

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

Public Notice Date: 11/18/2022

Public Notice Number: ND-2022-22

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: 4/22/2022

Application Number: ND0000388

Applicant Name: Garrison Dam NFH

Mailing Address: PO Box 530, Riverdale, ND 58565

Telephone Number: 701.654.7451

Proposed Permit Expiration Date: 12/31/2027

Facility Description

The reapplication is for the fish hatchery's native warm-water and cold-water species rearing ponds and raceways. The facility discharges to the state's Riverdale Game Management area and to a drainage ditch to backwaters of the Missouri River, a Class 1 stream. The facility is located just downstream of the Garrison Dam.

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. 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 December 18, 2022 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 Jennifer Skjod, Acting Non-discrimination Coordinator at 701-328-5226 or jskjod@nd.gov. TTY users may use Relay North Dakota at 711 or 1-800-366-6888.

**FACT SHEET FOR NDPDES PERMIT
ND0000388**

**Garrison Dam National Fish Hatchery
Riverdale, ND**

DATE OF THIS FACT SHEET – OCTOBER 2022

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 Environmental Quality (NDDEQ), 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 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 the NDAC Article 33.1-16 (North Dakota Administrative Code) which was promulgated pursuant to NDCC Chapter 61-28 (North Dakota Century Code). 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 33.1-16-01),
- 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:	Garrison Dam National Fish Hatchery	
Facility Name and Address:	Garrison Dam National Fish Hatchery Hatchery Road Riverdale, ND 58565	
Permit Number:	ND0000388	
Permit Type:	Minor Industrial, Permit Reissuance	
Type of Treatment:	Fish Hatchery Ponds	
SIC Code:	0921 – Fish Hatcheries and Preserves	
NAICS Code:	112511 – Finfish Farming and Fish Hatcheries	
Discharge Location:	Outfall 001: Missouri River Class I Stream Latitude: 47.482767 Longitude: -101.429806 McLean County	Outfall 002: Missouri River Class I Stream Latitude: 47.491103 Longitude: -101.427211 McLean County
Hydrologic Code:	10130101 – Painted Woods-Square Butte	

McLean County,
North Dakota

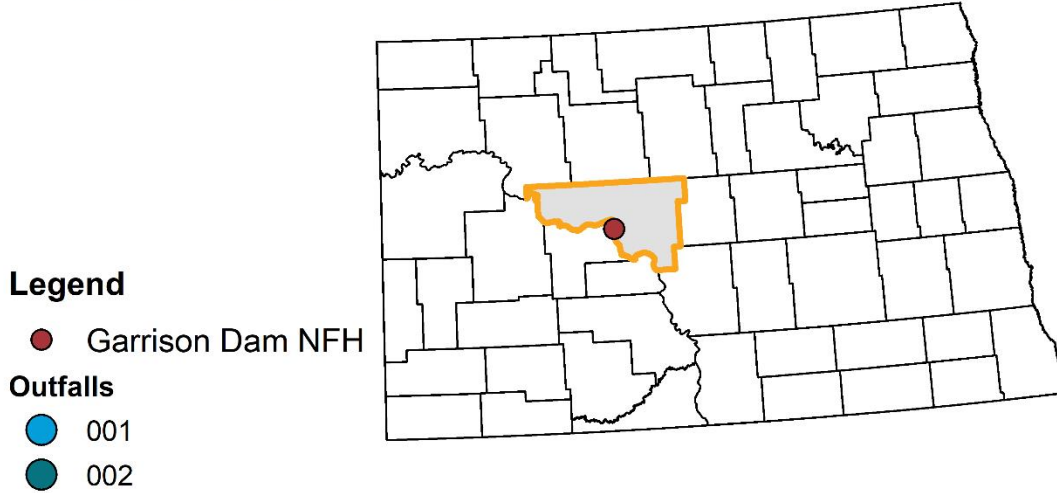


Figure 1 - Garrison Dam National Fish Hatchery in McLean County, ND- (ND GIS Hub 2021)

FACILITY DESCRIPTION

The Garrison Dam National Fish Hatchery is located near the Missouri River, downstream from the Garrison Dam. The fish hatchery contains raceways, located in three separate buildings, which are generally used for cold-water species, and ponds which are generally used for warm-water species. The facility consists of sixty-four (64) warm water ponds, split between two (2) units, the East Unit consists of forty (40) ponds and the West Unit consist of twenty-four (24) ponds. The majority of the ponds are actively used for about three months out of the year, from May through July. However, a few ponds used for paddle fish, are used throughout the summer through September. The raceways are used year-round for cold-water species, comprised mainly of trout, salmon, and sturgeon. This past year the facility had 633,000 fish on site with an annual harvest weight of 49,380 pounds for the last production year. The facility went through 7,425 pounds of food during the maximum feeding month.

History

Originally, this facility contained twenty-four (24) warm water ponds; however, in 1988 and 1989, an additional forty (40) new ponds were constructed for native warm-water fish. The facility went through another upgrade between 2000 and 2002 where it installed sixty-nine (69) new round tanks in the Sturgeon building. Within the current permit cycle, the facility constructed an interactive visitor center and expanded its isolation room. The expansion of the isolation room consisted of adding ten (10) tanks, which are available for use as the facility needs.

Outfall Description

There are two (2) discharge points for this facility. The first point, Outfall 001, handles the discharge from the raceways. This point drains water from three different buildings. The Salmon building contains six (6) concrete raceways and ten (10) fiberglass tanks. The Sturgeon building contains four concrete raceways, one (1) large plastic tank and roughly sixty-nine (69) round tanks varying in size from four (4) footers to twenty (20) footers. The Hatchery building contains twelve (12) concrete tanks that are used in the incubation of fish eggs. The discharge water flows to a drainage ditch then flows to the Missouri River, which is a Class I stream.

There are twenty-four (24) warm water ponds in the West Unit. Discharge follows a natural drainage ditch and discharges to the Missouri River, which is a Class I stream, at the boat ramp. All of these ponds are filled with the same type of water, and the same natural food is used to feed the fish in all of the ponds. Therefore, it was determined that the quality of water from each pond to the discharge point is considered to be virtually the same. Because all discharges from these ponds are considered to be virtually the same quality, for reporting purposes, any discharge from the facility's West Unit is considered to be a discharge from Outfall 002.

The forty (40) warm water ponds in the East Unit all drain to a low area where it helps provide a habitat for waterfowl. It was determined that the water in this area does not directly discharge to the Missouri River. Instead, this water flows to a drainage ditch which overland floods a low area that is referred to as the State of North Dakota's Riverdale Game Management Area before infiltrating to groundwater. The quality of water from these ponds is considered to be virtually the same quality as the West Unit ponds, there for these discharges will be covered by Outfall 002.

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 Clean Water Act (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 criminal penalties as provided under the CWA.

Table 2 – Location of Outfall 001.

Outfall 001. Active. Final			
Latitude: 47.482767	Longitude: -101.429806	County: McLean	
Township: 146 N	Range: 84 W	Section: 7	QQ: AC
Receiving Stream: Missouri River		Classification: I	
Outfall Description: The discharge flows from the raceways at the fish hatchery from an internal point to a drainage ditch which flows into the Missouri River, a Class I stream.			

Table 3 – Location of Outfall 002.

Outfall 002. Active. Final			
Latitude: 47.491103	Longitude: -101.427211	County: McLean	
Township: 146 N	Range: 84 W	Section: 6	QQ: DC
Receiving Stream: Missouri River		Classification: I	
Outfall Description: The discharge flows from the West Unit ponds at the fish hatchery to a drainage ditch, which flows to the Missouri River, a Class 1 stream at the boat ramp. Discharges from the East Unit are also covered under this Outfall, this discharge flows to a drainage ditch which overland floods into a low area referred to as the State of North Dakota’s Riverdale Game Management Area, before infiltrating to groundwater.			

PERMIT STATUS

The department issued the previous permit for this facility on January 1, 2018. The previous permit contains effluent limitations for Total Suspended Solids (TSS), pH, and Five-Day Biochemical Oxygen Demand (BOD5) for Outfall 001 and Outfall 002. The previous permit contained additional monitoring for TSS Outfall 001 – Internal, due to cleaning of the raceways. The department received the NDDEQ Short Form A – Application for Permit to Discharge (NDPDES) Domestic (SFN 8317) on April 22, 2022. This application was accepted as complete on November 8, 2022.

Summary Of Compliance with Previous Permit Issued

The department assess a facility’s compliance based on a review of the facility’s Discharge Monitoring Reports (DMRs) and physical inspections conducted by department staff. Department staff last conducted a non-sampling compliance inspection on July 9, 2020. During the inspection, the department found out that sample results for BOD₅ and TSS were being

reported as zero (0) whenever the results were below the method detection level. The department worked with the facility to correct the DMRs and explained how to report below detection properly. The facility keeps a notebook record of all sampling events, the department learned that the facility was not keeping track of who performed the sampling. The department worked with the facility to update recordkeeping to include the individual performing the sampling.

Past Discharge Data

This facility was first permitted on January 1, 1965. According to department records, this facility discharged for a total of 1521 days during the previous permit cycle at an average rate of 4.81 million gallons per day. The concentration of pollutants in the discharges was reported on DMR forms. The effluent is characterized in Table 4.

Table 4 – Garrison Dam National Fish Hatchery Discharge Data (from 1/1/2018-6/30/2022) for Outfall 001 and 002

Parameter	Units	Range	Average	Permit Limit	Number of Exceedances
<i>Effluent – Outfall 001</i>					
BOD ₅	mg/l	1 – 6	5.63	25	0
TSS	mg/l	5 – 7	5.04	30	0
pH	S.U.	7.31 – 8.07	N/A	Shall remain between 7.0 – 9.0 at all times	0
Flow	MGD	0.17 – 8.08	4.81	N/A	0
Drain	Mgal	1.1 – 863	122.55	N/A	0
<i>Internal – Outfall 001</i>					
TSS	mg/l	8 – 67	27.76	N/A	0
Total Days	N/A	0.4 – 15.5	3.07	N/A	
<i>Effluent – Outfall 002</i>					
BOD ₅	mg/l	4 – 6	5.4	25	0
TSS	mg/l	5 – 7	5.4	30	0
pH	S.U.	7.61 – 8.27	N/A	Shall remain between 7.0 – 9.0 at all times	0
Flow	MGD	1.2 – 5	2.52	N/A	0
Drain	Mgal	0.65 – 5	2.69	N/A	0

PROPOSED PERMIT LIMITS

Effluent Limitations

In 2004, EPA promulgated effluent guidelines for concentrated aquatic animal production (CAAP), or aquaculture, which includes fish hatcheries. However, this facility does not meet the definition for CAAP, as cited in Appendix C to Part 122(a)(2) which focuses on cold-water species, as the combined total maximum feeding for a month for both warm-water and cold-water species is 7,425 pounds. The amount of food feed varies considerably throughout the year. The facility does not meet any of the other requirements for CAAP in Appendix C to Part 122. The original limitations for this permit were developed, based on discussions with an industrial technology division expert for fish hatcheries, and from review of the 1974 draft Development Document for Proposed Effluent Limitation Guidelines and New Source Performance Standards for the Fish Hatcheries and Farms. The limitation for total suspended solids was established based on best professional judgment (BPJ) of EPA. This limitation was a quantity loading at an arbitrary level, which EPA determined would be a sufficient limit. Since the facility does not meet the definition for CAAP, the department determined to continue with previous permit limitations for BOD₅ and TSS.

This facility is unique compared to other fish hatcheries in the state in that it has raceways for cold-water species of fish. These raceways are periodically cleaned, and the solids built up in them are discharged through Outfall 001. It appears that if suspended solids are going to be a concern it is during this discharge of raceway water with its slug loading tendencies. However, if there is an increase in fish production and, thus, an increase in the amount of food used in this facility, the departments rationale for this discharge, during raceway cleaning, should meet the daily maximum limitation of 30 mg/l for the discharge point. Also, during raceway cleaning, total suspended solids are expected to be at the highest level, an additional monthly grab sample shall be collected at the discharge point during raceway cleaning.

The limitations for total suspended solids (TSS), 5-day biochemical oxygen demand (BOD₅), and pH are requirements consistent with other fish growing facilities in the state. Based on historical data for this facility, there has been no significant amounts of fecal coliform or ammonia as N found in the discharge. A review of the facility's TSS and BOD₅ sample results indicate that the facility has never come close these permit limitations. Therefore, only BOD₅, TSS, and pH shall remain in the permit renewal. The limitation for pH is based on the state water quality standard applicable to this water body classification. For Class I and IA streams, the pH limitation has been updated from between 7.0 (S.U) to 9.0 (S.U). to between 6.5 (S.U.) to 9.0 (S.U.). Therefore, the reissuance will reflect the updated pH limitation.

In the current permit the facility was sampling monthly. The department compared monitoring requirements with similarly permitted facilities throughout the state, which were sampling bi-weekly. The department used BPJ to align this facility with similar facilities in sampling bi-weekly.

The proposed effluent limitations shall take effect once the permit becomes active. All parameter limitations are for Outfall 001 and Outfall 002. The effluent limitations and the basis for the limitations are provided in Table 5 below:

Table 5 – Effluent Limitation Basis

Effluent Parameter	30-Day Average	7-Day Average	Daily Maximum	Basis ^a
BOD ₅ (mg/l)	25	*	*	Previous Permit NDAC 33.1-16-01-14(3)(c)(1)
TSS (mg/l)	30	*	*	BPJ Previous Permit
pH (S.U.)	Shall remain between 6.5 to 9.0			WQS
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 of deleterious, or oil wastes that produce a visible sheen on the surface of the receiving water.				Previous Permit BPJ WQS
Notes:				
* This parameter is not limited. However, the department may impose limitations based on sample history and to protect the receiving waters.				
a. The basis of the effluent limitations is given below:				
“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 .				
“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 judgement.				

Self-Monitoring Requirements

All effluent shall be sampled at a point leaving Outfall 001 and Outfall 002 but prior to entering waters of the state. The dates of discharge, frequency of analysis, and number of exceedances shall be included on the Discharge Monitoring Report (DMR) submitted semiannually to the department. The department has updated the sampling frequency for effluent parameters to bi-weekly in order to align with similar facilities with issued permits throughout the state.

Table 6 – Self-Monitoring Requirements for Outfall 001 and Outfall 002

Effluent Parameter	Frequency	Sample Type ^a
<i>Effluent – Outfall 001 and Outfall 002</i>		
BOD ₅ (mg/l)	1/Bi-Weekly ^b	Grab
TSS (mg/l)	1/Bi-Weekly ^b	Grab

pH (S.U.)	1/Bi-Weekly ^b	Grab
Flow (MGD)	1/Month	Calculated
Total Drain (Mgal)	1/Month	Calculated
<i>Internal - Raceway</i>		
TSS (mg/l)	1/Month	Grab
Days/Total	1/Day	Calculated
Notes: a. Refer to Appendix B for definitions. b. Sampling shall consist of one (1) grab sample to be taken and analyzed on a bi-weekly basis while the ponds are being discharged. Samples can be collected as a composite of all points and report them as one discharge.		

SURFACE WATER QUALITY-BASED EFFLUENT LIMITS

The North Dakota State Water Quality Standards (NDAC Chapter 33.1-16-02.1) 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 limitations 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.

Stream reaches that receive effluent from the facility covered under this permit were reviewed for applicable TMDLs. Any waste load allocations (WLAs) resulting from these TMDLs required meeting end-of-pipe concentrations consistent with applicable water quality criteria and are therefore eligible for coverage under this permit. The permittee covered under this permit discharge to Class I stream. The quality of waters in these classes are described below:

- Class I streams: The quality of the waters in this class shall be suitable for the propagation or protection, or both, of resident fish species and other aquatic biota and for swimming, boating, and other water recreation. The quality of waters shall be suitable for irrigation, stock watering, and wildlife without injurious effects. After treatment consisting of coagulations, settling, filtration, and chlorination, or equivalent treatment processes, the water quality shall meet the bacteriological, physical, and chemical requirements of the department for municipal or domestic use.

This section of the Missouri River is not listed as impaired in the North Dakota 2018 Integrated Section 305(b) Water Quality Assessment Report and Section 303(d) List of Waters Needing Total Maximum Daily Loads (303(d) List) as impaired or needing a TMDL. There currently are no TMDLs associated with 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 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 33.1-16-02.1-08) 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 (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 33.1-16-02.1 (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

BOD5

The department has reviewed the BOD₅ data. No exceedances occurred for this parameter during the current permit.

The department proposes to continue with previous permit limits of an average monthly limit of 25 mg/l.

TSS

According to department records, this facility has discharged during the previous permit cycle. The department has reviewed the reported TSS data, and four (4) permit exceedances occurred, two (2) of which was over the Technical Review Criteria (TRC). The TRC value for TSS were determined by the following equation:

$$TRC 1.4 * TSS 30mg/l = TSS 42mg/l$$

pH

The limitation for pH is based on the state water quality standard applicable to this water body classification. For Class I and IA streams, the pH limitation has been updated from between 7.0 (S.U) to 9.0 (S.U). to between 6.5 (S.U.) to 9.0 (S.U.) The department has reviewed the pH data. No excursion occurred for this parameter during the current permit.

The department proposed to update the permit to the current WQS limitation and shall remain between 6.5 (S.U.) to 9.0 (S.U.).

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 33.1-16-01-(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.

The current permit requires collecting one grab sample once a month while discharge is occurring. The department is updating the sampling requirements to be consistent with similar facilities, the permittee shall collect one grab sample of the discharge bi-weekly for every month that a discharge is occurring. The permittee will also collect a bi-weekly internal sample every month the raceways are in use.

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.

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 period inviting the public for 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 and 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 **Garrison Dam National Fish Hatchery** – Riverdale, ND. 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 **November 18, 2022** in the **Bismarck Tribune** 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 Environmental Quality
Division of Water Quality
4201 Normandy Street
Bismarck, ND 58503

The primary author of this permit and fact sheet is Montana Kruske.

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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.
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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.
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8. “**Department**” means the North Dakota Department of Environmental Quality, Division of Water Quality.
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10. “**EPA**” means the United States Environmental Protection Agency.
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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

No critical low flow limitations were required to be calculated for this permit renewal.

DFLOW 1B3 (ACUTE)	0 CFS	DFLOW 1Q10 (ACUTE)	0 CFS
DFLOW 4B3 (CHRONIC)	0 CFS	DFLOW 7Q10 (CHRONIC)	0 CFS
DFLOW 30B10 (AMMONIA)	0 CFS		

APPENDIX D – RESPONSE TO COMMENTS

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

Permit No: ND0000388
Effective Date: January 1, 2023
Expiration Date: December 31, 2027

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,

United States Fish and Wildlife Service
Riverdale, ND

is authorized to discharge from the Garrison Dam National Fish Hatchery
to the backwaters of the Missouri River, a Class I Stream
provided all the conditions of this permit are met.

This permit and the authorization to discharge shall expire at midnight,
December 31, 2027.

Signed this _____ day of _____, _____.

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

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DEFINITIONS Standard Permit BP 2019.05.29

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OUTFALL DESCRIPTION

Outfall 001. Active. Final			
Latitude: 47.482767	Longitude: -101.429806	County: McLean	
Township: 146 N	Range: 84 W	Section: 7	QQ: AC
Receiving Stream: Missouri River		Classification: I	
Outfall Description: The discharge flows from the raceways at the fish hatchery from an internal point to a drainage ditch which flows into the Missouri River, a Class I stream.			

Outfall 002. Active. Final			
Latitude: 47.491103	Longitude: -101.427211	County: McLean	
Township: 146 N	Range: 84 W	Section: 6	QQ: DC
Receiving Stream: Missouri River		Classification: I	
Outfall Description: The discharge flows from the West Unit ponds at the fish hatchery to a drainage ditch, which flows to the Missouri River, a Class 1 stream at the boat ramp. Discharges from the East Unit are also covered under this Outfall, this discharge flows to a drainage ditch which overland floods into a low area referred to as the State of North Dakota's Riverdale Game Management Area, before infiltrating to groundwater.			

PERMIT SUBMITTALS SUMMARY

Coverage Point	Submittal	Monitoring Period	Submittal Frequency	First Submittal Date
001A	Discharge Monitoring Report	Monthly	Semiannually	July 31, 2023
002A	Discharge Monitoring Report	Monthly	Semiannually	July 31, 2023
Application Renewal	NPDES Application Renewal	N/A	1/permit cycle	March 30, 2027

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: **Missouri River, a Class I Stream**

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:

Effluent Limitations and Monitoring Requirements Outfall 001 and 002					
Parameter	Effluent Limitations			Monitoring Requirements	
	Avg. Monthly Limit	Avg. Weekly Limit	Daily Maximum Limit	Sample Frequency	Sample Type
Biological Oxygen Demand (BOD ₅) (mg/l)	25	*	*	1/Bi-Weekly	Grab
Total Suspended Solids (TSS) (mg/l)	30	*	*	1/Bi-Weekly	Grab
pH (S.U)	Shall remain between 6.5 to 9.0			1/Bi-Weekly	Grab
Flow (MGD)	N/A	N/A	Report Total	1/Month	Calculated
Total Drain (MG)	N/A	N/A	Report Total	1/Month	Calculated
Effluent Limitations and Monitoring Requirements Internal - Raceway					
Total Suspended Solids (TSS) (mg/l)	N/A	N/A	Report Total	1/Month	Grab
Total Days	N/A	N/A	Report Total	1/Month	Calculated
<p>Notes:</p> <p>*. This parameter is not limited. However, the Department may impose limitations based on sample history and to protect the receiving waters.</p> <p>Stipulations:</p> <p>Sampling shall consist of one (1) grab sample to be taken and analyzed on a bi-weekly basis while the ponds are being discharged. Samples can be collected as a composite of all points and report them as one discharge.</p> <p>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.</p> <p>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.</p>					

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.
 - i. No internet access,
 - ii. No computer access,
 - iii. Annual DMRs (upon approval of the department),
 - iv. Employee turnover (3-month periods only), or
 - v. 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:
 - 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.

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