

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

Public Notice Date: 1/7/2019

Public Notice Number: ND-2019-001

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: 10/1/2018

Application Number: NDG52

Applicant Name: General Permit NDG520000-Water Treatment Plant and Potable Distribution System

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

Telephone Number: 701.328.5215

Proposed Permit Expiration Date: 3/31/2024

Description

The Department intends to issue a NDPDES General Permit, NDG52-0000, to regulate discharges from water treatment facilities and potable distribution systems. Discharges of pollutants to waters of the state of North Dakota may occur due to the process of making potable water, overflow from treatment and storage units, filter backwash water, disinfection and line flushing, or line breakages. The water discharged from these activities must be relatively uncontaminated and must not contribute non-conventional or toxic pollutant loadings to the receiving waters.

Tentative Determinations

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

Information Requests and Public Comments

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

All comments received by February 15, 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 GENERAL PERMIT
NDG-520000**

PERMIT REISSUANCE

**STATE OF NORTH DAKOTA
WATER TREATMENT PLANTS AND POTABLE DISTRIBUTION SYSTEMS**

DATE OF THIS FACT SHEET – SEPTEMBER 2018

INTRODUCTION

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

The following rules or regulations apply to NDPDES permits:

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

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

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

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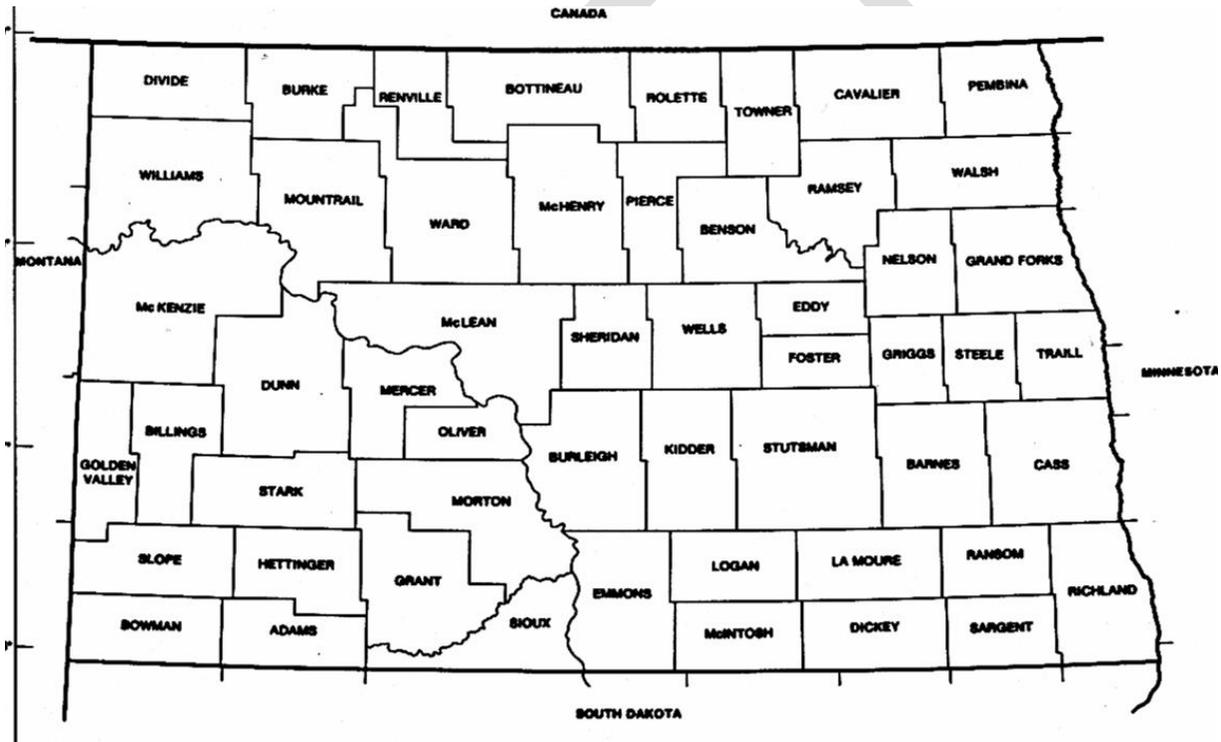
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BACKGROUND INFORMATION

Table 1 – General Facility Information

Permit Number:	NDG52-0000
Permit Type:	Minor, Permit Issuance
Type of Treatment:	Best Available Technology Economically Achievable (BAT); Best Professional Judgment (BPJ); Best Practical Technology (BPT); and Best Management Practices (BMPs)
Discharge Location:	To waters of the state of North Dakota

Figure 1 – A map of the state of North Dakota and its counties.



As provided in the North Dakota Pollutant Discharge Elimination System Rules (NDAC 33-16-01), the department may issue general permits for a class of point source dischargers that meet the following criteria: discharge the same types of wastes, employ similar or equivalent types of treatment, require the same effluent limitations and require the same or similar monitoring. These dischargers are subject to the requirements of Section 402 of the Clean Water Act, as enforced by the NDPDES permitting program. A general permit issued for a class of discharges in place of individual permits for specific facilities benefits both the department and the permit holder by reducing administrative burdens and making the requirements for the similar facilities consistent. The general permits require baseline control practices aimed at minimizing the impact of discharges to waters of the state.

Currently, 19 facilities are covered and regulated under this permit. The water treatment plant facility discharges described in this permit meet these criteria and can be appropriately regulated under a general permit. Individual permits may be developed to address specific water quality concerns or specific industry segment practices.

PERMIT COVERAGE

Applicability of General Permit

This general permit is potentially applicable to all water treatment and distribution facilities. Discharges of pollutants to waters of the state may occur from the process of making potable water; overflow from treatment and storage units; filter backwash water; disinfection; and line flushing or breakages. The water discharged from these activities must be relatively uncontaminated and must not contribute non-conventional or other pollutant loadings in toxic amounts to the receiving waters.

The nation's public drinking water supply is a regulated community under the Safe Drinking Water Act (SDWA) passed by Congress in 1974 and amended in 1986 and 1996. The SDWA protects public health, drinking water and its sources: rivers, lakes, reservoirs, springs, and ground water wells for public use. There are currently no effluent guidelines for potable water treatment facilities. The department used Best Professional Judgment (BPJ) and the State's Standards of Quality for Waters of the State (Chapter 33-16-02.1) as a means of deriving limits for the proposed general permit.

Request for Authorization – Notice of Intent (NOI)

To request coverage under this general permit, the owner/operator or authorized agent of the water treatment facility or potable distribution system must submit a complete Notice of Intent (NOI) form SFN 60528. The NOI must identify the party responsible for the day to day operation of the facility if different from the owner. In the case of an application for renewal of an individual permit or coverage under a general permit, a reapplication made under the provisions of the existing permit will be acceptable.

The department will then have sixty (60) days to deny coverage, request information or authorize coverage under the general permit. Coverage under the general permit will be valid only when the applicant receives a written notice of coverage (NOC) from the department. A copy of the permit, with the applicable limits will be included with the department's NOC. A copy of the department's NOC letter and permit shall be kept at the facility until coverage under this permit is terminated. Facilities qualifying for coverage under this general permit, which are covered by an individual permit, shall remain covered by the individual permit until its expiration. As provided in North Dakota's NDPDES Rules, the operator of a facility covered under this general permit may request to be excluded from coverage under the general permit by submitting an application for an individual permit. In addition, any action by the department to require a facility to obtain an individual discharge permit will follow the procedures defined in our administrative rules.

Operators are not prohibited from submitting late NOIs. When a late NOI is submitted, authorization is only for discharges that occur after permit coverage is granted. The department

EXPIRATION DATE: March 31, 2024

reserves the right to take appropriate enforcement actions for any unpermitted activities that may have occurred between the time activities commenced and authorization of discharge is granted.

PERMIT STATUS

The department issued the previous permit on April 1, 2014. The previous permit had effluent limits and monitoring requirements for: pH, Total Suspended Solids (TSS), Total Iron, Total Manganese, Biological Oxygen Demand (BOD₅), Dissolved Oxygen (DO), Total Sulfate, Total Chloride, Conductivity, Oil and Grease, Total Residual Chlorine (TRC), effluent flow, and drain. Required effluent limits and monitoring requirements placed on permittees varied based on their facilities' water treatment and distribution system components (oxidation/filtration, chemical precipitation/filtration and coagulation/filtration, membrane filtration, miscellaneous waste streams, chlorinated discharge, line flushing, intake screen backwash, and no discharge under normal operating conditions).

SUMMARY OF COMPLIANCE WITH PREVIOUS PERMIT ISSUED

Past Discharge Data

The concentration of pollutants in the discharges for all facilities covered under this permit were reported on Discharge Monitoring Report forms. Six of the 19 facilities covered under this permit reported discharges during the previous permit cycle. The effluent is characterized in Table 1.

Table 1 – NDG52 Discharge Data (from 4/1/2014 - 9/31/2018)

Parameter	Units	Range	Average	Permit Limit	Number of Exceedances
TSS	mg/l	0 - 800	57.36	90	23
pH	SU	6 - 9.68	N/A	Class I & IA: 7.0-9.0 Class II & III: 6.0-9.0	5
Total Iron	mg/l	0.05 - 30.3	2.47	*	0
Total Manganese	mg/l	0.02 - 70	9.30	*	0
BOD ₅	mg/l	**	**	30 (avg. monthly) 45 (max. daily)	0
DO	mg/l	**	**	5 minimum	0
Total Sulfate	mg/l	**	**	a	0
Total Chloride	mg/l	**	**	b	0
Conductivity	umho/cm	**	**	*	0
TRC	mg/l	**	**	0.05	0
Oil & Grease	mg/l	**	**	10	0
Flow	mgpd	0.009 – 0.18	0.063	*	0
Total Drain	mgal	0.12 - 5.76	1.25	*	0
Notes:					

EXPIRATION DATE: March 31, 2024

- *. This parameter is not limited. However, the department may impose limitations based on sample history and to protect the receiving waters.
- **.
- a. Sulfate limitations are as follow: Class I 250 mg/l; Class IA and II 450 mg/l; and Class III 750 mg/l.
- b. Chloride limitations are as follow: Class I 100 mg/l; Class IA 175 mg/l; and Class II and III 250 mg/l.

PROPOSED PERMIT LIMITS

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

The discharge of wastewater generated in the production and distribution of drinking water is not regulated by national effluent guidelines, which establish technology-based effluent limitations for various industries. In the absence of a federal standard, limitations may be generated using “best professional judgment” (BPJ) and “water quality standards” (WQS) to ensure reasonable control technologies are used to prevent potential harmful effects of the discharge. In addition, the department must consider and include limitations necessary to protect water quality standards applicable to the receiving waters.

The proposed effluent limitations shall take effect once the permit becomes effective. The limitations apply to all wastewater outfalls for the facility. The effluent limitations and the basis for the limitations are provided in Tables 2 thru 9 below:

Table 2: Effluent Limitations and Monitoring Requirements: Oxidation/Filtration Facilities						
Parameter	Effluent Limitations			Monitoring Requirements		
	Avg. Monthly Limit	Avg. Weekly Limit	Daily Maximum Limit	Sample Frequency	Sample Type	Basis
pH, SU ^a	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.			1/Week	Grab	WQS
Total Suspended Solids (TSS), mg/l	*	*	90	Weekly/ Conditional	Grab	BPJ
Total Iron, mg/l	*	*	*	Weekly/ Conditional	Grab	BPJ
Total Manganese, mg/l	*	*	*	Weekly/ Conditional	Grab	BPJ
Effluent Flow, MGD	Report	*	Report Max. Daily Value	1/Day	Calculated	BPJ

Total Drain, MG	*	*	Report Total	1/Semi-Annual	Calculated	BPJ
<p>Notes:</p> <ul style="list-style-type: none"> *. This parameter is not limited. However, the department may impose limitations based on sample history and to protect the receiving water. a. All discharges to a lake or reservoir shall have the same pH as a class I stream. <p>Stipulations:</p> <p>Narrative Standard The receiving water shall contain no turbidity, color, oil films, floating solids, foams, settleable solids, or deposits in unnatural quantities which are or may become injurious to any designated use as a result of this discharge.</p> <p>Monitoring Location Samples, measurements, and observations taken in compliance with the monitoring requirements above shall be taken of the discharge prior to mixing with the receiving water.</p> <p>Outfall Observation Any unusual characteristics of the discharge (i.e., unnatural turbidity, color, oil film, floating solids, foams, settleable solids, or deposits) shall be reported in accordance with Part IV.F. "Twenty-four Hour Notice of Noncompliance Reporting" of the proposed general permit.</p> <p>Monitoring Frequency Reduction for Total Iron, Total Manganese, and TSS After the collection of ten samples or three months of data, the permittee may request, in writing, department approval of a reduction in monitoring frequency for Total Iron, Total Manganese, and TSS. This request shall contain an explanation as to why the reduced monitoring is appropriate and the summary of the collected data. Upon receipt of written approval and consistent with such approval, the permittee may reduce the monitoring frequency indicated in the above table of this permit. The monitoring frequency for Total Iron, Total Manganese and TSS shall not be reduced to less than monthly. The department may revoke the approval for reduced monitoring at any time upon notification to the permittee.</p> <p>Reissuance or modification of the proposed general permit or reissuance or modification of the permittee's authorization to discharge shall not affect previous determinations regarding a permittee's monitoring frequency unless the department provides notification in writing to the permittee.</p> <p>Additional Sampling The department may require the permittee to provide additional sampling and monitoring as deemed necessary to assure adequate operation of the treatment system(s) and that the Standards of Quality for Waters of the State (Chapter 33-16-02.1) are met during the period of discharge.</p> <p>Water Treatment Additives This permit does not authorize the discharge of water additives other than permitted by the proposed general permit or under special conditions.</p>						

Table 3: Effluent Limitations and Monitoring Requirements: Chemical Precipitation/Filtration and Coagulation/Filtration Facilities

Parameter	Effluent Limitations			Monitoring Requirements		
	Avg. Monthly Limit	Avg. Weekly Limit	Daily Maximum Limit	Sample Frequency	Sample Type	Basis
pH, SU ^a	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.			1/Week	Grab	WQS
Total Suspended Solids (TSS), mg/l	*	*	90	Weekly/Conditional	Grab	BPJ
Effluent Flow, MGD	Report	*	Report Max. Daily Value	1/Day	Calculated	BPJ
Total Drain, MG	*	*	Report Total	1/Semi-Annual	Calculated	BPJ

Notes:

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

a. All discharges to a lake or reservoir shall have the same pH as a class I stream.

Stipulations:

Narrative Standard
 The receiving water shall contain no turbidity, color, oil films, floating solids, foams, settleable solids, or deposits in unnatural quantities which are or may become injurious to any designated use as a result of this discharge.

Monitoring Location
 Samples, measurements, and observations taken in compliance with the monitoring requirements above shall be taken of the discharge prior to mixing with the receiving water.

Outfall Observation
 Any unusual characteristics of the discharge (i.e., unnatural turbidity, color, oil film, floating solids, foams, settleable solids, or deposits) shall be reported in accordance with Part IV.F. "Twenty-four Hour Notice of Noncompliance Reporting" of the proposed general permit.

Monitoring Frequency Reduction for TSS
 After the collection of ten samples or three months of data, the permittee may request, in writing, department approval of a reduction in monitoring frequency for TSS. This request shall contain an explanation as to why the reduced monitoring is appropriate and the summary of the collected data. Upon receipt of written approval and consistent with such approval, the permittee may reduce the monitoring frequency indicated in the above table of this permit. The monitoring frequency for TSS shall not be reduced to less than monthly. The department may revoke the approval for reduced monitoring at any time upon notification to the permittee.

Reissuance or modification of the proposed general permit or reissuance or modification of the permittee's authorization to discharge shall not affect previous determinations regarding a permittee's monitoring frequency unless the department provides notification in writing to the permittee.

Table 3: Effluent Limitations and Monitoring Requirements: Chemical Precipitation/Filtration and Coagulation/Filtration Facilities

Additional Sampling
 The department may require the permittee to provide additional sampling and monitoring as deemed necessary to assure adequate operation of the treatment system(s) and that the Standards of Quality for Waters of the State (Chapter 33-16-02.1) are met during the period of discharge.

Water Treatment Additives
 This permit does not authorize the discharge of water additives other than permitted by the proposed general permit or under special conditions.

Table 4: Effluent Limitations and Monitoring Requirements: Membrane Filtration

Parameter	Effluent Limitations			Monitoring Requirements		
	Avg. Monthly Limit	Avg. Weekly Limit	Daily Maximum Limit	Sample Frequency	Sample Type	Basis
pH, SU ^a	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.			1/Week	Grab	WQS
Total Suspended Solids (TSS), mg/l	*	*	90	Weekly/Conditional	Grab	BPJ
Biological Oxygen Demand (BOD), mg/l	30	*	45	1/Week	Grab	BPJ
Dissolved Oxygen (DO), mg/l	*	*	5 Minimum	1/Week	Grab	WQS
Total Sulfate, mg/l	b	*	*	1/Month	Grab	WQS
Total Chloride, mg/l	c	*	*	1/Month	Grab	WQS
Conductivity, umho/cm	*	*	*	1/Month	Grab	BPJ
Effluent Flow, MGD	Report	*	Report Max. Daily Value	1/Day	Instantaneous	BPJ
Total Drain, MG	*	*	Report Monthly Total	1/Semi-Annual	Calculated	BPJ

Table 4: Effluent Limitations and Monitoring Requirements: **Membrane Filtration**

Notes:

- *. This parameter is not limited. However, the department may impose limitations based on sample history and to protect the receiving waters.
- a. All discharges to a lake or reservoir shall have the same pH as a class I stream.
- b. Sulfate limitations are as follow: Class I 250 mg/l; Class IA and II 450 mg/l; and Class III 750 mg/l.
- c. Chloride limitations are as follow: Class I 100 mg/l; Class IA 175 mg/l; and Class II and III 250 mg/l.

Stipulations:

Narrative Standard

The receiving water shall contain no turbidity, color, oil films, floating solids, foams, settleable solids, or deposits in unnatural quantities which are or may become injurious to any designated use as a result of this discharge.

Monitoring Location

Samples, measurements, and observations taken in compliance with the monitoring requirements above shall be taken of the discharge prior to mixing with the receiving water.

Outfall Observation

Any unusual characteristics of the discharge (i.e., unnatural turbidity, color, oil film, floating solids, foams, settleable solids, or deposits) shall be reported in accordance with Part IV.F. "Twenty-four Hour Notice of Noncompliance Reporting" of the proposed general permit.

Monitoring Frequency Reduction for TSS

After the collection of ten samples or three months of data, the permittee may request, in writing, department approval of a reduction in monitoring frequency for TSS. This request shall contain an explanation as to why the reduced monitoring is appropriate and the summary of the collected data. Upon receipt of written approval and consistent with such approval, the permittee may reduce the monitoring frequency indicated in the above table of this permit. The monitoring frequency for TSS shall not be reduced to less than monthly. The department may revoke the approval for reduced monitoring at any time upon notification to the permittee.

Reissuance or modification of the proposed general permit or reissuance or modification of the permittee's authorization to discharge shall not affect previous determinations regarding a permittee's monitoring frequency unless the department provides notification in writing to the permittee.

Additional Sampling

The department may require the permittee to provide additional sampling and monitoring as deemed necessary to assure adequate operation of the treatment system(s) and that the Standards of Quality for Waters of the State (Chapter 33-16-02.1) are met during the period of discharge.

Water Treatment Additives

This permit does not authorize the discharge of water additives other than permitted by the proposed general permit or under special conditions.

Table 5: Effluent Limitations and Monitoring Requirements: **Miscellaneous Waste Streams**

Parameter	Effluent Limitations			Monitoring Requirements		
	Avg. Monthly Limit	Avg. Weekly Limit	Daily Maximum Limit	Sample Frequency	Sample Type	Basis
pH, SU ^a	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.			1/Week	Grab	WQS
Total Suspended Solids (TSS), mg/l	*	*	90	Weekly/Conditional	Grab	BPJ
Oil & Grease, mg/l	*	*	10	Conditional ^b	Grab	WQS
Effluent Flow, MGD	Report	*	Report Max. Daily Value	1/Day	Calculated	BPJ
Total Drain, MG	*	*	Report Total	1/Semi-Annual	Calculated	BPJ

Notes:

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

- a. All discharges to a lake or reservoir shall have the same pH as a class I stream.
- b. If a visible sheen is found in the discharge a grab sample shall be collected and tested.

Stipulations:

Narrative Standard

The receiving water shall contain no turbidity, color, oil films, floating solids, foams, settleable solids, or deposits in unnatural quantities which are or may become injurious to any designated use as a result of this discharge.

Monitoring Location

Samples, measurements, and observations taken in compliance with the monitoring requirements above shall be taken of the discharge prior to mixing with the receiving water.

Outfall Observation

Any unusual characteristics of the discharge (i.e., unnatural turbidity, color, oil film, floating solids, foams, settleable solids, or deposits) shall be reported in accordance with Part IV.F. "Twenty-four Hour Notice of Noncompliance Reporting" of the proposed general permit.

Monitoring Frequency Reduction for TSS

After the collection of ten samples or three months of data, the permittee may request, in writing, department approval of a reduction in monitoring frequency for TSS. This request shall contain an explanation as to why the reduced monitoring is appropriate and the summary of the collected data. Upon receipt of written approval and consistent with such approval, the permittee may reduce the monitoring frequency indicated in the above table of this permit. The monitoring frequency for TSS shall not be reduced to less than monthly. The department may

Table 5: Effluent Limitations and Monitoring Requirements: **Miscellaneous Waste Streams**

revoke the approval for reduced monitoring at any time upon notification to the permittee.

Reissuance or modification of the proposed general permit or reissuance or modification of the permittee's authorization to discharge shall not affect previous determinations regarding a permittee's monitoring frequency unless the department provides notification in writing to the permittee.

Additional Sampling

The department may require the permittee to provide additional sampling and monitoring as deemed necessary to assure adequate operation of the treatment system(s) and that the Standards of Quality for Waters of the State (Chapter 33-16-02.1) are met during the period of discharge.

Water Treatment Additives

This permit does not authorize the discharge of water additives other than permitted by the proposed general permit or under special conditions.

Table 6: Effluent Limitations and Monitoring Requirements: **Chlorinated Discharges**

Parameter	Effluent Limitations			Monitoring Requirements		
	Avg. Monthly Limit	Avg. Weekly Limit	Daily Maximum Limit	Sample Frequency	Sample Type	Basis
Total Residual Chlorine (TRC) mg/l	*	*	0.05	1/Week	Grab	BPJ
TRC Discharge Time min/day	*	*	Report	1/Week	Calculated	BPJ

Notes:

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

Stipulations:

a. Total Residual Chlorine
 TRC testing is only required during periods of chlorine use and subsequent discharge within the waste stream at the water treatment plant.

Sampling for this parameter can be at the point of discharge from the water treatment plant;
 At the point just before the waste stream enters the receiving stream;
 Or any point in between.

b. The permittee may use dechlorination techniques to achieve the applicable TRC limitations, using sodium thiosulfate, sodium sulfite, sodium bisulfate, or other dechlorinating reagents after review by the department.

Table 7: **Intake Screen Backwash**

During the period beginning on the effective date of this permit and lasting until the expiration date of this permit, the permittee is authorized to discharge intake screen backwash from surface water withdrawal plants to waters of the state. The permittee shall collect and remove debris accumulated on intake trash bars and dispose of such material on land in accordance with all state and federal rules.

Table 8: **Distribution System Flushing**

During the period beginning on the effective date of this permit and lasting until the expiration date of this permit, the permittee is authorized to discharge water from the maintenance of distribution system flushing to waters of the state.

Super Chlorination

All super chlorinated water from the disinfection of a potable distribution system shall not reach waters of the state until the TRC level has become non-detectable. For the purpose of this permit any sample result less than 0.05 mg/l will be considered non-detectable.

Table 9: **No Discharge Under Normal Operating Conditions**

During the period beginning on the effective date of this permit and lasting until the expiration date of this permit, the permittee is **not** authorized to discharge waste streams during periods of normal operating conditions. In the event of a bypass, the permittee shall follow Part IV.G – “Bypass of Treatment Facilities” of the proposed general permit. Any bypass shall use Best Management Practices (BMPs) to minimize impacts to the receiving stream. After notification has been received by the department a sampling of the bypass may be required by the department. At a minimum, the dates of bypass, volume of bypass, cause of bypass, and BMPs used during the bypass shall be reported to the department.

SURFACE WATER QUALITY-BASED EFFLUENT LIMITS

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

Numerical Criteria for the Protection of Aquatic Life and Recreation

Numerical water quality criteria are listed in the water quality standards for surface waters (NDAC Chapter 33-16-02.1). They specify the maximum levels of pollutants allowed in receiving water to protect aquatic life and recreation in and on the water. The department uses

numerical criteria along with chemical and physical data for the wastewater and receiving water to derive the effluent limits in the discharge permit. When surface water quality-based limits are more stringent or potentially more stringent than technology-based limits, the discharge must meet the water quality-based limits.

Numerical Criteria for the Protection of Human Health

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

Narrative Criteria

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

Antidegradation

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

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

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

Mixing Zones

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

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

Biological Oxygen Demand Five Day (BOD₅)

Using BPJ the department has determined that a limitation of 30 mg/l monthly average and 45 mg/l daily maximum BOD₅ is appropriate as similar facilities in the state have the same limits.

A determination was made to continue with the previous permit limit and sampling frequency.

Total Suspended Solids (TSS)

Using BPJ the department has determined that a limitation of 90 mg/l daily maximum is appropriate as similar water treatment plants have the same limitation. During the previous permit cycle, 23 exceedances occurred. Reported TSS ranged from 0 to 800 mg/l with an average of 57.36 mg/l.

A determination was made to continue with the previous permit limit and sampling frequency.

pH

The permit shall reflect the WQS for pH. Discharges to lakes and reservoirs, and Class I and IA streams shall have an instantaneous pH limitation between 7.0 (s.u.) and 9.0 (s.u.). Discharges to all other classifications of stream shall be between 6.0 (s.u.) and 9.0 (s.u.).

A determination was made to continue with the previous permit limit and sampling frequency.

Dissolved Oxygen (DO)

Using BPJ the department has determined that a limitation of 5 mg/l daily minimum as referenced in the WQS is appropriate for this type of facility.

A determination was made to continue with the previous permit limit and sampling frequency.

Total Sulfate

Using BPJ the department has determined that a limitation for sulfate be implemented. The WQS for sulfate is an in-stream standard of 250 mg/l for a Class I stream, 450 mg/l for a Class IA and II stream, and 750 mg/l for a Class III stream.

A determination was made to continue with the previous permit limit and sampling frequency.

Total Chloride

Using BPJ the department has determined that a limitation for chloride is appropriate for this type of facility. The WQS for chloride is an in-stream standard of 100 mg/l for a Class I stream, 175 mg/l for a Class IA stream, and 250 mg/l for a Class II and III stream.

A determination was made to continue with the previous permit limit and sampling frequency.

Total Residual Chlorine (TRC)

Using BPJ the department has determined that a limitation for total residual chlorine (TRC) is appropriate for this type of facility. The department proposes to use 0.05 mg/l for the limitation of TRC into a receiving stream. This limitation is also used in the state of North Dakota's Temporary Discharge permit NDG07-0000.

A determination was made to continue with the previous permit limit and sampling frequency.

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 applicants' discharge is unlikely to contain chemicals regulated to protect human health. The department will re-evaluate this discharge for impacts to human health at the next permit reissuance.

MONITORING REQUIREMENTS

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

TEST PROCEDURES

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

OTHER PERMIT CONDITIONS

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 as described in this section. Water treatment systems which utilize membrane filtration equipment require routine cleaning and conditioning as part of normal operation. Care should be used in the selection and management of the chemicals used in routine cleaning and conditioning, such as the control of scaling, coagulants, flocculants, and bio-fouling. To ensure selection and management of chemicals minimize the potential for harmful effects in the discharge or sewerage, the permittees will be required to provide (upon request) the following information on all chemical additives which do not fall under American National Standards Institute/National Sanitation Foundation (ANSI/NSF) Standard 60:

- Safety Data Sheet (SDS)
- Proposed water additive discharge concentration
- Discharge frequency (i.e. number of hours per day and number of days per year)
- Monitoring point from which the product is to be discharged
- Type of removal treatment, if any, that the water additive receives prior to discharge
- Product function (i.e. microbiocide, flocculant, etc.)

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- A 48-hour LC₅₀ or EC₅₀ for a North American freshwater planktonic crustacean (*Ceriodaphnia* sp., *Daphnia* sp. or *Simocephalus* sp.)
- The results for a toxicity test for one other North American freshwater aquatic species (other than a planktonic crustacean)

Water treatment additives which are approved under ANSI/NSF Standard 60 (Drinking Water Treatment Chemicals” are recognized for use for facilities issued a Notice of Coverage authorized by this permit.

BENEFICIAL REUSE

The permittee must consult with the department before beneficially reusing wastewater for irrigation, construction, or any other purposes.

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, 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 issue a NDPDES general permit to water treatment plants and potable water distribution systems within the state of North Dakota that qualify for coverage under NDG520000. The permit includes wastewater discharge limits and other conditions. This fact sheet describes the conditions the facilities must meet for coverage under NDG520000 and the department's reasons for requiring permit conditions.

The department will place a Public Notice of Draft on **January 7, 2019** in the state 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 will also be mailed to the department's public notice mailing list. The facilities covered under the present permit will be provided a copy of the public notice and drafter permit at the beginning of the public comment period.

The notice –

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

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

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

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

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

Public Notice Date: 1/7/2019 Public Notice Number: ND-2019-001

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: 10/1/2018 Application Number: NDG52

Applicant Name: General Permit NDG520000-Water Treatment Plant and Potable Distribution System

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

Telephone Number: 701.328.5215

Proposed Permit Expiration Date: 3/31/2024

Description

The Department intends to issue a NDPDES General Permit, NDG52-0000, to regulate discharges from water treatment facilities and potable distribution systems. Discharges of pollutants to waters of the state of North Dakota may occur due to the process of making potable water, overflow from treatment and storage units, filter backwash water, disinfection and line flushing, or line breakages. The water discharged from these activities must be relatively uncontaminated and must not contribute non-conventional or toxic pollutant loadings to the receiving waters.

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 February 15, 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.

APPENDIX B – GLOSSARY

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

EXPIRATION DATE: March 31, 2024

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representative point in the discharge stream.

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

APPENDIX C – DATA AND TECHNICAL CALCULATIONS

DFLOW

No low flow situations were used to determine critical low flows using the DFLOW (3.1b) program.

DFLOW 1B3 (ACUTE)	0.00	CFS	DFLOW 1Q10 (ACUTE)	0.00	CFS
DFLOW 4B3 (CHRONIC)	0.00	CFS	DFLOW 7Q10 (CHRONIC)	0.00	CFS
DFLOW 30B10 (AMMONIA)	0.00	CFS			

DRAFT

APPENDIX D – RESPONSE TO COMMENTS

Comments received by the department during the Public Comment period will be placed here.

DRAFT

Permit No: NDG52-0000
Effective Date: April 1, 2019
Expiration Date: March 31, 2024

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,

water treatment plants and potable distribution systems both qualifying and satisfying the requirements identified in Part I of this permit

are authorized to discharge 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, 2024.

Signed this _____ day of _____, _____.

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

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

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

OUTFALL DESCRIPTION

Water Treatment Plant and Potable Water Distribution System – Active. Final Outfall. Water Treatment/Potable Water Distribution Discharge. All discharge is generated from the water treatment process.

PERMIT SUBMITTALS SUMMARY

Coverage Point	Submittal	Frequency	First Submittal Date
Identified Discharge Point(s) on NOI from Facility	Discharge Monitoring Report	1/Semi-Annual	October 31, 2019
Application Renewal	NPDES Application Renewal	1/permit cycle	October 1, 2023

SPECIAL CONDITIONS

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 as described in this section. Water treatment systems which utilize membrane filtration equipment require routine cleaning and conditioning as part of normal operation. Care should be used in the selection and management of the chemicals used in routine cleaning and conditioning, such as the control of scaling, coagulants, flocculants, and bio-fouling. To ensure selection and management of chemicals minimize the potential for harmful effects in the discharge or sewerage, the permittees will be required to provide (upon request) the following information on all chemical additives which do not fall under American National Standards Institute/National Sanitation Foundation (ANSI/NSF) Standard 60:

- Safety Data Sheet (SDS)
- Proposed water additive discharge concentration
- Discharge frequency (i.e., number of hours per day and number of days per year)
- Monitoring point from which the product is to be discharged
- Type of removal treatment, if any, that the water additive receives prior to discharge
- Product function (e.g., microbiocide, flocculant, etc.)
- A 48-hour LC₅₀ or EC₅₀ for a North American freshwater planktonic crustacean (*Ceriodaphnia* sp., *Daphnia* sp., or *Simocephalus* sp.)
- Results for a toxicity test for one other North American freshwater aquatic species (other than a planktonic crustacean)

Water treatment additives which are approved under ANSI/NSF Standard 60 (Drinking Water Treatment Chemicals” are recognized for use for facilities issued a Notice of Coverage authorized by this permit.

I. PERMIT COVERAGE

A. Applicability of the General Permit

This general permit is potentially applicable to all water treatment and distribution facilities. Discharges of pollutants to waters of the state of North Dakota may occur through the process of making potable water; overflow from treatment and storage units; filter backwash water; disinfection; and line flushing or breakages. The water discharged from these activities must be relatively uncontaminated and must not contribute non-conventional or other pollutant loadings in toxic amounts to the receiving waters.

B. Discharges Covered

This permit shall authorize the following discharges of pollutants to waters of the state associated with the operation of water treatment plants and potable distribution systems within the state of North Dakota, excluding discharges identified under Part I(C).

1. Treatment or storage system overflows or discharges;
2. Filter backwash and settling basin discharges;
3. Disinfection and flushing of potable water lines;
4. Disinfection of storage systems;
5. Water line breaks and leak repair;
6. Water treated to remove radioactive materials that meets the requirements of the Federal Safe Drinking Water Act; or
7. Other discharges which meet the following conditions:
 - a. The general permit limitations, monitoring and reporting requirements, and best management practices are appropriate;
 - b. The discharge is of a temporary nature; and
 - c. The discharge consists of relatively uncontaminated water consistent with the discharges described above.

C. Discharges Not Covered

1. Water needing treatment for radioactive compounds that does not meet the requirements of the Federal Safe Drinking Water Act;
2. Discharges that use a diffuser or stream modeling for allowance of pollutants in stream;
3. Discharge or spills of treatment chemicals that exceed the established permit limits; or
4. Discharges or spills of chemicals not authorized for release under this permit.

D. Obtaining Coverage and Authorization Effective Date

To request coverage under this general permit, the owner/operator or authorized agent of the water treatment facility or potable distribution system must submit a complete Notice of Intent (NOI) form SFN 60528. The NOI must identify the party responsible for the day to day operation of the facility if different from the owner. In the case of an application for renewal of an individual permit or coverage under a general permit, a reapplication made under the provisions of the existing permit will be acceptable.

The department will then have sixty (60) days to deny coverage, request information or authorize coverage under the general permit. Coverage under the general permit will be valid only when the applicant receives a written notice of coverage (NOC) from the department. A copy of the permit, with the applicable limits will be included with the department's NOC. A copy of the department's NOC letter and permit shall be kept at the facility until coverage under this permit is terminated. Facilities qualifying for coverage under this general permit, which are covered by an individual permit, shall remain covered by the individual permit until its expiration. As provided in North Dakota's NDPDES Rules, the operator of a facility covered under this general permit may request to be excluded from coverage under the general permit by submitting an application for an individual permit. In addition, any action by the department to require a facility to obtain an individual discharge permit will follow the procedures defined in our administrative rules.

Operators are not prohibited from submitting late NOIs. When a late NOI is submitted, authorization is only for discharges that occur after permit coverage is granted. The department reserves the right to take appropriate enforcement actions for any unpermitted activities that may have occurred between the time activities commenced and authorization of discharge is granted.

E. Terminating Coverage

Permittees wishing 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 Part IV(E) Signatory Requirements. Compliance with this permit is required until a NOT is submitted.

II. LIMITATIONS AND MONITORING REQUIREMENTS

A. Discharge Authorization

During the effective period for this general permit the permittee is authorized to discharge wastewater provided the discharge meets the limitations and monitoring requirements outlined in this permit. Permittees discharging wastewater that does not comply with the permit conditions may be subject to civil or criminal penalties under the North Dakota Pollution Control Act.

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:

Table 1: Effluent Limitations and Monitoring Requirements: Oxidation/Filtration Facilities					
Parameter	Effluent Limitations			Monitoring Requirements	
	Avg. Monthly Limit	Avg. Weekly Limit	Daily Maximum Limit	Sample Frequency	Sample Type
pH, SU ^a	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.			1/Week	Grab
Total Suspended Solids (TSS), mg/l	*	*	90	Weekly/Conditional	Grab
Total Iron, mg/l	*	*	*	Weekly/Conditional	Grab
Total Manganese, mg/l	*	*	*	Weekly/Conditional	Grab
Effluent Flow, MGD	Report	*	Report Max. Daily Value	1/Day	Calculated
Total Flow, MG	*	*	Report Total	1/Semi-Annual	Calculated

Notes:

- *. This parameter is not limited. However, the department may impose limitations based on sample history and to protect the receiving waters.
- a. All discharges to a lake or reservoir shall have the same pH as a class I stream.

Stipulations:

Narrative Standard
The receiving water shall contain no turbidity, color, oil films, floating solids, foams, settleable solids, or deposits in unnatural quantities which are or may become injurious to any designated use as a result of this discharge.

Monitoring Location
Samples, measurements, and observations taken in compliance with the monitoring requirements above shall be taken of the discharge prior to mixing with the receiving water.

Table 1: Effluent Limitations and Monitoring Requirements: Oxidation/Filtration Facilities

Outfall Observation

Any unusual characteristics of the discharge (i.e., unnatural turbidity, color, oil film, floating solids, foams, settleable solids, or deposits) shall be reported in accordance with Part IV(F). "Twenty-four Hour Notice of Noncompliance Reporting" of this general permit.

Monitoring Frequency Reduction for Total Iron, Total Manganese, and TSS

After the collection of ten samples or three months of data, the permittee may request, in writing, department approval of a reduction in monitoring frequency for Total Iron, Total Manganese, and TSS. This request shall contain an explanation as to why the reduced monitoring is appropriate and the summary of the collected data. Upon receipt of written approval and consistent with such approval, the permittee may reduce the monitoring frequency indicated in the above table of this permit. The monitoring frequency for Total Iron, Total Manganese and TSS shall not be reduced to less than monthly. The department may revoke the approval for reduced monitoring at any time upon notification to the permittee.

Reissuance or modification of this permit or reissuance or modification of the permittee's authorization to discharge shall not affect previous determinations regarding a permittee's monitoring frequency unless the department provides notification in writing to the permittee.

Additional Sampling

The department may require the permittee to provide additional sampling and monitoring as deemed necessary to assure adequate operation of the treatment system(s) and that the Standards of Quality for Waters of the State (Chapter 33-16-02.1) are met during the period of discharge.

Water Treatment Additives

This permit does not authorize the discharge of water additives other than permitted by the proposed general permit or under special conditions.

Table 2: Effluent Limitations and Monitoring Requirements: Chemical Precipitation/Filtration and Coagulation/Filtration Facilities

Parameter	Effluent Limitations			Monitoring Requirements	
	Avg. Monthly Limit	Avg. Weekly Limit	Daily Maximum Limit	Sample Frequency	Sample Type
pH, SU ^a	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.			1/Week	Grab
Total Suspended Solids (TSS), mg/l	*	*	90	Weekly/Conditional	Grab
Effluent Flow, MGD	Report	*	Report Max. Daily Value	1/Day	Calculated
Total Flow, MG	*	*	Report Total	1/Semi-Annual	Calculated

Table 2: Effluent Limitations and Monitoring Requirements: Chemical Precipitation/Filtration and Coagulation/Filtration Facilities

Notes:

- *. This parameter is not limited. However, the department may impose limitations based on sample history and to protect the receiving waters.
- a. All discharges to a lake or reservoir shall have the same pH as a class I stream.

Stipulations:

Narrative Standard

The receiving water shall contain no turbidity, color, oil films, floating solids, foams, settleable solids, or deposits in unnatural quantities which are or may become injurious to any designated use as a result of this discharge.

Monitoring Location

Samples, measurements, and observations taken in compliance with the monitoring requirements above shall be taken of the discharge prior to mixing with the receiving water.

Outfall Observation

Any unusual characteristics of the discharge (i.e., unnatural turbidity, color, oil film, floating solids, foams, settleable solids, or deposits) shall be reported in accordance with Part IV(F). "Twenty-four Hour Notice of Noncompliance Reporting" of this general permit.

Monitoring Frequency Reduction for TSS

After the collection of ten samples or three months of data, the permittee may request, in writing, department approval of a reduction in monitoring frequency for TSS. This request shall contain an explanation as to why the reduced monitoring is appropriate and the summary of the collected data. Upon receipt of written approval and consistent with such approval, the permittee may reduce the monitoring frequency indicated in the above table of this permit. The monitoring frequency for TSS shall not be reduced to less than monthly. The department may revoke the approval for reduced monitoring at any time upon notification to the permittee.

Reissuance or modification of this permit or reissuance or modification of the permittee's authorization to discharge shall not affect previous determinations regarding a permittee's monitoring frequency unless the department provides notification in writing to the permittee.

Additional Sampling

The department may require the permittee to provide additional sampling and monitoring as deemed necessary to assure adequate operation of the treatment system(s) and that the Standards of Quality for Waters of the State (Chapter 33-16-02.1) are met during the period of discharge.

Water Treatment Additives

This permit does not authorize the discharge of water additives other than permitted by the proposed general permit or under special conditions.

Table 3: Effluent Limitations and Monitoring Requirements: Membrane Filtration					
Parameter	Effluent Limitations			Monitoring Requirements	
	Avg. Monthly Limit	Avg. Weekly Limit	Daily Maximum Limit	Sample Frequency	Sample Type
pH, SU ^a	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.			1/Week	Grab
Total Suspended Solids (TSS), mg/l	*	*	90	Weekly/Conditional	Grab
Biological Oxygen Demand (BOD), mg/l	30	*	45	1/Week	Grab
Dissolved Oxygen (DO), mg/l	*	*	5 minimum	1/Week	Grab
Total Sulfate, mg/l	b	*	*	1/Month	Grab
Total Chloride, mg/l	c	*	*	1/Month	Grab
Conductivity, umho/cm	*	*	*	1/Month	Grab
Effluent Flow, MGD	Report	*	Report Max. Daily Value	1/Day	Instantaneous
Total Flow, MG	*	*	Report Monthly Total	1/Semi-Annual	Calculated

Notes:

- *. This parameter is not limited. However, the department may impose limitations based on sample history and to protect the receiving waters.
- a. All discharges to a lake or reservoir shall have the same pH as a class I stream.
- b. Sulfate limitations are as follow: Class I 250 mg/l; Class IA and II 450 mg/l; and Class III 750 mg/l.
- c. Chloride limitations are as follow: Class I 100 mg/l; Class IA 175 mg/l; and Class II and III 250 mg/l.

Stipulations:

Narrative Standard

The receiving water shall contain no turbidity, color, oil films, floating solids, foams, settleable solids, or deposits in unnatural quantities which are or may become injurious to any designated use as a result of this discharge.

Table 3: Effluent Limitations and Monitoring Requirements: **Membrane Filtration**

Monitoring Location

Samples, measurements, and observations taken in compliance with the monitoring requirements above shall be taken of the discharge prior to mixing with the receiving water.

Outfall Observation

Any unusual characteristics of the discharge (i.e., unnatural turbidity, color, oil film, floating solids, foams, settleable solids, or deposits) shall be reported in accordance with Part IV(F). "Twenty-four Hour Notice of Noncompliance Reporting" of this general permit.

Monitoring Frequency Reduction for TSS

After the collection of ten samples or three months of data, the permittee may request, in writing, department approval of a reduction in monitoring frequency for TSS. This request shall contain an explanation as to why the reduced monitoring is appropriate and the summary of the collected data. Upon receipt of written approval and consistent with such approval, the permittee may reduce the monitoring frequency indicated in the above table of this permit. The monitoring frequency for TSS shall not be reduced to less than monthly. The department may revoke the approval for reduced monitoring at any time upon notification to the permittee.

Reissuance or modification of this permit or reissuance or modification of the permittee's authorization to discharge shall not affect previous determinations regarding a permittee's monitoring frequency unless the department provides notification in writing to the permittee.

Additional Sampling

The Department may require the permittee to provide additional sampling and monitoring as deemed necessary to assure adequate operation of the treatment system(s) and that the Standards of Quality for Waters of the State (Chapter 33-16-02.1) are met during the period of discharge.

Water Treatment Additives

This permit does not authorize the discharge of water additives other than permitted by the proposed general permit or under special conditions.

Table 4: Effluent Limitations and Monitoring Requirements: **Miscellaneous Waste Streams**

Parameter	Effluent Limitations			Monitoring Requirements	
	Avg. Monthly Limit	Avg. Weekly Limit	Daily Maximum Limit	Sample Frequency	Sample Type
pH, SU ^a	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.			1/Week	Grab
Total Suspended Solids (TSS), mg/l	*	*	90	Weekly/Conditional	Grab
Oil & Grease, mg/l	*	*	10	Conditional ^b	Grab

Table 4: Effluent Limitations and Monitoring Requirements: **Miscellaneous Waste Streams**

Effluent Flow, MGD	Report	*	Report Max. Daily Value	1/Day	Calculated
Total Flow, MG	*	*	Report Total	1/Semi-Annual	Calculated

Notes:

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

- a. All discharges to a lake or reservoir shall have the same pH as a class I stream.
- b. If a visible sheen is found in the discharge a grab sample shall be collected and tested.

Stipulations:

Narrative Standard

The receiving water shall contain no turbidity, color, oil films, floating solids, foams, settleable solids, or deposits in unnatural quantities which are or may become injurious to any designated use as a result of this discharge.

Monitoring Location

Samples, measurements, and observations taken in compliance with the monitoring requirements above shall be taken of the discharge prior to mixing with the receiving water.

Outfall Observation

Any unusual characteristics of the discharge (i.e., unnatural turbidity, color, oil film, floating solids, foams, settleable solids, or deposits) shall be reported in accordance with Part IV(F). "Twenty-four Hour Notice of Noncompliance Reporting" of this general permit.

Monitoring Frequency Reduction for TSS

After the collection of ten samples or three months of data, the permittee may request, in writing, department approval of a reduction in monitoring frequency for TSS. This request shall contain an explanation as to why the reduced monitoring is appropriate and the summary of the collected data. Upon receipt of written approval and consistent with such approval, the permittee may reduce the monitoring frequency indicated in the above table of this permit. The monitoring frequency for TSS shall not be reduced to less than monthly. The department may revoke the approval for reduced monitoring at any time upon notification to the permittee.

Reissuance or modification of this permit or reissuance or modification of the permittee's authorization to discharge shall not affect previous determinations regarding a permittee's monitoring frequency unless the department provides notification in writing to the permittee.

Additional Sampling

The department may require the permittee to provide additional sampling and monitoring as deemed necessary to assure adequate operation of the treatment system(s) and that the Standards of Quality for Waters of the State (Chapter 33-16-02.1) are met during the period of discharge.

Table 4: Effluent Limitations and Monitoring Requirements: **Miscellaneous Waste Streams**

Water Treatment Additives

This permit does not authorize the discharge of water additives other than permitted by the proposed general permit or under special conditions.

Table 5: Effluent Limitations and Monitoring Requirements: **Chlorinated Discharges**

Parameter	Effluent Limitations			Monitoring Requirements	
	Avg. Monthly Limit	Avg. Weekly Limit	Daily Maximum Limit	Sample Frequency	Sample Type
Total Residual Chlorine (TRC) mg/l	*	*	0.05	1/Week	Grab
TRC Discharge Time min/day	*	*	Report	1/Week	Calculated

Notes:

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

Stipulations:

- a. Total Residual Chlorine
 TRC testing is only required during periods of chlorine use and subsequent discharge within the waste stream at the water treatment plant.

Sampling for this parameter can be at the point of discharge from the water treatment plant;
 At the point just before the waste stream enters the receiving stream;
 Or any point in between.

The permittee may use dechlorination techniques to achieve the applicable TRC limitations, using sodium thiosulfate, sodium sulfite, sodium bisulfate, or other dechlorinating reagents after review by the department.

Table 6: **Intake Screen Backwash**

During the period beginning on the effective date of the proposed general permit and lasting until the expiration date of the permit, the permittee is authorized to discharge intake screen backwash from surface water withdrawal plants to waters of the state. The permittee shall collect and remove debris accumulated on intake trash bars and dispose of such material on land in accordance with all state and federal rules.

Table 7: Distribution System Flushing

During the period beginning on the effective date of this permit and lasting until the expiration date of this permit, the permittee is authorized to discharge water from the maintenance of distribution system flushing to waters of the state.

Super Chlorination

All super chlorinated water from the disinfection of a potable distribution system shall not reach waters of the state until the TRC level has become non-detectable. For the purpose of this permit any sample result less than 0.05 mg/l will be considered non-detectable.

Table 8: No Discharge Under Normal Operating Conditions

During the period beginning on the effective date of this permit and lasting until the expiration date of this permit, the permittee is **not** authorized to discharge waste streams during periods of normal operating conditions. In the event of a bypass, the permittee shall follow Part IV(G) – “Bypass of Treatment Facilities” of the proposed general permit. Any bypass shall use Best Management Practices (BMPs) to minimize impacts to the receiving stream. After notification has been received by the Department a sampling of the bypass may be required by the Department. At a minimum, the dates of bypass, volume of bypass, cause of bypass, and BMPs used during the bypass shall be reported to the department.

III. 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 II. 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 Part III(B). Test Procedures. The permittee must report all additional monitoring in accordance with Part III(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 Part III(B). Test Procedures, shall be included in the summary on the DMR.

E. Reporting of Monitoring Results

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.

1. 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:
 - i. General permit reports [e.g., notices of intent (NOI); notices of termination (NOT); no exposure certifications (NOE)];
 - ii. Municipal separate storm sewer system program reports;
 - iii. Pretreatment program reports;
 - iv. Sewer overflow/bypass event reports; and

- v. Clean Water Act 316(b) annual reports.
2. 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.
- i. 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.

IV. 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 Part IV(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.

V. 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.

K. General Permits

Coverage under this permit may be modified, revoked and reissued, or terminated for cause. The department may require any operator covered by this permit to apply and obtain an individual or alternative general permit if:

- a) The discharge is not in compliance with the conditions of the general permit
- b) Conditions or standards have changed so that the discharge no longer qualifies for a general permit
- c) Information becomes available which indicates that the permittee's discharge has a reasonable potential to contribute to an exceedance of a water quality standard

When an individual NDPDES permit is issued to an operator otherwise subject to this permit or the operator is approved for coverage under an alternative NDPDES general permit, the applicability of this permit to the operator is automatically inactivated upon the effective date of the individual permit or coverage under the alternative general permit.

VI. BENEFICIAL REUSE

The permittee must consult with the department before beneficially reusing wastewater for irrigation, construction, or any other purposes.