

January 6, 2020

VIA E-MAIL ONLY

Justin Wagner  
Utilities Manager  
City of Northfield  
1101 College Street  
Northfield, MN 55057  
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**Re: NPDES Permit Review for the City of Northfield, MN**

Dear Mr. Wagner:

One of the benefits of MESERB membership is that MESERB's technical consultants at Hall & Associates, Washington, D.C., have contracted with MESERB to review municipal wastewater treatment facility NPDES permits at the time they come up for re-issuance. Hall & Associates was provided with a copy of the pre-public notice draft permit and fact sheet for the City of Northfield's wastewater treatment facility. The following are the comments from Hall & Associates and Flaherty & Hood, P.A., on this NPDES permit:

**Phosphorus Limits**

The new and modified phosphorus limits (6,223 kg/year, 12-month moving total and 24.80 kg/day calendar month average, June – September) are the only new effluent limits included in the draft permit. These limits are consistent with the previous understanding reached with MPCA by which MPCA agreed to scale up the June – September limit to provide increased flexibility to ensure consistency with the City's phosphorus wasteload allocation in the Cannon River TMDL for Lake Byllesby.

**Previously Imposed Copper Limit**

The draft permit includes effluent limits for copper of 1.45 kg/day and 113 µg/L as maximum daily limits. The Fact Sheet includes one year of performance data that shows a maximum daily discharge of 0.2 kg/day and 24 µg/L. These levels are 14 percent and 21 percent of the respective effluent limits. It appears these limits were previously imposed as mass cap limits based on the facility's previous average wet weather design flow of 3.4 MGD.<sup>1</sup> The recent monitoring data indicates that there is no reasonable potential for the City to cause or contribute to a violation of the copper water quality standard, and there is no reasonable potential analysis for copper µg/L in the Fact Sheet.<sup>2</sup>

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<sup>1</sup> Fact Sheet, at 14.

<sup>2</sup> Fact Sheet, Table 3.

As a result, if the City has any concerns about the copper limit, the City could request that the copper limit be removed from the permit and replaced with a copper monitoring requirement. Given recent performance history, however, this may not be necessary.

**Conclusion**

We hope that the above-mentioned comments from Hall & Associates are helpful in reaching a reasonable permitting outcome for the City. We recommend that you incorporate the comments from Hall & Associates into a comment letter to send to the MPCA.

The next step in this process is that the MPCA will put the draft permit on public notice. At that time, you will have 60 days to file comments and/or challenge the permit by filing a request for a contested case hearing. In the event that the City decides to proceed with filing comments or requesting a contested case hearing, you should hire legal counsel to assist you. Should you have any questions or require any additional information, please contact Daniel Marx at [dmmarx@flaherty-hood.com](mailto:dmmarx@flaherty-hood.com) or Gretel Lee at [gllee@flaherty-hood.com](mailto:gllee@flaherty-hood.com) or at (651) 225-8840.

Very truly yours,

FLAHERTY & HOOD, P.A.

DM/GL

cc: David Bennett, Public Works Director/City Engineer  
Chris Hood, City Attorney  
John C. Hall, Hall & Associates  
William T. Hall, Hall & Associates