North Dakota Department of Environmental Quality Public Notice
Reissue of an NDPDES Permit

Public Notice Date: 8/2/2024 Public Notice Number: ND-2024-019

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: 1/29/2024 Application Number: ND0023213

Applicant Name: Cooperstown City Of
Mailing Address: 611 9th St NE, Cooperstown, ND 58425
Telephone Number: 701.797.2313
Proposed Permit Expiration Date: 9/30/2029

Facility Description

The reapplication is for three waste stabilization ponds, which service the City of Cooperstown. The discharge facility is located in the NE1/4, Section 31, Township 146N, Range 58W. Any discharge would be to an unnamed tributary of the Sheyenne River, a class III stream.

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 FWPCAA will be protected.

Information Requests and Public Comments

Copies of the application, draft permit, and related documents are available for review. For further information on making public comments/public comment tips please visit: https://deq.nd.gov/ PublicCommentTips.aspx. Comments or requests should be directed to the ND Dept of Env Quality, Div of Water Quality, 4201 Normandy Street, Bismarck ND 58503-1324 or by calling 701.328.5210.

All comments received by August 31, 2024 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.

The NDDEQ will consider every request for reasonable accommodation to provide an accessible meeting facility or other accommodation for people with disabilities, language interpretation for people with limited English proficiency (LEP), and translations of written material necessary to access programs and information. To request accommodations, contact the NDDEQ Non-discrimination Coordinator at 701-328-5210 or deqEJ@nd.gov. TTY users may use Relay North Dakota at 711 or 1-800-366-6888.

FACT SHEET FOR NDPDES PERMIT ND0023213

PERMIT REISSUANCE

CITY OF COOPERSTOWN, NORTH DAKOTA
Publicly Owned Treatment Works (Domestic, Minor Municipal – Lagoon System)

DATE OF THIS FACT SHEET – JULY 26, 2024

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) oversees. In 1975, the State of North Dakota was delegated primacy of the NPDES program by EPA. The North Dakota Department of Environmental Quality, hereafter referred to as "department", 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 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 the North Dakota Administrative Code (NDAC) 33.1-16 which was adopted under North Dakota Century Code (NDCC) chapter 61-28. In North Dakota, these permits are referred to as North Dakota Pollutant Discharge Elimination System (NDPDES) permits.

The following rules or regulations apply to NDPDES permits:

- Procedures the department follows for issuing NDPDES permits (NDAC chapter 33.1-16-01),
- Standards of Quality for Waters of the State (NDAC chapter 33.1-16-02.1).

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 33.1-16-01-08, the department must prepare a draft permit and accompanying fact sheet and make it 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 33.1-16-01-07). 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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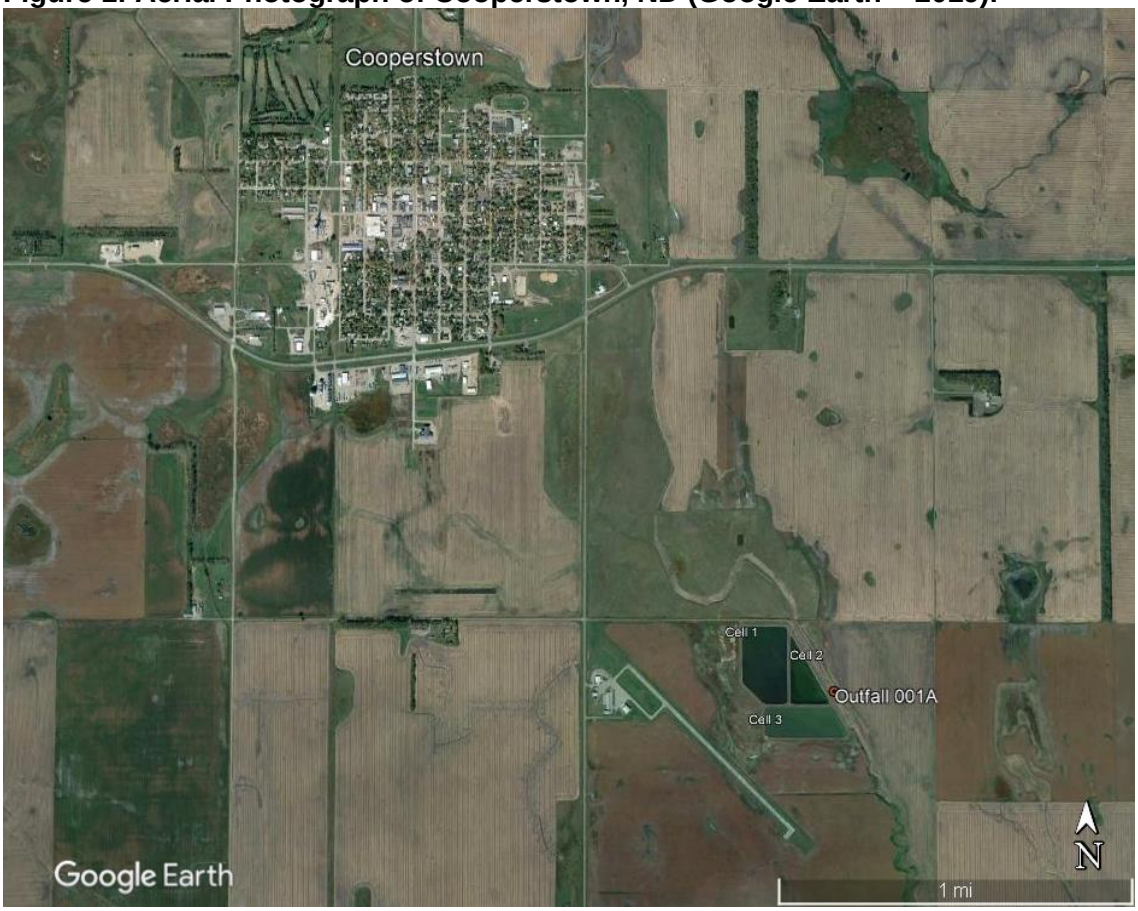
BACKGROUND INFORMATION

Table 1: General Facility Information

Applicant:	City of Cooperstown, North Dakota
Facility Name and Physical Address:	Cooperstown Publicly Owned Treatment Works 611 9th St NE Cooperstown, ND 58425
Mailing Address:	PO Box 712 Cooperstown, ND 58425
Permit Number:	ND0023213
Permit Type:	Minor POTW - Renewal
Type of Treatment:	Waste Stabilization Pond System
SIC Code:	4952 – Sewerage Systems
NAICS Code:	221320 – Sewage Treatment Facilities
Discharge Location:	Outfall 001: Latitude: 47.42508 Longitude: -98.09837 Unnamed Tributary of Sheyenne River, Class III Stream
Hydrologic Code:	09020203 – Middle Sheyenne
Population	983 - Per permit application

Figure 1: Aerial Photograph of Cooperstown, ND (Google Earth – 2019).



FACILITY DESCRIPTION

The City of Cooperstown (facility) has three (3) waste stabilization ponds which service the municipality of 983 people per the permit application. The facility also services one categorical industrial user (CIU). The CIU facility, Sheyenne Tooling and Manufacturing Company, is a metal finisher subject to 40 CFR 433 and is presently regulated by the North Dakota Department of Environmental Quality (department). The CIU is permitted under the department's NDPDES Pretreatment Program; the CIU's pretreatment permit number is NDPG000018.

Treatment System

The City of Cooperstown utilizes waste stabilization ponds for treatment of domestic and industrial wastewater prior to discharge. The system was upgraded from 2 treatment cells to 3 treatment cells around 1990 with a maximum capacity flow rate of 0.54 MGD. According to information provided by the facility, the total amount of wastewater processed during 2023 included 53% commercial wastewater and 47% residential wastewater. Wastewater initially

flows into Cell 1, which then is transferred into cell 2 or cell 3. Treated wastewater is discharged from cells 2 and 3 through outfall 001 to an unnamed tributary of the Sheyenne River.

Cell 1 has a surface area of 16.5 acres, cell 2 has a surface area of 7.4 acres and cell 3 has a surface area of 10.9 acres. The discharge facility is located in the NE 1/4, Section 31, Township 146 North, Range 58 West in Griggs County.

Outfall Description

The authorization to discharge provided under this permit is limited to those outfalls specifically designated below as discharge locations. Discharges at any location not authorized under a NDPDES permit is a violation of the CWA and could subject the person(s) responsible for such discharge to penalties under Section 309 of the CWA. Knowingly discharging from an unauthorized location or failing to report an unauthorized discharge within the specified timeframe outlined in this permit could subject such person(s) to penalties as provided under the CWA.

There is one active outfall at the facility. The description for the active outfall is as follows:

Outfall 001. Active. Final Outfall.			
Latitude: 47.42508	Longitude: -98.09837	County: Griggs	
Township: 146 North	Range: 58 West	Section: 31	QQ: NE
Receiving Stream: Tributary to the Sheyenne River		Classification: Class III Stream	
Outfall Description: Final discharge point for cells 2 and 3. This is the final outfall for treated domestic and industrial wastewater from the waste stabilization pond system.			

PERMIT STATUS

The department issued the previous permit for this facility on October 1, 2019. The previous permit placed limits on 5-Day Biochemical Oxygen Demand (BOD_5), Total Suspended Solids (TSS), pH, and Oil and Grease. In addition to the effluent limits, the permit also has monitoring requirements for: volume drained, total cadmium, total chromium, total copper, total lead, total nickel, total silver, total antimony, total arsenic, total beryllium, total selenium, total thallium, total cyanide, total mercury, total zinc, total phenols, and total hardness.

The department has been in contact with the City of Cooperstown to obtain information to reissue this permit. The department received NDPDES application Short Form A on January 1, 2024. The application was accepted by the department on January 1, 2024. Effluent sample data has been provided to the department through official laboratory reports, discharge monitoring reports, and the permit application.

SUMMARY OF COMPLIANCE WITH PREVIOUSLY ISSUED PERMIT

The last non-sampling compliance inspection was conducted by the department's Division of Municipal Facilities on September 22, 2021. The facility did not collect a Metals sample during the October 2022 to September 2023 monitoring period. The department's compliance assessment is based on review of the facility's Discharge Monitoring Reports (DMRs) and departmental inspections.

Past Discharge Data

The concentrations of pollutants from outfall 001 were reported on DMRs. According to department records, the facility discharged one (1) time during the previous permit cycle (as of July 2024). A discharge lasted from May 16, 2023 through May 20, 2023 and a permit authorized sample was collected on May 9, 2023. Analysis of the sample included the parameters BOD_5, TSS, and pH. This sample was not analyzed for Metals as required by permit number ND0023213. The data are characterized in Table 2.

Table 2 – DMR Data for Outfall 001 (May 16, 2023 - May 20, 2023)

Parameter	Range	Average	Permit Limit	Number of Exceedances
BOD_5 (mg/l)	8.9 – 8.9	8.9	25 Monthly avg 45 Daily max	0 0
pH (S.U.)	8.2 – 8.2	8.2	6.0-9.0	0
TSS (mg/l)	9.7 – 9.7	9.7	30 Monthly avg 45 Daily max	0 0
Notes:				
The City of Cooperstown discharged from Outfall 001 one (1) time during the current permit cycle between May 16 and May 20, 2023 for a total of five (5) days..				

Sanitary Sewer Overflows

Overflows of untreated or partially treated sewage from a sanitary sewer collection system have been termed Sanitary Sewer Overflow (SSOs) by EPA. According to department records, there have been two (2) SSOs during the previous permit cycle (as of July 2024).

One (1) SSO was reported to the department on October 30, 2019. This event occurred from October 7, 2019 through October 28, 2019 due to lift station overflow in the city of Cooperstown. High ground water levels caused lift stations to take on more water than they were designed to handle. 13,897,500 gallons of waste water were discharged to a tributary to the Sheyenne River. Discharge samples were not collected during this event.

One (1) other SSO event was reported to the department on January 11, 2023. This SSO occurred when a blocked sewer main caused waste water to back up and fill manholes at 4th and Roberts in the city of Cooperstown. Approximately 12,000 gallons of waste water were discharged to a drainage ditch. Department records do not include discharge sample results for this event.

PROPOSED PERMIT LIMITS

Technology-Based Effluent Limits

The City of Cooperstown is subject to secondary treatment standards. Federal and state regulations define technology-based effluent limits for municipal wastewater treatment plants. These effluent limits are provided in 40 CFR part 133 and in NDAC Chapter 33.1-16-01-30. These regulations are performance standards that constitute all known, available, and reasonable methods of prevention, control, and treatment for municipal wastewater.

Table 3 includes the technology-based limits specified in 40 CFR 133 for BOD_5, TSS, pH, and Percent Removal:

Table 3 – 40 CFR 133 Technology-Based Effluent Limits

Parameter	30-Day Average	7-Day Average
BOD_5	30 mg/l	45 mg/l
TSS	30 mg/l	45 mg/l
pH	Remain between 6.0 – 9.0 S.U.	
Percent Removal	85% BOD_5 and TSS	

NDAC Chapter 33.1-16-01-14 (3)(c)(1) allows for adjustment of the secondary treatment criteria to reflect site specific considerations. A BOD_5 limit of twenty-five milligrams per liter (consecutive thirty-day average) may be applied in instances in which limits expressed in terms of secondary treatment standards would be impractical or deemed inappropriate to protect receiving waters. The department has determined that a 25 mg/l (consecutive 30-day average) for BOD_5 is appropriate for this facility. Similar facilities with waste stabilization ponds have the same limit.

The department acknowledges that 40 CFR 133 requires an 85% removal for BOD_5 and TSS. The percent removal rate in 40 CFR 133 is dependent upon the influent and effluent samples being taken at approximately the same time. This facility utilizes waste stabilization ponds to treat wastewater. Due to the infeasibility of determining percent removal for waste stabilization ponds, the department has determined not to include the percent removal requirements for the facility. Influent and effluent samples would not be representative of the same wastewater. Therefore, the department has calculated an estimated percent removal for this facility. The average BOD concentration of domestic wastewater is 220 mg/l (Metcalf & Eddy, Inc., 2nd Edition, 1979). Facilities meeting a discharge limitation of 25 mg/l BOD theoretically would be achieving 88% removal efficiency. The department would then assume that this facility, meeting the permit limitation of 25 mg/l, would therefore be meeting the percent removal requirement. The average TSS concentration of domestic wastewater is 220 mg/l (Metcalf & Eddy, Inc., 2nd Edition, 1979). Facilities meeting the discharge limitation of 30 mg/l TSS theoretically would be achieving 86% removal efficiency. The department would then assume that this facility, meeting the permit limitation of 30 mg/l, would therefore be meeting the percent removal requirement.

Effluent Limitations

The department proposes the following effluent limitations for Outfall 001:

Table 4 – Proposed Effluent Limitations - Outfall 001

Effluent Parameter	Avg. Monthly Limit	Avg. Weekly Limit	Daily Maximum Limit	Basis [a]
BOD_5, mg/l	25	45	N/A	40 CFR 133.102(a)(2); NDAC 33.1-16-01-14(3)(c)(1); Previous Permit
TSS, mg/l	30	45	N/A	40 CFR 133.102(b); Previous Permit
pH, s.u.[b]	Shall Remain Between 6.0 – 9.0			40 CFR 133.102(c) WQS Previous Permit
Oil & Grease, mg/l	N/A	N/A	10	Previous Permit BPJ

Notes:	
N/A	Not Applicable
a	The basis for the effluent limitations is given below: "Previous Permit" refers to limitations in the previous permit. The NPDES regulations **40 CFR Part 122.44(l)(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.** "WQS" refers to effluent limitations based on the State of North Dakota's "Standards of Quality for Waters of the State", NDAC Chapter 33.1-16-02.1. "BPJ" refers to best professional judgment.
b	The pH, an instantaneous limitation, shall be between 6.0 S.U. and 9.0 S.U. Any single analysis and/or measurement outside this limitation shall be considered a violation of the conditions of this permit.

Stipulations:
Best Management Practices (BMPs) are to be utilized so that there shall be no discharge of floating debris, oil, scum and other floating materials in sufficient amounts to be unsightly or deleterious, or oil wastes that produce a visible sheen on the surface of the receiving water.
The permittee must not discharge any floating solids, visible foam in other than trace amounts, or oily wastes that produce a sheen or floating oil in the effluent or on the surface of the receiving water. The discharge shall be visibly inspected for sheen or floating oil. If

floating oil or a visible sheen is observed at the discharge point, the department shall be contacted, and grab samples analyzed for oil and grease.

SELF-MONITORING REQUIREMENTS

Pre-discharge Protocol

The permittee must notify the department prior to any lagoon discharge. Approximately two weeks prior to a planned discharge, a representative pre-discharge grab sample must be collected from the lagoon and analyzed for the parameters of BOD_5, TSS, and pH, listed in Table 3. The pre-discharge sample results must be provided when notifying the department of a planned discharge.

Sampling of the Discharge

Sample results for the pre-discharge parameters may represent the first week of discharge. Additional effluent samples must be collected and analyzed after the seventh day of the discharge and every seven days thereafter.

All effluent samples shall be collected at a point following the treatment system and prior to entering the unnamed tributary of the Sheyenne River. Self-monitoring reports shall be submitted on a semi-annual basis with reporting periods from October 1 through March 31 and from April 1 through September 30. Dates of discharge and number of exceedances shall be included on the Discharge Monitoring Reports (DMRs). Samples taken in compliance with the monitoring requirements specified in this permit shall be taken prior to leaving the facility property or entering the receiving stream.

A pre-discharge sample must be taken prior to the start of any discharge from Outfall 001 and reported to the department. The pre-discharge sample shall be tested for BOD_5, TSS, and pH. This predischarge sample can represent the first week discharge sample. An additional sample shall be taken and analyzed on a weekly basis for each additional week of the discharge.

Table 5 – Self-Monitoring Requirements for Outfall 001

Effluent Parameter	Frequency	Sample Type [a]
BOD_5, mg/l	1/Week	Grab
TSS, mg/l	1/Week	Grab
pH, s.u.	1/Week	Grab
Oil and Grease – Visual [b]	Daily	Visual
Oil and Grease, mg/l	Conditional/Daily	Grab
Metals [c]	1/Year	Grab
Total Drain, MGAL	Monthly	Calculated

Notes:	
a.	Refer to Appendix B for definitions.
b.	If a visible sheen is observed in the discharge, a grab sample shall be collected, and the department shall be contacted.
c.	Refer to 40 CFR 122 Appendix D, Table III

SURFACE WATER QUALITY-BASED EFFLUENT LIMITS

The North Dakota Standards of Quality for Waters of the State (NDAC Chapter 33.1-16-02.1), or Water Quality Standards (WQS) are designed to protect existing water quality and preserve the beneficial uses of North Dakota's surface water. 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 a waste load allocation developed during a basin-wide total maximum daily load (TMDL) study. TMDLs result from the scientific study of the water body and are developed in order to reduce pollution from all sources.

The unnamed tributary of the Sheyenne River is not specifically mentioned in the Standards of Quality for Waters of the State (NDAC 33.1-16-02.1, Appendix I) and is considered a class III stream. The quality of water in class III streams must be suitable for agricultural and industrial uses. Streams in this class generally have low average flows with prolonged periods of no flow. During periods of no flow, class III streams are of limited value for recreation and fish and aquatic biota. The quality of these waters must be maintained to protect secondary contact recreation uses, such as wading, and fish and aquatic biota, and wildlife uses.

The unnamed tributary of Paulsen Creek is not listed as impaired in the 2020-2022 North Dakota Section 303(d) List of Waters Needing Total Maximum Daily Loads (303(d) List). A TMDL is not required for the tributary.

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 33.1-16-02.1). They specify the maximum pollutants allowed in the 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 water quality standards also include radionuclide criteria to protect humans from the effects of radioactive substances.

Narrative Criteria

Narrative water quality criteria (NDAC Chapter 33.1-16-02.1-08) 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 33.1-16-02.1, (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.

The department's 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 WQS contain a Mixing Zone and Dilution Policy and Implementation Procedure, NDAC Chapter 33.1-16-02.1 (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

BOD_5

Outfall 001: The department has reviewed the BOD_5 data and sampling frequency, and no exceedances occurred for this parameter during the current permit. The department proposes to continue with the 25 mg/l (average monthly limit) and 45 mg/l (average weekly limit) with a sampling frequency of once per week.

TSS

Outfall 001: The department has reviewed the TSS data and sampling frequency, and no exceedances occurred for this parameter during the current permit. The department proposes to continue with the 30 mg/l (average monthly limit) and 45 mg/l (average weekly limit) with a sampling frequency of once per week.

pH

Outfall 001: The department has reviewed the pH data and sampling frequency, and no exceedances occurred for this parameter during the current permit. The department proposes to continue with the pH limitation between 6.0 and 9.0 s.u. with a sampling frequency of once per week. Discharges to Class III streams shall have an instantaneous limitation between 6.0 and 9.0 s.u. as per NDAC 33.1-16-02.1-09 Table 1.

Oil and Grease

Outfall 001. The WQS state that waters of the state must be free from oil and grease attributable to wastewater which causes a visible sheen or film upon the water. No visible sheen was reported at Outfall 001 during the previous permit cycle (as of July 2024). Using BPJ, the department has determined that a daily maximum limitation of 10 mg/l is appropriate for this type of facility if a visible sheen is detected. Comparable treatment systems throughout the state have a similar limitation.

Oil and Grease Visual

Outfall 001. The department proposes an oil and grease visual requirement of daily and reported if present based on other similar permits and NDAC 33.1-16-02.1.

Metals

Outfall 001: The department has reviewed the metals data and sampling frequency for the City of Cooperstown for the previous permit cycle (as of July 2024). A discharge sample was collected on May 9, 2023 but was not analyzed for Metals as required by the permit. As a result, the City of Cooperstown notified the department that a Standard Operating Procedure will be developed to ensure sample analysis noncompliance does not occur in the future. The department proposes a Metals analysis requirement with a sampling frequency of annually based on other similar permits and 40 CFR 403.5(b).

Biosolids

Currently, the department does not have the authority to regulate biosolids. Therefore, the facility is required under the Direct Enforceability provisions of 40 CFR 503.3(b) to meet the applicable requirements of the regulations.

E. coli

A seasonal limitation for Escherichia coli (*E. coli*) has not been included since the receiving water is classified as a Class III stream according to the States Standards of Quality for Waters of the State. Class III streams generally have low average flows with prolonged periods of no flow, which are of limited value for recreation and fish and aquatic biota during these periods.

Ammonia as N

A seasonal limitation for ammonia has not been included since the receiving water is classified as a Class III stream according to the States Standards of Quality for Waters of the State. Class

III streams generally have low average flows with prolonged periods of no flow, which are of limited value for recreation and fish and aquatic biota during these periods.

Nutrients (Phosphorus and Nitrogen)

Nutrient monitoring was excluded from this permit renewal. According to the North Dakota Nutrient Reduction Strategy for Surface Waters, the facility would be classified as a Category II facility. The strategy emphasizes that Category II facilities will focus on monitoring, inspections, optimization, and treatment upgrades as needed, without requiring monitoring implementation into permits.

Whole Effluent Toxicity

Testing requirements and limitations for whole effluent toxicity (WET) testing are specified in 40 CFR 122.44(d)(1)(iv) & (v) for discharges that may have the reasonable potential to contribute to an in-stream excursion above a numeric or narrative criterion for whole effluent toxicity. The state water quality standards include a narrative standard related to whole effluent toxicity. The narrative standard listed in NDAC 33.1-16-02.1-08(1)(a)(4) states that waters of the state shall be “free from substances attributable to municipal, industrial, or other discharges or agricultural practices in concentrations which are toxic or harmful to humans, animals, plants, or resident aquatic biota. For surface water this standard will be enforced in part through appropriate whole effluent toxicity requirements in North Dakota pollutant discharge elimination system permits.”

The department has reviewed factors such as the conveyance of the effluent flows through a Class III unnamed tributary before entering the Sheyenne River. The controlled discharge frequency is less than once per year, the facility is a minor facility, and effluent discharges have had no exceedances during the current permit cycle (as of July 2024). With these factors, the department has determined this facility does not have reasonable potential to exceed the water quality standard. However, if new information becomes available the department will re-evaluate this determination.

Human Health

North Dakota’s water quality standards include numeric human health-base 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 during the next permit reissuance.

Discharge Monitoring Report (DMR) Requirements

The proposed permit requires the permittee to monitor discharges and submit discharge monitoring reports (DMRs) to the department. DMRs summarize monitoring results obtained during specified monitoring periods. If no discharge occurs during a monitoring period, “no discharge” must be reported.

The proposed permit includes specified intervals for submitting semiannual and yearly DMRs (Table 6). DMRs must be submitted electronically to the department in accordance with 40 CFR 127 unless otherwise waived and in compliance with 40 CFR 3. The requirement to submit the 'A' reports semiannually and 'M' reports yearly is similar to other Publicly Owned Treatment Works.

Table 6: DMR Submittal Requirements

Outfall	Report Designator	Report Type	Report Interval
001	A	Conventional and Non-Conventional Pollutants, Volume Information	Semiannually
001	M	Trace Elements - Metals	Yearly
Notes: Metals include total cadmium, total chromium, total copper, total lead, total nickel, total silver, total antimony, total arsenic, total beryllium, total selenium, total thallium, total cyanide, total mercury, total zinc, total phenols, and total hardness.			

Test Procedures

The collection and transportation of all samples shall conform to 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 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

PRETREATMENT

Federal and State Pretreatment Program Requirements

Under the terms of the "Memorandum of Understanding between North Dakota Department of Environmental Quality and the United States Environmental Protection Agency, Region 8" (2019), NDDEQ has been delegated authority to administer the Pretreatment Program. Under this delegation of authority, the department issues wastewater discharge permits for significant industrial users discharging to POTWs which have not been delegated authority to issue their own wastewater discharge permits. The requirements for a Pretreatment Program are contained in Title 40, part 403 of the Code of Federal Regulations. Under the requirements of the Pretreatment Program (40 CFR 403.8(f)(1)(iii)), the department is required to approve, condition, or deny new discharges or a significant increase in the discharge for existing significant industrial users (SIUs) (40 CFR 403.8(f)(1)(i)).

Pretreatment Facility Identification

Sheyenne Tooling and Manufacturing Company is a metal finisher pretreatment facility that discharges process waste water to the City of Cooperstown. Sheyenne Tooling and Manufacturing Company is considered a categorical SIU, subject to pretreatment standards

outlined in 40 CFR 433. Sheyenne Tooling and Manufacturing Company is a permitted facility under the department's pretreatment program, with an NDPDES permit (NDPG000018).

Pretreatment Requirements-Outfalls 001

This permit shall contain the pretreatment requirements for Industrial Waste Management for Minors with a Non-Approved Pretreatment Program. The permit shall require the permittee to sample and analyze the effluent from Outfall 001 for those parameters listed in Table 6. This requirement is based on 40 CFR 403.5(b).

BENEFICIAL REUSE

The permit contains conditions for the beneficial reuse of wastewater for irrigation and construction. Wastewater that has met secondary treatment or tertiary treatment standards may be beneficially reused in lieu of discharging.

Irrigation

Treated effluent may be used for irrigation provided it has gone through secondary or tertiary treatment and is suitable for irrigation. The effluent must be applied in a manner that allows complete infiltration and does not result in ponding or a discharge to waters of the state. Crop used for human consumption cannot be irrigated. Forage crops and pastureland may be irrigated but cannot be harvested or grazed for thirty days following application of treated effluent.

Treated effluent may be used to irrigate public properties if it meets the treatment levels in Table 10. Irrigation must be done during times when the public does not have access to the irrigated area to minimize human contact. Signs must be posted if the public has constant access to the area to keep the public aware. A higher level of disinfection is recommended when frequent contact is likely. Irrigation should be avoided within 100 feet of areas that have unlimited access, such as a private residence to minimize human contact. Irrigation also should be avoided within 300 feet of drinking water wells to minimize impact to the water source.

Irrigation water must be tested in accordance with Table 10 at a minimum; the results of more frequent testing may be used. Runoff from irrigated areas must be tested the same as a direct discharge.

Table 7 - Parameters from 40 CFR 122, Appendix D, Table III

Parameter	Units	Secondary Treatment Level (Daily Maximum)	Monitoring Frequency	Sample Type	Basis
BOD_5	mg/L	30	1 per 14 days	Grab	BPJ
TSS	mg/L	45	1 per 14 days	Grab	BPJ
E. Coli	#/100 mL	126	1/Week	Grab	BPJ

Construction

Treated effluent that has gone through secondary treatment may be used for construction purposes (e.g., soil compaction, dust suppression, aggregate washing). Treated effluent must be tested and meet the treatment levels in Table 10. The department considers sample results up to two weeks old to be valid. Runoff from construction areas must be tested the same as a direct discharge.

Table 8 - Parameters from 40 CFR 122, Appendix D, Table III

Parameter	Units	Secondary Treatment Level (Daily Maximum)	Monitoring Frequency	Sample Type	Basis
BOD_5	mg/L	30	1/Month	Grab	BPJ
TSS	mg/L	100	1/Month	Grab	BPJ
E. Coli	#/100 mL	126	1/Week	Grab	BPJ

While conventional methods for treating domestic wastewater are generally effective in reducing infectious agents (bacteria, viruses, parasites) to acceptable levels, direct reuse of treated wastewater can pose a health concern. Additional precautions include:

- Minimize worker and public contact with treated wastewater.
- Provide a higher level of disinfection where frequent worker contact is likely such as achieving *E. coli* counts less than 14/100 mL
- Ensure treated wastewater quality is suitable for construction purposes.
- Apply treated wastewater in a manner that does not result in runoff or ponding.

Other Uses as Approved

The permittee must consult with the department before beneficially reusing wastewater for purposes not identified in this permit.

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 sludge. 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.

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 NDPDES permit to the **City of Cooperstown POTW**. 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 placed a Public Notice of Draft on **08/02/2024** in the **Cooperstown, Griggs County Courier** to inform the public and to invite comment on the proposed draft North Dakota Pollutant Discharge Elimination System permit and fact sheet. The facility will be provided a copy of the public notice and draft permit at the beginning of the public comment period.

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 people 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.

Further information can be obtained from the department by calling – 701.328.5210 or by writing to the address below.

North Dakota Department of Environmental Quality
Division of Water Quality – NDPDES Program
4201 Normandy Street –3rd Floor
Bismarck, ND 58503-1324

The primary author of this permit and fact sheet is Lawrence Hanson.

North Dakota Department of Environmental Quality Public Notice
Reissue of an NDPDES Permit

Public Notice Date: 8/2/2024 Public Notice Number: ND-2024-019

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: 1/29/2024 Application Number: ND0023213
Applicant Name: Cooperstown City Of
Mailing Address: 611 9th St NE, Cooperstown, ND 58425
Telephone Number: 701.797.2313
Proposed Permit Expiration Date: 9/30/2029

Facility Description
The reapplication is for three waste stabilization ponds, which service the City of Cooperstown. The discharge facility is located in the NE1/4, Section 31, Township 146N, Range 58W. Any discharge would be to an unnamed tributary of the Sheyenne River, a class III stream.

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 FWPCAA will be protected.

Information Requests and Public Comments
Copies of the application, draft permit, and related documents are available for review. For further information on making public comments/public comment tips please visit: https://deq.nd.gov/PublicCommentTips.aspx. Comments or requests should be directed to the ND Dept of Env Quality ,Div of Water Quality, 4201 Normandy Street, Bismarck ND 58503-1324 or by calling 701.328.5210.

All comments received by August 31, 2024 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.

The NDDEQ will consider every request for reasonable accommodation to provide an accessible meeting facility or other accommodation for people with disabilities, language interpretation for people with limited English proficiency (LEP), and translations of written material necessary to access programs and information. To request accommodations, contact the NDDEQ Non-discrimination Coordinator at 701-328-5210 or deqEJ@nd.gov. TTY users may use Relay North Dakota at 711 or 1-800-366-6888.

APPENDIX B – DEFINITIONS

DEFINITIONS Standard Permit BP 2019.05.29

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 Environmental Quality, 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

No technical calculations were performed in the development of this permit. The department reviewed DMR information and applicable water quality standards for Class III streams to determine the appropriate requirements to be placed in the permit. All effluent limitations are based upon 40 CFR 133, 40 CFR 403, and NDAC 33.1-16-02.1.

APPENDIX D – RESPONSE TO COMMENTS

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

Permit No: ND0023213
Effective Date: October 1, 2024
Expiration Date: September 30, 2029

AUTHORIZATION TO DISCHARGE UNDER THE

NORTH DAKOTA POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with Chapter 33.1-16-01 of the North Dakota Department of Environmental Quality rules as promulgated under Chapter 61-28 (North Dakota Water Pollution Control Act) of the North Dakota Century Code,

City of Cooperstown
PO Box 712
Cooperstown, ND 58425-0712

is authorized to discharge from its waste stabilization ponds

to an unnamed tributary of the Sheyenne River

provided all the conditions of this permit are met.

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

September 30, 2029.

Signed this _____ day of _____, _____.

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

BP 2019.05.29

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OUTFALL DESCRIPTION

The authorization to discharge provided under this permit is limited to those outfalls specifically designated below as discharge locations. Discharges at any location not authorized under a NDPDES permit is a violation of the CWA and could subject the person(s) responsible for such discharge to penalties under Section 309 of the CWA. Knowingly discharging from an unauthorized location or failing to report an unauthorized discharge within the specified timeframe outlined in this permit could subject such person(s) to penalties as provided under the CWA.

There is one active outfall at the facility. The description for the active outfall is as follows:

Outfall 001. Active. Final Outfall.			
Latitude: 47.42508	Longitude: -98.09837	County: Griggs	
Township: 146 North	Range: 58 West	Section: 31	QQ: NE
Receiving Stream: Tributary to the Sheyenne River		Classification: Class III Stream	
Outfall Description: Final discharge point for cells 2 and 3. This is the final outfall for treated domestic and industrial wastewater from the waste stabilization pond system.			

PERMIT SUBMITTALS SUMMARY

Coverage Point	Submittal	Frequency	First Submittal Date
001A	Discharge Monitoring Report	Semiannually	April 30, 2025
001M	Discharge Monitoring Report	Yearly	October 31, 2025
Application Renewal	NPDES Application Renewal	1/permit cycle	March 31, 2029

SPECIAL CONDITIONS

No special conditions have been determined at this time.

I. LIMITATIONS AND MONITORING REQUIREMENTS

A. Discharge Authorization

During the effective period of this permit, the permittee is authorized to discharge pollutants from the outfalls as specified to the following: **An unnamed tributary to the Sheyenne River, a class III stream.**

No discharge shall occur from the lagoons until all pre-discharge parameters have been reviewed by the department. After the review process has been completed the permittee shall comply with the limitations of this permit.

Sample results for the pre-discharge parameters may represent the first week of discharge. Additional effluent samples must be collected and analyzed after the seventh day of the discharge and every seven days thereafter.

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.

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**

	Effluent Limitations			Monitoring Requirements	
Parameter	Avg. Monthly Limit	Avg. Weekly Limit	Daily Maximum Limit	Sample Frequency	Sample Type
Biological Oxygen Demand (BOD5)	25.0 mg/l	45.0 mg/l	NA	1/Week	Grab
Total Suspended Solids (TSS)	30.0 mg/l	45.0 mg/l	NA	1/Week	Grab
pH a/	Shall be between 6.0 to 9.0 s.u.			1/Week	Grab
Oil & Grease b/	NA	NA	10.0 mg/l	Conditional/Daily	Grab
Oil & Grease visual b/	NA	NA	Yes/No	Daily	Visual
Total Drain, mgal	NA	NA	Report Monthly Total	Monthly	Calculated
Metals, µg/l c/	NA	NA	NA	1/Year	Grab

NA/ Not Applicable

a/ The pH, an instantaneous limitation, shall be between 6.0 s.u. and 9.0 s.u.

b/ The permittee must not discharge any floating solids, visible foam in other than trace amounts, or oily wastes that produce a sheen or floating oil in the effluent or on the surface of the receiving water. The discharge shall be visibly inspected for sheen or floating oil. If floating oil or a visible sheen is observed at the discharge point, the department shall be contacted, and grab samples analyzed for oil and grease.

c/ The following metals shall be sampled and analyzed for:

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	Hardness, Total

Table 1: Effluent Limitations and Monitoring Requirements **Outfall 001**					
	Effluent Limitations			Monitoring Requirements	
Parameter	Avg. Monthly Limit	Avg. Weekly Limit	Daily Maximum Limit	Sample Frequency	Sample Type

Stipulations:
Dates of discharge and number of excursions shall be included on the Discharge Monitoring Reports.

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

The limitations for 5-Day BOD and TSS are based on the average of all samples taken to monitor the discharge from a cell. If only one sample is taken, this value shall be used as the average.

All discharges shall be made in such a manner to minimize any possible adverse impacts on the receiving stream and downstream landowners.

The total amount of water discharged shall be determined either by using a flow-measuring device or by recording the water level drop in the pond. All samples and measurements taken shall be representative of the discharge.

Best Management Practices (BMPs) are to be utilized so that there shall be no discharge of floating debris, oil, scum and other floating materials in sufficient amounts to be unsightly or deleterious, or oil wastes that produce a visible sheen on the surface of the receiving water.

II. MONITORING, RECORDING, AND REPORTING REQUIREMENTS BP 2021.09.09

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, 2025, the permittee may elect to electronically submit the following compliance monitoring data and reports instead of mailing paper forms. Beginning December 21, 2025, 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 Environmental Quality
   Division of Water Quality
   4201 Normandy Street
   Bismarck ND 58503-1324

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:

    1. Any lagoon cell overflow or any unanticipated bypass which exceeds any effluent limitation in the permit under G. Bypass of Treatment Facilities;

    2. Any upset which exceeds any effluent limitation in the permit under H. Upset Conditions; or

    3. 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.

    1. 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.

    2. 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.

II. INDUSTRIAL WASTE MANAGEMENT BP 2023.02.23
Minor POTWs Non-Approved Pretreatment Program Requirements

A. General Responsibilities

The permittee has the responsibility to protect the Publicly Owned Treatment Works (POTW) from pollutants which would inhibit, interfere, or otherwise be incompatible with operation of the treatment works including interference with the use or disposal of municipal sludge.

B. Pollutant Restrictions

Pretreatment Standards (40 CFR Section 403.5) developed pursuant to Section 307 of the Federal Clean Water Act (the Act) require that the permittee shall not allow, under any circumstances, the introduction of the following pollutants to the POTW from any source of nondomestic discharge:

1. Any other pollutant which may cause Pass Through or Interference;

2. Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than sixty (60) degrees Centigrade (140 degrees Fahrenheit) using the test methods specified in 40 CFR Section 261.21;

3. Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with a pH of lower than 5.0 s.u., unless the treatment facilities are specifically designed to accommodate such discharges;

4. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW, or other interference with the operation of the POTW;

5. Any pollutant, including oxygen demanding pollutants (e.g., BOD), released in a discharge at a flow rate and/or pollutant concentration which will cause Interference with any treatment process at the POTW;

6. Heat in amounts which will inhibit biological activity in the POTW resulting in Interference, but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds forty (40) degrees Centigrade (104 degrees Fahrenheit) unless the Approval Authority, upon request of the POTW, approves alternate temperature limits;

7. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause Interference or Pass Through at the POTW;

8. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;

9. Any trucked or hauled pollutants, except at discharge points designated by the POTW; and

10. Any specific pollutant which exceeds a local limitation established by the permittee in accordance with the requirements of 40 CFR Section 403.5 (c) and (d).

C. Approval Authority

North Dakota was delegated the Industrial Pretreatment Program in September of 2005. The North Dakota Department of Environmental Quality, Division of Water Quality shall be the Approval Authority and the mailing address for all reporting and notifications to the Approval Authority shall be:

ND Department of Environmental Quality
Division of Water Quality
4201 Normandy Street
Bismarck ND 58503-1324

D. Industrial Categories

In addition to the general limitations expressed above, more specific Pretreatment Standards have been and will be promulgated for specific industrial categories under Section 307 of the Act (40 CFR Part 405 et. Seq.).

E. Notification Requirements

The permittee must notify the Approval Authority, of any new introductions by new or existing industrial users or any substantial change in pollutants from any industrial user within sixty (60) days following the introduction or change. Such notice must identify:

1. Any new introduction of pollutants into the POTW from an industrial user which would be subject to Sections, 301, 306, and 307 of the Act if it were directly discharging those pollutants; or

2. Any substantial change in the volume or character of pollutants being introduced into the POTW by any industrial user;

3. For the purposes of this section, adequate notice shall include information on:

   a. The identity of the industrial user;

   b. The nature and concentration of pollutants in the discharge and the average and maximum flow of the discharge to be introduced into the POTW; and

   c. Any anticipated impact of the change on the quantity or quality of effluent to be discharged from or biosolids produced at such POTW,

4. For the purposes of this section, a significant industrial user shall include:

   a. Any discharger subject to Categorical Pretreatment Standards under Section 307 of the Act and 40 CFR chapter I, subchapter N;

   b. Any discharger which has a process wastewater flow of 25,000 gallons or more per day;

   c. Any discharger contributing five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant;

   d. Any discharger who is designated by the Approval Authority as having a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standards or requirements.

F. Approval Authority Options

At such time as a specific Pretreatment Standard or requirement becomes applicable to an industrial user

of the permittee, the Approval Authority may, as appropriate:

1. Amend the permittee's North Dakota Pollutant Discharge Elimination System (NDPDES) discharge permit to specify the additional pollutant(s) and corresponding effluent limitation(s) consistent with the applicable national Pretreatment Standards;

2. Require the permittee to specify, by ordinance, order, or other enforceable means, the type of pollutant(s) and the maximum amount which may be discharged to the permittee's POTW for treatment. Such requirement shall be imposed in a manner consistent with the POTW program development requirements of the General Pretreatment Regulations at 40 CFR Part 403; and/or,

3. Require the permittee to monitor its discharge for any pollutant which may likely be discharged from the permittee's POTW, should the industrial user fail to properly pre-treat its waste.

G. Enforcement Authority

The Approval Authority retains, at all times, the right to take legal action against any source of nondomestic discharge, whether directly or indirectly controlled by the permittee, for violations of a permit, order or similar enforceable mechanism issued by the permittee, violations of any Pretreatment Standard or requirement, or for failure to discharge at an acceptable level under national standards issued by EPA under 40 CFR, chapter I, subchapter N. In those cases where a North Dakota Pollutant Discharge Elimination System (NDPDES) permit violation has occurred because of requirements as necessary to protect the POTW, the North Dakota Department of Environmental Quality and/or Approval Authority shall hold the permittee and/or industrial user responsible and may take legal action against the permittee as well as the industrial user(s) contributing to the permit violation.

VI. BENEFICIAL REUSES BP 2015.09.03

A. Irrigation

Only wastewater that has received secondary or tertiary treatment may be used for irrigation provided soil and water compatibility testing confirms the water is suitable for irrigation. Wastewater used for irrigation shall be applied at a rate which would allow complete infiltration and not result in ponding or runoff from the irrigated area.

Agricultural land may be irrigated provided the crop is not used for human consumption. Forage crops used for livestock consumption or pastures irrigated with wastewater shall not be harvested or grazed within 30 days of a wastewater application.

Public properties such as golf courses or parks may be irrigated provided the treated wastewater meets the following quality criteria.

Parameter	Discharge Limitations	Monitoring Frequency	
	Daily Max	Measurement Frequency	Sample Type
BOD_5 (mg/l)	30.0	1 per 14 days	Grab
TSS (mg/l)	45.0	1 per 14 days	Grab
E. Coli (number/100 ml)	126	Weekly	Grab

Whenever possible, irrigation shall take place during hours when the public does not have access to the area being irrigated. If the public has constant access to an area, signs must be posted in visible areas during irrigation and for two hours after irrigation is completed. The signs must advise people that the water could pose a health concern and to avoid the irrigated area.

Worker and public contact with treated wastewater should be minimized. Where frequent contact is likely, a higher level of disinfection should be provided such as achieving *E. coli* counts less than 14 colonies per 100 ml.

Avoid application within 100 feet of areas which have unlimited access (i.e., yards) or within 300 feet of potable water supply wells.

Runoff that occurs from irrigated areas shall be monitored at the frequencies and with the types of measurements described in Part I(B).

The permittee shall maintain monitoring records indicating the location and usage (e.g., park or agricultural) of the land being irrigated, the dates irrigation occurred, the amount of wastewater used, and the total flow. In addition, monitoring records must include results from collected samples.

B. Construction

Treated domestic wastewater may be used for construction purposes such as soil compaction, dust suppression and washing aggregate, provided the following conditions are met.

The wastewater intended for use in construction, must at a minimum, receive secondary treatment.

Prior to using treated wastewater a sample from the prospective source must be tested and meet the criteria set below. In addition the test results for *E. coli* must be provided to the department prior to use. Results from samples up to two (2) weeks old will be considered valid. The water quality limitations and minimum sampling frequencies recommended for wastewater used in construction are provided in the following table.

Parameter	Limitations (Maximum)	Measurement Frequency	Sample Type
BOD_5 (mg/l)	30	Monthly	Grab
TSS (mg/l)	100	Monthly	Grab
E. Coli (number/100 ml)	126	Weekly	Grab

In some systems chlorination is available. Chlorination is particularly desirable when frequent worker contact with the treated wastewater is likely or when the public may have constant access to areas where the wastewater is being used. Maintaining a chlorine residual of at least 0.1 mg/l is recommended.

While the conventional methods for treating domestic wastewater are generally effective in reducing infectious agents (bacteria, viruses, parasites) to acceptable levels, direct reuse of treated wastewater can pose a health concern. Additional precautions to consider are:

1. Worker and public contact with treated wastewater should be minimized.

2. Where frequent worker contact is likely a higher level of disinfection should be provided, such as achieving *E. coli* counts less than 14/100 ml.

3. Work closely with the treatment system operator to ensure treated wastewater quality is suitable when it is drawn for construction purposes.

4. Apply the treated wastewater in a manner that does not result in runoff or ponding.

Runoff that occurs from application areas shall be monitored at the frequencies and with the types of measurements described in Part I(B).

The permittee shall maintain monitoring records indicating the location and usage of the land where application occurs, the dates application occurred, the amount of wastewater used, and the total flow. In addition, monitoring records must include results from collected samples.

C. Oil and Gas Production (including Hydraulic Fracturing)

The specific user of the wastewater may determine the specific treatment requirements for receiving wastewater.

The permittee shall maintain monitoring records indicating the specific user, the amount of wastewater used, and the total flow. In addition, monitoring records must include results from collected samples.

D. Other Uses as Approved

The permittee must consult with the department before beneficially reusing wastewater for purposes not identified in this permit.