

North Dakota Department of Health Public Notice
Reissue of an NDPDES Permit

Public Notice Date: 1/14/2016

Public Notice Number: ND-2016-001

Purpose of Public Notice

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

Permit Information

Application Date: 8/13/2015

Application Number: ND0026387

Applicant Name: ND Water Commission OMND WTP

Mailing Address: 900 East Boulevard, Bismarck, ND 58505

Telephone Number: 701.328.4940

Proposed Permit Expiration Date: 3/31/2021

Facility Description

The re-application is for a water treatment plant which supplies drinking water to rural communities. Wastewater from the treatment processes and the operation of reverse osmosis membranes is discharged through a diffuser placed in Lake Sakakawea. The discharge is located in the SW 1/4, Section 12, T146N, R88W. Lake Sakakawea is subject to Class I water quality standards.

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 February 14, 2016 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-0026387**

**NORTH DAKOTA STATE WATER COMMISSION
OLIVER-MERCER-NORTH DUNN (OMND) WATER TREATMENT PLANT**

DATE OF THIS FACT SHEET – December 2015

INTRODUCTION

The Federal Clean Water Act (CWA, 1972, and later amendments in 1977, 1981, and 1987, etc.) established water quality goals for the navigable (surface) waters of the United States. One mechanism for achieving the goals of the CWA is the National Pollutant Discharge Elimination System (NPDES), which the US Environmental Protection Agency (EPA) has oversight authority. In 1975, the State of North Dakota was delegated primacy of the NPDES program by EPA. The North Dakota Department of 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 the NDAC 33-16 (North Dakota Administrative Code), which was promulgated pursuant to NDCC chapter 61-28 (North Dakota Century Code). 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 the North Dakota Administrative Code (NDAC) section 33-16-01-08, the department must prepare a draft permit and accompanying fact sheet, and make it available for public review. The department must also publish an announcement (public notice) during a period of thirty days, informing the public where a draft permit may be obtained and where comments regarding the draft permit may be sent (NDAC chapter 33-16-01-07). 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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BACKGROUND INFORMATION

Table 1 – General Facility Information

Applicant:	ND State Water Commission
Facility Name and Address:	OMND – Water Treatment Plant 101 County Road 13, Zap ND 58580
Permit Number:	ND-0026387
Permit Type:	Minor, Permit Issuance
Type of Treatment:	BMPs
SIC Code:	4941
Discharge Location:	Lake Sakakawea, Class I water body Latitude: 47.477500 Longitude: -101.826667
Hydrologic Code:	10110101 – Lake Sakakawea
Population:	NA

Figure 1: Aerial Photograph of OMND Water Treatment Plant (ND GIS Hub 2014)

OMND Water Treatment Plant



FACILITY DESCRIPTION

History

The Oliver-Mercer-North Dunn (OMND) water treatment plant is part of the Southwest Pipeline Project water distribution system in southwest North Dakota. The OMND Regional Water System provides service to the communities of Zap, Hazen, Stanton, and Center, bulk and industrial users, and rural residents in Mercer, Oliver and Dunn counties. In addition, the OMND system supplies several communities currently served by the Southwest Pipeline Project out of the Dickinson water treatment plant (WTP) (Dodge, Golden Valley, Halliday and Dunn Center). The OMND Water Treatment Plant also supplies water to the Killdeer Mountain Pocket Area, the Grassy Butte Pocket Area and the Fairfield Service Area. Providing a supply to these areas from the OMND plant will allow the further allocation of water from the Dickinson WTP to other customers in southwest North Dakota.

The treatment plant will draw water from Lake Sakakawea using an existing Southwest Pipeline Project/Basin Electric Power Company intake structure located in Renner Bay. The wastewater from the treatment process will be piped back to the river/lake and be discharged through a diffuser to be located in main body of the lake just north of Renner Bay. The facility is similar to a plant that was recently constructed west of Linton by South Central Regional Water District.

During the spring of 2014, the treatment plant began construction of a new water intake from Lake Sakakawea. In the late spring of 2015, phase 2 of the plant was completed, increasing the amount of produced water from 2,430 gallons per minute (gpm) at 60° Fahrenheit (F) to 3,650 gpm at 60° F.

Treatment System

The water treatment process will consist primarily of ultra-filtration (UF) and reverse osmosis/nanofiltration (RO) processes. The UF step is to clarify water and remove protozoans. The UF membranes will be backwashed periodically and the backwash will be recovered and recycled through a secondary UF membrane system. The wastewater and sludge from the UF process will be routed to on-site evaporation ponds.

A portion (approximately 60 percent (%)) of the water treated at the plant will be treated by the RO system. The RO process provides water softening by removing minerals from source water. The RO process concentrate will be discharged to the lake. The UF and RO membranes will undergo periodic Clean-in-Place (CIP) cleaning cycles with diluted acid and/or base solutions. The base solutions will also include chlorine for cleaning the UF membranes. The application indicates that the cleaning solutions will be pumped to a neutralization tank for pH adjustment and chlorine conversion. After the CIP wastes are neutralized they will be combined with the concentrate stream for discharge. The plant capacity and wastewater sources are summarized below:

Table 2a: Plant Flow Rates

	Finished Water		Projected Wastewater Flow	
	Initial	(Planned)	@ <i>Design Capacity</i>	
Plant Capacity	2430 gpm	(3650 gpm)	350 gpm	(550 gpm)
Operated 20 hours/day	2.9 mgd	(4.4 mgd)	0.42 mgd	(0.66 mgd)

Table 2b: Plant Wastewater Sources

Wastewater Source	Process	Nature of waste	Expected Flow
Microfiltration (MF)	Remove particulates	Filter backwash	Recycled and solids storage
Reverse Osmosis (RO)	Remove dissolved minerals & provide softening	Concentrate or RO reject high mineral content water	550 gpm (0.66 mgd)
Membrane Cleaning	Clean and condition MF & RO membranes	Neutralized acid & caustic, disinfectant and cleaning solutions	390,000 gal/year

In the consideration of permit requirements for this proposed discharge, the department based all evaluations on the operation of the plant at its planned full capacity. The permit application, including separate mixing zone analysis, provides a description of plant processes and anticipated wastewater quality.

Outfall Description

Outfall 001. Active. Final Outfall.			
Latitude: 47.477500	Longitude: -101.826667	County: Mercer	
Township: 146 North	Range: 88 West	Section: 12	QQ: C
Receiving Stream: Lake Sakakawea		Classification: Class I Lake	
Outfall Description: Reverse Osmosis Concentrate			

PERMIT STATUS

The department issued the previous permit for the facility on April 1, 2011. The previous permit had effluent limits on the following parameters: pH, Total Residual Chlorine, and 5-day BOD.

The department has been in contact with OMND WTP to obtain information to reissue their permit. The department received EPA applications Form 1, and Form 2C, on August 13, 2015. The application was accepted by the department August 26, 2015. Effluent sample data has been provided to the department through official laboratory reports, discharge monitoring reports, and the permit application Form 2C.

SUMMARY OF COMPLIANCE WITH PREVIOUS PERMIT ISSUED

No inspections of the facility have been conducted. The department's assessment of the compliance is based on review of the facility's Discharge Monitoring Report (DMR) forms and inspections conducted by the department.

Six (6) discharges have occurred from OMND WTP from April 1, 2011 through August 21, 2015. A summary of the data follows:

Discharge Data Summary for OMND WTP from April 1, 2012 to August 21, 2015										
Name	Disch Pt	Location	Parameter	Min Conc	Ave Conc	Max Conc	Conc Units	Ave Load	Max Load	Load Units
ND Water Commission OMND WTP	001A	Effluent	Biochemical Oxygen Demand	0	20.714285	210	mg/L	13.833	112	lb/d
ND Water Commission OMND WTP	001A	Effluent	Conductivity	0	1581.714285	4257	uS/cm			
ND Water Commission OMND WTP	001A	Effluent	Discharge Flow in Million Gals					0.079	0.655	MGD
ND Water Commission OMND WTP	001A	Effluent	Flow Total 6 Months						134.7	MGAL
ND Water Commission OMND WTP	001A	Effluent	General Chemical Analyses						1	Yes 1/No 0
ND Water Commission OMND WTP	001A	Effluent	pH	7.37		8.75	S.U.			
ND Water Commission OMND WTP	001A	Effluent	Total Residual Chlorine	0	0	0	mg/l	0	0	#/Day

Summary of DMR Data Excursions

Three (3) excursions occurred from April 1, 2011 through August 21, 2015 for OMND WTP. One (1) exceedance was 40 percent or greater above the limit.

Limit Exceedances for OMND WTP from April 1, 2012 to August 21, 2015										
Location	Disch Pt	Month	Parameter	Min Conc	Avg Conc	Max Conc	Units Conc	Excursions	TRC Exceedance	dischargeDMR Beginning
Effluent	001A	4/1/2013	BOD5	0	65	210	mg/L	2	-1	4/1/2013
Effluent	001A	4/1/2014	BOD5	0	26	51	mg/L	1	0	4/1/2014

PROPOSED PERMIT LIMITS AND SELF MONITORING REQUIREMENTS

The discharge of wastewater generated in the production of drinking water is not regulated by national effluent limitation 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) to ensure reasonable control technologies are used in reducing any environmental impacts from the discharge. In addition, the department must consider and include limitations necessary to protect water quality standards applicable to the receiving waters.

The permit applicant provided a mixing zone analysis and diffuser design to demonstrate that the effluent would have complete mixing within the mixing zone allowed in the state's water quality standards.

Effluent Limitations

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

Table 3: Effluent Limits for Outfall 001				
Effluent Parameter	30-Day Average	7-Day Average	Daily Maximum	Basis^a
BOD ₅ , mg/l	30	*	45	BPJ, Previous Permit
pH, SU	Shall remain between 7.0 to 9.0			WQS
Total Residual Chlorine (TRC), mg/l	*	*	1.5	WQS
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:				
<p>“BPJ” refers to limits based on the department’s “best professional judgment” which consider the technology available at the facility for controlling the discharge.</p> <p>“Previous Permit” refers to limitations in the previous permit. The NPDES regulations 40 CFR Part 122.44(1)(1) Reissued permits require that when a permit is renewed or reissued, interim limitations, standards or conditions must be at least as stringent as the final effluent limitations, standards, or conditions in the previous permit unless the circumstances on which the previous permit was issued have materially and substantially changed since the previous permit was issued and would constitute cause for permit modification or revocation and reissuance under 40 CFR Part 122.62.</p> <p>“WQS” refers to effluent limitations based on the State of North Dakota’s “Standards of Quality for Waters of the State”, NDAC Chapter 33-16-02.1.</p>				

SELF-MONITORING REQUIREMENTS

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

Table 4: Self-Monitoring Requirements

Effluent Parameter	Frequency	Sample Type^a
Conductivity, umho/cm	Monthly / or Continuous	Grab / or Recorder
pH, SU	Monthly	Grab
TRC, mg/L	Conditional ^b	Grab

Table 4: Self-Monitoring Requirements

Effluent Parameter	Frequency	Sample Type ^a
BOD5, mg/L	Monthly ^c	Grab
DO, mg/L	Monthly	Grab
Flow, MGD	Daily / or Continuous	Instantaneous / or Recorder
Total Drain, MG	Monthly	Calculated
General Chemistry	1/Quarterly	Grab
Notes:		
a.	Refer to Appendix B for definitions.	
b.	Total Residual Chlorine is required only during periods when chlorinated waste streams are discharged (such as from the microfiltration unit "bio-fouling" control or CIP).	
c.	The samples for 5-Day BOD shall be collected on days when treatment unit cleaning/conditioning wastes containing organic chemicals (such as citric acid) are discharged.	

SURFACE WATER QUALITY-BASED EFFLUENT LIMITS

The North Dakota State Water Quality Standards (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.

Currently a TMDL has not been developed for the receiving water body, nor is it listed as impaired under Section 303(d).

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

Narrative Criteria

Narrative water quality criteria (NDAC Chapter 33-16-02.1-08) 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(Appendix IV)) is to:

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

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

Mixing Zones

The department's WQS contain a Mixing Zone and Dilution Policy and Implementation Procedure, NDAC Chapter 33-16-02.1 (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 details on the proposed diffuser design and the mixing zone modeling results were provided with the permit application. The following is a summary of the mixing zone modeling conditions evaluated for the proposed discharge:

- Diffuser (Proposed): 60-foot multi-port (32 ports)
- Model program: CORMIX (Cornell Mixing Zone Model)
- Mix Zone considered: Near instantaneous and Complete (WQS App. III, Step 5);
Dilution at mixing zone boundary
- Criteria to meet: Less than 10% difference in concentration;
Concentration (dilution) at mixing zone boundary
- Distance allowed: 200 feet (Lake allowance; WQS App. III)

The mixing zone modeling completed for the planned diffuser demonstrated that near instantaneous and complete mixing can be expected. The report provided mixing zone model results for several cases using the expected discharge sulfate concentration of 770 mg/L and an ambient concentration of 100 mg/L. The model provided the distance the effluent plume would travel before dilution to a concentration equal to 10 mg/L above background (a 10 percent difference between plume and ambient concentration). The following summarizes the CORMIX modeling results for the described conditions:

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)
					Surface	Bottom	Discharge	
1	60' 32-port	550	30	0.033	18 998.982	15 999.489	16 1001.406	155.5
2*	82.5' 44-port	756.25	80	0.033	18 998.982	15 999.489	16 1001.406	92.3
3	Open Pipe	550	30	0.033	18 998.982	15 999.489	16 1001.406	114.2
4	60' 32-port	350	30	0.033	18 998.982	15 999.489	16 1001.406	43.8
5	Open Pipe	350	30	0.033	18 998.982	15 999.489	16 1001.406	324

From: Mixing Zone Modeling Results; Bartlett & West Engineers

* Approximation for 60' 32-port diffuser at 550 gpm. See modeling results report for explanation.

The distance to complete mixing determined by the model corresponds to a dilution factor of 67 for the difference between the discharge and ambient concentrations. The dilution factor can be used to determine the resulting concentration at the indicated distance for any constituent and concentration. The output from the CORMIX model provides a tabulation of plume dimensions and concentrations for progressive distances from the discharge source. The dilutions for select distances from the discharge source for the 60-foot diffuser at 550 gpm (Case 1) are provided below.

Distance From Discharge (ft)	Modeled Dilution
16	49.7
155	67
200	73.6

To ensure that the operation of the discharge reflects the proposed design capabilities and the information from the CORMIX model, the permit will include a statement that the conditions and monitoring requirements are based on the use of a diffuser. A new 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.

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

Dissolved Solids and Sulfate

The concentration of dissolved minerals in the waste stream from the reverse osmosis process has the potential to diminish beneficial uses of a water body and adversely affect water quality. The state's water quality standards do not include numeric criteria for total dissolved solids (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. As such sulfate was evaluated with respect to the water quality standards and potential need for a diffuser.

Department Station ID: 382015 at Beaver Bay, 06/17/1993 to 10/19/1999 was utilized to determine the ambient concentration of sulfate for the facility. An ambient sulfate concentration of 200 mg/L was used. The facility has discharged higher sulfate concentrations (1,210 mg/L) than initially proposed (770 mg/L).

The reasonable potential for sulfate was determined using the worst case scenario. To calculate the reasonable potential the mass balance equation: $C_e = C_a + (C_{wqs} - C_a) \times S$ where: S = Dilution (volumetric), C_a = ambient concentration, C_{wqs} = water quality standard, and C_e = Concentration of effluent, was used. The calculation determined no reasonable potential to violate the water quality standard of 250 mg/l for sulfate (refer to **Appendix C**).

Total Residual Chlorine (TRC)

A limitation for Total Residual Chlorine (TRC) has been proposed since there is the potential for the discharge to contain TRC from the anticipated UF unit disinfection procedures as part of routine cleaning. Although the disinfection process would be infrequent and the application indicates that dechlorination would be provided, a reasonable potential analysis was performed on TRC. The department utilized the proposed maximum discharge concentration of 1.0 mg/l due to the sample for TRC being taken within the plant instead from the effluent. The chronic water quality standard for TRC is 0.011 mg/l. The proposed maximum daily limit was determined to be 1.5 mg/L, using the mass balance equation above (refer to **Appendix C**).

A monthly average limit has not been proposed since the chlorination will only be practiced on an infrequent basis, approximately monthly, as provided in the application.

Biochemical Oxygen Demand

The Biochemical Oxygen Demand (BOD) limits are standard limitations applied to domestic wastewater and similar organic wastewater discharges. BOD is required for other similar facilities and for membrane filtration water treatment plants in the water treatment plants and potable distribution systems general permit (Table 3 of NDG52000 Part II(B)). During most times an appreciable BOD load is not expected from the plant discharge. However, some of the cleaning chemicals proposed for use in UF and RO maintenance may include organic acid (citric acid) which may present a BOD load when discharged. The proposed limits will provide criteria for the plant operators to consider when planning the use of organic based chemicals and discharging waste from the neutralization tank.

Dissolved Oxygen

The department is proposing monthly dissolved oxygen (DO) sampling in order to collect data to conduct a reasonable potential analysis during the next permit reissuance. This monitoring requirement is based on the WQS of DO not being less than 5 mg/l and like facilities having a DO limit of a minimum of 5 mg/l.

pH

The limitations for pH are based on the state water quality standards applicable to this water body. In accordance with NDAC § 33-16-02.1, the pH of Class I and IA water bodies “shall remain between 7.0 and 9.0.”

Total Suspended Solids

A limitation for total suspended solids was not included since backwash from the UF membranes will be directed to on-site evaporation ponds. The discharge will be from the RO process which follows the filtration process. Based on the nature of the discharge we would not expect significant total suspended solids. Sampling for the parameter has been proposed as part of the General Chemistry testing. Once enough data has been collected, the department may re-evaluate this parameter to determine if a limitation is required to protect the receiving stream.

Human Health

The department determined the applicant’s discharge is unlikely to contain chemicals regulated to protect human health. The department will re-evaluate this discharge for impacts to human health at the next permit reissuance.

Whole Effluent Toxicity

The department proposes no Whole Effluent Toxicity requirements.

Biosolids

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

Test Procedures

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

OTHER PERMIT CONDITIONS

Water Treatment Additives

The membrane filtration equipment requires routine cleaning and conditioning as part of the normal operation. While using these chemicals in routine cleaning and conditioning, such as the control of scaling and bio-fouling, care should be used in the selection and management of these chemicals. To ensure selection and management of chemicals used in this facility minimize the potential for harmful effects in the discharge or sewerage, the permittee will be required to provide the following information on chemical additives. The information on the chemical additives shall include the following usage and discharge information:

- Material Safety Data Sheet (MSDS);
- The proposed water additive discharge concentration;
- The discharge frequency (i.e. number of hours per day and number of days per year);
- The monitoring point from which the product is to be discharged;
- The type of removal treatment, if any, that the water additive receives prior to discharge;
- Product function (i.e. microbicide, flocculant, etc.);
- A 48-hour LC₅₀ or EC₅₀ for a North American freshwater planktonic crustacean (either *Ceriodaphnia* sp., *Daphnia* sp. Or *Simocephalus* sp.); and
- The results for a toxicity test for one other North American freshwater aquatic species (other than a planktonic crustacean).

PERMIT ISSUANCE PROCEDURES

Permit Modifications

The department may modify this permit to impose numerical limits, if necessary to comply with water quality standards for surface waters, with sediment quality standards, or with water quality standards for ground waters, based on new information from sources such as inspections, effluent monitoring, outfall studies, and effluent mixing studies.

The department may also modify this permit to comply with new or amended state or federal regulations.

Proposed Permit Issuance

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

APPENDIX A - PUBLIC INVOLVEMENT INFORMATION

The department proposes to reissue a permit to **OMND WTP**. 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 **January 14, 2016** in the **Hazen Star and the Bismarck Tribune** to inform the public and to invite comment on the proposed draft North Dakota Pollutant Discharge Elimination System permit and fact sheet.

The Notice –

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

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

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

The primary author of this permit and fact sheet is Patrick Schuett.

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APPENDIX B – GLOSSARY

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

Due to Lake Sakakawea having a residence time of greater than 20 days at critical conditions, the mixing zone criteria described in Appendix III of NDAC ch. 33-16-02.1 was utilized. No critical low flows were determined by the DFLOW (3.1b) program in the following areas:

- DFLOW 1Q10 (ACUTE)
- DFLOW 7Q10 (CHRONIC)
- DFLOW 30Q5 (AMMONIA)

Reasonable Potential

The NDDoH has developed the following tool to evaluate the dilution of a single sample result to the North Dakota Standards of Quality for Waters of the State. Facilities which can demonstrate the criteria outlined in ch 33-16-02.1, Appendix III are allowed a dilution allowance.

The tool below calculates the diluted concentration of a specific parameter at the end of the determined mixing zone using the dilution factor as determined by modeling and compares the parameter value to the WQS.

The tool also calculates the concentration at which a parameter may be discharged at so that it meets the WQS at the boundary of the mixing zone given the dilution factor as determined by modeling.

Parameter concentrations which are highlighted indicate concentrations which exceed the applicable WQS and require further evaluation.

Lake Mixing - Reasonable Potential Calculation		
Sakakawea		
Parameter: Sulfate		
Maximum Ambient Concentration	200.000	mg/l
Water Quality Standard Acute	250.000	mg/l
Water Quality Standard Chronic	250.000	mg/l
Ce-Effluent Concentration	1210.000	mg/l
Ca-Ambient Concentration	200.000	mg/l
S-Dilution (volumetric) (Provided by model or calculated)	67.0	to 1
Cp-Concentration in the waste plume, where: $C_p = \frac{C_a + (C_e - C_a)}{S}$	215.07	mg/l
Reasonable Potential Acute	No	
Reasonable Potential Chronic	No	
Lake Waste Load Calculation		
Sakakawea		
Parameter: Sulfate		
Maximum Ambient Concentration	200.000	mg/l
Water Quality Standard Acute	250.000	mg/l
Water Quality Standard Chronic	250.000	mg/l
Cp-Concentration in the waste plume-Acute	250.000	mg/l
Cp-Concentration in the waste plume-Chronic	250.000	mg/l
Ca-Ambient Concentration	200.000	mg/l
S-Dilution (volumetric) (Provided by model or calculated), where: $C_e = C_a + (C_wqs - C_a) \times S$	67.0	to 1
Calculation of Effluent Concentration-Acute	3550	mg/l
Calculation of Effluent Concentration-Chronic	3550	mg/l

FACT SHEET FOR NDPDES PERMIT ND0024228

WilRich LLC

EXPIRATION DATE: December 31, 2021

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The tool below calculates the diluted concentration of a specific parameter at the end of the determined mixing zone using the dilution factor as determined by modeling and compares the parameter value to the WQS.

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Parameter concentrations which are highlighted indicate concentrations which exceed the applicable WQS and require further evaluation.

Lake Mixing - Reasonable Potential Calculation		
Sakakawea		
Parameter: Total Residual Chloride (TRC)		
Maximum Ambient Concentration	0.000	mg/l
Water Quality Standard Acute	0.019	mg/l
Water Quality Standard Chronic	0.011	mg/l
Ce-Effluent Concentration	1.000	mg/l
Ca-Ambient Concentration	0.000	mg/l
S-Dilution (volumetric) (Provided by model or calculated)	67.000	to 1
Cp-Concentration in the waste plume, where: $C_p = \frac{C_e(C_a - C_a)}{S}$	0.015	mg/l
Reasonable Potential Acute	No	
Reasonable Potential Chronic	Yes	
Lake Waste Load Calculation		
Sakakawea		
Parameter: Total Residual Chloride (TRC)		
Maximum Ambient Concentration	0.000	mg/l
Water Quality Standard Acute	0.019	mg/l
Water Quality Standard Chronic	0.011	mg/l
Cp-Concentration in the waste plume-Acute	0.019	mg/l
Cp-Concentration in the waste plume-Chronic	0.011	mg/l
Ca-Ambient Concentration	0.000	mg/l
S-Dilution (volumetric) (Provided by model or calculated), where: $C_e = C_a + (C_wq_s - C_a) \times S$	67.000	to 1
Calculation of Effluent Concentration-Acute	1.273	mg/l
Calculation of Effluent Concentration-Chronic	0.737	mg/l
Long Term Average (LTA) Determination		
Sakakawea		
Parameter: Total Residual Chloride (TRC)		
Acute Multiplier (see TSD, Table 5-1, page 102)	0.468	
Chronic Multiplier (see TSD, Table 5-1, page 102)	0.644	
LTAa (where LTAa = WLa a x e ^{^[0.5q2 - zq]})	0.596	
LTAc (where LTAc = WLa c x e ^{^[0.5q2 - zq]})	0.475	
Maximum Daily Limit (MDL) Determination		
Sakakawea		
Parameter: Total Residual Chloride (TRC)		
z (see TSD, Table 5-2, page 103, 99th percentile)	3.110	
MDL (where MDL = LTA x e ^{^[zq-0.5q2]})	1.476	
Average Monthly Limit (AML) Determination		
Sakakawea		
Parameter: Total Residual Chloride (TRC)		
z (see TSD, Table 5-2, page 103, 95th percentile)	2.130	
AML (where AML = LTA x e ^{^[zqn-0.5qn2]})	1.011	
WQS Based Limits		
	mg/l	µg/L
MDL	1.476	1476.093
AML	1.011	1010.958

FACT SHEET FOR NDPDES PERMIT ND0024228

WilRich LLC

EXPIRATION DATE: December 31, 2021

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APPENDIX D – RESPONSE TO COMMENTS

Responses to comments received during the public comment period will be placed here.

Permit No: ND0026387
Effective Date: April 1, 2016
Expiration Date: March 31, 2021

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,

North Dakota State Water Commission

is authorized to discharge from the Oliver-Mercer-North Dunn (OMND) Water Treatment Plant

to Lake Sakakawea

provided all the conditions of this permit are met.

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

March 31, 2021.

Signed this _____ day of _____, _____.

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

BP 2014.06.12

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DRAFT

OUTFALL DESCRIPTION

Outfall 001 – Active. Final Outfall. Any discharge is conveyed via a pipeline to Lake Sakakawea, a Class I water body. The outfall is a submerged pipe/diffuser in the lake. The outfall is located in the SW ¼, Section 12, Township 146 North, Range 88 West, in Mercer County (latitude 47.477500, longitude -101.826667). All discharge water is generated from the water treatment process.

PERMIT SUBMITTALS SUMMARY

Coverage Point	Submittal	Frequency	First Submittal Date
001A	Discharge Monitoring Report	Quarterly	July 31, 2016
Application Renewal	NPDES Application Renewal	1/permit cycle	September 30, 2020

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: **Lake Sakakawea / Missouri River**.

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
Specific Conductance, umho/cm	*	*	Monthly or Continuous	Recorder or Grab
pH, s.u.	Shall remain between 7.0 to 9.0 s.u.		Monthly	Grab
Total Residual Chlorine, mg/L	*	1.5	Conditional ^a	Grab
BOD (5-Day), mg/L	30	45	Monthly ^b	Grab
DO, mg/L	*	Report Minimum	Monthly	Grab
Effluent Flow, mgd	Report	Report Max. Daily Value	Continuous	Recorder
Total Drain, MG	Report Monthly Total		Monthly	Calculated
General Water Chemistry	*	*	Quarterly	Grab

Notes:

- *. This parameter is not limited. However, the Department may impose limitations based on sample history and to protect the receiving waters.
- a. Total Residual Chlorine monitoring is required only during periods when chlorinated waste streams are discharged (such as from the microfiltration unit “bio-fouling” control or CIP).
- b. 5-Day BOD sampling is required only during periods when treatment unit cleaning/conditioning wastes containing organic chemicals (such as citric acid) are discharged.

Table 1: Effluent Limitations and Monitoring Requirements **Outfall 001**

Notes:

- c. The limitations and monitoring requirements specified in this permit apply to the combined discharge of all process wastewater sources. The discharge samples and monitoring information shall be collected at a point following the addition of all process waste streams and prior to entering the Missouri River (Lake Sakakawea).
- d. In the event that a continuous monitoring or recording device should experience a mechanical failure and become inoperable, daily grab samples (or instantaneous measurements, as appropriate) shall be taken until the system is repaired. The daily sampling would not apply to routine maintenance which is completed in less than one day.
- e. The mineral parameters (sulfate, chloride and sodium) are not limited based on the projected effluent quality, the mixing zone analysis and diffuser design provided with the permit application. A new mixing zone analysis and/or field verification of the mixing zone will be required if the discharge substantially exceeds the projected discharge quality and flow rates provided with the permit application.

Stipulations:

1. There shall be no discharge of floating solids or visible foam in other than trace amounts.
2. 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.
3. In addition to the discharge monitoring results, information on the dates of discharge, frequency of monitoring and number of exceedances must be included on the Discharge Monitoring Report (DMR) form.

II. MONITORING, RECORDING, AND REPORTING REQUIREMENTS BP 2014.12.08

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

Monitoring results shall be summarized and reported on Discharge Monitoring Report forms. If no discharge occurs during a reporting period, "No Discharge" shall be reported. 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:

1. The authorization is made in writing by a person described above and submitted to the department; and
2. 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.