



This guidance document is advisory in nature but is binding on an agency until amended by such agency. A guidance document does not include internal procedural documents that only affect the internal operations of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules and regulations made in accordance with the Administrative Procedure Act. If you believe that this guidance document imposes additional requirements or penalties on regulated parties, you may request a review of the document.

WAT154

November, 2016

Information for Those Considering Bypassing Wastewater Treatment

The following information is provided by NDEQ to local officials if they are considering a bypass of a wastewater treatment facility.

Your Mayor or Chairman will need to make the decision whether a bypass of your Wastewater Treatment facility is necessary. Please understand that bypass is prohibited, and the Director may take enforcement action against a permittee for bypass, unless:

- Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance.

If you decide to bypass, the Department recommends that you take a sample of the discharged wastewater before it enters the stream and test the sample for Carbonaceous Biochemical Oxygen Demand, Total Suspended Solids, pH, Ammonia and e-coli. Please notify the Department within 24 hours of starting a bypass and follow-up with a report that includes the results of your testing. In addition, we recommend that a notice of the discharge be public noticed in your local paper, at your post office and/or the stream should be posted with a notice of your discharge. The Department will evaluate if your facility took steps to mitigate the fact that a bypass has occurred.

Information to Provide When Informing NDEQ of a Bypass

When informing NDEQ of a bypass, you will need to answer the following questions:

- Why is the bypass occurring?
- When did the bypass begin?
- What is being done to terminate the bypass?
- When did or will the bypass end?
- What is or was the volume (approximate) of wastewater to be bypassed?
- What treatment is or was the wastewater receiving?
- Provide a description of the wastewater (domestic, industrial, etc.)
- How could this bypass have been prevented?
- Are there alternatives to bypassing treatment?
- Has or will the receiving water been monitored for adverse effects?
- Have there been any adverse effects to the receiving stream? If so, what?
- How will the public be notified of the occurring bypass?

Was a copy sent to NDEQ?

Were there any negative impacts of the bypass? (i.e. public reaction, aesthetics, fish kills, etc.)

Please see the Unscheduled Bypass Form below.

For more information, contact NDEQ at 402-471-4220.