



BEAR DEN PROJECT

Plan of Development

APPENDIX F

Storm Water Pollution Prevention Plan



BEAR DEN PROJECT

Plan of Development

Storm Water Pollution Prevention Plan

**Prepared for:
BUREAU OF LAND MANAGEMENT**

June 2013

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REVISION SCHEDULE

This *Storm Water Pollution Prevention Plan* (SWPPP) will be revised and updated to address changes in site conditions, new or revised government regulations, and additional on-site storm water pollution controls as necessary.

All revisions to this SWPPP must be documented on the SWPPP Revision Documentation Form (below) and include the date and author of the revision and signature of an authorized company representative. The authorized facility representative who approves the SWPPP should be an individual at or near the top of the facility’s management organization, such as the President, Vice President, Construction Manager, Site Supervisor, or Environmental Manager. The signature of this representative attests that the SWPPP revision information is true and accurate. Previous authors and facility representatives are not responsible for the revisions.

Bear Den Project Storm Water Pollution Prevention Plan Revision Documentation Form			
Number	Date	Author	Company Representative Signature
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1.0 INTRODUCTION

CenterPoint Energy Bakken Crude Services, LLC (CEBCS) developed this *Storm Water Pollution Prevention Plan* (SWPPP) for the proposed Bear Den Project (Project). All temporary off-site material storage areas associated with the Project are also covered by this SWPPP. This SWPPP was developed following the guidelines required for the receipt of authorization to discharge storm water under the North Dakota Department of Health's Construction General Permit NDR10-0000 (see Attachment 1) issued under the North Dakota Pollutant Discharge Elimination System (NDPDES). A copy of this SWPPP shall be retained on site during construction. If an adequate on-site location to store this SWPPP is not available, the SWPPP will be kept at a reasonable local site. If the SWPPP is kept off-site, the location of the SWPPP, along with the phone number of a contact person, shall be posted on site. After construction, this SWPPP will be kept at a reasonable local site. The Project's construction contractor shall read this SWPPP and sign the attached *Contractor Certification for Implementation of the Storm Water Pollution Prevention Plan* (Attachment 2) prior to commencing with construction.

2.0 SITE DESCRIPTION

Description of Construction Activity

CEBCS proposes to construct, install, own, operate, and maintain pipeline crude oil and produced water gathering pipeline system and associated facilities in order to provide oil and water transportation services for a number of existing and/or proposed oil wells in Dunn and McKenzie Counties, North Dakota. The Bear Den facilities will include:

- approximately 68.0 miles of 3- to 8-inch-diameter welded steel pipeline (i.e., the crude oil gathering pipeline system);
- approximately 0.5 mile of 8-inch-diameter welded steel pipeline (i.e., the crude oil delivery lateral pipeline; Line AR-16) that will extend from the storage/transfer facility and terminate at an interconnect with a third-party outlet pipeline (i.e., the BakkenLink Pipeline);
- approximately 59.4 miles of 3- to 6-inch diameter composite pipeline (i.e., the produced water gathering pipeline system);
- a storage/transfer facility, which will entail a fenced and graveled, approximately 40-acre site that will house:
 - an office building;
 - a shop/warehouse building;
 - an operations building containing control room, motor control center, and process equipment;
 - a heater/generator building;
 - two, 20,000 barrel (bbl) crude oil storage tanks;
 - two, 500 bbl slop oil tanks;

- two, 500 bbl tanks for storage of tank bottom water;
- one, 10,000 bbl fire safety water storage tank;
- metering facilities for the measurement of incoming and outgoing crude oil;
- a pig receiver and associated filter/separators for the crude oil gathering pipeline;
- a pig launcher and three, approximately 50-horsepower (hp) electric pumps for the crude oil delivery lateral;
- block valves for all pipelines; and
- yard piping;
- a pig receiver assembly at the terminus of the crude oil delivery lateral pipeline (Line AR-16), which will be sited and constructed on a lot owned and developed by the third-party outlet pipeline);
- automated wellhead facilities at each of the 31 well pad sites to be serviced by the Project, with each wellhead facility typically including:
 - a Lease Automatic Custody Transfer (LACT) unit, which consists of oil measurement/metering and an electric, 100-hp pump (with provision for the addition of a future booster pump if system hydraulics and pressures dictate);
 - produced water measurement/metering and a 25-hp electric pump (with provision for the addition of a future booster pump if system hydraulics and pressures dictate);
 - pig launchers for both the crude oil and produced water gathering pipelines;
 - block valves for each pipeline; and
 - yard piping;
- two pig launcher and receiver sites (located at Line AR at MP 2.1 and Line AR-30 at MP 11.0), which will each entail a fenced and graveled, approximately 1.0-acre lot that will house:
 - pig launchers/receivers for the crude oil and produced water gathering pipelines; and
 - automated block valves for the crude oil and produced water gathering pipelines;

- 35 lateral pipeline interconnect sites at each of the gathering pipeline lateral interconnects, with each site being either fenced or barred, and including:
 - pig launchers/receivers for the crude oil and produced water gathering pipelines; and
 - block and check valves for the crude oil and produced water gathering pipelines;
- intermediate block valve sites (located at Line AR at MP 7.0, Line AR-14 at MP 0.4, and Line AR-30 at MP 1.2), with each fenced and graveled site measuring approximately 50- by 50-feet to 100- by 100-feet, and including automated block valves for the crude oil and produced water gathering pipelines; and
- associated ancillary facilities (e.g., cathodic protection test leads and ground beds, pipeline markers, etc.).

Table 2-1, below, summarizes the temporary and permanent land requirements associated with the project.

TABLE 2-1				
Bear Den Project Facility Locations and Land Requirements				
County/Facility	Location	Land Requirements		
	Milepost or Legal Description (for off-ROW areas)	Temporary ^a Construction Area (acres)	Permanent New ^b ROW or New Facility Area (acres)	Land Ownership
McKenzie County				
Storage/Transfer Facility	AR-16 at MP 0	0.00	39.89	Private
Line AR Intermediate Block Valve Site	AR at MP 7.0	0.00	0.03	Private
Dunn County				
Pig Launcher/Receiver Site	AR at MP 2.1	0.00	0.15	Private
Bice Pipe Storage/ Contractor Yard	T-147 N, R-97 W, S-11	5.02	0.00	Private
Dennis Pipe Storage/ Contractor Yard	T-147 N, R-96 W, S-16	5.00	0.00	Private
Line AR 14 Intermediate Block Valve Site	AR-14 at MP 0.4	0.00	0.00	Private
Line AR 30 Intermediate Block Valve Site	AR-30 at MP 1.2	0.00	0.00	Private
Pig Launcher/Receiver Site	AR-30 at MP 11.0	0.00	0.41	Private
^a Temporary construction impact will occur within the footprint of the pipeline construction ROW. Temporary Construction Area acreage calculations include the areas that will become the permanent ROW.				
^b Permanent land required for operation is within the permanent ROW for the pipeline, which will be allowed to revert to pre-construction condition.				

Description of the Sequence of Major Activities

Prior to construction, CEBCS will survey and stake the centerline at about 200-foot intervals and at points of inflection. CEBCS will also mark the edges of the temporary

construction right-of-way and temporary extra workspaces, sensitive environmental feature boundaries or setback limits, and all known underground facilities. Markers will be maintained as needed during the construction period.

The temporary right-of-way will be cleared in accordance with land management agency regulations or private landowner specifications, while preserving natural drainage to the extent possible. Aboveground vegetation and obstacles within the staked pipeline right-of-way limits will be cleared, with surface disturbance limited to that required to ensure a safe working area. Vegetation buffers of appropriate width will be left between temporary extra workspace and waterbodies and wetlands.

CEBCS will perform topsoil segregation in actively cultivated agricultural lands, which include permanent or rotated croplands, hayfields, or improved pastures, and in other areas at the request of resource agencies or landowners. In agricultural areas, and where requested, subsoil will be stockpiled separately from topsoil. Any conserved topsoil and excavated soils will be stockpiled along one side of the right-of-way (the spoil side), allowing the other side (the working side) to be used for access, material transport, and pipe assembly. In limited instances, topsoil may be stockpiled along the edge of both sides of the construction right-of-way.

All materials not suitable for placement in areas prone to erosion (e.g., shrubs, etc.) will be temporarily stockpiled on the edge of the right-of-way during construction and will be disposed of by scattering the material over the disturbed right-of-way after seeding is completed.

After the pipeline right-of-way has been cleared and graded to the extent necessary, two trenches will be dug for the new pipelines. Blasting is not anticipated to be necessary to excavate the trench. If blasting becomes necessary, CEBCS will adhere to its *Blasting Plan*. The trenches will be centered on flagged surveyed lines and dug to a depth of approximately 7 feet. The trench for the oil pipeline will be excavated first, and the pipeline will be placed in the trench. After the trench has been dug, sections of pipe will be strung next to the trench. The sections will be shaped to fit the contour of the trench, aligned, and welded together. All joints will be inspected and, if necessary, repaired. The pipeline assembly will then be lowered into the trench. Once the oil pipeline is installed, the trench will be backfilled, and the second trench will be excavated for installation of the produced water line. Once the produced water line is installed, the second trench will be backfilled, and the right-of-way will be graded and restored, as nearly as practical, to the original surface contours. Topsoil will then be restored, and final stabilization and restoration measures will be implemented. After construction activity is complete, and prior to placing the pipeline in service, the pipeline will be hydrostatically pressure tested to ensure structural integrity.

The Bear Den Project will require construction of numerous minor aboveground facilities (pig launcher/receivers, block valve sites, etc.), as well as the storage/transfer facility (see table 2-1). The construction of the aboveground pipeline facilities will generally occur at the same time as the construction of the pipeline facilities; therefore, activities such as clearing, grading, trenching, testing, and cleanup and restoration will effectively occur as part of a single construction effort.

Construction of the Project will commence in June 2013, subject to the receipt of necessary permits and approvals, in order to meet an in-service date of October 2013. Construction will occur in a planned and orderly sequence of operations along the right-of-way. CEBCS would notify the BLM's Authorized Officer and all other surface owners 24 hours prior to commencing construction.

Estimates of Total Area of the Site

The typical construction right-of-way for the pipeline route will be 50 to 125 feet wide. The typical right-of-way is required to provide adequate space for segregating topsoil and assuring the safe handling of materials and operation of equipment. CEBCS anticipates stripping topsoil over the full right-of-way width through most of the project, which will require significant space for segregation of soils. Conserved topsoil and excavated soils will be stockpiled along one side of the right-of-way (the spoil side), allowing the other side (the working side) to be used for access, material transport, and pipe assembly. In limited instances, topsoil may be stockpiled along the edges of both sides of the construction right-of-way.

Temporary extra workspaces along, but outside of, the 50-125-foot-wide construction right-of-way may be needed to facilitate construction at public road crossings; at wetland and waterbody crossings; in areas with steep side slopes; at hydrostatic test water withdrawal pump locations; at crossovers and tie-ins; for staging and fabrication of drag sections; equipment turnarounds; and equipment parking areas. CEBCS considers the proposed 50-125 feet of construction right-of-way width and proposed additional temporary workspace locations to be necessary to construct the project in an efficient and safe manner.

Estimate of the Runoff Coefficient after Construction Activities are Completed

With the exception of waterbody and road crossings, the temporary construction right-of-way area for the pipeline will impact rangelands, which consist of herbaceous shrub land and barren lands. Affected rangelands will be restored to as near preconstruction condition as possible following construction. Therefore, the runoff coefficients for the pipeline corridor are not expected to change after construction.

Impacts to runoff associated with aboveground facilities (storage/transfer facility, pig launcher/receivers, block valves, etc.) will be relatively small. The largest impact to runoff will be related to the approximately 40-acre site associated with the storage/transfer facility. Within the acquired site, the planned facilities will impact approximately 20 acres. The remaining approximately 20 acres will be graveled, resulting in the entire 40-acre site being converted from rangeland to industrial use.

Receiving Waters

The surface waters and dry washes crossed by the pipeline will be shown on the pipeline construction alignment sheets and include the approximate limits of construction disturbance. The proposed pipeline will cross a total of 61 waterbodies, including 1 spring, 1 ephemeral waterbody or dry washes, 35 intermittent and 24 perennial waterbodies. CEBCS proposes to use the open cut/wet ditch and/or horizontal directional drill (bores) crossing methods for flowing waterbodies and conventional upland cross-country construction techniques for dry wash crossings. Erosion and sediment control measures will be implemented to prevent sediments from leaving the construction site and entering waterbodies from adjacent uplands. A summary of the milepost location, waterbody name, flow regime, and approximate crossing widths of waterbodies crossings is provided in Table 2-2.

A total of 69 wetlands were identified in proximity to the proposed pipeline or aboveground facility sites. Typical wetland crossing diagram is provided as Figure 9 of Appendix C in the Plan of Development (POD).

TABLE 2-2

**Bear Ben Project
Waterbody Crossing Table**

Line	Milepost	Waterbody ID	Waterbody Type	Waterbody Name	Crossing Method
AR	6.0	s-mc-c-007	Intermittent	Rough Creek	HDD
AR-15	0.3	s-du-b-009	Intermittent	unnamed drainage	HDD*
AR-16	0.2	s-mc-b-012	Perennial	Spring Creek	HDD
AR-17	0.1	s-du-b-019	Intermittent	unnamed drainage	Open-cut
AR-17	0.3	s-du-b-018	Perennial	unnamed drainage	Open-cut
AR-19	0.4	sp-du-b-001	Spring	unnamed drainage	HDD
AR-19	0.5	s-du-b-015b	Intermittent	unnamed drainage	Open-cut
AR-20	0.2	s-du-b-038	Intermittent	unnamed drainage	HDD
AR-20	0.5	s-du-b-037	Intermittent	unnamed drainage	Open-cut
AR-20	0.8	s-du-b-029	Perennial	Bear Creek	HDD
AR-20	0.9	s-du-b-030	Perennial	Bear Creek	HDD
AR-20	0.9	s-du-b-030	Perennial	Bear Creek	HDD
AR-21	0.1	s-du-b-042	Perennial	unnamed drainage	HDD*
AR-22	0.4	s-du-b-013	Perennial	unnamed drainage	HDD
AR-24	0.9	s-mc-c-001a	Intermittent	Lone Beaver Creek	HDD
AR-24	0.9	s-mc-c-001a	Intermittent	Lone Beaver Creek	HDD
AR-24	0.9	s-mc-c-001a	Intermittent	Lone Beaver Creek	HDD
AR-24	1.0	s-mc-c-001a	Intermittent	Lone Beaver Creek	HDD
AR-25	1.2	s-mc-c-009	Perennial	Cherry Creek	HDD
AR-25	3.1	s-mc-c-004	Perennial	Cherry Creek	HDD*
AR-26	0.9	s-du-b-016a	Perennial	unnamed drainage	Open-cut
AR-26	1.7	s-du-b-020	Perennial	unnamed drainage	Open-cut
AR-27	2.8	s-mc-c-001b	Intermittent	Lone Beaver Creek	HDD
AR-30	0.04	s-du-b-014	Intermittent	unnamed drainage	HDD
AR-30	2.5	s-du-b-040	Intermittent	Tributary to LMR	HDD
AR-30	3.4	s-du-b-039a/b	Perennial	Little Missouri River	HDD
AR-30	4.6	s-du-b-031	Perennial	unnamed drainage	HDD
AR-30	4.7	s-du-b-032	Intermittent	Tributary to Bear Creek	HDD
AR-30	4.8	s-du-b-033a	Intermittent	Bear Creek	Open-cut
AR-30	4.8	s-du-b-033a	Intermittent	Bear Creek	Open-cut
AR-30	4.9	s-du-b-034	Perennial	Bear Creek	HDD*
AR-30	5.3	s-du-b-036	Intermittent	Tributary to Bear Creek	HDD*
AR-30	5.3	s-du-b-035	Perennial	Bear Creek	HDD*
AR-30	5.4	s-du-b-036	Intermittent	Tributary to Bear Creek	Open-cut
AR-30	5.7	s-du-b-026	Perennial	Bear Creek	HDD*
AR-30	6.0	s-du-b-045	Perennial	Bear Creek	HDD
AR-30	6.1	s-du-b-045	Perennial	Bear Creek	HDD
AR-30	6.3	s-du-b-028	Intermittent	Tributary to Bear Creek	Open-cut
AR-30	6.5	s-du-b-022	Intermittent	unnamed drainage	HDD*
AR-30	6.8	s-du-b-023	Intermittent	unnamed drainage	HDD*
AR-30	6.8	s-du-b-023	Intermittent	unnamed drainage	HDD*
AR-30	6.9	s-du-b-024	Perennial	unnamed drainage	Open-cut
AR-30	7.2	s-du-b-025	Intermittent	unnamed drainage	HDD
AR-30	11.5	s-du-b-007a/b	Perennial	Little Missouri River	HDD
AR-31	0.1	s-mc-c-005	Intermittent	tributary to Cherry Creek	HDD
AR-31	0.9	s-mc-c-006	Intermittent	unnamed drainage	HDD
AR-31	4.2	s-mc-b-008a/b	Perennial	Cherry Creek	HDD
AR-31	4.6	s-mc-c-011	Intermittent	Rough Creek	HDD*

TABLE 2-2 (cont'd)

**Bear Ben Project
Waterbody Crossing Table**

Line	Milepost	Waterbody ID	Waterbody Type	Waterbody Name	Crossing Method
AR-31	5.3	s-mc-c-010	Ephemeral	tributary to Cherry Creek	Open-cut
AR-31	7.9	s-du-b-001	Perennial	unnamed drainage	Open-cut
AR-31	9.0	s-du-b-002	Intermittent	Tributary to LMR	HDD
AR-31	9.1	s-du-b-003	Intermittent	tributary to LMR	HDD
AR-31	9.2	s-du-b-004	Perennial	tributary to LMR	HDD
AR-31	9.7	s-du-b-005	Perennial	unnamed drainage	Open-cut
AR-34	0.5	s-du-b-008	Intermittent	unnamed drainage	Open-cut
AR-34	1.2	s-du-b-010	Intermittent	unnamed drainage	Open-cut
AR-34	1.9	s-du-b-012	Intermittent	unnamed drainage	Open-cut
AR-34	2.6	s-du-b-011	Intermittent	unnamed drainage	HDD
PA1-AR-23	NA	s-du-b-006	Intermittent	unnamed drainage	Access Road Crossing
PA1-AR-30	NA	s-du-b-021	Perennial	Bear Creek	Access Road Crossing
PA4-AR-30	NA	s-du-b-040	Intermittent	unnamed drainage	Access Road Crossing

* HDD with temporary 15-foot travel lane

3.0 CONTROLS

Erosion and Sediment Controls

Construction activities associated with the Bear Den Project were designed to minimize surface disturbance. Previously disturbed areas, such as roads and existing utility corridors, will be used for access and working areas wherever possible. In addition, there are two pipe storage/contractor yards and the transfer facility will be utilized as a staging and storage area for construction of all the facilities.

Sediment controls such as silt barriers and silt fences will be used to retain sediment on site to the maximum extent practicable. Typical erosion control drawings, including soil erosion control structures (hay bales and silt fences), erosion control blanket installations on uplands and waterbody banks, and permanent water bar installation are provided in the POD Appendix C. The controls will be properly selected, installed, and maintained in accordance with the manufacturer's specifications, good engineering practices, and CEBCS's Construction Revegetation and Monitoring Plan (CRMP) (POD Appendix E). In general, sediment controls will be installed immediately following initial ground disturbances and will be refurbished when accumulated sediment reaches approximately 50 percent of the control structures capacity. Controls will be maintained until final stabilization controls have been installed. Temporary perimeter controls will be removed after reclamation efforts have been completed. The project contractor shall install and remove control structures as directed by CEBCS. If sediment escapes the construction site, off-site accumulations of sediment will be removed by the contractor as soon as possible in order to minimize off-site impacts.

Litter, construction debris, and construction chemicals exposed to storm water shall be picked up prior to anticipated storm events or otherwise prevented from becoming a pollutant source for storm water discharges.

After construction of the pipeline is completed, the work areas will be graded and restored, as near as practicable, to the original contour of the land using the original soil. Where

segregated, the original topsoil will be evenly spread over the disturbed area. Soil stabilization efforts will include revegetation, mulching, application of erosion control blankets, and permanent water bar or pocking installation.

After erosion control structures are installed, the disturbed areas will be prepared for revegetation. The areas to be seeded will be scarified as necessary to eliminate compaction of the seed bed and to aid in permeability. Seeding will be accomplished by drilling, hydroseeding, or broadcasting the mixes identified in the CRMP. In areas where drilling is not possible, seed may be broadcast and raked or chained to cover the seed. The seed mixture rate will be increased if the broadcasting technique is utilized. The seed mixes may be changed depending on availability of individual species.

Stabilization measures will be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 14 days after the construction activity in that portion of the site has temporarily or permanently ceased. If earth-disturbing activities would be resumed within 21 days, temporary stabilization measures do not have to be initiated on that portion of the site. Where the initiation of stabilization measures cannot be performed within 14 days because of snow cover or frozen ground, stabilization measures shall be initiated as soon as practicable.

Storm Water Management Controls

Silt barriers (such as drivable berms) and/or silt fences will be installed along perennial and intermittent streams as necessary in order to dissipate the velocity of any storm water discharge from the construction site. Vegetation present along both sides of the relatively narrow construction right-of-way will also help dissipate storm water flows from the right-of-way. Because the right-of-way will be graded to match the original contour using the original topsoil and then re-vegetated with a seed mix designed to restore the original vegetation, storm water flows are expected to return to pre-construction levels. Therefore, post-construction storm water management measures will be installed only as needed.

Construction Site Dewatering

A separate permit will be obtained for the discharge of water from hydrostatic test discharges and groundwater.

If trench or construction site dewatering due solely to storm water is required, CEBCS will install energy dissipating devices such as sand bags, silt bags, riprap, etc. at the discharge outlet to slow flow and minimize erosion. These devices will be removed upon completion of the discharge event.

Construction Mitigation and Revegetation Plan

The Bear Den Project will be constructed in accordance with CEBCS' project-specific CRMP, which is provided as Appendix E of the POD.

Other Controls

All wastes created during construction such as construction materials, welding and cutting materials, pipe and fittings, concrete asphalt, drilling mud, and slash will be removed from the construction area and disposed of in an approved disposal site. No trash or other

pollutants will be buried within the construction right-of-way and organic refuse not suitable for spreading over the right-of-way will be disposed of at an authorized facility. No solid materials, including building materials, shall be discharged to waters of the state. All applicable state and/or local waste disposal regulations will be complied with.

Fugitive dust from both access roads and the construction right-of-way itself will primarily be controlled using water. All visibly dry disturbed access roads and disturbed soil surface areas shall be watered as necessary to control dust emissions. The frequency of water application will largely depend on weather conditions. The Environmental Inspector will direct application of additional dust controls as necessary. If precipitation occurs during the course of construction, vehicular traffic along the right-of-way will be minimized to reduce the potential for erosion.

Gasoline, diesel fuels, lubricants, and other potential pollutants will be stored in containers that will prevent their accidental release. Additional steps to prevent the accidental discharge of potential pollutants are described further in the project-specific *Spill Prevention, Control, and Countermeasure Plan* (POD Appendix L).

Other Laws and Requirements

All other laws effecting erosion and sediment control, where applicable, will be complied with, including federal and state laws pertaining to threatened or endangered species or historic properties.

4.0 MAINTENANCE

Final grading and seeding of the disturbed areas will begin as soon as possible after construction activities are completed. Where final restoration is delayed, temporary erosion control measures will be implemented. Any needed maintenance identified by inspections or other means, shall be accomplished as soon as practicable or as necessary to maintain the continued effectiveness and permit compliance of the storm water controls.

5.0 INSPECTIONS AND RECORD KEEPING

Qualified personnel (i.e., Environmental Inspectors provided by CEBCS) shall inspect disturbed areas of the construction site that have not been finally stabilized, areas used for storage of materials that are exposed to precipitation, structural control measures, and locations where vehicles enter or exit the site at least once every 14 days. Inspections shall also be performed before anticipated storm events (or series of storm events such as intermittent showers over one or more days) expected to cause a significant amount of runoff and within 24 hours of any precipitation and/or snow melt event which exceeds 0.5 inches. Inspections will not be required where runoff does not occur due to snow cover over the entire site and melting conditions do not exist. Inspections shall be conducted at least once every month where runoff is unlikely due to seasonal arid periods, during seasonal shutdowns, and during the period following completion of construction but prior to return of the site to finally stabilized conditions.

An inspection report form will be completed and signed by the Environmental Inspector at the time of each inspection and made available to the Administrator upon request. The inspection reports will be certified in accordance with Section IV.A.6 of the permit. If the report describes deficiencies in pollution control structures or procedures, such deficiencies will be corrected as soon as possible. Copies of the reports will be retained at the construction site.

After construction is completed, copies of the reports will be retained by CEBCS for a minimum of 3 years.

6.0 NON-STORMWATER DISCHARGES

Sources of non-storm water discharges may include use of water for dust control and discharges associated with construction site dewatering. Pollution prevention measures for dust control water will consist of using uncontaminated water and not spraying any water into surface waters or drainageways. The pollution prevention measures for construction site dewatering discharges will include directing discharges of sand, silt, and/or sediment to upland locations to avoid damage to property, including wetlands and waterbodies, and use of dewatering structures to dissipate the discharge energy, retain sediments, and facilitate infiltration.

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BEAR DEN PROJECT

**ATTACHMENT 1
NPDES Storm Water Construction General Permit**

Permit No: NDR10-0000
Effective Date: October 12, 2009
Expiration Date: September 30, 2014

AUTHORIZATION TO DISCHARGE UNDER THE
NORTH DAKOTA POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with Chapter 33-16-01 of the North Dakota Department of Health rules as promulgated under Chapter 61-28 (North Dakota Water Pollution Control Act) of the North Dakota Century Code,

Facilities both qualifying for and satisfying the requirements identified in Part I of the permit are authorized to discharge stormwater associated with **construction activity** to waters of the state in accordance with conditions set forth in this permit.

This permit and the authorization to discharge shall expire at midnight, September 30, 2014.

Signed this 12th day of October, 2009.



Dennis R. Fewless, Director
Division of Water Quality

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I. PERMIT COVERAGE AND LIMITATIONS

A. Discharges Covered

1. This permit applies to all areas within the jurisdiction of the state of North Dakota.
2. This permit applies to stormwater discharges associated with construction activity and small construction activity as defined in Title 40 of the Code of Federal Regulations (CFR), Parts 122.26(b)(14)(x) and (b)(15), respectively. The reference to construction activity in this permit includes both large construction activity and small construction activity as described below.
 - a. Large construction activity includes clearing, grading and excavation, that disturbs land of equal to or greater than five (5) acres and includes the disturbance of less than five (5) acres of total land area that is a part of a larger common plan of development or sale if the larger common plan will ultimately disturb five (5) acres or more.
 - b. Small construction activity includes clearing, grading and excavation, that disturbs land of equal to or greater than one (1) acre, and includes the disturbance of less than one (1) acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater that one and less than five (5) acres.
3. Stormwater discharges from support activities (e.g., concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas) may be covered by this permit as part of a related construction site.
4. Certain non-stormwater discharges from facilities covered by this permit and meeting the requirements specified in Part II.A.

B. Discharges Not Covered

1. Stormwater discharges associated with industrial activity from any source other than construction activities described in Part I.A.
2. Post-construction discharges from industrial activity that originate from the site after construction activities have been completed at the site. Industrial and post-construction stormwater discharges may need to be covered by a separate stormwater permit.
3. The placement of fill into waters of the state requiring local, state, or federal authorizations (such as U.S. Army Corps of Engineers Section 404 permits).
4. This permit does not substitute for obligations under the National Environmental Policy Act (NEPA), Endangered Species Act (ESA), or National Historic Preservation Act (NHPA), it is your responsibility to ensure the project and resulting discharges comply with the respective requirements.
5. Discharges to waters for which there is a total maximum daily load (TMDL) allocation for sediment, suspended solids or turbidity are not covered unless you develop a Stormwater Pollution Prevention (SWPP) plan that is consistent with the assumptions, allocations and requirements in the approved TMDL. Information about TMDL allocations may be found at the following website:
www.ndhealth.gov/WQ/SW/Z2_TMDL/default.htm.
6. Stormwater discharges that the Department determines will cause, or have the reasonable potential to cause or contribute to violations of water quality standards.

C. Obtaining Coverage and Authorization Effective Date

1. To obtain authorization under this general permit for stormwater discharges you must submit a complete application and develop a Stormwater Pollution Prevention (SWPP) plan in accordance with Part II.C of this permit. A plan must be in place as a condition of the permit and a copy of the plan must be retained by the permittee. A copy of the plan must be submitted with the application for certain facilities as described in Part I.D.
2. Permit coverage will become effective 7 days after you submit a complete application unless otherwise notified by the Department (based on the department receipt date).
3. Upon the effective date of permit coverage you as the permit applicant are authorized to discharge stormwater from eligible activities under the terms and conditions of this permit.

D. Application (Notice of Intent) Process

1. You may use a Notice of Intent (NOI) form for Construction Activity (or a photocopy thereof) to complete your application. The NOI form (or a replacement application form) is available at the following website: www.ndhealth.gov/WQ/Storm/Construction/ConstructionHome.htm.
2. Application Content and Conditions.
 - a. The owner or the owner jointly with the operator (usually the general contractor) shall submit a completed application for this permit. The owner is responsible for compliance with all terms and conditions of this permit. The operator has day to day supervision of construction activities and is jointly responsible with the owner for compliance with the permit conditions as they pertain to the construction activities delegated to the operator.
 - b. The application (Notice of Intent) shall contain, at a minimum, the following information:
 - (1) Owner name, mailing address and phone number;
 - (2) Project contact name and phone number;
 - (3) Project/site name;
 - (4) Project/site location (street address; section, township, range; or latitude and longitude), county;
 - (5) A brief description of the construction activity;
 - (6) The anticipated start date and the anticipated completion date for the project (if known);
 - (7) The estimated total area of the site and the total area of disturbance in acres;
 - (8) Name of receiving water(s) or the name of the municipal storm sewer system and receiving water(s);
 - (9) The signature of the applicant(s), owner (and operator if co-applicants) signed in accordance with Part IV.A.6 of this permit.
 - c. A Stormwater Pollution Prevention (SWPP) plan (Part II.C) for the project must be prepared and available for review by the Department at the time of application. A partially complete plan is acceptable when it clearly identifies the item(s) to be completed, the person(s) responsible for completing the item(s) and the deadline for completing the item(s). The SWPP plan must be completed prior to the start of construction (or the applicable construction phase).

- d. You must include a copy of the SWPP plan if the project involves 50 or more acres; or the project will have a discharge point located within 2000 feet of, and flow to, a water body listed as impaired under section 303(d) of the Federal Clean Water Act due to sediment, suspended solids or turbidity. The Department's 303(d) list may be found at the following website in the most recent Integrated Report:
www.ndhealth.gov/WQ/SW/Z2_TMDL/Integrated_Reports/B_Integrated_Reports.htm.
3. For residential construction activity occurring within a common plan of development (such as a subdivision) subject to the permit requirements, coverage may be obtained by the following:
 - a. The owner of the lot(s) shall submit one application for all of the owner's construction activity within the common plan, or
 - b. The operator, such as a homebuilder who may represent one or more lot owners, shall submit one application for all of the operator's construction activity within the common plan.

In addition, a SWPP plan must be developed and implemented for the permittee's activities within a common plan of development. Additional phases of the common plan may be included under the initial application and permit coverage, provided the SWPP plan is amended to include the additional area or phases.

4. For oil and gas exploration, production, processing, and treatment operations or transmission facilities, coverage under this permit is not required for small construction activity. For oil and gas related large construction activity, permit applications may be submitted for individual project sites or for an area of operations such as well field area.

To obtain permit coverage for an area of operations, the application must include a map outlining the area or a list of counties encompassing the area. Also include a copy of the SWPP plan or similar BMP document developed for construction related activities within the coverage area. The information for individual project sites and future sites within the coverage area including those meeting the criteria in Part I.D.2.d does not need to be submitted.

5. Completed applications and any reports required by this permit shall be submitted to:

North Dakota Department of Health
Division of Water Quality
918 East Divide Avenue
Bismarck, ND 58501-1947

6. Local Authority. This permit does not preempt or supersede the authority of local agencies to prohibit, restrict, or control discharges of stormwater to storm sewer systems or other water courses within their jurisdiction.

E. Notice of Termination (NOT)

1. Permittees wishing to terminate coverage under this permit must submit a Notice of Termination (NOT) or other written request identifying the facility, reason why the permit is no longer needed and signed in accordance with Part IV.A.6 of this permit. Compliance with the conditions of this permit is required until a NOT is submitted to and accepted by the Department.

2. Permittees may only submit a NOT after one of the following conditions have been met.
 - a. Final stabilization (see Part II.E and definitions) has been achieved on all portions of the site for which the permittee is responsible.
 - b. Another operator/permittee has assumed control, in accordance with the transfer provisions (Part I.F), over all areas of the site that have not achieved final stabilization.
 - c. For residential construction only, a NOT is not required for each lot that is sold or has achieved final stabilization. Instead the permittee may modify their SWPP plan to indicate that permit coverage is no longer required for that lot. The SWPP plan should indicate the reason coverage is no longer needed and the date it was achieved. In order to terminate coverage, all lots under the control of the owner or operator must:
 - (1) Be sold to homeowners for private residential use with temporary erosion protection and down gradient perimeter controls installed. In addition, the permittee must distribute a "homeowner fact sheet" to the homeowner to inform the homeowner of the need for, and benefits of, final stabilization; or
 - (2) Achieve final stabilization (See Part II.E and definitions) on all portions of the site for which the permittee is responsible.

F. Transfer of Ownership or Control

1. When the owner or operator of a construction project changes, the new owner or operator must submit a written request for permit transfer/modification within 14 days of assuming control of the site or commencing work on-site, or of the legal transfer, sale or closing on the property; except as provided in Part I.F.2 below. Late submittals will not be rejected; however, the Department reserves the right to take enforcement for any unpermitted discharges or permit noncompliance. For stormwater discharges from construction activities where the owner or operator changes, the new owner or operator can implement the original SWPP plan created for the project or develop and implement their own SWPP plan. Permittee(s) shall ensure either directly or through coordination with other operators that their SWPP plan meets all terms and conditions of this permit and that their activities do not interfere with another party's erosion and sediment control practices.
2. A permit transfer/modification request is not required for the legal transfer, sale or closing on a property between permittees covered by this permit. Examples include the sale of a property parcel from a developer to a builder, or the transfer of an easement from a developer to a local government authority. If the new party is not covered by this permit at the time of transfer or sale, then the new owner/operator must submit a completed application/NOI within 14 days of assuming control of the site.

G. Municipal Separate Storm Sewer System (MS4) Permittees

The submittal of an application (NOI) is not required for small construction activity owned or operated by an entity with general permit coverage for Municipal Separate Storm Sewer System (MS4) discharges. The small construction activity owned or operated by the permitted MS4 is subject to the conditions outlined in this permit except for the Application Process (Part I.D).

II. STORMWATER DISCHARGE REQUIREMENTS

A. Prohibition of Non-Stormwater Discharges

The discharge of wastewater from processing operations or sanitary facilities is not authorized by this permit. The following non-stormwater discharges may be authorized if the non-stormwater sources are identified in the SWPP plan with a description of the pollution prevention measures to be implemented: fire-fighting, fire hydrant flushing, potable water line flushing, infrequent building and equipment wash down without detergents, uncontaminated foundation drains, springs, lawn watering and air conditioning condensate.

B. Releases in Excess of Reportable Quantities

This permit does not relieve the permittee of the reporting requirements of 40 CFR 110, 40 CFR 117, and 40 CFR 302. Any release of a hazardous substance, including a release in a stormwater discharge, must be reported to the agencies identified in Part IV.A.7. The discharge of hazardous substances in stormwater discharges shall be minimized in accordance with the applicable SWPP plan for the facility. Should a reportable quantity release occur, the SWPP plan shall be revised to prevent the recurrence of such a release.

C. Stormwater Pollution Prevention Plans

All permittees shall implement a Stormwater Pollution Prevention (SWPP) plan for any construction project requiring this permit until final stabilization is achieved. The SWPP plan and revisions are subject to review by the Department. The objectives of the plan are to identify potential sources of sediment or other pollution from construction activity and to ensure practices are used to reduce the contribution of pollutants from construction site runoff. Stormwater management documents developed under other regulatory programs can be included in the SWPP plan or incorporated by reference, or used in whole as a SWPP plan if it meets the requirements of this part.

The SWPP plan may identify more than one permittee and may specify the responsibilities of each permittee by task, area, and/or timing. Permittees may coordinate and prepare more than one SWPP plan to accomplish this. However, in the event there is a requirement under the SWPP plan for which responsibility is ambiguous or is not included in the SWPP plan, each permittee shall be responsible for implementation of that requirement. Each permittee is also responsible for assuring that its activities do not render another permittee's controls ineffective.

The SWPP plan must incorporate the guidelines provided in Appendix 1, to the extent practicable, and shall include the following information.

1. **Site Description.** Each plan shall provide a description of the construction site and potential pollutant sources as indicated below:
 - a. A description of the overall project and the type of construction activity;
 - b. Estimates of the total area of the site and the total area that is expected to be disturbed by excavation, grading, grubbing, or other activities during the life of the project;
 - c. A proposed timetable of activities that disturb soils for major portions of the site;
 - d. A description of the soil within the disturbed area(s);
 - e. The name of the surface water(s) and municipal storm sewer system at or near the disturbed area that may receive discharges from the project site; and

- f. A site map indicating:
 - 1) Drainage patterns including flow direction, dividing lines, and the existing and final grades
 - 2) Construction site boundaries and areas of soil disturbance;
 - 3) Location of major structural and nonstructural controls identified in the plan;
 - 4) Location of areas where stabilization practices are expected to occur;
 - 5) Surface waters, including an aerial extent of wetland acreage;
 - 6) Locations where stormwater is discharged to surface waters;
 - 7) Where included as part of the project, the site maps for off-site concrete/asphalt batch plants, equipment staging areas, borrow sites or excavated fill material disposal sites.
 - g. Projects that have a discharge point within 2000 feet of, and flow to, a water body listed as impaired under section 303(d) of the Federal Clean Water Act due to sediment, suspended solids or turbidity, must identify the water body and impairment in the plan. The Department's 303(d) list may be found at the following website under Integrated Reports:
www.ndhealth.gov/WQ/SW/Z2_TMDL/Integrated_Reports/B_Integrated_Reports.htm.
2. **Operational Controls.** The plan shall describe the Best Management Practices (BMPs) used in day to day operations on the project site that reduce the contribution of pollutants in stormwater runoff.
- a. The plan must identify a person knowledgeable and experienced in the application of erosion and sediment control BMPs who will oversee the implementation of the SWPP plan, and the installation, inspection and maintenance of the erosion and sediment control BMPs before and during construction. The owner shall develop a chain of responsibility with all operators on the site to ensure that the SWPP plan will be implemented and stay in effect until the construction project is complete, the entire site has undergone final stabilization, and a NOT has been submitted to the Department.
 - b. Good housekeeping practices to maintain a clean and orderly site. Litter, debris, chemicals and parts must be handled properly to minimize the exposure to stormwater. This includes measures to reduce and remove sediment tracked off-site by vehicles or equipment, and the generation of dust.
 - c. Preventative maintenance practices must be provided to ensure the proper operation, inspection and maintenance of stormwater control devices (e.g., oil-water separators, catch basins, and silt fences) and equipment used or stored on site.
 - d. Spill prevention and response procedures must be developed where potential spills can occur. Where appropriate, specific handling procedures, storage requirements, spill containment and cleanup procedures must be identified. Bulk storage structures for petroleum products and other chemicals shall have adequate leak and spill protection to prevent any spilled materials from entering waters of the state, storm sewer systems or draining onto adjacent properties.
 - e. Employee training informs personnel of their responsibility in implementing the practices and controls included in the plan such as spill response, good housekeeping, and sediment control practices. Employee training must be provided at least annually, as new employees are hired or as necessary to ensure compliance with the plan and the general permit.
 - f. Concrete wash water, grindings and slurry, shall not be discharged to waters of the state, storm sewer systems or allowed to drain onto adjacent properties.
 - g. Dewatering or basin draining (e.g., pumped discharges, trench/ditch cuts for drainage) related to the permitted activity must be managed with the appropriate BMPs, such that the discharge

does not adversely affect the receiving water or downstream landowners. The following conditions and considerations apply to the dewatering activities:

- 1) The dewatering is limited to stormwater and groundwater that may collect on site and those sources identified in Part II.A. A separate permit must be obtained to discharge water from other sources such as hydrostatic testing or contaminated groundwater or surface water.
 - 2) The permittee(s) must operate the discharge to minimize the release of sediment and provide adequate BMPs where necessary to minimize erosion due to the discharge. Discharges must not lead to the deposition of sediment within stormwater conveyance systems or surface waters. Discharges must not cause or potentially cause a visible plume within a surface water body.
 - 3) In addition to the inspection requirements in Part III, the dewatering activities should be inspected daily. The inspection must include the dewatering site, areas where the BMPs are being implemented and the discharge location. A record should be maintained to document the inspections of the dewatering operation and actions taken to correct any problems that may be identified.
 - 4) Local authorities may require specific BMPs for discharges affecting their storm sewer system.
3. **Erosion and Sediment Controls.** An erosion and sediment control plan shall be developed to identify the appropriate control measures and when they will be implemented during the project for each major phase of site activity (e.g., clearing, grading and building phases). The erosion and sediment control plan must conform to the guidelines provided in Appendix 1. The description and implementation of controls shall address the following minimum components:
- a. Sediment basins, or an appropriate combination of equivalent sediment controls such as smaller sediment basins, and/or sediment traps, silt fences fiber logs, vegetative buffer strips, berms, etc., are required for all down slope boundaries of the disturbance area and for those side slope boundaries as may be appropriate for site conditions.
 - b. Temporary erosion protection (such as cover crop planting or mulching) or permanent cover must be provided as outlined in Appendix 1 for the exposed soil areas where activities have been completed or temporarily ceased. These areas include graded slopes, pond embankments, ditches, berms and soil stockpiles.
 - c. All control measures must be properly selected, installed, and maintained in accordance with the manufacturer's specifications and good engineering practices. If periodic inspections or other information indicates a control has been used inappropriately, or incorrectly, the permittee must replace or modify the control for site situations. The permittee may deviate from the manufacturer's specifications and erosion and sediment control guidelines in Appendix 1 if they provide justification for the deviation and document the rationale for the deviation in the SWPP plan.
 - d. If sediment escapes from the site, off-site accumulations of sediment must be removed in a manner and at a frequency sufficient to minimize off-site impacts. The plan must be modified to prevent further sediment deposition off-site.
 - e. The stormwater controls are expected to withstand and function properly during precipitation events of up to the 2 year, 24 hour storm event. Visible erosion and/or off-site sediment deposition from such storm events should be minimal. The 2 year, 24 hour rainfall event in North Dakota ranges from about 1.9 inches in the west to 2.3 inches in the east.

- f. For projects that discharge to waters that have a TMDL allocation for sediment, suspended solids or turbidity, the plan must be consistent with the assumptions, allocations and requirements of the approved TMDL. If a TMDL specifies certain BMPs or controls to meet a wasteload allocation (WLA) applicable to the project's discharges, then the BMPs or controls must be incorporated into the plan. Information about TMDL allocations may be found at the following website: www.ndhealth.gov/WQ/SW/Z2_TMDL/default.htm.
4. **Stormwater Management.** The plan must identify permanent practices incorporated into the project to control pollutants in stormwater discharges occurring after construction operations have been completed.
 - a. Identify stormwater ponds; flow reduction by use of open vegetated swales and natural depressions; infiltration of runoff on-site; and sequential systems which combine several practices.
 - b. Identify velocity / energy dissipation devices placed at discharge locations and appropriate erosion protection for outfall channels and ditches.
 - c. Maintenance for on-site stormwater management features is the responsibility of the permittee until the NOT is submitted or the feature is accepted by the party responsible for long term maintenance.
 - d. The design, installation and use of stormwater management features must comply with applicable local, state or federal requirements.
 5. **Maintenance.** All erosion and sediment control measures and other protective measures identified in the plan must be maintained in effective operating condition. The plan must indicate, as appropriate, the maintenance or clean out interval for sediment controls. If site inspections, required in Part III of this permit, identify BMPs that are not operating effectively, maintenance shall be arranged and accomplished as soon as practicable.
 6. **Inspections.** The plan must provide for site inspections as outlined in Part III. The permittee shall ensure that personnel conducting site inspections are familiar with permit conditions and the proper installation and operation of control measures. The erosion and sediment control measures identified in the plan shall be observed to ensure that they are operating correctly and in serviceable condition. Inspections shall also include discharge outlets from areas used for storage of materials, permanent stormwater control measures and vehicle maintenance areas. These areas shall be inspected for evidence of, or the potential for, pollutants entering a drainage system. If necessary, the plan shall be revised based on the observations and deficiencies noted during the inspection.
 7. **Plan Review and Revisions.**
 - a. The plan shall be signed in accordance with the signatory requirements, Part IV.A.6, and retained on-site for the duration of activity as outlined in Part III.B.
 - b. The permittee shall make plans available upon request to the Department, EPA, or, in the case of discharges to a municipal storm sewer system, to the operator of the municipal system.
 - c. The permittee shall amend the SWPP plan whenever there is a change in design, construction, operation, or maintenance, which has a significant effect on the potential for the discharge of pollutants to waters of the state. The plan shall also be amended if the plan is found to be ineffective in controlling pollutants present in stormwater.

D. Local Requirements

All stormwater discharges must comply with the requirements, policies, or guidelines of municipalities and other local agencies as applicable to the construction site. Any discharges to a storm sewer, ditch or other water course under the jurisdiction of a municipality must comply with any specific conditions or BMPs required by the municipality.

E. Final Stabilization

The permittee(s) must ensure final stabilization of the site. The permittee(s) should submit a NOT within 30 days after final stabilization has been achieved, or another owner/operator (permittee) has assumed control according to Part I.F for all areas of the site that have not undergone final stabilization. Final stabilization can be achieved in one of the following ways.

1. All soil disturbing activities at the site have been completed and all soils must be stabilized by a uniform perennial vegetative cover with a density of 70 percent over the entire pervious surface area, or other equivalent means necessary to prevent soil failure under erosive conditions and;
 - a. All drainage ditches, constructed to drain water from the site after construction is complete, must be stabilized to preclude erosion;
 - b. All temporary synthetic, and structural erosion prevention and sediment control BMPs (such as silt fence) must be removed as part of the site final stabilization; and
 - c. The permittee(s) must clean out all sediment from conveyances and from temporary sedimentation basins that will be used as permanent water quality management basins. Sediment must be stabilized to prevent it from being washed back into the basin, conveyances or drainage ways discharging off-site; or to surface waters. The cleanout of permanent basins must be sufficient to return the basin to design capacity.
2. For residential construction only, final stabilization has been achieved when temporary erosion protection and down gradient perimeter control for individual lots has been completed and the residence has been transferred to the homeowner. Additionally, the permittee must distribute a "homeowner fact sheet" to the homeowner to inform the homeowner of the need for, and benefits of, final stabilization. The permittee also must demonstrate that the homeowner received the fact sheet.

III. SELF MONITORING AND REPORTING

A. Inspection and Maintenance Requirements

1. Inspections shall be performed by or under the direction of the permittee at least once every 14 calendar days and within 24 hours after any storm event of greater than 0.50 inches of rain per 24-hour period during active construction. The permittee shall use a rain gauge near the site or utilize the nearest National Weather Service precipitation gauge station. Any gauge used shall be located within 5 miles of the stormwater discharge.
2. All inspections and maintenance conducted during construction must be recorded in writing and these records must be retained in accordance with Part III.B. Records of each inspection and maintenance activity shall include:

- a. Date and time of inspections;
 - b. Name of person(s) conducting inspections;
 - c. Findings of inspections, including recommendations for corrective actions;
 - d. Corrective actions taken (including dates, times, and party completing maintenance activities);
 - e. Date and amount of all rainfall events greater than 1/2 inch (0.50 inches) in 24 hours; and
 - f. Documentation that the SWPP plan has been amended when substantial changes are made to the erosion and sediment controls or other BMPs in response to inspections.
3. Completed areas that have been stabilized but do not meet the 70% perennial vegetative cover criteria for final stabilization may be inspected once per month. Inspections may be suspended for parts of the construction site that meet final stabilization. Inspections also may be suspended where earthwork has been suspended due to frozen ground conditions. The required inspections and maintenance must resume as soon as runoff occurs or the ground begins to thaw at the site.
 4. There may be times when a site inspection may not be practical at the specified time. Adverse climatic conditions, such as flooding, high winds, tornadoes, electrical storms, etc., may prohibit inspections. Should this occur, the permittee must record a description of why the inspection(s) could not be performed at the designated time.
 5. The permittee may submit an alternative inspection plan for long, narrow, linear construction projects such as pipeline or utility line inspection, and similar projects in remote areas where vehicle traffic is restricted or could compromise native vegetation or stabilization measures. A copy of the SWPP plan and proposed inspections plan shall be submitted to the Department 30 days prior to implementing an alternative inspection plan. Any alternative plan must provide for the timely recognition and repair of erosion and sediment damage.
 6. Some erosion and sediment control measures may require more frequent inspection based on location (e.g., sensitive areas or waters of the state) or as a result of recurring maintenance issues. Erosion or sediment control measures found in need of maintenance between inspections must be repaired or supplemented with appropriate measures as soon as practicable.

B. Records Location

A copy of the completed and signed Notice of Intent, coverage letter from the Department, SWPP plan, site inspection records, and this general permit shall be kept at the site of the construction activity in a field office, trailer, or shed, or in a vehicle that is on-site during normal working hours. If the site does not have a reasonable on-site location, then the documents must be retained at a readily available alternative location; preferable with the individual responsible for overseeing the implementation of the SWPP plan. If the site is inactive, then the documents may be stored at a local office.

IV. STANDARD CONDITIONS

A. COMPLIANCE RESPONSIBILITIES

1. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

2. Operation and Maintenance

The permittee shall at all times maintain in good working order and operate as efficiently as possible all treatment or control facilities or systems installed or used by the permittee to achieve compliance with the terms and conditions of this permit. If necessary to achieve compliance with the conditions of this permit, this shall include the operation and maintenance of backup or auxiliary systems.

3. Planned Changes

The Department shall be given advance notice of any planned changes at the permitted facility or of an activity which may result in permit noncompliance. Any anticipated facility expansions, production increase, or process modifications which might result in new, different, or increased discharges of pollutants shall be reported to the Department as soon as possible. Changes which may result in a facility being designated a "new source" as determined in 40 CFR 122.29(b) shall also be reported.

4. Duty to Provide Information

The permittee shall furnish to the Department, within a reasonable time, any information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Department, upon request, copies of records required to be kept by this permit. When a permittee becomes aware that it failed to submit any relevant facts or submitted incorrect information in a permit application or any report, it shall promptly submit such facts or information.

5. Records Retention

All records and information (including calibration and maintenance) required by this permit shall be kept for at least three years or longer if requested by the Department or EPA.

6. Signatory Requirements

All applications, reports or information submitted to the Department shall be signed and certified.

- a. All permit applications shall be signed by a responsible corporate officer, a general partner, or a principal executive officer or ranking elected official.
- b. All reports required by the permit and other information requested by the Department shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - (1) The authorization is made in writing by a person described above and submitted to the Department; and
 - (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters.

If an authorization under "Compliance Responsibilities-Signatory Requirements" section is no longer accurate for any reason, a new authorization satisfying the above requirements must be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.

Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted herein. Based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment."

7. Noncompliance Notification

The permittee shall report any noncompliance which may seriously endanger health or the environment as soon as possible, but no later than twenty-four (24) hours from the time the permittee first became aware of the circumstances. The report shall be made to the EPA, Region VIII, Emergency Response Branch at 1.800.424.8802 and the State of North Dakota, Division of Homeland Security at 1.800.472.2121. The following occurrences of noncompliance shall be reported by telephone to the Department at 701.328.5210 by the first workday (8:00 a.m.-5:00 p.m. Central time) following the day the permittee became aware of the circumstances:

- a. Any lagoon cell overflow or any unanticipated bypass which exceeds any effluent limitation in the permit (see "Compliance Responsibilities-Bypass of Treatment Facilities" section);
- b. Any upset which exceeds any effluent limitation in the permit (see "Compliance Responsibilities-Upset Conditions" section); or
- c. Violation of any daily maximum effluent or instantaneous discharge limitation for any of the pollutants listed in the permit.

A written submission shall also be provided within five days of the time that the permittee became aware of the circumstances. The written submission shall contain:

- a. A description of the noncompliance and its cause;
- b. The period of noncompliance, including exact dates and times;
- c. The estimated time noncompliance is expected to continue if it has not been corrected; and
- d. Steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

Reports shall be submitted to the address in the "Reporting and Recordkeeping Requirements-Reporting" section. The Department may waive the written report on a case by case basis if the oral report has been received within 24 hours by the Department at 701.328.5210 as identified above.

All other instances of noncompliance shall be reported no later than at the time of the next Discharge Monitoring Report submittal. The report shall include the four items listed in this subsection.

8. Bypass of Treatment Facilities

Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to any of the following provisions in this section.

Bypass exceeding limitations-notification requirements.

- a. Anticipated Bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten (10) days before the date of bypass.
- b. Unanticipated Bypass. The permittee shall submit notice of an unanticipated bypass as required in the "Compliance Responsibilities-Noncompliance Notification" section.

Prohibition of Bypass. Bypass is prohibited, and the Department may take enforcement action against a permittee for bypass, unless:

- a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- b. 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; and
- c. The permittee submitted notices as required in the "Bypass of Treatment Facilities-Anticipated Bypass" section.

The Department may approve an anticipated bypass, after considering its adverse effects, if the Department determines that it will meet the three (3) conditions listed above.

9. Upset Conditions

An upset constitutes an affirmative defense to an action brought for noncompliance with technology-based permit effluent limitations if the requirements of the following paragraph are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- a. An upset occurred and the permittee can identify its cause(s);
- b. The permitted facility was, at the time being, properly operated;
- c. The permittee submitted notice of the upset as required under "Compliance Responsibilities-Noncompliance Notification" section; and
- d. The permittee complied with any remedial measures required under "Compliance Responsibilities-Duty to Mitigate" section.

In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

10. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment. The permittee, at the Department's request, shall provide accelerated or additional monitoring as necessary to determine the nature and impact of any discharge.

11. Removed Materials

Collected screenings, grit, solids, sludges, or other pollutants removed in the course of treatment shall be buried or disposed of in such a manner to prevent any pollutant from entering any waters of the state or creating a health hazard. Sludge/digester supernatant and filter backwash shall not be directly blended with or enter either the final plant discharge and/or waters of the state. The permit issuing authority shall be contacted prior to the disposal of any sewage sludges. At that time, concentration limitations and/or self-monitoring requirements may be established.

12. Duty to Reapply

Any request to have this permit renewed should be made 15 days prior to its expiration date.

B. GENERAL REQUIREMENTS

1. Right of Entry

The permittee shall allow Department and EPA representatives, at reasonable times and upon the presentation of credentials if requested, to enter the permittee's premises to inspect the wastewater treatment facilities and monitoring equipment, to sample any discharges, and to have access to and copy any records required to be kept by this permit.

2. Availability of Reports

Except for data determined to be confidential under 40 CFR Part 2, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Department and EPA. As required by the Act, permit applications, permits, and effluent data shall not be considered confidential.

3. Transfers

This permit is not transferable except upon the filing of a Statement of Acceptance by the new party and subsequent Department approval. The current permit holder should inform the new controller, operator, or owner of the existence of this permit and also notify the Department of the possible change.

4. New Limitations or Prohibitions

The permittee shall comply with any effluent standards or prohibitions established under Section 306(a), Section 307(a), or Section 405 of the Act for any pollutant (toxic or conventional) present in the discharge or removed substances within the time identified in the regulations even if the permit has not yet been modified to incorporate the requirements.

5. Permit Actions

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, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

6. Need to Halt or Reduce

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

7. State Laws

Nothing in this permit shall be construed to preclude the institution of legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation preserved under Section 510 of the Act.

8. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Act.

9. Property Rights

The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.

10. Severability

The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby.

11. General Permits

Coverage under this permit may be modified, revoked and reissued, or terminated for cause. The Department may require any operator covered by this permit to apply for and obtain an individual or alternative general permit if:

- a. The discharge is not in compliance with the conditions of the general permit
- b. Conditions or standards have changed so that the discharge no longer qualifies for a general permit
- c. Information becomes available which indicates that the permittee's discharge has a reasonable potential to contribute to an exceedance of a water quality standard

When an individual NDPDES permit is issued to an operator otherwise subject to this permit or the operator is approved for coverage under an alternative NDPDES general permit, the applicability of this permit to the operator is automatically inactivated upon the effective date of the individual permit or coverage under the alternative general permit.

V. DEFINITIONS

“303d List” or “Section 303d List” means a list of North Dakota’s water quality-limited waters needing total maximum daily loads or TMDLs developed to comply with section 303d of the Clean Water Act. A copy of the latest integrated report is available on the state’s web site at:

www.ndhealth.gov/WQ/SW/Z2_TMDL/Integrated_Reports/B_Integrated_Reports.htm.

“Act” means the Clean Water Act.

"BMP" or "Best Management Practices" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the state. 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.

"Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.

“Common Plan of Development or Sale” means a contiguous area where multiple separate and distinct land disturbing activities may be taking place at different times, on different schedules, but under one proposed plan. One plan is broadly defined to include design, permit application, advertisement or physical demarcation indicating that land-disturbing activities may occur.

“Construction Activity” means construction activity as defined in 40 CFR part 122.26(b)(14)(x) and small construction activity as defined in 40 CFR part 122.26(b)(15). This includes a disturbance to the land that results in a change in topography, existing soil cover (both vegetative and non-vegetative), or the existing soil topography that may result in accelerated stormwater runoff, leading to soil erosion and movement of sediment into surface waters or drainage systems. Examples of construction activity may include clearing, grading, filling and excavating. Construction activity includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb on (1) acre or more. Construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility.

"Department" means the North Dakota Department of Health, Division of Water Quality.

"Energy Dissipation" means methods employed at pipe outlets to prevent erosion. Examples include, but are not limited to: concrete aprons, riprap, splash pads, and gabions that are designed to prevent erosion.

“Final Stabilization” means that:

1. All soil disturbing activities at the site have been completed and a uniform perennial vegetative cover with a density of 70 percent of the native cover for unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) has been achieved.
2. For areas with an average annual rainfall of less than 20 inches only, all soil disturbing activities at the site have been completed and temporary erosion control measures (e.g., degradable rolled erosion control product) are selected, designed, and installed along with an appropriate seed base to provide erosion control for at least three years and achieve 70 percent vegetative coverage within three years without active maintenance.
3. For soil disturbing activities on land used for agricultural purposes, final stabilization may be accomplished by returning the disturbed land to its pre-disturbance agricultural use. Areas disturbed that were not previously used for agricultural activities, such as buffer strips immediately adjacent to waters of the state, and areas which are not being returned to their pre-disturbance agricultural use must meet the final stabilization criteria in (1) or (2) above.

“Large Construction Activity” means land disturbance of equal to or greater than 5 acres. Large construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale, if the larger common plan will ultimately disturb equal to or greater than five acres.

“Normal Wetted Perimeter” means the area of a conveyance, such as a ditch, channel, or pipe that is in contact with water during flow events that are expected to occur once every year.

“Non-Stormwater Discharges” means discharges other than stormwater. The term includes both process and non-process sources. Process wastewater sources that require a separate NDPDES permit include, but are not limited to industrial processes, domestic facilities and cooling water. Non-stormwater sources that may be addressed in this permit include, but are not limited to: fire-fighting, fire hydrant flushing, potable water line flushing, infrequent building and equipment wash down without detergents, uncontaminated foundation drains, springs, lawn watering and air conditioning condensate.

“Operator” means the person (usually the general contractor) designated by the owner who has day to day operational control and/or the ability to modify project plans and specifications related to the SWPP plan. The person must be knowledgeable in those areas of the permit for which the operator is responsible and must perform those responsibilities in a workmanlike manner.

“Owner” means the person or party possessing the title of the land on which the construction activities will occur; or if the construction activity is for a lease holder, the party or individual identified as the lease holder; or the contracting government agency responsible for the construction activity.

“Permanent Cover” means final stabilization. Examples include grass, gravel, asphalt, and concrete.

"Severe Property Damage" means substantial physical damage to property, damage to 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.

"Significant Materials" includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under Section 101(14) of CERCLA; any chemical the facility is required to report pursuant to Section 313 of Title III of SARA; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with stormwater discharges.

"Significant Spills" includes, but is not limited to: releases of oil or hazardous substances in excess of reportable quantities under Section 311 of the Clean Water Act (see 40 CFR 110.10 and CFR 117.21) or Section 102 of CERCLA (see 40 CFR 302.4).

“Small Construction Activity” means land disturbance of equal to or greater than one acre and less than five acres. Small construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale, if the larger common plan will ultimately disturb equal to or greater than one and less than five acres

"Stabilized" means the exposed ground surface has been covered by appropriate materials such as mulch, staked sod, riprap, wood fiber blanket, or other material that prevents erosion from occurring. Grass seeding alone is not stabilization.

"Stormwater" means stormwater runoff, snow melt runoff, and surface runoff and drainage.

“Stormwater Associated with Industrial Activity” means stormwater runoff, snow melt runoff, or surface runoff and drainage from industrial activities as defined in 40 CFR 122.26(b)(14).

“Stormwater Associated with Small Construction Activity” means the discharge of stormwater from:

(i) Construction activities including clearing, grading, and excavating that result in land disturbance of equal to or greater than once acre and less than five acres. Small construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one and less than five acres. Small construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility.

(ii) Any other construction activity designated by EPA or the Department, based on the potential for contribution to a violation of a water quality standard or for significant contribution of pollutants to waters of the state.

"Temporary Erosion Protection" means methods employed to prevent erosion. Examples of temporary cover include; straw, wood fiber blanket, wood chips, and erosion netting.

"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.

“Waters of the State” means any and all surface waters that are contained in or flow in or through the state of North Dakota as defined in NDCC 61-28-02. This definition includes all water courses, even if they are usually dry.

“You” means the owner, operator or permittee as appropriate.

Appendix 1 – Erosion and Sediment Control Guidelines

Guidelines for designing, implementing and maintaining erosion and sediment controls.

A. Erosion and Sediment Control Practices

1. Temporary (or permanent) sediment basins, or equivalent control, must be provided where ten (10) or more acres of disturbed area drain to a common location prior to the runoff leaving the site or entering surface waters. The permittee is encouraged, but not required, to install temporary sediment basins where appropriate in areas with steep slopes or highly erodible soils even if less than ten (10) acres drains to one area. The basins must provide at least the following:

The basins shall be sized to provide 3,600 cubic feet of storage below the outlet pipe per acre drained to the basin. Alternative designs may be used which provide storage below the outlet for a calculated volume of runoff from a 2 year, 24 hour storm and provides not less than 1800 cubic feet of storage below the outlet pipe from each acre drained to the basin.

Basin outlets must be designed to avoid short-circuiting and the discharge of floating debris. The basin must be designed with the ability to allow complete basin drawdown (e.g., perforated riser pipe wrapped with filter fabric and covered with crushed gravel, pumps or other means) for maintenance activities. The drawdown should be designed to release the storage volume in a 24 hour or longer period. The basin must have a stabilized emergency overflow to prevent failure of pond integrity. Energy dissipation must be provided for the basin outlet.

2. Where the temporary sediment basin is not practical due to site limitations or nature of disturbance (such as developing a roadway, pipeline, or diversion) a combination of measures must be used to provide equivalent sediment control for all down slope boundaries of the construction area and for side slope boundaries as deemed appropriate by individual site conditions. Equivalent sediment controls include such things as smaller sediment basins and/or sediment traps, silt fences, and vegetative buffer strips. In determining whether installing a sediment basin is attainable, the permittee must consider public safety and may consider factors such as site soils, slope and available area on site.
3. Provide temporary erosion protection or permanent cover for the exposed soil areas where activities have been completed or temporarily ceased. For those areas with a continuous positive slope within 200 lineal feet of a surface water, temporary erosion protection or permanent cover must be applied within 21 days of completing or ceasing earth moving activities. These areas include pond embankments, ditches, berms and soil stockpiles. Temporary stockpiles without significant silt, clay or organic components (e.g., clean aggregate stockpiles, demolition concrete stockpiles, sand stockpiles) are exempt from this requirement.
4. Temporary soil stockpiles must have effective sediment controls, and cannot be placed in surface waters, including stormwater conveyances such as curb and gutter systems, or conduits and ditches.
5. The normal wetted perimeter of any temporary or permanent drainage ditch that drains water from a construction site, or diverts water around a site, must be stabilized at least 200 lineal feet from the property edge, or from the point of discharge to any surface water. Stabilization should be completed within 24 hours of connecting to a surface water.
6. Pipe outlets must be provided with temporary or permanent energy dissipation within 24 hours of connection to a surface water. Splash pads and/or downspout extensions must be provided for roof drains to prevent erosion from roof runoff.
7. In order to maintain sheet flow and minimize rills and/or gullies, there should be no unbroken slope length of greater than 75 feet for slopes with a grade of 3:1 or steeper.

8. Temporary or permanent drainage ditches and sediment basins that are designed as part of a treatment system (e.g., ditches with rock check dams) require sediment control practices only as appropriate for site conditions.
9. All storm drain inlets in the immediate vicinity of the construction site must be protected by the appropriate BMPs during construction until all sources with the potential for discharging to the inlet have been stabilized. This includes storm drain inlets which may be affected by sediment tracked onto paved surfaces by vehicles or equipment.

Inlet protection devices are a last line of control – sediment and erosion control practices must be used on site. Inlet protection devices must conform to local ordinances or regulations. In general inlet protection devices need to provide for drainage adequate to prevent excessive roadway flooding. Inlet protection may be removed for a particular inlet if a specific concern (i.e., street flooding/freezing, snow removal) has been identified and documented in the SWPP plan. In this situation, additional erosion and sediment control practices must be used to supplement for the loss of the inlet protection device to prevent sediment from entering a storm sewer system.

Maintenance and cleaning of inlet protection devices, including on-site sediment and erosion controls, must be performed in a timely manner.

10. Vegetated buffers must have a minimum width of 25 feet for every 125 feet of disturbed area which drains to the buffer. For each additional 5 feet of disturbance, an additional 1 foot of width must be added. The width of the buffer shall have a slope of 5% or less and the area draining to the buffer shall have a slope of 6% or less. Concentrated flows should be minimized throughout the buffer.

Buffers shall consist of dense grassy vegetation, 3 to 12 inches tall with uniform coverage over 90% of the buffer. Woody vegetation shall not be counted for the 90% coverage. No more than 10 % of the overall buffer may be comprised of woody vegetation.

B. Maintenance Considerations for Erosion and Sediment Controls

1. All erosion prevention and sediment control BMPs must be inspected to ensure integrity and effectiveness. All nonfunctional BMPs must be repaired, replaced, or supplemented with functional BMPs. The Permittee(s) must investigate and comply with the following inspection and maintenance requirements:

All control devices similar to silt fence or fiber rolls must be repaired, replaced, or supplemented when they become nonfunctional or the sediment reaches 1/3 of the height of the device. These repairs must be made within 24 hours of discovery, or as soon as field conditions allow access.

Temporary and permanent sedimentation basins must be drained and the sediment removed when the depth of sediment collected in the basin reaches 1/2 the storage volume. Drainage and removal must be completed within 72 hours of discovery, or as soon as field conditions allow access.

2. Surface waters, including drainage ditches and conveyance systems, must be inspected for evidence of sediment being deposited by erosion. The permittee(s) must remove all deltas and sediment deposited in surface waters, including drainage ways, catch basins, and other drainage systems, and restabilize the areas where sediment removal results in exposed soil. The removal and stabilization must take place immediately, but no more than, seven (7) days after the discovery unless precluded by legal, regulatory, or physical access constraints. The permittee shall use all reasonable efforts to obtain access. If precluded, removal and stabilization shall take place immediately, but no more than, seven (7) calendar days after obtaining access. The permittee is responsible for contacting all local, regional, state and federal authorities and receiving any applicable permits, prior to conducting any work.

3. Construction site egress locations must be inspected for evidence of sediment being tracked off-site by vehicles or equipment onto paved surfaces. Accumulations of tracked and deposited sediment must be removed from all off-site paved surfaces within 24 hours or, if applicable, within a shorter time specified by local authorities or the Department.

Vehicle tracking of sediment from the site must be minimized by BMPs. This may include having a designated egress with aggregate surfacing from the site, or by designating off-site parking. The permittee(s) is responsible for (or making the arrangements for) street sweeping and/or scraping if BMPs are not adequate to prevent sediment from being tracked onto the street from the site.

4. If sediment escapes the construction site, off-site accumulations of sediment must be removed in a manner and at a frequency sufficient to minimize off-site impacts (e.g., fugitive sediment in streets could be washed into storm sewers by the next rain and/or pose a safety hazard to users of public streets).
5. Vegetative buffers must be inspected for proper distribution of flows, sediment accumulation and signs of rill formation. If a buffer becomes silt covered, contains rills, or is otherwise rendered ineffective, other control measures shall be implemented. Eroded areas shall be repaired and stabilized.

C. Housekeeping and Standard Operating Procedures

1. Properly handle construction debris and waste materials.

Provide appropriate container(s) on site (or centrally located at several sites) for storing debris and other wastes until disposal. Litter and debris shall be picked-up regularly to reduce the chance for materials to be carried off the site by wind or water. Collected material shall be taken to the appropriate facility for disposal or recycling.

Liquid or soluble materials including oil, fuel, paint and any other hazardous substances must be properly stored, to prevent spills, leaks or other discharges. Restricted access to storage areas must be provided to prevent vandalism. Storage and disposal of hazardous waste must be in compliance with applicable regulations.

2. Concrete wash water shall not be discharged to any waters of the state, storm sewer systems or allowed to drain onto adjacent properties. Wash water disposal must be limited to a defined area of the site or to an area designated for cement washout. The area(s) must be sufficient to contain the wash water and residual cement.



BEAR DEN PROJECT

ATTACHMENT 2
Contractor Certification for Implementation of the
Storm Water Pollution Prevention Plan

BEAR DEN PROJECT
STORM WATER POLLUTION PREVENTION PLAN
CONTRACTOR'S CERTIFICATION

I certify under penalty of law that I have read, fully understand, and shall comply with all requirements and standards set by this document, all attachments, and all additional information submitted by me. I am aware that failure to comply with these requirements and standards may result in a violation of the State and Federal Clean Water Acts including the possibility of fine and imprisonment.

I also certify under penalty of law that the additional information submitted for this document and all attachments was prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations.

Signature

Date

Print Name

Title and Company