

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

Public Notice Date: 5/3/2017

Public Notice Number: ND-2017-009

Purpose of Public Notice

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

Permit Information

Application Date: 1/30/2015

Application Number: ND0026760

Applicant Name: Grand Forks Regional WTP

Mailing Address: PO Box 5200, Grand Forks, ND 58206

Telephone Number: 701.746.2607

Proposed Permit Expiration Date: 6/30/2022

Facility Description

The application is for a regional water treatment plant located within the city limits of Grand Forks. Wastewater from the operation of the reverse osmosis membranes discharge through a diffuser placed in the Red River of the North, a Class I stream. The discharge point is located at latitude 47.923056, longitude -97.023333.

Tentative Determinations

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

Information Requests and Public Comments

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

All comments received by June 04, 2017 will be considered prior to finalizing the permit. If there is significant interest, a public hearing will be scheduled. Otherwise, the Department will issue the final permit within sixty (60) days of this notice. If you require special facilities or assistance relating to a disability, call TDD at 1.800.366.6868.

**FACT SHEET FOR NDPDES PERMIT
ND-0026760**

PERMIT ISSUANCE

**CITY OF GRAND FORKS
REGIONAL WATER TREATMENT PLANT**

FACT SHEET DATE – MARCH 2017

INTRODUCTION

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

The following rules or regulations apply to NDPDES permits:

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

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

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

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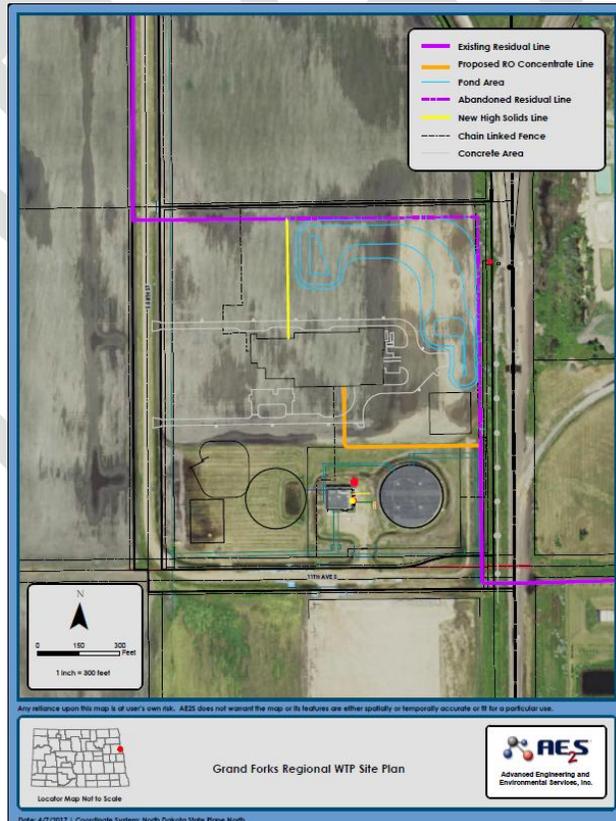
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BACKGROUND INFORMATION

Table 1. General Facility Information

Applicant:	City of Grand Forks Regional Water Treatment Plant (WTP)
Facility Name and Address:	Grand Forks Regional WTP 901 South 58 th Street Grand Forks, ND 58201
Permit Number:	ND-0026760
Permit Type:	Minor Industrial, Permit Issuance
Type of Treatment:	BMPs
SIC Code:	4941
Discharge Location:	Red River of the North, Class I water body 001: Latitude: 47.923056 Longitude: -97.023333
Hydrologic Code:	09020306 – Grand Marais – Red River
Population:	54,932 – 2013 Census

Figure 1. Aerial photograph of Grand Forks WTP – Grand Forks, ND (Aerial Photograph provided by AE2S on 4/10/2017)



FACILITY DESCRIPTION

The application is for a new Regional WTP located within the city limits of Grand Forks, North Dakota. The NDPDES permit shall cover the discharge of wastewater generated in the reverse osmosis (RO) treatment process used in the production of potable water for distribution.

Background

Grand Forks uses the Red Lake River and the Red River of the North for its source of drinking water. The new WTP will blend the water drawn from the two rivers to process potable water. The wastewater from the RO treatment process will be conveyed via a 14-inch force-main pipeline from the WTP into the Red River of the North. The outfall will be a submerged pipe/diffuser in the stream bed. The facility will be similar to the Fargo WTP, which also incorporates a RO system within their WTP located in Fargo, North Dakota.

Plant Process

The water treatment process will utilize three (3) parallel trains of pretreatment basins, each consisting of rapid mix, flocculation, and inclined plate sedimentation. Following pretreatment, a portion of the flow will be diverted to an ultrafiltration (UF) membrane system with a peak filtrate capacity of 14.73 MGD and a design recovery of 95%. RO membranes will follow; with a peak permeate capacity of 10 MGD and a design recovery of 75%. The UF and RO treated water will then flow to a contact time (CT) basin for disinfection.

The UF and RO systems will be cleaned using clean-in-place (CIP) chemical solutions. All waste streams associated with chemical cleaning of the two membrane system will be neutralized in-situ prior to discharge into the City’s sanitary sewer system or combined with the City’s lime softening residuals for disposal in the City’s lime residuals lagoons. The UF backwash water will be recovered via a backwash reclaim basin and will not be discharged. The RO concentrate will be discharged to the Red River via an existing forcemain that will be repurposed for RO concentrate conveyance. A short bore near the existing WTP will be required to tie the existing pipeline into the outfall location.

The portion of water not treated by the membrane system will flow through dual lime softening basins with a capacity of 8.0 MGD, followed by recarbonation, ozonation, and biological activated carbon (BAC) filtration prior to combining with the UF filtrate and RO permeate in the CT basin. The filter backwash water will be recovered via a backwash reclaim basin and will not be discharged. The lime residuals from the softening system will be discharged to the City’s existing lime residual ponds for drying before being disposed in the City’s municipal landfill.

The plant capacity and wastewater sources are summarized below:

Table 2a. Plant Flow Rates

	Finished Water		Projected RO Concentrate Wastewater Flow at Design Capacity	
	Daily Average	(Maximum)		
Plant Capacity	9 mgd	20 mgd	2315 gpm	3.33 mgd

Table 2b. Plant Wastewater Sources

Wastewater Source	Process	Nature of Waste	Expected Flow (MGD)		Destination
			Average	(Peak)	
Pretreatment	Removes large particles and debris	Large solids	0.10	0.23	Lime residual ponds then City of Grand Forks Municipal Landfill
Softening	Lime softening to remove hardness (calcium and magnesium) ions	Calcium carbonate and magnesium hydroxide precipitate	0.08	0.16	Lime residual ponds then City of Grand Forks Municipal Landfill
BAC Filters	Biological Activated Carbon removes dissolved organic carbon	Bacterial biomass	0.08	0.30	Lime residual ponds then City of Grand Forks Municipal Landfill
			0.23	0.90	Backwash reclaim basin then re-circulated to the start of the process
UF	Removes particles and some viruses; pore size around 0.01 micron	Concentrate or reject water contains high dissolved mineral content	0.32	0.81	Backwash reclaim basin then re-circulated to the start of the process
RO	Removes molecules and ions, including bacteria	Molecules and ions	1.0	3.33	Wastewater lagoon discharge pipe to the Red River of the North
Membrane Cleaning	Clean and condition UF and RO membranes	Neutralized in-situ			City of Grand Forks sanitary sewer

In the consideration of permit requirements for this proposed discharge, the department based its evaluations on the operation of the plant at its planned full capacity. The permit application,

including separate mixing zone analyses, provides descriptions of plant processes and anticipated wastewater quality.

Discharge Outfall

Outfall 001 - Active. Final Outfall. The discharge will be conveyed via a 14-inch force-main pipeline from the WTP into the Red River of the North, a Class I water body. The outfall will be a submerged pipe/diffuser in the stream bed. The installed location of the outfall is at Latitude: 47.923056; Longitude: -97.023333, in Grand Forks County. All discharge water is generated from the RO water treatment process.

PERMIT STATUS

This will be the initial permit issuance for this facility. As such, a summary of compliance with any previous permit issued is not applicable, and there is no past discharge data.

PROPOSED PERMIT LIMITS

EFFLUENT LIMITATIONS

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

Table 3. Effluent Limits for Outfall 001

Effluent Parameter	30-Day Average	7-Day Average	Daily Maximum	Basis^a
pH, SU	Shall remain between 7.0 to 9.0			WQS
Total Suspended Solids (TSS), mg/l	*	*	90	BPJ
Dissolved Oxygen (DO), mg/l	*	*	5 minimum	WQS
Total Sulfate, mg/l	*	*	*	WQS
Total Chloride, mg/l	*	*	*	WQS
Conductivity, µmho/cm	*	*	*	BPJ
Carbonate, mg/l	*	*	*	BPJ
Hydroxide, mg/l	*	*	*	BPJ

Total Selenium, mg/l	*	*	*	BPJ
Effluent Flow, mgd	Report	*	Report Max. Daily Value	BPJ
Total Flow, mgal	*	*	Report Monthly Total	BPJ
There shall be no discharge of floating solids or visible foam in other than trace amounts, nor a discharge which causes a visible sheen in the receiving waters.				BPJ
The department reserves the right to establish additional parameters and monitoring/reporting requirements or reduce and/or eliminate established parameter monitoring/reporting requirements.				BPJ
Notes:				
* This parameter is not limited. However, the department may impose limitations based on sample history and to protect the receiving waters.				
a. The basis of the effluent limitations is given below: “BPJ” refers to limits based on the department’s “best professional judgment” which considers the technology available at the facility for controlling the discharge. “WQS” refers to effluent limitations based on the <i>State of North Dakota’s Standards of Quality for Waters of the States</i> , NDAC Chapter 33-16-02.1.				
Stipulations: Narrative Standard The receiving water shall contain no turbidity, color, oil films, floating solids, foams, settleable solids, or deposits in unnatural quantities which are or may become injurious to any designated use as a result of this discharge.				

SELF-MONITORING REQUIREMENTS

All effluent samples shall be collected at a point following the addition of all process waste streams and prior to entering the Red River of the North.

Table 4. Self-Monitoring Requirements for Outfall 001

Effluent Parameter	Frequency	Sample Type ^a
pH, SU	1/Week	Grab
Total Suspended Solids (TSS), mg/l	1/Week	Grab
Dissolved Oxygen (DO), mg/l	1/Week	Grab
Total Sulfate, mg/l	1/Month	Grab
Total Chloride, mg/l	1/Month	Grab
Conductivity, µmho/cm	1/Month	Grab

Carbonate, mg/l	1/Month	Grab
Total Hydroxide, mg/l	1/Month	Grab
Total Selenium, mg/l	1/Month	Grab
Effluent Flow, MGD	1/Day	Instantaneous
Total Flow, MG	1/Quarter	Calculated
Notes:		
a. Refer to Appendix B for definitions.		

SURFACE WATER QUALITY-BASED EFFLUENT LIMITS

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

The section of the Red River that the facility discharges into is listed in the North Dakota 2014 Integrated Section 305(b) Water Quality Assessment Report and Section 303(d) List of Waters Needing Total Maximum Daily Loads (TMDL). This segment’s (Red River of the North from its confluence with Red Lake River downstream to its confluence with English Coulee) designated use of fish consumption is not being supported based on impaired methylmercury measurements. There is no TMDL placed on this segment of the Red River. Per the permit application, there is no indication of methylmercury being present in the wastewater discharge. The department will assess the status of this segment during the next permit cycle.

Numerical Criteria for the Protection of Aquatic Life and Recreation

Numerical water quality criteria are listed in the water quality standards for surface waters (NDAC Chapter 33-16-02.1). They specify the maximum levels of pollutants allowed in receiving water to protect aquatic life and recreation in and on the water. The department uses numerical criteria, along with chemical and physical data for the wastewater and receiving water, to derive the effluent limits in the discharge permit. When surface water quality-based limits are more stringent or potentially more stringent than technology-based limits, the discharge must meet the water quality-based limits.

Numerical Criteria for the Protection of Human Health

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

Narrative Criteria

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

Antidegradation

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

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

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

Mixing Zones

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

Mixing Zone Modeling

The following is a summary of the mixing zone modeling conditions evaluated for the proposed discharge:

Diffuser (Proposed):	18-foot multi-port (36 ports)
Model program:	N/A
Mix Zone considered:	Near instantaneous and complete (Standards of Water Quality, Appendix III, Step 5); dilution at mixing zone boundary
Criteria to meet:	Less than 10 percent difference in concentration; concentration (dilution) at mixing zone boundary
Distance allowed:	N/A (stream allowance; Standards of Water Quality, Appendix III)

A mixing zone model has not been completed at this time by the facility.

Table 5. Mixing Model Results

Case No.	Discharge Configuration	Rate of Effluent Discharge (gpm)	Water Depth (ft)	Stream Velocity (fps)	Temperature (C) Density, (Kg/m ³)		Distance to Complete Mixing (ft)
					River Water Density	Discharge	
N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Source: N/A

A mixing zone analysis and verification of the mixing zone may be required if the discharge rate or pollutant concentrations change substantially from those provided in the application.

When conditions permit, this facility shall verify that the diffuser meets the water quality standards requirement for instantaneous mix.

EVALUATION OF WATER QUALITY-BASED EFFLUENT LIMITS FOR NUMERIC CRITERIA

Sulfate and Conductivity

The RO treatment process has the potential to diminish beneficial uses of a water body and adversely affect water quality due to high concentration levels of dissolved minerals in the waste stream. The state’s water quality standards do not include numeric criteria for TDS, a combined measure of dissolved minerals. However, the standards do include criteria for sulfate, chloride, and sodium (as a percent of cations), which are constituents of TDS. The expected sulfate concentration in the discharge represents the most limiting of the mineral constituents in regard to the water quality standards.

The department also recommends that testing for conductivity be implemented. A strong correlation can be made between the sulfate content in the Red River of the North and what the plant is discharging for sulfate concentration. This timely method can quickly show if the plant maintains a consistent removal of dissolved minerals.

Biochemical Oxygen Demand

The Biochemical Oxygen Demand (BOD) limits are standard limitations applied to domestic wastewater and similar organic wastewater discharges. Since all backwash and cleaning events will be routed to the city’s wastewater treatment plant, the department proposes to not include BOD as a monitored parameter.

pH

The limitation for pH is based on the state water quality standard applicable to this water body. For Class I and IA streams, the pH limitation is from 7.0 to 9.0.

TSS

Other membrane water treatment plants in the state have been afforded a limit of 90 mg/l for TSS and so the department proposes to continue with the same limit here by using BPJ.

DO

Other water treatment plants utilizing membrane filtration in the state have been afforded a limit of 5 mg/l minimum for DO and so the department proposes to continue with the same limit here by using BPJ.

HUMAN HEALTH

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

MONITORING REQUIREMENTS

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

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

OTHER PERMIT CONDITIONS

WATER TREATMENT ADDITIVES

The membrane filtration equipment requires routine cleaning and conditioning as part of normal operation. Care should be used in the selection and management of the chemicals used in routine cleaning and conditioning, such as the control of scaling, coagulants, flocculants, and bio-fouling. To ensure selection and management of chemicals minimize the potential for harmful effects in the discharge or sewerage, the permittee will be required to provide (upon request) the following information on all chemical additives:

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

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

PERMIT ISSUANCE PROCEDURES

PERMIT ACTIONS

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

The department must be notified, in advance, of any facility expansions, additions, or modifications to increase the amount of discharge. The increase in any effluent limitation is considered a major permit modification. Major modifications require the issuance of a public notice inviting public comment.

PROPOSED PERMIT ISSUANCE

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

APPENDIX A – PUBLIC INVOLVEMENT INFORMATION

The department proposes to issue a permit to the **Grand Forks WTP** in Grand Forks, North Dakota. The permit includes wastewater discharge limits and other conditions. This fact sheet describes the facility and the department's reasons for requiring permit conditions.

The department will place a Public Notice of Draft on **April XX, 2017** in the **Grand Forks Herald** to inform the public and to invite comment on the proposed draft North Dakota Pollutant Discharge Elimination System permit and fact sheet.

The notice:

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

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

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

The primary contact for this permit and fact sheet is Sarah Starr.

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

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APPENDIX B – DEFINITIONS

DEFINITIONS Standard Permit BP 2013.12.31

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

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

APPENDIX C – DATA AND TECHNICAL CALCULATIONS

DFLOW

USGS gage station 05082500 on the Red River by Grand Forks, ND was used to determine critical low flows using the DFLOW (3.1b) program. Data used for these calculations ranged from years 1996 through 2016.

DFLOW 1B3 (ACUTE)	370	CFS	DFLOW 1Q10 (ACUTE)	440	CFS
DFLOW 4B3 (CHRONIC)	421	CFS	DFLOW 7Q10 (CHRONIC)	487	CFS
DFLOW 30B10 (AMMONIA)	NA	CFS			

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APPENDIX D – RESPONSE TO COMMENTS

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

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Permit No: ND0026760
Effective Date: July 1, 2017
Expiration Date: June 30, 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,

City of Grand Forks Regional Water Treatment Plant
Grand Forks, ND

is authorized to discharge from its water treatment plant

to the Red River of the North, a Class I stream

provided all the conditions of this permit are met.

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

June 30, 2022.

Signed this _____ day of _____, _____.

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

BP 2014.06.12

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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^{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.

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OUTFALL DESCRIPTION

Outfall 001 – Active. Final Outfall. The discharge will be conveyed via a 14-inch force-main pipeline from the WTP into the Red River of the North, a Class I water body. The outfall will be a submerged pipe/diffuser in the stream bed. The installed location of the outfall is at Latitude: 47.923056; Longitude: -97.023333 in Grand Forks County. All discharge water is generated from the water treatment process.

PERMIT SUBMITTALS SUMMARY

Coverage Point	Submittal	Frequency	First Submittal Date
001A	Discharge Monitoring Report	1/Quarter	October 31, 2017
Application Renewal	NPDES Application Renewal	1/permit cycle	December 31, 2021

SPECIAL CONDITIONS

Water Treatment Additive Information

To ensure selection and management of chemicals used in this facility minimize the potential for harmful effects in the discharge, the permittee may be required to provide, upon request, the following information on chemical additives. The information on the chemical additives shall include the following usage and discharge information:

- a. Material Safety Data Sheet (MSDS);
- 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 LC₅₀ or EC₅₀ for a North American freshwater planktonic crustacean (either *Ceriodaphnia* sp., *Daphnia* sp. or *Simocephalus* sp.); and
- h. The results for a toxicity test for one other North American freshwater aquatic species (other than a planktonic crustacean).

I. LIMITATIONS AND MONITORING REQUIREMENTS

A. Discharge Authorization

During the effective period of this permit, the permittee is authorized to discharge pollutants from the outfalls as specified to the following: **Red River, a Class I stream.**

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

B. Effluent Limitations and Monitoring

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

Table 1: Effluent Limitations and Monitoring Requirements Outfall 001				
Parameter	Effluent Limitations		Monitoring Requirements	
	Avg. Monthly Limit	Daily Maximum Limit	Sample Frequency	Sample Type
Total Suspended Solids, mg/l	*	90	1/Week	Grab
pH, SU	Shall remain between 7.0 to 9.0 SU		1/Week	Instantaneous
Conductivity, umho/cm	*	*	1/Month	Grab or Recorder
Total Sulfate, mg/l	*	*	1/Month	Grab
Dissolved Oxygen (DO), mg/l	*	5 minimum	1/Week	Grab
Carbonate, mg/l	*	*	1/Month	Grab
Total Chloride, mg/l	*	*	1/Month	Grab
Total Hydroxide, mg/l	*	*	1/Month	Grab
Total Selenium, mg/l	*	*	1/Month	Grab
Effluent Flow, mgd	Report	Report Max. Daily Value	1/Day	Instantaneous
Total Flow, mgal	Report Total Discharged		1/Quarter	Calculated

Notes:

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

Stipulations:

1. The permitting authority must be notified, in advance, of any facility expansions, additions, or

modifications to increase the amount of discharge in accordance with part III(C) "Planned Changes". The increase in any effluent limitation is considered a major permit modification. Major modifications require the issuance of a public notice inviting public comment.

II. MONITORING, RECORDING, AND REPORTING REQUIREMENTS BP 2016.06.14

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. Starting on December 21, 2016, the permittee must submit DMRs, electronically, using the electronic reporting system. Beginning December 21, 2016, the permittee must submit DMRs using the electronic information reporting system.
2. Prior to December 21, 2020, the permittee may elect to electronically submit the following compliance monitoring data and reports instead of mailing paper forms. Beginning December 21, 2020, the permittee must report the following using the electronic reporting system:
 - a. General permit reports [e.g., notices of intent (NOI); notices of termination (NOT); no exposure certifications (NOE)];
 - b. Municipal separate storm sewer system program reports;
 - c. Pretreatment program reports;
 - d. Sewer overflow/bypass event reports; and
 - e. Clean Water Act 316(b) annual reports
3. The permittee may seek a waiver from electronic reporting. To obtain a waiver, the permittee must complete and submit an Application for Temporary Electronic Reporting Waiver form (SFN 60992) to the department. The department will have 120 days to approve or deny the waiver request. Once the waiver is approved, the permittee may submit paper versions of monitoring data and reports to the department.
 - a. One of the following criteria must be met in order to obtain a waiver. The department reserves the right to deny any waiver request, even if they meet one of the criteria below.
 1. No internet access,
 2. No computer access,
 3. Annual DMRs (upon approval of the department),
 4. Employee turnover (3 month periods only), or
 5. Short duration permits (upon approval of the department)

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

ND Department of 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.

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.

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