Permit No.: SD0022349

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES

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

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

the town of Hermosa

is authorized under this permit to discharge to

Battle Creek

from its wastewater treatment facility located in the Southeast ¼ of Section 32, Township 2 South, Range 8 East, in Custer County, South Dakota (Latitude 43.834806°, Longitude -103.181528°), in accordance with discharge points, effluent limits, monitoring requirements, and other conditions set forth herein. Authorization is limited to those outfalls specifically listed in the permit. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the South Dakota Water Pollution Control Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

This permit shall become effective July 1st, 2025.

This permit and the authorization to discharge shall expire at midnight, June 30th, 2030.

Signed this 8th day of July 2025

Authorized Permitting Official

Hunter Roberts
Secretary
Department of Agriculture and Natural Resources

TABLE OF CONTENTS

1.0 DEFINITIONS

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

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

"Acute Toxicity" occurs when in the LC_{50} test when 50 percent or more mortality is observed for either species at any effluent concentration which is equivalent to $\geq$ 1.0 TU_a. Mortality in the control must simultaneously be 10 percent or less for the effluent results to be considered valid.

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

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

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

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

"BOD_5" means Five-Day Biochemical Oxygen Demand. BOD is a measurement of the amount of oxygen utilized by the decomposition of organic material, over a specified time period (usually 5 days) in a sample.

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

"Chronic Toxicity" occurs when in the IC_{25} test when the survival, growth, or reproduction, as applicable, for either test species, at the effluent dilution(s) designated in this permit, is significantly less (at the 95 percent confidence level) than that observed for the control specimens.

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

1. Constant time interval between samples, sample volume proportional to flow rate at time of sampling;

2. Constant time interval between samples, sample volume proportional to total flow (volume) since last sample. For the first sample, the flow rate at the time the sample was collected may be used;

3. Constant sample volume, time interval between samples proportional to flow (i.e., sample taken every "X" gallons of flow); and,

4. Continuous collection of sample, with sample collection rate proportional to flow rate.

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

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

An **"Emergency Discharge"** is a discharge from the treatment or containment system through a release structure or over or through retention dikes or walls. An emergency discharge is distinguished from a sanitary sewer overflow in that a sanitary sewer overflow discharges wastewater prior to reaching the treatment or containment system. An emergency discharge is an enforceable violation of the permit unless it is an allowable bypass that does not cause effluent limitations to be exceeded, an anticipated bypass approved by the Secretary, or an unanticipated bypass allowed under Section 3.2 – Prohibition of Bypasses, Emergency Discharges, and SSOs.

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

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

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

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

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

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

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

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

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

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

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

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

A **"Publicly Owned Treatment Works"** or **"POTW"** is any device or system used in the treatment, including recycling and reclamation, of municipal sewage or industrial waste of a liquid nature that is owned by the state or a municipality. This term includes sewers, pipes, or other conveyances only if they convey wastewater to a publicly owned treatment works providing treatment.

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

A **"Sanitary Sewer Overflow (SSO)"** is an overflow, spill, release, or diversion of wastewater from a sanitary sewer system. Such term does not include municipal combined sewer overflows or other discharges from a municipal combined storm and sanitary sewer system and does not include wastewater backups into buildings caused by a blockage or other malfunction of a building lateral that is privately owned. Such term includes overflows or releases of wastewater that reach waters of the state, overflows or releases of wastewater in the state that do not reach waters of the state, and wastewater backups into buildings that are caused by blockages or flow conditions in a sanitary sewer other than a building lateral.

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

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

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

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

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

1. Is subject to Categorical Pretreatment Standards under ARSD Chapter 74:52:10 (a.b.r. 40 CFR 403.6 and 40 CFR chapter I, subchapter N);

2. Discharges an average of 25,000 gallons per day or more of process wastewater to the publicly owned treatment works (excluding sanitary, non-contact cooling water, and boiler blowdown wastewater);

3. Contributes a process wastewater that makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the publicly owned treatment works; or,

4. Is designated as such by the Secretary on the basis that the Industrial User has a reasonable potential for adversely affecting the publicly owned treatment works or for violating any pretreatment standard or requirement.

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

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

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

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

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

"Toxicity Reduction Evaluation (TRE)" is a site-specific study conducted in a step-wise process to identify the causative agents of effluent toxicity, isolate the source of toxicity, evaluate the effectiveness of toxicity control options, and then confirm the reduction in effluent toxicity after the control measures are put in place.

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

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

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

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

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

2.0 PERMIT COVERAGE

2.1 Permit Transfers

1. Coverage under this permit may be transferred to a new permittee if:

    a. The signatory authority notifies the Secretary at least 30 days in advance of the proposed transfer date;

    b. The notice includes a written agreement between the existing and new permittee containing a specific date for transfer of permit responsibility, coverage, and liability between them; and

    c. The new permittee submits a Certification of Applicant form certifying the new permittee is qualified to perform the obligations of a permit holder in accordance with South Dakota Codified Law 1-41-20.

2. The Secretary will notify the existing and new permittee of his or her intent to transfer, modify, or revoke and reissue the permit based on the information received and other permit information.

2.2 Reopener Provisions

This permit may be reopened and modified in accordance with the Administrative Rules of South Dakota (ARSD) Chapter 74:52:04 to include the appropriate effluent limits, compliance schedules, or other requirements if one or more of the following events occurs:

1. Water Quality Standards: The water quality standards of the receiving waters applicable to this permit are modified in such a manner as to require different effluent limits than contained in this permit;

2. Water Quality Management Plan: A revision to the current water quality management plan is approved and adopted that calls for different effluent limits than contained in this permit;

3. Effluent Guidelines: Effluent limit guidelines are promulgated or revised for point sources covered by this permit;

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

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

6. Whole Effluent Toxicity: Whole effluent toxicity is detected in the discharge; this permit may be reopened and modified to include whole effluent toxicity (WET) testing, a WET limit, a compliance date, additional or modified numerical limits, or any other conditions related to the control of toxicants if toxicity is detected during the life of this permit;

7. Pretreatment Program: The permittee is required to develop and implement a pretreatment program, regulating indirect discharges of wastewater into its publicly owned treatment works; or

8. Other Changes: Other conditions or standards change so that the discharge no longer qualifies for this permit, such as the permittee being designated as a major discharger, changes in necessary influent or effluent pollutant monitoring, additional industrial pretreatment requirements become applicable to the permittee, or other items.

2.3 Duty to Reapply

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

2.4 Continuation of the Expired Permit

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

2.5 Property Rights

1. The Secretary's issuance of this permit, adoption of design criteria, and approval of plans and specifications does not convey any property rights of any sort, any exclusive privileges, any authorization to damage, injure or use any private property, any authority to invade personal rights, any authority to violate federal, state, or local laws or regulations, or any taking, condemnation or use of eminent domain against any property owned by third parties.

2. The State does not warrant that the permittee's compliance with this permit, design criteria, approved plans and specifications, and operation under this permit, will not cause damage, injury or use of private property, an invasion of personal rights, or violation of federal, state or local laws or regulations. The permittee is solely and severally liable for all damage, injury or use of private property, invasion of personal rights, infringement of federal, state or local laws and regulations, or taking or condemnation of property owned by third parties, that may result from actions taken under the permit.

2.6 Permit Actions

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

2.7 Severability

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

3.0 EFFLUENT LIMITS

3.1 Description of Discharge Points

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

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

Outfall Number	Description of Discharge Points
001A	Any discharge of wastewater from the town of Hermosa's effluent discharge trough to Battle Creek (Latitude 43.831968°, Longitude -103.182198°).
002R	Any land application of treated effluent from the land application system to the land application sites (Latitude 43.826948°, Longitude -103.181534°). **Land application of treated wastewater from Outfall 002R is not considered a discharge.**
002N	Any discharge or runoff to waters of the state from the land application system or land application sites (Latitude 43.826948°, Longitude -103.181534°). **No discharge shall occur from Outfall 002N.**

3.2 Prohibition of Bypasses, Emergency Discharges, and SSOs

1. The permittee may allow bypasses to occur that do not result in a discharge and will not result in a violation of the effluent limits, but only for essential maintenance to ensure efficient operation.

2. An emergency discharge, sanitary sewer overflow, or bypass, other than that described in Paragraph 1 above, is prohibited and the Secretary may take enforcement action against a permittee, unless:

   a. The emergency discharge, SSO, or bypass was unavoidable to prevent loss of life, threat to public health, personal injury, or severe property damage;

   b. There were no feasible alternatives to the emergency discharge, SSO, or bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent an emergency discharge, SSO, or bypass that occurred during normal periods of equipment downtime or preventive maintenance; and

   c. The permittee submitted notices as required in **Section 4.2 – Effluent Violation, Bypass, Emergency Discharge, SSO, and Land Application Runoff (Outfall 002N) Reporting Requirements.**

3. The permittee shall sample an emergency discharge or SSO for the parameters and at the frequencies listed in **Section 3.8 – Self-Monitoring Requirements – *Emergency Discharges and Sanitary Sewer Overflows***. The sample results shall be reported in accordance with the reporting requirements listed in **Section 4.1 – Reporting of Monitoring Results**.

4. The Secretary may approve an emergency discharge, SSO, or bypass, after considering its adverse effects, if the Secretary determines that it will meet the three conditions listed above in Paragraph 2.

5. If a bypass, emergency discharge, or sanitary sewer overflow occurs or is expected to occur, the permittee shall take the appropriate measures to minimize the discharge of pollutants. Such measures may include the closing of facilities that contribute wastewater to the sewer system until the discharge is terminated.

3.3 Proper Operation and Maintenance

1. The permittee shall at all times properly operate and maintain all facilities and treatment and control systems that are installed or used by the permittee to achieve compliance with the conditions of this permit or other conditions required by the Secretary upon issuance.

2. Proper operation and maintenance may include adequate laboratory controls and appropriate quality assurance procedures.

3. This provision requires the operation of back-up or auxiliary facilities or similar systems that are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

4. This may include the maintenance of freeboard levels of lagoons or holding ponds.

3.4 Inspection Requirements

The permittee shall inspect its wastewater treatment facility, outfall structures, and lift stations regularly as outlined below. The inspections shall be conducted to determine if a discharge is occurring, has occurred since the previous inspection, and/or if a discharge is likely to occur before the next inspection. In addition, the inspections shall be performed to determine if proper operation and maintenance procedures are being undertaken at the wastewater treatment facility and lift stations. The permittee shall maintain a log in either paper or electronic format recording information obtained during inspections.

1. **Facility Inspections.** The permittee shall inspect the facility and discharge location on at least a **weekly** basis. At a minimum, the log shall include the following:

   a. Date and time of the inspection;

   b. Name of the inspector(s);

   c. The facility's discharge status;

d. The measured amount of freeboard or water depth in each pond;

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.

2. **Lift Station Inspections.** The permittee shall inspect each lift station on at least a **weekly** basis. The inspections shall be performed to determine if proper operation and maintenance procedures are being undertaken and verify no sanitary sewer overflows are occurring or have occurred. During any sanitary sewer overflow, the lift stations shall be inspected on a **daily** basis. At a minimum, the log shall include the following for each lift station:

a. Date and time of the inspection;

b. Name of the inspector(s);

c. Whether a sanitary sewer overflow is occurring or has occurred;

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

e. Cleaning of screenings, if applicable;

f. Testing of alarms, if applicable;

g. Hour meter readings;

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

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

j. Other information, as appropriate.

3. The permittee shall maintain a log in either paper or electronic format recording information obtained during inspection activities. A log shall be kept for the facility and each lift station in accordance with proper record-keeping procedures and shall make the log available for inspection, upon request, by the Secretary or the US EPA.

3.5 Construction Schedule

This permit does not contain a compliance schedule but the facility is subject to a construction schedule through an enforcement action dated November 3, 2022 and revised May 6, 2024. Reports of compliance or noncompliance or any progress report must be submitted no later than 14 days following the interim or final compliance date specified in a compliance schedule.

1. The permittee shall comply with the following schedule:

a) The Town will complete construction of the upgrades to the lagoon system, as approved by the Department, no later than **October 31, 2025**.

b) The permittee is required to submit compliance progress reports on a **quarterly** basis.

2. The permittee shall complete each milestone by the date specified above.

3. The permittee shall submit to the SDDANR a written notice of compliance or noncompliance with each milestone **no later than 14 days following the date specified above**. If the permittee is not in compliance with the milestone, the notice shall include the cause of any noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirement.

3.6 Effluent Limits and Self-Monitoring Requirements – *Outfall 001A*

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

Effluent Parameter		Effluent Limit and Reporting Values			Monitoring Requirements	
		30-Day Average [1]	7-Day Average [1]	Daily Maximum [1]	Frequency	Sample Type
Five-Day Biochemical Oxygen Demand (BOD_5)		30 mg/L	45 mg/L	--	Weekly	Grab
Total Suspended Solids (TSS)		30 mg/L	45 mg/L	--	Weekly	Grab
BOD_5 Percent Removal		85%	--	--	Monthly	Calculate
TSS Percent Removal		85%	--	--	Monthly	Calculate
Escherichia coli (*E. coli*) [2]	May 1 – Sep 30	630 per 100 mL	--	1,178 per 100 mL	Weekly	Grab
Ammonia-Nitrogen (as N) [3]		Report, mg/L	--	Report, mg/L	Weekly [5]	Grab
pH		The pH of the discharge shall not be less than 6.0 standard units or greater than 9.0 standard units in any sample.			Weekly [5]	Instantaneous [4]
Water Temperature		--	--	90 °F	Weekly [5]	Instantaneous [6]
Dissolved Oxygen	May 1 – Sep 30	The Daily Minimum shall not be less than 5.0 mg/L in any one sample			Weekly	Instantaneous
	Oct 1 – Apr 30	The Daily Minimum shall not be less than 4.0 mg/L in any one sample			Weekly	Instantaneous
Influent BOD_5 [3]		Report, mg/L	--	--	Monthly	Grab
Influent TSS [3]		Report, mg/L	--	--	Monthly	Grab
Flow Rate [3]		Report, MGD	--	Report, MGD	Daily	Instantaneous
Total Nitrogen (as N) [3]		--	--	Report, mg/L	Monthly	Grab
Total Phosphorus (as P) [3]		--	--	Report, mg/L	Monthly	Grab
Duration of Discharge [3]		Report Monthly Total, Days			Monthly	Calculate
Total Flow [3]		Report Monthly Total, Million Gallons			Monthly	Calculate
No chemicals, such as chlorine, shall be used without prior written submission for review to the Secretary.						

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

[2] For *E. coli*, if a minimum of five samples are collected in a calendar month, all of the samples collected are to be used in determining the geometric mean. Samples are to be collected at the same time as BOD_5, TSS, etc. If less than five samples are taken during any calendar month, the daily maximum effluent limit still applies. This sampling protocol for *E. coli* only applies if the discharge occurs between May 1 and September 30.

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

[4] 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.

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

[6] The water temperature of the effluent shall be taken as a field measurement. Measurement shall be made with a mercury-filled, or dial-type thermometer, or a thermistor. Readings shall be reported to the nearest whole degree Fahrenheit.

3.7 Effluent Limits and Self-Monitoring Requirements – *Outfall 002R & 002N*

Effective immediately and lasting throughout the life of this permit, the permittee shall have **no discharge** from the land application system to waters of the state, except in accordance with the emergency release provisions of the permit. **The act of land applying treated wastewater is not considered a discharge.**

During land application of treated wastewater from Outfall 002R, the permittee shall comply with the land application limits and conditions specified below, which are based on SDDANR's *Recommended Design Criteria Manual, Wastewater Collection and Treatment Facilities* (Chapter 12, "Recommended Criteria for Disposal of Effluent by Irrigation," March 1991), the SDSWQS, and permit writer's judgment.

1. The BOD_5 concentration shall not exceed 30 mg/L (30-day average) or 45 mg/L (7-day average). These limits are based on the Secondary Treatment Standards and are being included because SDDANR's *Recommended Design Criteria Manual, Wastewater Collection and Treatment Facilities* requires land application of treated effluent to be preceded by secondary treatment. SDDANR has determined there is a reasonable potential for BOD_5 to be present in the treated effluent at levels that may violate the Secondary Treatment Standards.

2. The TSS concentration shall not exceed 30 mg/L (30-day average) or 45 mg/L (7-day average). These limits are based on the Secondary Treatment Standards and are being included because SDDANR's *Recommended Design Criteria Manual, Wastewater Collection and Treatment Facilities* requires land application of treated effluent to be preceded by secondary treatment. SDDANR has determined there is a reasonable potential for TSS to be present in the treated effluent at levels that may violate the Secondary Treatment Standards.

3. The application rate at the land application site shall be controlled to prevent any surface runoff of the treated wastewater. This limit is based on the permit writer's judgment and SDDANR's *Recommended Design Criteria Manual, Wastewater Collection and Treatment Facilities.*

4. To prevent ground saturation and runoff, no land application is permitted during periods of heavy or prolonged rainfall, snow cover or when the ground is frozen. **No land application shall take place between November 1 through March 31, unless prior written approval is granted by SDDANR.** This limit is based on SDDANR's *Recommended Design Criteria Manual, Wastewater Collection and Treatment Facilities.*

5. The land application equipment shall, to the extent feasible, be installed in such a manner as to minimize wind drift of the effluent and formation of aerosols. This limit is based on SDDANR's *Recommended Design Criteria Manual, Wastewater Collection and Treatment Facilities.*

6. Appropriate warning signs shall be posted on the land application site to inform the public of the nature of the land applied wastewater. This limit is based off the permit writer's judgment and a requirement of the Best Management Plan for Disposal of Effluent Irrigation

7. At least **60 days prior to land application**, the permittee shall submit a land application best management plan for approval by the Secretary. The land application best management plan shall be based on the *South Dakota Recommended Design Criteria Manual for Wastewater Collection and Treatment Facilities*. Once approved, the land application best management plan becomes an enforceable part of the permit. The land application best management plan must contain all of the applicable parts found in the *Requirements for Best Management Plan for Disposal of Effluent Irrigation* guide.

8. All land application of wastewater shall be monitored for the following parameters at the frequency and with the type of measurement indicated. Monitoring is only required during months when land application is occurring. The Permittee shall report the monitoring results in accordance with **Section 4.1 – Reporting of Monitoring Results**.

Application Parameter	Frequency	Reporting Values [1]	Sample Type [1]
Rate of Land Application, MGD	Weekly	Actual Value [2]	Instantaneous
Duration of Land Application, days	Monthly	Monthly Total	Calculate
Total Flow Land Applied, million gallons	Monthly	Monthly Total	Calculate
Five-Day Biochemical Oxygen Demand (BOD_5), mg/L	Monthly	Actual Value [2]	Grab
Total Suspended Solids (TSS), mg/L	Monthly	Actual Value [2]	Grab
pH, standard units	Monthly	Actual Value [2]	Instantaneous [3, 4]
Water Temperature, °F	Monthly	Actual Value [2]	Instantaneous [3, 5]
Escherichia coli (E. coli), no./100 mL	Monthly	Actual Value [2]	Grab
Sodium Absorption Ratio (SAR), ratio [6]	Monthly	Actual Value [2]	Grab
Conductivity, µmhos/cm	Monthly	Actual Value [2]	Grab
Total Kjeldahl Nitrogen (as N), mg/L	Monthly	Actual Value [2]	Grab
Ammonia-Nitrogen (as N), mg/L	Monthly	Actual Value [2]	Grab [3]
Total Nitrate (as N), mg/L	Monthly	Actual Value [2]	Grab
Total Nitrite (as N), mg/L	Monthly	Actual Value [2]	Grab

Application Parameter	Frequency	Reporting Values [1]	Sample Type [1]
Total Sulfate (as SO_4), mg/L	Monthly	Actual Value [2]	Grab
Total Chloride (as Cl), mg/L	Monthly	Actual Value [2]	Grab
Total Phosphorus (as P), mg/L	Monthly	Actual Value [2]	Grab
Total Dissolved Solids (TDS), mg/L	Monthly	Actual Value [2]	Grab

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

[2] A minimum of one sample per month shall be taken for the duration of land application activities. Samples shall be taken from the irrigation holding pond and shall be representative of the land applied water. The permittee always has the option of collecting additional samples if appropriate.

[3] The pH and temperature of the effluent shall be determined when the ammonia-nitrogen samples are collected.

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

[5] The water temperature of the effluent shall be taken as a field measurement. Measurement shall be made with a mercury-filled, or dial type thermometer, or a thermistor. Readings shall be reported to the nearest whole degree Fahrenheit.

[6] The sodium absorption ratio is calculated using the Gapon equation: $SAR = \frac{Na}{\sqrt{\frac{Ca+Mg}{2}}}$

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

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

Effluent Parameter	Frequency	Reporting Values [1]	Sample Type [1]
Duration of Discharge, days	Monthly	Monthly Total [2]	Calculate
Total Flow, million gallons	Monthly	Monthly Total	Calculate
Flow Rate, MGD	Daily	Actual Value	Instantaneous
pH, standard units	Daily	Actual Value	Instantaneous [3, 4]
Water Temperature, °F	Daily	Actual Value	Instantaneous [4, 5]

Effluent Parameter	Frequency	Reporting Values [1]	Sample Type [1]
Five-Day Biochemical Oxygen Demand (BOD_5), mg/L	Daily	Actual Value	Grab
Total Suspended Solids (TSS), mg/L	Daily	Actual Value	Grab
Ammonia-Nitrogen (as N), mg/L	Daily	Actual Value	Grab [4]
Escherichia coli (E. coli), no./100 mL	Daily	Actual Value	Grab

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

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

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

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

[5] The water temperature of the effluent shall be taken as a field measurement. Measurement shall be made with a mercury-filled, or dial type thermometer, or a thermistor. Readings shall be reported to the nearest whole degree Fahrenheit.

3.9 Monitoring Procedures

1. Effluent samples taken in compliance with the monitoring requirements established under this permit shall be collected prior to discharge into the receiving waters. Samples and measurements shall be representative of the volume and nature of the monitored discharge.

2. Influent samples shall be representative of the raw influent wastewater before any processes or treatment that could alter the properties of the influent.

3. Monitoring shall be conducted according to test procedures approved under ARSD Section 74:52:03:06 (a.b.r. 40 CFR, Part 136), unless other test procedures have been specified in this permit or approved by the Secretary. Analysis methods shall be sufficiently sensitive to ensure the minimum detection level for a pollutant is below the permit limit. If no sufficiently sensitive method is available, the method with the lowest minimum detection level shall be used.

3.10 Additional Monitoring by the Permittee

If the permittee monitors any pollutant more frequently than required by this permit at the designated points, using test procedures approved under ARSD Section 74:52:03:06 (a.b.r.

40 CFR 136) or as specified in this permit, the results of this monitoring shall be used in determining compliance with this permit and reported to SDDANR.

3.11 Capacity, Management, Operation, and Maintenance Program

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

1. Sewer management program: This program includes personnel organizational structure, training, communication information systems, noncompliance notification program, and other appropriate items;

2. Collection system operation program: This program includes operational budgeting, monitoring, safety, emergency preparedness and response, pump stations, operational recordkeeping, and other appropriate items;

3. Collection system maintenance program: This program includes maintenance budgeting, planned and unplanned maintenance; sewer cleaning; maintenance recordkeeping, parts and equipment inventory, and other appropriate items; and

4. Sewer system capacity evaluation: The capacity evaluation includes the following:

    a. System inventory (sewer locations, sizes, slopes, materials, age, condition, etc.);

    b. Identification of problem areas (overflows, surcharged lines, basement backups, etc.);

    c. Capacity evaluation of problem areas (utilizing flow and precipitation records, infiltration and inflow investigation, manhole and pipe inspections and televising, smoke and dye testing, and building inspections); and

    d. Sewer rehabilitation recommendations.

5. Timelines: This program shall identify timelines and specific dates for completing any identified changes or improvements.

6. SDDANR Approval: The permittee shall submit the program to SDDANR for approval. Upon approval, the permittee shall implement the program.

4.0 REPORTING & RECORD KEEPING REQUIREMENTS

4.1 Reporting of Monitoring Results

1. Effluent and influent monitoring results obtained during the previous month shall be summarized for each month, reported on separate Discharge Monitoring Report

Forms (as defined in **Section 1.0 - Definitions**) designated as Outfall 001A, and submitted to SDDANR via NetDMR on a **monthly** basis.

2. Land application monitoring results obtained during the previous month shall be summarized for each month, reported on separate Discharge Monitoring Report Forms (as defined in **Section 1.0 – Definitions**) designated as Outfall 002R, and submitted to SDDANR via NetDMR on a **monthly** basis.

3. All reports must be submitted **no later than the 28th day of the month** following the completed reporting period. If no discharge occurs during the reporting period, "no discharge" shall be reported on the Discharge Monitoring Report.

4. In accordance with 40 CFR, Parts 122 and 127, all permit reports shall be submitted electronically starting no later than **December 21, 2025.** Written reports may be submitted up to this date. Please contact SDDANR if you wish to continue to submit written reports.

5. In accordance with SDCL 1-41-27, the Secretary is authorized to accept a document with an electronic signature. SDDANR shall provide for the authenticity of each electronic signature by adhering to any standards established by the South Dakota Bureau of Information and Telecommunications pursuant to SDCL 53-12-47 and 53-12-50 or any other standards established by rules promulgated pursuant to SDCL Chapter 1-26.

4.2 Noncompliance Reporting Requirements

1. Any possible or actual endangerment to health or the environment shall be reported as soon as possible, but no later than 24 hours after becoming aware of the circumstances as follows:

   a. During regular business hours (Monday – Friday, 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. The permittee shall submit notice of an unanticipated bypass to the secretary by the first workday (Monday – Friday, 8:00 a.m. – 5:00 p.m. Central Time) following the day the permittee became aware of the circumstances at (605) 773-3351 or via email at SWDPermits@state.sd.us.

3. If runoff occurs during land application, results shall be reported via NetDMR as **Outfall 002N**.

4. Noncompliance events 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 at (605) 773-3351 or via email at SWDPermits@state.sd.us.

5. The Secretary may require the permittee to notify the general public or downstream users that could be or will be impacted by the noncompliance event. If required, the

permittee shall notify the public and/or downstream users as soon as possible, but in no case more than 24 hours after the noncompliance event began.

6. In addition to verbal or electronic notification, the permittee shall submit a written report of the circumstances regarding the noncompliance to the Secretary.

   a. Reports shall be submitted in accordance with **Section 4.0 – Compliance Reporting Requirements.**

   b. The written submission shall contain:

      i. A description of the event and its cause;
      ii. The period of the event, including exact dates and times;
      iii. Where the wastewater was discharged;
      iv. The estimated time the event is expected to continue if it has not been corrected;
      v. Any adverse effects, such as fish kills;
      vi. If public notification was required, describe how the public was notified of the discharge; and
      vii. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the event.

   c. If the event was deemed an endangerment to health or the environment, the written report shall be submitted **within 5 days** of the time the permittee first became aware of the circumstances.

   d. For all other noncompliance events. 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 as needed.

   e. For SSOs and bypasses, reports submitted via NetSSO within the above specified timeframes fulfill the requirements of this section.

4.3 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.

4.4 Signatory Requirements

1. All permit applications, reports or information submitted to the Secretary shall be signed and certified by either a principal executive officer or ranking elected official.

2. All reports required by the permit and other information requested by the Secretary shall be signed by a person described in Paragraph 1 of this section or by a duly authorized representative of that person. A person is a duly authorized representative only if:

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

   b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of superintendent or equivalent responsibility, or an individual or position having overall responsibility for environmental matters. A duly authorized representative may be either a named individual or any individual occupying a named position.

3. If an authorization under Paragraph 2 a. above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization must be submitted to the Secretary.

4. Any person signing a document under this section shall include the following certification:

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

4.5 Retention of Records

1. The permittee shall retain records of all monitoring information and other data required by this permit. This includes:

   a. Data collected on site;

   b. Copies of all Discharge Monitoring Report Forms;

   c. A copy of the permit;

   d. All calibration and maintenance records;

e. All original strip chart recordings for continuous monitoring instrumentation;

f. Copies of all other reports required by this permit; and

g. Records of all data used to complete the application for this permit.

2. This information must be retained for a period of at least **three years** (five years for sewage sludge activities) from the date of the sample, measurement, report, or application. This period may be extended by request of the Secretary at any time. Data collected on site, copies of Discharge Monitoring Reports, and a copy of this permit must be maintained on site during the duration of the permitted activity.

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

4.7 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 this permit, or to determine compliance with this permit. The permittee shall also furnish to the Secretary, upon request, copies of records required to be kept by this permit.

2. If the permittee becomes aware that it failed to submit any relevant facts in a permit application form, or submitted incorrect information in a permit application form or any report to the Secretary, it shall promptly submit such facts or information.

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

5.0 COMPLIANCE REQUIREMENTS

5.1 Duty to Comply

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

5.2 Duty to Mitigate

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

5.3 Need to Halt or Reduce Activity Not a Defense

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

5.4 Upset Conditions

1. An upset constitutes an affirmative defense to an action brought for noncompliance with technology-based permit effluent limits if the requirements of Paragraph 2 of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review (i.e., Permittees will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with technology-based permit effluent limits).

2. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

    a. An upset occurred and the permittee can identify the cause(s) of the upset;

    b. The permitted facility was at the time being properly operated;

    c. The permittee submitted notice of the upset as required under **Section 4.2 – Effluent Violation, Bypass, Emergency Discharge, SSO, and Land Application Runoff (Outfall 002N) Reporting Requirements**; and,

    d. The permittee complied with mitigation measures required under **Section 5.2 – Duty to Mitigate.**

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

5.5 Penalties for Violations of Permit Conditions

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

5.6 Penalties for Falsification of Reports

1. Any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained

under this permit, including monitoring reports or reports of compliance or noncompliance, is in violation of the provisions of SDCL 34A-2-77, and is subject to penalties under SDCL 34A-2-75.

2. Any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit is in violation of the provisions of SDCL 34A-2-77, and is subject to penalties under SDCL 34A-2-75.

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

5.7 Oil and Hazardous Substance Liability

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

6.0 INDUSTRIAL WASTES

6.1 Industrial Users

1. The Permittee has the responsibility to protect the Publicly Owned Treatment Works (POTW) from pollutants which would inhibit, interfere, or otherwise be incompatible with operation of the treatment works including interference with the use or disposal of municipal sludge.

2. During the life of the permit, the permittee shall conduct an industrial waste survey to identify the character and volume of pollutants from each significant industrial user, as well as documenting production data. The permittee shall notify the Secretary of any new introductions by new or existing industrial users or any substantial change in pollutants from any industrial user. Such notice must contain the information described in Paragraph 3 below and be submitted to the Secretary no later than 60 days following the introduction or change.

3. The permittee shall provide adequate notice to the Secretary of any substantial change in the volume or character of pollutants being introduced into the POTW by any other industrial users. For the purposes of this section, adequate notice shall include information on:

   a. The quality and quantity of effluent to be introduced into the POTW; and,

   b. Any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

6.2 Prohibited Discharges

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

1. Pollutants that create a fire or explosion hazard in the publicly owned treatment works, including but not limited to waste streams with a closed cup flashpoint of less than 60 degrees Celsius (140 degrees Fahrenheit) using the test methods specified in ARSD Section 74:28:22:01 (a.b.r. 40 CFR 261.21);

2. Pollutants that will cause corrosive structural damage to the Publicly owned treatment works (POTW), but in no case discharges with pH lower than 5.0 standard units nor greater than 12.5 standard units;

3. Solid or viscous pollutants in amounts that will cause obstruction to the flow in the POTW, or other interference with the operation of the POTW;

4. Any pollutant, including oxygen demanding pollutants (e.g., BOD), released in a discharge at a flow rate and/or pollutant concentration that will cause interference with the POTW;

5. Heat in amounts that will inhibit biological activity in the POTW resulting in interference but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds 40 degrees Celsius (104 degrees Fahrenheit);

6. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;

7. Pollutants that result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;

8. Any trucked or hauled pollutants, except at discharge points designated by the POTW; and

9. Any pollutant that causes pass through or interference.

6.3 Categorical Standards

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

6.4 Legal Action

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

7.0 ADDITIONAL PERMIT CONDITIONS

7.1 Inspection and Entry

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

1. Enter the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and,

4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the South Dakota Water Pollution Control Act, any substances or parameters at any location.

7.2 Removed Substances

1. Collected screenings, grit, solids, sludges, or other pollutants removed in the course of treatment shall be disposed of in such a manner so as to prevent any pollutant from entering any waters of the state or creating a health hazard in accordance with applicable requirements of SDCL 34A-2, -6, and -11.

2. If sludge disposal is necessary, the permittee shall submit to the Secretary a sludge disposal plan for review and approval prior to the removal and disposal of sludge. The permittee shall not dispose of sludge without the Secretary's approval. The permittee shall submit sludge monitoring results on forms specified by the Secretary.