

## **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 Waters beneficial uses.

**Modification:** Minor Modification

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### **PURPOSE OF MODIFICATION**

On June 30, 2021, the South Dakota Department of Agriculture and Natural Resources (SDDANR) offered for public comment its draft 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 Waters beneficial uses. The notice was published in nine (9) daily newspapers across the state, announcing the availability of the general permit and requesting comments. During the 30-day public notice period, a typographical error was found in the permit document. The Certification of Applicant form found in Appendix B has the wrong South Dakota Codified Laws (SDCL) reference. On January 16, 2021, Governor Noem signed Executive Order 2021-03 creating the South Dakota Department of Agriculture and Natural Resources, combining the functions and programs of the former Department of Environment and Natural Resources and the former Department of Agriculture. Effective April 19, 2021, all functions performed by the Department of Environment and Natural Resources are performed by the Department of Agriculture and Natural Resources. During the merger process, SDCL 1-40-27 was transferred to SDCL 1-41-20. This modification will correct the references on the Certification of Applicant form.

According to Administrative Rules of South Dakota Section 74:52:04:06, this modification is considered a minor modification and additional public notice is not necessary for this addendum.

### **ENDANGERED SPECIES**

No endangered species are expected to be impacted as a result of this modification.

### **PERMIT CONDITIONS**

All other permit limits and conditions in the 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 Waters beneficial uses (SDG920000) shall remain in effect.

**PERMIT EXPIRATION**

The current expiration date of August 31, 2026 shall remain in effect for this modification.

**PERMIT CONTACT**

Any questions pertaining to this modification can be directed to Tina McFarling, Engineering Manager I, for the Surface Water Quality Program, at (605) 773-3351.

August 23, 2021

## 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 Waters beneficial uses.

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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.

### GENERAL 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 or wetlands. 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 treated wastewater into surface waters of the state that have a (9) or (9), (10) beneficial use. 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 waters. In the past, the South Dakota Department of Agriculture and Natural Resources (SDDANR) 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 waters. These permits all contain limits for 5-Day Biochemical Oxygen Demand (BOD<sub>5</sub>), Total Suspended Solids (TSS), and pH which have similar monitoring requirements.

The discharges from South Dakota's WWTFs to waterbodies with only the (9) and/or (10) classifications meet the requirements of ARSD Section 74:52:02:46, thus allowing SDDANR to issue a general permit for WWTFs whose receiving waterbodies have been assigned only the (9) and/or (10) beneficial uses. Since the receiving waterbodies will only have the minimum fishery beneficial use classification of (9), the SDSWQS (ARSD Section 74:51:01:02.01) require that an analysis of the receiving streams be conducted to determine whether the waterbody deserves a higher beneficial use designation. If an analysis determines that a waterbody's beneficial uses need to be changed, SDDANR will require an individual permit for affected permittees.

## **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.

### ***Bypasses, 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 4.2 – 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 4.2 – 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 – Effluent Violation, Bypass, Emergency Discharge, and SSO Reporting Requirements** of the draft general permit.

If a bypass, 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.

## **GENERAL PERMIT COVERAGE**

Inclusion of the above-described activities under a single surface water discharge general permit is 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, SDDANR 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 notice of intent (NOI) for coverage under the draft general permit. This represents the minimum information SDDANR needs in order to provide coverage under the general permit. Currently covered facilities have filled out individual permit application forms as specified by the current permit. In the future, the NOI will provide a streamlined form for facilities wanting coverage under the general permit. The new NOI contains eligibility questions that will direct facilities to individual permit applications, if general permit eligibility is not applicable.

When SDDANR receives an NOI for coverage under the draft general permit from a WWTF, department staff will conduct a thorough review of the application and other available information to verify 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.

Permittees that wish to terminate coverage under this general permit must submit a Notice of Termination (NOT) form that is signed in accordance with **Section 4.5 – Signatory Requirements**. Compliance with this general permit is required until a NOT, found in Appendix C, is submitted. The permittee must submit the NOT within **30 calendar days** of terminating operations and services or obtaining coverage under an individual or alternative general permit that address the discharge from the facility.

Currently covered facilities are listed in Attachment 2 of the Statement of Basis.

### ***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; or
  - (11) Commerce and Industry waters.
2. Facilities that primarily treat industrial waste. Facilities which receive industrial wastes from any Significant Industrial User(s) will be evaluated on a case-by-case basis.
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 SDDANR has determined have a reasonable potential to have Whole Effluent Toxicity detected in the effluent.

6. WWTFs that SDDANR 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 SDDANR 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 the facilities covered under this general permit 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 SDDANR 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 SDDANR 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, SDDANR 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**

SDDANR 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 1.

## **MONITORING DATA**

All wastewater treatment facilities covered by this general permit will be required to submit Discharge Monitoring Reports (DMRs) on a monthly basis. Effluent monitoring data for facilities with current or past coverage under any SDDANR issued surface water discharge permit is available from SDDANR upon request or at the following website: <http://echo.epa.gov>.

## **INSPECTIONS**

Personnel from SDDANR 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 SDDANR upon request.

## EFFLUENT LIMITS

SDDANR 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 permits, and the permit writer's professional judgment.

1. The Five-day Biochemical Oxygen Demand (BOD<sub>5</sub>) 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 SDDANR 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 BOD<sub>5</sub> specified in ARSD Section 74:52:06:03.

If analytical results for BOD<sub>5</sub> show compliance with the general permit limits, the permittee may request that SDDANR change the TSS limits 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. **SDDANR may approve the change for a covered facility without additional public notice.**

For WWTFs that have already been granted the variance either under the current General Permit coverage or an 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 SDDANR 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 SDDANR 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 either under the current General Permit coverage or an individual permit, 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 beneficial use classification and the SDSWQS (ARSD Section 74:51:01:52).

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

**Note:** SDDANR 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.

SDDANR will ensure that there is not a reasonable potential for other pollutants to violate the SDSWQS during the issuance of coverage for facilities under this general permit. The limits and monitoring in the draft general permit will therefore be sufficient to ensure the protection of the water quality near the covered facilities' discharges.

## **SELF MONITORING REQUIREMENTS**

### ***Effluent Monitoring***

The draft general permit requires the permittee to monitor all discharges for BOD<sub>5</sub> (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 nitrogen (mg/L), total phosphorous (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.

### ***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 SDDANR 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 SDDANR on a **monthly** basis. If no discharge occurs during a month, it shall be stated as such on the DMR.

On October 22, 2015, the Environmental Protection Agency (EPA) published in the federal register a rule that makes electronic reporting of permit reporting requirements mandatory for all SWD permits. Phase 1 of the rule requires that all DMRs must be submitted electronically as of December 21, 2016. The proposed rule is not finalized; however, it is expected to become final during the current permit cycle. Currently, SDDANR is approved to accept DMRs electronically via NetDMR. EPA's rule will require all permit reporting requirements (such as permit applications and violation reports) to be submitted electronically. SDDANR is working on programs to meet this requirement and will notify facilities as they become available.

### ***Inspection Requirements***

Monitoring shall consist of **monthly** inspections of the facility and the outfall to verify that proper operation and maintenance procedures are being practiced and whether or not there is a discharge occurring from this facility. **Daily** inspections are required during a discharge from a stabilization pond only systems; **weekly** inspections are required during a discharge from an artificial wetland facility. The lift station shall be inspected on at least a **weekly** basis, although **daily** inspections are recommended. During any sanitary overflow, the lift stations shall be inspected on a **daily**

basis. Documentation of each of these visits shall be kept in a notebook to be reviewed by SDDANR or EPA personnel when an inspection occurs.

### ***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, SDDANR 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 SDDANR 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.

### ***Whole Effluent Toxicity***

The draft general permit will not include Whole Effluent Toxicity (WET) monitoring or limits. SDDANR 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 SDDANR 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.

### ***Records Retention***

The permittee shall maintain documentation of its facility 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 SDDANR or EPA personnel when an inspection occurs.

## **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.

SDDANR 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. SDDANR 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 SDDANR determines it is necessary for a publicly owned treatment works covered under the draft general permit to develop a pretreatment program, SDDANR 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 SDDANR upon request.

## **COMPLIANCE SCHEDULES**

ARSD Section 74:52:03:22 authorizes SDDANR 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 SDDANR 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 SDDANR 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**

This is a renewal of an existing general permit. No listed endangered species are expected to be impacted by activities related to this general permit. The following table lists the endangered species that may be present in South Dakota:

Group	Species
Bird	Crane, Whooping
Invertebrate	Rusty Patched Bumble Bee <sup>1</sup>
	Poweshiek Skipperling
Fish	Shiner, Topeka <sup>2</sup>
	Sturgeon, Pallid
Mammal	Ferret, Black-footed <sup>3</sup>
Mussel	Mussel, Higgins Eye <sup>4</sup>
	Mussel, Scaleshell <sup>5</sup>

<sup>1</sup> The Rusty Patched Bumble Bee was added to the Endangered Species List on January 11, 2017. South Dakota is not included in the current range. Two counties (Roberts and Day) have historic occurrence records. Under Section 7 consultation, surveys are not required and the species is not anticipated to be present in South Dakota.

<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>4</sup> A fresh dead shell of a Higgins Eye Mussel was found in the Missouri River below Gavins Point Dam on October 27, 2004.

<sup>5</sup> 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 May 24, 2021, and was last updated by the US Fish and Wildlife Service February 12, 2021: [https://www.fws.gov/mountain-prairie/es/southdakota/SpeciesByCounty\\_Feb2021.pdf](https://www.fws.gov/mountain-prairie/es/southdakota/SpeciesByCounty_Feb2021.pdf).

## GENERAL PERMIT EXPIRATION

A five-year general permit is recommended. If the permittee wishes to continue an activity regulated by this draft general permit, an NOI must be submitted to SDDANR at least 45 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 NOI 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. SDDANR will continue the general permit coverage for each facility covered under the draft general permit upon the expiration date, provided the facility has submitted an NOI to continue coverage prior to general permit expiration.

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

## **GENERAL PERMIT CONTACT**

This statement of basis and draft general permit were written by Tina McFarling, Engineering Manager. 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.

June 21, 2021



# **ATTACHMENT 1**

## **Antidegradation Review**

Permit Type: General (9), (10) Permit

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 DANR 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 DANR 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: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Tom Anderson

Reviewer

June 21, 2021

Date

Tina McFarling, P.E.

Team Leader

June 21, 2021

Date

## **ATTACHMENT 2**

**Facilities Covered Under the General Permit as of June 21, 2021**

## Facilities Covered Under the General Permit as of May 24, 2021

Permit Number	Permit Name
SDG920133	Tyndall, City of
SDG920231	Reliance, Town of
SDG920575	Gettysburg, City of
SDG920672	Mellette, City of
SDG920818	Murdo, City of
SDG920842	Bonesteel, city of
SDG921016	White Lake, City of
SDG921504	Andover, Town of
SDG921776	Letcher, Town of
SDG921784	Tea, City of
SDG921792	Woonsocket, City of
SDG921989	Highmore, City of
SDG922314	Claremont, Town of
SDG922357	Kadoka, City of
SDG922373	Lesterville, Town of
SDG922438	Iroquois, City of
SDG922624	Ramona, Town of
SDG922641	Eden, Town of
SDG922705	Langford, Town of
SDG922799	Onida, City of
SDG926051	Hitchcock, Town of
SDG926662	LaBolt, Town of

**Permittees that Applied to Obtain Coverage Under the General Permit**

Permit Number	Permit Name
SDG921806	Cavour, Town of
SDG921491	Stickney, Town of
SDG926425	Prairiewood Sanitary District