

Permit No.: SDG860011

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

**General Surface Water Discharge Permit
For Water Treatment and Distribution Facilities
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,

VERMILLION WATER DISTRIBUTION

is authorized under this general permit to discharge from the **water treatment and/or distribution system activities described in the permittee's Notice of Intent form**

to ***the Vermillion River***

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 Notice of Intent. The permittee must comply with all conditions of this general permit. Any general 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 general permit shall become effective November 1, 2022.

General permit coverage for the VERMILLION WATER DISTRIBUTION shall become effective November 1, 2022.

This general permit and the authorization to discharge shall expire at midnight, October 31, 2027.

To continue permit coverage, a Notice of Intent must be received by January 15, 2027.

Signed this day of October 19, 2022.



Authorized Permitting Official

Hunter Roberts
Secretary
Department of Agriculture and Natural Resources

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APPENDIX A – Notice of Intent to Obtain Coverage under the General Surface Water Discharge Permit for Water Treatment and Distribution Activities

APPENDIX B – Notice of Termination of Coverage under the General Surface Water Discharge Permit for Water Treatment and Distribution Activities

APPENDIX C – Discharge Monitoring Summary 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 or an anticipated bypass approved by the Secretary.

“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 or an anticipated bypass approved by the Secretary.

“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 GENERAL PERMIT COVERAGE

2.1 Applicability of this General Permit

This general permit is potentially applicable to all water treatment and distribution facilities. Discharges of pollutants to waters of the state may occur due to an overflow from treatment and/or storage units, filter backwash water, disinfection and line flushing, or line breakages within the State of South Dakota. The water discharged from these activities must be relatively uncontaminated and must not contribute non-conventional or toxic pollutant loadings to the receiving waters.

2.2 Discharges Covered

This general permit shall authorize the following discharges of pollutants to waters of the state associated with the operation of water treatment plants and/or distribution systems within the state of South Dakota, excluding discharges identified under **Section 2.3 – Discharges Not Covered**.

1. Treatment or storage system overflows or discharges;
2. Filter backwash and settling basin discharges;
3. Disinfection and flushing of potable water lines;
4. Disinfection of storage systems;
5. Water line breaks and leak repair;

6. Water treated to remove radioactive materials that meets the requirements of the federal Safe Drinking Water Act; or
7. Other discharges which meet the following conditions:
 - a. The general permit limits, monitoring and reporting requirements, and management practices are appropriate;
 - b. The discharge is temporary in nature; and
 - c. The discharge consists of relatively uncontaminated water consistent with the discharges described above.

2.3 Discharges Not Covered

The following discharges are not authorized by this general permit:

1. Water needing treatment for radioactive compounds that does not meet the requirements of the federal Safe Drinking Water Act;
2. Discharge or spills of treatment chemicals that exceed the established general permit limits; or
3. Discharges or spills of chemicals not authorized for release under this general permit.

2.4 General Permit Transfers

1. Coverage under this general 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 general 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 general permit holder in accordance with South Dakota Codified Law 1-41-20.
2. The Secretary will notify the existing and new permittee of his or her intent to transfer, modify, or revoke and reissue the general permit based on the information received and other general permit information.

2.5 Reopener Provisions

This general permit may be reopened and modified (following proper administrative procedures) to include the appropriate effluent limits, 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 general permit are modified in such a manner as to require different effluent limits than contained in this general 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 general permit;
3. **Effluent Guidelines:** Effluent limit guidelines are promulgated or revised for point sources covered by this general permit;
4. **Total Maximum Daily Load:** Additional controls in the general 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 general 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 general permit; or
7. **Other Changes:** Other conditions or standards change so that the discharge no longer qualifies for this general 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.

2.6 Duty to Reapply

If the permittee wishes to continue an activity regulated by this general permit after its expiration date, the permittee must apply for and obtain coverage under a new general permit. The general permit Notice of Intent (NOI) must be submitted at least 45 days before the expiration date of this general permit. Periodically during the term of this general permit and at the time of reissuance, the permittee may be requested to reaffirm its eligibility to discharge under this general permit.

2.7 Obtaining Authorization

1. A NOI form, included in Appendix A, must be completed and submitted to the address indicated on the NOI form by the operator of the water treatment facility or water distribution system to request coverage under this general permit. Section II of the NOI must identify the party responsible for the day to day operation of the facility, if different from the owner. SDDANR will also accept applications received for individual permits from water systems.

2. Upon receipt of a complete NOI or general permit application, the Secretary shall make the decision to grant or deny coverage, or request additional information. Facilities that meet the conditions for coverage under this 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.
3. SDDANR will make a final decision where to grant coverage under this general permit. A letter of authorization shall be sent to the permittee granting coverage under this general permit. A copy of this general permit, with the applicable limits will be included with SDDANR's authorization for coverage.
4. A copy of the Department's authorization letter and general permit shall be kept at the facility until coverage under the general permit is terminated.

Operators are not prohibited from submitting late NOIs. When a late NOI is submitted, authorization is only for discharges that occur after general permit coverage is granted. The Secretary reserves the right to take appropriate enforcement actions for any unpermitted activities that may have occurred between the time activities commenced and authorization of the discharges is granted.

2.8 Continuation of the Expired General Permit

An expired general permit continues in full force and effect until a new general permit is issued. If the permittee wishes to continue an activity regulated by this general permit after its expiration date, the permittee must submit a NOI at least 45 days before the expiration date of the general permit.

2.9 Terminating Coverage

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 5.5 – Signatory Requirements**. Compliance with this general permit is required until a NOT, found in Appendix B, 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.

2.10 Property Rights

1. The Secretary's issuance of this general 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 general permit, design criteria, approved plans and specifications, and operation under this general 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 general permit.

2.11 General Permit Actions

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

2.12 Severability

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

2.13 Requiring an Individual Permit

The department may require an individual permit for any of the following reasons:

1. The discharge is a significant contributor of pollution to waters of the state or it presents a health hazard;
2. The receiving stream is impaired for the pollutant(s) proposed to be discharged and the effluent limits are not adequate to protect the stream;
3. The discharge is not in compliance with the conditions of the general permit;
4. A change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the point source;
5. Effluent limitation guidelines are promulgated for point sources covered by this general permit;
6. A water quality management plan containing requirements applicable to such point sources is approved;
7. A compliance or construction schedule is needed; or
8. Conditions or standards have changed so the discharge no longer qualifies for coverage under the general permit.

In addition, an owner or operator of a facility covered by this general permit may apply for an individual surface water discharge permit pursuant to the provisions in the SDSWQS (ARSD Section 74:52:02:47).

3.0 EFFLUENT LIMITS

3.1 Description of Discharge Points

The authorization to discharge provided under this general permit is limited to those outfalls specifically designated below as discharge locations. Discharges at any location not authorized under this general 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 general permit could subject the permittee to penalties as provided under the South Dakota Water Pollution Control Act.

Outfall Number	Description of Discharge Points
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DW1	Any discharge of source water or partially treated water from a water treatment plant that reaches waters of the state. This includes, but is not limited to, overflows or discharges from treatment units, line failures within the treatment plant, or discharges of untreated source water.
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DW2	Any discharge of treated drinking water from water storage units, distribution lines, or associated appurtenances that reach waters of the state. This includes, but is not limited to, a discharge of fully treated water from the water treatment plant, line flushing, and overflows or releases from storage units.
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3.2 Proper Operation and Maintenance

1. The permittee shall at all times properly operate and maintain all facilities, treatment, distribution, storage, and control systems that are installed or used by the permittee to achieve compliance with the conditions of this general 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 general permit.

3.3 Inspection Requirements

1. **Facility Inspections (Outfall DW1).** The permittee shall inspect the facility and discharge location on at least a **monthly** basis. The permittee shall ensure that qualified personnel inspect the site on a **daily** basis during a discharge.

The permittee shall maintain a notebook relating to any discharge(s). The notebook shall contain:

- a. Date and time of the inspection;
- b. Name of the inspector(s);
- c. Flow information and data;
- d. Sample results;
- e. Records of visual observations;
- f. Identification of operational problems and/or maintenance problems;
- g. Recommendations, as appropriate, to remedy identified problems;
- h. A brief description of any actions taken with regard to problems identified; and,
- i. Other information, as appropriate.

2. **Distribution System Inspections (Outfall DW2).** The permittee shall ensure that qualified personnel inspect the site on a **daily** basis during a discharge. Lines being flushed and all overflow pipes shall be inspected on a **daily** basis. The inspection shall include the temporary discharge site, areas where the best management practices are being implemented, and the discharge location. These areas shall be inspected to ensure that the best management practices are operating correctly and for evidence of, or the potential for, pollutants entering the receiving waters.

The permittee shall maintain a daily notebook relating to any discharge(s). The notebook shall contain:

- a. Date and time of the inspection;
- b. Name of the inspector(s);
- c. Flow information and data;
- d. Sample results;
- e. Records of visual observations;
- f. Identification of operational problems and/or maintenance problems;
- g. Recommendations, as appropriate, to remedy identified problems;
- h. A brief description of any actions taken with regard to problems identified; and,

- i. Other information, as appropriate.
3. The permittee shall maintain the notebook(s) for the facility and/or distribution system 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.

3.4 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. If a compliance schedule is deemed necessary, an individual permit shall be required.

3.5 Effluent Limits and Self-Monitoring Requirements – *Outfall DW1*

1. Upon the effective date of this general permit and lasting through the life of the general permit there shall be no discharges of sanitary wastewater, floating solids, or visible foam, in other than trace amounts, or any solids and/or sludges generated by the treatment of the discharge. In addition, the permittee shall take all reasonable measures to prevent or minimize the possibility of stream channel scouring or erosion caused by the discharge.
2. Upon the effective date of this general permit and lasting through the life of the general 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.

Limit Set DW1D			
Effluent Parameter	Effluent Limits and Reporting Values	Monitoring Requirements	
		Frequency ¹	Sample Type ²
Total Suspended Solids (TSS)	90 mg/L	Weekly	Grab
Total Dissolved Solids (TDS)	1000 mg/L	Weekly	Grab
pH ³	The pH of the discharge shall not be less than 6.5 standard units or greater than 9.0 standard units in any sample.	Weekly	Instantaneous
Total Residual Chlorine (TRC) ^{4, 5}	0.019 mg/L	Weekly	Instantaneous
Total Sulfate (as SO ₄) ⁶	Report, mg/L	Weekly	Grab
Conductivity ⁶	Report, μ mhos/cm	Weekly	Grab
Total Ammonia-Nitrogen (as N) ^{6, 7}	Report, mg/L	Weekly	Grab
Total Fluoride ^{6, 8}	Report, mg/L	Monthly	Grab
Water Temperature ^{6, 9}	Report, °C	Weekly	Instantaneous
Flow Rate ⁶	Report, gpd	Daily	Instantaneous
Total Flow ⁶	Report, gallons	Monthly	Calculated
Duration of Discharge ⁶	Report, days	Monthly	Calculated
Floating Solids (Waste or Visible Foam)	Report Presence or Absence	Weekly	Visual
No chemicals, such as chlorine, shall be used without prior written permission from the Secretary.			

- ¹ If the duration of discharge is shorter than the required sample frequency, a minimum of one sample shall be taken for all parameters.
- ² See **Section 1.0 – Definitions**
- 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 unit.
- ⁴ This limit is only applicable if the facility is adding chlorine as part of its disinfection process. If a facility does not add chlorine, chlorine monitoring and limits will not be required.
- ⁵ SDDANR considers the analytical detection limit for total residual chlorine to be 0.05 mg/L. If the effluent value is less than the analytical detection limit, “below detection level” shall be used for reporting purposes.
- ⁶ This parameter shall be monitored and reported but does not have an effluent limit associated with it.
- ⁷ This monitoring requirement is only applicable if the facility is adding ammonia as part of its disinfection process. If a facility does not add ammonia, monitoring will not be required.
- ⁸ This monitoring requirement is only applicable if the facility is adding fluoride as part of its treatment process. If a facility does not add fluoride, monitoring will not be required.
- ⁹ 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.

3.6 Effluent Limits and Self-Monitoring Requirements – *Outfall DW2*

1. Upon the effective date of this general permit and lasting through the life of the general permit there shall be no discharges of sanitary wastewater, floating solids, or visible foam, in other than trace amounts, or any solids and/or sludges generated by the treatment of the discharge. In addition, the permittee shall take all reasonable measures to prevent or minimize the possibility of stream channel scouring or erosion caused by the discharge.
2. Upon the effective date of this general permit and lasting through the life of the general 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.

Limit Set DW2B			
Effluent Parameter	Effluent Limits and Reporting Values	Monitoring Requirements	
		Frequency	Sample Type ¹
Total Suspended Solids (TSS) ²	90 mg/L	Daily	Grab
pH ³	The pH of the discharge shall not be less than 6.5 standard units or greater than 9.0 standard units in any sample.	Daily	Instantaneous
Total Residual Chlorine (TRC) ^{2, 4, 5}	0.019 mg/L	Daily	Instantaneous
Total Ammonia-Nitrogen (as N) ⁶	1.0 mg/L	Daily	Grab
Water Temperature ^{7, 8}	Report, °C	Daily	Instantaneous
Flow Rate ⁷	Report, gpd	Each Discharge	Instantaneous
Total Flow ⁷	Report, gallons	Each Discharge	Calculated
Duration of Discharge ⁷	Report, days	Each Discharge	Calculated
Floating Solids (Waste or Visible Foam)	Report Presence or Absence	Daily	Visual
No chemicals, such as chlorine, shall be used without prior written permission from the Secretary.			

¹ See **Section 1.0 – Definitions**

² An approved Best Management Practices Plan may be used instead of sampling for this parameter.

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 unit.

⁴ This limit is only applicable if the facility is adding chlorine as part of its disinfection process. If a facility does not add chlorine, chlorine monitoring and limits will not be required.

⁵ SDDANR considers the analytical detection limit for total residual chlorine to be 0.05 mg/L. If the effluent value is less than the analytical detection limit, “below detection level” shall be used for reporting purposes.

⁶ This monitoring requirement is only applicable if the facility is adding ammonia as part of its disinfection process. If a facility does not add ammonia, monitoring will not be required.

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 Outfall DW1*

All emergency discharges shall be monitored for the following parameters at the frequency and with the type of measurement indicated. Promptly upon discovery of an emergency discharge, 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 5.1 – 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, gpd	Daily	Actual Value	Instantaneous
pH, standard units	Daily	Actual Value	Instantaneous ^{3,4}
Water Temperature, °C	Daily	Actual Value	Instantaneous ^{4,5}
Total Dissolved Solids (TDS), mg/L	Daily	Actual Value	Grab
Total Suspended Solids (TSS), mg/L	Daily	Actual Value	Grab
Total Residual Chlorine (TRC), mg/L ^{6,7}	Daily	Actual Value	Instantaneous
Conductivity	Daily	Actual Value	Grab
Total Fluoride ⁸	Daily	Actual Value	Grab
Ammonia-Nitrogen (as N), mg/L ⁹	Daily	Actual Value	Grab ⁴
Total Sulfate (as SO ₄) mg/L	Daily	Actual Value	Grab
Floating Solids (Waste or visible foam)	Daily	Presence or Absence	Visual

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.
- ⁶ This monitoring requirement is only applicable if the facility is adding chlorine as part of the disinfection process. If a facility does not add chlorine, chlorine monitoring will not be required.
- ⁷ SDDANR considers the analytical detection limit for total residual chlorine to be 0.05 mg/L. If the effluent value is less than the analytical detection limit, “below detection level” shall be used for reporting purposes.
- ⁸ This monitoring requirement is only applicable if the facility is adding fluoride as part of its treatment process. If a facility does not add fluoride, monitoring will not be required.
- ⁹ This monitoring requirement is only applicable if the facility is adding ammonia as part of the water treatment or disinfection process. If a facility does not add ammonia, ammonia monitoring will not be required.

3.8 Self-Monitoring Requirements – *Emergency Discharges Outfall DW2*

All emergency discharges shall be monitored for the following parameters at the frequency and with the type of measurement indicated. Promptly upon discovery of an emergency discharge, 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 5.1 – 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, gpd	Daily	Actual Value	Instantaneous
pH, standard units	Daily	Actual Value	Instantaneous ^{3,4}
Water Temperature, °C	Daily	Actual Value	Instantaneous ^{4,5}
Total Suspended Solids (TSS), mg/L	Daily	Actual Value	Grab
Total Residual Chlorine (TRC), mg/L ^{6,7}	Daily	Actual Value	Instantaneous
Ammonia-Nitrogen (as N), mg/L ⁸	Daily	Actual Value	Grab ⁴

Effluent Parameter	Frequency	Reporting Values ¹	Sample Type ¹
Floating Solids (Waste or visible foam)	Daily	Presence or Absence	Visual

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.

⁶ This monitoring requirement is only applicable if the facility is adding chlorine as part of the disinfection process. If a facility does not add chlorine, chlorine monitoring will not be required.

⁷ SDDANR considers the analytical detection limit for total residual chlorine to be 0.05 mg/L. If the effluent value is less than the analytical detection limit, “below detection level” shall be used for reporting purposes.

⁸ This monitoring requirement is only applicable if the facility is adding ammonia as part of the water treatment or disinfection process. If a facility does not add ammonia, ammonia monitoring will not be required.

3.9 Monitoring Procedures

1. Effluent samples taken in compliance with the monitoring requirements established under this general 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 general permit or approved by the Secretary. Analysis methods shall be sufficiently sensitive to ensure the minimum detection level for a pollutant is below the general permit limit. If no sufficiently sensitive method is available, the method with the lowest minimum detection level shall be used.

3.10 Additional Monitoring by the Permittee

If the permittee monitors any pollutant more frequently than required by this general 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 general permit and reported to SDDANR.

4.0 BEST MANAGEMENT PRACTICES PLAN

4.1 Deadlines for Best Management Plan Preparation and Compliance

In addition to the effluent limits established in **Section 3.5 – Effluent Limits and Self-Monitoring Requirements – Outfall DW1** and **Section 3.6 – Effluent Limits and Self-Monitoring Requirements – Outfall DW2**, the permittee is required to develop and implement a best management practices (BMP) plan to reduce pollutants entering surface waters of the state from discharges associated with this general permit. **The plan must be developed within 30 days of general permit coverage being issued and implemented prior to the start of any discharge.** The plan must address the steps the permittee will take to respond to any emergency discharges. Once complete, the BMP plan becomes an enforceable part of the general permit.

If the permittee wishes to have a reduction in monitoring frequency for total suspended solids (TSS) and/or total residual chlorine (TRC) for Outfall DW2, as provided in **Section 3.6 – Effluent Limits and Self-Monitoring Requirements – Outfall DW2**, the plan must also address the best management practices that will be employed to reduce the levels of TSS and/or TRC in the discharge. **A request for a reduction in monitoring must be submitted to the Secretary in writing.** The request must include how the TSS and/or TRC concentrations will be reduced in the discharge. The permittee must receive written approval prior to reducing monitoring for TSS and/or TRC.

If the permittee wishes to monitor with representative outfalls, a representative outfall plan shall be included in the plan. **A request to monitor with representative outfalls must be submitted to the Secretary in writing.** The request must include the permittee's representative sampling plan. The permittee must receive written approval prior to implementing the representative sampling plan.

4.2 Contents of the Best Management Practices Plan

The plan shall include, at a minimum, the following items:

1. **Site Description** – Each plan shall provide a description of pollutant sources and other information as indicated below:
 - a. A description of the discharge(s);
 - b. The name of the receiving water(s); and
 - c. A site map indicating:
 - i. Drainage patterns;

- ii. Locations of major structural and nonstructural controls identifies in the plan;
 - iii. Location of areas where stabilization practices are expected to occur;
 - iv. Surface waters and extent of wetland acreage; and
 - v. Location of discharge point(s).
2. **Best Management Practices** – The plan shall describe appropriate best management practices and how they will be implemented for each temporary discharge activity identified in the Notice of Intent (NOI).
- (a) Emergency discharges
 - i. Best management practices must be established in the plan to reduce pollution from these discharges.
 - (b) Reduced monitoring for TRC/TSS
 - i. The permittee may establish best management practices to reduce total residual chlorine or total suspended solids concentrations in the discharge. The permittee may request reduced sampling or an exemption from sampling for TRC and/or TSS if best management practices are set forth in the plan.

4.3 **Representative Outfalls**

The permittee may wish to include a representative outfall plan to avoid excessive sampling and monitoring requirements. The permittee may request that representative outfalls cover activities at similar sites. The representative outfall plan shall include:

1. Documentation showing the activities showing the activities are similar or identical at the selected outfall(s);
2. Documentation showing the discharges from these activities are similar in quality and nature; and
3. A site map identifying the outfall(s) that will be monitored.

4.4 **Signature and Best Management Plan Review**

1. The plan shall be signed in accordance with the **Section 5.5 – Signatory Requirements** and retained at the facility. Employees must receive training on the plan and have access to the information contained in the plan.

2. The permittee shall make plans available upon request to the Secretary and, in the case of a discharge through a municipal separate storm sewer, to the operator of the municipal system.
3. The Secretary may notify the permittee at any time that the plan does not meet the minimum requirements of **Section 4.0 – Best Management Practices Plan**. Such notification shall identify those provisions of the general permit which are not being met by the plan and identify which provisions require modifications in order to meet the minimum requirements. Within seven days of notification, the permittee shall make the required changes to the plan and shall submit to the Secretary a written certification that the requested changes have being made.

4.5 Keeping Best Management Plans Current

The permittee shall amend the plan whenever there is a change in design, construction, operation, or maintenance, which has a significant effect on the potential for the discharge of pollutants to the waters of the state. The plan shall also be amended if the plan proves to be ineffective in eliminating or significantly minimizing pollutants present in the temporary discharge.

5.0 REPORTING & RECORD KEEPING REQUIREMENTS

5.1 Reporting of Monitoring Results

1. Effluent monitoring results from Outfall DW1 shall be summarized for each month, reported on a Discharge Monitoring Report Form (as defined in **Section 1.0 - Definitions**) located in **Appendix C** of this general permit, postmarked no later than **the 28th day of the month following the discharge**. If an emergency discharge occurs from Outfall DW, it shall be reported on the Discharge Monitoring Report Form.

If no discharge occurs during the monitoring period, no Discharge Monitoring Summary Form shall be submitted.

2. Effluent monitoring results from Outfall DW2 shall be summarized for each month, reported on a Discharge Monitoring Report Form (as defined in **Section 1.0 - Definitions**) located in **Appendix C** of this general permit, postmarked no later than **the 28th day of the month following the discharge**. If an emergency discharge occurs from Outfall DW2, it shall be reported on the Discharge Monitoring Report Form.

If no discharge occurs during the monitoring period, no Discharge Monitoring Summary Form shall be submitted.

3. Legible copies of these, and all other reports required herein, shall be signed and certified in accordance with **Section 5.5 – 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 general permit reports shall be submitted electronically starting no later than **December 21, 2025**.

4. In accordance with SDCL 1-41-27, 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.

5.2 Effluent Violation and Emergency Discharge Reporting Requirements

1. Any possible or actual endangerment to health or the environment attributed to an effluent violation or emergency discharge 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 Office of Emergency Management Duty Officer, by calling (605) 773-3231.
2. Effluent violations 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 Secretary may require the permittee to notify the general public or downstream users that could be or will be impacted by the effluent violation or emergency discharge.
 - a. In making the decision to require public notification, the Secretary will consider the potential impacts as a result of the effluent violation or

emergency discharge, 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 or emergency discharge begins.
4. In addition to verbal notification, the permittee shall submit a written report of the circumstances regarding the effluent violation or emergency discharge to the Secretary. Effluent violations and emergency discharges shall be reported on the Discharge Monitoring Report forms required in **Section 5.1 – Reporting of Monitoring Results**.
 - a. Reports shall be submitted in accordance with **Section 5.1 – 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 water 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.
 5. 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.

5.3 Other Noncompliance Reporting Requirements

1. The permittee shall submit a written report of all instances of permit noncompliance not reported under **Section 5.2 – Effluent Violation and Emergency Discharge Reporting Requirements**.
 - a. Reports shall be submitted in accordance with **Section 5.1 – 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.

5.4 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.

5.5 Signatory Requirements

1. All general permit NOIs, 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 general 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.

5.6 Retention of Records

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

5.7 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 general permit shall be available for public inspection at the office of SDDANR. The name and address of the permittee, general permit NOIs, general permits, and effluent data shall not be considered confidential.

5.8 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 general permit, or to determine compliance with this general permit. The permittee shall also furnish to the Secretary, upon request, copies of records required to be kept by this general permit.
2. If the permittee becomes aware that it failed to submit any relevant facts in a general permit NOI form, or submitted incorrect information in a general permit NOI form or any report to the Secretary, it shall promptly submit such facts or information.

5.9 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 general permit conditions. This notification also applies to pollutants that are not subject to effluent limits or other notification requirements in this general permit.

6.0 COMPLIANCE REQUIREMENTS

6.1 Duty to Comply

The permittee shall comply with all conditions of this general permit. Any general 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 general permit termination, revocation and reissuance, or modification; or for denial of a general permit renewal NOI (a violation of a condition of this general permit is subject to SDCL Section 34A-2-75).

6.2 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 general permit that has a reasonable likelihood of adversely affecting human health or the environment.

6.3 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 general permit.

6.4 Upset Conditions

1. An upset constitutes an affirmative defense to an action brought for noncompliance with technology-based general 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 general 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 5.2 – Effluent Violation and Emergency Discharge Reporting Requirements**; and,
 - d. The permittee complied with mitigation measures required under **Section 6.2 – 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.

6.5 Penalties for Violations of General Permit Conditions

Any person who violates a general 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 6.4 – Upset Conditions**, nothing in this general permit shall be construed to relieve the permittee of the civil or criminal penalties for noncompliance.

6.6 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 general 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 general 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.

6.7 Oil and Hazardous Substance Liability

Nothing in this general 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.

7.0 ADDITIONAL GENERAL 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 general permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this general permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this general permit; and,
4. Sample or monitor at reasonable times, for the purpose of assuring general 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

**Notice of Intent to Obtain Coverage Under the General Surface Water
Discharge Permit for Water Treatment and Distribution Activities**



DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES NOTICE OF INTENT (NOI)
to Obtain Coverage Under the SWD General Permit for Water Treatment and Distribution System

Return to: SD Department of Agriculture and Natural Resources Surface Water Quality Program
523 East Capitol Avenue
Pierre, South Dakota 57501-3181
Telephone: (605) 773-3351

PLEASE PRINT OR TYPE

I. Type of Permit Requested: Check (X) the appropriate response:

Water Treatment Plant (DW1) Water Distribution System (DW2) Both

II. Primary Contact Information: Owner Operator Contractor

Facility Name: _____ Phone: _____

Responsible Contact Person: _____ Title/ Role: _____

Street: _____

City: _____ State: _____ County: _____ Zip Code: _____

III. Secondary Contact Information: *(If different from above)*

Owner Operator Contractor

Facility Name: _____ Phone: _____

Responsible Contact Person: _____ Title/ Role: _____

Street: _____

City: _____ State: _____ County: _____ Zip Code: _____

IV. Facility/Site Information: *(Physical description of facility/site activities)*

DW1

DW2

Attach additional sheets if necessary

V. Receiving Waters:

Please list all possible receiving waters of the discharge (if discharging to a Municipal Storm Sewer, indicate which municipality and the ultimate receiving water) or a map with the information:

NOTE: Please place points of withdrawal and discharge on a topographic map, or other map if a topographic map is unavailable. This map should show potential discharge locations and the names of all potential receiving streams.

VI. Operational History:

Date Constructed: _____

Operational Start-up: _____

VII. Is there any reason to believe that the discharge may contain any pollutant other than those limited in the permit (i.e. TSS, pH, Chlorine, and ammonia)? Yes No
If yes, list any additional pollutants that may be present:

NOTE: Attach any analytical data or Material Safety Data Sheets that indicate levels of pollutants present in water to be discharged.

VIII. Best Management Practices Plan:

A. Has the facility written a Best Management Practices plan in lieu of sampling for TSS and Total Residual Chlorine?
 Yes No

B. Brief description of best management practices being used in lieu of sampling:

IX. Existing Environmental Permits:

Please check (X) all other Environmental Permits which are held by this facility/activity. Include permit numbers in the space provided:

- SWD or NPDES (Discharges to Surface Water) _____
- UIC (Underground Injection of Fluids) _____
- RCRA (Hazardous Wastes) _____
- PSD (Air Emissions from Proposed Sources) _____
- PWSSS ID _____
- Other (please specify) _____

X. List other information which you feel should be brought to the attention of the SD DANR regarding coverage under this general permit.

Attach additional sheets if necessary.

XI. Certification (Authorized representative should *initial* the box)

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 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 revocation of the permit and the possibility of fine and imprisonment for knowing violations. In addition, I certify that I am aware of the terms and conditions of the General Storm Water permit and I agree to comply with those requirements.

STATE OF SOUTH DAKOTA

BEFORE THE SECRETARY OF

THE DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES

IN THE MATTER OF THE)
APPLICATION OF)

_____)

STATE OF _____)

COUNTY OF _____)

CERTIFICATION OF

APPLICANT

I, _____, the applicant in the above matter after being duly sworn upon oath hereby certify the following information in regard to this application:

I have read and understand South Dakota Codified Law Section 1-41-20 which provides:

"The secretary may reject an application for any permit filed pursuant to Titles 34A or 45, including any application by any concentrated swine feeding operation for authorization to operate under a general permit, upon making a specific finding that:

- (1) The applicant is unsuited or unqualified to perform the obligations of a permit holder based upon a finding that the applicant, any officer, director, partner, or resident general manager of the facility for which application has been made:

 - (a) Has intentionally misrepresented a material fact in applying for a permit;*
 - (b) Has been convicted of a felony or other crime involving moral turpitude;*
 - (c) Has habitually and intentionally violated environmental laws of any state or the United States which have caused significant and material environmental damage;*
 - (d) Has had any permit revoked under the environmental laws of any state or the United States; or*
 - (e) Has otherwise demonstrated through clear and convincing evidence of previous actions that the applicant lacks the necessary good character and competency to reliably carry out the obligations imposed by law upon the permit holder; or**
- (2) The application substantially duplicates an application by the same applicant denied within the past five years which denial has not been reversed by a court of competent jurisdiction. Nothing in this subdivision may be construed to prohibit an applicant from submitting a new application for a permit previously denied, if the new application represents a good faith attempt by the applicant to correct the deficiencies that served as the basis for the denial in the original application.*

All applications filed pursuant to Titles 34A and 45 shall include a certification, sworn to under oath and signed by the applicant, that he is not disqualified by reason of this section from obtaining a permit. In the absence of evidence to the contrary, that certification shall constitute a prima facie showing of the suitability and qualification of the applicant. If at any point in the application review, recommendation or hearing process, the secretary finds the applicant has intentionally made any material misrepresentation of fact in regard to this certification,

consideration of the application may be suspended and the application may be rejected as provided for under this section.

Applications rejected pursuant to this section constitute final agency action upon that application and may be appealed to circuit court as provided for under chapter 1-26.”

I certify pursuant to 1-41-20, that as an applicant, officer, director, partner, or resident general manager of the activity or facility for which the application has been made that I; a) have not intentionally misrepresented a material fact in applying for a permit; b) have not been convicted of a felony or other crime of moral turpitude; c) have not habitually and intentionally violated environmental laws of any state or the United States which have caused significant and material environmental damage; (d) have not had any permit revoked under the environmental laws of any state or the United States; or e) have not otherwise demonstrated through clear and convincing evidence of previous actions that I lack the necessary good character and competency to reliably carry out the obligations imposed by law upon me. I also certify that this application does not substantially duplicate an application by the same applicant denied within the past five years which denial has not been reversed by a court of competent jurisdiction. Further;

“I declare and affirm under the penalties of perjury that this claim (petition, application, information) has been examined by me, and to the best of my knowledge and belief, is in all things true and correct.”

Dated this _____ day of _____, 20 _____.

Applicant (print)

Applicant (signature)

Subscribed and sworn before me this _____ day of _____, 20 _____.

Notary Public (signature)

My commission expires: _____

(SEAL)

**PLEASE ATTACH ANY ADDITIONAL INFORMATION NECESSARY TO DISCLOSE
ALL FACTS AND DOCUMENTS PERTAINING TO
SDCL 1-40-27 (1) (a) THROUGH (e).
ALL VIOLATIONS MUST BE DISCLOSED, BUT WILL NOT
AUTOMATICALLY RESULT IN THE REJECTION OF AN APPLICATION**

APPENDIX B

**Notice of Termination of Coverage Under the General Surface Water
Discharge Permit for Water Treatment and Distribution Activities**



DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES

NOTICE OF TERMINATION (NOT)

of Coverage Under the SWD General Permit to Discharge Under the South Dakota Surface Water Discharge System for Water Treatment and Distribution Activities

This form is required to be submitted when a discharge permit is no longer required or necessary. Submission of this form shall in no way relieve the permittee of permit obligations required prior to submission of this form. Please submit this form to the following address:

original to: SD Department of Agriculture and Natural Resources
Surface Water Quality Program
523 East Capitol Avenue
Pierre, SD 57501-3181
Telephone: (605) 773-3351

PLEASE PRINT OR TYPE

I. Applicant/Owner Information

Name _____ Phone _____
Street _____
City _____ State _____ Zip Code _____

I. Facility/Site Information

Name _____ Phone _____
Responsible Contact Person _____
Street _____
City _____
State _____ County _____ Zip Code _____

I. Permit Number: _____ Facility Name: _____

I certify under penalty of law that all discharges associated with Water Treatment and Distribution Activities from the identified facility that are authorized by a SWD general permit have been eliminated or that I am no longer the operator of the facility. I understand that by submitting the Notice of Termination, I am no longer authorized to discharge water associated with Water Treatment and Distribution Activities under this general permit, and that discharging pollutants in water associated with Water Treatment and Distribution Activities to waters of the state is unlawful under the federal Clean Water Act, where the discharge is not authorized by a SWD permit. I also understand that the submittal of this Notice of Termination does not release an operator from liability for any violations of this permit or the South Dakota Water Pollution Control Act. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

NOTE: NOT must be signed by the authorized chief elective or executive officer of the applicant, or by the applicant, if an individual.

Name (print) _____ Title _____
Signature _____ Date _____

FOR DANR USE ONLY
Permit Number: _____ Postmark Date: _____ Date Terminated: _____

APPENDIX C

Discharge Monitoring Summary Form

Permittee: _____

Limit Set (Circle One) A B C D E F

Discharge Monitoring Summary Form – Outfall DW1
Permittee should complete all unshaded portions of this form

Permit Number: **SDG860** _____

Monitoring Period (Month, Year): _____, _____

Violations? Yes No Emergency Discharge? Yes No

Describe any adverse effects, such as fish kills, etc.: _____

Duration of discharge (include dates and times): _____

PARAMETER		Quantity or Concentration			No. of Exceedances	Frequency of Analysis	Sample Type
		Minimum	Maximum	Units			
Total Suspended Solids	Sample Measurement			mg/L		Weekly	Grab
	Permit Limit		30 or 90				
Total Dissolved Solids	Sample Measurement			mg/L		Weekly	Grab
	Permit Limit		1000 or Report				
pH	Sample Measurement			Standard Units		Weekly	Instantaneous
	Permit Limit	6 or 6.5	9				
Total Residual Chlorine (if adding chlorine)	Sample Measurement			mg/L		Weekly	Instantaneous
	Permit Limit		0.019				
Floating Solids/Visible Foam "0" if no solids/foam observed "1" if solids/foam is observed	Sample Measurement			Presence or Absence		Weekly	Visual
	Permit Limit		Report				
NAME / TITLE PRINCIPAL EXECUTIVE OFFICER (PRINT)	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.				SIGNATURE		DATE

Permittee: _____

Limit Set (Circle One) A B C D E F

Discharge Monitoring Summary Form – Outfall DW1
Permittee should complete all unshaded portions of this form

Permit Number: **SDG860** _____ Monitoring Period (Month, Year): _____, _____

PARAMETER		Quantity or Concentration			No. of Exceedances	Frequency of Analysis	Sample Type
		Minimum	Maximum	Units			
Flow Rate	Sample Measurement			GPD	0		
	Permit Limit		Report			Daily	Instantaneous
Total Flow	Sample Measurement			Gallons	0		
	Permit Limit		Report			Monthly	Calculated
Total Sulfate (as SO ₄)	Sample Measurement			mg/L	0		
	Permit Limit		Report			Weekly	Grab
Total Fluoride	Sample Measurement			mg/L	0		
	Permit Limit		Report			Monthly	Grab
Total Ammonia-Nitrogen (as N)	Sample Measurement			mg/L	0		
	Permit Limit		Report			Weekly	Grab
Conductivity	Sample Measurement			µmhos/cm	0		
	Permit Limit		Report			Weekly	Grab
Water Temperature	Sample Measurement			°C	0		
	Permit Limit		Report			Weekly	Instantaneous
Duration of Discharge	Sample Measurement			Days	0		
	Permit Limit		Report			Monthly	Calculated
	<p align="center">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.</p>						
NAME / TITLE PRINCIPAL EXECUTIVE OFFICER (PRINT)					SIGNATURE	DATE	

Permittee: _____

Limit Set (Circle One) **A B C**

Discharge Monitoring Summary Form – Outfall DW2
Permittee should complete all unshaded portions of this form

Permit Number: **SDG860** _____

Monitoring Period (Month, Year): _____, _____

Violations? Yes No Emergency Discharge? Yes No BMPs used for Reduced Monitoring? TSS TRC

Describe any adverse effects, such as fish kills, etc.: _____

Duration of discharge (include dates and times): _____

Describe the events leading to the discharge, and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance?

(Attach additional sheets if more space is necessary): _____

PARAMETER		Quantity or Concentration			No. of Exceedances	Frequency of Analysis	Sample Type
		Minimum	Maximum	Units			
Total Suspended Solids (TSS)	Sample Measurement			mg/L		Daily	Grab
	Permit Limit		30 or 90				
pH	Sample Measurement			Standard Units		Daily	Instantaneous
	Permit Limit	6 or 6.5	9				
Total Residual Chlorine (if adding chlorine) (TRC)	Sample Measurement			mg/L		Daily	Instantaneous
	Permit Limit		0.019				
NAME / TITLE PRINCIPAL EXECUTIVE OFFICER (PRINT)	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.				SIGNATURE		DATE

Permittee: _____

Limit Set (Circle One) A B C

Discharge Monitoring Summary Form – Outfall DW2
Permittee should complete all unshaded portions of this form

Permit Number: **SDG860** _____

Monitoring Period (Month, Year): _____, _____

PARAMETER		Quantity or Concentration			No. of Exceedances	Frequency of Analysis	Sample Type
		Minimum	Maximum	Units			
Total Ammonia-Nitrogen (as N)	Sample Measurement			mg/L		Daily	Grab
	Permit Limit		1				
Floating Solids/Visible Foam "0" if no solids/foam observed "1" if solids/foam is observed	Sample Measurement			Presence or Absence		Daily	Visual
	Permit Limit		Report				
Water Temperature	Sample Measurement			°C	0	Daily	Instantaneous
	Permit Limit		Report				
Flow Rate	Sample Measurement			GPD	0	Each Discharge	Instantaneous
	Permit Limit		Report				
Total Flow	Sample Measurement			Gallons	0	Each Discharge	Calculated
	Permit Limit		Report				
Duration of Discharge	Sample Measurement			Days	0	Each Discharge	Calculated
	Permit Limit		Report				
	<p>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.</p>						
NAME / TITLE PRINCIPAL EXECUTIVE OFFICER (PRINT)					SIGNATURE	DATE	