STATEMENT OF BASIS FOR NDPDES PERMIT NDP000080

BOBCAT COMPANY – BOBCAT CYLINDERS
Industrial Pretreatment (Categorical Industrial User)

DATE OF THIS FACT SHEET – October 2026

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.

The department was delegated pretreatment authority from the EPA in 2005, implementing an industrial pretreatment program within NPDES. This facility falls under the Industrial Pretreatment Program. 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.

Applicant:	Bobcat Company – Bobcat Cylinders
Facility Name and Address:	Bobcat Company - Wahpeton 2101 11th Street North Wahpeton, ND 58075
Owner:	Bobcat Company - Wahpeton
Operator:	Bobcat Company - Wahpeton
Facility Contact(s):	Kevin Bopp EHS Manager (701) 678-1638
Standard Industrial Classification Code(s):	3531 – Construction Machinery and Equipment
North American Industrial Classification System Code(s):	333120 - Construction Machinery Manufacturing
Industrial User Type:	Categorical Industrial User
Applicable Categorical Standards:	40 CFR 433.17 – Metal finisher, Pretreatment Standards for New Sources
NDPDES Permit Number:	NDP000080
Permit Type:	Reissue – Minor, Pretreatment

Table 2 – Receiving Publicly Owned Treatment Works (POTW) Information.

Receiving POTW:	City of Wahpeton
Facility Name and Address:	City of Wahpeton 1900 4th Street North Wahpeton, ND 58075
Facility Contact(s):	Dane Platt Water and Sewer Foreman (701) 899-1960

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Figure 1 – Location overview of Bobcat Cylinders in Wahpeton, North Dakota, in relation to the City of Wahpeton POTW. (Google Earth 9/25/2026).

DESCRIPTION OF OPERATIONS

Bobcat Cylinders (facility) in Wahpeton, ND, began metal finishing operations in 2009 with coating being the primary metal finishing operation. The facility manufactures hydraulic cylinders, valves, grease cylinders, swivels, manifolds, and fan motors used in Bobcat construction equipment and a variety of other agricultural equipment for a number of companies. Ancillary operations for the facility include machining, welding, grinding, cutting, cleaning and painting. After fabricating cylinders and valves, the parts are prepped prior to painting through a six (6) stage cylinder wash and four (4) stage valve wash. It is through this process that the facility generates wastewater. The facility is a continuous discharger to the City of Wahpeton POTW. Wastewater discharged to the City of Wahpeton POTW includes domestic/sanitary wastewater, boiler blowdown, plant RO reject water and treated process wastewater.

Pretreatment Processes

The facility operates two separate painting systems. One system is used for painting valves and swivels, and the other system is used to paint cylinders. Because of the utilization of two separate paint systems, the facility utilizes two separate wash systems. One system for washing valves and swivels and one system for washing cylinders prior to painting.

The first wash system consists of four (4) stages. Stage one (1) of this system is considered the chemical preparation for the parts. Within the first stage, the parts are sprayed with either an acid or base and treated with heat. Stage two (2), three (3), and four (4) of this system provide the parts with a spray rinse of reverse osmosis (RO) water. The wastewater generated from this system comes from the overflows of stage two (2), three (3) and four (4). This overflow of wastewater flows to the pretreatment system.

The second wash system consists of six (6) stages. During stage one (1) and two (2), the parts are sprayed with a high pH chemical and treated with heat. Stage three (3) provides a spray rinse of RO rinse water and provides a continuous overflow to the pretreatment system. Within stage four (4), iron phosphate is applied to the parts. Stage five (5) and six (6) provide a spray rinse of RO water. Stage three (3) and six (6) of this system are the main contributors of wastewater to the pretreatment system via overflow.

Wastewater generated from the four (4) stage and six (6) stage wash process overflow, is treated with ultra filtration and reverse osmosis prior to discharge to the sanitary sewer system. This continuous discharge is considered waste stream one (1). After treatment, a portion of this is sent back to the pretreatment system’s reverse osmosis system as reuse water.

Wastewater from spills, drains, tank dumps, and machine-washing dumps flow to a settling tank where polymer is added prior and solids settle to the bottom. The solids from the settling tank are dewatered in a sludge press and the resulting cakes are hauled offsite. The water portion from the tank is batch discharged to the sanitary sewer system. This is considered waste stream two (2).

Waste stream one (1) and waste stream (2) combine prior to measuring flow and discharging to the City of Wahpeton POTW. Other waste streams are also discharged to the POTW. This includes RO reject water, boiler blowdown, and domestic wastewater.

Production Rate

The Bobcat Cylinders production occurs seven days per week, 12 months per year, with occasional production-based shutdowns and holiday shutdowns. In 2025, the facility averaged ~2100 units per day with an outlook for 2027 to have a slight increase. The maximum daily process flow rate is 54,609 gallons per day. The facility averaged a total of ~2.13 million gallons of process wastewater discharged to the POTW since 2022.

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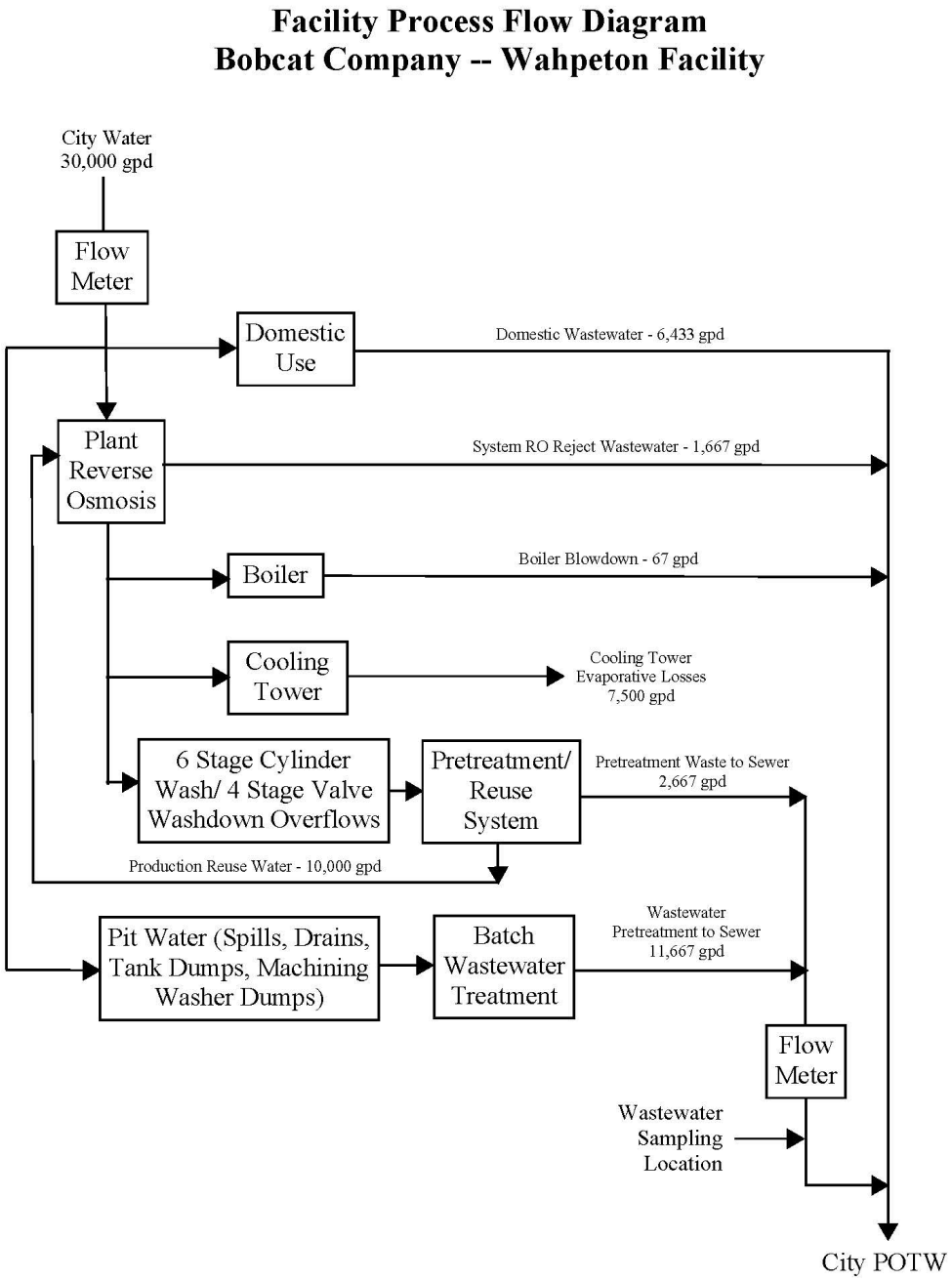


Figure 2 – Bobcat Cylinders Process Flow Diagram

Wastewater Pre-Treatment System Flow Diagram
Bobcat Company -- Wahpeton Facility

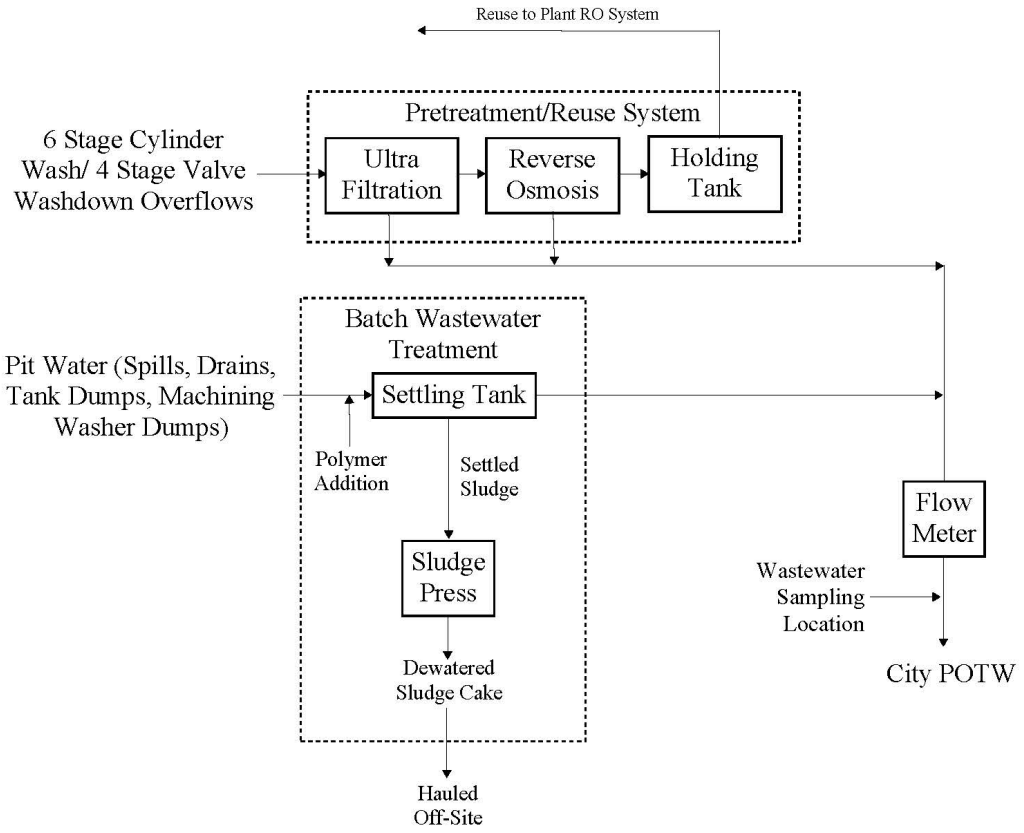


Figure 3 – Bobcat Cylinders Wastewater Pre-treatment System Flow Diagram

Outfall Description

The authorization to discharge provided under the 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 the permit could subject such person(s) to criminal penalties as provided under the CWA.

Table 3 – Outfall Description

Outfall 001. Active – Final Pretreatment			
Latitude: 46.290726623018095	Longitude: -96.61678850959079	County: Richland	
Township: 133 North	Range: 47 West	Section: 32	QQ: SWNE
Description: This continuous discharge of process wastewater originates from the domestic/sanitary wastewater, boiler blowdown, plant RO reject, and treated process wastewater located on the south side of the building through an eight (8) inch pipe the City of Wahpeton POTW.			

PERMIT STATUS

The facility was issued the previous permit on January 1, 2022. This facility was first issued an individual pretreatment permit by the department on January 1, 2017. Prior to 2017, the facility operated under permit-by-rule status.

The department has been in contact with the facility to obtain information to reissue the permit. On October 8, 2026, the department received a renewal application. The renewal application was accepted as complete by the department on October 29, 2026.

This facility is a Categorical Industrial User and is therefore subject to pretreatment regulations described in 40 CFR 433.17(a), 40 CFR 403, and NDAC 33.1-16-01.1(4). The department proposes to reissue an individual pretreatment permit to Bobcat Company – Bobcat Cylinders that allows the discharge of wastewater from the metal finishing process to the City of Wahpeton POTW. The proposed permit will expire on December 31, 2031.

SUMMARY OF COMPLIANCE WITH PRETREATMENT REGULATIONS AND CATEGORICAL LIMITS

Five (5) categorical industrial user compliance inspections were conducted by the department since January 1, 2022.

The 2022 industrial user inspection indicated parameters of cyanide, cadmium, chromium, copper, lead, nickel, and silver were all reported at the method detection level instead of using the “No Data Indicators” for “Below/No Detect”. The parameter for zinc was misreported.

The 2023 industrial user inspection indicated that the facility was not reporting the minimum and maximum pH results recorded at the facility and was reporting the contracted laboratory pH results at the time of sample collection to run other parameters.

The 2024 industrial user inspection indicated that the facility spill and slug discharge control plan did not include all required elements of the plan.

The 2025 industrial user inspection indicated that the facility was reporting the minimum and maximum for the required reporting period instead of the daily maximum and the maximum monthly average for the following parameters: cadmium, chromium, copper, lead, nickel, silver, zinc and the process wastewater flow. It was also determined that the facility was not collecting cyanide samples according to permit requirements consisting of separate grab samples as proportioned to flow and representative of the discharge. For parameters in which the sample results were below the method detection level, the facility did not indicate those parameters as below detection. The facility also reported pH results from the contracted laboratory instead of the continuous reading inline pH meter.

The 2026 industrial user inspection indicated that the facility was not collecting cyanide and total toxic organics according to permit requirements consisting of separate grab samples as proportioned to flow and representative of the discharge. The facility was found to be in significant noncompliance for exceeding permit limitations for zinc using technical review criteria and was issued a letter of apparent noncompliance. The facility responded to the letter of noncompliance and completed all requirements in a timely manner.

Past Discharge Data

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

Table 4 – DMR Data for Outfall 001 (January 1, 2022, through July 30, 2026)

Parameter	Range	Average	Permit Limit		Number of Exceedances
			Daily Maximum	Maximum Monthly Average	
Cadmium Total (mg/L)	< 0.0005	< 0.0005	0.11	0.07	0
Chromium Total (mg/L)	< 0.05 - 0.06	0.051	2.77	1.71	0

Table 4 – DMR Data for Outfall 001 (January 1, 2022, through July 30, 2026)

Parameter	Range	Average	Permit Limit		Number of Exceedances
			Daily Maximum	Maximum Monthly Average	
Copper Total (mg/L)	< 0.05 - 0.14	0.074	3.38	2.07	0
Lead Total (mg/L)	< 0.0005 - 0.025	0.0061	0.69	0.43	0
Nickel Total (mg/L)	< 0.04 - 2.81	0.348	3.98	2.38	1
Silver (mg/L)	< 0.0005 - 0.001	0.00056	0.43	0.24	0
Zinc (mg/L)	0.05 - 4.21	1.905	2.61	1.48	12*
Cyanide (mg/L)	<0.02 - 0.057	0.024	1.20	0.65	0
Total Toxic Organics (TTO) (mg/L)	0.00- 1.25	0.4787	2.13	N/A	0
pH (S.U.)	5.02 – 12.16	N/A	Between 5.0 and 12.5 at all times		0
Drain (Mgal/6 months)	1.22 – 3.46	2.14	N/A	N/A	N/A
Flow Rate (gal/day)	27,956-54,609	18,347	N/A	N/A	N/A

Notes:

During the DMR review, errors were identified. Data in this table for all parameters were from lab reports and facility provided flow and pH data.

Bobcat Cylinders experienced a flow meter malfunction for the monitoring period of August 1, 2022, through June 30, 2024, and was therefore unable to produce daily process wastewater flow information.

*Of the 12 exceedances for Zinc during the current permit cycle, three (3) of these were exceedances of the Technical Review Criteria.

PROPOSED LIMITS AND SELF-MONITORING REQUIREMENTS

Bobcat Cylinders is a Categorical Industrial User subject to wastewater monitoring from its metal finishing process under 40 CFR 433.17(a) – Metal Finishing Point Source Category, Pretreatment Standards for New Sources (PSNS). Bobcat Cylinders began operations in 2009. Any metal finishing facility having started discharging on or after July 15, 1983, would be

considered a new source. Any new source subject to 40 CFR 433.17(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.

PSNS represent the most stringent controls attainable for pollutants to pass through, interfere with, and are otherwise incompatible with the operation of POTWs. The concentration of the process-wastewater pollutants from the facility's treatment system shall not exceed the values set forth in Table 5 below:

Table 5 – Categorical Pretreatment Standards under 40 CFR 433.17(a) - Metal Finishing Point Source Pretreatment Standards for New Sources

Pollutant	Daily Maximum	Maximum Monthly Average
Cadmium, Total (mg/l)	0.11	0.07
Chromium, Total (mg/l)	2.77	1.71
Copper, Total (mg/l)	3.38	2.07
Lead, Total (mg/l)	0.69	0.43
Nickel, Total (mg/l)	3.98	2.38
Silver, Total (mg/l)	0.43	0.24
Zinc, Total (mg/l)	2.61	1.48
Cyanide, Total (mg/l)	1.20	0.65
Total Toxic Organics (mg/l)	2.13	--

Local Limits

The City of Wahpeton does not have an approved pretreatment program. At this time, the department has not required the city to develop a pretreatment program. 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 Wahpeton 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:

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Table 6 – Proposed Effluent Limitations

Parameter	Daily Maximum	Maximum Monthly Average	Basis [a]
Cadmium, Total (mg/l)	0.11	0.07	40 CFR 433.17(a); 33.1-16-01.1-04; Previous Permit
Chromium, Total (mg/l)	2.77	1.71	40 CFR 433.17(a); 33.1-16-01.1-04; Previous Permit
Copper, Total (mg/l)	3.38	2.07	40 CFR 433.17(a); 33.1-16-01.1-04; Previous Permit
Lead, Total (mg/l)	0.69	0.43	40 CFR 433.17(a); 33.1-16-01.1-04; Previous Permit
Nickel, Total (mg/l)	3.98	2.38	40 CFR 433.17(a); 33.1-16-01.1-04; Previous Permit
Silver, Total (mg/l)	0.43	0.24	40 CFR 433.17(a); 33.1-16-01.1-04; Previous Permit
Zinc, Total (mg/l)	2.61	1.48	40 CFR 433.17(a); 33.1-16-01.1-04; Previous Permit
Cyanide, Total (mg/l)	1.20	0.65	40 CFR 433.17(a); 33.1-16-01.1-04; Previous Permit
Total Toxic Organics (TTO) (mg/l) [b, c]	2.13	*	40 CFR 433.17(a); 33.1-16-01.1-04; Previous Permit
pH (s.u.)	Shall remain between 5.0 and 12.5		40 CFR 433.17(a); 33.1-16-01.1-04; Previous Permit
Notes:			
*	This parameter is not limited. However, the department may impose limitations based on sample history and to protect the receiving POTW.		
a.	The basis of the effluent 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**.		

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Table 6 – Proposed Effluent Limitations

	"BPJ" refers to best professional judgment. "CFR" refers to the Code of Federal Regulations. "NDAC" refers to North Dakota Administrative Code.
b.	Organic compounds comprising TTO are defined in 40 CFR 433.11(e). The sample results for TTO shall be reported as the summation of all quantifiable values greater than 0.01 mg/l for the listed compounds.
c.	If the permittee has an approved Toxic Organic Management Plan through the department, they may submit the following TTO certification once per six (6) months in lieu of performing TTO monitoring: TTO Certification Statement: "Based on my inquiry of the person or persons directly responsible for managing compliance with the permit limitation for Total Toxic Organic (TTOs), I certify that, to the best of my knowledge and belief, no dumping of concentrated toxic organics into the wastewaters has occurred since filing the last discharge monitoring report. I further certify that this facility is implementing the toxic organic management plan submitted to the North Dakota Department of Environmental Quality." Responsible Official: _____ Date: _____

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 (NDAC 33.1-16-01.1-11 & 33.1-16-01.1-12) and (40 CFR 403.12) 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 process-generated wastewater discharge. Samples shall be taken during a normal workday when typical operations are in progress, and the usual processes are generating wastewater. All effluent samples shall be taken at a point before the process-generated wastewater joins, or is diluted by, another dilution stream, water or substance, and prior to entering the POTW.

The minimum monitoring schedule is detailed below:

Table 7 – Self-Monitoring Requirements

Parameter	**Sample Type** [a, b]	**Frequency**
Cadmium, Total (mg/l)	Composite	Semiannually
Chromium, Total (mg/l)	Composite	Semiannually
Copper, Total (mg/l)	Composite	Semiannually
Lead, Total (mg/l)	Composite	Semiannually
Nickel, Total (mg/l)	Composite	Semiannually
Silver, Total (mg/l)	Composite	Semiannually
Zinc, Total (mg/l)	Composite	Semiannually
Cyanide, Total (mg/l) [c]	4 Grab [b, c]	Semiannually
Total Toxic Organics (TTO) (mg/l) [d, e]	4 Grab [b]	Semiannually
pH (s.u.) [f, g]	Instantaneous	Continuous
Oil and Grease	Grab	Semiannually
Biochemical Oxygen Demand (BOD_5)	Grab	Semiannually
Chemical Oxygen Demand (COD)	Grab	Semiannually
Total Suspended Solids (TSS)	Grab	Semiannually
Process Flow (gal/day)	Calculated [h]	Daily
Total Days Discharging (days)	Recorder	Daily
Drain (mgal)	Calculated [h]	Semiannually

Notes:

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 to flow. Sample may be proportioned 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 four (4) separate grab samples for each parameter 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.

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Table 7 – Self-Monitoring Requirements

Parameter		Sample Type [a, b]	Frequency
d.	Organic compounds comprising TTO are defined in 40 CFR 433.11(e). The sample results for TTO shall be reported as the summation of all quantifiable values greater than 0.01 mg/l for the listed compounds.		
e.	If the permittee has an approved Toxic Organic Management Plan through the department, they may submit the following TTO certification once per six (6) months in lieu of performing TTO monitoring: TTO Certification Statement: "Based on my inquiry of the person or persons directly responsible for managing compliance with the permit limitation for Total Toxic Organic (TTOs), I certify that, to the best of my knowledge and belief, no dumping of concentrated toxic organics into the wastewaters has occurred since filing the last discharge monitoring report. I further certify that this facility is implementing the toxic organic management plan submitted to the North Dakota Department of Environmental Quality." Responsible Official: _____ Date: _____		
f.	Facilities with in-line continuous pH monitors shall follow the pH requirements for continuous discharges, even if they batch discharge. The department has determined that, based on best professional judgement, continuous pH monitoring consisting of recordings no less than once every ten (10) minutes is representative of the waste stream.		
g.	The pH, an instantaneous limitation, shall be between 5.0 s.u. and 12.5 s.u. The permittee is required to report minimum pH, maximum pH, and the number of pH exceedances. Individual pH readings shall be recorded no less than once per 10-minutes during periods of discharge; all excursions measured within this 10-minute period shall be reported as a single exceedance. An additional pH exceedance shall be noted for each 10-minute period thereafter in which one or more excursions have been measured.		
h.	The facility shall be allowed to calculate the process flow rate (gal/day). However, if the facility has a process flow meter installed measurements from that meter should be reported in gallons per day (gal/day) on the self-monitoring reports. The department reserves the right to determine on a case-by-case basis the appropriate flow data type, if necessary, based on sample history and to protect the POTW.		

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).

Test Procedures

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The collection and transportation of all samples shall conform to EPA preservation techniques and holding times. 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 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 ten (10) percent of the actual amount.

Discharge Monitoring Report (DMR) Requirements

The proposed permit requires the permittee to monitor discharges and submit DMRs to the department. DMRs summarize monitoring results obtained during specified monitoring periods. If no discharge occurs during a monitoring period, “no discharge” must be reported.

The proposed permit includes specified intervals for submitting semiannual DMRs. DMRs must be submitted electronically to the department in accordance with 40 CFR 127, unless otherwise waived, and in compliance with 40 CFR 3. The requirement for Outfall 001 to submit the ‘A’ report semiannually is similar to other pretreatment permits.

Table 8: DMR Submittal Requirements

Outfall	Report Designator	Report Type	Report Interval
001	A	Pretreatment Pollutants, Flow, and Volume Information	Semiannual

OTHER PERMIT CONDTIONS

Zinc Pollutant Minimization Plan

Within the first year of the permit becoming effective, the facility shall develop a Zinc Pollutant Minimization Plan (ZMP). The ZMP is a best management practice (40 CFR 122.44(k)(4)) intended to minimize the amount of zinc that enters the POTW, consequently minimizing the amount of zinc that discharges from the POTW. The ZMP is meant to control sources of zinc in the collection system as an alternative to analyzing zinc samples at Outfall 001 using EPA Method 200.7 to a sufficiently sensitive report/detection level below the zinc water quality standard. The acute and chronic aquatic life water quality standards for zinc are 388 and 387.8 micrograms/liter, respectively. The City of Wahpeton discharges to the Red River of the North, a Class I stream. The human health water quality standard for a Class I stream is 7400 micrograms/liter. At minimum, the ZMP must include the following:

A. A summary of zinc concentrations and monitoring data for each waste stream for a period of six (6) months.

B. Identification of existing and potential sources of zinc concentrations and/or loading to the POTW such as chemical inventory and/or contributory zinc sources, etc.

C. An evaluation of past and present operations that maximize zinc removal such as engineering controls and/or process changes, etc.

D. A summary of planned zinc reduction activities for the remainder of the permit cycle. Include projected timeline for completion of expected activities.

General Prohibitions

In accordance with 40 CFR 403.5(a)(1), the permittee shall not introduce into a POTW any pollutant(s) which may cause pass through or interference, as defined in **Appendix B**.

Specific Prohibition

As provided in 40 CFR 403.5(b), 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 cap flashpoint of less than sixty (60) degrees Celsius (140 degrees Fahrenheit) using test methods specified in 40 CFR 261.21.

2. Pollutants which will cause corrosive structural damage to the POTW, but in no case dischargers 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 in such quantities that the temperature at the POTW exceeds forty (40) degrees Celsius (104 degrees 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 pass through.

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 process wastewater effluent as a partial or complete substitute for adequate treatment to achieve compliance with permit limitations (40 CFR 403.6(d)).

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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 (40 CFR 403.12(j)). 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 (40 CFR 403.12(p)).

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 Bobcat Cylinder's discharge monitoring reports and compared them to corresponding lab reports. The department determined that the facility was utilizing pH results from the certified laboratory for reporting purposes for the second half of 2022 through the first half of 2025. The facility has an in-line continuous pH monitor and shall follow the pH requirements for continuous discharges.

The department has determined that, based on best professional judgement, continuous pH monitoring consisting of recordings no less than once every ten (10) minutes is representative of the waste stream. Individual pH readings shall be recorded no less than once per 10-minutes during periods of discharge; all excursions measured within this 10-minute period shall be reported as a single exceedance. An additional pH exceedance shall be noted for each 10-minute period thereafter, 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 from passthrough or interference as allowed in NDAC 33.1-16-01.1-02.

Zinc

The department reviewed Bobcat Cylinder's discharge monitoring reports and compared them to corresponding lab reports. A total of 54 samples were taken for zinc during the current permit cycle. Of those samples, twelve (12) zinc exceedances had occurred. Bobcat Cylinders samples for zinc each month. For the monitoring period of 7/1/2025 through 12/31/2025, the facility had a total of six (6) sample results. Of those six (6) sample results, three (3) exceeded permit limits. The department evaluated the three (3) total zinc exceedance events for Technical

Review Criteria (TRC) and determined that all three (3) total zinc exceedances met the TRC. TRC was determined in accordance with 40 CFR 403.8 (f)(2)(viii)(B).

The facility shall notify the POTW and department of each zinc 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 from passthrough or interference as allowed in NDAC 33.1-16-01.1-02.

Operations and Maintenance

Proper operation and maintenance ensures constructed facilities are used to their optimum potential in terms of pollutant capture and treatment. An Operation and Maintenance (O&M) Manual is required for facilities designated for compliance assistance by the department as allowed under 40 CFR 403.12(b)(7). 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 should sampling procedures change.

Spill and Slug Discharge Control Plan

The department as the control authority has the authority to require the permittee to develop best management practices to prevent a slug discharge or a spill release as stated in NDAC 33.1-16-01.1-Appendix A.

A slug discharge is any discharge of a nonroutine, episodic nature, including an accidental spill or a noncustomary batch discharge. The permittee must develop a plan for preventing the release of pollutants to the POTW and/or waters of the state and minimizing damage when a discharge/spill occurs. The plan shall include the following:

1. A description of discharge practices for batch and/or 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 POTW of slug discharges, including any discharge that would violate a prohibition under subsection 2 of NDAC 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 or equipment, measures for containing toxic organic pollutants (including solvents), and measures for emergency response.

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The results of any slug discharge or spill shall be available to the department upon request. Updates to the spill and slug discharge plan should be made within one year of any process changes that would require changes be made to this information.

The spill and slug discharge plan can be combined with the operation and maintenance manual provided all requirements are listed.

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 (NDAC 33.1-16-01.1-Appendix A – Procedures Item 8).

PERMIT ISSUANCE PROCEDURES

Permit Modifications

This permit may be modified, revoked and reissued, or terminated for cause. This includes 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.

Proposed Permit Issuance

This proposed permit meets all statutory requirements for the department to authorize a wastewater discharge. The permit includes limits and conditions to protect human health and aquatic life, and the beneficial uses of waters of the State of North Dakota. The department proposes to issue this permit for a term of five (5) years.

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APPENDIX A – PUBLIC INVOLVEMENT INFORMATION

The department proposes to issue a permit to **Bobcat Cylinders,** Richland County, North Dakota. The permit includes wastewater discharge limits and other conditions. This fact sheet describes the facility and the department's reasons for requiring permit conditions.

The department will place a Public Notice of Draft on **November 11, 2026,** in the **Wahpeton Daily News** to inform the public and to invite comment on the proposed draft North Dakota Pollutant Discharge Elimination System permit and fact sheet.

The Notice –

- Tells where copies of the draft permit and fact sheet 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, 3rd Floor.
Bismarck, ND 58503-1324

The primary author of this permit and fact sheet is Megan Dunbar.

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

Public Notice Date: November 11, 2026 Public Notice Number: ND-2026-034

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: October 08, 2026
Application Number: HQQ-9J88-7WJQR
Permit Number: NDP000080
Applicant Name: Bobcat Cylinders
Mailing Address: 2101 11th St North Wahpeton, ND 58075
Telephone Number: (701) 680-1638
Proposed Permit Expiration Date: December 31, 2031

Facility Description
Bobcat Cylinders operates a regulated metal finishing operation that requires a permit issued under the North Dakota Pollution Discharge Elimination System program. This permit is for the discharge of process wastewater after treatment from the metal finishing operation to Wahpeton's Publicly Owned Treatment Works.

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 Federal Water Pollution Control Act (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 North Dakota Department of Environmental Quality, Division of Water Quality, 4201 Normandy Street, Bismarck ND 58503-1324 or by calling 701.328.5210.

All comments received by December 12, 2026 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.

The NDDEQ will consider every request for reasonable accommodation to provide an accessible meeting facility or other accommodation for people with disabilities, language interpretation for people with limited English proficiency (LEP), and translations of written material necessary to access programs and information. Language assistance services are available free of charge to you.

Requests for accommodation should be made as soon as possible and ideally at least 5 business days prior to a scheduled program, service or activity. Depending on the nature and complexity of the request, requests may take longer than 5 days to fulfill. Requests may be directed to the NDDEQ staff responsible for the program, service, or activity, or to the Nondiscrimination Coordinator directly. Contact the NDDEQ Nondiscrimination Coordinator directly at 701-328-5150 or deqEJ@nd.gov. TTY users may use Relay North Dakota at 711 or 1-800-366-6888.

APPENDIX B - DEFINITIONS

DEFINITIONS Pretreatment Permit – BP 2023.01.20

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 waste streams 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. **"Chronic Violations"** occur when sixty-six (66) percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter.

8. **"Composite Sample"** means samples that are representative of the discharge and proportioned according to flow over the compositing period. Acceptable methods for preparation of composite samples are as follows:

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

    b. 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;

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

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

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9. "**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.

10. "**Department**" means the North Dakota Department of Environmental Quality, Division of Water Quality.

11. "**Director**" means the department.

12. "**DMR**" means discharge monitoring report.

13. "**EPA**" means the United States Environmental Protection Agency.

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

15. **"Grab Sample"**, for monitoring requirements, is a single, discrete sample collected at a representative point in the discharge stream over a period not exceeding 15 minutes.

16. "**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.

17. "**Industrial User**" or "**User**" means a source of indirect discharge.

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

19. "**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:

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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:

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

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

    iii. 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:

    i. 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

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

21. "**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.

22. "**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.

23. "**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.

24. **“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.

25. "**Significant Industrial User**" or **"SIU"** 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:

i. 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;

ii. 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

iii. 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:

i. The industrial user, prior to the control authority's finding, has consistently complied with all applicable categorical pretreatment standards and requirements;

ii. 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

iii. 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.

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26. “**Slug Discharge”** means any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has reasonable potential to cause interference or pass through, or in any other way violate the POTW’s ordinances, local limits, or permit conditions.

27. "**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.

28. "**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 – DATA AND TECHNICAL CALCULATIONS

The department reviewed DMR information, NDAC 33.1-16, 40 CFR Part 403, and 40 CFR Part 433 to determine appropriate requirements to be placed in this permit.

APPENDIX D – RESPONSE TO COMMENTS

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

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