

North Dakota Department of Health Public Notice
Reissue of an NDPDES Permit

Public Notice Date: 5/24/2018

Public Notice Number: ND-2018-013

Purpose of Public Notice

The Department intends to reissue the following North Dakota Pollutant Discharge Elimination System (NDPDES) Discharge Permit under the authority of Section 61-28-04 of the North Dakota Century Code.

Permit Information

Application Date: 11/6/2017

Application Number: ND0025321

Applicant Name: Center Coal Co

Mailing Address: PO Box 820, Dickinson, ND 58602-0820

Telephone Number: 701.483.5868

Proposed Permit Expiration Date: 6/30/2023

Facility Description

The reapplication is for a coal processing plant located southeast of Center ND in the NW1/4, SW1/4, Section 32, Township 142N, Range 83W. Any discharge would consist of surface runoff, and would be to Nelson Lake, a Class 3 lake.

Tentative Determinations

Proposed effluent limitations and other permit conditions have been made by the Department. They assure that State Water Quality Standards and applicable provisions of the FWPCA will be protected.

Information Requests and Public Comments

Copies of the application, draft permit, and related documents are available for review. Comments or requests should be directed to the ND Dept of Health, Div of Water Quality, 918 East Divide Ave, Bismarck ND 58501-1947 or by calling 701.328.5210.

All comments received by June 24, 2018 will be considered prior to finalizing the permit. If there is significant interest, a public hearing will be scheduled. Otherwise, the Department will issue the final permit within sixty (60) days of this notice. If you require special facilities or assistance relating to a disability, call TDD at 1.800.366.6868.

**FACT SHEET FOR NDPDES PERMIT
ND-0025321**

PERMIT REISSUANCE

General Industries Inc. dba Center Coal Company

FACT SHEET DATE – February 2018

INTRODUCTION

The Federal Clean Water Act (CWA, 1972, and later amendments in 1977, 1981, and 1987, etc.) established water quality goals for the navigable (surface) waters of the United States. One mechanism for achieving the goals of the CWA is the National Pollutant Discharge Elimination System (NPDES), which the US Environmental Protection Agency (EPA) has oversight authority. In 1975, the State of North Dakota was delegated primacy of the NPDES program by EPA. The North Dakota Department of Health (NDDoH) has been designated the state water pollution control agency for all purposes of the Federal Water Pollution Control Act, as amended [33 U.S.C. 1251, et seq.], and is hereby authorized to take all action necessary or appropriate to secure to this state the benefits of the act and similar federal acts. The department's authority and obligations for the wastewater discharge permit program is in North Dakota Administrative Code 33-16 (NDAC), promulgated pursuant to North Dakota Century Code Chapter 61-28 (NDCC). The department uses North Dakota Pollutant Discharge Elimination System (NDPDES) as its permitting title.

The following rules or regulations apply to NDPDES permits:

- Procedures the department follows for issuing NDPDES permits (NDAC chapter 33-16-01),
- Standards of Quality for Waters of the State (NDAC chapter 33-16-02.1).

These rules require any treatment facility operator to obtain an NDPDES permit before discharging wastewater to state waters. They also define the basis for limits on each discharge and for other requirements imposed by the permit.

According to NDAC Section 33-16-01-08, the department must prepare a draft permit and accompanying fact sheet, and make them available for public review. The department must also publish an announcement (public notice) during a period of thirty days, informing the public where a draft permit may be obtained and where comments regarding the draft permit may be sent (NDAC Section 33-16-01-07). For more information regarding preparing and submitting comments about the fact sheet and permit, please see **Appendix A - Public Involvement**. Following the public comment period, the department may make changes to the draft NDPDES permit. The department will summarize the responses to comments and changes to the permit in **Appendix D - Response to Comments**.

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BACKGROUND INFORMATION

Table 1 – General Facility Information

Applicant:	General Industries Inc. dba Center Coal Company
Facility Name and Address:	Center Coal Company 2350 35 th Ave. SW Center, ND 58530
Permit Number:	ND-0025321
Permit Type:	Minor, Permit Reissuance
Type of Treatment:	Settling Pond
SIC Code:	1221
Discharge Location:	Nelson Lake, Class 3 Lake/Reservoir T142N, R83W, Section 32 001: Latitude: 47.07614 Longitude: -101.235278
Hydrologic Code:	10130101 – Painted Woods-Square Butte Creek

Figure 1. Aerial Photograph of Center Coal Company, Center, North Dakota (Google Earth May 2016)



FACILITY DESCRIPTION

Center Coal Company is a lignite coal processing plant located southeast of Center, North Dakota. Lignite is a low grade coal, or brown coal, used for burning. The operation processes approximately 4,542,523 tons of lignite per year for commercial use.

Currently, this facility has one discharge point listed under the NDPDES reporting requirements. The discharge point is described as the open pit located in Section 32, Township 142 North, Range 83 West in Oliver county. The type of water that would be discharged from the facility consists of runoff from the coal processing activities. All surface runoff is diverted to a 19.6-acre-foot settling pond on the plant site. The coal processing activity engaged in at this facility appears to meet the regulatory criteria described in the coal mining point source category (40 CFR Part 434) for coal preparation plants and coal preparation plant areas. In the past, the department has applied the same limitations used at coal mining facilities in the state to the discharge from this facility. The department intends to continue equivalent effluent limitations in the renewal.

Discharge Outfall

The facility discharges to Nelson Lake, a reservoir on Square Butte Creek that was constructed to provide cooling water for a local power plant. This has been verified by permits 1324 and 1963 which were signed by the North Dakota State Water Commission on July 25, 1972 and June 15, 1982 respectively. Nelson Lake is classified as a class 3 lake in the Standards of Quality for Waters of the State (NDAC 33-16-02.1). Class 3 lakes are warm water fisheries capable of supporting natural reproduction and growth of warm water fishes (e.g., largemouth bass and bluegill) and associated aquatic biota. The beneficial uses and parameter limitations designed for class I streams shall apply to all classified lakes or reservoirs. The temperature standard for class I streams does not apply to Nelson Lake in Oliver County. The temperature of any discharge to Nelson Lake shall not have an adverse effect on fish, aquatic biota, recreation, and wildlife.

PERMIT STATUS

The department issued the previous permit for this facility on July 1, 2013. The previous permit placed effluent limitations on Total Iron (TFe), Total Suspended Solids (TSS), pH, Settleable Solids, and Oil & Grease. Monitoring requirements were placed on general chemistry and metals.

SUMMARY OF COMPLIANCE WITH PREVIOUS PERMIT ISSUED

Department staff last conducted a non-sampling compliance inspection on April 27, 2018. The department's assessment of compliance is based on review of the facility's Discharge Monitoring Reports (DMRs) and physical inspections conducted by department staff.

Past Discharge Data

The department reviewed the facility's discharge history over the past 30 years. Department records indicate no discharge has taken place from the facility during this time period. This has been substantiated during inspections by department personnel and from the facility's Discharge Monitoring Reports (DMRs).

At this time, the settling pond is dry and the permittee is unable to obtain samples.

PROPOSED PERMIT LIMITS

EFFLUENT LIMITATIONS

The discharge of coal processing water and runoff generated by the coal processing activity is not regulated by national effluent guidelines. In the absence of a federal standard, limitations may be generated using Best Professional Judgment (BPJ) to ensure reasonable control technologies are used to prevent potential harmful effects of the discharge. In determining limitations based on BPJ, the department referred to Title 40 of the Code of Federal Regulations, Part 434 – or 40 CFR 434. In addition, the department must consider and include limitations necessary to protect water quality standards applicable to the receiving waters.

As provided in 40 CFR 434.63, the facility may be allowed alternate limitations based on a 10-year, 24-hour precipitation event; however, 40 CFR 434.63 does not specify the precipitation amount. The department intends to reduce the 10-year, 24-hour precipitation amount in the proposed permit from 3.2 inches to 2.97 inches based on updated precipitation frequency estimates. In 2013, the U.S. Department of Commerce, National Oceanographic and Atmospheric Administration (NOAA) released *NOAA Atlas 14*, which updated the precipitation amount for the 10-year, 24-hour precipitation event. According to *Atlas 14*, the precipitation amount for the area covered by the facility is 2.97 inches of rainfall. Prior to the release of *Atlas 14*, the 10-year, 24-hour precipitation amount used for pond design was 3.2 inches. This amount was based on the U.S. Department of Commerce, Weather Bureau Technical Paper 40, *Rainfall Frequency Atlas of the United States*, released in 1961.

The release of *NOAA Atlas 14* is a substantial change in selecting the 10-year, 24-hour precipitation amount, which was not available when the previous permit was issued. In addition, sedimentation ponds constructed prior to the change were designed to meet the larger 3.2 inch overflow requirement. The department determined that lowering the 10-year, 24-hour precipitation amount is an allowable exception to 40 CFR 122.44(l)(2) which allows a permit to be issued with less stringent effluent limitations when information is available that would justify less stringent effluent limitations.

The proposed effluent limitations shall take effect once the permit becomes active. The effluent limitations and the basis for the limitations are provided in Table 2. Prior to any discharge, the permittee must collect and analyze general chemistry and metals (Table 2) and contact the department for a pre-discharge review.

Table 2 – Outfall 001 Effluent Limitations

Effluent Parameter	Monthly Average	Daily Maximum	Basis ^c
Total Iron ^a	3.5 mg/L	7.0 mg/L	BPJ, Previous Permit
Total Suspended Solids ^a (TSS)	35.0 mg/L	70.0 mg/L	BPJ, Previous Permit
pH (SU)	Shall remain between 7.0 and 9.0		WQS
Settleable Solids ^a	*	0.5 mL/L	BPJ, Previous Permit
Oil & Grease – Visual ^b	*	*	BPJ, Previous Permit
Oil & Grease ^b	*	10 mg/L	BPJ, Previous Permit
General Chemistry ^d	*	*	BPJ, Previous Permit
Metals ^d	*	*	BPJ, Previous Permit
The permittee shall maintain the capability to measure the instantaneous flow rate, daily.			Previous Permit
The department may specify additional discharge conditions or restrictions at any time to maintain water quality standards.			BPJ
Notes:			
* This parameter is not limited. However, the department may impose limitations based on sample history and to protect the receiving waters.			
<p>a. <u>Alternate Limitations:</u> The department may waive the limitations for total iron and TSS for overflows caused by a single or series of precipitation or snowmelt events after reviewing all information submitted in response to the Noncompliance Notification conditions of the permit. During overflow discharges TSS sampling shall be done in conjunction with settleable solids sampling for comparison purposes. Monitoring for settleable solids is not required for routine discharges.</p> <p>The settleable solids limit may be waived if there is a precipitation event greater than 2.97 inches in 24 hours. The limit may also be waived for snowmelt events on a case-by-case basis for facilities designed and maintained to contain runoff from a 10-year, 24-hour precipitation event.</p> <p>To qualify for these limitations, the facility must be designed, constructed, operated, and maintained to treat the runoff from a 10-year, 24-hour precipitation event (2.97 inches). For sedimentation ponds, any required pond dewatering must have been accomplished within 10 days of the last precipitation event when practicable. Additional time is allowable when dewatering is delayed due to activities or conditions downstream of the facility such as agricultural activities, landowner accessibility, drainage channel stability or capacity. The permittee has the burden of proof that these conditions are met.</p> <p>Precipitation shall be measured by gauge and recorded daily by the permittee. If the permittee elects, the results of the nearest National Weather Service recording station may be used.</p>			

Table 2 – Outfall 001 Effluent Limitations

<p>b. There shall be no floating oil or visible sheen present in the discharge. If floating oil or a visible sheen is detected in the discharge, the department shall be contacted and a grab sample analyzed to ensure compliance with the concentration limitation. Any single analysis and/or measurement beyond this limitation shall be considered a violation of the conditions of this permit.</p>																		
<p>c. The basis of the effluent limitations is given below:</p> <p>"Previous Permit" refers to limitations in the previous permit. The NPDES regulations 40 CFR Part 122.44(1)(1) Reissued permits require that when a permit is renewed or reissued, interim limitations, standards or conditions must be at least as stringent as the final effluent limitations, standards, or conditions in the previous permit unless the circumstances on which the previous permit was issued have materially and substantially changed since the previous permit was issued and would constitute cause for permit modification or revocation and reissuance under 40 CFR Part 122.62.</p> <p>"BPJ" refers to best professional judgment.</p> <p>"WQS" refers to effluent limitations based on the State of North Dakota's "Standards of Quality for Waters of the State," NDAC Chapter 33-16-02.1.</p>																		
<p>d. A pre-discharge sample must be analyzed and reported to the Department prior to the start of any discharge. A pre-discharge grab sample shall be tested for general chemistry and metals.</p> <p>General Chemistry:</p> <table border="0"> <tr> <td>Sodium Chloride Sulfate Hydroxide Hardness Total (as CaCO₃) Manganese Sodium Adsorption Ratio Fluoride</td> <td>Calcium Potassium Bicarbonate Alkalinity Percent Sodium Total Dissolved Solids Nitrite Phosphorus (Total)</td> <td>Magnesium Silica Carbonate Conductivity Iron Nitrate pH</td> </tr> </table> <p>Metals:</p> <table border="0"> <tr> <td>Antimony (total)</td> <td>Arsenic (total)</td> <td>Beryllium (total)</td> </tr> <tr> <td>Cadmium (total)</td> <td>Chromium (total)</td> <td>Copper (total)</td> </tr> <tr> <td>Lead (total)</td> <td>Mercury (total)</td> <td>Nickel (total)</td> </tr> <tr> <td>Selenium (total)</td> <td>Silver (total)</td> <td>Thallium (total)</td> </tr> <tr> <td>Zinc (total)</td> <td>Cyanide (total)</td> <td>Phenols (total)</td> </tr> </table>	Sodium Chloride Sulfate Hydroxide Hardness Total (as CaCO ₃) Manganese Sodium Adsorption Ratio Fluoride	Calcium Potassium Bicarbonate Alkalinity Percent Sodium Total Dissolved Solids Nitrite Phosphorus (Total)	Magnesium Silica Carbonate Conductivity Iron Nitrate pH	Antimony (total)	Arsenic (total)	Beryllium (total)	Cadmium (total)	Chromium (total)	Copper (total)	Lead (total)	Mercury (total)	Nickel (total)	Selenium (total)	Silver (total)	Thallium (total)	Zinc (total)	Cyanide (total)	Phenols (total)
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<p>N/A Not applicable</p>																		
<p>* This parameter is not limited. However, the department may impose limitations based on sample history and to protect the receiving waters.</p>																		

SELF-MONITORING REQUIREMENTS

Samples obtained from coal processing areas must be taken prior to the discharge water leaving company property or entering any receiving stream.

Table 3 - Self-Monitoring Requirements

Effluent Parameter	Frequency	Sample Type ^a
Total Iron	Monthly	Grab
TSS	Weekly	Grab
pH	Monthly	Instantaneous
Settleable Solids	Weekly	Grab
Oil & Grease – Visual	Daily	Visual
Oil & Grease	Conditional	Grab
General Chemistry	Pre-discharge	Grab
Metals	Pre-discharge	Grab
Flow, Total ^b	Daily	Calculated
Drain, Total ^b	Monthly	Calculated
Total Days Discharging	Monthly	Calculated
Notes:		
a. Refer to Appendix B for definitions.		
b. The permittee shall maintain the capability to measure the instantaneous flow rate, daily.		

SURFACE WATER QUALITY-BASED EFFLUENT LIMITS

The *Standards of Water Quality for Waters of the State* (NDAC Chapter 33-16-02.1) are designed to protect existing water quality and preserve the beneficial uses of North Dakota's surface waters. Wastewater discharge permits must include conditions that ensure the discharge will meet the surface water quality standards. Water quality-based effluent limits may be based on an individual waste load allocation or on a waste load allocation developed during a basin-wide total maximum daily load (TMDL) study. TMDLs result from a scientific study of the water body and are developed in order to reduce pollution from all sources.

Nelson Lake currently does not have a TMDL and is not listed in the Section 303(d) List of Waters Needing a TMDL. The department will assess the status of this segment during the next permit cycle.

Numerical Criteria for the Protection of Aquatic Life and Recreation

Numerical water quality criteria are listed in the water quality standards for surface waters (NDAC Chapter 33-16-02.1). They specify the maximum levels of pollutants allowed in receiving water to protect aquatic life and recreation in and on the water. The department uses numerical criteria along with chemical and physical data for the wastewater and receiving water to derive the effluent limits in the discharge permit. When surface water quality-based limits are more stringent or potentially more stringent than technology-based limits, the discharge must meet the water quality-based limits.

Numerical Criteria for the Protection of Human Health

The U.S. EPA has published numeric water quality criteria for the protection of human health that are applicable to dischargers. These criteria are designed to protect humans from exposure to pollutants linked to cancer and other diseases, based on consuming fish and shellfish and drinking contaminated surface waters. The state water quality standards also include radionuclide criteria to protect humans from the effects of radioactive substances.

Narrative Criteria

Narrative water quality criteria (NDAC Chapter 33-16-02.1-08) limit concentrations of pollutants from exceeding applicable standards of the receiving waters. The department adopted a narrative biological goal solely to provide an additional assessment method that can be used to identify impaired surface waters.

Antidegradation

The purpose of North Dakota's Antidegradation Policy (NDAC Chapter 33-16-02.1 - Appendix IV) is to:

- Provide all waters of the state one of three levels of antidegradation protection.
- Determine whether authorizing the proposed regulated activity is consistent with antidegradation requirements.

This fact sheet demonstrates that the existing and designated uses of the receiving water will be protected under the conditions of the proposed permit.

Mixing Zones

The department's water quality standards contain a Mixing Zone and Dilution Policy and Implementation Procedure, NDAC Chapter 33-16-02.1 (Appendix III). This policy addresses how mixing and dilution of point source discharges with receiving waters will be addressed in developing chemical-specific and whole effluent toxicity discharge limitations for point source discharges. Depending upon site-specific mixing patterns and environmental concerns, some pollutants/criteria may be allowed a mixing zone or dilution while others may not. In all cases, mixing zone and dilution allowances shall be limited, as necessary, to protect the integrity of the receiving water's ecosystem and designated uses.

EVALUATION OF SURFACE WATER QUALITY-BASED EFFLUENT LIMITS FOR NUMERIC CRITERIA

Total Iron

According to department records, this facility has not discharged. Since there is no available data to review for this permit renewal, a determination was made to continue with the previous permit limit.

TSS

According to department records, this facility has not discharged. Since there is no available data to review for this permit renewal, a determination was made to continue with the previous permit limit.

pH

The limitation for pH is based on the state water quality standard application to this water body classification. For Class 3 Lakes, the pH limitation is from 7.0 to 9.0 S.U.

The pH limit is continued from the previous permit.

Settleable Solids

According to department records, this facility has not discharged. Since there is no available data to review for this permit renewal, a determination was made to continue with the previous permit limit.

Oil & Grease

The WQS state that waters of the state must be free from oil or grease attributable to wastewater which causes a visible sheen or film upon the water. Using BPJ the department has determined that a daily maximum limitation of 10 mg/L is appropriate for active mining areas if a visible sheen is detected. Other treatment systems in the state have similar limitations.

HUMAN HEALTH

North Dakota's water quality standards include numeric human health-based criteria that the department must consider when writing NDPDES permits. These criteria were established in 1992 by the U.S. EPA in its National Toxics Rule (40 CFR 131.36). The National Toxics Rule allows states to use mixing zones to evaluate whether discharges comply with human health criteria. The department determined the applicant's discharge is unlikely to contain chemicals regulated to protect human health. The department will re-evaluate this discharge for impacts to human health at the next permit reissuance.

MONITORING REQUIREMENTS

The department requires monitoring, recording, and reporting (NDAC Chapter 33-16-01-(21 through 23) and 40 CFR 122.41) to verify that the treatment process is functioning correctly and that the discharge complies with the permit's limits.

TEST PROCEDURES

The collection and transportation of all samples shall conform to EPA preservation techniques and holding times. All laboratory tests shall be performed by a North Dakota certified laboratory in conformance with test procedures pursuant to 40 CFR 136, unless other test procedures have been specified or approved by EPA as an alternate test procedure under 40 CFR 136.5. The method of determining the total amount of water discharged shall provide results within 10 percent of the actual amount.

OTHER PERMIT CONDITIONS

No other permit conditions are proposed for the facility.

PERMIT ISSUANCE PROCEDURES

PERMIT ACTIONS

This permit may be modified, revoked and reissued, or terminated for cause. This includes the establishment of limitations or prohibitions based on changes to water quality standards, the development and approval of waste load allocation plans, the development or revision to water quality management plans, changes in sewage sludge practices, or the establishment of prohibitions or more stringent limitations for toxic or conventional pollutants and/or sewage sludges. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

The department must be notified, in advance, of any facility expansions, additions, or modifications to increase the amount of discharge. The increase in any effluent limitation is considered a major permit modification. Major modifications require the issuance of a public notice inviting public comment.

PROPOSED PERMIT ISSUANCE

This proposed permit meets all statutory requirements for the department to authorize a wastewater discharge. The permit includes limits and conditions to protect human health, aquatic life, and the beneficial uses of waters of the State of North Dakota. The department proposes to issue this permit for a term of five (5) years.

APPENDIX A – PUBLIC INVOLVEMENT INFORMATION

The department proposes to reissue a permit to **General Industries Inc. dba Center Coal Company** for its coal processing facility. The permit includes wastewater discharge limits and other conditions. This fact sheet describes the facility and the department's reasons for requiring permit conditions.

The department will place a Public Notice of Draft on **May 24, 2018** in the **Center Republican** to inform the public and to invite comment on the proposed draft North Dakota Pollutant Discharge Elimination System permit and fact sheet.

The notice –

- Indicates where copies of the draft permit and fact sheet are available for public evaluation.
- Offers to provide assistance to accommodate special needs.
- Urges individuals to submit their comments before the end of the comment period.
- Informs the public that if there is significant interest, a public hearing will be scheduled.

You may obtain further information from the department by telephone, 701.328.5210, or by writing to the address listed below.

North Dakota Department of Health
Division of Water Quality
918 East Divide Avenue, 4th Floor
Bismarck, ND 58501

The primary author of this permit and fact sheet is Sarah Starr.

**North Dakota Department of Health Public Notice
Reissue of an NDPDES Permit**

Public Notice Date: 5/24/2018

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Purpose of Public Notice

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Permit Information

Application Date: 11/6/2017

Application Number: ND0025321

Applicant Name: Center Coal Co

Mailing Address: PO Box 820, Dickinson, ND 58602-0820

Telephone Number: 701.483.5868

Proposed Permit Expiration Date: 6/30/2023

Facility Description

The reapplication is for a coal processing plant located southeast of Center ND in the NW1/4, SW1/4, Section 32, Township 142N, Range 83W. Any discharge would consist of surface runoff, and would be to Nelson Lake, a Class 3 lake.

Tentative Determinations

Proposed effluent limitations and other permit conditions have been made by the Department. They assure that State Water Quality Standards and applicable provisions of the FWPCA will be protected.

Information Requests and Public Comments

Copies of the application, draft permit, and related documents are available for review. Comments or requests should be directed to the ND Dept of Health, Div of Water Quality, 918 East Divide Ave, Bismarck ND 58501-1947 or by calling 701.328.5210.

All comments received by June 24, 2018 will be considered prior to finalizing the permit. If there is significant interest, a public hearing will be scheduled. Otherwise, the Department will issue the final permit within sixty (60) days of this notice. If you require special facilities or assistance relating to a disability, call TDD at 1.800.366.6868.



APPENDIX B – DEFINITIONS

DEFINITIONS Standard Permit BP 2013.12.31

1. “**Act**” means the Clean Water Act.
2. “**Average monthly discharge limitation**” means the highest allowable average of “daily discharges” over a calendar month, calculated as the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.
3. “**Average weekly discharge limitation**” means the highest allowable average of “daily discharges” over a calendar week, calculated as the sum of all “daily discharges” measured during a calendar week divided by the number of “daily discharges” measured during that week.
4. “**Best management practices**” (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage areas.
5. “**Bypass**” means the intentional diversion of waste streams from any portion of a treatment facility.
6. “**Composite**” sample means a combination of at least 4 discrete sample aliquots, collected over periodic intervals from the same location, during the operating hours of a facility not to exceed a 24 hour period. The sample aliquots must be collected and stored in accordance with procedures prescribed in the most recent edition of Standard Methods for the Examination of Water and Wastewater.
7. “**Daily discharge**” means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the “daily discharge” is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the “daily discharge” is calculated as the average measurement of the pollutant over the day.
8. “**Department**” means the North Dakota Department of Health, Division of Water Quality.
9. “**DMR**” means discharge monitoring report.
10. “**EPA**” means the United States Environmental Protection Agency.
11. “**Geometric mean**” means the n^{th} root of a product of n factors, or the antilogarithm of the arithmetic mean of the logarithms of the individual sample values.
12. “**Grab**” for monitoring requirements, means a single "dip and take" sample collected at a

representative point in the discharge stream.

13. **"Instantaneous"** for monitoring requirements, means a single reading, observation, or measurement. If more than one sample is taken during any calendar day, each result obtained shall be considered.
14. **"Maximum daily discharge limitation"** means the highest allowable "daily discharge."
15. **"Salmonid"** means of, belonging to, or characteristic of the family Salmonidae, which includes the salmon, trout, and whitefish.
16. **"Sanitary Sewer Overflows (SSO)"** means untreated or partially treated sewage overflows from a sanitary sewer collection system.
17. **"Severe property damage"** means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
18. **"Total drain"** means the total volume of effluent discharged.
19. **"Upset"** means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

APPENDIX C – DATA AND TECHNICAL CALCULATIONS

DFLOW

Critical low flow limitations were not utilized in this permit renewal.

DFLOW 1B3 (ACUTE)	N/A	CFS	DFLOW 1Q10 (ACUTE)	N/A	CFS
DFLOW 4B3 (CHRONIC)	N/A	CFS	DFLOW 7Q10 (CHRONIC)	N/A	CFS
DFLOW 30B10 (AMMONIA)	N/A	CFS			

DRAFT

APPENDIX D – RESPONSE TO COMMENTS

Comments received during the public comment period will be addressed and placed here.

DRAFT

Permit No: ND0025321
Effective Date: July 01, 2018
Expiration Date: June 30, 2023

AUTHORIZATION TO DISCHARGE UNDER THE
NORTH DAKOTA POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with Chapter 33-16-01 of the North Dakota Department of Health rules as promulgated under Chapter 61-28 (North Dakota Water Pollution Control Act) of the North Dakota Century Code,

General Industries Inc. dba Center Coal Company
Center, North Dakota

is authorized to discharge from its coal preparation plant holding pond located near Center, North Dakota

to Nelson Lake, a Class III lake

provided all the conditions of this permit are met.

This permit and the authorization to discharge shall expire at midnight,

June 30, 2023.

Signed this _____ day of _____, _____.

Karl H. Rockeman, P.E.
Director
Division of Water Quality

BP 2014.06.12

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DRAFT

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DEFINITIONS

Standard Permit BP 2013.12.31

1. “**Act**” means the Clean Water Act.
2. “**Average monthly discharge limitation**” means the highest allowable average of “daily discharges” over a calendar month, calculated as the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.
3. “**Average weekly discharge limitation**” means the highest allowable average of “daily discharges” over a calendar week, calculated as the sum of all “daily discharges” measured during a calendar week divided by the number of “daily discharges” measured during that week.
4. “**Best management practices**” (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage areas.
5. “**Bypass**” means the intentional diversion of waste streams from any portion of a treatment facility.
6. “**Composite**” sample means a combination of at least 4 discrete sample aliquots, collected over periodic intervals from the same location, during the operating hours of a facility not to exceed a 24 hour period. The sample aliquots must be collected and stored in accordance with procedures prescribed in the most recent edition of Standard Methods for the Examination of Water and Wastewater.
7. “**Daily discharge**” means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the “daily discharge” is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the “daily discharge” is calculated as the average measurement of the pollutant over the day.
8. “**Department**” means the North Dakota Department of Health, Division of Water Quality.
9. “**DMR**” means discharge monitoring report.
10. “**EPA**” means the United States Environmental Protection Agency.
11. “**Geometric mean**” means the n^{th} root of a product of n factors, or the antilogarithm of the arithmetic mean of the logarithms of the individual sample values.
12. “**Grab**” for monitoring requirements, means a single "dip and take" sample collected at a representative point in the discharge stream.
13. “**Instantaneous**” for monitoring requirements, means a single reading, observation, or measurement. If more than one sample is taken during any calendar day, each result obtained shall be considered.
14. “**Maximum daily discharge limitation**” means the highest allowable “daily discharge.”

15. "**Salmonid**" means of, belonging to, or characteristic of the family Salmonidae, which includes the salmon, trout, and whitefish.
16. "**Sanitary Sewer Overflows (SSO)**" means untreated or partially treated sewage overflows from a sanitary sewer collection system.
17. "**Severe property damage**" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
18. "**Total drain**" means the total volume of effluent discharged.
19. "**Upset**" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

OUTFALL DESCRIPTION

Outfall 001. Active. Final.			
Latitude: 47.07614	Longitude: -101.235278	County: Oliver	
Township: 142N	Range: 83W	Section: 32	QQ: BC
Receiving Stream: Nelson Lake		Classification: Class 3 Lake	
Outfall Description: This outfall serves as the point of overflow from the facility's holding pond which receives surface runoff from the facility's coal processing activities. Any discharge is to Nelson Lake, a Class 3 lake.			

PERMIT SUBMITTALS SUMMARY

Coverage Point	Submittal	Frequency	First Submittal Date
001A	Discharge Monitoring Report	Semiannually	August 31, 2018
Application Renewal	NPDES Application Renewal	1/permit cycle	December 31, 2022 (Along with Form 2C)

SPECIAL CONDITIONS

No special conditions have been determined at this time.

I. LIMITATIONS AND MONITORING REQUIREMENTS

A. Discharge Authorization

1. During the effective period of this permit, the permittee is authorized to discharge pollutants from the outfall specified to the following: **Nelson Lake, Class 3 Lake**.

This permit authorizes the discharge of only those pollutants resulting from facility processes, waste streams, and operations that have been clearly identified in the permit application process.

2. No discharge shall occur from outfall 001 until all pre-discharge parameters have been submitted to and reviewed by the department (See Table 1). After the review process has been completed the permittee shall comply with the limitations of this permit.

B. Effluent Limitations and Monitoring

1. The permittee must limit and monitor all discharges as specified below:

Table 1: Effluent Limitations and Monitoring Requirements: **Outfall 001**

Parameter	Effluent Limitations		Monitoring Requirements	
	Avg. Monthly Limit	Daily Maximum Limit	Sample Frequency	Sample Type
Total Iron ^a (mg/l)	3.5	7.0	Monthly	Grab
Total Suspended Solids (TSS) ^a (mg/l)	35.0	70.0	Weekly	Grab
pH (SU)	between 7.0 and 9.0		Monthly	Instantaneous
Settleable Solids (ml/l) ^a	*	0.5	Weekly	Grab
Oil and Grease ^b – Visual	*	*	Daily	Visual
Oil and Grease ^b (mg/l)	*	10.0	Conditional	Grab
General Chemistry	*	*	Pre-discharge	Grab
Metals	*	*	Pre-discharge	Grab
Flow effluent (MGD)	*	*	Daily	Calculated
Flow, Total ^c (MG)	*	*	Monthly	Calculated

Notes:

*. This parameter is not limited. However, the department may impose limitations based on sample history and to protect the receiving waters.

- a. Alternate Limitations: The department may waive the limitations for Total Iron and TSS for overflows caused by single or series of precipitation or snowmelt events after reviewing all information submitted in response to the Noncompliance Notification conditions - Part III(F). During overflow discharges TSS sampling shall be done in conjunction with Settleable Solids sampling for comparison purposes. Monitoring for Settleable Solids is not required for routine discharges.

The Settleable Solids limit may be waived if there is a precipitation event greater than 2.97 inches in 24 hours. The limit may also be waived for snowmelt events on a case-by-case basis for facilities designed and maintained to contain runoff from a 10-year, 24-hour precipitation event.

To qualify for these limitations the facility must be designed, constructed, operated, and maintained to treat the runoff from a 10-year, 24-hour precipitation event (2.97 inches). For sedimentation

Table 1: Effluent Limitations and Monitoring Requirements: **Outfall 001**

ponds, any required pond dewatering must have been accomplished within 10 days of the last precipitation event when practicable. Additional time is allowable when dewatering is delayed due to activities or conditions downstream of the facility such as agricultural activities, landowner accessibility, drainage channel stability or capacity. The permittee has the burden of proof that these conditions are met.

Precipitation shall be measured by gauge and recorded daily by the permittee. If the permittee elects, the results from the nearest NWS recording station may be used.

- b. There is to be no floating oil or visible sheen present in the discharge. If floating oil or a visible sheen is observed at the discharge point, the department shall be contacted, and a grab sample analyzed to ensure compliance with the limitation. Any single analysis and/or measurement beyond this limitation shall be considered a violation of the conditions of this permit.
- c. The permittee shall maintain the capability to measure the instantaneous flow rate, daily.
- d. A pre-discharge sample must be analyzed and reported to the Department prior to the start of any discharge. A pre-discharge grab sample shall be tested for general chemistry and metals.

General Chemistry:

Sodium	Calcium	Magnesium
Potassium	Silica	Chloride
Sulfate	Bicarbonate	Carbonate
Hydroxide	Alkalinity	Conductivity
Hardness Total (as CaCO ₃)	Percent Sodium	Iron
Manganese	Total Dissolved Solids	Nitrate
Sodium Adsorption Ratio	Nitrite	pH
Fluoride	Phosphorus (Total)	

Metals:

Antimony (total)	Arsenic (total)	Beryllium (total)
Cadmium (total)	Chromium (total)	Copper (total)
Lead (total)	Mercury (total)	Nickel (total)
Selenium (total)	Silver (total)	Thallium (total)
Zinc (total)	Cyanide (total)	Phenols (total)

Table 1: Effluent Limitations and Monitoring Requirements: **Outfall 001**

Stipulations:

The dates of discharge, frequency of analysis, and number of exceedances shall be included on the DMR.

When alternate limitations are granted, the test results for parameters not subject to limitations shall be included as an attachment to the report for the applicable monitoring period.

The department may specify additional discharge conditions or restrictions at any time to maintain water quality standards. This may include rate of discharge restrictions or notifying downstream landowners along the receiving stream.

Samples taken in compliance with the monitoring requirements specified in this permit shall be taken prior to leaving company property or entering the receiving stream.

II. MONITORING, RECORDING, AND REPORTING REQUIREMENTS BP 2017.08.21

A. Representative Sampling (Routine and Non-Routine Discharges)

All samples and measurements taken shall be representative of the monitored discharge.

In order to ensure that the effluent limits set forth in this permit are not violated at times other than when routine samples are taken, the permittee must collect additional samples at the appropriate outfall whenever any discharge occurs that may reasonably be expected to cause or contribute to a violation that is unlikely to be detected by a routine sample. The permittee must analyze the additional samples for those parameters limited under **Part I Effluent Limitations and Monitoring** requirements of this permit that are likely to be affected by the discharge.

The permittee must collect such additional samples as soon as the spill, discharge, or bypassed effluent reaches the outfall. The samples must be analyzed in accordance with **B. Test Procedures**. The permittee must report all additional monitoring in accordance with **D. Additional Monitoring**.

B. Test Procedures

The collection and transportation of all samples shall conform with EPA preservation techniques and holding times found in 40 CFR 136. All laboratory tests shall be performed by a North Dakota certified laboratory in conformance with test procedures pursuant to 40 CFR 136, unless other test procedures have been specified in this permit or approved by EPA as an alternate test procedure under 40 CFR 136.5. The method of determining the total amount of water discharged shall provide results within 10 percent of the actual amount.

C. Recording of Results

Records of monitoring information shall include:

1. the date, exact place and time of sampling or measurements;
2. the name(s) of the individual(s) who performed the sampling or measurements;
3. the name of the laboratory;

4. the date(s) and time(s) analyses were performed;
5. the name(s) of the individual(s) who performed the analyses;
6. the analytical techniques or methods used; and
7. the results of such analyses.

D. Additional Monitoring

If the discharge is monitored more frequently than this permit requires, all additional results, if in compliance with B. Test Procedures, shall be included in the summary on the Discharge Monitoring Report.

E. Reporting of Monitoring Results

1. Monitoring results shall be summarized and reported to the department using Discharge Monitoring Reports (DMRs). If no discharge occurs during a reporting period, "No Discharge" shall be reported. The permittee must submit DMRs electronically using the electronic information reporting system unless requirements in subsection 3 are met.
2. Prior to December 21, 2020, the permittee may elect to electronically submit the following compliance monitoring data and reports instead of mailing paper forms. Beginning December 21, 2020, the permittee must report the following using the electronic reporting system:
 - a. General permit reports [e.g., notices of intent (NOI); notices of termination (NOT); no exposure certifications (NOE)];
 - b. Municipal separate storm sewer system program reports;
 - c. Pretreatment program reports;
 - d. Sewer overflow/bypass event reports; and
 - e. Clean Water Act 316(b) annual reports
3. The permittee may seek a waiver from electronic reporting. To obtain a waiver, the permittee must complete and submit an Application for Temporary Electronic Reporting Waiver form (SFN 60992) to the department. The department will have 120 days to approve or deny the waiver request. Once the waiver is approved, the permittee may submit paper versions of monitoring data and reports to the department.
 - a. One of the following criteria must be met in order to obtain a waiver. The department reserves the right to deny any waiver request, even if they meet one of the criteria below.
 1. No internet access,
 2. No computer access,
 3. Annual DMRs (upon approval of the department),

4. Employee turnover (3 month periods only), or
5. Short duration permits (upon approval of the department)

All reports must be postmarked by the last day of the month following the end of each reporting period. All original documents and reports required herein shall be signed and submitted to the department at the following address:

ND Department of Health
Division of Water Quality
918 East Divide Ave
Bismarck ND 58501-1947

F. Records Retention

All records and information (including calibration and maintenance) required by this permit shall be kept for at least three years or longer if requested by the department or EPA.

III. COMPLIANCE RESPONSIBILITIES

A. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

B. Proper Operation and Maintenance

The permittee shall at all times maintain in good working order and operate as efficiently as possible all treatment or control facilities or systems installed or used by the permittee to achieve compliance with the terms and conditions of this permit. If necessary to achieve compliance with the conditions of this permit, this shall include the operation and maintenance of backup or auxiliary systems.

C. Planned Changes

The department shall be given advance notice of any planned changes at the permitted facility or of an activity which may result in permit noncompliance. Any anticipated facility expansions, production increase, or process modifications which might result in new, different, or increased discharges of pollutants shall be reported to the department as soon as possible. Changes which may result in a facility being designated a "new source" as determined in 40 CFR 122.29(b) shall also be reported.

D. Duty to Provide Information

The permittee shall furnish to the department, within a reasonable time, any information which the department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the department, upon request, copies of records required to be kept by this permit. When a permittee becomes aware that it failed to submit any relevant facts or submitted incorrect information in a permit application or any report, it shall promptly submit such facts or information.

E. Signatory Requirements

All applications, reports, or information submitted to the department shall be signed and certified.

All permit applications shall be signed by a responsible corporate officer, a general partner, or a principal executive officer or ranking elected official.

All reports required by the permit and other information requested by the department shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

The authorization is made in writing by a person described above and submitted to the department; and

The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters.

If an authorization under E. Signatory Requirements is no longer accurate for any reason, a new authorization satisfying the above requirements must be submitted to the department prior to or together with any reports, information, or applications to be signed by an authorized representative.

Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

F. Twenty-four Hour Notice of Noncompliance Reporting

1. The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally as soon as possible, but no later than twenty-four (24) hours from the time the permittee first became aware of the circumstances. The following occurrences of noncompliance shall be included in the oral report to the department at 701.328.5210:
 - a. Any lagoon cell overflow or any unanticipated bypass which exceeds any effluent limitation in the permit under G. Bypass of Treatment Facilities;
 - b. Any upset which exceeds any effluent limitation in the permit under H. Upset Conditions;
or
 - c. Violation of any daily maximum effluent or instantaneous discharge limitation for any of the pollutants listed in the permit.
2. A written submission shall also be provided within five days of the time that the permittee became aware of the circumstances. The written submission shall contain:
 - a. A description of the noncompliance and its cause;
 - b. The period of noncompliance, including exact dates and times;
 - c. The estimated time noncompliance is expected to continue if it has not been corrected;
and

- d. Steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

Reports shall be submitted to the address in **Part II.E. Reporting of Monitoring Results**. The department may waive the written report on a case by case basis if the oral report has been received within 24 hours by the department at 701.328.5210 as identified above.

All other instances of noncompliance shall be reported no later than at the time of the next Discharge Monitoring Report submittal. The report shall include the four items listed in this subsection.

G. Bypass of Treatment Facilities

1. Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to any of the following provisions in this section.
2. Bypass exceeding limitations-notification requirements.
 - a. Anticipated Bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten (10) days before the date of bypass.
 - b. Unanticipated Bypass. The permittee shall submit notice of an unanticipated bypass as required under F. Twenty-four Hour Notice of Noncompliance Reporting.
3. Prohibition of Bypass. Bypass is prohibited, and the department may take enforcement action against a permittee for bypass, unless:
 - a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - c. The permittee submitted notices as required under the 1. Anticipated Bypass subsection of this section.

The department may approve an anticipated bypass, after considering its adverse effects, if the department determines that it will meet the three (3) conditions listed above.

H. Upset Conditions

An upset constitutes an affirmative defense to an action brought for noncompliance with technology-based permit effluent limitations if the requirements of the following paragraph are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

1. An upset occurred and the permittee can identify its cause(s);
2. The permitted facility was, at the time being, properly operated;
3. The permittee submitted notice of the upset as required under F. Twenty-four Hour Notice of Noncompliance Reporting and
4. The permittee complied with any remedial measures required under I. Duty to Mitigate.

In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

I. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment. The permittee, at the department's request, shall provide accelerated or additional monitoring as necessary to determine the nature and impact of any discharge.

J. Removed Materials

Collected screenings, grit, solids, sludges, or other pollutants removed in the course of treatment shall be buried or disposed of in such a manner to prevent any pollutant from entering any waters of the state or creating a health hazard. Sludge/digester supernatant and filter backwash shall not be directly blended with or enter either the final plant discharge and/or waters of the state. The permit issuing authority shall be contacted prior to the disposal of any sewage sludges. At that time, concentration limitations and/or self-monitoring requirements may be established.

K. Duty to Reapply

Any request to have this permit renewed should be made six months prior to its expiration date.

IV. GENERAL PROVISIONS

A. Inspection and Entry

The permittee shall allow department and EPA representatives, at reasonable times and upon the presentation of credentials if requested, to enter the permittee's premises to inspect the wastewater treatment facilities and monitoring equipment, to sample any discharges, and to have access to and copy any records required to be kept by this permit.

B. Availability of Reports

Except for data determined to be confidential under 40 CFR Part 2, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the department and EPA. As required by the Act, permit applications, permits, and effluent data shall not be considered confidential.

C. Transfers

This permit is not transferable except upon the filing of a Statement of Acceptance by the new party and subsequent department approval. The current permit holder should inform the new controller, operator, or owner of the existence of this permit and also notify the department of the possible change.

D. New Limitations or Prohibitions

The permittee shall comply with any effluent standards or prohibitions established under Section 306(a), Section 307(a), or Section 405 of the Act for any pollutant (toxic or conventional) present in the discharge or removed substances within the time identified in the regulations even if the permit has not yet been modified to incorporate the requirements.

E. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause. This includes the establishment of limitations or prohibitions based on changes to Water Quality Standards, the development and approval of waste load allocation plans, the development or revision to water quality management plans, changes in sewage sludge practices, or the establishment of prohibitions or more stringent limitations for toxic or conventional pollutants and/or sewage sludges. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

F. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

G. State Laws

Nothing in this permit shall be construed to preclude the institution of legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation preserved under Section 510 of the Act.

H. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Act.

I. Property Rights

The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.

J. Severability

The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby.