Please arrange to have the following public notice(s) printed in the legal column of the designated newspaper(s) as close to 11/6/2018 as possible

The Affidavit of Publication and billing notice should be sent to: North Dakota Department of Health, Judicial Wing, Division of Accounting, 600 East Boulevard Ave, Bismarck ND 58505.

Name of the Newspaper: Grand Forks Herald

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

Public Notice Date: 11/6/2018

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
Public Notice Number: ND-2018-028
Application Date: 7/3/2018 Application Number: ND0022888
Applicant Name: Grand Forks City Of
Mailing Address: PO Box 5200, Grand Forks, ND 58206-5200
Telephone Number: 701.787.9131
Proposed Permit Expiration Date: 12/31/2023

Facility Description
The reapplication is for a domestic, major municipal, mechanical treatment plant and a six-cell facultative lagoon (1356 acres) wastewater treatment system. The treatment system is located in Sections 23 and 26, Township 152 N, Range 51 W, in Grand Forks County. Permitted outfall 009 discharges to the Red River of the North, a Class I stream. The location of this outfall point is latitude 47.976667, longitude -97.058333.

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. Comments or requests should be directed to the ND Dept of Health, Div of Water Quality, 918 East Divide Ave, Bismarck ND 58501-1947 or by calling 701.328.5210.

All comments received by December 06, 2019 will be considered prior to finalizing the permit. If there is significant interest, a public hearing will be scheduled. Otherwise, the Department will issue the final permit within sixty (60) days of this notice. If you require special facilities or assistance relating to a disability, call TDD at 1.800.366.6868.

FACT SHEET FOR NDPDES PERMIT ND0022888

GRAND FORKS WASTEWATER TREATEMNT FACILITY – CITY OF GRAND FORKS, NORTH DAKOTA

DATE OF THIS FACT SHEET – JULY 2018

INTRODUCTION

The Federal Clean Water Act (CWA, 1972, and later amendments in 1977, 1981, and 1987, etc.) established water quality goals for the navigable (surface) waters of the United States. One mechanism for achieving the goals of the CWA is the National Pollutant Discharge Elimination System (NPDES), which the US Environmental Protection Agency (EPA) has oversight authority. In 1975, the State of North Dakota was delegated primacy of the NPDES program by EPA. The North Dakota Department of Health (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 33-16 (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 33-16-01),
- Standards of Quality for Waters of the State (NDAC chapter 33-16-02.1).

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

According to the NDAC, section 33-16-01-08, the NDPDES permit program, the department must prepare a draft permit and accompanying fact sheet and make it available for a thirty-day public review period (NDAC chapter 33-16-01-07). The department must also publish an announcement (public notice) telling people where they can obtain the draft permit and send their comments on the draft. For more details on preparing and filing comments about these documents, please see **Appendix A – Public Involvement Information**. After the Public Comment Period ends, the department may make changes to the draft NDPDES permit. The department will summarize the responses to comments and any changes to the permit in **Appendix D – Response to Comments**.

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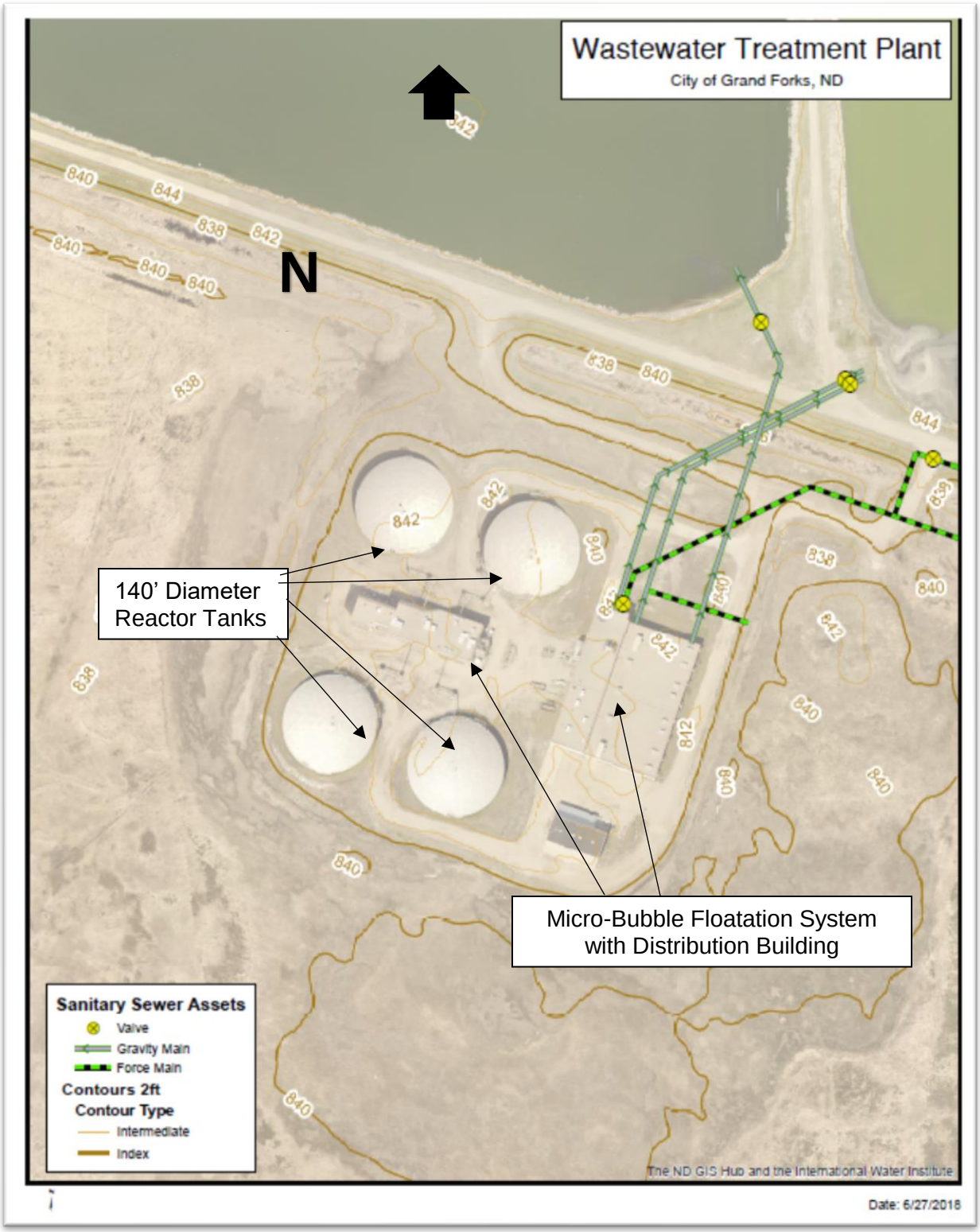
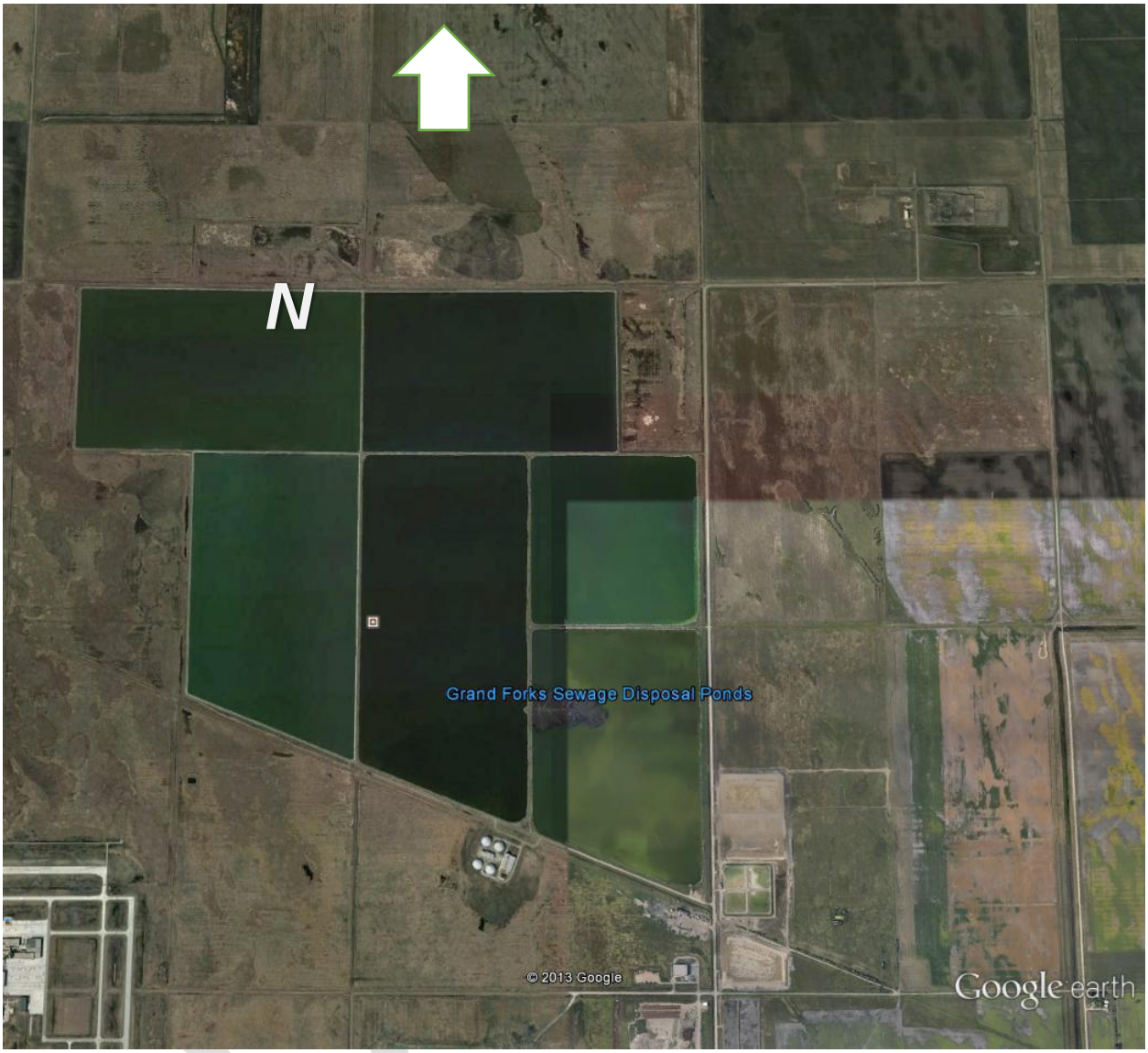
BACKGROUND INFORMATION

Table 1 – General Facility Information

Applicant:	City of Grand Forks
Facility Name and Address:	City of Grand Forks 3251 North 69th Street Grand Forks, ND 58203
Permit Number:	ND0022888
Permit Type:	Renewal - Domestic - Major Municipal, Mechanical Plant with Facultative/Polishing Lagoon Wastewater Treatment System
Type of Treatment:	Secondary Treatment
SIC Code:	4952
Discharge Location:	Outfall 009: Red River of the North, Class I Stream Latitude: 47.976667 Longitude: -97.058333 Grand Forks County
Hydrologic Code:	09020301 – Sandhill - Wilson
Population Served:	63,600 (provided on application) 57,000 – City of Grand Forks, ND 8,600 – City of East Grand Forks, MN
Plant Design Flow Rate:	10 Million Gallons per Day (MGD)



Grand Forks Wastewater Treatment Facility (Mechanical Plant) Grand Forks, ND (ND GIS from Permit Application)



Grand Forks Wastewater Stabilization Ponds

FACILITY DESCRIPTION

The present permit issued to this municipality expires December 31, 2018. The reapplication is for a combination mechanical plan and wastewater stabilization pond system that services the city of Grand Forks, ND and East Grand Forks, MN. The estimated total population served is approximately 65,600. Discharges from the Wastewater Treatment Facility (WWTF) would be to the Red River of the North – a Class I stream.

Treatment System
Grand Forks started operation of its mechanical treatment plant (MTP) in 2002. The MTP is a high-level activated sludge plant using a European technology of "micro-bubble" floatation and is designed for 10 million gallons per day with a biological oxygen demand (BOD_5) loading of 50,000 lbs/day. The treatment process consists of four (4) – 140-foot diameter reactor tanks and a distribution building containing incremental treatment features.

The MTP is designed to produce a quality effluent that can be discharged continuously. However, the effluent from the treatment plant is presently routed to the stabilization ponds which the city continues to operate. As a result, the wastewater system is being operated as a lagoon system (intermittent discharge).

The six-cell waste stabilization treatment system (1356 acres) consists of the following:

- Primary cell no. 1 - surface area of approximately 295 acres,
- Primary cell no. 2 - surface area of approximately 202 acres,
- Secondary cell no. 1 - surface area of approximately 236 acres,
- Secondary cell no. 2 - surface area of approximately 146 acres,
- Secondary cell no. 3 - surface area of approximately 225 acres,
- Secondary cell no. 4 - surface area of approximately 251 acres,
- A convergence of all discharge pipes from the above cells into one outfall (009).

In 2011, the City submitted a request to discharge the lagoons continuously during the winter months. Advanced Engineering (AE2S) proposed an interim operation plan dated September 12, 2011 and submitted it to the department for approval. Three (3) key drivers were identified as reasons to evaluate the potential for a continuous discharge during the winter months.

1. Lagoon decommissioning requirements – the lagoon system is relatively close to the city airport. The Federal Aviation Administration (FAA) is concerned with the bird strike potential created by the lagoon system. The FAA has expressed a desire to have the two (2) western-most secondary cells decommissioned to reduce the bird strike potential. Continuous discharge upgrades must be completed and operational prior to any lagoon cell decommissioning.

2. Operational expense savings – Rising water and ice during the winter months cause damage to the rip-rap in the lagoon cells.

3. Discharge flow stabilization – A continuous discharge would minimize impacts on the receiving water during large spring and fall discharge events.

The city initiated the continuous discharge from the lagoon system in the winter of 2011. The discharge rate during the winter months is adjusted to a 1:1 influent:discharge ratio. Continuous discharge during the winter is anticipated to continue for this permit cycle.

An ultraviolet disinfection system and new control structure are currently under construction and will be implemented into the treatment train during this permit cycle. The intent of these components is to allow the facility to continuously discharge year around. The permittee is expected to submit a formal permit modification request during this permit cycle to continuously discharge year around.

Inflow and Infiltration
The facility estimates approximately 2-million gallons per day flow into the treatment works from inflow and/or infiltration. The city described that ongoing replacement, maintenance, and rehabilitation projects are underway or planned to minimize the inflow and infiltration at the treatment plant.

Outfall Description
The authorization to discharge provided under this permit is limited to the outfall(s) specifically designated below. Discharges at any location not authorized under a North Dakota Pollution Discharge Elimination System (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 the permit could subject such person(s) to criminal penalties as provided under the CWA.

<table>
<tr><td colspan="3">Outfall 009 - Active. Final Outfall. Any discharge is conveyed via a 4.5-mile pipeline that has a diameter of sixty inches at the headworks then reduced to fifty-four inches by the time is reaches the outfall to the river. All discharge water is generated from the waste stabilization ponds and the mechanical treatment plant.</td></tr>
<tr><td>Latitude: 47.976667</td><td>Longitude: -97.058333</td><td>County: Grand Forks</td></tr>
<tr><td colspan="2">Receiving Stream: Red River of the North</td><td>Classification: Class I</td></tr>
<tr><td colspan="3">Outfalls 007, 008, and 010 will continue to be deactivated during this permit cycle. Please refer to the “Special Conditions” of the permit for monitoring and reporting requirements.</td></tr>
</table>

Outfall Location Grand Forks Waste Water Treatment Facility (Google Earth – 2018)

PERMIT STATUS

The previous permit placed numeric limits on Biochemical Oxygen Demand (BOD_5), pH, Total Suspended Solids (TSS), *Escherichia coli* (*E. coli*), Oil and Grease, and Whole Effluent Toxicity (WET). A limit is placed on ammonia as N based on effluent and in-stream conditions. The City of Grand Forks has expressed interest in a modified pH effluent limitation but has not submitted the pH model to the department.

The department has been in contact with the City of Grand Forks to obtain information to reissue its NDPDES permit. The department received and accepted EPA applications Form 1 and 2A on July 5, 2018. The effluent sample data has been provided to the department through official laboratory reports, discharge monitoring reports, and the permit application.

SUMMARY OF COMPLIANCE WITH PREVIOUS PERMIT ISSUED

The department's assessment of compliance is based on review of the facility's Discharge Monitoring Report (DMR) forms and inspections conducted by the department. Eleven (11) inspections of the facility were conducted from January 1, 2014 to June 30, 2018.

Grand Forks WWTF is a controlled discharger during the spring, summer, and fall months. As stated above, the facility continuously discharges during the winter months. A summary of the discharge data follows:

Table 3: DMR Data Summary from 01/01/2014 – 12/31/2017.

Disch Pt	Location	Parameter	Ave Conc	Range (unless specified)	Units	Ave Load	Max Load	Max Load Units
009A	Effluent	Ammonia as Nitrogen	N/A	0.227 – 7.59	mg/L	N/A	N/A	N/A

Table 3: DMR Data Summary from 01/01/2014 – 12/31/2017.

Disch Pt	Location	Parameter	Ave Conc	Range (unless specified)	Units	Ave Load	Max Load	Max Load Units
009A	Influent	Biochemical Oxygen Demand (BOD_5)	264.69	175 - 533	mg/L	N/A	N/A	N/A
009A	Effluent	BOD_5	5.47	1.70 - 16.23	mg/l	N/A	N/A	N/A
009A	Effluent	Discharge Flow in Million Gals	N/A	N/A	N/A	4.60	33.81	MGD
009A	Effluent	E Coli Geometric Mean	N/A	1.0 - 121	Num/100 mL	N/A	N/A	N/A
009A	Up Stream	Flow in the Receiving Stream	N/A	N/A	N/A	1,386 (min)	27,500 (max)	ft3/sec
009A	Effluent	Flow Total Month	N/A	N/A	N/A	N/A	31	MGAL
009A	Effluent	Nitrate Nitrite Total	N/A	0.10 – 50.5	mg/l	N/A	N/A	N/A
009A	Effluent	Oil & Grease	N/A	0 (max)	mg/l	N/A	N/A	N/A
009A	Effluent	Oil and Grease Visual	N/A	N/A	N/A	N/A	0	Y=1; N=0
009A	Effluent	pH	N/A	7.0 – 9.0	S.U.	N/A	N/A	N/A
009A	Down Stream	pH	N/A	6.81 – 9.1	S.U.	N/A	N/A	N/A
009A	Effluent	Phosphorus Total	N/A	0.74 – 15.21	mg/L	N/A	N/A	N/A
009A	Down Stream	Temperature in Celsius	22.82	0.0 – 25.1	deg C	N/A	N/A	N/A
009A	Effluent	Total Kjeldahl as Nitrogen	N/A	4.9 – 25.0	mg/l	N/A	N/A	N/A
009A	Effluent	Total Suspended Solids	21.80	48 (max)	mg/l	N/A	N/A	N/A
009A	Influent	Total Suspended Solids	455.9	120 - 3070	mg/l	N/A	N/A	N/A
009M	Effluent	Antimony Total	0.00	1.0 – 2.0	µg/l	N/A	N/A	N/A
009M	Influent	Antimony Total	0.00	1.0 – 2.0	µg/l	N/A	N/A	N/A
009M	Effluent	Arsenic Total	0.00	2.0 - 6.6	µg/l	N/A	N/A	N/A
009M	Influent	Arsenic Total	0.00	2.0 – 5.0	µg/l	N/A	N/A	N/A
009M	Effluent	Beryllium Total	0.00	0.5	µg/l	N/A	N/A	N/A
009M	Influent	Beryllium Total	0.00	0.5	µg/l	N/A	N/A	N/A
009M	Effluent	Cadmium Total	0.00	0.2 – 0.8	µg/l	N/A	N/A	N/A
009M	Influent	Cadmium Total	0.00	0.2 – 0.7	µg/l	N/A	N/A	N/A
009M	Effluent	Chromium Total	0.00	2.0 – 7.4	µg/l	N/A	N/A	N/A
009M	Influent	Chromium Total	0.01	6.0 – 9.5	µg/l	N/A	N/A	N/A
009M	Effluent	Copper Total	0.02	5.0 – 11.2	µg/l	N/A	N/A	N/A
009M	Influent	Copper Total	0.06	27.8 – 56.7	µg/l	N/A	N/A	N/A
009M	Effluent	Cyanide	0.01	0.005 - 0.02	mg/l	N/A	N/A	N/A

Table 3: DMR Data Summary from 01/01/2014 – 12/31/2017.

Disch Pt	Location	Parameter	Ave Conc	Range (unless specified)	Units	Ave Load	Max Load	Max Load Units
009M	Influent	Cyanide	0.01	0.005 - 0.02	mg/l	N/A	N/A	N/A
009M	Effluent	General Chemical Analyses	N/A	N/A	N/A	N/A	1	Y=1; N=0
009M	Up Stream	Hardness as CaCO3	588	7,427 (max)	mg/l	N/A	N/A	N/A
009M	Effluent	Lead Total	0.00	0.5 – 1.0	µg/l	N/A	N/A	N/A
009M	Influent	Lead Total	0.00	2.9 - 4.8	µg/l	N/A	N/A	N/A
009M	Effluent	Mercury Total	0.00	0.2	µg/l	N/A	N/A	N/A
009M	Influent	Mercury Total	0.00	0.2	µg/l	N/A	N/A	N/A
009M	Effluent	Nickel Total	0.01	9.6 – 15.1	µg/l	N/A	N/A	N/A
009M	Internal	Nickel Total	0.01	6.9 – 13.3	µg/l	N/A	N/A	N/A
009M	Effluent	Phenolics Total Recoverable	0.02	0.01	mg/l	N/A	N/A	N/A
009M	Influent	Phenolics Total Recoverable	0.07	0.028 – 0.088	mg/l	N/A	N/A	N/A
009M	Effluent	Selenium Total	0.01	2.0 – 10.0	µg/l	N/A	N/A	N/A
009M	Influent	Selenium Total	0.01	2.0 – 10.0	µg/l	N/A	N/A	N/A
009M	Effluent	Silver	0.00	0.05	µg/l	N/A	N/A	N/A
009M	Influent	Silver	0.00	0.5 – 0.6	µg/l	N/A	N/A	N/A
009M	Effluent	Thallium Total	0.00	0.1 – 0.4	µg/l	N/A	N/A	N/A
009M	Influent	Thallium Total	0.00	0.1 – 0.4	µg/l	N/A	N/A	N/A
009M	Effluent	Zinc Total	0.05	32.3 - 60.0	µg/l	N/A	N/A	N/A
009M	Influent	Zinc Total	0.16	110.0 – 170.10	µg/l	N/A	N/A	N/A
009W	Effluent	Acute Toxic Unit Ceriodaphnia TSA3B	N/A	<1.0	TU a	N/A	N/A	N/A
009W	Effluent	Acute Toxic Unit Fat Hd Minnows TSB6C	N/A	<1 (max)	TU a	N/A	N/A	N/A
009W	Effluent	Ceriodaphnia	N/A	0 (max)	Pass=0 Fail=1	N/A	N/A	N/A
009W	Effluent	Fat Head Minnows	N/A	0 (max)	Pass=0 Fail=1	N/A	N/A	N/A

Summary of DMR Data Excursions
One (1) excursion (See Table 4) occurred from January 1, 2014 through June 30, 2018. No exceedances met the technical review criteria (40 percent or greater above the effluent limitation).

Table 4: Summary of DMR data excursions from 01/01/2014 – 06/30/2018.

Disch Pt	Monitoring Period	Parameter	Min Conc	Avg Conc	Max Conc	Units	Excursions	TRC Exceedance
009A	6/1/2016	TSS			48	Mg/l	1	0

PROPOSED PERMIT LIMITS AND SELF MONITORING REQUIREMENTS

The City of Grand Forks is subject to the secondary treatment standards. Federal and state regulations define technology-based effluent limits for municipal wastewater treatment plants. These effluent limits are given in 40 CFR 133 and NDAC Chapter 33-16-01-30. These regulations are performance standards that constitute all known, available, and reasonable methods of prevention, control, and treatment for municipal wastewater.

Table 5: 40 CFR 133 Technology-Based Effluent Limitations

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 to 9.0	
Percent Removal	85% BOD_5 and TSS	

NDAC Chapter 33-16-01-14(3)(c)(1) allows for adjustment of the secondary treatment criteria to reflect site specific considerations. A five-day biochemical oxygen demand 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.

Effluent Limitations

The department proposes the following effluent limitations for outfall 009:

Table 6: Effluent Limitations and Monitoring Requirements for **Outfall 009**

	Effluent Limitations			
Parameter	Avg. Monthly Limit	Avg. Weekly Limit	Daily Maximum Limit	Basis [a]
TSS, mg/l	30	45	*	40 CFR 133.102(a)(4) NDAC 33-16-01-14(3) Previous Permit
BOD_5, mg/l	25	45	*	NDAC 33-16-01-14(3)(1); 40 CFR 133.102(a)(2)
pH, S.U. b/	Shall remain between 7.0 and 9.0			NDAC 33-16-02.1 Previous Permit
Oil and Grease Visual, c/	*	*	*	NDAC 33-16-02.1 Previous Permit
Oil & Grease, mg/l, c/	*	*	10	Previous Permit BPJ

Ammonia as N, mg/l	Refer to Ammonia Table (**Table 7**)			NDAC 33-16-02.1 Previous Permit
Escherichia coli (*E. coli*) geo mean, #/100ml, d/	126	*	409	NDAC 33-16-02.1 Previous Permit
Whole Effluent Toxicity (WET), TU_a and TU_c	Refer to Whole Effluent Toxicity (WET) Requirements			40 CFR 122.44(d)(1)(iv-v) NDAC 33-16-02.1 Previous Permit

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 for the effluent limitations is given below:

"Previous Permit" refers to limitations in the previous permit. The NDPDES 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 33-16-02.1.

"BPJ" refers to best professional judgment.

b. The pH, an instantaneous limitation, shall be between 7.0 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.

c. 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 present, grab samples shall be analyzed for oil and grease.

d. *E. coli* limits shall be effective from April 1 through October 31.

Table 7: Ammonia as N Effluent Limitations **Outfall 009**

Chronic Standard (Average Monthly Limit) – March – September
The 30-day average concentration of total ammonia (expressed as N in mg/L) does not exceed, more often than once every three years on the average, the numerical value given by the following formula; and the highest 4-day average concentration of total ammonia within the 30-day averaging period does not exceed 2.5 times the numerical value given by the following formula:

$$\left(\frac{0.0577}{1+10^{7.688-pH}} + \frac{2.487}{1+10^{pH-7.688}}\right) \bullet CV;$$

where CV = 4.63, when T$\leq$ 7.0°C; or
$CV = 1.45 * 10^{0.028*(25-T)}$, when T > 7.0°C.

Receiving stream pH is used for the calculation

Chronic Standard (Average Monthly Limit) – October – February
The 30-day average concentration of total ammonia (expressed as N in mg/L) does not exceed, more often than once every three years on the average, the numerical value given by the following formula; and the highest 4-day average concentration of total ammonia within the 30-day averaging period does not exceed 2.5 times the numerical value given by the following formula:

$$\left(\frac{0.0577}{1+10^{7.688-pH}} + \frac{2.487}{1+10^{pH-7.688}}\right) \bullet CV;$$

where CV = 2.85, when T$\leq$ 14°C; or
$CV = 1.45 * 10^{0.028*(25-T)}$, when T > 14°C.

Receiving stream pH is used for the calculation

Acute Standard (Daily Maximum Limit)
The one-hour average concentration of total ammonia (expressed as N in mg/l) does not exceed, more often than once every three years on the average, the numerical value given by the following formula:

$$\left(\frac{0.411}{1+10^{7.204-pH}} + \frac{58.4}{1+10^{pH-7.204}}\right)$$

where salmonids are absent

Receiving stream pH is used for the calculation

Stipulations
Calculations must be performed for each discharge sample. If an exceedance is detected on any single sample, the exceedance must be reported on the DMR.

In-stream sample must be collected/recorded the same day as the effluent ammonia sample. The upstream flow, temperature, and pH may be obtained from the USGS gauging station 05082500 at Grand Forks, North Dakota.

Table 7: Ammonia as N Effluent Limitations **Outfall 009**

If the upstream values are not collected, then the following values are to be used:

- pH: 8.5 S.U., based on the 90th percentile USGS gauging station data,
- Temperature values used during the winter months can be extrapolated from available USGS data using best professional judgement,
- Permittee shall use the 90th percentile instream ammonia value of 0.50 mg/l,
- If the upstream flow is not available, the 1B3 critical low flow value of 428 cfs must be used.

The maximum mixing factor is 10.0%.

SELF-MONITORING REQUIREMENTS

All effluent samples shall be collected at a point following the treatment system and prior to entering the Red River of the North.

Table 8: Self-Monitoring Requirements for **Outfall 009 (During discharge events)**

Parameter	Sample Frequency	Sample Type
BOD_5, mg/l, influent [g]	1/Week	Composite
BOD_5, mg/l, effluent [a]	3/Week	Composite
BOD_5, mg/l, internal [e]	1/Week	Composite
TSS, mg/l, influent [g]	1/Week	Composite
TSS, mg/l, effluent [a]	3/Week	Composite
TSS, mg/l, internal [e]	1/Week	Composite
Temperature, °C [a,e]	3/Week	Grab
pH, S.U. [a]	Daily	Grab
Oil and Grease Visual	Daily	Visual
Oil & Grease, mg/l, [c]	Conditional/Daily	Grab
Ammonia as N, mg/l, effluent [a]	3/Week	Composite
Escherichia coli (*E. coli*) geo mean, #/100ml [a]	1/Week	Grab
Total Nitrogen, mg/l [*]	1/Month	Grab
Total Phosphorus, mg/l [*]	1/Month	Grab
Ammonia as N, mg/l, upstream	3/Week	Grab
Receiving Stream Flow, cfs [a]	3/Week	Instantaneous
Temperature, ºC, upstream [a]	3/Week	Instantaneous
Total Hardness as $CaCO_3$, mg/l	1/Year	Grab
Acute Whole Effluent Toxicity (WET), TU_a [b]	1/Month	Grab
Chronic Whole Effluent Toxicity (WET), TU_c [b]	1/Year	Grab
Metals, µg/L, influent and effluent [c]	1/Year	Composite
Table II – Priority Pollutants	1/2 Years	Composite

Total Flow, MGD	Daily	Instantaneous
Total Drain, MG	1/Month	Calculated

Notes: Refer to Section V of the NDPDES permit – Industrial Pretreatment Program – for additional sampling requirements.

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

a. A pre-discharge sample must be taken prior to the start of any discharge. The pre-discharge grab sample shall be tested for $BOD5_5$, TSS, pH, Temperature, *E. coli*, and Ammonia as N. This pre-discharge sample shall represent the first week discharge sample. Additional samples of the actual discharge shall be taken for the duration of the discharge as required in the permit.

b. Acute (grab) and chronic (composite) toxicity tests shall be conducted on separate samples from Outfall 009 during discharge according to the permit requirements.

c. A total hardness of the receiving stream needs to be determined every time metals are sampled and analyzed. The hardness is used to calculate parameter criterion(s) according to the ND Water quality Standards. This sample shall be collected upstream of the final discharge sites.

d. This parameter shall be sampled on facility property prior to any treatment process.

e. This parameter shall be sampled after all wastewater treatment plant processes - prior to entering the lagoon system or being discharged.

a.

Stipulations:

The permittee must not discharge any floating solids, foam in other than barely detectable/visible amounts, or oily wastes that produce a sheen on the surface of the receiving water.

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

SURFACE WATER QUALITY-BASED EFFLUENT LIMITS

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

Currently, all beneficial uses are being met for the stream reach of the receiving water body that the facility discharges to.

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

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

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

Antidegradation
The purpose of North Dakota's Antidegradation Policy (NDAC Chapter 33-16-02(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 33-16-02.1 (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

The department reviewed the effluent BOD_5 data and sampling frequency from the Grand Forks WWTP. No excursions occurred for this parameter. The department proposes to continue with the 25 mg/l (30-day arithmetic average) and 45 mg/l (average weekly limit) limitations with an effluent sampling frequency of three (3) times per week.

TSS

The department has reviewed the effluent TSS data and sampling frequency from the Grand Forks WWTP. One (1) excursion occurred for this parameter. The department proposes to continue with the 30 mg/l (30-day arithmetic average) and 45 mg/l (average weekly limit) limitations with an effluent sampling frequency of three (3) times per week.

pH

The department has reviewed the effluent pH data and sampling frequency from the Grand Forks WWTP. No excursions occurred for this parameter.

The department updated the previous permit pH limit range to 7.0 S.U. to 9.0 S.U.as stated in the state water quality standards for class I and IA streams. The current State Water Quality standard for pH in wastewater discharged to the Red River of the North (a Class I North Dakota stream) is 7.0 S.U. – 9.0 S.U.

The department proposes to continue with the effluent limitation of between 7.0 S.U. and 9.0 S.U. with a sampling frequency of daily.

A permit modification request for pH will be presented to the department during this permit cycle. The pH modification will be based on the procedure in EPA's DESCON program (EPA, 1988. Technical Guidance on Supplementary Stream Design Conditions for Steady State Modeling. USEPA Office of Water, Washington D.C.).

Oil and Grease, Visual

The department has reviewed the visual Oil and Grease visual data and sampling frequency from the Grand Forks WWTP. No excursions occurred for this parameter. The department proposes to continue visual checks for sheens with a sampling frequency of daily.

Oil and Grease, mg/l

The department has reviewed the Oil and Grease data and sampling frequency. No Oil and Grease sheens were observed during the previous permit cycle. The department proposes to

continue with the conditional 10 mg/l (daily maximum) limitation when a sheen is present with a sampling frequency of conditional/daily.

Ammonia as N
The department has conducted a reasonable potential analysis for ammonia as N. Based upon this analysis it was determined that there was no reasonable potential to exceed the "North Dakota Standards of Quality for Waters of the State" for ammonia as N (**Appendix C**). Though there is no reasonable potential, dischargers cannot violate or cause a violation of the water quality standards as permits only allow the discharge of pollutants specified in the permit. The department has determined to include effluent limitations for ammonia as N based upon the calculations in NDAC 33-16-02.1 for ammonia.

Please refer to Table 7 of this fact sheet for the proposed ammonia as N limits.

Escherichia coli
The department has reviewed the *E. coli* data and sampling frequency. There were zero (0) exceedances for this parameter. The department proposes to continue with a 126 #/100ml (30-day geometric average) and 409 #/100ml (Daily maximum) limitations with sampling frequency of three (3) times per week.

Phosphorus and Nitrogen (Nutrients)
No phosphorus and nitrogen discharge limits currently exist for this facility. The permittee is required to continue to sample and report total phosphorus and total nitrogen during this permit cycle.

During the last permit cycle, the facility reported components of total nitrogen (TKN and nitrate & nitrite). In order to align with the state nutrient reduction strategy, the department proposes to change sampling and reporting requirements from TKN and nitrate & nitrite to simply total nitrogen.

Metals
EPA strongly recommends analysis of all metals to document limit development as per 40 CFR 124.56.3. The department developed a tool (Refer to Appendix C) to evaluate a single sample result (Maximum result during previous permit cycle) to the North Dakota Standards of Quality for Waters of the State. A detailed explanation of the calculations and limits for the parameters listed can be found in ch 33-16-02.1-9 Table 1, 01/2007.

Parameters indicated as "HD-Hardness Dependent" are less toxic as the calcium carbonate hardness of the receiving stream increases. The calcium carbonate hardness of the effluent or the receiving stream is entered in the spreadsheet.

Mercury was the only parameter needing further evaluation based on the spreadsheet results found in Appendix C – below is the evaluation and the department's proposal for mercury.

Mercury
The department has reviewed the mercury data and sampling frequency. An area wide issue regarding mercury analysis is the laboratory detection level of 0.20 ug/l is higher than the 4-day chronic water-quality standard of 0.012 ug/l. The analytical laboratories in the area do not routinely provide mercury analysis at extremely low detection limits. The department is aware

that a conclusive determination will be dependent on the availability of practical and reliable low-level mercury testing. This may also require using ultra clean techniques and additional certification. Due to laboratory limitations for mercury analysis, the department will accept mercury sample results at 0.0002 mg/l or 0.2 ug/l (detection level).

The consideration of the discharge on an in-stream standard is also dependent on river sample data to establish ambient water quality with respect to mercury. The ambient water quality data available from the local USGS gauging station has a detection limit of 0.10 ug/l. Outfall 009 discharges into a segment of the Red River of the North listed on the 303d list for methyl mercury.

All mercury samples from the Grand Forks WWTP during the last permit period were non-detectable. The current 4-day chronic mercury water quality standard is 0.012 ug/l. Currently, the department has no evidence that discharges from this facility would present a reasonable potential to cause a water quality standard violation for mercury. During the previous permit cycle, Grand Forks completed and submitted to the department a mercury pollution minimization plan as detailed in the Special Conditions section.

Whole Effluent Toxicity (WET)

The department has reviewed the WET testing data and sampling frequency.
The facility had no acute WET failures during the previous permit cycle. Therefore, the department will not conduct a reasonable potential analysis for acute WET.

The department is proposing to decrease the sampling frequency of monthly to quarterly based on BPJ, permit data, and other like permits.

The department is proposing the following requirements for WET testing:

Outfall 009
WET tests shall be performed at least once per calendar quarter (during discharge) on both species. This requirement may be reduced upon requesting a reduction to toxicity testing – refer to the "**Reduced Monitoring For Toxicity Testing"** outlined in the permit**.**

Acute test failure (LC50) is defined as lethality to 50% or more of the test organisms exposed to 100% effluent for *Ceriodaphnia dubia* 48-hour and fathead minnow 96-hour test. The 48-hour and 96-hour LC50 effluent value must be >100% or <1.0 TUa to indicate a passing test. Any 48 hour or 96-hour LC50 effluent value of <100% or >1.0 TUa will constitute a failure. Tests in which the control survival is less than 90% are invalid and must be repeated.

Table 10: Acute WET requirements for **Outfall 009**

Implementation	Limitations Imposed					
Effluent Dilution	0%(Control)	12.5%	25%	50%	75%	100%
Dilution Water	**Red River of the North** [a]					
Testing Type	Acute Toxicity					
Species and Test Type	*Ceriodaphnia dubia* 48 Hour Acute Static Renewal 20ºC					
	Pimephales promelas 96 Hour Acute Static Renewal 20°C					

Endpoint	Survival reported as TU_a
Compliance Point	End of pipe
Sample Frequency	1/Quarter
Sample Type	Grab
Maximum Daily Limit (MDL)	<1 TU_a
Average Monthly Limit (AML)	<1 TU_a
Test Failure	The 48-hour LC_{50} effluent value must be <1 TU_a to indicate a passing test. Any 48-hour LC_{50} effluent value >1 TU_a will constitute a failure. Tests in which the control survival is less than 90% are invalid and must be repeated.
Reporting Requirements	The permittee shall report the following results of each toxicity test on the DMR for that reporting period: Report the highest TU_a for *Ceriodaphnia dubia*, Parameter No. TSM3B. Report the highest TU_a for *Pimephales promelas*, Parameter No. TSN6C.
If toxicity occurs in a routine test, an additional test shall be initiated within 14 days from the date of the initial toxicity findings. Should there be no discharge during a specified sampling time frame; sampling shall be performed as soon as there is a discharge. Should toxicity occur in the second test, testing shall be conducted at a frequency of once a month and the implementation of a 5.Toxicity Reduction Evaluation (TRE) shall be determined by the department. If no toxicity is found in the second test, testing shall occur as outlined in the permit. a. When dangerous sampling conditions exist for personnel (i.e. thin ice, melting ice, flooding, etc.) the permittee may utilize moderately hard reconstituted water upon request and approval by the department.	

The department is proposing to continue with TU_a of less than 1 (<1) in order to meet the requirements of NDAC 33-16-02.1-08(a)(4), which states that "[a]ll waters of the state shall be:…Free from substances attributable to municipal, industrial, or other discharges or agricultural practices in concentrations or combinations 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." This limit will need to be met at the end-of-pipe with no allowance for a zone of initial dilution (ZID), in accordance with NDAC 33-16-02.1, Appendix III, which states: "Acute whole effluent toxicity (WET) limits shall be achieved at the end-of-pipe with no allowance for a ZID."

Acute toxicity test requirements are set out in the latest revision of *"Methods for Measuring the Acute Toxicity of Effluents to Freshwater and Marine Organisms,*" EPA-821-R-02-012 (Fifth Ed., October 2002).

Chronic Toxicity Testing

The department conducted a reasonable potential (RP) analysis for TU_c due to a chronic WET test result of 1.16 TU_c. Based on the RP analysis (Appendix C), the department determined that no RP existed. The department is proposing to reduce monitoring for chronic toxicity based on best professional judgement, DMR results from the previous permit (one test result of 1.16 TU_c and thirty-two results < 1.0 TU_c),and comparing monitoring requirements from like facilities permitted in North Dakota. The department is proposing reducing the monitoring frequency

from one chronic WET test per quarter while discharging to one chronic WET test per year during discharge with an evaluation to during the next permit cycle.

Below are the monitoring requirements for chronic WET testing.

Table 11: Chronic WET requirements for **Outfall 009**						
Implementation	Monitoring Only					
Effluent Dilution	0%(Control)	6.25%	12.5%	25%	50%	100%
Dilution Water	**Red River of the North**					
Species and Test Type	*Ceriodaphnia dubia* – 7-Day Chronic – Static Renewal – 25ºC					
	Fathead Minnow – 7-Day Chronic – Static Renewal – 25ºC					
Endpoint	Survival and Reproduction (*Ceriodaphnia dubia)* – IC25 reported as TUc					
	Larval Growth and Survival (Fathead Minnow) – IC25 reported as TUc					
Compliance Point	Monitoring Only					
Sample Frequency	1/Year					
Test Acceptability	Test acceptability for *Daphnia dubia* chronic must have a 80% or greater survival of all control organisms and an average of 15 or more young per surviving female in the control solutions, and 60% of surviving control females must produce three broods. If this condition is not satisfied, the test must be repeated. Test acceptability for *Pimephales promelas* chronic must have 80% or greater survival in controls and an average dry weight per surviving organism in control chambers equals or exceeds 0.25 mg. If this condition is not satisfied, the test must be repeated.					
Reporting Requirements	The permittee shall report the following results of each toxicity test on the DMR for that reporting period: ***Pimephales promelas* (Fathead Minnow)** Report the highest TU_c for Fathead minnow, Parameter No. TTP3B ***Ceriodaphnia dubia* (Water Flea)** Report the highest TU_c for *Ceriodaphnia dubia*, Parameter No. TTB6C. The facility shall request their WET testing providers to report a TU_a for a 48-hour survival *Ceriodaphnia dubia* and for *Pimephales promelas* which can be derived from the chronic test. The reason for this is to develop a representative Acute-to-Chronic (ACR) which is used in determining reasonable potential and/or permit limitations.					

The chronic toxicity tests shall be conducted in general accordance with the procedures set out in the latest revision of "*Short Term Methods for Estimating the Chronic Toxicity of Effluents and*

Receiving Waters to Freshwater Organisms," EPA-821-R-02-013 (Fourth Ed., October 2002) . Test species shall consist of freshwater fleas, *Ceriodaphnia dubia* and fathead minnows, *Pimephales promelas*.

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

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

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.

OTHER PERMIT CONDITIONS

Pretreatment
The department has been delegated authority to administer the Industrial Pretreatment Program in 2005. With the delegation of authority, the department issues wastewater discharge permits for significant industrial users to POTWs that have not been delegated authority to issue their own industrial wastewater discharge permits. The requirements for approved pretreatment programs are contained in 40 CFR 403.

Grand Forks' pretreatment program was approved by the EPA in 1986. With an approved pretreatment program, the permit shall contain general pretreatment language and requirements. In addition to the general limitations and requirements, the permittee shall sample and analyze the following:

Table 12: Additional sampling requirements.	
	Minimum Frequency of Monitoring
Table II Priority Pollutants 40 CFR 122 Appendix D	1 every other year
Table III Metals 40 CFR 122 Appendix D	1/Year

Table 13: Monitoring requirements from 40 CFR 122 Appendix D Table III				
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 [a]				

Notes:

a. A total hardness of the receiving stream needs to be determined every time the above parameters are tested. The hardness is used to calculate parameter criterion(s) according to the North Dakota State Water Quality Standards.

Sanitary Sewer Overflows (SSOs)
To assure proper implementation relating to SSOs, POTWs may be required to implement special conditions in their NDPDES permit (see 40 CFR 122.41 and 122.42). These conditions apply to portions of the collection system for which the permittee has ownership or has operational control. Standard permit conditions that have particular application to SSOs and municipal sanitary sewer collection systems are discussed below.

The previous permit reissuance eliminated the following discharge points. These will continue to be categorized as SSOs in this permit reissuance:

- Point 007 was associated with an overflow from lift station #17 (master lift station) which is located near highway 81 North and Columbia Road.
- Point 008 was associated with an overflow from lift station #17A, located near Highway 81 North and Columbia Road.
- Point 010 was associated with the force mains at the old sewage treatment plant which is located near Mill Road and North 20th Street.

The city of Grand Forks identified areas that experience infiltration/inflow (I & I) into the collection system during the spring season. These areas are located in an older section of the city which includes the downtown district. These sources of inflow/infiltration into the collection system need to be addressed. Four lift stations have also been identified in this area with overflows to the river. During heavier rain events, the pumps in these lift stations cannot keep up with the volume of water and a portion of the diluted wastewater has the potential to make its way to the river without any treatment. These lift stations (1 - 4) were originally designed with an overflow to prevent sewer backup in homes and businesses. At the present, any potential overflow associated with lift station 1, 2, and 4 are uncontrolled while the overflow from lift station 3 is controlled (valved). Overflows from manholes and lift stations associated with wet weather events have been termed Sanitary Sewer Overflows (SSOs) by EPA. Rules have been drafted to address discharges from SSOs and are posted in the Federal Register.

Reporting, Record Keeping, and Public Notification for Unauthorized Sanitary Sewer Overflows.

1. **Immediate Reporting**

   A. The permittee shall report to the department any sanitary sewer overflow or any unauthorized sanitary sewer overflow that the permittee owns and/or operates. Any information shall be provided as directed in the **24-Hour Notice of Noncompliance Reporting** section of the permit and as listed below. At a minimum, the report shall identify:

i. The location of the overflow;
ii. The receiving water (if there is one);
iii. The duration of the overflow; and
iv. The estimated volume of the overflow.

B. An overflow is any spill, release, or diversion of municipal sewage, including:

i. An overflow that results in a discharge to water of the state; and

ii. An overflow of wastewater, including a wastewater backup into a building (other than a backup caused solely by a blockage or other malfunction in a privately-owned sewer or building lateral), even if that overflow does not reach waters of the state.

2. **Written Reports**

A. The permittee shall also provide a written report to the department for any overflow identified under paragraph 1 of this section within five (5) days from the time the permittee becomes aware of the circumstances. The written report shall contain a description of:

i. The location of the overflow;
ii. The receiving water (if there is one);
iii. An estimate of the overflow volume;
iv. A description of the sewer-system component that caused the release (e.g. manhole, constructed overflow pipe, pipe break, etc.);

v. The estimated date and time when the overflow began and stopped or will be stopped;
vi. The cause or suspected cause of the overflow;
vii. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the overflow and a schedule of major milestones for those steps;
viii. If possible, the number of persons who came into contact with wastewater from the overflow; and
ix. Steps taken or planned to mitigate the impact(s) from the overflow and a schedule of major milestones for those steps.

B. The Department may waive the written report on a case-by-case basis for reports under paragraph A. of this section if the verbal report required under Part II paragraph 1 has been received within twenty-four (24) hours.

C. Discharge Monitoring Reports (DMRs) – the permittee shall report any overflow that is not reported under Part II.1 or 2.A. in the DMR required by this permit. The DMR shall contain the information listed in Part II 2.A of this permit.

3. Record Keeping

The permittee must maintain a record of the following information for a period of a t least three (3) years from the date of the reported overflow event:

A. Any report submitted under paragraph 2 above; and

B. Any report, including work orders that are associated with investigation of system problems related to an overflow that describes the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the overflow, or documents system performance.

4. Notice

The Department may require the permittee to notify specified parties of overflows that may endanger health. Where the permittee is required to make such notification, the following can be used:

A. The permittee is to develop a plan describing how to notify, under various overflow (and unanticipated bypass and upset) scenarios, the public and other entities of overflows that may endanger health.
B. This plan should identify all reportable overflows and the specific information reported to each entity receiving notification.
C. The permittee must immediately notify the public, health agencies, and other affected entities (e.g. public water systems) of any sanitary sewer overflow that the permittee controls.
D. The permittee shall sample at the SSO location(s) and at any receiving water to identify and illustrate any potential impacts on the receiving stream. These data must be reported to any downstream users.

5. Proper Operation and Maintenance

The permittee is to implement proper operation and maintenance of the collection system (40 CFR 122.41(d) and (e)). At the request of the department, this may include the development and implementation of capacity, management, operation, and management (CMOM) programs.

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.

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 the **Grand Forks, City of**. 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 6, 2018** in the **Grand Forks Herald** to inform the public and to invite comment on the proposed draft North Dakota Pollutant Discharge Elimination System permit and fact sheet.

The Notice –

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

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

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

The primary author of this permit and fact sheet is Jeff Roerick.

APPENDIX B - **DEFINITIONS Standard Permit** BP 2013.12.31

1. "**Act**" means the Clean Water Act.

2. "**Average monthly discharge limitation**" means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

3. "**Average weekly discharge limitation**" means the highest allowable average of "daily discharges" over a calendar week, calculated as the sum of all "daily discharges" measured during a calendar week divided by the number of "daily discharges" measured during that week.

4. "**Best management practices**" (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage areas.

5. "**Bypass**" means the intentional diversion of waste streams from any portion of a treatment facility.

6. "**Composite**" sample means a combination of at least 4 discrete sample aliquots, collected over periodic intervals from the same location, during the operating hours of a facility not to exceed a 24-hour period. The sample aliquots must be collected and stored in accordance with procedures prescribed in the most recent edition of Standard Methods for the Examination of Water and Wastewater.

7. "**Daily discharge**" means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the day.

8. "**Department**" means the North Dakota Department of Health, Division of Water Quality.

9. "**DMR**" means discharge monitoring report.

10. "**EPA**" means the United States Environmental Protection Agency.

11. "**Geometric mean**" means the n^{th} root of a product of n factors, or the antilogarithm of the arithmetic mean of the logarithms of the individual sample values.

12. "**Grab**" for monitoring requirements, means a single "dip and take" sample collected at a representative point in the discharge stream.

13. "**Instantaneous**" for monitoring requirements, means a single reading, observation, or measurement. If more than one sample is taken during any calendar day, each result obtained shall be considered.

14. "**Maximum daily discharge limitation**" means the highest allowable "daily discharge."

15. **"Salmonid"** means of, belonging to, or characteristic of the family Salmonidae, which includes the salmon, trout, and whitefish.

16. "**Sanitary Sewer Overflows (SSO)**" means untreated or partially treated sewage overflows from a sanitary sewer collection system.

17. "**Severe property damage**" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

18. "**Total drain**" means the total volume of effluent discharged.

19. "**Upset**" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

DEFINITIONS Whole Effluent Toxicity (WET) BP 2017.04.06

20. "**Acute toxic unit"** ("TUa") is a measure of acute toxicity. TUa is the reciprocal of the effluent concentration that causes 50 percent of the organisms to die by the end on the acute exposure period (i.e., 100/"LC50").

21. "**Chronic toxic unit"** ("TUc") is a measure of chronic toxicity. TUc is the reciprocal of the effluent concentration that causes no observable effect on the test organisms by the end of the chronic exposure period (i.e., 100/"IC25").

22. "**Inhibition concentration**", ("IC"), is a point estimate of the toxicant concentration that causes a given percent reduction (p) in a non-quantal biological measurement (e.g., reproduction or growth) calculated from a continuous model (e.g., Interpolation Method).

23. "**LC50**" means the concentration of toxicant (e.g., effluent) which is lethal to 50 percent of the organisms exposed in the time period prescribed by the test.

24. "**No observed effect concentration**", ("NOEC"), is the highest concentration of toxicant (e.g., effluent) to which organisms are exposed in a chronic toxicity test [full life-cycle or partial life-cycle (short term) test], that causes no observable adverse effects on the test organisms (i.e., the highest concentration of effluent in which the values for the observed responses are not statistically significantly different from the controls).

APPENDIX C – DATA AND TECHNICAL CALCULATIONS

DFLOW

The department obtained stream flow data from USGS site 05082500 from April 1, 2000 to March 31,2018. Below are the critical low flows calculated by DFLOW (3.1b).

DFLOW 1B3 (ACUTE)	428	CFS
DFLOW 4B3 (CHRONIC)	437	CFS
DFLOW 1Q10 (ACUTE)	498	CFS
DFLOW 7Q10 (CHRONIC)	545	CFS
DFLOW 30B10 (AMMONIA)	532	CFS

REASONABLE POTENTIAL

Ammonia

The reasonable potential determination for ammonia is provided below. The determination is conducted utilizing the Technical Support Document for Water Quality-based Toxics Control, EPA/505/2-90-001, March 1991 (TSD; March 1991). The coefficient of variation was calculated to be 0.8.

Receiving Water Concentration (RWC)
Reasonable Potential (RP)
Determination

Technical Support Document (TSD) For Water Quality-based Toxics Control
EPA/505/2-90-001; March 1991

Facility Name:	Grand Forks		Receiving Strear	Red River of the North	
NDPDES Permit:	ND0022888		1Q10 Acute	498	cfs
Daily Maximum Flow (mgd):	36.55		1B3 Acute	428	cfs
Daily Average Flow (mgd):	13.98		7Q10 Chronic	545	cfs
Stream Design Mixing:	10.0%		4B3 Chronic	437	cfs
Statistical Multiplier:	2.9				
Upstream Concentration:	1.0000	mg/l		**Parameter:**	
Effluent Concetration (max):	7.5900	mg/l		**Ammonia as N**	
RWC	(StatQeCe)+(Cs(pmf)Qs) / Qe+(pmf)Qs			**Outfall:** **009**	

RWC = Receiving water concentration, the resultant magnitude of concentration in the receiving water after effluent discharge concentration (also known as the in-stream waste
Stat = Statistical multiplier for effluent parameter (Table 3-1 and 3-2; page 57 of the TSD)
Qe = Effluent Design Flow
Ce = Highest effluent concentration reported.
pmf = Partial mix factor, percent of Qs allowed for mixing by State authority.
Qs = Receiving Water Flow (1Q10 or 1B3 for acute and 7Q10 or 4B3 for chronic)
Cs = Background concentration of the receiving water.

Qe - Acute	36.55	mgd	Qs - 1Q10	321.71	mgd
Qe - Chronic	13.98	mgd	Qs - 1B3	276.49	mgd
Ce	7.5900	mg/l	Qs - 7Q10	352.07	mgd
Cs	1.0000	mg/l	Qs - 4B3	282.30	mgd
Stat	2.90				
pmf	10.0%				
Acute RP			Chronic RP		
RWC - 1Q10	12.1750	mg/l	RWC - 7Q10	6.9718	mg/l
RWC - 1B3	12.9621	mg/l	RWC - 4B3	7.9588	mg/l
Criterion Maximum Concentration (CMC)			Criterion Continuous Concentration (CCC)		
Acute Criterion	9.41	mg/l	Chronic Criterion	1.5500	mg/l

If the calculated RWC is greater than its respective criterion then there is RP and if RWC is less than the criterion then there is no RP.

CMC RP Present:		**CCC RP Present:**	
1Q10 Acute OR	**YES**	**7Q10 Chronic OR**	**YES**
1B3 Acute	**YES**	**4B3 Chronic**	**YES**

The department used the following criteria to determine the acute and chronic ammonia criterion for the reasonable potential analysis.

Flow Variable Calculated Effluent Ammonia Concentrations in mg/l												Estimated	
Discharger:	Grand Forks							Enter the upstream ammonia in mg/l:				90th %	1.00
Stream:								Enter the receiving stream pH:				90th %	7.94
Enter receiving stream flow (CFS):								Enter the receiving stream temperature in Deg C:	73 F			Yes	22.82
Mixing Zone Percentage/CFS:		10%	0.0					Enter the effluent drain rate (MGD):				Yes	33.90
Enter increments to calculate stream flow:			1.0					Enter increments to calculate drain rate:					10.0
											Mixing Zone Dilution Rate:		1.0
											Overall Dilution Rate:		1.0
Maximum allowable ammonia in mg/l													
		Water Quality Standard:		9.4085		Water Quality Standard:			3.8780		Water Quality Standard:		1.5512
	Intermittent 1hr Acute				Intermittent 4 Day Chronic				Continuous 30 Day Chronic				
DRAIN MGD	→ 23.90	33.90	43.90	53.90	23.90	33.90	43.90	53.90	23.90	33.90	43.90	53.90	
STREAM FLOW in CFS													
-4.00	8.50	8.77	8.91	9.01	3.57	3.66	3.71	3.74	1.49	1.51	1.52	1.52	
-3.00	8.73	8.93	9.04	9.11	3.64	3.71	3.75	3.77	1.51	1.52	1.53	1.53	
-2.00	8.95	9.09	9.16	9.21	3.72	3.77	3.79	3.81	1.52	1.53	1.53	1.54	
-1.00	9.18	9.25	9.28	9.31	3.80	3.82	3.84	3.84	1.54	1.54	1.54	1.54	
0.00	9.41	**9.41**	9.41	9.41	3.88	**3.88**	3.88	3.88	1.55	**1.55**	1.55	1.55	
1.00	9.64	9.57	9.53	9.51	3.96	3.93	3.92	3.91	1.57	1.56	1.56	1.56	
2.00	9.86	9.73	9.66	9.61	4.03	3.99	3.96	3.95	1.58	1.57	1.57	1.56	
3.00	10.09	9.89	9.78	9.71	4.11	4.04	4.01	3.98	1.60	1.58	1.58	1.57	
4.00	10.32	10.05	9.90	9.81	4.19	4.10	4.05	4.02	1.61	1.59	1.58	1.58	

Whole Effluent Toxicity (WET)
The reasonable potential determination for WET is provided below. The determination is conducted utilizing the Technical Support Document for Water Quality-based Toxics Control, EPA/505/2-90-001, March 1991 (TSD; March 1991). The coefficient of variation used was 0.7.

Whole Effluent Toxicity (WET)
Reasonable Potential (RP)
Determination

Technical Support Document (TSD) For Water Quality-based Toxics Control
EPA/505/2-90-001; March 1991

Facility Name:	Grand Forks		Receiving Stream	Red River of the North	
NDPDES Permit:	ND0022888		1Q10 Acute	498	cfs
Effluent Flow (mgd):		36.550	1B3 Acute	428	cfs
Stream Design Mixing:		10.0%	7Q10 Chronic	545	cfs
WET TUc (max):		1.16	4B3 Chronic	437	cfs
ACR:		10.00			
Statistical Multiplier:		1.4			
	RWC	StatQeCe / Qe+(pmf)Qs		Outfall: 009	

RWC = Receiving water concentration, the resultant magnitude of toxicity in the receiving water after effluent discharge in TUs (also known as the in-stream waste concentration)
Stat = Statistical multiplier for effluent parameter (Table 3-1 and 3-2; page 57 of the
Qe = Effluent Design Flow
Ce = Highest Toxicity Unit (TU) reported. (Use 1 if no WET data is available.)
pmf = Partial mix factor, percent of Qs allowed for mixing by State authority.
Qs = Receiving Water Flow (1Q10 or 1B3 for acute and 7Q10 or 4B3 for chronic)

Qe	36.550	mgd	Qs - Acute	321.708	mgd
Ce	1.16	TU	Qs - Acute 1B3	276.488	mgd
pmf	10.0%		Qs - Chronic	352.070	mgd
Stat	1.4		Qs - Chronic 4B3	282.302	mgd
ACR	10.00				
Acute RP			Chronic RP		
RWC - 1Q10	0.1	TU	RWC - 7Q10	0.8	TU
RWC - 1B3	0.1	TU	RWC - 4B3	0.9	TU

Criterion Maximum Concentration (CMC)			Criterion Continuous Concentration (CCC)		
Acute Criterion	0.3	TUa	Chronic Criterion	1.0	TUc

If the calculated RWC is greater than its respective criterion then there is RP and if RWC is less than the criterion then there is no RP.

CMC RP Present:		**CCC RP Present:**	
1Q10 Acute OR	**NO**	**7Q10 Chronic OR**	**NO**
1B3 Acute	**NO**	**4B3 Chronic**	**NO**

The North Dakota State Water Quality Standards (WQS) Chapter 33-16-02.1 use biologically based design flows to determine Whole Effluent Toxicity (WET) limits for acute and chronic endpoints.

Metals Analysis

The department conducted a metals analysis utilizing the maximum concentration for the identified metals and compared them to the WQS. Parameters which were below method detection level were entered at the detection limit value.

The NDDoH has developed the following tool to evaluate a single sample result to the North Dakota Standards of Quality for Waters of the State. A detailed explanation of the calculations and limits for the parameters listed can be found in ch 33-16-02.1-9 Table 1, 01/2007.

Parameters indicated as "HD-Hardness Dependent" are less toxic as the calcium carbonate hardness of the receiving stream increases. The calcium carbonate hardness of the effluent or the receiving stream is entered above. A hardness value in grains per gallon can also be entered.

Items in bold or an * indicate a parameter that needs further evaluation. Parameters listed above must be analyzed using an EPA approved method that has a detection limit at or below the limits as listed in the current version of the North Dakota Standards of Quality for Waters of the State ch33-16-02.

Facility Name			Grand Forks, City of			Print Date:		10/15/2018	
Location			Outfall 009			Below are the current or calculated acute and chronic standards based on the data entered.			
Enter Grains/Gallon or				0					
Hardness - Total (CaCO3) mg/l				588					
Multiplying Factor:									
Enter Concentration Values						µg/l		µg/l	
Parameter		Detect	mg/l	µg/l	µg/l	Acute		Chronic	
Antimony		<		2	**2**				
Arsenic				6.6	**6.6**	340		150	
Beryllium		<		0.5	**0.5**				
Cadmium	HD			0.8	**0.8**	12.9		1.01	
Chromium - Total					**7.4**				
Chromium (III)	HD				0	7694		368	
Chromium (VI)					0	16		11	
Copper	HD			11.2	**11.2**	74		42.4	
Lead	HD			1	**1**	779		42.4	
Mercury				0.2	**0.2**	1.7		**0.012**	
Molybdenum - Total					0				
Nickel	HD			15.1	**15.1**	2100		233.5	
Selenium				10	**10**	20		**5**	
Silver	HD			0.05	**0.05**	80			
Thallium		<		0.4	**0.4**				
Zinc	HD			60	**60**	538		537.5	
Cyanide - Total		<	0.02		**20**	22		**5.2**	
Phenols			0.088		**88**				

Comments:
The maximum values reported for each parameter from discharges that occurred from January 1, 2014 - December 31, 2017 were used. Non-detects were entered at the detection limit value.

Antimony: All sample results were below method detection level. No further analysis was conducted.
Beryllium: All sample results were below method detection level. No further analysis was conducted.
Thallium: All sample results were below method detection level. No further analysis was conducted.
Cyanide - Total: All sample results were below method detection level. No further analysis was conducted.
Selenium - Total: All sample results were below method detection level. No further analysis was conducted.

APPENDIX D – RESPONSE TO COMMENTS

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

DRAFT

Permit No: ND0022888
Effective Date: January 01, 2019
Expiration Date: December 31, 2023

AUTHORIZATION TO DISCHARGE UNDER THE

NORTH DAKOTA POLLUTANT DISCHARGE ELIMINATION SYSTEM

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

the City of Grand Forks

is authorized to discharge from the Outfall identified on page 5

to Red River of the North, 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, 2023

Signed this _____ day of _____, _____.

_____

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

BP 2014.06.12

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DEFINITIONS STANDARD PERMIT BP 2013.12.31

1. "**Act**" means the Clean Water Act.

2. "**Average monthly discharge limitation**" means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

3. "**Average weekly discharge limitation**" means the highest allowable average of "daily discharges" over a calendar week, calculated as the sum of all "daily discharges" measured during a calendar week divided by the number of "daily discharges" measured during that week.

4. "**Best management practices**" (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage areas.

5. "**Bypass**" means the intentional diversion of waste streams from any portion of a treatment facility.

6. "**Composite**" sample means a combination of at least 4 discrete sample aliquots, collected over periodic intervals from the same location, during the operating hours of a facility not to exceed a 24-hour period. The sample aliquots must be collected and stored in accordance with procedures prescribed in the most recent edition of Standard Methods for the Examination of Water and Wastewater.

7. "**Daily discharge**" means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the day.

8. "**Department**" means the North Dakota Department of Health, Division of Water Quality.

9. "**DMR**" means discharge monitoring report.

10. "**EPA**" means the United States Environmental Protection Agency.

11. "**Geometric mean**" means the n^{th} root of a product of n factors, or the antilogarithm of the arithmetic mean of the logarithms of the individual sample values.

12. "**Grab**" for monitoring requirements, means a single "dip and take" sample collected at a representative point in the discharge stream.

13. "**Instantaneous**" for monitoring requirements, means a single reading, observation, or measurement. If more than one sample is taken during any calendar day, each result obtained shall be considered.

14. "**Maximum daily discharge limitation**" means the highest allowable "daily discharge."

15. **“Salmonid”** means of, belonging to, or characteristic of the family Salmonidae, which includes the salmon, trout, and whitefish.

16. "**Sanitary Sewer Overflows (SSO)**" means untreated or partially treated sewage overflows from a sanitary sewer collection system.

17. “**Severe property damage**” means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

18. “**Total drain**” means the total volume of effluent discharged.

19. “**Upset**” means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

DEFINITIONS Whole Effluent Toxicity (WET) BP 2017.04.06

20. “**Acute toxic unit”** (“TUa”) is a measure of acute toxicity. TUa is the reciprocal of the effluent concentration that causes 50 percent of the organisms to die by the end on the acute exposure period (i.e., 100/”LC50”).

21. “**Chronic toxic unit”** (“TUc”) is a measure of chronic toxicity. TUc is the reciprocal of the effluent concentration that causes no observable effect on the test organisms by the end of the chronic exposure period (i.e., 100/”IC25”).

22. “**Inhibition concentration**”, (“IC”), is a point estimate of the toxicant concentration that causes a given percent reduction (p) in a non-quantal biological measurement (e.g., reproduction or growth) calculated from a continuous model (e.g., Interpolation Method).

23. “**LC50**” means the concentration of toxicant (e.g., effluent) which is lethal to 50 percent of the organisms exposed in the time period prescribed by the test.

24. “**No observed effect concentration**”, (“NOEC”), is the highest concentration of toxicant (e.g., effluent) to which organisms are exposed in a chronic toxicity test [full life-cycle or partial life-cycle (short term) test], that causes no observable adverse effects on the test organisms (i.e., the highest concentration of effluent in which the values for the observed responses are not statistically significantly different from the controls).

PERMITTED OUTFALL DESCRIPTION

Outfall 009 - **Active. Final Outfall.** Any discharge is conveyed via a 4.5-mile pipeline that has a diameter of sixty inches at the headworks then reduced to fifty-four inches by the time is reaches the outfall to the river. All discharge water is generated from the waste stabilization ponds and the mechanical treatment plant.		
Latitude: 47.976667	Longitude: -97.058333	County: Grand Forks
Receiving Stream: Red River of the North		Classification: Class I
Outfalls 007, 008, and 010 will continue to be deactivated during this permit cycle. Please refer to the "Special Conditions" of the permit for monitoring and reporting requirements.		

PERMIT SUBMITTALS SUMMARY

Coverage Point	Submittal	Frequency	First Submittal Date
009A	Discharge Monitoring Report – Conventional Pollutants	1/Month	February 28, 2019
009W	Discharge Monitoring Report- Acute Whole Effluent Toxicity	1/Month	February 28, 2019
009W	Discharge Monitoring Report- Chronic Whole Effluent Toxicity	1/Year	January 31, 2020
009M	Discharge Monitoring Report- Metals Analysis	1/Year	January 31, 2020
Application Renewal	NPDES Application Renewal	1/permit cycle	July 1, 2023
Note: The A, M, and W are pollutant designators referring to: Conventional (A), Metals (M), and Whole Effluent Toxicity (W).			

SPECIAL CONDITIONS

Sanitary Sewer Overflows (SSOs)

To assure proper implementation relating to SSOs, POTWs may be required to implement special conditions in their NDPDES permit (see 40 CFR 122.41 and 122.42). These conditions apply to portions of the collection system for which the permittee has ownership or has operational control. Standard permit conditions that have particular application to SSOs and municipal sanitary sewer collection systems are discussed below.

The previous permit reissuance eliminated the following discharge points. These will continue to be categorized as SSOs in this permit reissuance:

- Point 007 was associated with an overflow from lift station #17 (master lift station) which is located near highway 81 North and Columbia Road.
- Point 008 was associated with an overflow from lift station #17A, located near Highway 81 North and Columbia Road.
- Point 010 was associated with the force mains at the old sewage treatment plant which is located near Mill Road and North 20th Street.

The city of Grand Forks identified areas that experience infiltration/inflow (I & I) into the collection system during the spring season. These areas are in an older section of the city which includes the downtown district. These sources of inflow/infiltration into the collection system need to be addressed. Four lift stations have also been identified in this area with overflows to the river. During heavier rain events, the pumps in these lift stations cannot keep up with the volume of water and a portion of the

diluted wastewater has the potential to make its way to the river without any treatment. These lift stations (1 - 4) were originally designed with an overflow to prevent sewer backup in homes and businesses. At the present, any potential overflow associated with lift station 1, 2, and 4 are uncontrolled while the overflow from lift station 3 is controlled (valved). Overflows from manholes and lift stations associated with wet weather events have been termed Sanitary Sewer Overflows (SSOs) by EPA. Rules have been drafted to address discharges from SSOs and are posted in the Federal Register.

Reporting, Record Keeping, and Public Notification for Unauthorized Sanitary Sewer Overflows.

1. **Immediate Reporting**

   A. The permittee shall report to the department any sanitary sewer overflow or any unauthorized sanitary sewer overflow that the permittee owns and/or operates. Any information shall be provided as directed in the **24-Hour Notice of Noncompliance Reporting** section of the permit and as listed below. At a minimum, the report shall identify:

      i. The location of the overflow;
      ii. The receiving water (if there is one);
      iii. The duration of the overflow; and
      iv. The estimated volume of the overflow.

   B. An overflow is any spill, release, or diversion of municipal sewage, including:

      i. An overflow that results in a discharge to water of the state; and

      ii. An overflow of wastewater, including a wastewater backup into a building (other than a backup caused solely by a blockage or other malfunction in a privately-owned sewer or building lateral), even if that overflow does not reach waters of the state.

2. **Written Reports**

   A. The permittee shall also provide a written report to the department for any overflow identified under paragraph 1 of this section within five (5) days from the time the permittee becomes aware of the circumstances. The written report shall contain a description of:

      i. The location of the overflow;
      ii. The receiving water (if there is one);
      iii. An estimate of the overflow volume;
      iv. A description of the sewer-system component that caused the release (e.g. manhole, constructed overflow pipe, pipe break, etc.);

      v. The estimated date and time when the overflow began and stopped or will be stopped;
      vi. The cause or suspected cause of the overflow;
      vii. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the overflow and a schedule of major milestones for those steps;
      viii. If possible, the number of persons who came into contact with wastewater from the overflow; and
      ix. Steps taken or planned to mitigate the impact(s) from the overflow and a schedule of major milestones for those steps.

B. The Department may waive the written report on a case-by-case basis for reports under paragraph A. of this section if the verbal report required under Part II paragraph 1 has been received within twenty-four (24) hours.

C. Discharge Monitoring Reports (DMRs) – the permittee shall report any overflow that is not reported under Part II.1 or 2.A. in the DMR required by this permit. The DMR shall contain the information listed in Part II 2.A of this permit.

3. Record Keeping

The permittee must maintain a record of the following information for a period of a t least three (3) years from the date of the reported overflow event:

A. Any report submitted under paragraph 2 above; and

B. Any report, including work orders that are associated with investigation of system problems related to an overflow that describes the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the overflow, or documents system performance.

4. Notice

The Department may require the permittee to notify specified parties of overflows that may endanger health. Where the permittee is required to make such notification, the following can be used:

A. The permittee is to develop a plan describing how to notify, under various overflow (and unanticipated bypass and upset) scenarios, the public and other entities of overflows that may endanger health.
B. This plan should identify all reportable overflows and the specific information reported to each entity receiving notification.
C. The permittee must immediately notify the public, health agencies, and other affected entities (e.g. public water systems) of any sanitary sewer overflow that the permittee controls.
D. The permittee shall sample at the SSO location(s) and at any receiving water to identify and illustrate any potential impacts on the receiving stream. These data must be reported to any downstream users.

5. Proper Operation and Maintenance

The permittee is to implement proper operation and maintenance of the collection system (40 CFR 122.41(d) and (e)). At the request of the department, this may include the development and implementation of capacity, management, operation, and management (CMOM) programs.

I. LIMITATIONS AND MONITORING REQUIREMENTS

A. Discharge Authorization

During the effective period of this permit, the permittee is authorized to discharge pollutants from the specified outfall to the following: **Red River of the North – 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

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

Effluent Limitations and Monitoring Requirements **Outfall 009**							
Parameter	Effluent Limitations					Monitoring Requirements	
	Quantity		Concentration				
	Avg. Monthly Limit	Daily Maximum Limit	Avg. Monthly Limit	Avg. Weekly Limit	Daily Maximum Limit	Sample Frequency	Sample Type
Biochemical Oxygen Demand (BOD_5) (effluent), mg/l [a]	*	*	25	45	*	3/Week	Composite
BOD_5 (influent), mg/l[g]	Report Weekly Max					1/Week	Composite
BOD_5 (internal), mg/l[h]	Report Weekly Max					1/Week	Composite
Temperature (°C)[a,h]	*	*	*	*	Report	3/Week	Grab
pH, standard units (s.u.)[a]	Shall remain between 7.0 to 9.0					Daily	Grab
Total Suspended Solids (TSS) (effluent), mg/l[a]	*	*	30	45	*	3/Week	Composite
TSS (influent), mg/l[g]	Report Weekly Max					1/Week	Composite
TSS (internal), mg/l[h]	Report Weekly Max					1/Week	Composite
Escherichia coli (*E. coli*) #/100ml[a,b]	*	*	126/100 ml	*	409/100 ml	3/Week	Grab
Oil & Grease, Visual[c]	*	Report Yes or No	*	*	*	Daily	Visual
Oil & Grease, mg/l [c]	*	*	*	*	10 mg/l	Conditional/ Daily	Grab
Effluent Flow, MGD	Report Avg. Monthly Value	Report Max. Daily Value	*	*	*	Daily	Instantaneous
Total Nitrogen, mg/l	*	*	Report	*	*	1/Month	Composite
Ammonia as N, mg/l[e]	Refer to Ammonia Table					1/Week	Composite
Phosphorus, Total (as P), mg/l	*	*	Report	*	*	1/Month	Composite
Total Drain, MGAL	*	Report monthly total	*	*	*	1/Month	Calculated
Chronic Whole Effluent Toxicity (WET)[d]	Refer to Part I(C)(1) of this permit					1/Year	Grab
Acute Whole Effluent Toxicity (WET)[d]	Refer to Part I(C)(1) of this permit					1/Quarter	Grab
Metals, µg/l (Influent and Effluent)[f]	Report and Refer to Part V(C) of this permit for additional sampling requirements					1/Year	Composite
Table II Priority Pollutants (Effluent)	Refer to Part V of this permit					1/Every 2 years	Composite

Effluent Limitations and Monitoring Requirements **Outfall 009**

Parameter	Effluent Limitations					Monitoring Requirements	
	Quantity		Concentration				
	Avg. Monthly Limit	Daily Maximum Limit	Avg. Monthly Limit	Avg. Weekly Limit	Daily Maximum Limit	Sample Frequency	Sample Type

Notes: The department may specify additional discharge conditions or restrictions at any time to maintain water quality standards. Refer to permit Section V – Industrial Pretreatment Program for additional sampling requirements.

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

a. A pre-discharge sample must be taken prior to the start of any discharge. The pre-discharge grab sample shall be tested for BOD_5, TSS, pH, Temperature, *E. coli*, and Ammonia as N. This pre-discharge sample shall represent the first week discharge sample. Additional samples of the actual discharge shall be taken for the duration of the discharge as required in the permit.

b. This parameter is a geometric mean and applies from April 1 through October 31.

c. If a visible sheen or floating oil is observed at the discharge point, an oil & grease sample shall be collected to determine compliance with 10 mg/l concentration limit.

d. Acute (grab) and chronic (composite) toxicity tests shall be conducted on separate samples from Outfall 009 during discharge according to the permit requirements.

e. Permittee will use Red River of the North parameters to calculate (refer to formula below) the real-time water quality standard for ammonia. This calculated limit will be compared to facility effluent data on ammonia, and if the effluent value is greater than the calculated limit, the permittee will report a violation.

f. A total hardness of the receiving stream needs to be determined every time metals are sampled and analyzed. The hardness is used to calculate parameter criterion(s) according to the ND Water quality Standards. This sample shall be collected upstream of the final discharge sites.

g. This parameter shall be sampled on facility property prior to any treatment process.

h. This parameter shall be sampled after all wastewater treatment plant processes - prior to entering the lagoon system or being discharged.

Stipulations:

The permittee must not discharge any floating solids, foam in other than barely detectable/visible amounts, or oily wastes that produce a sheen on the surface of the receiving water.

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

Ammonia as N Effluent Limitations **Outfall 009**

Chronic Standard (Average Monthly Limit) – March – September

The 30-day average concentration of total ammonia (expressed as N in mg/L) does not exceed, more often than once every three years on the average, the numerical value given by the following formula; and the highest 4-day average concentration of total ammonia within the 30-day averaging period does not exceed 2.5 times the numerical value given by the following formula:

$$\left(\frac{0.0577}{1+10^{7.688-pH}} + \frac{2.487}{1+10^{pH-7.688}}\right) \bullet CV;$$

where CV = 4.63, when $T \leq 7.0°C$; or
$CV = 1.45 * 10^{0.028*(25-T)}$, when $T > 7.0°C$.

Receiving stream pH is used for the calculation

Chronic Standard (Average Monthly Limit) – October – February

The 30-day average concentration of total ammonia (expressed as N in mg/L) does not exceed, more often than once every three years on the average, the numerical value given by the following formula; and the highest 4-day average concentration of total ammonia within the 30-day averaging period does not exceed 2.5 times the numerical value given by the following formula:

$$\left(\frac{0.0577}{1+10^{7.688-pH}} + \frac{2.487}{1+10^{pH-7.688}}\right) \bullet CV;$$

where CV = 2.85, when $T \leq 14°C$; or
$CV = 1.45 * 10^{0.028*(25-T)}$, when $T > 14°C$.

Receiving stream pH is used for the calculation

Acute Standard (Daily Maximum Limit)

The one-hour average concentration of total ammonia (expressed as N in mg/l) does not exceed, more often than once every three years on the average, the numerical value given by the following formula:

$$\left(\frac{0.411}{1+10^{7.204-pH}} + \frac{58.4}{1+10^{pH-7.204}}\right)$$

where salmonids are absent

Receiving stream pH is used for the calculation

Stipulations

Calculations must be performed for each discharge sample. If an exceedance is detected on any single sample, the exceedance must be reported on the DMR.

In-stream sample must be collected/recorded the same day as the effluent ammonia sample. The upstream flow, temperature, and pH may be obtained from the USGS gauging station 05082500 at Grand Forks, North Dakota.

If the upstream values are not collected, then the following values are to be used:

- pH: 8.5 S.U., based on the 90th percentile USGS gauging station data,
- Temperature values used during the winter months can be extrapolated from available USGS data using best professional judgement,
- Permittee shall use the 90th percentile instream ammonia value of 0.50 mg/l,
- If the upstream flow is not available, the 1B3 critical low flow value of 428 cfs must be used.

Ammonia as N Effluent Limitations **Outfall 009**
The maximum mixing factor is 10.0%.

A. Whole Effluent Toxicity (WET) Requirements

1. Acute Toxicity Testing

Acute toxicity tests shall be conducted in general accordance with the procedures set out in the latest revision of *"Methods for Measuring the Acute Toxicity of Effluents to Freshwater and Marine Organisms*," EPA-821-R-02-012 (Fifth Ed., October 2002). The permittee shall conduct an acute 48-hour static renewal toxicity test using freshwater fleas, *Ceriodaphnia dubia* and an acute 96-hour static renewal toxicity test using fathead minnows, *Pimephales promelas*.

Outfall 009
WET tests shall be performed at least once per calendar quarter (during discharge) on both species. This requirement may be reduced upon requesting a reduction to toxicity testing – refer to the "**Reduced Monitoring for Toxicity Testing"** section below**.**

Acute test failure (LC50) is defined as lethality to 50% or more of the test organisms exposed to 100% effluent for *Ceriodaphnia dubia* 48 hour and fathead minnow 96 hour test. The 48 hour and 96 hour LC50 effluent value must be >100% or <1.0 TUa to indicate a passing test. Any 48 hour or 96 hour LC50 effluent value of <100% or >1.0 TUa will constitute a failure. Tests in which the control survival is less than 90% are invalid and must be repeated.

Acute WET requirements for **Outfall 009**						
Implementation	Limitations Imposed					
Effluent Dilution	0%(Control)	12.5%	25%	50%	75%	100%
Dilution Water	**Red River of the North** [a]					
Testing Type	Acute Toxicity					
Species and Test Type	*Ceriodaphnia dubia* 48 Hour Acute Static Renewal 20ºC					
	Pimephales promelas 96 Hour Acute Static Renewal 20°C					
Endpoint	Survival reported as TU_a					
Compliance Point	End of pipe					
Sample Frequency	1/Quarter					
Sample Type	Grab					
Maximum Daily Limit (MDL)	<1 TU_a					
Average Monthly Limit (AML)	<1 TU_a					
Test Failure	The 48-hour LC_{50} effluent value must be <1 TU_a to indicate a passing test. Any 48-hour LC_{50} effluent value >1 TU_a will constitute a failure. Tests in which the control survival is less than 90% are invalid and must be repeated.					
Reporting Requirements	The permittee shall report the following results of each toxicity test on the DMR for that reporting period: Report the highest TU_a for *Ceriodaphnia dubia*, Parameter No. TSM3B.					

	Report the highest TU_a for *Pimephales promelas*, Parameter No. TSN6C.
If toxicity occurs in a routine test, an additional test shall be initiated within 14 days from the date of the initial toxicity findings. Should there be no discharge during a specified sampling time frame; sampling shall be performed as soon as there is a discharge. Should toxicity occur in the second test, testing shall be conducted at a frequency of once a month and the implementation of a 5.Toxicity Reduction Evaluation (TRE) shall be determined by the department. If no toxicity is found in the second test, testing shall occur as outlined in the permit. a. When dangerous sampling conditions exist for personnel (i.e. thin ice, melting ice, flooding, etc.) the permittee may utilize moderately hard reconstituted water upon request and approval by the department.	

2. Chronic Toxicity Testing

The chronic toxicity tests shall be conducted in general accordance with the procedures set out in the latest revision of "Short *Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms,*" EPA-821-R-02-013 (Fourth Ed., October 2002) . Test species shall consist of freshwater fleas, *Ceriodaphnia dubia* and fathead minnows, *Pimephales promelas*.

Chronic WET requirements for **Outfall 009**						
Implementation	Monitoring Only					
Effluent Dilution	0%(Control)	6.25%	12.5%	25%	50%	100%
Dilution Water	**Red River of the North**					
Species and Test Type	*Ceriodaphnia dubia* – 7-Day Chronic – Static Renewal – 25ºC					
	Fathead Minnow – 7-Day Chronic – Static Renewal – 25ºC					
Endpoint	Survival and Reproduction (*Ceriodaphnia dubia)* – IC25 reported as TUc					
	Larval Growth and Survival (Fathead Minnow) – IC25 reported as TUc					
Compliance Point	Monitoring Only					
Sample Frequency	1/Year					
Test Acceptability	Test acceptability for *Daphnia dubia* chronic must have a 80% or greater survival of all control organisms and an average of 15 or more young per surviving female in the control solutions, and 60% of surviving control females must produce three broods. If this condition is not satisfied, the test must be repeated. Test acceptability for *Pimephales promelas* chronic must have 80% or greater survival in controls and an average dry weight per surviving organism in control chambers equals or exceeds 0.25 mg. If this condition is not satisfied, the test must be repeated.					
Reporting Requirements	The permittee shall report the following results of each toxicity test on the DMR for that reporting period: ***Pimephales promelas* (Fathead Minnow)** Report the highest TU_c for Fathead minnow, Parameter No. TTP3B ***Ceriodaphnia dubia* (Water Flea)** Report the highest TU_c for *Ceriodaphnia dubia*, Parameter No. TTB6C.					

	The facility shall request their WET testing providers to report a TU_a for a 48-hour survival *Ceriodaphnia dubia* and for *Pimephales promelas* which can be derived from the chronic test. The reason for this is to develop a representative Acute-to-Chronic (ACR) which is used in determining reasonable potential and/or permit limitations.

3. Reduced Monitoring for Toxicity Testing

a. Alternating Species

If the results of a minimum of four consecutive samples taken over at least a 12-month period indicate no toxicity, the permittee may request the department for a test reduction. This reduction would only be testing one species per sampling frequency. If fathead minnows are used first, then the next test would be *C. dubia* or vice versa and continue alternating. The department may approve or deny the request based on the biomonitoring results and other available information. If the request is approved, the test procedures are to be the same as outlined in 1. Acute Toxicity Testing and/or 2. Chronic Toxicity Testing.

If toxicity occurs in any single species test, the provision for alternating species shall be immediately revoked, and all WET permit conditions shall be followed in whole.

b. Monthly Testing

If the results of 5. Toxicity Reduction Evaluation (TRE) have been accepted by the department or a period of time has indicated no toxicity, the permittee may request the department to allow a reduction from monthly to quarterly toxicity testing for both species. The department may approve or deny the request, based on the bio-monitoring results and other available information. If the request is approved, the test procedures are to be the same as outlined in 1. Acute Toxicity Testing and/or 2. Chronic Toxicity Testing.

4. Reporting Requirements

Test results shall be submitted with the Discharge Monitoring Report (DMR) form for each reporting period. The format for the report shall be consistent with the above reference manual(s) as outlined in the section "Report Preparation and Test Review." Each lab generated report shall document the findings for each species reference toxicity testing chart.

5. Toxicity Reduction Evaluation (TRE)

If toxicity is detected, and it is determined by the department that a TRE is necessary, the permittee shall be so notified and shall initiate a TRE immediately thereafter. A TRE shall reference the latest revision of "*Technical Support Document For Water Quality-based Toxics Control,*" EPA/505/2-90-001 – PB91-127415 (March 1991). The purpose of the TRE will be to establish the cause of the toxicity, locate the source(s) of the toxicity, and control or provide treatment for the toxicity.

If the TRE establishes that the toxicity cannot be eliminated by the current treatment system, the permittee shall submit a proposed compliance plan to the department. The plan shall include the proposed approach to control toxicity and a proposed compliance schedule for achieving control. If the approach and schedule are acceptable to the department, this permit may be reopened and modified.

If the TRE shows that the toxicity is caused by a toxicant(s) that may be controlled with specific numerical limitations or proper discharge management as approved by the department, the permittee may:

Submit an alternative control program for compliance with the numerical requirements; or

If necessary, provide a modified biomonitoring protocol which compensates for the pollutant(s) being controlled numerically.

If acceptable to the department, this permit may be reopened and modified to incorporate any additional numerical limitations, a modified compliance schedule if judged necessary by the department, and/or a modified biomonitoring protocol.

Failure to conduct an adequate TRE, or failure to submit a plan or program as described above, or the submittal of a plan or program judged inadequate by the department, shall in no way relieve the permittee from maintaining compliance with the whole effluent toxicity requirements of this permit.

II. MONITORING, RECORDING, AND REPORTING REQUIREMENTS BP 2017.08.21

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

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

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

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

B. Test Procedures

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

C. Recording of Results

Records of monitoring information shall include:

1. the date, exact place and time of sampling or measurements;
2. the name(s) of the individual(s) who performed the sampling or measurements;
3. the name of the laboratory;
4. the date(s) and time(s) analyses were performed;
5. the name(s) of the individual(s) who performed the analyses;
6. the analytical techniques or methods used; and
7. the results of such analyses.

D. Additional Monitoring

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

E. Reporting of Monitoring Results

1. Monitoring results shall be summarized and reported to the department using Discharge Monitoring Reports (DMRs). If no discharge occurs during a reporting period, "No Discharge" shall be reported. The permittee must submit DMRs electronically using the electronic information reporting system unless requirements in subsection 3 are met.

2. Prior to December 21, 2020, the permittee may elect to electronically submit the following compliance monitoring data and reports instead of mailing paper forms. Beginning December 21, 2020, the permittee must report the following using the electronic reporting system:

    a. General permit reports [e.g., notices of intent (NOI); notices of termination (NOT); no exposure certifications (NOE)];

    b. Municipal separate storm sewer system program reports;

    c. Pretreatment program reports;

    d. Sewer overflow/bypass event reports; and

    e. Clean Water Act 316(b) annual reports

3. The permittee may seek a waiver from electronic reporting. To obtain a waiver, the permittee must complete and submit an Application for Temporary Electronic Reporting Waiver form (SFN 60992) to the department. The department will have 120 days to approve or deny the waiver request. Once the waiver is approved, the permittee may submit paper versions of monitoring data and reports to the department.

    a. One of the following criteria must be met in order to obtain a waiver. The department reserves the right to deny any waiver request, even if they meet one of the criteria below.

        1. No internet access,

        2. No computer access,

        3. Annual DMRs (upon approval of the department),

        4. Employee turnover (3 month periods only), or

        5. Short duration permits (upon approval of the department)

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

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

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

III. COMPLIANCE RESPONSIBILITIES

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

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

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

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

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

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

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

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

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

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

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

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

F. Twenty-four Hour Notice of Noncompliance Reporting

1. The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally as soon as possible, but no later than twenty-four (24) hours from the time the permittee first became aware of the circumstances. The following occurrences of noncompliance shall be included in the oral report to the department at 701.328.5210:

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

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

    c. Violation of any daily maximum effluent or instantaneous discharge limitation for any of the pollutants listed in the permit.

2. A written submission shall also be provided within five days of the time that the permittee became aware of the circumstances. The written submission shall contain:

    a. A description of the noncompliance and its cause;

    b. The period of noncompliance, including exact dates and times;

    c. The estimated time noncompliance is expected to continue if it has not been corrected; and

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

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

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

G. Bypass of Treatment Facilities

1. Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to any of the following provisions in this section.

2. Bypass exceeding limitations-notification requirements.

   a. Anticipated Bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten (10) days before the date of bypass.

   b. Unanticipated Bypass. The permittee shall submit notice of an unanticipated bypass as required under F. Twenty-four Hour Notice of Noncompliance Reporting.

3. Prohibition of Bypass. Bypass is prohibited, and the department may take enforcement action against a permittee for bypass, unless:

   a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

   b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

   c. The permittee submitted notices as required under the 1. Anticipated Bypass subsection of this section.

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

H. Upset Conditions

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

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

1. An upset occurred, and the permittee can identify its cause(s);

2. The permitted facility was, at the time being, properly operated;

3. The permittee submitted notice of the upset as required under F. Twenty-four Hour Notice of Noncompliance Reporting and

4. The permittee complied with any remedial measures required under I. Duty to Mitigate.

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

I. Duty to Mitigate

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

J. Removed Materials

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

K. Duty to Reapply

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

IV. GENERAL PROVISIONS

A. Inspection and Entry

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

B. Availability of Reports

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

C. Transfers

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

D. New Limitations or Prohibitions

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

E. Permit Actions

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

F. Need to Halt or Reduce Activity Not a Defense

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

G. State Laws

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

H. Oil and Hazardous Substance Liability

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

I. Property Rights

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

J. Severability

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

V. INDUSTRIAL PRETREATMENT PROGRAM BP 2009.09.10
Contributing Industries and Pretreatment Program Requirements

A. Standard Requirements

Permittee shall operate an industrial pretreatment program in accordance with the following permit requirements developed pursuant to Section 402(b)(8) of the Clean Water Act, the General Pretreatment Regulations (40 CFR Part 403), and the approved pretreatment program submitted by the permittee. The approved pretreatment program, and any approved modifications thereto, is hereby incorporated by reference and shall be implemented in a manner consistent with the following requirements:

1. Industrial user information shall be updated at a minimum of once per year or at that frequency necessary to ensure that all Industrial Users are properly permitted and/or controlled. The records shall be maintained and updated as necessary;

2. The permittee shall sample and inspect each Significant Industrial User (SIU) at least once per calendar year (40 CFR Section 403.8(f)(2)(v)). This is in addition to any industrial self-monitoring activities. If the permittee performs sampling for any SIU, then the permittee shall perform any repeat sampling and analysis within 30 days of becoming aware of the violation (40 CFR Section 403.12(g)(2));

3. The permittee shall evaluate whether each SIU needs a plan to control sludge. SIUs must be evaluated within 1 year of being designated an SIU. Where needed, the permittee shall require the SIU to prepare or update, and then implement the plan. Where a slug prevention plan is required, the permittee shall ensure that the plan contains at least the minimum elements required in 40 CFR Section 403.8(f)(2)(vi). If required, the permittee shall incorporate slug control requirements into the control mechanism for the SIU. (40 CFR, Section 403.8(f)(1)(iii)(B)(6)).;

4. The permittee shall investigate instances of non-compliance with Pretreatment Standards and requirements indicated in reports and notices required under 40 CFR 403.12, or indicated by analysis, inspection, and surveillance activities.

5. The permittee shall enforce all applicable Pretreatment Standards and requirements and obtain remedies for noncompliance by any industrial user.

6. The permittee shall control, through the legal authority in the approved pretreatment program, the contribution to the Publicly Owned Treatment Works (POTW) by each industrial user to ensure compliance with applicable Pretreatment Standards and requirements. In the case of industrial users identified as significant under 40 CFR Section 403.3(v), this control shall be achieved through permit, order, or similar means and shall contain, at a minimum, the following conditions:

    a. Statement of duration (in no case more than five (5) years);

    b. Statement of non-transferability without, at a minimum, prior notification to the POTW and provision of a copy of the existing control mechanism to the new owner or operator.

    c. Effluent limits based on applicable pretreatment standards, categorical pretreatment standards, local limits, and state and local law.

    d. Self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the pollutants to be monitored, sampling location, sampling frequency, and sample type, based on the applicable general pretreatment standards in 40 CFR 403, categorical pretreatment standards, local limits, and state and local law.

    e. Statement of applicable civil and criminal penalties for violation of Pretreatment Standards and requirements, and any applicable compliance schedule. Such schedules may not extend the compliance date beyond deadlines mandated by federal statute or regulation.

    f. Requirements to control Slug Discharges, if determined by the POTW to be necessary.

7. The permittee shall provide adequate staff, equipment, and support capabilities to carry out all elements of the pretreatment program as required by 40 CFR Section 403.8(f)(3);

8. The approved program shall not be substantially modified by the permittee without the approval of the Approval Authority. Substantial and non-substantial modifications shall follow the procedures outlined in 40 CFR Section 403.18.

9. The permittee shall develop, implement, and maintain an enforcement response plan as required by 40 CFR Section 403.8(f)(5); and

10. The permittee shall notify all Industrial Users of the users' obligations to comply with applicable requirements under Subtitles C and D of the Resource Conservation and Recovery Act (RCRA) as required by 40 CFR Section 403.8(f)(2)(iii).

B. Local Limits

The permittee shall establish and enforce specific local limits to implement the provisions of 40 CFR sections 403.5(a) and (b), as required by 40 CFR Section 403.5(c). The permittee shall continue to develop these limits as necessary and effectively enforce such limits.

In accordance with EPA policy and with the requirements of 40 CFR sections 403.8(f)(4) and 403.5(c), the permittee shall determine if technically based local limits are necessary to implement the general and specific prohibitions of 40 CFR sections 403.5(a) and (b).

This evaluation should be conducted in accordance with the latest revision of the *"EPA Region VIII Strategy for Developing Technically Based Local Limits"*, and after review of EPA's *"Local Limits Development Guidance"* **July 2004**. Where the permittee determines that revised or new local limits are necessary, the permittee shall submit the proposed local limits to the Approval Authority in an approvable form in accordance with 40 CFR Section 403.18.

C. Sampling and Reporting Requirements

The permittee shall analyze the treatment facility influent and effluent for the presence of the toxic pollutants listed in 40 CFR Part 122 Appendix D (NPDES Application Testing Requirements) Table II and the toxic pollutants in Table III as follows:

	Minimum Frequency of Monitoring
Table II Priority Pollutants 40 CFR 122 Appendix D	**1 every other year**
Table III Metals 40 CFR 122 Appendix D	**1/Year**

40 CFR 122 Appendix D Table III				
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 *a/*				

Notes:

a. A total hardness of the receiving stream needs to be determined every time the above parameters are tested. The hardness is used to calculate parameter criterion(s) according to the North Dakota State Water Quality Standards.

If, based upon information available to the permittee, there is reason to suspect the presence of any toxic or hazardous pollutant listed in Table V, or any other pollutant in a quantity or concentration known or suspected to adversely affect POTW operation, receiving water quality, or solids disposal procedures, analysis for those pollutants shall be performed on both the influent and the effluent as follows:

	Minimum Frequency of Monitoring
Table V Other Toxics	**Conditional as specified above**

1. Along with the permittee's pretreatment annual report, the permittee will submit a list of compounds included in Table V that are suspected or known to be present in its influent wastewater. This determination shall be based on a review of the permittee's pretreatment program records. The state permitting authority and/or Approval Authority may review and comment on the list and the list may be revised if, in the opinion of the state permitting authority and/or Approval Authority, the list is incomplete. The permittee will perform the analysis on the influent for the revised list of compounds for which there are acceptable testing procedures as follows:

	Minimum Frequency of Monitoring
Revised List of Compounds	**0/Year**

2. Where the pollutants monitored in accordance with this section are reported as being above the method detection limit, the results for these pollutants shall be reported in the permittee's pretreatment annual report, if required by EPA.

D. Sludge Sampling and Reporting Requirements

The permittee shall analyze the treatment facility sludge (biosolids) prior to disposal, for the presence of toxic pollutants listed in 40 CFR 122 Appendix D (NPDES Application Testing Requirements) Table III at least once per year. If the permittee does not dispose of biosolids during the calendar year, the permittee shall certify to that in the Pretreatment Annual Report and the monitoring requirements in this paragraph shall be suspended for that calendar year.

1. The permittee shall review the pollutants in 40 CFR Part 122, Appendix D, tables II and V. If any of the pollutants in these tables were above detection in the influent samples during the previous 2 years or the last two analyses, whichever is greater, the permittee shall sample and analyze its sewage sludge for these pollutants. The permittee shall perform this evaluation and analysis at least once per year.

2. The permittee shall use sample collection and analysis procedures as approved for use under 40 CFR Part 503 or specified in the EPA Region 8 General Permit for biosolids.

3. The permittee shall report the results for these pollutants in the permittee's pretreatment annual report, if required by EPA.

E. Sample Analysis and Sampling Procedure

All analyses shall be in accordance with procedures established in 40 CFR Part 136. Where sampling methods are not specified, the influent and effluent samples collected shall be composite samples consisting of at least twelve (12) aliquots collected at approximately equal intervals over a representative 24-hour period and composited according to flow. Where automated composite sampling is inappropriate, at least four (4) grab samples shall be manually taken at equal intervals over a representative 24-hour period, and composited prior to analysis using approved methods; alternatively, the individual grab samples may be analyzed separately and the results from the respective grab samples mathematically combined based on flow (i.e., flow weighted) for the final result.

Additional Sampling Requirements

In addition, the following are identified as pollutants of concern by sampling and analysis of your influent, effluent and/or sludge during local limits development, other chemical monitoring, or through activities associated with or as a result of whole effluent toxicity testing. The following pollutants of concern shall be sampled and analyzed in the influent and effluent as follows:

Parameters	Minimum Frequency of Monitoring
No additional parameters have been identified at this time.	

F. Annual Reporting Requirements

The permittee shall prepare annually a list of industrial users, which during the preceding twelve (12) months have significantly violated Pretreatment Standards or requirements. This list is to be published annually in a newspaper of general circulation in the permittee's service area as required by 40 CFR Section 403.8(f)(2)(viii).

In addition, on or before March 28, the permittee shall submit a pretreatment program annual report to the Approval Authority and the state permitting authority that contains the information requested by EPA, or at a minimum the following information:

1. An updated list of all SIUs as defined at 40 CFR Section 403.3(v). For each SIU listed the following information shall be included:

   a. All applicable Standard Industrial Classification (SIC) codes and categorical determinations, as appropriate. In addition, a brief description of the industry and general activities;

   b. Permit status. Whether each SIU has an unexpired control mechanism and an explanation as to why any SIUs are operating without a current, unexpired control mechanism (e.g. permit);

   c. A summary of all monitoring activities performed within the previous twelve (12) months. The following information shall be reported.

      Total number of SIUs inspected; and
      Total number of SIUs sampled.

2. For all industrial users that were in Significant Non-Compliance during the previous twelve (12) months, provide the name of the violating industrial user; indicate the nature of the violations, the type and number of actions taken (administrative order, criminal or civil suit, fines or penalties collected, etc.) and current compliance status. Indicate if the company returned to compliance and the date compliance was attained. Determination of Significant Non-Compliance shall be performed as defined at 40 CFR Section 403.8(f)(2)(viii)(A-H).

3. A summary of all enforcement actions not covered by the paragraph above conducted in accordance with the approved Enforcement Response Plan, as required in 40 CFR Section 403.8(f)(5).

4. A list of all SIUs whose authorization to discharge was terminated or revoked during the preceding twelve (12) month period and the reason for termination;

5. A report on any Interference, Pass Through, upset or NPDES permit violations known or suspected to be caused by non-domestic discharges of pollutant and actions taken by the permittee in response;

6. Verification of publication of industrial users in Significant Non-Compliance;

7. Identification of the specific locations, if any, designated by the permittee for receipt (discharge) of trucked or hauled waste, if modified;

8. Information as required by the Approval Authority or state permitting authority on the discharge to the POTW from the following activities:

   a. Ground water clean-up from underground storage tanks;
   b. Trucked or hauled waste; and,
   c. Ground water clean-up from RCRA or Superfund sites.

9. A description of all changes made during the previous calendar year to the permittee's pretreatment program that were not submitted as substantial or non-substantial modifications to EPA.

10. The permittee shall evaluate actual pollutants loadings against the approved Maximum Allowable Headworks Loadings (MAHLs). Where the actual loading exceeds the MAHL, the permittee shall immediately begin a program to either revise the existing local limit and/or undertake such other studies as necessary to evaluate the cause(s) of the excursion. The permittee shall provide a summary of its intended action.

11. Other information that may be deemed necessary by the Approval Authority.

G. Pollutant Restrictions

The permittee shall prohibit the introduction of the following pollutants into the POTW:

1. Pollutants which create a fire or explosion hazard in the publicly owned treatment works (POTW), including, but not limit 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;

2. Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.0, unless the works are specifically designed to accommodate such discharges;

3. 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;

4. 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 the POTW;

5. 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;

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

7. 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;

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

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

10. Any other pollutant which may cause Pass Through or Interference.

H. Notification Requirements

The permittee shall provide the pretreatment Approval Authority with adequate notice of any substantial change in the volume or character of pollutants being introduced into the treatment works by any SIU introducing pollutants into the treatment works at the time of application for the discharge permit. For the purposes of this section, "substantial change" shall mean a level of change which has a reasonable probability of affecting the permittee's ability to comply with its permit conditions or to cause a violation of stream standards applied to the receiving water.

Adequate notice shall include information on: (1) the quality and quantity of effluent to be introduced into the treatment works, and (2) any anticipated impact of the change on the quality or quantity of effluent to be discharged from the POTW.

I. Enforcement Actions

Section 309(f) of the Act provides that EPA may issue a notice to the POTW stating that a determination has been made that appropriate enforcement action must be taken against an industrial user for noncompliance with any Pretreatment Standards and requirements. The notice provides the POTW with thirty (30) days to commence such action. The issuance of such permit notice shall not be construed to limit the authority of the permit issuing authority or Approval Authority.

J. Enforcement Authority

The state permitting authority, and/or the EPA retains, at all times, the right to take legal action against the industrial contributor for violations of a permit 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 NPDES permit violation has occurred because of the failure of the permittee to properly develop and enforce Pretreatment Standards and requirements as necessary to protect the POTW, the state permitting authority and/or Approval Authority shall hold the permittee responsible and may take legal action against the permittee as well as the Indirect Discharger(s) contributing to the permit violation.