

**U.S. Environmental Protection Agency
Region 5**

Purpose: Clean Water Act National Pollutant Discharge Elimination System Inspection

Facility: Duluth Seaway Port Authority
802 Garfield Avenue
Duluth, Minnesota 55802

Inspection Date: May 30, 2025

U.S. EPA Representatives:

Jake Berger, Physical Scientist, (312) 353-8024, berger.jake@epa.gov

Minnesota Pollution Control Authority Representatives:

Mackenzie Wilkinson-Hanson, Compliance Coordinator,
Mackenzie.WilkinsonHanson@state.mn.us

Facility Representatives:

Jeff Udd, Duluth Seaway Port Authority, Director of Government & Environmental Affairs
Dean Lembke, Duluth Seaway Port Authority, Director of Building and Facilities
Jim Taraldsen, Barr Engineering, Data Quality Specialist
David Koltz, Barr Engineering, Senior Environmental Engineer

Report Prepared by:

Jake Berger, Physical Scientist
Water Enforcement and Compliance Assurance Branch, Section 1
U.S. EPA Region 5 Enforcement and Compliance Assurance Division

Inspector Signature and Date: _____

Berger, Jake

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Jake
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Approver Name and Title:

Molly Smith, Section 1 Supervisor
Water Enforcement and Compliance Assurance Branch
U.S. EPA Region 5 Enforcement and Compliance Assurance Division

Approver Signature and Date: _____

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PURPOSE OF INSPECTION

The purpose of the inspection by the U.S. Environmental Protection Agency (EPA) at Duluth Seaway Port Authority (DSPA) was to investigate elements of the Clean Water Act (CWA) and their National Pollutant Discharge Elimination System (NPDES) permit.

BACKGROUND

DSPA is an independent public agency created by the Minnesota State Legislature to foster regional maritime commerce, promote trade development, and facilitate industrial development. DSPA also owns and manages multiple waterfront properties, including the 120-acre Clure Public Marine Terminal (the port's only general cargo facility). DSPA provides leadership for and support to the local maritime community. The Port of Duluth-Superior is the largest tonnage port on the Great Lakes and handles an average of 35 million short tons of cargo and hosting approximately 800 vessel visits each year. DSPA has 9 full-time employees and operates from approximately 8:00 a.m. to 4:30 p.m., Monday through Friday. DSPA also contracts employees of Lake Superior Warehousing for port operation.

DSPA is authorized to discharge stormwater associated with industrial activity under the Minnesota Pollution Control Agency (MPCA) industrial stormwater general permit No. MNR053C7G (Permit). The Permit has an Issuance Date of April 1, 2020, and an Expiration Date of March 31, 2025. The Permit remains in effect and continues to authorize DSPA's stormwater discharges until the upcoming version of the MPCA industrial stormwater general permit is issued.

INSPECTION

Jake Berger of the EPA and Mackenzie Wilkinson-Hanson of the MPCA first arrived at the DSPA office at 8:14 a.m. CDT and were met by Jeff Udd (DSPA, Director of Government & Environmental Affairs), Dean Lembke (DSPA, Director of Building and Facilities), Jim Taraldsen (Barr Engineering, Data Quality Specialist), and David Koltz (Barr Engineering, Senior Environmental Engineer). Jake Berger showed them his inspector credentials and identification and began the opening conference.

Opening Conference

The EPA staff explained that the purpose of the inspection was to:

- Review DSPA's records, including sample measurements, monitoring activities, and other materials, as required by the Permit;
- Conduct a walkthrough of DSPA;
- Identify locations where industrial stormwater controls had the potential to be insufficient; and

- Inform DSPA of Areas of Concern regarding the records review and walkthrough.

During the opening conference, the following information was provided to the EPA:

- The harbor has 21 terminals that are owned and operated by separate, independent companies which are not the direct responsibility or industrial stormwater jurisdiction of DSPA.
- DSPA owns and manages most of the land and property on Clure Public Marine Terminal, Berths 8 – 11, and Duluth Lake Port (DSPA Facilities). DSPA leases property to tenants involved in various industrial activities at the Clure Public Marine Terminal. Berths 8 – 11 (also known as Dock C and D) are used for loading and short-term storage of large cargo such as wind turbine pieces, generators, containers, and golf course bunker sand brought in by boat and brought out by truck or rail. Lake Port Duluth is leased to JF Brennan, a marine contractor for dredging and construction.
- Stormwater pollution prevention Best Management Practices (BMPs) utilized by DSPA include applying spent lime around the trench drain filters at stormwater manholes, tarping stored materials and sand, street sweeping, and creating vegetated swales.
- There is no mercury exposure at any of the DSPA Facilities.
- Lake Superior Warehousing is responsible for the employee stormwater training.
- The Permit authorizes the discharges of industrial stormwater and requires sampling from four Outfalls:

Location ID	Monitoring Location Description	Latitude	Longitude
SD 006	BML04: Western catch basin on Dock C and D	46.760909	-92.10278
SD 005	BML02: NE side of facility at stormwater pond	46.756229	-92.09697
SD 004	BML01: NW side of facility after trench drain	46.758029	-92.101747
SD 001	BML03: SW corner of facility at Port Terminal Rd	46.752525	-92.100157

- Stormwater samples are collected by Barr Engineering and analyzed by Pace Analytical in Duluth, Minnesota. Samples are hand delivered to Pace Analytical within one to two days.

- The Permit requires DSPA to conduct benchmark monitoring at each of their four Outfalls for Aluminum, Iron, Lead, Total Suspended Solids (TSS), and Zinc.
- Section 45.2 of the Permit states the following:

“After collecting and analyzing four (4) separate quarterly samples, one per calendar quarter for each benchmark monitoring location, Permittees shall average the values for each benchmark parameter, and compare it against the benchmark value. If the Permittee collects more than one sample per quarter then, the results must be averaged within the quarter. The Permittee shall compare the average of the quarterly monitoring results with the applicable benchmark value for its applicable sectors and refer to the "Benchmark Values Met" and/or "Benchmark Values Exceeded" sections below to determine any necessary further actions. [Minn. R. 7090]”

- Section 48.2 of the Permit states the following:

“The Permittee shall collect a least one sample in the following quarter at the benchmark monitoring location(s) where exceedance(s) have occurred. Calculate the average of the four most recent quarters and compare this new average with the applicable benchmark value(s). [Minn. R. 7090]”

- Section 48.3 of the Permit states the following:

“If a benchmark value is at or is exceeded, Permittees shall complete the following steps:

1. Modify the SWPPP and document all corrective actions necessary to meet the applicable benchmark values, including improvements to BMPs.
2. Initiate modifications and upgrade the SWPPP and BMPs immediately, but no later than 14 days beyond discovery of a benchmark value exceedance.
3. Install a new or repair an existing control measure to make it operational as soon as possible.
 - a. If the Permittee is unable to complete the installation or repair within 14 calendar days, the Permittee shall document why it is infeasible within the 14-day timeframe.
 - b. Identify a schedule for completing the work, and document as soon as practicable after the 14-day timeframe but no longer than 45 days after discovery.

Include all documentation within or as an attachment to the SWPPP. These time intervals are not grace periods, but are reasonable schedules for documenting findings and for making repairs and improvements. These time intervals are in this permit to ensure that the conditions prompting the need for these repairs and improvements do not persist indefinitely. [Minn. R. 7090]”

- The benchmark requirement for iron monitoring for the DSPA Facilities is going to be removed in the upcoming version of the MPCA industrial stormwater general permit. This permit will have an effective date of June 1, 2025, but the MPCA is not yet able to accept applications.
- Jake Berger requested that the DSPA staff provide the following documents electronically by June 6, 2025, to be reviewed after the in-person portion of the inspection:
 - Benchmark monitoring results from the current permit term
 - Summary of corrective actions taken as a result of benchmark monitoring results exceeding the benchmark values in the permit on a rolling average basis
 - Industrial Stormwater Annual Reports from 2023 and 2024
 - Industrial Stormwater Monthly Site Inspection Forms from March, April, and May 2025
 - Stormwater Pollution Prevention Plan (SWPPP), including the following items:
 - BMP maintenance schedules
 - BMP repair records
 - Equipment preventative maintenance schedules
 - Spill response procedure
 - Employee stormwater training materials and records

David Koltz submitted documents pursuant to this request on June 5, 2025. During the post-inspection review of these documents, the EPA identified the following Areas of Concern:

- From August 2020 to October 2024 at BML01 (Outfall SD 004), the 4-quarter rolling average concentrations for the Total Aluminum and Total Iron benchmark monitoring samples always exceeded the benchmark values.
- From August 2020 to November 2024 at BML02 (Outfall SD 005), the 4-quarter rolling average concentration for the Total Iron benchmark monitoring samples always exceeded the benchmark value.
- From August 2020 to November 2024 at BML03 (Outfall SD 001), the 4-quarter rolling average concentration for the Total Iron benchmark monitoring samples always exceeded the benchmark value.
- From August 2020 to November 2024 at BML04 (Outfall SD 006), the 4-quarter rolling average concentrations for the Total Aluminum, Total Iron, and Total Suspended Solids (TSS) benchmark monitoring samples always exceeded the benchmark values.
- No materials were provided to describe corrective actions taken as a result of benchmark monitoring results exceeding the benchmark values, as described in the document request above.

- According to DSPA's 2024 Industrial Stormwater Annual Report, no modifications to the SWPPP were made to address improvements to the BMPs in response to the benchmark value exceedances.

The opening conference ended at 9:47 a.m. CDT and Jake Berger and Mackenzie Wilkinson-Hanson immediately began the walkthrough of the DSPA Facilities with Jeff Udd, Dean Lembke, Jim Taraldsen, and David Koltz.

Facility Walkthrough

The walkthrough began at the Duluth Lake Port, followed by Berths 8 – 11 (Dock C and D), then concluded at the Clure Public Marine Terminal. The EPA staff documented the following Areas of Concern during the walkthrough, further shown in the Photograph Log (attached):

- Dandy bags in the storm drains at BML04 (West) and BML04 (East) contain dirt and debris (Photos 4 and 6).
- The pile of golf course bunker sand at Dock C and D is too large for the containment walls. Sand is spilling over the southern containment wall. The southern containment wall has several gaps which is allowing sand to escape. This escaped sand is piled up to the top of the sea wall south of the pile and is several inches deep in some locations (Photos 7 – 10).

The walkthrough ended at 12:16 p.m. CDT and was immediately followed by the closing conference at the DSPA office building.

Closing Conference

Jake Berger and Mackenzie Wilkinson-Hanson began the closing conference with Jeff Udd, Dean Lembke, Jim Taraldsen, and David Koltz. Jake Berger relayed preliminary comments regarding the Areas of Concern described above and confirmed the list of documents to be provided electronically after the inspection. DSPA staff confirmed that no information collected during the inspection was considered Confidential Business Information. The EPA concluded the inspection and left the DSPA office building at 12:35 p.m. CDT.

**Duluth Seaway Port Authority
EPA Inspection 5/30/2025
All photos taken by Jake Berger, Physical Scientist, U.S. EPA
Camera: Olympus Tough TG-6**



1: P5300001

Description: Drainage Area 7

Location: Duluth Lake Port

Camera Direction: Southwest

Date/Time: 5/30/2025 – 10:08 a.m. CDT



2: P5300002

Description: Drainage Area 7, drainage ditch

Location: Duluth Lake Port

Camera Direction: North

Date/Time: 5/30/2025 – 10:19 a.m. CDT



3: P5300003

Description: Benchmark Monitoring Location (BML) 04 (West), reseeded the surrounding area in April 2025.

Location: Dock C and D

Camera Direction: North

Date/Time: 5/30/2025 – 10:31 a.m. CDT



4: P5300004

Description: BML04 (West, same as depicted in Photo 3), dandy bag full of dirt and debris

Location: Dock C and D

Camera Direction: North

Date/Time: 5/30/2025 – 10:33 a.m. CDT



5: P5300005

Description: BML04 (East). Stormwater through this manhole combines with stormwater from BML04 (West) prior to entering the receiving water.

Location: Dock C and D

Camera Direction: East

Date/Time: 5/30/2025 – 10:36 a.m. CDT



6: P5300006

Description: BML04 (East) dandy bag contains some dirt and debris.

Location: Dock C and D

Camera Direction: North

Date/Time: 5/30/2025 – 10:38 a.m. CDT



7: P5300007

Description: Golf course sand pile; partially tarped and accessed daily.

Location: Dock C and D

Camera Direction: East

Date/Time: 5/30/2025 – 10:43 a.m. CDT



8: P5300008

Description: Golf sand pile, southern wall. Wall is undersized and lacking maintenance; sand piles accumulated south of the wall.

Location: Dock C and D

Camera Direction: Northeast

Date/Time: 5/30/2025 – 10:47 a.m. CDT



9: P5300009

Description: Golf sand accumulated up to the top of the dock sea wall. Sand is several inches deep in some locations.

Location: Dock C and D

Camera Direction: Northeast

Date/Time: 5/30/2025 – 10:50 a.m. CDT



10: P5300010

Description: Golf sand; gaps in the southern wall causing the sand piles in Photos 8 and 9.

Location: Dock C and D

Camera Direction: North

Date/Time: 5/30/2025 – 10:56 a.m. CDT



11: P5300011

Description: BML01, Drainage Area 1. Surrounded by spent lime to aid in pollution prevention underneath the rectangular grates. Spent lime last replaced in 2023.

Location: Clure Public Marine Terminal

Camera Direction: Northeast

Date/Time: 5/30/2025 – 11:10 a.m. CDT



12: P5300012

Description: BML02, Drainage Area 2

Location: Clure Public Marine Terminal

Camera Direction: Northeast

Date/Time: 5/30/2025 – 11:19 a.m. CDT



13: P5300013

Description: Stormwater pond, flows to BML02.

Location: Clure Public Marine Terminal

Camera Direction: South

Date/Time: 5/30/2025 – 11:23 a.m. CDT



14: P5300014

Description: BML03 and stormwater trench, Drainage Area 3.

Location: Clure Public Marine Terminal

Camera Direction: Southwest

Date/Time: 5/30/2025 – 11:59 a.m. CDT