

From State to Local Control: An In-Progress Pretreatment Case Study

Sarah Waldron Feld

Environmental Scientist

Department of Environmental Quality

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NORTH DAKOTA DEPARTMENT OF ENVIRONMENTAL QUALITY

OUR VISION is a sustainable, high-quality environment for current and future generations.

OUR MISSION is to conserve and protect the quality of North Dakota's air, land, and water resources following science and the law.

Contents

- ND Pretreatment Program Overview
- Introduction of the Players
- Timeline of Events
- Where We Are Now

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NDPDES Pretreatment Program

- 5 Approved Pretreatment Programs
- NDDEQ control authority for 19 pretreatment facilities
- Pretreatment Coordinator - Montana Kruske (701.328.5172)
- Pretreatment Staff - Lawrence Hanson (701.328.5291)
 - Sarah Waldron Feld (part time) (701.328.5237)

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The Players

- North Dakota Department of Environmental Quality - Current Pretreatment Control Authority and Permitting Authority for POTW
- POTW - major facility (15,500 population)
- Categorical Industrial User - 40 CFR 407.46 - Frozen Potato Products, Standards for New Sources



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Timeline - Control Authority

- North Dakota Pollutant Discharge Elimination System – Primacy 1975
 - Provides a structure for issuing various types of discharge permits.
- Pretreatment Program Implementation – Primacy 2005
 - 40 CFR 403.10(e) – a state with an approved pretreatment program may assume the responsibility for implementing the POTW pretreatment program requirements in lieu of requiring the POTW to develop a pretreatment program.
- 2013 – received complaint from City about CIU (pH, COD, and TSS)

Timeline - POTW

- 1996-1997 – POTW expanded the facility
 - Expanded from a 4-cell waste stabilization pond system with the addition of a mechanical plant.
- Set aside mechanical treatment train solely to treat the process wastewater from one CIU.
- Reported upsets at the plant caused by the CIU
 - 2013
 - 2014
 - 2015
 - 2018

Timeline - CIU

- 2001 – Opened plant and began operating
- Received LOAN letters from the department in:
 - 2013
 - 2014
- Received first individual permit in 2017
 - Limits derived in the permit were developed in conjunction with the POTW and based off treatment capacity at the POTW.

Timeline

- 2018 – Letter from NDDEQ to POTW requiring the development and implementation of an Industrial Pretreatment Program
 - If program has not been developed by next permit reissuance, compliance schedule will be written into the new permit (2021)
- 2020 – Push back from POTW
 - Primary concern was funding
- 2021 – Compliance schedule written into POTW permit

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Compliance Schedule

SPECIAL CONDITIONS

Industrial Pretreatment Program Implementation and Compliance Schedule

The City of Jamestown is in the process of developing an Industrial Pretreatment Program. This pretreatment program will need to be compliant with 40 CFR Parts 403.8 and 403.9 and be approved by the department.

Prior to submitting the final Industrial Pretreatment Program Submission Package, the city shall complete the following steps:

1. Program enforcement response plan and local limits adopted by the City Council.
2. Identify all sewer industrial users, includes significant industrial users and categorical industrial users.
3. Finalize the city's sewer use ordinance.

Compliance Schedule

The final submission package must be submitted to the department no later than **June 30, 2022**. The permittee shall notify the department, in writing, no later than 14 days, of its compliance with this deadline in accordance with 40 CFR Part 122.47(4). The final submission package must include the following items:

1. A statement from the city solicitor or a city official acting in a comparable capacity (or the attorney for the POTW) that the POTW has authority adequate to care out the programs described in the North Dakota Administrative Code (NDAC) 33.1-16-01.1 Appendix A. This statement must:
 - a. Identify the provision of legal authority which provides the basis for each procedure described in “Procedures” in NDAC 33.1-16-01.1 Appendix A;
 - b. Identify the manner in which the POTW will implement the program requirements set forth in NDAC 33.1-16-01.1 Appendix A, including the means by which pretreatment standards will be applied to individual industrial users (e.g., by order, permit, ordinance, etc.); and
 - c. Identify how the POTW intends to ensure compliance with pretreatment standards and requirements, and to enforce them in the event of noncompliance by industrial users.

Compliance Schedule

2. A copy of any statutes, ordinances, regulations, agreements, or other authorities relied upon by the POTW for its administration of the program. This submission shall include a statement reflecting the endorsement or approval of the local boards or bodies responsible for supervising or funding the POTW's pretreatment program, or both, if approved;
3. A brief description, including organization charts, of the POTW's organization which will administer the pretreatment program. If more than one agency is responsible for the administration of the program, the responsible agencies should be identified, their respective responsibilities delineated, and their procedures for coordination set forth; and
4. A description of the funding levels and full-time or part-time manpower available to implement the program.

Upon approval of the Industrial Pretreatment Program Submission Package, the city will complete implementation of the Industrial Pretreatment Program by **June 30, 2023**. The permittee shall notify the department, in writing, no later than 14 days, of its compliance with this deadline in accordance with 40 CFR Part 122.47(4).

Moving Forward

- CIU received new permit January 1, 2022
- POTW established a timeline for program implementation and completed the following tasks:
 - City Council resolution to direct planning to implement program
 - Establish goals and scope of program
 - Budget development
 - Development of sewer use ordinance
 - Staff selection

Moving Forward

- POTW established a timeline for program implementation and the following tasks are listed as “In-Progress”:
 - Enforcement Response Plan and Local Limits adopted by City Council
 - Industrial Users Survey
 - Draft Permits, Inspections, and baseline monitoring
 - Approval of Sewer Use Ordinance

Moving Forward

- POTW established a timeline for program implementation and the following tasks still need to be completed:
 - Program package submittal to NDDEQ
 - Approval of Industrial Pretreatment Program
 - Finalization of Permit
 - Program Implementation

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QUESTIONS?

Sarah Waldron Feld
701.328.5237
sfeld@nd.gov