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February 14, 2017

Ms. Sara Cardwell
North Dakota Public Service Commission
600 East Boulevard, Dept. 408
Bismarck, ND 58505-0480



Case No. PU-14-218
LONESOME CREEK PLANT
POST CONSTRUCTION INSPECTION

ONEOK Rockies Midstream, L.L.C. (“ORM”) respectfully responds to the January 24, 2017 letter regarding the post-construction inspection as well as additional responses to observations made in the November 14, 2016 post construction inspection report.

PSC Request January 24, 2017:

As per the Certification Relating to Order Provisions, the Company is supposed to provide copies of the Commission prior to construction, “all other necessary licenses and permits for construction of such portion” of the Project. There is no record of the SWPPP in the project file.

ORM Response:

Please find enclosed the Stormwater Pollution Prevention Plan (“SWPPP”) which includes the original Notice of Coverage from North Dakota Department of Health (NDDH) Construction General Permit NDR 10-0000 (the “Permit”) in Appendix E. Please note, however, that NDDH issued ORM Notice of Termination under the Permit in June 2016, as the Lonesome Creek facility was exempted from the need for coverage. See 40 CFR § 122.26(c)(1). ORM continues to maintain best practices from its SWPPP to address issues of erosion. Please also find enclosed the Notice of Termination from the NDDH, dated June 2016.

Post Construction Inspection Observation:

ONEOK still must complete the site restoration (Certification Relating to Order Provisions #17). There were erosion issues observed throughout the site.

February 14, 2017

ORM Response:

ORM will address localized areas of concern illustrated in the post construction report with minor grading and stabilization measures when conditions allow in spring of 2017.

If you have any questions, please do not hesitate to contact me at (918) 246-2904 or chase.edmiston@oneok.com

Sincerely,



David C. Roensch
Vice President, Natural Gas Gathering and Processing Operations

Enclosures:
Stormwater Pollution Prevention Plan
Notice of Termination

cc: Brian Boulter, Vice President, Construction Projects
Chase Edmiston, Engineer I Environment
John Morrison – Crowley Fleck
Tulsa Large Construction –Lonesome Creek Gas Plant



Table of Contents

1. INTRODUCTION 2

 1.1 BACKGROUND 2

2. SITE DESCRIPTION 3

 2.1 PROJECT TYPE AND CONSTRUCTION ACTIVITIES 3

 2.2 PROJECT AREA AND DISTURBANCE ESTIMATE 3

 2.3 SEQUENCE OF ACTIVITIES 3

 2.4 PROJECT SOILS 4

 2.5 RECEIVING WATERS 5

 2.6 SITE MAP 5

3. CONTROLS 6

 3.1 PERSONNEL 6

 3.2 EROSION AND SEDIMENT CONTROLS 6

 3.2.1 Structural Practices 6

 3.2.2 Stabilization Practices 7

 3.3 STORM WATER MANAGEMENT 8

 3.4 OTHER CONTROLS 9

 3.5 RECORD KEEPING 9

4. MAINTENANCE 10

5. INSPECTIONS 11

 5.1 IDENTIFICATION OF POTENTIAL STORM WATER CONTAMINANTS 11

 5.2 INSPECTION REPORTS 12

6. KEEPING PLANS CURRENT 13

7. FINAL STABILIZATION 14

8. CERTIFICATION 15

Appendices

- Appendix A Site Location and Soil Maps
- Appendix B Grading Plan
- Appendix C Typical Erosion Control Details
- Appendix D Spill Prevention, Containment and Countermeasure Plan
- Appendix E Notice of Intent and Notice of Coverage
- Appendix F General Permit for Storm Water Discharges Associated with Construction Activity
- Appendix G Notice of Termination
- Appendix H Inspection Report Form
- Appendix I Employee Training Log
- Appendix J Additional Owners/Operators
- Appendix K SWPPP Modification Log



ONEOK Rockies Midstream, L.L.C.
Storm Water Pollution Prevention Plan
Lonesome Creek Gas Processing Plant
McKenzie County, North Dakota

1. INTRODUCTION

1.1 Background

This document has been prepared in accordance with the North Dakota Department of Health (NDDoH) North Dakota Pollutant Discharge Elimination System General Permit NDR10-0000 (Permit) for construction storm water discharges resulting from ONEOK Rockies Midstream, L.L.C. (ORM) gas processing plant construction activities. This document is ORM's Storm Water Pollution Prevention Plan (SWPPP or Plan) for construction activities and has been developed to address associated ground disturbance with this project.

The SWPPP identifies measures to be implemented by the contractor during construction activities with the goal of minimizing erosion on disturbed areas, minimizing the discharge of sediment and other pollutants in storm water runoff, and maintaining compliance with requirements of the Permit.

This SWPPP also identifies a schedule for inspection(s) and maintenance of the proposed measures to ensure they are functioning properly and meet the requirements of the Permit.

Additionally, the SWPPP outlines the final stabilization and termination design to minimize storm water impacts after construction is complete.



ONEOK Rockies Midstream, L.L.C.
Storm Water Pollution Prevention Plan
Lonesome Creek Gas Processing Plant
McKenzie County, North Dakota

2. SITE DESCRIPTION

2.1 Project Type and Construction Activities

The Lonesome Creek Gas Processing Plant (Plant or Project) will process associated natural gas from oil production wells connected to ONEOK's gathering system. Once constructed, the Plant will occupy approximately 80 acres of the 160-acre plot; the remaining acreage will be allotted for an electrical substation to provide electrical power for gas compression, provide space for product metering and serve as stormwater outfall, vehicle parking, and unused space for potential future expansion.

Construction of the Plant will include the installation of underground piping, above ground piping and above ground gas processing facilities. The major processing systems will be located within the Plant Site; starting from the inlet gas and condensate piping as they enter each Plant. These systems include:

- Inlet gas slug catchers
- Inlet gas condensate pumping, filtration, and stabilization
- Mole sieve dehydration and cryogenic plant equipment
- NGL extraction (including refrigeration)
- HP residue gas compression
- NGL product storage and pipeline pumps
- Flare system
- Air and drain system
- Plant control systems
- Utility systems (electrical, instrument air, and heat medium)

Refer to Appendix A for site location maps and Appendix B for site grading plan.

2.2 Project Area and Disturbance Estimate

The Project is located in McKenzie County, North Dakota, in the SE ¼ of Section 36, Township 150 North, Range 101 West.

The Project will result in approximately 80 acres of temporary ground disturbance.

2.3 Sequence of Activities

Typical Construction Sequence:

- Stake the workspace boundaries.
- Install stabilized construction entrances, if necessary.
- Clear and grub the construction area, if necessary.
- Install erosion and sediment control measures, as necessary.
- If required, separate topsoil.
- Establish pad grade per engineering design.
- Stake excavation areas for footing and interconnections.
- Excavate footings and trenches.



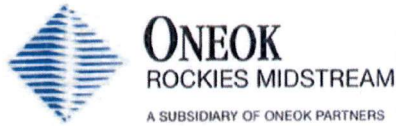
ONEOK Rockies Midstream, L.L.C.
 Storm Water Pollution Prevention Plan
 Lonesome Creek Gas Processing Plant
 McKenzie County, North Dakota

- Erect buildings and install piping.
- Complete final grade of construction area.
- Perform clean-up, restoration, seeding and mulching of disturbed soils.
- Upon final stabilization, remove temporary erosion and sediment controls, as necessary.
- Erect safety fencing.

Installation of soil erosion and sedimentation control devices will occur prior to ground disturbance and/or site preparation as determined by a qualified ORM representative. Erosion control device(s), installation and subsequent monitoring shall be conducted in accordance with the frequency specified in this Plan (See Section 5).

2.4 Project Soils

ONEOK Rockies Midstream, L.L.C. Lonesome Creek Gas Processing Plant Soil Types and Properties of the Site					
Map Unit	Map Unit Name	Drainage Class	Hydric Rating	Acres	Percent Area
33	Belfield-Grail silty clay loams, 0 to 2 percent slopes	Moderately well drained	Not Hydric	6.02	3.8
33B	Belfield-Savage silty clay loams, 2 to 6 percent slopes	Moderately well drained	Not Hydric	7.65	4.8
46C	Dooley-Zahl complex, 6 to 9 percent slopes	Moderately well drained	Not Hydric	0.09	0.1
46D	Dooley-Zahl complex, 9 to 15 percent slopes	Moderately well drained	Not Hydric	11.61	7.3
52B	Reeder-Farnuf loams, 3 to 6 percent slopes	Moderately well drained	Not Hydric	0.72	0.5
52C	Reeder-Cabba loams, 6 to 9 percent slopes	Moderately well drained	Not Hydric	1.03	0.6
53C	Chama-Cabba-Sen silt loams, 6 to 9 percent slopes	Moderately well drained	Not Hydric	54.19	34.3
53D	Cabba-Chama-Sen silt loams, 9 to 15 percent slopes	Moderately well drained	Not Hydric	61.77	39.1
63C	Vebar-Flasher complex, 6 to 9 percent slopes	Moderately well drained	Not Hydric	11.07	7.0
70B	Regent-Savage silty clay loams, 3 to 6 percent slopes	Moderately well drained	Not Hydric	4.03	2.5
Project Summary				158.18	100%



ONEOK Rockies Midstream, L.L.C.
Storm Water Pollution Prevention Plan
Lonesome Creek Gas Processing Plant
McKenzie County, North Dakota

Except for the area of the structure and parking lot, original contours will be restored after construction is complete. No significant change to the drainage pattern is anticipated.

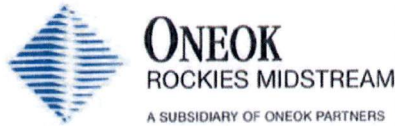
2.5 Receiving Waters

Construction and configuration of the facility will generally follow the natural occurring topography to direct storm water runoff to the northwest of the site. Sediment and erosion control measures will be implemented to minimize impacts to the watershed during construction (see Section 3.2). Runoff from the site flows northwest into an unnamed drainage which is a tributary to Lonesome Creek.

2.6 Site Map

Maps of the project area can be found in Appendix A and B. These maps depict the following features if present:

- Project location;
- Land ownership;
- Soils; and
- Wetlands, waterbodies and impaired waters.



ONEOK Rockies Midstream, L.L.C.
Storm Water Pollution Prevention Plan
Lonesome Creek Gas Processing Plant
McKenzie County, North Dakota

3. CONTROLS

3.1 Personnel

The SWPPP Coordinator responsible for overseeing SWPPP implementation, inspection, and maintenance of erosion control Best Management Practices (BMPs) during construction of the Lonesome Creek Gas Processing Plant is:

Linde Construction Manager : Dennis Brooks
Address : 6100 S. Yale, Suite 1200, Tulsa, OK 74136
P: 1-918-477 1200
F: 1-918-477 1100

ORM will implement their corporate Spill Prevention Containment and Countermeasure Plan (SPCC Plan). Project staff shall be oriented to the SPCC Plan. ORM will train responsible parties as to the fundamentals and principles of erosion control. This training will include a review of standard BMPs. ORM's SPCC Plan is contained in Appendix D.

A log will be kept tracking employee orientation and training (Appendix I).

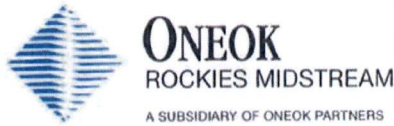
3.2 Erosion and Sediment Controls

Prior to the commencement of construction activities, ORM will clearly mark the boundaries of approved work areas so they are easily identifiable by Project personnel. Project activities shall be confined to the approved work areas. Project activities are not permitted outside these areas. Clearing may be conducted throughout the entire approved work area.

3.2.1 Structural Practices

ORM's contractor shall install temporary sediment barriers during clearing using silt fence and/or double-staked straw bales (see typical details found in Appendix C). Temporary sediment barriers shall be installed per manufacturer's specifications and maintained within the approved work area at the base of slopes adjacent to wetlands, waterbodies, ditches, drainage channels and other storm water conveyance systems; along the edge of the approved work area where wetlands, waterbodies, ditches, drainage channels, or other storm water conveyance systems are directly adjacent to the approved work area; where necessary to contain spoil and sediment within the approved work area (*e.g.*, on steep side slopes or in saturated areas that straddle the border of the work site); and at other locations as directed by the SWPPP Coordinator, as applicable. If work is being conducted within a wetland, proper sediment and erosion control methods shall be installed and maintained along the edge of the remaining wetland areas.

Sediment barriers such as temporary degradable rolled erosion control products or vegetative buffers will remain functional until permanent vegetation has become successfully re-established (*i.e.*, 70 percent perennial vegetation cover as compared to adjacent undisturbed areas). If non-degradable devices such as silt



fences are used, the barriers will be removed and disposed of properly once final stabilization has occurred. Final stabilization for the project area may be achieved by installing temporary erosion control measures 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 since the project area receives on average less than 20 inches of rainfall annually.

No temporary or permanent drainage ditches may be constructed to drain water from the construction site. Temporary and permanent trench breakers will be installed as necessary.

Temporary slope breakers will be installed as necessary, typically on slopes that are 5 percent or greater. Slope breakers will be configured to divert water off the project site to reduce the volume and velocity of storm water runoff on slopes. Spacing of the breakers will be determined on site but will generally conform to the following guidelines:

<u>Slope (%)</u>	<u>Spacing (feet)</u>
5 – 15	300
>15 – 30	200
>30	100

ORM will control the tracking of debris onto public roads by installing a combination of crushed stone access pads, matting, and/or culverts at project access points that abut paved public roads. If sediment is tracked onto paved roads, ORM will remove the debris in a timely manner, typically by the close of business.

Sediment barriers located in active portions of the work area may be removed during the day when work is being conducted, but must be replaced each night or at the onset of inclement weather (*e.g.*, rainstorm). Sediment barriers will be inspected daily in areas of active construction and repaired as needed throughout construction to maintain functionality. Sediment barriers shall be cleaned, repaired and/or replaced when sediment reaches one-third the height of the barrier and within 24 hours of discovery during active construction and within 24 hours thereafter.

3.2.2 Stabilization Practices

Upon completion of construction, ORM’s contractor shall make every effort to initiate stabilization measures on disturbed areas within 14 days of final grading activities. Initiation of final or temporary stabilization may exceed 14 days if earth-disturbing activities will be resumed within 21 days. Perennial herbaceous vegetation will be used to permanently stabilize the project site.

Prior to seeding, ORM will remove construction debris and grade the area to condition the site for seedbed preparation. ORM will prepare the seedbed to a depth of 3 to 4 inches using appropriate equipment to provide a firm uniform



ONEOK Rockies Midstream, L.L.C.
Storm Water Pollution Prevention Plan
Lonesome Creek Gas Processing Plant
McKenzie County, North Dakota

seedbed. If the area will be hydro seeded, the seedbed shall be scarified to facilitate seed lodging and germination.

Permanent seeding of the area will be completed with a seed mix compatible with the soil and climate of the area and will be seeded within the recommended seeding dates as recommended by a local authority.

Mulch shall be applied before seeding if final cleanup is not completed in an area within 10 days after the area has had final grading, or if construction or restoration activity is interrupted for extended periods as determined by the SWPPP Coordinator. If mulching before seeding, ORM will increase mulch applications on slopes within 100 feet of wetlands, waterbodies, ditches, drainage channels, or other storm water conveyance systems to a rate of three tons per acre.

Mulch typically consists of straw (not hay) or a paper-based biodegradable material. Mulch may also consist of erosion control fabrics. Erosion control fabrics usually consist of a geotextile mesh interwoven with large fibers, such as straw or wood strands. Jute thatching or bonded fiber blankets are two types of erosion control fabrics.

If field conditions do not allow for timely reseeding or mulching (*e.g.*, frozen ground), reseeding will take place at the earliest practicable date.

Final stabilization is complete when a 70 percent vegetative cover has been achieved throughout the project area as compared to the natural adjacent landscape. Because the project area receives an average of less than 20 inches of annual rainfall, final stabilization may be achieved by installing temporary, degradable erosion control measures 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.

Temporary synthetic, structural, and non-biodegradable erosion and sediment control measures must be removed after restoration is complete and before permit coverage is terminated.

3.3 Storm Water Management

Permanent soil erosion and sediment controls will be put in place as soon as practicable and as necessary after final cleanup. Permanent erosion controls are addressed in more detail under Stabilization Practices in Section 3.2.2. ORM will restore the Project area to as close to preconstruction contours where possible. A small area will involve the addition of an impervious surface (*e.g.* structure roof); the Project will not generate a measurable increase in off-site storm water runoff into surface waters or wetlands.

In periods of heavy precipitation, sediment-laden storm water runoff will travel through temporary soil erosion and sediment control measures and/or



ONEOK Rockies Midstream, L.L.C.
Storm Water Pollution Prevention Plan
Lonesome Creek Gas Processing Plant
McKenzie County, North Dakota

established vegetation, thereby reducing pollutant transport. All runoff will be directed to these areas and via culverts when necessary to bypass site access roads.

3.4 Other Controls

Waste Disposal: Non-hazardous construction wastes generated will be containerized and properly disposed of off-site. Storm water contact with wastes will be minimized. Wastes not native to the construction site will be disposed of off-site. No hazardous wastes are anticipated to be generated during this Project. ORM and its contractor will comply with applicable federal, state and local waste disposal, sanitary sewer or septic system regulations.

Spill Control and Response: To protect against accidental release of lubricant, coolant, or fuel, equipment will have catch pans and absorbing pads. The contractor will have on-site equipment and materials needed to prevent and/or contain an accidental spill. Construction equipment will be inspected each morning before work starts and frequently during the workday to check for leaks and to repair or replace hoses or connections that are in danger of failure. ORM will follow the procedures in its SPCC Plan (see Appendix D).

Other Practices: ORM will apply water as necessary to control excessive dust due to equipment travel. When site dewatering is required to remove storm water runoff or ground water infiltration from excavations, ORM will typically direct discharges to well-vegetated upland areas, filter the discharges through standard geotextile filter bags (or equivalent) and suspend intake hose off the bottom of excavations to reduce sediment withdrawal. Construction entrances will be maintained in order to minimize vehicle tracking of sediments onto roads. Tracked sediments will be promptly removed from the road surface.

3.5 Record Keeping

It is recommended that a schedule is maintained of when interim and permanent stabilization practices have been implemented on the site. Examples of these practices may include:

- Dates when major grading activities occur;
- Dates when construction activities temporarily or permanently cease on a portion of the site; and
- Dates when stabilization measures are initiated.

SWPPP records will be maintained at the following locations as detailed below:

- During Active Construction: On-site or in the control of the responsible party or SWPPP Coordinator;
- During Restoration: Regional office, 2700 Lincoln Avenue, Sidney, MT 59270; and
- After Termination: Corporate records, 100 West Fifth Street, Tulsa, OK 74103.



4. MAINTENANCE

The following inspection and maintenance practices will be used to maintain erosion and sediment controls:

- Silt fences will be inspected for:
 - Depth of sediment;
 - Tears in the fabric;
 - Proper attachment to fence posts; and
 - To see that the fence posts are firmly in the ground.
- Where silt fence is identified with sediment levels reaching one-third the height of the silt fence, the sediment will be removed from the silt fence, and if necessary, the silt fence repaired or replaced.
- Straw bales will be inspected for proper installation and performance.
- Temporary and permanent seeding will be inspected for bare spots, washouts, and unhealthy growth.
- Ineffective or damaged erosion and sediment controls will be repaired on the following schedule:

Construction Phase	Project Area	Time from Discovery to Conduct Maintenance
Construction	Active Construction	Within 24 Hours
Restoration	30+ days Post Construction	Within 72 Hours
Restoration	Restricted Access	Within 72 Hours
Restoration	Highly Sensitive Areas	Within 48 Hours

Any delay in the replacement or maintenance of nonfunctional BMPs beyond seven (7) days shall be documented in the SWPPP with sufficient detail as to explain the reason for the delay. Inspections will be performed until the site is permanently stabilized. Installation of necessary erosion control measures or repairs to existing erosion control measures must be completed before the next storm event whenever practicable. If implementation before the next storm event is impracticable, the situation must be documented in the SWPPP and alternative BMPs must be implemented as soon as possible.



ONEOK Rockies Midstream, L.L.C.
Storm Water Pollution Prevention Plan
Lonesome Creek Gas Processing Plant
McKenzie County, North Dakota

5. INSPECTIONS

As required by the Permit, the Project area will be inspected for erosion and sediment control issues with the following frequency:

During active construction:

- At least once every 14 calendar days, and
- Within 24 hours of a 0.5 inch or greater rainfall event.

During restoration:

- A minimum of once per month.

Frozen conditions or dangerous elements:

- Inspections shall be temporarily suspended when ground disturbing activities are suspended due to frozen conditions, or if conditions pose a significant risk to project personnel.

Limited access:

- First growing season: Portions of the project area that have limited access and that would suffer damage due to access shall be monitored on a quarterly basis when not frozen.
- Second growing season: Limited access areas shall be inspected monthly in April, May, and June. Quarterly inspections resume in July through frozen conditions or final stabilization.

Visual inspections of all erosion and sediment control measures and other protective measures identified in the SWPPP will be performed for evidence of pollutants entering the drainage system. The inspection will verify that the structural BMPs are in good condition and are minimizing erosion and sediment migration. Construction entrances and exits will be inspected for evidence of sediment being tracked offsite. The inspection will also verify that the procedures used to prevent storm water contamination from the construction activities are effective. Inspections will continue until the site has reached final stabilization and a Notice of Termination has been submitted (Appendix G).

5.1 Identification of Potential Storm Water Contaminants

The primary pollutant sources are disturbed soils and subsequent surface water runoff within the construction area. Other potential pollutant sources include debris from the clearing operations and petroleum products (see below) needed for the construction equipment. The following practices will be followed during the course of the project for spill prevention:

Fuels and Hazardous Materials Handling

- Refueling of equipment or hazardous material transfer will occur in designated areas only;
- No refueling or hazardous material transfer will occur within 100 feet of a wetland, waterbody, spring or water supply well;
- Where conditions require that construction equipment (*i.e.*, pumps used



ONEOK Rockies Midstream, L.L.C.
Storm Water Pollution Prevention Plan
Lonesome Creek Gas Processing Plant
McKenzie County, North Dakota

in trench dewatering) be refueled within 100 feet of wetlands or waterbodies, sufficient oil and fuel containment booms and absorbent materials will be on-hand to allow for rapid containment and recovery of a spill.

In the event of a spill, ORM will follow procedures outlined in its SPCC Plan (see Appendix D).

5.2 Inspection Reports

An inspection report (see Appendix H) will be prepared after each inspection and will be maintained on-site during the entire construction project. Records of each inspection and of maintenance activities will include:

- Date and time of inspection;
- Name, title, and qualifications of person(s) conducting inspections;
- Scope and findings of inspections, including recommendations for corrective actions;
- Location(s) of discharges of sediment or other pollutants from the site;
- Location(s) of BMPs that need to be maintained;
- Location(s) of BMPs that failed to operate as designed or proved inadequate for a particular location;
- Location(s) where additional BMPs are needed that did not exist at the time of inspection;
- Corrective actions taken (including dates, times and party completing maintenance activities);
- Documentation of changes made to the SWPPP;
- Identify any incidents of non-compliance;
- Records will be maintained as part of the SWPPP for at least 3 years from the date an area has undergone final stabilization.

Based on the results of the inspection, the plan will be revised and implemented no later than seven (7) calendar days following the inspection. Where an inspection does not identify any incidents of non-compliance, the report will contain a certification that the site is in compliance with the plan and the Permit (see Appendix F). The report will be signed in accordance with the signatory requirements for the permit.



ONEOK Rockies Midstream, L.L.C.
Storm Water Pollution Prevention Plan
Lonesome Creek Gas Processing Plant
McKenzie County, North Dakota

6. KEEPING PLANS CURRENT

ORM will amend the 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 the waters of the state. The plan will also be amended to improve observed deficiencies associated with treatment of storm water discharges. Changes will be tracked in the SWPPP Modification Log (Appendix K).



ONEOK Rockies Midstream, L.L.C.
Storm Water Pollution Prevention Plan
Lonesome Creek Gas Processing Plant
McKenzie County, North Dakota

7. FINAL STABILIZATION

ORM will be responsible for ensuring that final stabilization is accomplished on non-impervious surfaces prior to submitting the construction storm water Notice of Termination form (Appendix G). Coverage will be terminated when:

- Soil disturbing construction activity has been completed;
- Final stabilization is achieved by utilizing one of the following:
 - A uniform perennial vegetative cover with a minimum density of 70 percent of the native background vegetative cover has been established on all non-impervious surfaces and areas not covered by permanent structures, or
 - Equivalent permanent stabilization measures have been employed, or
 - Temporary erosion control measures have been installed 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 in areas that receive an average annual rainfall of less than 20 inches;
- All non-degradable temporary erosion protection and sediment control BMPs have been removed without compromising the permanent erosion protection and sediment control BMPs;
- All sediment build-up has been removed from conveyances and basins that are to be used as permanent water quality management BMPs. The cleanout of permanent basins used as temporary BMPs during construction shall be sufficient to return the basin to design capacity; and
- Responsibility for long-term maintenance of permanent BMPs must be assigned.



ONEOK Rockies Midstream, L.L.C.
Storm Water Pollution Prevention Plan
Lonesome Creek Gas Processing Plant
McKenzie County, North Dakota

8. CERTIFICATION

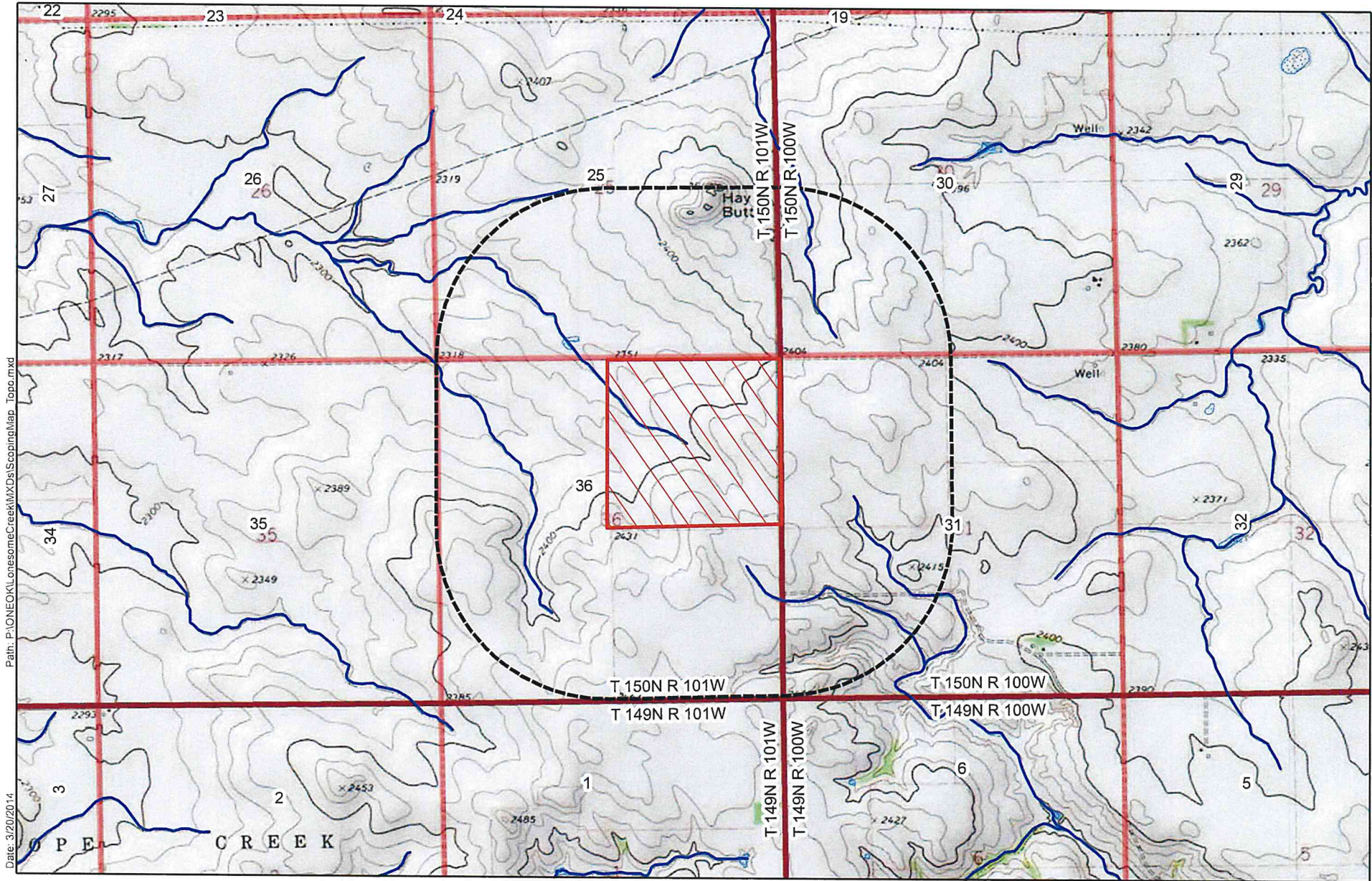
I certify under penalty of law that I have personally examined and am familiar with the information submitted herein. Based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate, and complete. I am aware that there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

Name: Peter Ruffenach **Title:** Project Engineer

Signature: *Peter Ruffenach* **Date:** 4-29-14

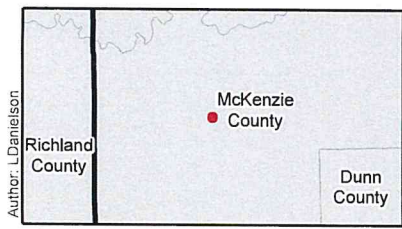
Appendix A

Site Location and Soil Maps

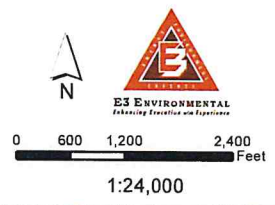


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Date: 3/20/2014



- | | |
|-------------------------------|---------------------------|
| Lonesome Creek Plant Location | Joint Ownership |
| Study Area | Local Land |
| NHD Waterway | Native American Land |
| NHD Waterbody | Private Conservation Land |
| NWI Wetland | State Land |
| Federal Land | Unknown |

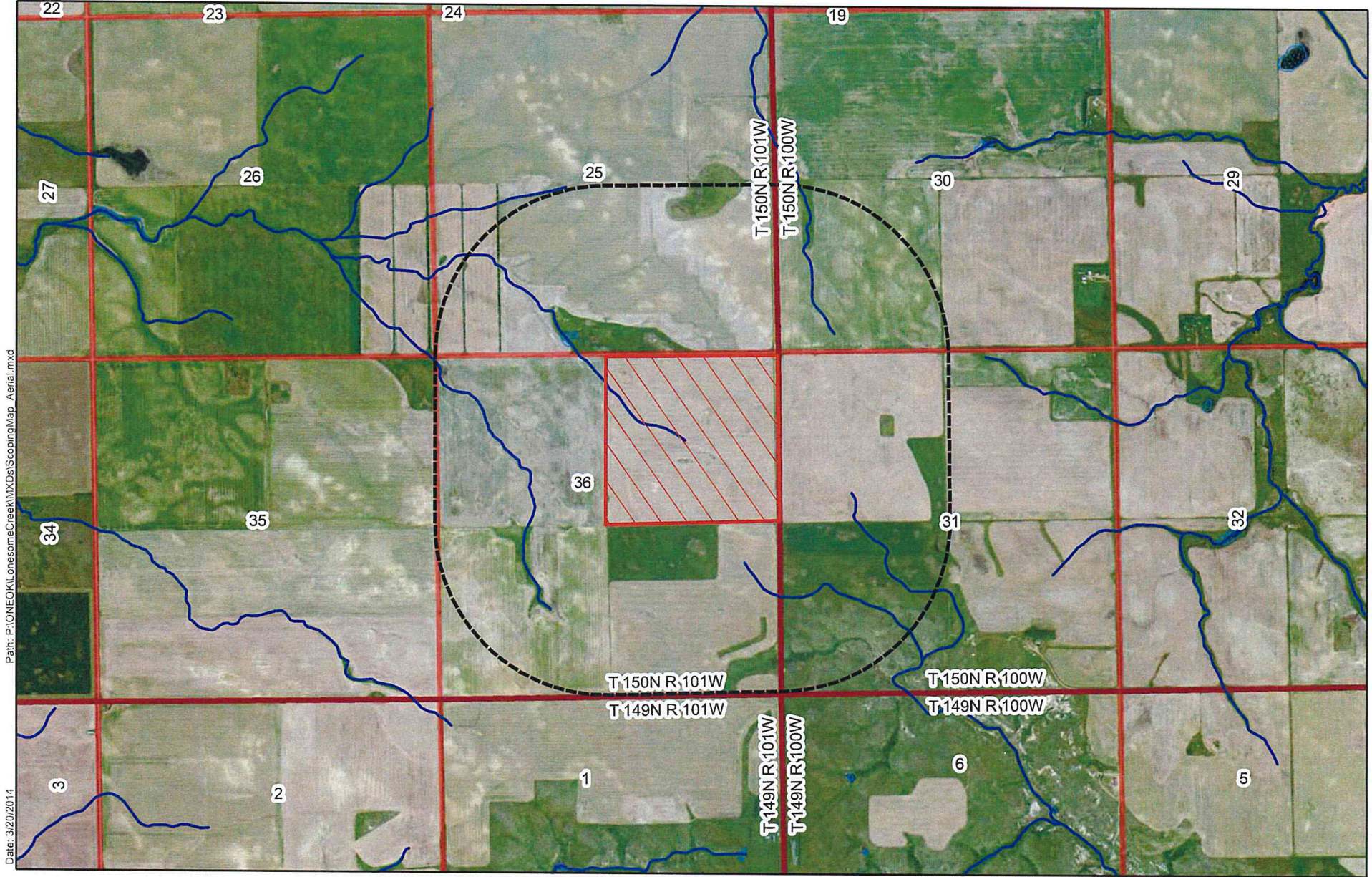


**ONEOK Rockies
Midstream, L.L.C.**

Lonesome Creek Gas Plant
Scoping Map

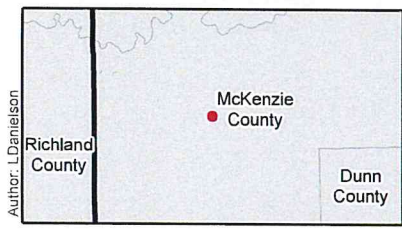
McKenzie County, North Dakota

Author: L.Danielson



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Date: 3/20/2014



	Lonesome Creek Plant Location
	Study Area
	NHD Waterbody
	NHD Waterway
	NWI Wetland

0 600 1,200 2,400 Feet

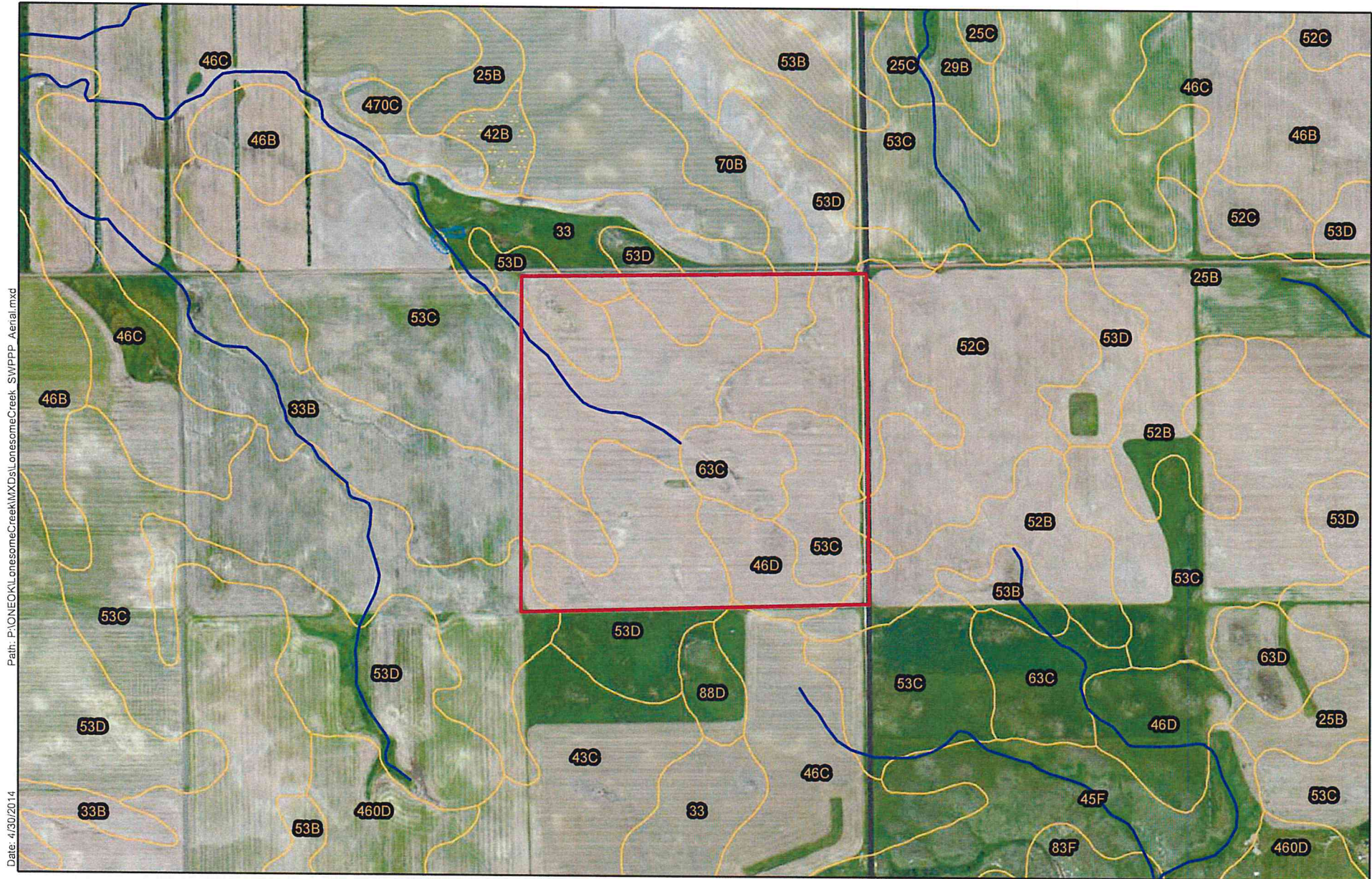
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**ONEOK Rockies
Midstream, L.L.C.**

Lonesome Creek Gas Plant
Scoping Map

McKenzie County, North Dakota

Author: L.Danielson



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Date: 4/30/2014

Author: L.Danielson



Lonesome Creek Plant Location	Federal Land
303d Waterway	State Land
NHD Waterway	All hydric
NWI Wetland	Partially hydric
NHD Waterbody	Not hydric

0 305 610 1,220 Feet

1:12,000

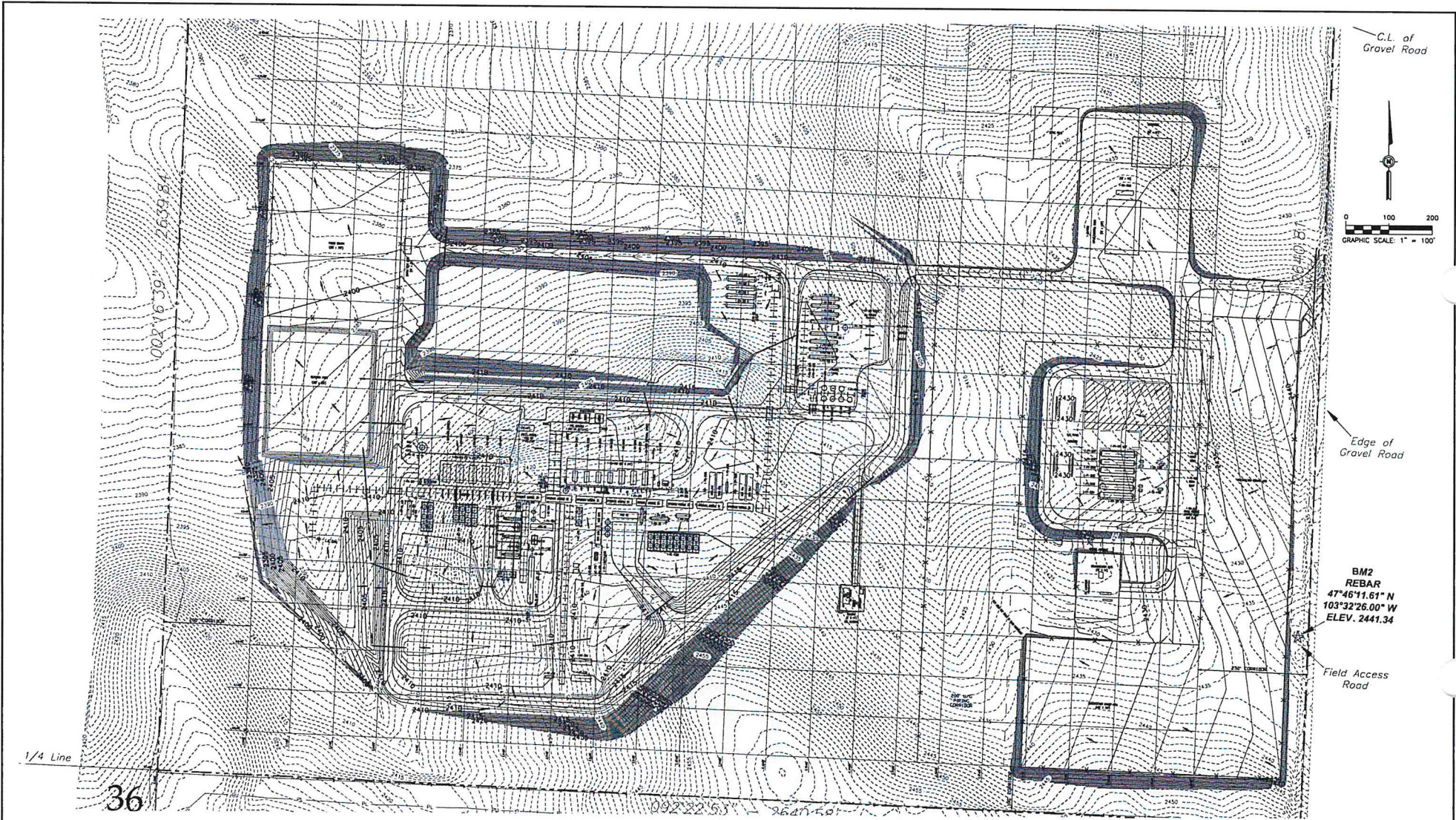
**ONEOK Rockies
Midstream, L.L.C.**

Lonesome Creek Gas Plant
Soils Map

McKenzie County, North Dakota

Appendix B

Grading Plan



PRELIMINARY NOT FOR CONSTRUCTION

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Linde Process Plants, Inc.

PROJECT NO. &AF2110AD42
LPP DWG.

STATUS ISSUE

REVISIONS			
NO.	DATE	DESCRIPTION	BY (CND) / APPRO

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ONEOK PARTNERS

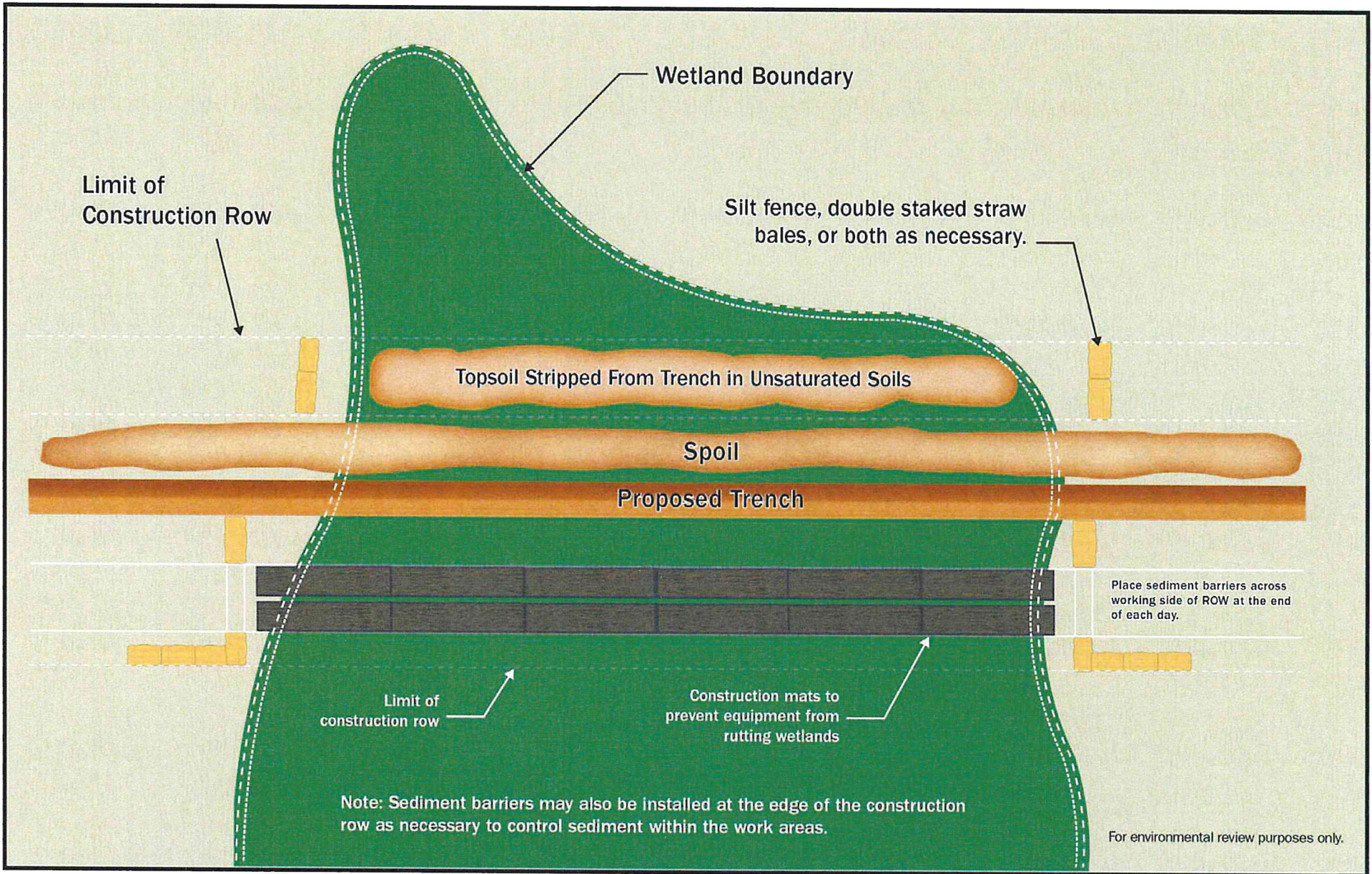
ONEOK Rockies Midstream, L.L.C.

OVERALL GRADING PLAN

200 MMSCFD LIQUID RECOVERY UNIT
LONESOME CREEK GAS PLANT - TRAIN 1 MCKENZIE COUNTY, ND

Appendix C

Typical Erosion Control Details



Enhancing Execution
with Experience

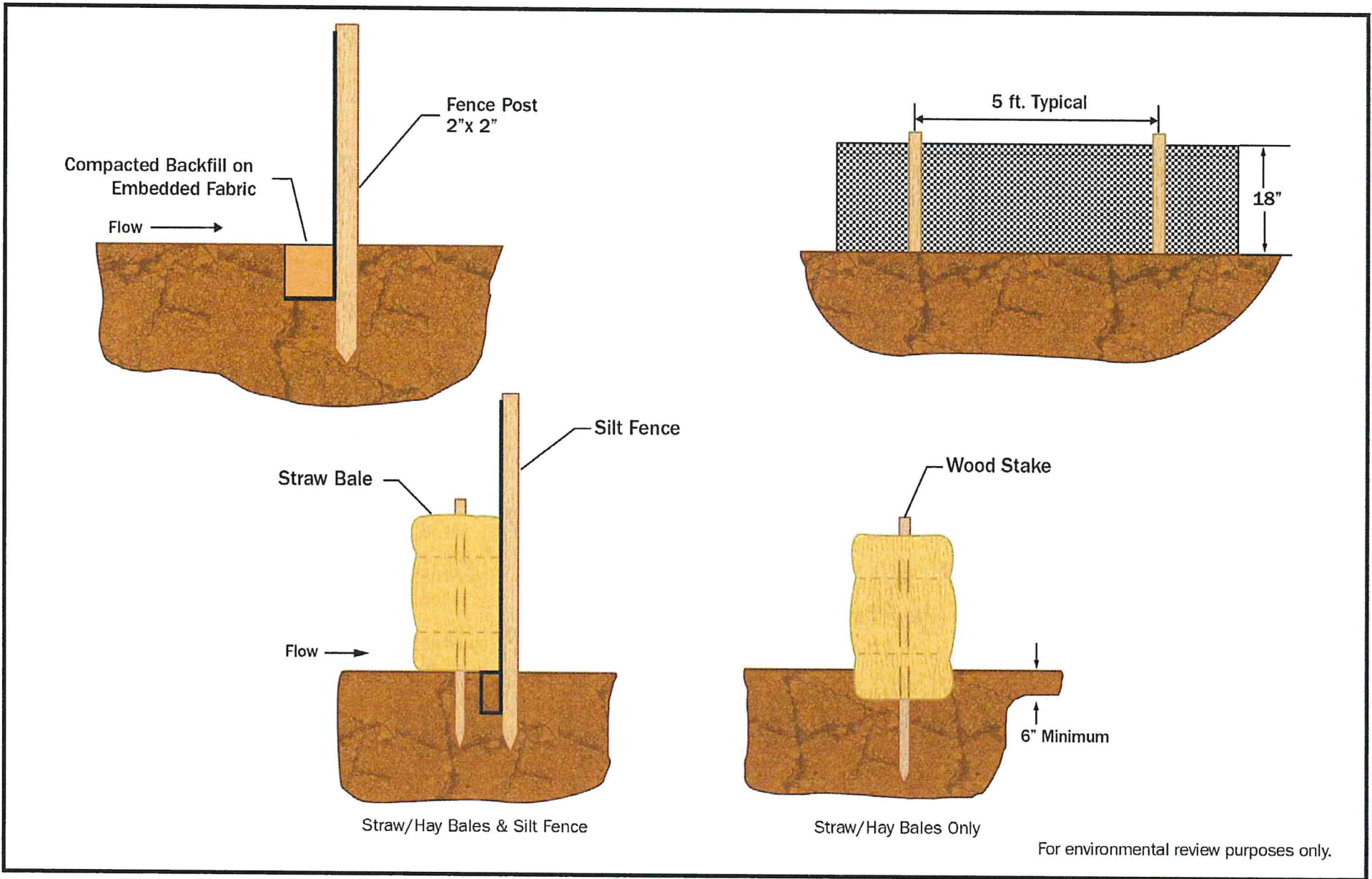
Standard Best Management Practices

Open Cut Wetland Crossing

Figure

Date: 12/27/2011

Revised: 12/27/2011



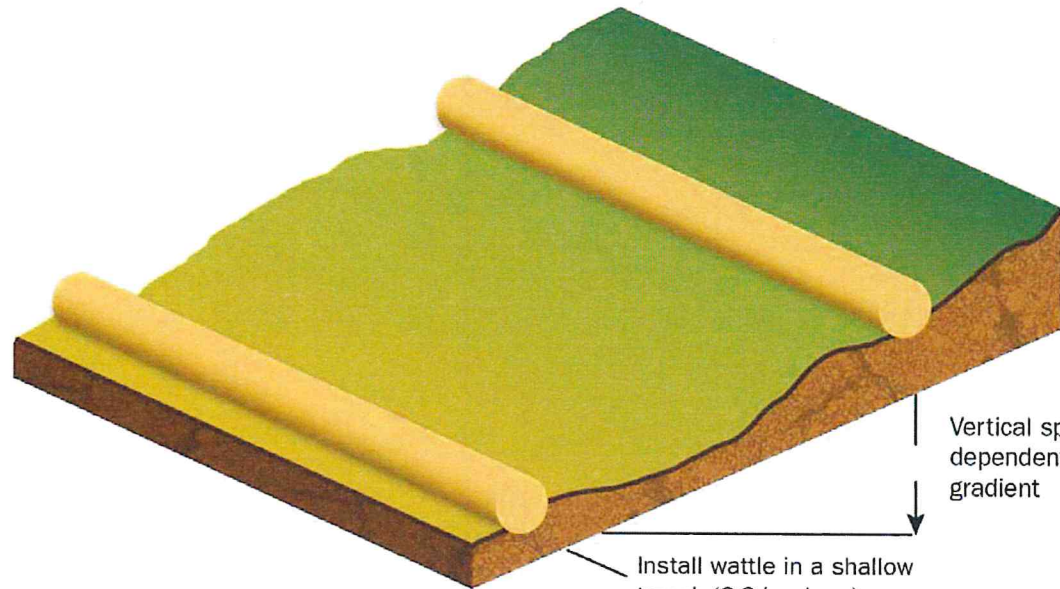
Enhancing Execution
with Experience

Standard Best Management Practices Typical Silt Fence Installation and Hay Bale

Figure

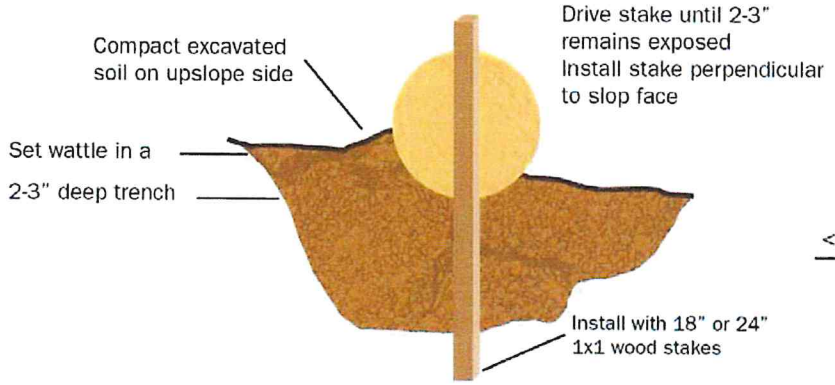
Date: 12/27/2011

Revised: 12/27/2011

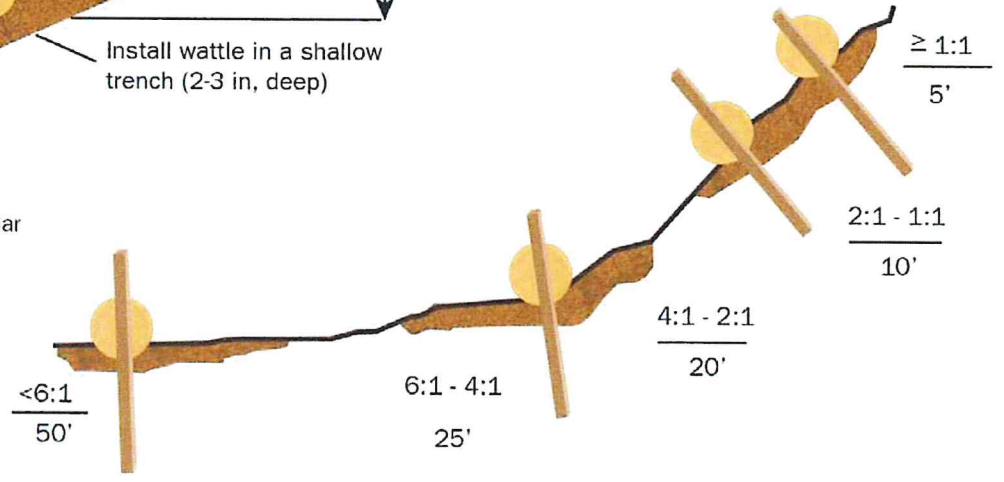


Vertical spacing is dependent on slope gradient

Install wattle in a shallow trench (2-3 in, deep)



Entrenchment Detail



Typical Wattle Spacing based on Slope Gradient

For environmental review purposes only.



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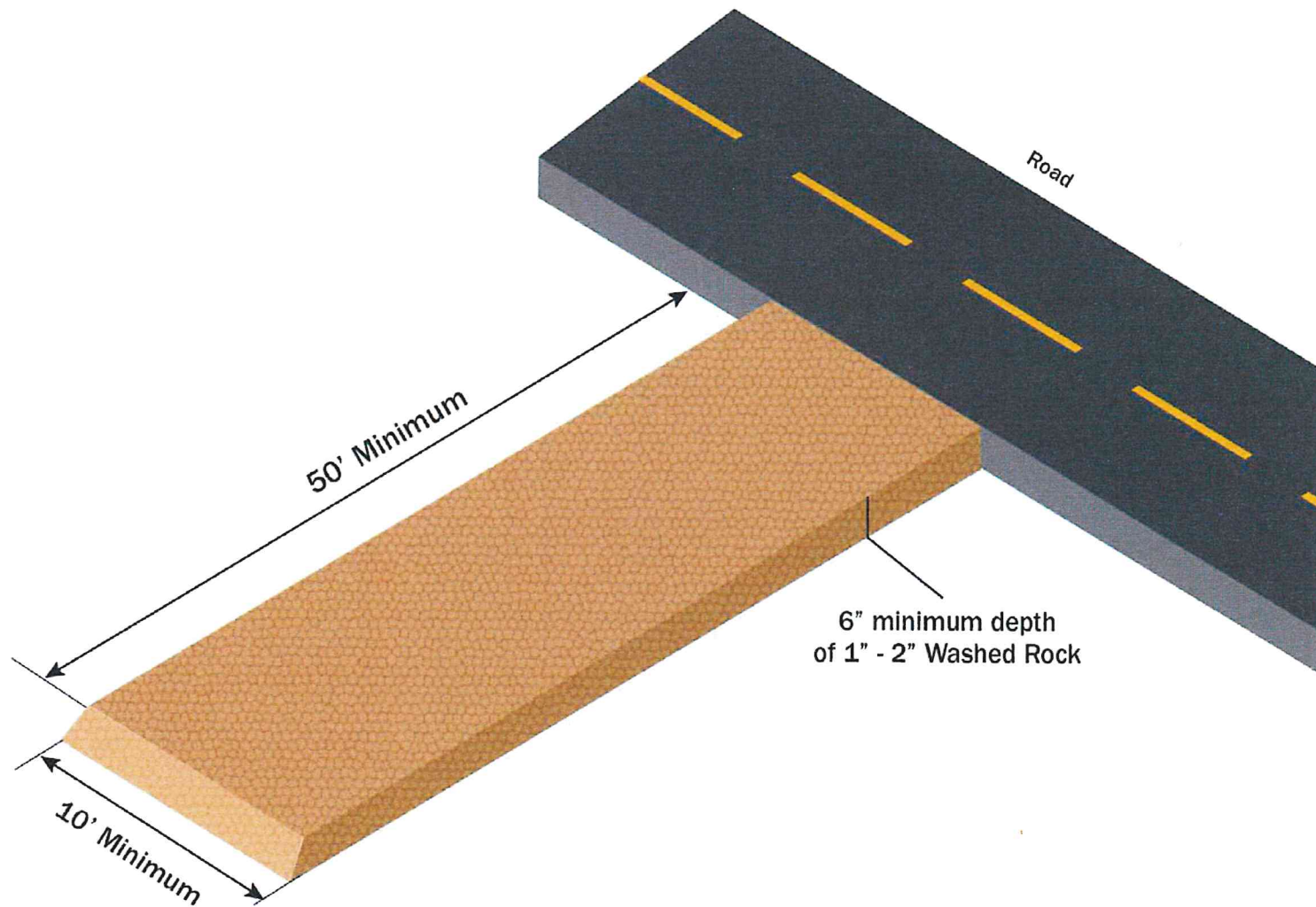
Standard Best Management Practices

Typical Wattle Installation

Figure

Date: 12/27/2011

Revised: 12/27/2011



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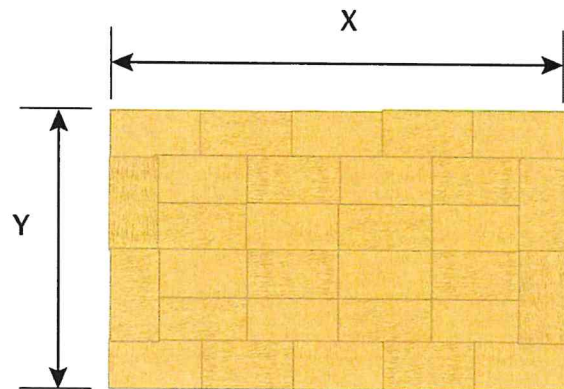
Standard Best Management Practices

Access/Egress Erosion Control

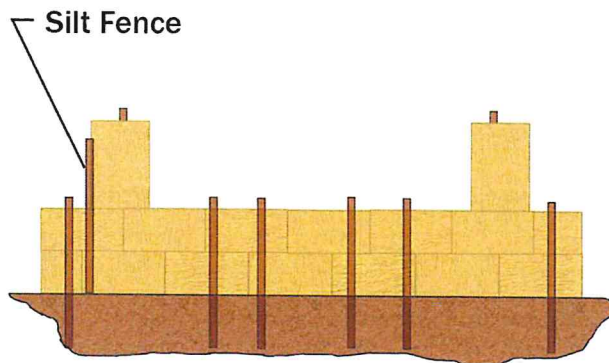
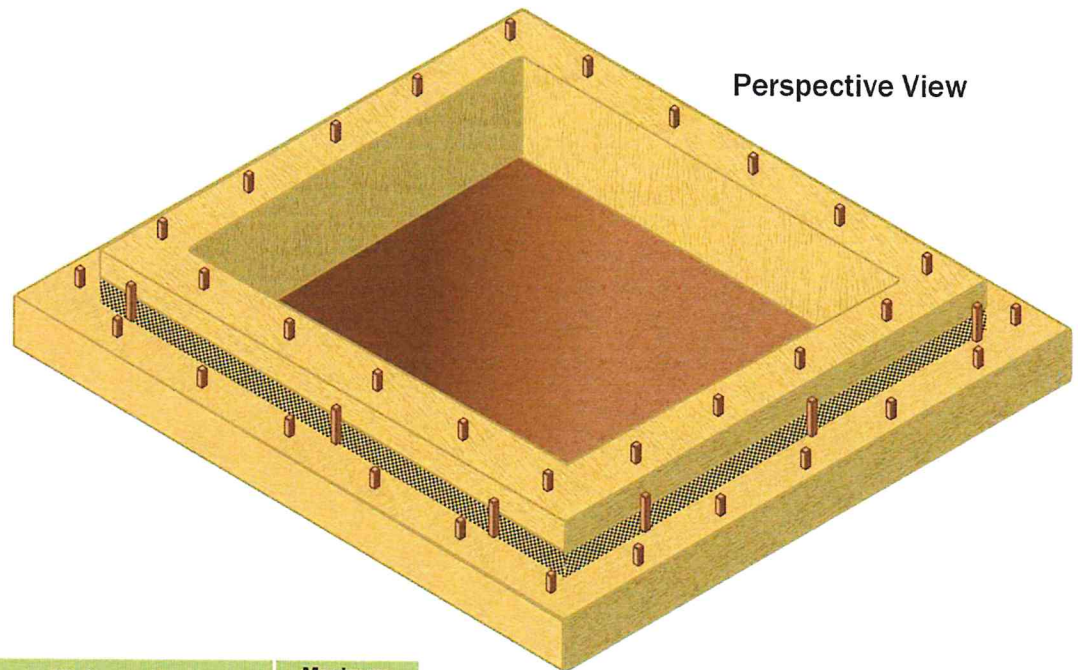
Figure

Date: 12/27/2011

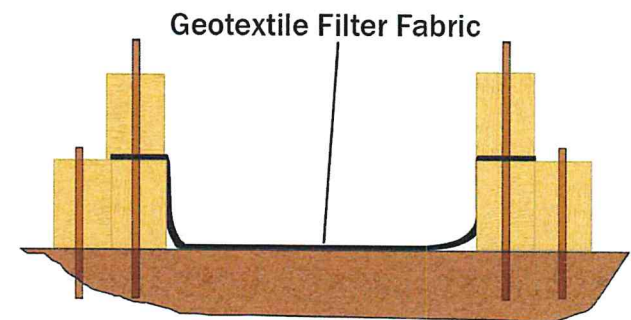
Revised: 12/27/2011



1. Arrange the straw bales to the X and Y dimensions specified below.
2. If bottom of structure is not lined with straw bales (Option 1), line entire structure with geotextile filter fabric.



Minimum Sump Dimensions (ft.)		Maximum Pumping Rate (gal./min.)
X	Y	
10	20	300
15	20	350
20	20	400
20	25	450
25	25	500
25	30	550
30	30	660



For environmental review purposes only.



Enhancing Execution
with Experience

Standard Best Management Practices

Straw Bale Dewatering Structure

Figure

Date: 12/27/2011
Revised: 7/16/2012

Appendix D

Spill Prevention, Containment and Countermeasure Plan



*Spill Prevention, Containment, and
Countermeasure Plan*

**LONESOME CREEK
GAS PROCEESING PLANT PROJECT**



ONEOK Rockies Midstream, L.L.C.

April 2014

Table of Contents

1.0	INTRODUCTION	1
2.0	SPILL PLANNING AND PREVENTION	1
2.1	Training.....	1
2.2	Equipment.....	1
2.3	Inspection.....	1
3.0	STORAGE AND HANDLING OF FUELS/HAZARDOUS LIQUIDS	2
3.1	Storage - General.....	2
3.2	Storage Specifications.....	2
4.0	SPILL CONTAINMENT AND CLEANUP	3
4.1	General Spill Control.....	3
4.2	Wetland and Waterbody Spill Control.....	5
4.3	Storage and Disposal of Contaminated Materials.....	5
5.0	SPILL NOTIFICATION	5
5.1	Notification Responsibilities.....	6
5.2	State and Federal Agencies.....	6
5.3	Notification Information.....	7
6.0	CONTAMINATED SOIL REMOVAL PROCEDURES	8
6.1	Identification of Contamination.....	8
6.2	Notification.....	8
6.3	Containment Procedures.....	9
6.4	Reporting.....	9
6.5	Backfilling and Disposal of Contaminated Soils.....	10

Appendix A: Spill Reporting Form

1.0 INTRODUCTION

ONEOK Rockies Midstream, L.L.C. ("ORM" or "Company") has developed this Spill Prevention, Containment and Countermeasure Plan (SPCC Plan) to describe processes to reduce the likelihood of a release or spill of fuel or chemicals and instructs project personnel how to respond to these events. This is implemented through planning, training, inspection of equipment and storage facilities, containment and cleanup, and notification procedures. This plan also describes various procedures to follow if unanticipated contaminated soils are discovered during project activities.

2.0 SPILL PLANNING AND PREVENTION

Potential sources of spills include tank leaks, machinery and equipment failure, and fuel handling and transfer operations. To prevent spills from occurring, the Contractor shall adopt, at a minimum, the following procedures:

2.1 Training

The Contractor shall train all employees handling fuels and other regulated substances to follow spill prevention procedures and to quickly and effectively contain and cleanup spills if they occur.

2.2 Equipment

- The Contractor must supply each construction crew with spill response kits containing a sufficient quantity of absorbent and barrier materials to adequately contain and recover foreseeable spills. These kits shall include, but are not limited to, drip pans, buckets, absorbent pads, containment booms, straw bales, absorbent clay, sawdust, floor-drying agents, and spill containment barriers.
- Tools and materials to stop the flow of leaking tanks and pipes shall be kept on-site. Such equipment includes, but is not limited to, plugs of various sizes, a hammer, assorted sizes of metal screws with rubber washers, a screwdriver, and plastic tape.
- Plastic lining materials shall also be available for placing below and on top of temporarily stored contaminated soils and materials. The Contractor must make known the locations of spill control equipment and materials, and have them readily accessible during construction activity.

2.3 Inspection

- The ORM Inspection Team will monitor the Contractor's compliance with the provisions of this SPCC Plan and assist the Contractor in complying with the conditions outlined herein.

- The Contractor shall regularly inspect hoses, pipes, valves, and tanks for leaks and deterioration. Leaks or deterioration that is identified shall be fully repaired prior to resuming use of the equipment on the project. ORM reserves the right to require the removal of leaking equipment from work sites.

3.0 STORAGE AND HANDLING OF FUELS/HAZARDOUS LIQUIDS

3.1 Storage - General

- The Contractor shall provide to the Company a list of all hazardous materials and chemicals brought on-site and a copy of the Material Safety Data Sheets (MSDS) for each. No hazardous chemical/material will be brought on-site without prior consent by the Company. The Contractor shall not use asbestos-containing materials as part of this project without prior approval from the Company.
- The logistics of construction may at times require temporary storage of fuels and other petroleum products at a work site. Prior to project activities, the Contractor will identify to the Environmental Inspector areas in which aboveground petroleum storage tanks will be established.

3.2 Storage Specifications

The Contractor shall follow proper fuel and fluid storage practices, including, but not limited to the following:

- The total amount of each hazardous substance stored on-site shall not exceed 10,000 pounds without prior written approval from ORM.
- Fuels, lubricants, liquid wastes, potentially hazardous chemicals/material, and any other regulated substances must be stored in securely closed, properly labeled, aboveground storage containers that conform to all applicable industry codes (e.g., NFPA, UFC, etc.).
- Each label shall indicate the contents of the container and whether the contents are hazardous. A waste code and any other content description (i.e., waste paint, used solvent, etc.) shall be included on all waste container labels.
- The containers shall be protected from inclement weather and shall be located at least 100 feet from wetlands, waterbodies, ditches, and drainage channels; at least 200 feet from private water supply wells and 400 feet from community water supply wells; and entirely outside municipal watershed areas.
- The Contractor will locate all storage tanks and containers within a Company-approved secondary containment structure. A secondary containment structure in the form of sand bags, straw bales, or earthen dikes will be constructed and utilized at each storage site.

These structures will provide a containment volume equal to 150 percent of the volume of the largest storage vessel and provide at least one foot of freeboard.

- Earthen containment dikes will be constructed with slopes no steeper than 3:1 (horizontal to vertical) to limit erosion and provide structural stability. Secondary containment areas will be lined with seamless plastic sheeting a minimum of 10 mil thickness, and will be compatible with the material stored. Secondary containment areas will not have drains. If the secondary containment area is visibly free of contaminants and sheen, precipitation may be drawn off as necessary and sprayed on the surrounding area.
- Vehicle maintenance wastes must be stored and disposed of in accordance with applicable environmental regulations.
- Materials (i.e., rags, filters) containing oils, fuels and other regulated substances must be stored and disposed of in accordance with applicable environmental regulations.
- Fuels shall be dispensed by authorized personnel during daylight hours only. Fuel dispensing operations shall not be left unattended.
- Tanker trucks transporting fuel to on-site construction equipment shall travel only on approved access roads.

4.0 SPILL CONTAINMENT AND CLEANUP

To prevent spills from occurring, the Contractor shall train all workers handling fuels and other regulated substances to follow spill prevention procedures. The Contractor shall also train all workers who handle fuels and other regulated substances to quickly and effectively contain and cleanup spills. In the event of a spill, the Contractor will abide by all applicable federal, state and local regulations with respect to cleaning up the spill. All cleanup and other spill-related activities must be completed by, and costs assumed by, the Contractor. Specific cleanup measures for both upland and wetland/waterbody spills are described below.

4.1 General Spill Control

- Where heavy equipment and/or hazardous materials are used on the project, the Contractor will supply each work crew with spill response kits containing a sufficient quantity of absorbent and barrier materials to adequately contain and recover foreseeable spills. These kits may include, but are not limited to: drip pans, buckets, absorbent pads, containment booms, straw bales, absorbent clay, sawdust, floor-drying agents, shovels, and spill containment barriers.
- Refueling and lubricating operations; concrete coating and concrete weight manufacturing; placement of stationary motorized equipment (e.g., water pumps); and overnight parking of wheeled and tracked construction equipment will take place at least 100 feet from wetlands, waterbodies, ditches, and drainage channels; at least 200 feet from private water supply

wells and 400 feet from community water supply wells; and entirely outside municipal watershed areas.

- In some cases, the placement of stationary motorized equipment (e.g., water pumps, portable lighting plants) may be necessary within 100 feet of wetlands, waterbodies, ditches, and drainage channels. Placement of stationary motorized equipment will be permitted in these areas only if the equipment is located in a secondary containment structure as outlined in Section 3.2.
- In certain instances, refueling may be unavoidable within 100 feet of wetlands, waterbodies, ditches, and drainage channels. Refueling will be permitted in these areas only if Contractor is using equipment outfitted with auxiliary fuel tanks in these areas. Only the amount of fuel needed to refuel heavy equipment, up to a maximum of 300 gallons, will be allowed to enter these areas. Portable and stationary motorized equipment will be refueled in these areas using sealed containers with a capacity of no more than 5 gallons. A schedule of refueling times and locations will be prepared and distributed to the Environmental Inspector and Company on-site project management. Two trained maintenance personnel will be available for refueling. Refueling will not occur in areas of standing or flowing water. Absorbent materials will be placed directly below the refueling operation to contain any drips or small releases that may occur. Floating booms, skimmer pumps, and holding tanks will be on-hand for containment of fluids in the event that a release reaches standing or flowing water.
- Tools and materials to stop the flow of leaking tanks and pipes will be kept on site. Such equipment includes, but is not limited to: plugs of various sizes, a hammer, and assorted sizes of metal screws with rubber washers, a screwdriver, and plastic tape.
- Plastic sheeting shall be available for placing below and on top of temporarily stored contaminated soils and materials. All on-site personnel will be informed of the locations of spill control equipment and materials, and will have them readily accessible during project activities.
- The Contractor shall regularly inspect hoses, pipes, valves, and tanks for leaks and deterioration. Identified leaks or deterioration shall be fully repaired prior to resuming use of the equipment on the project. The Company reserves the right to require the removal of leaking equipment from the work site.
- If a spill occurs, the source of the spill must be identified and contained immediately.
- For large spills on land, pooled material must be pumped immediately into tank trucks. The Contractor or, if necessary, an emergency response Contractor shall excavate all contaminated soil. The spilled material and the contaminated soil must be treated and/or disposed of in accordance with all applicable federal, state, and local agency requirements.
- Smaller spills on land shall be cleaned up with absorbent materials. Contaminated soil or

other materials associated with these releases shall also be collected and disposed of in accordance with applicable regulations.

- Flowing spills must be contained and/or absorbed before reaching surface waters or wetlands.
- Absorbent material(s) shall be placed over spills to minimize spreading and to reduce its penetration into the soil.
- Spill sites shall be evacuated as necessary to safeguard human health. Evacuation parameters shall include consideration for the potential of fire, explosion, and hazardous gases.

4.2 Wetland and Waterbody Spill Control

In addition to the measures described above, the following conditions shall apply to areas where refueling within 100 feet of wetlands and waterbodies is unavoidable:

- For spills that occur on surface waters and/or in inundated wetlands, floating booms and skimmer pumps shall be used to contain and recover released materials in these waterbodies. Noticeably contaminated soils on stream banks and in wetlands will be excavated and placed on, and covered by, plastic sheeting in bermed areas away from the waterbody.
- For spills in waterbodies that result in a sheen, the Contractor must promptly notify the ORM Project Manager, ORM Environmental Manager, National Response Center, ND Department of Emergency Services - Hazardous Materials Emergency Assistance and Spill Reporting/ND Department of Health, and the State Industrial Commission Oil & Gas Division as detailed in Section 5.0. Emergency Response Contractor(s) will be secured as necessary to further contain and clean up the spill at the Contractor's expense.

4.3 Storage and Disposal of Contaminated Materials

- All contaminated soils, absorbent materials, and other wastes shall be disposed of by the Contractor in accordance with all applicable federal and state regulations.
- If it is necessary to temporarily store excavated soils on-site, these materials shall be placed on, and covered by plastic sheeting, and the storage area bermed to contain runoff.

5.0 SPILL NOTIFICATION

- In the event of a spill, the Contractor and ORM personnel shall abide by all applicable federal, state and local regulations with respect to notifying the regulatory agencies of the spill. Notification responsibilities, agency contacts and spill information requirements are described below.

Estimated Spill Volume	Response	Notify
Less than one gallon gasoline, diesel, hydraulic fluid, etc. onsite to soil surface	Contain and Clean up	Notify Environmental Inspector and coordinate the completion of the <i>ORM Internal Spill Reporting Form</i> and submit to ORM Environmental Manager.
Greater than one and less than 25 gallons	Contain and Clean up	Notify ORM's Environmental Inspector, Environmental Manager, and Project manager. Complete <i>ORM Internal Spill Reporting Form</i> and submit to ORM Environmental Manager.
Greater than 25 gallons	Contain and Clean up	Notify ORM's Environmental Inspector, Environmental Manager, and Project manager. Complete <i>ORM Internal Spill Reporting Form</i> and submit to ORM Environmental Manager.
Any amount to surface water	Contain and Clean up	Notify ORM's Environmental Inspector, Environmental Manager, and Project manager. Complete <i>ORM Internal Spill Reporting Form</i> and submit to ORM Environmental Manager.
Greater than Reportable Quantities (more than 50 gallons)	Contain and Clean up	Notify ORMs Environmental Manager, Lead and Project manager. Complete <i>ORM Internal Spill Reporting Form</i> and submit to ORM Environmental Manager.

5.1 Notification Responsibilities

- The Contractor must notify the Chief Inspector and Environmental Inspector promptly of any spill of a petroleum product or hazardous liquid, regardless of volume or location.
- ORM and/or its environmental representatives will report reportable spills to appropriate federal, state, and local agencies as soon as possible.

5.2 State and Federal Agencies

- ORM will notify the appropriate agencies in the event of an accidental release. These may include, but are not limited to, the following:

National Response Center (Washington, D.C.)
Phone: (800) 424-8802 (24 hours)

Continued next page....

North Dakota Department of Emergency Response - Hazardous Materials Emergency Assistance and Spill Reporting

Phone: (800) 472-2121 (Out-of-state), (701) 328-2121 (In-state)

Online Incident Report Form: <http://www.nd.gov/des/planning/haz-chem/report/>

North Dakota Department of Health

Phone: 701-328-5210

Online Incident Report Form: <http://www.ndhealth.gov/ehs/eir/eirform.htm>

State Industrial Commission - Oil & Gas Division

Phone: 701-328-2969

5.3 Notification Information

In the event of a spill, the following information shall be obtained by the Contractor to support spill reporting and planning of subsequent activities:

- A legal description of the spill location, and directions from the nearest community.
- The time and date of the spill, and the time and date the spill was discovered.
- The type and estimated volume of spilled material.
- The media in which the spill occurred (e.g., soil, water, etc.).
- Proximity to surface waters.
- Name, company, address, and telephone number of responsible party (Contractor).
- The cause of the spill.
- Immediate containment and/or cleanup actions taken.
- Name, company, address, and telephone number of person who reported the spill.
- Follow-up written reports, associated laboratory analyses for reportable spills, and other documentation shall also be compiled, if applicable, and all information forwarded to ORM Environmental Manager.
- ORM has developed a Spill Reporting Form to facilitate the collection and recording of spill notification information. A copy of this form is enclosed in Appendix A. Contractor will assist ORM in completing follow-up written reports, associated laboratory analyses if required, and other documentation as necessary.

6.0 CONTAMINATED SOIL REMOVAL PROCEDURES

Company has established the following procedures to be used if unreported or unanticipated contaminated soils are discovered during project activities. These procedures only apply to contaminated soils that existed prior to construction.

Upon discovery, immediately:

- Notify Company personnel of the discovery, regardless of size or volume;
- Company personnel will determine if work can proceed safely and has stop work authority if contaminated areas pose a risk to project personnel;
- Limit or prohibit disturbance to the contaminated area; and
- Limit physical exposure to contaminated soils.

6.1 Identification of Contamination

All personnel should observe disturbed soils for signs of possible contamination. Contaminated soils are generally identified by the following characteristics:

- A distinct pungent odor, usually smelling of petroleum, but an odor may be present without visible signs of contamination;
- Stained or discolored soils typically ranging from green or dark brown to black. The appearance of soils contaminated by petroleum may vary depending on the petroleum type, the age of contamination, and the soil type;
- A visible sheen on standing water; and
- Vegetation in the vicinity of the contaminated soil appears to be stressed or dying.

6.2 Notification

Immediately notify Company personnel of possible contamination, regardless of the size. At that time Company personnel shall:

- Evaluate whether possible contamination exists and if work can continue safely. If necessary, halt work and further site disturbance and immediately complete and provide the Spill Reporting Form (Appendix A) to Company personnel; and
- If necessary, notify the National Response Center and the emergency response agencies using the information listed in Section 5.2.

Notifications are required as soon as possible, but never later than 24 hours after the contamination is discovered. If necessary, Company personnel will arrange for a testing company to sample the soil and determine the extent of contamination. Appropriate state agencies shall be notified by Company personnel to determine the appropriate handling of contamination.

6.3 Containment Procedures

The following steps shall be followed upon confirmation of contamination;

- Disturbed contaminated soil shall be contained so that contaminants are not spread by runoff or infiltrated into the ground;
- Disturbed contaminated soil shall be stockpiled in a bermed area and lined with an impermeable material. Stock piles shall only be created in approved workspaces. Areas that are not necessary for pipe installation shall not be excavated and stockpiled by the pipeline construction contractor;
- Contaminated soil stockpiles shall be covered with a tarp or similar impermeable material which extends over the berms to prevent precipitation from spreading contaminants;
- Contaminated soil piles shall be placed so as not to interfere with pipeline construction, yet be easily accessible for sampling and disposal, if needed. In general, contaminated soils should be placed on the working side of the trench;
- The area containing contaminated soils should be marked with flagging and/or signs to prevent unnecessary contact. Traffic through contaminated areas should be minimized; and
- If trench water is present in the contaminated area, trench breakers or soft plugs should be installed to prevent migration of contaminated water down the trench. Trench water in contaminated areas shall be collected and disposed at an approved facility.

The Company personnel or the Environmental representative shall direct the contractor to further isolate, contain, or prevent the spread of contaminants.

The Contractor shall not excavate contaminated soils outside the trench-line unless specifically directed by the Company personnel or the Environmental representative.

6.4 Reporting

The Company personnel will collect information regarding the contamination and complete a Spill Reporting Form (Appendix A). Information to be recorded on this form includes:

- Photos of the site;
- Site sketch;
- Location (reference milepost, stationing and other pertinent information);
- Extent of contamination (horizontal and vertical extent);
- Medium in which contamination exists (soil, water, etc.);
- Degree of contamination (*i.e.*, free product to slight staining or odor);
- Apparent type of contamination (crude oil, gasoline, etc.)
- Statement on possible source of contamination (adjacent pipeline, off-ROW facility), if readily apparent (should not encourage speculation); and
- Volume of soil excavated/location of temporary storage, and actions taken to contain contaminants.

6.5 Backfilling and Disposal of Contaminated Soils

Backfilling the pipe trench with clean, imported soils from an approved source is permissible if approval from the Company has been obtained and if all available information discussed in the reporting section has been collected.

Stockpiled contaminated soils shall be disposed of in accordance with applicable local, state, and federal regulations. Disposal options may include treatment at an off-site facility or disposal at an approved solid waste disposal facility.

Appendix A

Spill Reporting Form

ONEOK INTERNAL SPILL REPORTING FORM

1. Date/Time of Report: _____ / _____ AM or PM
2. Name/Title of Person Reporting Incident: _____ / _____
3. ONEOK Facility or Project: _____
Address: _____
City _____ State _____ Zip _____ County _____
4. Date/Time of Spill Incident: _____ / _____ AM or PM
OR
Suspected historical release? Yes/No
If yes, Date/Time of Discovery _____ / _____ AM or PM
5. Who caused the spill? (Check which applies)

ONEOK _____
Contractor _____

Contractor Name: _____
Contact Person: _____
Address: _____
City _____ State _____ Zip _____
Contractor's EPA Hazardous Waste Generator ID No. _____
Phone: () _____
6. Material(s) Spilled
Product Name(s) _____
7. Amount Spilled: _____ gallons
8. Specific location of spill:

Township _____ Range _____

Near crossroads of _____

9. Cause of the Spill (*i.e.*, equipment malfunction, shutdown, pipeline leak)

10. Has the spill been stopped? Yes _____ No _____
If no, how fast is the spill moving? (*i.e.*, Slow, Medium, Fast)

In what direction is the spill moving? _____
Toward a water body? Yes _____ No _____

11. If released to water, name of lake or stream, if known _____

12. Describe weather conditions at the scene: _____

13. Corrective Actions taken to control and clean up the spill:

14. If soil was affected, how much soil was removed during the cleanup? _____ N/A
_____ 55-gal drums or _____ cubic yards

15. Has all visible contamination been removed? _____ Yes _____ No

16. Plans for preventing Spill Incident recurrence:

SPILL INCIDENT REPORTED TO ORM ENVIRONMENTAL:

Name/Title of ONEOK person notified
_____/_____

Method of Notification: (Telephone, Fax, Both) _____

Date of Notification: _____

Time of Notification: _____ AM or PM

Person completing spill report: _____

Signature: _____
_____ **FOR ORM ENVIRONMENTAL USE ONLY** _____

1. Product Name: _____
2. Is the material a Hazardous Substance as defined by CERCLA? _____ Yes _____ No
(40 CFR 302.4, Appendix A; CAS# Order)
(Clean Air Act- Section 112(b))
3. Is the material a SARA Title III Extremely Hazardous Substance? _____ Yes _____ No
(40 CFR 355 Appendix A; CAS# Order)
4. Hazardous Substance or Extremely Hazardous Substance (EHS)
Name: _____
CAS #: _____
5. Hazardous Substance/EHS expressed as percent (%) of total product: _____ % _____ N/A
(See MSDS)
6. **Product** specific gravity (SG): _____
Product density: SG x 8.34 _____ lb/gal
(See MSDS)
7. Total amount of **Product** spilled: _____ gallons
Total amount of **Product** spilled: _____ pounds
8. Total amount of **Hazardous Substance (HS)/EHS** spilled
= (lb product) x (% HS or EHS) _____ pounds _____ N/A
9. Hazardous Substance/EHS Reportable Quantity (RQ) _____ pounds _____ N/A
10. Is the amount of Hazardous Substance/EHS spilled a reportable quantity (> RQ)? _____ No _____ Yes _____ N/A

AGENCY NOTIFICATION _____ Not Required

Regulatory agency(s) notified: _____
Phone Number: () _____
Name of person notified: _____
Date/Time notified: _____ / _____ AM PM
GLGT personnel reporting: _____
Signature: _____

Appendix E

Notice of Intent and Notice of Coverage



November 7, 2014

North Dakota Pollutant Discharge Elimination System (NDPDES)
General Permit for Stormwater Discharges from Construction Activity
NOTICE OF COVERAGE

Permittee(s)

Owner Contact: Peter Ruffenach
ONEOK Rockies Midstream LLC
100 West 5th St
Tulsa, OK 74103-4298

Operator Contact:

Coverage under the 2009 reissued construction general permit (NDR10-0000) is identified as follows:

Permit ID: **NDR106797** Site Name: **Lonesome Creek Gas Plant**

Please remember to update the Stormwater Pollution Prevention (SWPP) plan as appropriate for site conditions. The best management practices (BMPs) and temporary structures must be inspected, maintained and adjusted until the site is stabilized following construction activities. Once the site is stabilized as outlined in the general permit, you may end permit coverage by filing a termination notice. Cities or counties may impose additional requirements and/or specific BMPs for construction affecting their storm drainage system. Please check with the local officials to be sure all local stormwater management considerations are addressed.

Additional Information

The permit conditions, forms and related information may be found on our web site at:

www.ndhealth.gov/wq/Storm/Construction/ConstructionHome.htm

Should you have any questions on the permit, please contact a stormwater staff person listed below.

Dallas Grossman
701.328.5242
dgrossma@nd.gov

Patrick Schuett
701.328.5235
pschuett@nd.gov

Lucille Snowden
701.328.5239
lsnowden@nd.gov

Dan Weber
701.328.5285
daweber@nd.gov

From: Brad Norling
To: "dgrossma@nd.gov"
Cc: [William McCarthy](#); [Peter Ruffenach \(peter.ruffenach@oneok.com\)](#); [Earnest, Loretta M.](#); [Deborah Perry \(Deborah.Perry@oneok.com\)](#)
Subject: ONEOK Rockies Midstream, L.L.C. – Lonesome Creek Gas Plant NOI for NDPDES Permit
Date: Monday, May 19, 2014 11:42:07 AM
Attachments: [image001.png](#)

Mr. Grossman;

On behalf of ONEOK Rockies Midstream, L.L.C. (ONEOK), E3 Environmental (E3), is submitting this Notice of Intent (NOI) under the NDR 10-0000 general permit, for the Lonesome Creek Gas Plant. Since this project will result in more than 50 acres of ground disturbance, the SWPPP is included for your review. Due to the large file size, the SWPPP is placed on our ftp site. Access and download instructions are provided below.

E3 understands that coverage will become effective 7 days after the completed NOI is submitted (i.e. May 19, 2014) unless otherwise notified by the North Dakota Department of Health. Please send an electronic copy of the Notice of Coverage to my attention bnorling@go2e3.com at your earliest convenience.

Client Access to the E3 FTP

E3 FTP Login Instructions (Windows)

- 1) Open Windows Explorer (Click Start, then Click Computer)
- 2) Type "<ftp://remote.go2e3.com>" in the file path field.
- 3) When prompted for credentials please use the following:

Username: NDDH

Password: \$E3%nnddh72

Please feel free to contact me if you have any questions or require additional information.

Sincerely,

Brad Norling

Senior Consultant

E3 Environmental, LLC

bnorling@go2e3.com

O: 651.272.1154

M: 651.263.7916

871 Jefferson Avenue

St. Paul, MN 55102

www.go2e3.com



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**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 ONEOK Rockies Midstream, L.L.C.	Contact Person Name (Mr / Ms) Peter Ruffenach	Contact Phone No. 918-246-4784
Mailing Address 100 West Fifth Street	City Tulsa	State/Province OK
		Zip Code 74103
Name of Operator Working at Site (attach additional, if needed)	Contact Person Name (Mr / Ms)	Contact Phone No.
Mailing Address	City	State/Province
		Zip Code

PROJECT INFORMATION

Name of Construction Project Lonesome Creek Gas Processing Plant			
Brief Description of Construction Activity Gas Plant Construction.			
Project Start Date 7/1/14	Estimated Completion Date 12/31/15	Estimated Total Area of Site (acres) 160	Estimated Area of Disturbance (acres) 80
Project Location	Street Address		City
	OR	Township 150N	Range 101W
		Section 36	NE ¼ ¼ ¼
	Latitude		Longitude
Receiving Waters	Name of Municipal Storm Sewer System, Including Receiving Water		
	OR	Name or Description of Receiving Water All runoff water will be directed to an unnamed drainage which is a tributary to Lonesome Creek.	

Stormwater Pollution Prevention Plan (SWPPP) Requirements

Has a SWPPP been developed in accordance with Part II.C of NDR10-0000?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	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.
SWPPP Contact (NDR10-0000, Part II.C.2.a)	SWPPP Contact Phone No.	SWPPP Location (NDR10-0000, Part III.B) On-site with responsible party

Signature Information

RETURN COMPLETED APPLICATION TO: North Dakota Department of Health Division of Water Quality, 4 th 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) Peter Ruffenach	Title Operations Engineer
	Signature of Owner(s) <i>Peter Ruffenach</i>	Date 4-29-14
	Printed Name of Operator(s) Ali Jangi	Title Sr. Project Manager
Signature of Operator(s) <i>Ali Jangi</i>	Date 05/07/14	

Appendix F

General Permit for Storm Water Discharges Associated with
Construction Activity

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	3
A. Discharges Covered	3
B. Discharges Not Covered	3
C. Obtaining Coverage and Authorization Effective Date	4
D. Application (Notice of Intent) Process	4
E. Notice of Termination (NOT)	5
F. Transfer of Ownership or Control	6
G. Municipal Separate Storm Sewer System (MS4) Permittees	6
II. STORMWATER DISCHARGE REQUIREMENTS	7
A. Prohibition of Non-Stormwater Discharges	7
B. Releases in Excess of Reportable Quantities	7
C. Stormwater Pollution Prevention Plans	7
D. Local Requirements	11
E. Final Stabilization	11
III. SELF MONITORING AND REPORTING	11
A. Inspection and Maintenance Requirements	11
B. Records Location	12
IV. STANDARD CONDITIONS	13
A. COMPLIANCE RESPONSIBILITIES	13
B. GENERAL REQUIREMENTS	16
Appendix 1 – Erosion and Sediment Control Guidelines	21

I. PERMIT COVERAGE AND LIMITATIONS

A. Discharges Covered

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

B. Discharges Not Covered

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

C. Obtaining Coverage and Authorization Effective Date

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

D. Application (Notice of Intent) Process

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

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

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

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

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

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

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

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

E. Notice of Termination (NOT)

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

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

F. Transfer of Ownership or Control

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

G. Municipal Separate Storm Sewer System (MS4) Permittees

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

II. STORMWATER DISCHARGE REQUIREMENTS

A. Prohibition of Non-Stormwater Discharges

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

B. Releases in Excess of Reportable Quantities

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

C. Stormwater Pollution Prevention Plans

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

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

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

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

- f. A site map indicating:
 - 1) Drainage patterns including flow direction, dividing lines, and the existing and final grades
 - 2) Construction site boundaries and areas of soil disturbance;
 - 3) Location of major structural and nonstructural controls identified in the plan;
 - 4) Location of areas where stabilization practices are expected to occur;
 - 5) Surface waters, including an aerial extent of wetland acreage;
 - 6) Locations where stormwater is discharged to surface waters;
 - 7) Where included as part of the project, the site maps for off-site concrete/asphalt batch plants, equipment staging areas, borrow sites or excavated fill material disposal sites.

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

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

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

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

D. Local Requirements

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

E. Final Stabilization

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

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

III. SELF MONITORING AND REPORTING

A. Inspection and Maintenance Requirements

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

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

B. Records Location

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

IV. STANDARD CONDITIONS

A. COMPLIANCE RESPONSIBILITIES

1. Duty to Comply

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

2. Operation and Maintenance

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

3. Planned Changes

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

4. Duty to Provide Information

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

5. Records Retention

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

6. Signatory Requirements

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

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

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

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

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

7. Noncompliance Notification

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

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

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

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

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

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

8. Bypass of Treatment Facilities

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

Bypass exceeding limitations-notification requirements.

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

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

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

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

9. Upset Conditions

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

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

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

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

10. Duty to Mitigate

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

11. Removed Materials

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

12. Duty to Reapply

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

B. GENERAL REQUIREMENTS

1. Right of Entry

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

2. Availability of Reports

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

3. Transfers

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

4. New Limitations or Prohibitions

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

5. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause. This includes the establishment of limitations or prohibitions based on changes to Water Quality Standards, the development and approval of waste load allocation plans, the development or revision to water quality management plans, changes in sewage sludge practices, or the establishment of prohibitions or more stringent limitations for toxic or conventional pollutants and/or sewage sludges. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

6. Need to Halt or Reduce

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

7. State Laws

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

8. Oil and Hazardous Substance Liability

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

9. Property Rights

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

10. Severability

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

11. General Permits

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

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

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

V. DEFINITIONS

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

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

"Act" means the Clean Water Act.

"BMP" or "Best Management Practices" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the state. BMPs also include treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

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

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

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

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

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

"Final Stabilization" means that:

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

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

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

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

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

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

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

"Severe Property Damage" means substantial physical damage to property, damage to treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

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

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

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

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

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

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

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

(i) Construction activities including clearing, grading, and excavating that result in land disturbance of equal to or greater than 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. Small construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility.

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

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

"Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

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

"You" means the owner, operator or permittee as appropriate.

Appendix 1 – Erosion and Sediment Control Guidelines

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

A. Erosion and Sediment Control Practices

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

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

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

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

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

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

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

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

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

B. Maintenance Considerations for Erosion and Sediment Controls

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

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

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

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

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

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

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

C. Housekeeping and Standard Operating Procedures

1. Properly handle construction debris and waste materials.

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

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

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

Appendix G

Notice of Termination



**NOTICE OF TERMINATION TO CANCEL COVERAGE UNDER
NDPDES GENERAL PERMIT FOR STORM WATER DISCHARGES
ASSOCIATED WITH CONSTRUCTION ACTIVITY (NDR10-0000)**

NORTH DAKOTA DEPARTMENT OF HEALTH
DIVISION OF WATER QUALITY
SFN 19146 (02/10)

FOR DEPT. USE ONLY

Date Received: ___/___/___

GENERAL INFORMATION

Name of Construction Project		Permit ID Number NDR10-	
Name of Owner of Construction Project	Contact Person Name (Mr / Ms)	Contact Phone No.	
Mailing Address	City	State/Province	Zip Code

Please indicate which condition has been met before submitting the NOT.

The site has achieved final stabilization. In order to achieve final stabilization, one of the following conditions must be met. Please indicate which condition has been met.

- All soil disturbing activities are complete and all soils are 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. In addition, the following conditions have been met:
 - i. All drainage ditches which drain water from the site have been stabilized.
 - ii. All temporary synthetic and structural erosion prevention and sediment controls (e.g., silt fence) have been removed.
 - iii. Sediment has been removed from conveyances and temporary sediment basins used for permanent water quality management, and the sediment has been stabilized.
- For areas with an average annual rainfall of less than 20 inches, all soil disturbing activities at the site have been completed and temporary erosion control measures have been selected, designed and installed along with the appropriate seed base to provided erosion control for three years and achieve 70 percent vegetative coverage within three years without active maintenance.
- For soil disturbing activities on agricultural land, the land is returned to its pre-disturbance agricultural use. Areas not used for agricultural activities such as buffer strips adjacent to waters of the state and areas not being returned to pre-disturbance agricultural use must meet the criteria above.

Another operator/permittee has assumed control in accordance with the transfer provision over all areas of the site that have not achieved final stabilization.

For residential construction, all lots have been sold with temporary erosion protection and down gradient perimeter controls installed; a homeowner fact sheet has been given to the homeowner(s); and all other lots have achieved final stabilization.

CERTIFICATION STATEMENT

Return Completed Form to: North Dakota Department of Health Division of Water Quality, 4 th 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	Title
	Signature of Owner	Date

(Attach additional pages if needed)

Appendix H

Inspection Report Form

Site Inspection Record Template
Construction
(07-2010)

Project Name: Lonesome Creek Gas Processing Plant

Coverage Number: _____

Inspector: _____ Date: _____ Time: _____

Precipitation Amount: _____ Date: _____

- Areas Inspected (Choose Applicable):
- Active areas
 - Stabilized areas with less than 70% cover
 - Areas that have achieved final stabilization

Is there evidence of, or the potential for, pollutants entering drainage systems or waters of the state from:

- Material Storage Areas Y N
- Vehicle Maintenance Areas Y N

Observations / Corrective Actions:

<input type="checkbox"/> Y <input type="checkbox"/> N	Have all erosion and sediment controls and best management practices identified in the plan been installed or implemented?
<input type="checkbox"/> Y <input type="checkbox"/> N	Are erosion and sediment controls operating correctly and in serviceable condition?
<input type="checkbox"/> Y <input type="checkbox"/> N	Are erosion and sediment controls operating consistently and effectively?
<input type="checkbox"/> Y <input type="checkbox"/> N	Are there any devices similar to silt fence or fiber rolls where sediment has reached more than 1/3 the height of the device? (Removal and repairs must be made within 24 hours.)
<input type="checkbox"/> Y <input type="checkbox"/> N	Are there any sediment basins where collected sediment has reduced the storage capacity by 1/2? (Drainage and removal must be completed within 72 hours.)
<input type="checkbox"/> Y <input type="checkbox"/> N	Is there evidence of sediment deposits in surface waters, drainage ditches or other stormwater conveyance systems? (Removal and stabilization must be completed within 7 days unless prohibited by legal, regulatory or physical access constrains. All reasonable efforts must be made to obtain access. Once permission is granted, removal must take place within 7 days.)
<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NA	Is there evidence of sediment being tracked off-site by vehicles or equipment? (Sediment tracked or deposited on paved surfaces must be removed within 24 hours.)
<input type="checkbox"/> Y <input type="checkbox"/> N	Is there evidence of sediment depositing off-site other than in surface waters, drainage ditches and stormwater conveyance systems? (Sediment must be recovered in a manner and frequency sufficient to minimize off-site impacts – for example, sediment could wash away during the next precipitation event.)
<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NA	Is stormwater flow distributed evenly over vegetative buffers?
<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NA	Is sediment accumulating in vegetative buffers?
<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NA	Are rills forming within vegetative buffers? (If vegetative buffers are silted covered, contain rills or are otherwise rendered ineffective, other erosion and sediment controls must be implemented. Eroded areas must be repaired and stabilized.)
<input type="checkbox"/> Y <input type="checkbox"/> N	Are litter, debris, chemicals and parts being managed properly to minimize stormwater pollution?
<input type="checkbox"/> Y <input type="checkbox"/> N	Are liquid or soluble materials like oil, fuel, paint, etc., properly stored to prevent spills, leaks or other discharges?

**Site Inspection Record Template
Construction**
(07-2010)

<input type="checkbox"/> Y <input type="checkbox"/> N	Is there evidence of concrete wash water discharging to waters of the state, storm sewer systems or onto adjacent properties?
<input type="checkbox"/> Y <input type="checkbox"/> N	Is there evidence of wastewater from processing operations or sanitary facilities (i.e., portable toilets) discharging from the site? (These types of discharges are not covered by the construction general permit, NDR10-0000. They must be stopped immediately if they are not covered by another type of permit. The following non-stormwater discharges are allowable if the appropriate prevention measures are in place: 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. Please note that discharges from temporary dewatering activities, such as hydrostatic testing or disinfection of new pipelines may require coverage under the temporary dewatering general permit, NDG07-0000.)
<input type="checkbox"/> Y <input type="checkbox"/> N	Is there evidence of wash water from tools or equipment draining to waters of the state, drainage ditches or storm sewer systems?
<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NA	Are permanent stormwater management measures (e.g., oil-water separators, rain gardens) functioning properly?

Corrective Actions and Schedule:

- > Are best management practices effective to minimize the discharge of sediment from the site? Y N
- > Do best management practices need to be adjusted? Y N
- > Are additional best management practices needed? Y N

Comments:

List all spills, leaks or hose-breaks that have occurred since the last inspection:

-Size	-Location	-Was it reportable?	-Was it reported?
_____	_____	<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> Y <input type="checkbox"/> N
_____	_____	<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> Y <input type="checkbox"/> N
_____	_____	<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> Y <input type="checkbox"/> N

- > Were Spill Prevention Procedures adequate? Y N
- > What Spill Response Procedures were used?

Comments

- > Has the SWPP Plan been updated as a result of this inspection? Y N
- > Has the Site Map been updated as a result of this inspection? Y N

Appendix I

Employee Training Log

SWPPP Training Log

Project Name: ONEOK Rockies Midstream, L.L.C. Lonesome Creek Gas Processing Plant

Project Location: McKenzie County, North Dakota

Instructor's Name(s):

Instructor's Title(s):

Course Location: _____ Date: _____

Course Length (hours): _____

Stormwater Training Topic: *(check as appropriate)*

- Erosion Control BMPs Emergency Procedures
- Sediment Control BMPs Good Housekeeping BMPs
- Non-Stormwater BMPs

Specific Training Objective:

Attendee Roster: *(attach additional pages as necessary)*

No.	Name of Attendee	Company
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		

Appendix J

Additional Owners/Operators

Appendix K

SWPPP Modification Log



NORTH DAKOTA
DEPARTMENT of HEALTH

ENVIRONMENTAL HEALTH SECTION
Gold Seal Center, 918 E. Divide Ave.
Bismarck, ND 58501-1947
701.328.5200 (fax)
www.ndhealth.gov



June 1, 2016

RECEIVED

JUN - 6 2016

Kevin Windstrup
ONEOK Rockies Midstream LLC
100 W 5th St
Tulsa, OK 74103

ONEOK
CORP ENVIRONMENTAL

Notice of Termination for NDPDES Stormwater General Permit NDR100000

- NDPDES Permit ID No: NDR107347**
- Project Name: Banks Compressor Station**
- NDPDES Permit ID No: NDR106316**
- Project Name: ~~Banks Compressor Station~~ Elm Tree Compressor Station**
- NDPDES Permit ID No: NDR105936**
- Project Name: Grail Compressor Station**
- NDPDES Permit ID No: NDR105463**
- Project Name: Keene Compressor Station**
- NDPDES Permit ID No: NDR107286**
- Project Name: Lewis & Clark Compressor Station**
- NDPDES Permit ID No: 106797**
- Project Name: Lonesome Creek Gas Plant**
- NDPDES Permit ID No: 106705**
- Project Name: North Fork (Demick Lake II) Compressor Station**
- NDPDES Permit ID No: 105613**
- Project Name: Sandstone Compressor Station**
- NDPDES Permit ID No: 106996**
- Project Name: Timber Creek Compressor Station**

NDPDES General Permit: NDR100000

Dear Kevin Windstrup,

The North Dakota Department of Health has received your request to cancel coverage under General Permit No. NDR100000. This letter shall serve as notice that coverage for the above-referenced projects have been terminated.

With this termination, you are no longer required to submit reports or conduct other activities as outlined in the 2015 reissued general permit. You must retain all records and information from each individual project for at least three (3) years. Please be sure all temporary best management practices (e.g., silt fence) have been removed from the sites.

Environmental Health
Section Chief's Office
701-328-5150

Division of
Air Quality
701-328-5188

Division of
Municipal Facilities
701-328-5211

Division of
Waste Management
701-328-5166

Division of
Water Quality
701-328-5210



NORTH DAKOTA
DEPARTMENT of HEALTH

ENVIRONMENTAL HEALTH SECTION
Gold Seal Center, 918 E. Divide Ave.
Bismarck, ND 58501-1947
701.328.5200 (fax)
www.ndhealth.gov



Should you have any questions, please contact me at 701.328.5239 or the Division of Water Quality-NDPDES Permits Program at 701.328.5210.

Sincerely,

Patricia Omlid
Permits Program
Division of Water Quality

<http://www.ndhealth.gov/WQ/Storm/Construction/ConstructionHome.htm>

CC: Robert Dougherty
Keith Courtright
Brett Fuller
Peter Ruffenach

Environmental Health
Section Chief's Office
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