

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

Public Notice Date: 2/16/2020

Public Notice Number: ND-2020-007

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: 9/13/2019

Application Number: ND0020109

Applicant Name: Richardton City Of

Mailing Address: PO Box 343, Richardton, ND 58652-0343

Telephone Number: 701.974.3399

Proposed Permit Expiration Date: 3/31/2025

Facility Description

The application is for the discharge of wastewater from the five waste stabilization ponds which service the City of Richardton. The discharge points are located in the NE 1/4 of Section 32, Township 140N, Range 92W. Any discharge would be from Outfall 001 to an unnamed tributary to the Little Knife River, a Class III Stream.

Tentative Determinations

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

Information Requests and Public Comments

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

All comments received by March 17, 2020 will be considered prior to finalizing the permit. If there is significant interest, a public hearing will be scheduled. Otherwise, the Department will issue the final permit within sixty (60) days of this notice. If you require special facilities or assistance relating to a disability, call TDD at 1.800.366.6868.

**FACT SHEET FOR NDPDES PERMIT
ND0020109**

CITY OF RICHARDTON

DATE OF THIS FACT SHEET – January 2020

INTRODUCTION

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

The following rules or regulations apply to NDPDES permits:

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

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

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

TABLE OF CONTENTS

INTRODUCTION 1

BACKGROUND INFORMATION 3

FACILITY DESCRIPTION 4

 HISTORY 4

 TREATMENT SYSTEM 4

 OUTFALL DESCRIPTION..... 4

PERMIT STATUS..... 4

SUMMARY OF COMPLIANCE WITH PREVIOUS PERMIT ISSUED 5

 SUMMARY OF DMR DATA EXCURSIONS..... 5

PROPOSED PERMIT LIMITS AND SELF MONITORING REQUIREMENTS..... 5

 EFFLUENT LIMITATIONS..... 6

SURFACE WATER QUALITY-BASED EFFLUENT LIMITS..... 8

 NUMERICAL CRITERIA FOR THE PROTECTION OF AQUATIC LIFE AND RECREATION..... 9

 NUMERICAL CRITERIA FOR THE PROTECTION OF HUMAN HEALTH 9

 NARRATIVE CRITERIA..... 9

 ANTIDegradation 9

 MIXING ZONES..... 9

EVALUATION OF SURFACE WATER QUALITY-BASED EFFLUENT LIMITS FOR NUMERIC CRITERIA 9

 HUMAN HEALTH..... 10

 BIOSOLIDS..... 10

 TEST PROCEDURES..... 10

OTHER PERMIT CONDITIONS 10

PERMIT ISSUANCE PROCEDURES..... 11

 PERMIT MODIFICATIONS 11

 PROPOSED PERMIT ISSUANCE..... 11

APPENDIX A - PUBLIC INVOLVEMENT INFORMATION 12

APPENDIX B – DEFINITIONS..... 14

APPENDIX C – DATA AND TECHNICAL CALCULATIONS..... 16

APPENDIX D – RESPONSE TO COMMENTS 17

BACKGROUND INFORMATION

Table 1: General Facility Information

Applicant:	Richardton, City of
Facility Name and Address:	Richardton City of PO Box 31 Richardton ND, 58652 701.974.2115
Permit Number:	ND0020109
Permit Type:	Minor, POTW, Issuance
Type of Treatment:	Facultative Lagoon System
SIC Code:	4952
Discharge Location:	Unnamed Tributary to Little Knife River, Class III Stream Latitude: 46.90083° Longitude: -102.3078°
Hydrologic Code:	10130201 – Knife River
Population:	519

Figure 1: Aerial Photograph of the City of Richardton Waste Stabilization System.



FACILITY DESCRIPTION

History

The facility was previously covered under the master general permit NDG320000, with an issued permit number of NDG320109. Amber Waves, Inc. is a significant industrial user (SIU) located in Richardton that has a direct line to deliver wastewater to the POTW. Due to the connection of Amber Waves, the facility does not meet the applicability of the NDG320000 permit. Amber Waves, Inc. is regulated by the departments NDPDES pretreatment program.

Treatment System

The facility utilizes a series of facultative lagoons to treat sanitary and process wastewater. Wastewater first enters Cell 1 then flows through manually operated valves to Cell 2 and on to Cell 3. From there, wastewater is pumped through a lift station to Cell 4 or Cell 5 where it can be discharged from outfall 001.

Below is a table of the cells and their size:

Cell	Size (acres)
Cell 1	5.10
Cell 2	4.20
Cell 3	4.33
Cell 4	4.56
Cell 5	4.23
Total	22.42

Outfall Description

Outfall 001. Active. Final Outfall.			
Latitude: 46.90083°	Longitude: -102.3078°	County: Stark	
Township: 140	Range: 92	Section: 32	QQ: AD
Receiving Stream: Unnamed Dry Creek Bed		Classification: III	
Outfall Description: Discharges from this point are from Cells 4 and 5 onto a concrete pad and rip rap, then down dry creek bed to the Little Knife River.			

PERMIT STATUS

The department issued the previous permit for the facility on October 1, 2019. The facility currently has coverage under the master general permit NDG320000. The previous permit had

effluent limits on the following parameters: 5-day BOD (BOD₅), Total Suspended Solids (TSS), and pH.

The department has been in contact with the City of Richardton to obtain information to issue their permit. The department received EPA application Form 2A on September 13, 2019. The application was accepted by the department on September 30th, 2019. Effluent sample data has been provided to the department through official laboratory reports, discharge monitoring reports, and the permit application Form 2A.

SUMMARY OF COMPLIANCE WITH PREVIOUS PERMIT ISSUED

Two (2) inspections of the facility have been conducted from October 1, 2014 to April 30, 2019. The facility has not discharged since October 14, 2014. The facility was in non-compliance with Discharge Monitoring Report (DMR) that was turned in late for the reporting period of April 1, 2015 to September 30, 2015. The DMR was completed and signed on December 23, 2015. The facility has been in compliance since December 28, 2015. The department's assessment of the compliance is based on review of the facility's Discharge Monitoring Report (DMR) forms and inspections conducted by the department.

The City of Richardton is an intermittent discharger. A summary of the data follows:

Disch Pt	Location	Parameter	Avg Conc	Range	Units	Avg Load	Max Load	Max Load Units
001A	Effluent	Biochemical Oxygen Demand	6	6-6	mg/L	N/A	N/A	N/A
001A	Effluent	Drain Total Month	N/A	N/A	N/A	N/A	8.17	MGAL
001A	Effluent	pH	N/A	8.23-8.49	S.U.	N/A	N/A	N/A
001A	Effluent	Total Suspended Solids	5	5-5	mg/l	N/A	N/A	N/A

Summary of DMR Data Excursions

No excursions occurred from October 1, 2014 through April 30, 2019 for the City of Richardton.

PROPOSED PERMIT LIMITS AND SELF MONITORING REQUIREMENTS

The City of Richardton is subject to the secondary treatment standards. Federal and state regulations define technology-based effluent limits for municipal wastewater treatment plants. These effluent limits are given in 40 CFR 133 and in NDAC Chapter 33.1-16-01-30. These regulations are performance standards that constitute all known, available, and reasonable methods of prevention, control, and treatment for municipal wastewater.

Below are the technology-based limits specified in 40 CFR 133 for BOD₅, TSS, pH, and Percent Removal:

Table 3: 40 CFR Part 133 Technology-Based Effluent Limits-Municipal Treatment
--

Parameter	30 Day Average	7 Day Average
BOD ₅	30 mg/l	45 mg/l
TSS	30 mg/l	45 mg/l
pH	Remain between 6.0 to 9.0	
Percent Removal	85% BOD ₅ and TSS	

NDAC Chapter 33.1-16-01-14 (3)(c)(1) allows for adjustment of the secondary treatment criteria to reflect site specific considerations. A five-day biochemical oxygen demand limit of twenty-five milligrams per liter (consecutive thirty-day average) may be applied in instances in which limits expressed in terms of secondary treatment standards would be impractical or deemed inappropriate to protect receiving waters.

The department acknowledges that 40 CFR 133 requires an 85% removal for BOD₅ and TSS. The percent removal rate in 40 CFR 133 is dependent upon the influent and effluent samples being taken at the approximate same time, which lagoon systems have a hydraulic residency time of greater than 30 days. Therefore, the influent and effluent samples are not representative of the same wastewater.

The facility typically discharges less than once per year for seven (7) or less days at a time. Upon review of the facilities data, the 30 consecutive days only contained one (1) or two (2) data points. The department has determined that the number of data points per 30 consecutive days would be insufficient to determine an accurate percent removal rate. Due to the nature of intermittent discharging and the discharge length, the department has determined to not include the percent removal requirements in the proposed permit based on the infeasibility to determine percent removal.

Effluent Limitations

The department proposes the following effluent limitations for Outfall 001.

Parameter	Effluent Limitations			Basis ^b
	Avg. Monthly Limit ^a	Avg. Weekly Limit ^a	Daily Maximum Limit ^a	
Biological Oxygen Demand (BOD ₅)	25.0 mg/l	*	45.0 mg/l	Previous Permit; NDAC 33.1-16-01-14(3)(c)(1); 40 CFR 133.102(a)(2)
Total Suspended Solids (TSS)	30.0 mg/l	*	45.0 mg/l	Previous Permit; 40 CFR 133.102(b)
pH ^c	Shall be between 6.0 to 9.0 s.u.			Previous Permit; 40 CFR 133.102(c); WQS
Oil and Grease, Visual ^d	*	*	*	WQS
Oil and Grease ^d	*	*	10.0 mg/l	BPJ

Total Drain, mgal	*	*	Report Monthly Total	Previous Permit; BPJ
Metals, µg/l ^e	*	*	*	40 CFR 403.5(b)
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 waters.			
a.	The City of Richardton is a small system that discharges infrequently for short periods of time. The 7-day maximum limits outlined in the secondary treatment standards (40 CFR 133) have not been used in this permit. The limitations applied to each lagoon cell discharge event reflect the 30-day average limits and substitute the 7-day maximum limits for daily maximum outlined in the secondary treatment standards. The final secondary treatment regulation (40 CFR Part 133.102) indicates that appropriate monitoring adjustments could be provided to reflect system operation.			
b.	The basis for effluent limitations is given below:			
	“Previous Permit” refers to limitations in the previous permit. The NPDES regulations 40 CFR Part 122.44(1)(1) Reissued Permits require that when a permit is renewed or reissued, interim limitation, standards, or conditions must be at least as stringent as the final effluent limitations, standard, or conditions in the previous permit unless the circumstances on which the previous permit was issued have materially and substantially changed since the previous permit was issued and would constitute cause for permit modification or revocation and reissuance under 40 CFR Part 122.62 .			
	“WQS” refers to the effluent limitations based on the state of North Dakota’s “Standards of Quality for Waters of the State”, NDAC Chapter 33.1-16-02.1.			
c.	“BPJ” refers to best professional judgement.			
	The pH, an instantaneous limitation, shall be between 6.0 s.u. and 9.0 s.u.			
d.	The permittee must not discharge any floating solids, visible foam in other than trace amounts, or oily wastes that produce a sheen or floating oil in the effluent or on the surface of the receiving water. The discharge shall be visibly inspected for sheen or floating oil. If present, grab samples shall be analyzed for oil and grease.			
e.	The following metals shall be sampled and analyzed for:			
	Antimony, Total	Arsenic, Total	Beryllium, Total	Cadmium, Total
	Chromium, Total	Copper, Total	Lead, Total	Mercury, Total
	Nickel, Total	Selenium, Total	Silver, Total	Thallium, Total
	Zinc, Total	Cyanide, Total	Phenols, Total	Hardness, Total
Stipulations:				
Dates of discharge and number of exceedances shall be included on the Discharge Monitoring Reports (DMRs)				

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

The permittee must not discharge any floating solids, visible foam in other than trace amounts, or oily wastes that produce a sheen or floating oil in the effluent or on the surface of the receiving water. The discharge shall be visibly inspected for sheen or floating oil. If floating oil or a visible sheen is observed at the discharge point, the department shall be contacted.

SELF-MONITORING REQUIREMENTS

All effluent samples shall be collected at a point following the treatment system and prior to entering the receiving stream.

Effluent Parameter	Frequency	Sample Type ^a
BOD5, mg/L	1/Week	Grab
TSS, mg/L	1/Week	Grab
pH	1/Week	Grab
Oil and Grease Visual	Daily ^b	Grab
Oil and Grease	Conditional ^b /Daily	Grab
Metals	1/Year	Grab
Total Drain, MGAL	Monthly	Calculated
Notes:		
a. Refer to Appendix B for definitions		
b. The effluent shall be visibly examined daily for a sheen or floating oil. If present, a grab sample shall be analyzed for oil and grease to ensure compliance with the concentration limitations.		

SURFACE WATER QUALITY-BASED EFFLUENT LIMITS

The North Dakota State Water Quality Standards (NDAC Chapter 33.1-16-02.1) are designed to protect existing water quality and preserve the beneficial uses of North Dakota's surface waters. Wastewater discharge permits must include conditions that ensure the discharge will meet the surface water quality standards. Water quality-based effluent limits may be based on an individual waste load allocation or on a waste load allocation developed during a basin wide total maximum daily load (TMDL) study. TMDLs result from a scientific study of the water body and are developed in order to reduce pollution from all sources.

Currently no TMDL exists along this tributary to the Little Knife River, nor is the receiving water body segment listed as impaired. NDAC 33.1-16-02.1-09(d) classifies Class III streams as follows; "The quality of the waters in this class shall be suitable for agricultural and industrial uses. Streams in this class generally have low average flows with prolonged periods of no flow. During periods of no flow, they are of limited value for recreation and fish and aquatic biota. The

quality of these waters must be maintained to protect secondary contact recreation uses (e.g., wading), fish and aquatic biota, and wildlife uses.”

Numerical Criteria for the Protection of Aquatic Life and Recreation

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

Numerical Criteria for the Protection of Human Health

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

Narrative Criteria

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

Antidegradation

The purpose of North Dakota’s Antidegradation Policy (NDAC Chapter 33.1-16-02(Appendix IV)) is to:

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

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

Mixing Zones

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

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

Biochemical Oxygen Demand (BOD₅)

The department has reviewed the BOD₅ data and the sampling frequency. No excursions occurred for this parameter. The department proposes effluent limitations of 25 mg/l (30-day arithmetic average) for BOD₅ and a 45 mg/l (average weekly limit) with a sampling frequency of weekly based on 40 CFR 133.102(a)(2), and NDAC 33.1-16-01-14(3)(c)(1).

Total Suspended Solids (TSS)

The department has reviewed the TSS data and the sampling frequency. No excursions occurred for this parameter. The department proposes effluent limitations of 30 mg/l (30 day arithmetic average) and 45 mg/l (average weekly limit) with a sampling frequency of weekly based on 40 CFR 133.102(b)(1) & (2), and NDAC 33.1-16-01.

pH

The department has reviewed the pH data and the sampling frequency. One (1) excursions occurred for this parameter. The department proposes pH limits of 6.0 to 9.0, with a sampling frequency of weekly. This is in accordance with NDAC § 33.1-16-02.1 and 40 CFR 133.103(c).

Oil and Grease Visual

The department proposes an oil and grease visual requirement of daily and report if present based on other similar permits and NDAC 33.1-16-02.1

Oil and Grease

The department proposes a conditional limit of 10.0 mg/l for oil and grease with a sampling frequency of weekly based on other similar permits.

Human Health

North Dakota's water quality standards include numeric human health-based criteria that the department must consider when writing NDPDES permits. These criteria were established in 1992 by the U.S. EPA in its National Toxics Rule (40 CFR 131.36). The National Toxics Rule allows states to use mixing zones to evaluate whether discharges comply with human health criteria. The department determined the applicant's discharge is unlikely to contain chemicals regulated to protect human health. The department will re-evaluate this discharge for impacts to human health at the next permit reissuance.

Biosolids

Currently the department does not have the authority to regulate biosolids. Therefore, you are required under the Direct Enforceability provision of 40 CFR §503.3(b) to meet the applicable requirements of the regulation.

Test Procedures

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

OTHER PERMIT CONDITIONS

Pre-discharge Protocol

Approximately one week prior to discharge, the permittee shall review with the department the following pre-discharge samples: BOD₅, TSS and pH prior to discharge. After the review process has been completed the permittee shall comply with the limitations of this permit.

Sampling of the Discharge

Sample results for the pre-discharge parameters may represent the first week of discharge. Additional effluent samples must be collected and analyzed after the seventh day of the discharge and every seven days thereafter.

Pretreatment

On the application Form 2A, the permittee indicated that there is one (1) significant industrial users (SIU). The categorical SIU is Amber Waves, Inc.

Amber Waves, Inc is a metal finisher, with a standard industrial classification (SIC) 3269. Amber Waves, Inc. produces steel grain bins through a process that includes powder coating, steel fabrication, and metal stamping. Amber Waves, Inc. produces an average of 490 gallons per day of combined process and non-process wastewater. The two waste streams are combined prior to entering the City of Richardton's sanitary system. Amber Waves, Inc. is considered a categorical SIU, subject to the pretreatment standards outlined in 40 CFR 433. Amber Waves, Inc is a permitted facility under the department's pretreatment program, with an NDPDES permit (NDP00050).

Pretreatment Requirements-Outfalls 001

This permit shall contain the pretreatment requirements for Industrial Waste Management for Minors with a Non-Approved Pretreatment Program. The permit shall require the permittee to sample and analyze the effluent from Outfall 001 for those parameters listed in footnote d, of **Table 4**. This requirement is based on 40 CFR 403.5(b).

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 the WQS, the development and approval of waste load allocation plans, the development or revision to water quality management plans, changes in sewage sludge practices, or the establishment of prohibitions or more stringent limitations for toxic or conventional pollutants and/or sewage sludges. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

Proposed Permit Issuance

This proposed permit meets all statutory requirements for the department to authorize a wastewater discharge. The permit includes limits and conditions to protect human health and aquatic life, and the beneficial uses of waters of the State of North Dakota. The department proposes to issue this permit for a term of five (5) years.

APPENDIX A - PUBLIC INVOLVEMENT INFORMATION

The department proposes to issue a permit to **Richardton, City of**. The permit includes wastewater discharge limits and other conditions. This fact sheet describes the facility and the department's reasons for requiring permit conditions.

The department will place a Public Notice of Draft on **February 16th, 2020** in the **Dickinson Press** to inform the public and to invite comment on the proposed draft North Dakota Pollutant Discharge Elimination System permit and fact sheet.

The Notice –

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

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

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

The primary author of this permit and fact sheet is Sam DeVries.

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

Public Notice Date: 2/16/2020 Public Notice Number: ND-2020-007

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: 9/13/2019 Application Number: ND0020109

Applicant Name: Richardton City Of
Mailing Address: PO Box 343, Richardton, ND 58652-0343
Telephone Number: 701.974.3399

Proposed Permit Expiration Date: 3/31/2025

Facility Description

The application is for the discharge of wastewater from the five waste stabilization ponds which service the City of Richardton. The discharge points are located in the NE 1/4 of Section 32, Township 140N, Range 92W. Any discharge would be from Outfall 001 to an unnamed tributary to the Little Knife River, a Class III Stream.

Tentative Determinations

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

Information Requests and Public Comments

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

All comments received by March 17, 2020 will be considered prior to finalizing the permit. If there is significant interest, a public hearing will be scheduled. Otherwise, the Department will issue the final permit within sixty (60) days of this notice. If you require special facilities or assistance relating to a disability, call TDD at 1.800.366.6868.

APPENDIX B – DEFINITIONS

DEFINITIONS Standard Permit BP 2019.05.29

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

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

APPENDIX C – DATA AND TECHNICAL CALCULATIONS

No technical calculations were performed in the development of this permit. All effluent limitations are based upon 40 CFR 133, 40 CFR 403, and NDAC 33.1-16-02.1.

DRAFT

APPENDIX D – RESPONSE TO COMMENTS

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

DRAFT

Permit No: ND0020109
Effective Date: April 1, 2020
Expiration Date: March 31, 2025

AUTHORIZATION TO DISCHARGE UNDER THE
NORTH DAKOTA POLLUTANT DISCHARGE ELIMINATION SYSTEM

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

The City of Richardton

is authorized to discharge from its waste stabilization ponds

to Unnamed tributary of the Little Knife River

provided all the conditions of this permit are met.

This permit and the authorization to discharge shall expire at midnight,
March 31, 2025.

Signed this _____ day of _____, _____.

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

This page is intentionally left blank

TABLE OF CONTENTS

DEFINITIONS.....	4
DEFINITIONS Standard Permit BP 2019.05.29	4
I. LIMITATIONS AND MONITORING REQUIREMENTS.....	6
A. Discharge Authorization.....	6
B. Effluent Limitations and Monitoring.....	6
II. MONITORING, RECORDING, AND REPORTING REQUIREMENTS BP 2019.05.29	8
A. Representative Sampling (Routine and Non-Routine Discharges).....	8
B. Test Procedures.....	8
C. Recording of Results.....	8
E. Reporting of Monitoring Results.....	9
F. Records Retention	10
III. COMPLIANCE RESPONSIBILITIES.....	10
A. Duty to Comply	10
B. Proper Operation and Maintenance.....	10
C. Planned Changes.....	10
D. Duty to Provide Information.....	10
E. Signatory Requirements.....	10
F. Twenty-four Hour Notice of Noncompliance Reporting.....	11
G. Bypass of Treatment Facilities.....	11
H. Upset Conditions	12
I. Duty to Mitigate.....	12
J. Removed Materials	12
K. Duty to Reapply.....	1312
IV. GENERAL PROVISIONS	13
A. Inspection and Entry.....	13
B. Availability of Reports	13
C. Transfers	13
D. New Limitations or Prohibitions	13
E. Permit Actions.....	13
F. Need to Halt or Reduce Activity Not a Defense	13
G. State Laws	13
H. Oil and Hazardous Substance Liability	13
I. Property Rights.....	13
J. Severability.....	14
V. INDUSTRIAL WASTE MANAGEMENT BP 2019.05.29	14

DEFINITIONS

DEFINITIONS Standard Permit BP 2019.05.29

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

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

OUTFALL DESCRIPTIONS

Outfall 001. Active. Final Outfall.			
Latitude: 46.90083°	Longitude: -102.3078°	County: Stark	
Township: 140	Range: 92	Section: 32	QQ: AD
Receiving Stream: Unnamed Dry Creek Bed		Classification: III	
Outfall Description: This is the outfall from Cell 4 and 5 onto a concrete pad and rip rap, then down dry creek bed to the Little Knife River.			

PERMIT SUBMITTALS SUMMARY

Coverage Point	Submittal	Frequency	First Submittal Date
001A	Discharge Monitoring Report	1/6 Months	10/31/2020
001M	Discharge Monitoring Report	1/Year	4/30/2021
Application Renewal	NPDES Application Renewal	1/permit cycle	09/30/2024

I. LIMITATIONS AND MONITORING REQUIREMENTS

A. Discharge Authorization

During the effective period of this permit, the permittee is authorized to discharge pollutants from the outfalls as specified to the following: **Tributary to the Little Knife River**

Approximately one week prior to discharge, the permittee shall review with the department the following pre-discharge samples: BOD₅, total suspended solids (TSS) and pH prior to discharge. After the review process has been completed the permittee shall comply with the limitations of this permit.

Sampling of the Discharge

Sample results for the pre-discharge parameters may represent the first week of discharge. Additional effluent samples must be collected and analyzed after the seventh day of the discharge and every seven days thereafter.

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

B. Effluent Limitations and Monitoring

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

Effluent Limitations and Monitoring Requirements Outfall 001 .					
	Effluent Limitations			Monitoring Requirements	
Parameter	Avg. Monthly Limit	Avg. Weekly Limit	Daily Maximum Limit	Sample Frequency	Sample Type
Biological Oxygen Demand (BOD ₅)	25.0 mg/l	*	45.0 mg/l	Weekly	Grab
Total Suspended Solids (TSS)	30.0 mg/l	*	45.0 mg/l	Weekly	Grab
pH ^a	Shall be between 6.0 to 9.0 s.u.			Weekly	Grab
Oil and Grease Visual ^b	*	*	Yes/ No	Daily	Visual
Oil and Grease ^b	*	*	10.0 mg/l	Conditional/ Daily	Grab
Total Drain, mgal	*	*	Report Monthly Total	Monthly	Calculated
Metals, µg/l ^c	*	*	*	Yearly	Grab
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 waters.				
a.	The pH, an instantaneous limitation, shall be between 6.0 s.u. and 9.0 s.u.				
b.	The permittee must not discharge any floating solids, visible foam in other than trace amounts, or oily wastes that produce a sheen or floating oil in the effluent or on the surface of the receiving water. The discharge shall be visibly inspected for sheen or floating oil. If present, grab samples shall be analyzed for oil and grease.				
c.	The following metals shall be sampled and analyzed for:				
	Antimony, Total	Arsenic, Total	Beryllium, Total	Cadmium, Total	
	Chromium, Total	Copper, Total	Lead, Total	Mercury, Total	
	Nickel, Total	Selenium, Total	Silver, Total	Thallium, Total	
	Zinc, Total	Cyanide, Total	Phenols, Total	Hardness, Total	

Stipulations:
Dates of discharge and number of exceedances shall be included on the Discharge Monitoring Reports (DMRs)
Samples taken in compliance with the monitoring requirements specified in this permit shall be taken prior to leaving the facility property or entering the receiving stream.

II. MONITORING, RECORDING, AND REPORTING REQUIREMENTS BP 2019.05.29

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

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

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

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

B. Test Procedures

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

C. Recording of Results

Records of monitoring information shall include:

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

7. the results of such analyses.

D. Additional Monitoring

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

E. Reporting of Monitoring Results

1. Monitoring results shall be summarized and reported to the department using Discharge Monitoring Reports (DMRs). If no discharge occurs during a reporting period, "No Discharge" shall be reported. The permittee must submit DMRs electronically using the electronic information reporting system unless requirements in subsection 3 are met.
2. Prior to December 21, 2020, the permittee may elect to electronically submit the following compliance monitoring data and reports instead of mailing paper forms. Beginning December 21, 2020, the permittee must report the following using the electronic reporting system:
 - a. General permit reports [e.g., notices of intent (NOI); notices of termination (NOT); no exposure certifications (NOE)];
 - b. Municipal separate storm sewer system program reports;
 - c. Pretreatment program reports;
 - d. Sewer overflow/bypass event reports; and
 - e. Clean Water Act 316(b) annual reports
3. The permittee may seek a waiver from electronic reporting. To obtain a waiver, the permittee must complete and submit an Application for Temporary Electronic Reporting Waiver form (SFN 60992) to the department. The department will have 120 days to approve or deny the waiver request. Once the waiver is approved, the permittee may submit paper versions of monitoring data and reports to the department.
 - a. One of the following criteria must be met in order to obtain a waiver. The department reserves the right to deny any waiver request, even if they meet one of the criteria below.
 1. No internet access,
 2. No computer access,
 3. Annual DMRs (upon approval of the department),
 4. Employee turnover (3-month periods only), or
 5. Short duration permits (upon approval of the department)

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

ND Department of Environmental Quality

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

F. Records Retention

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

III. COMPLIANCE RESPONSIBILITIES

A. Duty to Comply

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

B. Proper Operation and Maintenance

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

C. Planned Changes

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

D. Duty to Provide Information

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

E. Signatory Requirements

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

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

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

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

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

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

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

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

F. Twenty-four Hour Notice of Noncompliance Reporting

1. The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally as soon as possible, but no later than twenty-four (24) hours from the time the permittee first became aware of the circumstances. The following occurrences of noncompliance shall be included in the oral report to the department at 701.328.5210:
 - a. Any lagoon cell overflow or any unanticipated bypass which exceeds any effluent limitation in the permit under G. Bypass of Treatment Facilities;
 - b. Any upset which exceeds any effluent limitation in the permit under H. Upset Conditions; or
 - c. Violation of any daily maximum effluent or instantaneous discharge limitation for any of the pollutants listed in the permit.
2. A written submission shall also be provided within five days of the time that the permittee became aware of the circumstances. The written submission shall contain:
 - a. A description of the noncompliance and its cause;
 - b. The period of noncompliance, including exact dates and times;
 - c. The estimated time noncompliance is expected to continue if it has not been corrected; and
 - d. Steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

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

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

G. Bypass of Treatment Facilities

1. Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to any of the following provisions in this section.
2. Bypass exceeding limitations-notification requirements.
 - a. Anticipated Bypass. If the permittee knows in advance of the need for a bypass, it shall submit

prior notice, if possible at least ten (10) days before the date of bypass.

- b. Unanticipated Bypass. The permittee shall submit notice of an unanticipated bypass as required under F. Twenty-four Hour Notice of Noncompliance Reporting.
3. Prohibition of Bypass. Bypass is prohibited, and the department may take enforcement action against a permittee for bypass, unless:
 - a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - c. The permittee submitted notices as required under the 1. Anticipated Bypass subsection of this section.

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

H. Upset Conditions

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

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

1. An upset occurred and the permittee can identify its cause(s);
2. The permitted facility was, at the time being, properly operated;
3. The permittee submitted notice of the upset as required under F. Twenty-four Hour Notice of Noncompliance Reporting and
4. The permittee complied with any remedial measures required under I. Duty to Mitigate.

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

I. Duty to Mitigate

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

J. Removed Materials

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

K. Duty to Reapply

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

IV. GENERAL PROVISIONS

A. Inspection and Entry

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

B. Availability of Reports

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

C. Transfers

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

D. New Limitations or Prohibitions

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

E. Permit Actions

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

F. Need to Halt or Reduce Activity Not a Defense

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

G. State Laws

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

H. Oil and Hazardous Substance Liability

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

I. Property Rights

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

J. Severability

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

V. INDUSTRIAL WASTE MANAGEMENT BP 2019.05.29

Minor POTWs Non Approved Pretreatment Program Requirements

A. General Responsibilities

The permittee has the responsibility to protect the Publicly Owned Treatment Works (POTW) from pollutants which would inhibit, interfere, or otherwise be incompatible with operation of the treatment works including interference with the use or disposal of municipal sludge.

B. Pollutant Restrictions

Pretreatment Standards (40 CFR Section 403.5) developed pursuant to Section 307 of the Federal Clean Water Act (the Act) require that the permittee shall not allow, under any circumstances, the introduction of the following pollutants to the POTW from any source of nondomestic discharge:

1. Any other pollutant which may cause Pass Through or Interference;
2. Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than sixty (60) degrees Centigrade (140 degrees Fahrenheit) using the test methods specified in 40 CFR Section 261.21;
3. Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with a pH of lower than 5.0 s.u., unless the treatment facilities are specifically designed to accommodate such discharges;
4. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW, or other interference with the operation of the POTW;
5. Any pollutant, including oxygen demanding pollutants (e.g., BOD), released in a discharge at a flow rate and/or pollutant concentration which will cause Interference with any treatment process at the POTW;
6. Heat in amounts which will inhibit biological activity in the POTW resulting in Interference, but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds forty (40) degrees Centigrade (104 degrees Fahrenheit) unless the Approval Authority, upon request of the POTW, approves alternate temperature limits;
7. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause Interference or Pass Through at the POTW;
8. 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;
9. Any trucked or hauled pollutants, except at discharge points designated by the POTW; and
10. Any specific pollutant which exceeds a local limitation established by the permittee in accordance with the requirements of 40 CFR Section 403.5 (c) and (d).

C. Approval Authority

North Dakota was delegated the Industrial Pretreatment Program in September of 2005. The North Dakota Department of Environmental Quality, Division of Water Quality shall be the

Approval Authority and the mailing address for all reporting and notifications to the Approval Authority shall be:

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

D. Industrial Categories

In addition to the general limitations expressed above, more specific Pretreatment Standards have been and will be promulgated for specific industrial categories under Section 307 of the Act (40 CFR Part 405 et. Seq.).

E. Notification Requirements

The permittee must notify the Approval Authority, of any new introductions by new or existing industrial users or any substantial change in pollutants from any industrial user within sixty (60) days following the introduction or change. Such notice must identify:

1. Any new introduction of pollutants into the POTW from an industrial user which would be subject to Sections, 301, 306, and 307 of the Act if it were directly discharging those pollutants; or
2. Any substantial change in the volume or character of pollutants being introduced into the POTW by any industrial user;
3. For the purposes of this section, adequate notice shall include information on:
 - a. The identity of the industrial user;
 - b. The nature and concentration of pollutants in the discharge and the average and maximum flow of the discharge to be introduced into the POTW; and
 - c. Any anticipated impact of the change on the quantity or quality of effluent to be discharged from or biosolids produced at such POTW,
4. For the purposes of this section, a significant industrial user shall include:
 - a. Any discharger subject to Categorical Pretreatment Standards under Section 307 of the Act and 40 CFR chapter I, subchapter N;
 - b. Any discharger which has a process wastewater flow of 25,000 gallons or more per day;
 - c. Any discharger contributing five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant;
 - d. Any discharger who is designated by the Approval Authority as having a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standards or requirements.

F. Approval Authority Options

At such time as a specific Pretreatment Standard or requirement becomes applicable to an industrial user of the permittee, the Approval Authority may, as appropriate:

1. Amend the permittee's North Dakota Pollutant Discharge Elimination System (NDPDES) discharge

permit to specify the additional pollutant(s) and corresponding effluent limitation(s) consistent with the applicable national Pretreatment Standards;

2. Require the permittee to specify, by ordinance, order, or other enforceable means, the type of pollutant(s) and the maximum amount which may be discharged to the permittee's POTW for treatment. Such requirement shall be imposed in a manner consistent with the POTW program development requirements of the General Pretreatment Regulations at 40 CFR Part 403; and/or,
3. Require the permittee to monitor its discharge for any pollutant which may likely be discharged from the permittee's POTW, should the industrial user fail to properly pre-treat its waste.

G. Enforcement Authority

The Approval Authority retains, at all times, the right to take legal action against any source of nondomestic discharge, whether directly or indirectly controlled by the permittee, for violations of a permit, order or similar enforceable mechanism issued by the permittee, violations of any Pretreatment Standard or requirement, or for failure to discharge at an acceptable level under national standards issued by EPA under 40 CFR, chapter I, subchapter N. In those cases where a North Dakota Pollutant Discharge Elimination System (NDPDES) permit violation has occurred because of requirements as necessary to protect the POTW, the North Dakota Department of Health and/or Approval Authority shall hold the permittee and/or industrial user responsible and may take legal action against the permittee as well as the industrial user(s) contributing to the permit violation.