

Permit No.: SD0020885

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

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

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

the city of Hill City

is authorized under this permit to discharge to

Spring Creek

from its wastewater treatment facility located in the West ½ of Section 29 and Northeast ¼ of the Southeast ¼ of Section 30, all in Township 1 South, Range 5 East, in Pennington County, South Dakota (Latitude 43.933688°, Longitude -103.557303°), in accordance with discharge points, effluent limits, monitoring requirements, and other conditions set forth herein. Authorization is limited to those outfalls specifically listed in the permit. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the South Dakota Water Pollution Control Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

This permit shall become effective March 1, 2022.

This permit and the authorization to discharge shall expire at midnight, February 28, 2027.

Signed this 28th day of February 2022.



Authorized Permitting Official

Hunter Roberts
Secretary
Department of Agriculture and Natural Resources

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APPENDIX A – Emergency Discharge and SSO Reporting Form

1.0 DEFINITIONS

“30-day (and monthly) Average” means the arithmetic average of all samples collected during a consecutive 30-day period or calendar month, whichever is applicable. The calendar month shall be used for purposes of reporting self-monitoring data on discharge monitoring report forms.

“7-day (and weekly) Average” means the arithmetic mean of all samples collected during a consecutive 7-day period or calendar week, whichever is applicable. The calendar week that begins on Sunday and ends on Saturday, shall be used for purposes of reporting self-monitoring data on discharge monitoring report forms. Weekly averages shall be calculated for all calendar weeks with Saturdays in the month. If a calendar week overlaps two months (i.e., the Sunday is in one month and the Saturday in the following month), the weekly average calculated for that calendar week shall be included in the data for the month that contains the Saturday.

“Acute Toxicity” occurs when in the LC₅₀ test when 50 percent or more mortality is observed for either species at any effluent concentration which is equivalent to ≥ 1.0 TU_a. Mortality in the control must simultaneously be 10 percent or less for the effluent results to be considered valid.

The **“Approval Authority”** is the Secretary of the South Dakota Department of Agriculture and Natural Resources.

“ARSD” means the Administrative Rules of South Dakota. These often referred to as “Standards”.

An **“Authorized Release”** is a discharge from a permitted outfall that meets all permit conditions and effluent limits.

“Biosolids” means any sewage sludge or material derived from sludge that can be beneficially used. Beneficial use includes, but is not limited to, land application to agricultural land, forest land, a reclamation site or sale or give away to the public for home lawn and garden use.

“BOD₅” means Five-Day Biochemical Oxygen Demand. BOD is a measurement of the amount of oxygen utilized by the decomposition of organic material, over a specified time period (usually 5 days) in a sample.

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.

“Chronic Toxicity” occurs when in the IC₂₅ test when the survival, growth, or reproduction, as applicable, for either test species, at the effluent dilution(s) designated in this permit, is significantly less (at the 95 percent confidence level) than that observed for the control specimens.

“Composite Samples” shall be flow proportioned. The composite sample shall contain at least four samples collected over the compositing period. Unless otherwise specified, the time between the collection of the first sample and the last sample shall not be less than six hours nor more than 24 hours. Acceptable methods for preparation of composite samples are as follows:

1. Constant time interval between samples, sample volume proportional to flow rate at time of sampling;
2. Constant time interval between samples, sample volume proportional to total flow (volume) since last sample. For the first sample, the flow rate at the time the sample was collected may be used;
3. Constant sample volume, time interval between samples proportional to flow (i.e., sample taken every “X” gallons of flow); and,
4. Continuous collection of sample, with sample collection rate proportional to flow rate.

“Daily Maximum (Daily Max.)” is the maximum value allowable in any single sample or instantaneous measurement.

“DMR” means Discharge Monitoring Report, EPA Form 3320-1, or a report filed electronically by an EPA-approved electronic system, or other forms provided by the Department which are used to report sampling data.

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 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 3.2 – Prohibition of Bypass, Emergency Discharges, and SSOs.

“EPA” or **“US EPA”** means United States Environmental Protection Agency.

A **“Grab Sample,”** for monitoring requirements, is a single “dip and take” sample collected at a representative point in the discharge stream.

“Inhibition Concentration, 25 Percent (IC₂₅)” is a point estimate of the toxicant concentration that would cause a 25-percent reduction in a biological measurement (e.g., reproduction, growth), calculated from a continuous model (i.e., Interpolation Method).

An **“Industrial User”** is a non-domestic source of pollutants discharged into a publicly owned treatment works.

An **“Instantaneous Measurement,”** for monitoring requirements, is a single reading, observation, or measurement either taken at the facility or within 15 minutes of the sample.

“Instream Waste Concentration (IWC)” is the concentration of a toxicant in the receiving water after mixing. It is also referred to as the receiving water concentration (RWC).

“Lethal Concentration, 50 Percent (LC₅₀)” is the toxic or effluent concentration that would cause mortality in 50 percent of the test organisms over a specified period of time.

“MGD” is the measure of flow rate meaning million gallons per day.

“Mixing Zone (Zone of mixing)” is an area in a stream where an effluent or discharge mixes with the upstream water under ARSD 74:51:01:01. A mixing zone for wastewater discharges to flowing waters is allowed under ARSD 74:51:01:26. Lakes are not allowed a mixing zone under ARSD 74:51:01:27.

“No Observed Effect Concentration (NOEC)” is the highest tested concentration of an effluent or a toxicant that causes no observable adverse effect on the test species (i.e., the highest concentration of toxicant at which the values for the observed responses are not statistically different from the controls). NOEC is determined using hypothesis testing.

“pH” is the measure of the hydrogen ion concentration of water or wastewater; expressed as the negative log of the hydrogen ion concentration. A pH of 7 is neutral. A pH less than 7 is acidic, and a pH greater than 7 is basic.

“PTI” means Preliminary Toxicity Investigation. Up to a 30-day period where the permittee investigates the cause(s) of a whole effluent toxicity exceedance and if the toxicity is known, includes a proposal for its elimination.

A **“Publicly-Owned Treatment 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 that 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.

“Reasonable Potential (RP)” is the likelihood that an effluent will cause or contribute to an excursion above a water quality standard based on a number of factors, including the use of data (e.g. whole effluent toxicity test data). In the context of this document, references to RP and WET limits include both lethal and sub-lethal effects.

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 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 3.2 – Prohibition of Bypass, Emergency Discharges, and SSOs.

“SDDANR” means the South Dakota Department of Agriculture and Natural Resources.

“Secretary” means the Secretary of the South Dakota Department of Agriculture and Natural Resources, or authorized representative.

“Severe Property Damage” is substantial physical damage to property, damage to the treatment facilities that causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

“Sewage Sludge” is any solid, semi-solid, or liquid residue removed during the treatment of municipal wastewater or domestic sewage. Sewage sludge includes but is not limited to solids removed during primary, secondary or advanced wastewater treatment, scum, septage, portable toilet pumpings, and sewage sludge products. Sewage sludge does not include grit, screenings, or ash generated during the incineration of sewage sludge.

A **“Significant Industrial User”** is defined as an industrial user discharging to a publicly-owned treatment works (POTW) that satisfies any of the following:

1. Is subject to Categorical Pretreatment Standards under ARSD Chapter 74:52:10 (a.b.r. 40 CFR 403.6 and 40 CFR chapter I, subchapter N);
2. Discharges an average of 25,000 gallons per day or more of process wastewater to the publicly owned treatment works (excluding sanitary, non-contact cooling water, and boiler blowdown wastewater);
3. Contributes a process wastewater that makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the publicly owned treatment works; or,
4. Is designated as such by the Secretary on the basis that the Industrial User has a reasonable potential for adversely affecting the publicly owned treatment works or for violating any pretreatment standard or requirement.

“Surface Water Discharge (SWD) Permitting Program” is the state program that regulates the discharge of pollutants into the state’s waters. This is the state’s implementation of the federal NPDES program.

“Test Acceptability Criteria (TAC)” are specific criteria for determining whether toxicity test results are acceptable, pursuant to EPA’s WET test methods in 40 CFR 136 (additional TAC may be established by the Department). The effluent and reference toxicant must meet specific criteria as defined in the test method.

“Toxic Unit - Acute (TU_a)” is 100 times the reciprocal of the effluent concentration that causes 50 percent of the organisms to die in an acute toxicity test ($TU_a = 100/LC_{50}$) (see LC_{50}).

“Toxic Unit - Chronic (TU_c)” is 100 times the reciprocal of the effluent concentration that causes no observable effect on the test organisms in a chronic toxicity test ($TU_c = 100/IC_{25}$).

“Toxicity Identification Evaluation (TIE)” is a set of site-specific procedures used to identify the specific chemical(s) causing effluent toxicity.

“Toxicity Reduction Evaluation (TRE)” is a site-specific study conducted in a step-wise process to identify the causative agents of effluent toxicity, isolate the source of toxicity,

evaluate the effectiveness of toxicity control options, and then confirm the reduction in effluent toxicity after the control measures are put in place.

“**TSS**” means Total Suspended Solids. TSS is a measure of the filterable solids present in a sample.

“**Upset**” means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limits because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

“**Water Quality-based Effluent Limit (WQBEL)**” is a NPDES permit limit that is developed to assure protection of aquatic life or human health consistent with applicable State water quality standards.

“**Whole Effluent Toxicity (WET)**” is the total toxic effect of an effluent measured directly with a toxicity test.

“**Whole Effluent Toxicity (WET) Test**” is a procedure using living organisms to determine whether a chemical or an effluent is toxic. A toxicity test measures the degree of the effect of a specific chemical or effluent on exposed test organisms.

2.0 PERMIT COVERAGE

2.1 Permit Transfers

1. Coverage under this permit may be transferred to a new permittee if:
 - a. The signatory authority notifies the Secretary at least 30 days in advance of the proposed transfer date;
 - b. The notice includes a written agreement between the existing and new permittee containing a specific date for transfer of permit responsibility, coverage, and liability between them; and
 - c. The new permittee submits a Certification of Applicant form certifying the new permittee is qualified to perform the obligations of a permit holder in accordance with South Dakota Codified Law 1-40-27.
2. The Secretary will notify the existing and new permittee of his or her intent to transfer, modify, or revoke and reissue the permit based on the information received and other permit information.

2.2 Reopener Provisions

This permit may be reopened and modified (following proper administrative procedures) to include the appropriate effluent limits (and compliance schedules, if necessary), or other appropriate requirements if one or more of the following events occurs:

1. **Water Quality Standards:** The water quality standards of the receiving waters applicable to this permit are modified in such a manner as to require different effluent limits than contained in this permit;
2. **Water Quality Management Plan:** A revision to the current water quality management plan is approved and adopted that calls for different effluent limits than contained in this permit;
3. **Effluent Guidelines:** Effluent limit guidelines are promulgated or revised for point sources covered by this permit;
4. **Total Maximum Daily Load:** Additional controls in the permit are necessary to implement a total maximum daily load approved by the Secretary and/or EPA;
5. **Noncompliance:** The discharger is a significant contributor of pollution to waters of the state, presents a health hazard, or is in noncompliance with the conditions of the permit;
6. **Whole Effluent Toxicity:** Whole effluent toxicity is detected in the discharge; this permit may be reopened and modified (following proper administrative procedures) to include whole effluent toxicity (WET) testing, a WET limit, a compliance date, additional or modified numerical limits, or any other conditions related to the control of toxicants if toxicity is detected during the life of this permit;
7. **Pretreatment Program:** The permittee is required to develop and implement a pretreatment program, regulating indirect discharges of wastewater into its publicly owned treatment works; or
8. **Other Changes:** Other conditions or standards change so that the discharge no longer qualifies for this permit, such as the permittee being designated as a major discharger, changes in necessary influent or effluent pollutant monitoring, additional industrial pretreatment requirements become applicable to the permittee, or other items.

2.3 Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after its expiration date, the permittee must apply for and obtain coverage under a new permit. The permit application must be submitted at least 180 days before the expiration date of this permit. Periodically during the term of this permit and at the time of reissuance, the permittee may be requested to reaffirm its eligibility to discharge under this permit.

2.4 Continuation of the Expired Permit

An expired permit continues in full force and effect until a new permit is issued. If the permittee wishes to continue an activity regulated by this permit after its expiration date, the permittee must submit an application at least 180 days before the expiration date of the permit.

2.5 Property Rights

1. The Secretary's issuance of this permit, adoption of design criteria, and approval of plans and specifications, does not convey any property rights of any sort, any exclusive privileges, any authorization to damage, injure or use any private property, any authority to invade personal rights, any authority to violate federal, state, or local laws or regulations, or any taking, condemnation or use of eminent domain against any property owned by third parties.
2. The State does not warrant that the permittee's compliance with this permit, design criteria, approved plans and specifications, and operation under this permit, will not cause damage, injury or use of private property, an invasion of personal rights, or violation of federal, state or local laws or regulations. The permittee is solely and severally liable for all damage, injury or use of private property, invasion of personal rights, infringement of federal, state or local laws and regulations, or taking or condemnation of property owned by third parties, that may result from actions taken under the permit.

2.6 Permit Actions

The Secretary may modify, revoke and reissue, or terminate coverage under this permit for cause, including failure to comply with any provision of this permit or any condition imposed by the Secretary upon granting coverage under this permit. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

2.7 Severability

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

3.0 EFFLUENT LIMITS

3.1 Description of Discharge Points

The authorization to discharge provided under this permit is limited to those outfalls specifically designated below as discharge locations. Discharges at any location not authorized under this permit are a violation of the South Dakota Water Pollution Control

Act and could subject the person(s) responsible for such discharge to penalties under Section 34A-2-75 of the Act. Knowingly discharging from an unauthorized location or failing to report a discharge as required by the permit could subject the permittee to penalties as provided under the South Dakota Water Pollution Control Act.

Outfall

Number

Description of Discharge Points

002

Any discharge from the equalization trough and the concrete discharge structure to Spring Creek (Latitude 43.935449°, Longitude -103.557268°)

3.2 Prohibition of Bypass, Emergency Discharges, and SSOs

1. The permittee may allow bypasses to occur that do not result in a discharge and will not result in a violation of the effluent limits, but only if for essential maintenance to ensure efficient operation.
2. An emergency discharge, sanitary sewer overflow, or bypass, other than that described in Paragraph 1 above, is prohibited and the Secretary may take enforcement action against a permittee, unless:
 - a. The emergency discharge, SSO, or bypass was unavoidable to prevent loss of life, threat to public health, personal injury, or severe property damage;
 - b. 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
 - c. The permittee submitted notices as required in **Section 4.2 – Effluent Violation, Bypass, Emergency Discharge, and SSO Reporting Requirements.**
3. The permittee shall sample an emergency discharge or SSO for the parameters and at the frequencies listed in **Section 3.7 – Self-Monitoring Requirements - Sanitary Sewer Overflows and Emergency Discharges.** The sample results shall be reported in accordance with the reporting requirements listed in **Section 4.1 – Reporting of Monitoring Results.**
4. 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 above in Paragraph 2.
5. If a bypass, emergency discharge, or sanitary sewer overflow occurs or is expected to occur, the 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.

3.3 Proper Operation and Maintenance

1. The permittee shall at all times properly operate and maintain all facilities and treatment and control systems that are installed or used by the permittee to achieve compliance with the conditions of this permit or other conditions required by the Secretary upon issuance.
2. Proper operation and maintenance may include adequate laboratory controls and appropriate quality assurance procedures.
3. This provision requires the operation of back-up or auxiliary facilities or similar systems that are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

3.4 Inspection Requirements

The permittee shall inspect its wastewater treatment facility and outfall structures regularly 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 inspections shall be performed to determine if proper operation and maintenance procedures are being undertaken at the wastewater treatment facility. The permittee shall maintain a notebook recording information obtained during the inspection.

1. **Facility Inspections.** The permittee shall inspect the facility and discharge location on at least a **daily** basis. At a minimum, the notebook shall include the following:
 - a. Date and time of the inspection;
 - b. Name of the inspector(s);
 - c. The facility's discharge status;
 - d. Identification of operational problems and/or maintenance problems;
 - e. Recommendations, as appropriate, to remedy identified problems;
 - f. A brief description of any actions taken with regard to problems identified; and,
 - g. Other information, as appropriate.
2. The permittee shall maintain the notebook(s) for the facility in accordance with proper record-keeping procedures and shall make the notebook(s) available for inspection, upon request, by the Secretary or the US EPA.

3.5 Compliance Schedule

Reports of compliance or noncompliance or any progress report must be submitted no later than 14 days following the interim or final compliance date specified in a compliance schedule.

3.6 Effluent Limits and Self-Monitoring Requirements – *Outfall 002*

Upon the effective date of this permit and lasting through the life of the permit, the quality of effluent discharged by the facility shall, as a minimum, be monitored and meet the effluent limits as set forth in the following table. Sampling shall occur at the Outfall 002 discharge structure, unless alternative sampling locations have been approved by the Secretary. The permittee shall report the monitoring results in accordance with **Section 4.1 – Reporting of Monitoring Results.**

Effluent Parameter	Effluent Limit and Reporting Values		Monitoring Requirements		
	30-Day Average ¹	Daily Maximum ¹	Frequency	Sample Type	
Five-Day Biochemical Oxygen Demand (BOD ₅) ²	10 mg/L	17.5 mg/L	3 Times/Week	24-Hour Composite	
Total Suspended Solids (TSS) ²	10 mg/L	17.5 mg/L	3 Times/Week	24-Hour Composite	
Percent Removal (TSS and BOD ₅) ³	85%	--	Monthly	Calculate	
<i>Escherichia coli</i> (<i>E. coli</i>)	May 1 – September 30 ⁴	126 per 100 mL	235 per 100 mL	3 Times/Week	Grab
Ammonia-Nitrogen (as N)	October 1 – August 31	1.0 mg/L	1.75 mg/L	3 Times/Week ⁵	24-Hour Composite
	September 1 – September 30	0.9 mg/L	1.75 mg/L	3 Times/Week ⁵	24-Hour Composite
pH	The pH of the discharge shall not be less than 6.6 standard units or greater than 8.6 standard units in any sample.		5 Times/Week ⁵	Instantaneous ⁶	
Nitrate-Nitrogen (as N)	50 mg/L	88 mg/L	3 Times/Week	24-Hour Composite	
Total Phosphorus (as P) ⁷	--	0.1 mg/L	3 Times/Week	24-Hour Composite	
Water Temperature ⁷	Report, °C	Report, °C	5 Times/Week ⁵	Instantaneous ⁸	
Turbidity ⁷	--	Report, NTU	Weekly	Instantaneous	
Flow Rate ⁷	Report, MGD	Report, MGD	Continuous	Instantaneous	
Total Nitrogen (as N) ⁷	--	Report, mg/L	Monthly	24-Hour Composite	
Floating Solids (Waste or Visible Foam)	Report Presence or Absence		5 Times/Week	Visual	
No chemicals, such as chlorine, shall be used without prior written permission from the Secretary.					

- ¹ See **Section 1.0 - Definitions**.
- ² The permittee shall monitor the **influent** and **effluent** for this parameter.
- ³ In addition to the concentration limit on TSS and BOD₅ indicated above, the arithmetic mean of the TSS and BOD₅ concentration for effluent samples collected during the calendar month shall not exceed 15 percent of the arithmetic mean of the concentration for influent samples collected at approximately the same times during the same period (85 percent removal).
- ⁴ For *E. coli*, if a minimum of five samples are collected in a calendar month, all of the samples collected are to be used in determining the geometric mean. Samples are to be collected at the same time as BOD₅, TSS, etc. If less than five samples are taken during any calendar month, the daily maximum effluent limit still applies. This sampling protocol for *E. coli* only applies if the discharge occurs between May 1 and September 30.
- ⁵ The pH and temperature of the effluent shall be determined when the ammonia samples are collected.
- ⁶ The pH shall be taken within 15 minutes of sample collection with a pH meter. The pH meter must be capable of simultaneous calibration to two points on the pH scale that bracket the expected pH and are approximately three standards 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.
- ⁷ This parameter shall be monitored and reported, but does not have an effluent limit associated with it.
- ⁸ The water temperature of the effluent shall be taken as a field measurement. Measurement shall be made with a mercury-filled, or dial-type thermometer, or a thermistor. Readings shall be reported to the nearest whole degree Celsius.

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

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

Effluent Parameter	Frequency	Reporting Values ¹	Sample Type ¹
Duration of Discharge, days	Monthly	Monthly Total ²	Calculate
Total Flow, million gallons	Monthly	Monthly Total	Calculate
Flow Rate, MGD	Daily	Actual Value	Instantaneous
pH, standard units	Daily	Actual Value	Instantaneous ^{3, 4}
Water Temperature, °C	Daily	Actual Value	Instantaneous ^{4, 5}
Five-Day Biochemical Oxygen Demand (BOD ₅), mg/L	Daily	Actual Value	Grab
Total Suspended Solids (TSS), mg/L	Daily	Actual Value	Grab
Ammonia-Nitrogen (as N), mg/L	Daily	Actual Value	Grab ⁴
Total Phosphorus (as P), mg/L	Daily	Actual Value	Grab
Nitrate-Nitrogen (as N), mg/L	Daily	Actual Value	Grab
<i>Escherichia coli</i> (<i>E. coli</i>), no./100 mL	Daily	Actual Value	Grab

¹ See **Section 1.0 – Definitions.**

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

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

⁴ The pH and temperature of the effluent shall be determined when ammonia samples are collected.

⁵ The water temperature of the effluent shall be taken as a field measurement. Measurement

shall be made with a mercury-filled, or dial type thermometer, or a thermistor. Readings shall be reported to the nearest whole degree Celsius.

3.8 Monitoring Procedures

1. Effluent samples taken in compliance with the monitoring requirements established under this permit shall be collected prior to discharge into the receiving waters. Samples and measurements shall be representative of the volume and nature of the monitored discharge.
2. Monitoring shall be conducted according to test procedures approved under ARSD Section 74:52:03:06 (a.b.r. 40 CFR, Part 136), unless other test procedures have been specified in this permit or approved by the Secretary. Analysis methods shall be sufficiently sensitive to ensure the minimum detection level for a pollutant is below the permit limit. If no sufficiently sensitive method is available, the method with the lowest minimum detection level shall be used.

3.9 Additional Monitoring by the Permittee

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

3.10 Capacity, Management, Operation, and Maintenance Program

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

1. Sewer management program: This program includes personnel organizational structure, training, communication information systems, noncompliance notification program, and other appropriate items;
2. Collection system operation program: This program includes operational budgeting, monitoring, safety, emergency preparedness and response, pump stations, operational recordkeeping, and other appropriate items;
3. Collection system maintenance program: This program includes maintenance budgeting, planned and unplanned maintenance; sewer cleaning; maintenance recordkeeping, parts and equipment inventory, and other appropriate items; and
4. Sewer system capacity evaluation: The capacity evaluation includes the following:
 - a. System inventory (sewer locations, sizes, slopes, materials, age, condition, etc.);

- b. Identification of problem areas (overflows, surcharged lines, basement backups, etc.);
 - c. Capacity evaluation of problem areas (utilizing flow and precipitation records, infiltration and inflow investigation, manhole and pipe inspections and televising, smoke and dye testing, and building inspections); and
 - d. Sewer rehabilitation recommendations.
5. Timelines: This program shall identify timelines and specific dates for completing any identified changes or improvements.
 6. SDDANR Approval: The permittee shall submit the program to SDDANR for approval. Upon approval, the permittee shall implement the program.

4.0 REPORTING & RECORD KEEPING REQUIREMENTS

4.1 Reporting of Monitoring Results

1. Effluent and influent monitoring results obtained during the previous month shall be summarized for each month, reported on separate Discharge Monitoring Report Forms (as defined in **Section 1.0 - Definitions**) designated as Outfall 002 and submitted to SDDANR via NetDMR on a **monthly** basis.
2. Effluent results obtained from all other sources shall be reported on Emergency Discharge and SSO Reporting Forms in Appendix A.
3. All reports must be submitted **no later than the 28th day of the month** following the completed reporting period. If no discharge occurs during the reporting period, “no discharge” shall be reported on the Discharge Monitoring Report.
4. Legible copies of these, and all other reports required herein, shall be signed and certified in accordance with **Section 4.5 – Signatory Requirements** and submitted to the Secretary at the following address:

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

In accordance with 40 CFR, Part 122, all permit reports shall be submitted electronically starting no later than **December 21, 2025**.

5. In accordance with SDCL 1-40-39, the Secretary is authorized to accept a document with an electronic signature. SDDANR shall provide for the

authenticity of each electronic signature by adhering to any standards established by the South Dakota Bureau of Information and Telecommunications pursuant to SDCL 53-12-47 and 53-12-50 or any other standards established by rules promulgated pursuant to SDCL Chapter 1-26.

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

1. Any possible or actual endangerment to health or the environment attributed to an effluent violation, bypass, emergency discharge, or sanitary sewer overflow shall be reported as soon as possible, but no later than 24 hours after becoming aware of the circumstances as follows:
 - a. During regular business hours (8:00 a.m. - 5:00 p.m. Central Time), the report shall be made at (605) 773-3351.
 - b. Outside of normal business hours, the permittee shall contact the South Dakota Emergency Management at (605) 773-3231.
2. Effluent violations, bypass, sanitary sewer overflows, and emergency discharges that do not meet the conditions above shall be reported to the Secretary within 24 hours from the time the permittee becomes aware of the circumstances either by telephone or email as follows:
 - a. Via telephone at (605) 773-3351. Outside of normal business hours (8:00 a.m. – 5:00 p.m. Central Time), the permittee shall leave a message.
 - b. Via email at SWDPermits@state.sd.us.
3. The permittee shall submit notice of bypass as follows:
 - a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice to the Secretary at least 10 days before the date of the bypass.
 - b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass to the secretary at (605) 773-3351 or via email at SWDPermits@state.sd.us by the first workday (8:00 a.m. – 5:00 p.m. Central Time) following the day the permittee became aware of the circumstances.
4. The Secretary may require the permittee to notify the general public or downstream users that could be or will be impacted by the effluent violation, bypass, emergency discharge, or SSO.
 - a. In making the decision to require public notification, the Secretary will consider the potential impacts as a result of the effluent violation, bypass, emergency discharge, or SSO, the downstream beneficial uses (such as drinking water or recreation), and the potential for public contact.

- b. If required by the Secretary, the permittee shall notify the public and/or downstream users as soon as possible, but in no case more than 24 hours after the effluent violation, bypass, emergency discharge, or SSO begins.
5. In addition to verbal notification, the permittee shall submit a written report of the circumstances regarding the effluent violation, bypass, sanitary sewer overflow, or emergency discharge to the Secretary. The permittee shall use the Emergency Discharge and SSO Reporting Form in Appendix A to report an emergency discharge or SSO. Effluent violations shall be reported on the Discharge Monitoring Report forms required in **Section 4.1 – Reporting of Monitoring Results**.
 - a. Reports shall be submitted in accordance with **Section 4.1 – Reporting of Monitoring Results**.
 - b. The written submission shall contain:
 - i. A description of the event and its cause;
 - ii. The period of the event, including exact dates and times;
 - iii. Where the wastewater was discharged;
 - iv. The estimated time the event is expected to continue if it has not been corrected;
 - v. Any adverse effects, such as fish kills;
 - vi. If public notification was required, describe how the public was notified of the discharge; and
 - vii. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the event.
6. The written report shall be submitted by **the 28th day of the following month**. The Secretary may require a written report to be submitted sooner or may require additional information if the discharge has the potential to impact human health or the environment.

4.3 Other Noncompliance Reporting Requirements

1. The permittee shall submit a written report of all instances of permit noncompliance not reported under **Section 4.2 – Effluent Violation, Bypass, Emergency Discharge, and SSO Reporting Requirements**.
 - a. Reports shall be submitted in accordance with **Section 4.1 – Reporting of Monitoring Results**.
 - b. The written submission shall contain:
 - i. A description of the event and its cause;
 - ii. The period of the event, including exact dates and times;
 - iii. Where the wastewater was discharged;
 - iv. The estimated time the event is expected to continue if it has not been corrected;
 - v. Any adverse effects, such as fish kills;

- vi. If public notification was required, describe how the public was notified of the discharge; and
 - vii. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the event.
2. The written report shall be submitted by the 28th day of the following month. The Secretary may require a written report to be submitted sooner or may require additional information if the discharge has the potential to impact human health or the environment.

4.4 Records Contents

Records of monitoring information shall include:

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

4.5 Signatory Requirements

1. All permit applications, reports or information submitted to the Secretary shall be signed and certified by either a principal executive officer or ranking elected official.
2. All reports required by the permit and other information requested by the Secretary shall be signed by a person described in Paragraph 1 of this section or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - a. The authorization is made in writing by a person described above and submitted to the Secretary; and,
 - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of superintendent or equivalent responsibility, or an individual or position having overall responsibility for environmental matters. A duly

authorized representative may be either a named individual or any individual occupying a named position.

3. If an authorization under Paragraph 2 a. above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization must be submitted to the Secretary.
4. Any person signing a document under this section shall include the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

4.6 Retention of Records

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

4.7 Availability of Reports

Except for data determined to be confidential under ARSD Section 74:52:02:17, all reports prepared in accordance with the terms of this permit shall be available for public

inspection at the office of SDDANR. The name and address of the permittee, permit applications, permits, and effluent data shall not be considered confidential.

4.8 Duty to Provide Information

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

4.9 Planned Changes

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

5.0 COMPLIANCE REQUIREMENTS

5.1 Duty to Comply

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

5.2 Duty to Mitigate

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

5.3 Need to Halt or Reduce Activity Not a Defense

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

5.4 Upset Conditions

1. An upset constitutes an affirmative defense to an action brought for noncompliance with technology based permit effluent limits if the requirements of Paragraph 2 of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review (i.e., Permittees will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with technology-based permit effluent limits).
2. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - a. An upset occurred and the permittee can identify the cause(s) of the upset;
 - b. The permitted facility was at the time being properly operated;
 - c. The permittee submitted notice of the upset as required under **Section 4.2 – Effluent Violation, Bypass, Emergency Discharge, and SSO Reporting Requirements**; and,
 - d. The permittee complied with mitigation measures required under **Section 5.2 – Duty to Mitigate**.
3. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

5.5 Penalties for Violations of Permit Conditions

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

5.6 Penalties for Falsification of Reports

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

violation of the provisions of SDCL 34A-2-77, and is subject to penalties under SDCL 34A-2-75.

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

5.7 Oil and Hazardous Substance Liability

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

6.0 INDUSTRIAL WASTES

6.1 Industrial Users

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

6.2 Prohibited Discharges

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

1. Pollutants that create a fire or explosion hazard in the publicly owned treatment works, including but not limited to waste streams with a closed cup flashpoint of

less than 60 degrees Celsius (140 degrees Fahrenheit) using the test methods specified in ARSD Section 74:28:22:01 (a.b.r. 40 CFR 261.21);

2. Pollutants that will cause corrosive structural damage to the Publicly owned treatment works (POTW), but in no case discharges with pH lower than 5.0 standard units nor greater than 12.5 standard units;
3. Solid or viscous pollutants in amounts that will cause obstruction to the flow in the POTW, or other interference with the operation of the POTW;
4. Any pollutant, including oxygen demanding pollutants (e.g., BOD), released in a discharge at a flow rate and/or pollutant concentration that will cause interference with the POTW;
5. Heat in amounts that will inhibit biological activity in the POTW resulting in interference but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds 40 degrees Celsius (104 degrees Fahrenheit);
6. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;
7. Pollutants that result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
8. Any trucked or hauled pollutants, except at discharge points designated by the POTW; and
9. Any pollutant that causes pass through or interference.

6.3 Categorical Standards

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

6.4 Legal Action

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

7.0 ADDITIONAL PERMIT CONDITIONS

7.1 Inspection and Entry

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

1. Enter the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and,
4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the South Dakota Water Pollution Control Act, any substances or parameters at any location.

7.2 Removed Substances

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

APPENDIX A

Emergency Discharge and SSO Reporting Form

EMERGENCY DISCHARGE and SSO REPORTING FORM

This form is to be used to summarize the reporting requirements for any emergency discharge or sanitary sewer overflow.

Address:		Point of Discharge	<input type="checkbox"/> 002	<input type="checkbox"/> SSO	<input type="checkbox"/> Other
Facility Contact:		Phone:			
Description of Event <i>(Attach additional sheets if necessary)</i>					
<i>Please check the boxes below, as appropriate, to indicate the type of release being reported (See Definitions for an explanation of each term).</i>					
<input type="checkbox"/> Emergency Discharge <input type="checkbox"/> Sanitary Sewer Overflow					
Date and Time the discharge began or was discovered:					
Date and Time the discharge was stopped:					
Describe the events resulting in the discharge and its cause(s):					
Where did the event occur and where was the wastewater released to:					
Describe the steps taken or planned to reduce, eliminate, and prevent reoccurrence:					
Time and Date 24-Hour Notice of Noncompliance given to SDDANR:					
Describe any adverse effects, such as fish kills, etc.:					
Duration of discharge (include dates and times):					
Total flow, million gallons:					

ANALYTICAL RESULTS

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

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name (print): _____

Title: _____

Signature: _____

Date: _____