

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

Public Notice Date: 7/25/2016

Public Notice Number: ND-2016-033

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: 4/20/2016

Application Number: ND0025828

Applicant Name: Northern Prairie Research Cntr

Mailing Address: 8711 37th St SE, Jamestown, ND 58401-7317

Telephone Number: 701.253.5578

Proposed Permit Expiration Date: 9/30/2021

Facility Description

The reapplication is for a wildlife research center east of Jamestown, in Stutsman County. The discharge point is located in the NE1/4 of Section 9, Township 139 North, Range 63 West. Any discharge would be to the James River, a Class IA stream.

Tentative Determinations

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

Information Requests and Public Comments

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

All comments received by August 25, 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
ND0025828**

**NORTHERN PRAIRIE RESEARCH CENTER
JAMESTOWN, ND**

DATE OF THIS FACT SHEET – July, 2016

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 (NDDH) 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 NDDH 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 NDAC, section 33-16-01-08, the NDPDES permit program, the NDDH must prepare a draft permit and accompanying fact sheet and make it available for a thirty-day public review period (NDAC chapter 33-16-01-07). The NDDH must also publish an announcement (public notice) telling people where they can obtain the draft permit and send their comments on the draft. For more details on preparing and filing comments about these documents, please see **Appendix A – Public Involvement Information**. After the Public Comment Period ends, the NDDH may make changes to the draft NDPDES permit. The NDDH will summarize the responses to comments and any changes to the permit in **Appendix D – Response to Comments**.

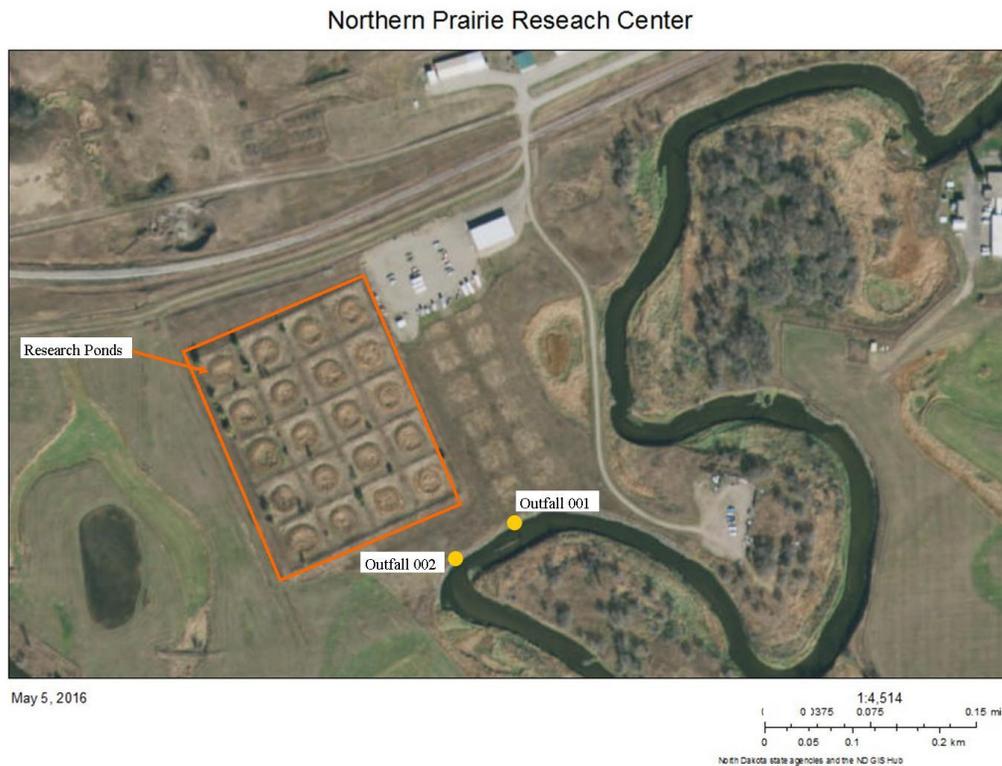
TABLE OF CONTENTS

INTRODUCTION..... 1
BACKGROUND INFORMATION 3
FACILITY DESCRIPTION 4
 History..... 4
 Outfall description 4
PERMIT STATUS 4
SUMMARY OF COMPLIANCE WITH PREVIOUS PERMIT ISSUED 5
PROPOSED PERMIT LIMITS 5
 Effluent Limitations 5
SELF-MONITORING REQUIREMENTS 7
SURFACE WATER QUALITY-BASED EFFLUENT LIMITS 8
 Numerical Criteria for the protection of Aquatic Life and Recreation..... 8
 Numerical Criteria for the Protection of Human Health 8
 Narrative Criteria..... 8
 Antidegradation 8
 Mixing Zones 9
EVALUATION OF SURFACE WATER QUALITY-BASED EFFLUENT LIMITS FOR NUMERIC CRITERIA 9
 Biological Oxygen Demand (BOD5)..... 9
 Total Suspended Solids (TSS)..... 9
 pH 9
 E. coli 10
 Ammonia as N..... 10
 Human Health 11
OTHER PERMIT CONDITIONS 12
 Discharge Authorization 12
 Biosolids..... 12
 Test Procedures..... 12
PERMIT ISSUANCE PROCEDURES 12
 Permit Modifications 12
 Proposed Permit Issuance..... 13
APPENDIX A – PUBLIC INVOLVEMENT INFORMATION 14
APPENDIX B – DEFINITIONS 16
APPENDIX C – DATA AND TECHNICAL CALCULATIONS..... 18
APPENDIX D – RESPONSE TO COMMENTS..... 19

BACKGROUND INFORMATION

Table 1: General Facility Information	
Applicant:	Northern Prairie Research Center
Facility Name and Address:	Northern Prairie Research Center 8711 37 th St SE Jamestown ND 58401-7317 701.253.5554
Permit Number:	ND0025828
Permit Type:	Non POTW, Renewal
Type of Treatment:	Waste Stabilization Pond System
SIC Code:	9512
Treatment Facility Description: and Location:	The reapplication is for a wildlife research center east of Jamestown, in Stutsman County. The discharge point is located in the NE1/4 of Section 9, Township 139 North, Range 63 West. Any discharge would be to the James River, a Class IA stream.
Receiving Stream:	James River a Class 1A stream
Hydrologic Code:	10160003 – Upper James River

Figure 1: Aerial Photograph of the Northern Prairie Research Center Ponds (ND GIS Hub 2015)



FACILITY DESCRIPTION

History

The facility initially had 36 experimental ponds. The first sixteen (16) ponds were constructed in the mid 1960's. The additional twenty (20) ponds were completed in 1992. The first sixteen (16) ponds were abandoned in August, 2001. Outfall 001 was the discharge point for the initial sixteen (16) ponds. Outfall 001 was de-activated in August, 2001.

Outfall 002 serviced the twenty (20) pond system. According to department records, the last discharge was from outfall 002 in September 1995.

Treatment system

The facility consists of 20 experimental ponds used in research projects. The twenty (20) ponds were completed in 1992. Each pond has a surface area of approximately 0.1 acres for a total acreage of twenty (20). During operations each pond is filled to a depth of two (2) to three (3) feet in the spring. Ponds may hold fish and or ducks during the course of an experiment. If needed, the pond system is drained once in the fall. The ponds function similarly to waste stabilization ponds by allowing for settling of suspended solids and breakdown of organic matter by microbes.

Outfall description

Discharges at any location not authorized under a NDPDES permit is a violation of the Clean Water Act (CWA) and could subject the person(s) responsible for such discharges to penalties under section 309 of the CWA. Knowingly discharging from an unauthorized location or failing to report an unauthorized discharge within the specified time frame outlined in this permit could subject such person(s) to criminal penalties as provided under the CWA.

Outfall 001. Non Active. Abandoned.			
Latitude: 46.8744888305	Longitude: -98.6359634399	County: Stutsman	
Township: 139	Range: 63	Section: 9	QQ: A
Receiving Stream: James River a Class 1A stream		Classification: Unclassified	
Outfall Description: This is the outfall for Cells 1-16			

Outfall 002. Active. Final Outfall.			
Latitude: 46.8741378784	Longitude: -98.6367645263	County: Stutsman	
Township: 139	Range: 63	Section: 9	QQ: A
Receiving Stream: James River a Class 1A stream		Classification: Unclassified	
Outfall Description: This is the outfall for Cells 1-20			

PERMIT STATUS

The department issued the previous permit for this facility on October 1, 2011. The previous permit placed limits on Biochemical Oxygen Demand (BOD₅), Total Suspended Solids (TSS), pH, *Escherichia coli* (*E. coli*), and Ammonia as N.

The department has been in contact with Northern Prairie Research Center to obtain information to reissue their permit. The department received North Dakota application Short Form A on April 20, 2016. The application was accepted by the department on April 20, 2016. The permittee has not discharged since 1995. Effluent sample data has been provided to the department through official laboratory reports, discharge monitoring reports, and the permit applications Short Form A.

SUMMARY OF COMPLIANCE WITH PREVIOUS PERMIT ISSUED

One (1) inspection of the facility was conducted from October 1, 2011 to April 30, 2016. During the inspection it was discovered that records were not being maintained for the required three (3) years. However, the facility had undergone staffing changes/turn over. The inspector then informed the staff member on the requirements of the permit. The department provided the permittee with the required records that must be maintained in accordance with the permit for their file records. The facility was in non-compliance from November 2013 to April 2016 due to late DMR submittals. All missing DMRs have been submitted and the facility was back into compliance in May 2016.

Past Discharge Data

No discharges occurred from the facility between October 1, 2011 and April 30, 2016. According to department records, the facility has not discharged since 1995.

PROPOSED PERMIT LIMITS

Effluent Limitations

The following limitations are based on promulgated guidelines as outlined in the Code of Federal Regulations (40 CFR), the North Dakota Administrative Code (NDAC), the North Dakota Standards of Quality for Waters of the State (WQS) and Best Professional Judgment (BPJ), as determined by the North Dakota Department of Health.

Prior to discharging, a review of pre-discharge parameters must be made with the department. The department proposes the following effluent limitations.

Parameter	Effluent Limitations		
	Avg. Monthly Limit	Avg. Weekly Limit	Daily Maximum Limit
Biochemical Oxygen Demand BOD5 mg/l	25 mg/l	*	*
Total Suspended Solids (TSS) mg/l	30.0 mg/l	*	*
pH a/	Shall be between 7.0 to 9.0 s.u.		
<i>E. coli</i> b/	126 /100 ml	*	409 /100 ml
Ammonia as N mg/l	Refer to Ammonia Table Below (Table 3)		
Flow Effluent, mgd	Report Avg. Monthly Value	*	Report Max. Daily Value
Total Drain, mgal	*	*	Report Monthly Total

Table 2: Effluent Limitations and Monitoring Requirements Outfall 002			
Parameter	Effluent Limitations		
	Avg. Monthly Limit	Avg. Weekly Limit	Daily Maximum Limit
*. This item is not limited or applicable for the stated parameter. However, the department may impose limitations based on sample history and to protect the receiving waters.			
a/ The pH, an instantaneous limitation, shall be between 7.0 s.u. and 9.0 s.u. Any single analysis and or measurement beyond this limitation shall be considered a violation of the conditions of this permit.			
b/ This limitation and monitoring requirement shall be effective for discharges from April 1 through October 31.			
<p>Stipulations: Dates of discharge and number of excursions shall be included on the Discharge Monitoring Reports.</p> <p>Samples taken in compliance with the monitoring requirements specified in this permit shall be taken prior to leaving the facility property or entering the receiving stream.</p> <p>A pre-discharge sample shall be analyzed for BOD, TSS, pH, E. coli, and ammonia as N and the results reviewed by the department prior to the start of any discharge.</p>			

Table 3: Ammonia Effluent Limitations and Monitoring Requirements Outfall 002			
Parameter	Effluent Limitations		
	Avg. Monthly Limit	Avg. Weekly Limit	Daily Maximum Limit
Ammonia 1/	†	*	‡
Stream flow upstream, cfs 2/	*	*	*
Temperature upstream, ° C 2/, 3/	*	*	*
pH upstream, S.U. 2/, 3/	*	*	*
<p>1/ Calculations must be performed for each discharge sample. If an exceedance is detected on any single sample, the exceedance must be reported on the DMR.</p> <p>2/ Sample must be collected/ recorded the same day as the ammonia sample. The upstream flow, temperature, and pH may be obtained from the USGS gauging station 06470000.</p> <p>3/ If and of the upstream values are not available at the time of discharge, then the following values based on the 90th percentile upstream USGS date are to be used: pH 8.3 S.U., Temperature 22° C. Stream flow shall be measured at the United States Geologic Survey (USGS) gauging station 06470000 on a daily basis during discharge. The maximum mixing factor is 10.0%.</p> <p>† Chronic Standard (Average Monthly Limit) The 30-day average concentration of total ammonia (expressed as N in mg/L) does not exceed, more often than once every three years on the average, the numerical value given by the following formula; and the highest 4-day average concentration of total ammonia within the 30-</p>			

Table 3: Ammonia Effluent Limitations and Monitoring Requirements Outfall 002			
Parameter	Effluent Limitations		
	Avg. Monthly Limit	Avg. Weekly Limit	Daily Maximum Limit
day averaging period does not exceed 2.5 times the numerical value given by the following formula:			
$\frac{(0.0577}{(1+10^{7.688-pH})} + \frac{2.487}{1+10^{pH-7.688}}) \bullet CV;$ <p>where CV = 2.85, when T ≤ 14°C; or CV = 1.45 * 10^{0.028*(25-T)}, when T > 14°C. Receiving stream pH is used for the calculation</p>			
‡ Acute Standard (Daily Maximum Limit) The one-hour average concentration of total ammonia (expressed as N in mg/l) does not exceed, more often than once every three years on the average, the numerical value given by the following formula:			
$\frac{(0.411}{(1+10^{7.204-pH})} + \frac{58.4}{1+10^{pH-7.204}})$ <p>where salmonids are absent; or</p> $\frac{(0.275}{(1+10^{7.204-pH})} + \frac{39.0}{1+10^{pH-7.204}})$ <p>where salmonids are present.</p>			
Stipulations			
The maximum mixing factor is 10.0%.			
The upstream 90 th percentile ammonia value of 0.15 mg/L shall be used when calculating ammonia limits.			

SELF-MONITORING REQUIREMENTS

All effluent shall be sampled at a point prior to entering waters of the state. The department proposes the following monitoring requirements for Outfall 002.

Table 4: Self-Monitoring Requirements for Outfall 002		
Effluent Parameter	Frequency	Sample Type ^a
BOD ₅ (mg/l)	1/week	Grab
TSS (mg/l)	1/week	Grab
pH (SU)	1/week	Grab
<i>E.coli</i> (#/100 ml)	1/week	Grab
Ammonia as N (mg/l)	1/week	Grab
Total Drain (MG)	1/event	Calculated
Flow (cfs)	1/week	Grab

Notes:

a.	Refer to Appendix B for definitions
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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.

The section of the James River that the facility discharges into is not listed in the North Dakota 2014 Integrated Section 305(d) Water Quality Assessment Report and Section 303(d) List of Waters Needing Total Maximum Daily Loads.

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.

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

Biological Oxygen Demand (BOD5)

Outfalls 002: The department has reviewed the BOD sampling frequency. No discharges have occurred from this facility since 1995. A determination was made to continue a permit limit of 25 mg/l (30 day arithmetic average) with a sampling frequency of weekly based on the previous permit and other facilities with similar discharges.

Total Suspended Solids (TSS)

Outfall 002: The department has reviewed the TSS sampling frequency. No discharges have occurred from this facility since 1995. A determination was made to continue a permit limit of 30 mg/l (30 day arithmetic average) with a sampling frequency of weekly based on the previous permit and other facilities with similar discharges.

pH

Outfall 002: The department has reviewed the sampling frequency. No discharges have occurred from this facility since 1995. The department proposes to change the pH limits of 6.0 to 9.0 to 7.0 to 9.0. This is 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."

The department proposes to continue with a sampling frequency of weekly in the proposed permit.

E. coli

Outfall 002: The department has reviewed the sampling frequency. No discharges have occurred from this facility since 1995. The department proposes to continue with the limit of 126/100 ml (30 day geometric mean) and a 409/100 ml (daily maximum). This is based upon NDAC 33-16-02.1 and the previous permit.

Ammonia as N

Outfall 002: There is insufficient data to do a reasonable potential analysis for ammonia. The department proposes to continue the following requirements for ammonia.

The department is requiring, at the time of discharge review, the following upstream river values: pH, temperature in C, and the river stream flow from the USGS gauging station 06470000.

The limitations will be dependent upon the upstream river flow, river temperature, river pH, the 90th percentile ammonia value from the USGS gauging station 06470000, and the effluent ammonia concentration. Limits will be determined based on the calculations specified in the current North Dakota Standards of Quality for Waters of the State for ammonia as N. The stream flow, upstream temperature and pH shall be measured at the United States Geologic Survey (USGS) gauging station 06470000 on a daily basis during discharge.

The department is proposing the following requirements for ammonia as N.

Table 5: Ammonia Effluent Limitations and Monitoring Requirements Outfall 002			
Parameter	Effluent Limitations		
	Avg. Monthly Limit	Avg. Weekly Limit	Daily Maximum Limit
Ammonia 1/	†	*	‡
Stream flow upstream, cfs 2/	*	*	*
Temperature upstream, ° C 2/, 3/	*	*	*
pH upstream, S.U. 2/, 3/	*	*	*
1/ Calculations must be performed for each discharge sample. If an exceedance is detected on any single sample, the exceedance must be reported on the DMR.			
2/ Sample must be collected/ recorded the same day as the ammonia sample. The upstream flow, temperature, and pH may be obtained from the USGS gauging station 06470000.			
3/ If and of the upstream values are not available at the time of discharge, then the following values based on the 90 th percentile upstream USGS data are to be used: pH 8.3 S.U., Temperature 22° C. Stream flow shall be measured at the United States Geologic Survey (USGS) gauging station 06470000 on a daily basis during discharge. The maximum mixing factor is 10.0%.			
† Chronic Standard (Average Monthly Limit) The 30-day average concentration of total ammonia (expressed as N in mg/L) does not exceed,			

Table 5: Ammonia Effluent Limitations and Monitoring Requirements Outfall 002			
Parameter	Effluent Limitations		
	Avg. Monthly Limit	Avg. Weekly Limit	Daily Maximum Limit
more often than once every three years on the average, the numerical value given by the following formula; and the highest 4-day average concentration of total ammonia within the 30-day averaging period does not exceed 2.5 times the numerical value given by the following formula:			
pH	$\frac{(0.0577)}{(1+10^{7.688-pH})} + \frac{2.487}{1+10^{pH-7.688}} \bullet CV;$		
where CV = 2.85, when T ≤ 14°C; or CV = 1.45 * 10 ^{0.028*(25-T)} , when T > 14°C. Receiving stream pH is used for the calculation			
‡ Acute Standard (Daily Maximum Limit) The one-hour average concentration of total ammonia (expressed as N in mg/l) does not exceed, more often than once every three years on the average, the numerical value given by the following formula:			
pH	$\frac{(0.411)}{(1+10^{7.204-pH})} + \frac{58.4}{1+10^{pH-7.204}}$		
where salmonids are absent; or			
pH	$\frac{(0.275)}{(1+10^{7.204-pH})} + \frac{39.0}{1+10^{pH-7.204}}$		
where salmonids are present.			
Stipulations The maximum mixing factor is 10.0%. The upstream 90 th percentile ammonia value of 0.15 mg/L shall be used when calculating instream ammonia limits.			

Human Health

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

regulated to protect human health. The department will re-evaluate this discharge for impacts to human health at the next permit reissuance.

OTHER PERMIT CONDITIONS

Discharge Authorization

During the effective period of this permit, the permittee is authorized to discharge pollutants from the outfalls as specified to the following: **James River a Class 1A stream.**

No discharge shall occur from the lagoons until all pre-discharge parameters have been reviewed by the department. Predischage samples shall be taken for BOD, TSS, pH, E. coli, and ammonia as N. The department is also requiring, at the time of discharge review, the following upstream river values: pH, temperature in C, and the river stream flow from the USGS gauging station 06470000. No discharge shall occur from the lagoons until all pre-discharge parameters have been reviewed by the department.

An effluent sample shall be collected during the first week of discharge, and once per week thereafter for discharges lasting longer than one week. The beginning and ending dates of each discharge shall also be recorded. After the review process has been completed the permittee shall comply with the limitations of this permit.

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.

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.

PERMIT ISSUANCE PROCEDURES

Permit Modifications

This permit may be modified, revoked and reissued, or terminated for cause. This includes the establishment of limitations or prohibitions based on changes to 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.

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 the **Northern Prairie Research Center**. 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 **July 25, 2016** in the **Jamestown Sun** 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 author of this permit and fact sheet is Patrick Schuett.

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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

Critical low flow limitations were not utilized in this permit renewal due to insufficient data to conduct reasonable potential analysis.

DFLOW 1B3 (ACUTE)	0 CFS	DFLOW 1Q10 (ACUTE)	0 CFS
DFLOW 4B3 (CHRONIC)	0 CFS	DFLOW 7Q10 (CHRONIC)	0 CFS
DFLOW 30B10 (AMMONIA)	0 CFS		

APPENDIX D – RESPONSE TO COMMENTS

Comments received during the public comment period will be addressed and placed here.

Permit No: ND0025828
Effective Date: October 1, 2016
Expiration Date: September 30, 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,

Northern Prairie Research Center
US Fish and Wildlife Service
Jamestown North Dakota

is authorized to discharge from its wildlife research facility ponds

to the James River

provided all the conditions of this permit are met.

This permit and the authorization to discharge shall expire at midnight,
September 30, 2021.

Signed this _____ day of _____, _____.

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

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TABLE OF CONTENTS

DEFINITIONS.....4

I. LIMITATIONS AND MONITORING REQUIREMENTS.....7

 A. Discharge Authorization.....7

 B. Effluent Limitations and Monitoring.....7

II. MONITORING, RECORDING, AND REPORTING REQUIREMENTS BP 2015.12.309

 A. Representative Sampling (Routine and Non-Routine Discharges).....9

 B. Test Procedures.....9

 C. Recording of Results.....9

 D. Additional Monitoring.....10

 E. Reporting of Monitoring Results.....10

 F. Records Retention.....10

III. COMPLIANCE RESPONSIBILITIES.....10

 A. Duty to Comply.....10

 B. Proper Operation and Maintenance.....11

 C. Planned Changes.....11

 D. Duty to Provide Information.....11

 E. Signatory Requirements.....11

 F. Twenty-four Hour Notice of Noncompliance Reporting.....12

 G. Bypass of Treatment Facilities.....12

 H. Upset Conditions.....13

 I. Duty to Mitigate.....13

 J. Removed Materials.....13

 K. Duty to Reapply.....13

IV. GENERAL PROVISIONS.....14

 A. Inspection and Entry.....14

 B. Availability of Reports.....14

 C. Transfers.....14

 D. New Limitations or Prohibitions.....14

 E. Permit Actions.....14

 F. Need to Halt or Reduce Activity Not a Defense.....14

 G. State Laws.....14

 H. Oil and Hazardous Substance Liability.....14

 I. Property Rights.....14

 J. Severability.....15

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 DESCRIPTIONS

Outfall 001. Non Active. Abandoned.			
Latitude: 46.8744888305	Longitude: -98.6359634399	County: Stutsman	
Township: 139	Range: 63	Section: 9	QQ: A
Receiving Stream: James River a Class 1A stream		Classification: Unclassified	
Outfall Description: This is the outfall for Cells 1-16			

Outfall 002. Active. Final Outfall.			
Latitude: 46.8741378784	Longitude: -98.6367645263	County: Stutsman	
Township: 139	Range: 63	Section: 9	QQ: A
Receiving Stream: James River a Class 1A stream		Classification: Unclassified	
Outfall Description: This is the outfall for Cells 1-20			

PERMIT SUBMITTALS SUMMARY

Coverage Point	Submittal	Frequency	First Submittal Date
002A	Discharge Monitoring Report	1/year	October 31, 2017
Application Renewal	NPDES Application Renewal	1/permit cycle	April 1, 2021

SPECIAL CONDITIONS

No special conditions have been determined for this permit.

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: **James River a Class 1A stream.**

No discharge shall occur from the lagoons until all pre-discharge parameters have been reviewed by the department. Predischarge samples shall be taken for BOD, TSS, pH, E. coli, and ammonia as N. The department is also requiring, at the time of discharge review, the following upstream river values: pH, temperature in C, and the river stream flow from the USGS gauging station 06470000. No discharge shall occur from the lagoons until all pre-discharge parameters have been reviewed by the department.

An effluent sample shall be collected during the first week of discharge, and once per week thereafter for discharges lasting longer than one week. The beginning and ending dates of each discharge shall also be recorded. After the review process has been completed the permittee shall comply with the limitations of this permit.

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 002**

Parameter	Effluent Limitations			Monitoring Requirements	
	Avg. Monthly Limit	Avg. Weekly Limit	Daily Maximum Limit	Sample Frequency	Sample Type
Biochemical Oxygen Demand BOD5 mg/l	25 mg/l	*	*	1/week	Grab
Total Suspended Solids (TSS) mg/l	30.0 mg/l	*	*	1/week	Grab
pH a/	Shall be between 7.0 to 9.0 s.u.			1/week	Grab
E. coli b/	126 /100 ml	*	409 /100 ml	1/week	Grab
Ammonia as N mg/l	Refer to Ammonia Table Below			1/week	Grab
Flow Effluent, mgd	Report Avg. Monthly Value	*	Report Max. Daily Value	1/day	Calculated
Total Drain, mgal	*	*	Report Monthly Total	1/month	Calculated

*. This item is not limited or applicable for the stated parameter. However, the department may impose limitations based on sample history and to protect the receiving waters.

a/ The pH, an instantaneous limitation, shall be between 7.0 s.u. and 9.0 s.u. Any single analysis and or measurement beyond this limitation shall be considered a violation of the conditions of this permit.

b/ This limitation and monitoring requirement shall be effective for discharges from April 1 through October 31.

Stipulations:

Dates of discharge and number of excursions shall be included on the Discharge Monitoring Reports.

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

A pre-discharge sample shall be analyzed for BOD, TSS, pH, E. coli, and ammonia as N and the results reviewed by the department prior to the start of any discharge.

Table 2: Ammonia Effluent Limitations and Monitoring Requirements **Outfall 002**

Parameter	Effluent Limitations		
	Avg. Monthly Limit	Avg. Weekly Limit	Daily Maximum Limit
Ammonia 1/	†	*	‡
Stream flow upstream, cfs 2/	*	*	*
Temperature upstream, ° C 2/, 3/	*	*	*
pH upstream, S.U. 2/, 3/	*	*	*

* This item is not limited or applicable for the stated parameter. However, the department may impose limitations based on sample history and to protect the receiving waters.

1/ Calculations must be performed for each discharge sample. If an exceedance is detected on any single sample, the exceedance must be reported on the DMR.

2/ Sample must be collected/ recorded the same day as the ammonia sample. The upstream flow, temperature, and pH may be obtained from the USGS gauging station 06470000.

3/ If and of the upstream values are not available at the time of discharge, then the following values based on the 90th percentile upstream USGS date are to be used: pH 8.3 S.U., Temperature 22° C. Stream flow shall be measured at the United States Geologic Survey (USGS) gauging station 06470000 on a daily basis during discharge. The maximum mixing factor is 10.0%.

† Chronic Standard (Average Monthly Limit)

The 30-day average concentration of total ammonia (expressed as N in mg/L) does not exceed, more often than once every three years on the average, the numerical value given by the following formula; and the highest 4-day average concentration of total ammonia within the 30-day averaging period does not exceed 2.5 times the numerical value given by the following formula:

$$\frac{(0.0577)}{(1+10^{7.688-pH})} + \frac{2.487}{1+10^{pH-7.688}} \bullet CV;$$

where CV = 2.85, when T ≤ 14°C; or
 CV = 1.45 * 10^{0.028*(25-T)}, when T > 14°C.
 Receiving stream pH is used for the calculation

‡ Acute Standard (Daily Maximum Limit)

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

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

where salmonids are absent; or

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

where salmonids are present.

Stipulations

The maximum mixing factor is 10.0%.

The upstream 90th percentile ammonia value of 0.15 mg/L shall be used when calculating ammonia limits.

II. MONITORING, RECORDING, AND REPORTING REQUIREMENTS BP 2015.12.30

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. Prior to December 21, 2016, the permittee may elect to submit DMRs, electronically, using the electronic reporting system. Beginning December 21, 2016, the permittee must submit DMRs using the electronic reporting system.
2. Beginning December 21, 2020, the permittee must report the following using the electronic reporting system:
 - i. General permit reports [e.g., notices of intent (NOI); notices of termination (NOT); no exposure certifications (NOE)];
 - ii. Municipal separate storm sewer system program reports;
 - iii. Pretreatment program reports;
 - iv. Sewer overflow/bypass event reports; and
 - v. Clean Water Act 316(b) annual reports
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.

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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