

- e. The results of such analysis.

General Authority: NDCC 61-28-04

Law Implemented: NDCC 61-28-04

33-16-01-23. Reporting of monitoring results. Monitoring results obtained by a permittee shall be reported to the department in accordance with a reporting schedule prescribed by the department in the national pollutant discharge elimination system permit. In no case shall the required frequency of reporting be less than on an annual basis. Reports shall be submitted on the proper national pollutant discharge elimination system reporting form which will be supplied to the permittee by the department.

General Authority: NDCC 61-28-04

Law Implemented: NDCC 61-28-04

33-16-01-24. Enforcement. The department shall evaluate all reports, notifications, and data submitted by a permittee in compliance with this chapter and shall investigate and follow up all apparent violations for possible enforcement action pursuant to North Dakota Century Code section 61-28-08. All such information received by the department, if forwarded to the regional administrator pursuant to the requirements of this chapter, shall constitute information available to the administrator for purposes of section 309 of the Federal Water Pollution Control Act.

General Authority: NDCC 61-28-04

Law Implemented: NDCC 61-28-04

33-16-01-25. Modification, suspension, and revocation of national pollutant discharge elimination system permits.

1. The department may modify, suspend, or revoke any national pollutant discharge elimination system permit in whole or in part during its term for cause including, but not limited to, the causes listed in subsection 2 of section 33-16-01-16, or for failure or refusal of the permittee to carry out the requirements of subsection 3 of section 33-16-01-16.
2. The 40 Code of Federal Regulations, part 122.62(a), causes for modification, [40 CFR 122.62(a)] is incorporated into this chapter by reference.
3. Any such modification, suspension, or revocation by the department shall be governed by the procedures outlined in North Dakota Century Code section 61-28-07, and the following procedures:
 - a. Permit actions may be undertaken at the request of any interested person or upon the department's initiative. Permits may be modified, suspended, or revoked and reissued only for the reasons specified in subsections 1, 2, and 4.

- b. If the department tentatively decides to modify or revoke and reissue a permit, a draft permit incorporating the proposed changes shall be prepared pursuant to section 33-16-01-06. The department may request additional information from the permittee. If the permit is to be modified, the department may require the submission of an updated application. If the permit is to be revoked and reissued, the permittee shall submit a new application.
 - c. In a permit modification, only those conditions to be modified shall be reopened when the draft permit is prepared. All other aspects of the existing permit shall remain in effect for the duration of the unmodified permit. When a permit is revoked and reissued, the entire permit is reopened, but the permittee shall comply with all conditions of the existing permit until a new final permit is issued.
 - d. If the department tentatively decides to suspend a permit under subsection 3 of section 33-16-01-16, a notice of intent to terminate, a type of draft permit, shall be issued. The notice of intent to terminate shall be prepared pursuant to section 33-16-01-06.
4. The 40 Code of Federal Regulations, part 122.63, minor modifications of permits, [40 CFR 122.63] is incorporated into this chapter by reference. Such modifications are not subject to subsection 3.
 5. The department may, upon request of the permittee, revise or modify a schedule of compliance in an issued national pollutant discharge elimination system permit if it determines good and valid cause, such as an act of God, strike, flood, materials shortage, or other event over which the permittee has little or no control, exists for such revision and if within thirty days following receipt of notice from the department, the regional administrator does not object in writing. All revisions or modifications made pursuant to this section during the period ending thirty days prior to the date of transmission of such list shall be included in the list prepared by the director pursuant to subsection 4 of section 33-16-01-15.

History: Amended effective October 1, 2002.

General Authority: NDCC 61-28-04

Law Implemented: NDCC 61-28-04

33-16-01-26. Disposal of pollutants into wells, into publicly owned treatment works, or by land application.

1. Disposal of pollutants into wells that affect the waters of the state is prohibited, except as provided under an underground injection control authorization pursuant to chapter 33-25-01, or as provided in applicable regulations of the state industrial commission. Any permit issued for the disposal of pollutants into wells shall be issued in accordance with the procedures and requirements specified in the applicable regulations.