Permit No: NDG070000
Effective Date: April 01, 2025
Expiration Date: March 31, 2030

AUTHORIZATION TO DISCHARGE UNDER THE NORTH DAKOTA POLLUTANT DISCHARGE ELIMINATION SYSTEM

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

operations engaged in temporary discharge activities

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

to Waters of the State

provided all the conditions of this permit are met.

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

March 31, 2030.

Signed this 24 day of March, 2025.

Marty Haroldson
Director
Division of Water Quality

BP 2025.02.05

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DEFINITIONS Standard Permit BP 2019.05.29

1. "**Act**" means the Clean Water Act.

2. "**Average monthly discharge limitation**" means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

3. "**Average weekly discharge limitation**" means the highest allowable average of "daily discharges" over a calendar week, calculated as the sum of all "daily discharges" measured during a calendar week divided by the number of "daily discharges" measured during that week.

4. "**Best management practices**" (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage areas.

5. "**Bypass**" means the intentional diversion of waste streams from any portion of a treatment facility.

6. "**Composite**" sample means a combination of at least 4 discrete sample aliquots, collected over periodic intervals from the same location, during the operating hours of a facility not to exceed a 24-hour period. The sample aliquots must be collected and stored in accordance with procedures prescribed in the most recent edition of Standard Methods for the Examination of Water and Wastewater.

7. "**Daily discharge**" means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the day.

8. "**Department**" means the North Dakota Department of Environmental Quality, Division of Water Quality.

9. "**DMR**" means discharge monitoring report.

10. "**EPA**" means the United States Environmental Protection Agency.

11. "**Geometric mean**" means the n^{th} root of a product of n factors, or the antilogarithm of the arithmetic mean of the logarithms of the individual sample values.

12. "**Grab**" for monitoring requirements, means a single "dip and take" sample collected at a representative point in the discharge stream.

13. "**Instantaneous**" for monitoring requirements, means a single reading, observation, or measurement. If more than one sample is taken during any calendar day, each result obtained shall be considered.

14. "**Maximum daily discharge limitation**" means the highest allowable "daily discharge."

15. "**Salmonid**" means of, belonging to, or characteristic of the family Salmonidae, which includes the salmon, trout, and whitefish.

16. "**Sanitary Sewer Overflows (SSO)**" means untreated or partially treated sewage overflows from a sanitary sewer collection system.

17. "**Severe property damage**" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

18. "**Total drain**" means the total volume of effluent discharged.

19. "**Upset**" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

DEFINITIONS Whole Effluent Toxicity (WET) BP 2023.01.05

1. "**Acute toxic unit**" ("TUa") is a measure of acute toxicity. TUa is the reciprocal of the effluent concentration that causes 50 percent of the organisms to die by the end of the acute exposure period (i.e., 100/"LC50").

2. "**Chronic toxic unit**" ("TUc") is a measure of chronic toxicity. TUc is the reciprocal of the effluent concentration that causes no observable effect on the test organisms by the end of the chronic exposure period (i.e., 100/"IC25").

3. "**Inhibition concentration**", ("IC"), is a point estimate of the toxicant concentration that causes a given percent reduction (p) in a non-quantal biological measurement (e.g., reproduction or growth) calculated from a continuous model (e.g., Interpolation Method).

4. "**LC50**" means the concentration of toxicant (e.g., effluent) which is lethal to 50 percent of the organisms exposed in the time period prescribed by the test.

5. "**No observed effect concentration**", ("NOEC"), is the highest concentration of toxicant (e.g., effluent) to which organisms are exposed in a chronic toxicity test [full life-cycle or partial life-cycle (short term) test], that causes no observable adverse effects on the test organisms (i.e., the highest concentration of effluent in which the values for the observed responses are not statistically significantly different from the controls).

6. **"Static Non-Renewal Test"**, the test organisms are exposed to the same test solution for the duration of the test.

7. **"Static-Renewal Test"**, the test organisms are exposed to a fresh solution of the same concentration of sample every 24 h or other prescribed interval, either by transferring the test organisms from one test chamber to another, or by replacing all or a portion of solution in the test chambers.

8. **"Toxicity Reduction Evaluation (TRE)"**, is a site-specific study conducted in a step-wise process to identify the causative agents of effluent toxicity, isolate the source of toxicity, evaluate the effectiveness of toxicity control options, and then confirm the reduction in effluent toxicity after the control measures are put in place.

OUTFALL DESCRIPTION

Outfall 001 – Active. Final Outfall. Temporary discharge activities

PERMIT SUBMITTALS SUMMARY

Coverage Point	Submittal	Frequency	First Submittal Date
001, etc.	Discharge Monitoring Report	Quarterly	July 31, 2025
New Applicants	Notice of Intent	1/permit cycle	30 days prior to start of discharge

SPECIAL CONDITIONS

Daily Logs

The permittee shall maintain a log relating to the authorized discharge(s). The following information shall be included in the summaries if not already reported on the appropriate discharge monitoring report forms:

a. Flow information and dates discharges;

b. sample results;

c. records of visual observations;

d. notations of any problems relating to treatment of the discharge; and

e. name of receiving water.

COVERAGE UNDER THIS PERMIT

Applicability of General Permit

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

Temporary dewatering activities as related to construction activities may be covered under the 2025 Construction – Stormwater permit NDR110000. The department determined that if construction dewatering activities are discharging relatively uncontaminated water using items outlined in their Stormwater Pollution Prevention Plan (SWPPP) then there is no need to administratively provide multiple permits for the same activities. This concept may change as rules and regulations change for stormwater activities.

Request for Authorization-Notice of Intent (NOI)

To be eligible for authorization to discharge under this general permit, the owner, operator, and/or authorized agent of any facility conducting temporary dewatering activities must fulfill the requirements of a Notice of Intent (NOI) by submitting a Short Form C (SFN 8319 (03/2022 to the department at the address listed at least 30 days prior to the anticipated stare of any discharge. NOI's can also be submitted to the department electronically through the departments electronic reporting system. The department will then have 30 days to grant discharge authority, deny discharge authority, or request additional information. If the department fails to act on any request within the 30-day period, the facility is automatically covered under the permit. The department may waive, at its discretion, the 30-day period in special cases.

The NOI shall contain, at a minimum, the following information:

a. The name, address, and descriptive location of the facility.

b. The name of principal in charge of operation of the facility.

c. The name of receiving waters.

d. The location of the discharge point(s).

e. A brief description of the type of activity resulting in the discharge.

f. A map or schematic diagram showing the general area and/or routing of the activity.

g. The anticipated total volume to be discharged.

h. The anticipated average and maximum rates of discharge.

i. The anticipated dates of discharge.

j. For hydrostatic testing only, the type (size and material) of pipe or vessel, whether the pipe or vessel has been used or is of virgin material and a description of the fluid normally transported through the pipeline or contained in the vessel.

k. For hydrostatic testing only, the source of water to be used in the testing. If water is to be obtained from a well, (other than used for potable water supply) or from an impoundment, the concentration of total dissolved solids or the specific conductance of this water shall be reported.

l. Describe briefly what measures will be taken to minimize, within practical means, the effects of the discharge on water quality in the receiving waters. A list of BMPs can be found in Table 1.

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

Authorization to Discharge

Coverage under this permit does not convey approval to discharge to any ditch, storm sewer, private property, or other method of routing the effluent from the site of discharge to the waters of the state. It shall be the permittee's responsibility to seek, apply for and obtain any additional authorizations necessary to initiate the discharge proposed in the permittee's NOI. If the process of obtaining all the authorizations

necessary to initiate the discharge results in changes to the permittee's NOI, the permittee shall modify the NOI and resubmit to the department. The permittee is not authorized to discharge wastewater other than the type and at the location specified in the NOI.

Discharges Not Covered

Temporary discharges associated with process wastewater or any water containing sanitary waste is not covered under this permit.

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

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

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

Request for Discharge of Water Treatment Additives

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

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

a. Safety Data Sheet (SDS);

b. the proposed water additive discharge concentration;

c. the discharge frequency (i.e. number of hours per day and number of days per year);

d. the monitoring point from which the product is to be discharged;

e. the type of removal treatment, if any, that the water additive receives prior to discharge;

f. product function (i.e. microbiocide, flocculant, etc.);

g. a 48-hour LC_{50} or EC_{50} for a North American freshwater planktonic crustacean (either *Ceriodaphnia* so., *Daphnia* sp. or *Simocephalus* sp.); and

h. the results of toxicity test for one other North American freshwater aquatic species (other than a planktonic crustacean).

Notice of Termination (NOT)

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

POLLUTION PREVENTION PLAN

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

Table 1: Examples of Best Management Practices

Best Management Practice	Description of Practice
Block and Gravel Inlet Protection	• Used in small drainage areas before the area has been permanently stabilized • Where there is danger of silting in an inlet
Buffer Zones	• Floodplains, next to wetlands, along stream banks, and on steep, unstable slopes
Check Dams	• Across swales or drainage ditches to reduce the velocity of flow
Dust Control	• Used where open dry areas of soil are anticipated on the site
Drainage Swale or Earth Dike	• Divert upslope flows from disturbed areas and to divert runoff to a stabilized outlet • To reduce the length of slope the runoff will cross • At the perimeter of the construction site to prevent sediment-laden runoff from leaving the site • To direct sediment-laden runoff to a sediment trapping device
Excavated Gravel Inlet Protection	• Used in small drainage areas before the area has been permanently stabilized • Where there is danger of silting in an inlet • Where ponds around the inlet structure could be a problem to traffic on site
Filter Berm	• A temporary ridge of gravel or crushed rock • Retains sediment on-site by slowing and filtering runoff while allowing water to be discharged from the site.
Filter Fabric Inlet Protection	• Used in small drainage areas before the area has been permanently stabilized • Where there is danger of silting in an inlet
Filter Fence	• A low fence made of filter cloth and fencing material • Filters runoff water before discharge
Geotextiles	• Stabilize the flow on channels and swales • Used on recently planted slopes to protect seedlings

	until they become established
Mulching	• Areas where slopes are steeper than 2:1 • Where runoff is flowing across the area • When seedings need protection from bad weather
Permanent Seeding and Planting	• Areas where soils are unstable because of their texture, structure, water table, winds, or slopes • Filter strips, buffer areas, vegetated swales, steep slopes, and stream banks
Pipe Slope Drain	• On slopes before permanent stormwater drainage structures have been installed • Where diversion measures have been used to concentrate flows
Sediment Pond	• Small ponding area either diked or excavated • Allows sediment to settle out before discharge
Silt Fence	• Immediately upstream of the point(s) of runoff discharge from a site before flow becomes concentrated • Below disturbed areas where runoff may occur in the form of overland flow
Stabilized Construction Entrance	• Wherever vehicles are leaving a construction site and enter onto a public road • At any unpaved entrance/exit where there is rick of transporting mud or sediment onto paved roads
Temporary Sediment Trap	• At the outlet of the perimeter controls installed during the first stage of construction • At the outlet of any structure which concentrates sediment-laden runoff, e.g. at the discharge point of diversions, channels, slope drains, or other runoff conveyances • Above a stormwater inlet that is in line to receive sediment-laden runoff
Temporary Seeding	• Areas which have been disturbed by construction and which are likely to be redisturbed, e.g. denuded areas, soil stockpiles, dikes, dams, sides of sediment basins, and temporary road banks
Vegetative Buffer	• An area of growing vegetation between the discharge and the receiving waters • Filters runoff and minimizes erosion
Note: *Information obtained from the Environmental Protection Agency's* ***"Stormwater Management for Construction Activities: Developing Pollution Prevention Plans and Best Management Practices"*** *(September 1992)*	

Deadlines for Plan Preparation and Compliance

If the permittee develops a pollution prevention plan instead of sampling, the plan must be developed and implemented prior to the start of dewatering. The permittee must receive approval from the department that the Pollution Prevention Plan has been accepted or sampling will be required for any discharges.

Signature and Plan Review

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

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

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

Keeping Plans Current

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

I. LIMITATIONS AND MONITORING REQUIREMENTS

A. Discharge Authorization

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

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

B. Effluent Limitations and Monitoring

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

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

Parameter	Effluent Limitations			Monitoring Requirements	
	Avg. Monthly Limit	Avg. Weekly Limit	Daily Maximum Limit	Sample Frequency	Sample Type
Total Suspended Solids (TSS)	*	*	100 mg/l	Weekly	Grab
pH, SU	Shall remain between 6.5 to 9.0 for all Class I and IA waters; Shall remain between 6.0 to 9.0 for all Class II and Class III waters.			Weekly	Grab
Total Residual Chlorine [b]	*	*	0.05 mg/l	[a]	Grab
Flow, MGD	Report	*	Report	Daily	Instantaneous or Calculated
Total Drain, MG	*	*	Report	Quarterly	Calculated

Notes: See Table 7

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

Parameter	Effluent Limitations			Monitoring Requirements	
	Avg. Monthly Limit	Avg. Weekly Limit	Daily Maximum Limit	Sample Frequency	Sample Type
Total Suspended Solids (TSS)	*	*	100 mg/l	Weekly	Grab
pH, SU	Shall remain between 6.5 to 9.0 for all Class I and IA waters; Shall remain between 6.0 to 9.0 for all Class II and Class III waters.			Weekly	Grab
Total Radium (uranium-bearing wells)	5pCi/l	*	*	[a]	Grab
Flow, MGD	Report	*	Report	Daily	Instantaneous or Calculated
Total Drain, MG	*	*	Report	Quarterly	Calculated

Notes: See Table 7

Table 4: Effluent associated with construction dewatering

Parameter	Effluent Limitations			Monitoring Requirements	
	Avg. Monthly Limit	Avg. Weekly Limit	Daily Maximum Limit	Sample Frequency	Sample Type
Total Suspended Solids (TSS)	*	*	100 mg/l	Weekly	Grab
pH, SU	Shall remain between 6.5 to 9.0 for all Class I and IA waters; Shall remain between 6.0 to 9.0 for all Class II and Class III waters.			Weekly	Grab
Oil & Grease – Visual [c]	*	*	*	Daily	Visual
Oil and Grease [c]	*	*	10 mg/l	Conditional	Grab
Flow, MGD	Report	*	Report	Daily	Instantaneous or Calculated
Total Drain, MG	*	*	Report	Quarterly	Calculated

Notes: See Table 7

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

Parameter	Effluent Limitations			Monitoring Requirements	
	Avg. Monthly Limit	Avg. Weekly Limit	Daily Maximum Limit	Sample Frequency	Sample Type
Total Suspended Solids (TSS)	*	*	100 mg/l	Weekly	Grab
pH, SU	Shall remain between 6.5 to 9.0 for all Class I and IA waters; Shall remain between 6.0 to 9.0 for all Class II and Class III waters.			Weekly	Grab
Benzene	For direct discharges, the concentration shall not exceed 5 µg/l.			[a]	Grab
Total BTEX [d]	For direct discharges, the concentration shall not exceed 100 µg/l.			[a]	Grab
Total Petroleum Hydrocarbons [e]	A limit of 1 mg/l shall apply to water classification for domestic water supply. Otherwise the limit shall be 10 mg/l.			[a]	Grab
Oil & Grease – Visual [c]	*	*	*	Daily	Visual
Oil and Grease [c]	*	*	10 mg/l	Conditional	Grab

Table 5: Effluent produced from the treatment of contaminated ground or surface water from remediation activities.					
Parameter	**Effluent Limitations**			**Monitoring Requirements**	
	Avg. Monthly Limit	**Avg. Weekly Limit**	**Daily Maximum Limit**	**Sample Frequency**	**Sample Type**
Flow, MGD	Report	*	Report	Daily	Instantaneous or Calculated
Total Drain, MG	*	*	Report	Quarterly	Calculated
Notes: See Table 7					

Table 6: Effluent produced from the hydrostatic testing of pipes, tanks or other vessels					
Parameter	**Effluent Limitations**			**Monitoring Requirements**	
	Avg. Monthly Limit	**Avg. Weekly Limit**	**Daily Maximum Limit**	**Sample Frequency**	**Sample Type**
Total Suspended Solids (TSS)	*	*	100 mg/l	Weekly	Grab
pH, SU	Shall remain between 7.0 to 9.0 for all Class I and IA waters; Shall remain between 6.0 to 9.0 for all Class II and Class III waters.			Weekly	Grab
Benzene [f]	For direct discharges, the concentration shall not exceed 5 µg/l.			[a]	Grab
Total BTEX [d, f]	For direct discharges, the concentration shall not exceed 100 µg/l.			[a]	Grab
Total Residual Chlorine [b]	*	*	0.05 mg/l	[a]	Grab
Total Petroleum Hydrocarbons [e]	A limit of 1 mg/l shall apply to water classification for domestic water supply. Otherwise the limit shall be 10 mg/l.			[a]	Grab
Oil & Grease – Visual [c]	*			*	*
Oil and Grease [c]	*	*	10 mg/l	Conditional	Grab
Flow, MGD	Report	*	Report	Daily	Instantaneous or Calculated
Total Drain, MG	*	*	Report	Quarterly	Calculated
Notes: See Table 7					

Table 7: Notes	
*.	This parameter is not limited. However, the department may impose limitations based on sample history and to protect the receiving waters.
a.	Sample frequency shall be assigned based on the type of activity and what type of treatment is being provided. Sample frequencies may consist of daily, weekly, monthly, or quarterly.
b.	Total residual chlorine shall be analyzed if chlorinated water is used during the hydrostatic test. The analysis for TRC shall be conducted using reliable devises (Equivalent to EPA Method 330.5 DPD-Spectrophotometric). The method achieves a method detection limit of less than 0.05 mg/l. In the calculation of average TRC concentrations, those analytical results that are less than the method detection limit shall be considered to be zero for calculation purposes. If all individual analytical results that would be used in the calculations are below the method detection limit, then "< 0.05 mg/l" shall be reported on the quarterly Discharge Monitoring Report (DMR). Otherwise, report the calculated value.
c.	In the event that an oil sheen or floating oil is observed in the discharge, a grab sample shall be immediately taken, analyzed and reported. The sample shall not exceed 10 mg/l. Any noncompliance shall be reported as required to the department
d.	BTEX shall be measured as the sum of benzene, ethyl benzene, toluene, and xylene. EPA methods 602, 624, or 1624 shall be used for the measurement of benzene, ethyl benzene, and toluene. EPA methods 8260 or equivalent method shall be used for the measurement of xylene including ortho-, meta-, and para-xylene. (Note: Depending on Regional/State policy, EPA method 8260 may be used a substitute or equivalent for the CWA methods 602, 624, or 1624 required under the CWQ in 40 CFR Part 136.)
e.	Acceptable methods for this parameter are 1664 in the latest edition of Standard Methods for the Examination of Water and Wastewater and EPA SW846 Method 8015 (modified) for Total Purgeable Petroleum Hydrocarbons.
f.	This parameter shall be analyzed if the discharge is from hydrostatic test water from the testing of used pipes, tanks, or other similar vessels which have or may have contained petroleum products.

II. MONITORING, RECORDING, AND REPORTING REQUIREMENTS BP 2019.05.29

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

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

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

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

B. Test Procedures

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

C. Recording of Results

Records of monitoring information shall include:

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

D. Additional Monitoring

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

E. Reporting of Monitoring Results

1. Monitoring results shall be summarized and reported to the department using Discharge Monitoring Reports (DMRs). If no discharge occurs during a reporting period, "No Discharge" shall be reported. The permittee must submit DMRs electronically using the electronic information reporting system unless requirements in subsection 3 are met.
2. Prior to December 21, 2020, the permittee may elect to electronically submit the following compliance monitoring data and reports instead of mailing paper forms. Beginning December 21, 2020, the permittee must report the following using the electronic reporting system:
    a. General permit reports [e.g., notices of intent (NOI); notices of termination (NOT); no exposure certifications (NOE)];
    b. Municipal separate storm sewer program reports;
    c. Pretreatment program reports;
    d. Sewer overflow/bypass event reports; and
    e. Clean Water Act 316(b) annual reports.

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

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

      1. No internet access,

      2. No computer access,

      3. Annual DMRs (upon approval of the department),

      4. Employee turnover (3-month periods only), or

      5. Short duration permits (upon approval of the department).

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

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

F. Records Retention

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

III. COMPLIANCE RESPONSIBILITIES

A. Duty to Comply

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

B. Proper Operation and Maintenance

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

C. Planned Changes

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

D. Duty to Provide Information

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

E. Signatory Requirements

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

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

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

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

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

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

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

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

F. Twenty-four Hour Notice of Noncompliance Reporting

1. The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally as soon as possible, but no later than twenty-four (24) hours from the time the permittee first became aware of the circumstances. The following occurrences of noncompliance shall be included in the oral report to the department at 701.328.5210:

    a. Any lagoon cell overflow or any unanticipated bypass which exceeds any effluent limitation in the permit under G. Bypass of Treatment Facilities;

    b. Any upset which exceeds any effluent limitation in the permit under H. Upset Conditions; or

    c. Violation of any daily maximum effluent or instantaneous discharge limitation for any of the pollutants listed in the permit.

2. A written submission shall also be provided within five days of the time that the permittee became aware of the circumstances. The written submission shall contain:

   a. A description of the noncompliance and its cause;

   b. The period of noncompliance, including exact dates and times;

   c. The estimated time noncompliance is expected to continue if it has not been corrected; and

   d. Steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

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

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

G. Bypass of Treatment Facilities

1. Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to any of the following provisions in this section.

2. Bypass exceeding limitations-notification requirements.

   a. Anticipated Bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten (10) days before the date of bypass.

   b. Unanticipated Bypass. The permittee shall submit notice of an unanticipated bypass as required under F. Twenty-four Hour Notice of Noncompliance Reporting.

3. Prohibition of Bypass. Bypass is prohibited, and the department may take enforcement action against a permittee for bypass, unless:

   a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

   b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

   c. The permittee submitted notices as required under the 1. Anticipated Bypass subsection of this section.

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

H. Upset Conditions

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

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

1. An upset occurred and the permittee can identify its cause(s);

2. The permitted facility was, at the time being, properly operated;

3. The permittee submitted notice of the upset as required under F. Twenty-four Hour Notice of Noncompliance Reporting and

4. The permittee complied with any remedial measures required under I. Duty to Mitigate.

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

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

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

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

IV. GENERAL PROVISIONS

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

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

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

D. New Limitations or Prohibitions
The permittee shall comply with any effluent standards or prohibitions established under Section 306(a), Section 307(a), or Section 405 of the Act for any pollutant (toxic or conventional) present in the discharge

or removed substances within the time identified in the regulations even if the permit has not yet been modified to incorporate the requirements.

E. Permit Actions

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

F. Need to Halt or Reduce Activity Not a Defense

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

G. State Laws

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

H. Oil and Hazardous Substance Liability

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

I. Property Rights

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

J. Severability

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

V. BENEFICIAL REUSES

A. Irrigation

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

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

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

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

B. Construction

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

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

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

C. Oil and Gas Production (including Hydraulic Fracturing)

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

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

D. Other Uses as Approved

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