Permit No.: SDG070000

SOUTH DAKOTA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

General Surface Water Discharge Permit
For Temporary Discharge Activities
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 Permittee

is authorized under this permit to discharge from the temporary discharge activities described in the permittee's Notice of Intent form

to Waters of the State Identified in the Permittee's Notice of Intent Form

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 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 April 1, 2018.

General permit coverage for the [PERMITTEE] shall become effective [EFFECTIVE DATE].

This permit and the authorization to discharge shall expire at midnight, March 31, 2023.

Signed this 23rd day of March, 2018,



Authorized Permitting Official

Steven M. Pirner
Secretary
Department of Environment and Natural Resources

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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.

"ARSD" means the Administrative Rules of South Dakota.

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

"Best Management Practices" or **"BMPs"** means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the state. BMPs also include treatment requirements, operating procedures and practices to control site runoff, spillage, or leaks, sludge or waste disposal, or drainage from raw material storage.

"BTEX" means the sum of the concentrations of benzene, ethyl benzene, toluene, and xylene.

A "**Bypass"** is the intentional diversion of waste streams from any portion of a treatment facility.

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

"Discharge" is the addition of any pollutant or combination of pollutants to "surface waters of the state" from any "point source."

"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.

"EPA" or **"US EPA"** means United States Environmental Protection Agency.

"Existing Source" means any building, structure, facility or installation from which there is or may be a discharge of pollutants, which is not considered a New Source.

"gpm" means gallons per minute.

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

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.

"New Source" means any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:

1. The building, structure, facility or installation is constructed at a site at which no other source is located; or

2. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

3. The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of #2 or #3 above but otherwise alters, replaces, or adds to existing process or production equipment.

Construction of a new source as defined under this definition has commenced if the owner or operator has:

1. Begun, or caused to begin as part of a continuous onsite construction program:

    a. Any placement, assembly, or installation of facilities or equipment; or

    b. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

2. Entered into a binding contractual obligation for the purchase of facilities or equipment which is intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

"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.

"Point Source" means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, animal feeding operation, or vessel or other floating craft from which pollutants are or may be discharged.

"Process Wastewater" means any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product, or waste product.

"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.

"Regulated Substance" means the compounds designated by the department under South Dakota Codified Law §§ 23A-27-25, 34A-1-39, 34A-6-1.3(17), 34A-11-9, 34A-12-1 to 34A-12-15, inclusive, 45-6B-70, 45-6C-45, 45-6D-60, and 45-9-68, including pesticides and fertilizers regulated by the Department of Agriculture; the hazardous substances designated by the federal Environmental Protection Agency pursuant to section 311 of the Federal Water Pollution Control Act and Clean Water Act (33 United States Code sections 1251 to 1387, inclusive), as amended to January 1, 2011; the toxic pollutants designated by Congress or the Federal Environmental Protection Agency pursuant to section 307 of the Toxic Substances Control Act (15 United States Code sections 2601 to 2671, inclusive), as amended to January 1, 2011; the hazardous substances designated by the Federal Environmental Protection Agency pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (42 United States code sections 9601 to 9675, inclusive), as amended to January 1, 2011; and petroleum, petroleum substances, oil, gasoline, kerosene, fuel oil, oil sludge, oil refuse, oil mixed with other wastes, crude oils, substances, or additives to be utilized in the refining or blending of crude petroleum or petroleum stock, and any other oil or petroleum substance. This term does not include sewage and sewage sludge.

"SDDENR" means the South Dakota Department of Environment and Natural Resources.

"Secretary" means the Secretary of the South Dakota Department of Environment 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.

"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 National Pollutant Discharge Elimination System (NPDES) program.

"Surface Waters of the State" means lakes, ponds, streams, rivers, wetlands, and any other body or accumulation of water on the land surface that is considered to be waters of the state, but not waste treatment systems, including treatment ponds, lagoons, leachate collection ponds, or stormwater retention ponds designed to meet the requirements of the federal Clean Water Act.

"Surface Water Quality Standards" mean water quality standards adopted pursuant to South Dakota Codified Law §§ 34A-2-10 and 34A-2-11 or actual existing beneficial uses, whichever is higher, and effluent standards adopted pursuant to §34A-2-13 or pursuant to the best professional judgment of the Secretary, whichever is applicable. If waters have more than one designated beneficial use and criteria are established for a parameter that is common to two or more uses, such as pH, the more restrictive criterion for the common parameter applies.

"Temporary Discharge" is any discharge of relatively uncontaminated water which occurs for one year or less. Those discharges which will occur for greater than one year are not considered temporary in nature.

"Toxic Pollutant" is any pollutant listed as toxic under §307(a)(1) of the Federal Clean Water Act.

"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.

"**Waters of the State"** means all waters within the jurisdiction of this state, including all streams, lakes, ponds, impounding reservoirs, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, situated wholly or partly within or bordering upon the state.

2.0 PERMIT COVERAGE

2.1 Request for Coverage under the General Permit

1. The general permit is potentially applicable to many temporary discharge activities within South Dakota that discharge relatively uncontaminated water to surface waters. A Notice of Intent (NOI) form can be found in Appendix A at the end of this general permit. The original form must be sent to the following address at least 15 calendar days prior to any anticipated discharge:

   South Dakota Department of Environment and Natural Resources
   Surface Water Quality Program
   523 East Capitol
   Pierre, South Dakota 57501

   Telephone: (605) 773-3351 or 1-800-SDSTORM (1-800-737-8676)

2. An applicant is not prohibited from submitting a late NOI. When a late NOI is submitted, the authorization to discharge is only for discharges that occur after SDDENR grants permit coverage.

3. SDDENR will review each complete NOI and make a decision to grant or deny coverage or request additional information. Each permittee will receive an authorization letter from SDDENR if permit coverage is granted for the discharge.

4. Coverage provided under this general permit is limited to those activities specifically designated in the permittee's NOI or application form. Knowingly discharging from an unauthorized location or failing to report an unauthorized discharge within a reasonable time from the permittee first learning of an unauthorized discharge could subject the permittee to penalties as provided under the South Dakota Water Pollution Control Act.

5. Upon the effective date of this general permit, the Secretary will terminate the existing general permit.

   If you are authorized under the existing general permit, your coverage will automatically terminate within 30 calendar days of permit issuance. To continue permit coverage under the new permit, contact SDDENR.

2.2 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 permit responsibility,

coverage, and liability between them. See Transfer of Ownership form in Appendix B.; 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 coverage based on the information received and other permit information.

2.3 Limitations on Coverage

The following discharges are not authorized by this general permit:

1. Section 404 Permitted Discharges. This general permit does not authorize a permittee to discharge fill material into waters of the state. Such discharges are required to obtain a Section 404 federal Clean Water Act permit from the U.S. Army Corps of Engineers.

2. Discharges of Sanitary Wastewater. This general permit does not authorize a permittee to discharge sanitary wastewater. Any permittee with discharges of this nature are required to obtain an individual Surface Water Discharge permit, or obtain coverage under an alternative general discharge permit which authorizes discharges of sanitary wastewater.

3. Discharges That Are Not Temporary in Nature. This general permit does not authorize discharges which are not temporary in nature. For purposes of this general permit, temporary is defined as discharges which occur for one year or less. Discharges that are not temporary will be required to obtain an individual Surface Water Discharge permit, or obtain coverage under an appropriate alternative general discharge permit.

4. Discharges of Toxic Pollutants in Toxic Amounts. This general permit does not authorize discharges of toxic pollutants in toxic amounts. Such discharges are required to obtain an individual Surface Water Discharge permit.

5. Discharges That May Present a Health Hazard.

6. Discharges That May Be a Significant Contributor of Pollution.

7. Discharges Threatening Water Quality. This general permit does not authorize discharges the Secretary determines will cause, or have reasonable potential to cause or contribute to, violations of water quality standards. In such cases, the Secretary may deny coverage under the general permit or require the permittee to obtain an individual Surface Water Discharge permit.

8. Discharges Threatening Endangered Species. This general permit does not authorize a temporary discharge that will not ensure the protection of species that are federally-listed as endangered under the federal Endangered Species Act.

9. Discharges of Regulated Substances. This general permit does not authorize the discharge of regulated substances, hazardous substances, or oil resulting from on-site spills. Permittees are subject to federal reporting requirements of 40 CFR Part 110, Part 117, and Part 302 relating to spills or other releases of oils or hazardous substances. You must report spills in excess of the reportable quantities as required in Section 5.10.

10. Discharges Containing Aquatic Invasive Species. This general permit does not authorize the discharge, transfer, or introduction of aquatic invasive species to waters of the state

2.4 Continuation of the Expired General Permit

An expired general permit continues in full force and effect until a new general permit is issued. Any permittee with coverage under the general permit at the time of expiration will continue to have coverage until a new general permit is issued if the permittee submits a Notice of Intent for Reauthorization form (Appendix D) prior to permit expiration date.

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; or

4. Total Maximum Daily Load: Additional controls are necessary in the permit to implement a total maximum daily load approved by the Secretary and/or EPA.

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 submit a Reauthorization Notice of Intent (Appendix D) before the expiration date of the general 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 general permit.

2.7 Requiring an Individual Permit

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

    a. Noncompliance. The permittee is a significant contributor of pollution to waters of the state, presents a health hazard, or is in noncompliance with the conditions of this general permit;

    b. Changes in Technology or Practices. A change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the point source;

    c. Effluent Guidelines. Effluent limitation guidelines are promulgated for point sources covered by this general permit;

    d. Water Quality Management Plan. A water quality management plan containing requirements applicable to the discharge is approved;

    e. Whole Effluent Toxicity. SDDENR determines there is reasonable potential for the discharge to contain Whole Effluent Toxicity.

    f. Impaired Water Body. The discharge is to an impaired water body, and the best management practices and effluent limits are not sufficient to implement the assigned wasteload allocations in a total maximum daily load; or

    g. Other Changes. Other conditions or standards change so that the permittee no longer qualifies for coverage under this general permit, such as changes in necessary effluent pollutant monitoring, the discharge is no longer considered temporary, or other items that would necessitate an individual Surface Water Discharge permit.

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

2.8 Property Rights

1. The Secretary's issuance of this general permit 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 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.

2.9 Permit Actions

This general permit may be modified, revoked and reissued, or terminated by the Secretary for cause. Any request for such changes does not stay any permit condition.

2.10 Severability

If any portion of the general permit is found to be void or is challenged, the remaining permit requirements shall remain valid and enforceable.

2.11 Terminating Coverage

Until the Secretary terminates your coverage under this general permit, you are required to comply with all conditions and effluent limits in this general permit.

1. Permittees wishing to terminate coverage under this general permit shall submit a Notice of Termination (NOT) signed in accordance with **Section 5.5**. The NOT form is found in Appendix C. Compliance with this general permit is required until a NOT is submitted and general permit coverage has been terminated.

2. Permittees shall not submit a NOT until all discharges authorized by this general permit are eliminated.

3. Permittees shall submit a NOT within thirty (30) days after all authorized discharges have ceased.

3.0 EFFLUENT LIMITS

3.1 Description of Discharge Points

The authorization to discharge provided under this general permit is limited to those outfalls and pollutants specifically identified in the Notice of Intent. Discharges at any locations or of any parameters not identified 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.

3.2 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 general permit or other conditions required by the Secretary upon issuance.

2. Proper operation and maintenance may also 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

The permittee shall inspect its facility and discharge locations regularly as outlined below. The inspections shall be performed to determine if proper operation and maintenance procedures are being undertaken at the facility. The permittee shall maintain a notebook recording information obtained during the inspection.

1. Facility Inspections. During a discharge, the permittee shall inspect the facility and discharge location(s) on at least a **daily** basis. The permittee shall inspect the facility and discharge location(s) on at least a **weekly** basis when not discharging.

2. Inspection Notebook. 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. At a minimum, the notebook(s) shall include the following:

    a. Date and time of the inspection;

    b. Name of the inspector(s);

    c. Observations of solids in the discharge;

    d. Observations of a sheen or oil and grease in the discharge;

    e. Identification of operational problems and/or maintenance problems;

    f. Recommendations, as appropriate, to remedy identified problems;

    g. A brief description of any actions taken with regard to problems identified; and

    h. Other information, as appropriate.

3.4 Effluent Limits

1. There shall be no discharge of toxic pollutants in toxic amounts. The individual toxics concentrations shall not exceed the values established on a case by case basis from the acute aquatic life water quality standards in any single sample.

2. There shall be no discharge of process-generated wastewater not identified in the NOI.

3. There shall be no discharge of sanitary wastewater.

4. No discharge shall impart a visible film or sheen to the surface of the water or adjoining shoreline.

5. In lieu of the total suspended solids limit contained in Effluent Limits table below, the permittee may take the following steps:

    a. Develop a pollution prevention plan in accordance with Section 4.0.

    b. The discharge shall not contain visible pollutants. The permittee must visually monitor the discharge for suspended solids on a daily basis.

    c. If suspended solids are observed in the discharge, the permittee must implement the following requirements:

        i. Sample the discharge for total suspended solids on a daily basis until there is no longer a discharge of visible solids.

        ii. The samples must be analyzed in accordance with Title 40 of the Code of Federal Regulations, Part 136.

        iii. If the total suspended solids value exceeds the numeric daily maximum limit specified in the Effluent Limits table in any sample or measurement, cease the discharge to surface waters of the state until additional best management practices are employed to eliminate the visible pollutants. The pollution prevention plan must be updated to include these additional steps.

6. No chemicals, including chlorine, shall be added to the discharge without prior approval from the Secretary.

7. All reasonable measures shall be taken to prevent or minimize the possibility of stream channel scouring or erosion caused by the discharge with the implementation of appropriate best management practices.

9. There shall be no discharge of floating solids or visible foam in other than trace amounts. 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

10. 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:

Effluent Parameter		**Effluent Limit and Reporting Values**	**Monitoring Requirements**	
		Daily Maximum [1]	**Frequency [2]**	**Sample Type [1]**
Total Suspended Solids (TSS) [3]	Dependent on receiving stream [4]	90 mg/L	Weekly [6]	Grab
	Dependent on receiving stream [5]	53 mg/L		
pH		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 [7]
Total Residual Chlorine		0.019 mg/L [8, 9]	Daily	Instantaneous
Oil and Grease (Visual) [10]		No Visible Film or Sheen [11]	Daily	Visual
Oil and Grease (Hexane Ext.)	Dependent on receiving stream [12]	10.0 mg/L	Contingent [10]	Grab
	Dependent on receiving stream [13]	1.0 mg/L		
Floating Solids/Visible Foam		No Visible Pollutants [11]	Daily	Visual
Benzene [14]		5.0 µg/L	Weekly	Grab
Total BTEX [14, 15]		100.0 µg/L	Weekly	Grab
Total Flow [16]		Report Monthly Total, Gallons	Monthly	Calculate/Estimate
Flow Rate [16]		Report, GPD	Daily	Calculate/Estimate

[1] See **Section 1.0 – Definitions**.

[2] If the duration of the discharge is shorter than the required sample frequency, a minimum of one sample shall be taken for all parameters.

[3] In lieu of sampling for this parameter, the permittee may implement a pollution prevent plan (See **Section 4.0**) that includes

best management practices to prevent total suspended solids from entering waters of the state. The discharge must still be monitored visually for suspended solids. If suspended solids are seen, the permittee must sample for TSS at the frequency indicated until solids are no longer observed in the discharge, and the samples must meet the effluent limits in this section.

[4] This limit applies to all waters of the state **except** discharges to waters classified as coldwater permanent fish life propagation waters.

[5] This limit applies to all waters of the state classified as coldwater permanent fish life propagation waters.

[6] If suspended solids are observed in the discharge, daily monitoring and sampling of TSS is required until sample results are below the numeric daily maximum limit.

[7] 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.

[8] SDDENR 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.

[9] This limit is only applicable if the permittee is adding chlorine as part of its disinfection process. If a permittee does not add chlorine, chlorine monitoring and limits will not be required. In lieu of sampling for this parameter, the permittee may implement a pollution prevent plan (See **Section 4.0**) that includes best management practices to prevent total residual chlorine from entering waters of the state.

[10] A grab sample shall be taken if a visual sheen is observed and a concentration shall be determined using EPA method 1664A oil and grease hexane extraction with silica gel. If petroleum contamination is expected, a grab sample shall be taken on the first day of the discharge and analyzed using EPA method 1664A.

[11] The discharge shall not impart a visible film or sheen to the surface of the water or adjoining shoreline or contain visible foam or solids. The permittee shall report the presence or absence of any visible pollutants.

[12] This limit applies to all waters of the state **except** discharges to waters classified as domestic water supply waters.

[13] This limit applies to waters classified as domestic water supply waters.

[14] Benzene and BTEX monitoring is only required if petroleum contamination is possible in the water being discharged. This monitoring will required by the department on a case-by-case basis.

[15] Total BTEX shall be measured as the sum of benzene, ethyl benzene, toluene, and xylene.

[16] This parameter shall be monitored and reported, but does not have an effluent limit associated with it.

3.5 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.

3.6 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 general permit, the results of this monitoring shall be used in determining compliance with this general permit and be reported to SDDENR.

4.0 POLLUTION PREVENTION PLAN

4.1 Deadlines for Plan Preparation and Compliance

If the permittee develops a pollution prevention plan instead of TSS and/or TRC sampling, the plan must be developed and implemented prior to discontinuing TSS and/or TRC sampling.

4.2 Contents of the 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. The type of temporary discharge activity;

    b. Estimates of the total volume of water to be discharged;

    c. The name of the receiving waters; and

d. A site map indicating:

(1) Drainage patterns;

(2) Location of major structural and nonstructural controls identified in the plan;

(3) Location of areas where stabilization practices are expected to occur;

(4) Surface waters and extent of wetland acreage; and

(5) Location of discharge point(s).

2. **Best Management Practices.** The plan shall describe appropriate best management practices and when and where they will be implemented for each temporary discharge activity identified in the Notice of Intent.

4.3 Signature and Plan Review

1. The plan shall be signed in accordance with the signatory requirements included in this general permit and retained at the site where the temporary discharge is occurring.

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 system, 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 this section. Such notification shall identify those provisions of the 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 been made.

4.4 Keeping 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 waters of the state. The plan shall also be amended if the plan proves ineffective in eliminating or significantly minimizing pollutants present in the temporary discharge.

5.0 MONITORING, RECORD KEEPING & REPORTING REQUIREMENTS

5.1 Reporting of Monitoring Results

1. Effluent monitoring results shall be summarized for each month a discharge occurs, reported on separate Discharge Monitoring Report Forms (as defined in **Section 1.0 – Definitions**, and included in Appendix E), and submitted to SDDENR on a monthly basis if a discharge occurs.

   If no discharge occurs, no Discharge Monitoring Report Form shall be submitted for that month.

2. Legible copies of these, and all other reports required herein, shall be signed and certified in accordance with **Section 5.4 – Signatory Requirements** and submitted to the Secretary at the following address:

   South Dakota Department of Environment and Natural Resources
   Surface Water Quality Program
   523 East Capitol
   Pierre, SD 57501

   In accordance with 40 CFR, Part 122, all permit reports shall be submitted electronically starting no later than **December 21, 2020.**

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 Monitoring Report Form shall be submitted.

4. In accordance with SDCL 1-40-39, the Secretary is authorized to accept a document with an electronic signature. SDDENR shall provide for the authenticity of each electronic signature by adhering to any standards established by the South Dakota Bureau of Information and Telecommunications pursuant to SDCL 53-12-47 and 53-12-50 or any other standards established by rules promulgated pursuant to SDCL Chapter 1-26.

5.2 Effluent Violation, Bypass, and Emergency Discharge Reporting Requirements

1. The permittee shall report any effluent violation, bypass or emergency discharge related to this general permit or permitted facility that may endanger health or the environment as soon as possible, but no later than 24 hours after becoming aware of the circumstances as follows:

   a. During regular business hours (8:00 a.m. - 5:00 p.m. Central Time), the 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, and emergency discharges that do not meet the conditions above shall be reported to the Secretary within 24 hours from the time the permittee becomes aware of the circumstances as follows:

    a. During regular business hours (8:00 a.m. - 5:00 p.m. Central Time), the report shall be made at (605) 773-3351.

    b. Outside of normal business hours, the permittee shall leave a message at 1-800-GET-DENR (1-800-438-3367).

3. The permittee shall submit notice of bypass as follows:

    a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice to the Secretary at least 10 days before the date of the bypass.

    b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass to the secretary at (605) 773-3351 by the first workday (8:00 a.m. – 5:00 p.m. Central Time) following the day the permittee became aware of the circumstances.

4. The Secretary may require the permittee to notify the general public or downstream users that could be or will be impacted by the effluent violation, bypass, or emergency discharge.

    a. In making the decision to require public notification, the Secretary will consider the potential impacts as a result of the 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 discharge begins.

5. In addition to verbal notification, the permittee shall submit a written report of the circumstances regarding the effluent violation, bypass, or emergency discharge to the Secretary. Effluent violations 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.

c. 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 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.

5.4 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.

   a. For a corporation: by a responsible corporate officer;

   b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively;

   c. For a municipality, State, Federal, or other public agency: 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.*

5.5 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, including inspection records;

   b. Copies of all Discharge Monitoring Report Forms;

   c. A copy of the general permit and the approval letter;

   d. All calibration and maintenance records;

   e. Copies of all other reports and plans required by this general permit; and

   f. 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 NOI. This period may be extended by request of the Secretary at any time. Data collected on site, copies of Discharge

Monitoring Report Forms, and a copy of this general permit and approval letter must be maintained on-site during the duration of the permitted activity.

5.6 Availability of Reports

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

5.7 Duty to Provide Information

1. The permittee shall furnish to the Secretary, within a reasonable time, any information the Secretary may request to determine whether cause exists for modifying, revoking and reissuing, or terminating coverage under 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 the general permit NOI, or submitted incorrect information in the general permit NOI or any report to the Secretary, it shall promptly submit such facts or information.

5.8 Planned Changes

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

5.9 Notification of Spills and Releases

1. A release or spill of a regulated substance (includes petroleum and petroleum products) must be reported to the department immediately if any one of the following conditions exists:

    a. The release or spill threatens or is in a position to threaten the waters of the state (surface water or ground water);

    b. The release or spill causes an immediate danger to human health or safety;

    c. The release or spill exceeds 25 gallons;

    d. The release or spill causes a sheen on surface water;

    e. The release or spill of any substance that exceeds the ground water quality standards of ARSD Chapter 74:54:01;

f. The release or spill of any substance that exceeds the surface water quality standards of ARSD Chapter 74:51:01;

g. The release or spill of any substance that harms or threatens to harm wildlife or aquatic life;

h. The release or spill of crude oil in field activities under SDCL chapter 45-9 is greater than 1 barrel (42 gallons); or

i. The release or spill is required to be reported according to SARA Title III List of Lists, Consolidated List of Chemicals Subject to Reporting Under the Emergency Planning and Community Right to Know Act, US Environmental Protection Agency.

2. To report a release or spill, call the department at 605-773-3296 during regular office hours (8 a.m. to 5 p.m. Central time). To report the release after hours, on weekends or holidays, call South Dakota Emergency Management at 605-773-3231. Reporting the release to the department does not meet any obligation for reporting to other state, local, or federal agencies. Therefore, the responsible person must also contact local authorities to determine the local reporting requirements for releases.

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 discharge 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 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 5.2 – Effluent Violation, Bypass, 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 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 6.4 – Upset Conditions**, nothing in this 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 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.

6.7 Toxic Pollutants

The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Federal Clean Water Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

6.8 Oil and Hazardous Substance Liability

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

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. Sludge/digestor supernatant and filter backwash shall not be directly blended with or enter either the final plant discharge and/or waters of the State.

APPENDIX A

Notice of Intent (NOI) Form

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
NOTICE OF INTENT (NOI)

to Obtain Coverage Under the SWD General Permit for
Temporary Discharge Activities and a Temporary Water Rights Use Permit

Original to: SD Department of Environment and Natural Resources
Surface Water Quality Program
523 East Capitol Avenue
Pierre, South Dakota 57501
Telephone: 1-800-SDSTORM

ALL QUESTIONS MUST BE ANSWERED COMPLETELY FOR THIS FORM TO BE VALID

I. Primary Contact Information: ☐ Owner ☐ Operator ☐ Contractor

Contact Person: _____

Company Name: _____

Mailing Address: _____

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

Phone Number: _____ Email Address: _____

II. Other Contact Information: ☐ Owner ☐ Operator ☐ Contractor

Contact Person: _____

Company Name: _____

Mailing Address: _____

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

Phone Number: _____ Email Address: _____

III. Project Information:

Project/Facility Name: _____

On-Site Contact Person: _____ Phone Number: _____

Physical Project Address or Description of Construction Site Location: _____

_____

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

Latitude: _____ Longitude: _____ Source (GPS, Google, etc.): _____

Quarter(s): _____ Section(s): _____ Township(s): _____ Range(s): _____

Is this project/facility located on Tribal Lands? ☐ Yes ☐ No

IV. Project Activities:

Please describe the activities which require the applicant to obtain a discharge permit:

_____

_____

_____

_____

_____

FOR DENR USE ONLY

Permit Number: _____ Limit Classifications: _____ Date Approved: _____ Approved by: _____

V. Discharge Information:

Estimate the following information:

A. Date water **withdrawal** will commence: _____

B. Date water **withdrawal** will cease: _____

C. Total volume of **withdrawal** (in gallons): _____

D. Date water **discharge** will commence: _____

E. Date water **discharge** will cease: _____

F. Total volume of **discharge** (in gallons): _____

G. Average flow rate of **discharge** (in gpm): _____

Source of water being withdrawn/discharged: _____

Name of receiving waters: _____

Treatment processes employed, if any: _____

_____

_____

Describe the discharge and type of wastewater from each discharge location (including overflows, bypasses or discharges from holding ponds, trenches, excavations, vessels, pipelines, etc.) Attach additional sheets if necessary.

A. Discharge 1: _____

B. Discharge 2: _____

C. Discharge 3: _____

NOTE: Please place points of withdrawal and discharge on a topographic map, or other map if a topographic map is unavailable. This map should extend to one (1) square mile beyond the property boundaries of the facility and each of its discharge facilities, and those wells, springs, and other surface water bodies, drinking water wells, and surface water intake structures listed in public records, or otherwise known to the applicant in the map area.

VI. Stormwater Pollution Prevention Plan (SWPPP):

Is there any reason to believe the discharge may contain any pollutants other than those limited in the permit (i.e. TSS, pH, BTEX, Benzene, & TPH)? ☐ Yes ☐ No

Has the SWPPP been developed in lieu of sampling for TSS or TRC? ☐ Yes ☐ No

Describe the best management practices being used in lieu of, or along with, sampling:

_____

_____

VII. Hydrostatic Testing:

A. Type of vessel being tested: _____

B. Material vessel is constructed from: _____

C. Check the appropriate box: ☐ Vessel has been previously used ☐ Vessel is virgin material

VIII. Other Information:

Please list other information you feel should be brought to the attention of the SDDENR regarding coverage under this general permit. Attach additional sheets if necessary.

_____

_____

_____

_____

_____

STATE OF SOUTH DAKOTA

BEFORE THE SECRETARY OF

THE DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES

IN THE MATTER OF THE APPLICATION OF	)	
	)	**CERTIFICATION OF**
_____	)	
	)	**APPLICANT**
STATE OF _____	)	
	)	
COUNTY OF _____	)	

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 1-41-20 (1) (a) THROUGH (e). ALL VIOLATIONS MUST BE DISCLOSED, BUT WILL NOT AUTOMATICALLY RESULT IN THE REJECTION OF AN APPLICATION

APPENDIX B

Transfer of Ownership Form

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
TRANSFER OF OWNERSHIP OF PERMIT COVERAGE FORM

for Coverage Under the SWD General Permit
for Temporary Discharge Activities

This form is required to be submitted when ownership of a permit for temporary discharge activities has been transferred to a different owner. Please submit this form to the following address:

Original to: SD Department of Environment and Natural Resources
Surface Water Quality Program
523 East Capitol Avenue
Pierre, South Dakota 57501
Telephone: 1-800-SDSTORM

I. Project Information:

Project/Facility Name: _____ Permit Number: _____

Project/Facility Physical Address or Description of Construction Site Location: _____

_____

II. Permittee Information:

Previous Permittee: _____

New Permittee: _____

New Permittee's Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Phone Number: _____ Email: _____

Stabilization measures implemented prior to transfer: _____

_____

Date transfer of property responsibility and liability becomes effective: _____

NOTE: Any change in location, operation, and/or coverage area requires that the Stormwater Pollution Prevention Plan be updated and revised to reflect all changes.

The project described above is covered under the General Permit for Temporary Discharge Activities. Temporary or permanent stabilization has been established on the site, which has now transferred ownership/responsibility as indicated above. The new owners, or operators, have been made aware of the importance of site stabilization in an effort to control pollutant runoff and/or sedimentation.

The new owner assumes responsibility for implementing best management practices to reduce or eliminate a discharge of pollutants to waters of the state. The new owner is aware that permit coverage for the site is required until all temporary discharge activities have ceased and a Notice of Termination (NOT) has been submitted.

New Owner/Operator Signature: _____

Date: _____

Previous Owner/Operator Signature: _____

Date: _____

FOR DENR USE ONLY

Permit Number: _____ Date Approved: _____ Approved by: _____

APPENDIX C

Notice of Termination (NOT) Form

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
NOTICE OF TERMINATION FORM
of Coverage Under the SWD General Permit
for Temporary Discharge 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 Environment and Natural Resources
Surface Water Quality Program
523 East Capitol Avenue
Pierre, South Dakota 57501
Telephone: 1-800-SDSTORM

I. Permit Number: _____

II. Primary Contact Information:

Contact Person: _____

Company Name: _____

Mailing Address: _____

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

Phone Number: _____ Email Address: _____

III. Project Information:

Project/Facility Name: _____

On-Site Contact Person: _____ Phone Number: _____

Physical Project Address or Description of Construction Site Location: _____

_____

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

I certify under penalty of law that all temporary discharge activities from the identified facility that are authorized by a SWD general permit have been eliminated. I understand that by submitting the Notice of Termination, I am no longer authorized to discharge from temporary discharge activities under this general permit, and that discharging pollutants from temporary discharge activities is unlawful under the federal Clean Water Act and the South Dakota Water Pollution Control Act if 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: Notice of Termination must be signed by the authorized chief elective or executive officer of the applicant, or by the applicant, if an individual.

Name: _____ Title: _____

Signature: _____ Date: _____

FOR DENR USE ONLY

Permit Number: _____ Date Approved: _____ Letter Date: _____ Approved by: _____

APPENDIX D

Notice of Intent for Reauthorization Form

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
NOTICE OF INTENT (NOI) for REAUTHORIZATION
of Coverage Under the SWD General Permit for
Temporary Discharge Activities

The following facility currently has coverage under the General Permit for Temporary Discharge Activities. ***This form must be submitted if you wish to continue coverage under the General Permit.*** 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 Environment and Natural Resources
Surface Water Quality Program
523 East Capitol Avenue
Pierre, South Dakota 57501
Telephone: 1-800-SDSTORM

Update all information below. Please print or type information.

I. Permit Number: _____

II. Primary Contact Information: ☐ **Owner** ☐ **Operator** ☐ **Contractor**

Contact Person: _____

Company Name: _____

Mailing Address: _____

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

Phone Number: _____ Email Address: _____

III. Project Information:

Project/Facility Name: _____

On-Site Contact Person: _____ Phone Number: _____

Physical Project Address or Description of Construction Site Location: _____

_____

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

Latitude: _____ Longitude: _____ Source (GPS, Google, etc.): _____

Quarter(s): _____ Section(s): _____ Township(s): _____ Range(s): _____

IV. Signature of Applicant

By signing this form, you are requesting to continue permit coverage under the reissued General Permit. You are certifying you will comply with the new General Permit and update your Stormwater Pollution Prevention Plan, if necessary, to meet the reissued General Permit conditions.

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 Permit and I agree to comply with those requirements.

NOTE: The NOI for Reauthorization must be signed by the authorized chief elective or executive offier of the applicant, or by the applicant, if an individual project.

Name (print): _____ Title: _____

Signature: _____ Date: _____

FOR DENR USE ONLY

Permit Number: _____ Date Reauthorized: _____ Approved by: _____

APPENDIX E

Discharge Monitoring Report Form

Permittee:

SOUTH DAKOTA SURFACE WATER DISCHARGE SYSTEM
DISCHARGE MONITORING REPORT
Permittee should complete all unshaded portions of this form

Permit #		Monitoring Period							Outfall #
	From	Year	Mo	Day	To	Year	Mo	Day	

PARAMETER		Quantity or Concentration			No. of Exceedences	Frequency of Analysis	Sample Type
		Minimum	Maximum	Units			
Flow Rate 00056	Sample Measurement						
	Permit Limit		Report	GPD		Daily	Calculate or Estimate
Total Flow 51500	Sample Measurement						
	Permit Limit		Report	gallons		Monthly	Calculate or Estimate
pH 00400	Sample Measurement						
	Permit Limit	6.5	9.0	units		Weekly	Instantaneous
Floating Solids/Visible Foam 45613 **"0" if no solids/foam observed** **"1" if solids/foam is observed**	Sample Measurement						
	Permit Limit		1	--		Daily	Visual
Oil and Grease (Visual) 84066 **"0" if no sheen observed** **"1" if sheen is observed**	Sample Measurement						
	Permit Limit		1	--		Daily	Visual
Oil and Grease 00552	Sample Measurement						
	Permit Limit		1 or 10	mg/L		See permit	Grab
Total Suspended Solids 00530	Sample Measurement						
	Permit Limit		53 or 90	mg/L		Weekly / See Permit	Grab
	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/TITLE PRINCIPAL EXECUTIVE OFFICER (PRINT)					**SIGNATURE**		**DATE**

Permittee:

SOUTH DAKOTA SURFACE WATER DISCHARGE SYSTEM
DISCHARGE MONITORING REPORT
Permittee should complete all unshaded portions of this form

Permit #		Monitoring Period							Outfall #
	From	Year	Mo	Day	To	Year	Mo	Day	

PARAMETER		Quantity or Concentration			No. of Exceedences	Frequency of Analysis	Sample Type
		Minimum	Maximum	Units			
Benzene 34030	Sample Measurement						
	Permit Limit		5.0	µg/L		Weekly	Grab
Total BTEX 49491	Sample Measurement						
	Permit Limit		100	µg/L		Weekly	Grab
Total Residual Chlorine 50060	Sample Measurement						
	Permit Limit		0.019	mg/L		Daily	Instantaneous

	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/TITLE PRINCIPAL EXECUTIVE OFFICER (PRINT)		**SIGNATURE**	**DATE**