

City Council Regular Meeting Agenda
City Council Chambers
June 2, 2014

Page

1. 5:30 p.m. Call the Meeting to Order at City Hall (Mayor)
2. Persons with Unscheduled Business to Come Before the City Council (Mayor)
3. Review the Consent Agenda: (Mayor)
 - a. Minutes:
 - 2-4 ▪ 5.19.14 City Council Meeting
 - 5 ▪ 5.15.14 Safety Committee Meeting
 - 6-7 ▪ 4.17.14 EDA Meeting
 - b. Applications:
 - Vacancies on Boards & Commissions:
 - Park Board – 1
 - Benson Area Tourism Board – 3
 - Cemetery Board - 1
 - Airport Commission – 2
 - c. Correspondence:
 - d. Overnight Travel:
- 8-12 4. Overhead to Underground Conversion – Authorize Bids
- 13 5. Request for Tax Abatement
- 14-27 6. Minnesota Pollution Control Agency – Dan Gens
28-32 ▪ Compliance Evaluation Inspection Report
 ▪ Notice of Violation
7. Nuisance Abatement – Benson Mobile Manor on 10th St. N.
8. Chickens in the City of Benson
- 33 9. Pay Request – B.G. Amundson Construction - \$7,836.80Adjourn: Mayor
10. Adjourn: Mayor

DRAFT

**MINUTES - BENSON CITY COUNCIL - REGULAR MEETING
MAY 19, 2014**

The meeting was called to order at 5:30 p.m. by the Mayor. Members present: Paul Kittelson, Mike Fugleberg, Jack Evenson, Stephanie Heinzig & Sue Fitz. Members Absent: None. Also present: City Manager Rob Wolfington, Director of Finance Glen Pederson, Public Works Director Dan Gens, Police Chief Ian Hodge and Beth Deitchman.

It was moved by Fitz, seconded by Fugleberg and carried unanimously to approve the following minutes on the consent agenda:

- May 5, 2014 City Council Meeting
- April 17, 2014 EDA Meeting
- March 10 2014 Park Board Meeting

It was moved by Evenson, seconded by Fitz and carried unanimously to appoint Jerry Johannessen to the Planning Commission with his term ending December 31, 2016.

Wolfington informed the Council the new General Plant Manager at CVEC will be Chad Friese.

Next the Council discussed the new Cemetery Policy on flowers and other articles on grave sites. It has become difficult to mow and trim around some of the graves because of adornments on the graves. Wolfington said the new policy has been in the paper, sent to the churches, it's posted at the Cemetery, is on the City website and the Cemetery website for people to reference. After discussion, it was moved by Fugleberg, seconded by Evenson and carried unanimously to approve the new Cemetery policies.

Wolfington shared the Planning Commission has set a listening session for Wednesday, May 28, 2014 in the City Council Chambers to take testimony for or against hen chickens in the City of Benson. The Planning Commission will bring it to their meeting on June 2, and follow up with a recommendation to the City Council.

Next Police Chief Ian Hodge came before the Council and presented the 2013 Annual Benson Police Department Report.

Wolfington said it is the time of year for junk complaints. Under the current process for junk in yards, a letter is sent, warnings are issued, public hearings held and corrections made, which is a long process and labor intensive. This year there will be a different approach. Chief Hodge will be issuing citations under current ordinance. Chief Hodge has had success at a past community with this approach.

Next Wolfington informed the Council a purchase price has been agreed to with Glacial Plains for the land we had purchased from BNSF across from their Convenience Store. The strip of land will be 370' by 100', and run from the Liquor Store to the edge of 11th St. N. Glacial Plains intends to put in a diesel fueling station across from the Convenience Store. They will be applying for a conditional use permit. Sale of the land to Glacial Plains will be \$92,500. The rest of the land to the west will remain green space. It was moved by Heinzig, seconded by Evenson and carried unanimously to approve the sale of the 100' x 370' land to Glacial Plains in the amount of \$92,500.

Next Gens approached the Council to talk about the loader bids. Gens said he and the street department contacted both John Deere and Case to revisit the loader specs. Gens recommended they go with the John Deere 544K in the amount of \$133,936.00. Wolfington said the John Deere will meet our needs, but the Case is larger. It was moved by Fitz, seconded by Evenson and carried unanimously to purchase the Case 721F loader in the amount of \$151,655.00.

Next was a change order on the water main replacement project on 15th Street South. Originally the engineer specs called for cutting the tar down the middle of the street, replacing the main, and patching in the black top. After discussion, and review of the condition of the entire street, staff felt it would be better to take the tar off of the entire street. After discussion, it was moved by Fitz, seconded by Evenson and carried unanimously to approve Change Order No. 1 in the amount of \$9,310.73.

Next Gens explained to the Council there has been trouble with Well #33. After visiting with the engineers and running water tests, it was decided to take well #33 out of service, and that it needed to be rehabilitated. After discussion it was moved by Fugleberg, seconded by Evenson and carried unanimously to approve Their Well to rehab well #33 in the amount of \$16,350.00.

Next was the bituminous bids. Gens explained they scaled the scope of work down and re-bid the bituminous projects for this year. The following bids were received:

| | |
|--------------------------|-------------|
| Central Specialties Inc. | \$72,710.00 |
| Mark Lee Excavating Inv. | \$76,857.00 |
| Duinink, Inc. | \$83,655.00 |

It was moved by Heinzig, seconded by Evenson and carried unanimously to approve Central Specialties Inc. bid in the amount of \$72,710.00.

Next was a pay request from KHC Construction, Inc. for work done on the trickling filter at the wastewater plant. Gens said the trickling filter seems to work better than ever. He and PeopleService have inspected the filter and recommend payment. It was moved by Fitz, seconded by Fugleberg and carried unanimously to approve pay request No. 1 to KHC Construction Inc. in the amount of \$104,943.65.

There was a final pay request from Rice Lake Boring, Inc. for work on the storm sewer by the river. This project was complete last year. It was moved by Evenson, seconded by Heinzig and carried unanimously to approve the final pay request No. 2 to Rice Lake Boring in the amount of \$3,192.35.

Fitz stated the parking needs to be addressed on Countryside Court. There are several apartments along the road, and in front of the two large apartments, people are parking there making it nearly impossible to snow plow, or for fire trucks to get to the buildings. After discussion, it was the consensus of the Council to research the parking at these apartments and to readdress this at the next Council meeting.

It was moved by Evenson, seconded by Fitz and carried unanimously to approve the 2nd Reading of an Ordinance To Amend Title IX: General Regulations, Chapter 93: Nuisances; § 93.18 Of The Benson City Code of 2003.

Pederson approached the Council to explain the Missouri River Energy Services Non-utility Charges in the electric fund budget. In order for the electric utility to be eligible for transmission revenues from MISO it was necessary for the distribution charges from MRES be broken down into their various tasks. These include non-utility related costs. These costs are arguably a transfer out of the Utility Fund as outlined in the Charter, and staff will be reducing the annual 25% transfer by the amount in this line item. The budget for this year is \$50,000.

It was moved by Evenson, seconded by Fitz and carried unanimously to approve the bills and warrants in the amount of \$288,594.54.

Wolffington stated he met with Swift County HRA director Vicki Syverson and County Administrator Mike Pogge-Weaver about the shortage of rental housing in Benson. Swift County has offered the HRA a tax forfeiture property at 402 – 15th Street South in Benson for \$1. Syverson estimates there are about \$50,000 - \$60,000 in repairs that need to be done to the house. Syverson is asking if there

is some funding the City could contribute to make this house habitable again. Wolfington stated there are some HUD funds we could put toward restoring this house. After discussion, it was moved by Fugleberg, seconded by Evenson and carried unanimously to use \$25,000 in HUD funds to apply toward the repairs of the house with the stipulation when the house sells we get the \$25,000 back.

There being no other business, a motion was made by Evenson, seconded by Fitz and carried unanimously to adjourn the meeting at 6:21 p.m.

Mayor

City Clerk

Safety Committee Meeting
Thursday, May 15, 2014
9 AM

Members Present: John Goulet Ian Hodge, Rob Wolfington, Dan Gens, Tim O'Conner, Erik Stephen, Mike Hoffman, Gary Searcy and Val Alsaker

Members Absent:

Old Business

1. Checklists were turned in from Wastewater, Liquor Store, Street Department, Line Department, Power Plant and Water Department with no noted issues. Transit check list said the driveway concrete in front of door #2 is broken and hazardous. Also the roof is leaking with ceiling damage in the transit building. Dan stated he needs to get together with the Liquor on the drainage issue there to plan when this can be fixed.
2. Ian said the police are working on their first aid kits and waiting to hear from the defib grant.

New Business

1. The defensive driving class on 5/1/14 was reviewed.
2. Annual Safety Picnic is May 19 at the Fire Hall.
3. There is a reflective clothing order going in soon.

There being no other business, the meeting was adjourned.

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EDA Meeting April 17, 2014

Members Present: Rick Horecka, Mike Fugleberg , Leroy Noreen, Paul Estenson, Pat Hawley, Jon Buyck, Rob Wolfington & Paul Kittelson
Members Absent: None
Also Present: Steven Daniels & Kevin Wald of SpecSys, Todd Staton from Staton's Snack Shak and Assistant City Attorney Ben Wilcox.

Chairman Estenson called the meeting to order at 12:13 p.m.

It was moved by Noreen, seconded by Hawley and carried unanimously to approve the February 20, 2014 EDA minutes.

SpecSys Loan Request

Kevin Wald and Steven Daniels from SpecSys approached the EDA. They have seen a growth in their business. They currently work on orders from several different industries. Between growth in orders and federal regulations, they are asking for funding to take on current and future orders. There was discussion on the large welding jobs that will be coming to Benson, as well as funding. The loan committee of Hawley and Estenson discussed the loan, and recognized the favorable payment history of the last loan they had with the EDA. Swift County RDA has committed \$50,000 to SpecSys contingent on the EDA's approval of a \$100,000 loan. It was moved by Estenson to approve the loan to SpecSys in the amount of \$100,000, with a 2 ½% interest rate over 7 years, with a corporate guarantee and no balloon payment, with the first payment due in 30 days. Horecka seconded the motion. The motion passed unanimously.

International Biomass Conference

Wolfington and Horecka discussed the International Biomass conference they attended in Florida recently. The conference will be in Minneapolis, MN again next year.

Other Business

Estenson asked the status of the Future Products Loan. Ben stated it is not settled yet. Estenson said he is not thrilled with the prospect of a possible settlement. Wilcox stated April 23, 2014 is the deadline for decision.

The EDA reviewed the loan profile. Cook's Sports Arena has a balloon payment due. There was discussion on resetting the loan and interest. Horecka made a motion to authorize staff to enter into negotiation with Cook's as to whether they wish to continue payments as are or pay the balloon payment. The motion was seconded by Buyck and carried unanimously.

Staton Snack Shak Loan

The loan committee of Estenson and Noreen reviewed the loan application for \$24,000.00 from Staton Snack Shak. Noreen said after a year in business, they have a grasp on the food expenses and have made it through some tough expenses with repairs of equipment. Todd Staton approached the EDA. Staton stated sales are increasing every week with the warmer weather. After discussion it was moved by Horecka to approve a \$19,000.00 loan at 3 ½% interest, with a 10 year amortization and a 5 year balloon payment. The motion was seconded by Buyck and the motion passed unanimously.

There being no other business, Kittelson made a motion, seconded by Fugleberg and carried unanimously to adjourn the meeting at 1:12 p.m.

Chairman

Attest:

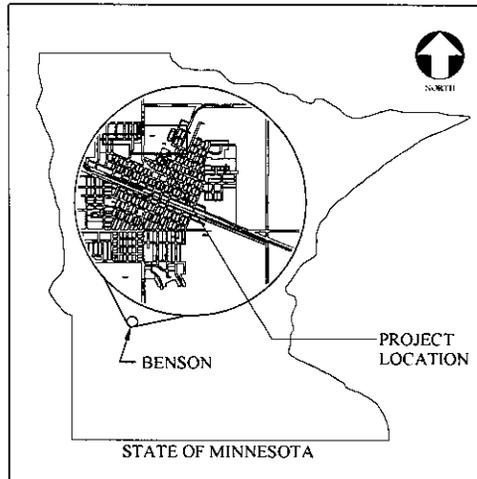
Secretary

OVERHEAD TO UNDERGROUND CONVERSION - 2014 - CITY OF BENSON BENSON, MINNESOTA

CITY OFFICIALS

| | |
|---------------------------|---|
| MAYOR: | PAUL KITTELSON |
| COUNCIL MEMBERS: | MIKE FUGLEBERG SUE FITZ JACK EVENSON STEPHANIE HEJNZIG |
| CITY MANAGER: | ROBERT WOLFINGTON |
| CITY ATTORNEY: | DON WILCOX |
| DIRECTOR OF PUBLIC WORKS: | DAN GENS |
| DIRECTOR OF FINANCE: | GLEN PEDERSON |
| LINE SUPERINTENDENT: | DAVE JOHNSON |

CONSTRUCTION SET



DGR PROJECT NO. 419011

LIST OF DRAWINGS

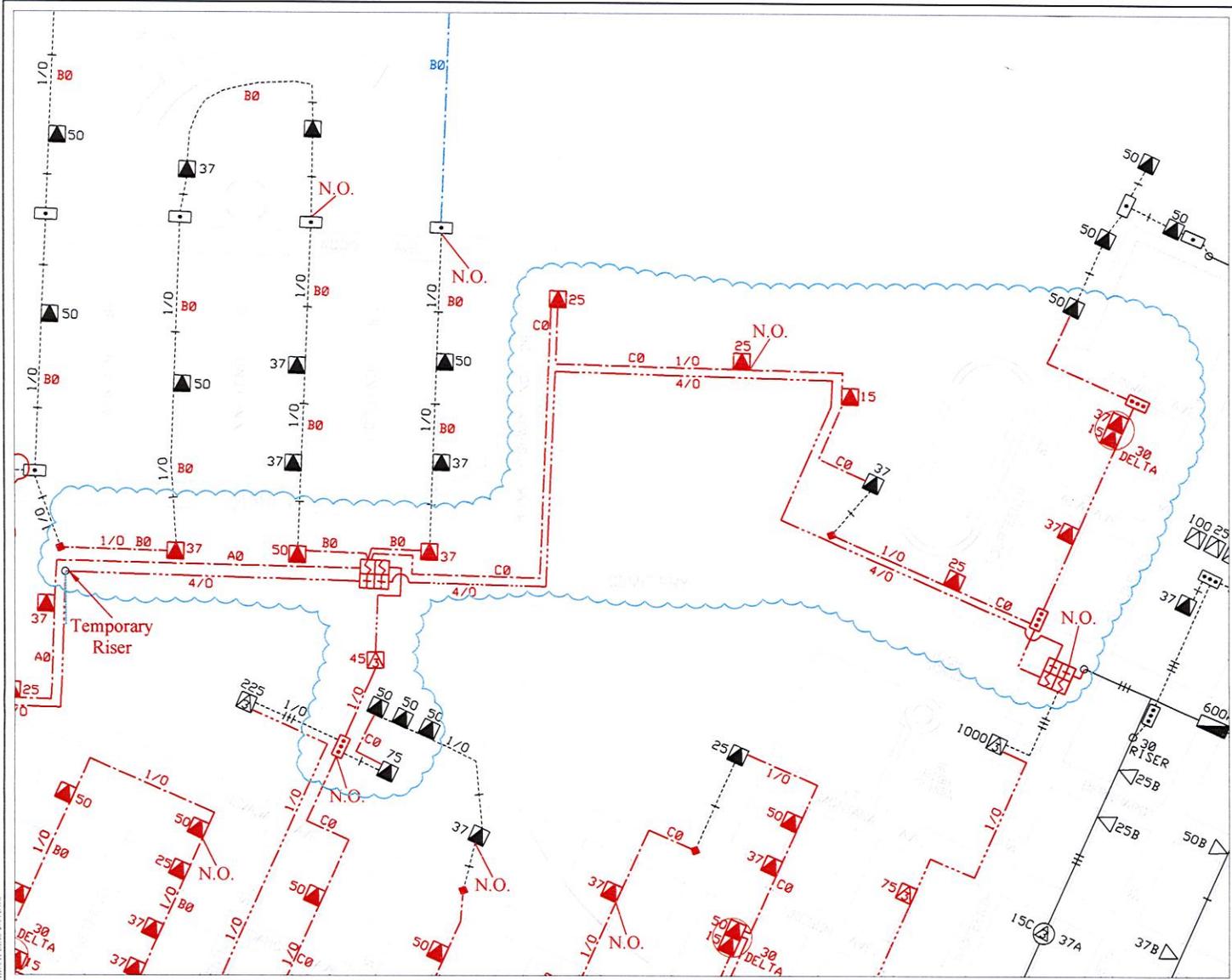
| | | |
|----------|--|---------------|
| 1 OF 1 | CIRCUIT DIAGRAM | |
| 1 OF 1 | KEYMAP | |
| 1 THRU 7 | STAKING SHEETS WITH UNIT SHEETS | |
| 1 OF 1 | UNIT DESCRIPTIONS | |
| 1 OF 8 | PADMOUNT TRANSFORMER, 10 | UG-4 () |
| 1 OF 8 | PADMOUNT TRANSFORMER, 30 | UG-4 () |
| 2 OF 8 | PRIMARY RISER, 30 TERMINATION | UM2-3 () () |
| 2 OF 8 | DEADBREAK ELBOW, 600A | UM3-3 () |
| 3 OF 8 | LOAD BREAK ELBOW W/TEST POINT | UM3-1T () |
| 3 OF 8 | INSULATING RECEPTACLE | UM3-4 |
| 4 OF 8 | SECTIONALIZING ENCLOSURE, 10 | UM3-30 |
| 4 OF 8 | SECTIONALIZING ENCLOSURE, 30 | UM3-60 |
| 5 OF 8 | PADMOUNT SWITCHGEAR, DEADFRONT | UPN-442 |
| 5 OF 8 | SECONDARY PEDESTAL, 10 | UK5 |
| 6 OF 8 | ELBOW ARRESTER | UM6-341A |
| 6 OF 8 | PARKING STAND ARRESTER | UM6-35P8A |
| 7 OF 8 | NEUTRAL CONNECTION, 30 | UM14-3 |
| 7 OF 8 | PRIMARY PULL BOX | UM33-PB |
| 8 OF 8 | MULTI-POINT LOADBREAK JUNCTION, 4-WAY | UM40-4 |
| 8 OF 8 | STRAIGHT SPLICE | UM45-1 () |
| 1 OF 7 | GUIDE - 10 TRANSFORMER GROUNDING | |
| 1 OF 7 | GUIDE - 30 TRANSFORMER GROUNDING | |
| 2 OF 7 | GUIDE - CONDUIT INSTALLATION IN BOX PAD | |
| 2 OF 7 | GUIDE - SEDIMENT/EROSION CONTROL | |
| 3 OF 7 | GUIDE - CABLE TAGGING | |
| 3 OF 7 | GUIDE - PRIMARY CABLE CODING | |
| 4 OF 7 | GUIDE - GROUNDING AND NEUTRAL EXTENSION CONDUCTOR | |
| 4 OF 7 | GUIDE - PRIMARY CONDUCTOR ARRANGEMENT AND IDENTIFICATION | |
| 5 OF 7 | GUIDE - INSTALLATION OF ELECTRICAL EQUIPMENT PADS | |
| 5 OF 7 | GUIDE - CONDUIT AND U-GUARD SIZING | |
| 6 OF 7 | GUIDE - PADMOUNT SWITCH GROUNDING | |
| 6 OF 7 | GUIDE - SECTIONALIZING PEDESTAL GROUNDING | |
| 7 OF 7 | GUIDE - TYPICAL TRENCH | |
| 7 OF 7 | GUIDE - INSTALLING CABLE RISERS | |

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME, OR UNDER MY DIRECT SUPERVISION, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA

BY Andrew D. Koob, P.E.
 LICENSE NO. 46098 DATE 5-28-14



REF ID: A202041306 EN



EXISTING LEGEND

| | |
|--|--|
| | 30 primary overhead distribution line with conductor size |
| | 30 primary underground distribution line with conductor size |
| | 10 primary overhead distribution line with conductor size |
| | 10 primary underground distribution line with conductor size |
| | Primary riser |
| | 10 sectionalizing pedestal |
| | 30 sectionalizing pedestal |
| | 25 10 padmount transformer with kVA size |
| | 30 30 padmount transformer with kVA size |
| | 10 pole mount transformer with kVA size |
| | 25 30 pole mount transformers with kVA size |
| | Pole mounted disconnect switch |
| | Padmounted switch |
| | + Solid blade disconnect switch |
| | § Fused disconnect switch |

PROPOSED LEGEND

| | |
|--|---|
| | Proposed underground distribution line |
| | Hashes indicate number of phases |
| | Proposed primary riser |
| | Proposed 10 sectionalizing pedestal |
| | Proposed 30 sectionalizing pedestal |
| | Proposed 10 padmount transformer w/size |
| | Proposed 30 padmount transformer w/size |
| | Proposed primary splice |
| | Proposed normally open point |
| | Proposed padmount switch |
| | + Solid blade disconnect |
| | § Fused disconnect |
| | Proposed 30 open delta |
| | Future primary underground |
| | 2014 Conversion Area |



| REV | DATE | DESCRIPTION |
|-----|---------|---------------------------|
| 0 | 5-28-14 | RELEASED FOR CONSTRUCTION |
| | | |
| | | |



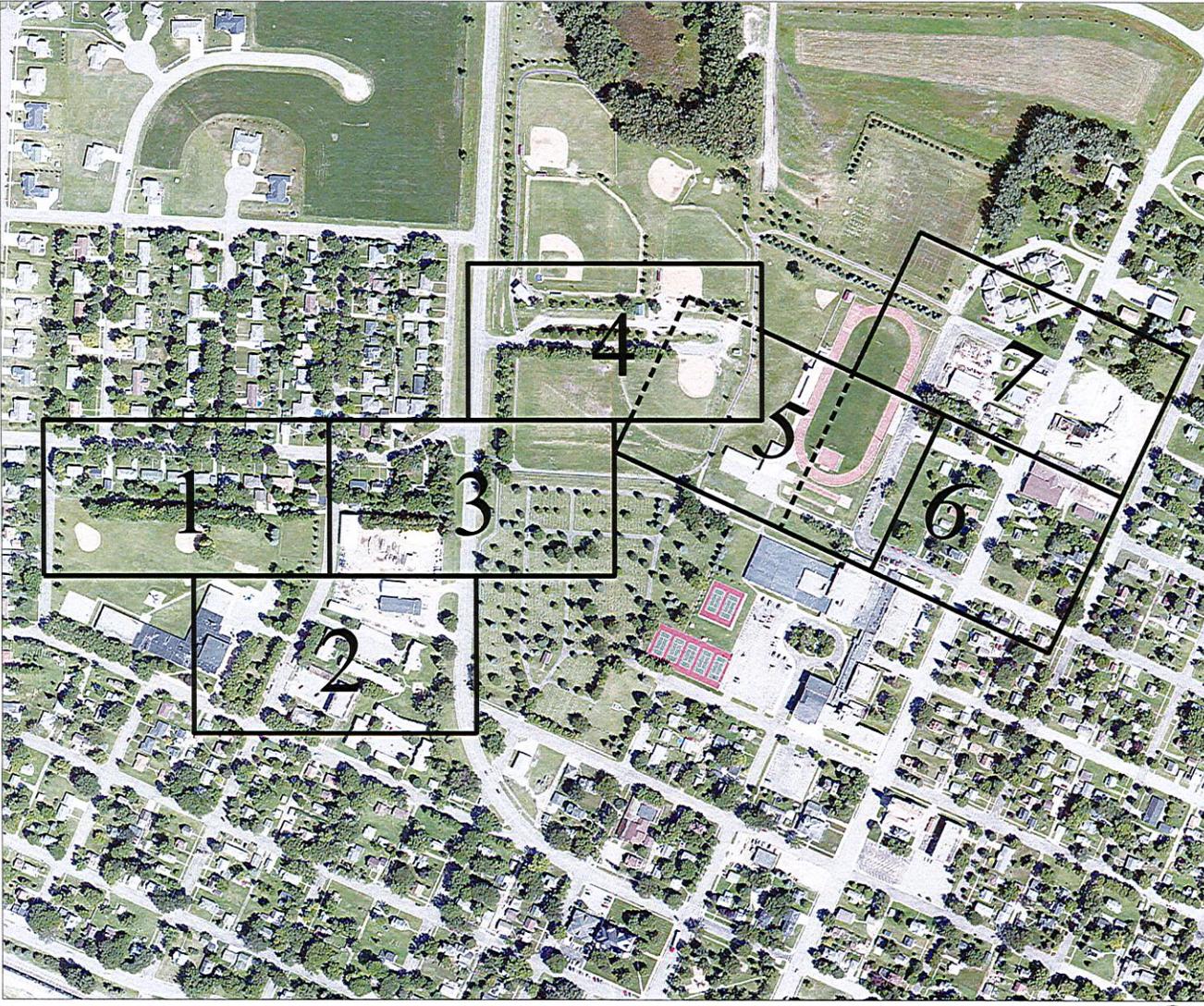
Project Manager: ADK
 Designer: SPM
 Project Number: 419011
 Phone: (712) 472-2531

CITY OF BENSON
 BENSON, MINNESOTA

CIRCUIT DIAGRAM
 OVERHEAD TO UNDERGROUND CONVERSION - 2014

SHEET
 1 OF 1

P:\141011\DRAWINGS\2014\DWG



STAKING SHEET LEGEND

-  Proposed primary electric distribution line
Hashes indicate number of phases
-  Existing primary underground electric distribution line
Hashes indicate number of phases
-  Proposed secondary cable
-  Existing secondary cable
-  Existing sectionalizing pedestal, 30
-  Proposed sectionalizing pedestal, 30
-  Existing sectionalizing pedestal, 10
-  Proposed sectionalizing pedestal, 10
-  Existing pad mount transformer, 10
-  25  Proposed pad mount transformer, 10, w/Kva rating
-  45  Proposed pad mount transformer, 30, w/Kva rating
() = secondary voltage
-  Proposed bore with conduit
-  Proposed secondary pedestal
-  Existing meter location
-  2-1 Stake number
-  211 Street address
-  Proposed splice
-  Proposed padmount switch
+ = switch bay
∩ = fuse bay
-  Proposed grounding point

| REV | DATE | DESCRIPTION |
|-----|---------|---------------------------|
| 0 | 5-26-14 | RELEASED FOR CONSTRUCTION |
| | | |
| | | |

DGR ENGINEERING

Project Manager: ADK
 Designer: SPM
 Project Number: 419011
 Phone: (712) 472-2531

CITY OF BENSON
 BENSON, MINNESOTA

OVERHEAD TO UNDERGROUND CONVERSION - 2014

S
H
E
E
T
KEYMAP



May 29, 2014

Dave Johnson
Electric Line Superintendent
City of Benson, MN
(Via Email)

**RE: Owner-Furnished Materials
Overhead to Underground Line Conversion – 2014
City of Benson, Minnesota
DGR Project No. 419011**

Dear Dave:

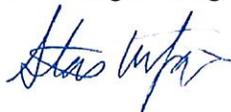
The following lists the material that City of Benson will need for the "Electric Distribution Improvements 2014 (Cemetery)" project. Please note that this list does not take into account any materials already purchased for the project.

| Unit | Material Description | Project Total |
|----------------|--|---------------|
| UD-1/0 | 15 kV Primary Distribution Cable 1/0 | 9,600 feet |
| UD-4/0 | 15 kV Primary Distribution Cable 4/0 | 12,950 feet |
| UD-4/0T | 4/0 Triplex Secondary Conductor | 3,700 feet |
| UD-4/0Q | 4/0 Quadplex Secondary Conductor | 600 feet |
| UG-PAD | Single Phase Pad Mount Xfmr box pad | 10 |
| UG-15 | Single Phase Pad Mount Xfmr 15 kVA | 2 |
| UG-25 | Single Phase Pad Mount Xfmr 25 kVA | 3 |
| UG-37.5 | Single Phase Pad Mount Xfmr 37.5 kVA | 4 |
| UG-50 | Single Phase Pad Mount Xfmr 50 kVA | 1 |
| UG3-PAD | Three Phase Pad Mount Xfmr box pad | 1 |
| UG3-45(240) | Three Phase Pad Mount Xfmr 45 kVA Delta 240V | 1 |
| UK5 | Secondary Pedestal | 6 |
| UM2-3(4/0) (B) | Primary Riser, 3Ø Bladed | 2 |
| | 15 kV Disconnects, 300A | 6 |
| | Lightning Arresters | 6 |

| Unit | Material Description | Project Total |
|---------------|---|---------------|
| | Terminator-Arrester Bracket, 3Ø | 2 |
| | 4" Conduit or U-Guard | As Req'd |
| | #2 Cu. Str. Grnd. Wire | As Req'd |
| | Connectors | As Req'd |
| | Ground rod 5/8" x 8'-0" CWC | As Req'd |
| UM3-1T (1/0) | Loadbreak elbow w/test point, 200A #1/0 AL | 56 |
| UM3-3 (4/0) | Deadbreak elbow, 600A #4/0 AL. | 12 |
| UM3-4 | Insulating Receptacle | 17 |
| UM6-34 EA | Elbow Arrester | 1 |
| UM6-35 PSA | Parking Stand Arrester | 1 |
| UM14-3 (4/0) | 3Ø Neutral Connection and Ground | 3 |
| UM33-60 | Primary Sectionalizing Pedestal 60" w/ground sleeve | 3 |
| UM33-PB | Pullbox | 4 |
| UM40-4 | 4 point loadbreak junction | 9 |
| UM45-1 (1/0) | Primary Splice, #1/0 AL. | 2 |
| UM45-1 (4/0) | Primary Splice, #4/0 AL. | 9 |
| UM45-ARC 3 | Arc Proof Taping | 100 feet |
| UR4-2P | 2" Conduit | 6,600 feet |
| UPS-PAD | Padmount Switch box pad | 2 |
| UPS-(42) | Padmount switch, 4 bays, 2 gang-operated, 2 fuse | 2 |
| UR4-4P | 4" Conduit | 4,950 feet |
| UR12-45-24-2S | 2" 45° Steel Elbow 24" radius | 3 |
| UR12-90-24-2S | 2" 90° Steel Elbow 24" radius | 35 |
| UR12-45-24-4S | 4" 45° Steel Elbow 24" radius | 8 |
| UR12-90-24-4S | 4" 90° Steel Elbow 24" radius | 16 |

Best Regards,

DGR Engineering



Stan Metzger



**Benson
Family
Dental & Eyecare**

219 - 14th Street South • Benson, MN 56215

Anthony Hilleren, DDS
DENTAL CARE
(320) 842-4191

Todd Trudel, OD
EYE CARE
(320) 842-4131

Mr. Robert Wolfington
Benson City Manager
1410 Kansas Avenue
Benson, MN 56215

Re: Request for Tax Abatement

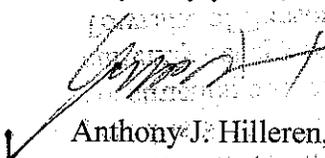
Dear Mr. Wolfington:

As you are aware, it is my hope to remove the former restaurant building presently located on tax parcel 23-0188-000, Lots 5 through 9, Block 30, Original Townsite of Benson, and in its place to construct a new building to house my dental practice. It is my request, by this letter, that the City of Benson consider granting me a tax abatement pursuant to Minnesota Statutes 469.1813. For the current year, the City's portion of the real estate tax bill for this parcel is \$1,311.94 on a total estimated market value of \$120,800.00. I anticipate that the construction cost of the new building will be approximately \$600,000.00. The building that I currently occupy is located on tax parcel 23-0191-000, Lots 13, 14 and 15, Block 30, Original Townsite of Benson. On that property, the City's portion of the real estate tax bill for the current year is \$3,411.63. It is my request that there be an abatement granted commencing in the year that parcel 23-0188-000 is fully assessed with the completed new building and continuing for fifteen years with the annual abatement equal to that amount by which the ^{CITY} County's portion of the real estate taxes on parcel 23-0188-000 after construction of the new building exceeds \$3,411.63, the City's portion of the real estate taxes on parcel 23-0191-000.

I understand that a tax abatement may only be granted by resolution of the city council made after public hearing and only if the council determines that doing so is in the public interest and that it expects that the benefits to the City will at least equal the cost of the proposed agreement. I believe that to be the case and I request that the required public hearing be scheduled at the first opportunity.

If you need further information at this time, or during this process, please contact me and I will be happy to provide whatever I can. Thank you for your consideration.

Very truly yours,



Anthony J. Hilleren, DDS



Minnesota Pollution Control Agency

Marshall Office | 504 Fairgrounds Road | Suite 200 | Marshall, MN 56258-1688 | 507-537-7146
800-657-3864 | 651-282-5332 TTY | www.pca.state.mn.us | Equal Opportunity Employer

May 28, 2014

The Honorable Paul Kittelson
Mayor, City of Benson
1410 Kansas Avenue
Benson, MN 56215

RE: Benson Wastewater Treatment Facility
NPDES/SDS Permit Number MN0020036
Compliance Evaluation Inspection Report

Dear Mayor Kittelson:

Enclosed is the Compliance Evaluation Inspection (CEI) Report that resulted from an inspection of the Benson Wastewater Treatment Facility (Facility) on May 12, 2014, by Paul Kimman of the Minnesota Pollution Control Agency (MPCA).

The CEI consisted of a visual inspection of the Facility and a discussion with Randy Peterson and Erik Stephen, Facility Operators. In addition, there was a review of the monthly Discharge Monitoring Reports (DMRs) for the time period from May 1, 2011 to April 30, 2014. The Facility's biosolids land application sites were not inspected. Based on the results of the CEI, four violations of the terms and conditions set forth in the National Pollutant Discharge Elimination System (NPDES)/State Disposal System (SDS) Permit were noted. Please see the attached CEI Report for further detail.

The City is being issued a Notice of Violation (NOV) for the alleged violations discovered during the May 12, 2014, CEI as well as for violations discovered during an April 23, 2014, Biosolids Compliance Inspection (BCI). The NOV will be mailed as a separate document and the City should respond to the corrective actions in the NOV. The detailed summary of the April 23, 2014, BCI, inspection checklists, and generation calculations was recently sent in a separate mailing and is included for your reference as Appendix A.

If you have questions, please contact me at 507-476-4270 or 800-657-3864.

Sincerely,

A handwritten signature in blue ink that reads "Paul Kimman".

Paul Kimman
Pollution Control Specialist
Marshall Office
Municipal Division

PK:jdf
Enclosures

cc: Randy Peterson, People Service, Inc. (w/all enclosures)
Jorja DuFresne, MPCA (w/all enclosures)
Lenny Richards, MPCA (w/all enclosures)

**MINNESOTA POLLUTION CONTROL AGENCY
WATER QUALITY POINT SOURCE PROGRAM
Compliance Evaluation Inspection Report**

FACILITY INFORMATION:

Facility Name: Benson Wastewater Treatment Facility
Permit Number: MN0020036
Address: 200 - 22nd Street South, Benson, Minnesota
Permit Expiration Date: January 31, 2019
Facility Design Flow: 0.985 mgd (AWW)
Major Minor Classification: Minor
Type of Flow: Domestic
Plant Class: A
Land Application Type: Type IV
24 Hour Contact: Mr. Randy Peterson, Lead Operator
Phone: 320-842-4400

GEOGRAPHIC INFORMATION:

MPCA Region: Southwest
County: Swift
Basin: Minnesota River
Major Watershed: Chippewa River
Receiving Water: Chippewa River (2B, 3C, 4A, 4B, 5, 6)

THOSE PRESENT DURING THE INSPECTION:

| <u>Facility Representatives</u> | <u>Title</u> |
|---------------------------------|---------------|
| Randy Peterson | Lead Operator |
| Erik Stephen | Operator |

| <u>MPCA Representatives</u> | <u>Title</u> |
|-----------------------------|----------------------------|
| Paul Kimman | Environmental Specialist 3 |

INSPECTION INFORMATION:

Inspection Date: May 12, 2014
Inspection Type: Compliance Evaluation Inspection, Domestic Municipal without Sampling
Inspection Category: State

FACILITY COMPONENTS:

1 Bar Screen - mechanical
1 Grit Removal
1 Fine Screen
1 Flow Equalization
1 Primary Clarifier
1 Trickling Filter
1 Trickling Filter - solids contact
1 Phosphorus Removal - chemical
2 Secondary Clarifier
2 Effluent Polishing Filter with backwash
2 Anaerobic Digester - complete mixed, heated - mesophilic
1 Storage Tank
1 Chlorination
1 Dechlorination
4 Activated Sludge - contact stabilization, conventional, step feed

WASTE CONTRIBUTORS:

No waste contributors are listed for this permit.

TREATMENT PLANT OPERATORS:

| <u>Name</u> | <u>Phone</u> | <u>Class</u> | <u>Expiration</u> |
|-------------------------|--------------|--------------|-------------------|
| Borstad, Russ | 320-843-3707 | Class D | 4/1/2015 |
| Collins, James | 320-843-4775 | Class A | 11/1/2015 |
| Peterson, Randall Scott | 507-301-2010 | Type 40 | 6/1/2015 |
| Peterson, Randall Scott | 507-301-2010 | Class A | 11/1/2015 |
| Stephen, Erik M | 320-314-2511 | Class C | 6/1/2016 |
| Stephen, Erik M | 320-314-2511 | Class D | 6/1/2014 |

INSPECTION SUMMARY

A Compliance Evaluation Inspection (CEI) was conducted on May 12, 2014, by Paul Kimman of the Minnesota Pollution Control Agency (MPCA) to determine the Benson (City) Wastewater Treatment Facility's (Facility) compliance with the terms and conditions of its National Pollutant Discharge Elimination System (NPDES)/State Disposal System (SDS) Permit (Permit). The following is a summary of the findings and comments resulting from that inspection.

General Comments:

1. The CEI consisted of a visual inspection of the Facility and a discussion with Randy Peterson and Erik Stephen, Wastewater Lead Operator and Operator, respectively.
2. The Discharge Monitoring Reports (DMRs) were reviewed for the 36-month period from May 2011 through April 2014. The City reported four effluent violations. Please see the violations and corrective actions section list below.
3. The NPDES/SDS Permit indicates that the Average Wet Weather Design Flow is 985,000 gallons per day (gpd). The Facility reported an average daily influent flow of 435,274 gpd in 2013.
4. The City reported five releases during the review period as described below:

| Date | Description | DO Report # | Sampled | Volume |
|----------|--|-------------|---------|--------------|
| 5-1-13 | Release due after a pump failed at a lift station and the other pump couldn't keep up. | 133336 | No | unknown |
| 6-13-13 | Plugged sewer line caused an overflow from a manhole. | 134434 | No | Small Amount |
| 9-3-13 | Release after a lift station lost power | 136510 | Yes | 50,000 G |
| 12-19-13 | Fibromin lift station couldn't keep up due to build up in 3 inch line | 138652 | Yes | 5,500 G |
| 2-26-14 | Release from anaerobic digester after line plugged causing the tank to overflow with biosolids | 139930 | Yes | 2,000 G |

Please see the violations and corrective actions section list below.

5. A detailed Biosolids Compliance Inspection (BCI) was performed by Jorja DuFresne, MPCA Biosolids Coordinator on April 23, 2014. The inspection consisted of a review of all records associated with demonstrating compliance with the requirements of the Facility Permit, Chapter 6 and Minn. R. ch. 7041 for the preparation and land application of biosolids generated at the Facility. Please refer to Appendix A for the Biosolids Management Compliance Inspection Summary, Biosolids Management Compliance Inspection Checklists and Pathogen Reduction Checklist prepared by Jorja DuFresne.
6. The MPCA staff question the representative nature of the biosolids samples taken from the valve on the biosolids storage tanks. The MPCA noted unusually high percent solids content in the biosolids sample results. Although the storage tank has very good mixing in it, the first samples come off the very bottom of the tank which the mixers may not reach. It is very important to obtain representative samples as the analytical values for total solids, TKN, and ammonia nitrogen will change with change in the percent total solids. Please sample biosolids using the manner discussed during the Biosolids Compliance Inspection (BCI) for future sampling events.

7. As per the agreement with the City of Benson, local septic pumpers can discharge their loads of septage in a designated man-hole just outside the Facility without notification of Facility staff. The Facility operators stated that the local septic pumpers do notify the Facility if they have a load containing industrial waste or anything other than septage. The MPCA strongly recommends that the discharge of pumper loads into the collection system is always coordinated with Facility operators.
8. One of the trickling filters at the Facility had been offline due to a recent mechanical failure. A contractor was in the process of restarting the tricking filter on the day of the inspection.
9. The City has a back-up power generator at the Facility and all collection system lift stations are wired to plug into the City's portable generator.
10. The City has recently surveyed local businesses and confirmed that there are no Significant Industrial Users in the City. The City has been working closely with Fibromin and North American Fertilizer since the June 13, 2013, and December 19, 2013, releases to ensure that heavy flows do not exceed the capacity of the lift station and subsequent 3-inch sewer line which serves these industries.
11. The City should continue to prioritize Inflow and Infiltration reduction. The City stated that it will be communicating with residents to ensure that residents with sump pump valves in their home have directed their sump pump discharge to their lawns and not into the sanitary sewer system.
12. The City uses a YSI 550A Dissolved Oxygen Meter, a Hach DR 3900 Residual Chlorine Meter, and a Hach Senslon 2 pH Meter. The City has documented calibrations (DO and pH meter) and zeroing records (chlorine residual meter) for the meters.
13. The Facility utilizes UC Laboratory, Inc. in Janesville, Minnesota for all of its sample analysis with the exception of mercury and biosolids, which are analyzed by Minnesota Valley Testing Laboratories, Inc. in New Ulm, Minnesota.
14. The City's Facility is an existing continuously discharging wastewater treatment Facility that discharges to the Minnesota River (directly or via tributaries) downstream of the outlet of Lac qui Parle Reservoir (river mile 285) and upstream of the City of Jordan (at river mile 39.4) with a calculated phosphorous discharge greater than 1,800 lbs. per year. Facilities that meet these criteria are listed in Appendix B of the Minnesota River Basin General Phosphorous Permit - Phase 1 (MNG420000). The City has received a Notice of Coverage (MNG420005) for its wastewater treatment Facility under this permit. This Permit is separate from the City's existing individual NPDES/SDS Permit. The City must maintain compliance with the terms and conditions of both the Minnesota River Basin General Phosphorous Permit and its individual NPDES/SDS Permit.

The table included in Appendix B indicates that the City has a total phosphorous adjusted load limits of 557 kilograms (kgs) in 2014 and 2015 during the May 1 through September 30 period of each applicable calendar year. The City should determine if it needs to take additional measures to reduce its total phosphorous discharge in order to meet its phosphorus limits in 2014, or if it will need to purchase additional phosphorus trading units.

Alleged Violations

1. NPDES/SDS Permit Number MN0020036, LIMITS AND MONITORING REQUIREMENTS, page 5, SD 001: TOTAL FACILITY DISCHARGE.

The Facility reported five effluent limit violations with the conditions of the NPDES/SDS Permit during the September 2011 and October 2011 review period.

| Date | Parameter | Reported Value | Limit | Limit Type |
|---------|-----------|----------------|--------------|-------------------------------|
| Sept-11 | CBOD | 27.76 kg/day | 18.62 kg/day | Calendar Month Average |
| | CBOD | 17 mg/L | 5 mg/L | Calendar Month Average |
| | CBOD | 66.72 kg/day | 37.23 kg/day | Maximum Calendar Week Average |
| | CBOD | 38 mg/L | 10 mg/L | Maximum Calendar Week Average |
| Oct-11 | Total P | 1.05 gm/L | 1.0 mg/L | 12 onth Moving Average |

2. NPDES/ SDS Permit Number MN0020036, Chapter 8, TOTAL FACILITY REQUIREMENTS.

1.31 Unauthorized Releases of Wastewater Prohibited. Except for conditions specifically described in Minn. R. 7001.1090, subp 1, items J and K, all unauthorized bypasses, overflows, discharges, spills, or other releases of wastewater or materials to the environment, whether intentional or not, are prohibited. However, the MPCA will consider the Permittee's compliance with permit requirements, frequency of release, quantity, type, location, and other relevant factors when determining appropriate action. (40 CFR 122.41 and Minn. Stat. Sec 115.061)

On May 1, 2013, the Regulated Party reported a release of wastewater after a pump failed at a lift station and the pump had to be pulled and repaired. The other pump couldn't keep up, resulting in a pumped bypass. The Facility reported the release to the state duty officer (Report # 133336).

On June 13, 2013, the Regulated Party reported a release of wastewater after a plugged sewer caused an overflow from a manhole. A small amount of wastewater was released before the line was cleared. The Facility reported the release to the state duty officer (Report # 134434).

On September 3, 2013, the Regulated Party reported a release of wastewater after a lift station lost power. Approximately 50,000 gallons of wastewater was released. The Facility reported the release to the state duty officer (Report # 136510) and submitted a release sampling report as required by its Permit.

On December 19, 2013, the Regulated Party reported a release of wastewater when its Fibromin Lift Station couldn't keep up to due buildup in the 3 inch line. Approximately 5,500 gallons of wastewater was released. The Facility reported the release to the state duty officer (Report # 138652) and submitted a release sampling report as required by its Permit.

On February 26, 2014, the Regulated Party reported a release of wastewater when a line plugged on the anaerobic digester, causing the tank to overflow with biosolids. Approximately 2,000 gallons of biosolids were released. The Facility reported the release to the state duty officer (Report # 139930) and submitted a release sampling report as required by its permit.

3. NPDES/SDS Permit Number MN0020036, Chapter 6, BIOSOLIDS-LAND APPLICATION.

1.2 The Permittees who prepare bulk biosolids must obtain approval of the sites on which bulk biosolids are applied before they are applied unless they are Exceptional Quality Biosolids. Site application procedures are set forth in Minn. R. ch. 7041.0800.

Minn. R. 7041.0600, REQUIREMENT TO OBTAIN PERMITS AND SITE APPROVAL.

Subp. 3. Site approval. Persons who prepare bulk sewage sludge must obtain approval of the sites on which bulk sewage sludge is applied before it is applied unless it is exceptional quality sewage sludge. Application procedures are set out in Minn. R. 7041.0800.

On April 23, 2014, the MPCA staff determined that the Regulated Party had land applied biosolids on LF-2, described as 40 acres in the SE ¼ of Section 19, Township 121 North, Range 39 West which was not approved for land application. The site approval expired on February 28, 1999. The Regulated Party failed to re-approve the site after the 1997 rule change or its expiration date. The Regulated Party applied approximately 321 dry tons to the site between 1999 and 2014.

4. NPDES/SDS Permit Number MN0020036, Chapter 6, BIOSOLIDS-LAND APPLICATION.

6.2 Overall management requirements:

- c. Biosolids must be applied at an agronomic rate unless specified by the MPCA in a permit.

On April 23, 2014, the MPCA staff determined that the Regulated Party failed to apply biosolids at an agronomic rate. In 2013, the Regulated Party applied biosolids on site LF-2 which is described above. The farmer applied 150 lbs. of nitrogen per acre and the biosolids application provided an additional 49 lbs. of nitrogen per acre. This cumulative nitrogen application of 199 lbs. per acre was in excess of the Maximum Allowable Nitrogen Application rate of 160 lbs. of nitrogen per acre by 39 lbs. of nitrogen per acre.

| | |
|--|---|
| Signature of Inspector  | Date  |
|--|---|

Comments, questions and submittals should be addressed to:

Paul H. Kimman
Minnesota Pollution Control Agency
504 Fairgrounds Road, Suite 200
Marshall, Minnesota 56258
Telephone: 507-476-4270



Minnesota Pollution Control Agency

520 Lafayette Road North | St. Paul, Minnesota 55155-4194 | 651-296-6300

800-657-3864 | 651-282-5332 TTY | www.pca.state.mn.us | Equal Opportunity Employer

Appendix A

May 19, 2014

The Honorable Paul Kittelson
Mayor, City of Benson
1410 Kansas Ave
Benson, MN 565215

RE: NPDES/SDS Permit Number MN0020036 Chapter 6, Biosolids Land Application

Dear Mayor Kittelson:

Enclosed are the checklists used in the Biosolids Compliance Inspection (BCI) of the Benson Municipal Wastewater Treatment Facility (Facility) on April 23, 2014, by Jorja DuFresne, of the Minnesota Pollution Control Agency (MPCA). Randy Peterson, Erik Stephen, and Greg Stang were in attendance from PeopleService. A discussion of the BCI is also provided below.

The inspection consisted of a review of all records associated with demonstrating compliance with the requirements of your permit, Ch. 6 and Minn. R. ch. 7041 for the preparation and land application of biosolids generated at the Facility. In addition, the 2013 and 2014 Biosolids Annual Report and a pre-inspection review of the MPCA Biosolids File were made to review the recent history of biosolids management for the city of Benson.

Discharge Monitoring Report (DMR) values for flow, Biochemical Oxygen Demand (BOD) and Total Suspended Solids (TSS) were used to calculate an estimate of the mass of solids to be generated at the facility and potentially land applied. The calculation relates to the permit requirements to meet 85 percent removal of BOD and TSS. An estimated biosolids production value based on population was also made for base line production without industrial input. Values seem to be both reasonable and questionable when compared with the dry tons that were land applied over the years (*see checklist comments and generation calculation sheets*).

We were unable to do a field inspection of sites and the land application of biosolids because no application was occurring at this time.

Inspection Summary - refer to the inspection checklists for specific items discussed.

Please note that **the permittee** must keep some records relating to Biosolids Management **for five years and others indefinitely**. Unchecked boxes indicate problems or potential violations.

Issues:

Permit Ch. 6, Item 1.2 (Minn. Rule 7041.0600, subp.3)

Permittees who prepare bulk biosolids must obtain approval of the sites on which they are applied before they are applied.

The permittee has been applying on a site whose approval expired several years ago.

Permit Ch. 6, Item 6.2 c.

Biosolids must be applied at an agronomic rate unless specified otherwise by the MPCA in a permit. Application of biosolids plus fertilizer from the farmer exceeded the agronomic rate equal to 40 pounds of available nitrogen. (*The farmer historically has always applied 100 pounds of nitrogen. In 2013 he applied 150 pounds because of high corn prices.*)

Information was given to the farmer to comply, however if they choose not to comply, that farmer would have to be removed from the permittee's biosolids program.

Checklists:

Checking the recordkeeping system:

Records to be kept for 5 years: These records are in order and were available for review.

Records to be kept indefinitely: Certification Statement 1 needs to be signed each year and put in the records.

Monitoring Requirements:

Minn. R. ch. 7041.01500 Subpart 1. Sampling of sewage sludge. Representative samples of sewage sludge that is applied to the land must be collected and analyzed by the person who prepares the sewage sludge.

As noted in the discussion about how many dry tons of biosolids are expected to be generated, there is an issue that revolves around the "representativeness" of the sample due to the reported high total solids content of the biosolids. The Agency does not think the reported high percent total solids represents most of the biosolids applied because it is almost too thick to pump. Although the storage tank has very good mixing in it, the first samples come off the very bottom of the tank which the mixers may not reach. The analytical values for total solids, TKN, and ammonia nitrogen will change with change in the percent total solids. The values for these parameters determine the total dry tons applied and how much available nitrogen the farmer is getting.

Records of sampling events, that affect the determination of whether samples are representative, need to be a little more detailed. (*see checklist*)

Checklist for Pathogen Reduction

The record of the sampling event needs to be more detailed as mentioned above for other parameters.

Compliance issues are directed to compliance staff Paul Kimman.

If you have any questions, please call me at 651-757-2320.

Jorja DuFresne
Hydrologist
SSTS Section
Municipal Division

JDF:ah

General Facility Information for All Facilities

Biosolids Compliance Inspection Checklist 1

Doc Type: Inspection

General Facility Information

Date: 4/23/14 Inspector(s) name(s): Jorja DuFresne
Operator(s) present: Randall Peterson/ Erik Stephen/Greg Stang Type IV operator(s): Randall Peterson
Facility name: Benson WWTP Permit number: MN00 20036
Contact phone: 320-842-4400 (cell 507-301-2010) E-mail: rpeterson@peopleservice.com
Reason for inspection: Routine BCI Facility generates: biosolids

Pre Inspection: File/Annual Report/Delta Review

Past MPCA "Biosolids Annual Report Response Letters": Indicate a problem or problems for cropping year
If problems were identified, what were they about? 2013/ expired site used for appln./ nitrogen appln over MANA rate due to farmer application of full MANA rate - high corn prices last year
How many dry tons were applied, stored, or transferred each year for the last 3 to 5 years? 2013-31.4, 2012-50.6, 2011-52
What is the required sampling frequency for analytical parameters and demonstrating pathogen and VAR have been met?
1 x for 0 but < 320 tons applied

Solids production based on population only @ 0.11 lb/day per capita = 66.5 dry tons per year? Population Base = 3316
Biosolids "Calculator" was run? Yes No If yes, what are the results? 52 dry tons for 2013 cropping year
with phosphorus removal with ferric 58 dry tons for 2012 cropping year
gave high value for VSR in digester and storage _____ dry tons for _____ cropping year
[Calculator can be run on the cropping year average flow, TSS, BOD, and phosphorus removal data]

Total dry tons generated, stored, or applied for a specific cropping year correlates with quantities estimated to be generated by the "Biosolids Calculator" for that year? Yes No

Comments: *There are lots of variables here, so yes and no. Last year was wet so there were probably a lot left in storage. I question the %TS of product applied as it is as to be difficult topump or sampling is not representative of applied biosolids. The storage tank has excellent mixing except for the very bottom from which biosolids are pumped to load out. This poses a sampling problem. Influent BOD is low, effluent TSS is high compared to BOD. Not sure why. Flow is 1/3 to 1/5 of design of 0.985. Benson accepts septage/ no communication with operators though.*
(If more space is needed, add to notes section below.)

Pathogen Reduction Option used (Class A): Class A, Not Applicable

Pathogen Reduction Option used (Class B): Class B Option 1 Geometric Mean Fecal Coliform

Vector Attraction Reduction Option used: Option I Injected

Notes:

Randy took over operation about 1.5 yrs. Ago. Annual Report indicates that the farmer applied the total MANA rate with fertilizer last year so any biosolids applied put application of nitrogen over the allowed rate. The farmer has historically applied 100 pounds of nitrogen per year but last year it was 150 pounds. Only site LF-1 is currently approved. LF-2 has been used several times since 1999. These issues prompted the inspection, plus the operator is new.

On Site Inspection - Checking the recordkeeping system

(Minn. R. 7041.1600 Recordkeeping General: "System must be initiated and maintained")

| Records required to be kept for 5 years (Minn. R. 7041.1600, subp. 3.A – G) | Comments | Yes | No | N/A |
|---|--|-------------------------------------|--------------------------|-------------------------------------|
| Analysis of all parameters - see lab sheets. | Sampled at ≥correct frequency? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Certification Statements for pathogen reduction [PR] and vector attraction reduction [VAR]. | Statement #3 is for all PR options and the treatment options A-G for VAR. Statement #4 is for VAR if biosolids are incorporated or injected and for all other management practices. Available on annual reports. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Description of how pathogen reduction is met. | Available on annual reports. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Description of how VAR is met. | Available on annual reports. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Certification statement for management practices and description of how met. | Available on annual reports/ see that all boxes for statement #4 are checked. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Records of soil test data –see lab sheets. | Required once in 3-year period before application date or as specified in a site approved letter. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Amount of available N applied each year from all sources [lb./ac.]. | Available on annual reports. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| MANA rates for sites used [Maximum nitrogen - lbs./acre/yr]. | Available on annual reports. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Information given to distributors. | Applies only to EQ biosolids, N, P, and restrictions for storage and sometimes ENP (effective neutralizing power) - in writing. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Amount sold or given away in bag or other container. | Applies only to EQ biosolids. Available on annual reports. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

| Records required to be kept for Indefinitely (Minn. R. 7041.1600, subp. 3.H – N) | Comments | Yes | No | N/A |
|--|---|-------------------------------------|-------------------------------------|-------------------------------------|
| Location of land application and stockpile sites on a USGS quad map or soil survey map [not 30-day staging areas] long-term stockpile areas are approved along with the site approval. | Few permittees have "long-term" stockpile areas [up to 7 months]. Stockpiles must be located on different areas each year - areas need to be re-vegetated each year. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Legal Description of the land application site and number of acres biosolids are applied to. | See site approval letters, copies of site application forms, and the annual reports for acres used each year; permittee should retain copy of original site application form. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Amount of biosolids applied each year and cumulatively. | Recorded in dry tons per acre. [May have to add this up from all annual reports] | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Annual and Cumulative metals applied unless biosolids are EQ or in bag or other container. | For active sites, records in pounds per acre/yr, available on annual reports – for sites no longer in use, cumulative have to be in records. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Date biosolids were applied. | Records of daily hauling logs. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Certification statement to check to see if sites have reached cumulative limits and description of how met. | Reminder on annual report form to keep a Statement # 1 in records only. Sites are all approved by MPCA and tracked by permittee to know metal records. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Note: Records that are required to be kept indefinitely apply to sites no longer in use too. The MN program started in 1982/ Federal in 1993. To view all sites ever entered in delta [some from initial text entry by students at delta startup], go to Delta reports/Solids/Solids Stations for a particular permittee. This does not mean they were all used.

Monitoring Requirements (Minn. R. 7041.1500)

(Sampling and Analysis – Associated with page 2 of Annual Report)

Records of the sampling event/s are available [events are documented]:

- Type of sample is documented: composite or grab.
- Samples are composite for all parameters (Minn. R. 7041.1500, subp.1) except for pathogen reduction alternative 1.
- The date/s and time/s sample/s was/were taken is documented.
- The samples were taken and analyzed within holding times – see the actual lab sheet reports.
- Location of taking all samples is documented.
- Person taking the samples is documented.
- Condition of biosolids being sampled is described [i.e. mixed for 24 hours prior to sampling] inspector comments: verbal, mixed for a period of time before sampling and before applying
- Preservation is documented and the lab analysis sheet indicates the temperature received at 4 degrees C [if the lab is close by, they may not receive it cooled down to this temperature, i.e. New Ulm to MVT].

Records available are on Chain of Custody sheets, other information was verbal.

Samples are representative of the biosolids being applied. Minn. R. 7041.1500, subp. 1

Analytical values are reasonable for type of biosolids treatment methods.

*% Total Solids very high, metals ok
TKN and ammonia questionable*

The evaluation noted below is usually done when reviewing annual reports using the audit sheet but if new data is available while inspecting, use it here:

TS and TVS are reasonable values? TS should be over 1%, TVS should be less than 70% [we used to call volatile solids over 70% putrescible] particularly if the facility has digesters or an oxidation ditch for treatment of solids. *High VS values may indicate operational problems unless the system receives a lot of non-digestible VS.*

TKN and NH₃-N are realistic? Aerobically digested, dried, and primary solids generally have low NH₃ concentrations less than 1%. Anaerobically digested solids have NH₃ concentrations about 30 to 50% of TKN.

Samples are taken at the minimum required sampling frequency. Minn. R. 7041.1500, subp. 4. and greater frequency subp. 5 [if applicable for specific metals].

Ceiling concentrations are met; Minn. R. 7041.1100, subp. 1

If this inspection is being conducted to confirm whether or not biosolids over the ceiling concentration were applied, the daily hauling logs for the land application events must be reviewed. All the application dates that occurred after the analytical date that shows a value over the ceiling concentration and before the next sampling and analytical date that shows the values are below the ceiling concentration must be determined. If there was no testing done to confirm that analytical values were below the ceiling concentration before the application, the biosolids applied are assumed to have been over the ceiling concentration. *Legal note: This assumption was upheld in an enforcement case by EPA against a MN city.*

Certification Statements and Farmer Information Sheet

(Associated with page 4 of Annual Report)

Yes No N/A Copies of signed certification statement number 1/ mentioned but not included on annual report form [kept indefinitely in records] for all sites applied to on a yearly basis. Minn. R. 7041.1600, subp. 3.M.

Signed Certification 2 for Type IV operator or inspector, check to see if this has expired

Signed Certification statements 3 and 4 should be on permittee's copy of each annual report. Minn. R. 7041.1600, subp. 5. A. and 5. B.

Yes N/A Copy of "Farmer Information Sheets" available in records to assure they got the required information.

Required to be given to the user are the agronomic application rate, site restrictions, and other management practices. The rule does not specify this is required in writing. The farmer information sheet from the Biosolids Manual has a lot more information on it and some of that is for the applicators. If copies are not available in the records, suggest they start keeping copies of the information sheet and that it is given to the user in written form so records of that are available.

Yes No N/A If EQ biosolids are produced, the required information was given to distributors or other persons receiving EQ biosolids. Minn. R. 7041.0400, subp.2.B. [This is required in writing so a copy should be available.] Check the National Pollutant Discharge Elimination System (NPDES) permit for other specific items including storage.

Pathogen Reduction Class B - Fecal Coliform Testing

Biosolids Compliance Inspection Checklist 2

Doc Type: Inspection

Annual Report Option 1, Fecal Coliform Indicator Organism Monitoring: Minn. R. 7041.1300, subp. 3. A. (1)&(2)

Seven discreet samples are required to reduce the standard error to a reasonable value. All seven samples should be collected from the same point in the treatment process. Although the rule currently allows the use of both standard methods for most probable number (MPN) or Colony Forming Units (CFUs), **MPN should be used**. If the minimum sampling frequency is one time per year, sampling should be done on biosolids produced under worse case operating conditions.

Records of the sampling event/s are available for review:

The date/s and time/s sample/s was/were taken?

The samples were taken and analyzed within 24 hours.

Seven discreet samples were taken.

Location of taking all samples is documented.

Samples are representative of the biosolids being applied.

Person taking the samples is documented.

Condition of biosolids being sampled is described [i.e. mixed for 24 hours prior to sampling] inspector comments:

Other sampling information verbal

Preservation is documented and the lab analysis sheet indicates the temperature received at 4 degrees C [if the lab is close by, they may not receive it cooled down to this temperature, i.e. New Ulm].

Which analytical method is used?

Multiple tube fermentation method SM9221E MPN Membrane filter method SM9222D CFU's

Geometric mean is < 2,000,000 MPN or CFU's **Actual** geo mean? _____

Calculations are done at appropriate sampling frequency. If done once per year, calculation represents poorest operating conditions – usually over the winter.

Pathogen reduction is demonstrated at the minimum sampling frequency.



Minnesota Pollution Control Agency

Marshall Office | 504 Fairgrounds Road | Suite 200 | Marshall, MN 56258-1688 | 507-537-7146
800-657-3864 | 651-282-5332 TTY | www.pca.state.mn.us | Equal Opportunity Employer

May 28, 2014

The Honorable Paul Kittelson
Mayor, City of Benson
1410 Kansas Avenue
Benson, MN 56215

RE: Notice of Violation - Benson Wastewater Treatment Facility
National Pollutant Discharge Elimination System/State Disposal System Permit MN0020036

Dear Mr. Kittelson:

Enclosed is a Notice of Violation (NOV) issued by the Minnesota Pollution Control Agency (MPCA) to the City of Benson (Regulated Party) for alleged violations of biosolids, effluent, and release related violations at the Regulated Party's wastewater treatment facility located in Benson, Minnesota. By sending this NOV, the MPCA is notifying the Regulated Party of alleged violations that the MPCA staff discovered during a Biosolids Compliance Inspection (BCI) on April 23, 2014, and a Wastewater Compliance Evaluation Inspection (CEI) on May 12, 2014. This NOV also provides the Regulated Party an opportunity to respond to the alleged violations.

The first section of the NOV cites the rules and permit conditions which the MPCA alleges that the Regulated Party violated, and describes the actions or omissions constituting the violations. The second section titled, "Corrective Action", contains corrective actions that the Regulated Party is to complete in order to resolve the NOV.

Please note, the Corrective Action section contains dates by which the actions should be completed. Please also note, if the Regulated Party believes the allegations in this NOV are incorrect, the MPCA requests a written response within 10 days.

If you have any questions, please contact Paul Kimman at 507-476-4270.

PK:jdf

Enclosure

cc: Randy Peterson, People Service, Inc. (w/enclosure)
Gene Soderbeck, MPCA (w/enclosure)
Mark Hugeback, MPCA (w/enclosure)
Jorja DuFresne, MPCA (w/enclosure)
Enforcement Data Coordinator, MPCA - Database Tracking Number 19201 (w/enclosure)
Forrest Peterson, MPCA (w/enclosure)

**STATE OF MINNESOTA
Minnesota Pollution Control Agency
Municipal Division**

NOTICE OF VIOLATION

In the Matter of: The City of Benson
Wastewater Treatment Facility
200 - 22nd Street South
Benson, Minnesota 56215

To: The Honorable Paul Kittelson
Mayor, City of Benson
1410 Kansas Avenue
Benson, Minnesota 56215

PLEASE BE ADVISED, that the Minnesota Pollution Control Agency (MPCA) has sufficient information to allege that the City of Benson (hereinafter Regulated Party) has violated the following provisions of state rules and permit conditions at their facility located in Benson, Minnesota (Facility).

1. **National Pollutant Discharge Elimination System (NPDES)/State Disposal System (SDS) Permit (Permit) Number MN0020036, LIMITS AND MONITORING REQUIREMENTS, page 5, SD 001: TOTAL FACILITY DISCHARGE.**

The Facility reported five effluent limit violations with the conditions of the NPDES/SDS Permit during the September 2011 and October 2011 review period.

| Date | Parameter | Reported Value | Limit | Limit Type |
|---------|-----------|----------------|--------------|-------------------------------|
| Sept-11 | CBOD | 27.76 kg/day | 18.62 kg/day | Calendar Month Average |
| | CBOD | 17 mg/L | 5 mg/L | Calendar Month Average |
| | CBOD | 66.72 kg/day | 37.23 kg/day | Maximum Calendar Week Average |
| | CBOD | 38 mg/L | 10 mg/L | Maximum Calendar Week Average |
| Oct-11 | Total P | 1.05 mg/L | 1.0 mg/L | 12 Month Moving Average |

2. **NPDES/SDS Permit Number MN0020036, Chapter 8, TOTAL FACILITY REQUIREMENTS.**

1.31 Unauthorized Releases of Wastewater Prohibited. Except for conditions specifically described in Minn. R. 7001.1090, subp 1, items J and K, all unauthorized bypasses, overflows, discharges, spills, or other releases of wastewater or materials to the environment, whether intentional or not, are prohibited. However, the MPCA will consider the Permittee's compliance with permit requirements, frequency of release, quantity, type, location, and other relevant factors when determining appropriate action. (40 CFR 122.41 and Minn. Stat. § 115.061)

On May 1, 2013, the Regulated Party reported a release of wastewater after a pump failed at a lift station and the pump had to be pulled and repaired. The other pump couldn't keep up, resulting in a release. The Facility reported the release to the state duty officer (Report # 133336).

On June 13, 2013, the Regulated Party reported a release of wastewater after a plugged sewer caused an overflow from a manhole. A small amount of wastewater was released before the line was cleared. The Facility reported the release to the state duty officer (Report # 134434).

On September 3, 2013, the Regulated Party reported a release of wastewater after a lift station lost power. Approximately 50,000 gallons of wastewater was released. The Facility reported the release to the state duty officer (Report # 136510) and submitted a release sampling report as required by its Permit.

On December 19, 2013, the Regulated Party reported a release of wastewater when its Fibromin Lift Station couldn't keep up to due buildup in the 3-inch line. Approximately 5,500 gallons of wastewater was released. The Facility reported the release to the state duty officer (Report # 138652) and submitted a release sampling report as required by its Permit.

On February 26, 2014, the Regulated Party reported a release of wastewater when a line plugged on the anaerobic digester, causing the tank to overflow with biosolids. Approximately 2,000 gallons of biosolids were released. The Facility reported the release to the state duty officer (Report # 139930) and submitted a release sampling report as required by its Permit.

3. NPDES/SDS Permit Number MN0020036, Chapter 6, BIOSOLIDS-LAND APPLICATION.

1.2 The Permittees who prepare bulk biosolids must obtain approval of the sites on which bulk biosolids are applied before they are applied unless they are Exceptional Quality Biosolids. Site application procedures are set forth in Minn. R. ch. 7041.0800.

Minn. R. 7041.0600, REQUIREMENT TO OBTAIN PERMITS AND SITE APPROVAL.

Subp. 3. Site approval. Persons who prepare bulk sewage sludge must obtain approval of the sites on which bulk sewage sludge is applied before it is applied unless it is exceptional quality sewage sludge. Application procedures are set out in Minn. R. ch. 7041.0800.

On April 23, 2014, the MPCA staff determined that the Regulated Party had land applied biosolids on LF-2, described as 40 acres in the SE ¼ of Section 19, T-121-N, R-39-W which was not approved for land application. The site approval expired on 2/28/1999. The Regulated Party failed to re-approve the site after the 1997 rule change or its expiration date. The Regulated Party applied approximately 321 dry tons to the site between 1999 and 2014.

4. NPDES/SDS Permit Number MN0020036, Chapter 6, BIOSOLIDS-LAND APPLICATION.

6.2 Overall management requirements:

- c. Biosolids must be applied at an agronomic rate unless specified by the MPCA in a permit.

On April 23, 2014, the MPCA staff determined that the Regulated Party failed to apply biosolids at an agronomic rate. In 2013 the Regulated Party applied biosolids on site LF-2 which is described above. The farmer applied 150 lbs. of nitrogen per acre and the biosolids application provided an additional 49 lbs. of nitrogen per acre. This cumulative nitrogen application of 199 lbs. per acre was in excess of the Maximum Allowable Nitrogen Application rate of 160 lbs. of nitrogen per acre by 39 lbs. of nitrogen per acre.

CORRECTIVE ACTION

To address the alleged violations cited in this Notice of Violation (NOV), the Regulated Party is to complete the following actions:

1. Immediately after receipt of this NOV, the Regulated Party shall take actions to avoid effluent violations in the future.

The MPCA discussed these violations with the Operator and operational changes have been made to avoid them in the future. No further correspondence is required at this time.

2. Immediately after receipt of this NOV, the Regulated Party shall take actions to avoid wastewater releases in the future.

The MPCA discussed the five releases with the operator. Two of the releases occurred at one problem lift station and arrangements have been made with the industries connected to this lift station to avoid releases in the future. No further correspondence is required at this time.

3. Within 30 days after receipt of this NOV, the Regulated Party shall either submit a statement that it will cease land application of biosolids on site LF-2 or submit a statement indicating that it will pursue approval of site LF-2 and will not land apply to the site until approval is obtained.
4. Within 30 days after receipt of this NOV, the Regulated Party shall submit to the MPCA documentation that is has communicated with the landowners of the Facility's approved land application sites the importance of informing the Facility how much Nitrogen Fertilizer will be applied by the landowner or farmer before biosolids are applied for each cropping year.

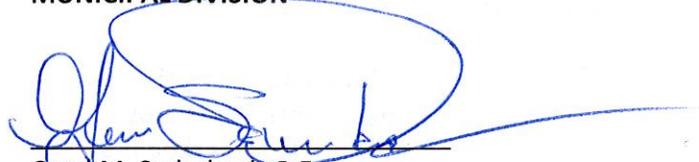
NOTICE

THEREFORE, you are hereby given notice that the above alleged violations have been recorded and documented by the MPCA. This NOV and your response does not preclude the MPCA from taking further action with respect to the above alleged violations. The MPCA reserves the right to seek any and all remedies available under Minn. Stat. §§ 115.071, 116.072, 116.073, and 609.671 and all applicable rules or permits for any violation cited in the NOV. If the Regulated Party believes the allegations in this NOV are incorrect, please respond in writing within ten days after receiving this NOV and explain any inaccuracies. If the Regulated Party does not respond, the MPCA will conclude that the alleged violations occurred as set forth in the NOV.

DATED:

May 28, 2014

MUNICIPAL DIVISION



Gene M. Soderbeck, P.E.
Supervisor, Southwest Regional &
SSTS Policy and Planning Unit
SSTS Section
Municipal Division

GS/PK:jdf

Address Submittals Requested Above To:

Paul Kimman
Minnesota Pollution Control Agency
504 Fairgrounds Road, Suite 200
Marshall, Minnesota 56258

B.G. Amundson Construction Inc.
160 40th ST SE
Benson MN 56215

STATEMENT

Date: May 27, 2014

To:

City of Benson
1410 Kansas Avenue
Benson, MN 56215

| Date: | Transaction | Amount |
|---------------------------|--|---|
| | <p>Concrete Work:</p> <p>Curb & gutter - 73 lin. Ft at \$16.60</p> <p>6" concrete driveway - 160 sq. ft. at \$6.25</p> <p>4" concrete sidewalk - 980 sq. ft. at \$5.25</p> <p>8 sq. ft. truncated domes at \$60.00</p>  | <p>\$</p> <p>1,211.80</p> <p>1,000.00</p> <p>5,145.00</p> <p>480.00</p> |
| Thanks For Your Business! | TOTAL | 7,836.80 |