit of Measurement	Type of Sample or Report	Frequency of Sampling or Reporting
Flow (gallons per day)	Continuous	Daily
Carbonaceous Biochemical Oxygen Demand (CBOD ₅) (lbs. per day)	24-hr Composite	4 times/week
Total Suspended Solids (TSS) (lbs. per day)	24-hr Composite	4 times/week
Ph	Grab	4 times/week

- C. During the time or times when flow monitoring equipment is not in place or inoperative, an average daily flow will be used to determine loading. In case of equipment failure, immediate repair efforts shall be implemented. ADM shall provide a daily summary of flow estimates during periods of flow monitoring equipment malfunction to City no later than the fifth day of the following month.
- D. City shall have the authority to enter the ADM sampling structures at any time to inspect or install City-owned monitoring equipment.
- E. The City shall retain for not less than three years, all records, books, documents, memoranda, reports, correspondence, and any and all summaries thereof, relating to monitoring, sampling and chemical analysis of ADM discharge to the City system. ADM shall have the right to copy such documents as ADM determines necessary.

V. CHARGES AND RESPONSIBILITIES

ADM shall be responsible for the following, in addition to the charges for sewer use under Section 78-94 of the City's ordinance:

- A. The costs of additional sampling required due to violations caused by discharges exceeding permit limits.
- B. The cost of constructing any additional sampling or flow measuring structures or monitoring equipment necessary to monitor properly any pollutants permitted by a change in the terms of this permit, if such change is at the request of ADM or City. Plans and specifications for such facilities shall be approved by the City prior to installation.

VI. PENALTIES

- A. The discharge of a waste not in compliance with the effluent limitations set forth in Section II of this permit is a violation of this permit subject to the procedures set forth in Section 78-48 of the City's ordinance.
- B. Penalties shall be levied for each parameter violation per day of violation and shall be cumulative.

VII. ACCIDENTAL DISCHARGE

- A. ADM shall notify City and, as appropriate, Environmental Protection Agency and/or Minnesota Pollution Control Agency immediately upon having a slug or accidental discharge of substances or wastewater or hazardous wastes in violation of this permit in order to enable countermeasures to be taken by City to minimize damage to the treatment system and receiving waters. Such notification shall not relieve ADM of any fines imposed by or on City because of any violation of State or Federal law.

VIII. SUSPENSION AND REVOCATION

- A. City may suspend wastewater treatment service and/or this discharge permit (immediately, with written notice and explanation provided to ADM within 7 days of the date of suspension) when, in the opinion of the City, it is necessary to prevent or stop an actual or threatened discharge which presents, or may present, an imminent or substantial endangerment to the health or welfare of persons, to the environment or to the wastewater treatment system.
- B. City may revoke this permit if ADM fails to report factually the wastewater constituents and characteristics of its discharge, significant changes in wastewater constituents or characteristics, refuses reasonable access to its premises for the purpose of inspection or monitoring, repeatedly violates conditions of this permit, or refuses to pay penalties imposed by the permit.

IX. NOTIFICATION OF VIOLATION AND RESPONSE

- A. In case of a violation of this permit, City shall notify ADM in writing, within thirty days of receipt of data indicating a violation, stating the nature of the violation. The notice shall state the amount of the fine for the violation.
- B. ADM shall respond to the City's notice within thirty days, including payment of any penalties, an explanation of the cause of violation, measures to be taken to prevent recurrences and a time schedule for implementation.
- C. Failure of the City to provide timely notice does not absolve ADM of liability for the violation or for payment of penalties for the violation.

X. SEVERABILITY

If any provision, paragraph, word, section, or article of this permit is held unconstitutional or invalidated by a court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and articles shall not be affected and shall continue in full force and effect.

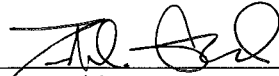
IN WITNESS WHEREOF, the parties hereto have set their hands and seal the day and year written below.

CITY OF MARSHALL

By: _____ Date: _____
Its Mayor

City Administrator

ARCHER DANIELS MIDLAND

By:  Date: 1 | 31 | 20
~~Its President~~
Plant Manager