

Permit No: NDG52-0000
Effective Date: April 1, 2014
Expiration Date: March 31, 2019

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,

Water Treatment Plant and Potable Distribution System
In the State of North Dakota

are authorized to discharge from water treatment plants and potable distribution systems

to waters of the State of North Dakota

provided all the conditions of this permit are met.

This permit and the authorization to discharge shall expire at midnight,
March 31, 2019.

Signed this 6th day of February, 2014.


Dennis R. Fewless, Director
Division of Water Quality

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Dennis R. Fewless, Director
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BP 2009.02.05

TABLE OF CONTENTS

DEFINITIONS.....	3
I. PERMIT COVERAGE.....	6
A. Applicability of the General Permit.....	6
B. Discharges Covered	6
C. Discharges Not Covered	6
D. Obtaining Coverage and Authorization Effective Date	6
E. Terminating Coverage	7
II. LIMITATIONS AND MONITORING REQUIREMENTS.....	8
A. Discharge Authorization	8
B. Effluent Limitations and Monitoring	8
III. MONITORING, RECORDING, AND REPORTING REQUIREMENTS BP 2012.12.06	15
A. Representative Sampling (Routine and Non-Routine Discharges)	15
B. Test Procedures.....	15
C. Recording of Results.....	16
D. Additional Monitoring.....	16
E. Reporting of Monitoring Results	16
F. Records Retention.....	16
IV. COMPLIANCE RESPONSIBILITIES.....	16
A. Duty to Comply	16
B. Proper Operation and Maintenance.....	16
C. Planned Changes.....	17
D. Duty to Provide Information.....	17
E. Signatory Requirements	17
F. Twenty-four Hour Notice of Noncompliance Reporting.....	17
G. Bypass of Treatment Facilities	18
H. Upset Conditions	19
I. Duty to Mitigate.....	19
J. Removed Materials	19
K. Duty to Reapply	19
V. GENERAL PROVISIONS.....	19
A. Inspection and Entry	19
B. Availability of Reports	19
C. Transfers	20
D. New Limitations or Prohibitions	20
E. Permit Actions	20
F. Need to Halt or Reduce Activity Not a Defense	20
G. State Laws.....	20
H. Oil and Hazardous Substance Liability	20
I. Property Rights.....	20
J. Severability	20

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.

20. PERMIT SUBMITTALS SUMMARY

Coverage Point	Submittal	Frequency	First Submittal Date
001A, etc.	Discharge Monitoring Report	1/Semi-Annual	October 31, 2014
Application Renewal	NPDES Application Renewal	1/permit cycle	October 1, 2018

SPECIAL CONDITIONS

Water Treatment Additives

In the event a permittee proposes to discharge water additives, the permittee shall submit a request to discharge water additives to the Department as described in this section. Water treatment systems which utilize membrane filtration equipment require routine cleaning and conditioning as part of normal operation. Care should be used in the selection and management of the chemicals used in routine cleaning and conditioning, such as the control of scaling, coagulants, flocculants, and bio-fouling. To ensure selection and management of chemicals minimize the potential for harmful effects in the discharge or sewerage, the permittee will be required to provide the following information on all chemical additives which do not follow under American National Standards Institute/National Sanitation Foundation (ANSI/NSF) Standard 60:

- Material Safety Data Sheet (MSDS)
- Proposed water additive discharge concentration
- Discharge frequency (i.e., number of hours per day and number of days per year)
- Monitoring point for product discharge
- Type of removal treatment, if any, that the water additive receives prior to discharge
- Product function (e.g., microbiocide, flocculant, etc.)
- A 48-hour LC₅₀ or EC₅₀ for a North American freshwater planktonic crustacean (*Ceriodaphnia* sp., *Daphnia* sp., or *Simocephalus* sp.)
- Results for a toxicity test for one other North American freshwater aquatic species (other than a planktonic crustacean)

Water treatment additives which are approved under ANSI/NSF Standard 60 (Drinking Water Treatment Chemicals” are recognized for use for facilities issued a Notice of Coverage authorized by this permit.

I. PERMIT COVERAGE

A. Applicability of the General Permit

This general permit is potentially applicable to all water treatment and distribution facilities. Discharges of pollutants to waters of the state of North Dakota may occur through the process of making potable water and from overflow from treatment and storage units, filter backwash water, disinfection and line flushing, or line breakages. The water discharged from these activities must be relatively uncontaminated and must not contribute non-conventional or other pollutant loadings in toxic amounts to the receiving waters.

B. Discharges Covered

This permit shall authorize the following discharges of pollutants to waters of the state associated with the operation of water treatment plants and potable distribution systems within the state of North Dakota, excluding discharges identified under Part I.C.

1. Treatment or storage system overflows or discharges;
2. Filter backwash and settling basin discharges;
3. Disinfection and flushing of potable water lines;
4. Disinfection of storage systems;
5. Water line breaks and leak repair;
6. Water treated to remove radioactive materials that meets the requirements of the Federal Safe Drinking Water Act; or
7. Other discharges which meet the following conditions:
 - a. The general permit limitations, monitoring and reporting requirements, and best management practices are appropriate;
 - b. The discharge is of a temporary nature; and
 - c. The discharge consists of relatively uncontaminated water consistent with the discharges described above.

C. Discharges Not Covered

The following discharges are not authorized by this permit:

1. Water needing treatment for radioactive compounds that does not meet the requirements of the Federal Safe Drinking Water Act;
2. Discharges that use a diffuser or stream modeling for allowance of pollutants in stream;
3. Discharge or spills of treatment chemicals that exceed the established permit limits; or
4. Discharges or spills of chemicals not authorized for release under this permit.

D. Obtaining Coverage and Authorization Effective Date

A Notice of Intent (NOI) form for coverage under NDG52-0000 must be completed in full and submitted to the address indicated on the NOI by the operator of the water treatment facility or potable distribution system to request coverage under this general permit. The NOI must identify the party responsible for the day to day operation of the facility if different from the owner. The Department will also accept

applications received for individual permits from potable water systems.

Upon receipt of a complete NOI or permit application, the Department shall make a decision to grant or deny coverage, or request additional information. Facilities that meet the conditions for coverage under general permit NDG52-0000 still have the option of obtaining an individual permit if requested. In addition, the Department may require an individual permit for a facility.

The Department will make a final decision whether to grant coverage under the general permit. A letter of Notice of Coverage (NOC) shall be sent to the permittee granting coverage under general permit NDG52-0000. A copy of this permit, with the applicable limits will be included with the Department's NOC.

A copy of the Department's NOC letter and permit shall be kept at the facility until coverage under this permit is terminated.

Operators are not prohibited from submitting late NOIs. When a late NOI is submitted, authorization is only for discharges that occur after permit coverage is granted. The Department reserves the right to take appropriate enforcement actions for any unpermitted activities that may have occurred between the time activities commenced and authorization of the discharges is granted.

E. Terminating Coverage

Permittees wishing to terminate coverage under this permit must submit a Notice of Termination (NOT) that is signed in accordance to Part IV.E. Signatory Requirements of this permit. Compliance with this permit is required until a NOT is submitted.

II. LIMITATIONS AND MONITORING REQUIREMENTS

A. Discharge Authorization

During the period beginning on the effective date of the permit and the effective date of an individual Notice of Coverage (NOC), and lasting until the expiration of this permit or termination of the individual NOC, the permittee is authorized to discharge wastewaters associated with the production and distribution of potable water to waters of the State. Such discharges shall be limited and monitored by the permittee as specified below.

B. Effluent Limitations and Monitoring

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

Table 1: Effluent Limitations and Monitoring Requirements: Oxidation/Filtration Facilities					
Parameter	Effluent Limitations			Monitoring Requirements	
	Avg. Monthly Limit	Avg. Weekly Limit	Daily Maximum Limit	Sample Frequency	Sample Type
pH, SU ^a	Shall remain between 7.0 to 9.0 for all Class I and IA waters; Shall remain between 6.0 to 9.0 for all Class II and III waters.			1/Week	Grab
Total Suspended Solids (TSS), mg/l	*	*	90	1/Week	Grab
Total Iron, mg/l	*	*	*	1/Week	Grab
Total Manganese, mg/l	*	*	*	1/Week	Grab
Effluent Flow, gpd	Report	*	Report Max. Daily Value	1/Day	Calculated
Total Flow, mgal	*	*	Report Total	1/Semi-Annual	Calculated

Notes:

- *. This parameter is not limited. However, the Department may impose limitations based on sample history and to protect the receiving waters.
- a. All discharges to a lake or reservoir shall have the same pH as a class I stream.

Stipulations:

Narrative Standard
 The receiving water shall contain no turbidity, color, oil films, floating solids, foams, settleable solids, or deposits in unnatural quantities which are or may become injurious to any designated use as a result of this discharge.

Monitoring Location
 Samples, measurements, and observations taken in compliance with the monitoring requirements above shall be taken of the discharge prior to mixing with the receiving water.

Table 1: Effluent Limitations and Monitoring Requirements: Oxidation/Filtration Facilities

Outfall Observation

Any unusual characteristics of the discharge (i.e., unnatural turbidity, color, oil film, floating solids, foams, settleable solids, or deposits) shall be reported in accordance with Part IV.F. "Twenty-four Hour Notice of Noncompliance Reporting" of this general permit.

Monitoring Frequency Reduction for Total Iron, Total Manganese, and Total Suspended Solids

After the collection of ten samples or three months of data, the permittee may request, in writing, Department approval of a reduction in monitoring frequency for Total Iron, Total Manganese, and Total Suspended Solids. This request shall contain an explanation as to why the reduced monitoring is appropriate and the summary of the collected data. Upon receipt of written approval and consistent with such approval, the permittee may reduce the monitoring frequency indicated in the above table of this permit. The monitoring frequency for Total Iron, Total Manganese and Total Suspended Solids shall not be reduced to less than monthly. The Department may revoke the approval for reduced monitoring at any time upon notification to the permittee.

Reissuance or modification of this permit or reissuance or modification of the permittee's authorization to discharge shall not affect previous determinations regarding a permittee's monitoring frequency unless the Department provides notification in writing to the permittee.

Additional Sampling

The Department may require the permittee to provide additional sampling and monitoring as deemed necessary to assure adequate operation of the treatment system(s) and that the Standards of Quality for Waters of the State (Chapter 33-16-02.1) are met during the period of discharge.

Water Treatment Additives

This permit does not authorize the discharge of water additives other than permitted by the proposed general permit or under special conditions.

Table 2: Effluent Limitations and Monitoring Requirements: Chemical Precipitation/Filtration and Coagulation/Filtration Facilities

Parameter	Effluent Limitations			Monitoring Requirements	
	Avg. Monthly Limit	Avg. Weekly Limit	Daily Maximum Limit	Sample Frequency	Sample Type
pH, SU ^a	Shall remain between 7.0 to 9.0 for all Class I and IA waters; Shall remain between 6.0 to 9.0 for all Class II and III waters.			1/Week	Grab
Total Suspended Solids (TSS), mg/l	*	*	90	1/Week	Grab
Effluent Flow, gpd	Report	*	Report Max. Daily Value	1/Day	Calculated
Total Flow, mgal	*	*	Report Total	1/Semi-Annual	Calculated

Notes:

Table 2: Effluent Limitations and Monitoring Requirements: Chemical Precipitation/Filtration and Coagulation/Filtration Facilities

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

a. All discharges to a lake or reservoir shall have the same pH as a class I stream.

Stipulations:

Narrative Standard

The receiving water shall contain no turbidity, color, oil films, floating solids, foams, settleable solids, or deposits in unnatural quantities which are or may become injurious to any designated use as a result of this discharge.

Monitoring Location

Samples, measurements, and observations taken in compliance with the monitoring requirements above shall be taken of the discharge prior to mixing with the receiving water.

Outfall Observation

Any unusual characteristics of the discharge (i.e., unnatural turbidity, color, oil film, floating solids, foams, settleable solids, or deposits) shall be reported in accordance with Part IV.F. "Twenty-four Hour Notice of Noncompliance Reporting" of this general permit.

Monitoring Frequency Reduction for Total Suspended Solids

After the collection of ten samples or three months of data, the permittee may request, in writing, Department approval of a reduction in monitoring frequency for Total Suspended Solids. This request shall contain an explanation as to why the reduced monitoring is appropriate and the summary of the collected data. Upon receipt of written approval and consistent with such approval, the permittee may reduce the monitoring frequency indicated in the above table of this permit. The monitoring frequency for Total Suspended Solids shall not be reduced to less than monthly. The Department may revoke the approval for reduced monitoring at any time upon notification to the permittee.

Reissuance or modification of this permit or reissuance or modification of the permittee's authorization to discharge shall not affect previous determinations regarding a permittee's monitoring frequency unless the Department provides notification in writing to the permittee.

Additional Sampling

The Department may require the permittee to provide additional sampling and monitoring as deemed necessary to assure adequate operation of the treatment system(s) and that the Standards of Quality for Waters of the State (Chapter 33-16-02.1) are met during the period of discharge.

Water Treatment Additives

This permit does not authorize the discharge of water additives other than permitted by the proposed general permit or under special conditions.

Table 3: Effluent Limitations and Monitoring Requirements: Membrane Filtration					
Parameter	Effluent Limitations			Monitoring Requirements	
	Avg. Monthly Limit	Avg. Weekly Limit	Daily Maximum Limit	Sample Frequency	Sample Type
pH, SU ^a	Shall remain between 7.0 to 9.0 for all Class I and IA waters; Shall remain between 6.0 to 9.0 for all Class II and III waters.			1/Week	Grab
Total Suspended Solids (TSS), mg/l	*	*	90	1/Week	Grab
Biological Oxygen Demand (BOD), mg/l	30	*	45	1/Week	Grab
Dissolved Oxygen (DO), mg/l	*	*	5 minimum	1/Week	Grab
Total Sulfate, mg/l	b	*	*	1/Month	Grab
Total Chloride, mg/l	c	*	*	1/Month	Grab
Conductivity, umho/cm	*	*	*	1/Month	Grab
Effluent Flow, gpd	Report	*	Report Max. Daily Value	1/Day	Instantaneous
Total Flow, mgal	*	*	Report Monthly Total	1/Semi-Annual	Calculated

Notes:

- *. This parameter is not limited. However, the Department may impose limitations based on sample history and to protect the receiving waters.
- a. All discharges to a lake or reservoir shall have the same pH as a class I stream.
- b. Sulfate limitations are as follow: Class I 250 mg/l; Class IA and II 450 mg/l; and Class III 750 mg/l.
- c. Chloride limitations are as follow: Class I 100 mg/l; Class IA 175 mg/l; and Class II and III 250 mg/l.

Stipulations:

Narrative Standard

The receiving water shall contain no turbidity, color, oil films, floating solids, foams, settleable solids, or deposits in unnatural quantities which are or may become injurious to any designated use as a result of this discharge.

Table 3: Effluent Limitations and Monitoring Requirements: **Membrane Filtration**

Monitoring Location

Samples, measurements, and observations taken in compliance with the monitoring requirements above shall be taken of the discharge prior to mixing with the receiving water.

Outfall Observation

Any unusual characteristics of the discharge (i.e., unnatural turbidity, color, oil film, floating solids, foams, settleable solids, or deposits) shall be reported in accordance with Part IV.F. "Twenty-four Hour Notice of Noncompliance Reporting" of this general permit.

Monitoring Frequency Reduction for Total Suspended Solids

After the collection of ten samples or three months of data, the permittee may request, in writing, Department approval of a reduction in monitoring frequency for Total Suspended Solids. This request shall contain an explanation as to why the reduced monitoring is appropriate and the summary of the collected data. Upon receipt of written approval and consistent with such approval, the permittee may reduce the monitoring frequency indicated in the above table of this permit. The monitoring frequency for Total Suspended Solids shall not be reduced to less than monthly. The Department may revoke the approval for reduced monitoring at any time upon notification to the permittee.

Reissuance or modification of this permit or reissuance or modification of the permittee's authorization to discharge shall not affect previous determinations regarding a permittee's monitoring frequency unless the Department provides notification in writing to the permittee.

Additional Sampling

The Department may require the permittee to provide additional sampling and monitoring as deemed necessary to assure adequate operation of the treatment system(s) and that the Standards of Quality for Waters of the State (Chapter 33-16-02.1) are met during the period of discharge.

Water Treatment Additives

This permit does not authorize the discharge of water additives other than permitted by the proposed general permit or under special conditions.

Table 4: Effluent Limitations and Monitoring Requirements: **Miscellaneous Waste Streams**

Parameter	Effluent Limitations			Monitoring Requirements	
	Avg. Monthly Limit	Avg. Weekly Limit	Daily Maximum Limit	Sample Frequency	Sample Type
pH, SU ^a	Shall remain between 7.0 to 9.0 for all Class I and IA waters; Shall remain between 6.0 to 9.0 for all Class II and III waters.			1/Week	Grab
Total Suspended Solids (TSS), mg/l	*	*	90	1/Week	Grab
Oil & Grease, mg/l	*	*	10	Conditional ^b	Grab

Table 4: Effluent Limitations and Monitoring Requirements: **Miscellaneous Waste Streams**

Effluent Flow, gpd	Report	*	Report Max. Daily Value	1/Day	Calculated
Total Flow, mgal	*	*	Report Total	1/Semi-Annual	Calculated

Notes:

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

- a. All discharges to a lake or reservoir shall have the same pH as a class I stream.
- b. If a visible sheen is found in the discharge a grab sample shall be collected and tested.

Stipulations:

Narrative Standard

The receiving water shall contain no turbidity, color, oil films, floating solids, foams, settleable solids, or deposits in unnatural quantities which are or may become injurious to any designated use as a result of this discharge.

Monitoring Location

Samples, measurements, and observations taken in compliance with the monitoring requirements above shall be taken of the discharge prior to mixing with the receiving water.

Outfall Observation

Any unusual characteristics of the discharge (i.e., unnatural turbidity, color, oil film, floating solids, foams, settleable solids, or deposits) shall be reported in accordance with Part IV.F. "Twenty-four Hour Notice of Noncompliance Reporting" of this general permit.

Monitoring Frequency Reduction for Total Suspended Solids

After the collection of ten samples or three months of data, the permittee may request, in writing, Department approval of a reduction in monitoring frequency for Total Suspended Solids. This request shall contain an explanation as to why the reduced monitoring is appropriate and the summary of the collected data. Upon receipt of written approval and consistent with such approval, the permittee may reduce the monitoring frequency indicated in the above table of this permit. The monitoring frequency for Total Suspended Solids shall not be reduced to less than monthly. The Department may revoke the approval for reduced monitoring at any time upon notification to the permittee.

Reissuance or modification of this permit or reissuance or modification of the permittee's authorization to discharge shall not affect previous determinations regarding a permittee's monitoring frequency unless the Department provides notification in writing to the permittee.

Additional Sampling

The Department may require the permittee to provide additional sampling and monitoring as deemed necessary to assure adequate operation of the treatment system(s) and that the Standards of Quality for Waters of the State (Chapter 33-16-02.1) are met during the period of discharge.

Table 4: Effluent Limitations and Monitoring Requirements: **Miscellaneous Waste Streams**

Water Treatment Additives

This permit does not authorize the discharge of water additives other than permitted by the proposed general permit or under special conditions.

Table 5: Effluent Limitations and Monitoring Requirements: **Chlorinated Discharges**

Parameter	Effluent Limitations			Monitoring Requirements	
	Avg. Monthly Limit	Avg. Weekly Limit	Daily Maximum Limit	Sample Frequency	Sample Type
Total Residual Chlorine (TRC) mg/l	*	*	0.05	1/Week	Grab
TRC Discharge Time min/day	*	*	Report	1/Week	Calculated

Notes:

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

Stipulations:

- a. Total Residual Chlorine
 TRC testing is only required during periods of chlorine use and subsequent discharge within the waste stream at the water treatment plant.

Sampling for this parameter can be at the point of discharge from the water treatment plant;
 At the point just before the waste stream enters the receiving stream;
 Or any point in between.

The permittee may use dechlorination techniques to achieve the applicable TRC limitations, using sodium thiosulfate, sodium sulfite, sodium bisulfate, or other dechlorinating reagents after review by the Department.

Table 6: **Intake Screen Backwash**

During the period beginning on the effective date of the proposed general permit and lasting until the expiration date of the permit, the permittee is authorized to discharge intake screen backwash from surface water withdrawal plants to waters of the state. The permittee shall collect and remove debris accumulated on intake trash bars and dispose of such material on land in accordance with all state and federal rules.

Table 7: **Distribution System Flushing**

During the period beginning on the effective date of this permit and lasting until the expiration date of this permit, the permittee is authorized to discharge water from the maintenance of distribution system flushing to waters of the state.

Super Chlorination

All super chlorinated water from the disinfection of a potable distribution system shall not reach waters of the state until the TRC level has become non-detectable. For the purpose of this permit any sample result less than 0.05 mg/l will be considered non-detectable.

Table 8: **No Discharge Under Normal Operating Conditions**

During the period beginning on the effective date of this permit and lasting until the expiration date of this permit, the permittee is **not** authorized to discharge waste streams during periods of normal operating conditions. In the event of a bypass, the permittee shall follow Part IV.G – “Bypass of Treatment Facilities” of the proposed general permit. Any bypass shall use Best Management Practices (BMPs) to minimize impacts to the receiving stream. After notification has been received by the Department a sampling of the bypass may be required by the Department. At a minimum, the dates of bypass, volume of bypass, cause of bypass, and BMPs used during the bypass shall be reported to the Department.

III. MONITORING, RECORDING, AND REPORTING REQUIREMENTS BP 2012.12.06

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

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

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

The permittee must collect such additional samples as soon as the spill, discharge, or bypassed effluent reaches the outfall. The samples must be analyzed in accordance with **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.

IV. COMPLIANCE RESPONSIBILITIES

A. Duty to Comply

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

B. Proper Operation and Maintenance

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

C. Planned Changes

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

D. Duty to Provide Information

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

E. Signatory Requirements

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

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

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

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 I have personally examined and am familiar with the information submitted herein. Based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment."

F. Twenty-four Hour Notice of Noncompliance Reporting

The permittee shall report any noncompliance which may seriously endanger health or the environment as soon as possible, but no later than twenty-four (24) hours from the time the permittee first became aware of the circumstances. The report shall be made to the EPA, Region VIII, Emergency Response Branch at 1.800.424.8802 and the State of North Dakota, Division of Homeland Security at 1.800.472.2121. The following occurrences of noncompliance shall be reported by telephone to the Department at 701.328.5210 by the first workday (8:00 a.m.-5:00 p.m. Central time) following the day the permittee became aware of the circumstances:

1. Any lagoon cell overflow or any unanticipated bypass which exceeds any effluent limitation in the

permit under G. Bypass of Treatment Facilities;

2. Any upset which exceeds any effluent limitation in the permit under H. Upset Conditions; or
3. Violation of any daily maximum effluent or instantaneous discharge limitation for any of the pollutants listed in the permit.

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:

4. A description of the noncompliance and its cause;
5. The period of noncompliance, including exact dates and times;
6. The estimated time noncompliance is expected to continue if it has not been corrected; and
7. Steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

Reports shall be submitted to the address in **Part III.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

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.

Bypass exceeding limitations-notification requirements.

1. 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.
2. Unanticipated Bypass. The permittee shall submit notice of an unanticipated bypass as required under F. Twenty-four Hour Notice of Noncompliance Reporting.

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

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

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

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

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

H. Upset Conditions

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

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

1. An upset occurred and the permittee can identify its cause(s);
2. The permitted facility was, at the time being, properly operated;
3. The permittee submitted notice of the upset as required under F. Twenty-four Hour Notice of Noncompliance Reporting and
4. The permittee complied with any remedial measures required under I. Duty to Mitigate.

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

I. Duty to Mitigate

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

J. Removed Materials

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

K. Duty to Reapply

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

V. GENERAL PROVISIONS

A. Inspection and Entry

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

B. Availability of Reports

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

C. Transfers

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

D. New Limitations or Prohibitions

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

E. Permit Actions

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

F. Need to Halt or Reduce Activity Not a Defense

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

G. State Laws

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

H. Oil and Hazardous Substance Liability

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

I. Property Rights

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

J. Severability

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