

Permit No: NDG-420000  
Effective Date: January 1, 2018  
Expiration Date: December 31, 2022

AUTHORIZATION TO DISCHARGE UNDER THE  
NORTH DAKOTA POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with Chapter 33-16-01 of the North Dakota Department of Health rules as promulgated under Chapter 61-28 (North Dakota Water Pollution Control Act) of the North Dakota Century Code, domestic wastewater treatment facilities both qualifying and satisfying the requirements identified in Part I of this permit

are authorized to discharge throughout the state of North Dakota

to waters of the state

provided all the conditions of this permit are met.

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

December 31, 2022.

Signed this 20 day of December, 2017.



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

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**DEFINITIONS Standard Permit BP 2013.12.31**

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

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

#### **DEFINITIONS Permit Specific**

1. "**Domestic Hauled Waste**" means the transport of domestic septage.
2. "**Domestic Septage**" means the liquid or solid material removed from a septic tank, holding tank, cesspool, portable toilet, type III marine sanitation device, or a similar system that receives only domestic septage (household, non-commercial, non-industrial sewage).
3. "**Interference**" means an indirect discharge which, alone or in conjunction with any other indirect discharges, both: (1) inhibits or disrupts the wastewater treatment facility's processes or operations, or its sludge processes, use or disposal; and (2) Causes a violation of any requirement of the wastewater treatment facility's NDPDES 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.
4. "**Pass Through**" means an indirect discharge which exits the wastewater treatment facility into waters of the state in quantities or concentrations which, alone or in conjunction with any other discharges, cause a violation of the wastewater treatment facility's NDPDES permit, including an increase in the magnitude or duration of a violation.

**OUTFALL DESCRIPTION**

**Domestic Wastewater Treatment Facility** – Active. Final Outfall. Wastewater Treatment Facility Discharge. The wastewater treatment facility receives domestic wastewater for treatment.

**PERMIT SUBMITTALS SUMMARY**

| Coverage Point                                                                                               | Submittal                        | Frequency      | First Submittal Date |
|--------------------------------------------------------------------------------------------------------------|----------------------------------|----------------|----------------------|
| Identified Discharge Point(s) on NOI from Wastewater Treatment Facility and/or Treated Effluent Storage Pond | Discharge Monitoring Report      | Quarterly      | April 30, 2018       |
| Application Renewal                                                                                          | NDPDES Application (NOI) Renewal | 1/permit cycle | July 1, 2022         |

**SPECIAL CONDITIONS**

**A. Obtaining Coverage and Authorization Effective Date**

1. To obtain authorization under this general permit for wastewater discharges the applicant must submit a complete application.
2. Upon the effective date of permit coverage, the permit applicant is authorized to discharge wastewater from eligible facilities under the terms and conditions of this permit.

**B. Application (Notice of Intent) Process**

1. The applicant shall use a Notice of Intent (Short Form A) to complete the application process.
2. Application Content and Conditions.
  - a. The application shall contain, at a minimum, the following information:
    - i. Legal name, mailing address and phone number of the organization responsible for the facility
    - ii. Name of facility
    - iii. Contact name and phone number
    - iv. Average number of people serviced daily
    - v. Whether the facility receives any industrial waste and how many industrial facilities discharge to the system
    - vi. Types of facilities that discharge to the system



- vii. Estimated percentage of influent flow that is domestic and industrial
- viii. Type of treatment and design capacity
- ix. Effluent characteristics including five-day biochemical oxygen demand, total suspended solids, ammonia, and *E. coli*. Include the name, mailing address and telephone number of each laboratory or consulting firm conducting the analysis
- x. Discharge point location (latitude and longitude; or township, range and section)
- xi. Name of receiving water(s)
- xii. Whether the facility receives waste from septic haulers. Include:
  - 1. Type of waste
  - 2. Other state, local or federal regulations that apply to the waste
  - 3. Number of days per month the facility accepts hauled waste
  - 4. Number of companies that waste is accepted from
  - 5. Monitoring plan for accepting hauled waste
- xiii. Location of designated disposal station at the facility for accepting domestic hauled waste
- xiv. Signature of the applicant signed in accordance with Part IV.(E) Signatory Requirements

b. Completed applications shall be submitted to:

North Dakota Department of Health  
Division of Water Quality  
918 East Divide Avenue  
Bismarck, ND 58501-1947

After 2020, application will be submitted through the Electronic Reporting Information System as laid out in Part III(E). Reporting of Monitoring Results.

- 3. Within sixty (60) days after receiving a complete application, the department will authorize coverage under this discharge permit, deny coverage, or request additional information. Coverage under this General Permit will begin when the applicant receives a written notice of coverage from the department.
- 4. A request to be issued an individual permit may be made by the owner, operator, or authorized agent of any facility which is eligible for coverage under this General Permit. Such requests shall provide the reasons for issuing an individual permit to the facility. If the reasons are adequate to support the request, the department may issue an individual permit.

5. Facilities covered by an individual permit, which are also eligible for coverage under this permit, shall remain covered by the individual permit until it expires. The reapplication submitted under the provisions of the existing individual permit will be processed as an application for authorization under this permit.

### **C. Notice of Termination (NOT)**

1. Permittees wishing to terminate coverage under this permit must submit a Notice of Termination (NOT) or other written request identifying the facility, reason why the permit is no longer needed, and signed in accordance with Part IV(E) Signatory Requirements. Compliance with the conditions of this permit is required until a NOT is submitted.

## **I. PERMIT COVERAGE**

### **A. Applicability of the General Permit**

The department may issue a general permit to one or more category of subcategories of discharges when the point sources within a particular category operate in the same geographic area; involve the same or similar types of operations; discharge the same types of wastes, require the same effluent limitations and operating conditions, require the same of similar monitoring requirements, and, in the opinion of the department, are more appropriately controlled under a general permit than under individual permits (NDAC 33-16-26.1)

### **B. Discharges Covered**

1. This permit applies to all areas within the jurisdiction of the state of North Dakota.
2. This permit applies to wastewater discharges from facilities that primarily treat domestic waste utilizing mechanical or package plants, and have no industrial contributions, unless approved by the department.

### **C. Discharges Not Covered**

1. Discharges to waters for which there is a total maximum daily load (TMDL) allocation that is not consistent with the assumptions, allocations and requirements of the approved TMDL. Information about TMDLS can be found in the [North Dakota 2016 Integrated Section 305\(b\) Water Quality Assessment Report and Section 303\(d\) List of Waters Needing Total Maximum Daily Loads](#).

## II. LIMITATIONS AND MONITORING REQUIREMENTS

### A. Discharge Authorization

1. During the effective period for this general permit the permittee is authorized to discharge wastewater provided the discharge meets the limitations and monitoring requirements outlined in this permit. Permittees discharging wastewater that does not comply with the permit conditions may be subject to civil or criminal penalties under the North Dakota Water Pollution Control Act
2. To be eligible for authorization to discharge under this permit, the domestic wastewater treatment facility must not be considered a major discharge facility by the department, and have no significant industrial discharge contributions as determined by the department. In addition, it must be demonstrated that the system can meet secondary treatment limitations through engineering design criteria and data, and has received approval prior to construction from the North Dakota Department of Health, Division of Municipal Facilities.

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

If the permittee is an intermittent discharger, then the permittee must notify the department prior to any treated effluent storage pond discharge. Approximately two (2) weeks prior to any planned discharge, a representative pre-discharge sample must be collected from the pond and analyzed for the parameters listed in Table 1 below. The pre-discharge sample results must be provided when notifying the department of a planned discharge. A discharge may not occur prior to the department review.

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

| Parameter                                                  | Effluent Limitations |                   |                     | Monitoring Requirements |             |
|------------------------------------------------------------|----------------------|-------------------|---------------------|-------------------------|-------------|
|                                                            | Avg. Monthly Limit   | Avg. Weekly Limit | Daily Maximum Limit | Sample Frequency        | Sample Type |
| Biochemical Oxygen Demand (BOD <sub>5</sub> ) <sup>a</sup> | 25 mg/l              | 45 mg/l           | *                   | 1/week                  | Grab        |
| Total Suspended Solids (TSS) <sup>a</sup>                  | 30 mg/l              | 45 mg/l           | *                   | 1/week                  | Grab        |
| pH <sup>a</sup>                                            | **                   |                   |                     | 1/week                  | Grab        |
| <i>Escherichia coli</i> ( <i>E. coli</i> ) <sup>a,b</sup>  | 126/100 ml           | *                 | 409/100 ml          | 1/week                  | Grab        |

| <b>Table 1: Effluent Limitations and Monitoring Requirements</b>                                                                                                                                                                             |                      |                   |                     |                         |             |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-------------------|---------------------|-------------------------|-------------|
| Parameter                                                                                                                                                                                                                                    | Effluent Limitations |                   |                     | Monitoring Requirements |             |
|                                                                                                                                                                                                                                              | Avg. Monthly Limit   | Avg. Weekly Limit | Daily Maximum Limit | Sample Frequency        | Sample Type |
| Ammonia as N, mg/l <sup>a,c</sup>                                                                                                                                                                                                            | Refer to the Table 2 |                   |                     | 1/week                  | Grab        |
| Oil & Grease – Visual <sup>d</sup>                                                                                                                                                                                                           | *                    | *                 | *                   | Daily                   | Visual      |
| Oil & Grease <sup>d</sup>                                                                                                                                                                                                                    | *                    | *                 | 10 mg/l             | Conditional<br>1/week   | Grab        |
| Bromide <sup>a,e</sup>                                                                                                                                                                                                                       | *                    | *                 | *                   | 1/week                  | Grab        |
| Chloride <sup>a,e</sup>                                                                                                                                                                                                                      | *                    | *                 | *                   | 1/week                  | Grab        |
| Total Residual Chlorine (TRC) <sup>a,f</sup>                                                                                                                                                                                                 | *                    | *                 | 0.10 mg/l           | Daily                   | Grab        |
| Flow Effluent (mgd) <sup>g</sup>                                                                                                                                                                                                             | *                    | *                 | *                   | Daily                   | Calculated  |
| Total Days Discharging                                                                                                                                                                                                                       | *                    | *                 | Report              | Semiannual              | Calculated  |
| Drain Total (MG)                                                                                                                                                                                                                             | *                    | *                 | Total               | Semiannual              | Calculated  |
| <b>Ammonia as N (Option 1) – Receiving water parameters – collected same day(s) as compliance sample(s).</b>                                                                                                                                 |                      |                   |                     |                         |             |
| Flow (cfs) <sup>c</sup>                                                                                                                                                                                                                      |                      |                   | Report              | 1/week                  | Grab        |
| pH (s.u.) <sup>c</sup>                                                                                                                                                                                                                       |                      |                   | Report              | 1/week                  | Grab        |
| Temperature (°C) <sup>c</sup>                                                                                                                                                                                                                |                      |                   | Report              | 1/week                  | Grab        |
| Ammonia as N (mg/l) <sup>c</sup>                                                                                                                                                                                                             |                      |                   | Report              | 1/week                  | Grab        |
| <b>Ammonia as N (Option 2) – Receiving water parameters – collected same day(s) as effluent sample(s).</b>                                                                                                                                   |                      |                   |                     |                         |             |
| Temperature (°C)                                                                                                                                                                                                                             |                      |                   | Report              | 1/week                  | Grab        |
| <b>Notes:</b>                                                                                                                                                                                                                                |                      |                   |                     |                         |             |
| * The parameter is not limited. However, the department may impose limitations based on sample history to protect receiving waters.                                                                                                          |                      |                   |                     |                         |             |
| ** Discharges to lake and reservoirs, and Class I and IA streams, shall have an instantaneous pH limitation between 7.0 (s.u.) and 9.0 (s.u.). Discharges to all other classifications of stream shall be between 6.0 (s.u.) and 9.0 (s.u.). |                      |                   |                     |                         |             |

**Table 1: Effluent Limitations and Monitoring Requirements**

| Parameter                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Effluent Limitations |                   |                     | Monitoring Requirements |             |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-------------------|---------------------|-------------------------|-------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Avg. Monthly Limit   | Avg. Weekly Limit | Daily Maximum Limit | Sample Frequency        | Sample Type |
| <p>a. A pre-discharge sample must be analyzed and reported to the department prior to the start of any discharge if the permittee is an intermittent discharger. A pre-discharge grab sample shall be tested for BOD<sub>5</sub>, TSS, pH, <i>E.coli</i>, Ammonia as N, Bromide, Chloride, and TRC. This pre-discharge sample shall represent the first week discharge sample. An additional grab sample of the actual sample shall be taken and analyzed on a weekly basis for the duration of the discharge.</p> <p>b. This limit applies April 1 through October 31.</p> <p>c. Permittee must use one of two options to comply with the ammonia as N limitations.</p> <ul style="list-style-type: none"> <li>• Option 1 – Applicable (temperature, pH, ammonia as N, and receiving-stream flow) receiving water parameters are collected to calculate (refer to formula below) the real-time water quality standard for ammonia – this option allows 10% of the receiving water flow for dilution. This calculated limit will be compared to facility effluent data on ammonia and if the effluent value is greater than the calculated limit, the permittee shall report a violation.</li> <li>• Option 2 – Permittee collects ammonia as N and temperature samples from the lagoon cell to be discharged and complies with the ammonia as N limit at the end-of-pipe forgoing any receiving water dilution.</li> </ul> <p>d. There is to be no floating oil or visible sheen present in the discharge. If floating oil or a visible sheen is observed at the discharge point, the department should be contacted and a grab sample analyzed to ensure compliance with 10 mg/l concentration limit. Any single analysis and/or measurement beyond this limitation shall be considered a violation of the conditions of this permit.</p> <p>e. Sampling for this parameter may be waived on a case-by-case basis after review and written approval by the department.</p> <p>f. Testing required only during periods when effluent is chlorinated.</p> <p>g. The discharge rate shall be adjusted to maintain the water quality standard for ammonia.</p> <p>Stipulations:</p> <p>The discharge shall not contain, in sufficient amounts to be unsightly or deleterious, any floating debris, oil, scum, and other floating materials attributable to domestic wastewater operations.</p> |                      |                   |                     |                         |             |

| <b>Table 1: Effluent Limitations and Monitoring Requirements</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                      |                   |                     |                         |             |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-------------------|---------------------|-------------------------|-------------|
| Parameter                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Effluent Limitations |                   |                     | Monitoring Requirements |             |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Avg. Monthly Limit   | Avg. Weekly Limit | Daily Maximum Limit | Sample Frequency        | Sample Type |
| <p>Compliance samples meeting the monitoring requirements specified in this permit shall be taken prior to leaving facility property or mixing with receiving waters.</p> <p>The limitations for BOD5, TSS, <i>E.coli</i>, and TRC are based on the average of all samples taken to monitor the discharge. If only one sample is collected, that one value shall be used as the average. The limitation for pH and ammonia applies to each sample taken. The department may allow discharges when the pH is outside the stated range if it suspects that the variation is due to natural biologic processes, and the discharger confirms that chemicals were not added or that contributions from industrial sources did not cause the pH to exceed the permitted range. All discharges shall be made in such a manner to minimize any possible adverse impacts on the receiving stream and downstream landowners.</p> <p>At a minimum, one (1) grab sample shall be taken each week of the discharge and analyzed for BOD5, TSS, <i>E.coli</i>, pH, Bromide, Chloride, TRC, Ammonia as N, and all parameters associated with Ammonia as N – Option 1 or 2. The pre-discharge sample may be used for the sample required for the first week of the discharge provided the sample results are less than thirty (30) days old. The start and end dates of the discharge shall be recorded. The total amount of water discharged shall be determined either by using a flow-measuring device or by recording the water-level drop in the pond. The frequency of analysis and number of exceedances shall be included on the Discharge Monitoring Reports (DMRs). All samples and measurements taken shall be representative of the discharge.</p> <p>The department may specify additional discharge conditions or restrictions at any time to maintain water quality standards. This may include rate of discharge restrictions or notifying downstream landowners along the receiving stream.</p> |                      |                   |                     |                         |             |

| <b>Table 2: Ammonia as N Effluent Limitations Calculations (Chapter 33-16-02.1)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Chronic Standard (Average Monthly Limit)</b></p> <p>The 30-day average concentration of total ammonia (expressed as N in mg/l) does not exceed, more often than once every three years on average, the numerical value given by the following formula; and the highest 4-day average concentration of total ammonia within the 30-day averaging period does not exceed 2.5 times the numerical value given by the following formula:</p> $\frac{(0.0577)}{(1+10^{7.688-pH})} + \frac{2.487}{1+10^{pH-7.688}} \bullet CV;$ <p>where CV = 2.85, when T ≤ 14°C; or<br/>CV = 1.45 * 10<sup>0.028*(25-T)</sup>, when T &gt; 14°C.</p> <p>Receiving stream pH is used for the calculation</p> |

**Acute Standard (Daily Maximum Limit)**

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

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

Where salmonids are absent; or

$$\frac{(0.275)}{(1+10^{7.204-\text{pH}})} + \frac{39.0}{1+10^{\text{pH}-7.204}}$$

Where salmonids are present.

Note – For the above calculations, the permittee receives ten percent of stream flow for dilution (refer to Option 1) at time of discharge based on the flow of the receiving stream. In-stream concentration will be calculated on a mass-balance basis using the following formula:

In-stream concentration =  $(Q_u * C_u + Q_e * C_e) / (Q_u + Q_e)$  where

$Q_u$  = 10% of the receiving stream parameter

$C_u$  = Receiving stream ammonia parameter

$Q_e$  = Effluent flow parameter

$C_e$  = Ammonia as N parameter

Outfall discharge will be regulated accordingly to avoid exceeding the water quality standard for ammonia as N at any time during the discharge period.

**C. Additional Conditions**

1. Wastewater may be utilized for other beneficial uses accordance with Part VI. Wastewater for Beneficial Reuse of this permit.
2. The facility must have 180 days of storage capacity unless a wastewater management plan has been developed, submitted and approved by the department prior to construction and implementation. The plan must include a detailed description of the methods that will be used to comply with Part I(C)(5) of the permit. Upon coverage under this permit the wastewater management plan will become terms of this permit.
3. If wastewater is being taken by another party for use, the facility must provide the other party with an analysis of the wastewater. The analysis must include the applicable parameters the facility is responsible for monitoring in accordance with this permit. The facility must keep a record of all wastewater transferred to another entity.
4. The facility must sample for any additional pollutant added during the treatment process.

5. Discharges may only occur when open water is present. There shall be no discharge when the receiving water is covered with ice.

### **III. MONITORING, RECORDING, AND REPORTING REQUIREMENTS BP 2017.08.21**

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

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

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

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

#### **B. Test Procedures**

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

#### **C. Recording of Results**

Records of monitoring information shall include:

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



**D. Additional Monitoring**

If the discharge is monitored more frequently than this permit requires, all additional results, if in compliance with Part III(B). Test Procedures, shall be included in the summary on the DMR.

**E. Reporting of Monitoring Results**

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

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

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

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

**F. Records Retention**

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

**IV. COMPLIANCE RESPONSIBILITIES**

**A. Duty to Comply**

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

**B. Proper Operation and Maintenance**

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

**C. Planned Changes**

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

**D. Duty to Provide Information**

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

**E. Signatory Requirements**

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

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

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

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

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

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

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

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel

properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

**F. Twenty-four Hour Notice of Noncompliance Reporting**

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

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

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

**G. Bypass of Treatment Facilities**

1. Bypass not exceeding limitations. The permittee may allow any bypass to occur which

does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to any of the following provisions in this section.

2. Bypass exceeding limitations-notification requirements.
  - a. Anticipated Bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten (10) days before the date of bypass.
  - b. Unanticipated Bypass. The permittee shall submit notice of an unanticipated bypass as required under F. Twenty-four Hour Notice of Noncompliance Reporting.
3. Prohibition of Bypass. Bypass is prohibited, and the department may take enforcement action against a permittee for bypass, unless:
  - a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  - b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
  - c. The permittee submitted notices as required under the 1. Anticipated Bypass subsection of this section.

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

#### **H. Upset Conditions**

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

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

1. An upset occurred and the permittee can identify its cause(s);
2. The permitted facility was, at the time being, properly operated;

3. The permittee submitted notice of the upset as required under F. Twenty-four Hour Notice of Noncompliance Reporting and
4. The permittee complied with any remedial measures required under I. Duty to Mitigate.

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

**I. Duty to Mitigate**

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

**J. Removed Materials**

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

**K. Duty to Reapply**

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

**V. GENERAL PROVISIONS**

**A. Inspection and Entry**

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

**B. Availability of Reports**

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

**C. Transfers**

This permit is not transferable except upon the filing of a Statement of Acceptance by the new party and subsequent department approval. The current permit holder should inform the new

controller, operator, or owner of the existence of this permit and also notify the department of the possible change.

**D. New Limitations or Prohibitions**

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

**E. Permit Actions**

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

**F. Need to Halt or Reduce Activity Not a Defense**

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

**G. State Laws**

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

**H. Oil and Hazardous Substance Liability**

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

**I. Property Rights**

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

**J. Severability**

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

**K. General Permits**

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

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

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

**VI. BENEFICIAL REUSES BP 2015.09.03**

**A. Irrigation**

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

Agricultural land may be irrigated provided the crop is not used for human consumption. Forage crops used for livestock consumption or pastures irrigated with wastewater shall not be harvested or grazed within 30 days of a wastewater application.

Public properties such as golf courses or parks may be irrigated provided the treated wastewater meets the following quality criteria.

| Parameter        | Discharge Limitations | Monitoring Frequency |             |
|------------------|-----------------------|----------------------|-------------|
|                  |                       | Sample Frequency     | Sample Type |
| BOD <sub>5</sub> | 30 mg/l               | 1 per 14 days        | Grab        |
| TSS              | 45 mg/l               | 1 per 14 days        | Grab        |
| <i>E. Coli</i>   | 126 organisms/100 ml  | Weekly               | Grab        |



Whenever possible, irrigation shall take place during hours when the public does not have access to the area being irrigated. If the public has constant access to an area, signs must be posted in visible areas during irrigation and for two hours after irrigation is completed. The signs must advise people that the water could pose a health concern and to avoid the irrigated area.

Worker and public contact with treated wastewater should be minimized. Where frequent contact is likely, a higher level of disinfection shall be provided such as achieving *E. coli* counts less than 14 colonies per 100 ml.

Avoid application within 100 feet of areas which have unlimited access (i.e., yards) or within 300 feet of potable water supply wells.

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

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

**B. Construction**

Treated domestic wastewater may be used for construction purposes such as soil compaction, dust suppression and washing aggregate, provided the following conditions are met.

The wastewater intended for use in construction, must at a minimum, receive secondary treatment.

Prior to using treated wastewater, a sample from the prospective source must be tested and meet the criteria set below. In addition the test results for *E. coli* must be provided to the department prior to use. Results from samples up to two (2) weeks old will be considered valid. The water quality limitations and minimum sampling frequencies recommended for wastewater used in construction are provided in the following table.

| Parameter        | Limitations<br>(Maximum) | Monitoring Frequency |             |
|------------------|--------------------------|----------------------|-------------|
|                  |                          | Sample Frequency     | Sample Type |
|                  | Daily Max                |                      |             |
| BOD <sub>5</sub> | 30 mg/l                  | Monthly              | Grab        |
| TSS              | 100 mg/l                 | Monthly              | Grab        |
| <i>E. Coli</i>   | 126 organisms/100 ml     | Weekly               | Grab        |

In some systems chlorination is available. Chlorination is particularly desirable when frequent worker contact with the treated wastewater is likely or when the public may have constant

access to areas where the wastewater is being used. Maintaining a chlorine residual of at least 0.1 mg/l is recommended.

While the conventional methods for treating domestic wastewater are generally effective in reducing infectious agents (bacteria, viruses, parasites) to acceptable levels, direct reuse of treated wastewater can pose a health concern. Additional precautions to consider are:

1. Worker and public contact with treated wastewater should be minimized.
2. Where frequent worker contact is likely a higher level of disinfection shall be provided, such as achieving *E. coli* counts less than 14/100 ml.
3. Work closely with the treatment system operator to ensure treated wastewater quality is suitable when it is drawn for construction purposes.
4. Apply the treated wastewater in a manner that does not result in runoff or ponding.

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

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

**C. Oil and Gas Production (including Hydraulic Fracturing)**

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

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

**D. Other Uses as Approved**

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

**VII. ACCEPTING HAULED WASTE**

- A. The permittee may only accept waste from permitted septic haulers unless the permittee has written approval from the department.
- B. The permittee may not accept production wastewater from oil and gas operations (i.e., produced water).

- C. A monitoring plan shall be developed to ensure accepted hauled waste meets the requirements of part **VIII. Industrial Waste Management**.
- D. The permittee shall maintain records indicating the hauler transporting the load, the source of the wastewater, the date and time the waste was accepted, the volume of waste accepted and any sample results from these loads.

## **VIII. INDUSTRIAL WASTE MANAGEMENT**

### **A. General Responsibilities**

The permittee has the responsibility to protect the domestic wastewater treatment facility from pollutants which would inhibit, interfere, or otherwise be incompatible with operation of the treatment works including interference with the use or disposal of sludge.

### **B. Pollutant Restrictions**

The permittee shall not allow, under any circumstances, the introduction of the following pollutants to the wastewater treatment facility 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 wastewater treatment facility, 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 wastewater treatment facility, 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 wastewater treatment facility or other interference with the operation of the wastewater treatment facility;
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 wastewater treatment facility;
6. Heat in amounts which will inhibit biological activity in the wastewater treatment facility resulting in Interference, but in no case heat in such quantities that the temperature at the wastewater treatment facility treatment plant exceeds forty (40) degrees Centigrade (104 degrees Fahrenheit) unless the department, upon request of the wastewater treatment facility, 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 wastewater treatment facility;

8. Pollutants which result in the presence of toxic gases, vapors, or fumes within the wastewater treatment facility 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 wastewater treatment facility; 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. Notification Requirements**

The permittee must notify the department, 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.