

**STATEMENT OF BASIS FOR NDPDES PERMIT
ND0026204**

**ASSOCIATED POTATO GROWERS INC.
DRAYTON, ND**

DATE OF THIS FACT SHEET – July 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) has oversight authority. In 1975, the State of North Dakota was delegated primacy of the NPDES program by EPA. The North Dakota Department of Environmental Quality (NDDEQ), hereafter referred to as "department", has been designated the state water pollution control agency for all purposes of the Federal Water Pollution Control Act, 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 the NDAC 33.1-16 (North Dakota Administrative Code) which was promulgated pursuant to NDCC chapter 61-28 (North Dakota Century Code). The department uses North Dakota Pollutant Discharge Elimination System (NDPDES) as its permitting title.

The following rules or regulations apply to NDPDES permits:

- Procedures the department follows for issuing NDPDES permits (NDAC chapter 33.1-16-01),
- Standards of Quality for Waters of the State (NDAC chapter 33.1-16-02.1).

These rules require any treatment facility operator to obtain an NDPDES permit before discharging wastewater to state waters. They also define the basis for limits on each discharge and for other requirements imposed by the permit.

According to the North Dakota Administrative Code (NDAC) section 33.1-16-01-08, the department must prepare a draft permit and accompanying fact sheet 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 chapter 33.1-16-01-07). For more information regarding preparing and submitting comments about the fact sheet 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.

TABLE OF CONTENTS

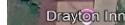
BACKGROUND INFORMATION	3
DESCRIPTION OF OPERATIONS	4
Outfall Description	5
Production Rate	5
PERMIT STATUS	6
SUMMARY OF COMPLIANCE WITH PREVIOUS PERMIT	6
Past Discharge Data	6
PROPOSED PERMIT LIMITS AND SELF-MONITORING REQUIREMENTS	7
Discharge Authorization	8
Effluent Limitations	8
SELF-MONITORING REQUIREMENTS	10
SURFACE WATER QUALITY-BASED EFFLUENT LIMITS	10
Numerical Criteria for the Protection of Aquatic Life and Recreation	11
Numerical Criteria for the Protection of Human Health	11
Narrative Criteria	11
Antidegradation	11
Mixing Zones	12
EVALUATION OF SURFACE WATER QUALITY-BASED EFFLUENT LIMITS FOR NUMERIC	12
CRITERIA	12
BOD ₅	12
TSS	12
pH	13
Percent Removal	13
Fecal Coliform	13
Nutrients (Total Phosphorus and Total Nitrogen)	13
Biosolids	14
Human Health	14
MONITORING REQUIREMENTS	14
Test Procedures	14
OTHER PERMIT CONDITIONS	15
Beneficial Reuse	15
Application Requirements	15

Discharge Monitoring Report (DMR) Requirements	15
PERMIT ISSUANCE PROCEDURES	15
Permit Modifications	15
Proposed Permit Issuance.....	16
APPENDIX A – PUBLIC INVOLVEMENT INFORMATION.....	17
APPENDIX B – DEFINITIONS.....	19
APPENDIX C – CALCULATIONS	21
APPENDIX D – RESPONSE TO COMMENTS	22

BACKGROUND INFORMATION

Table 1 – General Facility Information.

Applicant:	Associated Potato Growers Inc.
Facility Name and Address:	Associated Potato Growers Inc. Drayton Facility PO Box 297 203 E Highway 66, Drayton, ND 58225
Owner:	Associated Potato Growers Inc.
Operator:	Associated Potato Growers Inc.
Facility Contact(s):	Mark Hermanson Plant Manager 701.454.3910
NDPDES Permit Number:	ND0026204
Permit Type:	Minor Industrial, Renewal
Standard Industrial Classification Code(s):	0134, Irish Potatoes
North American Industry Classification System:	111211, Potato Farming
Treatment Type(s):	Waste Stabilization Pond
Discharge Location:	Unnamed drainage, Class III stream Latitude: 48.573733; Longitude: -97.179417
Hydrologic Code:	09020311 – Middle Red River



Earth March 30, 2026)

to be processed are grown and harvested by Associated Potato Growers.

washing, the facility discharges the spent process water (containing mineral and organic solids,

to a waste stabilization pond located approximately five hundred feet north of the facility for treatment. Associated Potato Growers is the only operation discharging to the stabilization pond. The volume of wash water discharged from the facility is approximately 200,000 gallons per day. The normal practice is to contain the wash water and soil accumulated during the process campaign in the pond until the following summer. The pond has a surface area of 3 acres and is normally discharged once per year through Outfall 001 into an unnamed drainage. There is no discharge pipe in the pond, so a gas pump is used to aid in the discharge process.

The department utilizes Best Professional Judgment (BPJ) to regulate discharges from agricultural processing facilities like Associated Potato to minimize any impact on receiving waters. After the effluent waters are discharged or evaporated from the pond, the amount of residual solids in the pond are assessed. If a significant amount of solids are found to be limiting the pond's capacity, excavation of the solids will take place in order to restore the pond to full functionality. No major dredging operations have taken place during the previous permit cycle (10/01/2021 to 09/30/2026). Some minor clean up around the pipe discharging process water into the stabilization pond is done yearly. All sanitary wastewater from this facility is discharged to a septic system located on-site.

Outfall Description

The authorization to discharge wastewater provided under the permit is limited to the outfall(s) specifically designated as the permitted discharge location(s). Discharges at any location not authorized under a 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 provide under the CWA.

Table 2 – Outfall location and description.

Outfall 001. Active. Final Outfall.			
Latitude: 48.573733		Longitude: -97.179417	
County: Pembina			
Township: 159N		Range: 51W	
Section: 23		QQ: SE1/4 SW 1/4	
Receiving Stream: Unnamed drainage		Classification: Class III	
Outfall Description: The treated effluent flows from the waste stabilization pond, into an unnamed drainage, a Class III stream, via a pump over the dike on the east edge. This system utilizes a "Controlled Discharge" and is deemed to be non-continuous.			

Production Rate

This facility operates Monday through Friday, 8:00 a.m. to 5:00 p.m. and utilizes approximately 200,000 gallons of water per day during peak processing. During the last permit cycle, the facility discharged yearly from the facility's outfall location.

PERMIT STATUS

Associated Potato Growers Inc.- Drayton was subject to permit by rule after construction in 1959 and was issued an individual NDPDES permit by the department on October 1, 2001. Since, permits for this facility have been renewed on a five-year cycle in accordance with EPA permitting guidelines. The department issued the most recent permit for this facility on October 1, 2021. The previous permit placed effluent limits on the following parameters: biochemical oxygen demand (BOD₅), total suspended solids (TSS), pH, and fecal coliform. The department has been in contact with the Associated Potato Growers Inc.- Drayton to obtain information to reissue this permit.

The department received the renewal application, EPA Forms 1 and 2C, via Combined Environmental Regulatory Information System - North Dakota (CERIS-ND) – from Associated Potato Inc. – Drayton Facility, for Permit to Discharge (NDPDES) on March 31, 2026, which, upon review of completeness, was accepted by the department on July 29, 2026.

SUMMARY OF COMPLIANCE WITH PREVIOUS PERMIT

The department's assessment of compliance is based on a review of the facility's Discharge Monitoring Reports (DMRs) and the physical inspections conducted by department staff. One (1) inspection was conducted by the department during the previous permit cycle. A common issue addressed on the inspection report from the previous permit cycle was cleaning and maintenance of the pond's inlet and hauling the removed solids.

Department staff last conducted a non-sampling compliance inspection on June 14, 2023, and found the facility to be in compliance. The department received all the required DMRs, two of the DMRs were not received in a timely manner.

Past Discharge Data

According to department records, four discharges were made from the facility's stabilization pond during the previous permit cycle. The concentration of pollutants in discharges was reported in discharge monitoring report forms. A summary of these records and the current effluent limitation assignments is characterized in Table 3.

Table 3 – Discharge Monitoring Report (DMR) data summary from Outfall 001 (October 1, 2021 – March 31, 2026)*.

Parameter	Permit Limit	Range	Average	Number of Exceedances
BOD ₅ (mg/L) ^{a/}	25	0.61-3.19	2.365	0
TSS (mg/L) ^{a/}	30	4-23	13.5	0
pH (S.U.)	6.0 to 9.0	8.00-8.53	N/A	0
Fecal Coliform (#/100 ml) ^{b/}	400	14.80-2200	564.4	1
Drain (Mgal)	NA	7.840	7.840	N/A
Notes:				
a/	Limit is expressed as a 30-day average			
b/	Limit is expressed as a daily maximum			
N/A	Not Applicable			
*	The facility discharged from outfall 001 for a total of 28 days between October 2021 and July 2026 with the average discharge lasting seven (7) days.			

PROPOSED PERMIT LIMITS AND SELF-MONITORING REQUIREMENTS

Associated Potato Growers Inc. has the standard industrial classification (SIC) 0134: Irish Potatoes. This classification is given to facilities who engage in the processing of potatoes. Due to the presence of a stabilization pond, it is with the use of Best Professional Judgement (BPJ) that the department assign the secondary treatment standards as the effluent limitations for the Associated Potato Growers Inc. – Drayton facility as defined in the Code of Federal Regulations (CFR) at 40 CFR 133 and North Dakota Administrative Code (NDAC) 33.1-16-01-30 supplemented by the Water Quality Standards (WQS). These regulations are performance standards that constitute all known, available, and reasonable methods of prevention, control, and treatment for the permitted waste stream. In addition, using BPJ, the department is incorporating 40 CFR 409.12 for fecal coliform.

North Dakota Administrative Code (NDAC) 33.1-16-01-30 incorporates by reference 40 CFR 133. 40 CFR Part 133.102 lists the following secondary treatment limits for BOD₅, TSS, and pH and can be viewed in Table 4.

Table 4 – Secondary treatment standards under 40 CFR 133.102- Technology-Based Effluent Limits

Parameter	30-Day Average	7-Day Average
BOD ₅ (mg/L)	30	45
TSS (mg/L)	30	45
pH (S.U.)	Remain between 6.0 – 9.0	
Percent Removal	85% BOD ₅ and TSS	

Discharge Authorization

No discharge shall occur from the waste stabilization pond until all required pre-discharge parameters have been reviewed by the department. Pre-discharge samples shall be taken for BOD₅, TSS, pH, and fecal coliform. This pre-discharge sample shall represent the discharge sample for the first week. In addition, one (1) grab sample of the actual discharge shall be taken and analyzed on a weekly basis for each additional week of the discharge, starting on the 8th day of the discharge.

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

During the effective period of the permit, the permittee is authorized to discharge pollutants from the described outfall(s) to an unnamed drainage, a Class III stream.

Effluent Limitations

The following limitations are based on promulgated guidelines as outlined in the Code of Federal Regulations (40 CFR), the North Dakota Administrative Code (NDAC), the North Dakota Standards of Quality for Waters of the State (WQS) and Best Professional Judgment (BPJ), as determined by the department.

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. The proposed effluent limitations shall take effect once the permit becomes active. The effluent limitations and the basis for the limitations are provided in Table 5.

Table 5 – Effluent Limitations for Outfall 001

Effluent Parameter	Average Monthly Limit	Avg. Weekly Limit	Daily Maximum Limit	Basis ^a
Biochemical Oxygen Demand (BOD ₅), mg/l	25	45	*	40 CFR 133.102(a) NDAC 33-16-01-14(3)(c)(1) Previous Permit
Total Suspended Solids (TSS), mg/l	30	45	*	40 CFR 133.105(d) Previous Permit
pH, S.U. ^b	Shall remain between 6.0 to 9.0			WQS 40 CFR 133.102(c) Previous Permit
Fecal Coliform (#/100 ml)	*	*	400	BPJ 40 CFR 409.12
Notes:				
*	This parameter is not limited. However, the department may impose limitations based on sample history and to protect the receiving waters.			
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(1)(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. “WQS” refers to effluent limitations based on the State of North Dakota’s “Standards of Quality for Waters of the State”, NDAC Chapter 33.1-16-02.1. “BPJ” refers to best professional judgment.			
b.	The pH, an instantaneous limitation, shall be between 6.0 S.U. and 9.0 S.U. Any single analysis and/or measurement outside this limitation shall be considered a violation.			
Stipulations:				
Best Management Practices (BMPs) are to be utilized so that there shall be no discharge of floating debris, oil, scum, and other floating materials in sufficient amounts to be unsightly or deleterious, or oil wastes that produce a visible sheen on the surface of the receiving water.				
Samples taken in compliance with the monitoring requirements specified in this permit shall be taken prior to leaving the facility property or entering the receiving stream.				
The dates of discharge, frequency of analyses, and number of exceedances shall also be included on the DMRs.				

SELF-MONITORING REQUIREMENTS

All effluent shall be sampled at a point leaving Outfall 001 and prior to entering the unnamed drainage.

The permittee is required to collect samples that are representative of the discharged process wastewater. The minimum monitoring schedule is detailed below in Table 6. Specified monitoring frequencies take into account the quantity and variability of the discharge, the treatment method, past compliance, and pollutant significance.

Table 6 – Self-Monitoring Requirements for Outfall 001

Effluent Parameter	Sample Type ^a	Frequency
BOD ₅ , mg/l ^b	Grab	1/week
TSS, mg/l ^b	Grab	1/week
Fecal Coliform, #/100 ml ^b	Grab	1/week
pH, SU ^b	Grab	1/week
Total Phosphorus, mg/L	Grab	1/month
Total Nitrogen, mg/L ^c	Grab	1/month
Effluent Flow, MGD	Calculated	Per Day
Total Drain, Mgal ^d	Calculated	Per Event
Total Days Discharging	Recorder	Per Event
Notes:		
a.	Refer to Appendix B for definitions.	
b.	Sampling shall consist of one (1) grab sample to be taken and analyzed prior to any discharge. This analysis shall be reported to the department and used for the first week of discharge. In addition, one (1) grab sample of the actual discharge shall be taken and analyzed on a weekly basis for the duration of the discharge.	
c.	Total nitrogen is a combination of nitrate, nitrite, and Total Kjeldahl Nitrogen (TKN).	
d.	The total amount of water discharged shall be determined either by using a flow-measuring device or by recording the water level drop in the pond.	

SURFACE WATER QUALITY-BASED EFFLUENT LIMITS

The North Dakota State Water Quality Standards (NDAC Chapter 33.1-16-02.1) are designed to protect existing water quality and preserve the beneficial uses of North Dakota's surface waters. Wastewater discharge permits must include conditions that ensure the discharge will meet the surface water quality standards. Water quality-based effluent limits may be based on an individual waste load allocation or on a waste load allocation developed during a basin wide Total Maximum Daily Load (TMDL) study. TMDLs result from a scientific study of the water body and are developed in order to reduce pollution from all sources.

Associated Potato Growers Inc. – Drayton facility discharges into an unnamed drainage, which runs from Highway 66 downstream to its confluence with the Red River, and is classified as a Class III stream. NDAC 33.1-16-02.1 states that the quality of the waters of a Class III stream shall be suitable for agricultural and industrial uses. Streams in this class generally have low average flows with prolonged periods of no flow. During periods of no flow, they are of limited value for recreation, fish, and aquatic biota. The quality of these waters must be maintained to protect secondary contact recreation uses (e.g., wading), fish and aquatic biota, and wildlife uses.

The receiving stream is not listed in the North Dakota 2020-2022 Integrated Section 305(b) Water Quality Assessment Report and Section 303(d) List of Waters Needing Total Maximum Daily Loads as impaired or as needing a TMDL.

Numerical Criteria for the Protection of Aquatic Life and Recreation

Numerical water quality criteria are listed in the water quality standards for surface waters (NDAC Chapter 33.1-16-02.1). They specify the maximum levels of pollutants allowed in receiving water to protect aquatic life and recreation in and on the water. The department uses numerical criteria along with chemical and physical data for the wastewater and receiving water to derive the effluent limits in the discharge permit. When surface water quality-based limits are more stringent or potentially more stringent than technology-based limits, the discharge must meet the water quality-based limits.

Numerical Criteria for the Protection of Human Health

The U.S. EPA has published numeric water quality criteria for the protection of human health that are applicable to dischargers. These criteria are designed to protect humans from exposure to pollutants linked to cancer and other diseases, based on consuming fish and shellfish and drinking contaminated surface waters. The Water Quality Standards also include radionuclide criteria to protect humans from the effects of radioactive substances.

Narrative Criteria

Narrative water quality criteria (NDAC Chapter 33.1-16-02.1-08) limit concentrations of pollutants from exceeding applicable standards of the receiving waters. The department adopted a narrative biological goal solely to provide an additional assessment method that can be used to identify impaired surface waters.

Antidegradation

The purpose of North Dakota's Antidegradation Policy (NDAC Chapter 33.1-16-02.1 (Appendix IV)) is to:

- Provide all waters of the state one of three levels of antidegradation protection.
- Determine whether authorizing the proposed regulated activity is consistent with antidegradation requirements.

The department's fact sheet demonstrates that the existing and designated uses of the receiving water will be protected under the conditions of the proposed permit.

Mixing Zones

The department's WQS contain a Mixing Zone and Dilution Policy and Implementation Procedure, NDAC Chapter 33.1-16-02.1 (Appendix III). This policy addresses how mixing and dilution of point source discharges with receiving waters will be addressed in developing chemical-specific and whole effluent toxicity discharge limitations for point source discharges. Depending upon site-specific mixing patterns and environmental concerns, some pollutants/criteria may be allowed a mixing zone or dilution while others may not. In all cases, mixing zone and dilution allowances shall be limited, as necessary, to protect the integrity of the receiving water's ecosystem and designated uses.

EVALUATION OF SURFACE WATER QUALITY-BASED EFFLUENT LIMITS FOR NUMERIC CRITERIA

BOD₅

North Dakota Administrative Code 33.1-16-01-14(3)(c)(1) allows adjustment of BOD₅ secondary treatment criteria to reflect site specific considerations. A five-day biochemical oxygen demand limit of twenty-five milligrams per liter (consecutive thirty-day average) may be applied in instances in which limits expressed in terms of secondary treatment standards would be impractical or deemed inappropriate to protect receiving waters. The 25 mg/L consecutive 30-day BOD₅ average is applied in place of the 30-day average listed under 40 CFR 133.102. The 7-day average limitation of 45 mg/L is applied in accordance with the secondary treatment standards.

According to department records, the facility discharged four (4) times during the previous permit cycle. The department has reviewed the BOD₅ data and sampling frequency, and no exceedances occurred for this parameter. The facility has proven capable of remaining within the confines of the secondary treatment limitation. The department proposes to continue with a 25 mg/l monthly average BOD₅ limit and a 45 mg/l weekly average BOD₅ limit with a sampling frequency of once prior to discharge and weekly during discharge.

TSS

Federal regulation under 40 CFR 133.105(d), Alternative State Requirements, allows states to adjust the maximum allowable TSS concentration for waste stabilization ponds upward from those specified in the equivalent to secondary treatment standards to conform to achievable TSS concentrations. To qualify for an adjustment a facility must use a waste stabilization pond as its principal process for secondary treatment and its operations and maintenance data must indicate that it cannot achieve the secondary treatment standards as defined.

According to department records, the facility discharged four (4) times during the previous permit cycle. The department has reviewed the TSS data and sampling frequency, and no exceedances occurred for this parameter. The facility has proven capable of remaining within the confines of the secondary treatment limitation. The department proposes to continue with the 30 mg/l monthly average limit and a 45 mg/l weekly average TSS limit with a sampling frequency of once prior to discharge and weekly during discharge.

pH

According to department records, the facility discharged four (4) times during the previous permit cycle. The department has reviewed the pH data and sampling frequency, and no exceedances occurred for this parameter. The facility has proven capable of remaining within the confines of the secondary treatment limitation. The department proposes to continue with Secondary treatment standards under 40 CFR 133.102(c) and the WQS support the best professional judgement determination that effluent values for pH shall be maintained within the limits of 6.0 and 9.0 S.U. with a sampling frequency of once prior to discharge and once per week during discharge.

Percent Removal

The department acknowledges that 40 CFR 133.102 requires the 30-day average percent removal of BOD₅ and TSS be no less than 85%. Representative rates are determined from influent and effluent samples being collected at approximately the same time and from consistent waste streams. Lagoon systems often have variable hydraulic residence times that exceed 30 days. Therefore, influent, and effluent samples would not be representative of the same wastewater. The department has determined not to include the percent removal requirements in the proposed limit based on the infeasibility to determine this rate.

Fecal Coliform

According to department records, the facility discharged four (4) times during the previous permit cycle. The department has reviewed the Fecal data and sampling frequency, and one exceedance occurred in 2023, for this parameter. In reviewing the Technical Review Criteria (TRC) for the daily maximum limit using the following equation: $TRC\ 1.2 * Fecal\ 400\ (\#/100\ ml) = Fecal\ 480\ (\#/100\ ml)$, the TRC was exceed. There were waterfowl on the pond at the time of sampling. The past samples have been under the Daily Maximum limit. A determination was made to continue with a daily maximum limit for fecal coliform at 400 (#/100 ml) with a sampling frequency once prior to discharge and once per week during discharge, based upon best professional judgement. The department is referencing 40 CFR 409.12 in regard to fecal coliform.

Nutrients (Total Phosphorus and Total Nitrogen)

The department proposes to add monitoring for nutrients to coincide with the state's finalized "North Dakota Nutrient Reduction Strategy for Surface Waters." The source of nutrients for the facility is from washing soil from potatoes.

Biosolids

Currently, the department does not have the authority to regulate biosolids. Therefore, the facility is required under the Direct Enforceability provision of 40 CFR §503.3(b) to meet the applicable requirements of the regulation.

Human Health

North Dakota's water quality standards include numeric human health-based criteria that the department must consider when writing NDPDES permits. These criteria were established in 1992 by the U.S. EPA in its National Toxics Rule (40 CFR 131.36). The National Toxics Rule allows states to use mixing zones to evaluate whether discharges comply with human health criteria. The department determined the facility's discharge is unlikely to contain chemicals regulated to protect human health. The department will re-evaluate this discharge for impacts to human health at the next permit reissuance.

MONITORING REQUIREMENTS

The department requires monitoring, recording, and reporting (NDAC Chapter 33.1-16-01(21 through 23) and 40 CFR 122.41) to verify that the treatment process is functioning correctly and that the discharge complies with the permit's limits.

The permittee must notify the department prior to any discharge. Approximately one week prior to a planned discharge, a representative pre-discharge grab sample must be collected and analyzed for the parameters listed in Table 5. The pre-discharge sample results must be provided when notifying the department of a planned discharge.

Test Procedures

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

OTHER PERMIT CONDITIONS

Beneficial Reuse

The proposed permit will continue to contain conditions for the beneficial reuse of wastewater for irrigation, construction, and oil and gas production. Wastewater that meets secondary or tertiary treatment standards may be beneficially reused in lieu of discharging. These conditions were developed by the department using BPJ, such as applying the E.coli water quality standard and are listed in all like permits.

Application Requirements

The permittee shall sample the following parameters upon the first discharge that occurs under the permit cycle to ensure the application requirements are met for reissuance: Chemical Oxygen Demand (COD), Total Organic Carbon (TOC) and Ammonia (as N).

Discharge Monitoring Report (DMR) Requirements

The proposed permit requires the permittee to monitor discharges and submit discharge monitoring reports (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 DMRs (Table 7). DMRs must be submitted electronically to the department in accordance with 40 CFR 127, unless otherwise waived and in compliance with 40 CFR 3.

Table 7 – DMR Submittal Requirements

Coverage Point	Report Designator	Report Type	Report Interval
001	A	Conventional and Non-Conventional Pollutants, Flow, and Volume Information	2/year

PERMIT ISSUANCE PROCEDURES

Permit Modifications

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

Proposed Permit Issuance

This proposed permit meets all statutory requirements for the department to authorize a wastewater discharge. The 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 and shall expire on 9/30/2031.

DRAFT

APPENDIX A – PUBLIC INVOLVEMENT INFORMATION

The department proposes to reissue a permit to **Associated Potato Growers Inc.- Drayton**. 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 **August 5, 2026**, in the **Cavalier Chronicle** to inform the public and to invite comment on the proposed draft North Dakota Pollutant Discharge Elimination System permit and fact sheet.

The Notice –

- Indicates where copies of the draft Permit and Fact Sheet are available for public evaluation.
- Offers to provide assistance to accommodate special needs.
- Urges individuals 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

The primary author of this permit and fact sheet is Brady Espe

STATEMENT OF BASIS FOR NDPDES PERMIT ND0026204 – DRAFT
ASSOCIATED POTATO GROWERS INC. – DRAYTON, ND
EXPIRATION DATE: SEPTEMBER 30, 2031
Page 18 of 22

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

Public Notice Date: August 05, 2026

Public Notice Number: ND-2026-023

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: March 31, 2026
Application Number: HQM-F5C9-PQ5VW
Permit Number: ND0026204
Applicant Name: Assoc Potato Growers Drayton
Mailing Address: 203 E Highway 66 Drayton, ND 58225
Telephone Number: (701) 454-3910
Proposed Permit Expiration Date: September 30, 2031

Facility Description

The application is for Associated Potato Growers Inc. – Drayton Facility, a washing and bagging potato plant. The wash water is contained in a waste stabilization pond located in the SW1/4, Section 23, Township 159 North, Range 51 West. Any discharge would be to an unnamed drainage, a Class III stream. The unnamed drainage flows to the Middle Red River, a Class I Stream.

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 September 05, 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 North Dakota Department of Environmental Quality (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. To request accommodations, contact the NDDEQ Non-discrimination Coordinator at 701-328-5210 or deqEJ@nd.gov. TTY users may use Relay North Dakota at 711 or 1-800-366-6888.

APPENDIX B – DEFINITIONS

DEFINITIONS Standard Permit BP 2025.03.13

1. “**Act**” means the Clean Water Act.
2. “**Best management practices**” (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage areas.
3. “**Bypass**” means the intentional diversion of waste streams from any portion of a treatment facility.
4. “**Composite**” sample means a combination of at least 4 discrete sample aliquots, collected over periodic intervals from the same location, during the operating hours of a facility not to exceed a 24 hour period. The sample aliquots must be collected and stored in accordance with procedures prescribed in the most recent edition of Standard Methods for the Examination of Water and Wastewater.
5. “**Continuous Discharge**” means a “discharge” which occurs without interruption throughout the operating hours of the facility, except for infrequent shutdowns for maintenance, process changes, or other similar activities.
6. “**Daily discharge**” means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the “daily discharge” is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the “daily discharge” is calculated as the average measurement of the pollutant over the day.
7. “**Daily maximum discharge limitation**” means “maximum daily discharge limitation” which is the highest allowable “daily discharge.”
8. “**Department**” means the North Dakota Department of Environmental Quality, Division of Water Quality.
9. “**DMR**” means discharge monitoring report.
10. “**EPA**” means the United States Environmental Protection Agency.
11. “**Geometric mean**” means the n^{th} root of a product of n factors, or the antilogarithm of the arithmetic mean of the logarithms of the individual sample values.
12. “**Grab**” for monitoring requirements, means a single “dip and take” sample collected at a representative point in the discharge stream.

13. “**Instantaneous**” for monitoring requirements, means a single reading, observation, or measurement. If more than one sample is taken during any calendar day, each result obtained shall be considered.
14. “**Monthly average discharge limitation**” means “average monthly discharge limitation” which is the highest allowable average of “daily discharges” over a calendar month, calculated as the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.
15. “**Oncorhynchus**” means of, belonging to, or characteristic of the genus *Oncorhynchus* in the family *Salmonidae*, which includes salmon and trout.
16. “**Sanitary Sewer Overflows (SSO)**” means untreated or partially treated sewage overflows from a sanitary sewer collection system.
17. “**Severe property damage**” means substantial physical damage to property, damage to the treatment facilities which causes 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.
18. “**Total drain**” means the total volume of effluent discharged.
19. “**Upset**” means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations 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.
20. “**Weekly average discharge limitation**” means “average weekly discharge limitation” which is the highest allowable average of “daily discharges” over a calendar week, calculated as the sum of all “daily discharges” measured during a calendar week divided by the number of “daily discharges” measured during that week.

APPENDIX C – CALCULATIONS

The development of the permit did not require technical calculations by the North Dakota Department of Environmental Quality. The department reviewed DMR information and applicable water quality standards for Class III streams to determine the appropriate requirements to be placed in the permit. In addition, the department reviewed the 2020-2022 North Dakota Integrated Section 305(b) Water Quality Assessment Report and Section 303(d) List of Waters Needing Total Maximum Daily Loads (303(d) List).

APPENDIX D – RESPONSE TO COMMENTS

Comments received during the public comment period will be placed here.

DRAFT