

Permit No: ND0022870
Effective Date: January 1, 2019
Expiration Date: December 31, 2023

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,

the City of Fargo
Fargo Publicly Owned Treatment Works (POTW)

is authorized to discharge from its wastewater treatment system
to the Red River of the North

provided all the conditions of this permit are met.

This permit and the authorization to discharge shall expire at midnight,
December 31, 2023.

Signed this 11 day of December, 2018.



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

TABLE OF CONTENTS

- DEFINITIONS3
- OUTFALL DESCRIPTION.....5
- PERMIT SUBMITTALS SUMMARY6
- SPECIAL CONDITIONS7
 - Mercury Pollutant Minimization Plan7
 - Sanitary Sewer Overflows (SSOs)7
- I. LIMITATIONS AND MONITORING REQUIREMENTS10
 - A. Discharge Authorization10
 - B. Effluent Limitations and Monitoring.....10
 - C. Whole Effluent Toxicity (WET) Requirements BP.....15
- II. MONITORING, RECORDING, AND REPORTING REQUIREMENTS18
 - A. Representative Sampling (Routine and Non-Routine Discharges)18
 - B. Test Procedures18
 - C. Recording of Results.....18
 - E. Reporting of Monitoring Results19
 - F. Records Retention.....19
- III. COMPLIANCE RESPONSIBILITIES20
 - A. Duty to Comply20
 - B. Proper Operation and Maintenance.....20
 - C. Planned Changes.....20
 - D. Duty to Provide Information.....20
 - E. Signatory Requirements20
 - F. Twenty-four Hour Notice of Noncompliance Reporting.....21
 - G. Bypass of Treatment Facilities21
 - H. Upset Conditions22
 - I. Duty to Mitigate.....22
 - J. Removed Materials22
 - K. Duty to Reapply22
- IV. GENERAL PROVISIONS22
 - A. Inspection and Entry22
 - B. Availability of Reports23
 - C. Transfers23
 - D. New Limitations or Prohibitions23
 - E. Permit Actions23
 - F. Need to Halt or Reduce Activity Not a Defense23
 - G. State Laws.....23
 - H. Oil and Hazardous Substance Liability23
 - I. Property Rights.....23
 - J. Severability23
- V. INDUSTRIAL PRETREATMENT PROGRAM.....24
 - A. Standard Requirements24
 - B. Local Limits.....25
 - C. Sampling and Reporting Requirements25
 - D. Sludge Sampling and Reporting Requirements26
 - E. Sample Analysis and Sampling Procedure.....26
 - F. Annual Reporting Requirements27
 - G. Pollutant Restrictions.....28
 - H. Notification Requirements29
 - I. Enforcement Actions.....29
 - J. Enforcement Authority29

DEFINITIONS Standard Permit

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 four 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.

DEFINITIONS Whole Effluent Toxicity (WET) BP 2017.04.06

20. "**Acute toxic unit**" ("TUa") is a measure of acute toxicity. TUa is the reciprocal of the effluent concentration that causes 50 percent of the organisms to die by the end on the acute exposure period (i.e., 100/"LC50").
21. "**Chronic toxic unit**" ("TUc") is a measure of chronic toxicity. TUc is the reciprocal of the effluent concentration that causes no observable effect on the test organisms by the end of the chronic exposure period (i.e., 100/"IC25").
22. "**Inhibition concentration**", ("IC"), is a point estimate of the toxicant concentration that causes a given percent reduction (p) in a non-quantal biological measurement (e.g., reproduction or growth) calculated from a continuous model (e.g., Interpolation Method).
23. "**LC50**" means the concentration of toxicant (e.g., effluent) which is lethal to 50 percent of the organisms exposed in the time period prescribed by the test.
24. "**No observed effect concentration**", ("NOEC"), is the highest concentration of toxicant (e.g., effluent) to which organisms are exposed in a chronic toxicity test [full life-cycle or partial life-cycle (short term) test], that causes no observable adverse effects on the test organisms (i.e., the highest concentration of effluent in which the values for the observed responses are not statistically significantly different from the controls).

OUTFALL DESCRIPTION

Outfall 007. Active. Final.			
Latitude: 46.955910	Longitude: -96.803606	County: Cass	
Township: 140N	Range: 49W	Section: 11	QQ: DCA
Receiving Stream: Red River of the North		Classification: Class I	
Outfall Description: Any discharge from this point is from Cell 5 to the Red River of the North, a Class I stream.			

Outfall 009. Active. Final.			
Latitude: 46.962931	Longitude: -96.849261	County: Cass	
Township: 140N	Range: 49W	Section: 10	QQ: AAA
Receiving Stream: Red River of the North		Classification: Class I	
Outfall Description: Any discharge from this point is from Cell 3 to an open ditch and into County Drain No. 9, which flows to the Red River of the North, a Class I stream.			

Outfall 010. Active. Final.			
Latitude: 46.925287	Longitude: -96.78585	County: Cass	
Township: 140N	Range: 48W	Section: 19	QQ: CAA
Receiving Stream: Red River of the North		Classification: Class I	
Outfall Description: This is a continuous discharge point from the mechanical treatment plant to the Red River of the North, a Class I stream.			

Outfall 011. Active. Final.			
Latitude: 46.925480	Longitude: -96.786467	County: Cass	
Township: 140N	Range: 48W	Section: 19	QQ: CAA
Receiving Stream: Red River of the North		Classification: Class I	
Outfall Description: This is an intermittent discharge point from the mechanical treatment plant, through a stormwater vault to the Red River of the North, a Class I stream. This point is only used when the receiving stream is in flood stage.			

PERMIT SUBMITTALS SUMMARY

Coverage Point	Submittal	Submittal Frequency	First Submittal Date
006A	Discharge Monitoring Report - Conventional Pollutants	1/Quarter	04/30/2019
007A and 009A	Discharge Monitoring Report - Conventional Pollutants	1/Month	04/30/2019
007W	Discharge Monitoring Report – Whole Effluent Toxicity	1/Quarter	04/30/2019
007M	Discharge Monitoring Report – Metals Analysis	Annually	02/28/2020
009W	Discharge Monitoring Report – Whole Effluent Toxicity	1/Quarter	04/30/2019
009M	Discharge Monitoring Report – Metals Analysis	Annually	02/28/2020
010A	Discharge Monitoring Report – Conventional Pollutants	Monthly	02/28/2019
010W	Discharge Monitoring Report – Whole Effluent Toxicity	Monthly	02/28/2019
010M	Discharge Monitoring Report – Metals Analysis	Quarterly	04/30/2019
Pretreatment Report	Report	Annually	02/28/2020
Special Conditions	Mercury Pollutant Minimization Plan	1/permit cycle	06/30/2019
Application Renewal	NPDES Application Renewal	1/permit cycle	July 31, 2023

SPECIAL CONDITIONS

Mercury Pollutant Minimization Plan

The permittee is required to complete and submit a Mercury Pollutant Minimization Plan (MMP) to the department. If it has previously submitted a MMP, the permittee shall update the MMP and submit it to the department. The purpose of the MMP is to evaluate collection and treatment systems to determine possible sources of mercury as well as potential mercury reduction options. Guidelines for developing a MMP are below.

The permittee shall submit a Pollutant Minimization Plan with 180 days of the permit effective date. At a minimum, the MMP must include the following:

- a) A summary of mercury influent and effluent concentrations and biosolids monitoring data using the most recent five (5) years of monitoring data.
- b) Identification of existing and potential sources of mercury concentrations and/or loading to the facility. The following sources should be considered: residential, institutional, municipal, and commercial (dental clinics, hospitals, medical clinics, nursing homes, schools, industries with potential for mercury contributions), stormwater inputs, ground water inflow and infiltration (I/I) inputs, and waste streams or sewer tributaries to the wastewater treatment facility.
- c) An evaluation of past and present wastewater treatment facility operations to determine those operating procedures that maximize mercury removal.
- d) A summary of mercury reduction activities implemented during the past five (5) years.
- e) A plan to implement mercury management and reduction measures during the next five (5) years.

In addition to the sampling required in this permit, the permittee shall sample effluent from the total facility discharge station for dissolved mercury annually throughout the life of this permit. The sampling method is a concurrent grab sample. Dissolved mercury shall be analyzed using an EPA approved mercury analysis method outlined in 40 CFR 136. Samples shall be taken at any time during the calendar year and reported on the custom supplemental form provided by the department. A trip blank shall be analyzed for each sampling event. The custom supplemental form must be submitted with the DMR for the last month the reporting period it was collected.

Sanitary Sewer Overflows (SSOs)

Outfall 006 has been identified in this permit as an overflow outlet. This outfall is not a permitted outfall. Any discharge from outfall 006 is considered an un-authorized discharge which must be monitored for the parameters specified for outfall 006. All Sanitary Sewer Overflows (SSOs) must be reported to the department in accordance with 40 CFR 122.41(6), Part III(G) of the permit, and as specified under the Reporting, Record Keeping, and Public Notification for Unauthorized Sanitary Sewer Overflow section outlined below.

Outfall 006. Active. Overflow Outlet.			
Latitude: 46.96316	Longitude: -96.84369	County: Burleigh	
Township: 140N	Range: 49W	Section: 10	QQ: AA
Receiving Stream: Red River of the North		Classification: Class I	
Outfall Description: This is an emergency overflow point prior to the headworks/pretreatment building. This emergency overflow is from the wastewater treatment plant. Any discharge is to the Red River of the North, a Class I stream.			

If an un-permitted discharge occurs from outfall 006, the following parameters must be monitored and reported to the department on the DMR for outfall 006:

Effluent Parameter	Frequency	Sample Type
BOD ₅ , mg/l, effluent	Daily	Grab
TSS, mg/l, effluent	Daily	Grab
pH, S.U.	Daily	Grab
Oil and Grease Visual ^a	Daily	Visual
Oil & Grease, mg/l ^a	Conditional/Daily	Grab
Ammonia as N, mg/l	Daily	Grab
<i>Escherichia coli</i> (<i>E.coli</i>) geo mean, #/100ml	Daily	Grab
Total Flow, MGD	Daily	Instantaneous
Total Drain, MG	1/Quarter	Calculated
a/ The permittee must not discharge any floating solids, visible foam in other than trace amounts, or oily wastes that produce a sheen or floating oil in the effluent or on the surface of the receiving water. The discharge shall be visibly inspected for sheen or floating oil. If present, grab samples shall be analyzed for oil and grease.		

Reporting, Record Keeping, and Public Notification for Unauthorized Sanitary Sewer Overflows

1. Immediate Reporting

- A. The permittee shall report to the department any sanitary sewer overflow or any unauthorized sanitary sewer overflow that the permittee owns and/or operates. Any information shall be provided orally within twenty-four (24) hours from the time the permittee becomes aware of the circumstances. At a minimum, the report shall identify:
 - i. The location of the overflow;
 - ii. The receiving water (if there is one);
 - iii. The duration of the overflow; and
 - iv. The estimated volume of the overflow.
- B. An overflow is any spill, release, or diversion of municipal sewage, including:
 - i. An overflow that results in a discharge to a water of the state; and
 - ii. An overflow of wastewater, including a wastewater backup into a building (other than a backup caused solely by a blockage or other malfunction in a privately-owned sewer or building lateral), even if that overflow does not reach waters of the state.

2. Written Reports

- A. The permittee shall also provide a written report to the department for any overflow identified under paragraph 1 of this section within five (5) days from the time the permittee becomes aware of the circumstances. The written report shall contain a description of:
 - i. The location of the overflow;

- ii. The receiving water (if applicable);
- iii. An estimate of the overflow volume;
- iv. A description of the sewer-system component that caused the release (e.g. manhole, constructed overflow pipe, pipe break, etc.);
- v. The estimated date and time when the overflow began and stopped or will be stopped;
- vi. The cause or suspected cause of the overflow;
- vii. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the overflow and a schedule of major milestones for those steps;
- viii. If possible, the number of persons who came into contact with wastewater from the overflow; and
- ix. Steps taken or planned to mitigate the impact(s) from the overflow and a schedule of major milestones for those steps.

B. The department may waive the written report on a case-by-case basis for reports under paragraph A. of this section if the verbal report required under the special conditions, paragraph 1 has been received within twenty-four (24) hours.

3. Record Keeping

A. The permittee shall maintain all records in accordance with Part II(F) of this permit, including:

- i. Any report submitted under paragraph 2 of the special conditions above, and
- ii. Any report, including work orders that are associated with investigation of system problems related to an overflow that describes the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the overflow, or documents system performance.

4. Public Notice

The department may require the permittee to notify specified third parties of overflows that may endanger public health.

A. The permittee shall develop a plan which describes how notification, under various overflow (and unanticipated bypass and upset) scenarios, the public and other entities of overflows that may endanger public health.

- i. The plan shall identify all reportable overflows and the specific information reported to each entity receiving notification.

B. The permittee shall immediately notify the public, public health agencies, and other affected entities (e.g. public water systems) of any sanitary sewer overflow that the permittee owns or has operational control which are identified in the plan required in paragraph A of this section.

5. Proper Operation and Maintenance

- A. The permittee shall implement proper operation and maintenance of the collection system in accordance with Part III(B) and (I) of this permit. Upon request of the department, this may include the development and implementation of capacity, management, operation, and management (CMOM) programs.

I. LIMITATIONS AND MONITORING REQUIREMENTS

A. Discharge Authorization

During the effective period of this permit, the permittee is authorized to discharge pollutants from the outfall as specified to the following: **Red River of the North**.

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:

A pre-discharge sample must be taken prior to the start of any discharge from outfalls 007 and 009. This analysis shall be reported to the department. A pre-discharge sample shall be tested for BOD₅, TSS, pH, Temperature, *E. coli.*, and Ammonia as N. This pre-discharge sample shall represent the first week discharge sample. An additional sample of the actual discharge shall be taken and analyzed on a weekly basis for the duration of the discharge.

Effluent Limitations and Monitoring Requirements Outfalls 007 and 009							
Parameter	Effluent Limitations					Monitoring Requirements	
	Quantity		Concentration			Sample Frequency	Sample Type
	Avg. Monthly Limit	Daily Maximum Limit	Avg. Monthly Limit	Avg. Weekly Limit	Daily Maximum Limit		
Biochemical Oxygen Demand (BOD ₅), mg/l	*	*	25 mg/l	45 mg/l	*	1/Week	Composite
Total Suspended Solids (TSS), mg/l	*	*	30 mg/l	45 mg/l	*	1/Week	Composite
pH, S.U., a/	Shall remain between 7.0 to 9.0 S.U.					1/Week	Grab
Oil & Grease, Visual, b/	*	*	*	*	*	Daily	Visual
Oil & Grease, mg/l, b/	*	*	*	*	10 mg/l	Conditional/ Daily	Grab
Ammonia as N, mg/l	Refer to Ammonia Table					3/Week	Composite
<i>Escherichia coli</i> (<i>E. coli</i>) geo mean, #/100ml, c/	*	*	126	*	409	1/Week	Grab
Nitrogen, Total mg/l	*	*	*	*	*	1/Month	Composite
Phosphorus, Total mg/l	*	*	*	*	*	1/Week	Composite
Effluent Flow, MGD	Report Avg. Monthly Value	Report Max. Daily Value	*	*	*	Daily	Instantaneous
Total Drain, MGAL	*	Report monthly total	*	*	*	1/Month	Calculated
Whole Effluent Toxicity (WET)	Refer to Part I(C)(1) of this permit					1/Quarter	Grab
Metals, µg/l (Influent and Effluent)	Refer to Part V(C) of this permit					1/Year	Composite

Notes:

* This parameter is not limited. 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 outside this limitation shall be considered a violation of the conditions of this permit.

b/ The permittee must not discharge any floating solids, visible foam in other than trace amounts, or oily wastes that produce a sheen or floating oil in the effluent or on the surface of the receiving water. The discharge shall be visibly inspected for sheen or floating oil. If present, grab samples shall be analyzed for oil and grease.

c/ *E. coli* limits shall be effective from April 1 through October 31.

Stipulations:

The permittee must not discharge any floating solids, visible foam in other than trace amounts, or oily wastes that produce a sheen on the surface of the receiving water.

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

Effluent Limitations and Monitoring Requirements Outfalls 010 and 011							
Parameter	Effluent Limitations					Monitoring Requirements	
	Quantity		Concentration			Sample Frequency	Sample Type
	Avg. Monthly Limit	Daily Maximum Limit	Avg. Monthly Limit	Avg. Weekly Limit	Daily Maximum Limit		
BOD ₅ (effluent), mg/l	*	*	25 mg/l	45 mg/l	*	3/Week	Composite
BOD ₅ (influent), mg/l	*	*	*	*	*	1/Week	Composite
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	*	*	*	*	*	1/Week	Composite
TSS (effluent), mg/l	*	*	30 mg/l	45 mg/l	*	3/Week	Composite
TSS (influent), mg/l	*	*	*	*	*	1/Week	Composite
pH, S.U., a/	Shall remain between 6.5 to 9.0 S.U.					Daily	Grab
Oil & Grease, Visual, b/	*	*	*	*	*	Daily	Visual
Oil & Grease, mg/l, b/	*	*	*	*	10 mg/l	Conditional/Daily	Grab
Temperature, C°	*	*	*	*	*	Daily	Grab
Ammonia as N, mg/l	Refer to Ammonia Table					3/Week	Composite
<i>Escherichia coli</i> (<i>E.coli</i>) geo mean, #/100ml, c/	*	*	126	*	409	3/Week	Grab
Total Residual Chlorine, mg/l, d/	*	*	*	*	0.10 mg/l	Conditional/Daily	Grab
Nitrogen, Total mg/l	*	*	*	*	*	1/Month	Composite
Phosphorus, Total mg/l	*	*	*	*	*	1/Week	Composite
Effluent Flow, MGD	Report Avg. Monthly Value	Report Max. Daily Value	*	*	*	Daily	Instantaneous
Total Drain, MGAL	*	Report monthly total	*	*	*	1/Month	Calculated
Whole Effluent Toxicity (WET), TU _a	Refer to Part I(C)(1) of this permit					1/Quarter	Grab
Whole Effluent Toxicity (WET), TU _c	Refer to Part I(C)(2) of this permit					1/Year	Grab
Metals, µg/l (Influent and Effluent)	Refer to Part V(C) of this permit					1/Quarter	Composite
Toxic Organics	Refer to Part V(C) of this permit					1/2 Years	Composite

Notes:

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

Effluent Limitations and Monitoring Requirements Outfalls 010 and 011							
Parameter	Effluent Limitations					Monitoring Requirements	
	Quantity		Concentration			Sample Frequency	Sample Type
	Avg. Monthly Limit	Daily Maximum Limit	Avg. Monthly Limit	Avg. Weekly Limit	Daily Maximum Limit		
a/	The pH, an instantaneous limitation, shall be between 6.5 S.U. and 9.0 S.U. Any single analysis and/or measurement outside this limitation shall be considered a violation of the conditions of this permit.						
b/	The permittee must not discharge any floating solids, visible foam in other than trace amounts, or oily wastes that produce a sheen or floating oil in the effluent or on the surface of the receiving water. The discharge shall be visibly inspected for sheen or floating oil. If present, grab samples shall be analyzed for oil and grease.						
c/	<i>E. coli</i> limits shall be effective from April 1 through October 31.						
d/	Applies only when chlorination is utilized for disinfection.						
	Stipulations: The permittee must not discharge any floating solids, visible foam in other than trace amounts, or oily wastes that produce a sheen on the surface of the receiving water. Samples taken in compliance with the monitoring requirements specified in this permit shall be taken prior to leaving facility property or entering the receiving stream.						

Ammonia Effluent Limitations and Monitoring Requirements **Outfall 007, 009, 010 and 011.**

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 parameter is not limited. 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 0505400 at Fargo, North Dakota.

3/ If the upstream values are not collected then following minimum values base on the 90th percentile upstream USGS data are to be used: pH: 8.33 S.U., Temperature 25.4 ° C, and ammonia 0.16 mg/l. If the upstream flow is not available then, the 4B3 critical low flow of 89.9 cfs shall be used. The maximum mixing factor is 10.0%.

† Chronic Standard (Average Monthly Limit):

March - September

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 = 4.63, when T ≤ 7°C; or
CV = 1.45 * 10^{0.028*(25-T)}, when T > 7°C.

Receiving stream pH is used for the calculation

October – February

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:

Ammonia Effluent Limitations and Monitoring Requirements Outfall 007, 009, 010 and 011.			
Parameter	Effluent Limitations		
	Avg. Monthly Limit	Avg. Weekly Limit	Daily Maximum Limit
	$\frac{(0.411 + 58.4)}{(1+10^{7.204-pH} + 1+10^{pH-7.204})}$ where salmonids are absent; or $\frac{(0.275 + 39.0)}{(1+10^{7.204-pH} + 1+10^{pH-7.204})}$ where salmonids are present.		
Stipulations			
The maximum mixing factor with receiving stream is 10.0%.			

C. Whole Effluent Toxicity (WET) Requirements BP 2011.06.13

1. Acute Toxicity Testing

Acute toxicity tests shall be conducted in general accordance with the procedures set out in the latest revision of *Methods for Measuring the Acute Toxicity of Effluents to Freshwater and Marine Organisms*, EPA-821-R-02-012 (Fifth Ed., October 2002). The permittee shall conduct an acute 48-hour static-renewal toxicity test using freshwater fleas, (*Ceriodaphnia dubia*) and an acute 96-hour static-renewal toxicity test using fathead minnows, (*Pimephales promelas*).

WET requirements for Outfalls 007, 009, 010 and 011						
Implementation	Limitations Imposed					
Effluent Dilution	0%(Control)	12.5%	25%	50%	75%	100%
Dilution Water	Red River of the North ^a					
Testing Type	Acute Toxicity					
Species and Test Type	<i>Ceriodaphnia dubia</i> 48 Hour Acute Static Renewal 20°C					
	<i>Pimephales promelas</i> 96 Hour Acute Static Renewal 20°C					
Endpoint	Survival reported as TU _a					
Compliance Point	End of pipe					
Sample Frequency	1/Quarter					
Sample Type	Grab					
Maximum Daily Limit (MDL)	<1 TU _a					
Average Monthly Limit (AML)	<1 TU _a					
Test Failure	The 48-hour LC ₅₀ effluent value must be <1 TU _a to indicate a passing test. Any 48-hour LC ₅₀ effluent value >1 TU _a will constitute a failure. Tests in which the control survival is less than 90% are invalid and must be repeated.					
Reporting Requirements	The permittee shall report the following results of each toxicity test on the DMR for that reporting period: Report the highest TU _a for <i>Ceriodaphnia dubia</i> , Parameter No. TSM3B. Report the highest TU _a for <i>Pimephales promelas</i> , Parameter No. TSN6C.					

If toxicity occurs in a routine test, an additional test shall be initiated within 14 days from the date of the initial toxicity findings. Should there be no discharge during a specified sampling time frame; sampling shall be performed as soon as there is a discharge. Should toxicity occur in the second test, testing shall be conducted at a frequency of once a month and the implementation of a 5.Toxicity Reduction Evaluation (TRE) shall be determined by the department. If no toxicity is found in the second test, testing shall occur as outlined in the permit.

a. When dangerous conditions exist for personnel (i.e. thin ice, melting ice, flooding, etc.) the permittee may utilize moderately hard reconstituted water upon request and approval by the department.

2. Chronic Toxicity Testing

Chronic WET requirements for Outfall 010						
Implementation	Monitoring Only					
Effluent Dilution	0%(Control)	6.25%	12.5%	25%	50%	100%
Dilution Water	Red River of the North					
Species and Test Type	<i>Ceriodaphnia dubia</i> – 7-Day Chronic – Static Renewal – 25°C					
	Fathead Minnow – 7-Day Chronic – Static Renewal – 25°C					
Endpoint	Survival and Reproduction (<i>Ceriodaphnia dubia</i>) – IC25 reported as TUc					
	Larval Growth and Survival (Fathead Minnow) – IC25 reported as TUc					
Compliance Point	Monitoring Only					
Sample Frequency	Annual					
Test Acceptability	Test acceptability for <i>Daphnia dubia</i> chronic must have a 80% or greater survival of all control organisms and an average of 15 or more young per surviving female in the control solutions, and 60% of surviving control females must produce three broods. If this condition is not satisfied, the test must be repeated.					
	Test acceptability for <i>Pimephales promelas</i> chronic must have 80% or greater survival in controls and an average dry weight per surviving organism in control chambers equals or exceeds 0.25 mg. If this condition is not satisfied, the test must be repeated.					
Reporting Requirements	<p>The permittee shall report the following results of each toxicity test on the DMR for that reporting period:</p> <p><i>Pimephales promelas</i> (Fathead Minnow) Report the highest TU_c for Fathead minnow, Parameter No. TTP3B</p> <p><i>Ceriodaphnia dubia</i> (Water Flea) Report the highest TU_c for <i>Ceriodaphnia dubia</i>, Parameter No. TTB6C.</p>					

The chronic toxicity tests shall be conducted in general accordance with the procedures set out in the latest revision of *Short Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms*, EPA-821-R-02-013 (Fourth Ed., October 2002). Test species shall consist of freshwater fleas, (*Ceriodaphnia dubia*) and fathead minnows, (*Pimephales promelas*).

3. Reduced Monitoring For Toxicity Testing

a. Alternating Species

If the results of a minimum of four consecutive samples taken over at least a 12 month period indicate no toxicity, the permittee may request the department for a test reduction. This reduction would only be testing one species per sampling frequency. If fathead minnows are used first then the next test would be *C. dubia* or vice versa and continue alternating. The department may approve or deny the request, based on the biomonitoring results and other available information. If the request is approved, the test procedures are to be the same as outlined in 1. Acute Toxicity Testing and/or 2. Chronic Toxicity Testing.

If toxicity occurs in any single species test the provision for alternating species shall be immediately revoked and 1. Acute Toxicity Testing and/or 2. Chronic Toxicity Testing shall be followed in whole.

b. Monthly Testing

If the results of 5. Toxicity Reduction Evaluation (TRE) have been accepted by the department or a period of time has indicated no toxicity, the permittee may request the department to allow a reduction from monthly to quarterly toxicity testing for both species. The department may approve or deny the request, based on the bio-monitoring results and other available information. If the request is approved, the test procedures are to be the same as outlined in 1. Acute Toxicity Testing and/or 2. Chronic Toxicity Testing.

6. Reporting Requirements

Test results shall be submitted with the Discharge Monitoring Report (DMR) form for each reporting period. The format for the report shall be consistent with the above reference manual(s) as outlined in the section "Report Preparation and Test Review." Each lab generated report shall document the findings for each species reference toxicity testing chart.

7. Toxicity Reduction Evaluation (TRE)

If toxicity is detected, and it is determined by the department that a TRE is necessary, the permittee shall be so notified and shall initiate a TRE immediately thereafter. A TRE shall reference the latest revision of "Technical Support Document For Water Quality-based Toxics Control," EPA/505/2-90-001 – PB91-127415 (March 1991). The purpose of the TRE will be to establish the cause of the toxicity, locate the source(s) of the toxicity, and control or provide treatment for the toxicity.

If the TRE establishes that the toxicity cannot be eliminated by the current treatment system, the permittee shall submit a proposed compliance plan to the department. The plan shall include the proposed approach to control toxicity and a proposed compliance schedule for achieving control. If the approach and schedule are acceptable to the department, this permit may be reopened and modified.

If the TRE shows that the toxicity is caused by a toxicant(s) that may be controlled with specific numerical limitations or proper discharge management as approved by the department, the permittee may:

Submit an alternative control program for compliance with the numerical requirements; or

If necessary, provide a modified biomonitoring protocol which compensates for the pollutant(s) being controlled numerically.

If acceptable to the department, this permit may be reopened and modified to incorporate any additional numerical limitations, a modified compliance schedule if judged necessary by the department, and/or a modified biomonitoring protocol.

Failure to conduct an adequate TRE, or failure to submit a plan or program as described above, or the submittal of a plan or program judged inadequate by the department, shall in no way relieve the permittee from maintaining compliance with the whole effluent toxicity requirements of this permit.

II. MONITORING, RECORDING, AND REPORTING REQUIREMENTS BP 2017.08.21

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

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

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

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

B. Test Procedures

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

C. Recording of Results

Records of monitoring information shall include:

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

D. Additional Monitoring

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

E. Reporting of Monitoring Results

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

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

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

F. Records Retention

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

III. COMPLIANCE RESPONSIBILITIES

A. Duty to Comply

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

B. Proper Operation and Maintenance

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

C. Planned Changes

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

D. Duty to Provide Information

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

E. Signatory Requirements

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

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

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

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

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

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

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

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is,

to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

F. Twenty-four Hour Notice of Noncompliance Reporting

1. The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally as soon as possible, but no later than twenty-four (24) hours from the time the permittee first became aware of the circumstances. The following occurrences of noncompliance shall be included in the oral report to the department at 701.328.5210:
 - a. Any lagoon cell overflow or any unanticipated bypass which exceeds any effluent limitation in the permit under G. Bypass of Treatment Facilities;
 - b. Any upset which exceeds any effluent limitation in the permit under H. Upset Conditions; or
 - c. Violation of any daily maximum effluent or instantaneous discharge limitation for any of the pollutants listed in the permit.
2. A written submission shall also be provided within five days of the time that the permittee became aware of the circumstances. The written submission shall contain:
 - a. A description of the noncompliance and its cause;
 - b. The period of noncompliance, including exact dates and times;
 - c. The estimated time noncompliance is expected to continue if it has not been corrected; and
 - d. Steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

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

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

G. Bypass of Treatment Facilities

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

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.

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

3. Prohibition of Bypass. Bypass is prohibited, and the department may take enforcement action against a permittee for bypass, unless:
 - a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

- b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
- c. The permittee submitted notices as required under the 1. Anticipated Bypass subsection of this section.

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

H. Upset Conditions

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

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

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

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

I. Duty to Mitigate

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

J. Removed Materials

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

K. Duty to Reapply

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

IV. GENERAL PROVISIONS

A. Inspection and Entry

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

B. Availability of Reports

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

C. Transfers

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

D. New Limitations or Prohibitions

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

E. Permit Actions

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

F. Need to Halt or Reduce Activity Not a Defense

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

G. State Laws

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

H. Oil and Hazardous Substance Liability

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

I. Property Rights

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

J. Severability

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

V. INDUSTRIAL PRETREATMENT PROGRAM BP 2009.09.10
Contributing Industries and Pretreatment Program Requirements

A. Standard Requirements

Permittee shall operate an industrial pretreatment program in accordance with the following permit requirements developed pursuant to Section 402(b)(8) of the Clean Water Act, the General Pretreatment Regulations (40 CFR Part 403), and the approved pretreatment program submitted by the permittee. The approved pretreatment program, and any approved modifications thereto, is hereby incorporated by reference and shall be implemented in a manner consistent with the following requirements:

1. Industrial user information shall be updated at a minimum of once per year or at that frequency necessary to ensure that all Industrial Users are properly permitted and/or controlled. The records shall be maintained and updated as necessary;
2. The permittee shall sample and inspect each Significant Industrial User (SIU) at least once per calendar year (40 CFR Section 403.8(f)(2)(v)). This is in addition to any industrial self-monitoring activities. If the permittee performs sampling for any SIU, then the permittee shall perform any repeat sampling and analysis within 30 days of becoming aware of the violation (40 CFR Section 403.12(g)(2));
3. The permittee shall evaluate whether each SIU needs a plan to control sludge. SIUs must be evaluated within 1 year of being designated an SIU. Where needed, the permittee shall require the SIU to prepare or update, and then implement the plan. Where a slug prevention plan is required, the permittee shall ensure that the plan contains at least the minimum elements required in 40 CFR Section 403.8(f)(2)(vi). If required, the permittee shall incorporate slug control requirements into the control mechanism for the SIU. (40 CFR, Section 403.8(f)(1)(iii)(B)(6)).;
4. The permittee shall investigate instances of non-compliance with Pretreatment Standards and requirements indicated in reports and notices required under 40 CFR 403.12, or indicated by analysis, inspection, and surveillance activities.
5. The permittee shall enforce all applicable Pretreatment Standards and requirements and obtain remedies for noncompliance by any industrial user.
6. The permittee shall control, through the legal authority in the approved pretreatment program, the contribution to the Publicly Owned Treatment Works (POTW) by each industrial user to ensure compliance with applicable Pretreatment Standards and requirements. In the case of industrial users identified as significant under 40 CFR Section 403.3(v), this control shall be achieved through permit, order, or similar means and shall contain, at a minimum, the following conditions:
 - a. Statement of duration (in no case more than five (5) years);
 - b. Statement of non-transferability without, at a minimum, prior notification to the POTW and provision of a copy of the existing control mechanism to the new owner or operator.
 - c. Effluent limits based on applicable pretreatment standards, categorical pretreatment standards, local limits, and state and local law.
 - d. Self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the pollutants to be monitored, sampling location, sampling frequency, and sample type, based on the applicable general pretreatment standards in 40 CFR 403, categorical pretreatment standards, local limits, and state and local law.

a. A total hardness of the receiving stream needs to be determined every time the above parameters are tested. The hardness is used to calculate parameter criterion(s) according to the North Dakota State Water Quality Standards.

If, based upon information available to the permittee, there is reason to suspect the presence of any toxic or hazardous pollutant listed in Table V, or any other pollutant in a quantity or concentration known or suspected to adversely affect POTW operation, receiving water quality, or solids disposal procedures, analysis for those pollutants shall be performed on both the influent and the effluent as follows:

	Minimum Frequency of Monitoring
Table V Other Toxics	Conditional as specified above

1. Along with the permittee's pretreatment annual report, the permittee will submit a list of compounds included in Table V that are suspected or known to be present in its influent wastewater. This determination shall be based on a review of the permittee's pretreatment program records. The state permitting authority and/or Approval Authority may review and comment on the list and the list may be revised if, in the opinion of the state permitting authority and/or Approval Authority, the list is incomplete. The permittee will perform the analysis on the influent for the revised list of compounds for which there are acceptable testing procedures as follows:

	Minimum Frequency of Monitoring
Revised List of Compounds	0/Year

2. Where the pollutants monitored in accordance with this section are reported as being above the method detection limit, the results for these pollutants shall be reported in the permittee's pretreatment annual report, if required by EPA.

D. Sludge Sampling and Reporting Requirements

The permittee shall analyze the treatment facility sludge (biosolids) prior to disposal, for the presence of toxic pollutants listed in 40 CFR 122 Appendix D (NPDES Application Testing Requirements) Table III at least once per year. If the permittee does not dispose of biosolids during the calendar year, the permittee shall certify to that in the Pretreatment Annual Report and the monitoring requirements in this paragraph shall be suspended for that calendar year.

1. The permittee shall review the pollutants in 40 CFR Part 122, Appendix D, tables II and V. If any of the pollutants in these tables were above detection in the influent samples during the previous 2 years or the last two analyses, whichever is greater, the permittee shall sample and analyze its sewage sludge for these pollutants. The permittee shall perform this evaluation and analysis at least once per year.
2. The permittee shall use sample collection and analysis procedures as approved for use under 40 CFR Part 503 or specified in the EPA Region 8 General Permit for biosolids.
3. The permittee shall report the results for these pollutants in the permittee's pretreatment annual report, if required by EPA.

E. Sample Analysis and Sampling Procedure

All analyses shall be in accordance with procedures established in 40 CFR Part 136. Where sampling methods are not specified, the influent and effluent samples collected shall be composite samples consisting of at least twelve (12) aliquots collected at approximately equal intervals over a representative 24-hour period and composited according to flow. Where automated composite sampling is inappropriate, at least four (4) grab samples shall be manually taken at equal intervals over a

representative 24-hour period, and composited prior to analysis using approved methods; alternatively, the individual grab samples may be analyzed separately and the results from the respective grab samples mathematically combined based on flow (i.e., flow weighted) for the final result.

Additional Sampling Requirements

In addition, the following are identified as pollutants of concern by sampling and analysis of your influent, effluent and/or sludge during local limits development, other chemical monitoring, or through activities associated with or as a result of whole effluent toxicity testing. The following pollutants of concern shall be sampled and analyzed in the influent and effluent as follows:

Parameters	Minimum Frequency of Monitoring
No additional parameters have been identified at this time.	

F. Annual Reporting Requirements

The permittee shall prepare annually a list of industrial users, which during the preceding twelve (12) months have significantly violated Pretreatment Standards or requirements. This list is to be published annually in a newspaper of general circulation in the permittee's service area as required by 40 CFR Section 403.8(f)(2)(viii).

In addition, on or before March 28, the permittee shall submit a pretreatment program annual report to the Approval Authority and the state permitting authority that contains the information requested by EPA, or at a minimum the following information:

1. An updated list of all SIUs as defined at 40 CFR Section 403.3(v). For each SIU listed the following information shall be included:
 - a. All applicable Standard Industrial Classification (SIC) codes and categorical determinations, as appropriate. In addition, a brief description of the industry and general activities;
 - b. Permit status. Whether each SIU has an unexpired control mechanism and an explanation as to why any SIUs are operating without a current, unexpired control mechanism (e.g. permit);
 - c. A summary of all monitoring activities performed within the previous twelve (12) months. The following information shall be reported:

Total number of SIUs inspected; and
Total number of SIUs sampled.
2. For all industrial users that were in Significant Non-Compliance during the previous twelve (12) months, provide the name of the violating industrial user; indicate the nature of the violations, the type and number of actions taken (administrative order, criminal or civil suit, fines or penalties collected, etc.) and current compliance status. Indicate if the company returned to compliance and the date compliance was attained. Determination of Significant Non-Compliance shall be performed as defined at 40 CFR Section 403.8(f)(2)(viii)(A-H).
3. A summary of all enforcement actions not covered by the paragraph above conducted in accordance with the approved Enforcement Response Plan, as required in 40 CFR Section 403.8(f)(5).
4. A list of all SIUs whose authorization to discharge was terminated or revoked during the preceding twelve (12) month period and the reason for termination;
5. A report on any Interference, Pass Through, upset or NPDES permit violations known or suspected to be caused by non-domestic discharges of pollutant and actions taken by the permittee in response;

6. Verification of publication of industrial users in Significant Non-Compliance;
7. Identification of the specific locations, if any, designated by the permittee for receipt (discharge) of trucked or hauled waste, if modified;
8. Information as required by the Approval Authority or state permitting authority on the discharge to the POTW from the following activities:
 - a. Ground water clean-up from underground storage tanks;
 - b. Trucked or hauled waste; and,
 - c. Ground water clean-up from RCRA or Superfund sites.
9. A description of all changes made during the previous calendar year to the permittee's pretreatment program that were not submitted as substantial or non-substantial modifications to EPA.
10. The permittee shall evaluate actual pollutants loadings against the approved Maximum Allowable Headworks Loadings (MAHLs). Where the actual loading exceeds the MAHL, the permittee shall immediately begin a program to either revise the existing local limit and/or undertake such other studies as necessary to evaluate the cause(s) of the excursion. The permittee shall provide a summary of its intended action.
11. Other information that may be deemed necessary by the Approval Authority.

G. Pollutant Restrictions

The permittee shall prohibit the introduction of the following pollutants into the POTW:

1. Pollutants which create a fire or explosion hazard in the publicly owned treatment works (POTW), including, but not limit to, wastestreams with a closed cup flashpoint of less than sixty (60) degrees Centigrade (140 degrees Fahrenheit) using the test methods specified in 40 CFR Section 261.21;
2. Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.0, unless the works are specifically designed to accommodate such discharges;
3. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW, or other interference with the operation of the POTW;
4. Any pollutant, including oxygen demanding pollutants (e.g., BOD), released in a discharge at a flow rate and/or pollutant concentration which will cause Interference with the POTW;
5. Heat in amounts which will inhibit biological activity in the POTW resulting in Interference but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds forty (40) degrees Centigrade (104 degrees Fahrenheit) unless the Approval Authority, upon request of the POTW, approves alternate temperature limits;
6. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause Interference or Pass Through;
7. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
8. Any trucked or hauled pollutants, except at discharge points designated by the POTW; and,

9. Any specific pollutant that exceeds a local limitation established by the POTW in accordance with the requirements of 40 CFR Section 403.5(c) and (d).
10. Any other pollutant which may cause Pass Through or Interference.

H. Notification Requirements

The permittee shall provide the pretreatment Approval Authority with adequate notice of any substantial change in the volume or character of pollutants being introduced into the treatment works by any SIU introducing pollutants into the treatment works at the time of application for the discharge permit. For the purposes of this section, "substantial change" shall mean a level of change which has a reasonable probability of affecting the permittee's ability to comply with its permit conditions or to cause a violation of stream standards applied to the receiving water.

Adequate notice shall include information on: (1) the quality and quantity of effluent to be introduced into the treatment works, and (2) any anticipated impact of the change on the quality or quantity of effluent to be discharged from the POTW.

I. Enforcement Actions

Section 309(f) of the Act provides that EPA may issue a notice to the POTW stating that a determination has been made that appropriate enforcement action must be taken against an industrial user for noncompliance with any Pretreatment Standards and requirements. The notice provides the POTW with thirty (30) days to commence such action. The issuance of such permit notice shall not be construed to limit the authority of the permit issuing authority or Approval Authority.

J. Enforcement Authority

The state permitting authority and/or the EPA retains, at all times, the right to take legal action against the industrial contributor for violations of a permit issued by the permittee, violations of any Pretreatment Standard or requirement, or for failure to discharge at an acceptable level under national standards issued by EPA under 40 CFR, chapter I, subchapter N. In those cases where a NPDES permit violation has occurred because of the failure of the permittee to properly develop and enforce Pretreatment Standards and requirements as necessary to protect the POTW, the state permitting authority and/or Approval Authority shall hold the permittee responsible and may take legal action against the permittee as well as the Indirect Discharger(s) contributing to the permit violation.