

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

Public Notice Date: 5/1/2023

Public Notice Number: ND-2023-010

Purpose of Public Notice

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

Permit Information

Application Date: 10/5/2022

Application Number: NDP026743

Applicant Name: Northern Plains Finishing

Mailing Address: 15514 37th St. SE, Casselton, ND 58012

Telephone Number: 701.282.6465

Proposed Permit Expiration Date: 6/30/2028

Facility Description

Northern Plains Finishing (NPF) is located at 15514 37th Street SE, Casselton, ND. NPF powder coats prefabricated metal parts for clients associated with the agricultural and construction sector. The facility operates a regulated metal finishing operation that requires a permit issued under the North Dakota Pollution Discharge Elimination System (NDPDES) program. This permit is for only process wastewater discharged after treatment from the metal finishing operation to Casselton's Publicly Owned Treatment Works (POTW). This discharge is a new source subject to 40 CFR Part 433.17. The concentration of the process-wastewater pollutants from the onsite pretreatment system shall not exceed the values set forth in the above referenced subpart. Furthermore, except 40 CFR 403.7, the permitted discharge must comply with 40 CFR Part 403.

Tentative Determinations

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

Information Requests and Public Comments

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

All comments received by June 01, 2023 will be considered prior to finalizing the permit. If there is significant interest, a public hearing will be scheduled. Otherwise, the Department will issue the final permit within sixty (60) days of this notice.

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

STATEMENT OF BASIS FOR NDPDES PERMIT NDP026743
June 2023

Northern Plains Finishing Company
Industrial Pretreatment (Categorical Industrial User – Metal Finisher)

INTRODUCTION

The Federal Clean Water Act (CWA, 1972, and later amendments in 1977, 1981, and 1987, etc.) established water quality goals for the navigable (surface) waters of the United States. One mechanism for achieving the goals of the CWA is the National Pollutant Discharge Elimination System (NPDES), which the US Environmental Protection Agency (EPA) oversees. In 1975, the State of North Dakota was delegated primacy of the NPDES program by the EPA. The North Dakota Department of Environmental Quality, hereafter referred to as “department”, has been designated the state water pollution control agency for all purposes of the CWA 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 (NDAC) article 33.1-16, which was adopted under North Dakota Century Code (NDCC) chapter 61-28. In North Dakota, these permits are referred to as North Dakota Pollutant Discharge Elimination System (NDPDES) permits.

This facility falls under the Industrial Pretreatment Program, which is under the NDPDES program. The department was delegated pretreatment authority from the EPA in 2005. The following regulations apply to NDPDES permits issued to Significant and/or Categorical Industrial Users:

- Procedures the department follows for issuing NDPDES permits (NDAC chapter 33.1-16-01),
- North Dakota Pretreatment Regulations (NDAC chapter 33.1-16-01.1),
- Code of Federal Regulations (CFR) General Pretreatment Regulations for Existing and New Sources of Pollution (40 CFR 403).
- Code of Federal Regulations (CFR) Metal Finishing Point Source Category, Pretreatment Standards for New Sources (40 CFR 433.17)

These rules require industrial users that introduce pollutants into publicly owned treatment works (POTWs) comply with applicable Pretreatment Standards and Requirements. To protect POTWs, an industrial user permit or similar control mechanism must be obtained prior to discharge. Regulations adopted by the state also define the basis for limits on each discharge and for other requirements imposed by the permit.

According to NDAC section 33.1-16-01-08, the department must prepare a draft permit and accompanying statement of basis and make it available for public review. The department must also publish an announcement (public notice) during a period of thirty days, informing the public where a draft permit may be obtained and where comments regarding the draft permit may be sent (NDAC section 33.1-16-01-07). For more information regarding preparing and submitting comments about the statement of basis and permit, please see **Appendix A – Public**

STATEMENT OF BASIS FOR NDPDES PERMIT NDP026743

Northern Plains Finishing Company

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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 C – Response to Comments**.

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BACKGROUND INFORMATION

Table 1 – General Facility Information.

Applicant:	Northern Plains Finishing Company (NPF)	
Facility Name and Address:	Northern Plains Finishing Company 15514 37 th St Southeast Casselton, ND 58102	
Owner:	Owen Industries, Inc.	
Operator:	Owen Industries, Inc.	
Year Operation Began:	2014	
Facility Contact(s):	Nathan Olson – Operational Coatings Manager 701.347.0210	
North American Industrial Classification System Code(s):	332812	Metal Coating, Engraving (Except Jewelry and Silverware) and Allied Services to Manufacturers.
Standard Industrial Classification Code(s):	3728	Aircraft Parts and Auxiliary Equipment.
Industrial User Type:	Categorical Industrial User	
Applicable Categorical Standards:	40 CFR 433.17 – Metal Finishing, Pretreatment, Standards for New Sources (New Source Date for Indirect Discharges of 08/31/1982)	
NDPDES Permit Number:	NDP026743	
Permit Type:	Reissue – Minor, Pretreatment	

Table 2 – Receiving Publicly Owned Treatment Works Information.

Receiving POTW:	City of Casselton Publicly Owned Treatment Works
Facility Name and Address:	City of Casselton Publicly Owned Treatment Works 702 1 st Street North Casselton, ND 58102
Facility Contact(s):	Kevin Mayer – Public Works Supervisor 701.347.4861x15

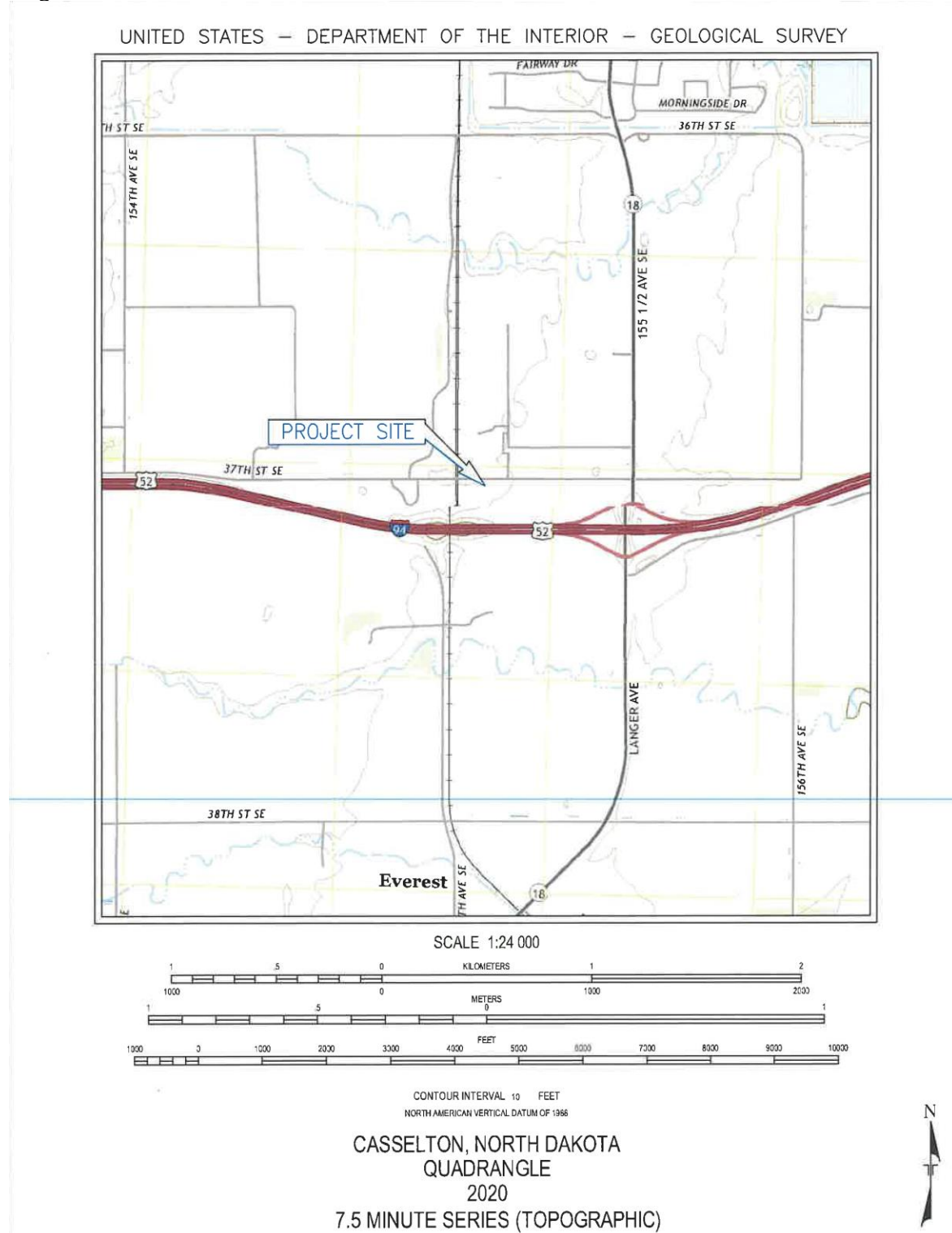


Figure 1 – Location overview of Northern Plains Finishing Company in the City of Casseton, Cass County, North Dakota. Data Source: Northern Plains Finishing December 22, 2022.

DESCRIPTION OF OPERATIONS

Pretreatment Processes

Northern Plains Finishing Company powder coats prefabricated metal components. The process is a two-stage process whereby the component surfaces are first conditioned to receive the powder coating; the components are then powder coated, and the coating is then subsequently cured in ovens. Surface preparation is a five-stage process which cleans, degreases, and coats the components with a zirconium coating.

Surface preparation comprises a series of enclosed spray booths set over baths. In Stage 1, components are sprayed with an alkaline cleaner (Bonderite C-AK 305 Alkaline Cleaner). In Stage 2, components are rinsed with potable water from the City of Casselton. In Stage 3, components are sprayed with a reverse osmosis (R-O) water rinse. In Stage 4, components are sprayed and coated with an acidic zirconium solution (Bonderite M-NT 1 Conversion Coating), and in Stage 5, components are given a final R-O water rinse.

Material additions to the process include the alkaline cleaner added to Stage 1, zirconium coating added solely to Stage 4, makeup potable water to Stage 2, and makeup R-O water to Stages 3 and 5. Material losses to the process include approximately 10% evaporation in Stage 1 and effluent flow to a Holding Tank which decants to the facility's drain which discharges to the City of Casselton Publicly Owned Treatment Works (POTW).

The system is physically configured (i.e. piped) such that the tank level in Stage 1 is maintained by gravity flow from Stage 2, and Stages 3 and 5 adjust by gravity flow toward Stage 2. Overflow from Stage 2 that does not feed Stage 1 is controlled by a level controller and excess flow is pumped to the Holding Tank which decants to the facility's drain which discharges to the POTW.

Stages 1 through 5 are physically constructed inside the building in a line from east to west over a shallow trench drain which runs counter, or west to east, feeding the facilities POTW discharge. The Holding Tank is west of Stages 1-5.

The process is chemically configured such that the zirconium applied in Stage 4, which is at a pH of 3-5, neutralizes the previously applied alkaline wash, applied in Stage 1, which is at a pH of 12-13. Coating adherence depends on maintaining pH in Stages 1 and 4. Stage 1 pH is maintained by the addition of pH-, and Stage 4 is maintained with the addition of either pH+ (Bonderite M-AD700) or pH- (Bonderite C-IC-2520). While the process final pH in the Holding Tank fluctuates, that pH tends to hover around 6-8.

Wastewater treatment primarily involves daily monitoring and adjusting pH in the Holding Tank prior to discharge to the POTW. Solids naturally settle in Stages 1, 2 and in the Holding Tank, and the system is cleaned annually by draining process water from the tanks and utilizing a third-party vendor to clean and dispose of cleaning solutions and sludge in accordance with the law. The wastewater treatment process (Unit Process 01) is separated and comprises the 1,600-gallon holding tank and two five-gallon containers of pH adjustment chemicals, pH+ and pH-. Because of the neutralization occurring in the surface preparation process, the resulting Holding Tank pH is typically between 6 and 8 and it is monitored daily. If outside of this range, the pH is manually adjusted by adding the appropriate pH adjustment chemical.

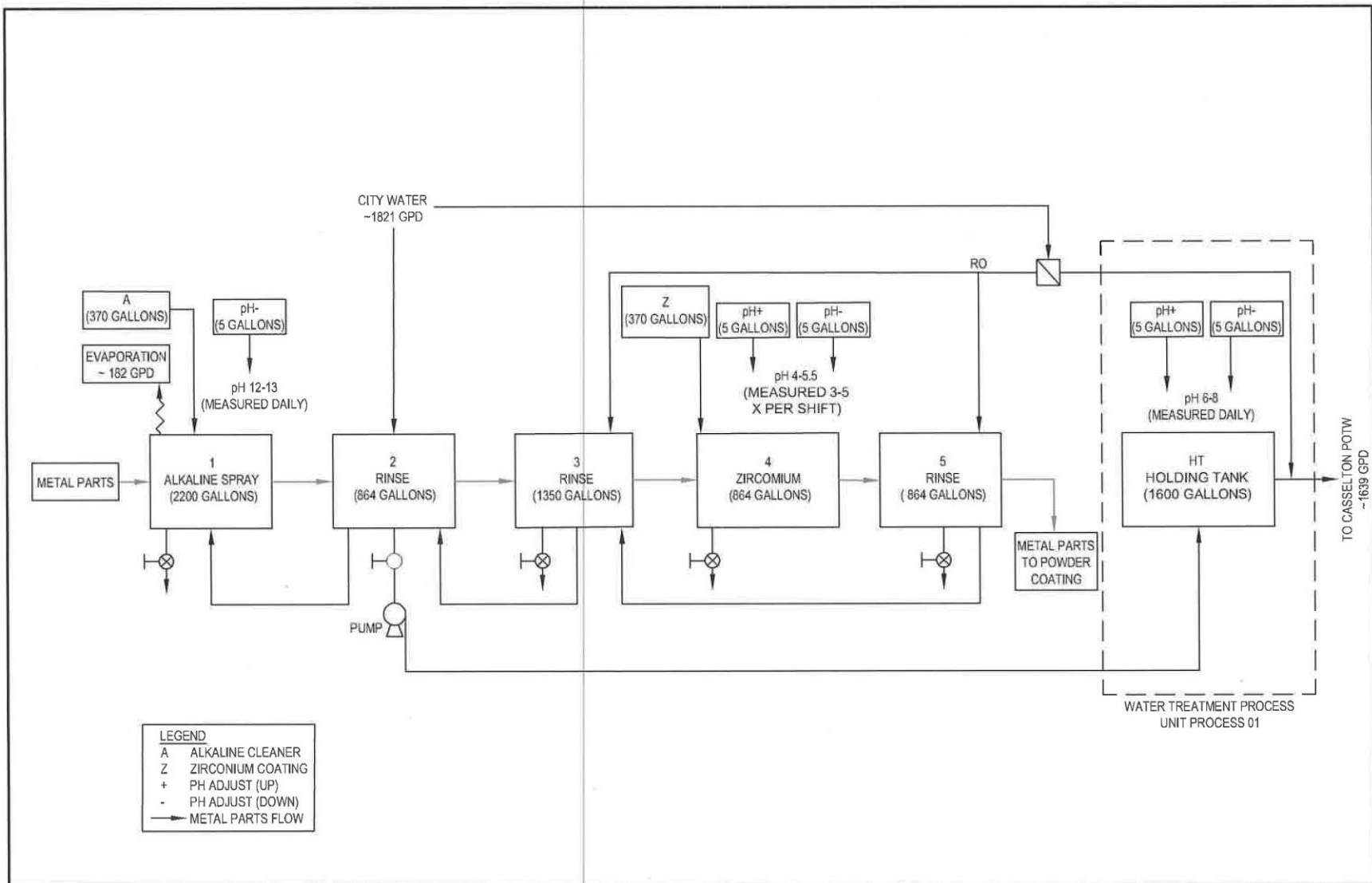


Figure 2 – Wastewater Treatment Piping and Instrumentation Diagram Provided by Northern Plains Finishing Company.

Production Rate

The wash bay operates during normal working hours. Production fluctuates in accordance with customer orders. The facility is a continuous discharger and operates approximately 40 hours per five-day work week. The average daily process flow rate is 1,639 gal/day. During the current permit cycle average daily wastewater process flow rates ranged between 225 gal/day and 2,700 gal/day.

Permitted Outfall Description

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

The facility discharges process wastewater to the City of Casselton POTW through one outfall as described below in **Table 3**. The permittee will collect all final effluent samples from Outfall 001A.

Table 3 – Outfall location

Outfall 001A. Active. Final Pretreatment - Internal			
Latitude: 46.876 Degrees North	Longitude: -97.220 Degrees West	County: Cass	
Township: 139 North	Range: 52 West	Section: 11	QQ: BB
Description: This internal compliance point collects process wastewater and serves as a sampling point prior to discharge to the City of Casselton’s sanitary sewer system.			

Wastewater Characterization

The permittee requires wastewater monitoring from its metal wash process – a categorical industrial user designation covered under 40 CFR Part 433.17.

This permit covers the discharge of only the process wastewater after treatment from the metal finishing operation to the City of Casselton’s POTW. This discharger began operation in 2014 therefore is subject to 40 CFR 433.17 new source pretreatment standards (new source date for indirect discharges of 8/31/1982). The concentration of the process wastewater pollutants from the treatment system shall not exceed the values in 40 CFR 433.

PERMIT STATUS

Northern Plains Finishing Company was first issued an individual pretreatment permit by the department in 2018. Prior to 2018 the facility operated under a permit-by-rule status. The current permit placed limits on pH, Cadmium (Total), Chromium (Total), Copper (Total), Lead (Total), Nickel (Total), Silver (Total), Zinc (total), Cyanide (Total), Total Toxic Organics (TTO), and had monitoring requirements for Total Facility Flow, and Process Flow.

This facility is a Categorical Industrial User and is therefore subject to pretreatment regulations described in NDAC 33.1-16-01.1-04. On December 23, 2022, the department received a completed renewal application from Northern Plains Finishing Company. The department proposes to reissue an individual pretreatment permit to Northern Plains Finishing Company that allows the discharge of process wastewater to the City of Casselton POTW after treatment from the metal finishing operation.

SUMMARY OF COMPLIANCE WITH PRETREATMENT REGULATIONS AND CATEGORICAL LIMITS

Two (2) industrial user compliance inspections have been conducted during the recent permit cycle. In 2021 and 2022 inspections were conducted by the department. During a facility compliance inspection on June 29, 2021, the facility representative was uncertain which city received their discharging industrial wastewater. The Department required the facility to establish communications with the City of Casselton POTW. The facility was also required to develop an Operations and Maintenance Manual. During a facility compliance inspection On April 28, 2022, the Department was unable to review the most recent Discharge Monitoring Report (DMR) due to non-receipt. After discussion with the facility representative it was determined that the DMR had been uploaded in Electronic Reporting Information System (ERIS) but was never submitted. The department instructed the facility representative to log into ERIS and complete the DMR submittal process. Review of the DMR for the reporting period 1/1/2021 through 6/30/2021 indicated that the facility discharged for 181 days during the reporting period. Because the facility does not operate every day, the facility representative was instructed to make sure to accurately report the number of days discharging.

The facility currently has not submitted a toxic organics management plan (TOMP) to the department. In lieu of submitting a TOMP to the department, the facility samples for total toxic organics (TTO) semiannually. TTO analyses are expected to continue during this permit cycle.

The facility has had no compliance issues with any pretreatment standards since starting operations in 2014.

Table 4 – Historical Wastewater Monitoring Data

Parameter	Permit Daily Limit	DMR Max Daily Value	Permit Monthly Limit	DMR Max Monthly Value	Total Exceedances
Cadmium Total (mg/L)	0.11	0.001 *	0.07	0.001 *	0
Chromium Total (mg/L)	2.77	0.05 *	1.71	0.05 *	0
Copper Total (mg/L)	3.38	0.05 *	2.07	0.05 *	0
Lead Total (mg/L)	0.69	0.003	0.43	0.003	0
Nickel Total (mg/L)	3.98	0.04 *	2.38	0.04 *	0
Silver Total (mg/L)	0.43	0.001	0.24	0.001	0
Zinc Total (mg/L)	2.61	1.24	1.48	0.87	0
Cyanide Total (mg/L)	1.20	0.02 *	0.65	0.02 *	0
Total Toxic Organics (TTO) (mg/L)	2.13	2.13	-	0.01	0
pH (S.U.)	Min: 5.0	Min: 6.77	-	-	0
	Max: 12.5	Max: 8.56			
Drain (Mgal/6 months)	-	0.272	-	-	0
Process Flow Rate (gal/day)	-	Min: 1,478	-	-	0
		Max: 2,470			
Notes: *Below detection level					

PROPOSED PERMIT LIMITATIONS AND SELF-MONITORING REQUIREMENTS

Local Limits

The City of Casselton does not have an approved pretreatment program. At this time, the department has not required the city to develop a pretreatment program. Pollutant loading from the wastewater discharge (with technology-based controls in place) is not expected to cause problems such as interference, pass-through, or hazardous exposure to workers at the POTW, nor result in unacceptable pollutant levels in the POTW’s sludge.

Effluent Limitations - Pretreatment Standards

NDPDES permits issued by the department must specify conditions requiring available and reasonable methods for prevention, control, and treatment of discharges to waters of the state. Federal categorical limitations for this facility are found under 40 CFR 433.17. This facility shall follow all known, available, and reasonable treatment so as not to interfere with the operation of the POTW.

Northern Plains Finishing Company is subject to Pretreatment Standards for New Sources (PSNS) under 40 CFR 433.17 – Metal Finishing. Northern Plains Finishing Company began business in 2014. Northern Plains Finishing Company owns all materials that undergo metal finishing and is therefore considered a captive shop subject to limits outlined in 40 CFR 433.17(a). The facility’s metal finishing process has not changed since operations began. Technology-based standards for Metal Finishers subject to PSNS are outlined in **Table 5**.

The department proposes the following effluent limitations for Outfall 001A based on the pretreatment standards for new sources in 40 CFR 433.17. The proposed effluent limitations will become effective on July 1, 2023 – the permit effective date. The effluent limitations are described below:

Table 5 – Effluent Limitations – 40 CFR 433.17 for Outfall 001A

Parameter	Daily Maximum	Maximum Monthly Average
Cadmium Total (mg/L)	0.11	0.07
Chromium Total (mg/L)	2.77	1.71
Copper Total (mg/L)	3.38	2.07
Lead Total (mg/L)	0.69	0.43
Nickel Total (mg/L)	3.98	2.38

STATEMENT OF BASIS FOR NDPDES PERMIT NDP026743

Northern Plains Finishing Company

EXPIRATION DATE – June 30, 2028

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Silver Total (mg/L)	0.43	0.24
Zinc Total (mg/L)	2.61	1.48
Cyanide Total (mg/L)	1.20	0.65
Total Toxic Organics ¹ (TTO) (mg/L)	2.13	-
pH (S.U.)	Between 5.0 and 12.5	
Drain (Mgal/6 months)	Report Total Value	
Process Flow Rate (gal/day)	Report Max Daily Value	Report Monthly Average
Notes:		
¹ Organic compounds comprising TTO are listed in 40 CFR 433.11(e). The sample results for TTO shall be reported as the summation of all quantifiable values greater than 0.01 mg/L for the listed compounds. The permittee may be authorized to submit a periodic TTO certification statement in lieu of performing TTO monitoring upon development, implementation, and department approval of a Toxic Organic Management Plan (TOMP).		

Samples and measurements shall be representative of the nature of the regulated wastewater discharge. All compliance samples shall be taken of the process generated wastewater effluent prior to combining with any other streams. Test procedures for the analysis of pollutants shall conform to regulations published pursuant to Section 304 (h) of the Clean Water Act and codified in 40 CFR 136.

The permittee is also responsible to collect waste from the pretreatment system for disposal off-site by a third party and to maintain the collection records on-site for review. These waste products shall be disposed of by meeting all local, state, and federal disposal regulations.

Self-Monitoring Requirements

Monitoring, recording, and reporting are specified in the permit to verify that the treatment process is functioning correctly and to verify compliance with permit limitations. The permittee is required to collect samples that are representative of the discharged wastewater. The facility collects samples from the holding tank prior to discharge to the city sanitary sewer. Samples are taken during a normal workday when typical operations are in progress and the usual process wastewaters are generated.

The minimum monitoring schedule is detailed below in **Table 6**. Specified monitoring frequencies consider the quantity and variability of the discharge, the treatment method, past compliance, pollutant significance, and monitoring cost. The results of discharge monitoring shall be submitted to the department on discharge monitoring report (DMR) forms. Any additional monitoring and reporting to demonstrate compliance with pretreatment requirements and standards under 40 CFR 403.12 are to be reported on the semiannual DMR.

Northern Plains Finishing Company, as a federally listed categorical industry (Metal Finishing Point Source Category), is required to monitor the pollutants listed in 40 CFR 433.17 – Pretreatment Standards for New Sources (PSNS). Flow volumes and pH are also monitored to determine total pollutant loading on the POTW.

Total Toxic Organics (TTO) is the summation of concentrations of all toxic organics present in the wastewater at levels greater than 0.01 mg/L each. The complete TTO list can be found in 40 CFR 433.11 (e).

Table 6 – Self-Monitoring Requirements for Outfall 001A

Parameter	Sample Type	Frequency
Cadmium Total (mg/L)	Composite ¹	Semiannually
Chromium Total (mg/L)	Composite ¹	Semiannually
Copper Total (mg/L)	Composite ¹	Semiannually
Lead Total (mg/L)	Composite ¹	Semiannually
Nickel Total (mg/L)	Composite ¹	Semiannually
Silver Total (mg/L)	Composite ¹	Semiannually
Zinc Total (mg/L)	Composite ¹	Semiannually
Cyanide Total (mg/L)	4 Grabs ^{2,3}	Semiannually
Total Toxic Organics (TTO) (mg/L)	4 Grabs ^{2,4}	Semiannually
pH (S.U.)	Grab	Semiannually
Drain (Mgal/6 months)	Water Meter	Semiannually
Process Flow Rate (gal/day)	Meter Estimate	Daily

Notes:

¹ Composite samples must be representative of the quality of the discharge. A 24-hour composite sample proportioned according to flow is required where feasible. If unfeasible, the composite shall consist of a minimum of four (4) separate grab samples and proportioned as to flow. Sampling may be flow proportional either by varying the time interval between each aliquot or the volume of each aliquot.

² Grab samples must be representative of the process waste stream and shall be a single, discrete sample collected over a period not exceeding two (2) hours. A minimum of four (4) separate grab samples for each parameter shall be taken and proportioned as to flow.

³ Grab samples for cyanide shall be composited in the laboratory or in the field immediately prior to analysis.

⁴ Grab samples for Total Toxic Organics (TTO) shall be composited in the laboratory.

The permittee shall promptly notify the department and the POTW in advance of any substantial change in the volume or character of pollutants in the permittee's discharge as outlined in 40 CFR 403.12(j).

OTHER PERMIT CONDITIONS

General Prohibitions

The permittee shall not introduce into the POTW any pollutant(s) which cause pass through or interference.

Specific Prohibitions

The following pollutants may not be introduced into the POTW from any source:

1. Pollutants which create a fire or explosion hazard in the POTW, including waste streams with a closed cup flashpoint of less than sixty (60) degrees Celsius (140 degrees Fahrenheit) using the test methods specified in 40 CFR 261.21.
2. Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.0, unless the POTW is specifically designed to accommodate such discharges.
3. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in interference.
4. Any pollutant released in a discharge at a flow rate or pollutant concentration which will cause interference.
5. Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW exceeds forty degrees Celsius (104 degrees Fahrenheit), unless the department, upon request of the POTW, approves alternate temperature limits.
6. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass-through.
7. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
8. Any trucked or hauled pollutants, except at discharge points designated by the POTW.

Dilution Prohibition

The permittee is prohibited from diluting its effluent as a partial or complete substitute for adequate treatment to achieve compliance with permit limitations.

Reporting and Recordkeeping

Reporting requirements are found in NDAC 33.1-16-01.1-12. Additional reporting requirements may be implemented by the control authority. Conditions are based on the authority to specify any appropriate reporting requirements to prevent and control waste discharges. The facility is required to maintain records for a minimum of three (3) years (40 CFR 403.12 (o)).

Total Toxic Organic (TTO) Monitoring Alternative

The permittee may request approval from the department to submit certification statements in lieu of TTO monitoring (40 CFR 433.12). To request a certification alternative, the discharger shall submit a Toxic Organic Management Plan (TOMP) that specifies, to the satisfaction of department, the following:

- 1) The identification of the toxic organics listed under 40 CFR 433.11(e) which the IU uses;
- 2) The method of disposal used instead of dumping such as reclamation, contract hauling, or incineration; and
- 3) Procedures for ensuring that toxic organics do not routinely spill or leak into the wastestream.

The permittee is only exempt from TTO monitoring if a TOMP is accepted by the department, and the permittee certifies on each DMR that no TTO are introduced into its metal finishing process that discharges to the POTW. Upon review, the department may require that the permittee to conduct initial TTO sampling and analysis. The certification statement is described in 40 CFR 433.12(a) as follows:

“Based on my inquiry of the person or persons directly responsible for managing compliance with the permit limitation [or pretreatment standard] for total toxic organics (TTO), I certify that, to the best of my knowledge and belief, no dumping of concentrated toxic organics into the wastewaters has occurred since filing of the last discharge monitoring report. I further certify that this facility is implementing the toxic organic management plan submitted to the permitting [or control] authority.”

At the date of this reissuance, the department has not received a TOMP from the facility requesting alternative monitoring requirements for TTO. The permittee samples for and submits TTO results with their discharge monitoring reports.

Public Notification of Noncompliance

A list of all industrial users that were in significant noncompliance with Pretreatment Standards or Requirements during any portion of a reporting period may be annually published by the department in a local newspaper. Accordingly, the permittee is apprised that noncompliance with this permit may result in publication of the noncompliance (NDAC Chapter 33.1-16-01.1 Appendix A).

PERMIT ISSUANCE PROCEDURES

Permit Modifications

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, termination, notification of planned changes, or anticipated noncompliance does not stay any permit condition

Recommendation for Permit Issuance

This proposed permit meets all statutory requirements for authorizing a wastewater discharge, including those limitations and conditions believed necessary to control toxics. The department proposes to issue this permit for a term of five (5) years and shall expire on June 30, 2028.

APPENDIX A – PUBLIC INVOLVEMENT INFORMATION

The department proposes to issue an industrial user wastewater discharge permit to **Northern Plains Finishing Company**. The permit includes wastewater discharge limits and other conditions. This statement of basis describes the facility and the basis for requiring a permit.

The department will place a Public Notice of Draft on **June 3, 2023** in the **Fargo Forum** to inform the public and to invite comment on the proposed draft North Dakota Pollutant Discharge Elimination System permit and statement of basis.

The Notice:

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

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

North Dakota Department of Environmental Quality
Division of Water Quality
4201 Normandy Street
Bismarck, ND 58503

The primary author of this permit and statement of basis is Lawrence Hanson.

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

Public Notice Date: 5/3/2023

Purpose of Public Notice

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

Permit Information

Public Notice Number: ND-2023-010
Application Date: 12/23/2022 Application Number: NDP026743
Applicant Name: Northern Plains Finishing Company
Mailing Address: 15514 37th St Southeast, Casselton, ND 58102
Telephone Number: 701.347.0210
Proposed Permit Expiration Date: 6/30/2028

Facility Description

Northern Plains Finishing Company is located at 15514 37th St Southeast, in Casselton, ND 58102 in Cass County. Northern Plains Finishing Company powder coats prefabricated metal components. Northern Plains Finishing Company is a regulated categorical industrial user and a new source subject to 40 CFR 433.17 (Metal Finishing) and North Dakota Administrative Code 33.1-16-01.1 (Pretreatment Regulations). Permit reissuance under the North Dakota Pollution Discharge Elimination System (NDPDES) program is only for the process wastewater discharge after treatment from the metal finishing operation to Casselton's Publicly Owned Treatment Works (POTW).

Tentative Determinations

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

Information Requests and Public Comments

Copies of the application, draft permit, and related documents are available for review. Comments or requests should be directed to the ND Dept of Env Quality, Div of Water Quality, 4201 Normandy Street, Bismarck ND 58503-1324 or by calling 701.328.5210. All comments received by June 1, 2023 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 – DEFINITIONS Pretreatment Permit – BP 2023.01.20

1. "**Act**" means Federal Water Pollution Control Act, also known as the Clean Water Act, as amended [33 U.S.C. 1251, et seq.].
2. "**Approval Authority**" means the department.
3. "**Best Management Practices**" or "**BMPs**" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 CFR 403.5(a)(1) and (b). Best management practices also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.
4. "**Bypass**" means the intentional diversion of wastestreams from any portion of an industrial user's treatment facility.
5. "**Categorical Industrial User**" means an industrial user that is subject to a categorical pretreatment standard or categorical standard.
6. "**Categorical Pretreatment Standard**" or "**Categorical Standard**" means any regulation containing pollutant discharge limits promulgated by the environmental protection agency in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of users and that appear in 40 CFR chapter I, subchapter N, parts 405 through 471.
7. "**Chronic Violations**" occur when sixty-six (66) percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter.
8. "**Composite Sample**" means samples that are representative of the discharge and proportioned according to flow over the compositing period. Acceptable methods for preparation of composite samples are as follows:
 - a. Constant time interval between samples, sample volume proportional to flow rate at time of sampling;
 - b. Constant time interval between samples, sample volume proportional to total flow (volume) since last sample. For the first sample, the flow rate at the time the sample was collected may be used;
 - c. Constant sample volume, time interval between samples proportional to flow (i.e. sample taken every "X" gallons of flow); and
 - d. Continuous collection of samples, with sample collection rate proportional to flow rate.
9. "**Control Authority**" means either:

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- a. The publicly owned treatment works, if the publicly owned treatment works which receives the indirect discharge administers an approved pretreatment program in accordance with sections 33.1-16-01.1-06 and 33.1-16-01.1-08; or
 - b. The department, if the publicly owned treatment works which receives the indirect discharge does not administer an approved pretreatment program in accordance with sections 33.1-16-01.1-06 and 33.1-16-01.1-08.
10. "**Department**" means the North Dakota Department of Environmental Quality, Division of Water Quality.
 11. "**Director**" means the department.
 12. "**DMR**" means discharge monitoring report.
 13. "**EPA**" means the United States Environmental Protection Agency.
 14. "**Existing Source**" means any building, structure, facility, or installation from which there is or may be a discharge of pollutants, which is not considered a New Source.
 15. "**Grab Sample**", for monitoring requirements, is a single, discrete sample collected at a representative point in the discharge stream over a period not exceeding 15 minutes.
 16. "**Indirect Discharge**" means the introduction of pollutants into a publicly owned treatment works from any nondomestic source regulated under 307(b), (c), or (d) of the Federal Water Pollution Control Act.
 17. "**Industrial User**" or "**User**" means a source of indirect discharge.
 18. "**Instantaneous Measurement**", for monitoring requirements, is a single reading, observation, or measurement either taken at the facility or within 15 minutes of the sample.
 19. "**Interference**" means an indirect discharge which, alone or in conjunction with any other indirect discharges, both:
 - a. Inhibits or disrupts the publicly owned treatment works processes or operations, or its sludge processes, use or disposal; and
 - b. Causes a violation of any requirement of the publicly owned treatment works North Dakota pollutant discharge elimination system permit, including an increase in the magnitude or duration of a violation or prevents sewage sludge use or disposal in compliance with federal or state law or statute.
 15. "**New Source**" means:
 - a. Any building, structure, facility, or installation for which construction commenced after the publication of proposed pretreatment standards which will apply to such source after promulgation, from which there is or may be an indirect discharge, provided that:

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- (1) The building, structure, facility, or installation is constructed at a site at which no other source is located;
 - (2) The building, structure, facility, or installation totally replaces the process or production equipment that causes the indirect discharge at an existing source; or
 - (3) The production or wastewater generating processes of the building, structure, facility, or installation is substantially independent of an existing source at the same site. In determining whether these are substantially independent factors, such as the extent to which the new facility is integrated with the existing plant and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
- b. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of paragraphs 2 and 3 of subdivision a, but otherwise alters, replaces, or adds to existing process or production equipment.
- c. Construction of a new source as defined under this subsection has commenced if the owner or operator has:
- (1) Begun, or caused to begin as part of a continuous onsite construction program:
 - (a) Any placement, assembly, or installation of facilities or equipment; or
 - (b) Significant site preparation work which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - (2) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this subsection.
16. "**Pass Through**" means a discharge which exits the publicly owned treatment works into waters of the state in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the publicly owned treatment works North Dakota pollutant discharge elimination system permit, including an increase in the magnitude or duration of a violation.
17. "**Pretreatment**" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a publicly owned treatment works. The reduction or alteration may be obtained by physical, chemical, or biological processes, process changes or by other means, except as prohibited by 40 CFR 403.6(d). Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the publicly owned treatment works. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated

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wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with 40 CFR 403.6(e).

18. "**Pretreatment Requirements**" means any substantive or procedural requirement related to pretreatment, other than a pretreatment standard, imposed on an industrial user.
19. "**Pretreatment Standards**" means any regulation which applies to industrial users that contains pollutant discharge limits promulgated by the environmental protection agency in accordance with the Federal Water Pollution Control Act, including prohibitive discharge limits established pursuant to section 33.1-16-01.1-02.
20. "**Process Wastewater**" means any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product, or waste product.
21. "**Publicly Owned Treatment Works**" or "**POTW**" means a treatment works as defined by section 212 of the Federal Water Pollution Control Act, which is owned by a state or municipality, including any devices or systems used in the storage, treatment, recycling, and reclamation of municipal sewage or liquid industrial wastes, as well as sewers, pipes, and other conveyances that convey wastewater to a publicly owned treatment works treatment plant. This term also means the municipality that has jurisdiction over the indirect discharges to and the discharges from the treatment works.
22. "**Publicly Owned Treatment Works Treatment Plant**" means that portion of the publicly owned treatment works which is designed to provide treatment of municipal sewage and industrial waste.
23. "**Severe Property Damage**" means substantial physical damage to property, damage to treatment facilities which renders 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.
24. "**Sewage Sludge**" is any solid, semi-solid, or liquid residue removed during the treatment of municipal wastewater or domestic sewage. Sewage sludge includes but is not limited to solids removed during primary, secondary, or advanced wastewater treatment, scum, septage, portable toilet pumpings, and sewage sludge products. Sewage sludge does not include grit, screenings, or ash generated during the incineration of sewage sludge.
25. "**Significant Industrial User**" or "**SIU**" means:
 - a. All industrial users subject to categorical pretreatment standards under sections 33.1-16-01.1-04 and 33.1-16-01-31;
 - b. Any other industrial user that meets at least one of the following criteria:
 - (1) Discharges an average of twenty-five thousand gallons [94,635 liters] per day or more of process wastewater to the publicly owned treatment works, excluding

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- sanitary wastewater, noncontact cooling water and boiler blowdown wastewater;
- (2) Contributes a process wastestream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the publicly owned treatment works treatment plant; or
 - (3) Is designated as a significant industrial user by the control authority on the basis that the user has a reasonable potential for adversely affecting the publicly owned treatment works operation or for violating any pretreatment standard or requirement.
- c. The control authority may determine that an industrial user subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N is a nonsignificant categorical industrial user rather than a significant industrial user on a finding that the industrial user never discharges more than one hundred gallons per day (gpd) of total categorical wastewater (excluding sanitary, noncontact cooling and boiler blowdown wastewater, unless specifically included in the pretreatment standard) and the following conditions are met:
- (1) The industrial user, prior to the control authority's finding, has consistently complied with all applicable categorical pretreatment standards and requirements;
 - (2) The industrial user annually submits the certification statement required in 40 CFR 403.12(q) together with any additional information necessary to support the certification statement; and
 - (3) The industrial user never discharges any untreated concentrated wastewater.
- d. Upon a finding that an industrial user which meets the criteria of subdivision b has no reasonable potential for adversely affecting the publicly owned treatment works operation or for violating any pretreatment standard or requirement, the control authority may, at any time, determine that the industrial user is not a significant industrial user.
26. "**Slug Discharge**" means any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has reasonable potential to cause interference or pass through, or in any other way violate the POTW's ordinances, local limits, or permit conditions.
27. "**Upset**" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the industrial user. Upset does not include noncompliance to the extent caused by operational error, inadequate or improperly designed treatment facilities, lack of preventative maintenance, or careless or improper operation.
28. "**Water Management Division Director**" means the director of the water management division of the regional office of the United States environmental protection agency or this person's delegated representative.

Permit No: NDP026743
Effective Date: July 1, 2023
Expiration Date: June 30, 2028

AUTHORIZATION TO DISCHARGE UNDER THE
NORTH DAKOTA POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with Chapter 33.1-16-01.1 of the North Dakota Department of Environmental Quality rules as promulgated under Chapter 61-28 (North Dakota Water Pollution Control Act) of the North Dakota Century Code,

Northern Plains Finishing Company
15514 37th St. Southeast
Casselton, ND 58102

is authorized to discharge from its facility in Casselton, North Dakota

to the City of Casselton Publicly Owned Treatment Works

provided all the conditions of this permit are met.

This permit and the authorization to discharge shall expire at midnight,
June 30, 2028

Signed this _____ day of _____, _____.

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

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DEFINITIONS Pretreatment Permit - BP 2023.01.20

1. "**Act**" means Federal Water Pollution Control Act, also known as the Clean Water Act, as amended [33 U.S.C. 1251, et seq.].
2. "**Approval authority**" means the department.
3. "**Best management practices**" or "**BMPs**" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 CFR 403.5(a)(1) and (b). Best management practices also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.
4. "**Bypass**" means the intentional diversion of wastestreams from any portion of an industrial user's treatment facility.
5. "**Categorical industrial user**" means an industrial user that is subject to a categorical pretreatment standard or categorical standard.
6. "**Categorical pretreatment standard**" or "**categorical standard**" means any regulation containing pollutant discharge limits promulgated by the environmental protection agency in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of users and that appear in 40 CFR chapter I, subchapter N, parts 405 through 471.
7. "**Control authority**" means either:
 - a. The publicly owned treatment works, if the publicly owned treatment works which receives the indirect discharge administers an approved pretreatment program in accordance with sections 33.1-16-01.1-06 and 33.1-16-01.1-08; or
 - b. The department, if the publicly owned treatment works which receives the indirect discharge does not administer an approved pretreatment program in accordance with sections 33.1-16-01.1-06 and 33.1-16-01.1-08.
8. "**Department**" means the North Dakota Department of Environmental Quality, Division of Water Quality.
9. "**Director**" means the department.
10. "**DMR**" means discharge monitoring report.
11. "**EPA**" means the United States Environmental Protection Agency.
12. "**Indirect discharge**" means the introduction of pollutants into a publicly owned treatment works from any nondomestic source regulated under 307(b), (c), or (d) of the Federal Water Pollution Control Act.
13. "**Industrial user**" or "**user**" means a source of indirect discharge.
14. "**Interference**" means an indirect discharge which, alone or in conjunction with any other

indirect discharges, both:

- a. Inhibits or disrupts the publicly owned treatment works processes or operations, or its sludge processes, use or disposal; and
- b. Causes a violation of any requirement of the publicly owned treatment works North Dakota pollutant discharge elimination system permit, including an increase in the magnitude or duration of a violation or prevents sewage sludge use or disposal in compliance with federal or state law or statute.

15. "**New source**" means:

- a. Any building, structure, facility, or installation for which construction commenced after the publication of proposed pretreatment standards which will apply to such source after promulgation, from which there is or may be an indirect discharge, provided that:
 - (1) The building, structure, facility or installation is constructed at a site at which no other source is located;
 - (2) The building, structure, facility or installation totally replaces the process or production equipment that causes the indirect discharge at an existing source; or
 - (3) The production or wastewater generating processes of the building, structure, facility or installation is substantially independent of an existing source at the same site. In determining whether these are substantially independent factors, such as the extent to which the new facility is integrated with the existing plant and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
- b. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of paragraphs 2 and 3 of subdivision a, but otherwise alters, replaces or adds to existing process or production equipment.
- c. Construction of a new source as defined under this subsection has commenced if the owner or operator has:
 - (1) Begun, or caused to begin as part of a continuous onsite construction program:
 - (a) Any placement, assembly, or installation of facilities or equipment; or
 - (b) Significant site preparation work which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - (2) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this subsection.

16. "**Passthrough**" means a discharge which exits the publicly owned treatment works into waters of the state in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the publicly owned treatment works North Dakota pollutant discharge elimination system permit, including an increase in the magnitude or duration of a violation.
17. "**Pretreatment**" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a publicly owned treatment works. The reduction or alteration may be obtained by physical, chemical, or biological processes, process changes or by other means, except as prohibited by 40 CFR 403.6(d). Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the publicly owned treatment works. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with 40 CFR 403.6(e).
18. "**Pretreatment requirements**" means any substantive or procedural requirement related to pretreatment, other than a pretreatment standard, imposed on an industrial user.
19. "**Pretreatment standards**" means any regulation which applies to industrial users that contains pollutant discharge limits promulgated by the environmental protection agency in accordance with the Federal Water Pollution Control Act, including prohibitive discharge limits established pursuant to section 33.1-16-01.1-02.
20. "**Publicly owned treatment works**" or "**POTW**" means a treatment works as defined by section 212 of the Federal Water Pollution Control Act, which is owned by a state or municipality, including any devices or systems used in the storage, treatment, recycling, and reclamation of municipal sewage or liquid industrial wastes, as well as sewers, pipes, and other conveyances that convey wastewater to a publicly owned treatment works treatment plant. This term also means the municipality that has jurisdiction over the indirect discharges to and the discharges from the treatment works.
21. "**Publicly owned treatment works treatment plant**" means that portion of the publicly owned treatment works which is designed to provide treatment of municipal sewage and industrial waste.
22. "**Severe property damage**" means substantial physical damage to property, damage to treatment facilities which renders 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.
23. "**Significant industrial user**" means:
 - a. All industrial users subject to categorical pretreatment standards under sections 33.1-16-01.1-04 and 33.1-16-01-31;
 - b. Any other industrial user that meets at least one of the following criteria:

- (1) Discharges an average of twenty-five thousand gallons [94,635 liters] per day or more of process wastewater to the publicly owned treatment works, excluding sanitary wastewater, noncontact cooling water and boiler blowdown wastewater;
 - (2) Contributes a process wastestream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the publicly owned treatment works treatment plant; or
 - (3) Is designated as a significant industrial user by the control authority on the basis that the user has a reasonable potential for adversely affecting the publicly owned treatment works operation or for violating any pretreatment standard or requirement.
- c. The control authority may determine that an industrial user subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N is a nonsignificant categorical industrial user rather than a significant industrial user on a finding that the industrial user never discharges more than one hundred gallons per day (gpd) of total categorical wastewater (excluding sanitary, noncontact cooling and boiler blowdown wastewater, unless specifically included in the pretreatment standard) and the following conditions are met:
- (1) The industrial user, prior to the control authority's finding, has consistently complied with all applicable categorical pretreatment standards and requirements;
 - (2) The industrial user annually submits the certification statement required in 40 CFR 403.12(q) together with any additional information necessary to support the certification statement; and
 - (3) The industrial user never discharges any untreated concentrated wastewater.
- d. Upon a finding that an industrial user which meets the criteria of subdivision b has no reasonable potential for adversely affecting the publicly owned treatment works operation or for violating any pretreatment standard or requirement, the control authority may, at any time, determine that the industrial user is not a significant industrial user.
24. "**Upset**" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the industrial user. Upset does not include noncompliance to the extent caused by operational error, inadequate or improperly designed treatment facilities, lack of preventative maintenance, or careless or improper operation.
25. "**Water management division director**" means the director of the water management division of the regional office of the United States environmental protection agency or this person's delegated representative.

OUTFALL DESCRIPTION

Outfall 001A. Active. Final Pretreatment – Internal			
Latitude: 46.876 Degrees North	Longitude: -97.220 Degrees West	County: Cass	
Township: 139 N	Range: 52 W	Section: 11	QQ: BB
Description: This internal compliance point collects process wastewater and serves as a sampling point prior to discharge to the City of Casselton’s sanitary sewer system.			

PERMIT SUBMITTALS SUMMARY

Coverage Point	Submittal	Frequency	First Submittal Date
001A	Discharge Monitoring Report	Semiannually	January 31, 2024
Application Renewal	NDPDES Application Renewal	1/permit cycle	December 31, 2027

SPECIAL CONDITIONS

The permittee is prohibited from diluting its effluent as a partial or complete substitute for adequate treatment to achieve compliance with permit limitations.

I. LIMITATIONS AND MONITORING REQUIREMENTS

A. Discharge Authorization

During the effective period of this permit; the permittee is authorized to discharge pollutants from the outfalls as specified to the **City of Casselton Publicly Owned Treatment Works (POTW)**.

This permit authorizes the discharge of only those pollutants resulting from facility processes, waste streams, and operations that have been clearly identified in this 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 for Outfall 001A.

Parameter	Effluent Limitations		Monitoring Requirements	
	Daily Maximum	Maximum Monthly Average	Sample Type	Frequency

Cadmium Total (mg/L)	0.11	0.07	Composite ¹	Semiannually
Chromium Total (mg/L)	2.77	1.71	Composite ¹	Semiannually
Copper Total (mg/L)	3.38	2.07	Composite ¹	Semiannually
Lead Total (mg/L)	0.69	0.43	Composite ¹	Semiannually
Nickel Total (mg/L)	3.98	2.38	Composite ¹	Semiannually
Silver Total (mg/L)	0.43	0.24	Composite ¹	Semiannually
Zinc Total (mg/L)	2.61	1.48	Composite ¹	Semiannually
Cyanide	1.20	0.65	4 Grabs ^{2, 3}	Semiannually
Total Toxic Organics ⁴ (TTO) (mg/L)	2.13	*	4 Grabs ^{2, 5}	Semiannually ⁴
pH (S.U.)	Between 5.0 and 12.5 at all times		Grab	Semiannually
Drain (Mgal/6 months)	Report Total		Water Meter	Semiannually
Process Flow Rate (gal/day)	Report Monthly Average		Calculated (Meter)	Daily
Process Flow Rate (gal/day)	Report Daily Maximum		Meter Estimate	Daily

Notes:

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

¹ Composite samples must be representative of the quality of the discharge. A 24-hour composite sample proportioned according to flow is required where feasible. If unfeasible, the composite shall consist of a minimum of four (4) separate grab samples and proportioned as to flow. Sampling may be flow proportional either by varying the time interval between each aliquot or the volume of each aliquot.

² Grab samples must be representative of the process waste stream and shall be a single, discrete sample collected over a period not exceeding two (2) hours. A minimum of four (4) separate grab samples for each parameter shall be taken and proportioned as to flow.

³ Grab samples for cyanide shall be composited in the laboratory or in the field immediately prior to analysis.

⁴ Organic compounds comprising TTO are listed in 40 CFR 433.11(e). The sample results for TTO shall be reported as the summation of all quantifiable values greater than 0.01 mg/L for the listed compounds. The permittee may be authorized to submit a periodic TTO certification statement in lieu of performing TTO monitoring upon development, implementation, and department approval of a Toxic Organic Management Plan (TOMP).

⁵ Grab samples for TTO shall be composited in the laboratory.

II. MONITORING, RECORDING, AND REPORTING REQUIREMENTS BP 2023.01.20

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

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

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

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

B. Test Procedures

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

C. Recording of Results

Records of monitoring information shall include:

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

D. Additional Monitoring

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

E. Reporting of Monitoring Results

1. Monitoring results shall be summarized and reported to the department using Discharge Monitoring Reports (DMRs). If no discharge occurs during a reporting period, "No Discharge" shall be reported. The permittee must submit DMRs electronically using the electronic information reporting system unless requirements in subsection 3 are met.
2. Prior to December 21, 2025, the permittee may elect to electronically submit the following compliance monitoring data and reports instead of mailing paper forms. Beginning December 21, 2025, the permittee must report the following using the electronic reporting system:
 - 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
3. The permittee may seek a waiver from electronic reporting. To obtain a waiver, the permittee must complete and submit an Application for Temporary Electronic Reporting Waiver form (SFN 60992) to the department. The department will have 120 days to approve or deny the waiver request. Once the waiver is approved, the permittee may submit paper versions of monitoring data and reports to the department.
 - vi. One of the following criteria must be met in order to obtain a waiver. The department reserves the right to deny any waiver request, even if they meet one of the criteria below.
 1. No internet access,
 2. No computer access,
 3. Annual DMRs (upon approval of the department),
 4. Employee turnover (3-month periods only), or
 5. Short duration permits (upon approval of the department)

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

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

F. Records Retention

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

III. COMPLIANCE RESPONSIBILITIES

A. Duty to Comply

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

B. Proper Operation and Maintenance

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

C. Planned Changes

The department and POTW 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 increases, or process modifications which might result in changes in volume and/or characteristic of discharged pollutants, including hazardous wastes which have been made aware to the department as required by 40 CFR 403.12(p) 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 403.3(m)(1) shall also be reported.

D. Duty to Provide Information

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

E. Signatory Requirements

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

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

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

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

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

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

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

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

F. Notice of Potential Problems

The permittee is required to immediately notify the receiving POTW of all discharges that may cause problems to the POTW. This includes slug loadings, as defined by 40 CFR 403.5(b).

G. Twenty-four Hour Notice of Noncompliance Reporting

1. The permittee shall immediately 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 I. 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.

If sampling performed by an industrial user indicates a violation, the user shall repeat the sampling and analysis and submit the results of the repeat analysis to the department within 30 days after becoming aware of a violation as instructed in 40 CFR 403.12(g)(2).

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 all items listed in this subsection.

H. Hazardous Waste

The Industrial User shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the Industrial User discharges more than 100 kilograms of such waste per calendar month to the POTW, additional parameters as defined in 40 CFR 403.12(p) are to be included in the written notification.

I. 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 G. 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.

J. 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 G. Twenty-four Hour Notice of Noncompliance Reporting and
4. The permittee complied with any remedial measures required under K. Duty to Mitigate.

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

K. 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.

L. 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.

M. Duty to Reapply

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

IV. GENERAL PROVISIONS

A. Inspection and Entry

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

B. Availability of Reports

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

C. Transfers

This permit is not transferable except upon the filing of a Statement of Acceptance by the new party and subsequent department approval. The current permit holder must provide notification to the POTW and a copy of the existing permit shall be provided to the new owner or operator.

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. Penalties

Nothing in this permit may be construed to relieve the permittee from civil and/or criminal penalties for noncompliance.

V. PROHIBITED DISCHARGES

A. General Prohibition

The permittee shall not introduce into the POTW any pollutant which causes pass through or interference.

B. Specific Prohibitions

The following pollutants may not be introduced into the POTW from any source:

1. Pollutants which create a fire or explosion hazard in the POTW, including waste streams with a closed cup flashpoint of less than sixty (60) degrees Celsius (140 degrees Fahrenheit) using the test methods specified in 40 CFR 261.21.
2. Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.0, unless the POTW is specifically designed to accommodate such discharges.
3. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in interference.

4. Any pollutant released in a discharge at a flow rate or pollutant concentration which will cause interference.
5. Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW exceeds forty degrees Celsius (104-degree Fahrenheit), unless the department, upon request of the POTW, approves alternate temperature limits.
6. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or passthrough.
7. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
8. Any trucked or hauled pollutants, except at discharge points designated by the POTW.