

**North Dakota Department of Environmental Quality Public Notice**  
**Reissue of an NDPDES Permit**

Public Notice Date: 11/24/2021

Public Notice Number: ND-2021-037

**Purpose of Public Notice**

The Department intends to reissue the following North Dakota Pollutant Discharge Elimination System (NDPDES) Discharge Permit under the authority of Section 61-28-04 of the North Dakota Century Code.

**Permit Information**

Application Date: 8/6/2021

Application Number: NDP000025

Applicant Name: Sabin Metals West Corp

Mailing Address: PO Box 1347, Williston, ND 58802

Telephone Number: 701.572.6828

Proposed Permit Expiration Date: 12/31/2026

**Facility Description**

Sabin Metals West Corporation is located at 15 12th Ave E; Williston, ND 58802-1347 in Williams County. Sabin Metals West Corporation operates a facility that reclaims precious metals and requires a permit issued under the North Dakota Pollution Discharge Elimination System program. This permit is for the discharge of treated kiln scrubber blowdown wastewater to the City of Williston's Publicly Owned Treatment Works (POTW). The discharge is a new source subject to 40 CFR Part 421.266(a) - the permitted discharge must comply with 40 CFR Part 403 and applicable state and local regulations.

**Tentative Determinations**

Proposed effluent limitations and other permit conditions have been made by the Department. They assure that State Water Quality Standards and applicable provisions of the FWPCA will be protected.

**Information Requests and Public Comments**

Copies of the application, draft permit, and related documents are available for review. For further information on making public comments/public comment tips please visit: <https://deq.nd.gov/PublicCommentTips.aspx>. Comments or requests should be directed to the ND Dept of Env Quality, Div of Water Quality, 4201 Normandy Street, Bismarck ND 58503-1324 or by calling 701.328.5210.

All comments received by December 27, 2021 will be considered prior to finalizing the permit. If there is significant interest, a public hearing will be scheduled. Otherwise, the Department will issue the final permit within sixty (60) days of this notice. If you require special facilities or assistance relating to a disability, call TDD at 1.800.366.6868.

**STATEMENT OF BASIS FOR NDPDES PERMIT – NDP000025**

**SABIN METALS WEST CORPORATION  
Industrial Pretreatment (Categorical User – Secondary Precious Metals)**

**DATE OF THIS FACT SHEET – November 2021**

**INTRODUCTION**

The Federal Clean Water Act (CWA, 1972, and later amendments in 1977, 1981, and 1987, etc.) established water quality goals for the navigable (surface) waters of the United States. One mechanism for achieving the goals of the CWA is the National Pollutant Discharge Elimination System (NPDES), which the US Environmental Protection Agency (EPA) oversees. In 1975, the State of North Dakota was delegated primacy of the NPDES program by the EPA. The North Dakota Department of Environmental Quality, hereafter referred to as “department”, has been designated the state water pollution control agency for all purposes of the CWA as amended [33 U.S.C. 1251, et seq.], and is hereby authorized to take all action necessary or appropriate to secure to this state the benefits of the act and similar federal acts. The department’s authority and obligations for the wastewater discharge permit program is in North Dakota Administrative Code (NDAC) article 33.1-16, which was adopted under North Dakota Century Code (NDCC) chapter 61-28. In North Dakota, these permits are referred to as North Dakota Pollutant Discharge Elimination System (NDPDES) permits.

This facility falls under the Industrial Pretreatment Program, which is under the NDPDES program. The department was delegated pretreatment authority from the EPA in 2005. The following regulations apply to NDPDES permits issued to Significant and/or Categorical Industrial Users:

- Procedures the department follows for issuing NDPDES permits (NDAC chapter 33.1-16-01);
- North Dakota Pretreatment Regulations (NDAC chapter 33.1-16-01.1);
- Code of Federal Regulations (CFR) General Pretreatment Regulations for Existing and New Sources of Pollution (40 CFR Section 403).

These rules require industrial users that introduce pollutants into publicly owned treatment works (POTWs) comply with applicable Pretreatment Standards and Requirements. To protect POTWs an industrial user permit or similar control mechanism must be obtained prior to discharge. Regulations adopted by the state also define the basis for limits on each discharge and for other requirements imposed by the permit.

According to NDAC section 33.1-16-01-08, the department must prepare a draft permit and accompanying statement of basis and make it available for public review. The department must also publish an announcement (public notice) during a period of thirty days, informing the public where a draft permit may be obtained and where comments regarding the draft permit may be sent (NDAC section 33.1-16-01-07). For more information regarding preparing and submitting comments about the statement of basis and permit, please see **Appendix A – Public Involvement**. Following the public comment period, the department may make changes to the draft NDPDES permit. The department will summarize the responses to comments and changes to the permit in **Appendix D – Response to Comments**.

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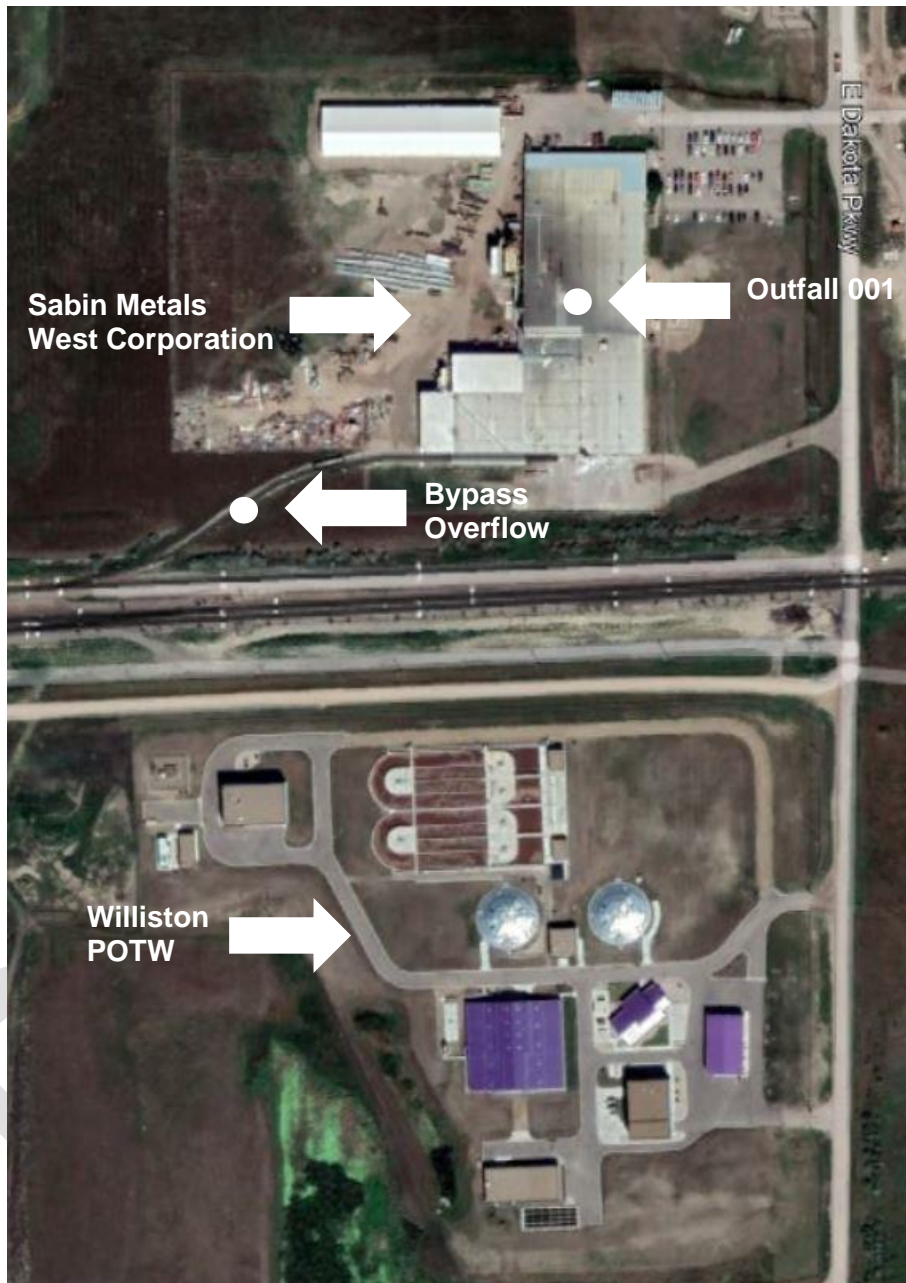
**BACKGROUND INFORMATION**

**Table 1 - General Facility Information**

<b>Applicant:</b>	Sabin Metals West Corporation
<b>Address:</b>	15 12 <sup>th</sup> Ave East PO Box 1347 Williston, ND 58801
<b>Owner:</b>	Sabin Metals West Corporation
<b>Operator:</b>	Sabin Metals West Corporation
<b>Facility Contact(s):</b>	James Barrett, General Manager 585.538.2195  Jim Hicks, Plant Manager 701.572.6828  Adam Wilson, Environmental Compliance Officer 701.572.6828
<b>Standard Industrial Classification Code(s):</b>	3341, Secondary Smelting and Refining of Nonferrous Metals
<b>North American Industrial Classification System Code(s):</b>	331492, Secondary Smelting, Refining, and Alloying of Nonferrous Metal (except Copper and Aluminum)
<b>Industrial User Type</b>	Categorical Industrial User
<b>Applicable Categorical Standards:</b>	40 CFR 421.266(a) – Nonferrous Metals Manufacturing – Secondary Precious Metals – Furnace Wet Air Pollution Control, Pretreatment Standards for New Sources
<b>NDPDES Permit Number:</b>	NDP000025
<b>Permit Type:</b>	Minor, Pretreatment
<b>Facility Discharge Location:</b>	Internal Wet Air Pollution Control

**Table 2 - Receiving Publicly Owned Treatment Works Information**

<b>Receiving POTW:</b>	City of Williston
<b>POTW Name and Address:</b>	City of Williston Water Resource Recovery Facility 809 5 <sup>th</sup> St. E PO Box 2437 Williston, ND 58802
<b>POTW Contact(s):</b>	Gina Mottl, Superintendent 701.713.3813



**Figure 1** - Location overview of Sabin Metals West Corporation, in the City of Williston, Williams County, North Dakota in relation to the Williston POTW (Google Earth 7/1/2020)

### DESCRIPTION OF OPERATIONS

Sabin Metals West Corporation recovers precious metals (platinum, palladium, rhenium, gold, and silver) from spent petroleum refinery and petrochemical catalysts. Catalysts consist of precious metals (primarily platinum and palladium) adsorbed on a ceramic substrate such as alumina and/or silica. If needed, the catalyst undergoes preburning in one of three externally fired rotary kilns or a box oven. It is then sampled to determine value and then mixed with

various fluxes and collector metals and smelted in the electric arc furnace. The slag is sent to a Sabin facility in Cobalt, Ontario, Canada for further refining. The bullion is sent to a Sabin facility in Scottesville, New York for separation.

The wet air pollution control scrubber, which discharges to the City of Williston Publicly Owned Treatment Works (POTW), scrubs the air emissions from a rotary kiln and box oven. The primary purpose of this equipment is to burn off sulfur, carbon, and organics as well as dry the feeds for sampling in the automated sampling system prior to smelting in an electric arc furnace. In addition, afterburners are incorporated into the emission control train to ensure complete destruction of any residual organics.

The scrubber is a countercurrent packed tower type utilizing caustic sodium hydroxide (NaOH) for removal of sulfur dioxide (SO<sub>2</sub>), chlorine (Cl), and hydrogen chloride (HCl). Spent scrubber water must be intermittently blown down to maintain the chemistry in the tower.

**Pretreatment Process**

After scrubber blowdown, wastewater is filtered to remove any remaining suspended solids prior to entering the wastewater holding and settling tanks. There are three 15-foot deep holding tanks located in a large containment basin. The three collection and settling tanks are run in a series, with the compliance sample being taken from the center/final tank.

The permittee is not required to monitor floor and equipment wash under 40 CFR 421.266 (m). All process equipment and production floor areas are dry swept with the dust placed in the furnace for processing for precious metals.

**Production Rate**

According to the submitted permit application, during the previous year, Sabin Metals West Corporation recovered the following amounts of precious metals:

**Table 3 - 2020 Production Rate**

Product	Amounts per Day	
	Average	Maximum
Silver (Ag)	2.09 tOz	156.39 tOz
Gold (Au)	61.51 tOz	2583.32 tOz
Palladium (Pd)	255.37 tOz	3701.57 tOz
Platinum (Pt)	800.47 tOz	6251.31 tOz
Rhenium (Re)	214.63 tOz	2800.63 tOz

The facility is a batch discharger. Based on DMR data submitted to the department, the average daily wastewater flow is 1102 gallons per day, with a peak flow of 4000 gallons per day.

**Permitted Outfall Description**

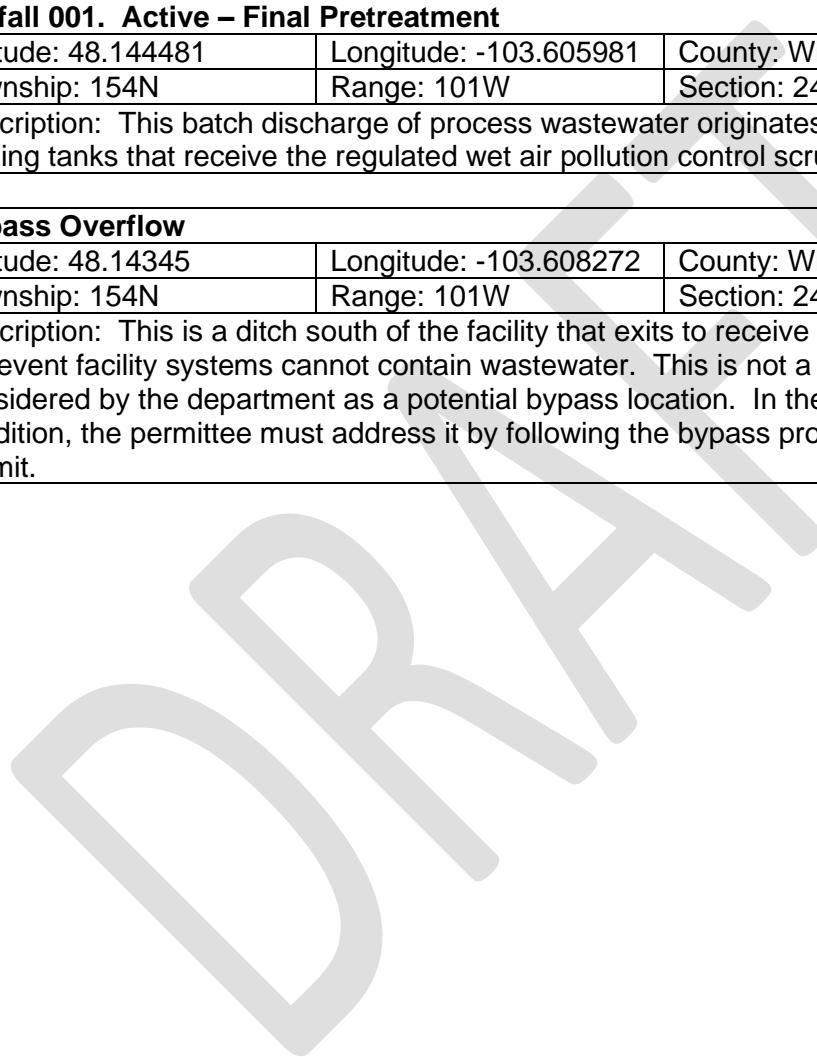
The authorization to discharge provided under this permit is limited to the outfall specifically designated as the permitted discharge location. Discharges at any location not authorized

under a North Dakota Pollution Discharge Elimination System (NDPDES) permit is a violation of the Clean Water Act (CWA) and could subject the person(s) responsible for such discharge to penalties under Section 309 of the CWA. Knowingly discharging from an unauthorized location or failing to report an unauthorized discharge within the specified timeframe outlined in this permit could subject such person(s) to criminal penalties as provided under the CWA.

The permittee will collect all final effluent samples from Outfall 001.

<b>Outfall 001. Active – Final Pretreatment</b>			
Latitude: 48.144481	Longitude: -103.605981	County: Williams	
Township: 154N	Range: 101W	Section: 24	QQ: DA
Description: This batch discharge of process wastewater originates from the collection and settling tanks that receive the regulated wet air pollution control scrubber water.			

<b>Bypass Overflow</b>			
Latitude: 48.14345	Longitude: -103.608272	County: Williams	
Township: 154N	Range: 101W	Section: 24	QQ: DA
Description: This is a ditch south of the facility that exits to receive bypassed cooling water in the event facility systems cannot contain wastewater. This is not a permitted outfall and is considered by the department as a potential bypass location. In the event of a bypass condition, the permittee must address it by following the bypass provisions outlined in the permit.			







**PERMIT STATUS**

Sabin Metals West Corporation was first issued an individual pretreatment permit by the department on January 1, 2016, with a modification to that permit issued on May 1, 2016. Prior to 2016, the facility operated under a permit-by-rule status. On August 6, 2021, the department received a draft renewal application (Appendix C – Sample Permit Application Form) as well as a signed EPA Form 1 from Sabin Metals West Corporation. The information in the draft application was reviewed and accepted as complete by the department on October 1, 2021.

The facility is a Categorical Industrial User and is therefore subject to pretreatment regulations described in NDAC 33.1-16-01.1(4). The department proposes to reissue an individual pretreatment permit to Sabin Metals West Corporation that allows precious metals process wastewater discharge from the furnace wet air pollution control to the City of Williston POTW.

**SUMMARY OF COMPLIANCE WITH PRETREATMENT REGULATIONS AND CATEGORICAL LIMITS**

Two industrial user compliance inspections by the department were conducted during the current permit cycle, one on September 30, 2019, and one on August 11, 2021. No findings or corrective actions resulted from the 2019 inspection. On the 2021 inspection report, the department noted that the facility does not have an Operation and Maintenance Manual nor does the facility have a Spill and Slug Discharge, Prevention, Control and Countermeasure Plan. The previous permit required these. The department has yet to receive either of these documents, therefore, they will be required within the first year of the new permit.

On December 12, 2019, Sabin Metals West Corporation had a bypass when the sump overflowed from the cooling system. This happened during a localized power loss. All bypass water was contained, sampled, and cleaned up.

**Past Discharge Data**

The concentration of pollutants from Outfall 001 were reported on DMRs. The data are characterized as shown in the below table:

**Table 4 - DMR Data for Outfall 001 (July 1, 2016 through November 1, 2021)**

Parameter	Range	Average	Permit Limit		Number of Exceedances
			Max for any 1 day	Maximum Monthly Average	
Total Facility Flow, gal/mo	19,000 – 271,000	125,583	N/A	N/A	N/A
Process Flow, gpd	630 – 4000	1212	N/A	N/A	N/A
Total Process Flow, gpd	3000 – 6000	3850	N/A	N/A	N/A
pH, s.u.	8 – 10	N/A	5.0 – 12.5 at all times		0
Copper, mg/troy oz	0.058 – 1.22	0.48	5.760	2.745	0

Cyanide, mg/troy oz	0.011 – 0.24	0.12	0.900	0.360	0
Zinc, mg/troy oz	0.058 – 1.22	0.46	4.590	1.89	0
Combined Metals, mg/troy oz	0 – 2.45	0.79	1.350	N/A	1
Ammonia as N, mg/troy oz	0.085 – 2.3	1.09	599.90	263.70	0
Notes:					
Sabin Metals discharged to the City of Williston POTW a total of 1826 days during the current permit cycle.					

### PROPOSED LIMITS AND SELF-MONITORING REQUIREMENTS

Sabin Metals West Corporation is a Categorical Industrial User subject to wastewater monitoring from its secondary smelting and refining of nonferrous metals system under 40 CFR 421.266 (a) – Secondary Precious Metals Subcategory, Pretreatment Standards for New Sources (PSNS). Any new source subject to 40 CFR 421.266 (a) must comply with 40 CFR 403 and provisions of the permit.

State regulations require limitations set forth in a wastewater discharge permit must be based on the technology available to treat the pollutants (technology-based) or be based on the effects of the pollutants to the POTW (local limits). Wastewater must be treated using all known, available, and reasonable treatment (AKART) and not interfere with the operation of the POTW.

Pretreatment standards for New Sources represent the most stringent controls attainable for pollutants to pass through, interfere with, and are otherwise incompatible with the operation of POTWs. Technology-based standards for Nonferrous Metals Manufacturing – Secondary Precious Metals Subcategory subject to PSNS are outlined in the table below:

**Table 5** - Categorical Pretreatment Standards under 40 CFR 421.266(a) - Nonferrous Metals Manufacturing - Secondary Precious Metals PSNS - Furnace wet air pollution control

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/troy ounce of precious metals, including silver, incinerated, or smelted	
Copper	5.760	2.745
Cyanide (total)	0.900	0.360
Zinc	4.560	1.890
Combined metals	1.350	--
Ammonia (as N)	599.900	236.70

The permittee is also responsible for any waste collected from the pretreatment system for disposal off site by a third party and must maintain the collection records onsite for review.

**Local Limits**

Pollutant loading from wastewater discharge with technology-based controls in place is not expected to cause problems such as interference, pass-through, or hazardous exposure to workers at the City of Williston POTW, nor result in unacceptable pollutant levels in the POTW’s sludge. Currently, no local limits are in place for this facility.

**Effluent Limitations**

The department proposes the following effluent limitations for Outfall 001:

**Table 6 - Effluent Limitation Basis**

Parameter	Daily Maximum	Maximum Monthly Average	Basis <sup>a</sup>
Copper (mg/troy oz) <sup>b</sup>	5.760	2.745	40 CFR 421.266(a); NDAC 33.1-16-01.1(4); Previous Permit
Cyanide, total (mg/troy oz) <sup>b</sup>	0.900	0.360	40 CFR 421.266(a); NDAC 33.1-16-01.1(4); Previous Permit
Zinc (mg/troy oz) <sup>b</sup>	4.590	1.890	40 CFR 421.266(a); NDAC 33.1-16-01.1(4); Previous Permit
Combined Metals (mg/troy oz) <sup>b, c</sup>	1.350	*	40 CFR 421.266(a); NDAC 33.1-16-01.1(4); Previous Permit
Ammonia as N (mg/troy oz) <sup>b</sup>	599.90	263.700	40 CFR 421.266(a); NDAC 33.1-16-01.1(4); Previous Permit
pH (s.u.)	Between 5.0 and 12.5 at all times		40 CFR 403; NDAC 33.1-16-01.1(4); Previous Permit

**Notes:**

\* This parameter is not limited. However, the department may impose limitations based on sample history and to protect the POTW.

a. The basis for the limitations is given below:  
  
 “Previous Permit” refers to limitations in the previous permit. The NPDES regulations 40 CFR Part 122.44(l)(1) Reissued Permits require that when a permit is renewed or reissued, interim limitations, standards, or conditions must be at least as stringent as the final effluent limitations, standards, or conditions in the previous permit unless the circumstances on which the previous permit was issued have materially and substantially changed since the previous permit was issued and would constitute cause for permit modification or revocation and reissuance under 40 CFR Part 122.62.

“BPJ” refers to best professional judgement.

b.	To calculate mg/troy oz, the concentration of the pollutant shall be multiplied by the daily process flow. This product will then be divided by the by the amount of recovered precious metals. Should a concentration be below detection, ½ of the detection limit will be used in the calculation.
c.	Total of gold, platinum, and palladium

Samples and measurements shall be representative of the nature of the regulated wastewater discharge. Test procedures for the analysis of pollutants shall conform to regulations published pursuant to Section 304(h) of the CWA codified in 40 CFR 136.

Any additional monitoring and reporting to demonstrate compliance with the pretreatment requirements and standards under 40 CFR 403.12 are to be reported on the semiannual DMR.

### Self-Monitoring Requirements

Monitoring, recording, and reporting is specified to verify that the treatment process is functioning correctly and to verify compliance with permit limitations. The permittee is required to collect samples that are representative of the discharge wastewater. Samples shall be taken during a normal workday when typical operations are in progress and the usual process wastewaters are generated.

The minimum monitoring schedule is detailed below:

**Table 7 - Self-Monitoring Requirements**

Parameter	Frequency	Sample Type
Copper (mg/troy oz)	Semiannually	Composite <sup>a</sup>
Cyanide, total (mg/troy oz) <sup>c</sup>	Semiannually	4 Grab <sup>b</sup>
Zinc (mg/troy oz)	Semiannually	Composite <sup>a</sup>
Combined Metals (mg/troy oz)	Semiannually	Composite <sup>a</sup>
Ammonia as N (mg/troy oz)	Semiannually	Composite <sup>a</sup>
pH	Per Discharge	Instantaneous <sup>d</sup>
Flow, process (gal/day)	Daily	Calculated
Drain (MG)	Semiannually	Calculated
<b>Notes:</b>		
a.	Composite samples must be representative of the quality of the discharge. A 24-hour composite sample proportioned according to flow is required where feasible. If unfeasible, the composite shall consist of a minimum of twelve (12) separate grab samples and proportioned as to flow. Sampling may be portioned to flow by varying the time interval between each aliquot, or by varying the volume of each aliquot.	
b.	Grab samples must be representative of the process waste stream and shall be a single, discrete sample collected over a period not exceeding 15 minutes. A minimum of (4) separate grab samples shall be taken and proportioned as to flow.	
c.	Grab samples for cyanide shall be composited in the laboratory or in the field immediately prior to analysis.	

d.	The pH, an instantaneous limitation, shall be between 5.0 and 12.5 s.u. The permittee is required to report minimum pH, maximum pH, and the number of pH exceedances. A single pH exceedance shall be noted upon pH falling outside of the assigned limits during a singular batch discharge event.
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The permittee shall promptly notify the department and the POTW in advance of any substantial change in volume or character of pollutants in the permittee's discharge as outlined in 40 CFR 403.12(j).

### OTHER PERMIT CONDITIONS

#### General Prohibitions

The permittee shall not introduce into the POTW any pollutant(s) which cause pass through or interference.

#### Specific Prohibition

The following pollutants may not be introduced into the POTW from any source:

1. Pollutants which create a fire or explosion hazard in the POTW, including waste streams with a closed cup flashpoint of less than sixty (60) degrees Celsius (140 degrees Fahrenheit) using the test methods specified in 40 CFR 261.21.
2. Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.0, unless the POTW is specifically designed to accommodate such discharges.
3. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in interference.
4. Any pollutant released in a discharge at a flow rate or pollutant concentration which will cause interference.
5. Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW exceeds forty degrees Celsius (104-degree Fahrenheit), unless the department, upon request of the POTW, approves alternate temperature limits.
6. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or passthrough.
7. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
8. Any trucked or hauled pollutants, except at discharge points designated by the POTW.

### **Dilution Prohibition**

The permittee is prohibited from diluting its effluent as a partial or complete substitute for adequate treatment to achieve compliance with permit limitations.

### **De-Scaling**

In the event the permittee finds it necessary to de-scale, the POTW shall be notified and the wastewater generated by the de-scaling operation shall be isolated until its chemical nature can be characterized. If the analysis reveals concentration levels of pollutants greater than the permit allows, the department shall be notified, and alternative method(s) of disposal shall be identified.

### **Reporting Requirements**

Reporting requirements are found in NDAC 33.1-16-01.1-12 Additional reporting requirements may be implemented by the control authority. Conditions are based on the authority to specify any appropriate reporting requirements to prevent and control waste discharges.

#### **pH**

The department reviewed Sabin Metals West Corporation's discharge monitoring reports and determined that pH sampling should take place before each batch discharge event from the holding and settling tanks to the City of Williston POTW. Discharge logs including pH calibration and monitoring results should be kept in compliance with the sampling and reporting requirements outlined in the permit.

The permittee is required to report minimum pH, maximum pH, and the number of pH exceedances from Outfall 001 for each reporting period. Individual pH exceedances shall be determined for each batch discharge event from the holding tanks on the basis of the assigned monitoring requirements found in **Table 7**.

A single pH exceedance shall be noted upon pH falling outside of the assigned limits during a singular batch discharge event; all singular batch discharges where an excursion is measured shall be reported as a single exceedance. An additional pH exceedance shall be noted for each batch discharge event in which one or more excursions have been measured.

The facility shall notify the POTW and department of each pH exceedance, as required in **Section III.G(1) Twenty-Four Hour Notice of Noncompliance Reporting** of the permit. These requirements are subject to modification by the department in order to protect the receiving POTW.

### **Operations and Maintenance**

Proper operation and regular maintenance ensure constructed facilities are used to their optimum potential in terms of pollutant capture and treatment. An Operation and Maintenance (O & M) Manual shall be required. This manual shall detail procedures for sampling during or prior to the discharge of wastewater. The manual shall list the person responsible for sampling and identify a list of responsible parties to notify in the event of a pretreatment process failure. This manual shall be kept on site and be updated when sampling procedures change.

### **Spill and Slug Discharge Control Plan**

The department has the authority to require the permittee to develop Best Management Practices to prevent a sludge discharge or a spill release as stated in NDAC 33.1-16-01.1 Appendix A – Procedures section 6. A slug discharge is any discharge of a nonroutine, episodic nature, including an accidental spill or a noncustomary batch discharge. Where required, the permittee must develop a plan for preventing the release of pollutants to the POTW and/or waters of the state and minimizing damages if such a discharge/spill occurs. The plan shall include the following:

1. A description of discharge practices for batch and continuous processes under normal and non-routine circumstances;
2. A list of all raw materials, products, chemicals, and hazardous materials used, processed, or stored at the facility; the normal quantity maintained on the premises for each listed material and a map showing where they are located;
3. Procedures for immediately notifying the publicly owned treatment works of slug discharges, including any discharge that would violate a prohibition under subsection 2 of section 33.1-16-01.1-02, with procedures for follow up written notification within five days; and
4. Procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures of equipment, measures for containing toxic organic pollutants (including solvents), and measures and equipment for emergency response.

The result of any slug discharge or spill shall be available to the department upon request. The facility has not completed a spill and slug discharge control plan. Therefore, a plan shall be submitted within one year of the permit renewal and continue to be updated and resubmitted to the department within one year if any process changes occur that would require updates be made to this information.

### **Public Notification of Noncompliance**

A list of all industrial users that were in significant noncompliance with Pretreatment Standards or Requirements during any portion of a reporting period may be annually published by the department in a local newspaper. Accordingly, the permittee is apprised that noncompliance with this permit may result in publication of the noncompliance.

## **PERMIT ISSUANCE PROCEDURES**

### **Permit Modifications**

This permit may be modified, revoked and reissued, or terminated for cause. This includes the establishment of limitations or prohibitions based on changes to Water Quality Standards, the development and approval of waste load allocation plans, the development or revision to water quality management plans, changes in sewage sludge practices, or the establishment of prohibitions or more stringent limitations for toxic or conventional pollutants and/or sewage sludges. The filing of a request by the permittee for a permit modification, revocation and reissuance, termination, notification of planned changes, or anticipated noncompliance does not stay any permit condition.

### **Proposed Permit Issuance**

This proposed permit meets all statutory requirements for the department to authorize a wastewater discharge. The department proposes to issue this permit for a term of five (5) years.



## APPENDIX A – PUBLIC INVOLVEMENT INFORMATION

The department proposes to issue a permit to **Sabin Metals West Corporation**. The permit includes wastewater discharge limits and other conditions. This statement of basis describes the facility and the department's basis for requiring a permit.

The department will place a Public Notice of Draft on **November 24, 2021** in the **Williston Herald** to inform the public and to invite comment on the proposed draft North Dakota Pollutant Discharge Elimination System permit and statement of basis.

The Notice –

- Tells where copies of the draft permit and statement of basis are available for public evaluation.
- Offers to provide assistance to accommodate special needs.
- Urges people to submit their comments before the end of the comment period.
- Informs the public that if there is significant interest, a public hearing will be scheduled.

You may obtain further information from the department by telephone, 701.328.5210 or by writing to the address listed below:

North Dakota Department of Environmental Quality  
Division of Water Quality  
4201 Normandy Street  
Bismarck, ND 58503

The primary author of this permit and statement of basis is Sarah Waldron Feld.

**North Dakota Department of Environmental Quality Public Notice  
Reissue of an NDPDES Permit**

Public Notice Date: 11/24/2021

Public Notice Number: ND-2021-037

**Purpose of Public Notice**

The Department intends to reissue the following North Dakota Pollutant Discharge Elimination System (NDPDES) Discharge Permit under the authority of Section 61-28-04 of the North Dakota Century Code.

**Permit Information**

Application Date: 8/6/2021

Application Number: NDP000025

Applicant Name: Sabin Metals West Corp

Mailing Address: PO Box 1347, Williston, ND 58802

Telephone Number: 701.572.6828

Proposed Permit Expiration Date: 12/31/2026

**Facility Description**

Sabin Metals West Corporation is located at 15 12th Ave E; Williston, ND 58802-1347 in Williams County. Sabin Metals West Corporation operates a facility that reclaims precious metals and requires a permit issued under the North Dakota Pollution Discharge Elimination System program. This permit is for the discharge of treated kiln scrubber blowdown wastewater to the City of Williston's Publicly Owned Treatment Works (POTW). The discharge is a new source subject to 40 CFR Part 421.266(a) - the permitted discharge must comply with 40 CFR Part 403 and applicable state and local regulations.

**Tentative Determinations**

Proposed effluent limitations and other permit conditions have been made by the Department. They assure that State Water Quality Standards and applicable provisions of the FWPCAA will be protected.

**Information Requests and Public Comments**

Copies of the application, draft permit, and related documents are available for review. For further information on making public comments/public comment tips please visit: <https://deq.nd.gov/PublicCommentTips.aspx>. Comments or requests should be directed to the ND Dept of Env Quality, Div of Water Quality, 4201 Normandy Street, Bismarck ND 58503-1324 or by calling 701.328.5210.

All comments received by December 27, 2021 will be considered prior to finalizing the permit. If there is significant interest, a public hearing will be scheduled. Otherwise, the Department will issue the final permit within sixty (60) days of this notice. If you require special facilities or assistance relating to a disability, call TDD at 1.800.366.6868.



**APPENDIX B – DEFINITIONS Pretreatment Permit - BP 2020.11.12**

1. "**Act**" means Federal Water Pollution Control Act, also known as the Clean Water Act, as amended [33 U.S.C. 1251, et seq.].
2. "**Approval authority**" means the department.
3. "**Best management practices**" or "**BMPs**" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 CFR 403.5(a)(1) and (b). Best management practices also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.
4. "**Bypass**" means the intentional diversion of wastestreams from any portion of an industrial user's treatment facility.
5. "**Categorical industrial user**" means an industrial user that is subject to a categorical pretreatment standard or categorical standard.
6. "**Categorical pretreatment standard**" or "**categorical standard**" means any regulation containing pollutant discharge limits promulgated by the environmental protection agency in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of users and that appear in 40 CFR chapter I, subchapter N, parts 405 through 471.
7. "**Control authority**" means either:
  - a. The publicly owned treatment works, if the publicly owned treatment works which receives the indirect discharge administers an approved pretreatment program in accordance with sections 33.1-16-01.1-06 and 33.1-16-01.1-08; or
  - b. The department, if the publicly owned treatment works which receives the indirect discharge does not administer an approved pretreatment program in accordance with sections 33.1-16-01.1-06 and 33.1-16-01.1-08.
8. "**Department**" means the North Dakota Department of Environmental Quality, Division of Water Quality.
9. "**Director**" means the department.
10. "**DMR**" means discharge monitoring report.
11. "**EPA**" means the United States Environmental Protection Agency.
12. "**Indirect discharge**" means the introduction of pollutants into a publicly owned treatment works from any nondomestic source regulated under 307(b), (c), or (d) of the Federal Water Pollution Control Act.

13. "**Industrial user**" or "**user**" means a source of indirect discharge.
14. "**Interference**" means an indirect discharge which, alone or in conjunction with any other indirect discharges, both:
  - a. Inhibits or disrupts the publicly owned treatment works processes or operations, or its sludge processes, use or disposal; and
  - b. Causes a violation of any requirement of the publicly owned treatment works North Dakota pollutant discharge elimination system permit, including an increase in the magnitude or duration of a violation or prevents sewage sludge use or disposal in compliance with federal or state law or statute.
15. "**New source**" means:
  - a. Any building, structure, facility, or installation for which construction commenced after the publication of proposed pretreatment standards which will apply to such source after promulgation, from which there is or may be an indirect discharge, provided that:
    - (1) The building, structure, facility or installation is constructed at a site at which no other source is located;
    - (2) The building, structure, facility or installation totally replaces the process or production equipment that causes the indirect discharge at an existing source; or
    - (3) The production or wastewater generating processes of the building, structure, facility or installation is 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.
  - b. 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 paragraphs 2 and 3 of subdivision a, but otherwise alters, replaces or adds to existing process or production equipment.
  - c. Construction of a new source as defined under this subsection 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 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 are 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 subsection.
16. "**Passthrough**" means a discharge which exits the publicly owned treatment works into waters of the state in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the publicly owned treatment works North Dakota pollutant discharge elimination system permit, including an increase in the magnitude or duration of a violation.
17. "**Pretreatment**" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a publicly owned treatment works. The reduction or alteration may be obtained by physical, chemical, or biological processes, process changes or by other means, except as prohibited by 40 CFR 403.6(d). Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the publicly owned treatment works. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with 40 CFR 403.6(e).
18. "**Pretreatment requirements**" means any substantive or procedural requirement related to pretreatment, other than a pretreatment standard, imposed on an industrial user.
19. "**Pretreatment standards**" means any regulation which applies to industrial users that contains pollutant discharge limits promulgated by the environmental protection agency in accordance with the Federal Water Pollution Control Act, including prohibitive discharge limits established pursuant to section 33.1-16-01.1-02.
20. "**Publicly owned treatment works**" or "**POTW**" means a treatment works as defined by section 212 of the Federal Water Pollution Control Act, which is owned by a state or municipality, including any devices or systems used in the storage, treatment, recycling, and reclamation of municipal sewage or liquid industrial wastes, as well as sewers, pipes, and other conveyances that convey wastewater to a publicly owned treatment works treatment plant. This term also means the municipality that has jurisdiction over the indirect discharges to and the discharges from the treatment works.
21. "**Publicly owned treatment works treatment plant**" means that portion of the publicly owned treatment works which is designed to provide treatment of municipal sewage and industrial waste.

22. "**Severe property damage**" means substantial physical damage to property, damage to treatment facilities which renders them to become inoperable, or substantial and permanent loss of natural resources which 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.
23. "**Significant industrial user**" means:
- a. All industrial users subject to categorical pretreatment standards under sections 33.1-16-01.1-04 and 33.1-16-01-31;
  - b. Any other industrial user that meets at least one of the following criteria:
    - (1) Discharges an average of twenty-five thousand gallons [94,635 liters] per day or more of process wastewater to the publicly owned treatment works, excluding sanitary wastewater, noncontact cooling water and boiler blowdown wastewater;
    - (2) Contributes a process wastestream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the publicly owned treatment works treatment plant; or
    - (3) Is designated as a significant industrial user by the control authority on the basis that the user has a reasonable potential for adversely affecting the publicly owned treatment works operation or for violating any pretreatment standard or requirement.
  - c. The control authority may determine that an industrial user subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N is a nonsignificant categorical industrial user rather than a significant industrial user on a finding that the industrial user never discharges more than one hundred gallons per day (gpd) of total categorical wastewater (excluding sanitary, noncontact cooling and boiler blowdown wastewater, unless specifically included in the pretreatment standard) and the following conditions are met:
    - (1) The industrial user, prior to the control authority's finding, has consistently complied with all applicable categorical pretreatment standards and requirements;
    - (2) The industrial user annually submits the certification statement required in 40 CFR 403.12(q) together with any additional information necessary to support the certification statement; and
    - (3) The industrial user never discharges any untreated concentrated wastewater.
  - d. Upon a finding that an industrial user which meets the criteria of subdivision b has no reasonable potential for adversely affecting the publicly owned treatment works operation or for violating any pretreatment standard or requirement, the control authority may, at any time, determine that the industrial user is not a significant industrial user.

24. "**Upset**" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the industrial user. Upset does not include noncompliance to the extent caused by operational error, inadequate or improperly designed treatment facilities, lack of preventative maintenance, or careless or improper operation.
25. "**Water management division director**" means the director of the water management division of the regional office of the United States environmental protection agency or this person's delegated representative.

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**APPENDIX C – CALCULATIONS**

The department reviewed DMR information, NDAC 33.1-16, 40 CFR Part 403, and 40 CFR Part 421 to determine appropriate requirements to be placed in this permit.

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**APPENDIX D – RESPONSE TO COMMENTS**

Any comments received during the public comment period will be addressed here.

DRAFT

Permit No: NDP000025  
Effective Date: January 1, 2022  
Expiration Date: December 31, 2026

AUTHORIZATION TO DISCHARGE UNDER THE  
NORTH DAKOTA POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with Chapter 33.1-16-01.1 of the North Dakota Department of Environmental Quality rules as promulgated under Chapter 61-28 (North Dakota Water Pollution Control Act) of the North Dakota Century Code,

Sabin Metals West Corporation  
15 12<sup>th</sup> Ave. East  
Williston, ND 58801

is authorized to discharge from its facility in Williston, North Dakota

to the City of Williston Publicly Owned Treatment Works

provided all the conditions of this permit are met.

This permit and the authorization to discharge shall expire at midnight,

December 31, 2026

Signed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Karl H. Rockeman, P.E.  
Director  
Division of Water Quality

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**DEFINITIONS** Pretreatment Permit - BP 2020.11.12

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2. "**Approval authority**" means the department.
3. "**Best management practices**" or "**BMPs**" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 CFR 403.5(a)(1) and (b). Best management practices also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.
4. "**Bypass**" means the intentional diversion of wastestreams from any portion of an industrial user's treatment facility.
5. "**Categorical industrial user**" means an industrial user that is subject to a categorical pretreatment standard or categorical standard.
6. "**Categorical pretreatment standard**" or "**categorical standard**" means any regulation containing pollutant discharge limits promulgated by the environmental protection agency in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of users and that appear in 40 CFR chapter I, subchapter N, parts 405 through 471.
7. "**Control authority**" means either:
  - a. The publicly owned treatment works, if the publicly owned treatment works which receives the indirect discharge administers an approved pretreatment program in accordance with sections 33.1-16-01.1-06 and 33.1-16-01.1-08; or
  - b. The department, if the publicly owned treatment works which receives the indirect discharge does not administer an approved pretreatment program in accordance with sections 33.1-16-01.1-06 and 33.1-16-01.1-08.
8. "**Department**" means the North Dakota Department of Environmental Quality, Division of Water Quality.
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13. "**Industrial user**" or "**user**" means a source of indirect discharge.
14. "**Interference**" means an indirect discharge which, alone or in conjunction with any other

indirect discharges, both:

- a. Inhibits or disrupts the publicly owned treatment works processes or operations, or its sludge processes, use or disposal; and
- b. Causes a violation of any requirement of the publicly owned treatment works North Dakota pollutant discharge elimination system permit, including an increase in the magnitude or duration of a violation or prevents sewage sludge use or disposal in compliance with federal or state law or statute.

15. "**New source**" means:

- a. Any building, structure, facility, or installation for which construction commenced after the publication of proposed pretreatment standards which will apply to such source after promulgation, from which there is or may be an indirect discharge, provided that:
  - (1) The building, structure, facility or installation is constructed at a site at which no other source is located;
  - (2) The building, structure, facility or installation totally replaces the process or production equipment that causes the indirect discharge at an existing source; or
  - (3) The production or wastewater generating processes of the building, structure, facility or installation is 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.
- b. 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 paragraphs 2 and 3 of subdivision a, but otherwise alters, replaces or adds to existing process or production equipment.
- c. Construction of a new source as defined under this subsection 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 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 are 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 subsection.

16. "**Passthrough**" means a discharge which exits the publicly owned treatment works into

waters of the state in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the publicly owned treatment works North Dakota pollutant discharge elimination system permit, including an increase in the magnitude or duration of a violation.

17. "**Pretreatment**" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a publicly owned treatment works. The reduction or alteration may be obtained by physical, chemical, or biological processes, process changes or by other means, except as prohibited by 40 CFR 403.6(d). Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the publicly owned treatment works. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with 40 CFR 403.6(e).
18. "**Pretreatment requirements**" means any substantive or procedural requirement related to pretreatment, other than a pretreatment standard, imposed on an industrial user.
19. "**Pretreatment standards**" means any regulation which applies to industrial users that contains pollutant discharge limits promulgated by the environmental protection agency in accordance with the Federal Water Pollution Control Act, including prohibitive discharge limits established pursuant to section 33.1-16-01.1-02.
20. "**Publicly owned treatment works**" or "**POTW**" means a treatment works as defined by section 212 of the Federal Water Pollution Control Act, which is owned by a state or municipality, including any devices or systems used in the storage, treatment, recycling, and reclamation of municipal sewage or liquid industrial wastes, as well as sewers, pipes, and other conveyances that convey wastewater to a publicly owned treatment works treatment plant. This term also means the municipality that has jurisdiction over the indirect discharges to and the discharges from the treatment works.
21. "**Publicly owned treatment works treatment plant**" means that portion of the publicly owned treatment works which is designed to provide treatment of municipal sewage and industrial waste.
22. "**Severe property damage**" means substantial physical damage to property, damage to treatment facilities which renders them to become inoperable, or substantial and permanent loss of natural resources which 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.
23. "**Significant industrial user**" means:
  - a. All industrial users subject to categorical pretreatment standards under sections 33.1-16-01.1-04 and 33.1-16-01-31;
  - b. Any other industrial user that meets at least one of the following criteria:



- (1) Discharges an average of twenty-five thousand gallons [94,635 liters] per day or more of process wastewater to the publicly owned treatment works, excluding sanitary wastewater, noncontact cooling water and boiler blowdown wastewater;
  - (2) Contributes a process wastestream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the publicly owned treatment works treatment plant; or
  - (3) Is designated as a significant industrial user by the control authority on the basis that the user has a reasonable potential for adversely affecting the publicly owned treatment works operation or for violating any pretreatment standard or requirement.
- c. The control authority may determine that an industrial user subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N is a nonsignificant categorical industrial user rather than a significant industrial user on a finding that the industrial user never discharges more than one hundred gallons per day (gpd) of total categorical wastewater (excluding sanitary, noncontact cooling and boiler blowdown wastewater, unless specifically included in the pretreatment standard) and the following conditions are met:
- (1) The industrial user, prior to the control authority's finding, has consistently complied with all applicable categorical pretreatment standards and requirements;
  - (2) The industrial user annually submits the certification statement required in 40 CFR 403.12(q) together with any additional information necessary to support the certification statement; and
  - (3) The industrial user never discharges any untreated concentrated wastewater.
- d. Upon a finding that an industrial user which meets the criteria of subdivision b has no reasonable potential for adversely affecting the publicly owned treatment works operation or for violating any pretreatment standard or requirement, the control authority may, at any time, determine that the industrial user is not a significant industrial user.
24. "**Upset**" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the industrial user. Upset does not include noncompliance to the extent caused by operational error, inadequate or improperly designed treatment facilities, lack of preventative maintenance, or careless or improper operation.
25. "**Water management division director**" means the director of the water management division of the regional office of the United States environmental protection agency or this person's delegated representative.

## OUTFALL DESCRIPTION

<b>Outfall 001. Active – Final Pretreatment</b>			
Latitude: 48.144481	Longitude: -103.605981	County: Williams	
Township: 154N	Range: 101W	Section: 24	QQ: DA
Description: This batch discharge of process wastewater originates from the collection and settling tanks that receive the regulated wet air pollution control scrubber water.			

<b>Bypass Overflow</b>			
Latitude: 48.14345	Longitude: -103.608272	County: Williams	
Township: 154N	Range: 101W	Section: 24	QQ: DA
Description: This is a ditch south of the facility that exits to receive bypassed cooling water in the event facility systems cannot contain wastewater. This is not a permitted outfall and is considered by the department as a potential bypass location. In the event of a bypass condition, the permittee must address it by following the bypass provisions outlined in the permit.			

## PERMIT SUBMITTALS SUMMARY

Coverage Point	Submittal	Frequency	First Submittal Date
001A	Discharge Monitoring Report	Semiannually	July 31, 2022
001A	Spill and Slug Discharge Control Plan	1/permit cycle	January 31, 2023
001A	Operation and Maintenance Manual	1/permit cycle	January 31, 2023
Application Renewal	NDPDES Application Renewal	1/permit cycle	June 30, 2026

## SPECIAL CONDITIONS

The permittee is prohibited from diluting its effluent as a partial or complete substitute for adequate treatment to achieve compliance with permit limitations.

The permittee must develop a spill and slug discharge control plan as detailed in NDAC 33.1-16-01.1 Appendix A, representing best management practices to prevent release of pollutants to the POTW and/or waters of the state and minimizing damages if a sludge discharge or spill occurs.

In the event the permittee finds it necessary to de-scale, the POTW shall be notified and the wastewater generated by the de-scaling operation shall be isolated until its chemical nature can be characterized. If the analysis reveals concentration levels of pollutants greater than the permit allows, the department shall be notified, and alternative method(s) of disposal shall be identified.

## I. LIMITATIONS AND MONITORING REQUIREMENTS

### A. Discharge Authorization

During the effective period of this permit; the permittee is authorized to discharge pollutants from Outfall 001 as specified to the **City of Williston Publicly Owned Treatment Works (POTW)**.

This permit authorizes the discharge of only those pollutants resulting from facility processes, waste streams, and operations that have been clearly identified in this permit application process.

### B. Effluent Limitations and Monitoring

The permittee must comply with 40 CFR Part 403 and 40 CFR Part 421.266(a) and limit and monitor all discharges as specified below:

**Table 1 – Effluent Limitations and Monitoring Requirements for Outfall 001A.**

Parameter	Effluent Limitations		Monitoring Requirements	
	Daily Maximum	Maximum Monthly Average	Sample Type	Frequency
pH, (s.u.) <sup>a</sup>	Between 5.0 and 12.5 at all times		Instantaneous	Per Discharge
Copper, (mg/troy oz) <sup>b, c</sup>	5.760	2.745	Composite	Semiannually
Cyanide, total (mg/troy oz) <sup>b, d, e</sup>	0.900	0.360	4 Grab	Semiannually
Zinc, (mg/troy oz) <sup>b, c</sup>	4.590	1.890	Composite	Semiannually
Combined Metals, (mg/troy oz) <sup>b, c, f</sup>	1.350	*	Composite	Semiannually
Ammonia as N, (mg/troy oz) <sup>b, c</sup>	599.900	263.700	Composite	Semiannually
Flow, process (gpd)	Report	Report	Calculated	Daily
Drain, (MG)	Report		Calculated	Semiannual
Notes:				

a.	The pH, an instantaneous limitation, shall be between 5.0 and 12.5 s.u. The permittee is required to report minimum pH, maximum pH, and the number of pH exceedances. A single pH exceedance shall be noted upon pH falling outside of the assigned limits during a singular batch discharge event.
b.	Composite samples must be representative of the quality of the discharge. A 24-hour composite sample proportioned according to flow is required where feasible. If unfeasible, the composite shall consist of a minimum of twelve (12) separate grab samples and proportioned as to flow. Sampling may be proportioned to flow by varying the time interval between each aliquot, or by varying the volume of each aliquot.
c.	To calculate mg/troy oz, the concentration of the pollutant shall be multiplied by the daily process flow. This product will then be divided by the by the amount of recovered precious metals. Should a concentration be below detection, $\frac{1}{2}$ of the detection limit will be used in the calculation.
d.	Grab samples must be representative of the process waste stream and shall be a single, discrete sample collected over a period not exceeding 15 minutes. A minimum of (4) separate grab samples shall be taken and proportioned as to flow.
e.	Grab samples for cyanide shall be composited in the laboratory or in the field immediately prior to analysis.
f.	Total of gold, platinum, and palladium

## II. MONITORING, RECORDING, AND REPORTING REQUIREMENTS BP 2021.06.07

### A. Representative Sampling (Routine and Non-Routine Discharges)

All samples and measurements taken shall be representative of the monitored discharge.

In order to ensure that the effluent limits set forth in this permit are not violated at times other than when routine samples are taken, the permittee must collect additional samples at the appropriate outfall whenever any discharge occurs that may reasonably be expected to cause or contribute to a violation that is unlikely to be detected by a routine sample. The permittee must analyze the additional samples for those parameters limited under Part I.B. Effluent Limitations and Monitoring requirements of this permit that are likely to be affected by the discharge.

The permittee must collect such additional samples as soon as the spill, discharge, or bypassed effluent reaches the outfall. The samples must be analyzed in accordance with B. Test Procedures. The permittee must report all additional monitoring in accordance with D. Additional Monitoring.

**B. Test Procedures**

The collection and transportation of all samples shall conform with EPA preservation techniques and holding times found in 40 CFR 136. All laboratory tests shall be performed by a North Dakota certified laboratory in conformance with test procedures pursuant to 40 CFR 136, unless other test procedures have been specified in this permit or approved by EPA as an alternate test procedure under 40 CFR 136.5. The method of determining the total amount of water discharged shall provide results within 10 percent of the actual amount.

**C. Recording of Results**

Records of monitoring information shall include:

1. the date, exact place and time of sampling or measurements;
2. the name(s) of the individual(s) who performed the sampling or measurements;
3. the name of the laboratory;
4. the date(s) and time(s) analyses were performed;
5. the name(s) of the individual(s) who performed the analyses;
6. the analytical techniques or methods used; and
7. the results of such analyses.

**D. Additional Monitoring**

If the discharge is monitored more frequently than this permit requires, all additional results, if in compliance with B. Test Procedures, shall be included in the summary on the Discharge Monitoring Report.

**E. Reporting of Monitoring Results**

1. Monitoring results shall be summarized and reported to the department using Discharge Monitoring Reports (DMRs). If no discharge occurs during a reporting period, "No Discharge" shall be reported. The permittee must submit DMRs electronically using the electronic information reporting system unless requirements in subsection 3 are met.
2. Prior to December 21, 2025, the permittee may elect to electronically submit the following compliance monitoring data and reports instead of mailing paper forms. Beginning December 21, 2025, the permittee must report the following using the electronic reporting system:
  - a. General permit reports [e.g., notices of intent (NOI); notices of termination (NOT); no exposure certifications (NOE)];
  - b. Municipal separate storm sewer system program reports;
  - c. Pretreatment program reports;
  - d. Sewer overflow/bypass event reports; and

- e. Clean Water Act 316(b) annual reports
3. The permittee may seek a waiver from electronic reporting. To obtain a waiver, the permittee must complete and submit an Application for Temporary Electronic Reporting Waiver form (SFN 60992) to the department. The department will have 120 days to approve or deny the waiver request. Once the waiver is approved, the permittee may submit paper versions of monitoring data and reports to the department.
- a. One of the following criteria must be met in order to obtain a waiver. The department reserves the right to deny any waiver request, even if they meet one of the criteria below.
    - 1. No internet access,
    - 2. No computer access,
    - 3. Annual DMRs (upon approval of the department),
    - 4. Employee turnover (3-month periods only), or
    - 5. Short duration permits (upon approval of the department)

All reports must be postmarked by the last day of the month following the end of each reporting period. All original documents and reports required herein shall be signed and submitted to the department at the following address:

ND Department of Environmental Quality  
Division of Water Quality  
4201 Normandy Street  
Bismarck, ND 58503

**F. Records Retention**

All records and information (including calibration and maintenance) required by this permit shall be kept for at least three years or longer if requested by the department or EPA.

**III. COMPLIANCE RESPONSIBILITIES**

**A. Duty to Comply**

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

**B. Proper Operation and Maintenance**

The permittee shall at all times maintain in good working order and operate as efficiently as possible all treatment or control facilities or systems installed or used by the permittee to achieve compliance with the terms and conditions of this permit. If necessary to achieve compliance with the conditions of this permit, this shall include the operation and maintenance of backup or auxiliary systems.

**C. Planned Changes**

The department and POTW shall be given advance notice of any planned changes at the permitted facility or of an activity which may result in permit noncompliance. Any anticipated facility expansions, production increases, or process modifications which might result in changes in volume and/or characteristic of discharged pollutants, including hazardous wastes which have been made aware to the department as required by 40 CFR 403.12(p) shall be reported to the department as soon as possible. Changes which may result in a facility being designated a "new source" as determined in 40 CFR 403.3(m)(1) shall also be reported.

**D. Duty to Provide Information**

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

**E. Signatory Requirements**

All applications, reports, or information submitted to the department shall be signed and certified.

All permit applications shall be signed by a responsible corporate officer, a general partner, or a principal executive officer or ranking elected official.

All reports required by the permit and other information requested by the department shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

The authorization is made in writing by a person described above and submitted to the department; and

The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters.

If an authorization under E. Signatory Requirements is no longer accurate for any reason, a new authorization satisfying the above requirements must be submitted to the department prior to or together with any reports, information, or applications to be signed by an authorized representative.

Any person signing a document under this section shall make 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."

**F. Notice of Potential Problems**

The permittee is required to immediately notify the receiving POTW of all discharges that may cause problems to the POTW. This includes slug loadings, as defined by 40 CFR 403.5(b).

**G. Twenty-four Hour Notice of Noncompliance Reporting**

1. The permittee shall immediately report any noncompliance which may endanger health or the environment. Any information shall be provided orally as soon as possible, but no later than twenty-four (24) hours from the time the permittee first became aware of the circumstances. The following occurrences of noncompliance shall be included in the oral report to the department at 701.328.5210:
  - a. Any lagoon cell overflow or any unanticipated bypass which exceeds any effluent limitation in the permit under I. Bypass of Treatment Facilities;
  - b. Any upset which exceeds any effluent limitation in the permit under H. Upset Conditions; or
  - c. Violation of any daily maximum effluent or instantaneous discharge limitation for any of the pollutants listed in the permit.
2. A written submission shall also be provided within five days of the time that the permittee became aware of the circumstances. The written submission shall contain:
  - a. A description of the noncompliance and its cause;
  - b. The period of noncompliance, including exact dates and times;
  - c. The estimated time noncompliance is expected to continue if it has not been corrected; and
  - d. Steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

Reports shall be submitted to the address in Part II.E. Reporting of Monitoring Results. The department may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the department at 701.328.5210 as identified above.

If sampling performed by an industrial user indicates a violation, the user shall repeat the sampling and analysis and submit the results of the repeat analysis to the department within 30 days after becoming aware of a violation as instructed in 40 CFR 403.12(g)(2).



All other instances of noncompliance shall be reported no later than at the time of the next Discharge Monitoring Report submittal. The report shall include all items listed in this subsection.

#### **H. Hazardous Waste**

The Industrial User shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the Industrial User discharges more than 100 kilograms of such waste per calendar month to the POTW, additional parameters as defined in 40 CFR 403.12(p) are to be included in the written notification.

#### **I. Bypass of Treatment Facilities**

1. Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to any of the following provisions in this section.
2. Bypass exceeding limitations-notification requirements.
  - a. Anticipated Bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten (10) days before the date of bypass.
  - b. Unanticipated Bypass. The permittee shall submit notice of an unanticipated bypass as required under G. Twenty-four Hour Notice of Noncompliance Reporting.
3. Prohibition of Bypass. Bypass is prohibited, and the department may take enforcement action against a permittee for bypass, unless:
  - a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  - b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
  - c. The permittee submitted notices as required under the 1. Anticipated Bypass subsection of this section.

The department may approve an anticipated bypass, after considering its adverse effects, if the department determines that it will meet the three (3) conditions listed above.

**J. Upset Conditions**

An upset constitutes an affirmative defense to an action brought for noncompliance with technology-based permit effluent limitations if the requirements of the following paragraph 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.

A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

1. An upset occurred and the permittee can identify its cause(s);
2. The permitted facility was, at the time being, properly operated;
3. The permittee submitted notice of the upset as required under G. Twenty-four Hour Notice of Noncompliance Reporting and
4. The permittee complied with any remedial measures required under K. Duty to Mitigate.

In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

**K. Duty to Mitigate**

The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment. The permittee, at the department's request, shall provide accelerated or additional monitoring as necessary to determine the nature and impact of any discharge.

**L. Removed Materials**

Collected screenings, grit, solids, sludges, or other pollutants removed in the course of treatment shall be buried or disposed of in such a manner to prevent any pollutant from entering any waters of the state or creating a health hazard. Sludge/digester supernatant and filter backwash shall not be directly blended with or enter either the final plant discharge and/or waters of the state. The permit issuing authority shall be contacted prior to the disposal of any sewage sludges. At that time, concentration limitations and/or self-monitoring requirements may be established.

**M. Duty to Reapply**

Any request to have this permit renewed should be made six months prior to its expiration date.

**IV. GENERAL PROVISIONS**

**A. Inspection and Entry**

The permittee shall allow department and EPA representatives, at reasonable times and upon the presentation of credentials if requested, to enter the permittee's premises to inspect the wastewater treatment facilities and monitoring equipment, to sample any discharges, and to have access to and copy any records required to be kept by this permit.

**B. Availability of Reports**

Except for data determined to be confidential under 40 CFR Part 2, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the department and EPA. As required by the Act, permit applications, permits, and effluent data shall not be considered confidential.

**C. Transfers**

This permit is not transferable except upon the filing of a Statement of Acceptance by the new party and subsequent department approval. The current permit holder must provide notification to the POTW and a copy of the existing permit shall be provided to the new owner or operator.

**D. New Limitations or Prohibitions**

The permittee shall comply with any effluent standards or prohibitions established under Section 306(a), Section 307(a), or Section 405 of the Act for any pollutant (toxic or conventional) present in the discharge or removed substances within the time identified in the regulations even if the permit has not yet been modified to incorporate the requirements.

**E. Permit Actions**

This permit may be modified, revoked and reissued, or terminated for cause. This includes the establishment of limitations or prohibitions based on changes to Water Quality Standards, the development and approval of waste load allocation plans, the development or revision to water quality management plans, changes in sewage sludge practices, or the establishment of prohibitions or more stringent limitations for toxic or conventional pollutants and/or sewage sludges. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

**F. Need to Halt or Reduce Activity Not a Defense**

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

**G. State Laws**

Nothing in this permit shall be construed to preclude the institution of legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation preserved under Section 510 of the Act.

**H. Oil and Hazardous Substance Liability**

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Act.

**I. Property Rights**

The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.

**J. Severability**

The provisions of this permit are severable, and if any provision of this permit or the

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

**K. Penalties**

Nothing in this permit may be construed to relieve the permittee from civil and/or criminal penalties for noncompliance.

**V. PROHIBITED DISCHARGES**

**A. General Prohibition**

The permittee shall not introduce into the POTW any pollutant which causes pass through or interference.

**B. Specific Prohibitions**

The following pollutants may not be introduced into the POTW from any source:

1. Pollutants which create a fire or explosion hazard in the POTW, including waste streams with a closed cup flashpoint of less than sixty (60) degrees Celsius (140 degrees Fahrenheit) using the test methods specified in 40 CFR 261.21.
2. Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.0, unless the POTW is specifically designed to accommodate such discharges.
3. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in interference.
4. Any pollutant released in a discharge at a flow rate or pollutant concentration which will cause interference.
5. Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW exceeds forty degrees Celsius (104-degree Fahrenheit), unless the department, upon request of the POTW, approves alternate temperature limits.
6. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or passthrough.
7. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
8. Any trucked or hauled pollutants, except at discharge points designated by the POTW.

**C. Dilution Prohibition**

The permittee is prohibited from diluting its effluent as a partial or complete substitute for adequate treatment to achieve compliance with permit limitations.