

**North Dakota Department of Environmental Quality Public Notice
Issue of an NDPDES Permit**

Public Notice Date: 2/10/2020

Public Notice Number: ND-2020-003

Purpose of Public Notice

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

Permit Information

Application Date: 10/1/2019

Application Number: NDG07

Applicant Name: General Permit NDG070000-Temporary Discharge

Mailing Address: ND Dept of Env Quality, Div of Water Quality, 918 East Divide Ave, Bismarck ND 58501-1947

Telephone Number: 701.328.5237

Proposed Permit Expiration Date: 3/31/2025

Description

The department intends to reissue a NDPDES General Permit, NDG070000, to regulate temporary discharge activities in the State of North Dakota. The permit establishes effluent requirements based on technology and water quality considerations, prohibitions, best management practices, and other conditions applicable to these types of wastewaters. Anyone desiring coverage under this permit should contact the department for further information.

Tentative Determinations

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

Information Requests and Public Comments

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

All comments received by March 23, 2020 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
NDG070000**

GENERAL PERMIT FOR TEMPORARY DISCHARGES

DATE OF THIS FACT SHEET – JANUARY 2020

INTRODUCTION

The Federal Clean Water Act (CWA, 1972, and later amendments in 1977, 1981, and 1987, etc.) established water quality goals for the navigable (surface) waters of the United States. One mechanism for achieving the goals of the CWA is the National Pollutant Discharge Elimination System (NPDES), which the US Environmental Protection Agency (EPA) oversees. In 1975, the State of North Dakota was delegated primacy of the NPDES program by EPA. The North Dakota Department of Environmental Quality, hereafter referred to as “department”, has been designated the state water pollution control agency for all purposes of the Federal Water Pollution Control Act, as amended [33 U.S.C. 1251, et seq.], and is authorized to take all action necessary or appropriate to secure to this state the benefits of the act and similar federal acts. The department’s authority and obligations for the wastewater discharge permit program is in the North Dakota Administrative Code (NDAC) 33.1-16 which was adopted under North Dakota Century Code (NDCC) chapter 61-28. In North Dakota, these permits are referred to as North Dakota Pollutant Discharge Elimination System (NDPDES) permits.

The following rules or regulations apply to NDPDES permits:

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

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

According to NDAC section 33.1-16-01-08, the department must prepare a draft permit and accompanying fact sheet and make it available for public review. The department must also publish an announcement (public notice) during a period of thirty days, informing the public where a draft permit may be obtained and where comments regarding the draft permit may be sent (NDAC section 33.1-16-01-07). For more information regarding preparing and submitting comments about the fact sheet and permit, please see **Appendix A – Public Involvement**. Following the public comment period, the department may make changes to the draft NDPDES permit. The department will summarize the responses to comments and changes to the permit in **Appendix D – Response to Comments**.

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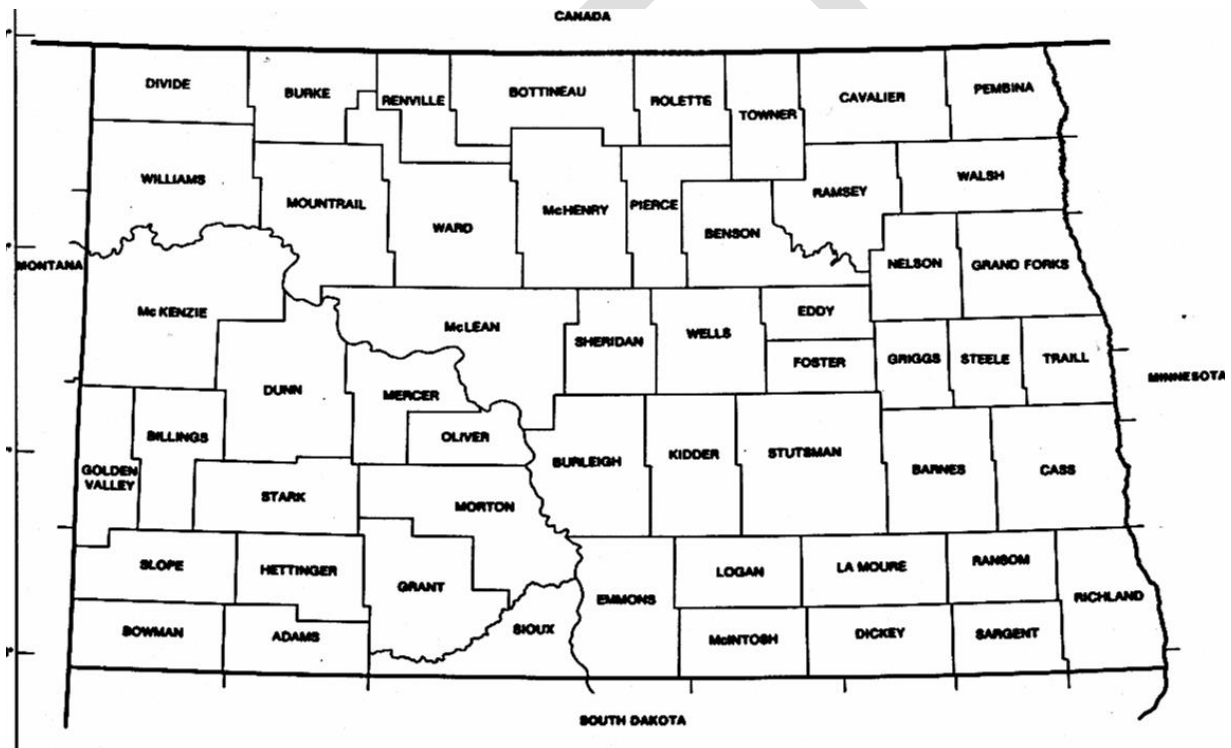
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BACKGROUND INFORMATION

General Information

Permit Number:	NDG070000
Permit Type:	General Permit, Renewal
Type of Treatment:	Best Available Technology Economically Achievable (BAT); Best Professional Judgment (BPJ); Best Practical Technology (BPT); and Best Management Practices (BMPs)
Discharge Location:	Waters of the State of North Dakota

Figure 1 – A drawing of the State of North Dakota and its counties.



General permits provide a streamline means to cover a large number of facilities that are subject to the regulations of temporary discharge activities. These dischargers are subject to the requirements of Section 402 of the Clean Water Act, as enforced by the department. In addition, the general permit process places less of an administrative burden on the issuing authority and regulated community than the individual permitting process. The general permits require baseline control practices aimed at minimizing the impact of temporary discharges to waters of the state. Individual permits may be developed to address specific water quality concerns or specific industry segment practices. Obtaining an NDPDES general permit is essential to any temporary discharge activity.

COVERAGE UNDER THIS PERMIT

Applicability of General Permit

Under this general permit, authorization to discharge relatively uncontaminated waters from temporary discharge activities into the waters of the State of North Dakota may be granted. Such activities are hydrostatic testing of pipes, tanks or other similar vessels; disinfection of potable water lines; pump testing of water wells; dewatering of swimming pools and similar structures; construction dewatering; treatment of gasoline or diesel contaminated ground water; and other short-term discharges. The water discharged from any of these activities must not contribute non-conventional or toxic pollutant loadings to waters of the state.

Temporary dewatering activities as related to construction activities may be covered under the 2020 Construction – Stormwater permit NDR110000. The department determined that if construction dewatering activities are discharging relatively uncontaminated water using items outlined in their Stormwater Pollution Prevention Plan (SWPPP) then there is no need to administratively provide multiple permits for the same activity. This concept may change as rules and regulations change for stormwater activities.

Request for Authorization – Notice of Intent (NOI)

To be eligible for authorization to discharge under this general permit, the owner, operator, and/or authorized agent of any facility conducting temporary discharge activities must fulfill the requirements of a Notice of Intent (NOI) by submitting Short Form C (SFN 8319 (03/2019)) to the department at the address listed in the permit at least 30 days prior to the anticipated start of any discharge. The department will then have 30 days to grant discharge authority, deny discharge authority, or request additional information. If the department fails to act on any request within the 30-day period, the facility is automatically covered under the permit. The department may waive, at its discretion, the 30-day period in special cases.

After coverage has been obtained, all permittees shall be required to provide the following information to the department, in writing, at least five days prior to the start of any discharge. If all this information was included in/with the NOI, it does not need to be resubmitted.

- a. The name, address, and descriptive location of the facility.
- b. The name of principal in charge of operation of the facility.
- c. The name of receiving waters.
- d. The location of the discharge point(s).
- e. A brief description of the type of activity resulting in the discharge.
- f. A map or schematic diagram showing the general area and/or routing of the activity.
- g. The anticipated total volume to be discharged.

- h. The anticipated average and maximum rates of discharge.
- i. The anticipated dates of discharge.
- j. For hydrostatic testing only, the type (size and material) of pipe or vessel, whether the pipe or vessel has been used or is of virgin material and a description of the fluid normally transported through the pipeline or contained in the vessel.
- k. For hydrostatic testing only, the source of water to be used in the testing. If water is to be obtained from a well, (other than used for potable water supply) or from an impoundment, the concentration of total dissolved solids or the specific conductance of this water shall be reported.
- l. Describe briefly what measures will be taken to minimize, within practical means, the effects of the discharge on water quality in the receiving waters. A list of BMPs is found in Appendix C.

The department may waive, at its discretion, some of the items listed above and/or the five-day period in special cases.

Discharges Not Covered

Temporary discharges associated with process wastewater or any water containing sanitary waste.

Any discharge not permitted by local, state, or federal agencies (such as U.S. Army Corps of Engineers Section 404 permits).

This general permit does not substitute for obligations under the National Environmental Policy Act (NEPA), Endangered Species Act (ESA), or National Historic Preservation Act (NHPA), it is the responsibility of the permittee to ensure the project and resulting discharges comply with the respective requirements.

Discharges to waters for which there is a total maximum daily load (TMDL) allocation for sediment and/or parameters associated with sediment transport are not covered unless you develop a Pollution Prevention Plan that is consistent with the assumptions, allocations and requirements in the approved TMDL. If a specific numeric waste load allocation has been established that would apply to the project's discharges, the permittee(s) must incorporate that allocation into the Pollution Prevention Plan and implement necessary steps to meet that allocation. Information about TMDL allocations may be found at the following website:

https://deq.nd.gov/WQ/3_Watershed_Mgmt/2_TMDLS/TMDLs.aspx

Request for Discharge of Water Treatment Additives

In the event a permittee proposes to discharge water additives, the permittee shall submit a request to discharge water additives to the department for review. Written notice from the department to discharge such additives at specified levels shall be obtained prior to discharge by the permittee. Additional monitoring and reporting may be required as a condition for the approval to discharge the additive.

A request to discharge water additives shall include all of the following water additive usage and discharge information:

- a. Safety Data Sheet (SDS);
- b. the proposed water additive discharge concentration;
- c. the discharge frequency (i.e. number of hours per day and number of days per year);
- d. the monitoring point from which the product is to be discharged;
- e. the type of removal treatment, if any, that the water additive receives prior to discharge;
- f. product function (i.e. microbiocide, flocculant, etc.);
- g. a 48-hour LC₅₀ or EC₅₀ for a North American freshwater planktonic crustacean (either *Ceriodaphnia* sp., *Daphnia* sp. Or *Simocephalus* sp.); and
- h. the results of a toxicity test for one other North American freshwater aquatic species (other than a planktonic crustacean).

Authorization to Discharge

Coverage under this permit does not convey approval to discharge to any ditch, storm sewer, private property, or other method of routing the effluent from the site of discharge to the waters of the state. It shall be the permittee's responsibility to seek, apply for and obtain any additional authorizations necessary to initiate the discharge proposed in the permittee's NOI. If the process of obtaining all the authorizations necessary to initiate the discharge results in changes to the permittee's NOI, the permittee shall modify in writing the NOI for an NDPDES permit. The permittee is not authorized to discharge wastewater other than the type and at the location specified in the NOI.

Notice of Termination (NOT)

Permittees wanting to terminate coverage under this permit must submit a Notice of Termination (NOT) or other written request identifying the facility, reason why the permit is no longer needed and signed in accordance with the signatory requirement of the permit. NOT's can also be submitted through the department's Electronic Reporting Information System (ERIS). Compliance with the conditions of this permit is required until an official cancellation letter from the department is received.

POLLUTION PREVENTION PLAN

Instead of monitoring for total suspended solids, the permittee may request to develop and implement a Pollution Prevention Plan before beginning the temporary discharge activities. The plan must detail the best management practices (BMPs) the permittee will undertake to reduce or eliminate any discharge of pollutants. Table 1 lists some examples of BMPs for temporary discharge activities. Additional examples of BMPs can be found in **Appendix C**.

Table 1: Examples of Best Management Practices

Best Management Practice	Description of Practice
Filter Berm	<ul style="list-style-type: none">• A temporary ridge of gravel or crushed rock.• Retains sediment on-site by retarding and filtering runoff while allowing water to be discharged from the site.
Vegetative Buffer	<ul style="list-style-type: none">• An area of growing vegetation between the discharge and the receiving waters.• Filters runoff and minimizes erosion.
Filter Fence	<ul style="list-style-type: none">• A low fence made of filter cloth and fencing material.• Filters runoff water before discharge.
Sediment Pond	<ul style="list-style-type: none">• Small ponding area either diked or excavated.• Allows the sediment to settle out before discharge.

Deadlines for Plan Preparation and Compliance

If the permittee develops a Pollution Prevention Plan instead of sampling, the plan must be developed and implemented prior to the start of the discharge.

Signature and Plan Review

The plan shall be signed in accordance with the signatory requirements and retained on-site at the location which generates a permitted discharge.

The permittee shall make plans available upon request to the department or in the case of a discharge through a municipal separate storm sewer system, to the operator of the municipal system.

The department may notify the permittee at any time that the plan does not meet the minimum requirements of this part. Such notification shall identify those provisions of the permit which are not being met by the plan and identify which provisions require modifications in order to meet the minimum requirements. Within 7 days of notification, the permittee shall make the required changes to the plan and shall submit to the department a written certification that the requested changes have been made.

Keeping Plans Current

The permittee shall amend the plan whenever there is a change in design, construction,

operation, maintenance, or BMPs. The plan shall also be amended if the plan proves to be ineffective in controlling pollutants present in the discharge. The plan shall also include a description of the amendment process.

PROPOSED PERMIT LIMITS

EFFLUENT LIMITATIONS

The proposed effluent limitations shall take effect once the permit becomes active or when the effective date of an individual coverage letter is obtained. The effluent limitations and the basis for these limitations are in the following tables:

Table 2: Effluent associated with disinfection of potable water lines, swimming pools, and similar structures.

Effluent Parameter	30-Day Average	7-Day Average	Daily Maximum	Basis ^a
Total Suspended Solids (TSS), mg/l	*	*	100	Previous Permit BPJ
pH, SU	Shall remain between 7.0 to 9.0 for all Class I and IA waters; Shall remain between 6.0 to 9.0 for all Class II and III waters			Previous Permit WQS
Total Residual Chlorine, mg/l ^b	*	*	0.05	Previous Permit BPJ

Table 3: Effluent associated with pump testing of water wells.

Effluent Parameter	30-Day Average	7-Day Average	Daily Maximum	Basis ^a
Total Suspended Solids (TSS), mg/l	*	*	100	Previous Permit BPJ
pH, SU	Shall remain between 7.0 to 9.0 for all Class I and IA waters; Shall remain between 6.0 to 9.0 for all Class II and III waters			Previous Permit WQS
Total Radium (uranium-bearing wells)	5pCi/l	*	*	Previous Permit WQS

Table 4: Effluent associated with construction dewatering.

Effluent Parameter	30-Day Average	7-Day Average	Daily Maximum	Basis ^a
Total Suspended Solids (TSS), mg/l	*	*	100	Previous Permit BPJ
pH, SU	Shall remain between 7.0 to 9.0 for all Class I and IA waters; Shall remain between 6.0 to 9.0 for all Class II and III waters			Previous Permit WQS
Oil and Grease, mg/l ^c	*	*	10	Previous Permit EPA Guidance BPJ

Table 5: Effluent produced from the treatment of contaminated ground or surface water from remediation activities.

Effluent Parameter	30-Day Average	7-Day Average	Daily Maximum	Basis ^a
Total Suspended Solids (TSS), mg/l	*	*	100	Previous Permit BPJ
pH, SU	Shall remain between 7.0 to 9.0 for all Class I and IA waters; Shall remain between 6.0 to 9.0 for all Class II and III waters			Previous Permit WQS
Benzene, µg/l	For direct discharges, the concentration shall not exceed 5 µg/l.			Previous Permit EPA Guidance BPJ
Total BTEX, µg/l ^d	For direct discharges, the concentration shall not exceed 100 µg/l.			Previous Permit EPA Guidance BPJ
Total Petroleum Hydrocarbons, mg/l ^e	A limit of 1 mg/l shall apply to water classification for domestic water supply. Otherwise the limit shall be 10 mg/l.			Previous Permit BPJ
Oil and Grease, mg/l ^c	*	*	10	Previous Permit EPA Guidance BPJ

Table 6: Effluent produced from the hydrostatic test of pipes, tanks, or other vessels.

Effluent Parameter	30-Day Average	7-Day Average	Daily Maximum	Basis ^a
Total Suspended Solids (TSS), mg/l	*	*	100	Previous Permit BPJ
pH, SU	Shall remain between 7.0 to 9.0 for all Class I and IA waters; Shall remain between 6.0 to 9.0 for all Class II and III waters			Previous Permit WQS
Benzene, µg/l ^f	For direct discharges, the concentration shall not exceed 5 µg/l.			Previous Permit EPA Guidance BPJ
Total BTEX, µg/l ^{d, f}	For direct discharges, the concentration shall not exceed 100 µg/l.			Previous Permit EPA Guidance BPJ
Total Residual Chlorine, mg/l ^b	*	*	0.05	Previous Permit BPJ
Total Petroleum Hydrocarbons, mg/l ^{e, f}	A limit of 1 mg/l shall apply to water classification for domestic water supply. Otherwise the limit shall be 10 mg/l.			Previous Permit BPJ
Oil and Grease, mg/l ^c	*	*	10	Previous Permit EPA Guidance BPJ

Notes:	
*	This parameter is not limited. However, the department may impose limitations based on sample history and to protect the receiving waters.
	The basis of the effluent limitations is given below:
a.	<p>“Previous Permit” refers to limitations in the previous permit. The NPDES regulations 40 CFR Part 122.44(1)(1) Reissued permits require that when a permit is renewed or reissued, interim limitations, standards or conditions must be at least as stringent as the final effluent limitations, standards, or conditions in the previous permit unless the circumstances on which the previous permit was issued have materially and substantially changed since the previous permit was issued and would constitute cause for permit modification or revocation and reissuance under 40 CFR Part 122.62.</p> <p>“WQS” refers to effluent limitations based on the State of North Dakota’s “Standards of Quality for Waters of the State”, NDAC Chapter 33-16-02.1.</p> <p>“BPJ” refers to best professional judgement.</p>
b.	Total residual chlorine shall be analyzed if chlorinated water is used during the hydrostatic test. The analysis for TRC shall be conducted using reliable devices (Equivalent to EPA Method 330.5 DPD-Spectrophotometric). The method achieves a method detection limit of less than 0.05 mg/l. In the calculation of average TRC concentrations, those analytical results that are less than the method detection limit shall be considered to be zero for calculation purposes. If all individual analytical results that would be used in the calculations are below the method detection limit, then “< 0.05 mg/l” shall be reported on the quarterly Discharge Monitoring Report (DMR). Otherwise, report the calculated value.
c.	In the event that an oil sheen or floating oil is observed in the discharge, a grab sample shall be immediately taken, analyzed, and reported. The sample shall not exceed 10 mg/l. Any noncompliance shall be reported as required to the department.
d.	BETX shall be measured as the sum of benzene, ethyl benzene, toluene, and xylene. EPA methods 602, 624, or 1624 shall be used for the measurement of benzene, ethyl benzene, and toluene. EPA method 8260 or equivalent method shall be used for the measurement of xylene including ortho-, meta-, and para-xylene. (Note: Depending on Regional/State policy, EPA method 8260 may be used as a substitute or equivalent for the CWA methods 602, 624, or 1624 required under the CWQ in 40 CFR Part 136.)
e.	Acceptable methods for this parameter are 1664 in the latest edition of Standard Methods for the Examination of Water and Wastewater and EPA SW846 Method 8015 (modified) for Total Purgeable Petroleum Hydrocarbons.
f.	This parameter shall be analyzed if the discharge is from hydrostatic test water from the testing of used pipes, tanks, or other similar vessels which have or may have contained petroleum products.

SELF-MONITORING REQUIREMENTS

All effluent is sampled at a point leaving the site but prior to entering waters of the state.

Self-Monitoring Requirements

Effluent Parameter	Frequency ^a	Sample Type ^b
TSS, mg/l	Weekly	Grab
pH, SU	Weekly	Grab
Benzene, µg/l	Weekly, Monthly, Quarterly	Grab
Total BTEX, µg/l	Weekly, Monthly, Quarterly	Grab
Oil & Grease, mg/l	Daily, Weekly	Visual ^c
Total Residual Chlorine, mg/l	Daily, Weekly	Grab
Total Petroleum Hydrocarbons, mg/l	Weekly, Monthly, Quarterly	Grab
Total Radium (uranium-bearing wells)	Weekly, Monthly	Grab
Flow, gpm	Daily	Instantaneous or Calculated
Total Drain, MG	Quarterly	Calculated

Notes:

a. Sample frequency shall be assigned based on the type of activity and what type of treatment is being provided.

b. Refer to Appendix B for definitions.

c. If a visible sheen of floating oil is observed in the discharge, a grab sample shall be collected and the department shall be contacted.

SURFACE WATER QUALITY-BASED EFFLUENT LIMITS

The North Dakota Standards of Quality for Waters of the State (NDAC Chapter 33.1-16-02.1) are designed to protect existing water quality and preserve the beneficial uses of North Dakota's 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.

Numerical Criteria for the Protection of Aquatic Life and Recreation

Numerical water quality criteria are listed in the water quality standards for waters (NDAC Chapter 33.1-16-02.1). They specify the maximum levels of pollutants allowed in receiving water to protect aquatic life and recreation in and on the water. The department uses numerical criteria along with chemical and physical data for the wastewater and receiving water to derive the effluent limits in the discharge permit. When water quality-based limits are more stringent or potentially more stringent than technology-based limits, the discharge must meet the water quality-based limits.

Numerical Criteria for the Protection of Human Health

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

Narrative Criteria

Narrative water quality criteria (NDAC Chapter 33.1-16-02.1-08) limit concentrations of pollutants from exceeding applicable standards of the receiving waters. The department adopted a narrative biological goal solely to provide an additional assessment method that can be used to identify impaired surface waters.

Antidegradation

The purpose of North Dakota's Antidegradation Policy (NDAC Chapter 33.1-16-02.1(Appendix IV)) is to:

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

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

Mixing Zones

The department's Water quality standards contain a Mixing Zone and Dilution Policy and Implementation Procedure, NDAC Chapter 33.1-16-02.1 (Appendix III). This policy addresses how mixing and dilution of point source discharges with receiving waters will be addressed in developing chemical-specific and whole effluent toxicity discharge limitations. Depending upon site-specific mixing patterns and environmental concerns, some pollutants/criteria may be allowed a mixing zone or dilution while others may not. In all cases, mixing zone and dilution allowances shall be limited, as necessary, to protect the integrity of the receiving water's ecosystem and designated uses.

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

Total Suspended Solids (TSS)

Technology-based limits for most industries are derived assuming that the subject facilities are ongoing operations. Because of the relatively short duration of these temporary discharges, directly comparing TSS levels achieved by industries that are more permanent would not be a sound basis for deriving technology-based effluent limits.

A facility exercising reasonably diligent control of TSS through the use of a pond system, filtration, or other BMP should be capable of reliably achieving a TSS level of 100 mg/l or less. Effluent guidelines for conventional pollutants do not exist for the categories of point source dischargers covered by this permit. Therefore, the effluent limit for TSS will be 100 mg/l, based on the previous permit and best professional judgment (BPJ).

Because of the variety of available chemical flocculants, the use of such settling aids will be subject to prior review by the department.

pH

The effluent limits for pH shall be in accordance to the state water quality standards based on receiving water classification. The following table summarizes pH limits, which are based on the beneficial uses criteria for waters of each respective classification and previous permit limits.

Receiving water classification	Effluent pH limit
Class I and IA	7.0 – 9.0 S.U.
Class II and III	6.0 – 9.0 S.U.

Total Residual Chlorine

The total residual chlorine (TRC) concentration must be non-detectable at the point the discharge reaches the receiving waters. The department considers the analytical detection limit for TRC to be 0.05 mg/l. Any sample results less than 0.05 mg/l will be considered non-detectable. This can be verified by monitoring at any of the following locations:

1. At the point where the discharge reaches the receiving water;
2. at the discharge location; or
3. at a location between these two points.

This limit is based on BPJ.

Total Petroleum Hydrocarbons

Total petroleum hydrocarbons (TPH) may be present in the discharge due to pump lubricant contamination, contaminated groundwater, or contaminated runoff entering the discharge. The

department shall apply a limit of 1 mg/l with a water classification for domestic water supplies. All other water classifications shall have a limit of 10 mg/l based on BPJ, since this level can generally be attained by conventional oil skimming methods or a submerged overflow.

BTEX and Benzene

The total BTEX concentration shall not exceed 100 µg/l. BTEX shall be measured as the sum of benzene, ethyl benzene, toluene, and zylene. The benzene concentration shall not exceed 5 µg/l. These limits are based on EPA guidance for discharges of wastewater from petroleum contaminated ground water remediation sites and BPJ.

Oil and Grease

Oil and Grease may be present in the discharge due to work related activities, contaminated groundwater, or contaminated runoff entering the discharge. The department shall apply a limit of 10 mg/l based on EPA guidance and BPJ, since this level can generally be attained by conventional oil skimming methods or a submerged overflow.

Total Radium (uranium-bearing wells)

Total Radium (uranium-bearing wells) may be present in well drilling activities. The department shall apply a limit of 5pCi/l based on the states WQS to locations identified as having the potential to discharge total radium.

Phosphorus and Nitrogen (Nutrients)

Nutrient monitoring was excluded from this general permit renewal. The North Dakota Nutrient Reduction Strategy addresses discharges from point sources, it specifically looks at the strategic planning importance for implementing nutrient controls for Publicly Owned Treatment Works (POTWs). Discharges covered by this permit do not fit into that category. In addition to the discharges covered under this permit not being a focus of the strategy, the nature of the discharges are not likely to include a significant concentration of nutrients.

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 that temporary discharge activities listed above are regulated to protect human health. The department will re-evaluate temporary discharge activities for impacts to human health at the next permit reissuance.

MONITORING REQUIREMENTS

The department requires monitoring, recording, and reporting (NDAC Chapter 33.1-16-01-(21-23) and 40 CFR 122.41) to verify that the treatment process is functioning correctly and that the discharge complies with the permit's limits.

TEST PROCEDURES

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

OTHER PERMIT CONDITIONS

DAILY LOGS

The permittee shall maintain a log relating to the authorized discharge(s). The following information shall be included in the summaries with appropriate discharge monitoring report forms:

- a. Flow information and dates discharged;
- b. sample results;
- c. records of visual observations;
- d. notations of any problems relating to treatment of the discharge; and
- e. name of receiving water.

BENEFICIAL REUSE

Discharged water can be used for irrigation, construction purposes such as soil compaction, dust suppression and washing aggregate, oil and gas production and other uses as approved by the department. Any reuse runoff that occurs shall be monitored at the frequencies and the types of measurements described in Part I(B) of the permit. The permittee will maintain monitoring records indicating the location and usage of the land where application occurs, the dates application occurred, the amount of wastewater used, and the total flow. In addition, monitoring records must include results from collected samples.

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 standards of water quality, 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.

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APPENDIX A – PUBLIC INVOLVEMENT INFORMATION

The department proposes to reissue a general permit for temporary discharges within the State of North Dakota. This permit includes wastewater discharge limits and other conditions. This fact sheet describes the type of activities covered under this general permit and the department's reasons for requiring permit conditions.

The department will place a Public Notice of Draft on February 10, 2020 in the **Regional Papers** to inform the public and to invite comment on the proposed draft North Dakota Pollutant Discharge Elimination System permit and fact sheet.

The Notice –

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

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

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

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

PUBLIC NOTICE

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

Public Notice Date: 2/10/2020

Public Notice Number: ND-2020-003

Purpose of Public Notice

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

Permit Information

Application Date: 10/1/2019

Application Number: NDG07

Applicant Name: General Permit NDG070000-Temporary Discharge

Mailing Address: ND Dept of Env Quality, Div of Water Quality, 918 East Divide Ave, Bismarck ND 58501-1947

Telephone Number: 701.328.5237

Proposed Permit Expiration Date: 3/31/2025

Description

The department intends to reissue a NDPDES General Permit, NDG070000, to regulate temporary discharge activities in the State of North Dakota. The permit establishes effluent requirements based on technology and water quality considerations, prohibitions, best management practices, and other conditions applicable to these types of wastewaters. Anyone desiring coverage under this permit should contact the department for further information.

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 Env Quality, Div of Water Quality, 918 East Divide Ave, Bismarck ND 58501-1947 or by calling 701.328.5210.

All comments received by March 23, 2020 will be considered prior to finalizing the permit. If there is significant interest, a public hearing will be scheduled. Otherwise, the Department will issue the final permit within sixty (60) days of this notice. If you require special facilities or assistance relating to a disability, call TDD at 1.800.366.6868.



APPENDIX B – GLOSSARY

DEFINITIONS Standard Permit BP 2019.05.29

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

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

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., $100/\text{LC50}$).
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., $100/\text{IC25}$).
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.

EXPIRATION DATE: MARCH 31, 2025

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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).

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APPENDIX C – EXAMPLES OF BEST MANAGEMENT PRACTICES (BMPs)

Best Management Practice	Uses
Block and Gravel Inlet Protection	<ul style="list-style-type: none"> • Used in small drainage areas before the area has been permanently stabilized • Where there is danger of silting in an inlet
Buffer Zones	<ul style="list-style-type: none"> • Floodplains, next to wetlands, along stream banks, and on steep, unstable slopes
Check Dams	<ul style="list-style-type: none"> • Across swales or drainage ditches to reduce the velocity of flow
Dust Control	<ul style="list-style-type: none"> • Used where open dry areas of soil are anticipated on the site
Drainage Swale or Earth Dike	<ul style="list-style-type: none"> • Divert upslope flows from disturbed areas and to divert runoff to a stabilized outlet • To reduce the length of slope the runoff will cross • At the perimeter of the construction site to prevent sediment-laden runoff from leaving the site • To direct sediment-laden runoff to a sediment trapping device
Excavated Gravel Inlet Protection	<ul style="list-style-type: none"> • Used in small drainage areas before the area has been permanently stabilized • Where there is danger of silting in an inlet • Where ponds around the inlet structure could be a problem to traffic on site
Filter Fabric Inlet Protection	<ul style="list-style-type: none"> • Used in small drainage areas before the area has been permanently stabilized • Where there is danger of silting in an inlet
Geotextiles	<ul style="list-style-type: none"> • Stabilize the flow on channels and swales • Used on recently planted slopes to protect seedlings until they become established
Mulching	<ul style="list-style-type: none"> • Areas where slopes are steeper than 2:1 • Where runoff is flowing across the area • When seedlings need protection from bad weather
Permanent Seeding and Planting	<ul style="list-style-type: none"> • Areas where soils are unstable because of their texture, structure, water table, winds, or slopes • Filter strips, buffer areas, vegetated swales, steep slopes, and stream banks
Pipe Slope Drain	<ul style="list-style-type: none"> • On slopes before permanent stormwater drainage structures have been installed • Where diversion measures have been used to concentrate flows
Silt Fence	<ul style="list-style-type: none"> • Immediately upstream of the point(s) of runoff discharge from a site before flow becomes concentrated • Below disturbed areas where runoff may occur in the form of overland flow

Best Management Practice	Uses
Stabilized Construction Entrance	<ul style="list-style-type: none"> • Wherever vehicles are leaving a construction site and enter onto a public road • At any unpaved entrance/exit where there is risk of transporting mud or sediment onto paved roads
Temporary Sediment Trap	<ul style="list-style-type: none"> • At the outlet of the perimeter controls installed during the first stage of construction • At the outlet of any structure which concentrates sediment-laden runoff, e.g. at the discharge point of diversions, channels, slope drains, or other runoff conveyances • Above a stormwater inlet that is in line to receive sediment-laden runoff
Temporary Seeding	<ul style="list-style-type: none"> • Areas which have been disturbed by construction and which are likely to be redisturbed, e.g. denuded areas, soil stockpiles, dikes, dams, sides of sediment basins, and temporary roadbanks

Information obtained from the Environmental Protection Agency's "Stormwater Management for Construction Activities: Developing Pollution Prevention Plans and Best Management Practices" (September 1992).

APPENDIX D – RESPONSE TO COMMENTS

Any comments received during the public comment period will be addressed here.

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Permit No: NDG070000
Effective Date: April 01, 2020
Expiration Date: March 31, 2025

AUTHORIZATION TO DISCHARGE UNDER THE
NORTH DAKOTA POLLUTANT DISCHARGE ELIMINATION SYSTEM

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

operations engaged in temporary discharge activities

are authorized to discharge from locations throughout the state of North Dakota

to waters of the State

provided all the conditions of this permit are met.

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

March 31, 2025.

Signed this _____ day of _____, _____.

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

BP 2019.05.29

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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., $100/“IC25”$).
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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).

OUTFALL DESCRIPTION

Outfall 001 – Active. Final Outfall. Temporary discharge activities

PERMIT SUBMITTALS SUMMARY

Coverage Point	Submittal	Frequency	First Submittal Date
001, etc.	Discharge Monitoring Report	Quarterly	July 31, 2020
Application Renewal	NDPDES Application Renewal	1/permit cycle	October 1, 2025

SPECIAL CONDITIONS

Daily Logs

The permittee shall maintain a log relating to the authorized discharge(s). The following information shall be included in the summaries with appropriate discharge monitoring report forms:

- a. Flow information and dates discharges;
- b. sample results;
- c. records of visual observations;
- d. notations of any problems relating to treatment of the discharge; and
- e. name of receiving water.

COVERAGE UNDER THIS PERMIT

Applicability of General Permit

Under this general permit, authorization to discharge relatively uncontaminated waters from temporary discharge activities into the waters of the State of North Dakota may be granted. Such activities are hydrostatic testing of pipes, tanks or other similar vessels; disinfection of potable water lines; pump testing of water wells; dewatering of swimming pools and similar structures; construction dewatering; the treatment of gasoline or diesel contaminated ground water; and other short-term discharges. The water discharged from any of these activities must not contribute non-conventional or toxic pollutant loadings to waters of the state.

Temporary dewatering activities as related to construction activities may be covered under the 2020 Construction – Stormwater permit NDR110000. The department determined that if construction dewatering activities are discharging relatively uncontaminated water using items outlined in their Stormwater Pollution Prevention Plan (SWPPP) then there is no need to administratively provide multiple permits for the same activities. This concept may change as rules and regulations change for stormwater activities.

Request for Authorization-Notice of Intent (NOI)

To be eligible for authorization to discharge under this general permit, the owner, operator, and/or authorized agent of any facility conducting temporary dewatering activities must fulfill the requirements of a Notice of Intent (NOI) by submitting a Short Form C (SFN 8319 (03/2019)), North Dakota Pollutant Discharge Elimination System (NDPDES) permit application to the North Dakota Department of Health at its address listed in the permit at least 30 days prior to the anticipated start of any discharge. The department will then have 30 days to grant discharge authority, deny discharge authority, or request additional information. If the department fails to act on any request within the 30-day period, the facility is automatically covered under the permit. The department may waive, at its discretion, the 30-day period in special cases.

After coverage has been obtained, all permittees shall be required to provide the following information to the department, in writing, at least five days prior to the start of any discharge. If all this information was included in/with the permit application, it does not need to be resubmitted.

- a. The name, address, and descriptive location of the facility.
- b. The name of principal in charge of operation of the facility.
- c. The name of receiving waters.
- d. The location of the discharge point(s).
- e. A brief description of the type of activity resulting in the discharge.
- f. A map or schematic diagram showing the general area and/or routing of the activity.
- g. The anticipated total volume to be discharged.
- h. The anticipated average and maximum rates of discharge.
- i. The anticipated dates of discharge.
- j. For hydrostatic testing only, the type (size and material) of pipe or vessel, whether the pipe or vessel has been used or is of virgin material and a description of the fluid normally transported through the pipeline or contained in the vessel.
- k. For hydrostatic testing only, the source of water to be used in the testing. If water is to be obtained from a well, (other than used for potable water supply) or from an impoundment, the concentration of total dissolved solids or the specific conductance of this water shall be reported.
- l. Describe briefly what measures will be taken to minimize, within practical means, the effects of the discharge on water quality in the receiving waters. A list of BMPs can be found in Table 1.

The department may waive, at its discretion, some of the items listed above and/or the five-day period in special cases.

Discharges Not Covered

Temporary discharges associated with the process wastewater or any waster containing sanitary waste.

Any discharge not permitted correctly by local, state, or federal agencies (such as the U.S. Army Corps of Engineers Section 404 permits).

This general permit does not substitute for obligations under the National Environmental Policy Act (NEPA), Endangered Species Act (ESA), or the National Historic Preservation Act (NHPA), it is your responsibility to ensure the project and resulting discharges comply with the respective requirements.

Discharges to waters for which there is a total maximum daily load (TMDL) allocation for sediment and/or parameters associated with sediment transport are not covered unless you develop a Pollution Prevention Plan that is consistent with the assumptions, allocations and requirements in the approved TMDL. If a specific numeric waste load allocation has been established that would apply to the project's discharges, the permittee(s) must incorporate that allocation into the Pollution Prevention Plan and implement necessary steps to meet that allocation.

Request for Discharge of Water Treatment Additives

In the event a permittee proposes to discharge water additives, the permittee shall submit a request to discharge water additives to the department for review. Written notice from the department to discharge such additives at specified levels shall be obtained prior to discharge by the permittee. Additional monitoring and reporting may be required as a condition for approval to discharge the additive.

A request to discharge water additives shall include all of the following water additive usage and discharge information:

- a. Material Safety Data Sheet (MSDS);
- b. the proposed water additive discharge concentration;
- c. the discharge frequency (i.e. number of hours per day and number of days per year);
- d. the monitoring point from which the product is to be discharged;
- e. the type of removal treatment, if any, that the water additive receives prior to discharge;
- f. product function (i.e. microbiocide, flocculant, etc.);
- g. a 48-hour LC₅₀ or EC₅₀ for a North American freshwater planktonic crustacean (either *Ceriodaphnia* so., *Daphnia* sp. or *Simocephalus* sp.); and
- h. the results of toxicity test for one other North American freshwater aquatic species (other than a planktonic crustacean).

Notice of Termination (NOT)

Permittees wanting to terminate coverage under this permit must submit a Notice of Termination (NOT) or other written request identifying the facility, reason why the permit is no longer needed and signed in accordance with the signatory requirement of the permit. NOT's can also be submitted through the department's Electronic Reporting Information System (ERIS). Compliance with the conditions of this permit is required until an official cancellation letter from the department is received.

POLLUTION PREVENTION PLAN

Instead of monitoring for total suspended solids, the permittee may request to develop and implement a pollution prevention plan before beginning temporary discharge activities. The plan must detail the best management practices the permittee will undertake to reduce or eliminate any discharge of pollutants. The following table lists examples of best management practices for temporary discharge activities.

Table 1: Examples of Best Management Practices	
Best Management Practice	Description of Practice
Block and Gravel Inlet Protection	<ul style="list-style-type: none"> Used in small drainage areas before the area has been permanently stabilized Where there is danger of silting in an inlet
Buffer Zones	<ul style="list-style-type: none"> Floodplains, next to wetlands, along stream banks, and on steep, unstable slopes
Check Dams	<ul style="list-style-type: none"> Across swales or drainage ditches to reduce the velocity of flow
Dust Control	<ul style="list-style-type: none"> Used where open dry areas of soil are anticipated on the site
Drainage Swale or Earth Dike	<ul style="list-style-type: none"> Divert upslope flows from disturbed areas and to divert runoff to a stabilized outlet To reduce the length of slope the runoff will cross At the perimeter of the construction site to prevent sediment-laden runoff from leaving the site To direct sediment-laden runoff to a sediment trapping device
Excavated Gravel Inlet Protection	<ul style="list-style-type: none"> Used in small drainage areas before the area has been permanently stabilized Where there is danger of silting in an inlet Where ponds around the inlet structure could be a problem to traffic on site
Filter Fabric Inlet Protection	<ul style="list-style-type: none"> Used in small drainage areas before the area has been permanently stabilized Where there is danger of silting in an inlet
Geotextiles	<ul style="list-style-type: none"> Stabilize the flow on channels and swales Used on recently planted slopes to protect seedlings until they become established
Mulching	<ul style="list-style-type: none"> Areas where slopes are steeper than 2:1 Where runoff is flowing across the area When seedlings need protection from bad weather
Permanent Seeding and Planting	<ul style="list-style-type: none"> Areas where soils are unstable because of their texture, structure, water table, winds, or slopes Filter strips, buffer areas, vegetated swales, steep slopes, and stream banks
Pipe Slope Drain	<ul style="list-style-type: none"> On slopes before permanent stormwater drainage structures have been installed Where diversion measures have been used to

	concentrate flows
Silt Fence	<ul style="list-style-type: none"> • Immediately upstream of the point(s) of runoff discharge from a site before flow becomes concentrated • Below disturbed areas where runoff may occur in the form of overland flow
Stabilized Construction Entrance	<ul style="list-style-type: none"> • Wherever vehicles are leaving a construction site and enter onto a public road • At any unpaved entrance/exit where there is risk of transporting mud or sediment onto paved roads
Temporary Sediment Trap	<ul style="list-style-type: none"> • At the outlet of the perimeter controls installed during the first stage of construction • At the outlet of any structure which concentrates sediment-laden runoff, e.g. at the discharge point of diversions, channels, slope drains, or other runoff conveyances • Above a stormwater inlet that is in line to receive sediment-laden runoff
Temporary Seeding	<ul style="list-style-type: none"> • Areas which have been disturbed by construction and which are likely to be redisturbed, e.g. denuded areas, soil stockpiles, dikes, dams, sides of sediment basins, and temporary roadbanks
<p>Note: <i>Information obtained from the Environmental Protection Agency's "Stormwater Management for Construction Activities: Developing Pollution Prevention Plans and Best Management Practices" (September 1992)</i></p>	

Deadlines for Plan Preparation and Compliance

If the permittee develops a pollution prevention plan instead of sampling, the plan must be developed and implemented prior to the start of dewatering.

Signature and Plan Review

The plan shall be signed in accordance with the signatory requirements and retained on-site at the location which generates the dewatering discharge.

The permittee shall make plans available upon request to the department or in the case of a discharge through a municipal separate storm sewer system, to the operator or the municipal system.

The department may notify the permittee at any time that the plan does not meet the minimum requirements of this part. Such notification shall identify those provisions of the permit which are not being met by the plan and identify which provisions require modifications in order to meet the minimum requirements. Within 7 days of notification, the permittee shall make the required changes to the plan and shall submit to the department a written certification that the requested changes have been made.

Keeping Plans Current

The permittee shall amend the plan whenever there is a change in design, construction, operation, maintenance, or BMPs. The plan shall also be amended if the plan proves to be ineffective in controlling pollutants present in the discharge. The plan shall also include a description of the amendment process.

I. LIMITATIONS AND MONITORING REQUIREMENTS

A. Discharge Authorization

During the period beginning on the effective date of this permit and the effective date of an individual coverage letter, and lasting until the expiration of this permit or termination of the individual coverage, the permittee is authorized to discharge pollutants from the outfall(s) as specified to the following:

Waters of the State of North Dakota.

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

B. Effluent Limitations and Monitoring

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

Table 2: Effluent associated with disinfection of potable water lines, swimming pools and similar structures.					
Parameter	Effluent Limitations			Monitoring Requirements	
	Avg. Monthly Limit	Avg. Weekly Limit	Daily Maximum Limit	Sample Frequency	Sample Type
Total Suspended Solids (TSS)	*	*	100 mg/l	1/week	Grab
pH, SU	Shall remain between 7.0 to 9.0 for all Class I and IA waters; Shall remain between 6.0 to 9.0 for all Class II and Class III waters.			1/week	Grab
Total Residual Chlorine ^b	*	*	0.05 mg/l	^a	Grab

Table 3: Effluent associated with pump testing of water wells.					
Parameter	Effluent Limitations			Monitoring Requirements	
	Avg. Monthly Limit	Avg. Weekly Limit	Daily Maximum Limit	Sample Frequency	Sample Type
Total Suspended Solids (TSS)	*	*	100 mg/l	1/week	Grab
pH, SU	Shall remain between 7.0 to 9.0 for all Class I and IA waters; Shall remain between 6.0 to 9.0 for all Class II and Class III waters.			1/week	Grab
Total Radium (uranium-bearing wells)	5pCi/l	*	*	^a	Grab

Table 4: Effluent associated with construction dewatering

Parameter	Effluent Limitations			Monitoring Requirements	
	Avg. Monthly Limit	Avg. Weekly Limit	Daily Maximum Limit	Sample Frequency	Sample Type
Total Suspended Solids (TSS)	*	*	100 mg/l	1/week	Grab
pH, SU	Shall remain between 7.0 to 9.0 for all Class I and IA waters; Shall remain between 6.0 to 9.0 for all Class II and Class III waters.			1/week	Grab
Oil and Grease ^c	*	*	10 mg/l	1/week	Visual

Table 5: Effluent produced from the treatment of contaminated ground or surface water from remediation activities.

Parameter	Effluent Limitations			Monitoring Requirements	
	Avg. Monthly Limit	Avg. Weekly Limit	Daily Maximum Limit	Sample Frequency	Sample Type
Total Suspended Solids (TSS)	*	*	100 mg/l	1/week	Grab
pH, SU	Shall remain between 7.0 to 9.0 for all Class I and IA waters; Shall remain between 6.0 to 9.0 for all Class II and Class III waters.			1/week	Grab
Benzene	For direct discharges, the concentration shall not exceed 5 µg/l.			a	Grab
Total BTEX ^d	For direct discharges, the concentration shall not exceed 100 µg/l.			a	Grab
Total Petroleum Hydrocarbons ^e	A limit of 1 mg/l shall apply to water classification for domestic water supply. Otherwise the limit shall be 10 mg/l.			a	Grab
Oil and Grease ^c	*	*	10 mg/l	1/week	Visual

Table 6: Effluent produced from the hydrostatic testing of pipes, tanks or other vessels

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

Table 6: Effluent produced from the hydrostatic testing of pipes, tanks or other vessels

Parameter	Effluent Limitations			Monitoring Requirements	
	Avg. Monthly Limit	Avg. Weekly Limit	Daily Maximum Limit	Sample Frequency	Sample Type
Total Suspended Solids (TSS)	*	*	100 mg/l	1/week	Grab
pH, SU	Shall remain between 7.0 to 9.0 for all Class I and IA waters; Shall remain between 6.0 to 9.0 for all Class II and Class III waters.			1/week	Grab
Benzene ^f	For direct discharges, the concentration shall not exceed 5 µg/l.			a	Grab
Total BTEX ^{d, f}	For direct discharges, the concentration shall not exceed 100 µg/l.			a	Grab
Total Residual Chlorine ^b	*	*	0.05 mg/l	a	Grab
Total Petroleum Hydrocarbons ^{b, e}	A limit of 1 mg/l shall apply to water classification for domestic water supply. Otherwise the limit shall be 10 mg/l.			a	Grab
Oil and Grease ^c	*	*	10 mg/l	1/week	Visual

Total Volume Discharged

Parameter	Effluent Limitations			Monitoring Requirements	
	Avg. Monthly Limit	Avg. Weekly Limit	Daily Maximum Limit	Sample Frequency	Sample Type
Flow, MG	Report	*	Report	Daily	Instantaneous or Calculated
Total Drain, MG	*	*	Report	Quarterly	Calculated

Notes:

- *. This parameter is not limited. However, the department may impose limitations based on sample history and to protect the receiving waters.
- a. Sample frequency shall be assigned based on the type of activity and what type of treatment is being provided. Sample frequencies may consist of daily, weekly, monthly, or quarterly.
- b. Total residual chlorine shall be analyzed if chlorinated water is used during the hydrostatic test. The analysis for TRC shall be conducted using reliable devices (Equivalent to EPA Method 330.5 DPD-Spectrophotometric). The method achieves a method detection limit of less than 0.05 mg/l. In the calculation of average TRC concentrations, those analytical results that are less than the method detection limit shall be considered to be zero for calculation purposes. If all individual analytical results that would be used in the calculations are below the method

detection limit, then "< 0.05 mg/l" shall be reported on the quarterly Discharge Monitoring Report (DMR). Otherwise, report the calculated value.

- c. In the event that an oil sheen or floating oil is observed in the discharge, a grab sample shall be immediately taken, analyzed and reported. The sample shall not exceed 10 mg/l. Any noncompliance shall be reported as required to the department.
- d. BTEX shall be measured as the sum of benzene, ethyl benzene, toluene, and xylene. EPA methods 602, 624, or 1624 shall be used for the measurement of benzene, ethyl benzene, and toluene. EPA methods 8260 or equivalent method shall be used for the measurement of xylene including ortho-, meta-, and para-xylene. (Note: Depending on Regional/State policy, EPA method 8260 may be used a substitute or equivalent for the CWA methods 602, 624, or 1624 required under the CWQ in 40 CFR Part 136.)
- e. Acceptable methods for this parameter are 1664 in the latest edition of Standard Methods for the Examination of Water and Wastewater and EPA SW846 Method 8015 (modified) for Total Purgeable Petroleum Hydrocarbons.
- f. This parameter shall be analyzed if the discharge is from hydrostatic test water from the testing of used pipes, tanks, or other similar vessels which have or may have contained petroleum products.

II. MONITORING, RECORDING, AND REPORTING REQUIREMENTS BP 2019.05.29

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 program reports;
 - c. Pretreatment program reports;
 - d. Sewer overflow/bypass event reports; and

e. Clean Water Act 316(b) annual reports.

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

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

1. No internet access,
2. No computer access,
3. Annual DMRs (upon approval of the department),
4. Employee turnover (3-month periods only), or
5. Short duration permits (upon approval of the department)

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

ND Department of Environmental Quality
Division of Water Quality
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. BENEFICIAL REUSES

A. Irrigation

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

Agricultural land may be irrigated as well as forage crops used for livestock consumption or pastures. Public properties such as golf courses or parks may be irrigated.

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

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

B. Construction

Discharged water may be used for construction purposes such as soil compaction, dust suppression and washing aggregate, provided the wastewater is applied in a manner that does not result in runoff or ponding.

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

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

C. Oil and Gas Production (including Hydraulic Fracturing)

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

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

D. Other Uses as Approved

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