

Permit No.: SD0020613

**SOUTH DAKOTA DEPARTMENT OF ENVIRONMENT  
AND NATURAL RESOURCES**

**Surface Water Discharge Permit  
Authorizing Discharge  
Under The South Dakota Surface Water Discharge System**

In compliance with the provisions of the South Dakota Water Pollution Control Act and the Administrative Rules of South Dakota, Article 74:52,

*the City of Howard*

is authorized under this permit to discharge to

*the West Fork Vermillion River*

from its wastewater treatment facility located on the south end of the city in the south ½ of Section 11, Township 106 North, Range 56 West, in Miner County, South Dakota (Latitude 43.998748, Longitude -97.521187), in accordance with discharge points, effluent limits, monitoring requirements, and other conditions set forth herein. Authorization is limited to those outfalls specifically listed in the permit. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the South Dakota Water Pollution Control Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

This permit shall become effective February 1, 2014.

This permit and the authorization to discharge shall expire at midnight, December 31, 2018.

Signed this day 31<sup>st</sup> day of January, 2014



Authorized Permitting Official

**Steven M. Pirner**  
Secretary  
Department of Environment and Natural Resources

Amended: 03/07/2016  
Effective:

## TABLE OF CONTENTS

<b>1.0</b>	<b>DEFINITIONS .....</b>	<b>4</b>
<b>2.0</b>	<b>PERMIT COVERAGE .....</b>	<b>7</b>
2.1	PERMIT TRANSFERS .....	7
2.2	REOPENER PROVISIONS.....	7
2.3	DUTY TO REAPPLY.....	8
2.4	CONTINUATION OF THE EXPIRED PERMIT.....	8
2.5	PROPERTY RIGHTS .....	8
2.6	PERMIT ACTIONS .....	9
2.7	SEVERABILITY .....	9
<b>3.0</b>	<b>EFFLUENT LIMITS.....</b>	<b>9</b>
3.1	DESCRIPTION OF DISCHARGE POINTS.....	9
3.2	PROHIBITION OF BYPASS, EMERGENCY DISCHARGES, AND SSOs.....	9
3.3	PROPER OPERATION AND MAINTENANCE .....	10
3.4	INSPECTION REQUIREMENTS .....	10
3.5	COMPLIANCE SCHEDULE .....	12
3.6	EFFLUENT LIMITS AND SELF-MONITORING REQUIREMENTS – <i>OUTFALL 001</i> .....	12
3.7	SELF-MONITORING REQUIREMENTS – <i>SANITARY SEWER OVERFLOWS AND EMERGENCY DISCHARGES</i> .....	15
3.8	MONITORING PROCEDURES.....	16
3.9	ADDITIONAL MONITORING BY THE PERMITTEE .....	16
3.10	CAPACITY, MANAGEMENT, OPERATION, AND MAINTENANCE PROGRAM .....	16
<b>4.0</b>	<b>REPORTING &amp; RECORD KEEPING REQUIREMENTS .....</b>	<b>17</b>
4.1	REPORTING OF MONITORING RESULTS .....	17
4.2	EFFLUENT VIOLATION, BYPASS, EMERGENCY DISCHARGE, AND SSO REPORTING REQUIREMENTS.....	17
4.3	RECORDS CONTENTS .....	19
4.4	SIGNATORY REQUIREMENTS .....	19
4.5	RETENTION OF RECORDS .....	20
4.6	AVAILABILITY OF REPORTS .....	21
4.7	DUTY TO PROVIDE INFORMATION.....	21
4.8	PLANNED CHANGES .....	21
<b>5.0</b>	<b>COMPLIANCE REQUIREMENTS.....</b>	<b>21</b>
5.1	DUTY TO COMPLY.....	21
5.2	DUTY TO MITIGATE .....	21
5.3	NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE.....	21
5.4	UPSET CONDITIONS.....	22
5.5	PENALTIES FOR VIOLATIONS OF PERMIT CONDITIONS .....	22
5.6	PENALTIES FOR FALSIFICATION OF REPORTS .....	22
5.7	OIL AND HAZARDOUS SUBSTANCE LIABILITY .....	23

- 6.0 INDUSTRIAL WASTES .....23**
  - 6.1 INDUSTRIAL USERS ..... 23
  - 6.2 PROHIBITED DISCHARGES ..... 23
  - 6.3 CATEGORICAL STANDARDS ..... 24
  - 6.4 LEGAL ACTION ..... 24
- 7.0 ADDITIONAL PERMIT CONDITIONS.....24**
  - 7.1 INSPECTION AND ENTRY ..... 24
  - 7.2 REMOVED SUBSTANCES ..... 25

**APPENDIX A – Emergency Discharge and SSO Reporting Form**

Amended: 03/07/2016 Effective:
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3. The permittee shall maintain the notebook(s) for the facility and each lift station in accordance with proper record-keeping procedures and shall make the notebook(s) available for inspection, upon request, by the Secretary or the US EPA.

### 3.5 Compliance Schedule

1. The permittee shall achieve compliance with the ammonia-nitrogen effluent limits specified for discharges from **Outfall 001** in accordance with the following schedule:
  - a. Effective immediately, ammonia-nitrogen shall be monitored during a discharge, according to the sampling requirements in **Section 3.6 – Effluent Limits and Self-Monitoring Requirements – Outfall 001**. There shall be no ammonia-nitrogen limit.
  - b. Starting **January 1, 2017**, the facility shall submit quarterly progress reports identifying how the permittee will meet the ammonia-nitrogen limits. The quarterly progress reports shall identify any necessary upgrades or changes to the current operation, and how these upgrades or changes will be implemented.
  - c. By **December 31, 2017**, the facility shall complete any necessary adjustments to the wastewater treatment processes to comply with the effluent limits for ammonia-nitrogen.
  - d. On **January 1, 2018**, the effluent limits for ammonia-nitrogen in **Section 3.6** shall become effective.
2. The milestones must be completed by the date specified. The permittee shall submit to the SDDENR a written notice of compliance or noncompliance with each milestone by the date specified above. If the permittee is not in compliance with the milestone, the notice shall include the cause of any noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirement.

### 3.6 Effluent Limits and Self-Monitoring Requirements – *Outfall 001*

Upon the effective date of this permit and lasting through the life of the permit, the quality of effluent discharged by the facility shall, as a minimum, be monitored and meet the effluent limits as set forth in the following table. The permittee shall report the monitoring results in accordance with **Section 4.1 – Reporting of Monitoring Results**.

Effluent Parameter	Effluent Limit and Reporting Values			Monitoring Requirements	
	30-Day Average <sup>1</sup>	7-Day Average <sup>1</sup>	Daily Maximum <sup>1</sup>	Frequency	Sample Type
Five-Day Biochemical Oxygen Demand (BOD <sub>5</sub> )	30 mg/L	45 mg/L	--	At least three per discharge <sup>2</sup>	Grab
Total Suspended Solids (TSS) <sup>3</sup>	110 mg/L	165 mg/L	--	At least three per discharge <sup>2</sup>	Grab
Ammonia-Nitrogen (as N) <sup>7</sup>	--	--	10.1 mg/L	At least three per discharge <sup>2, 6</sup>	Grab
pH	The pH of the discharge shall not be less than 6.0 standard units or greater than 9.0 standard units in any sample.			At least three per discharge <sup>2</sup>	Instantaneous <sup>3</sup>
Water Temperature <sup>4</sup>	Report, °C	--	Report, °C	At least three per discharge <sup>2</sup>	Instantaneous <sup>5</sup>
Flow Rate <sup>4</sup>	Report, MGD	--	Report, MGD	At least three per discharge <sup>2</sup>	Instantaneous
Receiving Stream Flow <sup>4</sup>	--	--	Report Presence or Absence	At least three per discharge <sup>2</sup>	Visual
Duration of Discharge <sup>4</sup>	Report Monthly Total, Days			Monthly	Calculate
Total Flow <sup>4</sup>	Report Monthly Total, million gallons			Monthly	Calculate
No chemicals, such as chlorine, shall be used without prior written permission from the Secretary.					

<sup>1</sup> See Definitions.

<sup>2</sup> A minimum of three samples shall be taken during any discharge. A sample shall be taken at the beginning, middle, and end of the discharge if the discharge is less than one week in duration. If a single, continuous discharge is greater than one week in duration, three samples shall be taken the first week and one each following week. All of the samples collected during the 7-day or 30-day period are to be used in determining the averages. The permittee always has the option of collecting additional samples if appropriate.

<sup>3</sup> The pH shall be taken within 15 minutes of sample collection with a pH meter. The pH meter must be capable of simultaneous calibration to two points on the pH scale that bracket the expected pH and are approximately three standard units apart. The pH meter must read to 0.01 standard units and be equipped with temperature compensation adjustment. Readings shall be reported to the nearest 0.1 standard units.

<sup>4</sup> This parameter shall be monitored and reported, but does not have an effluent limit associated with it.

Amended: 03/07/2016 Effective:
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- <sup>5</sup> The water temperature of the effluent shall be taken as a field measurement. Measurement shall be made with a mercury-filled, or dial-type thermometer, or a thermistor. Readings shall be reported to the nearest whole degree Celsius.
- <sup>6</sup> The pH and temperature of the effluent shall be determined when the ammonia samples are collected.
- <sup>7</sup> This limit shall become effective **January 1, 2018**. Effective immediately and lasting until **January 1, 2018**, monitoring for this parameter shall be conducted as specified in the table.

### 3.7 Self-Monitoring Requirements – Sanitary Sewer Overflows and Emergency Discharges

All sanitary sewer overflows and emergency discharges shall be monitored for the following parameters at the frequency and with the type of measurement indicated. Promptly upon discovery of an emergency discharge or sanitary sewer overflow, the discharge shall be monitored as shown below. Knowingly discharging or failing to report a discharge within a reasonable time from the permittee first learning of a discharge could subject the permittee to penalties as provided under the South Dakota Water Pollution Control Act. The permittee shall report the monitoring results in accordance with **Section 4.1 – Reporting of Monitoring Results.**

Effluent Parameter	Frequency	Reporting Values <sup>1</sup>	Sample Type <sup>1</sup>
Duration of Discharge, days	Monthly	Event Total <sup>2</sup>	Calculate
Total Flow, million gallons	Monthly	Event Total	Calculate
Flow Rate, MGD	At least three per discharge <sup>3</sup>	Actual Values	Instantaneous
pH, standard units	At least three per discharge <sup>3</sup>	Actual Values	Instantaneous <sup>4, 6</sup>
Water Temperature, °C	At least three per discharge <sup>3</sup>	Actual Values	Instantaneous <sup>5, 6</sup>
Five-Day Biochemical Oxygen Demand (BOD <sub>5</sub> ), mg/L	At least three per discharge <sup>3</sup>	Actual Values	Grab
Total Suspended Solids (TSS), mg/L	At least three per discharge <sup>3</sup>	Actual Values	Grab
Ammonia-Nitrogen (as N), mg/L	At least three per discharge <sup>3</sup>	Actual Values	Grab <sup>6</sup>
<i>E. coli</i> , no./100 mL	At least three per discharge <sup>3</sup>	Actual Values	Grab

<sup>1</sup> See Definitions.

<sup>2</sup> The date and time of the start and termination of each discharge shall also be reported.

<sup>3</sup> A minimum of three samples shall be taken during any discharge. A sample shall be taken at the beginning, middle, and end of the discharge if the discharge is less than one week in duration. If a single, continuous discharge is greater than one week in duration, three samples shall be taken the first week and one each following week. All of the samples collected during the 7-day or 30-day period are to be used in determining the averages. The permittee always has the option of collecting additional samples if appropriate.

<sup>4</sup> The pH shall be taken within 15 minutes of sample collection with a pH meter. The pH meter must be capable of simultaneous calibration to two points on the pH scale that bracket the expected pH and are approximately three standard units apart. The pH meter must read to 0.01 standard units and be equipped with temperature compensation adjustment. Readings shall be reported to the nearest 0.1 standard units.

<sup>5</sup> The water temperature of the effluent shall be taken as a field measurement. Measurement shall be made with a mercury-filled, or dial type thermometer, or a thermistor. Readings shall be reported to the nearest whole degree Celsius.

### **3.8 Monitoring Procedures**

1. Effluent samples taken in compliance with the monitoring requirements established under this permit shall be collected prior to discharge into the receiving waters. Samples and measurements shall be representative of the volume and nature of the monitored discharge.
2. Monitoring shall be conducted according to test procedures approved under ARSD Section 74:52:03:06 (a.b.r. 40 CFR, Part 136), unless other test procedures have been specified in this permit or approved by the Secretary.

### **3.9 Additional Monitoring by the Permittee**

If the permittee monitors any pollutant more frequently than required by this permit at the designated points, using test procedures approved under ARSD Section 74:52:03:06 (a.b.r. 40 CFR 136) or as specified in this permit, the results of this monitoring shall be used in determining compliance with this permit and reported to SDDENR.

### **3.10 Capacity, Management, Operation, and Maintenance Program**

In the event that the Secretary notifies the permittee of the need to develop a capacity, management, operation, and maintenance program in order to address, reduce, or eliminate the frequency of sanitary sewer overflows or emergency discharges, the permittee shall develop and submit the program to the Secretary. The program shall, at a minimum, address the following areas:

1. Sewer management program: This program includes personnel organizational structure, training, communication information systems, noncompliance notification program, and other appropriate items;
2. Collection system operation program: This program includes operational budgeting, monitoring, safety, emergency preparedness and response, pump stations, operational recordkeeping, and other appropriate items;
3. Collection system maintenance program: This program includes maintenance budgeting, planned and unplanned maintenance; sewer cleaning; maintenance recordkeeping, parts and equipment inventory, and other appropriate items; and
4. Sewer system capacity evaluation: The capacity evaluation includes the following:
  - a. System inventory (sewer locations, sizes, slopes, materials, age, condition, etc.);
  - b. Identification of problem areas (overflows, surcharged lines, basement backups, etc.);
  - c. Capacity evaluation of problem areas (utilizing flow and precipitation records, infiltration and inflow investigation, manhole and pipe inspections and televising, smoke and dye testing, and building inspections); and

- d. Sewer rehabilitation recommendations.
5. Timelines: This program shall identify timelines and specific dates for completing any identified changes or improvements.
6. SDDENR Approval: The permittee shall submit the program to SDDENR for approval. Upon approval, the permittee shall implement the program.

## **4.0 REPORTING & RECORD KEEPING REQUIREMENTS**

### **4.1 Reporting of Monitoring Results**

1. Effluent monitoring results obtained from the outfalls during the previous three months shall be summarized for each month, reported on separate Discharge Monitoring Report Forms (as defined in **Section 1.0 - Definitions**), and submitted to SDDENR on at least a **monthly** basis.
2. Effluent results obtained from all other sources shall be reported on Emergency Discharge and SSO Reporting Summary Forms in Appendix A.
3. Legible copies of these, and all other reports required herein, shall be signed and certified in accordance with **Section 4.4 – Signatory Requirements** and submitted to the Secretary at the following address:

South Dakota Department of Environment and Natural Resources  
Surface Water Quality Program  
Joe Foss Building  
523 East Capitol  
Pierre, SD 57501-3182

4. All reports must be submitted no later than the 28<sup>th</sup> day of the month following the completed reporting period. If no discharge occurs during the reporting period, “no discharge” shall be reported on the Discharge Monitoring Report.
5. In accordance with SDCL 1-40-39, the Secretary is authorized to accept a document with an electronic signature. SDDENR shall provide for the authenticity of each electronic signature by adhering to any standards established by the South Dakota Bureau of Information and Telecommunications pursuant to SDCL 53-12-47 and 53-12-50 or any other standards established by rules promulgated pursuant to SDCL Chapter 1-26.

### **4.2 Effluent Violation, Bypass, Emergency Discharge, and SSO Reporting Requirements**

1. The permittee shall report any effluent violation, bypass, emergency discharge, or sanitary sewer overflows (SSOs) related to this permit or permitted facility that may endanger health or the environment as soon as possible, but no later than 24 hours after becoming aware of the circumstances as follows:
  - a. During regular business hours (8:00 a.m. - 5:00 p.m. Central Time), the

Amended: 03/07/2016 Effective:
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- report shall be made at (605) 773-3351.
- b. Outside of normal business hours, the permittee shall contact the South Dakota Emergency Management at (605) 773-3231.
2. Effluent violations, bypass, sanitary sewer overflows, and emergency discharges that do not meet the conditions above shall be reported to the Secretary within 24 hours from the time the permittee becomes aware of the circumstances as follows:
    - a. During regular business hours (8:00 a.m. - 5:00 p.m. Central Time), the report shall be made at (605) 773-3351.
    - b. Outside of normal business hours, the permittee shall leave a message at 1-800-GET-DENR (1-800-438-3367).
  3. The permittee shall submit notice of bypass as follows:
    - a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice to the Secretary at least 10 days before the date of the bypass.
    - b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass to the secretary at (605) 773-3351 by the first workday (8:00 a.m. – 5:00 p.m. Central Time) following the day the permittee became aware of the circumstances.
  4. The Secretary may require the permittee to notify the general public or downstream users that could be or will be impacted by the effluent violation, bypass, emergency discharge, or SSO.
    - a. In making the decision to require public notification, the Secretary will consider the potential impacts as a result of the effluent violation, bypass, emergency discharge, or SSO, the downstream beneficial uses (such as drinking water or recreation), and the potential for public contact.
    - b. If required by the Secretary, the permittee shall notify the public and/or downstream users as soon as possible, but in no case more than 24 hours after the effluent violation, bypass, emergency discharge, or SSO begins.
  5. In addition to verbal notification, the permittee shall submit a written report of the circumstances regarding the effluent violation, bypass, sanitary sewer overflow, or emergency discharge to the Secretary. The permittee shall use the Emergency Discharge and SSO Reporting Summary Form in Appendix A to report an emergency discharge or SSO. Effluent violations shall be reported on the Discharge Monitoring Report forms required in **Section 4.1 – Reporting of Monitoring Results**.
    - a. Reports shall be submitted in accordance with **Section 4.1 – Reporting of Monitoring Results**.
    - b. The written submission shall contain:
      - i. A description of the event and its cause;

Amended: 03/07/2016 Effective:
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- ii. The period of the event, including exact dates and times;
  - iii. Where the wastewater was discharged;
  - iv. The estimated time the event is expected to continue if it has not been corrected;
  - v. Any adverse effects, such as fish kills;
  - vi. If public notification was required, describe how the public was notified of the discharge; and
  - vii. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the event.
6. The written report shall be submitted by the 28<sup>th</sup> day of the following month. The Secretary may require a written report to be submitted sooner or may require additional information if the discharge has the potential to impact human health or the environment.

#### **4.3 Records Contents**

Records of monitoring information shall include:

1. The date, exact place, and time of sampling or measurements;
2. The initials or names of the individuals who performed the sampling or measurements;
3. The dates analyses were performed;
4. The time analyses were initiated;
5. The initials or names of individuals who performed the analyses;
6. References and written procedures, when available, for the analytical techniques or methods used; and,
7. The results of such analyses, including the bench sheets, instrument readouts, computer disks or tapes, etc., used to determine these results.

#### **4.4 Signatory Requirements**

1. All permit applications, reports or information submitted to the Secretary shall be signed and certified by either a principal executive officer or ranking elected official.
2. All reports required by the permit and other information requested by the Secretary shall be signed by a person described in Paragraph 1 of this section or by a duly authorized representative of that person. A person is a duly authorized representative only if:
  - a. The authorization is made in writing by a person described above and submitted to the Secretary; and,

Amended: 03/07/2016 Effective:
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- b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of superintendent or equivalent responsibility, or an individual or position having overall responsibility for environmental matters. A duly authorized representative may be either a named individual or any individual occupying a named position.
3. If an authorization under Paragraph 2 a. above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization must be submitted to the Secretary.
4. Any person signing a document under this section shall include 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.*

#### **4.5 Retention of Records**

1. The permittee shall retain records of all monitoring information and other data required by this permit. This includes:
  - a. Data collected on site;
  - b. Copies of all Discharge Monitoring Report Forms;
  - c. A copy of the permit;
  - d. All calibration and maintenance records;
  - e. All original strip chart recordings for continuous monitoring instrumentation;
  - f. Copies of all other reports required by this permit; and
  - g. Records of all data used to complete the application for this permit.
2. This information must be retained for a period of at least **three years** from the date of the sample, measurement, report, or application. This period may be extended by request of the Secretary at any time. Data collected on site, copies of Discharge Monitoring Reports, and a copy of this permit must be maintained on site during the duration of the permitted activity.

#### **4.6 Availability of Reports**

Except for data determined to be confidential under ARSD Section 74:52:02:17, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the office of SDDENR. The name and address of the permittee, permit applications, permits, and effluent data shall not be considered confidential.

#### **4.7 Duty to Provide Information**

1. The permittee shall furnish to the Secretary, within a reasonable time, any information the Secretary 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 Secretary, upon request, copies of records required to be kept by this permit.
2. If the permittee becomes aware that it failed to submit any relevant facts in a permit application form, or submitted incorrect information in a permit application form or any report to the Secretary, it shall promptly submit such facts or information.

#### **4.8 Planned Changes**

The permittee shall give notice to the Secretary as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when the alteration or addition could significantly change the nature or increase the quantity of pollutant discharged, or could result in noncompliance with permit conditions. This notification also applies to pollutants that are not subject to effluent limits or other notification requirements in this permit.

### **5.0 COMPLIANCE REQUIREMENTS**

#### **5.1 Duty to Comply**

The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the South Dakota Water Pollution Control Act and the federal Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application (a violation of a condition of this permit is subject to SDCL Section 34A-2-75).

#### **5.2 Duty to Mitigate**

The permittee shall take all reasonable steps to minimize or prevent any wastewater discharge and/or sludge disposal or reuse in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

#### **5.3 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.

Amended: 03/07/2016 Effective:
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## 5.4 Upset Conditions

1. An upset constitutes an affirmative defense to an action brought for noncompliance with technology based permit effluent limits if the requirements of Paragraph 2 of this section 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 (i.e., Permittees will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with technology-based permit effluent limits).
2. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - a. An upset occurred and the permittee can identify the cause(s) of the upset;
  - b. The permitted facility was at the time being properly operated;
  - c. The permittee submitted notice of the upset as required under **Section 4.2 – Effluent Violation, Bypass, Emergency Discharge, and SSO Reporting Requirements**; and,
  - d. The permittee complied with mitigation measures required under **Section 5.2 – Duty to Mitigate**.
3. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

## 5.5 Penalties for Violations of Permit Conditions

Any person who violates a permit condition is in violation of the provisions of SDCL 34A-2-36, and is subject to penalties under SDCL 34A-2-75. In addition to a jail sentence authorized by SDCL 22-6-2, such violators are subject to a criminal fine not to exceed ten thousand dollars per day of violation. The violator is also subject to a civil penalty not to exceed ten thousand dollars per day of violation, or for damages to the environment of this state. Except as provided in **Section 5.4 – Upset Conditions**, nothing in this permit shall be construed to relieve the permittee of the civil or criminal penalties for noncompliance.

## 5.6 Penalties for Falsification of Reports

1. Any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance, is in violation of the provisions of SDCL 34A-2-77, and is subject to penalties under SDCL 34A-2-75.
2. Any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit is in violation of the provisions of SDCL 34A-2-77, and is subject to penalties under SDCL 34A-2-75.

Amended: 03/07/2016 Effective:
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3. In addition to a jail sentence authorized by SDCL 22-6-2, such violators are subject to a criminal fine not to exceed ten thousand dollars per day of violation. The violator is also subject to a civil penalty not to exceed ten thousand dollars per day of violation, or for damages to the environment of this state.

### **5.7 Oil and Hazardous Substance Liability**

Nothing in this permit shall be construed to preclude SDDENR from taking any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to that the permittee is or may be subject under Section 311 of the Federal Clean Water Act.

## **6.0 INDUSTRIAL WASTES**

### **6.1 Industrial Users**

1. The Permittee has the responsibility to protect the Publicly Owned Treatment Works (POTW) from pollutants which would inhibit, interfere, or otherwise be incompatible with operation of the treatment works including interference with the use or disposal of municipal sludge.
2. During the life of the permit, the permittee shall conduct an industrial waste survey to identify the character and volume of pollutants from each significant industrial user, as well as documenting production data. The permittee shall notify the Secretary of any new introductions by new or existing industrial users or any substantial change in pollutants from any industrial user. Such notice must contain the information described in Paragraph 3 below and be submitted to the Secretary no later than 60 days following the introduction or change.
3. The permittee shall provide adequate notice to the Secretary of any substantial change in the volume or character of pollutants being introduced into the POTW by any other industrial users. For the purposes of this section, adequate notice shall include information on:
  - a. The quality and quantity of effluent to be introduced into the POTW; and,
  - b. Any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

### **6.2 Prohibited Discharges**

Under no circumstances shall the permittee allow the introduction of the following pollutants to the POTW from any source of nondomestic discharge:

1. Pollutants that create a fire or explosion hazard in the publicly owned treatment works, including but not limited to waste streams with a closed cup flashpoint of less than 60 degrees Celsius (140 degrees Fahrenheit) using the test methods specified in ARSD Section 74:28:22:01 (a.b.r. 40 CFR 261.21);

Amended: 03/07/2016 Effective:
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2. Pollutants that will cause corrosive structural damage to the Publicly owned treatment works (POTW), but in no case discharges with pH lower than 5.0 standard units nor greater than 12.5 standard units;
3. Solid or viscous pollutants in amounts that 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 that will cause interference with the POTW;
5. Heat in amounts that 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 40 degrees Celsius (104 degrees Fahrenheit);
6. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;
7. Pollutants that 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 pollutant that causes pass through or interference.

### **6.3 Categorical Standards**

In addition to the general limits expressed above, more specific pretreatment limits have been promulgated for specific industrial categories under Section 307 of the Act (see ARSD, Chapter 74:52:10, a.b.r. 40 CFR Subchapter N, Parts 405 through 471, for specific information).

### **6.4 Legal Action**

The Secretary retains the right to take legal action against the industrial user and/or the permittee, in those cases where a permit violation has occurred because of the failure of an industrial user to discharge at an acceptable level.

## **7.0 ADDITIONAL PERMIT CONDITIONS**

### **7.1 Inspection and Entry**

The permittee shall allow the Secretary or EPA, upon the presentation of credentials and other documents as may be required by law, to:

1. Enter the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

Amended: 03/07/2016 Effective:
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2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and,
4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the South Dakota Water Pollution Control Act, any substances or parameters at any location.

## **7.2 Removed Substances**

1. Collected screenings, grit, solids, sludges, or other pollutants removed in the course of treatment shall be disposed of in such a manner so as to prevent any pollutant from entering any waters of the state or creating a health hazard in accordance with applicable requirements of SDCL 34A-2, -6, and -11.
2. If sludge disposal is necessary, the permittee shall submit to the Secretary a sludge disposal plan for review and approval prior to the removal and disposal of sludge. The permittee shall not dispose of sludge without the Secretary's approval.

**ANALYTICAL RESULTS**

Parameter	Sample 1	Sample 2	Sample 3	Sample 4	Sample 5	Sample 6	Sample 7
Date and time of sample							
Flow Rate, million gallons per day							
pH, standard units							
Water Temperature, °C							
<i>Escherichia Coli</i> , no./100 mL							
Total Suspended Solids (TSS), mg/L							
Five-Day Biochemical Oxygen Demand (BOD <sub>5</sub> ), mg/L							
Ammonia-Nitrogen (as N), mg/L							

*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.*

Name (print): \_\_\_\_\_

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_