

ADDENDUM #1

Permit Number: SDG920000

Permit Type: General Permit to discharge under the South Dakota Surface Water Discharge System for Wastewater Treatment Facilities Discharging to waterbodies with only the (9) Fish and Wildlife Propagation, Recreation, and Stock Watering Waters, or only the (9) Fish and Wildlife Propagation, Recreation, and Stock Watering Waters and (10) Irrigation beneficial uses.

DESCRIPTION OF ADDENDUM

During the 30-day public notice period, the South Dakota Department of Environment and Natural Resources (SDDENR) received comments regarding this general permit. The Administrative Rules of South Dakota (ARSD) Section 74:52:05:20 states the following:

***Response to comments.** At the time that any final permit is issued, the secretary shall issue a response to all written comments received during the period of public notice.*

This addendum will provide SDDENR's response to the comments received, along with detailing any changes made to the permit as a result of the comments.

U.S. FISH AND WILDLIFE SERVICE

U.S. Fish and Wildlife Service (Service) submitted comments regarding some issues with the proposed general permit in a letter dated June 26, 2015. The full text of that letter is included in Attachment A to this addendum.

Topeka Shiner

The Service expressed the following concerns regarding the discharges authorized by this general permit and their effects on Topeka shiners and other endangered species:

Currently there are no ammonia water quality standard based protections for Topeka shiners in streams with beneficial uses of only (9) or (10) except for those in existing individual NPDES permits that include limitations for ammonia discharges (such as timing of discharges and end-of-pipe effluent limits). The proposed general permit would not appear to maintain any such tailored protections for rare or imperiled wildlife that can be specified in individual permits. Furthermore, without individual permits it is unclear what mechanism would be available for the South Dakota Game, Fish and Parks (SDGFP) or the Service to evaluate point source discharges in a site specific basis.

The Service makes the following recommendations to address these concerns:

- *Under section 2.3 “Limitations on Coverage” we recommend that an additional exclusion be included for Facilities with a discharge that may affect rare, threatened or endangered species or their habitat. Such species effect determinations should be based on consultation with SDGFP and the Service and be based on occurrence records or other survey information that these agencies maintain including the South Dakota Natural Heritage Program.*

The Service has commented on previous permits offered for public comment with similar concerns about the protection of endangered species. At the Service’s recommendation, SDDENR has been coordinating with the South Dakota Department of Game, Fish and Parks to determine if proposed discharges may affect endangered species. Game, Fish and Parks has provided SDDENR with a map showing the habitat and documented occurrences of rare fish. SDDENR uses this map as a resource when determining if Topeka shiners could be present in a discharger’s receiving stream.

To address the Service’s concerns, SDDENR has revised its approach to developing ammonia limits where Topeka shiners are present in a discharger’s receiving stream. Under these circumstances, SDDENR now requires dischargers to meet acute ammonia limits at the end-of-pipe. SDDENR agrees these limits are necessary to protect Topeka shiners.

As noted in Section 2.3 “Limitations on Coverage,” facilities will not be eligible for coverage under this general permit if the facility is required to monitor for or have limits for parameters not included in this permit. Therefore, SDDENR will not cover any facility that needs ammonia limits to protect the receiving stream.

SDDENR will modify Section 2.3 to clearly state that SDDENR will deny coverage if a discharge has a reasonable potential to impact endangered species. SDDENR will also modify Section 2.8 to require a facility to obtain an individual permit if there is a reasonable potential to impact endangered species in the receiving stream and the limits contained in the general permit are not sufficient to protect the endangered species.

- *The proposed general permit has monitoring requirements for ammonia but no ammonia based effluent limits. We recommend that the general permit includes effluent limits for ammonia to protect aquatic life in the receiving streams.*

As noted above, SDDENR will not provide coverage under this permit if ammonia limits are necessary and will instead require an individual permit. Therefore, ammonia limits will not be included in the general permit.

- *It remains unclear why DENR or USEPA no longer allows the automatic assignment of a (6) beneficial use to protect Topeka shiners from ammonia. Further explanation would assist our understanding of this subject.*

The federal Clean Water Act set a goal for all waters in the United States to be fishable and swimmable. The Act also required states to assign beneficial uses and water quality criteria to reach this goal. South Dakota has assigned 6 different beneficial uses for fish life propagation to represent the wide range of waterbodies in the state. EPA has stated only two of these fish life propagation uses in South Dakota meet the “fishable” use specified in Section 101(a)(2) of the Act – (2) coldwater fish life propagation waters and (4) warmwater permanent fish life propagation waters.

South Dakota’s other subcategories of fish life propagation use, such as (6) warmwater marginal fish life propagation waters, are not recognized by EPA as a full fishable use under the Clean Water Act. Therefore, 40 CFR 131.10(j) requires SDDENR to conduct a Use Attainability Analysis (UAA) to support the assignment of these subcategories of uses. In the past, EPA allowed a few waterbodies to be reclassified to (6) without a UAA. However, EPA will no longer approve this approach. Until UAAs are completed for waters that are not assigned either a (2) or (4), EPA will not approve the assignment of these subcategories of fish life propagation uses.

- *Section 2.4 of the draft permit should be changed to not allow for indefinite continued coverage of a permittee under an expired general permit. Based on our experience with the general permit for Concentrated Animal Feeding Operations, which expired in 2008, we do not expect this general permit would be open for comment every 5 years. We recommend that this general permit should only be valid if it is open for review by DENR at least once every 5 years.*

Both federal regulations (40 CFR 122.6) and state rules (ARSD Section 74:52:01:12) allow an expired permit to remain in effect until a new permit is issued if the permittee submits a timely application for renewal. SDDENR strives to reissue its permits within 5 years to prevent backlogged permits. However, due to workloads and priorities, some permits do expire before SDDENR is able to complete the reissuance.

In fact, that is precisely the reason SDDENR uses general permits for similar facilities, such as this general permit. General permits are a tool that allows SDDENR to streamline its workload and better focus its priorities. Including a provision to invalidate this permit after 5 years could leave facilities without permit coverage. Therefore, SDDENR will not include that recommendation in the final permit. However, SDDENR will not cover additional facilities under the general permit once it has expired.

- *DENR should maintain online public access to a current list of all facilities, DMRs and outfall locations that are covered under the proposed general permit. Understanding what point source discharges occur in a stream segment would help with future site specific water quality and aquatic life assessments.*

SDDENR tracks permit data using EPA’s Integrated Compliance Information System (ICIS). As facilities are covered under this general permit, their information will be entered into ICIS. EPA has a website called Enforcement Compliance History Online (ECHO) that accesses the information in ICIS. This website is available for public access at <http://echo.epa.gov>. The requested information is available at this website for all of our surface water discharge permits, including the facilities that will be covered under this general permit once it is issued.

- *We recommend ongoing coordination with the SDDENR, the SDDGFP, the USEPA, and the Service to further evaluate solutions to address the concerns identified above. We also respectfully request that the SDDENR delay reissuance of the subject general NPDES permit until the USEPA has coordinated with the Service in accordance with the Clean Water Act and Endangered Species Act Memorandum of Agreement [66 FR 11202-11217 (February 22, 2001)].*

SDDENR will continue to coordinate with these agencies to ensure the protection of Topeka shiners and the water quality of receiving streams. SDDENR currently intends to cover the following facilities that meet the eligibility requirements under this general permit:

<u>Facility</u>	<u>Receiving Stream</u>
Town of Cavour	Unnamed wetland
Town of Claremont	Unnamed wetland
Town of Eden	Unnamed wetland
Town of Gayville	Unnamed tributary to Yankton-Clay Creek
Town of Glenham	Unnamed tributary of Blue Blanket Creek
Town of Hitchcock	Unnamed wetland
City of Iroquois	South Fork Pearl Creek
City of Kadoka	East Creek
Town of Letcher	Unnamed wetland
Town of Mission Hill	Unnamed tributary of Missouri River
City of Tea	Nine Mile Creek
City of Woonsocket	County Ditch #7

SDDENR will be adding additional facilities to this general permit as their current permits expire if they are eligible to be covered under this general permit. SDDENR will inform the Service prior to issuing coverage to additional facilities.

MODIFICATION OF EFFLUENT LIMITS

Based on the comments received above, SDDENR is proposing the following changes to the general permit. These changes represent a minor modification from the originally public noticed permit and will not be offered for public comment.

2.3 Limitations on Coverage

Facilities will not be eligible for coverage under this general permit if:

1. The discharge reaches a water body that has been assigned a beneficial use other than (9) fish and wildlife propagation, recreation and stock watering, and/or (10) irrigation (ARSD Chapter 74:51:01); or
2. The facility primarily treats industrial waste; or
3. The facility is identified as a Major; or
4. The facility has been assigned a waste load allocation from an EPA-approved Total Maximum Daily Load; or
5. Whole effluent toxicity is detected in the discharge;
6. The facility is required to monitor for or have limits for parameters not included in this permit; or
7. The facility's discharge has a reasonable potential to impact endangered species.

2.4 Continuation of the Expired General Permit

1. An expired general permit continues in full force and effect until a new general permit is issued. Any permittee with coverage under the general permit at the time of expiration will continue to have coverage until a new general permit is issued. No new coverage will be issued until a new general permit is issued.
2. If the permittee wishes to continue an activity regulated by this general permit after its expiration date, the permittee must submit a Notice of Intent at least 180 days before the expiration date of the general permit.

2.8 Requiring an Individual Permit

1. The Secretary may require any permittee covered under this general permit to apply for and obtain an individual permit if any of the following occur:
 - a. If the receiving waterbody has been assigned a beneficial use other than (9) fish and wildlife propagation, recreation, and stock watering waters, or (10) irrigation.
 - b. If the covered facility is assigned a waste load allocation in an EPA approved TMDL.
 - c. If SDDENR determines that the effluent from the wastewater treatment facility has reasonable potential to have Whole Effluent Toxicity in the effluent.

- d. If the permittee is required to develop and implement a pretreatment program regulating indirect discharges of wastewater into its publicly owned treatment works.
- e. If there is a reasonable potential for endangered species to be present in the receiving stream and the limits contained in the general permit are not sufficient to protect the endangered species;
- f. Noncompliance: The permittee is a significant contributor of pollution to waters of the state, presents a health hazard, or is in noncompliance with the conditions of this general permit;
- g. Compliance Schedule: The Secretary determines a compliance schedule is necessary to ensure compliance with the federal Clean Water Act, the Administrative Rules of South Dakota, or the South Dakota Surface Water Quality Standards; or
- h. Other Changes: Other conditions or standards change so that the permittee no longer qualifies for this general permit, such as the permittee being designated as a major facility, changes in necessary influent or effluent pollutant monitoring, additional industrial pretreatment requirements become applicable to the permittee, or other items that would necessitate an individual permit.

PERMIT EXPIRATION

All other permit limits and conditions in the proposed general permit shall remain unchanged.

PERMIT CONTACT

This statement of basis and draft general permit were written by Albert Spangler, Engineering Manager I. Any questions pertaining to this statement of basis or the general permit can be directed to the Surface Water Quality Program, at (605) 773-3351.

November 12, 2015

ATTACHMENT 1

USFW Service Comment Letter



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
420 South Garfield Avenue, Suite 400
Pierre, South Dakota 57501-5408



June 26, 2015

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

Re: Notice of Proposed National Pollutant
Discharge Elimination System General
Permit for Domestic Wastewater Treatment
Facilities (Permit Number: SDG920000).

Dear Mrs. Buscher:

This is in response to the South Dakota Department of Environment and Natural Resources' (SDDENR) notice to issue a general National Pollutant Discharge Elimination System (NPDES) permit for domestic wastewater treatment facilities. This permit may be applicable to any minor wastewater treatment facility within South Dakota that is treating primarily domestic wastewater and discharging to a receiving water body with beneficial uses (9) fish and wildlife propagation, recreation, and stock watering waters, and/or (10) irrigation.

Domestic wastewater treatment facility discharges of pollutants, including ammonia, that are allowed by the subject general permit may harm rare and imperiled aquatic life in South Dakota. Species potentially affected include fresh water mussel species that are tracked by the South Dakota Natural Heritage Program (<http://gfp.sd.gov/wildlife/threatened-endangered/rare-animal.aspx>) and the Topeka shiner (*Notropis Topeka*), a species federally listed as endangered under the Endangered Species Act. Please consider the below comments and recommendations to avoid or to minimize injury to fish and wildlife resources, including Topeka shiner, and their habitats.

U.S. FISH AND WILDLIFE SERVICE (SERVICE) CONCERNS AND COMMENTS

Topeka Shiner

Topeka shiners are opportunistic omnivores that feed on aquatic insects, micro crustaceans, larval fish, algae, and detritus (Hatch and Besaw 2001). Topeka shiners inhabit numerous small streams within eastern South Dakota within the Big Sioux, Vermillion, and James River

watersheds. Increased prevalence of Topeka shiners in eastern South Dakota, relative to other states within its range, suggests that populations may be more intact in South Dakota (Wall and Wall 2010). Topeka shiner populations have continued to decline in many southern portions of its range where threats appear more severe and habitat appears more susceptible to detrimental changes (Service 2010); thus, maintaining Topeka shiner habitat in South Dakota remains important.

All streams in South Dakota are assigned the beneficial uses (9) and (10) unless otherwise stated in the Administrative Rules of South Dakota (ARSD) Chapter 74:51:03. However, aquatic life water quality standards for ammonia only apply in streams with a beneficial category of (6) or less (DENR 2014). This limitation on which surface waters are protected by ammonia water quality standards is a concern because ammonia is a common pollutant in wastewater treatment plant effluent and can be highly toxic to aquatic life. Furthermore, rare or imperiled aquatic life species in South Dakota utilize streams that only have category (9) or (10) beneficial uses.

In previous correspondence with DENR (USFWS 2013, USFWS 2014a) we identified Topeka shiner occupied stream segments (e.g., Shue Creek in Liberty Township, West Fork Vermillion River in Miner County) where ammonia exposure is a concern but no ammonia standard is applied. Last December during the South Dakota 2014 Triennial Review of Water Quality Standards, we recommend that DENR assign a minimal beneficial use of (6) to any stream segment in South Dakota that has known occurrences of Topeka shiners (USFWS 2014b). This recommendation was based on previous SD triennial reviews when streams have had their beneficial uses upgraded from a (9) to a (6) based on the presence of Topeka shiners. However, during the 2014 triennial review DENR indicated that EPA would not approve any automatic changes in beneficial uses from 9 to 6 for streams with known occurrences of federally listed Topeka shiners.

Currently there are no ammonia water quality standard based protections for Topeka shiners in streams with beneficial uses of only (9) or (10) except for those in existing individual NPDES permits that include limitations for ammonia discharges (such as timing of discharges and end-of-pipe effluent limits). The proposed general permit would not appear to maintain any such tailored protections for rare or imperiled wildlife that can be specified in individual permits. Furthermore, without individual permits it is unclear what mechanism would be available for the South Dakota Game, Fish and Parks (SDGFP) or the Service to evaluate point source discharges on a site specific basis.

SERVICE RECOMMENDATIONS

To protect aquatic life associated with these waterways and to aid in Topeka shiner recovery, we recommend the following actions by the SDDENR and the USEPA:

- Under section 2.3 “Limitations on Coverage” we recommend that an additional exclusion be included for Facilities with a discharge that may affect rare, threatened or endangered species or their habitat. Such species effect determinations should be based on consultation with SDGFP and the Service and be based on occurrence records or other survey information that these agencies maintain including the South Dakota Natural Heritage Program.

- The proposed general permit has monitoring requirements for ammonia but no ammonia based effluent limits. We recommend that the general permit includes effluent limits for ammonia to protect aquatic life in the receiving streams.
- It remains unclear why DENR or USEPA no longer allows the automatic assignment of a (6) beneficial use to protect Topeka shiners from ammonia. Further explanation would assist our understanding of this subject.
- Section 2.4 of the draft permit should be changed to not allow for indefinite continued coverage of a permittee under an expired general permit. Based on our experience with the general permit for Concentrated Animal Feeding Operations, which expired in 2008, we do not expect this general permit would be open for comment every 5 years. We recommend that this general permit should only be valid if it is open for review by DENR at least once every 5 years.
- DENR should maintain online public access to a current list of all facilities, DMRs and outfall locations that are covered under the proposed general permit. Understanding what point source discharges occur in a stream segment would help with future site specific water quality and aquatic life assessments.

We recommend ongoing coordination with the SDDENR, the SDDGFP, the USEPA, and the Service to further evaluate solutions to address the concerns identified above. We also respectfully request that the SDDENR delay reissuance of the subject general NPDES permit until the USEPA has coordinated with the Service in accordance with the Clean Water Act and Endangered Species Act Memorandum of Agreement [66 FR 11202-11217 (February 22, 2001)].

We appreciate the opportunity to provide comments on these permit actions. Should you have any questions regarding these comments, please contact Mr. Matt Schwarz with our office at (605) 224-8693, Extension 232.

Sincerely,



Scott V. Larson
Field Supervisor
South Dakota Field Office

cc: SDDENR; Pierre, SD (Attention: Al Spangler)
SDGFP; Pierre, SD (Attention: Chelsey Pasbrig and Leslie Murphy)
USEPA; Denver, CO (Attention: Colleen Rathbone, Greg Davis)

REFERENCES

- Hatch, J.T. and S. Besaw. 2001. Diverse food use in Minnesota populations of the Topeka shiner (*Notropis topeka*). *Journal of Freshwater Ecology* 16:229-233.
- U.S. Fish and Wildlife Service (Service). 2010. Topeka shiner (*Notropis topeka*) five-year review. Kansas Ecological Services Field Office; Manhattan, Kansas. 44 pp.
<http://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=E07R>
- U.S. Fish and Wildlife Service (USFWS). 2013. Letter dated December 20, 2013, in response to the South Dakota Department of the Environment and Natural Resource's proposed permit reissue for the city of Howard. South Dakota Ecological Services Field Office, Pierre, SD.
- U.S. Fish and Wildlife Service (USFWS). 2014a. Letter dated September 9, 2014, in response to a Notice of Intent to construct an animal feeding operation for Westside Gilts RE, LLC. South Dakota Ecological Services Field Office, Pierre, SD.
- U.S. Fish and Wildlife Service (USFWS). 2014b. Letter dated December 1, 2014, in response to a Request for Comments on the South Dakota 2014 Triennial Review of Water Quality Standards. South Dakota Ecological Services Field Office, Pierre, SD.
- Wall, S.S. and S.K. Wall. 2010. Variations and trends in population estimates of Topeka shiners in eastern South Dakota. 44 pp.

STATEMENT OF BASIS

Permit Number: SDG920000

Permit Type: General Permit to discharge under the South Dakota Surface Water Discharge System for Wastewater Treatment Facilities Discharging to waterbodies with only the (9) Fish and Wildlife Propagation, Recreation, and Stock Watering Waters, or only the (9) Fish and Wildlife Propagation, Recreation, and Stock Watering Waters and (10) Irrigation beneficial uses.

This document is intended to explain the basis for the requirements contained in the proposed Surface Water Discharge General Permit. This document provides guidance to aid in complying with the general permit regulations. This guidance is not a substitute for reading the draft general permit and understanding its requirements.

APPLICABILITY

This general permit is proposed for any small wastewater treatment facility treating primarily domestic wastewater using land-based systems, such as lagoons or artificial wetlands. Wastewater treatment facilities classified as “majors” under an existing Surface Water Discharge Permit are not eligible for coverage under this general permit. In addition, facilities that are designed to treat primarily non-domestic wastewater are not eligible for coverage.

PERMIT DESCRIPTION

Many wastewater treatment facilities (WWTF) in South Dakota have land-based wastewater treatment systems, such as stabilization ponds or artificial wetland systems. These treatment processes have been employed for wastewater treatment by entities such as municipalities, campgrounds, restaurants, public rest areas, state, and federally-owned facilities.

Primary and secondary wastewater treatment is provided in these systems through a series of ponds. Some facilities use aeration equipment in the stabilization ponds to enhance the treatment. Other facilities have artificial wetlands following the stabilization pond system, or infiltration/percolation basins. The storage and transfer of flows through these systems provide physical, chemical, and biological treatment of the wastewater. Natural processes involving sunlight, oxygen, water currents, and bacterial action can significantly decrease the solids, organic load, and pathogen content of the wastewater.

Stabilization ponds and artificial wetlands systems typically require large surface areas, relatively shallow depths, and long detention times to ensure adequate treatment. Stabilization ponds are typically designed with a liner to minimize and control the amount of seepage from the ponds. These systems can be designed and operated as continuous discharge, controlled discharge, or total retention facilities. Many facilities discharge at a frequency of once or twice per year (spring and fall). Other facilities provide total retention of flows, with enough losses occurring through evaporation and seepage to eliminate the need for a discharge.

The operation of these wastewater treatment facilities often results in a release of wastewater to surface waters of the state. These discharges contain pollutants which, if not properly managed, can result in impacts to water quality. In accordance with the South Dakota Water Pollution Control Act and the Administrative Rules of South Dakota (ARSD), the discharge of pollutants into waters of the state requires a Surface Water Discharge Permit.

This draft general permit is intended to outline the requirements for WWTFs to release wastewater into surface waters of the state. The draft general permit contains discharge requirements and limits that are based on technology and water quality considerations, and other conditions applicable to the types of discharges generated by WWTF activities.

BACKGROUND

ARSD Section 74:52:02:46 provides for the issuance of general permits where covered facilities:

1. Involve the same or substantially similar types of operations;
2. Discharge the same types of waste;
3. Require the same effluent limitations, operating conditions, or standards;
4. Require the same or similar monitoring; and
5. Are more appropriately controlled under a general permit.

Waters of the state can have the following beneficial uses:

- (1) Domestic water supply waters;
- (2) Coldwater permanent fish life propagation waters;
- (3) Coldwater marginal fish life propagation waters;
- (4) Warmwater permanent fish life propagation waters;
- (5) Warmwater semipermanent fish life propagation waters;
- (6) Warmwater marginal fish life propagation waters;
- (7) Immersion recreation waters;
- (8) Limited contact recreation waters;
- (9) Fish and wildlife propagation, recreation, and stock watering waters;
- (10) Irrigation; or
- (11) Commerce and Industry waters.

All waters of the state have the minimal beneficial use of (9) fish and wildlife propagation, recreation, and stock watering waters. All streams in the state also have the beneficial use of (10) irrigation. Currently, the South Dakota Department of Environment and Natural Resources (SDDENR) issues individual permits for WWTFs that discharge to waterbodies that only have the beneficial uses of (9) fish and wildlife propagation, recreation, and stock watering waters and/or (10) irrigation. These permits all contain limits for 5-day Biochemical Oxygen Demand (BOD₅), Total Suspended Solids (TSS), and pH and have similar monitoring requirements.

The discharges from South Dakota's WWTFs to waterbodies with only the (9) or the (9) and (10) classifications meet the requirements of ARSD Section 74:52:02:46. Therefore, SDDENR is

proposing to issue a general permit for WWTFs whose receiving waterbodies have been assigned only the (9) or the (9) and (10) beneficial uses.

DISCHARGE DESCRIPTION

There are a variety of discharges that may potentially occur from a WWTF. These sources of discharge are explained below.

Discharges associated with the normal, proper operation and maintenance of a WWTF

WWTFs can be designed for total retention, for intermittent discharges, or for continuous discharges. This draft general permit does not cover no-discharge facilities, or continuous discharging facilities. Intermittently discharging WWTFs schedule their discharges based on the treatment of the wastewater in the discharging cells and storage capacity. When properly operated and maintained, an intermittent discharging pond or wetland system can consistently meet the technology-based requirements and the surface water standards of South Dakota (ARSD 74:51). Therefore, discharges associated with the normal, proper operation and maintenance of a WWTF should not pose a significant risk to human health or the environment. These discharges will be from defined, numbered outfalls.

Bypass, Emergency Discharges, and Sanitary Sewer Overflows

The draft general permit defines the following terms:

A “Bypass” is the intentional diversion of waste streams from any portion of a collection system or treatment facility other than the permitted outfall(s). Bypasses may result in releases from the sanitary sewer collection system (see “Sanitary Sewer Overflow”) or emergency releases from the treatment facility (see “Emergency Discharge”). If a bypass results in a release of wastewater, it shall be sampled and reported as either a sanitary sewer overflow from the collection system or an emergency discharge from the treatment facility.

An “Emergency Discharge” is a discharge from the treatment or containment system through a release structure or over or through retention dikes or walls. An emergency discharge is distinguished from a sanitary sewer overflow in that a sanitary sewer overflow discharges wastewater prior to reaching the treatment or containment system. An emergency discharge is an enforceable violation of the general permit unless it is an allowable bypass that does not cause effluent limitations to be exceeded, an anticipated bypass approved by the Secretary, or an unanticipated bypass allowed under Section 2.24 – Effluent Violation, Bypass, Emergency Discharge, and SSO Reporting Requirements.

A “Sanitary Sewer Overflow” or “SSO” is the intentional or unintentional discharge of untreated sewage from the sanitary sewer collection system, including sewer lines, manholes, lift stations, etc. An SSO is an enforceable violation of the general permit unless it is an allowable bypass that does not cause effluent limitations to be exceeded, an anticipated bypass approved by the Secretary, or an unanticipated bypass allowed under Section 2.24 – Effluent Violation, Bypass, Emergency Discharge, and SSO Reporting Requirements.

In some situations a discharge is not associated with the normal, proper operation and maintenance of a WWTF. These discharges are prohibited; however, the Secretary may approve an emergency discharge, SSO, or bypass after considering its adverse effects, if the Secretary determines that it will meet the three conditions listed below:

1. The emergency discharge, SSO, or bypass was unavoidable to prevent loss of life, threat to public health, personal injury, or severe property damage;
2. There were no feasible alternatives to the emergency discharge, SSO, or 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 an emergency discharge, SSO, or bypass that occurred during normal periods of equipment downtime or preventive maintenance; and
3. The general permittee submitted notices as required in **Section 4.2** of the draft general permit.

If an emergency discharge, sanitary sewer overflow, or other discharge occurs or is expected to occur, the general permittee shall take the appropriate measures to minimize the discharge of pollutants. Such measures may include the closing of facilities that contribute wastewater to the sewer system until the discharge is terminated.

PERMIT COVERAGE

Inclusion of the above-described activities under a single surface water discharge general permit appears to be a reasonable approach in regulating these related discharges. The characteristics of the discharged water from these activities are similar because they discharge the same types of wastes, involve similar operations, and are appropriately controlled by the similar effluent limits. Therefore, SDDENR has determined that these activities will be more appropriately controlled under a general permit rather than individual permits.

Appendix A of the draft general permit contains a copy of the application form for coverage under the draft general permit. This represents the minimum information SDDENR needs in order to provide coverage under the general permit. SDDENR currently has several applications for individual permits for WWTFs. These facilities submitted SDDENR's application form for obtaining a permit to discharge wastewater from wastewater treatment systems to waters of the state. These applications will be reviewed to determine if the facilities are eligible for coverage under the draft general permit.

When SDDENR receives an application for coverage under the draft general permit or an application for an individual permit from a WWTF, department staff will conduct a thorough review of the application and other available information to determine if the facility is eligible for coverage under the draft general permit. Based on this review, the department will then make the decision to grant or deny coverage under the draft general permit, or request any additional information. Facilities that meet the conditions for coverage under the draft general permit still have the option of obtaining an individual permit if requested. In addition, the Secretary may

require an individual permit for a facility, pursuant to the provisions in ARSD Section 74:52:02:47.

A number of facilities currently awaiting reissuance of an existing individual permit from SDDENR have been determined to be eligible for coverage under this draft general permit. A list of the facilities expected to be covered by this general permit upon issuance will be included in the state-wide public notice of this draft general permit.

Discharges Not Covered

This draft general permit will not cover the following discharges or facilities.

1. Discharges to any waters of the state with any of the following beneficial uses or discharges to any waters of the state with a beneficial use that changes to one of the following within five miles of the discharge:
 - (1) Domestic water supply waters;
 - (2) Coldwater permanent fish life propagation waters;
 - (3) Coldwater marginal fish life propagation waters;
 - (4) Warmwater permanent fish life propagation waters;
 - (5) Warmwater semipermanent fish life propagation waters;
 - (6) Warmwater marginal fish life propagation waters;
 - (7) Immersion recreation waters;
 - (8) Limited contact recreation waters;
 - (11) Commerce and Industry waters.
2. Facilities that primarily treat industrial waste.
3. WWTFs that are identified as a Major.
4. WWTFs that have been assigned a waste load allocation from a Total Maximum Daily Load (TMDL) approved by the US Environmental Protection Agency (EPA).
5. WWTFs that SDDENR has determined have a reasonable potential to have Whole Effluent Toxicity detected in the effluent.
6. WWTFs that SDDENR has determined need monitoring or limits for parameters not included in the draft general permit.

REQUIRING AN INDIVIDUAL PERMIT

The Secretary may require any general permittee covered under this draft general permit to apply for and obtain an individual permit if any of the following occur:

1. If the receiving waterbody is assigned additional beneficial uses other than (9) fish and wildlife propagation, recreation, and stock watering waters, or (10) irrigation.
2. If the permitted facility is assigned a waste load allocation in an EPA approved TMDL.

3. If SDDENR determines that the effluent from the WWTF has reasonable potential to have Whole Effluent Toxicity in the effluent.
4. Noncompliance: The discharging facility is a significant contributor of pollution to waters of the state, presents a health hazard, or is in noncompliance with the conditions of the draft general permit;
5. Compliance Schedule: The Secretary determines a compliance schedule is necessary to ensure compliance with the federal Clean Water Act, the Administrative Rules of South Dakota, or the South Dakota Surface Water Quality Standards; or
6. Other Changes: Other conditions or standards change so that the general permittee no longer qualifies for this draft general permit, such as the general permittee being designated as a major discharging facility, changes in necessary influent or effluent pollutant monitoring, additional industrial pretreatment requirements become applicable to the general permittee, or other items that would necessitate an individual permit.

The Secretary will notify the general permittee in writing that an application for an individual permit is required. When an individual permit is issued to a permittee covered under this draft general permit, the permittee's general permit coverage shall be automatically terminated upon the effective date of the individual permit.

RECEIVING WATERS

Any discharge from this facility will enter a waterbody which is classified by the South Dakota Surface Water Quality Standards (SDSWQS), Administrative Rules of South Dakota (ARSD), Sections 74:51:02:01 or 74:51:03:01 for one or both of the following beneficial uses:

- (9) Fish and wildlife propagation, recreation, and stock watering waters; and
- (10) Irrigation waters.

Since the receiving waterbody has only the minimum fishery beneficial use classification of (9), the SDSWQS (ARSD Section 74:51:01:02.01) require that an analysis of the receiving stream be conducted to determine whether the waterbody deserves a higher beneficial use designation. The SDDENR has and will continue to analyze the receiving waterbodies near the discharge locations for each facility expected to be covered under the general permit. If SDDENR personnel have determined that the beneficial use classifications for the receiving waterbody are not appropriate and additional beneficial uses are occurring, then permit coverage will be required under an individual permit or alternative general permit.

TOTAL MAXIMUM DAILY LOAD

Section 303(d) of the federal Clean Water Act requires states to develop Total Maximum Daily Loads (TMDLs) for waters at levels necessary to achieve and maintain water quality standards. TMDLs are calculations of the amount of pollution a waterbody can receive and still maintain applicable water quality standards. TMDLs are necessary for waters that do not meet or are not expected to meet water quality standards with the application of technology-based controls for

point sources. TMDLs address specific waterbodies, segments of waterbodies, or even entire watersheds, and are pollutant specific. TMDLs must allow for seasonal variations and a margin of safety, which accounts for any lack of knowledge concerning the relationship between pollutant loads and water quality.

Prior to issuing coverage to a facility under this draft general permit, SDDENR will review the applicable TMDLs to determine if the facility has been assigned a waste load allocation. If a waste load allocation has been assigned to the facility, it will not be granted coverage under the draft general permit, and the facility will be required to obtain an appropriate individual surface water discharge permit.

ANTIDEGRADATION REVIEW

SDDENR has fulfilled the antidegradation review requirements for the draft general permit. In accordance with South Dakota's Antidegradation Implementation Procedure and the SDSWQS, no further review is required since this draft general permit only authorizes discharges to streams assigned a beneficial use of (9) and/or (10). The results of this review are included in Attachment A.

MONITORING DATA

All wastewater treatment facilities covered by this general permit will be required to submit Discharge Monitoring Reports (DMRs) on a monthly basis. Monitoring data for facilities currently covered under an individual permit are available from SDDENR upon request or at the following website:

http://echo.epa.gov/facility_search

INSPECTIONS

Personnel from SDDENR regularly conduct compliance inspections and desk audits of WWTFs and will continue to do so for those facilities covered by this draft general permit. Inspection reports for any facility currently covered under an individual permit are available from SDDENR upon request.

EFFLUENT LIMITS

Effluent Limits

SDDENR has developed effluent limits to ensure the protection of surface waters of the state and to meet the technology standards required under the federal Clean Water Act. These limits are intended to be protective of any water body in South Dakota assigned the beneficial uses of (9) and/or (10). The following limits are based on the Secondary Treatment Standards (ARSD Section 74:52:06:03), SDSWQS, existing individual Surface Water Discharge Permits, and the permit writer's professional judgment.

1. The Five-day Biochemical Oxygen Demand (BOD₅) concentration shall not exceed 30 mg/L (30-day average) or 45 mg/L (7-day average). These limits are based on the Secondary Treatment Standards.
2. The Total Suspended Solids (TSS) concentration shall not exceed 30 mg/L (30-day average) or 45 mg/L (7-day average) unless SDDENR has granted the general permittee a TSS variance.

ARSD Section 74:52:06:04(2) allows TSS limits less stringent than Secondary Treatment Standards if it can be demonstrated that:

- a) Waste stabilization ponds are the principal process used for secondary treatment;
- b) Operation and maintenance data indicate that TSS values specified in ARSD subdivision 74:52:06:03(3) cannot be achieved;
- c) The effluent quality for TSS does not exceed 110 mg/L for 30-day average and 165 mg/L for 7-day average; and
- d) The POTW is achieving levels of effluent quality required for BOD₅ specified in ARSD Section 74:52:06:03.

If analytical results for BOD₅ show compliance with the general permit limits, the permittee may request SDDENR change the TSS limits for the individual general permittee to 110 mg/L (30-day average) and 165 mg/L (7-day average). This change shall be based on ARSD Section 74:52:06:04. **SDDENR may approve the change for a permittee without additional public notice.**

For WWTFs that have already been granted the variance under an existing individual permit, the TSS concentration shall not exceed 110 mg/L (30-day average) or 165 mg/L (7-day average).

These limits are based on Secondary Treatment Standards and ARSD Section 74:52:06:04.

3. The pH shall not be less than 6.0 standard units or greater than 9.0 standard units in any single analysis and/or measurement unless SDDENR has granted the permittee a variance to the maximum pH limit.

ARSD Section 74:52:06:04(4) allows the maximum pH limit to be increased to 9.5 standard units if the permittee can demonstrate that:

- a) Inorganic chemicals are not added to the waste stream as part of the treatment process; and
- b) Contributions from industrial sources do not cause the pH of the effluent to be greater than 9.5 standard units.

If a permittee cannot meet the maximum limit of 9.0, the permittee may request SDDENR raise the maximum pH limit for the permittee to 9.5 standard units. This change shall be based on ARSD Section 74:52:06:03(4).

For WWTFs that have already been granted a maximum pH variance, the pH shall not be less than 6.0 standard units or greater than 9.5 standard units in any single analysis and/or measurement. These limits are based on the Secondary Treatment Standards, the fish and wildlife propagation, recreation, and stock watering waters classification, the SDSWQS (ARSD Section 74:51:01:52), and existing individual Surface Water Discharge Permits.

The pH limits are being included because SDDENR has determined there is a reasonable potential for the pH of the effluent to violate the SDSWQS.

Note: SDDENR specifies that pH analyses are to be conducted within 15 minutes of sample collection with a pH meter. Therefore, the permittee must have the ability to conduct onsite pH analyses. The pH meter used 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.

4. No chemicals, such as chlorine, shall be used without prior written permission. This limit is based on the General Permit writer's professional judgment.

The draft general permit requires the permittee to monitor all discharges for BOD₅ (mg/L), TSS (mg/L), and pH (su). These monitoring requirements are based on the limits in the draft general permit for these parameters. Effluent water temperature (°C), Ammonia-Nitrogen (as N, mg/L), total flow (million gallons), flow rate (MGD), and duration of discharge (days) shall be monitored, but will not have a limit. These monitoring requirements are based on the need to fully characterize the discharge.

Inspection Requirements

The permittee shall inspect its wastewater treatment facility, outfall structures, and lift stations as outlined below. The inspections shall be conducted to determine if a discharge is occurring, has occurred since the previous inspection, and/or if a discharge is likely to occur before the next inspection. In addition, the inspection shall be performed to determine if proper operation and maintenance procedures are being undertaken at the wastewater treatment facility and lift stations. Documentation of all facility inspections shall be kept in a notebook.

The permittee shall inspect the facility and discharge location on at least a **monthly** basis. During a discharge from a WWTF with only wastewater treatment ponds, the permittee must inspect the facility and discharge location on a **daily** basis. During a discharge from a WWTF with artificial wetlands, the permittee shall inspect the facility and the discharge location on at least a **weekly** basis, although daily inspections are recommended. At a minimum, the notebook for the facility inspections shall include the following:

- a. Date and time of the inspection;
- b. Name of the inspector(s);
- c. The facility discharge status;
- d. The measured amount of freeboard or water depth in each pond and wetland, as appropriate;
- e. Identification of operational and/or maintenance problems;
- f. Recommendations, as appropriate, to remedy identified problems;
- g. A brief description of any actions taken with regard to problems identified; and,
- h. Other information, as appropriate.

All lift stations shall be inspected at least **weekly**; during any sanitary sewer overflow, the lift stations shall be inspected on a **daily** basis. At a minimum, the inspection notebook for lift stations shall include the following:

- a. Date and time of the inspection;
- b. Name of the inspector(s);
- c. Whether a sanitary sewer overflow is occurring or has occurred;
- d. Identification of operational and/or maintenance problems;
- e. Cleaning of screenings, if applicable;
- f. Testing of alarms, if applicable;
- g. Hour meter readings;
- i. Recommendations, as appropriate, to remedy identified problems;
- j. A brief description of any actions taken with regard to problems identified; and,
- k. Other information, as appropriate.

Capacity, Management, Operation, and Maintenance Program

Many systems in South Dakota, as well as nationwide, are dealing with aging infrastructure. Many wastewater collection systems are reaching the end of their design life. As a result, systems are faced with excess flows into the system as a result of aging pipes.

With the heavy precipitation seen throughout South Dakota in recent years, these problems have often been highlighted and exasperated. Excess flow in the collection system can lead to compliance problems for a wastewater treatment facility. Therefore, SDDENR has included a provision in the Effluent Limits for requiring further study if a permittee is experiencing collection system problems. The draft general permit states the Secretary of SDDENR can require a permittee to develop a Capacity, Management, Operation, and Maintenance Program to address, reduce, or eliminate the frequency of sanitary sewer overflows or emergency discharges.

MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS

Monitoring Frequency for WWTFs that Do Not Include Artificial Wetlands

For WWTFs covered by this draft general permit that do not use artificial wetlands as part of the WWTF, 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 three days or less, one sample shall be taken per day of discharge. If a single, continuous discharge is greater than one week in duration, three samples shall be taken the first seven days and one each following week. All samples collected during the 7-day or 30-day period shall be used in determining the averages. The permittee always has the option of collecting additional samples if appropriate.

Monitoring Frequency for WWTFs that Include Artificial Wetlands

For WWTFs covered by this draft general permit that use artificial wetlands as part of the WWTF, at the initiation of any discharge, three samples shall be taken the first week and one sample each week for the following three weeks. Samples shall be taken once per month thereafter, until the discharge is discontinued. If a discharge is less than one week in duration, a sample shall be taken at the beginning, middle, and end of the discharge. If a single, continuous discharge is three days or less, one sample shall be taken per day of discharge. If a discharge becomes intermittent, due to losses from evaporation and percolation, the discharge shall be sampled once per week during any week that flow is noted. 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.

Reporting Requirements

Each permittee shall submit effluent monitoring results summarized for each month and recorded on separate discharge monitoring reports (DMRs) and submit the DMR to SDDENR on a **monthly** basis. If no discharge occurs during a month, it shall be stated as such on the DMR.

If the facility has been approved to electronically submit DMRs through NetDMR, effluent monitoring results shall be summarized for each month and recorded on a DMR to be submitted via NetDMR to SDDENR on a **monthly** basis. If no discharge occurs during a month, it shall be stated as such on the DMR.

On July 30, 2013, the Environmental Protection Agency (EPA) published in the federal register a rule that would make electronic reporting of permit reporting requirements mandatory for all SWD permits. The proposed rule is not finalized; however, it is expected to become final during the current permit cycle. Currently, SDDENR is approved to accept DMRs electronically. SDDENR recommends that facilities take training and sign up for electronic submittal of DMRs via NetDMR, prior to electronic report submittal being mandated by EPA. EPA's proposed rule, when implemented, will require all permit reporting requirements to be submitted electronically. SDDENR is working on programs to meet this requirement and will notify facilities as they become available.

Records Retention

The permittee shall maintain the notebooks documenting its inspections, along with all sample reports and other information required by the draft general permit for at least three years. The

permittee shall make this information available for review by SDDENR or EPA personnel when an inspection occurs.

Whole Effluent Toxicity

The draft general permit will not include Whole Effluent Toxicity (WET) monitoring or limits. SDDENR has determined that because the facilities covered by this draft general permit are minor dischargers and lack significant industrial contributions to the wastewater treatment facilities, there is no reasonable potential for whole effluent toxicity. However, the draft general permit contains a provision allowing SDDENR to reopen or modify the general permit (following proper administrative procedures) to include the appropriate effluent limits (and compliance schedules, if necessary), or other appropriate requirements. If it is determined that surface water quality limits for WET are needed for a facility covered by this draft general permit, that facility will be required to obtain coverage under an individual permit.

PRETREATMENT / INDUSTRIAL USERS

The draft general permit defines a publicly-owned treatment works as follows:

*A **Publicly-owned treated works** or **POTW** is any device or system used in the treatment, including recycling and reclamation, of municipal sewage or industrial waste of a liquid nature which is owned by the state or a municipality. This term includes sewers, pipes, or other conveyances only if they convey wastewater to a publicly owned treatment works providing treatment.*

Title 40 of the Code of Federal Regulations, Part 403 (40 CFR Part 403), states that publicly-owned treatment works are prohibited from allowing the introduction of certain pollutants from any nondomestic source of wastewater. These prohibited pollutants are detailed in **Section 6.2** of the draft general permit to ensure the protection of publicly-owned treatment works.

SDDENR is responsible for regulating the discharge from any significant industrial user into a publicly-owned treatment works that does not have an approved pretreatment program. SDDENR is not requiring publicly-owned treatment works regulated by the draft general permit to develop a pretreatment program in accordance with 40 CFR Part 403. If SDDENR determines it is necessary for a publicly-owned treatment works covered under the draft general permit to develop a pretreatment program, SDDENR will terminate the facility's coverage under the draft general permit and issue an individual permit to the publicly-owned treatment works.

During the life of the draft general 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. This information must be made available to SDDENR upon request.

COMPLIANCE SCHEDULES

ARSD Section 74:52:03:22 authorizes SDDENR to specify a schedule leading to compliance with the federal Clean Water Act, the Administrative Rules of South Dakota, and/or the South Dakota Surface Water Quality Standards. Compliance schedules are included in individual permits when necessary to direct a permittee's efforts to comply with new requirements. This draft general permit does not authorize a compliance schedule for any covered facilities. If a facility covered by the draft general permit requests a compliance schedule or SDDENR determines a compliance schedule is needed, that facility would be required to obtain an individual permit.

Therefore, the draft general permit does not contain any provisions related to compliance schedules.

SLUDGE

Lagoon systems normally do not need to dispose of sludge; therefore, sludge disposal requirements will not be included in this draft general permit. However, if sludge disposal is necessary, the permitted facility is required to submit to SDDENR a sludge disposal plan for review and approval **prior** to the removal and disposal of sludge.

DRAINAGE ISSUES

Counties have the authority to regulate drainage. Individual facilities covered by this draft general permit are responsible for obtaining any necessary drainage permits from the responsible counties **prior** to discharging.

ENDANGERED SPECIES

No listed endangered species are expected to be impacted by activities related to this general permit. However, the US Fish and Wildlife Service has a list of all of the endangered species, listed by county at the following website:

http://www.fws.gov/southdakotafieldoffice/SpeciesByCounty_2015.pdf

The following table lists the endangered species that may be present in South Dakota:

Group	Species
Bird	Tern, Least
	Crane, Whooping
Insect	Beetle, American Burying ¹
Invertebrate	Poweshiek Skipperling
Fish	Shiner, Topeka ²
	Sturgeon, Pallid
Mammal	Ferret, Black-footed ³
Mussel	Mussel, Higgins Eye ⁴
	Mussel, Scaleshell ⁵

- 1 The American Burying Beetle is presently known for only Gregory, Todd and Tripp counties. One specimen was recently trapped in southern Bennett County. Historic specimens have been recorded from Haakon and Brookings Counties. A comprehensive status survey has never been completed for the American burying beetle in South Dakota. Until status surveys have been completed, the beetle could and may occur in any county with suitable habitat. Suitable habitat is considered to be any site with significant humus or topsoil suitable for burying carrion.
- 2 Although Topeka Shiners have not been formally documented within Clark, Douglas, Grant, Jerauld, Kingsbury, Lake, Spink, or Yankton Counties, the species may still occur in these areas because they contain portions of known occupied Topeka Shiner streams and/or potentially occupied streams that exist within one or more of the three known inhabited watersheds in South Dakota: the James, Vermillion, and Big Sioux.
- 3 Black-footed ferrets have been reintroduced in the Badlands National Park, Buffalo Gap National Grasslands, Cheyenne River Sioux Tribe Reservation, Lower Brule Sioux Reservation, Rosebud Sioux Reservation and Wind Cave National Park.
- 4 A fresh dead shell of a Higgins Eye Mussel was found in the Missouri River below Gavins Point Dam on October 27, 2004.
- 5 Shells of these species have been found, but no populations have been located.

This information was accessible at the following US Fish and Wildlife Service website as of April 23, 2015: http://www.fws.gov/southdakotafieldoffice/SpeciesByCounty_2015.pdf and was last updated on April 2, 2015.

PERMIT EXPIRATION

A five-year general permit is recommended. If the permittee wishes to continue an activity regulated by this draft general permit, a new application must be submitted to SDDENR at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the Secretary. Prior to the expiration of the draft general permit, all permittees covered under the general permit will receive a new application for coverage.

If this general permit should expire before a new permit is reissued, the terms and conditions of the expired general permit will remain effective and enforceable until the effective date of the reissued general permit. SDDENR will continue the general permit coverage for each facility covered under the draft general permit upon the expiration date, provided the facility submits an application to continue coverage.

If this general permit will no longer be available, existing permittees will receive an application for an individual Surface Water Discharge Permit.

PERMIT CONTACT

This statement of basis and draft general permit were written by Albert Spangler, Engineering Manager I. Any questions pertaining to this statement of basis or the general permit can be directed to the Surface Water Quality Program, at (605) 773-3351.

April 23, 2015

ATTACHMENT 1

Antidegradation Review

Permit Type: **General (9), (10) Permit - New**
Permit #: **SDG920000**
Receiving Stream: **Varies** Classification: **(9) or (9), (10)**
If the discharge affects a downstream waterbody with a higher use classification, list its name and uses: **N/A**

APPLICABILITY

1. Is the permit or the stream segment exempt from the antidegradation review process under ARSD 74:51:01? Yes ☒ No ☐ If no, go to question #2. If yes, check those reasons why the review is not required:
- ☐ Existing facility covered under a surface water discharge General Permit is operating at or below design flows and pollutant loadings;
 - ☐ *Existing effluent quality from a surface water discharge General Permitted facility is in compliance with all discharge General Permit limits;
 - ☐ *Existing surface water discharge General Permittee was discharging to the current stream segment prior to March 27, 1973, and the quality and quantity of the discharge has not degraded the water quality of that segment as it existed on March 27, 1973;
 - ☐ *The existing surface water discharge General Permittee, with DENR approval, has upgraded or built new wastewater treatment facilities between March 27, 1973, and July 1, 1988;
 - ☒ The existing surface water discharge permittee discharge to a receiving water assigned only the beneficial uses of (9) and (10); the discharge is not expected to contain toxic pollutants in concentrations that may cause an impact to the receiving stream; and DENR has documented that the stream cannot attain a higher use classification. This exemption does not apply to discharges that may cause impacts to downstream segments that are of higher quality;
 - ☐ Receiving water meets Tier 1 waters criteria. Any permitted discharge must meet water quality standards;
 - ☐ The permitted discharge will be authorized by a Section 404 Corps of Engineers permit, will undergo a similar review process in the issuance of that permit, and will be issued a 401 certification by the department, indicating compliance with the state's antidegradation provisions; or
 - ☐ Other: This permit does not authorize an increase in effluent limits.

*An antidegradation review is not required where the proposal is to maintain or improve the existing effluent levels and conditions. Proposals for increased effluent levels, in these categories of activities are subject to review.

No further review required.

ANTIDEGRADATION REVIEW SUMMARY

2. The outcome of the review is:

- ☒ A formal antidegradation review was not required for reasons stated in this worksheet. Any General Permitted discharge must ensure water quality standards will not be violated.
- ☐ The review has determined that degradation of water quality should not be allowed. Any General Permitted discharge would have to meet effluent limits or conditions that would not result in any degradation estimated through appropriate modeling techniques based on ambient water quality in the receiving stream, or pursue an alternative to discharging to the waterbody.
- ☐ The review has determined that the discharge will cause an insignificant change in water quality in the receiving stream. The appropriate agency may proceed with General Permit issuance with the appropriate conditions to ensure water quality standards are met.
- ☐ The review has determined, with public input, that the General Permitted discharge is allowed to discharge effluent at concentrations determined through a total maximum daily load (TMDL). The TMDL will determine the appropriate effluent limits based on the upstream ambient water quality and the water quality standard(s) of the receiving stream.
- ☐ The review has determined that the discharge is allowed. However, the full assimilative capacity of the receiving stream cannot be used in developing the General Permit effluent limits or conditions. In this case, a TMDL must be completed based on the upstream ambient water quality and the assimilative capacity allowed by the antidegradation review.
- ☐ Other: _____

3. Describe any other requirements to implement antidegradation or any special conditions That are required as a result of this antidegradation review: _____

Albert Spangler
Reviewer

April 23, 2015
Date

Kelli Buscher
Team Leader

April 23, 2015
Date