

**MAYOR MICHAEL R. BROWN
GRAND FORKS, NORTH DAKOTA**

EMERGENCY ORDER 2020-3

Pursuant to the Declaration of Public Health Emergency dated March 16, 2020 and the authority set forth in Grand Forks City Code Section 2-0301, I, Michael R. Brown, Mayor of the City of Grand Forks, North Dakota, hereby order as follows:

Factual Findings/Background. Red River Bio Refinery, LLC located at 2355 North 39th Street, Grand Forks, North Dakota, was issued an industrial user permit under the City's Industrial Pretreatment Program on February 27, 2020. Under the terms of the Industrial User Permit, Red River Bio Refinery, LLC must not discharge effluent outside of the stated parameters. In particular, any discharge with a pH of less than 5.5 or greater than 11.0 is considered a prohibited discharge under the provisions of the Industrial User Permit and the provisions of Grand Forks City Code Article 4, Chapter XV Waterworks and Sewage System. The federal regulations establish a lower limit for pH of 5.0 SU. (40 C.F.R. 403.5(b)(2)).

A Notice of Discharge Violation was issued on March 19, 2020 as a result of testing occurring on March 18, 2020. The test results obtained from the effluent from Red River Bio Refinery, LLC demonstrated a pH of 3.2 SU, outside of the permissible range and constituting a prohibited discharge.

Red River Bio Refinery, LLC is in the process of commissioning a new facility at 2355 North 39th Street. As a result of the COVID-19 pandemic, Red River Bio Refinery, LLC has been unable to receive shipment of certain equipment necessary for the company's industrial pretreatment facilities and further, as a result of the COVID-19 pandemic, qualified technical assistance for the commissioning of the plant has not been able to travel from Slovakia to the United States.

ORDER TEMPORARILY MODIFYING INDUSTRIAL DISCHARGE PERMIT.

Based upon the findings above, I have determined that the prohibited discharge is the result, in whole or in part, of the COVID-19 pandemic and its impact upon travel and commerce. I have further determined that a temporary modification of the Industrial Use Permit issued to Red River Bio Refinery, LLC is appropriate to protect the public health and safety and to protect the efficient operation of the City's Wastewater Treatment Plant.

Therefore, under the authority granted to me by Grand Forks City Code Section 2-0301 I am hereby temporarily modifying the Industrial Discharge Permit issued to Red River Bio Refinery, LLC to establish the permissible range for pH of 5.0 to 11.0 SU from the permit range of 5.5 to 11.0 SU contingent upon the following:

1. Compliance with all existing Industrial User Permit Number 23 conditions and parameters.
2. Continued progress with all due diligence and expedience on the commissioning and start-up of Red River Bio Refinery, LLC wastewater pretreatment facilities.
3. All discharges shall occur only after the City of Grand Forks and the Grand Forks Wastewater Treatment Facility (GFWWTF) have received 12-hours (minimum) prior notification of said discharge volume anticipated, pH, and chemical oxygen demand (COD) concentration.
4. Red River Bio Refinery, LLC shall record:
 - The date and time of discharge commencement and discharge termination.
 - The discharge volume, pH, COD concentration and other parameters specified in Permit 23.
5. In the event that the wastewater at the point of discharge falls below the modified permit limit for pH of 5.0 SU, Red River Bio Refinery, LLC shall immediately cease discharge and notify the City.
6. Red River Bio Refinery, LLC shall remain current with payment for all fees, charges and surcharges.
7. Red River Bio Refinery, LLC shall be responsible to reimburse the City, upon invoice, for all costs incurred by the City as a result of discharges outside of the range of the Industrial Use Permit and the amendment established by this Emergency Order.

If any provision of this Order or the application thereof to any person or circumstance is held to be invalid by a court of competent jurisdiction, the remainder of the Order, including the application of such part or provision to other persons or circumstances should not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

This Order shall be effective upon its issuance and shall terminate sixty (60) days from the date of issuance.

Date: 3/24/2020



MICHAEL R. BROWN, Mayor