871 Jefferson Ave.
Suite 102
St Paul, MN 55102

August 8, 2013

Mr. Darrell Nitschke
Executive Secretary
North Dakota Public Service Commission
600 E. Boulevard, Dept. 408
Bismarck, ND 58505-0480

RE: PU 11-104 Tioga Rail Terminal to Tioga Gas Plant Pipeline – Williams County, ND

Mr. Nitschke:

E3 Environmental, LLC, on behalf of Hess Corporation, is submitting the attached Stormwater Pollution Prevention Plan. To document stormwater permit coverage for the above referenced project. The attachments include the following:

- One (1) Stormwater Pollution Prevention Plan

Upon your review, should you have questions or seek additional information please contact me at 651-282-0650 or via e-mail at wmccarthy@go2e3.com.

Best Regards,

William McCarthy, President
E3 Environmental, LLC

Enclosures - (1) Stormwater Pollution Prevention Plan

cc: Vikky Sund (Hess)
Murray Jackson (Hess)
E3 Environmental - Project Files

STORMWATER POLLUTION PREVENTION PLAN

Hess Corporation
3015 16th St. SW, Suite 20
Minot, ND 58701

Tioga Rail Terminal to Tioga Gas Plant Pipeline

In compliance with Permit No. NDR10-0000, Authorization to Discharge Under the North Dakota Pollutant Discharge Elimination System

Date of Last Revision:
August 1, 2013

INTRODUCTION

All facilities covered by the North Dakota Pollutant Discharge Elimination System Permit associated with storm water discharges from construction activity, NDR10-0000, shall prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) prior to beginning any construction requiring the permit. The SWPPP and revisions are subject to review by the North Dakota Department of Health (NDDOH). 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 contamination of pollutants from construction site runoff.

This document represents the SWPPP for the Hess Tioga Rail Terminal (TRT) to Tioga Gas Plant (TGP) Pipeline, as required by NDR10-0000. This SWPPP establishes a program by which sediments and other potential pollutant impacts to receiving waters from construction activities can be substantially reduced or eliminated.

This SWPPP includes guidelines for:

- Determining whether permit coverage is required, and what storm water discharges are not covered
- Obtaining NDR10-0000 coverage and authorization
- Site inspection and documentation requirements
- Terminating NDR10-0000 coverage
- SWPPP plan review, revisions, and records guidelines

GUIDELINES FOR COMPLIANCE

Is Coverage Required
NDR10-0000 applies to all areas within the jurisdiction of North Dakota. It applies to storm water discharges associated with large and small construction activities as defined in NDR10-0000 part I.A.2a & 2b, respectively. It also applies to storm water discharges from support activities related to construction sites such as concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, and embankment material borrow areas.

Storm water discharges that will not be covered under permit NDR10-0000 include:

- Storm water discharges associated with industrial facilities from any source other than construction activities
- Post construction discharges from industrial activity that happen after final stabilization is achieved
- The placement of fill into waters of the state requiring local, state, or federal authorizations
- Discharges to waters with a total maximum daily load (TMDL) allocation, are not covered unless you develop a SWPPP consistent with the assumptions, allocations, and requirements in the approved TMDL, these will be developed on a site by site basis
- Storm water discharges that the NDDOH determines will cause or has the reasonable potential to cause or contribute to violations of water quality standards
- Discharge of wastewater from processing operations or sanitary facilities

NDR10-0000 does not relieve the reporting requirements of 40 CFR 110, 40 CFR 117 or 40 CFR 302. Any release of a hazardous substance must be reported to the agencies identified in Part IV.A.7 of NDR10-0000. Should a reportable release occur, this SWPPP shall be revised to prevent the recurrence of such a release.

Notice of Intent (NOI) – Obtaining Coverage and Authorization
Hess will provide the following information to the NDDOH to obtain authorization under the permit number NDR10-0000

- Owner name, mailing address and phone number
- Project contact name and phone number
- Project/Site Name
- Project/Site Location
- Brief description of construction activity
- Anticipated start and completion date
- Name of receiving water(s) or the name of the municipal storm sewer system and receiving water(s)
- The signature of the applicant(s), signed in accordance with Part IV-E of NDR10-0000

Copies of the NOI and NDR10-0000 are included as Appendix 1.

Terminating Permit Coverage
Compliance with the conditions in this plan is required until the permittee has submitted a Notice of Termination (NOT) and it is accepted by the NDDOH.

The NOT must identifying the project, reason why the permit is no longer needed and be signed in accordance with Part IV.A.6 of NDR10-0000.

A NOT will not be submitted until storm water discharges associated with construction activities are eliminated and final stabilization is achieved in accordance with Part II.E, or when another operator/permittee has assumed control in accordance with Part 1.F of NDR10-0000.

SITE DESCRIPTION

This SWPPP covers a pipeline construction project in the Tioga, North Dakota area. Multiple Hess pipelines (sharing the same pipeline trench), will be constructed from the TRT to the TGP. Pipelines being constructed include an 8" propane pipe, a 6" butane pipe, and a 6" NGL pipe. The pipelines will run south out of the TRT and head generally east and then north to the TGP.

The pipeline right-of-way throughout the construction project varies with a total length of approximately 18,961 feet. Removed trench materials will be stockpiled (with topsoil being stockpiled separately) along the length of the route until being replaced to the existing grade once piping is installed. Stockpiles will not be placed within stormwater conveyance areas. The estimated area of disturbance for the project is approximately 41.6 acres, although the actual area of disturbance will most likely be less due to some segments of the pipeline being bored. Site reclamation will begin quickly after the start of construction.

The following guidelines will be used to the extent practical during pipeline construction:

- In areas where it is necessary to have severe grades, silt fence, fiber rolls or other adequate sediment controls will be used to reduce runoff velocities and prevent erosion and sedimentation.
- When feasible, pipeline locations will avoid highly erosive soils and wetlands. However if it is necessary to construct pipelines in these areas, erosion control methods and wetland pipeline construction techniques will be used to minimize the disturbance to these areas.
- Vegetated buffer strips will be maintained between streams, wetlands, and/or floodplains and pipelines to slow runoff, provide area for runoff to permeate soil, and filter sediment. Other permanent methods (geotextile, riprap, matting, etc.) will be used instead of or in addition to vegetated buffer strips, provided the watercourse is not altered or diverted.
- Contractors will be familiar with construction techniques providing erosion control
- Pipeline surface disturbance will be minimized.

Soil disturbance for the project will begin in August 2013 with completion expected by October 2013.

The soils in the pipeline corridor are generally loams, silty clay loams and silty clay (with the majority being loams). Loams are generally moderately erodible soils.

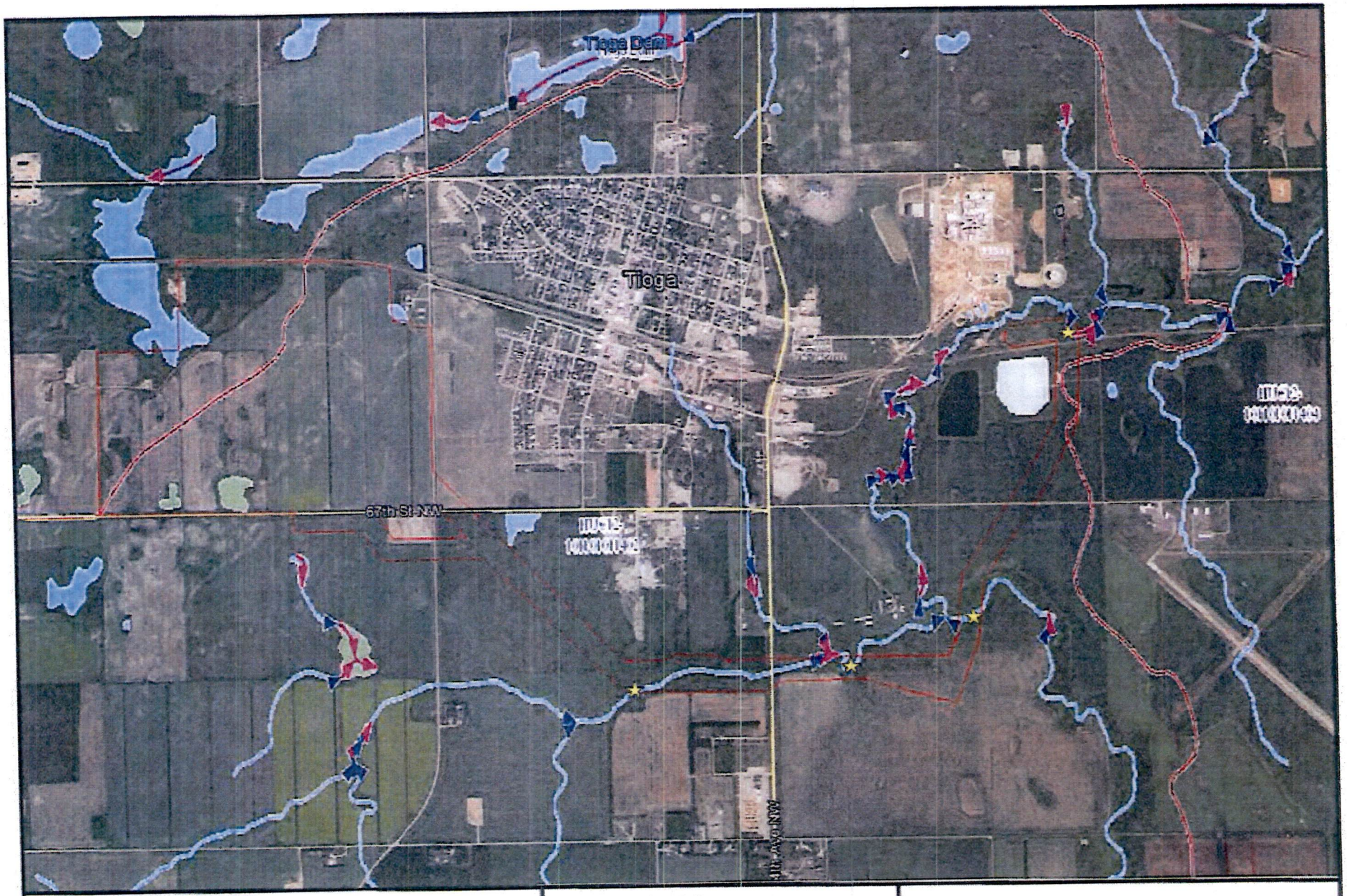
The project is located within the watershed for Paulsen Creek, which flows east to the White Earth River and ultimately Lake Sakakawea. The project will cross ditches for Williams County Highway 21 as well as State Highway 40 but these are areas that are to be bored. The table below shows possible impact areas to waterways (natural drainage or creek), although waterways are proposed to be bored.

Outfall Number	Legal Description	Describe Flow Path	Receiving Waters
1	T148N R100W Section 20	Drainage	Paulsen Creek
2	T148N R100W Section 17	Drainage	Paulsen Creek
3	T148N R100W Section 17	Creek	Paulsen Creek
4	T148N R100W Section 9	Creek	Paulsen Creek

See Figure 1 for a Water Impacts Map. This project should not affect the municipal storm sewer system for the City of Tioga.

This project is not located within 2000 feet of a water body listed as impaired under section 303(d) of the Federal Clean Water Act due to sediment, suspended solids, or turbidity.

An overall route and bore map is included as Figure 2 of this plan.

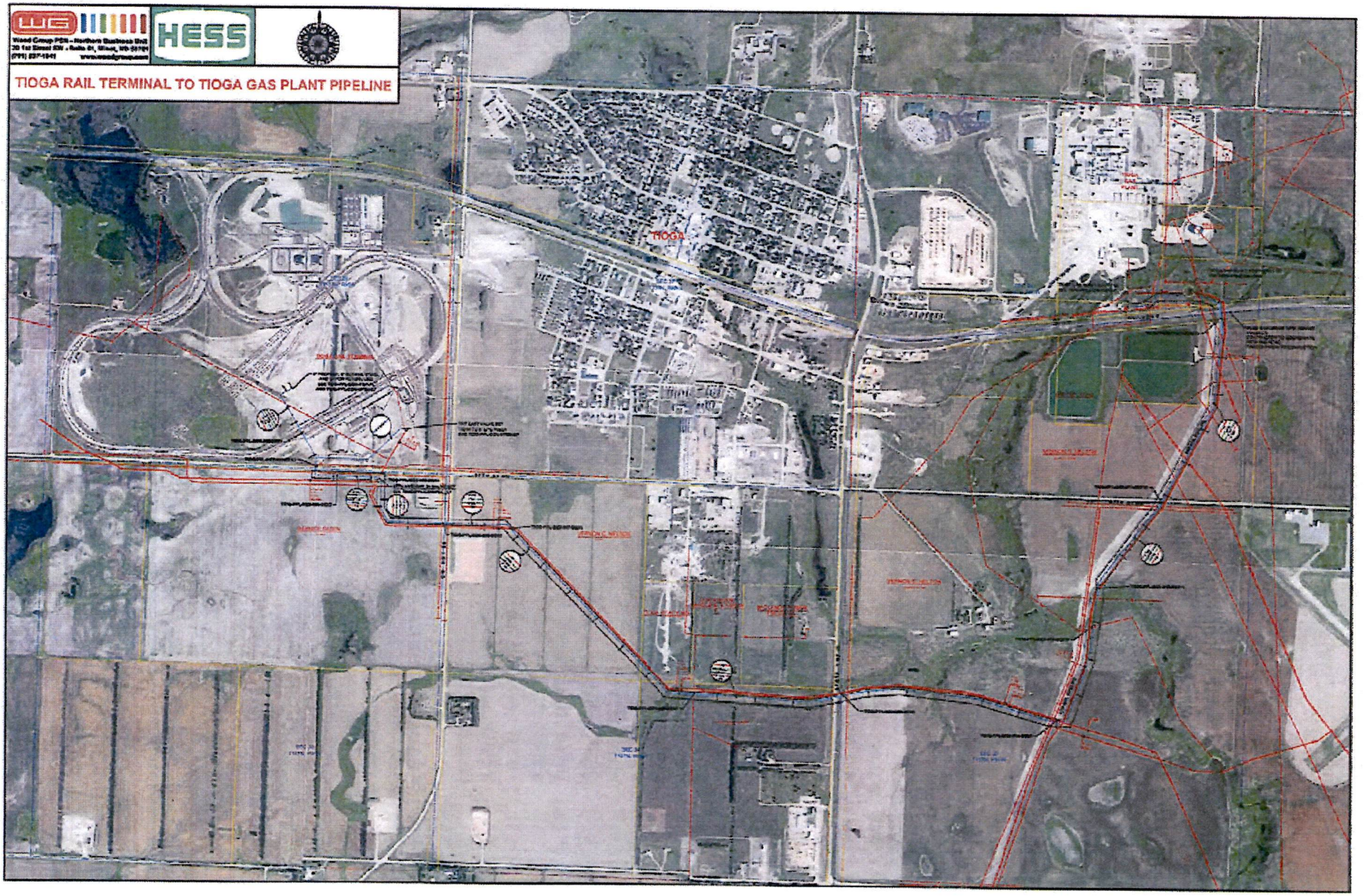


HESS

Hess Corporation
3015 16th St. SW, Suite 20
Minot, ND 58701

Pipeline Area
Streams
Water Impacts

Figure 1 - Water Impacts Map
Tioga Rail Terminal to Tioga Gas Plant
August 2013


HESS
TIOGA RAIL TERMINAL TO TIOGA GAS PLANT PIPELINE
TIOGA

OPERATIONAL CONTROLS

Day to day construction operations shall be performed in a manner that reduces the contribution of pollutants to stormwater runoff. The following team, experienced in the application of erosion and sediment control BMPs, will oversee the implementation of this plan and the installation, inspection, and maintenance of the BMPs before and during construction.

Name	Company	Office Phone	Cell Phone	Email
Victoria Siemieniewski	Hess	701-420-7002	701-389-7535	vsiemieniewski@hess.com
Brian Epperson	Hess	701-420-7021	701-389-3547	bepperson@hess.com

Material Handling and Management Practices
The following good housekeeping practices will be followed, to maintain a clean and orderly site and reduce the risk of spills or other runoff contamination:

- Adequate waste receptacles will be provided for the proper disposal of trash and debris
- Personnel will be instructed regarding the correct disposal of trash and construction debris
- All waste materials, including sanitary wastes, will be removed to an appropriate licensed disposal/recycling facility
- Materials on site will be kept in their original containers and labeled accordingly
- Partially empty containers will be used at another site, recycled, or returned to the manufacturer
- Manufacturers' recommendations for proper use and disposal will be followed
- Vehicular traffic will be minimized as much as possible to reduce dust and prevent soil erosion
- The project area will be watered if necessary to reduce dust during dry periods
- If sediment is tracked onto paved surfaces, it will be cleaned up as soon as possible.

Preventative Maintenance Practices
All equipment used on the project will be inspected, prior to daily start-up, for leaks and other mechanical problems. Equipment found to be leaking will be repaired within 24 hours or as soon as practical. If repair is not possible, the equipment will either be removed from the site or stabilized to prevent further leaking. All spills will be cleaned up as soon as practical.

Spill Prevention and Control Practices
Employees are trained in proper methods for cleanup of spills of various products used on site. Employees are aware of the location of related information, materials and equipment necessary for storage requirements, spill containment, and cleanup of potential spills.

All spills will be cleaned up immediately upon discovery and the appropriate agencies notified, if needed.

All vehicles and equipment will be checked for leaking oil or other fluids. Leaks will be repaired immediately. Vehicles or equipment unfit for use will be removed from the project site. Vehicles and equipment will be fueled and lubricated a sufficient distance from any drainage pattern.

Employee Training
Employees will be trained on their responsibility in implementing practices and controls such as spill response, good housing, and sediment control practices. Training will occur on at least an annual basis. New employees will be trained as necessary to ensure compliance with this plan and permit number NDR10-0000.

Concrete wash water
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. A significant amount of concrete wash is not expected for the construction project. Concrete contractors will be encouraged, where possible, to use the washout facilities at their own plants or dispatch facilities. If necessary, a wash out basin will be constructed to prevent solutes from running freely to waters of the state, the state's storm sewer systems, and adjacent properties.

Dewatering or basin draining
Dewatering or basin draining related to the permitted activity will be managed with the appropriate BMPs, such that the discharge does not adversely affect the receiving water or downstream landowners. Natural drainage will be the method of water release. The project area will be graded such that water runs toward the natural drainage direction if possible. BMPs will be utilized at the point of discharge to prevent erosion.

Stormwater discharges will not be made unless absolutely necessary. If a stormwater discharge is necessary, prior to releasing any collected storm water, assure there are no hydrocarbon odors or sheen observed on or in the water. **If there is any doubt the water is only clean storm water, contact facility management or EHS personnel prior to releasing the storm water.**

All discharges should:
- Be made offsite to stabilized (vegetation) ground
- Occur over a 48 hour period if large volumes
- Take into account adjacent land conditions whenever feasible and avoid flooding adjacent properties
- Be made to a rock check dam or established natural drainage to reduce erosion
- Utilize additional BMPs when necessary

All stormwater discharges must be documented on the discharge report form (see Appendix 2). Stormwater must also be inspected prior to discharging to verify there is no sheen, odor, or discoloration. The following information should be retained in the facility file:
- Date
- Time(s) of release
- Location name/description
- Verification of no sheen, odor, or any other indication of contaminants
- Estimated volume of release

- Personnel releasing water
- Condition of surface where water was released (no erosion)

EROSION AND SEDIMENT CONTROLS

All control measures must be properly selected, installed, and maintained in accordance with the manufacturer's specifications and good engineering practices. BMPs must be inspected and replaced or modified when necessary. Natural drainage will be the method of water release. When possible, areas will be graded such that water runs toward the natural drainage direction. BMPs will be utilized at the point of discharge to prevent erosion. Additional attention will be paid to water impact areas (See Figure 1).

Stormwater controls are expected to withstand and function properly during precipitation events up to the 2 year, 24 hour storm. Visible erosion and/or off-site sediment deposition from such storm events should be minimal. If sediment escapes from the site, off-site accumulations must be removed at a frequency sufficient to minimize off-site impacts.

The following is a summary of BMPs to be utilized:

- Silt Fence
- Straw Waddles
- Rock Check Dams
- Erosion Control Blankets
- Straw or Mulch
- Sedimentation Traps
- Waterbars
- Swales and Diversion Ditches
- Riprap
- Vegetative Buffers
- Other Sediment and Erosion Controls as Deemed Necessary

See Appendix 3 for BMP Details outlining proper use and installation.

MAINTENANCE AND INSPECTIONS

Inspections will be conducted to monitor the condition of storm water discharge outlets and effectiveness of BMPs. They will be performed at least once every 14 calendar days and within 24 hours after any storm event of greater than a 0.50 inch per 24-hour period during active construction. Pipeline construction areas located in difficult to access, remote locations, will be inspected at least once per month and within 72 hours after any storm event of greater than a 0.50 inch per 24-hour period during active construction. Storm events will be determined by the inspector either by using a rain gauge located within 5 miles of the construction site or with a documented gauge source within 5 miles of the construction site. Areas within 100' of a stream or ditch crossing will follow the normal 24 hour requirement. Areas that are stabilized, but do not have 70% vegetative cover may be inspected once per month. These are locations where all soil disturbing activity is complete and no further erosion can be reasonably expected to occur. If weather conditions prevent inspections, they will take place on the next possible day. Inspections will be suspended when the ground is frozen and no sediment displacement is expected.

If dewatering occurs (groundwater or surface drainage pumping or trench /ditch cuts for drainage) the activity must be inspected and documented daily. Discharges must not lead to the deposition of sediment within stormwater conveyance systems or surface waters. Inspections and discharges will be performed and documented in accordance with Appendix 3.

All erosion and sediment control measures will be maintained in effective operating condition. If site inspections identify BMPs not operating effectively, maintenance will be arranged and accomplished within 24 hours of discovery or as soon as practical. BMP maintenance requirements are outlined in Appendix 4.

Following are some guidelines when conducting inspections:

- Disturbed areas and areas used for storage of materials exposed to precipitation will be inspected for evidence of, or the potential for pollutants entering the drainage system.
- All erosion and sediment control measures in the plan will be inspected to ensure they are implemented, maintained and operating effectively to minimize erosion and prevent storm water contamination from construction materials.
- Vehicles and equipment will be checked for oil or other fluid leakage.
- Any drainage near the project area will be observed to ensure no contamination is occurring.
- Chemical storage containers, if any, will be inspected to ensure they are not leaking.
- Reseeded soil will be monitored for washouts and bare spots.
- If project area is near a paved road, entrances and exits will be inspected for evidence of offsite sediment tracking.

Inspection Documentation

Until the site is stabilized, personnel familiar with permit conditions and the proper installation and operation of control measures shall perform inspections to monitor all disturbed areas, areas used for storage of materials exposed to precipitation, storm water control measures and locations where vehicles enter or exit the project location.

Inspections will be documented and sent to Hess (See Appendix 4 for inspection document). Records of maintenance and inspection activity will include:

- Date, time and name of person(s) conducting inspections.
- Assessment of effectiveness of BMP's and whether repair or maintenance is warranted (Deficiencies shall be corrected as soon as possible).
- Descriptions of corrective actions taken.
- Dates of rainfall events of ½ inch or greater in a 24 hour period.
- Documentation that the SWPPP has been amended in response to deficiencies found during inspections, if necessary.

PLAN REVIEW, REVISIONS, AND RECORDS

The plan will be signed in accordance with Part IV.A.6 of NDR10-0000. Copies of the signed NOI, coverage letter from the NDDOH, this plan, site inspections records, and permit NDR10-0000 will be retained at the Hess office in Minot North Dakota.

The plan will be amended whenever there is a change to design, construction, operation or maintenance which could have a significant effect on the potential for the discharge of pollutants to the waters of the state.

The plan will be amended if it is found to be ineffective in controlling pollutants present in storm water.

The plan will be made available, upon request, to the North Dakota Department of Health or United States Environmental Protection Agency.

Copies of the SWPPP and all documentation required by NDR10-0000 will be retained for at least three years from the date of final stabilization of the site.

FINAL STABILIZATION

A Notice of Termination (NOT) will be submitted within 30 days after final stabilization is complete, or another owner has assumed control over all areas that are not stabilized.

Final stabilization will be achieved when:

- All soil disturbing activities are complete and all soils are stabilized with a uniform perennial vegetative cover with a density of 70 percent of preexisting levels over the entire surface area, or other equivalent means necessary to prevent soil failure in erosive conditions.
- 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 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.
- For activities on land used for agricultural purposes, final stabilization will be accomplished by returning the disturbed land to its pre-disturbance use.

SWPPP CERTIFICATION

Certification Instructions:

The SWPPP must be signed by a responsible corporate officer, a general partner, a principal executive officer or a ranking elected official of the owner(s).

The SWPPP may be signed by a duly authorized representative of the owner described above only if:

- The authorization is made in writing by a person described above and submitted to the Department; and
- 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.

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.

HESS CORPORATION

W. A. Walhaug

Warren Walhaug, Director of Infrastructure

6 August 2013

Date

APPENDIX 1

NOI AND NDR10-0000

APPLICATION (NOTICE OF INTENT) TO OBTAIN COVERAGE UNDER NDPDES GENERAL PERMIT FOR STORMWATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITY (NDR10-0000)

NORTH DAKOTA DEPARTMENT OF HEALTH
DIVISION OF WATER QUALITY
SFN 19145 (01/10)

FOR DEPT. USE ONLY

Application No.
Date Received

GENERAL INFORMATION

Name of Owner of Construction Project	Contact Person Name (Mr / Ms)	Contact Phone No.	
Hess Corporation	Mr. Warren Walhaug	701-420-7123	
Mailing Address	**City**	**State/Province**	**Zip Code**
3015 16th ST SW Suite 20	Minot	ND	58701

Name of Operator Working at Site (attach additional, if needed)	Contact Person Name (Mr / Ms)	Contact Phone No.	
Boots Smith Oilfield Services	Mr. Colton Armstrong	601-600-6722	
Mailing Address	**City**	**State/Province**	**Zip Code**
14669 Highway 1804	Trenton	ND	58853

PROJECT INFORMATION

Name of Construction Project
Project Corridor

Brief Description of Construction Activity
Pipeline installation from the Tioga Gas Plant to the Tioga Rail Terminal. See included SWPPP for further details.

Project Start Date	Estimated Completion Date	Estimated Total Area of Site (acres)	Estimated Area of Disturbance (acres)
8/1/13	10/31/13	46	41.6

Project Location

Street Address					City
					Tioga
OR	Township	Range	Section	¼ ¼ ¼	County
	157N	95W			Williams
	Latitude				Longitude

Receiving Waters

Name of Municipal Storm Sewer System, Including Receiving Water	
OR	Name or Description of Receiving Water: Paulson Creek (HUC1011010114) to Lake Sakakawea (HUC 10110101)

Stormwater Pollution Prevention Plan (SWPPP) Requirements

Has a SWPPP been developed in accordance with Part II.C of NDR10-0000?		STOP: A SWPPP must be prepared and available for review at the time of application. See Part I.D.2 of NDR10-0000 for submittal information.
☒ YES ☐ NO		
SWPPP Contact (NDR10-0000, Part II.C.2.a)	**SWPPP Contact Phone No.**	**SWPPP Location (NDR10-0000, Part III.B)**
Victoria Siemieniewski	701-420-7002	On-site/Digital records retained in Minot

Signature Information

RETURN COMPLETED APPLICATION TO:

North Dakota Department of Health
Division of Water Quality, 4th Floor
918 East Divide Avenue
Bismarck, ND 58501-1947

Telephone: (701) 328-5210
Fax: (701) 328-5200

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.

Printed Name of Owner(s)	Title
Warren Walhaug	Infrastructure Onshore Director
Signature of Owner(s)	**Date**
W. W. Walhaug	31 July 2013
Printed Name of Operator(s)	**Title**
Colton Armstrong	Project Manager
Signature of Operator(s)	**Date**
Brian Eggen on behalf of Colton Armstrong	7-31-2013

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

BP 2009.02.05

Table of Contents

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 permitee'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 that 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. Alterative 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.

APPENDIX 2

STORMWATER DISCHARGE PROCEDURES

Water Discharge Specification

I. PURPOSE

To provide site personal with guidance for the discharge of surface water

II. SCOPE

Applicable to all site personal located in North Dakota

III. DISCHARGE SPECIFICATIONS

Storm water discharge is prohibited by the following:

A. Color - A qualified employee should inspect storm water for evidence of discoloration. Testing should be conducted if pollutants are present.

B. Odor – A qualified employee should inspect storm water for evidence of a hydrocarbon smell (i.e. oil or gas). Testing should be conducted if pollutants are present.

C. Sheen – A qualified employee should visually inspect storm water for evidence of oil sheen. Testing should be conducted if pollutants are present.

IV. DISCHARGE LIMITATIONS

If storm water meets the discharge specifications listed in Section III, the storm water can be discharged if the following erosion requirements are also met:

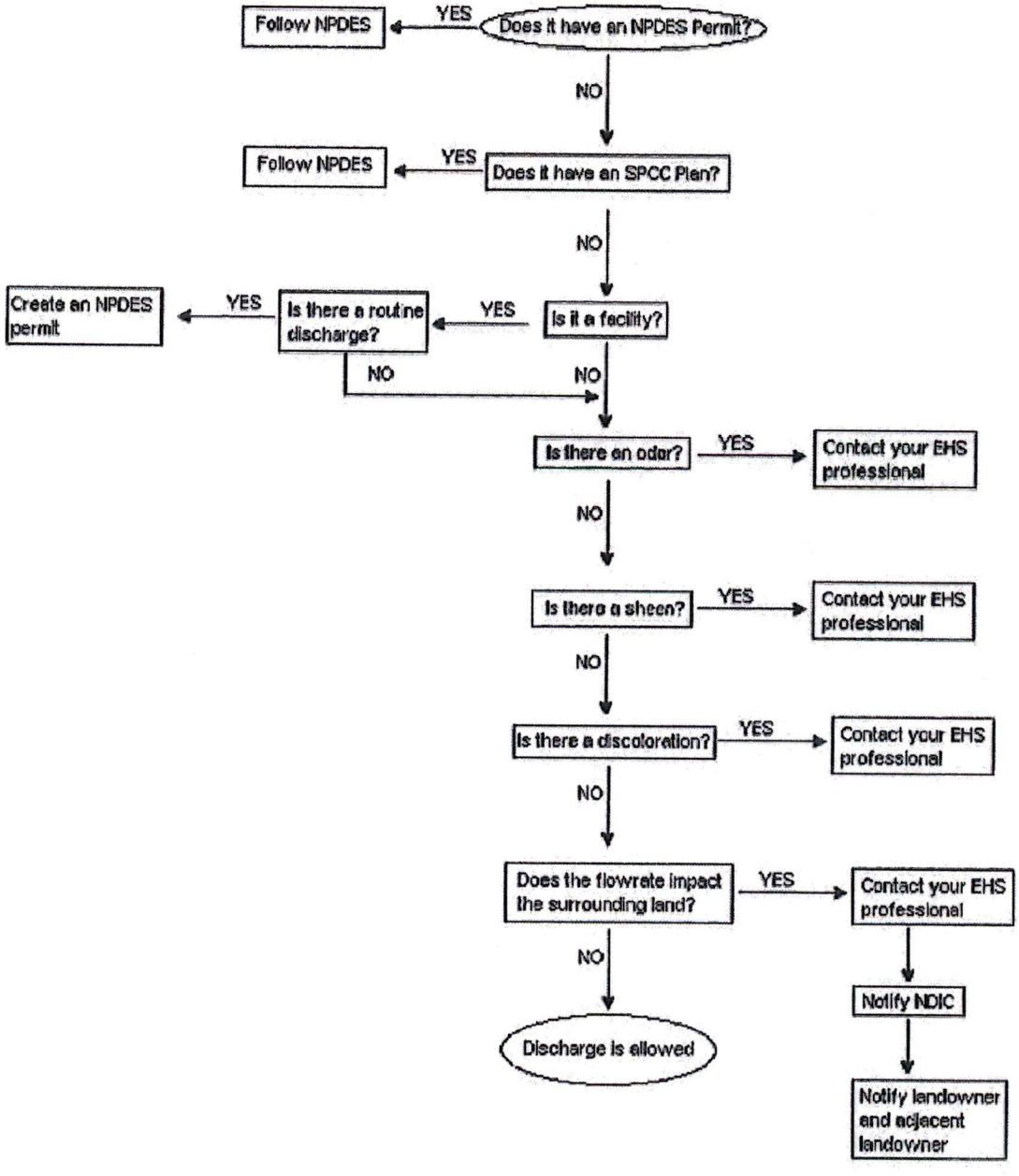
A. The flow rate must be controlled to limit surface erosion. The use of an electric transfer pump or a double diaphragm pump is suggested.

B. Flow direction must be controlled to prevent soil erosion. If possible, select discharge points where the flow path isn't bare.

V. Exceptions

If there are any exceptions, seek an EHS professional for further assistence

VI. Process Flow Chart



SPCC/SWPPP Stormwater Discharge Report Form

Stormwater Discharge Report Form
Hess Corporation
3015 16th St. SW, Suite 20
Minot, ND 58701

Site: _____
Operator: _____

1. Does this Site Fall Under the NDR10-0000 SWPPP Permit for a Non-Stabilized Site?
   - ☐ Yes - Attach Completed SWPPP Inspection Sheets
   - ☐ No

2. Is this discharge free from odor, sheen, and discoloration?
   - ☐ Yes
   - ☐ No – Do not discharge water, contact your EHS professional

3. Does the flowrate impact the surrounding land?
   - ☐ Yes – Contact your EHS professional,
     (NDIC and landowner must be notified prior to discharge).
   - ☐ No

4. Has the landowner been contacted?
   - ☐ Yes
   - ☐ No – Recommend contacting the landowner prior to discharge

5. Discharge water and fill in form below.

DATE:	TIME START:	TIME STOP	WATER SAMPLING*	ESTIMATED VOLUME (GALLONS)	COMMENTS:
			☐ Yes ☐ No		
			☐ Yes ☐ No		
			☐ Yes ☐ No		
			☐ Yes ☐ No		
			☐ Yes ☐ No		
			☐ Yes ☐ No		

*Water sampling is not required, but recommend.

Form to be used for site dewatering during operation or site construction. Operators are responsible for site dewatering and form completion during operation. Prior to the start of operation, designated construction personnel are responsible for form completion and dewatering. If this site falls under a DOH construction SWPPP permit, a SWPPP inspection must be completed every 24hrs while site dewatering is occurring. Contact the Hess Regulatory Department with any comments or concerns: 701.420.7077 or ndregulatory@hess.com

Please scan a digital copy of this completed form to ndregulatory@hess.com. Email title should be structured Stormwater Discharge-Date-Site.

APPENDIX 3

INSPECTION RECORD

SWPPP Inspection Record
Hess Corporation
3015 16th St. SW, Suite 20
Minot, ND 58701

Site: _____
Inspector: _____
Inspection Date: _____
Time: _____

Precipitation Amount (If Applicable): _____ Precipitation Date: _____

Site Status*: ☐ Active Site
☐ Stabilized Site
☐ Fully Stabilized Site (Over 70% vegetated every square foot)

*Reference the SWPPP Inspection Process Flowchart in Appendix 4-2 of Master SWPPP plan for more information.

☐ Y ☐ N	Is there evidence of, or the potential for sediment or pollutants entering drainage systems or waters of the state?
☐ Y ☐ N	Have BMPs been implemented according to the current SWPPP?
☐ Y ☐ N	Are BMPs effective in minimizing the discharge of sediment from the site?
☐ Y ☐ N	Do BMPs need to be adjusted or additional BMPs needed?
☐ Y ☐ N	Are litter, debris, chemicals, and parts being managed properly to minimize storm water pollution?
☐ Y ☐ N ☐ N/A	Are there any devices where sediment accumulation has reached 1/3 height or higher (silt fences, fiber rolls, etc.)?
☐ Y ☐ N ☐ N/A	Are there sediment basins where collected sediment has accumulated more than 1/2?
☐ Y ☐ N ☐ N/A	Is there evidence of sediment being tracked offsite?
☐ Y ☐ N ☐ N/A	Is proper containment being used around liquid of soluble materials (oil, fuel, paint, etc)?
☐ Y ☐ N ☐ N/A	Is storm water flowing evenly over vegetative buffer?
☐ Y ☐ N ☐ N/A	Are permanent storm water management measures working properly?

Inspection Findings/Corrective Action Recommendations:

_____
_____
_____
_____

☐ Y	☐ N		Has a Hess representative received a copy of this inspection?

Please email digital copy of completed above portion to ndregulatory@hess.com. Email title should be structured SWPPP-Date-Site.

Following to be completed by a Hess Representative:
Corrective Actions Taken (Silt fence/fiber roll sediment removal or repair, removal of sediment tracked or deposited off-site, spill or leak clean-up, etc):

Date:	Time:	Responsible Party:	Corrective Action Summary:

SWPPP Update Comments/Recommendations:

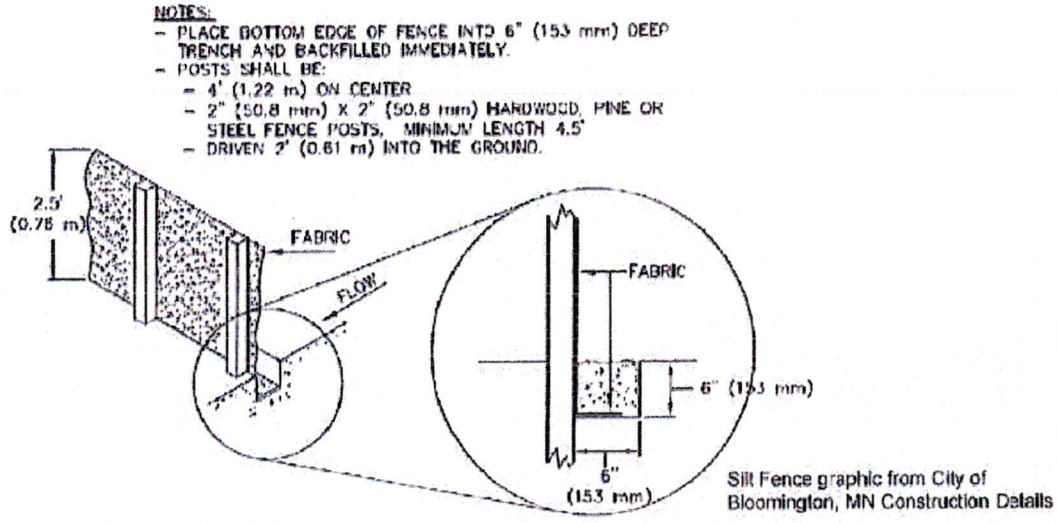
_____
_____

APPENDIX 4

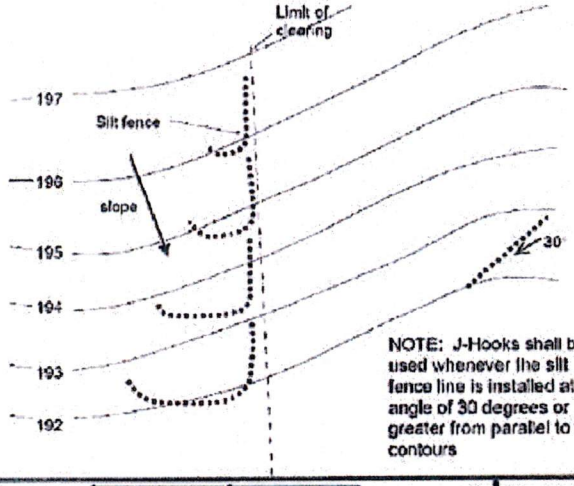
BMP DETAILS

To be installed based on locations shown in the TRT Construction Documents or additional areas experiencing erosion as discovered during SWPPP inspections. Silt Fence will generally be installed where sediment could potentially leave the site. Other areas to be protected by silt fence are diversion ditch exit points, culverts, and road ditches. In these areas the fence shall be installed in a J-Hook formation as shown below. Temporary soil stockpiles will be protected by silt fence only when necessary when located on a slope leaving the site or nearby waterways or ditches. Vegetative buffers should be used alongside silt fence whenever possible. Silt fence is to be removed once the area is determined to have reached final stabilization.

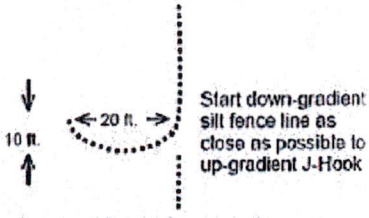
Sediment must be removed from behind silt fence once it reaches 1/3 the height of the fence. Silt fence must be replaced if fabric becomes worn from excessive wind or UV exposure. Repairs must be made within 24 hours of discovering that the silt fence needs maintenance or as soon as field conditions allow access.



Silt Fence graphic from City of Bloomington, MN Construction Details



NOTE: J-Hooks shall be used whenever the silt fence line is installed at an angle of 30 degrees or greater from parallel to the contours



Typical J-Hook Dimensions
Minimum width of J-Hook recommended at 20 ft with a depth of 10 ft. Where space is limited (e.g., along narrow rights of way), narrower hooks can be used with a higher spacing frequency.

J-Hook graphics from CNMI/Guam Stormwater Management Manual, May 2010

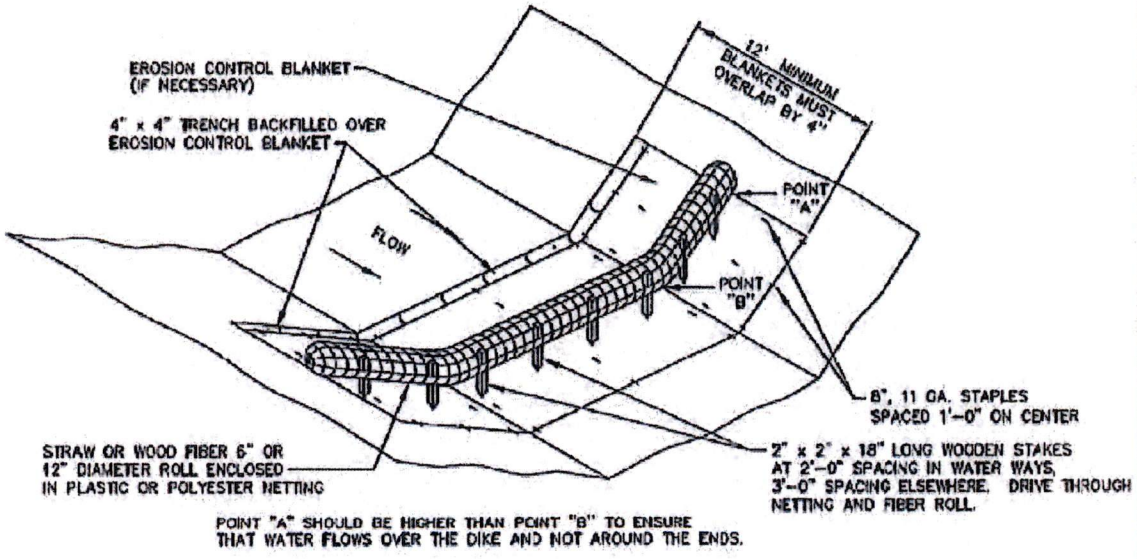
HESS

Detail 1 -Silt Fence

This diagram provides general recommendations, refer to the manufacturer for specific installation instructions.

To be installed based on locations shown in the TRT Construction Documents or additional areas experiencing erosion as discovered during SWPPP inspections. Standard areas to be protected by straw wattles are diversion ditch exit points, culverts, and road ditches. Road ditches steeper than 5% will be protected with straw waddles 20' to 100' o.c. Ditches steeper than 8% shall be protected with straw waddles 10' to 50' o.c. with the wattles being placed over erosion control blanket if necessary. Diversion ditch exits shall be installed in a J-Hook formation as shown in Detail 1-Silt Fence. Temporary soil stockpiles will be protected by straw wattles only when necessary when located on a slope leaving the site or nearby waterways or ditches. If more than one straw wattle is used, the wattles should overlap laterally by at least one foot. Wattles stakes should be placed on the downstream half of the wattle as shown below, not directly on-center. Vegetative buffers should be used alongside straw wattles whenever possible. Straw wattles may either be removed once the site is determined to have reached final stabilization or may stay on site and naturally bio-degrade.

Sediment must be removed from behind straw wattles once it reaches 1/3 the height of the fence. Repairs must be made within 24 hours of discovering that the wattle needs maintenance or as soon as field conditions allow access. Extra attention should be paid to the possibility of erosion undercutting the wattles.



Straw wattle graphic from City of Bloomington, MN Construction Details

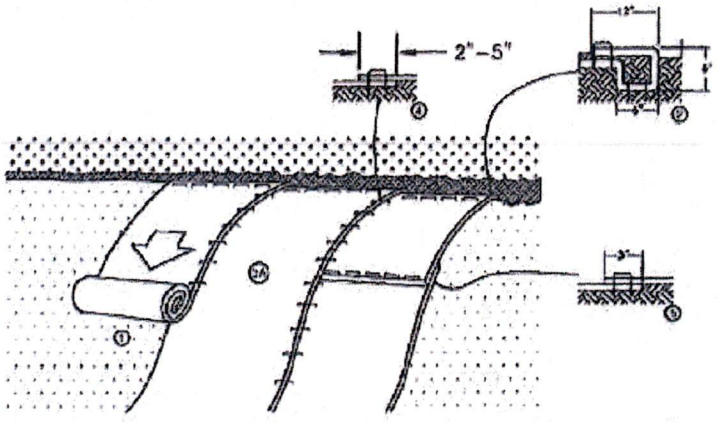
HESS

Detail 2 - Straw Wattles

This diagram provides general recommendations, refer to the manufacturer for specific installation instructions.

Typically slopes 3H to 1V or less shall be stabilized with conventional seeding equipment. Straw or mulch should be spread over fresh seed to avoid seed and topsoil run-off. Fertilizer should be applied per the seed distributors recommendations.

Slopes steeper than 3H to 1V may require stabilization with hydro-seeding, water bars, or erosion control blankets. Hydro-seed and erosion control blankets should be applied per the manufacturers recommendations. Water bars should be installed per the TRT Construction Documents. Below is a typical installation detail for Erosion Control Blanket.



1. PREPARE SOIL BEFORE INSTALLING BLANKETS, INCLUDING ANY NECESSARY APPLICATION OF LIME, FERTILIZER, AND SEED. NOTE: WHEN USING CELL-O-SEED DO NOT SEED PREPARED AREA. CELL-O-SEED MUST BE INSTALLED WITH PAPER SIDE DOWN.
2. BEGIN AT THE TOP OF THE SLOPE BY ANCHORING THE BLANKET IN A 6" (15cm) DEEP X 6" (15cm) WIDE TRENCH WITH APPROXIMATELY 12" (30cm) OF BLANKET EXTENDED BEYOND THE UP-SLOPE PORTION OF THE TRENCH. ANCHOR THE BLANKET WITH A ROW OF STAPLES/STAKES APPROXIMATELY 12" (30cm) APART IN THE BOTTOM OF THE TRENCH. BACKFILL AND COMPACT THE TRENCH AFTER STAPLING. APPLY SEED TO COMPACTED SOIL AND FOLD REMAINING 12" (30cm) PORTION OF BLANKET BACK OVER SEED AND COMPACTED SOIL. SECURE BLANKET OVER COMPACTED SOIL WITH A ROW OF STAPLES/STAKES SPACED APPROXIMATELY 12" (30cm) APART ACROSS THE WIDTH OF THE BLANKET.
3. ROLL THE BLANKETS (A.) DOWN OR (B.) HORIZONTALLY ACROSS THE SLOPE. BLANKETS WILL UNROLL WITH APPROPRIATE SIDE AGAINST THE SOIL SURFACE. ALL BLANKETS MUST BE SECURELY FASTENED TO SOIL SURFACE BY PLACING STAPLES/STAKES IN APPROPRIATE LOCATIONS AS SHOWN IN THE STAPLE PATTERN GUIDE. WHEN USING OPTIONAL DOT SYSTEM , STAPLES/STAKES SHOULD BE PLACED THROUGH EACH OF THE COLORED DOTS CORRESPONDING TO THE APPROPRIATE STAPLE PATTERN.
4. THE EDGES OF PARALLEL BLANKETS MUST BE STAPLED WITH APPROXIMATELY 2"-5" (5cm-12.5cm) OVERLAP DEPENDING ON BLANKET TYPE. TO ENSURE PROPER SEAM ALIGNMENT, PLACE THE EDGE OF THE OVERLAPPING BLANKET (BLANKET BEING INSTALLED ON TOP) EVEN WITH THE COLORED SEAM STITCH ON THE PREVIOUSLY INSTALLED BLANKET.
5. CONSECUTIVE BLANKETS SPLICED DOWN THE SLOPE MUST BE PLACED END OVER END (SHINGLE STYLE) WITH AN APPROXIMATE 3" (7.5cm) OVERLAP. STAPLE THROUGH OVERLAPPED AREA, APPROXIMATELY 12" (30cm) APART ACROSS ENTIRE BLANKET WIDTH.
6. FOLLOW MANUFACTURER'S RECOMMENDED STAPLE PATTERN, FOR THE SLOPE FOR THE SPECIFIED BLANKET.

NOTE:
IN LOOSE SOIL CONDITIONS, THE USE OF STAPLE OR STAKE LENGTHS GREATER THAN 6" (15cm) MAY BE NECESSARY TO PROPERLY SECURE THE BLANKETS.

EROSION CONTROL BLANKET

Erosion Control graphic from City of Bloomington, MN Construction Details

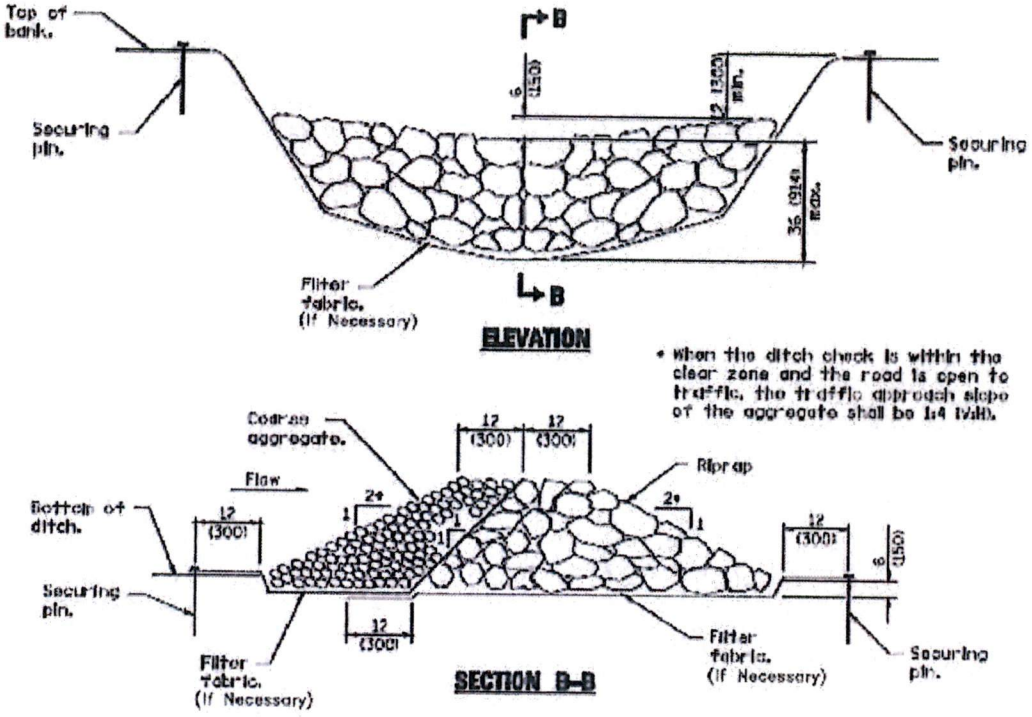
HESS

Detail 3 –Soil Stabilization

This diagram provides general recommendations, refer to the manufacturer for specific installation instructions.

To be installed in diversion ditch exit and road ditch areas experiencing erosion as discovered during SWPPP inspections or areas expected to have concentrated rather than sheet flow. Rock check dams will be used in areas where J-Hook silt fence or straw wattles are not adequate.

Sediment must be removed from behind rock check dams once it reaches 1/2 the height of the dam. Repairs must be made within 24 hours of discovering that the dam needs maintenance or as soon as field conditions allow access.



Erosion Control graphic from Illinois Department of Transportation Temporary Erosion Control Systems, Jan. 1, 2010

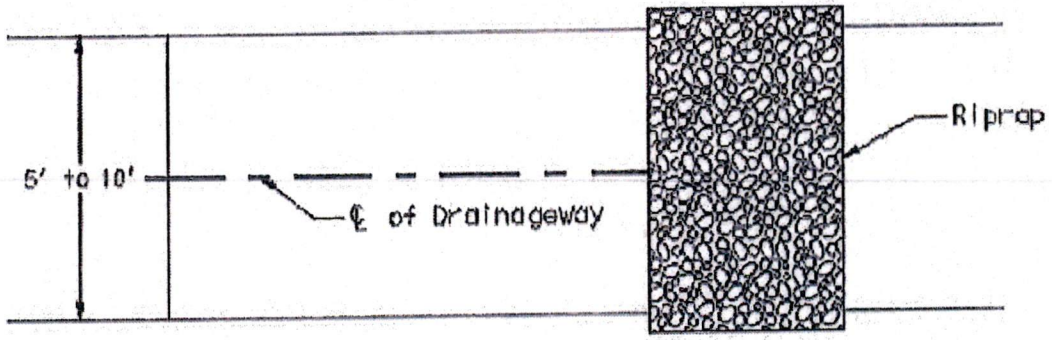
HESS

Detail 4 –Rock Check Dam

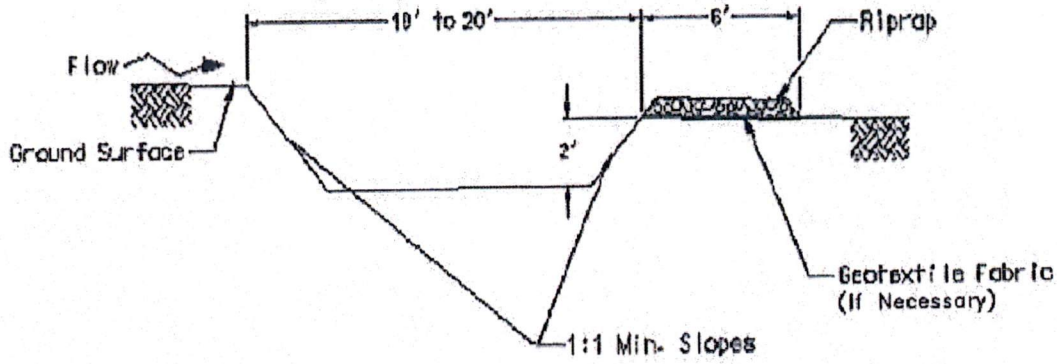
This diagram provides general recommendations, actual installation may vary due to field conditions.

To be installed in diversion ditch exit and road ditch areas experiencing erosion as discovered during SWPPP inspections or areas expected to have concentrated rather than sheet flow. Sediment traps will be used in areas where J-Hook silt fence, straw wattles or rock check dams are not adequate.

Sediment must be removed from sediment traps once it reaches 1/2 the capacity of the trap. Drainage and removal must be completed within 72 hours of discovery or as soon as field conditions allow access.



Plan View of Sediment Trap



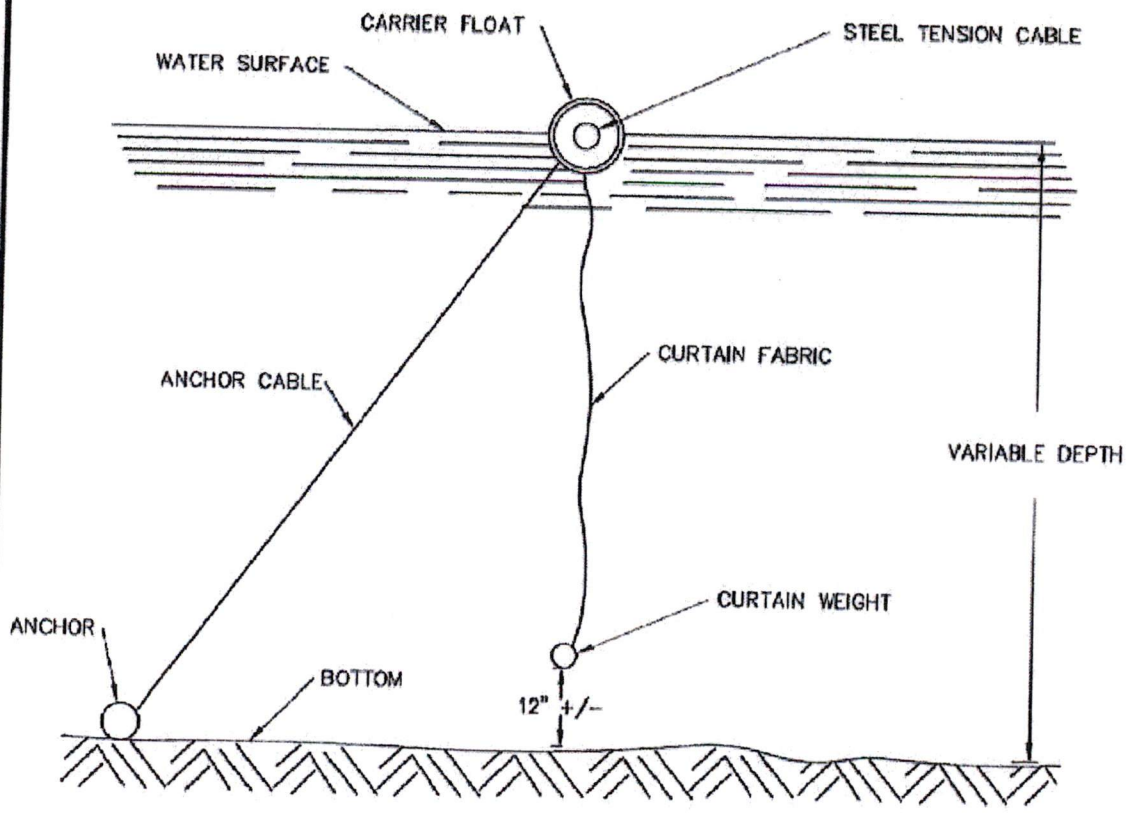
Erosion Control graphic from North Dakota Department of Transportation Erosion and Sediment Control Handbook, June 2004

HESS

Detail 5 –Sediment Trap

This diagram provides general recommendations. actual installation may vary due to field conditions.

Impacts to wetlands are minimized as much as possible. When impacts are impossible to avoid, floating silt curtains will be utilized in order to prevent sediment from impacting the wetland.



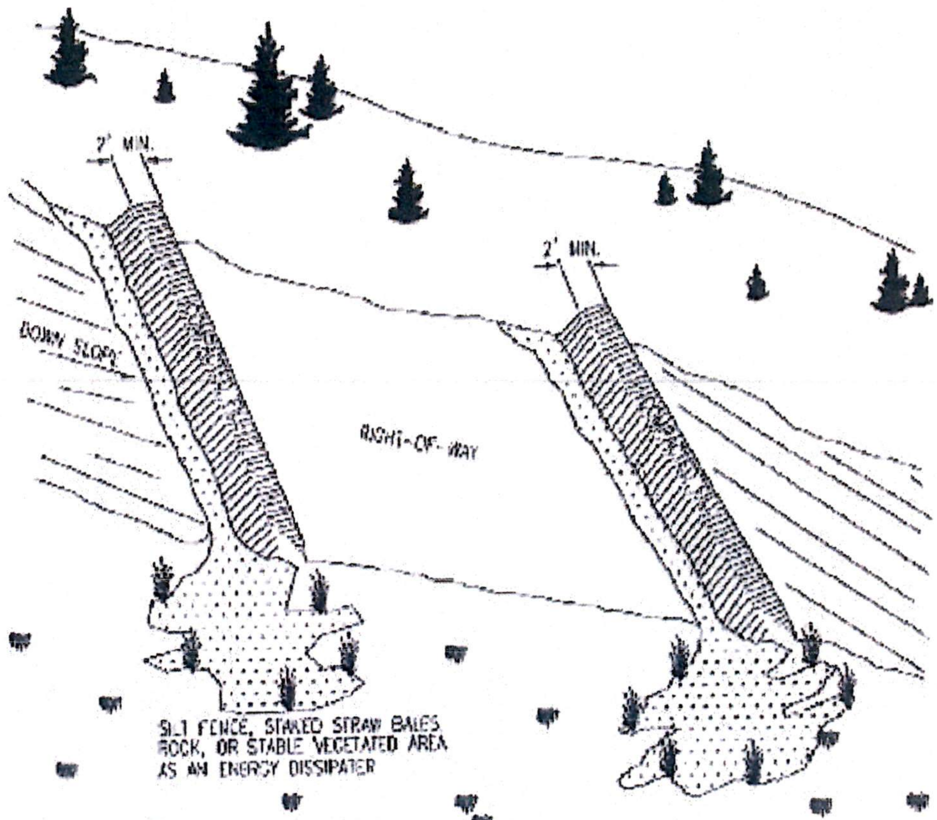
Erosion Control graphic from City of Bloomington, MN Construction Details

HESS

Detail 6 –Floating Silt Curtain

This diagram provides general recommendations, refer to the manufacturer for specific installation instructions.

Waterbars may be used in place of silt fence, straw wattles, or rock check dams in internal areas to slow water flow. These are not recommended when reclamation is expected to be delayed or in highly erodible soils.



NOTES:

1. WATERBARS SHALL BE CONSTRUCTED OF COMPACTED NATIVE SOIL. TEMPORARY WATERBAR SPACING WILL BE DETERMINED BASED ON SITE-SPECIFIC CONDITIONS AS DETERMINED BY THE COMPANY REPRESENTATIVE. PERMANENT WATERBARS WILL TYPICALLY BE INSTALLED AT THE FOLLOWING SPACING:

% SLOPE	SPACING (FEET)
5-15	300
15-30	200
30+	100

2. WATERBARS SHALL BE 18" DEEP (AS MEASURED FROM THE TROUGH TO THE TOP OF THE WATERBAR).
4. THE OUTLET OF THE WATERBAR MUST FREELY DISCHARGE ALL RUNOFF OFF THE DISTURBED R.O.W. INTO A STABLE, WELL VEGETATED AREA OR INTO AN ENERGY DISSIPATOR
5. WATERBARS SHALL EXTEND SLIGHTLY BEYOND ARE EDGE OF THE CONSTRUCTION RIGHT-OF-WAY TO DIRECT RUNOFF INTO STABLE, WELL-VEGETATED AREAS.

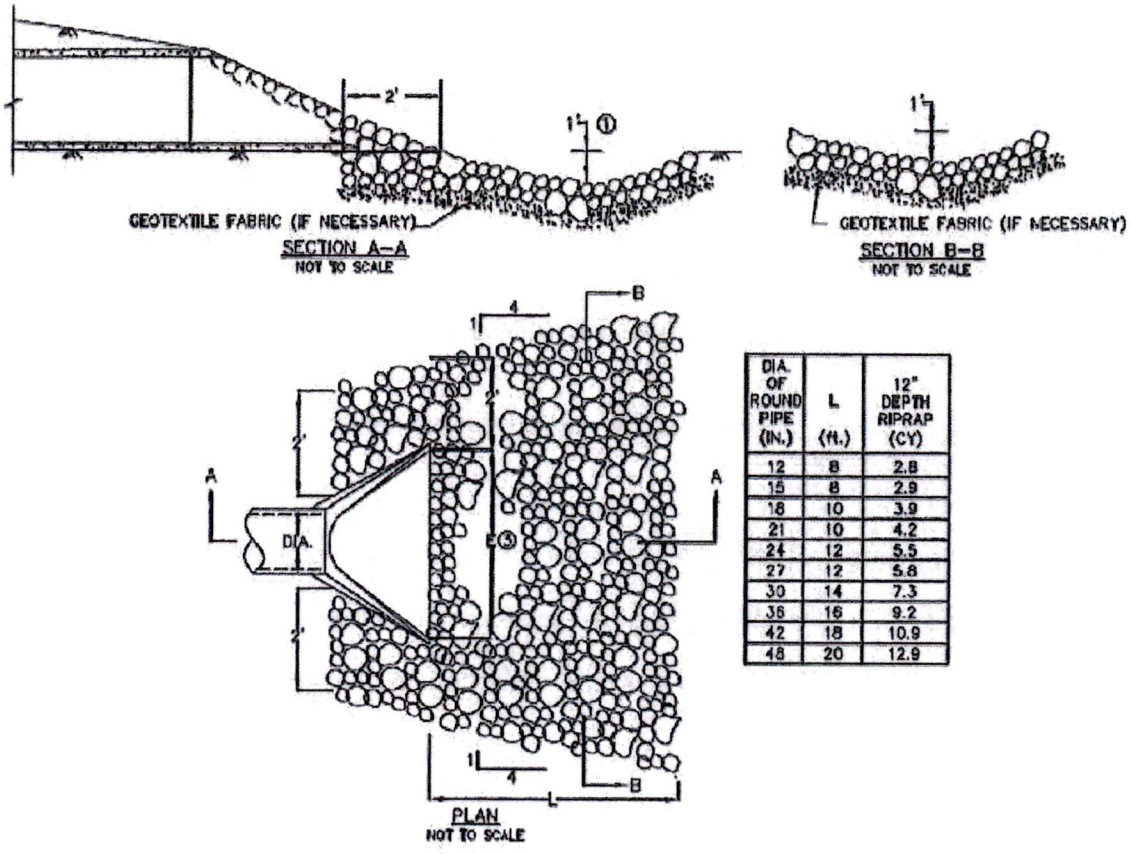
HESS

Detail 7 –Waterbar

This diagram provides general recommendations, actual installation may vary due to field conditions.

During construction, straw wattles will be utilized at culvert inlets and outlets (See Detail 2 for straw wattle installation details). Close attention should be paid to the possibility of erosion undercutting the wattles.

Riprap may be utilized at culvert outlets as a permanent BMP if scouring becomes an issue. Below is a recommendation for riprap installation.



DIA. OF ROUND PIPE (IN.)	L (ft.)	12" DEPTH RIPRAP (CY)
12	8	2.8
15	8	2.9
18	10	3.9
21	10	4.2
24	12	5.5
27	12	5.8
30	14	7.3
36	16	9.2
42	18	10.9
48	20	12.9

RIPRAP @ CULVERT OUTLETS

Graphic from City of Bloomington, MN Construction Details

HESS

Detail 8 –Culvert Energy Dissipation

Mulching involves the application of straw or other organic materials to form a temporary, protective soil cover. Mulch protects the soil surface from the forces of raindrop impact and overland flow. Organic mulches foster the growth of vegetation, reduce evaporation, insulates the soil, and suppresses weed growth.

Materials
Mulch material should consist of native hay or the straw from oats or barley, and should be seed free to prevent introduction of weeds as defined by the rules and regulations of the North Dakota Department of Agriculture.

At least 50% of the mulch by weight should be 10 inches or more in length.

Placement
The mulch should be machine blown and should be uniformly distributed over the seeded areas. The machine should be of a design that minimizes cutting or breaking of the mulching material.

Mulching operations should not be performed during periods of excessively high winds, which would preclude the proper placing of the mulch.

Mulch containing excessive moisture which prevents uniform feeding through the machine should not be used.

Bales should be broken up and loosened as they are fed into the blower to avoid placement of matted or unbroken lumps.

Installation
The mulch should be placed within 24 hours after the seeding has been completed.

The mulch should be placed uniformly over the seeded areas at the rate of 2 tons per acre.

Approximately 10% of the soil surface should be visible through the mulch blanket before the mulch tiller (punching) operation.

Maintenance

Problem	Corrective Maintenance
Rills or gullies forming	Regrade and reseed. Add additional controls
Bare soil patches	Remulch and/or reseed
Sediment at the toe of the slope	Regrade, Add silt fence or filter dike if next to a body of water

Specification 708.02 , From the North Dakota Department of Transportation Erosion and Sediment Control Handbook

HESS

Appendix 3
Detail 9 –Hay or Straw Mulch

Mulching involves the application of straw or other organic materials to form a temporary, protective soil cover. Mulch protects the soil surface from the forces of raindrop impact and overland flow. Organic mulches foster the growth of vegetation, reduce evaporation, insulates the soil, and suppresses weed growth.

Materials
Hydro-mulch contains a wood cellulose fiber that has not been treated with any germination or growth inhibitive substance but will be treated with a tackifier to enhance seed and mulch placement and adherence to the soil. The mulch should be free of contamination from noxious weed seed and seed from competitive plants.

Placement
The mulch should be uniformly applied at a rate of one ton per acre and should cover a minimum of 95% of the seedbed area. After application, the mulch should permit percolation of water to the underlying soil.

Maintenance
Hydro-mulching is generally maintenance free.

Removal
Mulching does not need to be removed.

Specification 708.02 , From the North Dakota Department of Transportation Erosion and Sediment Control Handbook

HESS

Appendix 3
Detail 10 –Hydro-Mulch