Late-Filed Exhibit 18 - Part 1

Original Storm Water Pollution Prevention Plan for
Stateline Plant to Rawson Pipeline

TABLE OF CONTENTS

Appendices

Bear Paw Energy, LLC
Construction of the Stateline Plant to Rawson
16 and 12-Inch Steel Pipelines
Storm Water Pollution Prevention Plan
For Gathering Line Installation in
Williams and McKenzie County, North Dakota

1. INTRODUCTION

1. A. Background

This document has been prepared in accordance with the North Dakota Department of Health (NDDoH) North Dakota Pollutant Discharge Elimination System (NDPDES) General Permit NDR10-0000 for construction storm water discharges resulting from Bear Paw Energy, LLC (BPE) pipeline construction activities. This document is BPE's Storm Water Pollution Prevention Plan (SWPPP) for pipeline construction activities and has been developed to address associated ground disturbance.

The plan 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 plan also identifies a schedule for inspection and maintenance of the proposed measures to ensure they are functioning properly and meet the requirements of the permit.

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

2. SITE DESCRIPTION

2. A. Project Type and Construction Activities

The Stateline Plant to Rawson 12 and 16-Inch Steel Pipeline Project is for the construction of approximately 32 miles of 12-inch-outside diameter natural gas liquids (NGL) pipeline and approximately 32 miles of 16-inch-outside diameter NGL pipeline owned and operated by Bear Paw Energy (BPE). Pipeline construction activities are constrained by the construction right-of-way, typically 100 feet wide which accommodates the equipment necessary to complete the Project. Pipelines are typically buried to nominal depth of approximately 4 feet. Various installation techniques are employed ranging from low impact "plow in" to standard trenching depending upon the diameter of the pipe, terrain, and available workspace.

2. B. Project Area and Disturbance Estimate

The project occurs in Williams and McKenzie County, North Dakota, across various townships including:

- Township 150N, Range 101W, Section 4, 9, 10
- Township 151N, Range 101W, Section 5, 6, 8, 17, 20, 28, 29, 33
- Township 152N, Range 101W, Section 6, 7, 18, 19, 30, 31
- Township 152N, Range 102W, Section 1,
- Township 153N, Range 102W, Section 4, 9, 16,
- Township 153N, Range 101W, Section 29, 30, 32, 33
- Township 154N, Range 103W, Section 2, 11, 12, 13, 18,
- Township 154N, Range 102W, Section 19, 20, 28, 29, 33
- Township 155N, Range 103W, Section 21, 22, 26, 27, 35

The project will result in approximately 388 acres of temporary ground disturbance.

2. C. Sequence of Activities

Standard Trenching Sequence

- Stake the workspace boundaries and running line.
- 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.
- String pipe for installation.
- Backfill trench line.
- Complete final grade of construction area.
- Perform clean-up and restoration. Upon final stabilization, remove temporary erosion and sediment controls, as necessary.

Installation of soil erosion and sedimentation control devices will occur following ground disturbance and/or site preparation as determined by a qualified BPE 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. D. Project Soils

A list of soils mapped throughout the project area can be found in Appendix F. Original contours will be restored after pipeline installation is complete. The project area will be returned to its pre-construction contours and land use.

2. E. Receiving Waters

The linear Project area is drained by three (3) perennial streams, Painted Woods Creek, Camp Creek, and Lonesome Creek. The Project does not directly impact impaired water bodies. Erosion control measures will be implemented during construction activities (discussed below) to minimize impacts to the watershed from Project construction.

2. F. Site Map

BPE has included Project area maps depicting area of coverage for this SWPPP, Appendix A. These maps depict the following features:

- Pipeline route
- Soils
- Wetlands and Waterbodies
- Impaired waters

3. CONTROLS

3. A. Personnel

The person responsible (SWPPP Coordinator) for overseeing SWPPP implementation, inspection, and maintenance of erosion control BMPs during construction is:

Len Williamson
Bear Paw Energy, LLC
2700 Lincoln Avenue SE
Sidney, Montana
(406) 433-3664 ext. 305
Len.Williamson@oneok.com

BPE will implement their corporate Spill Prevention Control Countermeasure Plan (SPCC) (Appendix D). Project staff shall be oriented to the Plan. BPE will train responsible parties as to the fundamentals and principles of erosion control. This training will also review standard Best Management Practices.

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

3. B. Erosion and Sediment Controls

Prior to the commencement of the Project activities, BPE will clearly mark the boundaries of approved work areas so Project personnel can easily identify them. 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. B. 1. Structural Practices

BPE'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 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 that 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.

Temporary sediment barriers will remain in place until permanent vegetation has become successfully re-established (i.e., 70 percent perennial vegetation cover as compared to adjacent undisturbed areas). Once permanent vegetation has become successfully re-established, the barriers will be removed and disposed of properly.

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% or greater. Slope breakers will be configured to divert water off the right of way 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.

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

BPE will control the tracking of debris onto public roads by installing some 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, BPE will remove the debris in a timely manner, typically by close of business daily.

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. B. 2. Stabilization Practices

Upon completion of construction, BPE's contractor shall make every effort to initiate stabilization measures on disturbed areas within 10 days of final grading activities. Initiation of final or temporary stabilization may exceed the 14-day limit 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, BPE will remove construction debris and grade the right-of-way to leave the soil in the proper condition for seedbed preparation. BPE will prepare the seedbed to a depth of 3 to 4 inches using appropriate equipment to provide a firm uniform seedbed. If the right-of-way will be hydro seeded, the seedbed shall be scarified to facilitate seed lodging and germination.

Permanent seeding of the right-of-way will be completed to landowner specifications or based upon a recommended seed mix within the recommended seeding dates specified 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 is backfilled or if construction or restoration activity is interrupted for extended periods as determined by the SWPPP Coordinator. If mulching before seeding, BPE 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.

Revegetation will be considered successful when the surface of the approved work area is 70 percent revegetated as compared to adjacent undisturbed lands in terms of species richness and density.

Temporary synthetic, structural, and non-biodegradable erosion and sediment control measures shall be removed after restoration is considered successful.

3. C. Storm Water Management

Permanent Erosion Control: Permanent soil erosion and sediment control 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.B.2. BPE will restore the temporary workspaces to their preconstruction contours, and the project area will be allowed to return to its preconstruction land use. As a result, once having achieved final stabilization, the project area will not result in 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 established vegetation, thereby reducing pollutant transport. It is anticipated at this time that extra mitigation measures (e.g., infiltration systems, flow attenuation, constructed wetlands, temporary or permanent ponds, or a combination of these practices to minimize impacts to receiving surface waters or groundwater) will not be necessary and are not planned to be implemented during or after construction.

3. D. 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 off-site. No hazardous wastes are anticipated to be generated during this project. 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. BPE and its contractor will comply with applicable state or local waste disposal, sanitary sewer or septic system regulations. 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. 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. BPE will follow the procedures in its SPCC Plan (see Appendix D). BPE will apply water as necessary to control excessive dust due to equipment travel. When site dewatering is required to remove excess storm water or ground water, BPE will typically direct discharges to well vegetated areas, filter the discharges through standard geotextile filter bags (or equivalent) and suspend intake hose off the bottom of excavations to reduce sediment withdrawal.

3. E. Record Keeping

A schedule of when interim and permanent stabilization practices have been implemented on the site will be maintained. These items will be monitored:

- 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.

Records will be maintained as follows:

- 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
- 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, that fabric is securely attached to the 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	Site Description	Repair Timing from Discovery
Construction	Active Construction	within 24 hours
Restoration	30+days Post Construction	within 72 hours
Restoration	Restricted Access	within 72 hours
Restoration	High sensitivity	within 48 hours

5. INSPECTIONS

As required by the General 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 suspended when frozen conditions exist.
- BPE may delay or suspend inspections if conditions pose a significant risk to project personnel.

Limited access:

- First growing season: Portions of the right of way 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.

Any delay in the replacement or maintenance of nonfunctional BMPs beyond 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 even is impracticable, the situation must be documented in the SWPPP and alternative BMPs must be implemented as soon as possible.

5. A. Inspection Requirements

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.

5. B. Identification of Potential Storm Water Contaminants

The primary pollutant sources are disturbed soils and subsequent surface water runoff within the construction right-of-way. 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 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 BPE will follow procedures outlined in its Spill Prevention, Control, and Countermeasure Plan (see Appendix D).

5. C. Inspection Reports

An inspection report (see Appendix I) 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.
- Weather information for the period since the last inspection including a best estimate of the beginning of each storm event, duration of each storm event, approximate amount of rainfall for each storm event (in inches) and whether any discharges occurred;
- Weather information and a description of any discharges occurring at the time of the inspection;
- 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 Storm Water Pollution Prevention Plan (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, in no case later than seven 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 General Permit. The report will be signed in accordance with the signatory requirements for the permit.

5. D. Keeping Plans Current

BPE 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 L).

5. E. Final Stabilization

BPE 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. Coverage will be terminated when:

- Soil disturbing construction activity has been completed;
- A uniform perennial vegetative cover with a maximum 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, unless equivalent permanent stabilization measures have been employed.
- All permanent drainages, constructed to drain water from the site, has been stabilized to prevent erosion;
- All 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.
- Responsibility for long-term maintenance of permanent BMPs must be assigned.
- Construction activity conducted on or through agricultural lands shall be considered finally stabilized upon return to its pre-disturbance agriculture use.

6. 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: Lynn Reed **Title:** Environmental Manager, G&P

Signature: _____ **Date:** 9/20/2011

Appendix A
Site Location and Soil Maps

Outfall 1

Outfall 2

Williston

Judson Compressor to Rawson

Stateline Plant to Judson Compressor

Source: ESRI Topographic Map

0 1 2 Miles

MT

ND

Williams

McKenzie

ONEOK Bear Paw Energy
Stateline to Rawson 12” and 16” Steel
Overview Map

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A SUBSIDIARY OF ONEOK PARTNERS, L.P.

Date: 08/29/2011

Drawn by:JLT

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Judson Compressor to Rawson
Stateline Plant to Judson Compressor
SSURGO Soil
NWI Wetland
River or Stream
Water Body
303d Stream
303d Waterbody

0 500 1,000 Feet

Source: ESRI Imagery

ONEOK Bear Paw Energy
Stateline to Rawson 12” and 16” Steel

Aerial Photograph Map

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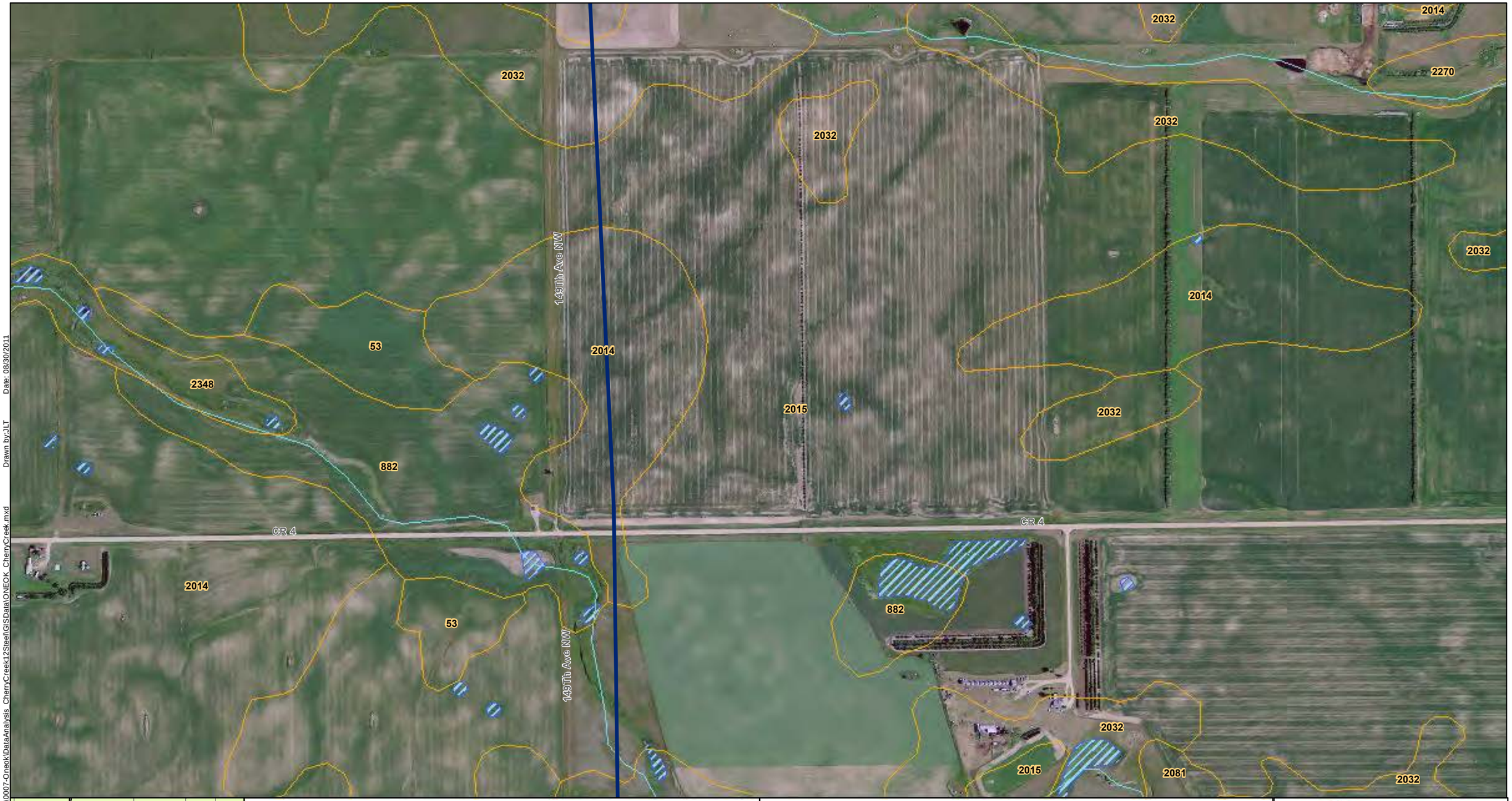

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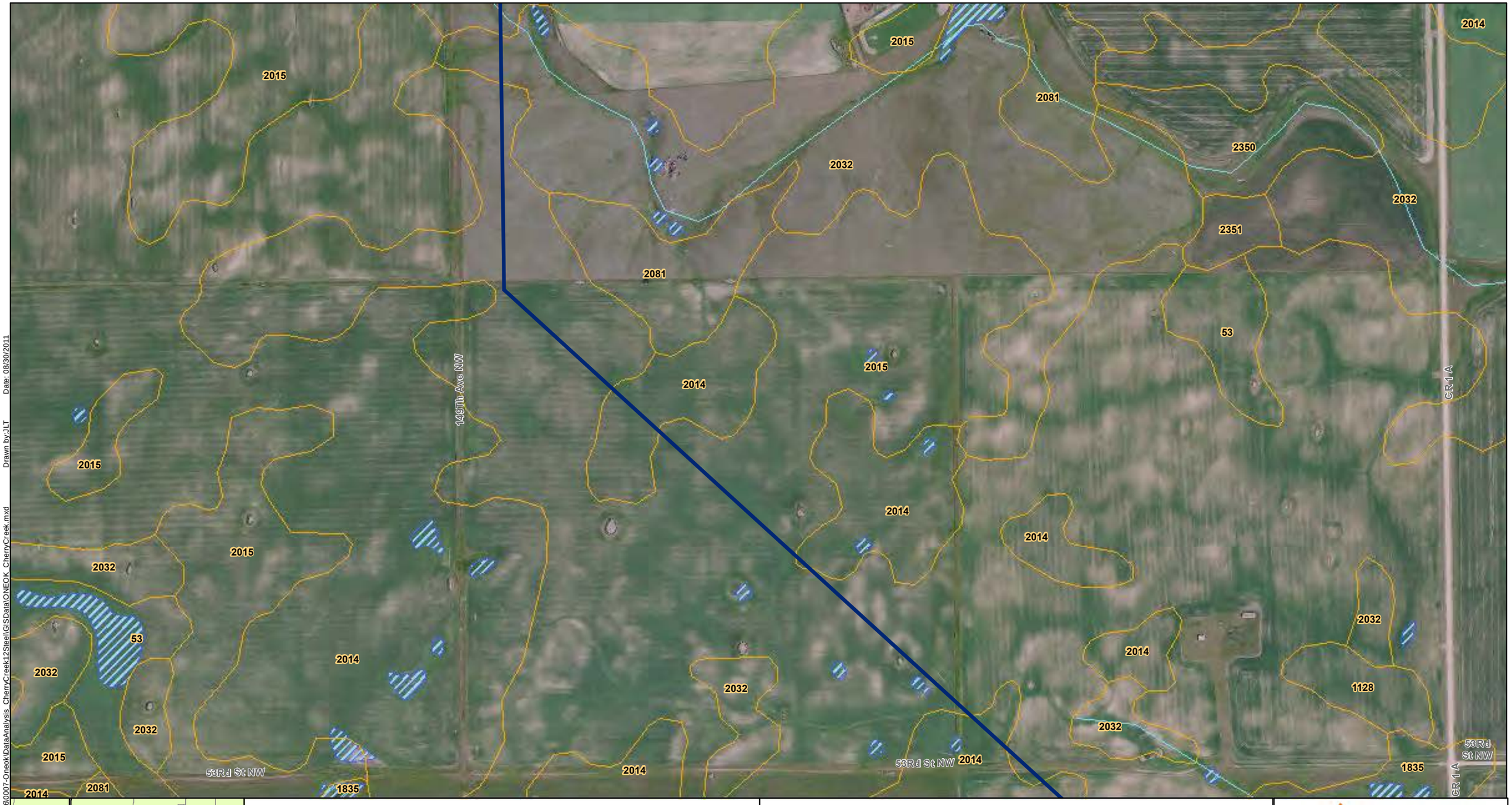

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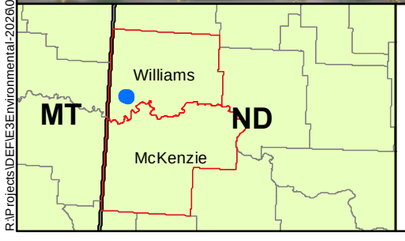

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Source: ESRI Imagery

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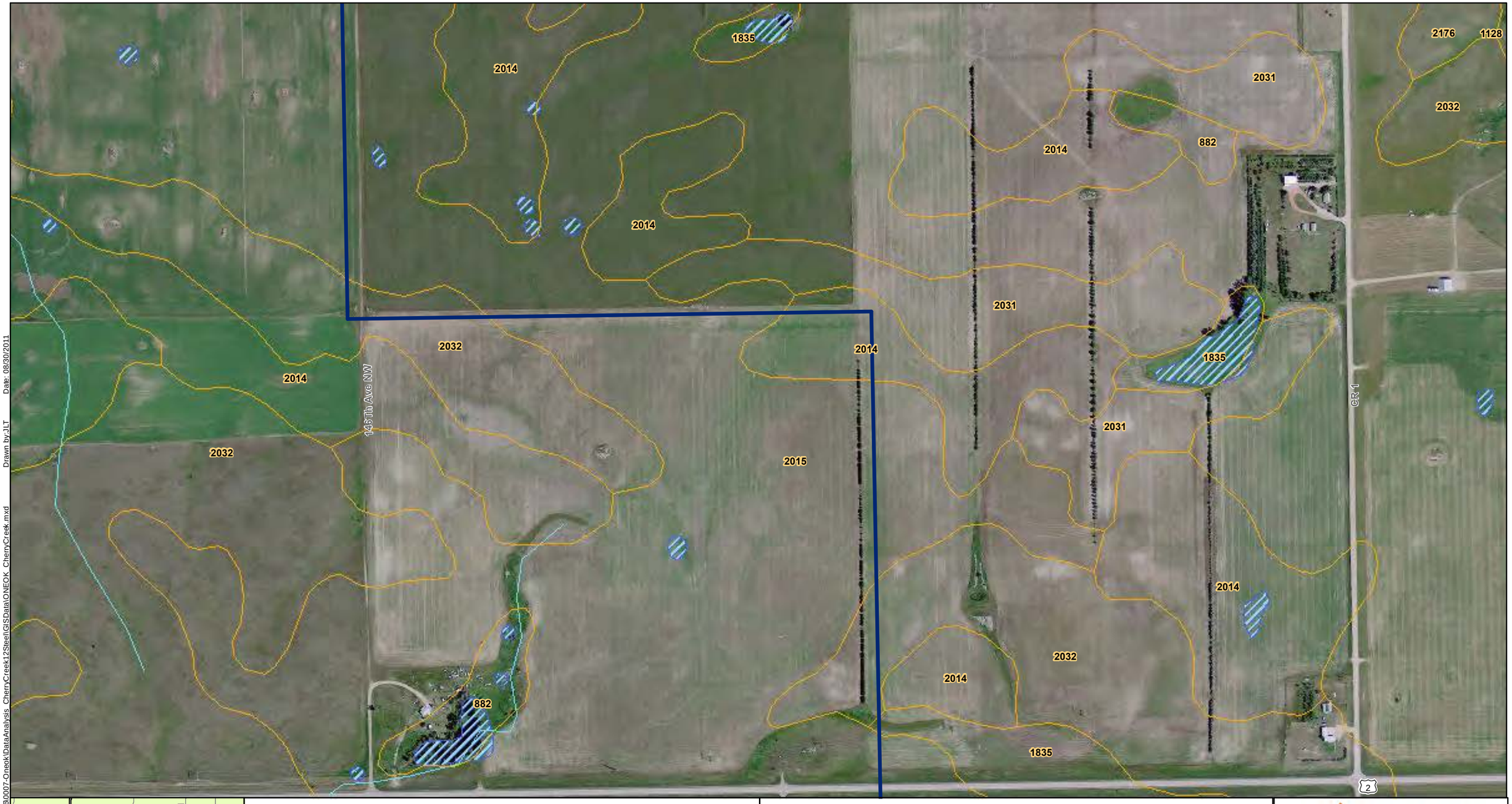

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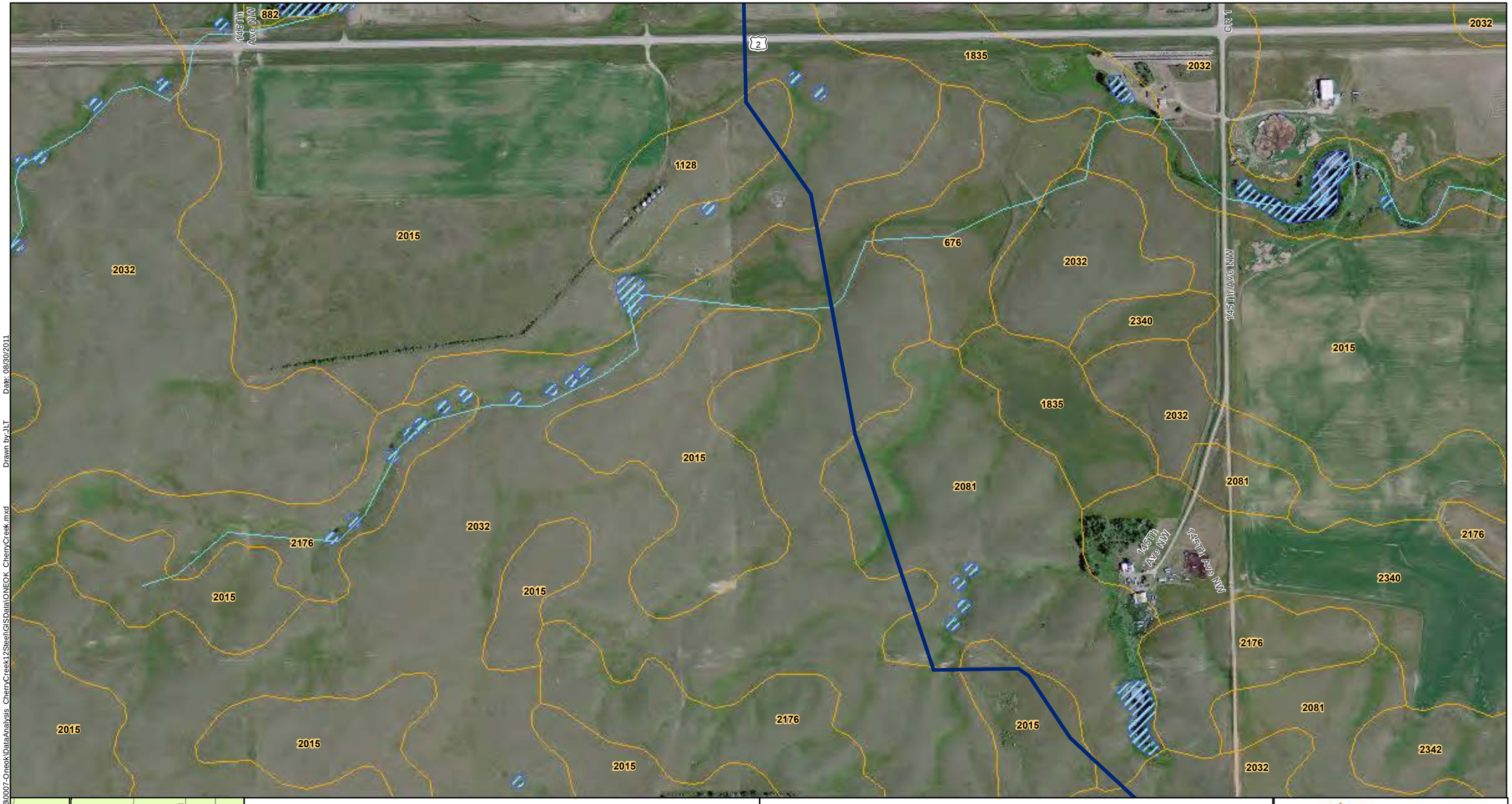

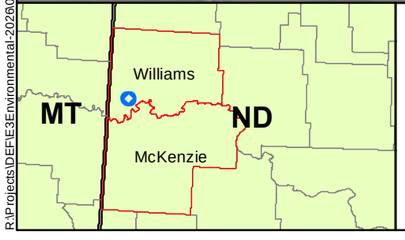

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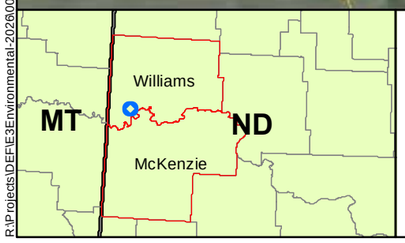

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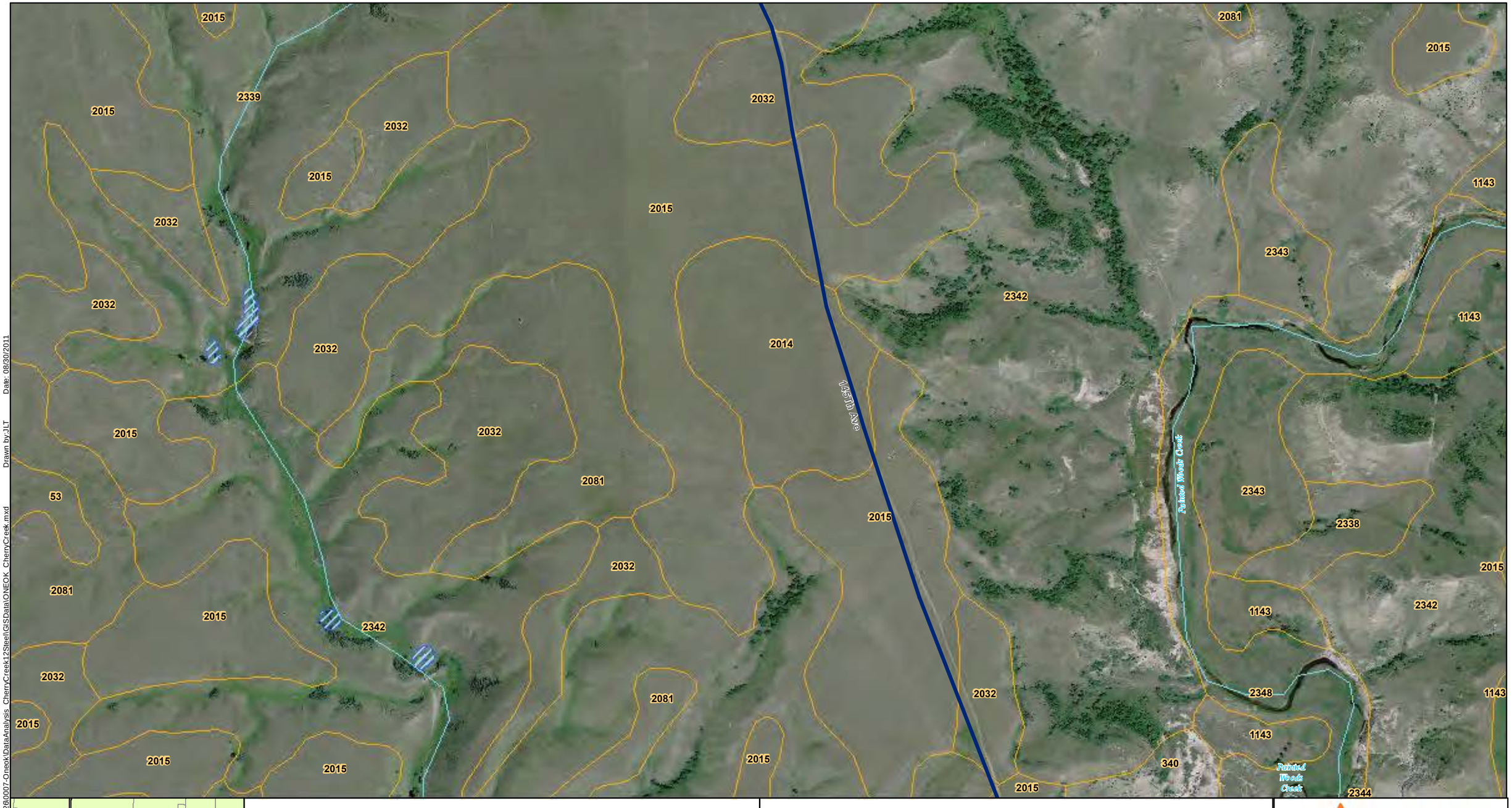

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303d Stream
303d Waterbody

0 500 1,000 Feet

Source: ESRI Imagery

ONEOK Bear Paw Energy
Stateline to Rawson 12” and 16” Steel
Aerial Photograph Map

Enhancing Execution with Experience

BEAR PAW ENERGY, LLC
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R:\Projects\DEFI\E3Environmental-2026\0007-Oneok\DataAnalysis_CherryCreek12Steel\GISData\ONEOK_CherryCreek.mxd Drawn by:JLT Date: 08/30/2011

Judson Compressor to Rawson
Stateline Plant to Judson Compressor
SSURGO Soil
NWI Wetland
River or Stream
Water Body
303d Stream
303d Waterbody

0 500 1,000 Feet

Source: ESRI Imagery

ONEOK Bear Paw Energy
Stateline to Rawson 12” and 16” Steel
Aerial Photograph Map

Enhancing Execution with Experience

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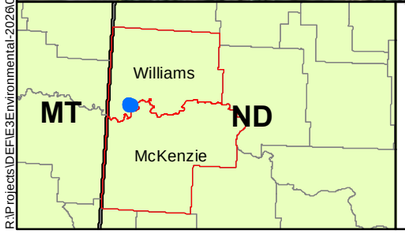

Judson Compressor to Rawson
Stateline Plant to Judson Compressor
SSURGO Soil
NWI Wetland
River or Stream
Water Body
303d Stream
303d Waterbody

0 500 1,000 Feet

Source: ESRI Imagery

ONEOK Bear Paw Energy
Stateline to Rawson 12” and 16” Steel
Aerial Photograph Map

Enhancing Execution with Experience

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Date: 08/30/2011

Drawn by:JLT

R:\Projects\DEFI\E3Environmental-20260007-Oneok\DataAnalysis_CherryCreek12Steel\GISData\ONEOK_CherryCreek.mxd

- Judson Compressor to Rawson
- Stateline Plant to Judson Compressor
- SSURGO Soil
- NWI Wetland

Source: ESRI Imagery

- River or Stream
- Water Body
- 303d Stream
- 303d Waterbody

0 500 1,000 Feet

ONEOK Bear Paw Energy
Stateline to Rawson 12” and 16” Steel
Aerial Photograph Map

Enhancing Execution with Experience

BEAR PAW ENERGY, LLC
A SUBSIDIARY OF ONEOK PARTNERS, L.P.

Judson Compressor to Rawson
Stateline Plant to Judson Compressor
SSURGO Soil
NWI Wetland
River or Stream
Water Body
303d Stream
303d Waterbody

0 500 1,000 Feet

Source: ESRI Imagery

ONEOK Bear Paw Energy
Stateline to Rawson 12” and 16” Steel
Aerial Photograph Map

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Judson Compressor to Rawson
Stateline Plant to Judson Compressor
SSURGO Soil
NWI Wetland
River or Stream
Water Body
303d Stream
303d Waterbody

0 500 1,000 Feet

Source: ESRI Imagery

ONEOK Bear Paw Energy
Stateline to Rawson 12” and 16” Steel
Aerial Photograph Map

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Williams
MT
ND
McKenzie

Judson Compressor to Rawson
Stateline Plant to Judson Compressor
SSURGO Soil
NWI Wetland
River or Stream
Water Body
303d Stream
303d Waterbody

0 500 1,000 Feet

Source: ESRI Imagery

ONEOK Bear Paw Energy
Stateline to Rawson 12” and 16” Steel
Aerial Photograph Map

Enhancing Execution with Experience

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ONEOK Bear Paw Energy
Stateline to Rawson 12” and 16” Steel
Aerial Photograph Map

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Stateline Plant to Judson Compressor
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NWI Wetland
River or Stream
Water Body
303d Stream
303d Waterbody

Source: ESRI Imagery

0 500 1,000 Feet

ONEOK Bear Paw Energy
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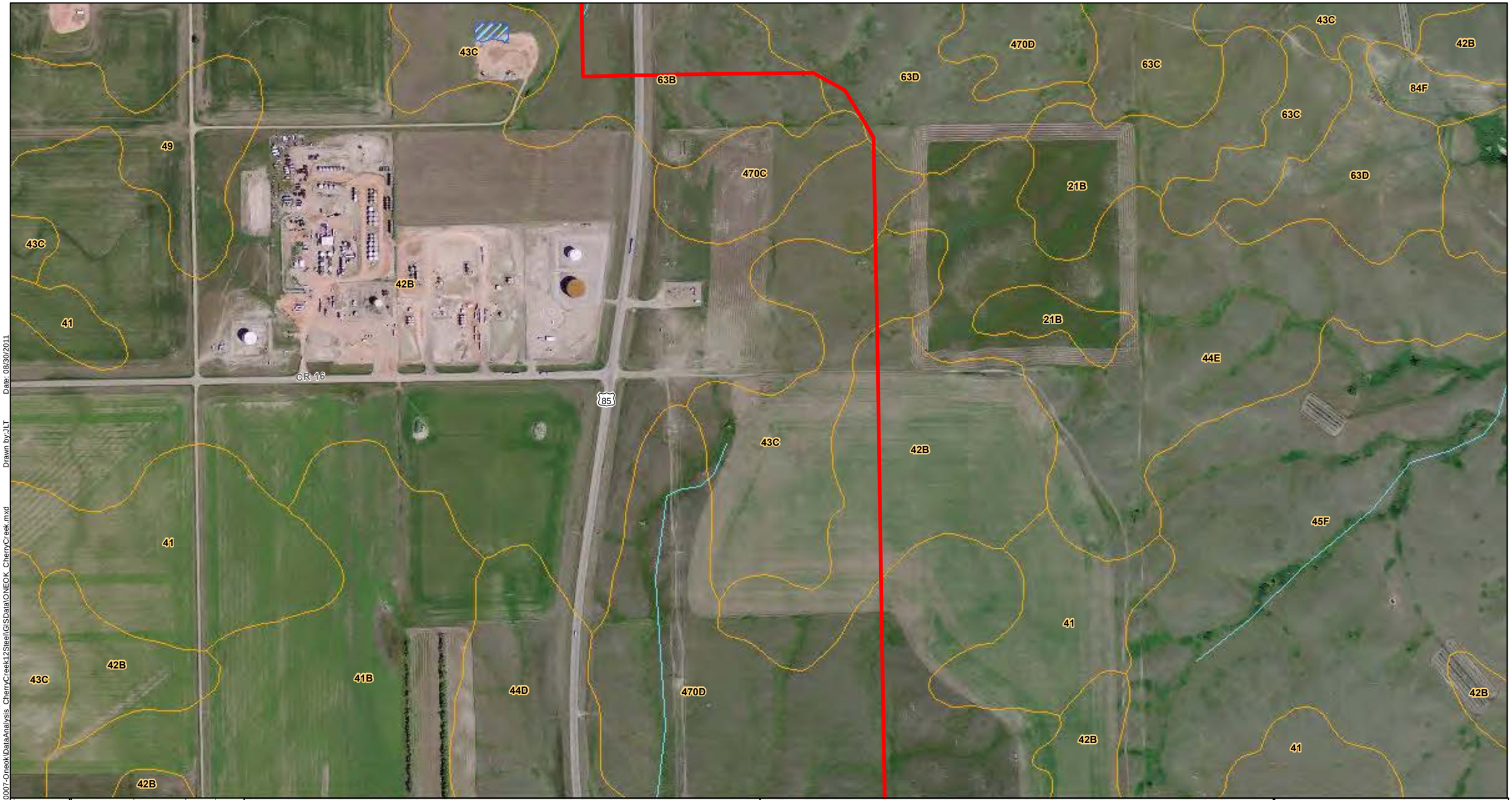

Judson Compressor to Rawson
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SSURGO Soil
NWI Wetland
River or Stream
Water Body
303d Stream
303d Waterbody

0 500 1,000 Feet

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Water Body
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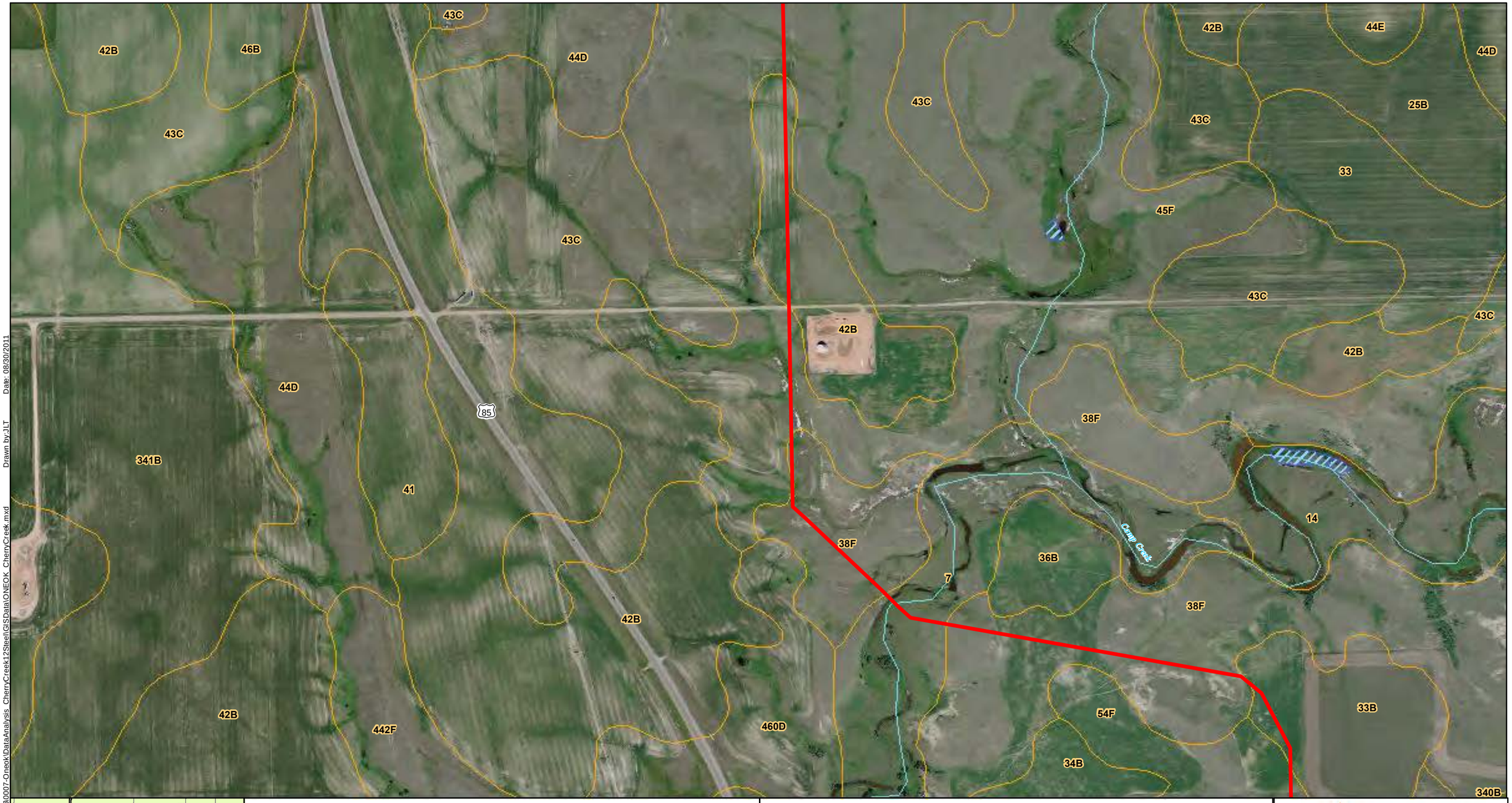

Judson Compressor to Rawson
Stateline Plant to Judson Compressor
SSURGO Soil
NWI Wetland
River or Stream
Water Body
303d Stream
303d Waterbody

0 1,000 Feet

Source: ESRI Imagery

ONEOK Bear Paw Energy
Stateline to Rawson 12” and 16” Steel
Aerial Photograph Map

Enhancing Execution with Experience

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Judson Compressor to Rawson
Stateline Plant to Judson Compressor
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NWI Wetland
River or Stream
Water Body
303d Stream
303d Waterbody

0 500 1,000 Feet

Source: ESRI Imagery

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ONEOK Bear Paw Energy
Stateline to Rawson 12” and 16” Steel
Aerial Photograph Map

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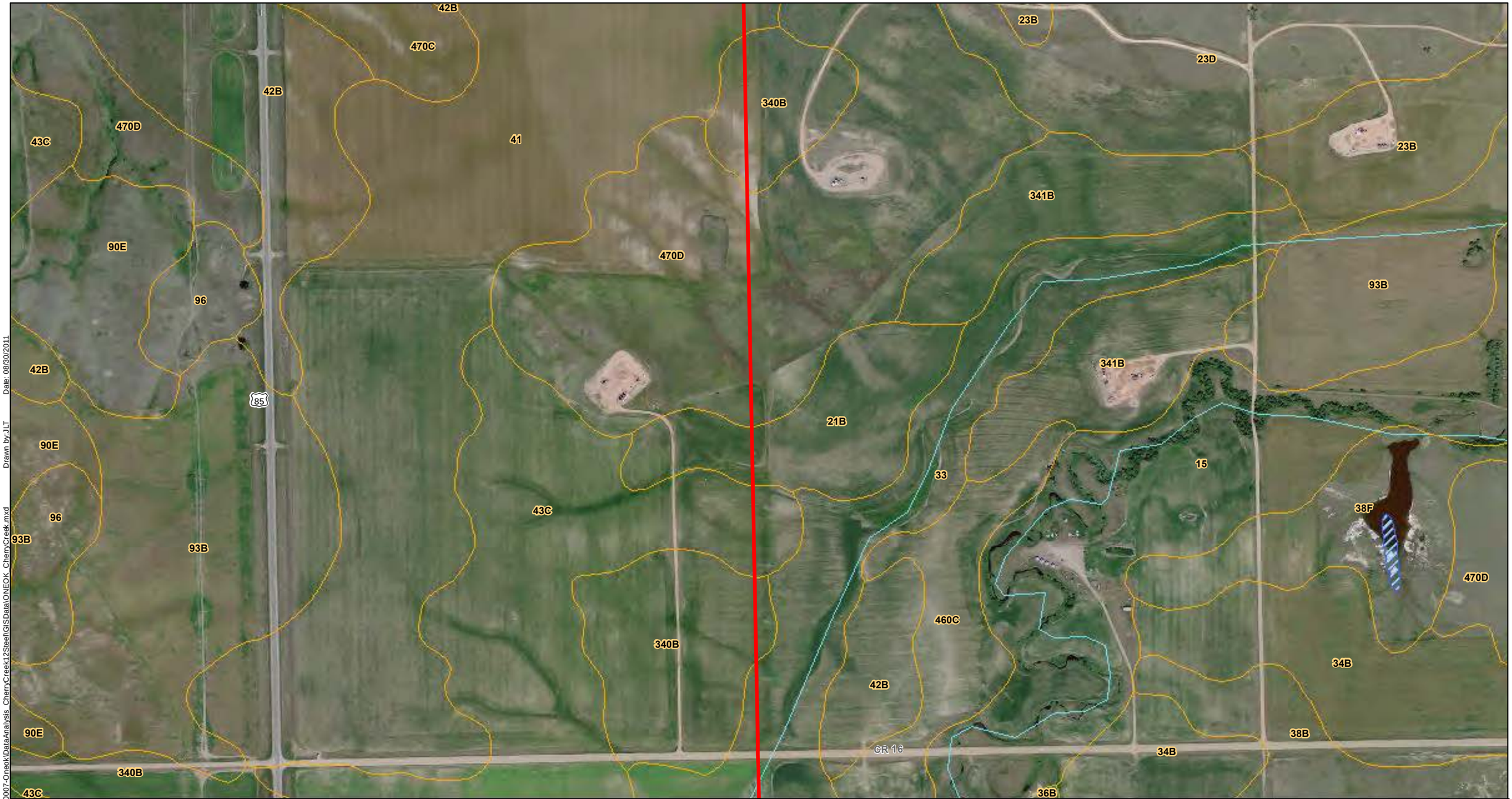

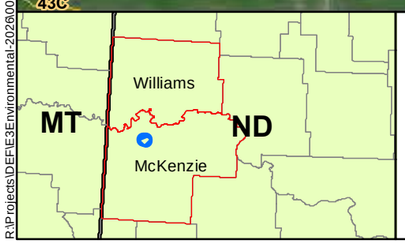

Judson Compressor to Rawson
Stateline Plant to Judson Compressor
SSURGO Soil
NWI Wetland
River or Stream
Water Body
303d Stream
303d Waterbody

0 500 1,000 Feet

Source: ESRI Imagery

ONEOK Bear Paw Energy
Stateline to Rawson 12” and 16” Steel
Aerial Photograph Map

Enhancing Execution with Experience

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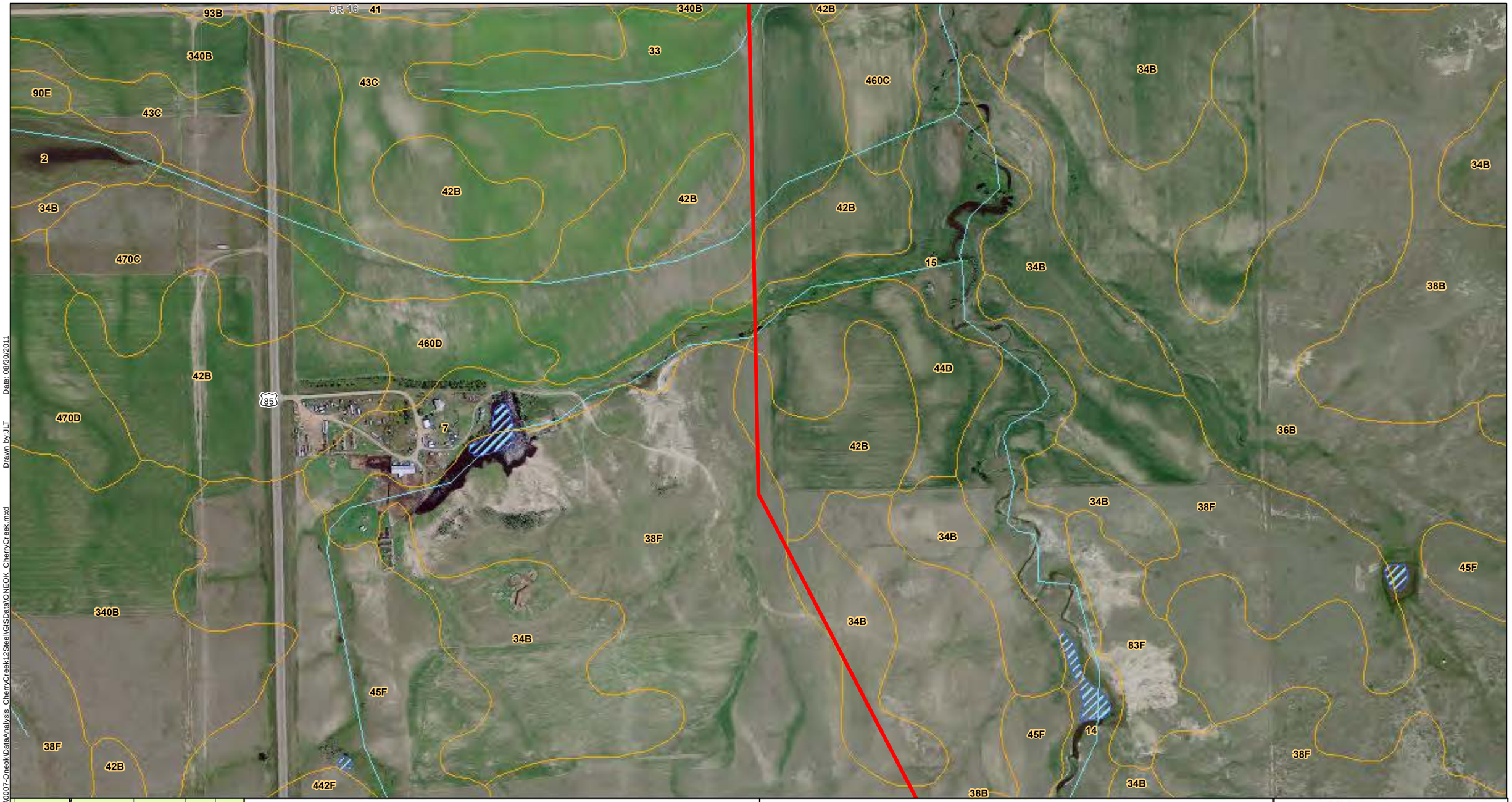

Judson Compressor to Rawson
Stateline Plant to Judson Compressor
SSURGO Soil
NWI Wetland
River or Stream
Water Body
303d Stream
303d Waterbody

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ONEOK Bear Paw Energy
Stateline to Rawson 12” and 16” Steel
Aerial Photograph Map

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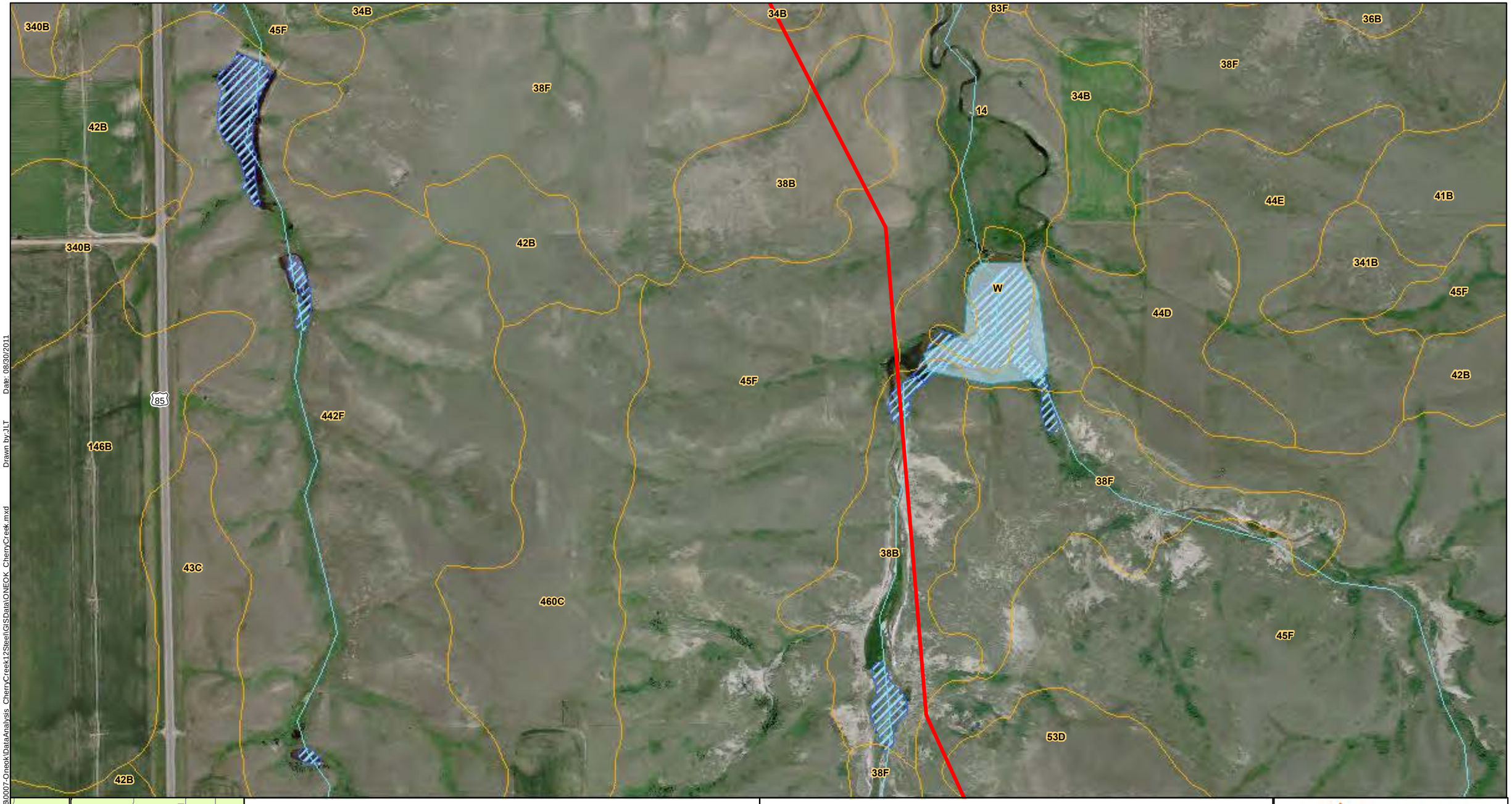

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ONEOK Bear Paw Energy
Stateline to Rawson 12” and 16” Steel
Aerial Photograph Map

Enhancing Execution with Experience

BEAR PAW ENERGY, LLC
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Judson Compressor to Rawson
Stateline Plant to Judson Compressor
SSURGO Soil
NWI Wetland
River or Stream
Water Body
303d Stream
303d Waterbody

0 500 1,000 Feet

Source: ESRI Imagery

ONEOK Bear Paw Energy
Stateline to Rawson 12” and 16” Steel
Aerial Photograph Map

Enhancing Execution with Experience

BEAR PAW ENERGY, LLC
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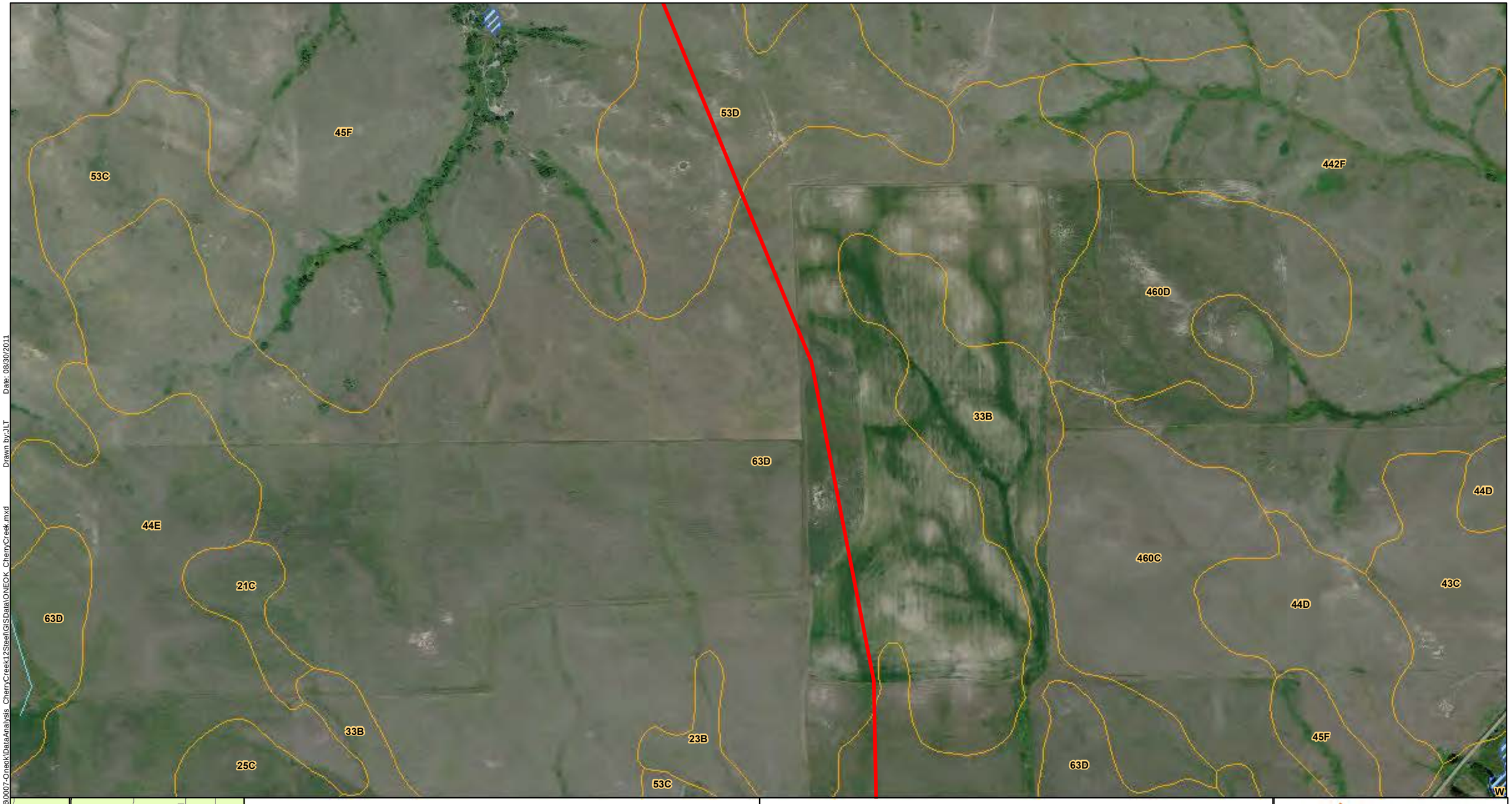

Judson Compressor to Rawson
Stateline Plant to Judson Compressor
SSURGO Soil
NWI Wetland
River or Stream
Water Body
303d Stream
303d Waterbody

0 500 1,000 Feet

Source: ESRI Imagery

ONEOK Bear Paw Energy
Stateline to Rawson 12” and 16” Steel
Aerial Photograph Map

Enhancing Execution with Experience

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Judson Compressor to Rawson
Stateline Plant to Judson Compressor
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River or Stream
Water Body
303d Stream
303d Waterbody

0 500 1,000 Feet

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ONEOK Bear Paw Energy
Stateline to Rawson 12” and 16” Steel
Aerial Photograph Map

Enhancing Execution with Experience

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ONEOK Bear Paw Energy
Stateline to Rawson 12” and 16” Steel
Aerial Photograph Map

Enhancing Execution with Experience

BEAR PAW ENERGY, LLC
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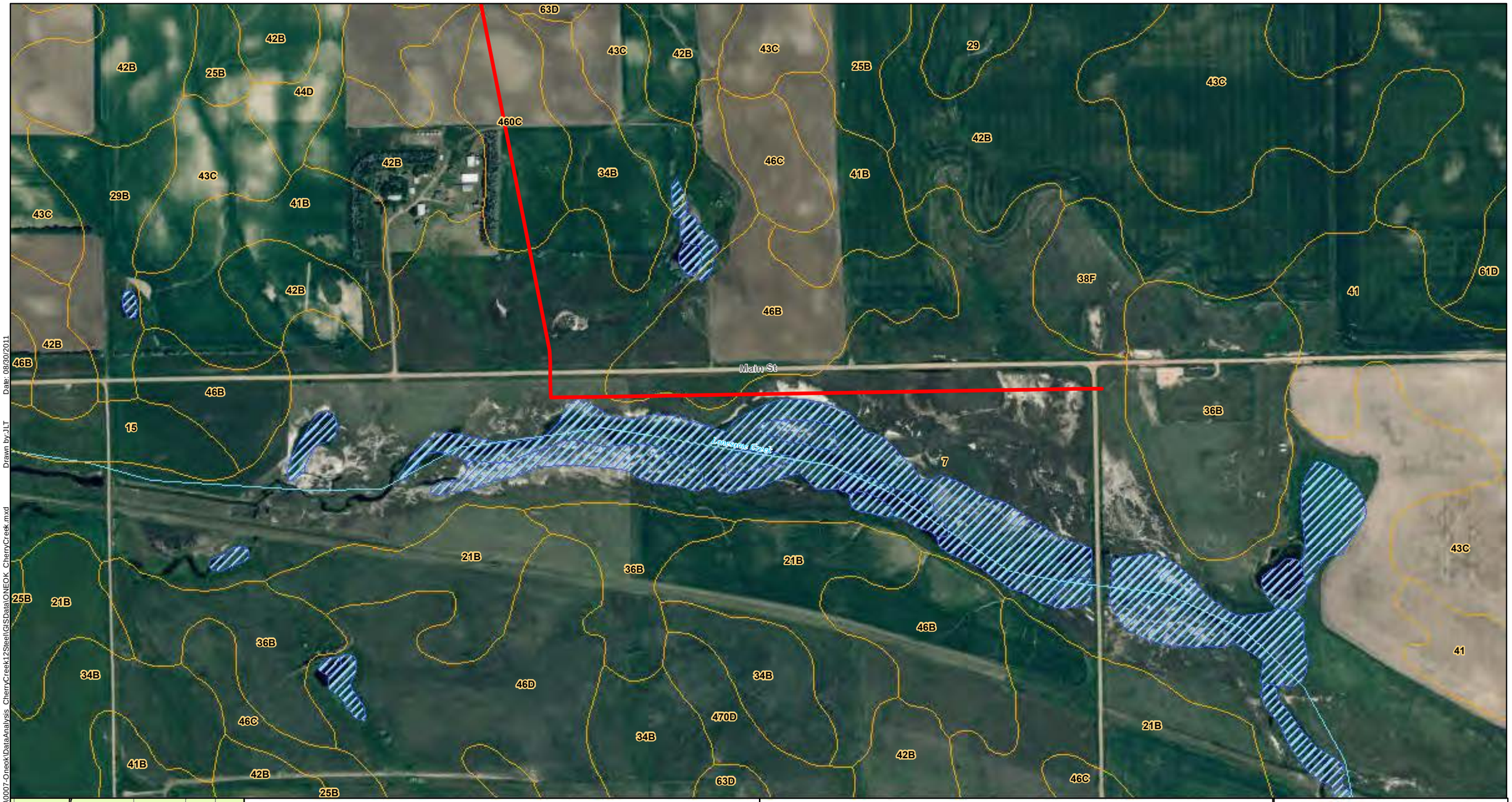

Judson Compressor to Rawson
Stateline Plant to Judson Compressor
SSURGO Soil
NWI Wetland
River or Stream
Water Body
303d Stream
303d Waterbody

0 1,000 Feet

Source: ESRI Imagery

ONEOK Bear Paw Energy
Stateline to Rawson 12” and 16” Steel
Aerial Photograph Map

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T155N
R103W
Sec. 21

T155N
R103W
Sec. 22

B R O N

2340

2303

2274

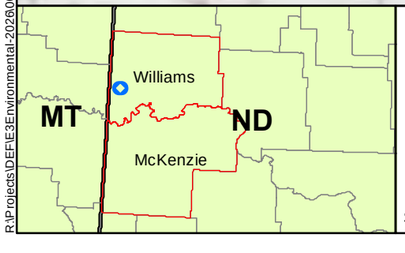
2250

2320

2310

T155N
R103W
Sec. 28

T155N
R103W
Sec. 27



Judson Compressor to Rawson

Stateline Plant to Judson Compressor

Section

Federal Land

State Land

Source: ESRI Topographic Map

0 250 500 1,000 Feet

ONEOK Bear Paw Energy
Stateline to Rawson 12” and 16” Steel
Topographic Map

Enhancing Execution with Experience

BEAR PAW ENERGY, LLC
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T155N
R103W
Sec. 22

T155N
R103W
Sec. 23

T155N
R103W
Sec. 27

T155N
R103W
Sec. 26

2274
2250
2238
2239
2230
2220
2272
27
26
Pointe

Judson Compressor to Rawson

Stateline Plant to Judson Compressor

Section

Federal Land

State Land

0 250 500 1,000 Feet

Source: ESRI Topographic Map

ONEOK Bear Paw Energy
Stateline to Rawson 12” and 16” Steel
Topographic Map

Enhancing Execution with Experience

BEAR PAW ENERGY, LLC
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T155N
R103W
Sec. 27

T155N
R103W
Sec. 26

T155N
R103W
Sec. 34

T155N
R103W
Sec. 35

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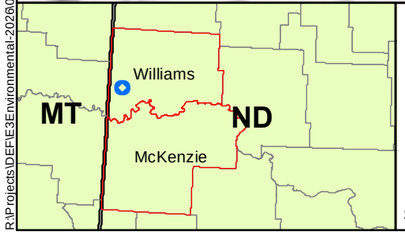
34
35



Judson Compressor to Rawson
Stateline Plant to Judson Compressor
Section
Federal Land
State Land

0 250 500 1,000 Feet

Source: ESRI Topographic Map

ONEOK Bear Paw Energy
Stateline to Rawson 12” and 16” Steel
Topographic Map

Enhancing Execution with Experience

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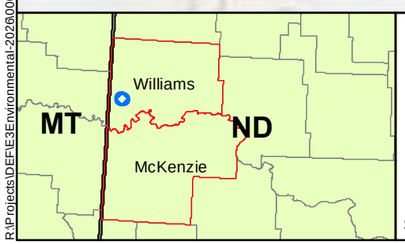

Judson Compressor to Rawson

Stateline Plant to Judson Compressor

Section

Federal Land

State Land

0 250 500 1,000 Feet

Source: ESRI Topographic Map

ONEOK Bear Paw Energy
Stateline to Rawson 12” and 16” Steel
Topographic Map

Enhancing Execution with Experience

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Judson Compressor to Rawson

Stateline Plant to Judson Compressor

Section

Federal Land

State Land

0 250 500 1,000 Feet

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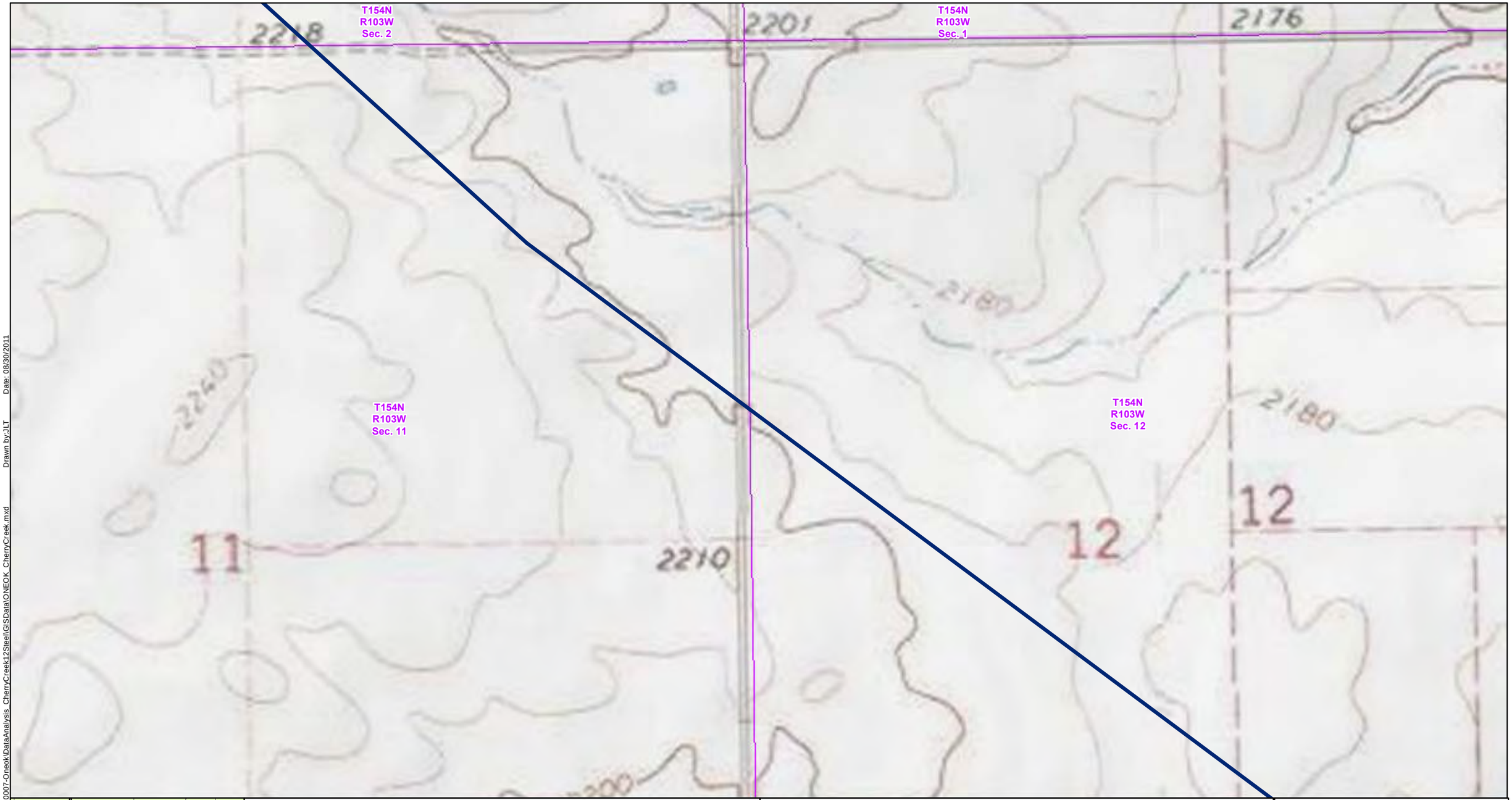

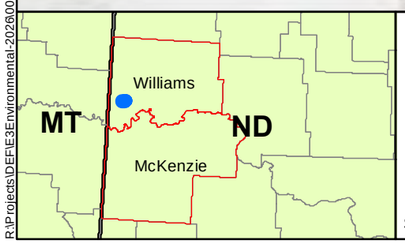

Judson Compressor to Rawson

Stateline Plant to Judson Compressor

Section

Federal Land

State Land

0 250 500 1,000 Feet

Source: ESRI Topographic Map

ONEOK Bear Paw Energy
Stateline to Rawson 12” and 16” Steel
Topographic Map

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T154N
R103W
Sec. 12

T154N
R102W
Sec. 7

T154N
R103W
Sec. 13

T154N
R102W
Sec. 18

2150
2172
2183
2200
2200
193
13
13
18
R

Judson Compressor to Rawson
Stateline Plant to Judson Compressor
Section
Federal Land
State Land

0 250 500 1,000 Feet

Source: ESRI Topographic Map

ONEOK Bear Paw Energy
Stateline to Rawson 12” and 16” Steel
Topographic Map

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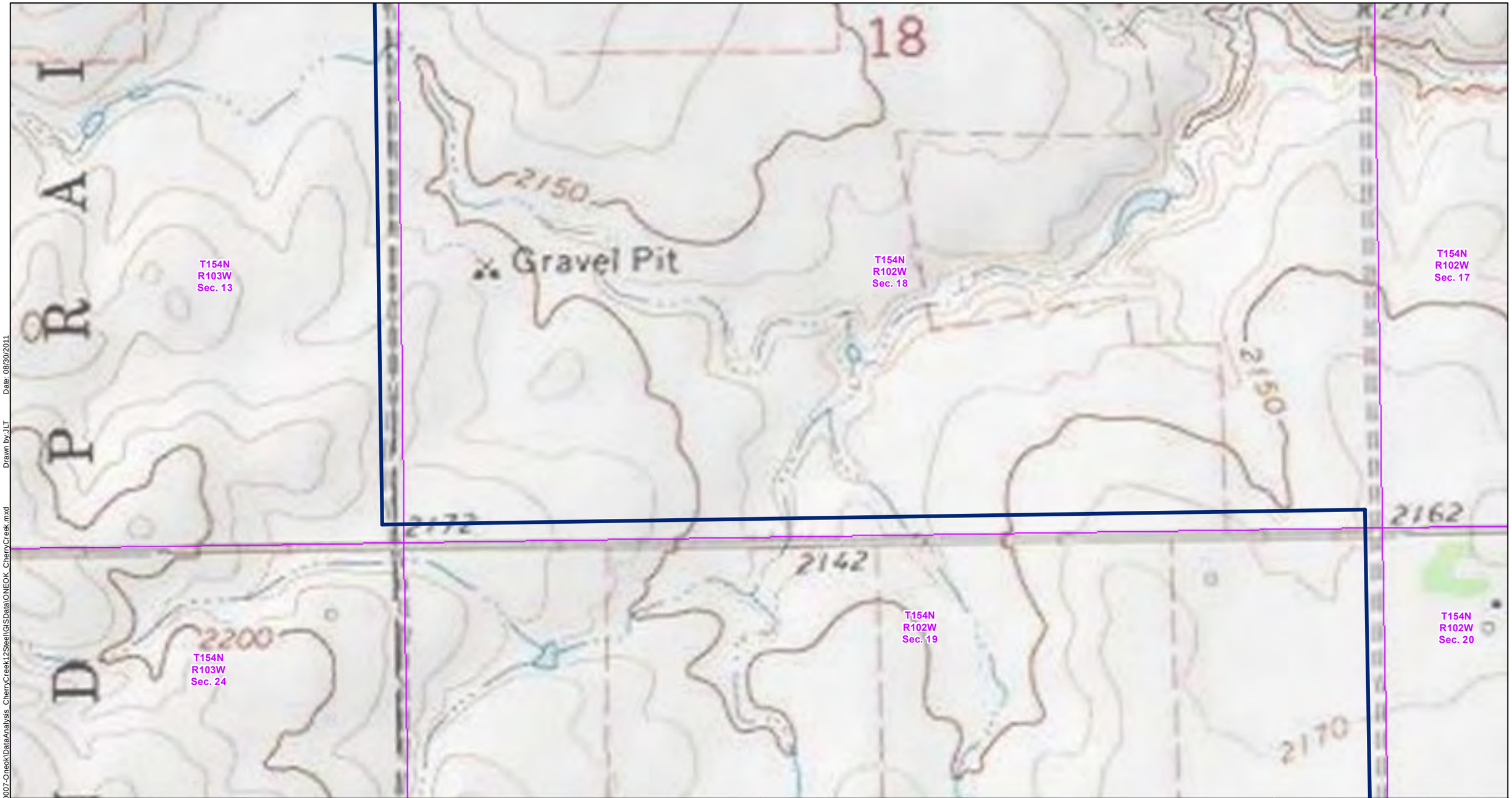

Judson Compressor to Rawson

Stateline Plant to Judson Compressor

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Federal Land

State Land

0 250 500 1,000 Feet

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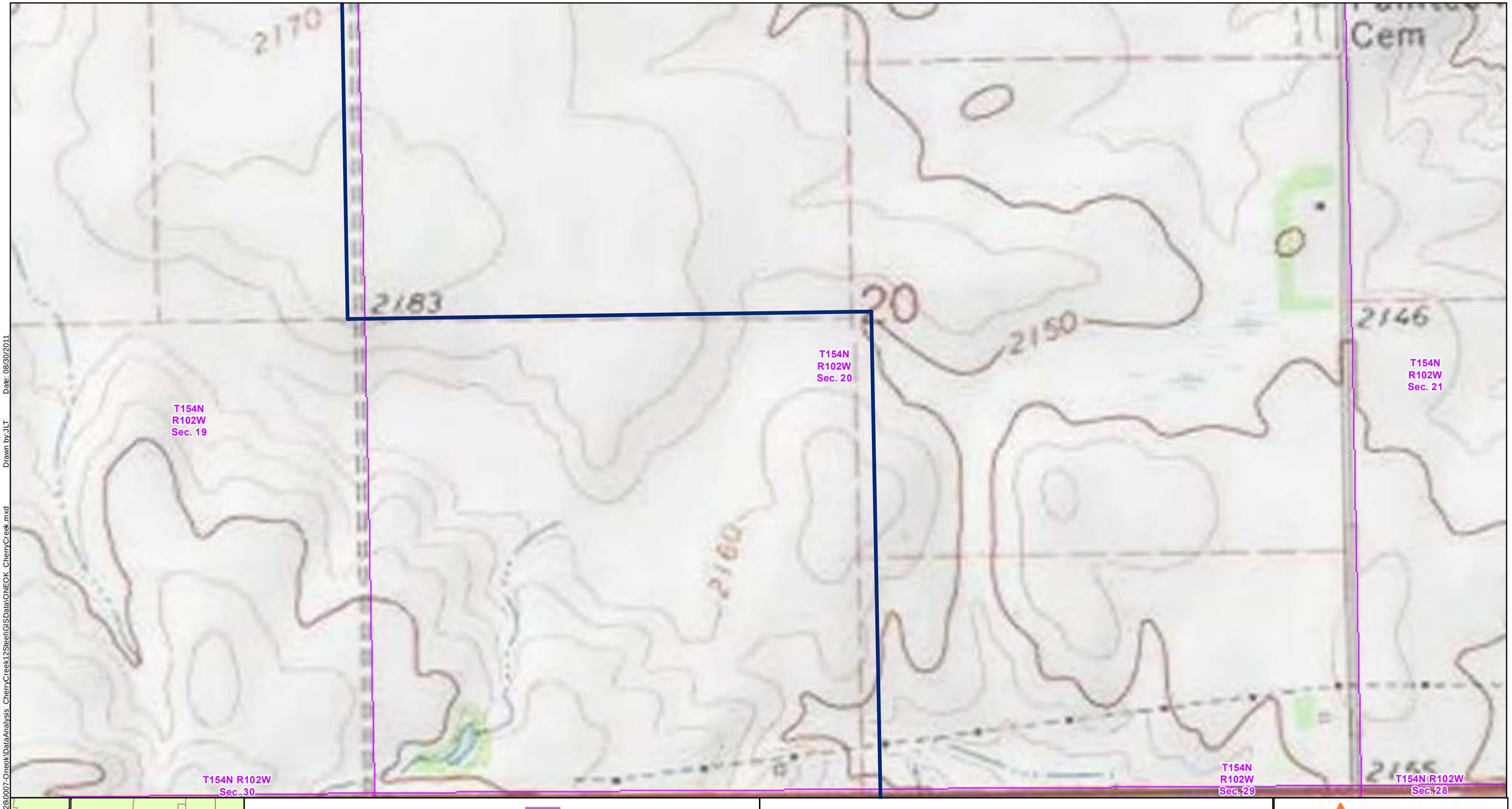

Judson Compressor to Rawson

Stateline Plant to Judson Compressor

Section

Federal Land

State Land

0 250 500 1,000 Feet

Source: ESRI Topographic Map

ONEOK Bear Paw Energy
Stateline to Rawson 12” and 16” Steel
Topographic Map

Enhancing Execution with Experience

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T154N R102W Sec. 19

T154N R102W Sec. 20

T154N R102W Sec. 21

T154N R102W Sec. 30

T154N R102W Sec. 29

T154N R102W Sec. 28

2211

2161

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Date: 08/30/2011

Drawn by:JLT

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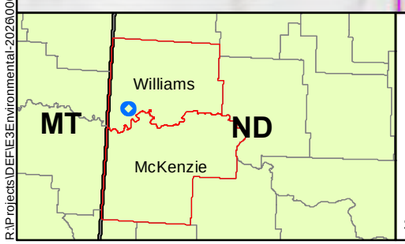

Judson Compressor to Rawson

Stateline Plant to Judson Compressor

Section

Federal Land

State Land

Source: ESRI Topographic Map

0 250 500 1,000 Feet

ONEOK Bear Paw Energy
Stateline to Rawson 12” and 16” Steel
Topographic Map

Enhancing Execution with Experience

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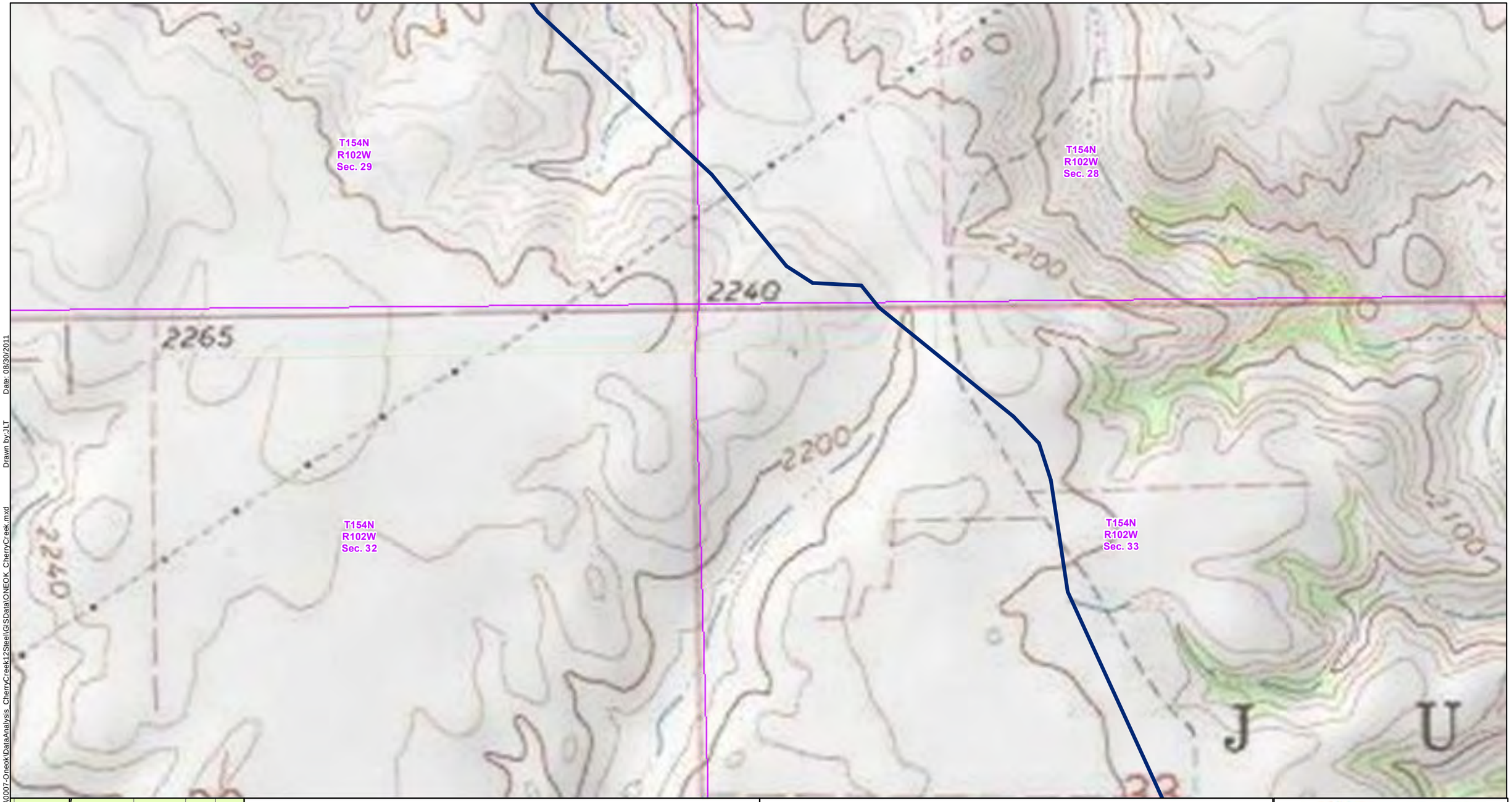

Judson Compressor to Rawson

Stateline Plant to Judson Compressor

Section

Federal Land

State Land

Source: ESRI Topographic Map

0 250 500 1,000 Feet

ONEOK Bear Paw Energy
Stateline to Rawson 12” and 16” Steel
Topographic Map

Enhancing Execution with Experience

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Drawn by:JLT Date: 08/30/2011

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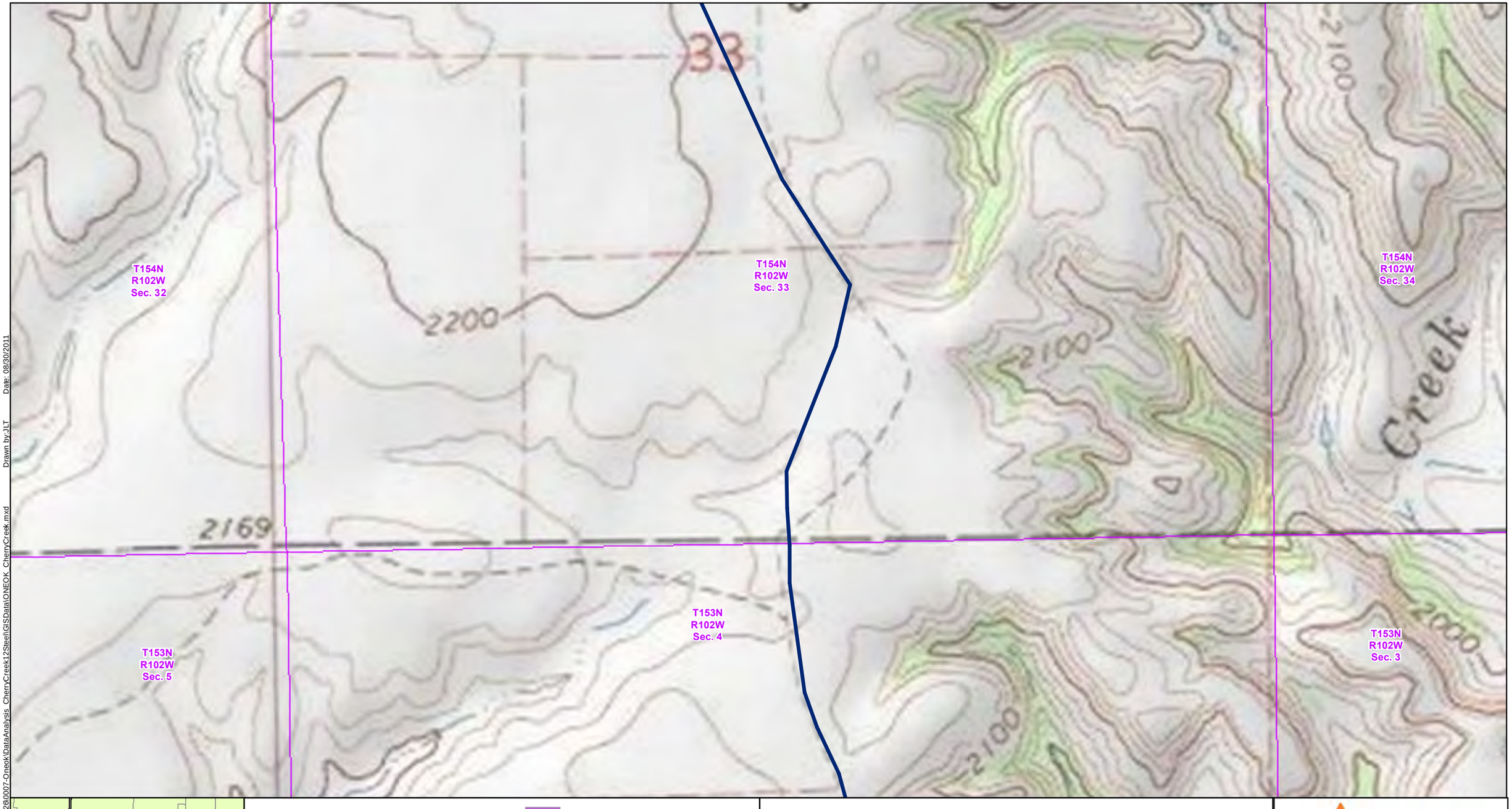

Judson Compressor to Rawson

Stateline Plant to Judson Compressor

Section

Federal Land

State Land

0 250 500 1,000 Feet

Source: ESRI Topographic Map

ONEOK Bear Paw Energy
Stateline to Rawson 12” and 16” Steel
Topographic Map

Enhancing Execution with Experience

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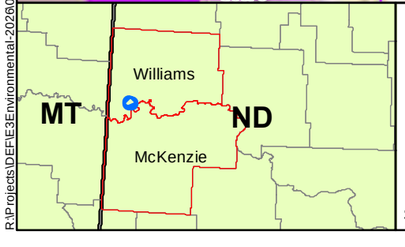

Judson Compressor to Rawson

Stateline Plant to Judson Compressor

Section

Federal Land

State Land

0 250 500 1,000 Feet

Source: ESRI Topographic Map

ONEOK Bear Paw Energy
Stateline to Rawson 12” and 16” Steel
Topographic Map

Enhancing Execution with Experience

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Judson Compressor to Rawson

Stateline Plant to Judson Compressor

Section

Federal Land

State Land

0 250 500 1,000 Feet

Source: ESRI Topographic Map

ONEOK Bear Paw Energy
Stateline to Rawson 12” and 16” Steel
Topographic Map

Enhancing Execution with Experience

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Date: 08/30/2011
Drawn by:JLT
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T153N
R102W
Sec. 8

T153N
R102W
Sec. 9

T153N
R102W
Sec. 10

T153N
R102W
Sec. 17

T153N
R102W
Sec. 16

T153N
R102W
Sec. 15

1900
1900
1870
1860
BM 1893
BR 1856
BURLINGTON
16

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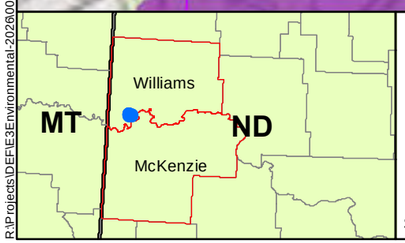

Judson Compressor to Rawson
Stateline Plant to Judson Compressor
Section
Federal Land
State Land

0 250 500 1,000 Feet

Source: ESRI Topographic Map

ONEOK Bear Paw Energy
Stateline to Rawson 12” and 16” Steel
Topographic Map

Enhancing Execution with Experience

BEAR PAW ENERGY, LLC
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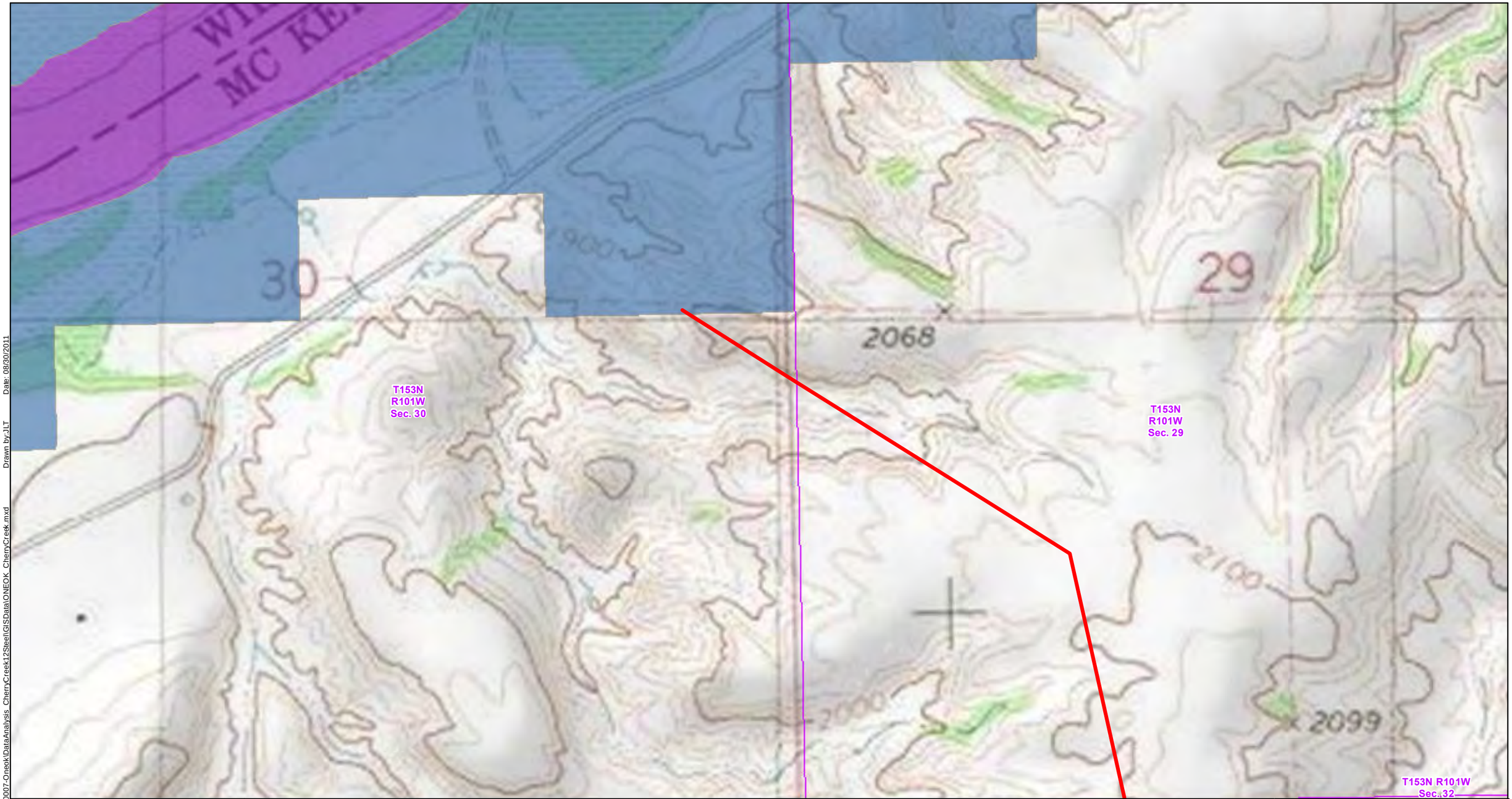

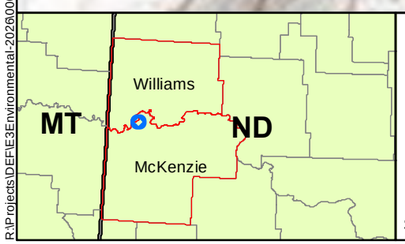

Judson Compressor to Rawson

Stateline Plant to Judson Compressor

Section

Federal Land

State Land

0 250 500 1,000 Feet

Source: ESRI Topographic Map

ONEOK Bear Paw Energy
Stateline to Rawson 12” and 16” Steel
Topographic Map

Enhancing Execution with Experience

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Date: 08/30/2011
Drawn by:JLT
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T153N R101W Sec. 30

T153N R101W Sec. 29

T153N R101W Sec. 28

T153N R101W Sec. 32

T153N R101W Sec. 31

T153N R101W Sec. 33

2045X

2117

2100

2167X

32

Date: 08/30/2011

Drawn by:JLT

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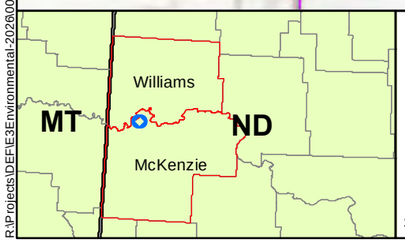

Judson Compressor to Rawson

Stateline Plant to Judson Compressor

Section

Federal Land

State Land

0 250 500 1,000 Feet

Source: ESRI Topographic Map

ONEOK Bear Paw Energy
Stateline to Rawson 12” and 16” Steel
Topographic Map

Enhancing Execution with Experience

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T153N
R101W
Sec. 32

T153N
R101W
Sec. 33

2161

2193

2158

T152N
R102W
Sec. 2

T152N
R102W
Sec. 1

2125

Judson Compressor to Rawson

Stateline Plant to Judson Compressor

Section

Federal Land

State Land

Source: ESRI Topographic Map

0 250 500 1,000 Feet

ONEOK Bear Paw Energy
Stateline to Rawson 12” and 16” Steel
Topographic Map

Enhancing Execution with Experience

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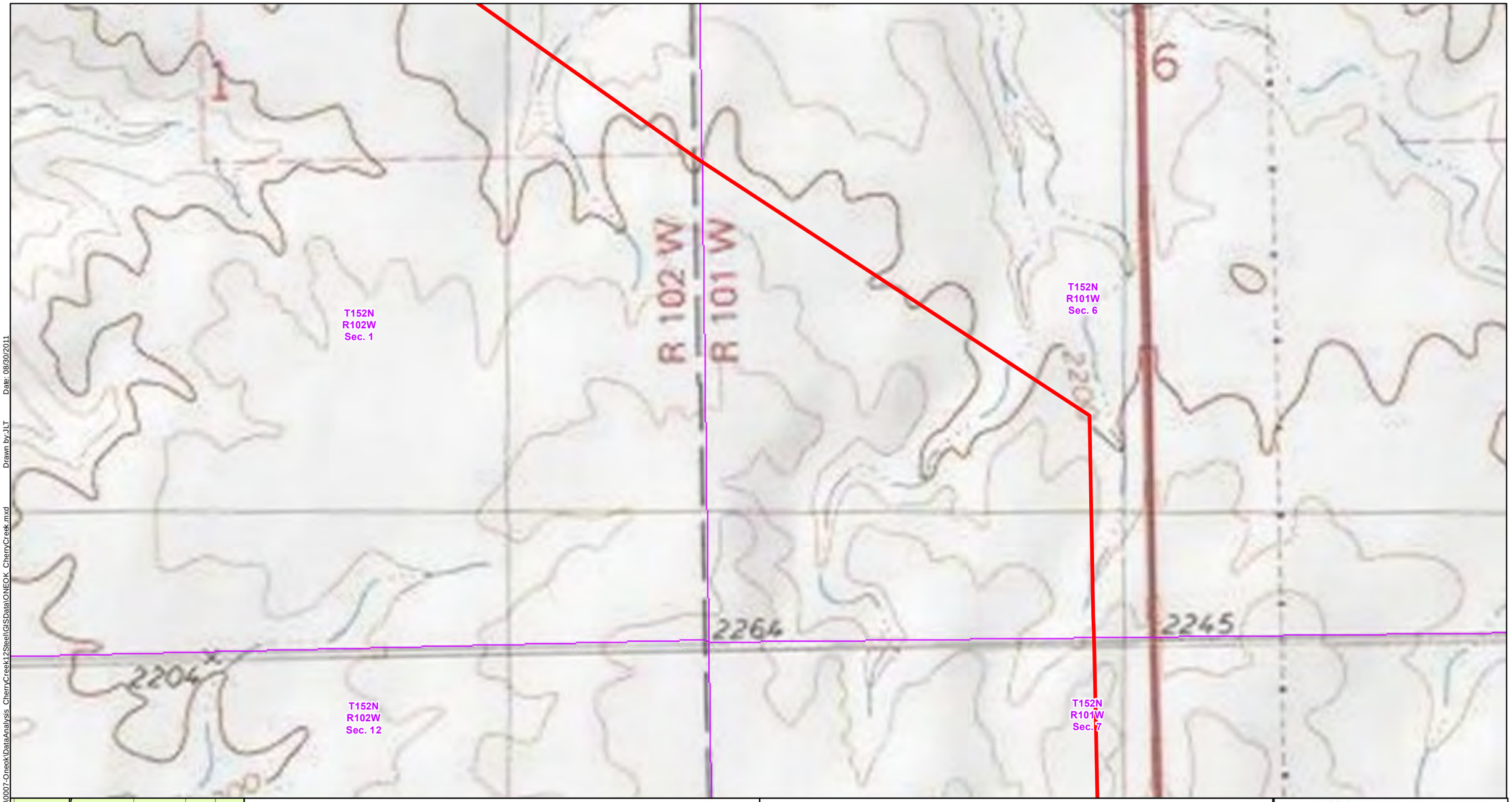

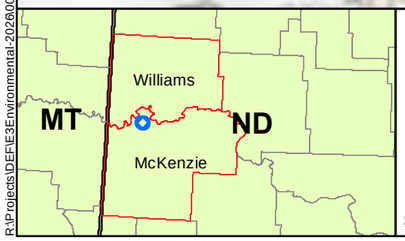

Judson Compressor to Rawson

Stateline Plant to Judson Compressor

Section

Federal Land

State Land

0 250 500 1,000 Feet

Source: ESRI Topographic Map

ONEOK Bear Paw Energy
Stateline to Rawson 12” and 16” Steel
Topographic Map

Enhancing Execution with Experience

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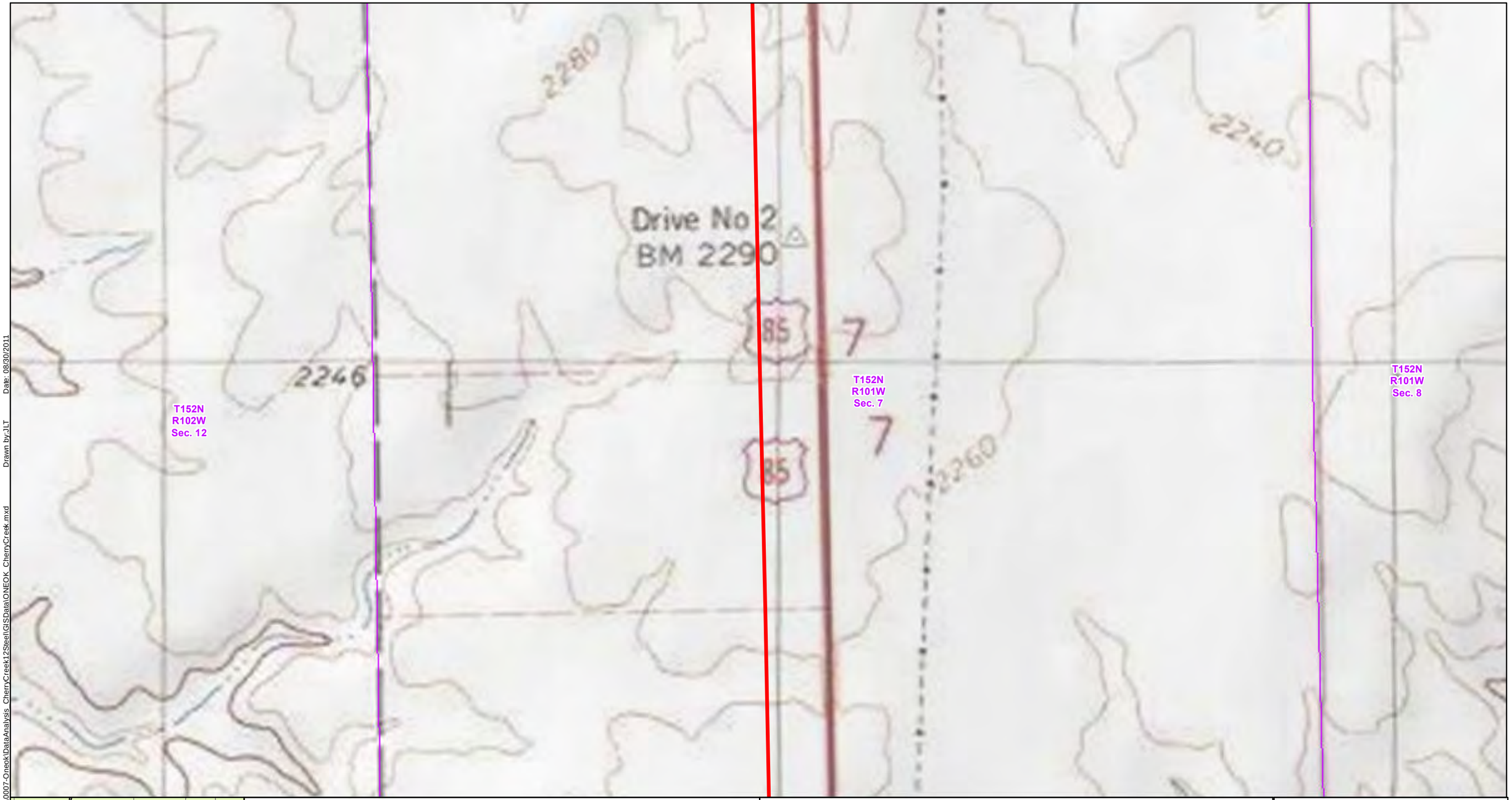

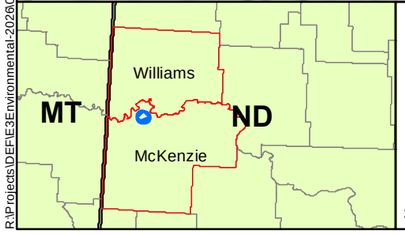

Judson Compressor to Rawson

Stateline Plant to Judson Compressor

Section

Federal Land

State Land

0 250 500 1,000 Feet

Source: ESRI Topographic Map

ONEOK Bear Paw Energy
Stateline to Rawson 12” and 16” Steel
Topographic Map

Enhancing Execution with Experience

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T152N
R102W
Sec. 12

T152N
R101W
Sec. 7

T152N
R101W
Sec. 8

T152N
R101W
Sec. 18

T152N
R101W
Sec. 17

T152N
R102W
Sec. 13

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2258

2200

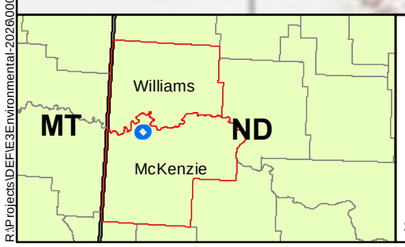
2100

2279

2254

2197

18



Judson Compressor to Rawson

Stateline Plant to Judson Compressor

Section

Federal Land

State Land

0 250 500 1,000 Feet

Source: ESRI Topographic Map

ONEOK Bear Paw Energy
Stateline to Rawson 12” and 16” Steel
Topographic Map

Enhancing Execution with Experience

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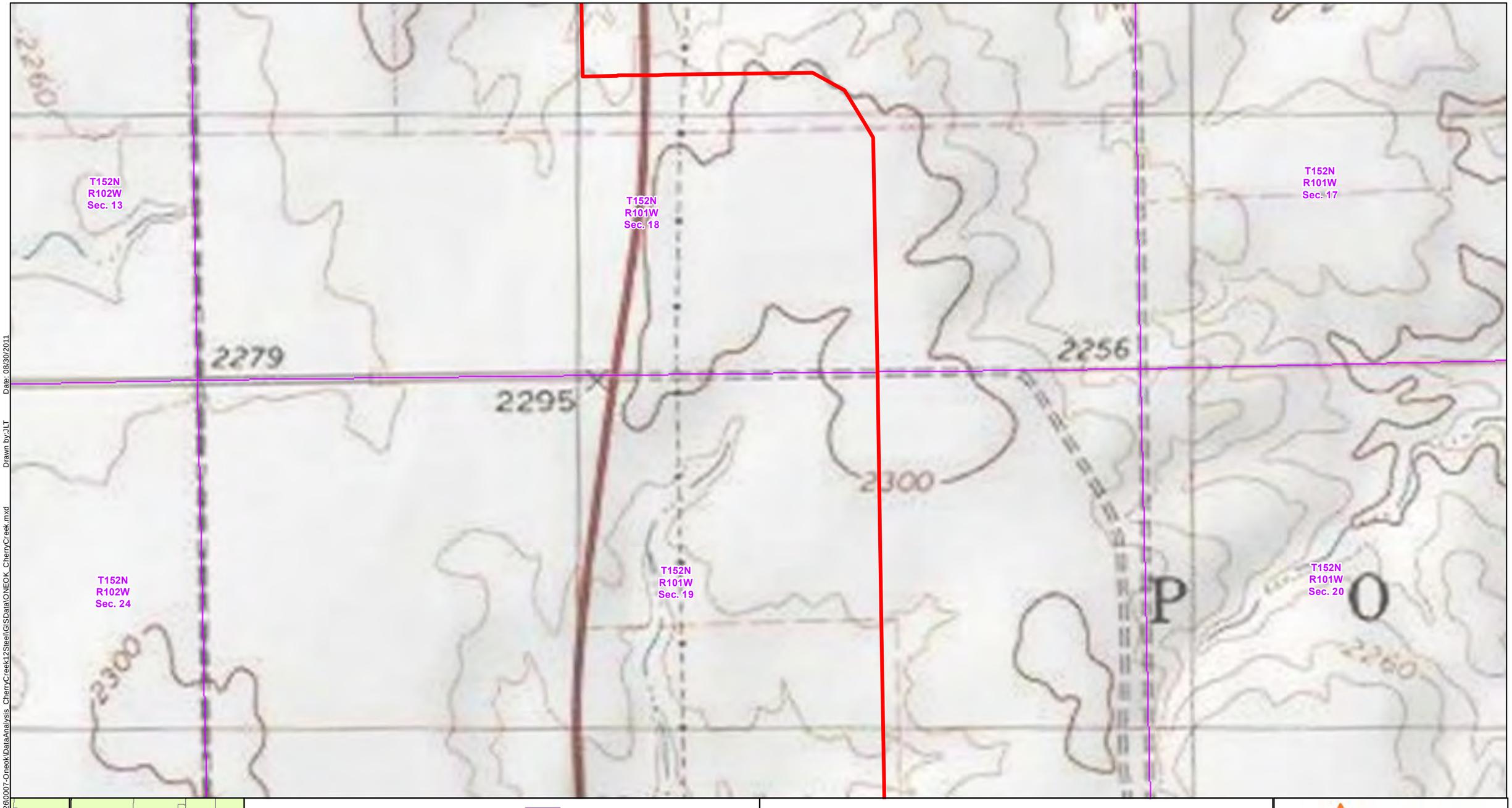

Judson Compressor to Rawson

Stateline Plant to Judson Compressor

Section

Federal Land

State Land

Source: ESRI Topographic Map

0 250 500 1,000 Feet

ONEOK Bear Paw Energy
Stateline to Rawson 12” and 16” Steel
Topographic Map

Enhancing Execution with Experience

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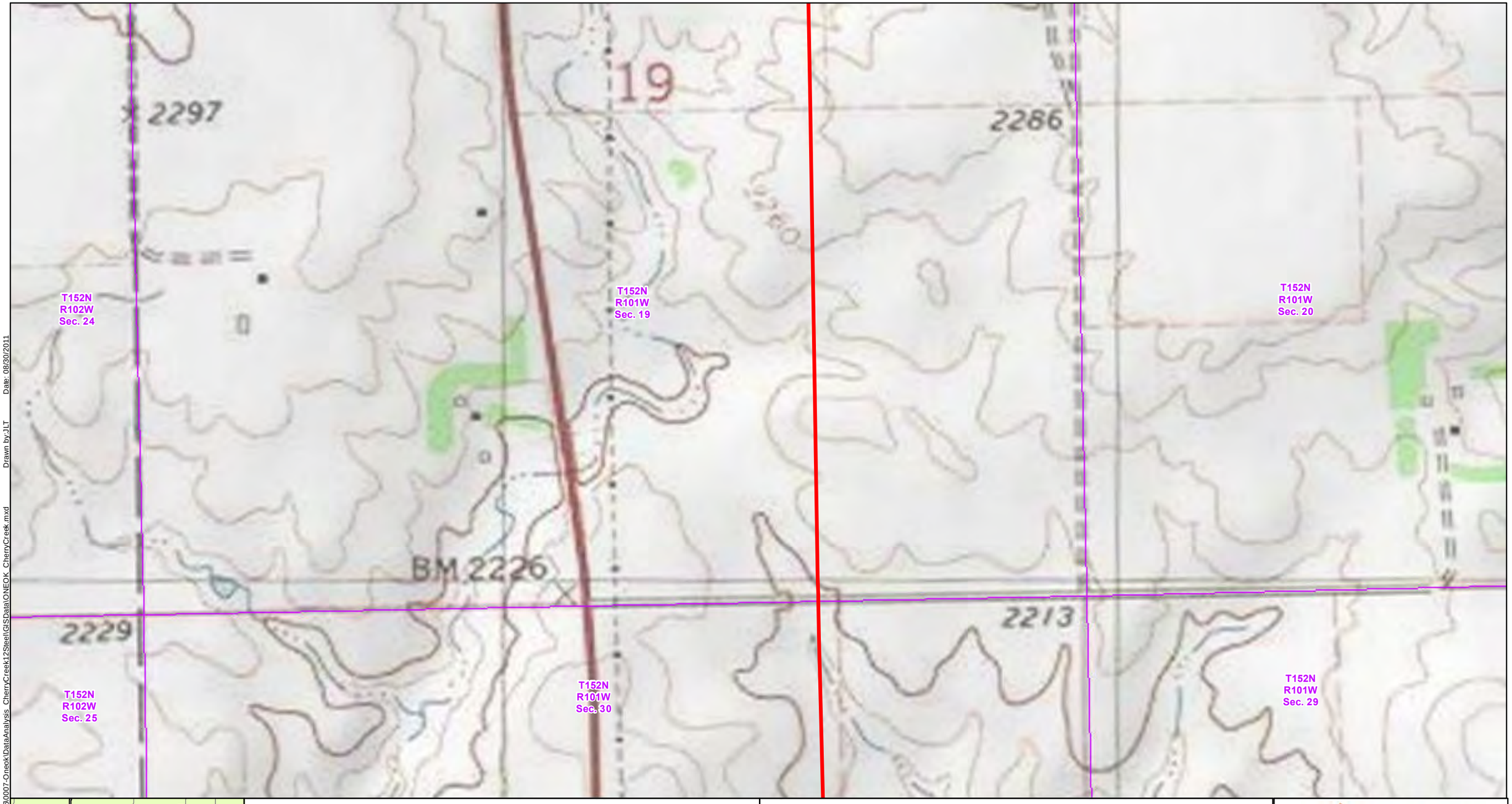

Judson Compressor to Rawson

Stateline Plant to Judson Compressor

Section

Federal Land

State Land

0 250 500 1,000 Feet

Source: ESRI Topographic Map

ONEOK Bear Paw Energy
Stateline to Rawson 12” and 16” Steel
Topographic Map

Enhancing Execution with Experience

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T152N
R102W
Sec. 25

T152N
R101W
Sec. 30

T152N
R101W
Sec. 29

30

2200

2140

Williams
MT
ND
McKenzie

Judson Compressor to Rawson
Stateline Plant to Judson Compressor
Section
Federal Land
State Land

0 250 500 1,000 Feet

Source: ESRI Topographic Map

ONEOK Bear Paw Energy
Stateline to Rawson 12” and 16” Steel
Topographic Map

Enhancing Execution with Experience

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Date: 08/30/2011
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T152N
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Sec. 30

T152N
R101W
Sec. 29

2172

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T152N
R101W
Sec. 31

T152N
R101W
Sec. 32

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31

32

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Judson Compressor to Rawson

Stateline Plant to Judson Compressor

Section

Federal Land

State Land

0 250 500 1,000 Feet

Source: ESRI Topographic Map

ONEOK Bear Paw Energy
Stateline to Rawson 12” and 16” Steel
Topographic Map

Enhancing Execution with Experience

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T152N
R101W
Sec. 31

T152N
R101W
Sec. 32

T151N
R101W
Sec. 6

T151N
R101W
Sec. 5

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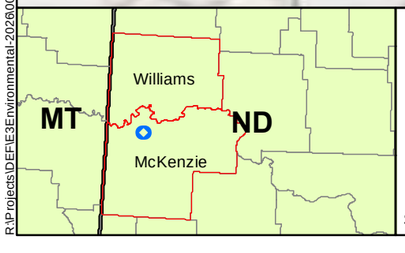

Judson Compressor to Rawson
Stateline Plant to Judson Compressor
Section
Federal Land
State Land

Source: ESRI Topographic Map

0 250 500 1,000 Feet

ONEOK Bear Paw Energy
Stateline to Rawson 12” and 16” Steel
Topographic Map

Enhancing Execution with Experience

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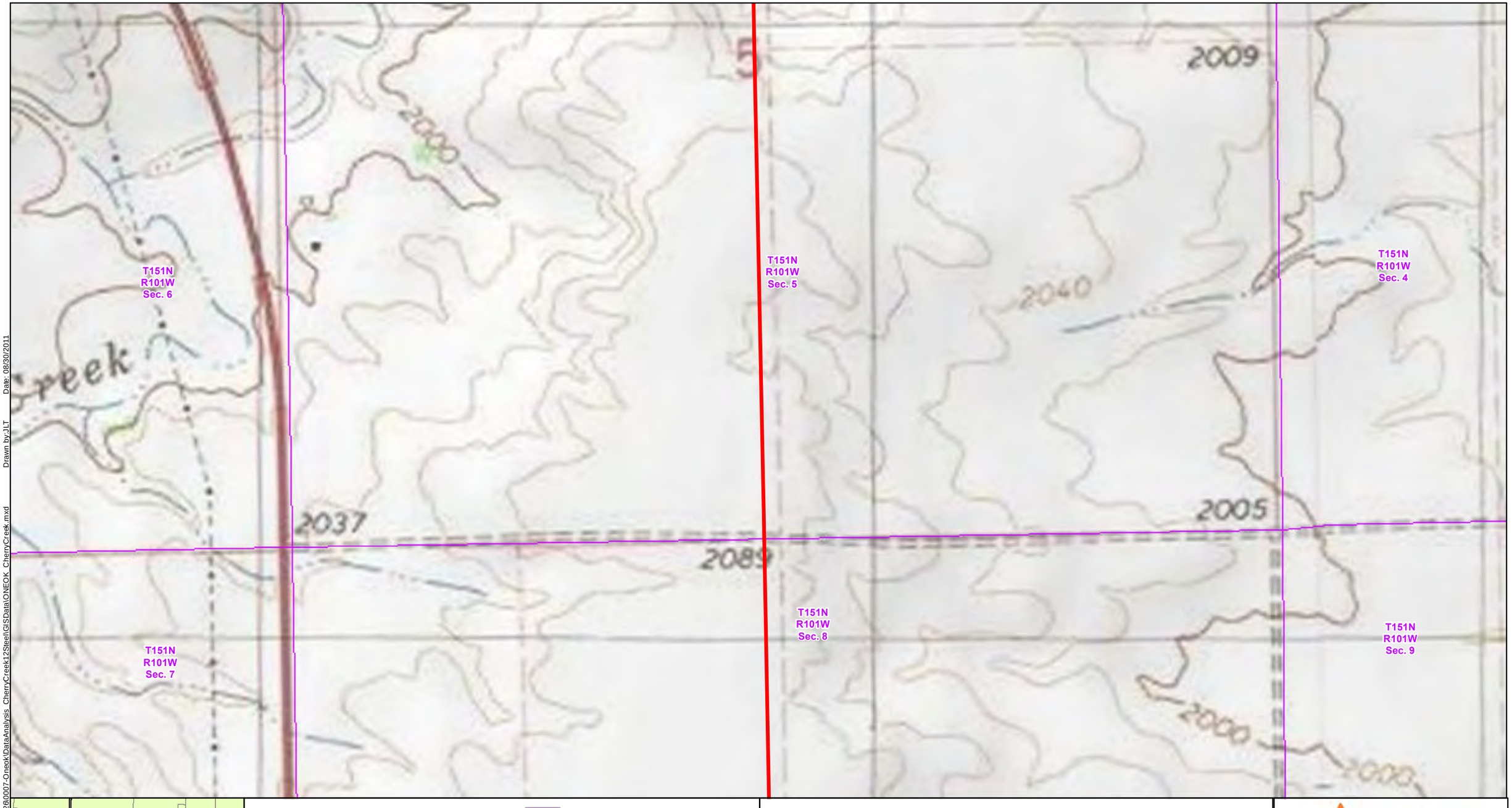

Judson Compressor to Rawson

Stateline Plant to Judson Compressor

Section

Federal Land

State Land

Source: ESRI Topographic Map

0 250 500 1,000 Feet

ONEOK Bear Paw Energy
Stateline to Rawson 12” and 16” Steel
Topographic Map

Enhancing Execution with Experience

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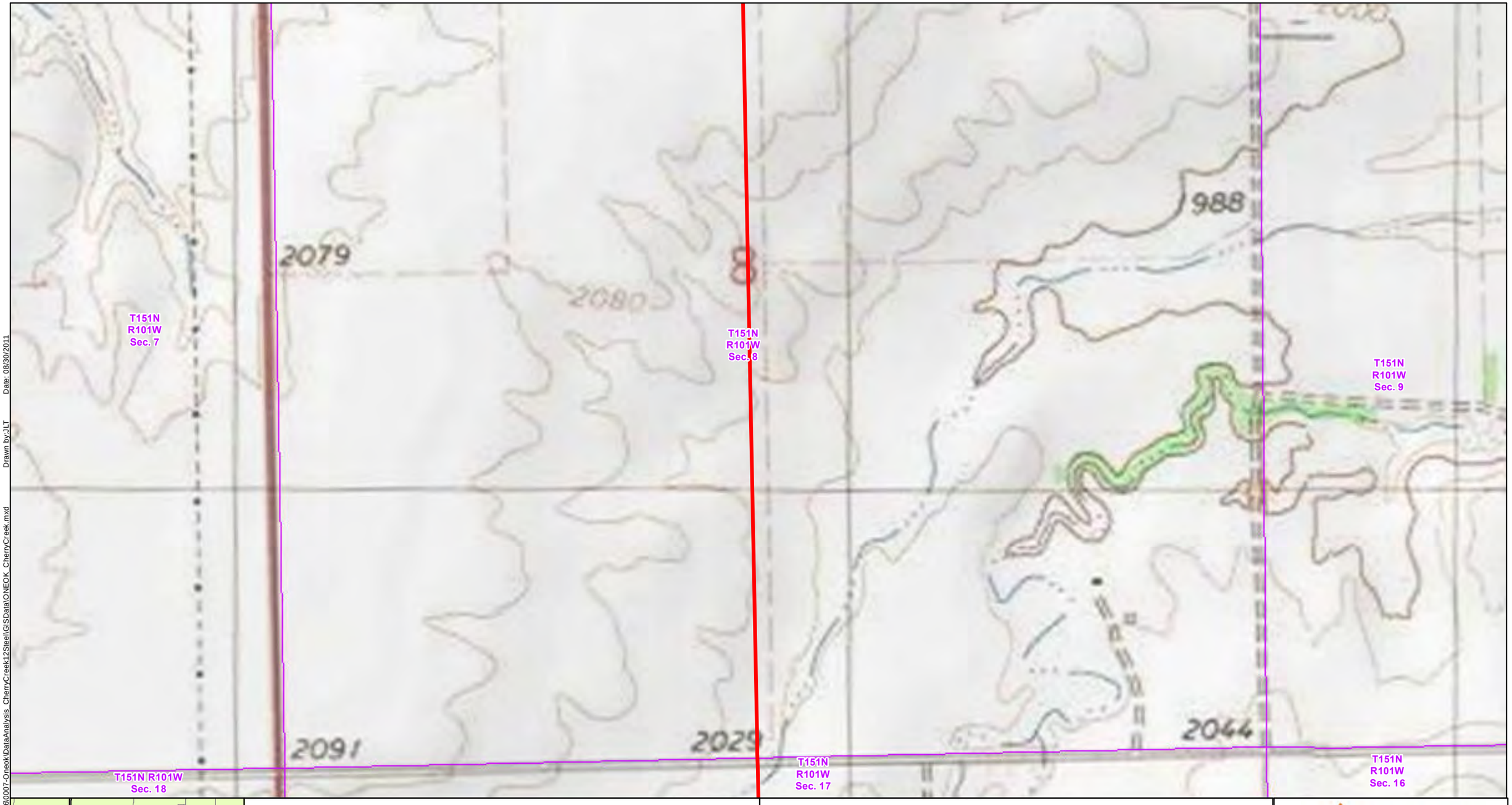

Judson Compressor to Rawson

Stateline Plant to Judson Compressor

Section

Federal Land

State Land

0 250 500 1,000 Feet

Source: ESRI Topographic Map

ONEOK Bear Paw Energy
Stateline to Rawson 12” and 16” Steel
Topographic Map

Enhancing Execution with Experience

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T151N R101W
Sec. 7

T151N R101W
Sec. 8

T151N
R101W
Sec. 18

T151N
R101W
Sec. 17

T151N
R101W
Sec. 16

2040

2512

2100

17

2065

2100

100

Date: 08/30/2011

Drawn by:JLT

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Judson Compressor to Rawson

Stateline Plant to Judson Compressor

Section

Federal Land

State Land

0 250 500 1,000 Feet

Source: ESRI Topographic Map

ONEOK Bear Paw Energy
Stateline to Rawson 12” and 16” Steel
Topographic Map

Enhancing Execution with Experience

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T151N R101W Sec. 18

T151N R101W Sec. 17

T151N R101W Sec. 16

T151N R101W Sec. 19

T151N R101W Sec. 20

T151N R101W Sec. 21

2165

2143

2098

2200

2100

2215

20

Judson Compressor to Rawson

Stateline Plant to Judson Compressor

Section

Federal Land

State Land

0 250 500 1,000 Feet

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ONEOK Bear Paw Energy
Stateline to Rawson 12” and 16” Steel
Topographic Map

Enhancing Execution with Experience

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T151N
R101W
Sec. 20

T151N
R101W
Sec. 21

T151N
R101W
Sec. 29

T151N
R101W
Sec. 28

2219
2209
2200
2282
29
28
2240
2200
2240

Judson Compressor to Rawson
Stateline Plant to Judson Compressor
Section
Federal Land
State Land

0 250 500 1,000 Feet

Source: ESRI Topographic Map

ONEOK Bear Paw Energy
Stateline to Rawson 12” and 16” Steel
Topographic Map

Enhancing Execution with Experience

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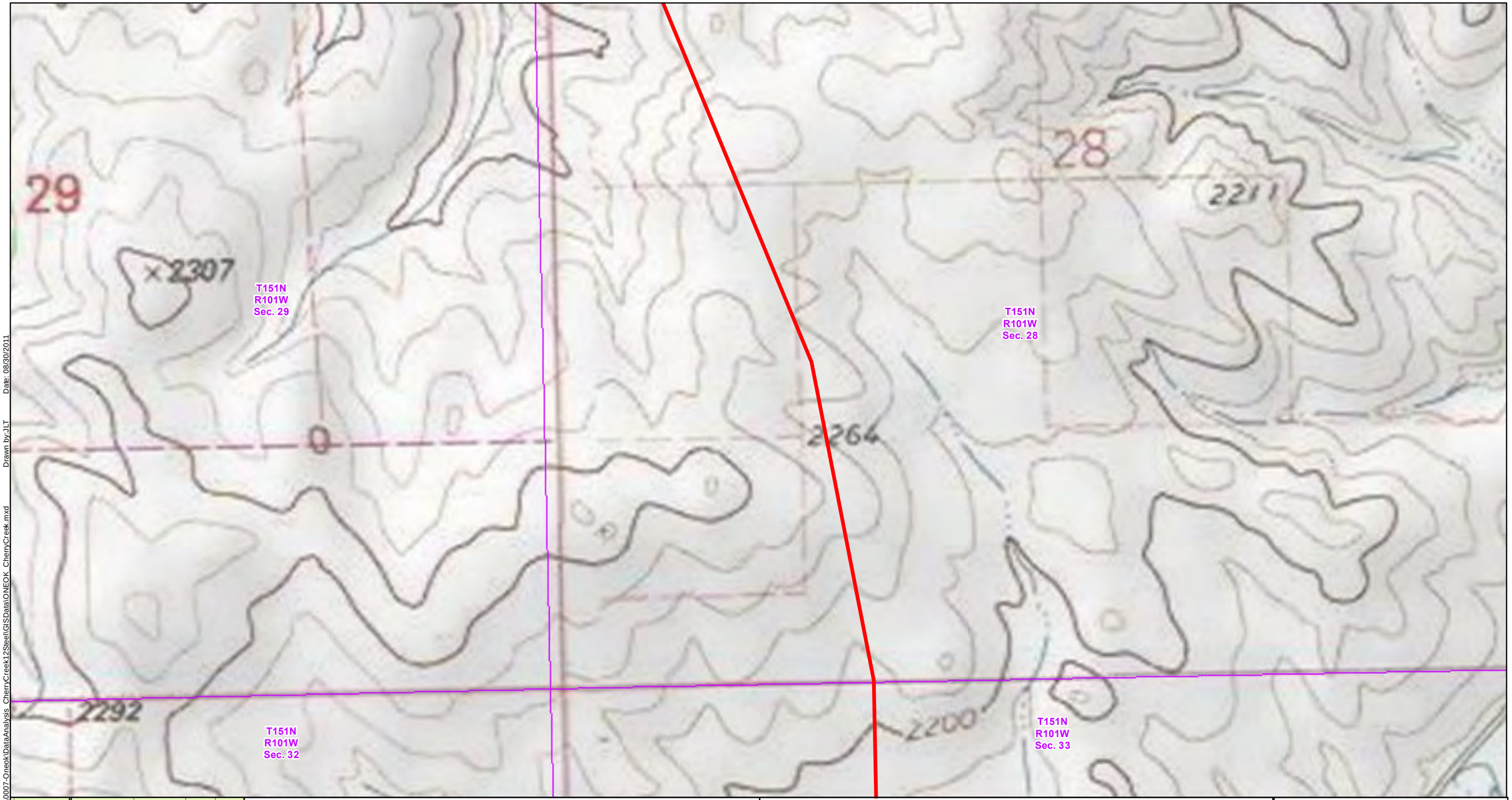

Judson Compressor to Rawson

Stateline Plant to Judson Compressor

Section

Federal Land

State Land

0 250 500 1,000 Feet

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ONEOK Bear Paw Energy
Stateline to Rawson 12” and 16” Steel
Topographic Map

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Drawn by:JLT Date: 08/30/2011

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Judson Compressor to Rawson

Stateline Plant to Judson Compressor

Section

Federal Land

State Land

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0 250 500 1,000 Feet

ONEOK Bear Paw Energy
Stateline to Rawson 12” and 16” Steel
Topographic Map

Enhancing Execution with Experience

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T151N R101W Sec. 32

T151N R101W Sec. 33

T151N R101W Sec. 34

T150N R101W Sec. 5

T150N R101W Sec. 4

T150N R101W Sec. 3

2223

2240

2206

2200

2300

2338

2208

2263

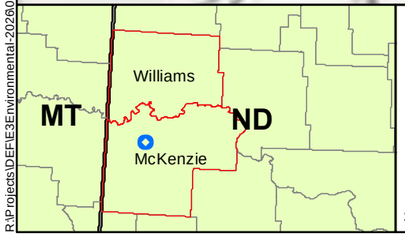
Alexander Cem

Clark Trail

Athletic Field

Tub Butte

4



Judson Compressor to Rawson

Stateline Plant to Judson Compressor

Section

Federal Land

State Land

0 250 500 1,000 Feet

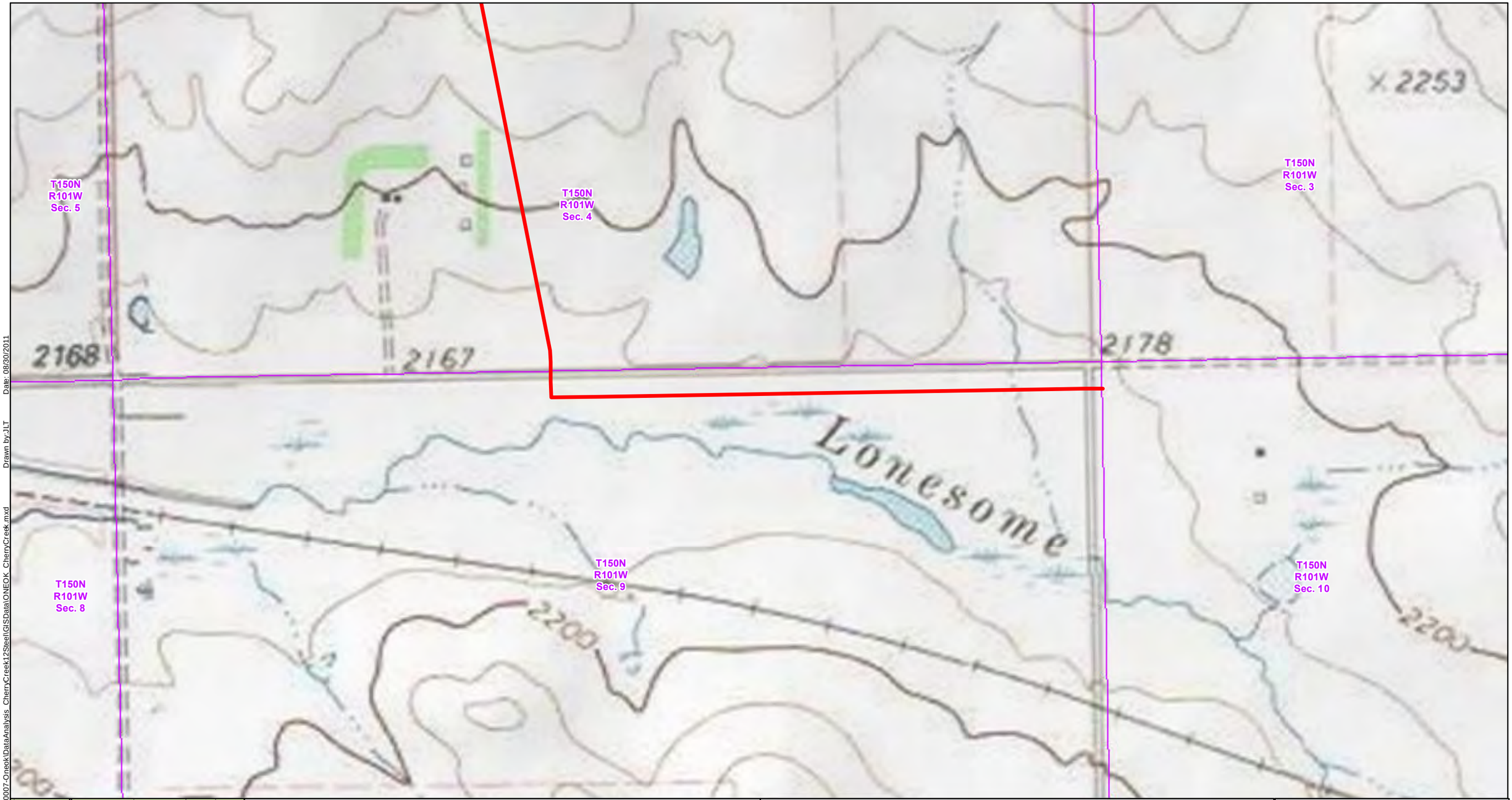
Source: ESRI Topographic Map

ONEOK Bear Paw Energy
Stateline to Rawson 12” and 16” Steel
Topographic Map

Enhancing Execution with Experience

BEAR PAW ENERGY, LLC
A SUBSIDIARY OF ONEOK PARTNERS, L.P.

R:\Projects\DEFNE3Environmental-2026\0007-Oneok\DataAnalysis_CherryCreek12Steel\GISData\ONEOK_CherryCreek.mxd Drawn by:JLT Date: 08/30/2011



Judson Compressor to Rawson

Stateline Plant to Judson Compressor

Section

Federal Land

State Land

Source: ESRI Topographic Map

0 250 500 1,000 Feet

ONEOK Bear Paw Energy
Stateline to Rawson 12” and 16” Steel
Topographic Map

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BEAR PAW ENERGY, LLC
A SUBSIDIARY OF ONEOK PARTNERS, L.P.

Date: 08/30/2011
Drawn by:JLT
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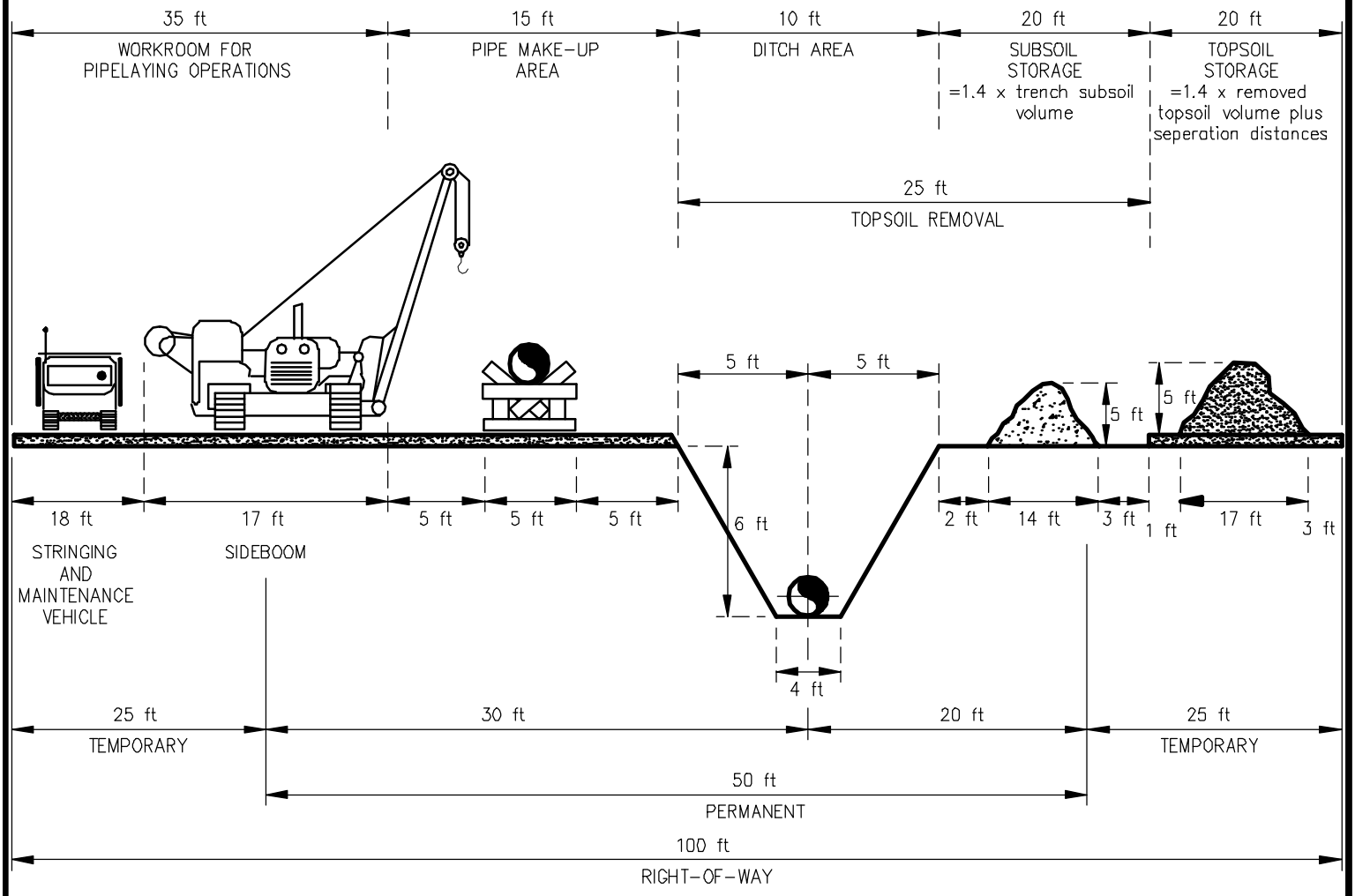
Appendix B
Typical Construction Profile



Notes:
1. All additional temporary workroom required exceeding that shown shall be approved in writing by the compnay prior to clearing.
2. No push outs shall be allowed. All timber and grade storage shall be contained within the 100 foot Right-Of-Way unless site specific additional temporary workroom is obtained.
3. Rock and soil shall be segregated to the extent practical to maximize re-use of spoil for backfilling.
4. For trench and backfill requirements see ES-7754.
5. Topsoil stripping confined to work area, trench and spoil pile.
6. In order to allow storage of materials such as concrete weights on work site of the ditch, the spoil side temporary workroom may be reduced to 20 feet and the working side temporary workroom correspondingly increased to 30 feet.

Revision-Description	By	App.
Original Issue	WFS	MAM
.	.	.
.	.	.
.	.	.
.	.	.

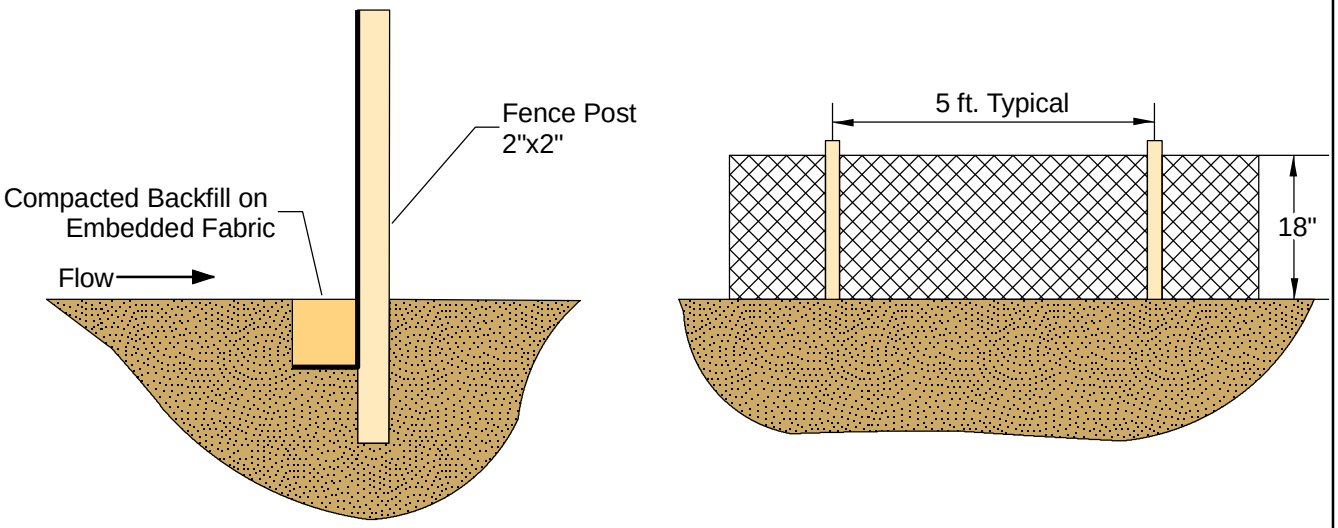
RIGHT-OF-WAY
CONSTRUCTION PROFILE
(TOPSOIL STRIPPING)
CASE A

ONEOK PARTNERS

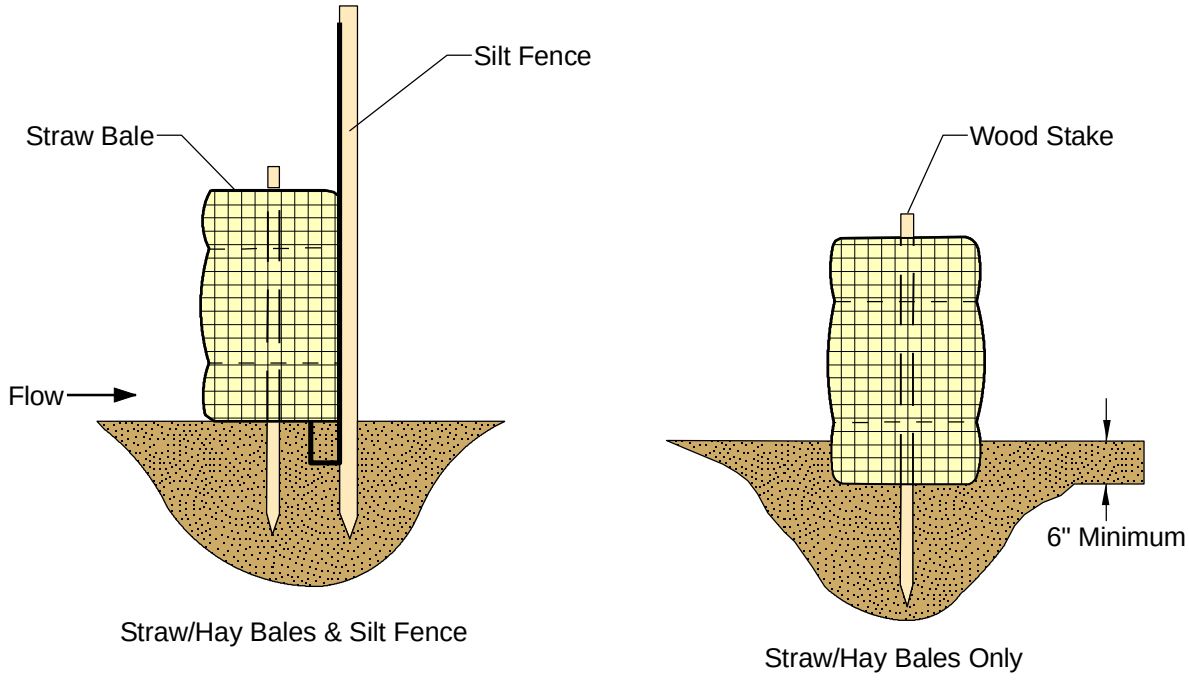
DWG. NO. ES-7710

Appendix C
Typical Erosion Control Details

Typical Silt Fence Installation



Typical Straw/Hay Bale Installation



Straw/Hay Bales & Silt Fence

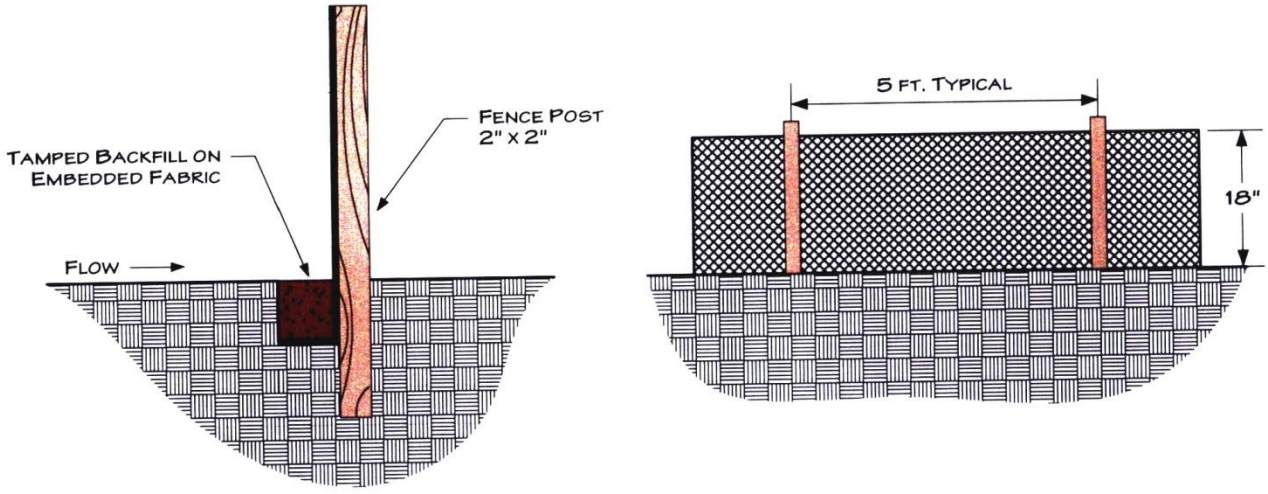
Straw/Hay Bales Only

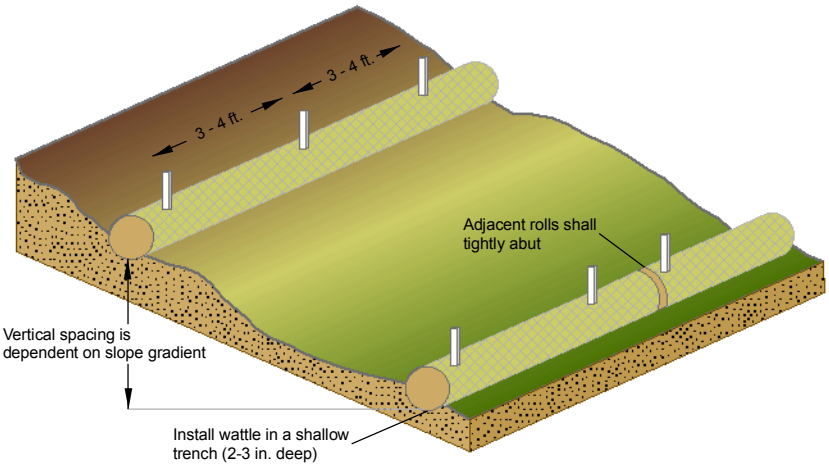
Typical Soil Erosion Control Measures

Enhancing Execution with Experience

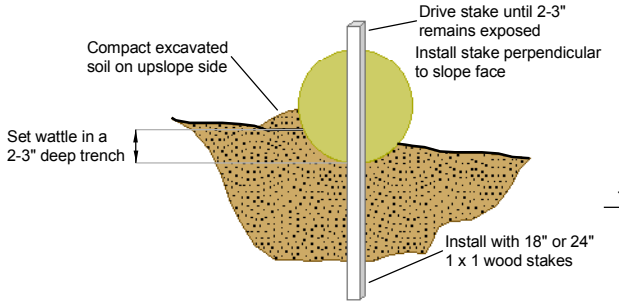
817 Vandalia Street
Suite 100
St Paul, MN 55114

Typical Silt Fence Installation

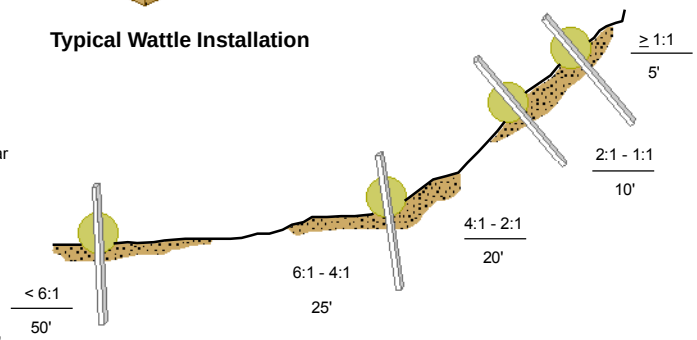




Typical Wattle Installation



Entrenchment Detail



Typical Wattle Spacing based on Slope Gradient

1. BEGIN AT THE LOCATION WHERE THE WATTLE IS TO BE INSTALLED BY EXCAVATING A 2-3" (5-7.5 CM) DEEP X 9" (22.9 CM) WIDE TRENCH ALONG THE CONTOUR OF THE SLOPE. EXCAVATED SOIL SHOULD BE PLACED UP-SLOPE FROM THE ANCHOR TRENCH.

2. PLACE THE WATTLE IN THE TRENCH SO THAT IT CONTOURS TO THE SOIL SURFACE. COMPACT SOIL FROM THE EXCAVATED TRENCH AGAINST THE WATTLE ON THE UPHILL SIDE. ADJACENT WATTLES SHOULD TIGHTLY ABUT.

3. SECURE THE WATTLE WITH 18-24" (45.7-61 CM) STAKES EVERY 3-4' (0.9 - 1.2 M) AND WITH A STAKE ON EACH END. STAKES SHOULD BE DRIVEN THROUGH THE MIDDLE OF THE WATTLE LEAVING AT LEAST 2-3" (5-7.5 CM) OF STAKE EXTENDING ABOVE THE WATTLE. STAKES SHOULD BE DRIVEN PERPENDICULAR TO SLOPE FACE.

North American Green Straw Wattles are a Best Management Practice (BMP) that offers an effective and economical alternative to silt fence and straw bales for sediment control and storm water runoff.

Guidelines are provided to assist in design, installation, and structure spacing. The guidelines may require modification due to variation in soil type, rainfall intensity or duration, and amount of runoff affecting the application site.

To maximize sediment containment with the Straw Wattle, place the initial structure at the top/crest of the slope if significant runoff is expected from above. If no runoff from above is expected, the initial Straw Wattle can be installed at the appropriate distance downhill from the top/crest of the slope. The final structure should be installed at or just beyond the bottom/toe of the slope. Wattles should be installed perpendicular to the primary direction of overland flow.

Straw Wattles are a temporary sediment control device and are not intended to replace rolled erosion control products (RECPs) or hydraulic erosion control products (HECPs). If vegetation is desired for permanent erosion control, North American Green recommends that RECPs or HECPs be used to provide effective immediate erosion control until vegetation is established. Straw Wattles may be used in conjunction with blankets, mats, and mulches as supplemental sediment and runoff control for these applications. Like all sediment control devices, the effectiveness of the Straw Wattle is dependent on storage capacity.

For additional installation assistance, please contact North American Green's Technical Services Department at 1 -800-772-2040
14649 Highway 41 North, Evansville, Indiana 47725
1-800-772-2040 www.nagreen.com

Straw Wattle Installation

Enhancing Execution with Experience

Appendix D
Spill Prevention, Control, and Countermeasure Plan

Bear Paw Energy, LLC
Stateline Plant to Rawson 12 and 16 Inch Steel Pipelines

Spill Prevention, Containment and Countermeasure Plan

SPILL PREVENTION, CONTAINMENT AND COUNTERMEASURE PLAN
Table of Contents

INTRODUCTION

This Spill Prevention, Containment and Countermeasure (SPCC) Plan describes planning, prevention and control measures to minimize impacts resulting from spills of fuels, petroleum products, or other regulated substances as a result of facility construction. This SPCC Plan will be used as a guideline. These measures will be implemented by the Contractor or Company (unless otherwise indicated) during construction at Bear Paw Energy's Stateline Plant to Rawson 16 and 12 Inch Steel Pipelines.

1.0 PLANNING AND PREVENTION

The Company requires its Contractors to implement proper planning and preventive measures to minimize the likelihood of spills, and to quickly and successfully clean up a spill should one occur. The Company has developed this SPCC Plan to set forth minimum standards for handling and storing regulated substances and for cleaning up spills. Potential sources of construction-related spills include storage tank leaks, machinery and equipment failure, and fuel handling and transfer accidents. The Contractor will be responsible for implementing, at a minimum, the following planning and prevention measures:

1.1 ROLES AND RESPONSIBILITIES

1.1.1 Spill Coordinator

- A Spill Coordinator shall be designated by Company.
- The Spill Coordinator shall mobilize on-site personnel, equipment, and materials for containment and/or cleanup commensurate with the extent of the spill.
- The Spill Coordinator shall assist the appropriate Emergency Response Contractor (Appendix H) and monitor containment activities to ensure that the actions are consistent with the requirements of this SPCC Plan.
- The Spill Coordinator and/or Chief Environmental Inspector or the Field Construction Manager, in consultation with appropriate agencies, shall determine when it is necessary to evacuate spill sites to safeguard human health.
- The Spill Coordinator shall notify the Environmental Manager and Chief Environmental Inspector immediately of any spill.
- The Spill Coordinator will assist the Chief Environmental Inspector in completion of a spill report form.
- The Spill Coordinator will identify available Emergency Response Contractors, who are subject to Company approval.
- The Spill Coordinator should not contact an agency regarding a spill without authorization from the Environmental Manager and/or Company.

1.1.2 Environmental Manager

- The "Environmental Manager" referred to in this plan will be a designated Company Employee or a third party Designee

- The Environmental Manager will have a Chief Inspector located at the construction sites. The Chief Inspector may act on the behalf of the Environmental Manager on certain issues that will be defined before construction is started.

- The Chief Inspector will monitor the Contractor's compliance with the provisions of this SPCC Plan.

- All reportable spills must be reported immediately to the Construction Manager, Environmental Manager and Chief Inspector (Reportable spills will be defined by federal and state-specific guidelines. See Appendix B). The Chief Inspector with assistance from the Spill Coordinator is responsible for completing a Spill Report Form (Appendix A) within 24 hours of the occurrence of a reportable spill.

- The Spill Coordinator and/or Environmental Manager or the Project Manager, in consultation with appropriate agencies, shall determine when it is necessary to evacuate spill sites to safeguard human health.

- The Environmental Manager will contact an agency regarding a spill.

- The Environmental Manager will promptly report spills to appropriate federal, state, and local agencies as required.

- The Environmental Manager will coordinate with these agencies regarding contacting additional parties or agencies.

1.1.3 Field Construction Manager

- The "Field Construction Manager " referred to in this plan will be the Chief Inspector, a designated Company employee or a third party designee who is responsible for the management of construction activities on this project [representing the Construction Manager for the Company].

- The Field Construction Manager is the initial point of contact of the Spill Coordinator when a spill occurs, and determines the containment measures that may be required.

- The Field Construction Manager is responsible for documenting the

general information regarding any spills such as work stoppages, injuries, fires, and the extent of exposure to workers on the site.

- The Field Construction Manager is responsible for coordinating any emergency response services that may be required such as the Fire Department, the Sheriff Department, or for contacting Emergency Response Contractors.

1.1.4 Authorized Personnel

- Authorized Personnel are representatives of the Contractor who are
designated to handle fuel, lubricants or other regulated substances.

- Authorized Personnel shall be familiar with the requirements of the SPCC Plan and the consequences of non-compliance.

1.1.5 Construction Superintendent

- The Contractor's Construction Superintendent or representative must immediately notify the Environmental Manager and Chief Inspector of any spill of a petroleum product or hazardous liquid, regardless of volume.

1.1.6 Construction Personnel

- Construction Personnel are representatives of the Contractor involved with construction and installation of the project.

- Construction Personnel shall notify the Construction Superintendent or Spill Coordinator immediately of any spill of a petroleum product or hazardous liquid, regardless of volume.

2.0 RESPONSIBILITY OF ADMINISTRATION

The Contractor is responsible for the administration of its SPCC Plan.

3.0 GENERAL BEST MANAGEMENT PRACTICES

3.1 Typical Fuels, Lubricants And Hazardous Materials:
The table in Appendix G identifies fuels, lubricants and coolants generally present during construction and identifies typical total volumes, storage and transportation methods. Contractors will have appropriate MSDS sheets on-site as required by OSHA.

3.2 PREVENTIVE ACTIONS:
The following preventive actions and procedures will be accomplished prior to construction.

3.2.1 Storage, Refueling and Lubrication Areas: Designated storage, refueling and lubrication areas will be established which will minimize the environmental and safety impacts associated with releases of fuel, lubricants, or hazardous substances, as per the following guidelines.

3.2.1.1 Refueling and storing potentially hazardous materials will not occur within a 150-foot radius of all private wells and a 400-foot radius of all municipal or community water supply wells.

3.2.1.2 Storage of fuel, lubricant, or hazardous materials within 100 feet of perennial streambanks, wetland boundaries, or within a municipal watershed will not be conducted.

3.2.1.3 No hazardous or potentially hazardous materials, other than essential equipment fuel (gasoline, diesel, etc.) or standard lubricants (engine oils, grease, etc.) will be transported into the construction area without Environmental Manager coordination and approval.

3.2.1.4 All petroleum products used by Contractor necessary for fueling and maintenance of construction equipment shall be stored at a well maintained and supervised location. Diesel fuel, gasoline and lubricating oils shall be stored in bermed and lined containment structures.

3.2.1.5 All vehicle maintenance waste (oils and lubricants) shall be collected in proper containers within the designated storage, refueling and lubrication areas. Vehicle washing will be conducted in an area that will ensure that none of the wash water enters any waterbody. All vehicle wastes will be properly disposed of at facilities permitted to receive hydrocarbon vehicle waste.

3.2.1.6 Special Refueling Activities: When unique conditions require refueling within 100 feet of perennial streambanks, wetland boundaries, or within any municipal watersheds, a determination of necessary emergency response actions shall be conducted prior to refueling activities. As a minimum, the determination will consider the environmental risks of relocating equipment to a refuel/lubrication area verses risks involved with refuel/lubrication in place. In addition, absorbent materials or other spill containment materials shall be available for immediate application prior to commencing refueling activities.

3.2.1.7 Contingency Supplies: Each construction crew shall have on hand sufficient supplies of absorbent materials, barrier material, and DOT approved containers to allow for rapid containment and recovery of any potential spill.

3.2.1.8 Waste Removal: Standing procedures and individual responsibilities regarding excavation, transport, and off-site disposal of any soil material contaminated by a spill will be established prior to construction.

3.3 Notifications

3.3.1 WHENEVER ANY SPILL OF A HAZARDOUS OR POTENTIALLY HAZARDOUS SUBSTANCE OCCURS, THE ENVIRONMENTAL MANAGER WILL BE NOTIFIED.

3.3.2 The Environmental Manager will help direct further response actions in accordance with EPA guidelines and assist throughout the cleanup and disposal of wastes.

3.4 Hazardous Materials Spill Response Training

3.4.1 The Contractor shall instruct construction personnel in the operation and maintenance of equipment to prevent an accidental discharge or spill of fuel, oil and lubricants. Personnel shall also be made aware of the pollution control laws, rules and regulations applicable to their work.

3.4.2 A spill prevention briefing shall be scheduled and conducted by Contractor prior to the initiation of construction to assure adequate understanding of this SPCC. The topics to be addressed at the briefing shall include the following:

3.4.2.1 SPCC contents,

3.4.2.2 Possible equipment failure and malfunction;

3.4.2.3 Precautionary measures;

3.4.2.4 Standard operating procedures in case of a spill;

3.4.2.5 Equipment, materials and supplies to be maintained by Contractor and shall be available for cleanup of a spill.

3.5 Contractor's Waste Disposal

All wastes generated during construction shall be stored at the Contractors Field Warehouse in DOT approved containers.

3.6 Mitigation Actions

The following guidelines specify the mitigative procedures used to control a release, notify appropriate officials, clean up waste and document corrective actions.

3.6.1 Control of Spills or Releases

3.6.1.1 Controlling spills and releases shall be accomplished by stopping or segregating the source of the release, using the required stockpiled materials to contain the spill and, if warranted, stopping operations within the affected areas.

3.6.2 Notifications

3.6.2.1 The Contractor shall first notify the Environmental Manager and Chief Inspector of any spill. If the spill is of a reportable quantity, the Environmental Manager shall notify required agencies, and, if the situation warrants, the Field Construction Manager shall notify appropriate local police, fire department and/or area residents.

3.6.2.2 The Contractor shall have designated employees on-call 24 hours per day for notification of the emergency response companies referenced in Appendix I.

3.6.3 Cleanup and Disposal Actions

3.6.3.1 The Contractor's Spill Coordinator will direct visual cleanup of all releases. Contaminated soils, absorbent materials and other waste generated by the spill/release will be placed in DOT approved storage/shipping containers (see Appendix E). The containers will be

labeled as to the contents and placed in a designated accumulation point for disposal. Depending on the type of waste generated, the containers shall be transported and disposed of in accordance with appropriate EPA disposal criteria by permitted transporters and disposers.

3.6.3.2 In the event that a fuel spill occurs within a controlled containment dike, in lieu of a pump/valve drainage system, the Contractor shall immediately engage a certified vacuum cleanup service in the vicinity.

3.6.3.3 Arrangements shall be made for spill cleanup vacuum services within various vicinities. These companies will be on-call 24 hours per day to provide emergency cleanup services, as required by the Contractor.

3.6.4 Records

3.6.4.1 The Contractor shall maintain written records of all actions taken during the course of a spill event.

4.0 SPILL PROCEDURE

4.1 Reportable Quantity Spills

Unless otherwise directed, the reporting, disposal, and pre-cleanup sampling requirements in this section apply to all spills of reportable quantities (Appendix B).

4.2 Immediate Spill Response Actions

The Contractor shall implement this SPCC Plan using the following steps in response to a spill of hazardous materials:

4.2.1 Immediate Safeguards:

4.2.1.1 Evacuate the area of personnel, if warranted.

4.2.1.2 Stop operation of affected equipment/area, if warranted. 4.2.1.3 Turn off utilities to the area, if necessary.

4.2.1.3 Cordon the area to prevent entry of unnecessary personnel or equipment. Establish a single point of ingress and egress to control access to the spill area.

4.2.1.4 Take whatever steps possible to eliminate the source of the leak or spill (e.g., shut off valves, upright containers, stop pumps, etc.).

4.2.1.5 Accumulate as much information as possible as to the nature and size of the spill. Use the Construction Spill Report Form (see Appendix A) for the type of information required.

4.2.2 Spill Event Log Establishment: Documentation of all spill-related activities will include the following information in the log:

4.2.2.1 Time and date of initial notification of spill and approximate time the spill occurred.

4.2.2.2 Start and completion time of all key activities.

4.2.2.3 A detailed description of all activities undertaken and identification of personnel accomplishing these activities.

4.2.2.4 Note time of all correspondence, personnel involved with the correspondence, and nature of the correspondence.

4.2.2.5 The log shall be maintained until initial actions to clean

up the spill are complete (approximately 24 hours, unless conditions extend the response to the emergency).

4.2.3 Notifications: All notifications shall be accomplished at the direction of the Spill Coordinator or Construction Director.

4.2.3.1 Notify the Environmental Manager and Chief Environmental Manager of any spill and provide the necessary information by using the Construction Spill Report Form (Appendix A).

4.2.3.2 Make other Contractor and Company and agency notifications per the SPCC, or as instructed by the Environmental Manager and Section 4.3, Reporting Requirements, of this procedure.

4.2.3.3 Notify local police or Fire Department if assistance is necessary. 4.2.3.4 Notify local residents, if necessary.

4.2.4 Spill Control:

4.2.4.1 Spills on Land or Pavement:

4.2.4.1.1 Plug all storm drains the spill may gain access to.

4.2.4.1.2 Construct terrace dam or ditch to stop the spill's flow.

4.2.4.1.3 Scatter hay, straw, sand or other similar materials to absorb the spill.

4.2.4.1.4 If free-standing fluid is present, actions can be taken to skim fluids and place into DOT approved containers.

4.2.4.2 Spills on Water:
Ensure that all possible efforts are made to limit the migration of the surface spill until properly equipped cleanup teams can arrive.

4.2.4.2.1 Create a back current to limit out-flow of material.

4.2.4.2.2 Use absorbent floats, if available.

4.2.4.2.3 Create shoreline earth berms to prevent spill from reaching surface waters. Use skimmers, pumps or available absorbent materials to remove spill from water, should spill breach berms.

4.2.5 Area Spill Cleanup:

4.2.5.1 Follow site cleanup and decontamination requirements which are provided in this procedure.

4.2.5.2 Remove cleanup debris from spill area. Basic guidance is provided in Para. 4.4 of this procedure.

4.2.6 Spill Materials Disposal:

All spill material shall be disposed of in accordance with EPA Regulations. General guidance is provided in Section 4.6 of this procedure.

4.3 Reporting Requirements:

The following reporting requirements by the Contractor are required in addition to applicable reporting requirements under the Clean Water Act (CWA), Toxic Substances Control Act (TSCA), or the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) and other documents which establish the SPCC reporting requirements.

4.3.1 Notify the Environmental Manager and Chief Inspector in the event of any leaks or spills. Use the Construction Spill Report Form (see Appendix A) for providing necessary information. The Chief Inspector will provide guidance based on the potential impact of the spill.

4.4 Disposal of Cleanup Debris and Materials

4.4.1 All contaminated soils, solvents, rags, and other materials resulting from the cleanup actions will be properly stored, labeled, and disposed of in accordance with the appropriate EPA regulations. Some general guidance follows:

4.4.1.1 Soils and/or other contaminated materials shall be placed in DOT-approved sealed containers.

4.4.1.2 Containers shall be labeled with required waste label(s), dated and inventoried.

4.4.1.3 Containers may be stored at the construction site in the identified staging areas for up to 90 days.

4.4.1.4 All containers shall be disposed of in accordance with EPA Regulations using permitted transporters and permitted disposal facilities.

4.4.1.5 All hazardous waste containers shall be properly manifested prior to departure from the construction area. The Contractor and Company will maintain all manifest records with the project file for at least three years after the containers were shipped for disposal.

4.5 Determination of Spill Boundaries in the Absence of Visible Traces

For spills where there are insufficient visible traces, yet there is evidence of a leak or spill, the boundaries of the spill shall be determined using a statistically based sampling scheme. The Environmental Manager will provide sampling assistance.

4.6 Cleanup Requirements

4.6.1 General Requirements:

4.6.1.1 All soil within the spill area (e.g., visible traces of soil and a buffer of one (1) lateral foot around the visible traces) must be excavated.

4.6.1.2 All excavation material shall be disposed of as mentioned in Para. 4.4 of this procedure and the appropriate EPA Regulations.

4.6.1.3 All cleanup soil and wastes shall be collected in DOT approved containers. See Appendix E for a listing of approved containers.

4.6.1.3.1 Appendix D contains guidance on how to manage the area used to temporarily store waste containers.

4.6.1.3.2 Appendix F contains guidance on inspection procedures for stored waste containers required by EPA Regulations.

4.6.1.4 The ground shall be restored to its original configuration by back-filling with clean soil.

4.6.1.5 Cleanup requirements of a spill area shall be completed within 48 hours after notification or knowledge of the spill.

4.6.2 Effect of Emergency or Adverse Weather:

Completion of cleanup may be delayed beyond 48 hours in case of circumstances including but not limited to:

4.6.2.1 Civil emergency;

4.6.2.2 Adverse weather conditions;

4.6.2.3 Lack of access to the site; and/or,

4.6.2.4 Emergency operating conditions.

4.6.2.4.1 The occurrence of a spill on a weekend or after hours overtime costs are not acceptable reasons to delay response.

4.6.2.4.2 Completion of cleanup may be delayed only for the duration of the adverse conditions. If the adverse weather conditions, or time lapse due to other emergencies, has left insufficient visible traces, a statistically based sampling scheme to determine the spill boundaries will be developed and implemented.

4.7 Records

All records that document spill events and corrective actions taken will be maintained in the project files for three (3) years from the date the corrective actions were completed. Documentation and certification of area decontamination shall be conducted upon completion of and during all clean up operations. The records and certifications shall be completed, as follows:

4.7.1 Identification of the source of the spill (e.g., type of equipment or container).

4.7.2 Estimated or actual date and time of the spill occurrence.

4.7.3 The date and time cleanup was completed or terminated (if cleanup was delayed by emergency or adverse weather, the nature and duration of the delay).

4.7.4 A brief description of the spill location.

4.7.5 Pre-cleanup sampling data used to establish the spill boundaries if required due to insufficient visible traces, and a brief description of

the sampling methodology used to establish the spill boundaries.

4.7.6 A brief description of the solid surfaces cleaned and of the wash/rinse method used.

4.7.7 Approximate depth of soil excavation and the amount of soil removed.

4.7.8 A certification statement signed by the Construction Director, Spill Coordinator and the Environmental Manager stating the cleanup requirements have been met and the information contained in the record is true to the best of his/her knowledge.

4.7.9 The estimated cost of pre- or post-cleanup and sampling by man-hours, dollars, or both.

4.8 Responsibility for Procedure

Address any questions to the Company Environmental Manager (name and address to be announced).

APPENDIX A

CONSTRUCTION SPILL REPORT FORM

Date of Spill: _____Date of Spill Discovery:_____

Time of Spill: _____ Time of Spill Discovery:_____

Location Name: _____ Region: _____

Name and Title of Discoverer: _____

Type of material spilled and manufacturers name: _____

Legal Description of spill location: _____

Directions from nearest community: _____

Estimated volume of spill: _____ Estimated Material Recovered: _____

Weather Conditions:_____ _____

Topography and surface conditions of spill site: _____

Spill medium (pavement, sandy soil, water, etc.): _____

Proximity of spill to surface waters: _____

Did the spill reach a waterbody? _____ Yes _____ No

If so, was a sheen present? _____ Yes _____ No

Describe the causes and circumstances resulting in the spill: _____

_____

Describe the extent of observed contamination, both horizontal and vertical (i.e., spill-stained soil in a 5-foot radius to a depth of 1 inch): _____

_____

Describe immediate spill control and/or cleanup methods used and implementation schedule:

_____

Current status of cleanup actions: _____

Name/Company/Address/Phone Number for the following:

Construction Superintendent: _____

_____

Spill Coordinator:_____

_____

Environmental Specialist: _____

_____

Person Who Reported the Spill: _____

_____

Environmental Inspector: _____

_____

Form completed by: _____ Date: _____

Spill Coordinator must complete this for any spill, regardless of size, and submit the form to the Company Environmental Specialist and Chief Environmental Inspector within 24 hours of the occurrence.

APPENDIX B

REPORTABLE QUANTITIES

PURPOSE:

This procedure identifies reportable quantities for releases of oil or hazardous substances in accordance with the CERCLA of 1980, the CWA, the Oil Pollution Act of 1990 (OPA 90) and the TSCA.

RESPONSIBILITY FOR ADMINISTRATION:

Contractor's Spill Coordinator is responsible for administration of this procedure.

GENERAL:

I. Reportable quantity is the quantity of a release which requires notification of an agency.

II. Any amount of oil spill into navigable waters is reportable. Oil spills onto land may be required to be reported, depending upon quantity spilled and state regulations.

III. RQs for Toxic Hazardous Wastes are based on the toxic contaminant. The RQ means the quantity of the waste, not the quantity of the toxic contaminant. If toxic waste has two or more contaminants, the RQ is based on the lowest RQ for those contaminants.

PROCEDURES:

I. If oil is discharged into or upon the navigable waters of the United States, or adjoining shorelines:

A. Report the spill to the National Response Center (800) 424-8802.

B. Submit a written report within 60 days to the EPA Regional Administrator and the state agency, if the project has discharged quantities of oil into or upon the navigable waters of the United States or adjoining shorelines, which:

1. is more than 1,000 gallons of oil in a single spill event; or

2. is in harmful quantities as defined by 40 CFR Part 110, Oil Pollution Prevention regulations, in two spill events occurring within a twelve month period. Harmful quantity includes a film or sheen or discoloration of the surface of the water of adjoining shorelines or a sludge or emulsion deposited beneath the surface of the water or upon adjoining shorelines.

APPENDIX B
REPORTABLE QUANTITIES

C. The report to the EPA Regional Administrator and the state agency will include:

1. Name of facility;

2. Name(s) of the owner or operator of the facility;

3. Location of the facility;

4. Date and year of initial facility operation;

5. Maximum storage or handling capacity of the facility and normal daily throughput;

6. Description of facility, including maps, flow diagrams and topographical maps;

7. A complete copy of the SPCC Plan with amendments;

8. The cause of the spill, including a failure analysis of the system or subsystem in which the failure occurred;

9. The corrective actions and/or countermeasures taken, including description of equipment repairs and replacements;

10. Additional preventive measures taken or contemplated to minimize the possibility of recurrence; and,

11. Any additional information the EPA Regional Administrator may require pertinent to the SPCC Plan or spill event.

II. If a hazardous waste or hazardous substance has been released into the environment in quantities equal to or in excess of reportable quantities listed in 40 CFR 302, the NRC must be notified.

A. Contact the required agencies with the pertinent spill information.

B. Provide verbal notification of the following information:

1. Name and telephone number of reporter;

2. Name and address of facility;

3. Type of substance discharged;

4. Quantity of substance discharged;

5. Location of discharge;

6. Actions the person reporting the discharge proposes to take to contain, cleanup and remove the substances, if any; and,

7. Any other information concerning the discharge which may be requested by the Agency at the time of notification.

III.

A. If a hazardous waste, hazardous substance or extremely hazardous substance has been released in quantities equal to or in excess of reportable quantities the State Emergency Planning Commission and Local Emergency Planning Committee must be notified. Contact the required agencies with the pertinent spill information as soon as possible.

B. Submit a written report on the incident to the appropriate state and local agency. The report will include the following:

1. Name, address and telephone number of the owner or operator;

2. Name, address and telephone number of the facility;

3. Date, time and type of incident;

4. Name and quantity of material(s) involved;

5. The extent of injuries, if any;

6. An assessment of actual or potential hazards to human health or the environment, where this is applicable;

7. Assessment of the scope and magnitude of the spill;

8. Description of the immediate actions that have been taken and the estimated quantity and disposition of recovered material that resulted from the incident; and,

9. Provide an implementation schedule for undertaking suggested measures to eliminate the spill.

Spill incident reports will be maintained in the project files for a minimum period of three (3) years.

RESPONSIBILITY FOR PROCEDURE:

Address any questions to the Environmental Specialist
(Name and address to be announced.)

APPENDIX B
REPORTABLE QUANTITIES

These guidelines are intended to help the Environmental Specialist determine what is a reportable spill. In addition to the guidelines listed below, any substantial natural gas release which could cause an agency to initiate an unneeded emergency response should be considered reportable. The Environmental Specialist and Spill Coordinator shall maintain a copy of the latest edition of the TITLE III List of Lists.

ILLINOIS (217) 782-7860 or (800) 782-7860 (In state only)

On-call Operator, Illinois Emergency Management Agency

- Any spill of petroleum products greater than 100 lbs. or to water must be reported within 24 hours
- Any spill of a compound listed in CERCLA, RCRA, and Title III List of Lists.
- Less than reportable or not to waterway must be cleaned up but do not need to report
- Written Report (if required) within 2 weeks

IOWA (515) 281-8694 (24 hours)

On-call Operator, Department of Natural Resources - Hazardous Conditions Reporting
502 East 9th Street
Des Moines, IA 50319

- Hazardous Conditions Rule: Any person handling hazardous substances must notify the department or the local police office (sheriff) of a hazardous condition as soon as possible, but no longer than 6 hours after the onset of a hazardous condition or discovery of the hazardous condition.
- Written Report due 30 days after spill

MINNESOTA (612) 649-5451 or (800) 422-0798 (24 hours)

State Duty Officer, Department of Public Safety - Division of Emergency Management

- Petroleum products - less than 5 gallon release does not have to be reported, just cleaned up.
- Contact State Duty Officer immediately after the spill after human safety is controlled.
- Written reports not always mandatory - will be instructed concerning timeframe when determined is needed.
- SARA Title III - referred to State Emergency Response Commission.

APPENDIX B
REPORTABLE QUANTITIES

MONTANA (406) 444-6911 (24-hours)

On-call Operator, Montana Disaster and Emergency Services

- Any spill to waterway must be reported.
- If in doubt, report it.
- DEQ will be contacted - they will determine if written report is required and provide details.

NORTH DAKOTA(800) 472-2121 (In-state) - (701) 328-2121 (Out-of-state)

On-call Operator, North Dakota State Radio

- Any spill must be reported
- Contact North Dakota State Radio - ask for DEM React Officer - they will return call
- React Officer will send out follow-up report for completion within 30 days
- Also call State Industrial Commission - Oil & Gas Division - 701-328-2969

SOUTH DAKOTA(605) 773-3296 (8-5) or after hours (605) 773-3231 (24 hours)

On-call Operator, South Dakota Department of Environmental and Natural Resources

- Notify Department of Environmental and Natural Resources (DENR) for any spill to water or greater than 25 gallons of any regulated substance - as soon as possible once contained
- Regulated substances include the list of list compounds, fertilizers, pesticides, petroleum products and hazardous wastes
- DENR will send notification letter with details on incident followup report - generally due within 30 days.

NATIONAL RESPONSE CENTER 1-800-424-8802

On-call Operator, NRC

APPENDIX D
HANDLING CONTAINERS AND DRUMS

PURPOSE: This procedure provides general requirements for the design of areas used to store containers and drums, in accordance with EPA regulations 40 CFR Part 112 and 40 CFR Part 265.170.

RESPONSIBILITY FOR ADMINISTRATION:

The Contractor's Spill Coordinator will be responsible for this procedure.

GENERAL:

I. This procedure covers container and drum storage areas storing oils and petroleum distillates and non-permitted Hazardous Waste container and drum storage areas.

II. It is not necessary to permit Hazardous Waste container and storage areas if the waste is stored for less than 90 days. Secondary containment is not required for non-permitted Hazardous Waste container and drum storage areas.

PROCEDURE:

I. All containers and drums must be stored to avoid contact with the ground and standing water and protected to prevent rupture or leakage and to facilitate inspection.

II. The areas with containers and drums in which oil and petroleum distillate are stored and have the potential to be spilled off site must be designed to contain spills and releases. Appropriate secondary containment may include dikes, berms or retaining walls sufficiently impermeable (10^{-5} centimeters per second) to contain spill oils.

III. The following applies to hazardous waste containers and drums:

A. Containers and drums holding ignitable or reactive Hazardous Waste must be stored at least 50 feet from the property line of boundary. Follow manufacturer's instructions regarding appropriate storage of product containers and drums.

B. Hazardous Waste containers and drums must be separated and protected from incompatible materials by means of dike, berm, retaining wall or other approved means. Incompatible materials are wastes which, when mixed, can produce effects which are harmful to human health and the environment, such as (1) heat and pressure, (2) fire or explosion, (3) violent reaction, (4) toxic fumes or, (5) flammable fumes.

C. Hazardous Waste containers and drums must be inspected weekly. That inspection shall be documented, as per requirements listed in Appendix F.

IV. The Contractor shall comply with all rules for Hazardous Waste Generators for

satellite accumulation under 40 CFR 262.24(c)(1)(ii):

A. Mark each container with the words "Hazardous Waste."

B. Containers must be in good condition and kept closed except when adding or emptying waste. In addition, containers must not contain waste that is incompatible with the containers.

V. Conditionally Exempt Small Quantity Generators and Small Quantity Generators of Hazardous Waste must comply with the following:

A. Meet all conditions outlined in Procedure Section II.

B. Mark each drum or container with the words "Hazardous Waste."

C. Label each drum or container with the date it is first used and the date it is last used.

RECORDS:

Storage area inspection records must be kept with the project files for a minimum period of three (3) years.

RESPONSIBILITY FOR PROCEDURE:

Address any questions to the Environmental Specialist

(Name and address to be announced.)

APPENDIX E

DOT APPROVED CONTAINERS

PURPOSE:

This procedure provides a listing of containers which have been approved by the EPA for storage of contaminated materials or wastes. These drums may be ordered from drum suppliers by specification number:

I. Specification 5 - steel barrel or drum with removable head:

A. Body seams welded;

B. Chime (reinforced rim) reinforced;

C. Heads closed by 12 gauge bolted ring with drop forged lugs;

D. Marked "DOT-5."

II. Specification 5B - steel barrel or drum with removable head:

A. Body seams welded;

B. Chime (reinforced rim) reinforced;

C. Heads closed by 12 gauge bolted ring with drop forged lugs;

D. Marked "DOT-5B."

III. Specification 6D Overpack; cylindrical steel overpack, straight sided, for inside plastic container. Specification 6D Overpack must be used with the specification 2S of 2SL plastic container.

IV. Specification 2S - polyethylene container:

A. No removable heads;

B. Constructed with new polyethylene resin;

C. Marked "DOT-2S;"

D. Must fit snugly in overpack container (Spec. 6D).

V. Specification 2SL - molded or thermoformed polyethylene container:

A. No removable heads;

B. Constructed with new polyethylene resin;

C. Marked "DOT-25L;"

D. Must fit snugly in overpack container (Spec. 6D).

VI. Specification 17C - single trip container, steel drum:

A. Removable heads are authorized;

B. Crowned head;

C. Heads closed by 12 gauge bolted ring with drop forged lugs;

D. Marked "DOT-17C."

APPENDIX F
INSPECTION OF WASTE DRUMS AND CONTAINERS

PURPOSE:

This procedure outlines inspection requirements for waste drums and containers as required by Federal Regulations 40 CFR 262 - 265 and 40 CFR 761.

RESPONSIBILITY:

The Contractor's Spill Coordinator is responsible for implementation of this procedure.

GENERAL:

I. Drums and containers used to store hazardous substances and wastes shall be inspected for leaks, malfunctions, deterioration, operator errors and discharges which may lead to a release into the environment or a threat to human health.

II. If problems are discovered during the inspection, remedial action shall be taken immediately. The action taken will be noted on the inspection report form.

PROCEDURE:

Each waste drum and container shall be inspected and records maintained on a Waste Container Inspection Form. Inspection records shall include the date and time of the inspection, the name of the inspector, observations and the date and nature of any problems, repairs and remedial action.

A. Waste drum and container storage areas shall be inspected weekly for the following:

1. Leaking containers, deterioration of containers and deterioration of the spill containment system.

2. Drums and containers shall be properly labeled and dated.

3. Drums and containers shall be stored on pallets or drum racks.

B. If a drum or container is leaking, the incident shall be recorded on the inspection form and immediately cleaned up according to the SPCC Plan.

APPENDIX F
INSPECTION OF WASTE DRUMS AND CONTAINERS

RECORDS:

I. Inspection records shall be maintained in the project files for three (3) years from the date of inspection.

II. A report of the remedial action taken for leaks shall be prepared and kept with either the original inspection forms, inspection log or in the records of the project. These records shall be maintained for three (3) years with the project files.

RESPONSIBILITY FOR PROCEDURE:

Address any questions to the Company Environmental Specialist

(Name and address to be announced.)

APPENDIX F
INSPECTION OF WASTE DRUMS AND CONTAINERS

WASTE CONTAINER INSPECTION FORM		
Facility:	**Type of Container:**	
Date	**Deficiencies Noted**	**Inspected By**

APPENDIX G
TYPICAL PETROLEUM STORAGE AND HANDLING VOLUMES ON CONSTRUCTION SPREAD

	Fluids	Typical Amounts	Storage	Typical Transport Mode
Fuels	Diesel	6,000-12,000 Gallons	1-3 Tanks or Tankers stored at Contractor locations 5 gallon cans, 100 gallon storage in pickups, etc.	1-3 Fuel Trucks, 1-3 "Fuel Skids"
	Military Aviation Kerosene[1]	6,000-12,000 Gallons		
	Kerosene[1]	6,000-12,000 Gallons		
	Gasoline	5,000 Gallons		
Lubricant	Engine Oil	<500 Gallons	Bulk storage or retail packaging at Contractor yard warehouse	1-3 "Grease" Trucks
	Transmission/Drive Train Oil	<500 Gallons		
	Hydraulic Oil	<500 Gallons		
	Gear Oil	<500 Gallons		
	Lubricating Grease	20-30 cases of 24 cans per case		
Coolants	Ethylene Glycol	100 Gallons		
	Propylene Glycol	100 Gallons		

[1]Used straight or as additives only in extremely cold weather.

APPENDIX H
EMERGENCY RESPONSE CONTRACTORS;
DISPOSAL AND TREATMENT FACILITIES

The Contractor must dispose of all wastes according to applicable state and local requirements. A listing of potential Emergency Spill Response Contractors and waste disposal facilities is provided below. This list was developed from state-wide data bases. This list represents firms operating at the time the database was produced. These firms are not necessarily endorsed by Company. The Contractor is responsible for verifying if a contractor or facility is currently operating under appropriate permits or licenses. Selection of an Emergency Response Contractor or disposal facility is subject to approval by Company. The Contractor is responsible for ensuring wastes are disposed of properly.

Role	**Contact**	**Office Phone**	**Mobile Phone**
Designated Oil Response Person – ESH Coordinator	Mitch Anderson	406-433-3664 x326	701-770-0115
Facility Management	Dick Vande Bossche	701-565-2296 x239	406-489-1544
Corporate Environmental Services	Ron Carver	918-732-1315	918-798-9973
	Tim Helbig	918-732-1486	918-729-4681
	Rachel Tenison	918-588-7736	
Environmental Cleanup	HAZ-MAT Inc.	316-524-6800 800-229-5252	
Vacuum Truck	NFB Hydrovac	406-433-1240	
	Franz Construction	406-482-4760	
Construction – Earthmoving	S&L Services	406-433-6754	
	Bob's Oil Field Service	701-565-4666	

Appendix E
Notice of Intent and Notice Coverage

Appendix F
Soils Table

Bear Paw Energy, LLC
Construction of the Stateline Plant to Rawson 16 and 12 - Inch Steel Pipelines
Soil Types and Properties of the Site

Map Unit	Map Unit Name	Drain Class	Hydric Rating	kw	Acres	Percent
2339	Amor-Zahl-Cabba loams, 9 to 25 percent slopes	Well drained	Not Hydric	.28	4.33	1.1%
53	Arnegard loam, 0 to 2 percent slopes	Well drained	Partially Hydric	.24	0.77	0.2%
2340	Arnegard-Shambo loams, 2 to 6 percent slopes	Well drained	Not Hydric	.24	2.66	0.7%
61D	Beisigl-Flasher loamy fine sands, 6 to 15 percent slopes	Somewhat excessively drained	Not Hydric	.17	1.90	0.5%
23D	Beisigl-Telfer loamy fine sands, 6 to 15 percent slopes	Somewhat excessively drained	Not Hydric	.17	1.44	0.4%
33	Belfield-Grail silty clay loams, 0 to 2 percent slopes	Moderately well drained	Not Hydric	.37	4.32	1.1%
33B	Belfield-Savage silty clay loams, 2 to 6 percent slopes	Moderately well drained	Not Hydric	.37	8.49	2.2%
2342	Cabba-Amor-Zahl loams, 25 to 60 percent slopes	Well drained	Not Hydric	.32	6.15	1.6%
340	Cabba-Badland outcrop complex, 9 to 70 percent slopes	Well drained	Not Hydric	.32	0.01	0.0%
83F	Cabba-Badland, outcrop complex, 9 to 70 percent slopes	Well drained	Not Hydric	.32	4.24	1.1%
53D	Cabba-Chama-Sen silt loams, 9 to 15 percent slopes	Well drained	Not Hydric	.32	3.23	0.8%
54F	Cabba-Sen-Chama silt loams, 15 to 70 percent slopes	Well drained	Partially Hydric	.32	1.31	0.3%
2343	Cherry loam, 0 to 6 percent slopes	Well drained	Not Hydric	.32	0.73	0.2%
2344	Cherry loam, 6 to 9 percent slopes	Well drained	Not Hydric	.32	0.99	0.3%
34B	Daglum-Belfield complex, 0 to 6 percent slopes	Moderately Well drained	Not Hydric	.32	3.88	1.0%
38B	Dogtooth-Janesburg silt loams, 0 to 6 percent slopes	Well drained	Not Hydric	.28	5.59	1.4%
38F	Dogtooth-Janesburg-Cabba complex, 6 to 30 percent slopes	Well drained	Not Hydric	.28	8.18	2.1%

Bear Paw Energy, LLC
Construction of the Stateline Plant to Rawson 16 and 12 - Inch Steel Pipelines
Soil Types and Properties of the Site

46B	Dooley-Zahl complex, 3 to 6 percent slopes	Well drained	Not Hydric	.24	1.13	0.3%
43C	Dooley-Zahl complex, 6 to 9 percent slopes	Well drained	Not Hydric	.24	0.68	0.2%
25B	Farnuf loam, 2 to 6 percent slopes	Well drained	Not Hydric		0.54	0.1%
882	Hamerly-Tonka complex, 0 to 3 percent slopes	Somewhat poorly drained	Partially Hydric	.24	0.74	0.2%
2270	Harriet and Stirum soils, 0 to 2 percent slopes	Poorly drained	Partially Hydric	.37	0.38	0.1%
7	Harriet silt loam, 0 to 2 percent slopes	Poorly drained	Partially Hydric	.37	8.46	2.2%
1021	Korchea loam, 0 to 2 percent slopes	Well drained	Not Hydric	.28	0.57	0.1%
15	Korchea loam, channeled, 0 to 2 percent slopes	Well drained	Not Hydric	.28	0.34	0.1%
1128	Lehr loam, 2 to 6 percent slopes	Somewhat excessively drained	Not Hydric	.28	4.32	1.1%
2350	Lehr-Williams loams, 0 to 6 percent slopes	Well drained	Not Hydric	.28	4.55	1.2%
1143	Lihen loamy fine sand, 0 to 6 percent slopes	Well drained	Not Hydric	.17	0.88	0.2%
340B	Niobell-Williams loams, 0 to 6 percent slopes	Moderately well drained	Partially Hydric	.37	2.92	0.8%
1466	Pits, gravel and sand	Excessively drained	Not Hydric	.10	2.18	0.6%
36B	Rhoades-Daglum complex, 0 to 6 percent slopes	Moderately well drained	Not Hydric	.32	1.87	0.5%
2357	Savage-Grail silty clay loams, 0 to 6 percent slopes	Well drained	Not Hydric	.32	0.56	0.1%
21B	Tally-Parshall fine sandy loams, 0 to 6 percent slopes	Well drained	Not Hydric	.20	0.72	0.2%
49	Temvik-Williams silt loams, 0 to 3 percent slopes	Well drained	Not Hydric	.28	1.95	0.5%
49B	Temvik-Williams silt loams, 3 to 6 percent slopes	Well drained	Not Hydric	.32	8.08	2.1%
48	Temvik-Wilton silt loams, 0 to 3 percent slopes	Well drained	Not Hydric	.32	2.37	0.6%
50B	Temvik-Zahl complex, 3 to 6 percent slopes	Well drained	Not Hydric	.28	6.22	1.6%

Bear Paw Energy, LLC
Construction of the Stateline Plant to Rawson 16 and 12 - Inch Steel Pipelines
Soil Types and Properties of the Site

1835	Tonka silt loam, 0 to 1 percent slopes	Poorly drained	Partially Hydric	.37	0.22	0.1%
1871	Vallers loam, saline, 0 to 1 percent slopes	Poorly drained	Partially Hydric	.28	0.67	0.2%
63B	Vebar-Flasher complex, 3 to 6 percent slopes	Well drained	Not Hydric	.20	6.13	1.6%
63C	Vebar-Flasher complex, 6 to 9 percent slopes	Well drained	Not Hydric	.20	1.69	0.4%
63D	Vebar-Flasher-Tally complex, 9 to 15 percent slopes	Well drained	Not Hydric	.20	10.04	2.6%
2361	Wabek sandy loam, 2 to 6 percent slopes	Excessively drained	Not Hydric	.20	1.88	0.5%
2014	Williams-Bowbells loams, 0 to 3 percent slopes	Well drained	Partially Hydric	.28	29.57	7.6%
2015	Williams-Bowbells loams, 3 to 6 percent slopes	Well drained	Partially Hydric	.28	90.37	23.3%
42B	Williams-Zahl loams, 3 to 6 percent slopes	Well drained	Partially Hydric	.28	18.29	4.7%
2032	Williams-Zahl loams, 6 to 9 percent slopes	Well drained	Partially Hydric	.28	43.77	11.3%
470D	Zahl-Beisigl-Tally complex, 9 to 15 percent slopes	Well drained	Not Hydric	.28	6.92	1.8%
45F	Zahl-Cabba-Maschetah complex, 3 to 70 percent slopes	Well drained	Not Hydric	.32	40.12	10.3%
460D	Zahl-Cabba-Williams complex, 9 to 15 percent slopes	Well drained	Not Hydric	.28	5.92	1.5%
470C	Zahl-Tally-Williams complex, 6 to 9 percent slopes	Well drained	Not Hydric	.28	2.76	0.7%
2176	Zahl-Williams loams, 15 to 60 percent slopes	Well drained	Partially Hydric	.28	0.96	0.2%
2081	Zahl-Williams loams, 9 to 15 percent slopes	Well drained	Partially Hydric	.28	15.57	4.0%
460C	Zahl-Williams-Cabba complex, 6 to 9 percent slopes	Well drained	Not Hydric	.28	5.40	1.4%
	Grand Total				**387.93**	**100.0%**

Appendix G
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

A. Discharges Covered

1. This permit applies to all areas within the jurisdiction of the state of North Dakota.

2. This permit applies to stormwater discharges associated with construction activity and small construction activity as defined in Title 40 of the Code of Federal Regulations (CFR), Parts 122.26(b)(14)(x) and (b)(15), respectively. The reference to construction activity in this permit includes both large construction activity and small construction activity as described below.

   a. Large construction activity includes clearing, grading and excavation, that disturbs land of equal to or greater than five (5) acres and includes the disturbance of less than five (5) acres of total land area that is a part of a larger common plan of development or sale if the larger common plan will ultimately disturb five (5) acres or more.

   b. Small construction activity includes clearing, grading and excavation, that disturbs land of equal to or greater than one (1) acre, and includes the disturbance of less than one (1) acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater that one and less than five (5) acres.

3. Stormwater discharges from support activities (e.g., concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas) may be covered by this permit as part of a related construction site.

4. Certain non-stormwater discharges from facilities covered by this permit and meeting the requirements specified in Part II.A.

B. Discharges Not Covered

1. Stormwater discharges associated with industrial activity from any source other than construction activities described in Part I.A.

2. Post-construction discharges from industrial activity that originate from the site after construction activities have been completed at the site. Industrial and post-construction stormwater discharges may need to be covered by a separate stormwater permit.

3. The placement of fill into waters of the state requiring local, state, or federal authorizations (such as U.S. Army Corps of Engineers Section 404 permits).

4. This permit does not substitute for obligations under the National Environmental Policy Act (NEPA), Endangered Species Act (ESA), or National Historic Preservation Act (NHPA), it is your responsibility to ensure the project and resulting discharges comply with the respective requirements.

5. Discharges to waters for which there is a total maximum daily load (TMDL) allocation for sediment, suspended solids or turbidity are not covered unless you develop a Stormwater Pollution Prevention (SWPP) plan that is consistent with the assumptions, allocations and requirements in the approved TMDL. Information about TMDL allocations may be found at the following website: www.ndhealth.gov/WQ/SW/Z2_TMDL/default.htm.

6. Stormwater discharges that the Department determines will cause, or have the reasonable potential to cause or contribute to violations of water quality standards.

C. Obtaining Coverage and Authorization Effective Date

1. To obtain authorization under this general permit for stormwater discharges you must submit a complete application and develop a Stormwater Pollution Prevention (SWPP) plan in accordance with Part II.C of this permit. A plan must be in place as a condition of the permit and a copy of the plan must be retained by the permittee. A copy of the plan must be submitted with the application for certain facilities as described in Part I.D.

2. Permit coverage will become effective 7 days after you submit a complete application unless otherwise notified by the Department (based on the department receipt date).

3. Upon the effective date of permit coverage you as the permit applicant are authorized to discharge stormwater from eligible activities under the terms and conditions of this permit.

D. Application (Notice of Intent) Process

1. You may use a Notice of Intent (NOI) form for Construction Activity (or a photocopy thereof) to complete your application. The NOI form (or a replacement application form) is available at the following website: www.ndhealth.gov/WQ/Storm/Construction/ConstructionHome.htm.

2. Application Content and Conditions.

   a. The owner or the owner jointly with the operator (usually the general contractor) shall submit a completed application for this permit. The owner is responsible for compliance with all terms and conditions of this permit. The operator has day to day supervision of construction activities and is jointly responsible with the owner for compliance with the permit conditions as they pertain to the construction activities delegated to the operator.

   b. The application (Notice of Intent) shall contain, at a minimum, the following information:

      (1) Owner name, mailing address and phone number;
      (2) Project contact name and phone number;
      (3) Project/site name;
      (4) Project/site location (street address; section, township, range; or latitude and longitude), county;
      (5) A brief description of the construction activity;
      (6) The anticipated start date and the anticipated completion date for the project (if known);
      (7) The estimated total area of the site and the total area of disturbance in acres;
      (8) Name of receiving water(s) or the name of the municipal storm sewer system and receiving water(s);
      (9) The signature of the applicant(s), owner (and operator if co-applicants) signed in accordance with Part IV.A.6 of this permit.

   c. A Stormwater Pollution Prevention (SWPP) plan (Part II.C) for the project must be prepared and available for review by the Department at the time of application. A partially complete plan is acceptable when it clearly identifies the item(s) to be completed, the person(s) responsible for completing the item(s) and the deadline for completing the item(s). The SWPP plan must be completed prior to the start of construction (or the applicable construction phase).

d. You must include a copy of the SWPP plan if the project involves 50 or more acres; or the project will have a discharge point located within 2000 feet of, and flow to, a water body listed as impaired under section 303(d) of the Federal Clean Water Act due to sediment, suspended solids or turbidity. The Department's 303(d) list may be found at the following website in the most recent Integrated Report: www.ndhealth.gov/WQ/SW/Z2_TMDL/Integrated_Reports/B_Integrated_Reports.htm.

3. For residential construction activity occurring within a common plan of development (such as a subdivision) subject to the permit requirements, coverage may be obtained by the following:

   a. The owner of the lot(s) shall submit one application for all of the owner's construction activity within the common plan, or

   b. The operator, such as a homebuilder who may represent one or more lot owners, shall submit one application for all of the operator's construction activity within the common plan.

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

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

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

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

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

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

E. Notice of Termination (NOT)

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

2. Permittees may only submit a NOT after one of the following conditions have been met.

   a. Final stabilization (see Part II.E and definitions) has been achieved on all portions of the site for which the permittee is responsible.

   b. Another operator/permittee has assumed control, in accordance with the transfer provisions (Part I.F), over all areas of the site that have not achieved final stabilization.

   c. For residential construction only, a NOT is not required for each lot that is sold or has achieved final stabilization. Instead the permittee may modify their SWPP plan to indicate that permit coverage is no longer required for that lot. The SWPP plan should indicate the reason coverage is no longer needed and the date it was achieved. In order to terminate coverage, all lots under the control of the owner or operator must:

      (1) Be sold to homeowners for private residential use with temporary erosion protection and down gradient perimeter controls installed. In addition, the permittee must distribute a "homeowner fact sheet" to the homeowner to inform the homeowner of the need for, and benefits of, final stabilization; or

      (2) Achieve final stabilization (See Part II.E and definitions) on all portions of the site for which the permittee is responsible.

F. Transfer of Ownership or Control

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

2. A permit transfer/modification request is not required for the legal transfer, sale or closing on a property between permittees covered by this permit. Examples include the sale of a property parcel from a developer to a builder, or the transfer of an easement from a developer to a local government authority. If the new party is not covered by this permit at the time of transfer or sale, then the new owner/operator must submit a completed application/NOI within 14 days of assuming control of the site.

G. Municipal Separate Storm Sewer System (MS4) Permittees

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

II. STORMWATER DISCHARGE REQUIREMENTS

A. Prohibition of Non-Stormwater Discharges

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

B. Releases in Excess of Reportable Quantities

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

C. Stormwater Pollution Prevention Plans

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

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

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

1. **Site Description**. Each plan shall provide a description of the construction site and potential pollutant sources as indicated below:

    a. A description of the overall project and the type of construction activity;

    b. Estimates of the total area of the site and the total area that is expected to be disturbed by excavation, grading, grubbing, or other activities during the life of the project;

    c. A proposed timetable of activities that disturb soils for major portions of the site;

    d. A description of the soil within the disturbed area(s);

    e. The name of the surface water(s) and municipal storm sewer system at or near the disturbed area that may receive discharges from the project site; and

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

g. Projects that have a discharge point within 2000 feet of, and flow to, a water body listed as impaired under section 303(d) of the Federal Clean Water Act due to sediment, suspended solids or turbidity, must identify the water body and impairment in the plan. The Department's 303(d) list may be found at the following website under Integrated Reports: www.ndhealth.gov/WQ/SW/Z2_TMDL/Integrated_Reports/B_Integrated_Reports.htm.

2. **Operational Controls**. The plan shall describe the Best Management Practices (BMPs) used in day to day operations on the project site that reduce the contribution of pollutants in stormwater runoff.

   a. The plan must identify a person knowledgeable and experienced in the application of erosion and sediment control BMPs who will oversee the implementation of the SWPP plan, and the installation, inspection and maintenance of the erosion and sediment control BMPs before and during construction. The owner shall develop a chain of responsibility with all operators on the site to ensure that the SWPP plan will be implemented and stay in effect until the construction project is complete, the entire site has undergone final stabilization, and a NOT has been submitted to the Department.

   b. Good housekeeping practices to maintain a clean and orderly site. Litter, debris, chemicals and parts must be handled properly to minimize the exposure to stormwater. This includes measures to reduce and remove sediment tracked off-site by vehicles or equipment, and the generation of dust.

   c. Preventative maintenance practices must be provided to ensure the proper operation, inspection and maintenance of stormwater control devices (e.g., oil-water separators, catch basins, and silt fences) and equipment used or stored on site.

   d. Spill prevention and response procedures must be developed where potential spills can occur. Where appropriate, specific handling procedures, storage requirements, spill containment and cleanup procedures must be identified. Bulk storage structures for petroleum products and other chemicals shall have adequate leak and spill protection to prevent any spilled materials from entering waters of the state, storm sewer systems or draining onto adjacent properties.

   e. Employee training informs personnel of their responsibility in implementing the practices and controls included in the plan such as spill response, good housekeeping, and sediment control practices. Employee training must be provided at least annually, as new employees are hired or as necessary to ensure compliance with the plan and the general permit.

   f. Concrete wash water, grindings and slurry, shall not be discharged to waters of the state, storm sewer systems or allowed to drain onto adjacent properties.

   g. Dewatering or basin draining (e.g., pumped discharges, trench/ditch cuts for drainage) related to the permitted activity must be managed with the appropriate BMPs, such that the discharge

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

1) The dewatering is limited to stormwater and groundwater that may collect on site and those sources identified in Part II.A. A separate permit must be obtained to discharge water from other sources such as hydrostatic testing or contaminated groundwater or surface water.

2) The permittee(s) must operate the discharge to minimize the release of sediment and provide adequate BMPs where necessary to minimize erosion due to the discharge. Discharges must not lead to the deposition of sediment within stormwater conveyance systems or surface waters. Discharges must not cause or potentially cause a visible plume within a surface water body.

3) In addition to the inspection requirements in Part III, the dewatering activities should be inspected daily. The inspection must include the dewatering site, areas where the BMPs are being implemented and the discharge location. A record should be maintained to document the inspections of the dewatering operation and actions taken to correct any problems that may be identified.

4) Local authorities may require specific BMPs for discharges affecting their storm sewer system.

3. **Erosion and Sediment Controls**. An erosion and sediment control plan shall be developed to identify the appropriate control measures and when they will be implemented during the project for each major phase of site activity (e.g., clearing, grading and building phases). The erosion and sediment control plan must conform to the guidelines provided in Appendix 1. The description and implementation of controls shall address the following minimum components:

   a. Sediment basins, or an appropriate combination of equivalent sediment controls such as smaller sediment basins, and/or sediment traps, silt fences fiber logs, vegetative buffer strips, berms, etc., are required for all down slope boundaries of the disturbance area and for those side slope boundaries as may be appropriate for site conditions.

   b. Temporary erosion protection (such as cover crop planting or mulching) or permanent cover must be provided as outlined in Appendix 1 for the exposed soil areas where activities have been completed or temporarily ceased. These areas include graded slopes, pond embankments, ditches, berms and soil stockpiles.

   c. All control measures must be properly selected, installed, and maintained in accordance with the manufacturer's specifications and good engineering practices. If periodic inspections or other information indicates a control has been used inappropriately, or incorrectly, the permittee must replace or modify the control for site situations. The permittee may deviate from the manufacturer's specifications and erosion and sediment control guidelines in Appendix 1 if they provide justification for the deviation and document the rationale for the deviation in the SWPP plan.

   d. If sediment escapes from the site, off-site accumulations of sediment must be removed in a manner and at a frequency sufficient to minimize off-site impacts. The plan must be modified to prevent further sediment deposition off-site.

   e. The stormwater controls are expected to withstand and function properly during precipitation events of up to the 2 year, 24 hour storm event. Visible erosion and/or off-site sediment deposition from such storm events should be minimal. The 2 year, 24 hour rainfall event in North Dakota ranges from about 1.9 inches in the west to 2.3 inches in the east.

f. For projects that discharge to waters that have a TMDL allocation for sediment, suspended solids or turbidity, the plan must be consistent with the assumptions, allocations and requirements of the approved TMDL. If a TMDL specifies certain BMPs or controls to meet a wasteload allocation (WLA) applicable to the project's discharges, then the BMPs or controls must be incorporated into the plan. Information about TMDL allocations may be found at the following website: www.ndhealth.gov/WQ/SW/Z2_TMDL/default.htm.

4. **Stormwater Management**. The plan must identify permanent practices incorporated into the project to control pollutants in stormwater discharges occurring after construction operations have been completed.

   a. Identify stormwater ponds; flow reduction by use of open vegetated swales and natural depressions; infiltration of runoff on-site; and sequential systems which combine several practices.

   b. Identify velocity / energy dissipation devices placed at discharge locations and appropriate erosion protection for outfall channels and ditches.

   c. Maintenance for on-site stormwater management features is the responsibility of the permittee until the NOT is submitted or the feature is accepted by the party responsible for long term maintenance.

   d. The design, installation and use of stormwater management features must comply with applicable local, state or federal requirements.

5. **Maintenance**. All erosion and sediment control measures and other protective measures identified in the plan must be maintained in effective operating condition. The plan must indicate, as appropriate, the maintenance or clean out interval for sediment controls. If site inspections, required in Part III of this permit, identify BMPs that are not operating effectively, maintenance shall be arranged and accomplished as soon as practicable.

6. **Inspections**. The plan must provide for site inspections as outlined in Part III. The permittee shall ensure that personnel conducting site inspections are familiar with permit conditions and the proper installation and operation of control measures. The erosion and sediment control measures identified in the plan shall be observed to ensure that they are operating correctly and in serviceable condition. Inspections shall also include discharge outlets from areas used for storage of materials, permanent stormwater control measures and vehicle maintenance areas. These areas shall be inspected for evidence of, or the potential for, pollutants entering a drainage system. If necessary, the plan shall be revised based on the observations and deficiencies noted during the inspection.

7. **Plan Review and Revisions**.

   a. The plan shall be signed in accordance with the signatory requirements, Part IV.A.6, and retained on-site for the duration of activity as outlined in Part III.B.

   b. The permittee shall make plans available upon request to the Department, EPA, or, in the case of discharges to a municipal storm sewer system, to the operator of the municipal system.

   c. The permittee shall amend the SWPP plan whenever there is a change in design, construction, operation, or maintenance, which has a significant effect on the potential for the discharge of pollutants to waters of the state. The plan shall also be amended if the plan is found to be ineffective in controlling pollutants present in stormwater.

D. Local Requirements

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

E. Final Stabilization

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

1. All soil disturbing activities at the site have been completed and all soils must be stabilized by a uniform perennial vegetative cover with a density of 70 percent over the entire pervious surface area, or other equivalent means necessary to prevent soil failure under erosive conditions and;

    a. All drainage ditches, constructed to drain water from the site after construction is complete, must be stabilized to preclude erosion;

    b. All temporary synthetic, and structural erosion prevention and sediment control BMPs (such as silt fence) must be removed as part of the site final stabilization; and

    c. The permittee(s) must clean out all sediment from conveyances and from temporary sedimentation basins that will be used as permanent water quality management basins. Sediment must be stabilized to prevent it from being washed back into the basin, conveyances or drainage ways discharging off-site; or to surface waters. The cleanout of permanent basins must be sufficient to return the basin to design capacity.

2. For residential construction only, final stabilization has been achieved when temporary erosion protection and down gradient perimeter control for individual lots has been completed and the residence has been transferred to the homeowner. Additionally, the permittee must distribute a “homeowner fact sheet” to the homeowner to inform the homeowner of the need for, and benefits of, final stabilization. The permittee also must demonstrate that the homeowner received the fact sheet.

III. SELF MONITORING AND REPORTING

A. Inspection and Maintenance Requirements

1. Inspections shall be performed by or under the direction of the permittee at least once every 14 calendar days and within 24 hours after any storm event of greater than 0.50 inches of rain per 24-hour period during active construction. The permittee shall use a rain gauge near the site or utilize the nearest National Weather Service precipitation gauge station. Any gauge used shall be located within 5 miles of the stormwater discharge.

2. All inspections and maintenance conducted during construction must be recorded in writing and these records must be retained in accordance with Part III.B. Records of each inspection and maintenance activity shall include:

a. Date and time of inspections;

b. Name of person(s) conducting inspections;

c. Findings of inspections, including recommendations for corrective actions;

d. Corrective actions taken (including dates, times, and party completing maintenance activities);

e. Date and amount of all rainfall events greater than 1/2 inch (0.50 inches) in 24 hours; and

f. Documentation that the SWPP plan has been amended when substantial changes are made to the erosion and sediment controls or other BMPs in response to inspections.

3. Completed areas that have been stabilized but do not meet the 70% perennial vegetative cover criteria for final stabilization may be inspected once per month. Inspections may be suspended for parts of the construction site that meet final stabilization. Inspections also may be suspended where earthwork has been suspended due to frozen ground conditions. The required inspections and maintenance must resume as soon as runoff occurs or the ground begins to thaw at the site.

4. There may be times when a site inspection may not be practical at the specified time. Adverse climatic conditions, such as flooding, high winds, tornadoes, electrical storms, etc., may prohibit inspections. Should this occur, the permittee must record a description of why the inspection(s) could not be performed at the designated time.

5. The permittee may submit an alternative inspection plan for long, narrow, linear construction projects such as pipeline or utility line inspection, and similar projects in remote areas where vehicle traffic is restricted or could compromise native vegetation or stabilization measures. A copy of the SWPP plan and proposed inspections plan shall be submitted to the Department 30 days prior to implementing an alternative inspection plan. Any alternative plan must provide for the timely recognition and repair of erosion and sediment damage.

6. Some erosion and sediment control measures may require more frequent inspection based on location (e.g., sensitive areas or waters of the state) or as a result of recurring maintenance issues. Erosion or sediment control measures found in need of maintenance between inspections must be repaired or supplemented with appropriate measures as soon as practicable.

B. Records Location

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

IV. STANDARD CONDITIONS

A. COMPLIANCE RESPONSIBILITIES

1. Duty to Comply

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

2. Operation and Maintenance

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

3. Planned Changes

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

4. Duty to Provide Information

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

5. Records Retention

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

6. Signatory Requirements

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

a. All permit applications shall be signed by a responsible corporate officer, a general partner, or a principal executive officer or ranking elected official.

b. All reports required by the permit and other information requested by the Department shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

(1) The authorization is made in writing by a person described above and submitted to the Department; and

(2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters.

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

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

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

7. Noncompliance Notification

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

a. Any lagoon cell overflow or any unanticipated bypass which exceeds any effluent limitation in the permit (see “Compliance Responsibilities-Bypass of Treatment Facilities” section);

b. Any upset which exceeds any effluent limitation in the permit (see “Compliance Responsibilities-Upset Conditions” section); or

c. Violation of any daily maximum effluent or instantaneous discharge limitation for any of the pollutants listed in the permit.

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

a. A description of the noncompliance and its cause;

b. The period of noncompliance, including exact dates and times;

c. The estimated time noncompliance is expected to continue if it has not been corrected; and

d. Steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

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

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

8. Bypass of Treatment Facilities

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

Bypass exceeding limitations-notification requirements.

a. Anticipated Bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten (10) days before the date of bypass.

b. Unanticipated Bypass. The permittee shall submit notice of an unanticipated bypass as required in the "Compliance Responsibilities-Noncompliance Notification" section.

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

a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

c. The permittee submitted notices as required in the "Bypass of Treatment Facilities-Anticipated Bypass" section.

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

9. Upset Conditions

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

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

a. An upset occurred and the permittee can identify its cause(s);

b. The permitted facility was, at the time being, properly operated;

c. The permittee submitted notice of the upset as required under "Compliance Responsibilities-Noncompliance Notification" section; and

d. The permittee complied with any remedial measures required under "Compliance Responsibilities-Duty to Mitigate" section.

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

10. Duty to Mitigate

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

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

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

B. GENERAL REQUIREMENTS

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

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

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

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

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

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

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

8. Oil and Hazardous Substance Liability

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

9. Property Rights

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

10. Severability

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

11. General Permits

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

a. The discharge is not in compliance with the conditions of the general permit

b. Conditions or standards have changed so that the discharge no longer qualifies for a general permit

c. Information becomes available which indicates that the permitee's discharge has a reasonable potential to contribute to an exceedance of a water quality standard

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

V. DEFINITIONS

“303d List” or “Section 303d List” means a list of North Dakota’s water quality-limited waters needing total maximum daily loads or TMDLs developed to comply with section 303d of the Clean Water Act. A copy of the latest integrated report is available on the state’s web site at: www.ndhealth.gov/WQ/SW/Z2_TMDL/Integrated_Reports/B_Integrated_Reports.htm.

“Act” means the Clean Water Act.

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

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

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

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

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

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

“Final Stabilization” means that:

1. All soil disturbing activities at the site have been completed and a uniform perennial vegetative cover with a density of 70 percent of the native cover for unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) has been achieved.

2. For areas with an average annual rainfall of less than 20 inches only, all soil disturbing activities at the site have been completed and temporary erosion control measures (e.g., degradable rolled erosion control product) are selected, designed, and installed along with an appropriate seed base to provide erosion control for at least three years and achieve 70 percent vegetative coverage within three years without active maintenance.

3. For soil disturbing activities on land used for agricultural purposes, final stabilization may be accomplished by returning the disturbed land to its pre-disturbance agricultural use. Areas disturbed that were not previously used for agricultural activities, such as buffer strips immediately adjacent to waters of the state, and areas which are not being returned to their pre-disturbance agricultural use must meet the final stabilization criteria in (1) or (2) above.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Appendix 1 – Erosion and Sediment Control Guidelines

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

A. Erosion and Sediment Control Practices

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

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

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

2. Where the temporary sediment basin is not practical due to site limitations or nature of disturbance (such as developing a roadway, pipeline, or diversion) a combination of measures must be used to provide equivalent sediment control for all down slope boundaries of the construction area and for side slope boundaries as deemed appropriate by individual site conditions. Equivalent sediment controls include such things as smaller sediment basins and/or sediment traps, silt fences, and vegetative buffer strips. In determining whether installing a sediment basin is attainable, the permittee must consider public safety and may consider factors such as site soils, slope and available area on site.

3. Provide temporary erosion protection or permanent cover for the exposed soil areas where activities have been completed or temporarily ceased. For those areas with a continuous positive slope within 200 lineal feet of a surface water, temporary erosion protection or permanent cover must be applied within 21 days of completing or ceasing earth moving activities. These areas include pond embankments, ditches, berms and soil stockpiles. Temporary stockpiles without significant silt, clay or organic components (e.g., clean aggregate stockpiles, demolition concrete stockpiles, sand stockpiles) are exempt from this requirement.

4. Temporary soil stockpiles must have effective sediment controls, and cannot be placed in surface waters, including stormwater conveyances such as curb and gutter systems, or conduits and ditches.

5. The normal wetted perimeter of any temporary or permanent drainage ditch that drains water from a construction site, or diverts water around a site, must be stabilized at least 200 lineal feet from the property edge, or from the point of discharge to any surface water. Stabilization should be completed within 24 hours of connecting to a surface water.

6. Pipe outlets must be provided with temporary or permanent energy dissipation within 24 hours of connection to a surface water. Splash pads and/or downspout extensions must be provided for roof drains to prevent erosion from roof runoff.

7. In order to maintain sheet flow and minimize rills and/or gullies, there should be no unbroken slope length of greater than 75 feet for slopes with a grade of 3:1 or steeper.

8. Temporary or permanent drainage ditches and sediment basins that are designed as part of a treatment system (e.g., ditches with rock check dams) require sediment control practices only as appropriate for site conditions.

9. All storm drain inlets in the immediate vicinity of the construction site must be protected by the appropriate BMPs during construction until all sources with the potential for discharging to the inlet have been stabilized. This includes storm drain inlets which may be affected by sediment tracked onto paved surfaces by vehicles or equipment.

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

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

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

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

B. Maintenance Considerations for Erosion and Sediment Controls

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

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

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

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

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

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

4. If sediment escapes the construction site, off-site accumulations of sediment must be removed in a manner and at a frequency sufficient to minimize off-site impacts (e.g., fugitive sediment in streets could be washed into storm sewers by the next rain and/or pose a safety hazard to users of public streets).

5. Vegetative buffers must be inspected for proper distribution of flows, sediment accumulation and signs of rill formation. If a buffer becomes silt covered, contains rills, or is otherwise rendered ineffective, other control measures shall be implemented. Eroded areas shall be repaired and stabilized.

C. **Housekeeping and Standard Operating Procedures**

1. Properly handle construction debris and waste materials.

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

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

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

Appendix H
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 indictate 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 vegetattive 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, 4th Floor
918 East Divide Avenue
Bismarck, ND 58501-1947

Telephone: 701.328.5210
Fax: 701.328.5200

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

Printed Name of Owner	Title
Signature of Owner	Date

(Attach additional pages if needed)

Appendix I
Inspection Report Form

Site Inspection Record
Construction

Project Name: Stateline Plant to Rawson 12 and 16 Inch Pipeline – Gathering Line

Coverage Number: NDR10-0000

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:

_____

_____

_____

☐ Y ☐ N	Have all erosion and sediment controls and best management practices identified in the plan been installed or implemented?
☐ Y ☐ N	Are erosion and sediment controls operating correctly and in serviceable condition?
☐ Y ☐ N	Are erosion and sediment controls operating consistently and effectively?
☐ Y ☐ 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.)
☐ Y ☐ 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.)
☐ Y ☐ 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.)
☐ Y ☐ N ☐ 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.)
☐ Y ☐ 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.)
☐ Y ☐ N ☐ NA	Is stormwater flow distributed evenly over vegetative buffers?
☐ Y ☐ N ☐ NA	Is sediment accumulating in vegetative buffers?
☐ Y ☐ N ☐ 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.)
☐ Y ☐ N	Are litter, debris, chemicals and parts being managed properly to minimize stormwater pollution?
☐ Y ☐ N	Are liquid or soluble materials like oil, fuel, paint, etc., properly stored to prevent spills, leaks or other discharges?

☐ Y ☐ N	Is there evidence of concrete wash water discharging to waters of the state, storm sewer systems or onto adjacent properties?
☐ Y ☐ 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.)
☐ Y ☐ N	Is there evidence of wash water from tools or equipment draining to waters of the state, drainage ditches or storm sewer systems?
☐ Y ☐ N ☐ 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?
_____	_____	☐ Y ☐ N	☐ Y ☐ N
_____	_____	☐ Y ☐ N	☐ Y ☐ N
_____	_____	☐ Y ☐ N	☐ Y ☐ 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 J
Employee Training Log

SWPPP Training Log

Project Name: Stateline Plant to Rawson 12 and 16 Inch Pipeline

Project Location: Williams and 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 K
Additional Owners/Operators

Additional Owners/Operators

This section is provided to include additional owners and operators that may be designated by the permit holder to perform activities on a project (i.e., subcontractor). The additional owners/operators must adhere to this Storm Water Pollution Prevention Plan.

Signatory:

"I certify under penalty of law that I have personally read, understood, and accepted all terms and conditions of this Storm Water Pollution Prevention Plan, and that I shall implement the Plan accordingly. I am also familiar with the NDPDES General Permit for Storm Water Discharges Associated with Construction Activity (NDR10-0000)."

Printed Name	Signature	Title	Company Name	Date

Appendix L
SWPPP Modification Log

Appendix L – SWPPP Modification Log

Project Name: Stateline Plant to Rawson 12 and 16 Inch Pipeline
SWPPP Contact: Len Williamson

Amendment No.	Description of the Amendment	Date of Amendment	Amendment Prepared by [Name(s) and Title]