Demicks Lake Pipeline Project

STORMWATER POLLUTION PREVENTION PLAN

ISSUED FOR CONSTRUCTION

Prepared by

April 2019

REVISION INDEX

Revision	Date	Affected Pages	Description
Initial	September 2018	Global	Development of new SWPPP
1	December 2018	Global	General revisions/edits post ONEOK review
2	April 2019	Global	General revisions/edits due to minor Project modifications/reroutes.

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LIST OF ACRONYMS AND ABBREVIATIONS

ATWS	Additional Temporary Workspace
BMP	Best Management Practices
CMRP	Construction Mitigation and Restoration Plan
EI	Environmental Inspector
General Permit	North Dakota or Montana National Pollutant Discharge Elimination System Stormwater Discharge from Construction Activities General Permit
MTDEQ	Montana Department of Environmental Quality
NDDH	North Dakota Department of Health
NGL	Natural Gas Liquids
ONEOK	ONEOK Bakken Pipeline, L.L.C.
NOI	Notice of Intent
Project	Demicks Lake Pipeline Project
SDS	Safety Data Sheets
SPCC Plan	Spill Prevention, Control, and Countermeasure Plan
SWPPP/Plan	Stormwater Pollution Prevention Plan

PLANS INCORPORATED BY REFERENCE

The following plans are incorporated by reference. Refer to most recent version of the plan for implementation.	
Construction Mitigation and Restoration Plan (CMRP)	This plan describes construction practices and Best Management Practices (BMPs) to be implemented to contain sediment, minimize runoff and erosion, and restore areas disturbed by construction activities. The Environmental Inspector (EI) will verify that the appropriate *CMRP* is implemented.
Spill Prevention, Control, and Countermeasure Plan (SPCC)	This plan identifies specific preventive measures and practices that will be employed during construction of the project to reduce the likelihood of an accidental release of a hazardous or regulated material. This includes the details for the project's protocols and procedures related to training, release response equipment, equipment storage and inspection, regulated materials storage and handling, refueling area restrictions, equipment maintenance restrictions, spill response, chain of communication, as well as notification and reporting requirements.
Dust Control Plan	This plan identifies requirements associated with the application of dust suppressants along the right-of-way (ROW) and access roads, limitations associated with dust-generating activities during high winds, implementation of speed limits and vehicle access limitations on access roads and along the ROW and use of best management practices along the ROW to control fugitive dust emissions.
Revegetation Plan	This plan describes procedures to be followed during the revegetation of areas disturbed as a result of constructing the project and specifically applies to all areas of perennial vegetation disturbed by construction.
Horizontal Directional Drill Release Plan	This plan describes procedures to be followed during an inadvertent release of drilling material. This includes the details for the project's protocols and procedures related to training and appropriate response and notifications to an inadvertent release.
Weed Management Plan	This plan describes procedures and requirements associated with known noxious weed locations. Environmental Inspectors and ONEOK will work with the contractor to determine when appropriate measures will be implemented at known and newly discovered locations.

1 INTRODUCTION

ONEOK Bakken Pipeline, L.L.C. (ONEOK) is committed to meeting or exceeding applicable federal, state, and local environmental requirements during the planning, construction, and operation of the Demicks Lake Pipeline (Project).

ONEOK has prepared this *Stormwater Pollution Prevention Plan (SWPPP)* based on the requirements of the North Dakota Department of Health and Environment (NDDH) and Montana Department of Environmental Quality's (MTDEQ) National Pollutant Discharge Elimination System (NPDES) Authorization to Discharge Stormwater Associated with Construction Activities General Permit (General Permit), located in Appendices A and B, respectively. At this time, ONEOK has not submitted a Notice of Intent (NOI) to obtain coverage from the NDDH or MTDEQ to obtain coverage under the NPDES program for construction stormwater.

North Dakota and Montana acknowledge the exemption for uncontaminated stormwater runoff from oil and gas exploration, production, and transmission construction projects. Oil and gas construction activities are exempt from the requirement to obtain NPDES permit coverage unless the facility meets one of the conditions in 40 Code of Federal Regulations (CFR) 122.26 (c)(1)(iii) noted below.

In the EPA's regulations at 40 CFR 122.26(c)(1)(iii), the operator of an existing or new discharge composed entirely of stormwater from an oil or gas exploration, production, processing, or treatment operation, or transmission facility is not required to submit a permit application in accordance with paragraph (c)(1)(i) of this section, unless the facility:

(A) Has had a discharge of stormwater resulting in the discharge of a reportable quantity for which notification is or was required pursuant to 40 CFR 117.21 or 40 CFR 302.6 at any time since November 16, 1987; or

(B) Has had a discharge of stormwater resulting in the discharge of a reportable quantity for which notification is or was required pursuant to 40 CFR 110.6 at any time since November 16, 1987; or

(C) Contributes to a violation of a water quality standard.

By implementing the industry best management practices (BMPs) described in this *SWPPP* to control erosion and prevent sediment from violating surface water quality standards, construction stormwater discharges from the construction site are not anticipated to be contaminated with substances that could result in discharge of a reportable quantity (e.g., oil sheen) and are not anticipated to violate a water quality standard (e.g., sediment discharges violating a water quality criteria or causing loss of fishing resources). Procedures for reportable quantities are detailed in the Project *Spill Prevention, Control, and Countermeasure (SPCC) Plan*.

The Project is an approximately 76.6-mile, 20-inch diameter natural gas liquids pipeline. The Project will originate in McKenzie County, North Dakota, and terminate at a planned ONEOK-affiliated pipeline in Richland County, Montana. Approximately 74.3 miles of pipeline will be constructed within North Dakota and approximately 2 miles will be constructed with Montana. Construction is currently scheduled to begin in April 2019 with restoration activities expected to continue through 2022, if needed.

This *SWPPP* details relevant site information and the implementation sequence for construction activities that require BMPs for the purpose of minimizing erosion and sediment loss from the area of ground disturbance as a result of construction activities. In addition, the *SWPPP* describes general construction practices and BMPs to be implemented by ONEOK or its contractor(s) during construction of the pipeline to minimize impacts on the environment. Thereby providing an extensive description of the various BMPs to be implemented during installation of the pipeline to contain sediment and minimize runoff and erosion during installation of the pipeline and restoration of areas disturbed by construction activities. This *SWPPP* will be implemented during the entire construction phase of the Project, beginning with initial ground disturbance through restoration and final stabilization of disturbed areas in North Dakota. This document will be kept onsite during active construction activities

Construction of the pipeline facilities will generally use 75-foot-wide construction right-of-way (ROW) of both permanent and temporary ROW easements. On portions of the Project on lands managed by the U.S. Forest Service, the construction ROW will generally be restricted to 50 feet wide. During construction, temporary work areas alongside the permanent easement will be necessary to accommodate temporary storage of trench spoil; areas needed to string, weld, and install the pipeline; and movement and operation of construction equipment. Additional workspaces may be required in areas of rocky soils, steep slopes, and rugged terrain and for staging areas, truck turnarounds, utility crossovers, and utility, road, railroad, waterbody, and wetland crossings. Only the permanent easement will be required for the operation of the pipeline.

ONEOK has also developed a comprehensive and Project-specific *Construction, Mitigation, and Restoration Plan (CMRP)* to be implemented during construction of the Project. The Environmental Inspector (EI) will verify that the *CMRP* is implemented. This plan describes general construction practices and BMPs to be implemented by ONEOK or its contractor(s) during construction of the pipeline to minimize impacts on the environment. This plan will be included as part of Project specifications and contracts to ensure implementation during construction activities. The *CMRP* includes an extensive description of the various BMPs to be implemented during installation of the pipeline to contain sediment and minimize runoff and erosion during installation of the pipeline and restoration of areas disturbed by construction activities. Typical drawings from the *CMRP* relevant to this *SWPPP* are included as Appendix C.

1.1 SWPPP ADMINISTRATION

Copies of ONEOK's *SWPPP* will be available at ONEOK's construction management field offices located along the pipeline route. The official *SWPPP* and inspection records will be maintained at ONEOK's corporate office located in Tulsa, Oklahoma. ONEOK and its contractors will be responsible for implementation of the *SWPPP* including installation, inspection, maintenance, and repair of BMPs. ONEOK will provide copies of the *SWPPP* upon request from the federal, state, or local government officials.

ONEOK will employ one or more full-time EIs to ensure that the appropriate BMPs are employed throughout construction where necessary to minimize erosion. The EI(s) will be on- site during construction activities to document compliance with the *SWPPP*. These individuals will be on-site during construction activities to document compliance with the *SWPPP*. All inspections will be documented and recorded to demonstrate compliance with the Project *SWPPP*. Inspection related documents may be stored in an electronic database or similar method due to the scope of the Project and the number of anticipated inspectors. ONEOK and its contractor are responsible for developing, implementing, maintaining, and revising the *SWPPP*. ONEOK will be responsible for ensuring the

SWPPP and related plans and drawings are available at the Project field offices throughout construction; providing EIs to monitor performance and ensure compliance with this *SWPPP* and related plans; and providing training to construction personnel about Project sediment and pollution control measures. The *SWPPP* Administrator is identified in Table 2.0-1.

TABLE 2.0-1
Demicks Lake Pipeline Project
Administrator Contact Information

Title	Company	Contact Information
Project Manager	ONEOK, LLC	Name: Blake Holland Phone: 918-732-4888 E-mail: Blake.Holland@onoeok.com
Environmental Project Manager	ONEOK, L.L.C.	Name: Eddie Zedaker Phone: 918-595-1873 E-mail: Edwin.Zedaker@oneok.com
Environmental Consultant	Merjent, Inc.	Name: Maddy Krumwiede Phone: 612-924-3973 E-mail: mkrumwiede@merjent.com
Environmental Inspector	To Be Determined	To Be Determined

The contractor will be responsible for committing all necessary labor and equipment to implement and maintain the BMPs identified in this *SWPPP* and related plans; conducting additional workforce training as necessary; and performing regular inspection, maintenance, and repair of BMPs. ONEOK's EI(s) will be responsible for training staff on sediment and pollution control measures, conducting regular inspections of BMPs, and ensuring that the contractor is aware of BMP's necessitating repair or maintenance.

2 SITE DESCRIPTION

2.1 SITE LOCATION

TABLE 2.1-1
Legal Description of the Project within the Evaluation Corridor

State, County, Township	Range	Sections on Little Missouri National Grasslands Lands	Sections on Private Lands
McKenzie County, ND			
146 North	104 West	N1/4 2, 3, 11	7-10
146 North	105 West		12-15, 22
147 North	103 West	5, 6, N1/2 7	18, 19, 30
147 North	104 West	35	12, 13, 24-26, 36
148 North	102 West		2-6, 8, 9
148 North	103 West	21-23, 26-28, 32-34	1, 12-14
149 North	99 West		4-6
149 North	100 West		1, 2, 8-11, 15, 17-19
149 North	101 West		23, 24, 26-28, 32-34
150 North	98 West		4, 6
150 North	99 West		1, 2, 11, 14, 22, 23, 27, 28, 33
151 North	96 West		7, 17, 18, 20
151 North	97 West		12-14, 21, 23, 26-30
151 North	98 West		25, 31-36
Richland County, MT			
20 North	60 East		34
19 North	60 East		3

2.2 AREA OF DISTURBANCE

Workspace associated with the construction and installation of pipelines requires careful planning to provide sufficient space and proper configuration to allow a safe work environment while satisfying regulatory obligations. ONEOK plans to use a 75-foot-wide construction ROW for the majority of the pipeline route, with 50 feet to be retained as permanent ROW for operation of the new pipeline. Workspace on USFS-managed lands will be restricted to 50 feet wide. The actual breakdown of workspace within the construction ROW (e.g., spoil storage areas, equipment travel lanes) will vary depending on site-specific conditions. The workspace configuration is generally comprised of three major elements: spoil storage, trenchline, and work area. A diagram portraying the typical ROW configuration is included in Appendix C.

Spoil Storage – Construction of pipelines requires management of spoils. Several factors ranging from soil type, depth of cover requirements, and land use must be accounted for when evaluating how much workspace will be reserved for spoil management. Topsoil will generally be stored along the outer boundary of the construction workspace. Subsoil originating from trenchline excavation will generally be stored between the topsoil and the excavated trench. A minimum of 25 feet of construction ROW is typically allocated for spoil storage.

Trenchline – A portion of the workspace will be dedicated to the trenchline. Several factors including depth of cover requirements and soil types will influence the amount of space required for

the trenchline. Buried pipelines that are 20 inches in diameter typically require a minimum of 15 feet of construction workspace to facilitate excavation. In order to meet standard industry safety requirements and construction BMPs, the trench for this pipe diameter may be 3 feet wide at the base and over 20 feet wide at the top of the trench. The balance of the remaining space remains available to heavy equipment to excavate the trench while minimizing trench wall failure.

Work Area – The work area is the largest portion of the construction workspace. This space must accommodate equipment and various construction activities. A portion of this space is dedicated to pipeline fabrication activities associated with field layout, welding, bending, coating, and testing. In addition to the space allocated to pipeline fabrication, this space is sized to allow for equipment operation and a travel lane for construction equipment and personnel to pass safely and unimpeded.

In addition to the construction ROW, ONEOK will use additional temporary workspaces (ATWS) for staging areas; truck turnarounds; and utility, road, railroad, waterbody, and wetland crossings; and in areas of rocky soils, steep slopes, and rugged terrain. These temporary workspaces will be located adjacent and contiguous to the construction ROW. These areas are shown on the Project maps included in Appendix D.

ONEOK will primarily use public roadways and private access roads to access the construction ROW. Use of private access roads may require improvements or maintenance to provide access for construction personnel and/or delivery of construction materials and equipment. Previously unimproved access roads likely to be used during construction activities are shown on the maps included in Appendix D. These access roads include new roads to be developed during construction of the Project and previously unimproved access roads (i.e., existing two-track roads) which will likely require improvements prior to use or extensive restoration following installation of the pipeline. Prior to the commencement of Project activities, ONEOK will clearly mark the boundaries of approved work areas. Construction activities are not planned outside these areas.

The total estimated areas to be disturbed in North Dakota and Montana, as well as the location and approximate size of new impervious areas as a result of the Project, are summarized in Table 3.2-2. The locations of these facilities are identified on the maps provided in Appendix D.

TABLE 3.2-1
Demicks Lake Pipeline Project
Estimated Area of Disturbance[1]

	Land Disturbed by Construction (acres)	
	Temporary Workspace	**Permanent Land Disturbance**
Pipeline Right-of-Way	NA	432.30
Additional Temporary Workspaces	348.25	NA
Access Roads	NA	105.10
Valve Sites	0.8	0.8
Total	**349.05**	**538.20**

[1] Area of Disturbance will be finalized prior to commencing construction

ONEOK will site these facilities in such a manner to minimize potential impacts on nearby wetlands and waterbodies. In general, the planned impervious areas associated with these facilities are small and not located near surface waters of the state. ONEOK does not anticipate discharge of construction stormwater from these facilities will result in a new point source to surface waters of the state. ONEOK does not plan to install permanent stormwater management systems (i.e., permanent sediment basins) within the facilities to treat stormwater which may be discharged from the sites.

Minor modifications to the pipeline route, location or size of temporary workspaces, or additional access roads may occur. These changes may result from negotiations with the landowner or the need for additional or modified workspace necessary due to site-specific factors encountered during installation of the pipeline. ONEOK will periodically update the maps located in Appendix D of the *SWPPP* to reflect the current footprint of the Project.

2.3 NATURE OF CONSTRUCTION ACTIVITIES

Conventional pipeline construction is composed of specific activities that make up a linear construction sequence (see Figure 2.3-1). These operations collectively include survey and staking of the ROW; clearing and grading; trenching; pipe stringing, bending, and welding; lowering the pipeline into the trench; backfilling the trench; hydrostatic testing; final tie-ins; commissioning; and ROW cleanup and restoration.

Pipeline construction activities such as clearing, grading, trench excavation, and backfilling, as well as the movement of construction equipment along the ROW will result in soil disturbance. Clearing removes protective cover and exposes soil to the effects of wind and precipitation, which may increase the potential for soil erosion and movement of sediments into sensitive environmental areas (such as waterbodies and wetlands). Grading and equipment traffic may compact soil, reducing porosity and percolation rates, which could result in increased runoff potential.

Grading of the construction workspace and ATWS may be required in areas where the planned pipeline route crosses steep slopes. Steep slopes often need to be graded down to a gentler slope to accommodate pipe bending limitations and provide level working areas to safely operate construction equipment. In such areas, the slopes will be cut away, and, after the pipeline is installed, reconstructed as near as practicable to their original contours during restoration.

ONEOK has sized its construction workspace and ATWS to accommodate safe installation of the pipeline while minimizing the area resulting soil disturbance and ultimately requiring restoration. ONEOK assumes that the majority of the areas identified within the construction area and depicted on the maps in Appendix D will be disturbed by construction activities.

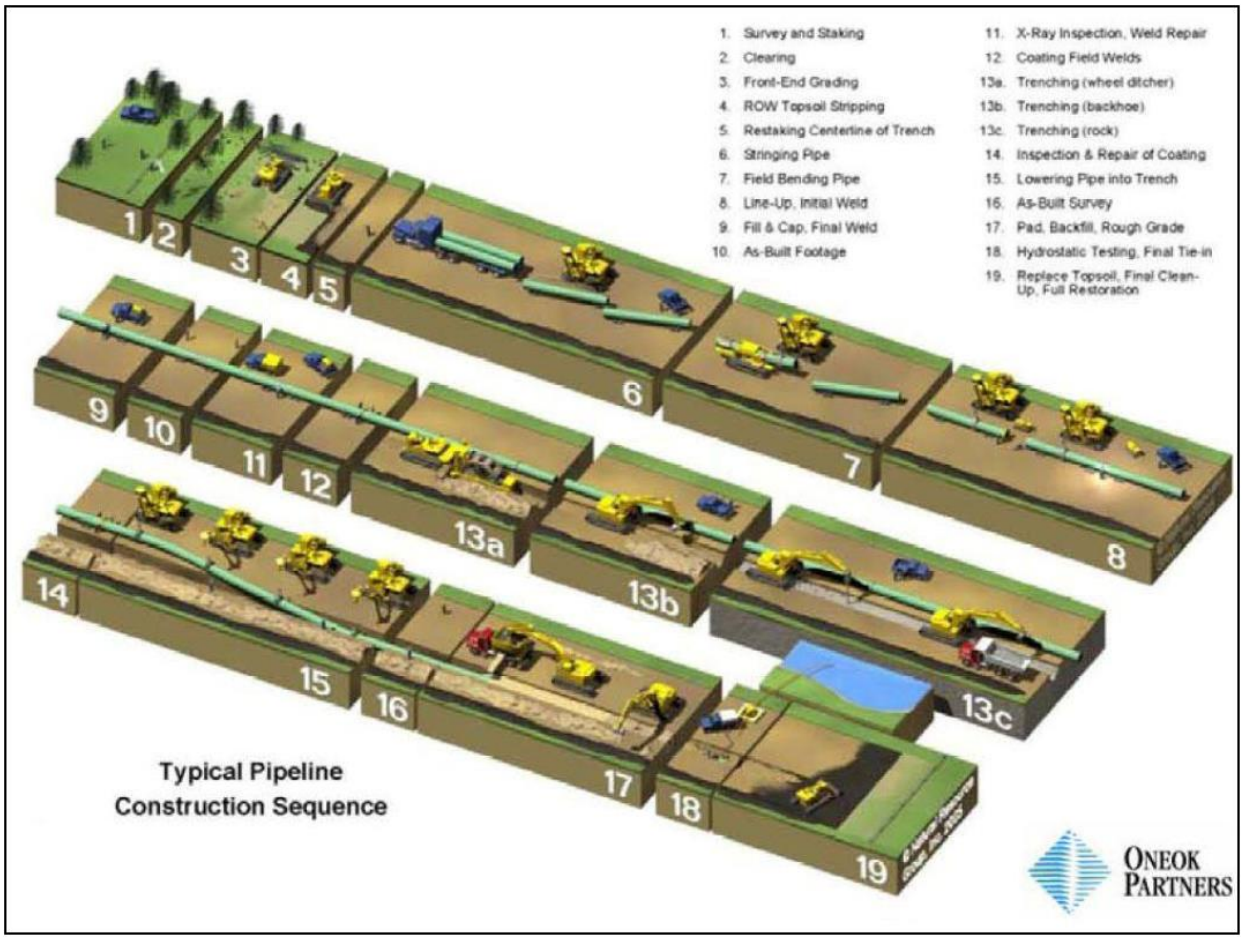
2.1 SEQUENCE OF ACTIVITIES

Construction of the new pipeline will occur in the following sequence:

- Stake the workspace boundaries and utilities;
- Clearing of construction area;
- Install temporary erosion and sediment controls;
- Grade and stump removal, if necessary;
- Segregation of topsoil, where necessary;
- Pipe delivery, bending, and welding;
- Trenching;
- Pipe installation;
- Backfilling excavations;
- Cleanup and final grading;
- Soil compaction treatment, where necessary;
- Stone removal, where necessary;
- Final restoration; and
- Final stabilization.

The general sequence of construction activities is shown on Figure 2.3-1. The *CMRP* provides a detailed description of the above referenced construction activities. Installation of soil erosion and sedimentation control devices will occur after clearing and before grading activities commence.

Figure 2.3-1 – Typical Pipeline Construction Sequence



2.2 SCHEDULE

Construction of the pipeline is scheduled to begin in April 2019. Construction of the pipeline may commence simultaneously at several locations. Construction of the segments of pipeline (referred to as a construction spreads) will proceed in a linear fashion as described in Sections 3.3 and 3.4. Installation of the pipeline at select locations (e.g., valve sites) may occur separately from mainline construction spreads. In general, ONEOK anticipates that all initial grading of the construction ROW will be completed in Spring 2019 and that the entire pipeline will be installed by December 2019. Restoration of the construction ROW will commence immediately following the installation of the pipeline. ONEOK estimates that areas disturbed by the Project will reach final stabilization by the end of 2022.

2.3 EXISTING VEGETATION AND GROUND COVER

The predominant vegetation communities crossed by the pipeline route consists of cultivated lands and rangeland. Cultivated land includes areas that are actively involved in farming operations resulting in tilling of the soils. Such land along the pipeline route is likely to include corn, beans, sugar beets, alfalfa, and wheat. Rangeland consists of lands involved in the production of hay, those that are actively being grazed by livestock, and shortgrass and tallgrass prairies. Following completion of construction activities, actively cultivated areas and rangeland will be restored to pre-construction land use, unless otherwise requested by the landowner.

STORMWATER DISCHARGE

2.4 RECEIVING WATERS

The pipeline crosses numerous drainage basins. The pipeline route crosses 19 waterbodies (4 intermittent, 15 ephemeral), and 36 wetlands (35 palustrine emergent (PEM) and one palustrine unconsolidated bottom (PUB)). Appendix E contains the complete table of waterbodies and wetlands that will be crossed by the Project and are expected to receive stormwater discharges. Construction activities and grading of the ROW are generally considered temporary disturbances. Areas graded as a result of construction activities will be returned to their previous contours to the extent practicable following installation of the pipeline. Construction of the pipeline will not result in distinguishable point source discharges or new outfalls to state surface waters.

2.5 MUNICIPAL SEPARATE STORM SEWER SYSTEMS

No areas serviced by Municipal Separate Storm Sewer Systems (MS4s) are crossed by the pipeline route.

2.6 IMPARIED WATERS

There are no waterbodies in the Project area listed as impaired under 303(d) of the federal Clean Water Act.

3 EROSION PREVENTION AND SEDIMENT CONTROL PRACTICES

3.1 BEST MANAGEMENT PRACTICES

ONEOK requires that erosion and sediment transport is minimized. ONEOK will implement BMPs for erosion and sediment control as described in the *CMRP* and the *SWPPP* to minimize run-off of sediments from the pipeline construction ROW. BMPs are intended to reduce or eliminate any possible water quality impacts from stormwater flowing through the construction site. BMPs will be used to minimize erosion and sediment transport during construction and restoration of the Project. BMPs will be selected and properly installed and maintained in accordance with specifications provided in the *CMRP*. BMPs will be installed in accordance with manufacturer specifications.

Specific BMPs to be implemented are discussed in the following sections. ONEOK's *CMRP* contains additional detail regarding the installation and maintenance of BMPs to be implemented during construction of the pipeline. BMPs will be designed to divert flows from exposed soils, filter runoff, or otherwise reduce sediment-laden runoff from entering surface water or stormwater conveyance systems (e.g., road ditches, grassed waterways). As stated, ONEOK plans to use a combination of BMPs during the course of the Project to provide the best prevention and control of sediment erosion during construction related activities.

ONEOK will install and maintain all structural and non-structural BMPs as outlined in the *CMRP*. ONEOK and the EIs will track the location of all structural and non-structural BMPs on the inspection reports (Appendix F) and the BMP tracking table (Appendix G).

Deficient BMPs noted during required site inspections will be addressed as soon as possible. It is the responsibility of the contractor to select BMPs appropriate to the location of the installation.

3.2 EROSION PREVENTION PRACTICES

3.3 VEGETATIVE BUFFERS

The most effective erosion control BMP is the minimization of soil disturbance. Therefore, removal of

existing vegetation within the Project footprint will be avoided to the extent practicable. ONEOK will also minimize soil disturbance immediately adjacent to waterbodies until the pipeline is installed under the feature. In general, ONEOK will leave a 20-foot buffer of undisturbed herbaceous vegetation at waterbody crossings except where grading is necessary for bridge installation. The use of vegetated buffers is further described in the *CMRP*.

3.4 EROSION CONTROL BLANKETS AND MATS

ONEOK will install erosion control blankets or mats on slopes greater than 30 percent or where necessary to minimize erosion upslope of sensitive areas (e.g., surface waters of the state). Erosion control blankets, matting, and/or rip rap appropriately designed for the expected flows will also be installed on stream banks disturbed during construction and within defined stormwater conveyances (e.g., road ditches). The contractor will select erosion control blanket products suitable to the location of installation and the duration which the product is intended to perform. Installation of erosion control mats will be in accordance with the manufacture's specifications. Figure 13 of Appendix C identifies the intended use of erosion control blankets. Installation of rip rap must be above the ordinary high water mark (OHWM) and approved by ONEOK in advance.

3.5 DUST SUPPRESSION

ONEOK's contractors will implement dust suppression BMP's as necessary to prevent nuisance conditions and to prevent significant particle or dust generation resulting from construction activities, as described in ONEOK's *Dust Control Plan.*

ONEOK's planned dust suppression methods include stabilization of temporary stockpiles, spraying of water on the construction ROW in areas of active construction, use of chemical suppressants (e.g., calcium chloride) on public or private roads, and enforcing a 25-mile-per-hour speed limit on unimproved roads. When opacity along dirt roads and the ROW exceeds 20 percent (objects partially obscured), construction activity will cease until dust control measures are employed. Earthwork activities will cease when sustained wind speed exceeds 30 miles per hour.

3.6 SEDIMENT CONTROL PRACTICES

Sediment Barriers

ONEOK and/or its contractors will install temporary sediment barriers during clearing and before grading where necessary and as defined by the *CMRP* and *SWPPP*. In general, temporary sediment barriers will be installed at the edge of the ROW as needed, and/or in other areas determined by ONEOK to prevent sediment from entering waterbodies and wetlands crossed by the pipeline route or located downslope of the construction ROW. Figures 8 and 14-18 of Appendix C identify the general configuration of temporary sediment barriers to be installed at waterbodies and wetlands crossed by the pipeline route. The actual layout of the silt fence to be installed in the field by the contractor will vary in accordance with the site-specific conditions present at each waterbody location. Installation of BMPs will be overseen by ONEOK's environmental inspection staff to ensure that wetlands and waterbodies crossed by the route are adequately protected from runoff based upon the conditions present on either side of the crossing (e.g., slope, soil types).

Use of silt fence is preferred as the primary sediment barrier unless site-specific conditions (e.g., rock or stony soil, sustained winds) prevent proper installation or reasonable maintenance. Temporary sediment barriers will typically be installed and maintained at side slope and downslope boundaries of the construction area adjacent to wetlands and waterbodies and at other locations as directed by

ONEOK's inspection staff. These locations may include the base of slopes adjacent to road ditches, stormwater conveyance systems (e.g., road ditches, grass waterways, inlets), along the edge of the approved work area, or other stormwater conveyances that are directly adjacent to the approved work area. Heavy duty silt fence is available for locations which are subject to high stormwater flows. Velocity dissipation devices (e.g., riprap, straw bales) must be installed at discharge locations as necessary to provide a non-erosive flow velocity between the structure and receiving waterbody.

The contractor will choose and install sediment barriers in areas with high potential for sediment transport. Installation of other devices such as straw bales, fiber roles, or wattles may be approved by ONEOK where the potential for erosion is minimal.

Sediment barriers will be cleaned, repaired, and/or replaced when functionality begins to decrease (e.g., sediment reaches intolerable levels, fabric begins to tear, and/or the silt fence begins to become undermined). Repairs and/or maintenance of sediment control devices within active construction areas will be completed as soon as possible after identification. Additional sediment barriers will be considered for locations prone to failure.

Temporary sediment barriers will be maintained until final stabilization is reached or the site has been returned to its previous function (i.e., cultivated agriculture). Final stabilization is defined as all soil disturbing activities at the site have been completed and a uniform perennial vegetative cover with a density of 70% of the cover which is typical for undisturbed areas, unpaved areas, or areas not covered by permanent structures, in the geographic location of the construction site, has been established, or equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed (as defined by the General Permit). Once the site has reached final stabilization, the barriers will be removed and disposed of properly.

Temporary and Permanent Slope Breakers

ONEOK will install temporary and permanent earthen slope breakers within the construction ROW to direct stormwater runoff to adjacent stabilized areas. Slope breakers will be constructed with appropriate energy-dissipation devices (e.g., temporary sediment barriers, rip-rap) to prevent erosion at their outfall. During construction, ONEOK will install temporary slope breakers on slopes greater than 5 percent in accordance with the spacing provided in the *CMRP*. In order to maintain sheet flow and minimize rills and/or gullies, there will be no unbroken slope length of greater than 75 feet for slopes with a grade of 3:1 or greater.

Temporary slope breakers will be maintained throughout construction and will be replaced at the end of each day if disturbed by construction activities. Permanent slope breakers will be constructed in accordance with the *CMRP*. In general, permanent slope breakers will be constructed in all non-cultivated areas except where agreements with landowners prevent installation.

Vehicle Tracking

Sediment control BMPs will be installed to minimize soil disturbance and any sediment leaving the construction site. If necessary, a combination of crushed stone access pads, matting, and culverts will also be installed at ingresses and egresses to the construction site to minimize the tracking of sediments onto paved roads. If sediment is tracked onto a paved road, street sweeping, or scraping will be performed immediately to minimize sediment leaving the construction site. Sediment must be returned to the ROW.

4 STABILIZATION PRACTICES

Stabilization practices include temporary and permanent measures designed to prevent erosion and sediment from leaving the construction site. This includes revegetation, installation of mulch and/or erosion control blankets, and preserving natural vegetation within the construction ROW to the extent possible.

ONEOK's contractors will permanently stabilize, by revegetating non-cultivated areas disturbed by construction activities to prevent and minimize erosion with the exception of sites where impervious areas will be installed, such as pump station and valve sites. ONEOK's contractor will initiate revegetation of disturbed areas as soon as soil conditions permit seedbed preparation and seed germination following installation of the pipeline, per the requirements in the *CMRP* and *Revegetation Plan,* or according to the Contractor's ONEOK-approved revegetation plan.

ONEOK will also initiate temporary stabilization measures where necessary to minimize erosion. Temporary stabilization measures consist of temporary seeding and/or mulching or surface roughening. Temporary stabilization measures will be employed where erosion is likely to occur, including locations such as stream banks, road ditches, steep slopes, and areas subject to stormwater flow. Temporary stabilization measures will also be employed where completion of construction activities or where final stabilization may be delayed. ONEOK's specification for installation of mulch and temporary stabilization measures are discussed in the *CMRP* and *Revegetation Plan*.

5 CONSTRUCTION SITE DEWATERING

The NDDH and MTDEQ General Permits authorize the discharge of stormwater and groundwater from trenches or the construction ROW provided that the discharge does not adversely affect the receiving water.

In the event that dewatering activities are necessary, the water will be discharged to a well-vegetated upland area or suitable BMP (e.g., geotextile filter bag or straw bale dewatering structure) in a manner that does not cause erosion and does not result in heavily silt-laden water flowing into any waterbody, wetland or stormwater sewer system (including drain tile inlets or irrigation systems). The discharged water will not (1) be in violation of the water quality standards as defined by the NDDH and MTDEQ; (2) adversely affect downstream landowners; and (3) cause erosion or scouring at the outlet or in the receiving waterbody.

6 POLLUTION PREVENTION MANAGEMENT MEASURES

6.1 SOLID WASTE DISPOSAL AND GOOD HOUSEKEEPING

Non-hazardous wastes generated during construction will be containerized and properly disposed of off-site in compliance with state and federal requirements. Non-hazardous pipeline construction wastes include human waste, trash, pipe banding and spacers, waste from coating products, welding rods, timber skids, cleared vegetation, stumps, and rock. All wastes not native to the construction site will be disposed off-site at a licensed waste disposal facility.

Site inspections will include surveying the site for refuse, which will be disposed of as soon as possible. The contractor will not permit paper from wrapping or coating products or lightweight items to be scattered by the wind. Upon final stabilization, all existing erosion and sediment control structures will be removed from the Project area.

The contractor will provide portable, self-contained toilets during construction operations. Wastes from

these units will be collected for disposal at licensed and approved facilities. Portable toilets must be properly secured to prevent tipping by vandals or blowing over in wind events.

6.2 HAZARDOUS MATERIALS HANDLING

Secondary containment will be provided for any hazardous materials, including oil, fuels, coolants, and paint temporarily stored on the construction ROW. Safety Data Sheets (SDS) for all hazardous materials will be maintained on site. All employees dealing with hazardous materials will be informed of proper handling procedures.

In the event that hazardous wastes are generated during construction activities, such wastes will be stored and disposed of in compliance with state and federal regulations. ONEOK will follow the procedures in its *Spill Prevention, Control, and Countermeasure (SPCC) Plan* for handling of hazardous materials such as fuels and lubricants. ONEOK does not anticipate that significant volumes of hazardous materials (e.g., fuels, lubricants, fertilizer) will be stored overnight within the construction ROW.

6.3 CONCRETE WASHOUT AND RELATED WASTE

Concrete wash water has a high pH and contains high-levels of chromium which could pollute surface waters and/or groundwater. Concrete wash waters, grindings, slurry, or other related wastes may be produced as a result of construction activities. ONEOK anticipates that use of uncured concrete during construction activities will be limited to the installation of piers and footings, etc. associated with installation of pump stations and valves located along the pipeline route. ONEOK does not anticipate that concrete coating of pipeline joints or the manufacturing of concrete set-on weights will be conducted within the construction ROW.

The discharge of concrete washout or uncured concrete wastes to surface Waters of the State (i.e., wetlands, waterbodies, or storm drains) is prohibited. ONEOK's contractor will designate concrete washout facilities where pouring of concrete is planned. The contractor must post signs to identify the washout facilities. Washout facilities may include prefabricated watertight containers or facilities constructed on site such as bermed earthen structures or sumps lined with plastic sheeting. Concrete washout facilities will be sized to accommodate the amount of concrete wastes both liquid and solid to be generated at the site. The structure will also be sized with adequate freeboard to prevent overflow during discharge or following precipitation events.

Concrete washout facilities will be designed and sized to promote evaporation of liquids and curing of the concrete wastes prior to disposal. Facilities constructed on site will be constructed of multiple layers of thick plastic sheeting to prevent leaks and puncturing of the barrier. Washout facilities will be covered when precipitation is imminent to prevent precipitation collecting and intermingling with wastes or prolonging the curing of solids. Concrete washout and associated wastes are to be treated as a hazardous waste until all solids have cured. Once cured, concrete solids may be disposed of as solid waste. Concrete washout facilities must be located at least 100 feet away from wetlands and waterbodies unless approved by ONEOK.

6.4 VEHICLE AND EQUIPMENT MAINTENANCE AND WASHING

Maintenance of vehicles and equipment will be conducted at contractor yards to the extent practicable. ONEOK does not anticipate that vehicle or equipment maintenance will be conducted along the construction ROW, except in situations where the equipment is immobile and cannot be transported to a yard for maintenance or repairs. All repairs or maintenance will be conducted in

accordance with ONEOK's *SPCC plan* which requires maintenance or repairs to be conducted at least 100 feet from waters of the state unless an exception is approved by ONEOK. ONEOK's approval of each exception would be after consideration of the site conditions and additional measures or precautions that could be taken to contain potential pollutants. No wastes from vehicle or equipment repair or maintenance will be stored on the construction ROW.

No vehicle or equipment washing using detergents or degreasers will be performed on the construction ROW. Cleaning of equipment and vehicles may be required on the construction ROW to prevent the spread of undesirable or invasive species, as described in ONEOK's *Weed Management Plan*. These areas will be marked by ONEOK's EIs. ONEOK will construct equipment cleaning stations away from waters of the State. In no event will runoff from vehicle and equipment washing be allowed to enter waters of the State. ONEOK will dispose of wastes resulting from equipment washing stations in accordance with its *CMRP*.

7 CONSTRUCTION SPILL PREVENTION AND REPORTING

In the event of a spill, ONEOK will follow procedures outlined in its *SPCC Plan*. ONEOK will perform any necessary notifications to federal and state agencies following construction related spills as required by permits or applicable regulations. Soils contaminated by construction related spills will be removed from the construction site in accordance with federal and state regulations. If temporary storage of contaminated soils is required onsite, stockpiled soil will be covered with plastic sheeting to prevent potential contact with stormwater.

Bulk storage of fuels and lubricants and other hazardous liquids are not expected to occur on the construction ROW. Small volumes of fuel or extra fuel tanks may occur on the ROW to support stationary pumps such as those used for dewatering and hydrostatic testing. All fuel stored on the ROW will be placed in secondary containment or be housed in dual-wall storage tanks. Stormwater that collects in secondary containment suitable for waste will be visually inspected for signs of contamination or visible sheen prior to drainage. If contamination is suspected, the stormwater will be disposed of in compliance with state and federal regulations.

The following practices will be followed during the course of the Project for spill prevention. To protect against accidental release of a lubricant, coolant, or fuel, equipment will have catch pans and absorbing pads. The contractor will have equipment and materials on site needed to prevent and/or contain an accidental spill. Equipment will be inspected each morning before work starts and during the workday to check for leaks and to repair or replace hoses or connections that are in danger of failure. ONEOK will follow the procedures in its *SPCC Plan* when refueling equipment and storing hazardous liquids on the ROW

<u>Fuels and Hazardous Materials Handling</u>

- 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 Water of the State, spring, or well.
- Hazardous materials, including oils, fuels, and lubricants, will be stored 100 feet away from Waters of the State. Construction equipment will also be staged 100 feet away from waters of the State when parked/stored overnight.
- ONEOK's approval of each exception would be after consideration of site conditions and additional measures or precautions that could be taken to contain potential pollutants. For

example, where conditions require that construction equipment (e.g., pumps used in trench dewatering) be refueled within 100 feet of waters of the state, sufficient oil and fuel containment booms and absorbent materials will be on-hand to allow for rapid containment and recovery of a spill.

8 INSPECTIONS AND MAINTENANCE

An inspection report will be prepared after each inspection (Appendix F). Records of each inspection and maintenance activities will include:

- Date of inspection;
- Name and title of person(s) conducting inspections;
- Construction phase and type of inspection being conducted;
- Scope and findings of inspections, including:
    - Locations of sediment or other pollutant discharges from the site;
    - Locations of BMPs that need to be maintained;
    - Locations of BMPs that failed to operate as designed or proved inadequate at controlling pollutants;
    - Locations where additional BMPs are needed or that were not in place at the time of the inspection; and
    - Locations where BMP's are no longer necessary and have been removed;
    - Description of corrective actions taken; and
    - Documentation of any changes made to the *SWPPP* as a result of the inspection, including any deviation from the minimum inspection schedule as in this *SWPPP*.

Where an inspection does not identify any incidents of non-compliance, the report will contain a signed statement indicating that the site is in compliance with the *SWPPP* to the best of the signer's knowledge and belief.

8.1 INSPECTION SCHEDULES

Inspections will be conducted at least once every 7 days within areas of active construction and at least once every month for areas of the construction ROW where activities are no longer active and the ROW has been temporarily stabilized. Inspections must also be completed in active construction areas within 24 hours after the end of any precipitation event of 0.5 inches or greater. Post-storm event construction inspections may be postponed up to 72 hours if construction activities are idle (e.g., wet weather shut down or non-working weekends/federal holidays). However, inspections must be completed before construction activities recommence. Regular inspection of inactive construction areas is not required where snow cover or frozen ground conditions exist over the ROW for an extended period and melting conditions posing a risk of erosion do not exist. Winter conditions inspections exclusions will be documented in the inspection records (Appendix F); documentation will include dates when snow cover occurred, date when construction activities ceased, and date melting conditions began.

8.2 MAINTENANCE

ONEOK or its contractors are responsible for maintaining all erosion control measures including replacement or modification of BMPs as necessary to prevent or minimize sediments from entering waterbodies or wetlands or from leaving the construction site. All sediment control devices (e.g., silt fences, fiber rolls) will be repaired, replaced, or supplemented when they become nonfunctional or have retained sediment in amounts exceeding the manufacturer's specifications.

If a sediment control device has failed or is determined to be no longer effective the contractor will perform maintenance or replace the device as soon as possible, or immediately in most cases, to minimize the discharge of pollutants from the construction ROW.

8.3 EROSION AND RETRIEVAL OF SEDIMENTS

Visible or measurable erosion associated with the construction of the Project, which leaves the construction ROW as a result of ineffective BMPs, is prohibited by ONEOK. If inspections identify sediment that has escaped the construction site, the off-site accumulations of sediment will be removed in a manner and at a frequency sufficient to minimize off-site impacts. Under no condition will the sediment be washed into surface Waters of the State. Where a determination is made that sediment must be removed to prevent deposition within surface waters or stormwater conveyances, the sediment will be removed as soon as practicable. Recovery of sediment from sensitive resources must be approved by ONEOK prior to entry.

8.4 NON-COMPLIANCE REPORTING

ONEOK will complete inspections to ensure and document compliance with this *SWPPP*. Inspections documenting implementation and effectiveness of erosion and sediment control measures will be conducted in accordance with the requirements outlined in Section 7.1. If inspections identify any non-compliance that may endanger human health or the environment or exceed North Dakota or Montana water quality rules and regulations, ONEOK is responsible for verbally notifying the NDDH or MTDEQ within 24 hours of becoming aware of the noncompliance. Within 5 days after becoming aware of a noncompliance, the NDDH/MTDEQ must receive the following information in writing:

- A description of the noncompliance and its cause;
- The period of noncompliance, including exact dates and times; or if not identified, the anticipated time the noncompliance is expected to continue; and
- Additional measures being taken to reduce, eliminate, and prevent recurrences of the non-complying discharge or other cause of noncompliance.

8.5 UPDATING THE SWPPP

ONEOK will maintain and update the *SWPPP* to reflect current conditions whenever there is a change in site design or construction methods, which require the implementation of new or revised BMPs, or may have a significant effect on the potential for the discharge of pollutants. The Plan will also be amended to improve observed deficiencies associated with treatment of stormwater discharges.

Changes to the *SWPPP* will be made prior to changes in site conditions or for responsive *SWPPP* changes (e.g., changes to BMP's made in the field) within 72 hours after the change in BMP installation and/or implementation occur at the site. Access to an electronic copy of the *SWPPP* and General Permit will be readily available to applicable personnel at the Project site. Updates to the *SWPPP* will be provided to construction personnel as needed.

9 EMPLOYEE TRAINING

All ONEOK and construction personnel working on the Project will receive an environmental orientation session prior to accessing the construction ROW. The environmental orientation will provide an overview of the erosion and sediment control measures to be implemented during construction activities, construction related spill prevention, clean-up, and reporting and good

housekeeping practices to implement on the construction ROW. Supervisory personnel (e.g., construction foremen, craft inspectors) will attend a more thorough environmental training session which will provide a detailed overview of the regulatory permits required for the Project and specific erosion and sediment control measures to be implemented during construction. A training log will be maintained as Appendix H.

ONEOK's EIs will oversee compliance with ONEOK's *CMRP* and environmental permits and regulations specific to the Project. The EIs will be experienced in the application of erosion and sediment control BMPs and knowledgeable of the contents and requirements of the *SWPPP* and other environmental procedures applicable to the Project. The EIs will conduct additional training sessions with specific construction crew as necessary to properly implement the *SWPPP.* These additional training sessions will focus on maintaining compliance with permits and regulations and will be conducted prior to construction activities in sensitive areas or changing of seasons, etc. when use of erosion and sediment control measures may be modified.

10 CONSTRUCTION STORMWATER NOTICE OF TERMINATION

This section is not applicable unless ONEOK submits an NOI for permit coverage.

11 RETENTION OF RECORDS

ONEOK will retain copies of all inspection forms, all records and information resulting from the monitoring activities required by the *SWPPP*. In addition to inspection and maintenance reports, ONEOK will keep records of the construction activities conducted at the site, including the dates when major grading activities occurred. Additionally, the dates when the site was temporarily or permanently seeded and when temporary or permanent stabilization was reached will be recorded and maintained as part of the *SWPPP*.

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APPENDIX A

North Dakota NPDES Storm Water Authorization to Discharge Stormwater Associated with Construction Activities General Permit (NDR10-0000)

Permit No: NDR10-0000
Effective Date: April 01, 2015
Expiration Date: March 31, 2020

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,

March 31, 2020.

Signed this 31 day of March, 2015.

Karl H. Rockeman, P.E.
Director
Division of Water Quality

BP 2014.06.12

Table of Contents

I. PERMIT COVERAGE AND LIMITATIONS

A. Discharges Covered

1. This permit applies to all areas within the state of North Dakota, except for those areas defined as Indian Country. Construction activity located within Indian Country within the state of North Dakota must obtain a permit through the United States Environmental Protection Agency. If the construction activity is located with the jurisdiction of the state of North Dakota, and the United States Environmental Protection Agency, a permit must be obtained from both regulatory entities.

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 (1) and less than five (5) acres.

    c. Discharges of stormwater from oil and gas exploration, production, processing or treatment operations, or transmission facilities composed of contaminated runoff by contact with or that has come into contact with, any overburden, raw material, intermediate products, finished product, byproduct, or waste products located on the site of such operations.

3. Stormwater discharges from support activities (e.g., 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. The support activities may only be in association with one project. If the support activity is associated with more than one project, a separate stormwater permit (Industrial or mining, extraction or paving material preparation) is required.

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

5. Stormwater discharges from construction activity covered by the previous permit, issued October 12, 2009, where a notice has been submitted to obtain coverage under this permit.

6. Projects which have obtained coverage under this permit shall amend and implement a Stormwater Pollution Prevention Plan (SWPPP) that meets the requirements of this permit within ninety (90) days of the effective date of this permit.

7. Discharges from dewatering activities related to construction activities (discharges of uncontaminated stormwater).

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

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), Wild and Scenic Rivers Act, 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 and/or parameters associated with sediment transport are not covered unless you develop a Stormwater Pollution Prevention plan (SWPPP) that is consistent with the assumptions and requirements in the approved TMDL. To be eligible for coverage under this general permit, the SWPPP must incorporate the conditions applicable to the discharge necessary for consistency with the assumptions, allocations and requirements of the TMDL. If a specific numeric wasteload allocation has been established that would apply to discharges from construction activity, the permittee must incorporate that allocation into the SWPPP and implement necessary steps to meet that allocation. 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 a violation of the standards for quality for waters of the state (North Dakota Administrative Code (N.D.A.C.) 33-16-02.1).

7. Discharges from hydrostatic testing, well points, water line disinfection and treatment of gasoline or diesel contaminated groundwater.

8. Discharges of wash water using detergents, wastewater, or sanitary waste.

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 SWPPP in accordance with Part II(C) of this permit. A SWPPP must be in place as a condition of the permit and a copy of the SWPPP must be retained by the permittee.

2. Permit coverage will become effective seven (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 must use a Notice of Intent (NOI) to complete your application. An 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 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) and 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) The 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 the signatory requirements in Part IV(A)(6) of this permit.

   c. A SWPPP (Part II(C)) for the project must be prepared and available for review, upon request, 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 SWPPP must be completed prior to the start of construction (or the applicable construction phase). You are not required to submit the SWPPP with the application unless otherwise notified by the department.

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 (1) NOI for all of the owner's construction activity within the common plan of development, or

   b. The operator, such as a homebuilder who may represent one (1) or more lot owners, shall submit one (1) NOI for all of the operator's construction activity within each addition of the common plan of development.

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

4. For oil and gas exploration, production, processing, treatment operations, or transmission facilities, which discharge contaminated stormwater, permit applications may be submitted for individual project sites or for an area of operations such as well field or by county.

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

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 the department.

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

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

   b. Another owner/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, transferred, or has achieved final stabilization. The permittee must modify their SWPPP to indicate that permit coverage is no longer required for that lot. The SWPPP shall indicate the reason why coverage is no longer needed and the date the lot was sold, transferred, or achieved final stabilization. In order to terminate coverage, all lots under the control of the owner or operator must be sold, transferred, or achieved final stabilization (Part II(E)).

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 fourteen (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). 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 SWPPP created for the project or develop and implement their own SWPPP. Permittee(s) shall ensure either directly or through coordination with other operators that their SWPPP 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.

II. STORMWATER DISCHARGE REQUIREMENTS

A. Prohibition of Non-Stormwater Discharges

The discharge of wastewater is not authorized by this permit. The following sources of non-stormwater discharges are allowed if they are not a significant source of pollution and are identified in the SWPPP: fire-fighting, fire hydrant flushing, potable water line flushing, equipment wash down without detergents or hazardous cleaning products, uncontaminated foundation drains, springs, surface water, lawn watering, chemical treatment of stormwater and air conditioning condensate. Impervious surface wash water may not be directed into any surface water or storm drain inlet unless appropriate pollution prevention measures have been implemented. Discharges may not come into contact with oil and grease deposits or any other toxic or hazardous materials (unless cleaned up using dry clean-up methods). The SWPPP must include a description of the pollution prevention measures to be implemented while non-stormwater discharges are occurring.

If chemical treatment for sediment removal is intended to be used on-site, the permittee shall provide the department with the information outlined in Appendix 1(A)(14) of this permit for approval prior to use. This information shall be provided to the department no later than sixty (60) days prior to use.

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, nor the reporting requirements found in Chapter 33-16-02.1 of the North Dakota Administrative Code. Any releases which meet any reporting requirement, must be reported to the agencies identified in Part IV(A)(7).

C. Stormwater Pollution Prevention Plans

All permittees shall implement a SWPPP for any construction activity requiring this permit until final stabilization is achieved. The SWPPP and revisions are subject to review by the department. The objectives of the SWPPP is to identify potential sources of sediment and other sources of pollution associated with construction activity, and to ensure practices are implemented and maintained to reduce the contribution of pollutants in stormwater discharges from the construction site to waters of the state and storm sewer systems. Stormwater management documents developed under other regulatory programs may be included or incorporated by reference in the SWPPP, or used in whole as a SWPPP if it meets the requirements of this part.

The SWPPP 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 SWPPP to accomplish this. However, in the event there is a requirement under the SWPPP for which responsibility is ambiguous or is not included in the SWPPP, each permittee shall be responsible for implementation of that requirement. Each permittee is responsible for assuring that their activities do not render another permittee's controls ineffective.

The SWPPP must incorporate the requirements provided in Appendix 1 and shall include the following information.

1. **Site Description**. Each plan shall provide a description of the construction activity and potential sources of pollution 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/schedule, or chart, of activities that includes major phases/stages, BMP implementation, BMP removal, disturbances, and stabilization 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 will receive stormwater runoff from the project site; and

f. A site map which indicates the following items as applicable (more than one (1) map may be needed). If an item is not applicable, provide rationale describing why the item is not applicable to the construction activity:

1) Project boundaries;
2) Areas of ground disturbance during each phase/stage of the project;
3) Areas where disturbance will not occur, such as avoidance areas (e.g. wetlands, critical habitat, Threatened and Endangered Species, etc);
4) Drainage patterns including: flow direction (run-on and runoff);
5) Dividing lines, discharge points, and storm sewer system inlets which the site drains to or may be affected by the activity;
6) Pre-existing and final grades;
7) Location of all temporary and permanent sediment and erosion controls during each particular phase;
8) Location of any stormwater conveyances such as: retention ponds, detention ponds, ditches, pipes, swales, stormwater diversions, culverts, and ditch blocks;
9) Location of potential sources of pollution (e.g. portable toilets, trash receptacles, etc.);
10) Location of soil stockpiles;
11) Identify steep slopes;
12) Surface waters, including an aerial extent of wetland acreage;
13) Location of surface water crossings;
14) Locations where stormwater is discharged to surface waters;
15) Location of dewatering discharge points;
16) Locations of where chemical treatment of stormwater will be performed, including discharge points;
17) Fueling locations, vehicle and equipment maintenance areas, designated wash water collection site, lubricant and chemical storage, paint storage, material storage, staging areas, and debris collection area;
18) Location of any impervious surfaces upon completion of construction; and
19) 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. Site maps must show items 1 through 18 of this section.

g. Projects that discharge stormwater which flows 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 SWPPP. 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.

h. For water bodies which have a TMDL, the SWPPP must describe and conform to the Waste Load Allocations (WLA) of the water body as per Part II(C)(4)(g) of this permit. Information about TMDL allocations may be found at the following website: www.ndhealth.gov/WQ/SW/Z2_TMDL/default.htm.

2. **Narrative.** The SWPPP must include a narrative description of the selected operational controls and sediment and erosion controls as outlined in Part II(C)(3), Part II(C)(4), and Appendix 1 of this permit. When applicable, a description of the requirements for any additional environmental regulations (federal) and local requirements related to the project, as it relates to waters of the state, must also be included or incorporated by reference (e.g. The Wild and Scenic Rivers Act, The National Historic Preservation Act, The Endangered Species Act, Fish and Wildlife Coordination Act, National Environmental Policy Act, Section 404 of the Clean Water Act, etc.).

   The narrative shall describe at a minimum:

   a. The installation, removal (if applicable), and maintenance requirements of selected Best Management Practices (BMPs) for each phase/stage of construction activity;
   b. The rationale for the selection of all BMPs (calculations should be included if appropriate);
   c. Whether selected BMPs are temporary or permanent;
   d. Any descriptions of infeasibility or explanations as required in Part II, Part III(A), and Appendix 1 of this permit.

3. **Operational Controls**. The SWPPP shall describe the BMPs used in day to day operations on the project site that reduce the contribution of pollutants in stormwater runoff.

   a. The SWPPP must identify a person knowledgeable and experienced in the application of erosion and sediment control BMPs who will oversee the implementation of the SWPPP, and the installation, inspection and maintenance of the erosion and sediment control BMPs before and during construction, until a NOT is filed or the permit is transferred. A knowledgeable and experienced person is someone who meets the requirements of Part II(C)(3)(e) of this permit.

      The owner shall develop a chain of responsibility with all operators on the site to ensure that the SWPPP 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. The SWPPP must include a description of good housekeeping practices used to maintain a clean and orderly site. The SWPPP shall describe how litter, debris, chemicals and parts will be handled to minimize exposure to stormwater. The SWPPP also shall describe what measures will be used to reduce and remove sediment tracked off-site by vehicles or equipment. In addition, the SWPPP shall describe methods which will be used to reduce the generation of dust.

   c. The SWPPP shall describe preventative maintenance practices used to ensure the proper operation of erosion and sediment control devices (e.g., fiber rolls, erosion control blankets and silt fences) and equipment used or stored on site. The SWPPP shall describe proper inspection procedures for ensuring proper operation of erosion and sediment control devices.

   d. The SWPPP shall describe spill prevention and response procedures where potential spills can occur. Specific handling procedures, storage requirements, spill containment, cleanup procedures, and disposal must be identified. 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 or storm sewer systems.

      The potential discharge of hazardous substances in stormwater discharges shall be minimized by including measures onsite, detailed in the SWPPP to prevent and respond to releases of hazardous substances. If a reportable quantity release occurs, the SWPPP shall be revised to prevent the reoccurrence of such a release.

e. The SWPP shall outline how employees and responsible parties shall be trained on the implementation of the SWPPP. Training must be provided at least annually, as new employees or responsible parties are hired or as necessary to ensure compliance with the SWPPP and the general permit. Employees and responsible parties include individuals who are responsible for design, installation, maintenance and repair of stormwater controls and conducting inspections.

    1) On-site personnel must understand the requirements of this permit as it pertains to their role in implementing the SWPPP. On-site personnel must know:

        a. The purpose of the SWPPP, requirements of the SWPPP, and how the SWPPP will be implemented;

        b. The location of all BMPs identified in the SWPPP; and

        c. Correct installation, function, maintenance and removal (if applicable) of BMPs identified in the SWPPP.

    2) Personnel responsible for performing site inspections must understand when inspections must be conducted (Part III(A)), what must be inspected (Part II(C)(7), how to record findings, when to initiate corrective actions, and properly document corrective actions.

    3) Maintenance personnel must understand when maintenance must be performed on BMPs in order to maintain properly functioning BMPs and what needs to be recorded for corrective actions/maintenance records in accordance with Part III(A)(5) of this permit.

f. The SWPPP must describe how concrete grindings and slurry will be managed. Wastewater from concrete washout, cleanout or washout from: stucco, paint, joint compound, and other building materials shall not be discharged to waters of the state, storm sewer systems or curb and gutter systems.

    1) Wash water must be collected in leak-proof containers or leak-proof pits. Containers or pits must be designed and maintained so that overflows cannot occur due to inadequate sizing, precipitation events, or snowmelt.

g. The SWPPP shall describe any dewatering activities planned at the site. Dewatering or basin draining (e.g., pumped discharges, trench/ditch cuts for drainage) related to the permitted activity must be managed with appropriate BMPs, such that the discharge does not adversely affect the receiving water. The following conditions apply to dewatering activities:

    1) Dewatering is limited to un-contaminated stormwater, surface water, and groundwater that may collect on-site and those sources identified in Part II(A), if they are not a significant source of pollution. A separate permit must be obtained to discharge water from other sources such as hydrostatic testing of pipes, tanks, or other similar vessels; disinfection of potable water lines; pump testing of water wells; and the treatment of gasoline or diesel 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) When dewatering, utilize structures or BMPs which allow for draw down to occur from the surface of the water, unless infeasible. If infeasible, documentation must be provided in the SWPPP. In addition, you must describe what BMP(s) will be used in its place.

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

   a. Records shall contain at a minimum:

      i. Date and time of the inspection,
      ii. Inspector name,
      iii. Approximate volume of water discharged,
      iv. Findings of the inspection, including recommendations and schedule for corrective actions;
      v. Corrective actions taken (including dates, times, and party completing maintenance activities); and
      vi. Documentation that the SWPPP has been amended when changes are made to the dewatering activity in response to inspections.

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

4. **Erosion and Sediment Controls**. Erosion and sediment controls and stabilization requirements must be implemented for each major phase of site activity (e.g., clearing, grading, building, and landscaping phases). A description of the erosion and sediment controls and site stabilization methods must be provided in accordance with Part II(C)(2) of this permit. Erosion and sediment controls, and site stabilization must conform to the requirements provided in Appendix 1. The description and implementation of controls shall address the following minimum components:

   a. The selection of erosion and sediment controls, and site stabilization shall consider the following:

      1. The expected amount, frequency, intensity, and duration of precipitation events;

      2. The nature of stormwater run-on and runoff from the site as well as changes during, and as a result of, construction activity. This includes changes to impervious surfaces, slopes, seasonal changes, and drainage features on-site;

      3. Channelized flow, must be handled in order to minimize erosion at outlets and to minimize impacts to downstream receiving waters;

      4. Soil types (wind and water erodibility, and settling time); and

      5. Seasonal conditions.

   b. 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.

c. Temporary or permanent erosion protection and stabilization (such as cover crop planting or mulching) must be initiated immediately, as described in Appendix 1(A), for all exposed soil areas where activities have been completed or temporarily ceased.

d. 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. Corrective actions must be made prior to the next anticipated rainfall event of within 24 hours of discovery (whichever comes first) or as soon as field conditions allow. Documentation must be provided in the maintenance records if field conditions do not allow access along with a plan of action for performing maintenance activities.

   The permittee may deviate from the manufacturer's specifications and erosion and sediment control requirements in Appendix 1 if they provide justification for the deviation and document the rationale for the deviation in the SWPPP. Any deviation must provide equivalent erosion and sediment control.

e. If sediment escapes from the site, off-site accumulations of sediment must be removed in a manner and frequency sufficient to minimize off-site impacts as outlined in Appendix 1(B). The SWPPP must be modified to prevent further sediment deposition off-site.

f. 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.

g. For projects that discharge stormwater which flows to a water body for which there is a TMDL allocation for sediment and/or parameters associated with sediment transport, the SWPPP must be consistent with the assumptions, allocations, and requirements in the approved TMDL. If a TMDL specifies certain BMPs or controls to meet a WLA applicable to the project's discharges, the BMPs or controls must be incorporated into the SWPPP. Information about TMDL allocations may be found at the following website: www.ndhealth.gov/WQ/SW/Z2_TMDL/default.htm.

5. **Stormwater Management**. The SWPPP 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 methods; infiltration of runoff on-site; sequential systems which combine several practices or other post-construction stormwater management features.

   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.

6. **Maintenance**. All erosion and sediment control measures and other protective measures identified in the SWPPP must be maintained in effective operating condition. The SWPPP 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 in accordance to Appendix 1 or as soon as practicable.

7. **Inspections**. The SWPPP 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. Inspectors must be knowledgeable in their role of the SWPPP, as outlined in Part II(C)(3)(e) of this permit. The erosion and sediment control measures and stabilized areas identified in the SWPPP shall be observed to ensure they are operating correctly and in serviceable condition. Inspections shall include 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.

8. **SWPPP Review and Revisions**.

    a. The SWPPP 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 the SWPPP available upon request to the department, EPA, or, in the case of discharges to a municipal storm sewer system, the operator of the municipal system.

    c. The permittee shall amend the SWPPP whenever there is a change in design, construction, operation, maintenance, or BMPs. The SWPPP shall be amended if the plan is found to be ineffective in controlling pollutants present in stormwater. The SWPPP shall be amended as soon as practicable.

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 or agency.

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 of the pre-existing cover 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 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 remove all sediment from conveyances and temporary sedimentation basins that will be used as permanent water quality management basins. Sediment must be stabilized to prevent it from being washed into basins, 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 areas of the state where the average annual rainfall is less than 20 inches, all soil disturbing activities at the site have been completed and erosion control measures (e.g., degradable rolled erosion control product) and stabilization methods are selected, designed, and installed along with an appropriate seed base to provide erosion control for at least three years and achieve 70 percent of the pre-existing vegetative cover within three (3) years without active maintenance. Sites must meet the criteria outlined in items 1(a), (b), and (c) above.

3. Disturbed areas on land used for agricultural purposes that are restored to their pre-construction agricultural use are not subject to these final stabilization criteria. If the construction activity removed standing crop, the area must be restored in accordance with the landowner.

   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 use must meet the final stabilization criteria in (1) or (2) above.

4. For residential construction only, final stabilization may be achieved when soil is stabilized (see Appendix 1(A)(3)) and down gradient perimeter control for individual lots has been implemented 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 0.25 inches of rain per 24-hour period. Inspections are only required during normal working hours. The permittee shall use a rain gauge on-site or utilize the nearest National Weather Service precipitation gauge station. Rain gauge locations or stations must be representative of the site.

   a. “Within 24 hours after any storm event greater than 0.25 inches rain per 24-hour period” means that you are required to conduct an inspection within 24 hours once a storm event has produced 0.25 inches, even if the storm event is still continuing. If there is a storm event at your site that continues for multiple days, and each day of the storm produces 0.25 inches or more rain, you are required to conduct an inspection within 24 hours of the first day of the storm and within 24 hours after the end of the storm.

2. 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, site access constraints, etc., may prohibit inspections. The permittee must include a description of why the inspection(s) could not be performed at the designated time in the next inspection record. If an inspection is delayed due to adverse weather conditions or rain events outside normal working hours, an inspection must be conducted during the next working day, or as conditions allow.

3. 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. Erosion and sediment control measures which require more frequent inspection based on location or as a result of recurring maintenance issues must be identified in the SWPPP.

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

    a. Date and time of inspections;

    b. Name of person(s) conducting inspections;

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

    d. Date and amount of all rainfall events greater than 1/4 inch (0.25 inches) in 24 hours; and

    e. Documentation that the SWPPP has been amended when changes are made to BMPs in response to inspections.

    f. All inspection reports shall be signed in accordance with Part IV(A)(6) of this permit.

5. Corrective actions (maintenance activities) performed during construction must be recorded in writing and these records must be retained in accordance with Part III(B). Records for maintenance activity shall include:

    a. Best Management Practice corrected;

    b. Date and time of corrective action;

    c. Name of person(s) performing corrective actions;

    d. Corrective actions taken; and

    e. Corrective actions/maintenance records shall be signed in accordance with Part IV(A)(6) of this permit.

6. Completed areas that have been stabilized but do not meet the 70 percent 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 requirements of Part II(E) of this permit. The SWPPP must update to identify any areas which meet this condition.

7. Inspections 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. The permittee must record freeze/thaw and runoff dates as part of the inspection records.

B. Records Location

A copy of the completed and signed NOI, coverage letter from the department, SWPPP, site inspection records, and this general permit shall be kept at the site of the construction activity in a field office, trailer, 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; preferably with the individual responsible for overseeing the implementation of the SWPPP. Electronic copies of records are acceptable if the records can be accessed on-site. If the site is inactive, then the documents may be stored at a local office. Permittees should avoid using personal electronic devices for storing electronic records.

IV. STANDARD CONDITIONS

A. COMPLIANCE RESPONSIBILITIES BP 2014.12.08

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. Proper 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.

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

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:

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

b. 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 6. Signatory Requirements 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 this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

7. Twenty-four Hour Notice of Noncompliance Reporting

1. The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally as soon as possible, but no later than twenty-four (24) hours from the time the permittee first became aware of the circumstances. The following occurrences of noncompliance shall be included in the oral report to the department at 701.328.5210:

    a. Any lagoon cell overflow or any unanticipated bypass which exceeds any effluent limitation in the permit under 8. Bypass of Treatment Facilities;

    b. Any upset which exceeds any effluent limitation in the permit under 9. Upset Conditions; or

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

2. 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 **Part I(D) Application (Notice of Intent) Process**. 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

1. 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 under 7. Twenty-four Hour Notice of Noncompliance Reporting.

2. 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 under the 8(a). Anticipated Bypass subsection of this 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 erosion and sediment or site stabilization methods 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:

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

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

3. The permittee submitted notice of the upset as required under 7. Twenty-four Hour Notice of Noncompliance Reporting and

4. The permittee complied with any remedial measures required under 10. Duty to Mitigate.

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 or sludge use or disposal 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.

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. Inspection and 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 construction activity 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 Transfer/Modification request (Part I(F)) by the new party. 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, 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 Activity Not a Defense

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.

V. DEFINITIONS Permit Specific BP 2009.02.05

“303(d) List” or “Section 303(d) List” means a list of North Dakota’s water quality-limited waters needing total maximum daily loads or TMDLs developed to comply with section 303(d) 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.

“Bankfull” means the channel is filled to the top of one or both of its banks.

"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 construction 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 one (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.

“Indian Country” means (1) All land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservations; (2) All dependent Indian communities within the borders of the United States whether within the originally or subsequently acquired territory thereof, and whether within or without the limits of a state; and (3) All Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.

“Infeasible” means not technologically possible or not economically practicable and achievable in light of best industry practices.

“Immediately” means as soon as practicable, but no later than the end of the next work day, following the day when the earth-disturbing activities have temporarily or permanently ceased.

“Large Construction Activity” means land disturbance of equal to or greater than five (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, equipment wash down without detergents or hazardous cleaning products, uncontaminated foundation drains, springs, surface water, lawn watering, chemical treatment of stormwater 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 SWPPP. 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.

“Permanently Ceased” means clearing and excavation within any area of your construction site that will not include permanent structures has been completed.

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

"Severe Property Damage" means substantial physical damage to property, damage to best management practices 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 construction.

"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; 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, erosion control blanket, or other material that prevents erosion from occurring. Grass seeding alone is not stabilization. Snow cover and frozen ground conditions are not considered stabilized.

“Steep Slopes” means slopes which are fifteen (15) percent or greater in grade.

"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.

“Temporarily Ceased” means clearing, grading, and excavation within any area of the site that will not include permanent structures, will not resume (i.e., the land will be idle) for a period of 14 or more calendar days, but such activities will resume in the future.

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

"Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with permit requirements 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 erosion and sediment controls or site stabilization methods, inadequate erosion and sediment controls or site stabilization methods, 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 Requirements

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

A. Erosion and Sediment Control Practices

1. Sites using temporary (or permanent) sediment basins must meet the following requirements:

    a. Sediment basins shall be designed for a calculated volume of runoff from a 2-year, 24-hour storm per acre drained to the basin and provides not less than 1,800 cubic feet of sediment storage below the invert of the outlet pipe from each acre drained to the basin; or

    b. Basins shall be sized to provide 3,600 cubic feet of sediment storage below the invert of the outlet pipe per acre drained to the basin if calculations are not performed.

    c. Basin outlets must be designed to avoid short-circuiting and the discharge of floating debris. Basins must be designed with the ability to allow complete basin drawdown for maintenance activities. Basins must release the storage volume in at least 24 hours. Outlet structures must be designed to withdraw water from the surface, unless not practicable. If not practicable, rationale must be provided in the SWPPP. The basin must have a stabilized emergency overflow to prevent failure of pond integrity. Energy dissipation must be provided for the basin outlet.

2. Erosion, sediment, and stabilization practices shall be provided. Erosion, sediment and stabilization practices include such things as: silt fences, fiber logs, vegetative buffer strips, erosion control blankets, mulch, hydro-seeding combined with mulch or tackifiers, etc.

3. All exposed soil areas must be stabilized (see definitions). Stabilization must be initiated immediately where activities have been permanently or temporarily ceased on any portion of the site and will not resume for a period exceeding fourteen (14) calendar days. Stabilization must be completed as soon as practicable, but no later than fourteen (14) calendar days after the initiation of soil stabilization. Temporary stockpiles without significant silt, clay or organic components (e.g., clean aggregate stockpiles, demolition concrete stockpiles, sand stockpiles) are exempt from this requirement.

    a. For slopes with a grade of 3:1 or greater, stabilization must be initiated immediately once activities have been completed or temporarily ceased. Stabilization must be completed as soon as practicable, but no later than seven (7) calendar days after the initiation of soil stabilization.

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 linear feet from the property edge, or from the point of discharge to any surface water. Stabilization shall be completed prior to connection with a surface water. Any remaining portion of the temporary or permanent drainage ditch must be stabilized within fourteen (14) calendar days for portions which construction activities have temporarily or permanently ceased.

6. If stabilization requirements cannot be met due to circumstances beyond the control of the permittee, the permittee may comply with following:

    a. If vegetative stabilization is to be used, immediately initiate, and within 14 calendars days complete, the installation of temporary non-vegetated stabilization; or

    b. Complete all methods of initiating stabilization as soon as conditions or circumstances allow.

If any conditions in parts a or b above are encountered, the permittee must document the circumstances which prevented you from meeting the stabilization requirements in the SWPPP of this paragraph and provide a schedule in the SWPPP which will be followed in order to meet the stabilization requirements.

Permittees are responsible for implementing winter stabilization methods during frozen ground conditions if the site was not stabilized prior to the ground freezing.

7. Stream diversions or any temporary or permanent drainage ditch or trench, which will have continuous flow, shall be stabilized with appropriate controls prior to connection with any surface water. The entire area (channel and bank) of the stream diversion or temporary or permanent drainage ditch, or trench, must be appropriately stabilized to bankfull height.

8. While working in or around surface waters, sediment and erosion controls must be used above the anticipated level of the surface water. Floating silt curtain does not satisfy the down slope and side slope boundary requirements in Part II(C)(4)(b) of this permit, unless the construction activity is on or below the elevation of the surface water. The floating silt curtain must be placed as close to shore as possible. Sediment control must be installed where exposed soils drain to the surface water immediately after construction activity along the waterline has been completed.

9. Pipe and culvert outlets must be provided with energy dissipation within 24 hours of connection to a surface water.

10. Splash pads and/or downspout extensions must be provided for roof drains to prevent erosion from roof runoff.

11. All storm drain inlets in the immediate vicinity of the construction site must be protected by appropriate BMPs during construction until all disturbed areas and stockpiles with the potential to discharge 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.

12. Inlet protection devices are a last line of control – erosion and sediment 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 adequate drainage 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 SWPPP. In this situation, additional erosion and sediment control practices, or stabilization methods must be used to supplement the loss of the inlet protection device to prevent sediment from entering the storm sewer system.

13. Vegetated buffers must have a minimum width of 1 foot for every 5 feet of disturbed area that drains to the buffer. The width of the buffer shall have a slope of 5 percent or less and the area draining to the buffer shall have a slope of 6 percent 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 percent of the buffer. Woody vegetation shall not be counted for the 90 percent coverage. No more than 10 percent of the overall buffer may be comprised of woody vegetation.

14. A 50 foot natural buffer or equivalent erosion and sediment controls must be provided when a project is within 50 feet of a surface water and stormwater flows to the surface water. If equivalent erosion and sediment controls are used, rationale for using equivalent controls must be provided in the SWPPP.

If working within 100 feet of a surface water listed as impaired for sediment, suspended solids or turbidity, a 100 foot natural buffer or equivalent sediment and erosion controls must be provided. If equivalent erosion and sediment controls are to be used, rationale for using equivalent controls must be provided in the SWPPP.

15. If the permittee(s) intend to use chemical treatment for sediment removal, they must be used in accordance with the manufacturer's specifications. Treatment chemicals must be selected appropriately for the anticipated soil particle size and characteristics of the stormwater (pH, turbidity, flow rate of stormwater flowing into the chemical treatment system, etc.). A description of the chemical treatment process must be included in the SWPPP.

    a. To ensure selection and management of chemicals minimize the potential for harmful effects in the discharge, the permittee shall provide a written request to the department for review and approval. Additional monitoring and reporting may be required as a condition for the approval to discharge.

       A request to discharge chemically treated water shall include all of the following information and be provided sixty (60) days prior to use:

       i. Material Safety Data Sheet/Safety Data Sheet (MSDS/SDS);
       ii. Proposed water additive discharge concentration;
       iii. Discharge frequency (i.e., number of hours per day and number of days per year);
       iv. Monitoring point for product discharge;
       v. Type of removal treatment, if any, that the water additive receives prior to discharge;
       vi. Product function (e.g., coagulant, flocculant, etc.);
       vii. A 48-hour LC_{50} or EC_{50} for a North American freshwater planktonic crustacean (*Ceriodaphnia* sp., *Daphnia* sp., or *Simocephalus* sp.); and
       viii. Results for a toxicity test for one other North American freshwater aquatic species (other than a planktonic crustacean).

    b. Discharges from the chemical treatment of stormwater must not cause a violation of the standards of quality for waters of the state (N.D.A.C. § 33-16-02.1). The discharge must meet the dewatering or basin draining requirements provided in Part II(C)(3)(g) of this permit.

16. Minimize the duration of exposed soils on steep slopes.

B. Maintenance Requirements 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, maintained or supplemented with functional BMPs. If a nonfunctioning BMP is supplemented, the nonfunctional BMP shall be removed. Corrective actions must be made prior to the next anticipated rainfall event or within 24 hours of discovery (whichever comes first), or as soon as field conditions allow access. Documentation must be provided in the maintenance records if field conditions do not allow access along with a plan of action for performing maintenance activities.

   Permittee(s) must investigate and comply with the following inspection and maintenance requirements:

   a. All control devices similar to, and including, silt fence or fiber rolls must be repaired, replaced, maintained or supplemented when they become nonfunctional (torn from posts, visible tears, etc.). Collected sediment must be removed as it approaches 1/2 of the above ground capacity of the control device.

   b. Fiber rolls must be replaced when 1/2 of the original above ground height of the device when it was installed has been lost as a result of flattening or other damage.

c. 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. Documentation must be provided in the maintenance records if field conditions do not allow access along with a plan of action for performing maintenance activities.

d. Maintenance and cleaning of inlet protection devices must be performed when sediment accumulates, the filter becomes clogged, and/or performance is compromised.

2. Surface waters, including drainage ditches and conveyance systems, must be inspected for evidence of sediment deposited by erosion. Permittees must remove all deltas and sediment deposits in surface waters, drainage ways, catch basins, and other drainage systems. Areas where sediment removal results in exposed soil must be stabilized. Removal and stabilization must take place immediately, but no more than, seven (7) calendar days after the discovery unless precluded by legal, regulatory or physical access constraints. Permittees 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. Permittees are responsible for contacting all local, regional, state, and federal authorities, and receiving any applicable permits prior to conducting any work.

3. 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. Permittees are 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.

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

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 event 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 within 24 hours of discovery, or as soon as conditions allow access. Documentation must be provided in the maintenance records if field conditions do not allow access along with a plan of action for performing maintenance activities.

C. Operational Controls

1. Properly handle construction debris and waste materials.

   a. Debris and waste must be handled appropriately until disposal. Litter and debris shall be collected and stored to reduce the potential for wind and water to carry the materials off-site or leachate discharging from a site. Collected material shall be taken to the appropriate facility for disposal or recycling.

   b. 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 liquid or soluble material must be in compliance with applicable regulations.

2. Wash water containments must be cleaned out (solids and liquid) before 80 percent of storage capacity is attained.

3. Best management practices used in surface waters must be cleaned immediately upon removal from surface waters to prevent the transfer of aquatic nuisance species.

APPENDIX B

Montana General Permit for Stormwater Discharges Associated with Construction Activities (MTR100000)

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GENERAL PERMIT
FOR
STORM WATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITY

PERMIT NUMBER MTR100000

MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY

AUTHORIZATION TO DISCHARGE UNDER
THE MONTANA POLLUTANT DISCHARGE ELIMINATION SYSTEM (MPDES)

In compliance with Section 75-5-101 *et seq.,* Montana Code Annotated (MCA); Administrative Rules of Montana (ARM) 17.30.1101; 17.30.1301 *et seq.; and ARM* 17.30.601 *et seq.,* owners and operators (permittees) with authorization under this *General Permit for Storm Water Discharges Associated with Construction Activity* are permitted to discharge storm water resulting from construction activities as described in Section 1.1 of this Permit and subject to effluent limitations, monitoring requirements, and other conditions set forth herein.

This Permit shall become effective January 1, 2018.

This Permit and the authorization to discharge shall expire at midnight, December 31, 2022.

FOR THE MONTANA DEPARTMENT
OF ENVIRONMENTAL QUALITY

Jon Kenning, Chief
Water Protection Bureau

Issuance Date: July 18, 2017

Contents

1. Coverage Under This Permit

1.1. Eligibility

1.1.1. Construction Activities Covered

This Permit applies to all areas of the State of Montana, except for lands within the external boundaries of Indian Reservations. This permit applies to "storm water discharge associated with construction activity," as defined in Part 5 of this permit.

A "storm water discharge associated with construction activity" regulated under this permit occurs when both of the following two criteria are met:

- There are areas of ground disturbance or other potential pollutant sources due to the construction activity where a storm water discharge to state surface waters can occur; and
- The construction activity disturbs through clearing, excavating, grading, or placement/removal of earth material a total area equal to or greater than one acre. The "total area" must include all areas which are part of a "larger common plan of development or sale", as defined in Part 5 of this permit.

Determination of the acreage of disturbance does not typically include disturbance for routine maintenance activities on existing roads where the line and grade or hydrologic capacity of the road is not being altered, nor does it include the paving of existing roads.

In determining the occurrence or potential occurrence of a "storm water discharge associated with construction activity" based on the acreage of ground disturbance and discharge potential to state surface waters, the permittee must consider the following additional factors:

- All potential drainage/discharge conditions and flow patterns, and their variation during the different phases of the construction activity;
- All potential rainfall or snowmelt events and their unpredictability over time (such as experiencing a relatively higher rainfall or snowmelt amount in a relatively shorter time period);
- Support activities for the construction project which may be on or off the conventional construction project "site" (as defined in Part 5 of this permit);
- Storm water discharges must typically be regulated beyond the conventional construction earthwork and building phases, lasting from the initiation of construction-related ground disturbance to "final stabilization" (as defined in Part 5 of this permit) of that disturbance, which can sometimes take significant extra time to achieve; and
- Storm water which discharges into a drain inlet and/or storm sewer system from the site is regulated as a discharge to state surface waters if the inlet or system ultimately discharges into a state surface water.

Support activities can include, but are not limited to, areas used for access-related work, earth material borrow areas, equipment staging areas, materials storage areas, temporary concrete or asphalt batch plants, and any areas used for fill placement. For storm water discharges from support activities to be covered under this permit for a particular construction activity permit authorization, such support activities must:

- Not be part of a larger commercial operation serving multiple unrelated construction activities, and not continue operation beyond the completion of the permittees construction activity; and
- Have appropriate controls and measures identified for the particular support activity, including required documentation, in the Storm Water Pollution Prevention Plan (SWPPP) required in Part 3 of this permit.

1.1.2. Allowable Storm Water Discharges

Unless otherwise made ineligible through the provisions in Part 1.1.4. below, the following discharges are eligible for coverage under this permit:

- Storm water discharges associated with construction activity as defined in Part 5 of this permit; and
- Storm water discharges to impaired waterbodies that are consistent with approved TMDLs and assigned WLAs, and the additional requirements within this permit.

1.1.3. Allowable Non-Storm Water Discharges

The following are non-storm water discharges allowed under this permit:

- Uncontaminated condensate from air conditioners, coolers, and other compressors and from the outside storage of refrigerated gases or liquids;
- Irrigation drainage;
- Landscape watering provided all pesticides, herbicides, and fertilizer have been applied in accordance with the approved labeling;
- Pavement wash waters where no detergents are used and no spills or leaks of toxic or hazardous materials have occurred (unless all spilled material has been removed);
- Routine external building wash down that does not use detergents;
- Uncontaminated ground water or spring water;
- Water used to control dust;
- Discharges from emergency fire-fighting activities;
- Foundation or footing drains where flows are not contaminated with process materials; and
- Incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of the facility, but not intentional discharges from the cooling tower (e.g., "piped" cooling tower blowdown or drains).

1.1.4. Limitations on Coverage

The following discharges are not eligible for coverage under this permit:

- Storm water discharges that are mixed with non-storm water, other than those non-storm water discharges listed in Part 1.1.3.;
- Prohibited discharges as listed in Part 2.1.6.;
- Discharges of construction dewatering effluent to state surface waters requiring authorization under the MPDES "General Permit for Construction Dewatering";
- Storm water discharges to impaired waterbodies that are inconsistent with approved TMDLs and assigned WLAs, and the additional requirements with this permit;
- Storm water discharges to waterbodies that are inconsistent with additional Department requirements, on a case-by-case basis; or
- Discharges which the Department determines have a reasonable potential to cause, or contribute to, an exceedance of any applicable water quality standard, and/or the Department has determined coverage under a MPDES Individual Permit is required.

Coverage does not relieve the permittee from any other statute, regulation, permits, or other regulatory requirements for activities occurring within the project area.

The Department may deny coverage for storm water discharges citing that the permittee appears unable to comply with the one or more of the following requirements:

- Effluent standards, effluent limitations, standards of performance for new sources of pollutants, toxic effluent standards and prohibitions, and pretreatment standards;
- Water quality standards established pursuant to 75-5-301, MCA;

- Prohibition of discharge of any radiological, chemical, or biological warfare agent or high-level radioactive waste;
- Prohibition of any discharges to which the regional administrator has objected in writing;
- Prohibition of any discharge which is in conflict with a plan or amendment thereto approved pursuant to section 208(b) of the Act;
- Any additional requirements that the Department determines are necessary to carry out the provisions of 75-5-101, et seq., MCA; and
- A point source is a new source or a new discharge and the discharge from its construction or operation will cause or contribute to a violation of water quality standards (ARM 17.30.1311(7)).

In addition, the Department may deny coverage for the following reasons:

- The storm water discharge is different in degree or nature from discharges reasonably expected from sources or activities within the category described in this MPDES General Permit (including pollutants from process wastewater streams).
- The MPDES permit authorization for the same operation has previously been denied or revoked.
- The discharge sought to be authorized under the 2017 General Permit is also included within an application or is subject to review under the Major Facility Siting Act, 75-20-101, et seq., MCA.
- The point source is, or will be, located in an area of unique ecological or recreational significance. Such determination must be based upon considerations of Montana stream classifications adopted under 75-5-301, MCA, impacts on fishery resources, local conditions at proposed discharge sites, and designations of wilderness areas under 16 USC 1132 or of wild and scenic rivers under 16 USC 1274.

1.2. Authorization under this Permit

An "owner or operator" of a "storm water discharge associated with construction activity" is required to obtain authorization under an MPDES permit. "Owner or operator" means a person who owns, leases, operates, controls, or supervises a point source. All construction activities that disturb and are part of a larger common plan of development or sale are subject to permit coverage.

In this permit, the "owner or operator" is also identified as the "permittee".

A Notice of Intent (NOI) process is used for an owner or operator to obtain authorization to discharge under this permit. Through the submittal of a NOI, the owner or operator acknowledges eligibility for coverage under this permit and agrees to comply with the effluent limits and conditions of this permit. Authorization is effective upon the date of receipt of the complete NOI Package by the Department. A copy of the completed NOI Package must be maintained for the permittee's records. The NOI Package, as outlined below, shall be completed and submitted to:

Montana Department of Environmental Quality
Water Protection Bureau
P.O. Box 200901
Helena, MT 59620-0901

1.2.1. New Authorizations (Not Previously Authorized)

Owners or operators can obtain first-time coverage under this permit by submitting a complete Notice of Intent (NOI-SWC) Package to the Department.

The NOI-SWC Package must consist of:

- A completed NOI-SWC form using the standard NOI form provided by the Department;
- A separate SWPPP, including all associated maps, diagrams, details, and plans, which has been completed in accordance with the requirements identified in Part 3 of this permit;
- A copy of the consultation letter from the Montana Sage Grouse Habitat Conservation Program (if applicable); and
- The appropriate "application fee" for the NOI-SWC.

1.2.2. Continuing Authorizations Under the 2013 General Permit

Permittees requiring continued authorization beyond the December 31, 2017, expiration date, must submit a complete NOI-SWC package to the Department for coverage under the reissued 2018-2022 General Permit.

The NOI-SWC Package must consist of:

- A completed renewal NOI-SWC form using the standard NOI-SWC form provided by the Department;
- A separate SWPPP, including all associated maps, diagrams, details, and plans, which has been completed in accordance with the requirements identified in Part 3 of this permit;
- A copy of the consultation letter from the Montana Sage Grouse Habitat Conservation Program (if applicable); and
- The appropriate "application fee" for the NOI-SWC.

1.2.3. Public Sign or Other Notice Requirement (Effective January 1, 2021)

This requirement is effective January 1, 2021, in order to provide additional time for the regulated community to comply. The permittee must post a sign or other form of notice to publically display confirmation of coverage under this General Permit. The sign or other notice must be positioned in a safe, accessible location in close proximity to the regulated construction activities and visible from the nearest road. At a minimum the sign or other notice must include:

- Large, readable font;
- The MPDES authorization number or a copy of the confirmation letter;
- The statement "Request project information from Montana DEQ Water Protection Bureau at (406) 444-3080"; and
- The statement "File a report at: http://deq.mt.gov/DEQAdmin/ENF/Spill".

1.2.4. Modification to NOI-SWCs

Modification requests to current authorizations (including decreased or increased disturbance area) submitted within six months of the date of the coverage under this Permit are processed with the corresponding fee. If the request is submitted six months after the date of coverage under this Permit, the modification will be processed with the corresponding new "application fee" for the NOI-SWC.

A permittee may not request to add additional construction-related disturbance area(s) unless the new additional construction-related disturbance is directly contiguous to and directly associated with the original site, except for support activities.

The NOI-SWC Package must consist of:

- A completed NOI-SWC form using the standard NOI-SWC form provided by the Department with Modification checked in Section A;
- A separate SWPPP, including all associated maps, diagrams, details, plans, and records, updated in accordance with the requirements identified in Part 3 of this permit;
- A copy of the consultation letter from the Montana Sage Grouse Habitat Conservation Program (see below for applicability); and
- The appropriate "application fee".

Sage Grouse Consultation Requirements for Modifications to NOIs- If the project is within designated sage grouse habitat, any modification due to a change in disturbed acreage requires verification from the Montana Sage Grouse Habitat Conservation Program that may require a consultation letter and/or updates to a consultation letter. If the modification request is outside of sage grouse habitat, no consultation is required. See NOI-SWC form and attached instructions.

1.2.5. Resubmittal and Administrative Processing

The Department may request a resubmittal of a NOI-SWC, SWPPP, any required records, and any associated fees. Administrative processing fees may be assessed for Department reviews.

1.3. Transfer of Coverage under this Permit

The Department has a Permit Transfer Notification form (PTN-SWC). Permittees must use the PTN-SWC to transfer ownership or change the name of the entity that holds an authorization under this permit with the corresponding fee. The PTN-SWC must be submitted at least 30 days before the effective date of the proposed transfer and constitutes written notice to the Department under the Montana Water Quality Act that the new "owner or operator" assumes responsibility and liability for all the terms and conditions, including permit fees. This PTN-SWC form may not be used to transfer coverage to a new or different construction site, activity or location. Until the Department determines the submitted PTN-SWC form and the transfer to the new "owner or operator" is complete, the "owner or operator" of record remains responsible for compliance with the terms of the authorization under this Permit, including fees and/or violations.

1.4. Termination of Coverage under This Permit

Permittees may terminate coverage under this Permit after achieving of "final stabilization" for a construction site as defined in Part 5. of this Permit. In addition to achieving final stabilization, the permittee must also:

- Remove temporary storm water conveyances/channels and other temporary storm water control measures and/or BMPs
- Remove construction equipment and vehicles, and
- Cease all potential pollutant-generating activities due to the construction activity.

The permittee must submit the standard Department Notice of Termination (NOT-SWC) form to terminate coverage under this Permit. The NOT-SWC form must be signed by an authorized signatory and submitted to the Department.

Coverage under the permit remains in effect until the Department processes a NOT-SWC form. The permittee is responsible for payment of annual fees for each calendar year covered under the permit. Failure to submit a NOT-SWC will result in accrual of annual permit fees. The permittee is responsible for complying with the terms of this permit until notified by the Department that the authorization is terminated.

If an individual MPDES permit is issued to an owner or operator for discharges which would otherwise be subject to this permit, coverage under this Permit is terminated on the effective date of the individual MPDES permit.

1.5. Storm Water Rainfall Erosivity Waiver Form

Owners or operators of construction activities with less than five total acres of ground disturbance may use a "Storm Water Rainfall Erosivity Waiver Form" instead of obtaining coverage under this General Permit.

Submittal of a waiver certification is an optional alternative to obtaining permit coverage for discharges of storm water associated with small construction activity. If you submit a waiver request and the associated fee, your project is not waived until approval by the Department and the Department issues an approval letter.

Any discharge of storm water associated with small construction activity not covered by either this General Permit or a waiver may be considered an unpermitted discharge under the Montana Water Quality Act. The Department reserves the right to take enforcement for any unpermitted discharges that occur between the time construction commenced and either General Permit authorization is granted or a complete and accurate waiver certification is submitted and approved. The Department may notify any operator covered by a waiver that they must obtain General Permit coverage. Any member of the public may petition the Department to take action under this provision by submitting written notice along with supporting justification.

2. Effluent Limitations, Monitoring, and Reporting Requirements

2.1. Technology-Based Effluent Limitations

Technology based effluent limits must be achieved through the good engineering selection and design, implementation, installation, and maintenance of Best Management Practices (BMPs) for all authorized storm water discharges associated with construction activities. To meet this requirement, the permittee must comply with all conditions in Part 2.1. of this Permit, and any other state or local requirements, regardless of stringency. All BMPs must be documented in the SWPPP, site map(s), and/or inspection records. If alternative controls are utilized, documentation must be included to confirm impracticability and that the chosen measure achieves comparable criteria.

At a minimum, the permittee must achieve the following in all BMPs:

2.1.1. Erosion and Sediment Controls

a. Control Storm Water Volume and Velocity to minimize soil erosion, to include:
   i. Select and design BMPs that address the amount, frequency, intensity, and total duration of precipitation; quantity and quality of storm water runoff including peak flow rates and total storm water volume; soil characteristics for the construction project area(s) including the range of the soil particle sizes expected to be present on the site; and timeframes the construction project will be completed;
   ii. Implement and install all BMPs in accordance with good engineering practices and design specifications;
   iii. Complete implementation and installation of BMPs before or at the start of each major construction activity;
   iv. Minimize erosion within the construction project area;
   v. Divert storm water runoff from disturbed areas to sediment removal BMPs;
   vi. Minimize sediment discharges from the construction project area; and
   vii. Maintain BMPs in effective operating condition.

b. Control Storm Water Discharges, to include:
   i. Minimize erosion at outlets and conveyance channels; and therefore, protecting downstream properties and waterways by controlling volume and velocity within the construction project area;
   ii. Protect all storm drain inlets (to include offsite inlets which receive and carry storm water flow from your site to a state surface water, provided you have the authority to access the storm drain inlet);
   iii. Manage and minimize vehicle / equipment entrances and exits to the construction project area;
   iv. Stabilize ditches, swales, channels, and outlets;
   v. Construct storm water retention and detention facilities during initial site grading activities;
   vi. Provide surface outlets for retention and detention facilities for active construction, and discharge the highest quality water from the facility; and
   vii. Protect infiltration facilities from sedimentation during active construction.

c. Minimize Soil Disturbance, to include:
   i. Limit areas of disturbance and soil exposure; and
   ii. Provide a natural buffer within the construction project area.

d. Minimize the Disturbance of Steep Slopes of 15% or greater, to include:
   i. Design and construct cut-and-fill slopes to minimize erosion;
   ii. Divert off site storm water or ground water away from slopes and disturbed areas; and
   iii. Prevent storm water run on from impacting sediment removal BMPs.

e. Maintain Natural Buffers around State Surface Waters, to include:
   i. Maintain natural buffers around state waters; and
   ii. Direct storm water runoff to vegetated areas.

f. Minimize Soil Compaction and Preservation of Topsoil, to include:
   i. Mark and maintain clearing limits before disturbing soils and during construction activities; and
   ii. Preserve topsoil.

2.1.2. Soil Stabilization

a. Temporary Soil Stabilization, to include:
   i. Stabilize disturbed areas immediately for any portion of the construction project that will remain inactive for 14 or more calendar days with erosion control BMPs.
b. Final Stabilization, to include:
   ii. Stabilize disturbed areas within any portion of the project that have completed clearing, grading, excavation, or other earth disturbing activities with erosion control BMPs.

2.1.3. Dewatering

a. Control ground water, surface water, and/or accumulated storm water dewatering activities to prevent discharges to state waters; and
b. Obtain authorization under the Construction Dewatering General Permit or an individual permit prior to discharge of dewatering effluent to state surface waters.

2.1.4. Pollution Prevention Measures

a. Implement pollution prevention measures that effectively manage and dispose of all pollutants in a way that does not cause contamination of storm water, to include:
   i. Provide cover, containment, and protection for all chemicals, liquids, petroleum products, and construction materials, products, and wastes;
   ii. Use spill prevention and control measures for vehicle maintenance and fueling;
   iii. Maintain appropriate spill kits; clean up spills and leaks immediately; and report appropriate quantities in accordance with Part 4. of the permit;
   iv. Prevent discharge of equipment wash water and clean-out wastes, and designate these activities away from and state waters and their conveyances;
   v. Apply fertilizers and herbicides per manufacturers' requirements; and
   vi. Prevent discharges of concrete products.

2.1.5. Surface Outlets

When discharging from basins and impoundments, outlet structures must be utilized that withdraw water from the surface, unless infeasible, to discharge the highest quality water from the facility.

2.1.6. Prohibited Discharges

The following discharges are prohibited:

   i. Wastewater from washout of concrete;
   ii. Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials;
   iii. Fuels, oils, or other potential pollutants used in vehicle and equipment operation and maintenance;
   iv. Soaps or solvents used in vehicle and equipment washing or external building wash down;
   v. Storm water discharges of disturbed, contaminated soils; and
   vi. Toxic or hazardous substances from a spill or other release including the disturbance and/or removal of contaminated soils.

2.2. Water Quality-Based Effluent Limitations

2.2.1. Water Quality Standards

Storm water discharges regulated under this permit must be controlled as necessary to meet applicable numeric and narrative water quality standards. A storm water discharge associated with construction activity may not cause or contribute to an exceedance of applicable water quality standards.

If at any time the permittee becomes aware, or the Department determines, that a storm water discharge causes or contributes to an exceedance of applicable water quality standards, the permittee must take corrective action as required in Part 2.4 of this permit. Additionally, the Department may require the permittee to obtain coverage under an individual permit, if information indicates the discharges are not controlled as necessary to meet applicable water quality standards.

2.2.2. Storm Water Discharges to Impaired Waterbodies

The permittee must identify if storm water discharges from their construction activity will discharge to impaired waterbodies. Information on impaired waterbodies may be obtained from the Department or from the Montana DEQ Clean Water Act Information Center website. The permittee must consider all impairments and the presence of the corresponding pollutants of concern in their proposed discharges. Storm water-related pollutants contributing to impairments generally include sediment, suspended solids and turbidity, and any secondary sources of pollutants based on construction materials and support activities. Discharges of the pollutants of concern to impaired waterbodies are eligible for coverage under this General Permit if consistent with approved TMDLs and assigned WLAs, and the requirements outlined below.

a. Discharges to an Impaired Waterbodies with No Approved TMDL

   For regulated storm water discharges associated with construction activity under this permit, the SWPPP must include a section that describes BMPs that target and reduce any discharges of the identified pollutants of concern to the corresponding impaired waterbodies. Under this subsection of the General Permit, the permittee need only to include the identified pollutants of concern in its SWPPP if the waterbodies are listed as impaired for such pollutants.

b. Discharges to an Impaired Waterbodies with an Approved TMDL

   For regulated storm water discharges associated with construction activity, the SWPPP must include a section that describes BMPs that target and reduce any discharges of the identified pollutants of concern to the corresponding impaired waterbodies. Under this subsection of the General Permit, the permittee need only include the identified pollutants of concern in its SWPPP if the waterbodies are listed as impaired for such pollutants. The section submitted by the permittee must ensure that all discharges are consistent with the assumptions of any applicable TMDL wasteload allocation. All EPA approved TMDL wasteload allocations applicable to MPDES-regulated storm water construction activities are incorporated by reference into this permit.

Permittees will be informed if any additional controls are necessary for discharges to protect beneficial uses or to be consistent that the assumptions of any available TMDL wasteload allocation. Such additional controls must be identified within the permittees SWPPP. In certain cases the Department may find coverage under an MPDES individual permit necessary.

2.3. Inspections

2.3.1. Person(s) Responsible for Conducting and Documenting Inspections

Inspections must be performed by a SWPPP Administrator as defined in Part 3.2. of this permit.

2.3.2. Frequency of Inspections

Inspections must be performed in accordance with one of the two schedules listed in Parts 2.3.3. or 2.3.4. unless the construction site or areas of the construction site meet the conditions of the inspection schedule defined in Part 2.3.5. Inspections must be conducted during the construction project's normal business hours. The inspection schedule must be documented in the SWPPP. Any changes to the inspection schedule must be documented in the SWPPP or corresponding inspection report.

2.3.3. Weekly Routine Inspections

A SWPPP Administrator must, at a minimum, conduct a routine inspection at least once every 7 calendar days. Any changes to the inspection schedule, even during periods of noncompliance, must be documented in the SWPPP or corresponding inspection report.

2.3.4. Biweekly Routine and Post-Storm Event Inspections

A SWPPP Administrator must, at a minimum, conduct a routine inspection at least once every 14 calendar days, and a post-storm event inspection within 24-hours of the end of a rainfall event of 0.25 inches or greater, and/or within 24-hours of runoff from snowmelt (ie any measurable snowmelt resulting in a discharge). To determine if a rainfall storm event of 0.25 inches or greater, has occurred on site, either properly maintain a rain gage on site or obtain the storm event information from a weather service representative of your location. For any day of rainfall 0.25 inches or greater, record the method of rainfall determination and the total rainfall measured that day. If an inspection is conducted for a post-storm event, this inspection can be used as a biweekly routine inspection, but the biweekly routine inspections must commence again no later than 14 calendar days after the last post-storm event inspection. Any changes to the inspection schedule, even during periods of noncompliance, must be documented in the SWPPP or corresponding inspection report.

2.3.5. Reductions in Inspection Frequency

The inspection schedules in Parts 2.3.3. and 2.3.4. may be temporarily reduced to a routine inspection once every 30 calendar days if one of the following conditions is met:

a. All construction activities at the site are temporarily inactive or shutdown and all areas of disturbance have achieved "temporary stabilization" as defined in Part 5 of this permit;
b. Earthwork and construction activities are completed at the site, and erosion and sediment controls are implemented or installed to establish final stabilization;
c. Reduction applicable to any portion of the project is temporarily inactive or shutdown and these portions have achieved "temporary stabilization" as defined in Part 5 of this permit; and
d. Reduction applicable to any portion of the project that is completed and erosion and sediment controls are implemented or installed to establish final stabilization.

Any reduction in the inspection schedule must be documented in the SWPPP or corresponding inspection report. Specific requirements for conditions "c "and "d" above: these portions of the construction project must be identified on the site map(s). Specific requirements for conditions "a" thru "d" above: all BMPs must be in place as identified in the SWPPP and/or inspection report, and site map(s).

2.3.6. Severe Winter Conditions Delay

If an inspection is not possible due to (1) remote site access and (2) severe winter conditions, a delayed inspection may occur. Documentation of the cause of the delayed inspection must be included in the corresponding inspection report and SWPPP, accordingly. A substitute inspection will be performed to compensate for the delayed inspection and follow requirements in accordance with Part 2.3.7. Inspections must resume as soon as the site is accessible. Delays are self-determined on a case-by-case basis with appropriate documentation, and determination is subject to review during a Department compliance evaluation inspection.

2.3.7. Inspection Requirements

Inspections conducted under Parts 2.3.3., 2.3.4., and 2.3.5. of this permit must comply with the inspection requirements in Part 2.3.7.

The following areas must be inspected at a minimum:

a. All areas disturbed by the construction activity;
b. All pollutant sources generated by the construction activity;
c. Material and waste storage areas exposed to rainfall or snowmelt;
d. Support activities exposed to rainfall or snowmelt;
e. Entrance and exit locations to the construction activity;
f. Site perimeter;
g. All areas where storm water flows onto and within the construction project area; and
h. Discharge locations and if impaired waterbodies were impacted.

At a minimum, the inspection report must include:

- The MPDES Permit Authorization Number;
- The inspection date and time;
- Name(s) of the SWPPP Administrator(s) completing the inspection;
- Weather conditions at the time of the inspection;
- The type of inspection based on Parts 2.3.3., 2.3.4., 2.3.5., and 2.3.6.;
- Changes in the inspection schedule;
- Major construction activities at the time of the inspection;
- Pollutant sources present at the time of the inspection;
- BMPs implemented or installed at the time of the inspection;
- BMPs Maintenance and Corrective Actions including:
    - BMPs requiring maintenance;
    - Corrective actions per Part 2.4.
- Description of corrective actions taken for the items identified above, including the dates for the corrective action(s) were completed;
- Discharges of sediment or other pollutants;
- Instances of noncompliance; and
- Certification and signature.

Inspection reports must be signed and certified by a SWPPP Administrator based on the requirements in Part 4.15. of this permit. Inspection records must be maintained as required by Part 2.5. of this permit. Maintenance, repair, replacement, or installation of new BMPs determined necessary during site inspections to address ineffective or inadequate BMPs must be conducted in accordance with Part 2.3.8. of this permit.

2.3.8. BMP Maintenance, Replacement, and Failures

All BMPs must be maintained in effective operating condition. If inspections identify BMPs that are not in effective operating condition, maintenance must be documented and performed by the close of the next business day. If this timeframe is infeasible, document rationale and provide a schedule of events with a maintenance timeframe making BMPs operational within seven (7) calendar days.

If new or replacement BMPs are required to be implemented or installed or if additional BMPs are necessary, these additional measures must be implemented or installed by no later than seven (7) calendar days from the time of discovery. If this timeframe is infeasible, document rationale and provide a schedule of events with a timeframe making BMPs operational as soon as feasible after the 7-day timeframe.

All changes in the design, implementation, or installation of erosion and sediment controls or other BMPs must be documented in the inspection report and site map(s). In addition, these changes can be updated to the SWPPP for the permittee to maintain consistency with their internal records.

2.4. Corrective Actions

Corrective actions are actions a SWPPP Administrator takes to:

- Repair, modify, or replace any BMP used at the site;
- Install new or additional BMPs;
- Immediately clean up, dispose of, and, under Part 4, report spills, releases, and other deposits; and
- Remedy a permit violation or noncompliance.

If any of the following conditions occur, a SWPPP Administrator must review and revise the selection, design, installation, implementation, and maintenance of BMPs to ensure the condition is eliminated and will not be repeated in the future:

- An unauthorized release or discharge (e.g., spill, leak, or discharge of non-storm water not authorized by this or another MPDES permit) occurs at the site;
- A SWPPP Administrator or the Department determines that the BMPs are not adequate enough for the discharge as it causes or contributes to an exceedance of applicable water quality standards;
- A SWPPP Administrator or the Department determines that modifications to the BMPs are necessary to meet the requirements in Part 2. of this permit;
- A SWPPP Administrator or the Department determines that the BMPs are not properly selected, designed, installed, operated, and/or maintained; or
- A failure of erosion or sediment controls resulting in sediment, solids, or other wastes being discharged from the site. Upon identification of sediment, solids, or other wastes lost or discharged from the site, the material must be cleaned up and placed back on site, or otherwise disposed of in an acceptable manner.

A SWPPP Administrator must document the completed corrective actions in the corresponding inspection report, and complete any updates to the site map(s). In addition, these changes can be updated in the SWPPP for the permittee to maintain consistency with their internal records.

2.5. Recordkeeping

At the identified site, the primary SWPPP Administrator must retain:

- a copy of this permit;
- a copy of the completed and signed NOI form including modification submittals;
- a copy of the Department's confirmation letter;
- a copy of the signed SWPPP, including revisions and updates, and attachments;
- BMP installation, design, and maintenance specifications/standards for all BMPs installed and detailed in the SWPPP and/or inspection records;
- Site map(s) reflecting up-to-date site conditions
- SWPPP Administrator and Preparer documentation under Part 3.2. of this permit;
- all inspection records required under Part 2.3., 2.4., 3.11., and 3.12. of this permit;
- all reports of noncompliance under Part 4 of this permit; and
- the Sage Grouse consultation letter, as applicable.

These documents are to be made available at the site immediately upon request from a Department representative, EPA official, or local official. These records are to be maintained by the permittee for a period of three years.

2.6. Reporting

2.6.1. Notification of Primary SWPPP Administrator Changes

The permittee must notify the Department in writing of any change of the SWPPP Administrator person/position, mailing address, and/or telephone number within 15 calendar days of change. Notification can be submitted through Attachment A or written authorization.

2.6.2. Noncompliance Reporting

Any instance of noncompliance must be reported to the Department as required by Part 4.23. of the permit.

3. Storm Water Pollution Prevention Plan (SWPPP)

3.1. SWPPP – General Requirements

3.1.1. The SWPPP is a document that must be developed and implemented in accordance with good engineering selection and design, hydrologic principles, and pollution control practices to minimize and control potential pollutants in storm water associated with construction activity.

3.1.2. The SWPPP must meet the following minimum objectives:

- Provide a site description of the nature of the construction activity that includes identification and details of the major construction activities and project area characteristics;
- Identify and describe all potential pollutant sources which may affect the quality of storm water discharges associated with the construction activity;
- Identify and describe the BMPs to be used to reduce potential pollutants in storm water discharges associated with the construction activity and to ensure compliance with the effluent limitations in this permit;
- Identify and describe the measures which will be used to achieve final stabilization; and
- Identify and clearly describe the inspection and maintenance procedures implemented at the site to maintain all erosion and sediment control and other BMPs identified in the SWPPP, in good and effective operating condition.

3.1.3. At a minimum, the SWPPP must include the information specified in Part 3. and as specified in other parts of this permit.

3.1.4. The SWPPP must be implemented as stated in the Primary SWPPP Administrator's up-to-date field copy. SWPPP implementation must initiate at the start of ground disturbance associated with the construction activity, and continue until final stabilization of all construction activity-related ground disturbance is achieved and permit coverage has been terminated. The SWPPP must be maintained to reflect up-to-date site conditions through documented revisions and updates. Inspection reports, logs, and the site map may supplement the SWPPP to reflect the most up-to-date site conditions. Refer to Part 3.12.2. for Revision and Update Options.

3.1.5. If a SWPPP was prepared under a previous version of this General Permit, it must be reviewed and updated in accordance with Part 1.2.2.

3.2. SWPPP Preparer and Administrator

Any SWPPP Preparer and Administrator are required to maintain a valid certification meeting the minimum requirements below.

3.2.1. SWPPP Preparer (Effective January 1, 2019)

The permittee must specify a SWPPP Preparer in the NOI form and the SWPPP. A SWPPP Preparer is an individual or position title who is responsible for planning and development of the SWPPP prior to submission of the NOI-SWC. The SWPPP Preparer must develop and document all aspects of the SWPPP, initiating with the start of construction activities, and lasting until final stabilization is achieved and the permit authorization is terminated. The Department has identified the minimum requirements for this role (below), so that the quality of storm water discharges is controlled and the effluent limitations in Part 2. of this permit are achieved.

The SWPPP Preparer minimum requirements and valid certification must be completed before the submittal of the NOI-SWC Package to the Department. Validation of certification will be determined at the time a NOI-SWC package is submitted and/or during a regulatory inspection. Valid certification demonstrating the minimum requirements for the SWPPP Preparer must be maintained with the SWPPP, and must include the following:

- Name(s), title(s), phone number, and emails of SWPPP Preparers; and
- Date and name of provider of course(s).

SWPPP Preparer minimum requirements as stated in Part 3.2.3. are effective January 1, 2019, in order to provide additional time for the regulated community to comply with the minimum requirements. The Department encourages SWPPP Preparers to obtain valid certification as soon as possible during this first year period of the permit in order to better ensure compliance with the other conditions in this permit. This one year extension of SWPPP Preparer minimum requirements does not apply to the compliance expectations for all other requirements in the permit, which remain fully enforceable for the entire effective permit cycle.

3.2.2. SWPPP Administrator

The permittee must specify a SWPPP Administrator and any other designated SWPPP Administrators in the NOI-SWC form and the SWPPP. Additional SWPPP Administrators can be identified in Attachment A. A SWPPP Administrator(s) is an individual or position title who is responsible for developing, implementing, maintaining, revising, and updating the SWPPP. The SWPPP Administrator(s) must address all aspects of the SWPPP, initiating with the start of construction activities, and lasting until final stabilization is achieved and the permit authorization is terminated.

The SWPPP Administrator(s) must have knowledge of the principles and practices of erosion and sediment controls and pollution prevention practices and possess the skills necessary to assess site conditions and determine the effectiveness of selected BMPs. The Department has identified the requirements for this role (below), so that the quality of storm water discharges is controlled and the effluent limitations in Part 2. of this permit are complied with.

The SWPPP Administrator(s) must meet the duly authorized representative requirements as defined in Part 4.18. of this permit to sign inspection reports and other reports.

The SWPPP Administrator(s) person(s)/position(s) provided on the NOI form is used by the Department as a permittee contact.

This SWPPP Administrator(s) minimum requirements and valid certification must be completed before the start of earth-disturbing activities or potential pollutant-generating activities, whichever occurs first. For new employees hired after this time, the minimum requirements and valid certification must be completed before assuming SWPPP Administrator responsibilities. Validation of certification will be determined during an inspection. Valid certification demonstrating the minimum requirements for the SWPPP Administrator(s) must be maintained with the SWPPP, and must include the following:

- Name(s), title(s), phone number, and emails of SWPPP Administrator(s); and
- Date and name of provider of course(s).

3.2.3. SWPPP Preparer and Administrator – Minimum Requirements

The SWPPP Preparer and Administrator(s) must be knowledgeable and skilled within the following concepts to serve their role and maintain a valid certification demonstrating these concepts:

- MPDES permitting requirements to include, but not limited to, applicability, application procedures, SWPPP elements, standard conditions, and termination conditions;
- Local permitting requirements;
- Sage Grouse requirements based on location of the project;
- Knowledge of the principles and practices of erosion and sediment controls and pollution prevention practices, including the minimum criteria for BMPs defined in Part 2.1. of this permit;

- Construction site assessment and planning skills to include knowledge and identification of major construction activities and the phases of construction activities and all support activities, and the potential pollutants generated based on the scope of the project;
- Development, selection, and implementation skills for all storm water controls and BMPs on the site, including final stabilization measures, required by this permit based on appropriate design, installation, function, and location; and how they are to be maintained and/or repaired according to developed and/or manufacturers plans and specifications;
- Development, selection, and implementation skills for pollution prevention controls and BMPs required by this permit;
- Development and implementation skills for procedures and associated documentation for all inspections, maintenance, and required recordkeeping to include when and how to conduct inspections, record applicable findings, take corrective actions, and, when appropriate, report violations and/or noncompliance; and
- Ability to develop and update the site map(s) required by this permit.

3.3. Site Description

The SWPPP must contain a narrative description of the following:

3.3.1. The nature of the construction activity and what is being constructed;

3.3.2. A description of all support activities and associated storm water discharges dedicated to the construction activity including but not limited to: material borrow areas, material fill areas, concrete or asphalt batch plants, equipment staging areas, access roads/corridors, material storage areas, and material crushing/recycling/processing areas;

3.3.3. The total area of the site (in acres), and the area of the site (in acres) expected to undergo construction-related disturbance (including all construction-related support activities);

3.3.4. A description of the character and erodibility of soil(s) and other earth material to be disturbed at the site, including cut/fill material to be used;

3.3.5. For a storm water discharge associated with construction activity with construction-related disturbance of five acres or more of total land area:

- an estimate of the runoff coefficient of the site, both before and after construction, including a description of what this is based on; and
- an estimate of the increase in impervious area after the construction activity is completed;

3.3.6. The names of receiving state surface waters and a description of the size (drainage area), type, and location of each point source discharge or outfall with connectivity. Identify if the receiving state surface water is listed as impaired. If there is no distinguishable point source discharge or outfall to the receiving state surface waters, a description of storm water runoff flow and drainage patterns into the receiving state surface waters must be provided. This must specify if discharges are to unnamed drainages and provide the name of the first named drainage that will receive that discharge downgradient of the site. If the discharge is to a municipal separate storm sewer, the location of the MS4 outlet where the storm sewer discharges into receiving state surface waters; and

3.3.7. Provide a brief description of the existing natural cover and vegetation at the site and an estimate of the percent density of vegetative ground cover.

3.4. Identification of Potential Pollutant Sources

All potential pollutant sources, including soils, materials, and activities, within the scope of the entire construction project must be evaluated for the potential to contribute pollutants to storm water discharges. The SWPPP must identify those sources determined to have the potential to contribute pollutants to storm water discharges, and these sources must be controlled through BMP selection and implementation, as required in Part 3.5. below.

The permittee must identify all potential pollutant sources within lists provided for soils, materials, and activities within the SWPPP. In addition, the permittee must identify and list the following:

- Other potential pollutant sources from soils, activities, and materials not already identified the SWPPP;
- Other non-storm water discharges if present; and
- Any additional potential pollutant sources.

3.5. Selection of Best Management Practices (BMPs)

The SWPPP must document the selection of BMPs based on the potential pollutant sources identified in Part 3.4. above that have been installed and implemented at the site to achieve the effluent limits in Parts 2.1. and 2.2. of this permit. BMP design, installation, implementation, and maintenance specifications for the BMPs identified in the SWPPP must be maintained on-site. These sources must be kept up to date and accessible upon request. Any departures from the specifications must reflect good engineering practices and must be documented in the SWPPP or corresponding inspection reports.

The permittee must identify all selected BMPs within the SWPPP including:

- Erosion Control BMPs;
- Sediment Control BMPs;
- Run On/Runoff Control BMPs;
- Administrative Controls; and
- Post Construction Controls.

In addition, the permittee must select and list the following:

- Other additional BMPs not already identified in the SWPPP and likely to be used at the construction project;
- Local Sediment and Erosion Controls including a description of requirements;
- BMPs that target and reduce discharges of the identified pollutants of impairment to impaired waterbodies as required under Part 2.2. of this permit; and
- Sage Grouse controls (The consultation letter attached to the SWPPP will meet the requirements for this section in Part 2.5.).

3.6. Dewatering

Discharges of ground water, surface water, and/or accumulated storm water due to dewatering practices which will not discharge to state surface waters must be managed by appropriate BMPs, and these must be identified in the SWPPP. These dewatering practices and BMPs must be identified on the site map required under Part 3.10. of this permit. Discharges of ground water, surface water, and/or accumulated storm water due to dewatering practices which will discharge to state surface waters are not authorized under this permit and must obtain authorization under the MPDES "General Permit for Construction Dewatering"(CDGP), Permit Number MTG070000, as applicable, or an individual permit. The CDGP applies to discharges to include in-stream dewatering, surface area dewatering, and ground water dewatering (See Construction Dewatering definition in Part 5). These dewatering practices and BMPs must be identified in the SWPPP, and identified on the site map required under Part 3.10. of this permit.

3.7. Major Construction Activity and BMP Phasing

The SWPPP must identify the major construction activities, provide a list of all the construction related tasks to complete each major construction activity, and identify an estimated timeframe of initiation and completion of each major construction activity. A distinct major construction activity is defined as any distinct construction related disturbance or distinct pollutant generating activity that occurs within the schedule of activities associated with the construction project. The construction related tasks of each major construction activity are the series of steps necessary to the complete the major construction activity.

The SWPPP must clearly document the selected BMPs throughout the succession of major construction activities until the site reaches final stabilization. The SWPPP may include a table for the permittee to document their project's major construction activities and BMP Phasing. Inspection reports will supplement the SWPPP to reflect the most up-to-date site conditions.

3.8. Final Stabilization

The SWPPP must clearly describe all procedures and BMPs used to ensure that "final stabilization," as defined in Part 5. of this permit and ARM 17.30.1102(5), is achieved.

For all areas with construction-related ground disturbance, final stabilization must be achieved uniformly over the entire disturbed area, without relatively bare areas based on the pre-disturbance conditions. If using seed or planted vegetation to achieve final stabilization, the plants must be perennial. Before submitting the NOT form to terminate coverage under this permit and in addition to achieving final stabilization, the following must have also occurred:

- removal of temporary storm water conveyances/channels and other temporary storm water control measures and/or BMPs
- removal of construction equipment and vehicles, and
- cessation of any potential pollutant-generating activities due to the construction activity.

3.9. Post-Construction Storm Water Management

The SWPPP must clearly describe any BMPs which are to be used to control storm water and potential pollutants in storm water discharges that will occur after construction operations have been completed at the site, including any applicable local requirements. If a temporary BMP transitions into a post-construction BMP, the SWPPP must clearly describe this transition and any associated maintenance. In addition, for post-construction storm water management at constructed/developed sites, the Department supports the use of "Low Impact Development" (LID) and "Green Infrastructure" BMPs, where such practices are practicable, that infiltrate, evapotranspire, or capture for reuse the storm water runoff generated from the majority of expected storm events.

3.10. Site Map

The SWPPP must include one or a series of legible site maps/plans of sufficient scale and size which clearly display site conditions. Multiple site maps/plans are encouraged for clarity as necessary.

At a minimum, the SWPPP site maps/plans must include the following:

3.10.1. Site boundaries to include the perimeter of common plans of development;

3.10.2. Locations and types of all dedicated construction activity support areas (including off-site) such as access-related work, earth material borrow areas, equipment staging areas, materials storage areas, temporary concrete or asphalt batch plants, and any areas used for fill placement;

3.10.3. Locations where ground-disturbing activities will occur, noting any BMP phasing of major construction activities;

3.10.4. Preconstruction topography of the site including showing state surface waters which will receive storm water runoff from the site. Identify if the receiving state surface water is listed as impaired;

3.10.5. Drainage pattern(s) and flow directions (use arrows) of storm water and authorized non-storm water flow onto, over, and from the site property before and after major grading activities, including lines showing boundaries between different drainage areas;

3.10.6. Storm water, and allowable non-storm water discharge locations and types, including the locations of any storm drain inlets and where storm water or allowable non-storm water will be discharged to state surface waters;

3.10.7. Municipal separate storm sewer systems to include the identification of applicable outlets, where the construction activity's storm water discharges are into them;

3.10.8. Locations and sources of run-on to the site from adjacent property that may contain potential pollutants (including sediment);

3.10.9. Locations of areas of cut and fill;

3.10.10. Locations of areas which are to remain undisturbed including vegetative buffer areas;

3.10.11. Locations of existing natural cover and vegetation or other pre-existing ground stabilization measures before construction (such as forest, pasture, lawn, pavement, structures);

3.10.12. Approximate slopes before and after major grading activities. Note areas of steep slopes both before and after grading;

3.10.13. Locations where sediment, soil, or other construction and building materials will be stockpiled;

3.10.14. Locations of fueling, vehicle and equipment maintenance, and/or vehicle cleaning and washing areas;

3.10.15. Locations of concrete washout and other waste management areas;

3.10.16. Locations of ground water or other construction dewatering activities and discharges (see Part 3.7.9. of this permit);

3.10.17. Designated points on the site where vehicles will exit onto paved roads;

3.10.18. Locations of other potential pollutant-generating activities not specified elsewhere;

3.10.19. Locations of all structural and non-structural BMPs for potential pollutants other than sediment;

3.10.20. Locations and specific types of all temporary or permanent erosion and sediment control BMPs;

3.10.21. Locations and specific types of all storm water control BMPs, including impoundments or conveyances such as retention and detention ponds, ditches, pipes, and swales;

3.10.22. Locations of structures and other impervious surfaces upon completion of construction;

3.10.23. Public Sign (Effective January 1, 2021);

3.10.24. Map scale;

3.10.25. North arrow; and

3.10.26. Map legend.

3.11. Inspection and BMP Maintenance Procedures

The permittee must identify the selected inspection schedule (Part 2.3.2.) within the SWPPP. The SWPPP must identify and clearly describe the inspection and maintenance procedures implemented at the site to maintain all erosion and sediment controls and other BMPs identified in the SWPPP, in good and effective operating condition. These documented procedures must comply with the inspection requirements in Part 2.3. of this permit and correspond with BMP maintenance specifications (also refer to Parts 2.3.8., 2.4., 3.5., and 3.9. of the permit for related BMP maintenance requirements).

3.12. SWPPP Revisions and Updates

The permittee must maintain the SWPPP and site map. Also, see Parts 2.3. and 2.4. of this permit.

3.12.1. Conditions that trigger revisions and updates are outlined below:

a. When there is a change in design, construction, operation, or maintenance of the site, which would require the implementation of new, additional, or revised BMPs; or
b. If the SWPPP proves to be ineffective in achieving the general objectives of controlling potential pollutants in storm water discharges associated with construction activity; or
c. The Department determines that the BMPs are not properly selected, designed, installed, operated, and/or maintained; or
d. When BMPs are no longer necessary and are removed.

3.12.2. Revision and Update Options

The permittee must select one of three options below to document how revisions and updates to the SWPPP will be maintained to reflect the most up-to date site conditions. Inspection reports may be used to supplement the SWPPP to reflect revisions and updates. Subsequently, the site map must reflect any revisions or updates to the SWPPP or from corresponding inspection reports. Revisions and updates must be made before changes in the site conditions except for BMP changes addressing installation/implementation and these specific revisions and updates will be made as soon as practicable, but in no case more than 72 hours after the changes occur at the site.

a. Revisions and updates directly to the SWPPP and corresponding sections (i.e. additional SWPPP pages attached to include the time, date, and SWPPP Administrator authorizing the change), and the site map; or
b. Revisions and updates reflected through inspection records, and the site map; or
c. Revisions and updates reflected through a log, and the site map. Log entries must include the time and date of the change(s) in the field; an identification of the BMP(s) removed or added; the location(s) of those BMP(s); and the name of the SWPPP Administrator authorizing the change.

4. Standard Conditions

4.1. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Montana Water Quality Act and is grounds for enforcement action; for termination under the General Permit; for revocation and reissuance of a confirmation letter; for a modification requirement; or for denial of coverage under the General Permit (new or renewed). The permittee shall give the Department advance notice of any planned changes at the permitted facility or of an activity which may result in permit noncompliance.

4.2. Penalties for Violations of Permit Conditions

The Montana Water Quality Act at MCA 75-5-631 provides that in an action initiated by the Department to collect civil penalties against a person who is found to have violated a permit condition of this Act is subject to a civil penalty not to exceed $25,000. Each day of violation constitutes a separate violation.

The Montana Water Quality Act at MCA 75-5-632 provides that any person who willingly or negligently violates a prohibition or permit condition of the Act is guilty of an offense, and upon conviction, is subject to a fine not to exceed $25,000 per day of violation or imprisonment for not more than one year, or both, for the first conviction. Following an initial conviction, any subsequent convictions subject a person to a fine of up to $50,000 per day of violation or by imprisonment for not more than two years, or both.

The Montana Water Quality Act at MCA 75-5-611 provides for administrative penalties not to exceed $10,000 for each day of violation and up to a maximum not to exceed $100,000 for any related series of violations. Except as provided in permit conditions "Bypass of Treatment Facilities" and "Upset Conditions", nothing in this permit shall be construed to relieve the permittee of the civil or criminal penalties for noncompliance.

4.3. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The reapplication must be submitted at least 30 days before the expiration date of this permit.

4.4. Need to Halt or Reduce Activity not a Defense

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.

4.5 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.

4.6. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

4.7. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause. 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.

4.8. Property Rights

The issuance of this permit does not convey any property rights of any sort, or any exclusive privilege.

4.9. 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.

4.10. Inspection and Entry

The permittee shall allow the head of the Department, or an authorized representative upon the presentation of credentials and other documents as may be required by law, to:

- Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and as otherwise authorized by the Montana Water Quality Act, any substances or parameters at any location; and
- Sample, or monitor at reasonable times for the purpose of assuring permit compliance, any substances or parameters at any location.

4.11. 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. As required by the Clean Water Act, applications, permits and effluent data shall not be considered confidential.

4.12. Reporting Requirements- Monitoring and Monitoring Reports

The Department may require a permittee to monitor in addition to any conditions in this permit, on a case-by-case basis. If monitoring is required, the Department will specify monitoring requirements to include, and not limited to, storm water sampling, analytical testing, and an evaluation of monitoring results, recording, and reporting. Monitoring results must be reported on a discharge monitoring report (DMR) or as required by the Department. Monitoring results must be reported at the intervals specified.

If the permittee monitors any pollutant more frequently than required, using approved test procedures, the results of this monitoring must be included in the calculation and reporting of data submitted in the DMR. Calculations for all limitations which require averaging of measurements must utilize an arithmetic mean unless otherwise specified by the Department.

4.13. Monitoring and Records- Representative Sampling

Samples and measurements taken for the purpose of monitoring must be representative of the monitored activity.

4.14. Monitoring and Records- Retention of Records

The permittee shall retain records of all monitoring information including all calibrations and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample, measurement, report, or application. This period may be extended by request of the Department at any time.

4.15. Monitoring and Records- Records Content

Records of monitoring information must include:

- The date, exact place, and time of sampling or measurements;
- The individual(s) who performed the sampling or measurements;
- The date(s) analyses were performed;
- The individual(s) who performed the analyses;
- The analytical techniques or methods used; and
- The results of such analyses.

4.16. Monitoring and Records- Test Procedures

Monitoring must be conducted according to test procedures approved under Title 40 of the Code of Federal regulations (40 CFR) Part 136, unless other test procedures have been specified in this permit, confirmation letter, or by the Department.

4.17. Monitoring and Records-Penalties for Falsification of Reports and Tampering

The Montana Water Quality Act at MCA 75-5-633 provides that any person who knowingly falsifies, tampers with, or renders inaccurate any monitoring device or method, or makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction be punished by a fine of not more than $25,000 per violation, or by imprisonment for not more than six months per violation, or by both.

4.18. Signatory Requirements

Authorized representatives: All applications, reports or information submitted to the Department or the EPA shall be signed and certified in accordance with ARM 17.30.1323.

All permit notices of intent shall be signed as follows:

- For a corporation: by a principal executive officer or ranking elected official;
- For a partnership or sole proprietorship: by a general partner or the proprietor, respectively;
- For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official.

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 considered a duly authorized representative only if:

- The authorization is made in writing by a person described above and submitted to the Department; and
- The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. A duly authorized representative may thus be either a named individual or an individual occupying a named position.

Changes to authorization: If an authorization described above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, 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.

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

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of

my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

4.19. Reporting Requirements - Planned Changes

The permittee shall give notice to the Department as soon as possible of any planned physical alterations or additions to the permitted facility, activity, or operation.

Notice is required only when:

- The alteration or addition to the permitted facility, activity, or operation may meet one of the criteria for determining whether a facility is a new source; or
- The alteration or addition could significantly change the nature or increase the quantity of pollutant discharged. This notification applies to pollutants which are not subject to effluent limitations in the permit.

4.20. Reporting Requirements- Anticipated Noncompliance

The permittee shall give advance notice to the Department of any planned changes in the permitted facility/activity/operation which may result in noncompliance with permit requirements. The permittee shall notify as soon as possible by phone and provide with the following information, in writing, within five (5) days of becoming aware of such condition:

- A description of the discharge and cause of noncompliance; and
- The period of noncompliance including exact dates and times, or if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate and prevent recurrence of the non-complying discharge.

4.21. Reporting Requirements- Transfers

Permit coverage is not transferable to any person except after notice is given to the Department and a transfer fee is paid. The Permit Transfer Notification (PTN-SWC) form provided by the Department must be completed and must be received by the Department at least 30 days prior to the anticipated date of transfer. The form must be signed by both the existing owner/operator and the new owner/operator following the signatory requirements of Part 4.18 of the General Permit.

4.22. Reporting Requirements- Compliance Schedules

Reports of compliance or noncompliance with, or any progress reports on, interim, and final requirements contained in any compliance schedule of this permit or required by the Department shall be submitted no later than 14 days following each schedule date.

4.23. Reporting Requirements- Twenty-four Hour Reporting

The permittee shall report any serious incident of noncompliance affecting the environment. Any information must be provided orally within 24 hours from the time the permittee first becomes aware of the following circumstances:

- Any noncompliance which may seriously endanger health or the environment;
- Any unanticipated bypass which exceeds any effluent limitation in the permit;
- Any upset which exceeds any effluent limitation in the permit; or
- As applicable, violation of a maximum daily discharge limit of any pollutant listed by the Department in the General Permit or confirmation letter.

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

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

Oral Notification: The report shall be made orally to the Water Protection Bureau at (406) 444-3080 or the Office of Disaster and Emergency Services at (406) 324-4777.

Waiver of written notification requirement: 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 Water Protection Bureau, by phone, (406) 444-3080. Written reports shall be submitted to the following address:

Montana Department of Environmental Quality
Water Protection Bureau
PO Box 200901
Helena, Montana 59620-0901

4.24. Reporting Requirements- Other Noncompliance

Instances of noncompliance not required to be reported within 24 hours shall be reported as soon as possible. The reports shall contain the information listed above for written submissions under Part 4.23.

4.25. Reporting Requirements- Other Information

Where the permittee becomes aware that it failed to submit any relevant facts in a permit application package, or submitted incorrect information in a permit application package or any report to the Department, it shall promptly submit such facts or information.

4.26. Bypass

Intentional diversions of untreated waste streams from any portion of a treatment facility are prohibited unless

- the bypass does not cause effluent to exceed effluent limitations and is necessary for essential maintenance to ensure efficient operation; or
- the bypass is unavoidable to prevent loss of life, personal injury, or severe property damage; or
- there are no feasible alternatives;
- and the proper notification is submitted.

Bypass is prohibited and the Department may take enforcement action against a permittee for a bypass. If the permittee knows in advance of the need for anticipated bypass, it shall submit prior notice, if possible, at least ten days before the date of the bypass. The Department may approve an anticipated bypass, after considering its adverse effects. The permittee shall submit notice of an unanticipated bypass as required under Part 4.23.

4.27. Upset Conditions

An upset may be used as an affirmative defense in actions brought to the permittee for noncompliance with a technology-based effluent limitation. The permittee (who has the burden of proof) must have operational logs or other evidence showing:

- when the upset occurred and its causes;
- that the facility was being operated properly;
- proper notification was made; and
- remedial measures were taken as required by the duty to mitigate standard condition.

4.28. Fees

The permittee is required to submit payment of an annual fee as set forth in ARM 17.30.201. If the permittee fails to pay the annual fee within 90 days after the due date for the payment, the Department may:

- Impose an additional assessment computed at the rate established under ARM 17.30.201: and,
- Suspend the processing of the application for a permit or authorization or, if the nonpayment involves an annual permit fee, suspend the permit, certificate or authorization for which the fee is required. The Department may lift suspension at any time up to one year after the suspension occurs if the holder has paid all outstanding fees, including all penalties, assessments and interest imposed under this sub-section. Suspensions are limited to one year, after which the permit will be terminated.

4.29. Removed Substances

Collected screenings, grit, solids, sludges, or other pollutants removed in the course of treatment shall be disposed of in such a manner so as to prevent any pollutant from entering any waters of the state or creating a health hazard.

4.30. 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 Clean Water Act.

4.31. 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.

4.32. Reopener Provisions

This permit may be reopened and modified (following proper administrative procedures) to include the appropriate effluent limitations (and compliance schedule, if necessary), or other appropriate requirements if one or more of the following events occurs:

- Water Quality Standards: The water quality standards of the receiving water(s) to which the permittee discharges are modified in such a manner as to require different permit conditions than contained in this permit.

- Water Quality Standards are Exceeded: If it is found that water quality standards or trigger values in the receiving stream are exceeded either for parameters included in the permit or others, the Department may modify the permit conditions or water management plan.

- TMDL or Wasteload Allocation: TMDL requirements or a wasteload allocation is developed and approved by the Department and/or EPA for incorporation in this permit.

- Water Quality Management Plan: A revision to the current water quality management plan is approved and adopted which calls for different effluent limitations than contained in this permit.

4.33. Toxic Pollutants

The permittee shall comply with effluent standards or prohibitions established for toxic pollutants which are present in the discharge, within any specified timeframe within rule or thereof, and even if the General Permit or confirmation letter has not yet been modified to incorporate such standard or prohibition for the toxic pollutant.

5. General Definitions and Abbreviations

The following definitions and abbreviations apply to terms used in this permit.

"Act" means the Montana Water Quality Act, Title 75, chapter 5, MCA.

"Best Management Practices" ("BMPs") means schedule of activities, prohibition of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of state surface waters. 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.

"Board" means the Montana Board of Environmental Review established by 2-15-3502, MCA.

"CFR" means the Code of Federal Regulations.

"Clean Water Act" means the federal legislation at 33 USC 1251, et seq.

"Construction Dewatering" means the action of pumping or actively removing ground water, surface water, and/or accumulated storm water from a construction site or other related activities. MPDES "General Permit for Construction Dewatering" applies to the discharge of construction dewatering effluent to state surface water, with increased sediment and turbidity as the primary pollutants of concern, to include:

- *In-stream dewatering*: cofferdams, drill hole or pylon development;
- *Surface area dewatering*: water pumped from disturbed surface areas (foundations, trenches, excavation pits, vaults, sumps, or other similar points of accumulation associated with a construction site or related activities where sediment-laden ground water, surface water, and/or storm water inflow must be removed); and
- *Ground water dewatering*: water discharged from well development, well pump tests, or pumping of ground water from a construction site or other related activities.

"Department" means the Montana Department of Environmental Quality. Established by 2-15- 3501, MCA.

"Disturbance" related to construction activity means areas that are subject to clearing, excavating, grading, stockpiling earth materials, and placement/removal of earth material performed during construction projects.

"Ephemeral stream" means a stream or part of a stream that flows only in direct response to precipitation in the immediate watershed or in response to the melting of a cover of snow and ice and whose channel bottom is always above the local water table.

"EPA" or "USEPA" means the United States Environmental Protection Agency.

"Facility or activity" means any MPDES point source or any other facility or activity (including land or appurtenances thereto) that is subject to regulation under the MPDES program.

"Final stabilization" means the time at which all soil-disturbing activities at the site have been completed, and a vegetative cover has been established with a density of at least 70% of the pre-disturbance levels, or equivalent permanent, physical erosion reduction methods have been employed. Final stabilization using vegetation must be accomplished using seeding mixtures or forbs, grasses, and shrubs that are adapted to the conditions of the site. Establishment of a vegetative cover capable of providing erosion control equivalent to pre-existing conditions at the site will be considered final stabilization.

"General Permit" means an MPDES permit issued under ARM 17.30.1341 authorizing a category of discharges under the Act within a geographical area.

"Larger common plan of development or sale" means a contiguous area where multiple separate and distinct construction activities are planned to occur at different times on different schedules under one plan. These separate and distinct construction activities which form a larger common plan of development or sale may have areas of disturbance which are not physically connected.

"Montana pollutant discharge elimination system (MPDES)" means the system developed by the Board and Department for issuing permits for the discharge of pollutants from point sources into state surface waters. The MPDES is specifically designed to be compatible with the federal NPDES program established and administered by the EPA.

"Owner or operator" is defined at 75-5-103, MCA.
"Point source" means a discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel, or other floating craft, from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.

"Pollutant" means dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural wastes discharged into water. The terms "sewage," "industrial waste," and "other wastes" as defined in 75-5-103, MCA, are interpreted as having the same meaning as pollutant.

"Process Wastewater" means any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product.

"Receiving state surface waters" is the river, stream, lake, etc., which receives the discharge from the site.

"Regional Administrator" is the administrator of the EPA Region with jurisdiction over federal water pollution control activities in the State of Montana.

"Runoff coefficient" means the fraction of total rainfall that will appear at the conveyance as runoff.

"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.

"Site" means the land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity.

"State waters" is defined at 75-5-103, MCA.

"Storm water" means storm water runoff from precipitation, snowmelt runoff, and surface runoff and drainage.

"Storm water discharge associated with construction activity" means a discharge of storm water from construction activities including clearing, grading, and excavation that result in the disturbance of equal to or greater than one acre of total land area. For purposes of these rules, construction activities include clearing, grading, excavation, stockpiling earth materials, and other placement or removal of earth material performed during construction projects. Construction activity includes the disturbance of less than one acre

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 one acre or more.

- Regardless of the acreage of disturbance resulting from a construction activity, this definition includes any other discharges from construction activity designated by the department pursuant to ARM 17.30.1105(1)(f).
- For construction activities that result in disturbance of less than five acres of total land area, the acreage of disturbance does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility.
- For construction activities that result in disturbance of five acres or more of total land area, this definition includes those requirements and clarifications stated in ARM 17.30.1102(29)(a), (b), (d) and (e).

"Storm Water Pollution Prevention Plan (SWPPP)" means a document developed to help identify sources of pollution potentially affecting the quality of storm water discharges associated with a facility or activity, and to ensure implementation of measures to minimize and control pollutants in storm water discharges associated with a facility or activity. The Department determines specific requirements and information to be included in a SWPPP based on the type and characteristics of a facility or activity, and on the respective MPDES permit requirements.

"Surface waters" means any waters on the earth's surface, including but not limited to streams, lakes, ponds, and reservoirs; and irrigation and drainage systems. Water bodies used solely for treating, transporting, or impounding pollutants shall not be considered surface water.

"Temporary Stabilization" means a condition where exposed soils or disturbed areas are provided a temporary vegetative and/or non-vegetative protective cover to prevent erosion and sediment loss. Temporary stabilization may include temporary seeding, geotextiles, mulches, and other techniques to reduce or eliminate erosion until either final stabilization can be achieved or until further construction activities take place to re-disturb this area.

"Total maximum daily load" or "TMDL" is defined at 75-5-103, MCA.

"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.

"Waste load allocation" means the portion of a receiving water's loading capacity that is allocated to one of its existing or future point sources.

"Waste pile" means any non-containerized accumulation of solid, non-flowing waste that is used for treatment or storage.

APPENDIX C

Construction Mitigation and Restoration Plan and Construction Typicals

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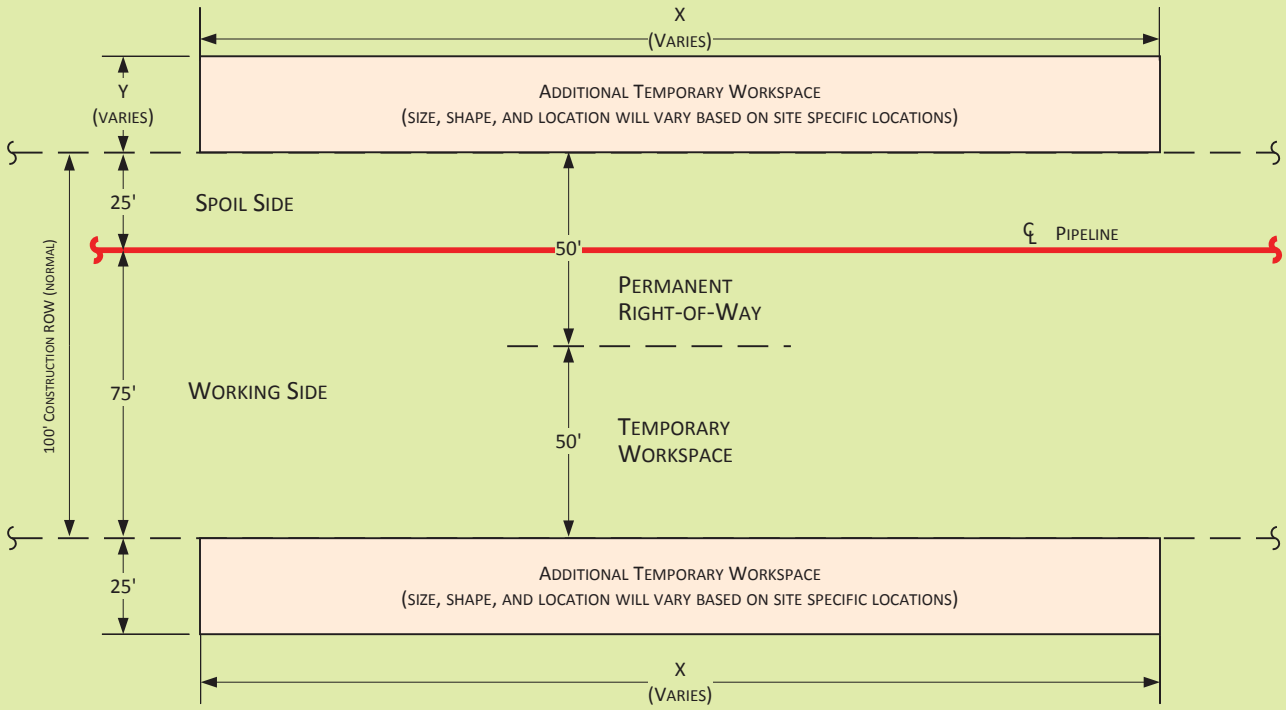


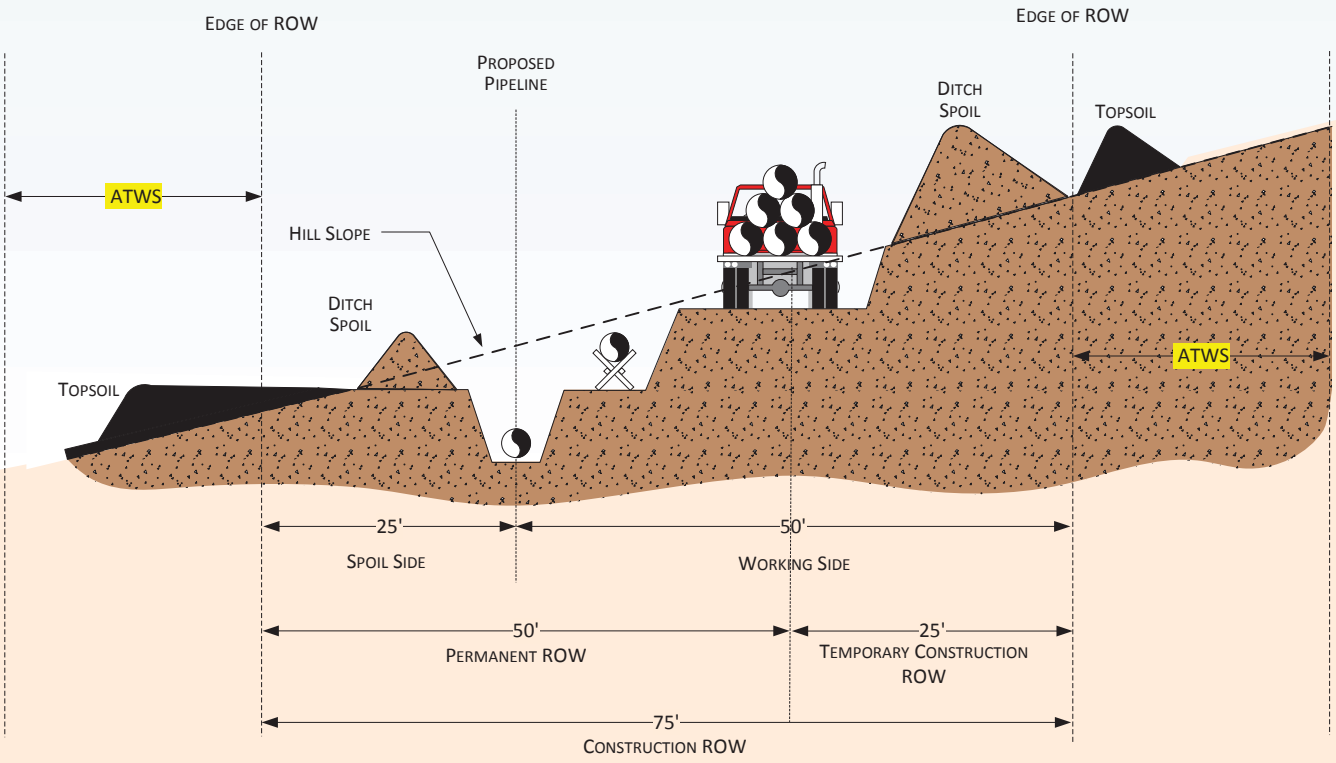
For environmental review purposes only.

ONEOK

Figure 1
Typical Construction Layout

ERM

		Scale: NTS	Revised: 8/20/2018	Drawn By: GIS



NOTES:

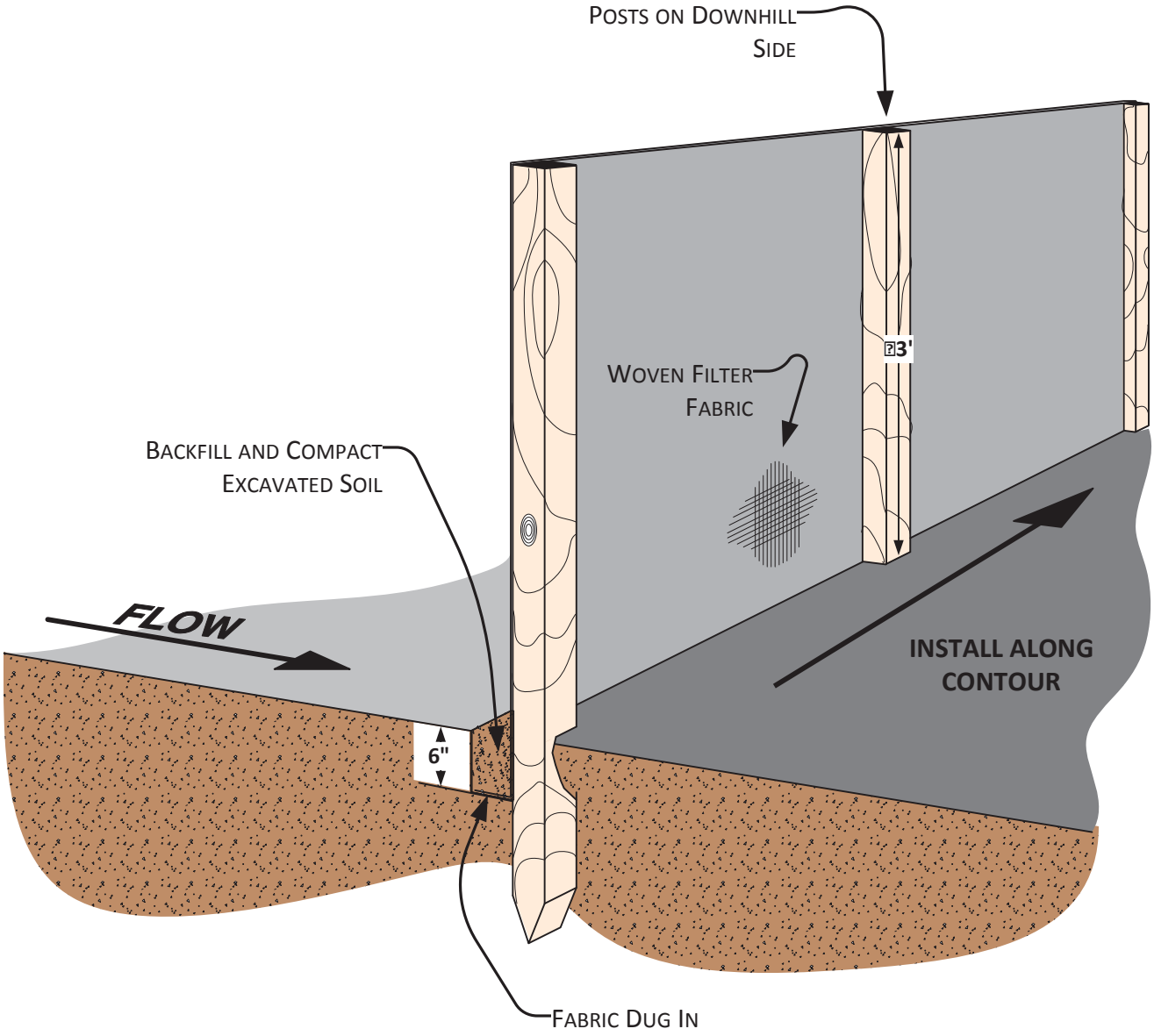
1. GRADE TO BE RESTORED AS NEAR AS PRACTICABLE TO PRECONSTRUCTION CONDITIONS DURING RESTORATION.

For environmental review purposes only.

Figure 2

Typical Construction ROW
on Sloping Terrain

	Scale: NTS	Revised: 08/17/2018	Drawn By: RGCutting



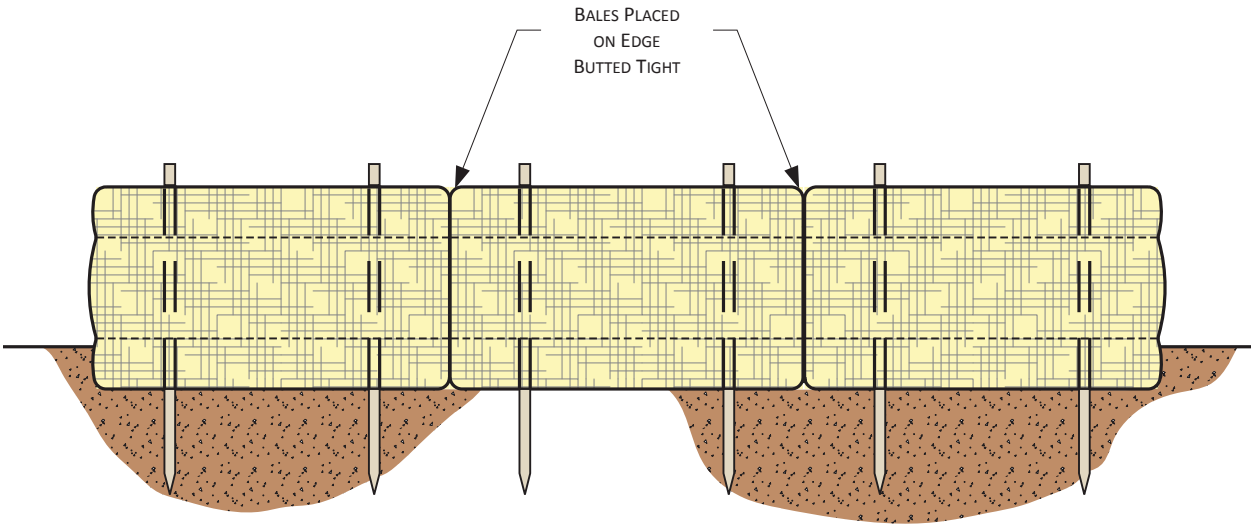
For environmental review purposes only.

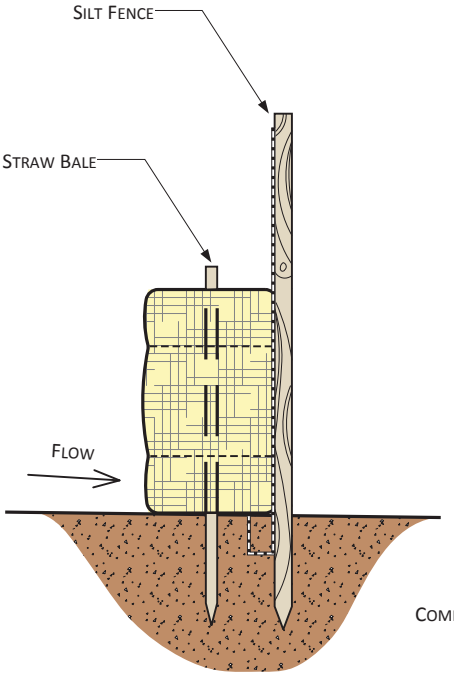
ONEOK

Figure 3
Typical Silt Fence Installation
(OKS-7901-ENV-01)

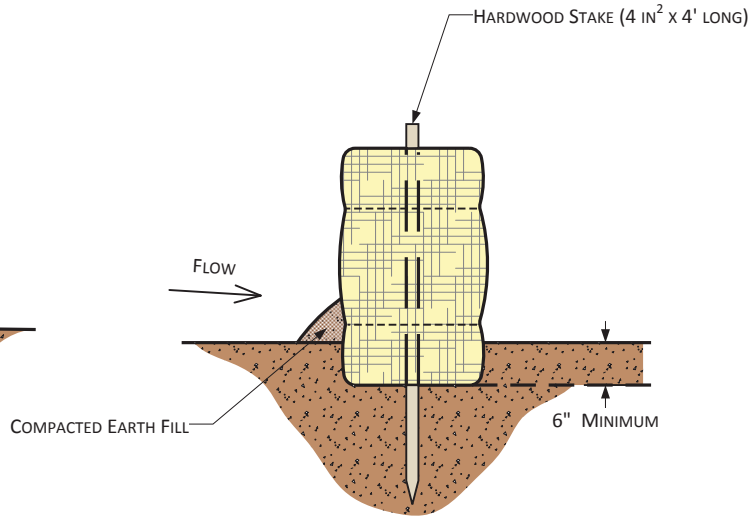
ERM

Scale: NTS	Date: 5/20/2007	Revised: 08/17/2018	Drawn By: AGPeterson





Straw Bales & Silt Fence



Straw Bales Only

For environmental review purposes only.

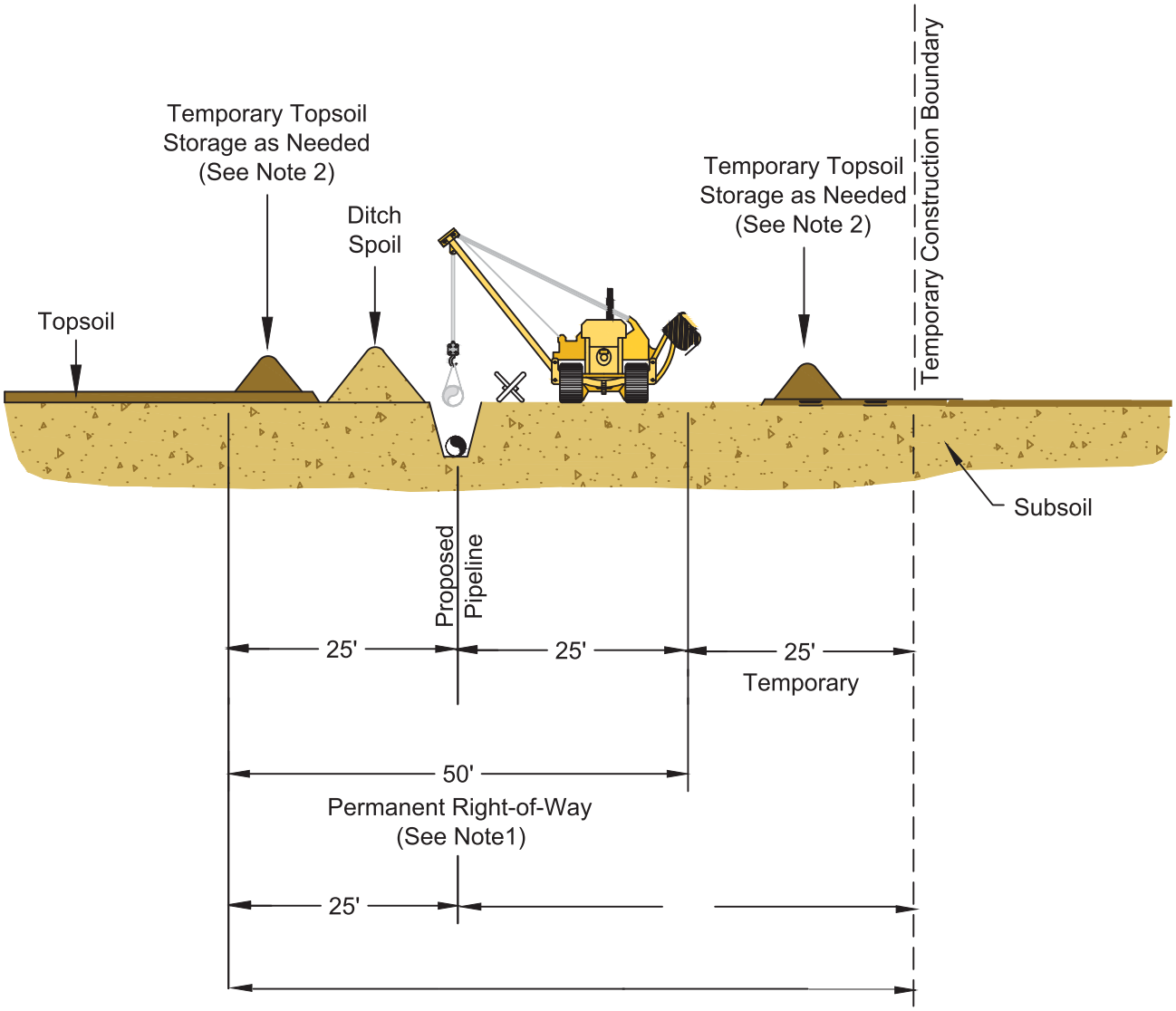
ONEOK

Figure 4

Typical Straw Bale Installation
(OKS-7901-ENV-02)

ERM

Scale: NTS	Date: 5/20/2007	Revised: 08/17/2018	Drawn By: AGPeterson



Notes:

1. Construction right-of-way will typically be 75 feet wide. The spoil side will be approximately 25 feet wide. The working side will be 50 feet wide.

2. This drawing reflects "Full Right of Way " topsoil stripping procedure. Stockpile topsoil separately from ditch spoil as shown or in other configurations approved by the company.

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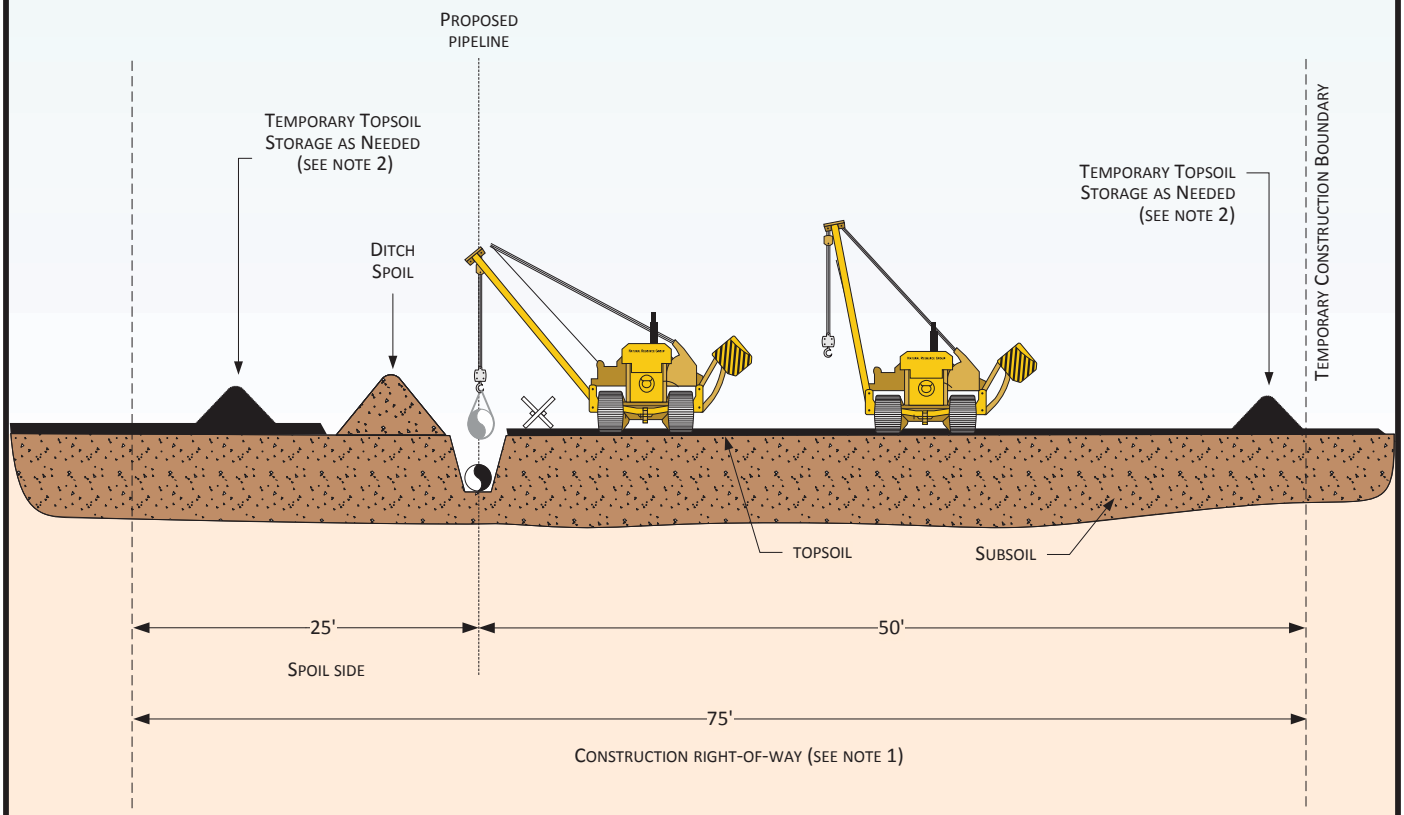
Figure 5
Typical Topsoil Segregation Trench
Right-of-Way
(OKS-7901-CONST-01c)

ERM

Scale: NTS	Revised: 08/20/2018	Drawn By: RGCutting



PROFILE

NOTES:

1. CONSTRUCTION RIGHT-OF-WAY WILL TYPICALLY BE 75' WIDE. THE SPOIL SIDE WILL BE APPROXIMATELY 25' WIDE. THE WORKING SIDE WILL BE 50' WIDE.
2. THIS DRAWING REFLECTS "DITCH PLUS SPOIL" TOPSOIL STRIPPING PROCEDURE. STOCKPILE TOPSOIL SEPARATELY FROM DITCH SPOIL AS SHOWN OR IN OTHER CONFIGURATIONS APPROVED BY THE COMPANY.

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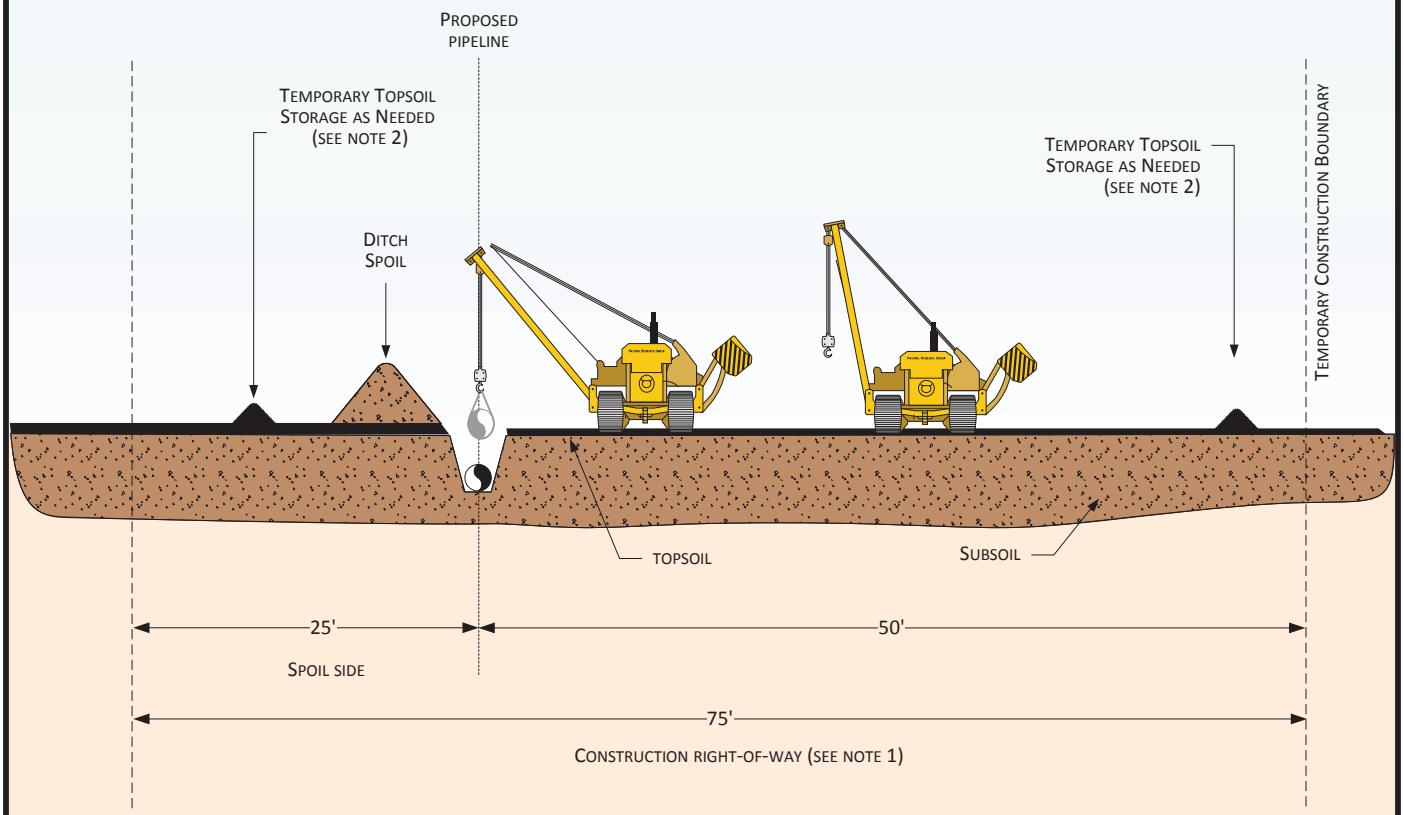
Figure 6

Typical Topsoil Segregation
Ditch Plus Spoil

ERM

Scale: NTS	Revised: 08/20/2018	Drawn By: RGCutting



PROFILE

NOTES:

1. CONSTRUCTION RIGHT-OF-WAY WILL TYPICALLY BE 75' WIDE. THE SPOIL SIDE WILL BE APPROXIMATELY 25' WIDE. THE WORKING SIDE WILL BE 50' WIDE.
2. THIS DRAWING REFLECTS "TRENCH LINE ONLY" TOPSOIL STRIPPING PROCEDURE. STOCKPILE TOPSOIL SEPARATELY FROM DITCH SPOIL AS SHOWN OR IN OTHER CONFIGURATIONS APPROVED BY THE COMPANY.

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Figure 7

Typical Topsoil Segregation
Trench Line Only

ERM

Scale: NTS	Revised: 08/20/2018	Drawn By: RGCutting

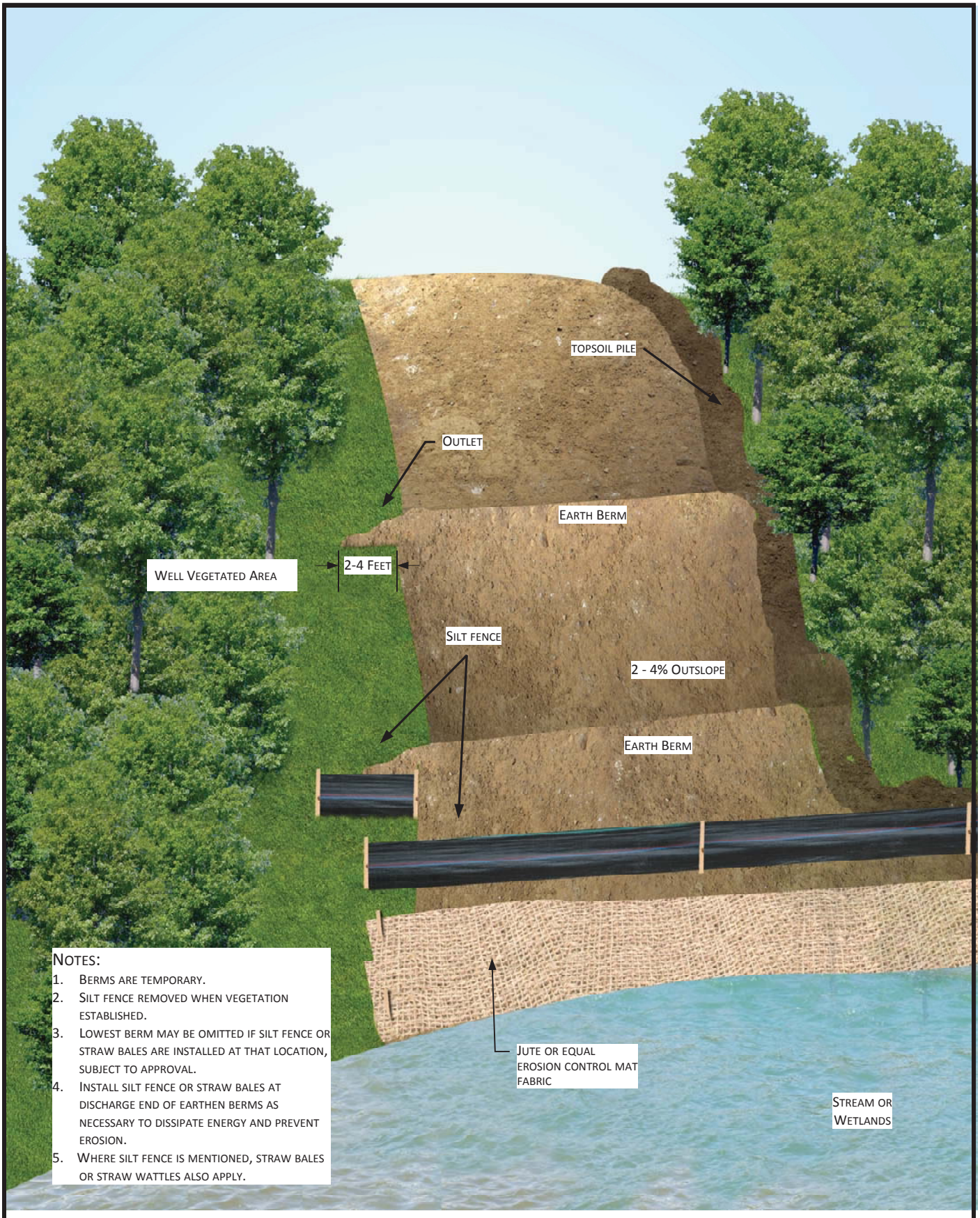

Figure 8

Typical Temporary Berms
Perspective View

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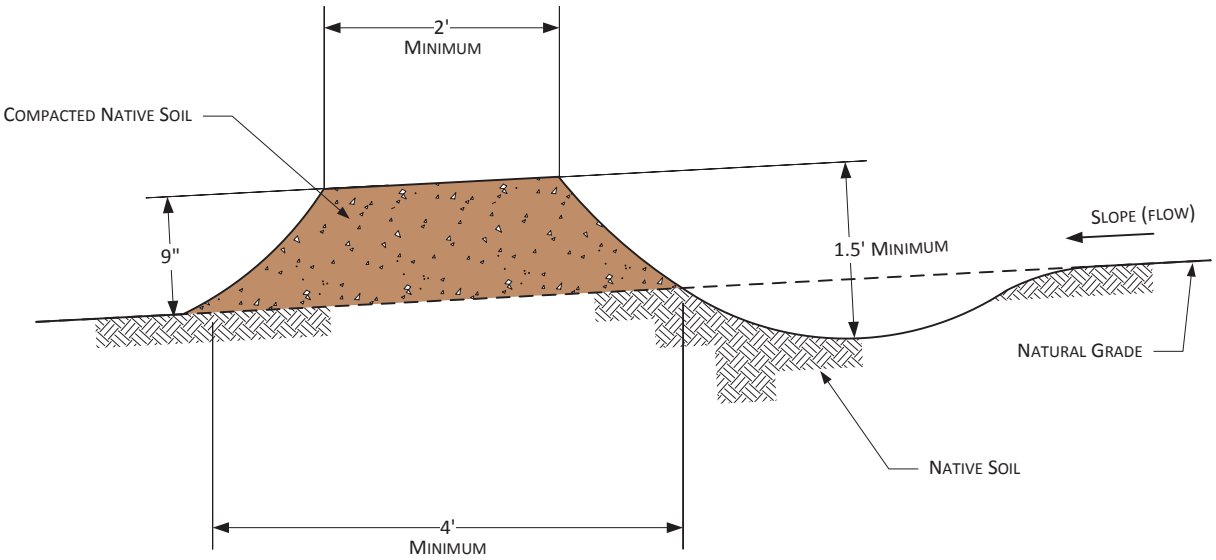
ERM

Scale: NTS	Revised: 08/20/2018	Drawn By: RGCutting



NOTES

1. Berms shall be constructed with 2 to 4 percent outslope.
2. Berms shall be outleted to well vegetated stable areas, silt fences, straw bales or rock aprons.
3. Berms shall be spaced as described in construction specifications.
4. Additional information included on other drawings.

For environmental review purposes only.

Figure 9

Typical Temporary or Permanent Berms
Elevation View

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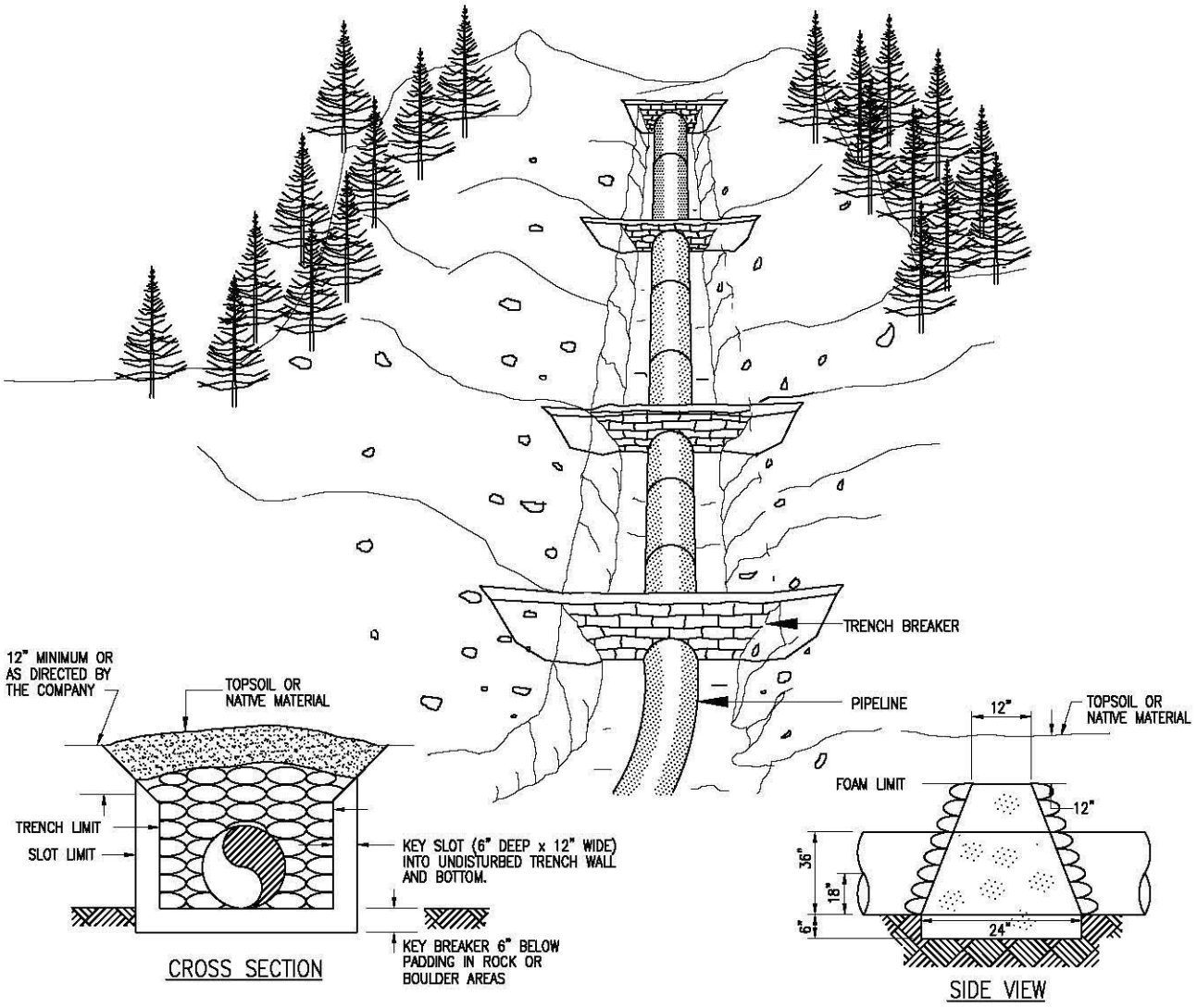
ERM

Scale: NTS	Revised: 08/20/2018	Drawn By: RGCutting



NOTES:

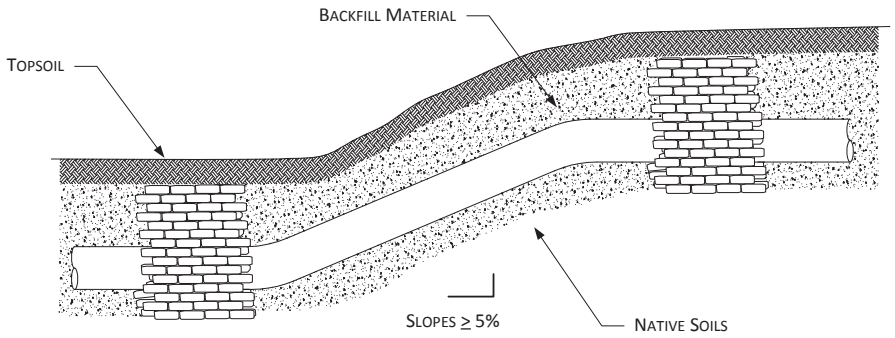
1. TRENCH BREAKERS SHALL BE INSTALLED:
   - ON SLOPES ALONG THE TRENCH LINE WHERE THE NATURAL DRAINAGE PATTERN, PROFILE, AND TYPE OF BACKFILL MATERIAL MAY RESULT IN LOSS OF BACKFILL MATERIAL OR ALTERATION OF THE NATURAL PATTERN;
   - AT THE BASE OF SLOPES ADJACENT TO WATERBODIES AND WETLANDS;
   - WHERE NEEDED TO AVOID DRAINING A WETLAND;
   - ON UPLAND SLOPES, AT THE SAME SPACING AS SLOPE BREAKERS AND UP SLOPE OF SLOPE BREAKERS;
   - IN CULTIVATED LAND AND RESIDENTIAL AREAS WHERE PERMANENT SLOPE BREAKERS ARE NOT TYP. INSTALLED, AT THE SAME SPACING AS IF PERMANENT SLOPE BREAKERS WERE REQUIRED.
2. EACH SAND BAG SHALL BE OF DIMENSION 14"X26" AND SHALL BE WOVEN POLY SPECIFICATION. EACH BAG SHALL BE FILLED TO 20" HIGH WITH 3/8" CLEAN, WASHED, AND SCREENED SAND AND FILLED TO A MINIMUM OF 55LBS.
3. BREAKER SPACING AND CONFIGURATION MAY CHANGE AS DETERMINED BY COMPANY OR SIMILARLY QUALIFIED PROFESSIONAL.
4. ALL MATERIALS SHALL BE SUPPLIED BY CONTRACTOR.
5. INSTALL ONE TRENCH BREAKER UNDER EVERY SLOPE BREAKER.

Figure 10

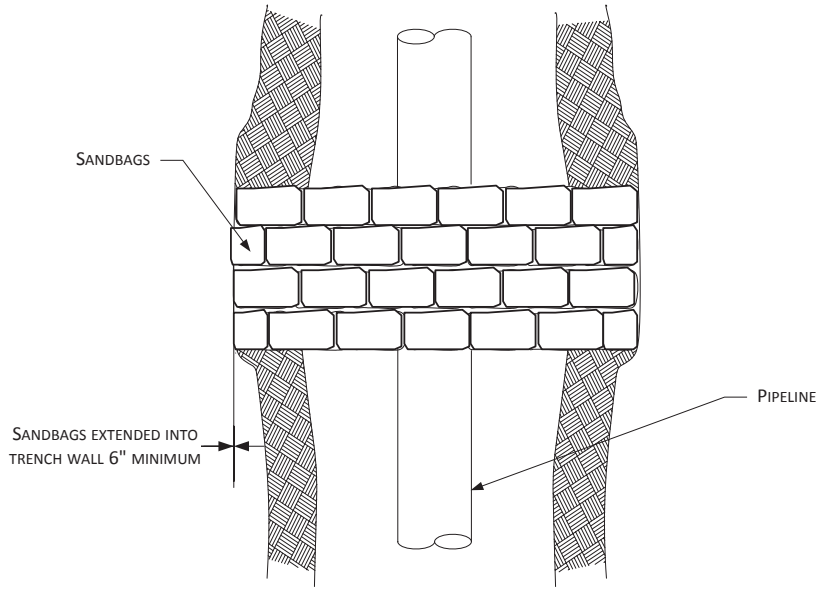
Typical Trench Breaker Perspective View

(OKS-7901-CONST-07)

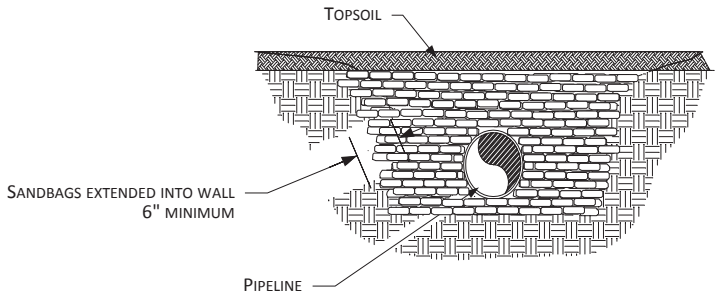
	Scale: NTS	Revised: 08/20/2018	Drawn By: RGCutting



PROFILE VIEW
(NOT TO SCALE)



PLAN VIEW
(NOT TO SCALE)



FACE VIEW
(NOT TO SCALE)

NOTES

1. BAGS WILL NOT BE FILLED WITH TOPSOIL
2. ADDITIONAL INFORMATION INCLUDED ON OTHER DRAWINGS
3. STAGGER COURSES OF BAGS

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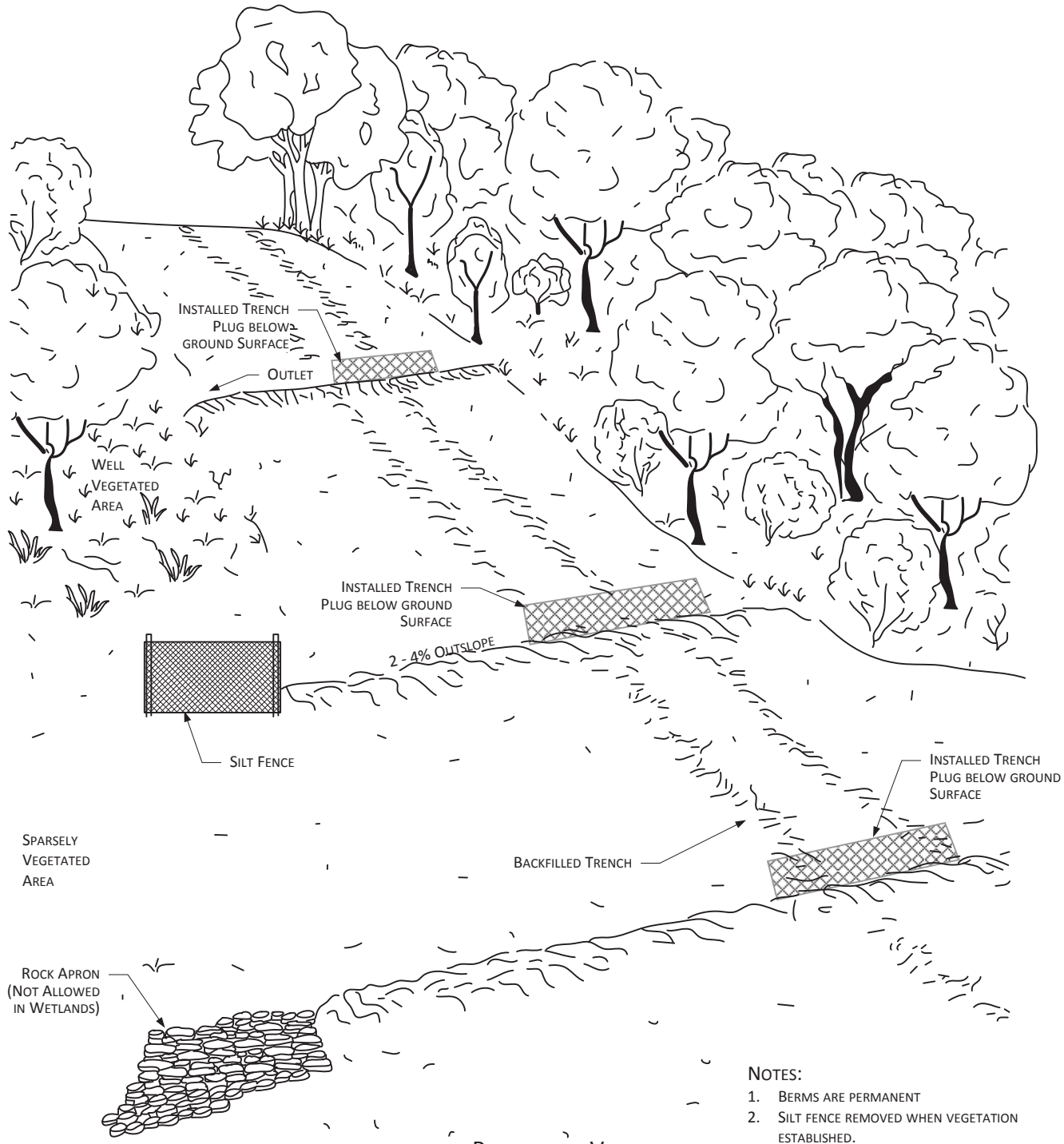
Figure 11

Typical Trench Breakers
Plan & Profile Views

ERM

Scale: NTS	Revised: 08/17/2018	Drawn By: RGCutting



Perspective View
(not to scale)

Slope %	Approximate Spacing (ft)
5-15	300
15-30	200
>30	<100

Notes:

1. Berms are permanent
2. Silt fence removed when vegetation established.
3. Lowest berm may be omitted if silt fence or straw bales are installed at that location, subject to approval.
4. Install silt fence or straw bales at discharge end of earthen berms as necessary to dissipate energy and prevent erosion.

For environmental review purposes only.

Figure 12

Permanent Slope Breakers
Perspective View

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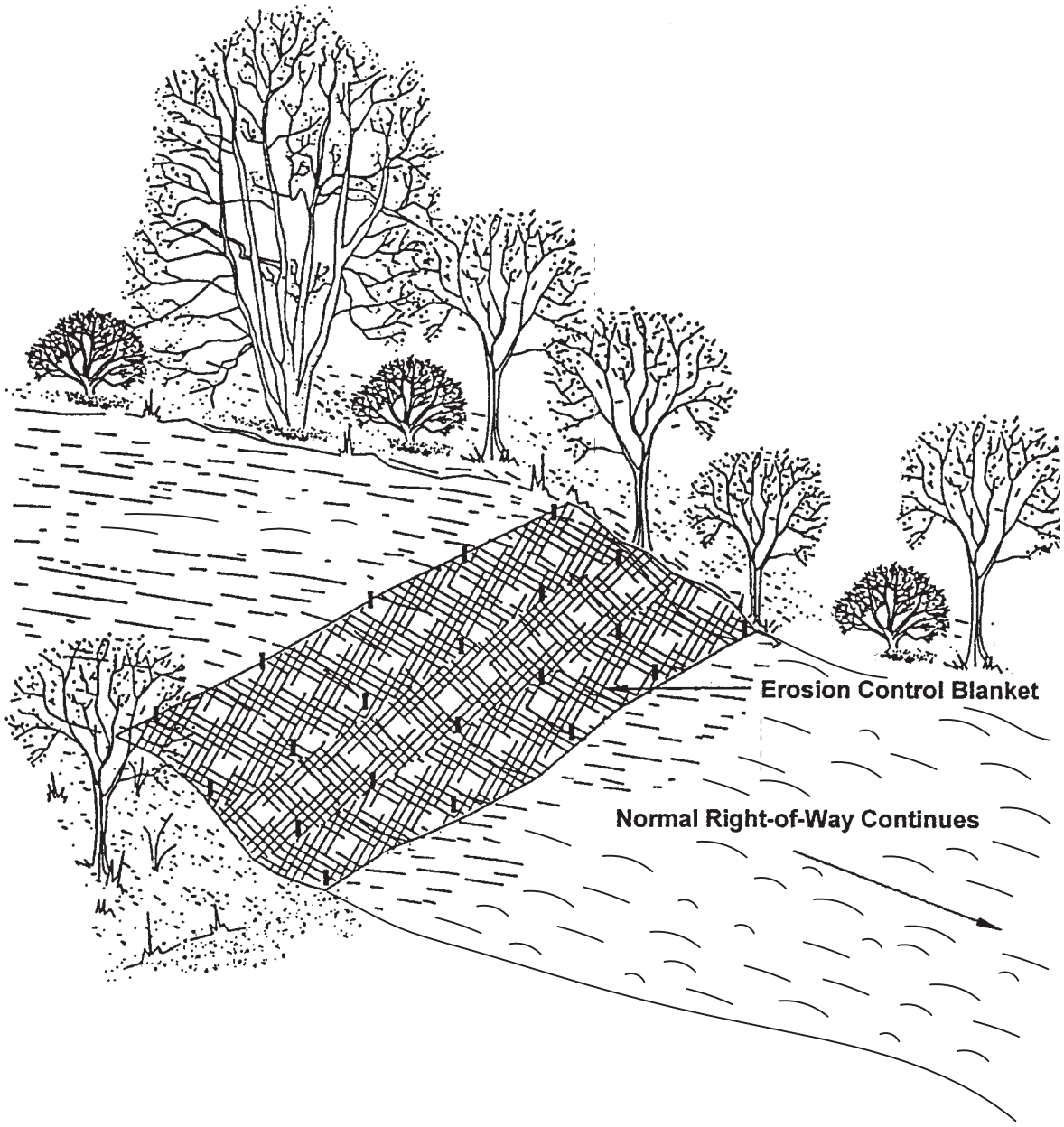
ERM

Scale: NTS	Revised: 08/20/2018	Drawn By: RGCutting



NOTES

1. INSTALL EROSION CONTROL BLANKET AS PER MANUFACTURER'S SPECIFICATIONS.
2. ADDITIONAL INFORMATION INCLUDED ON OTHER DRAWINGS.

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Figure 13

Erosion Control Blanket - Steep Slopes (≥30%)

ERM

	Scale: NTS	Revised: 08/20/2018	Drawn By: RGCutting

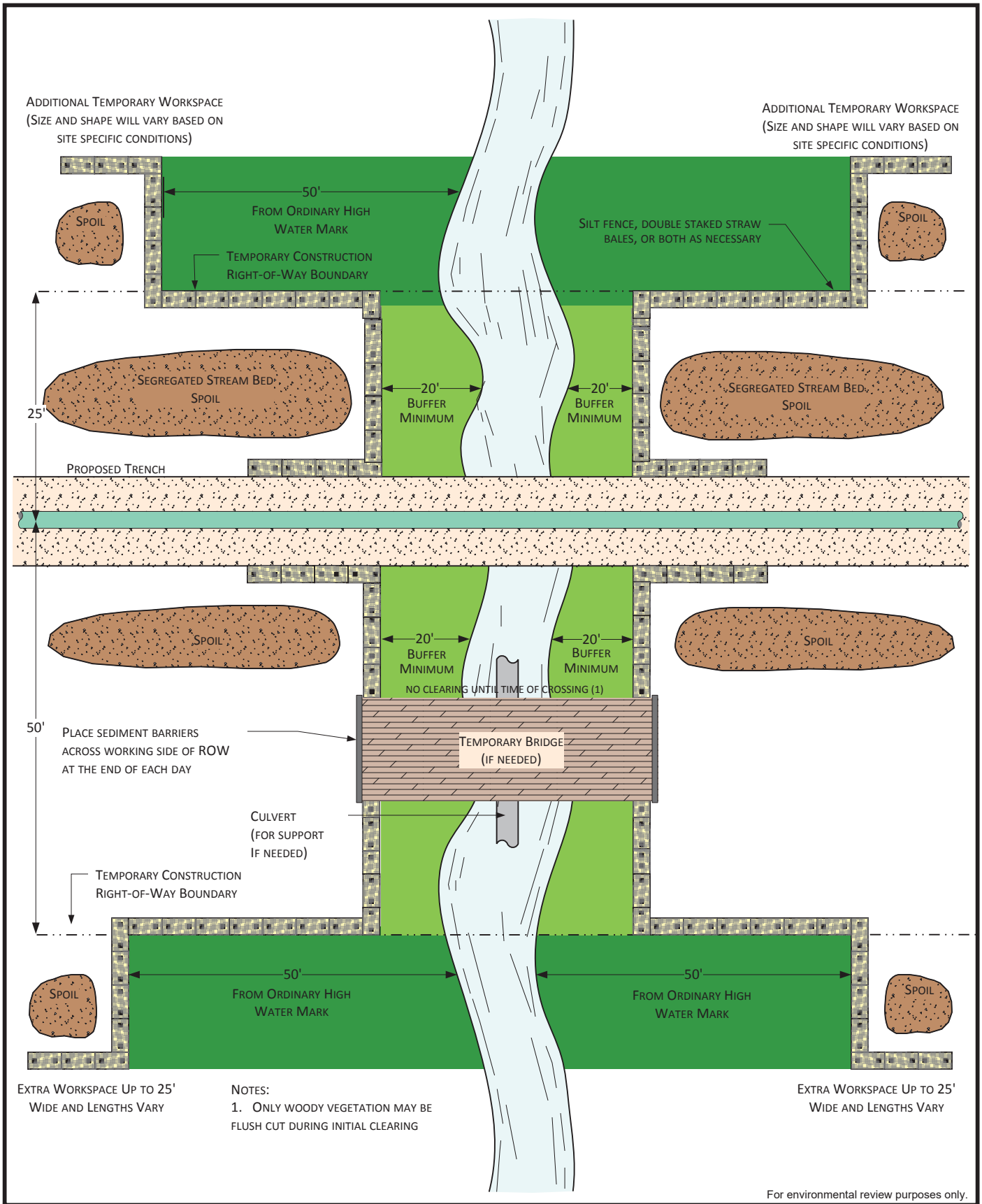

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Figure 14

Typical Waterbody Crossing
Open Cut - Wet Trench Method

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ERM

Scale: NTS	Revised: 08/20/2018	Drawn By: RGCutting

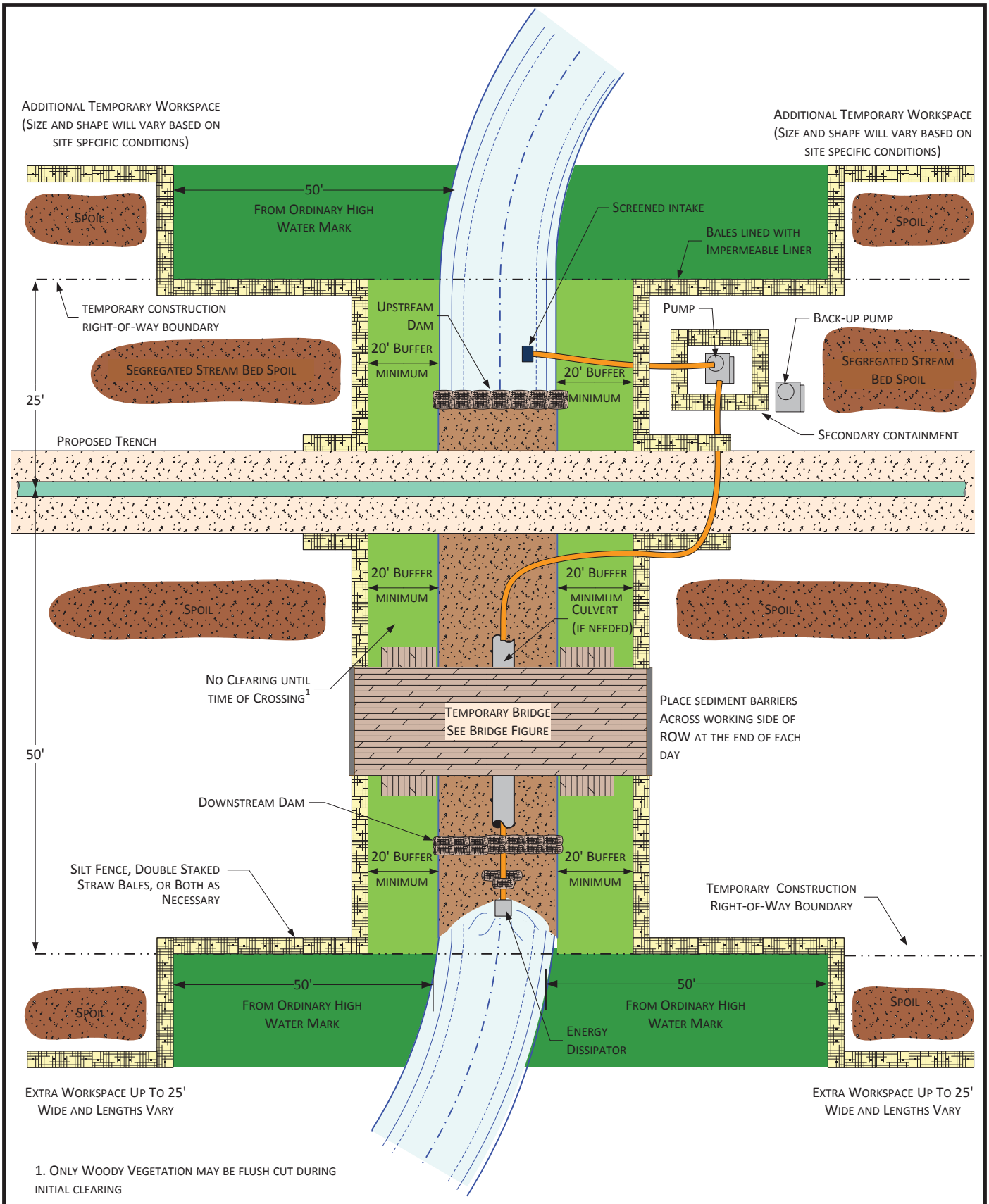

Figure 15
Typical Waterbody Crossing
Dam and Pump Method

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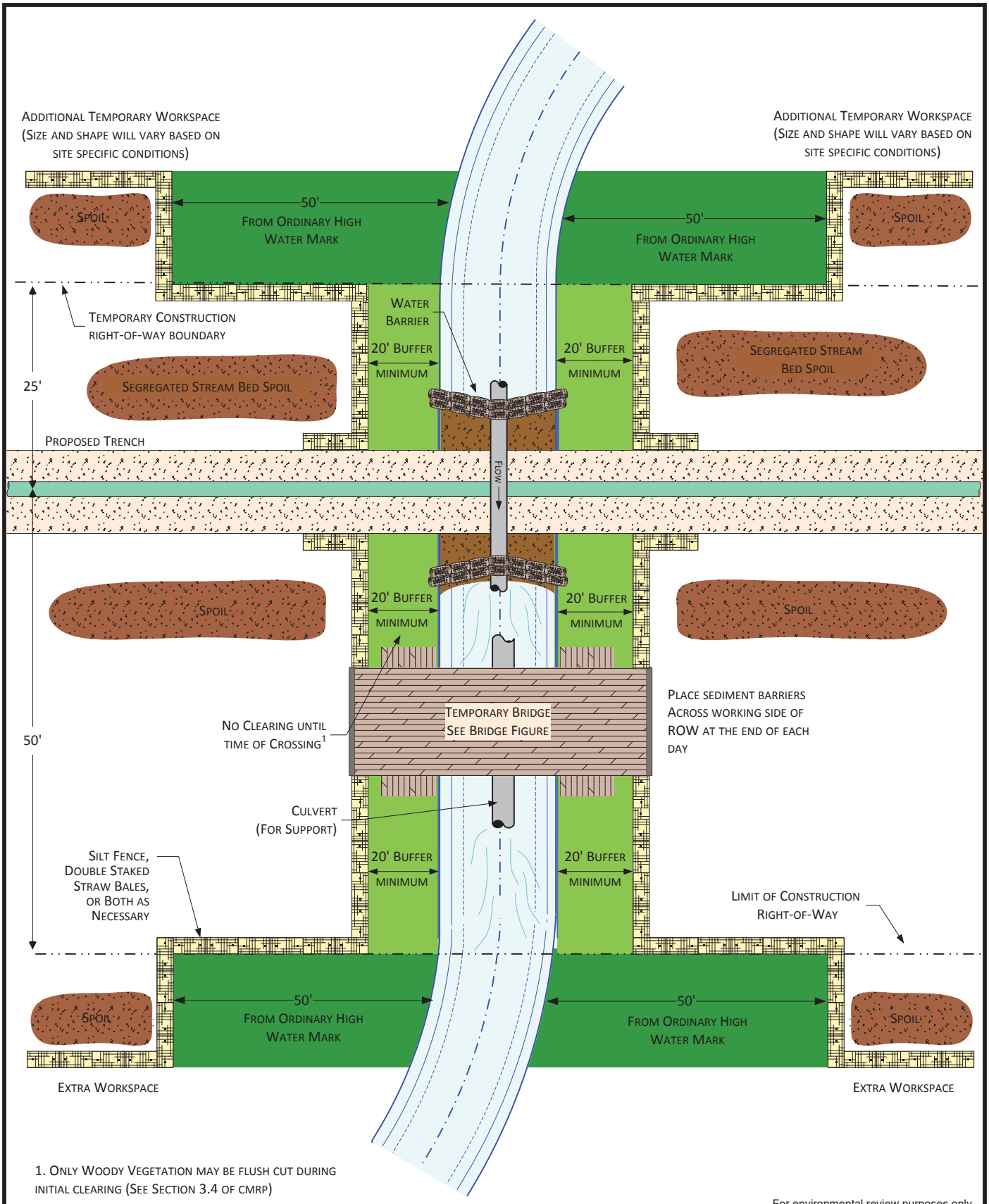
ERM

Scale: NTS	Revised: 08/20/2018	Drawn By: RGCutting



1. Only Woody Vegetation may be flush cut during initial clearing (See Section 3.4 of CMRP)

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Figure 16
Typical Waterbody Crossing
Flume Method

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ERM

Scale: NTS	Revised: 08/20/2018	Drawn By: RGCutting

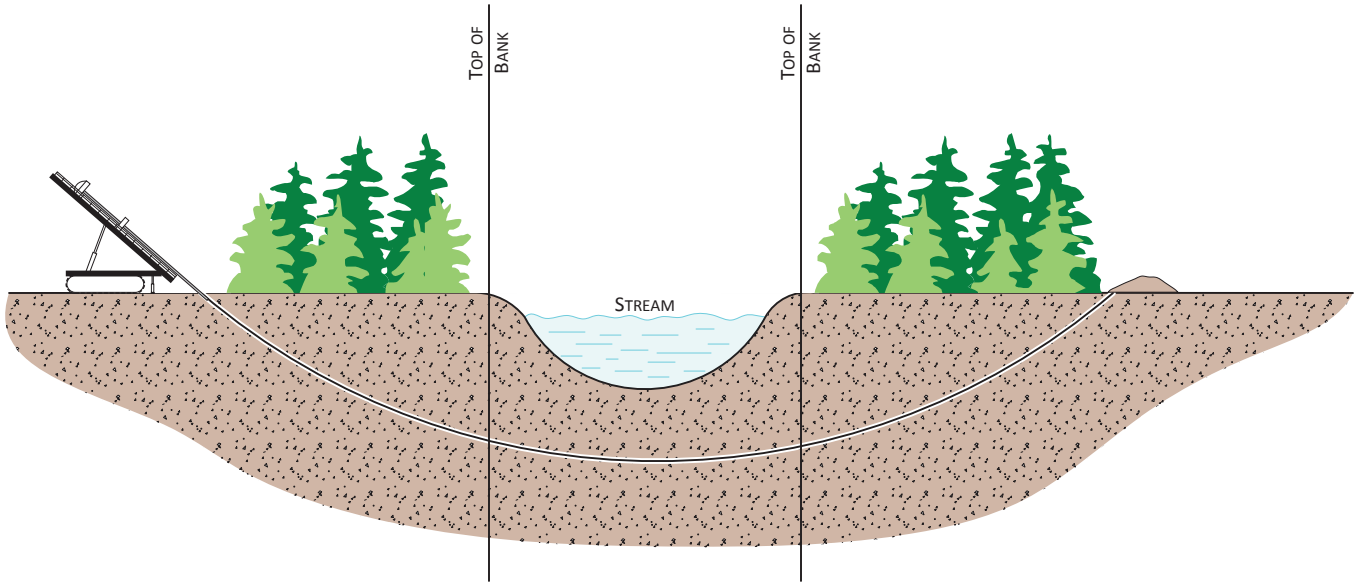

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Figure 17
Typical Waterbody Crossing
Directional Drill Method

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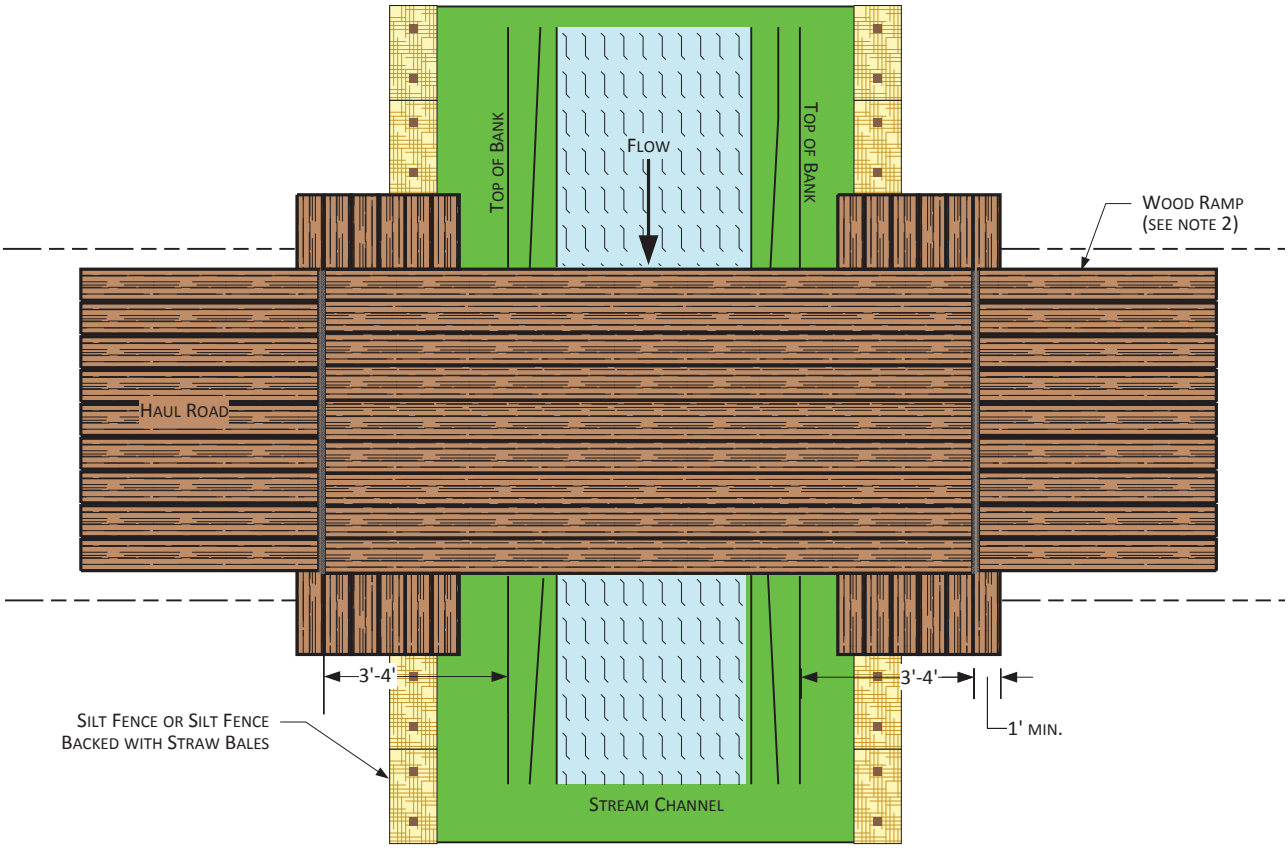
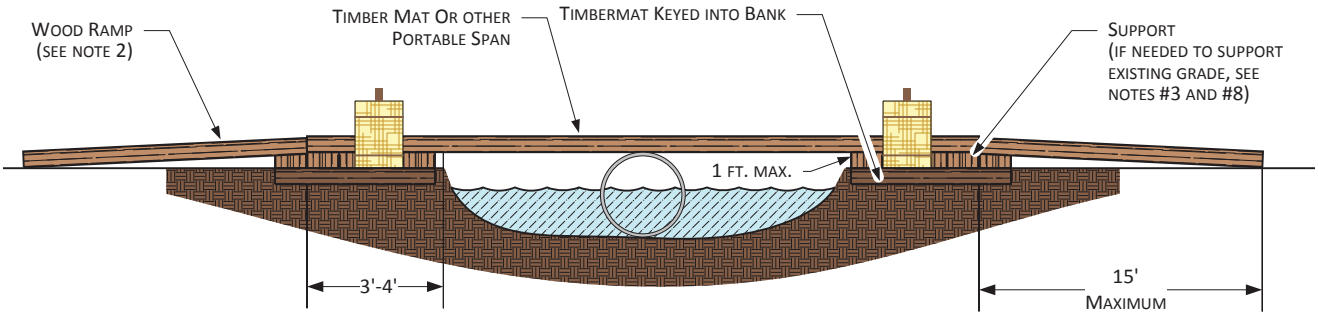
ERM

Scale: NTS	Revised: 08/20/2018	Drawn By: RGCutting

Plan View



Profile View



Notes:

1. Inspect bridge opening periodically and following rainfalls of over ½". Remove any debris restricting flow and deposit it at an upland site outside of floodplain.
2. If physical circumstances prohibit wood or metal ramps, earthen ramps may be used as approved.
3. Inspect bridge elevation so bridge remains supported above high bank and does not sink into bank.
4. The culvert support must be anchored to the stream bottom and may not be supported with fill.
5. The bridge must span from top of bank to top of bank.
6. Additional support must be added on top of bank and under span if initial support starts to settle.
7. Erosion and sedimentation control measures shall be inspected and maintained in accordance with the company's Environmental Mitigation Plan

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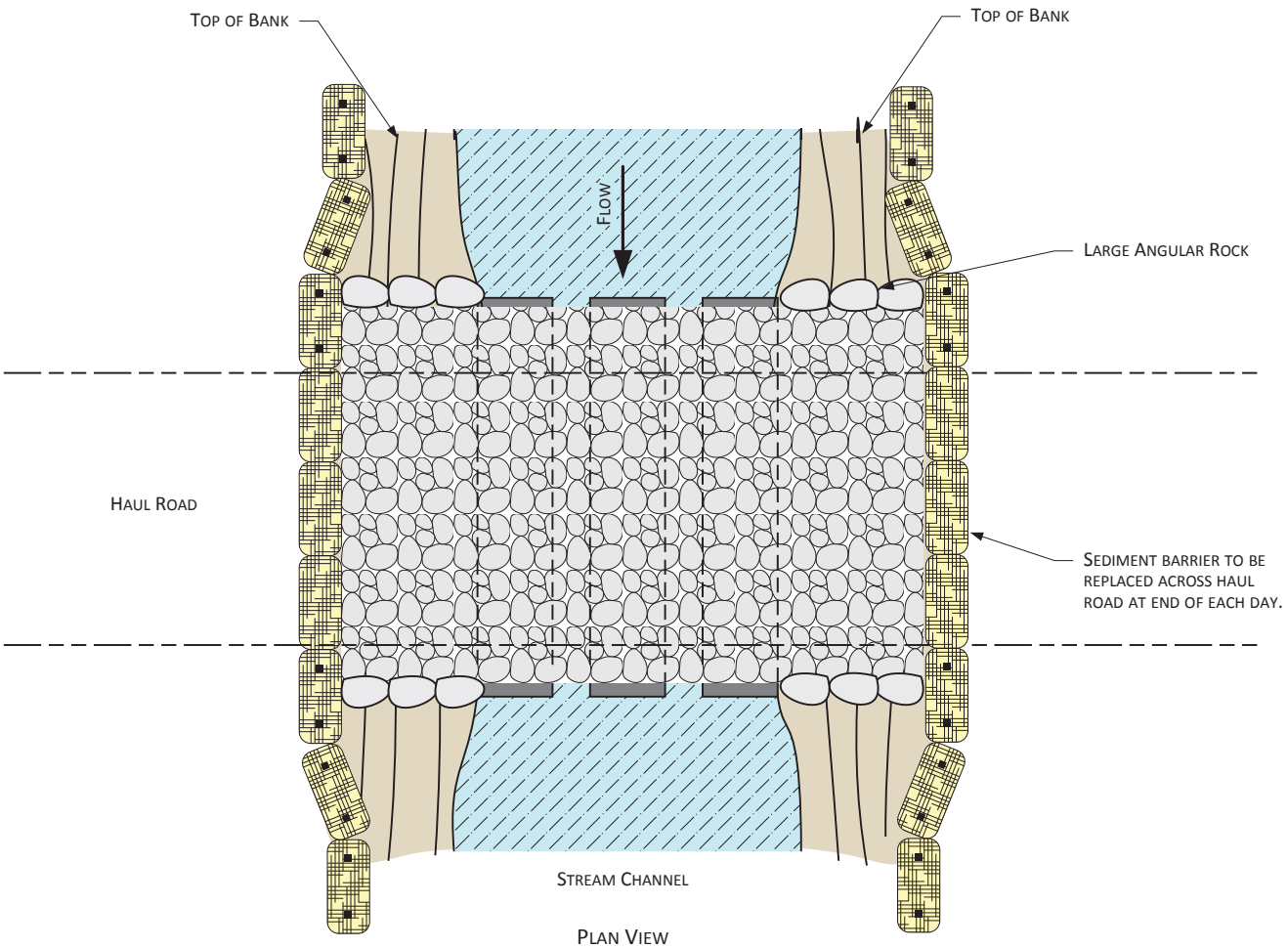
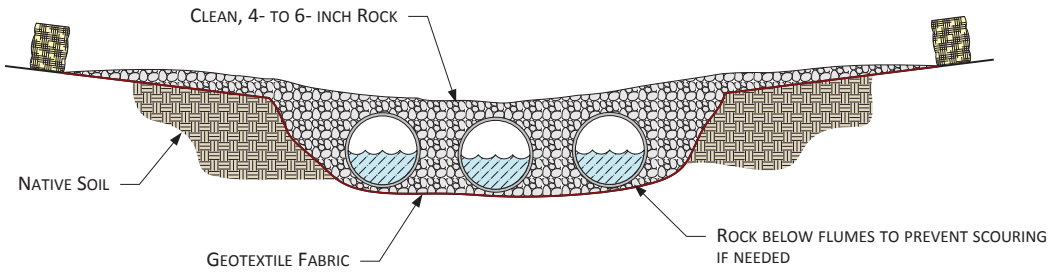
Figure 18

Typical Span Type Bridge
With or Without Instream Support
(OKS-7901-ENV-04)

ERM

Scale: NTS	Date: 5/20/2007	Revised: 08/17/2018	Drawn By: AGPeterson





NOTES:

1. STEEL FLUME PIPE(S) SIZED TO ALLOW FOR STREAM FLOW AND EQUIPMENT LOAD.
2. STRAW BALES (OR EQUIVALENT) SHALL BE PLACED ACROSS BRIDGE ENTRANCE EVERY NIGHT.
3. ADDITIONAL INFORMATION INCLUDED ON OTHER DRAWINGS.

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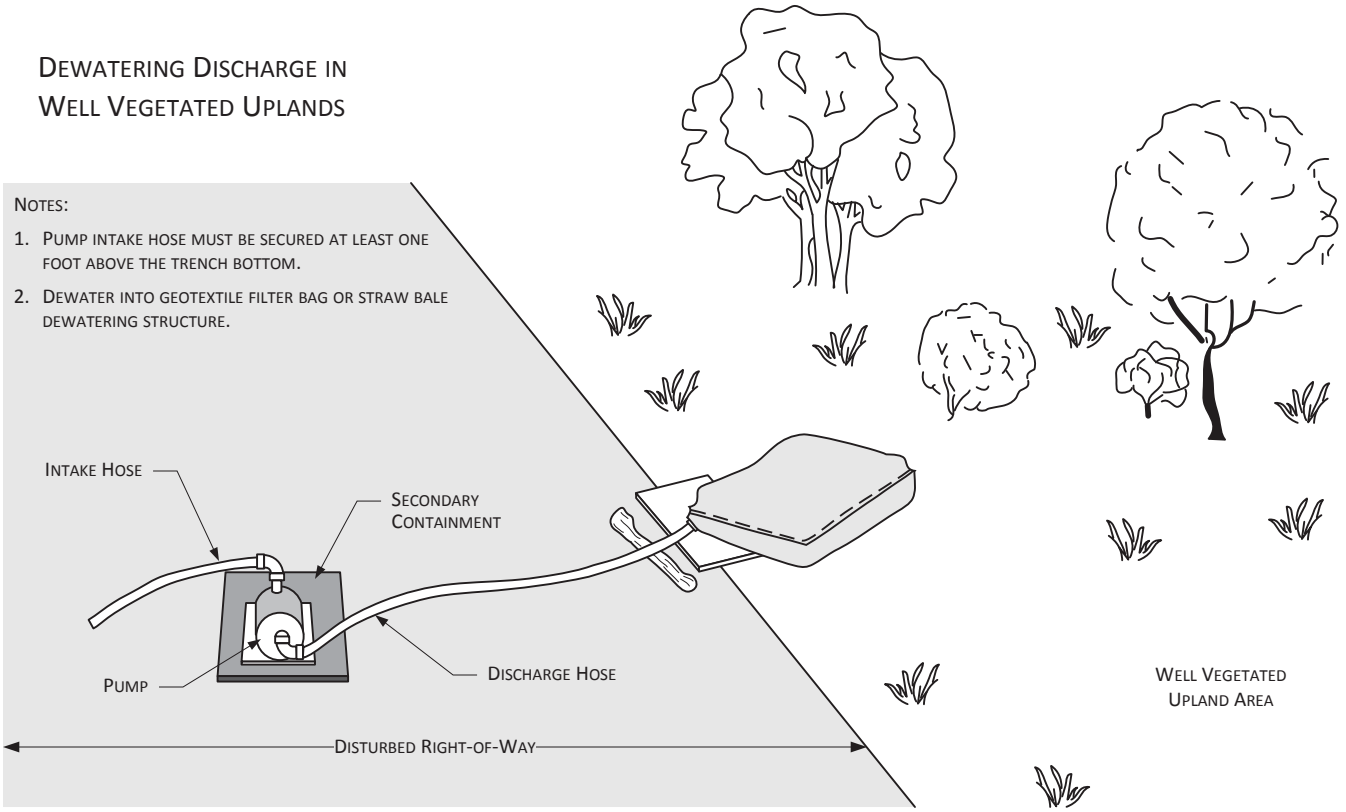
Figure 19

Typical Rock Flume Bridge
Method 4
(OKS-7901-ENV-03d)

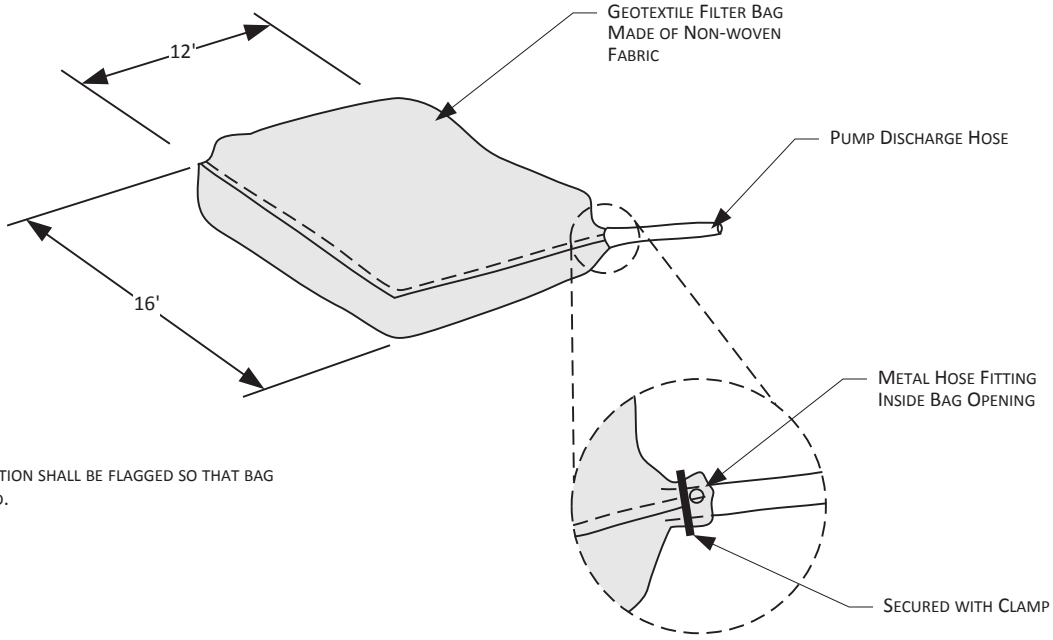
ERM

Scale: NTS	Date: 5/20/2007	Revised: 08/17/2018	Drawn By: AGPeterson

Dewatering Discharge in Well Vegetated Uplands



Geotextile Filter Bag



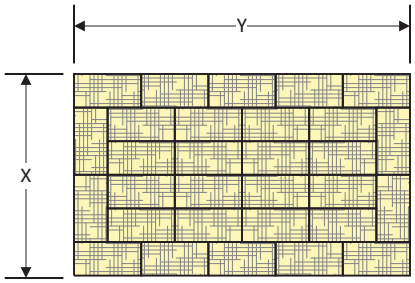
Note:

1. Filter bag location shall be flagged so that bag can be removed.

For environmental review purposes only.

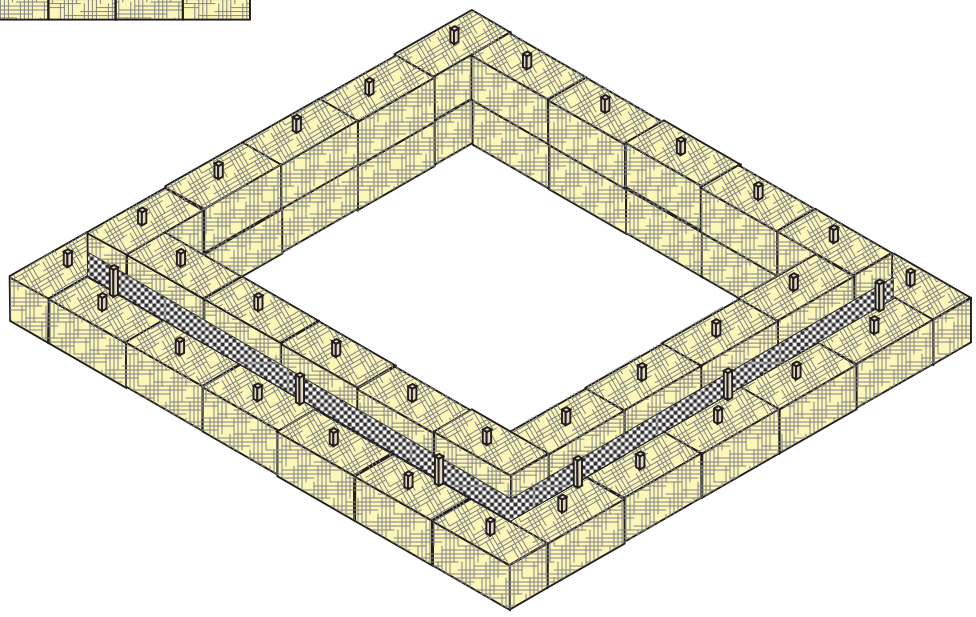
Figure 20
Typical Dewatering Measures

Scale: NTS	Revised: 08/20/2018	Drawn By: RGCutting

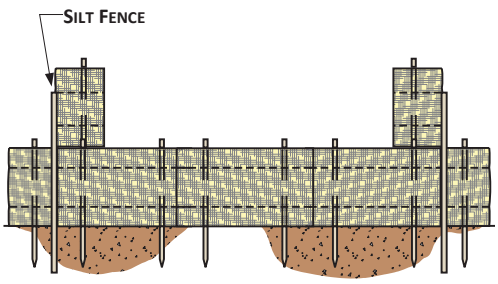


NOTES

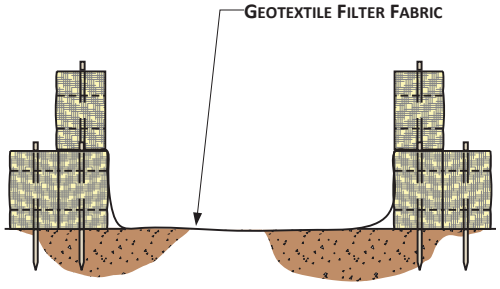
1. ARRANGE THE STRAW BALES TO THE X AND Y DIMENSIONS AS SPECIFICIED BELOW.
2. IF BOTTOM OF STRUCTURE IS NOT LINED WITH STRAW BALES (OPTION 1), LINE ENTIRE STRUCTURE WITH GEOTEXTILE FILTER FABRIC.



PERSPECTIVE VIEW



OPTION 1



OPTION 2

MINIMUM SUMP DIMENSIONS (FEET)		MAXIMUM PUMPING RATE
X	Y	GALLONS PER MINUTE
10	20	300
15	20	350
20	20	400
20	25	450
25	25	500
25	30	550
30	30	660

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Figure 21

Straw Bale Dewatering Structure
(OKS-7901-ENV-05)

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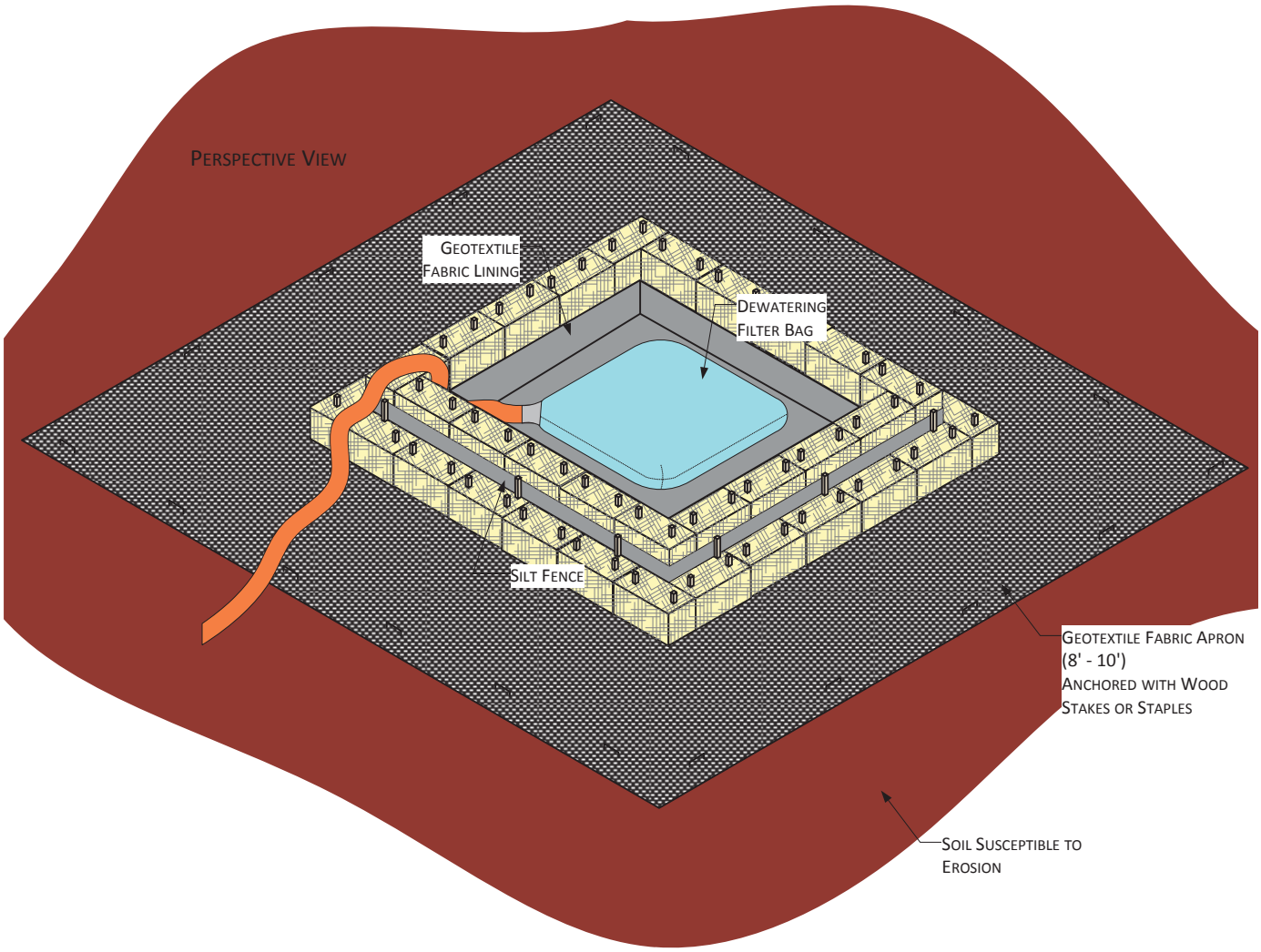
ERM

Scale: NTS	Revised: 08/17/2018	Drawn By: RGCutting



Construct Dewatering Structure to accommodate anticipated pumping rates. See example below.

Example Pumping rate = 200 g.p.m.
Storage volume (c.f.) = 16 x 200 g.p.m. = 3200 c.f.
Height of straw bale structure = 3 feet (2 bales stacked) (based on height of bales, not silt fence)
Inside dimensions of structure = 33 x 33 feet square

Notes:

1. Silt fence ends must be wrapped to join two sections.
2. Install silt fence 2 inches above top of straw bales, and anchor a minimum of 8 inches straight down.
3. Spacing between silt fence post stakes must be 4 feet or less.
4. Dewatering intake hose supported at least 1 foot from bottom of trench being dewatered.
5. Erosion and sedimentation control measures shall be inspected and maintained in accordance with the company's upland erosion control, revegetation, and maintenance plan.

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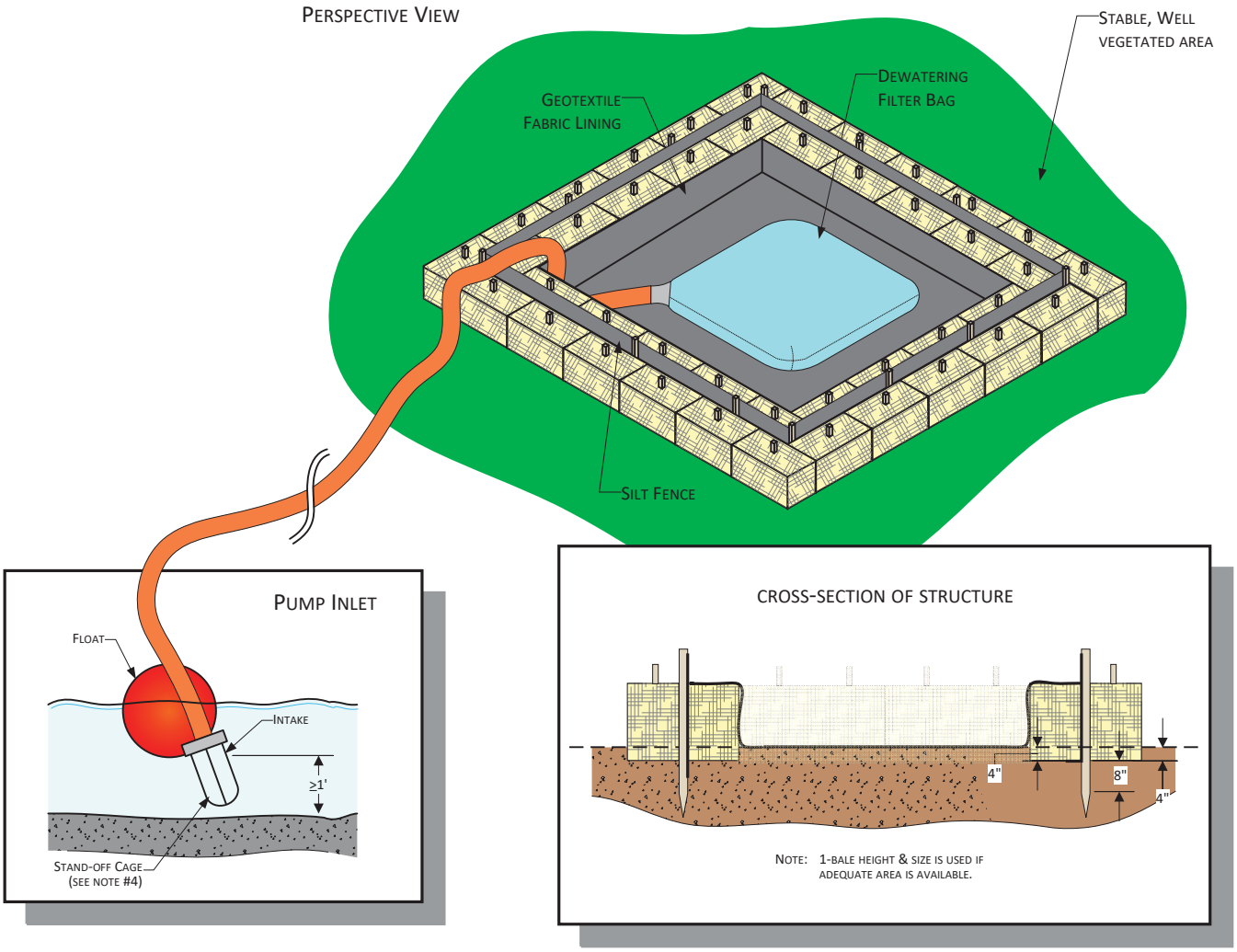
Figure 22
Straw Bale Dewatering Structure
(OKS-7901-ENV-06a)

ERM

	Scale: NTS	Revised: 08/17/2018	Drawn By: RGCutting



CONSTRUCT DEWATERING STRUCTURE TO ACCOMMODATE ANTICIPATED PUMPING RATES. SEE EXAMPLE BELOW.

EXAMPLE PUMPING RATE = 200 G.P.M.
STORAGE VOLUME (C.F.) = 16 X 200 G.P.M. = 3200 C.F.
HEIGHT OF STRAW BALE STRUCTURE = 1.5 FEET (1 BALE) (BASED ON HEIGHT OF BALES, NOT SILT FENCE)
INSIDE DIMENSIONS OF STRUCTURE = 46 X 46 FEET SQUARE

NOTES:

1. SILT FENCE ENDS MUST BE WRAPPED TO JOIN TWO SECTIONS.
2. INSTALL SILT FENCE 2 INCHES ABOVE TOP OF STRAW BALE, AND ANCHOR A MINIMUM OF 8 INCHES STRAIGHT DOWN.
3. SILT FENCE POST STAKING MUST BE 4 FEET OR LESS.
4. DEWATERING INTAKE HOSE SUPPORTED AT LEAST 1 FOOT FROM BOTTOM OF TRENCH BEING DEWATERED.
5. USE A FILTER BAG AT THE DISCHARGE HOSE END.
6. EROSION AND SEDIMENTATION CONTROL MEASURES SHALL BE INSPECTED AND MAINTAINED IN ACCORDANCE WITH THE COMPANY'S CMRP.

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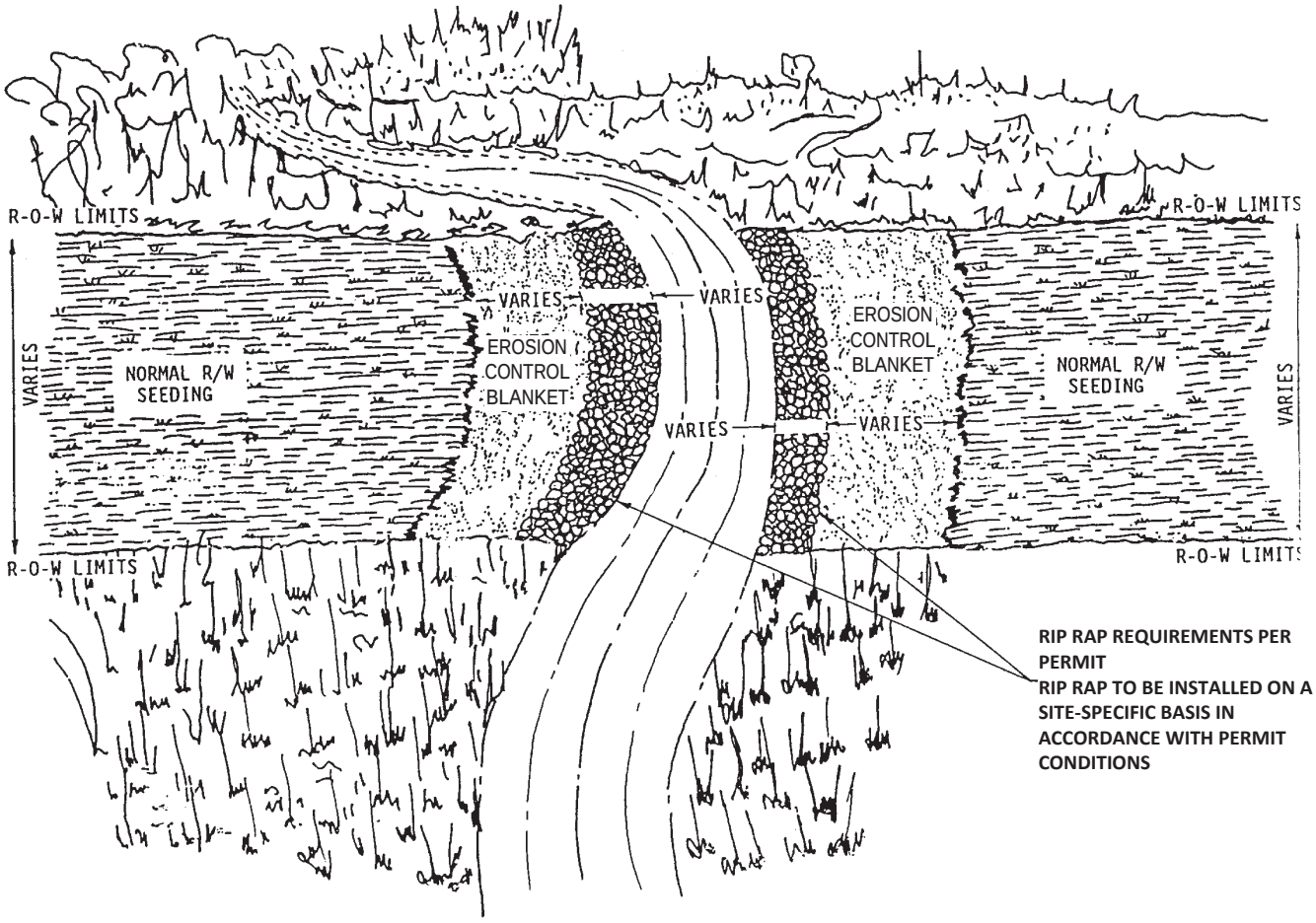
Figure 23
Straw Bale Dewatering Structure
(OKS-7901-ENV-06b)

ERM

K:_Client_Projects\M-O\ONE\Elk_Creek\EMP\LLC_CMRP\Fig_23_Straw_Bale_Dewatering.vsd	Scale: NTS	Revised: 08/17/2018	Drawn By: RGCutting

NOTE: PLACE EROSION CONTROL BLANKET A MINIMUM OF ONE (1) FOOT UNDER RIP RAP. EXTEND JUTE BLANKET FROM MEAN HIGH WATER LEVEL TO SEVERAL FEET BEHIND HIGH BANK.



RIP RAP REQUIREMENTS PER PERMIT
RIP RAP TO BE INSTALLED ON A SITE-SPECIFIC BASIS IN ACCORDANCE WITH PERMIT CONDITIONS

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Figure 24

Typical Final Stream Bank Stabilization
Rip Rap & Erosion Control
(OKS-7901-ENV-07)

ERM

Scale: NTS	Revised: 08/17/2018	Drawn By: RGCutting

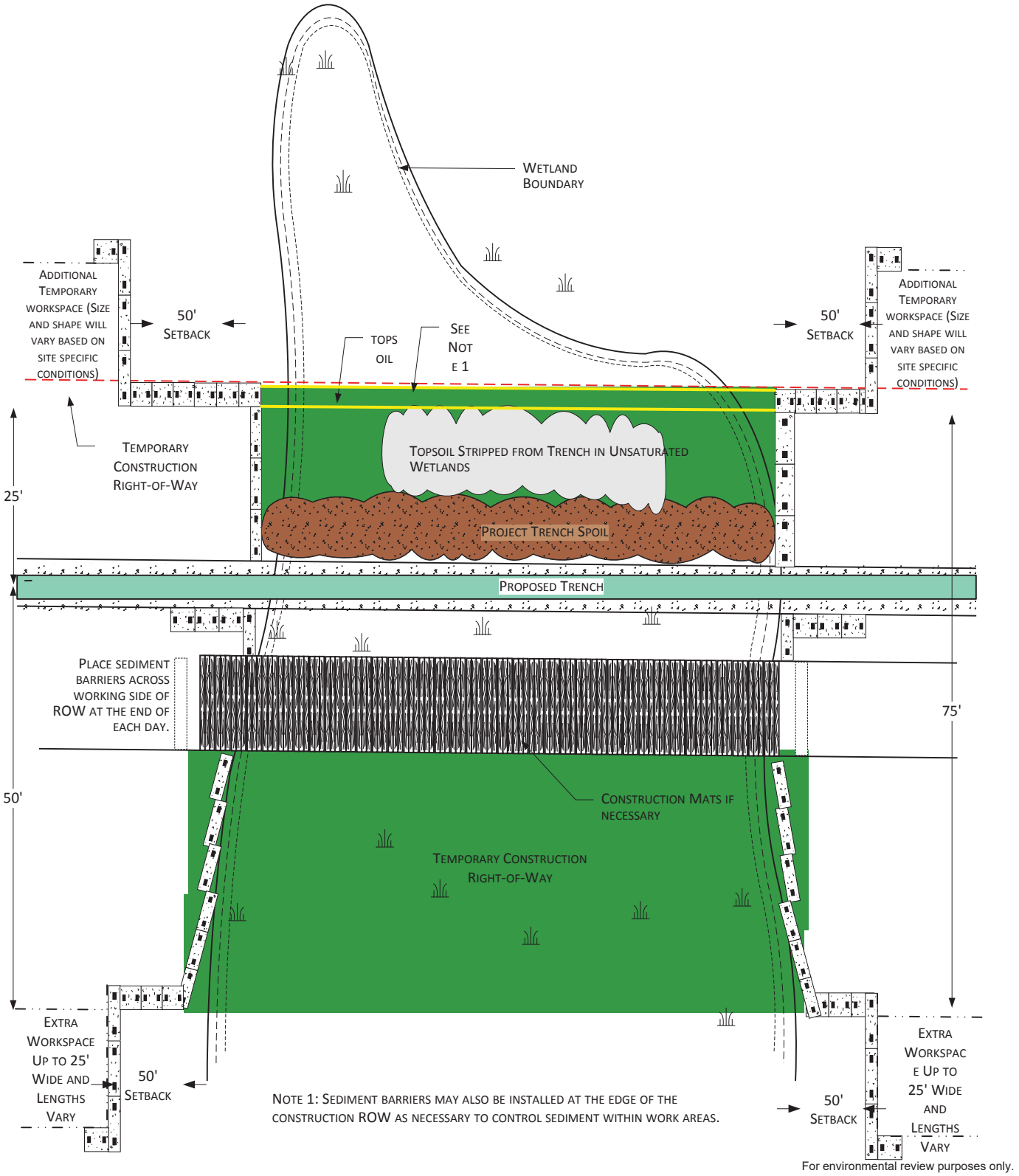

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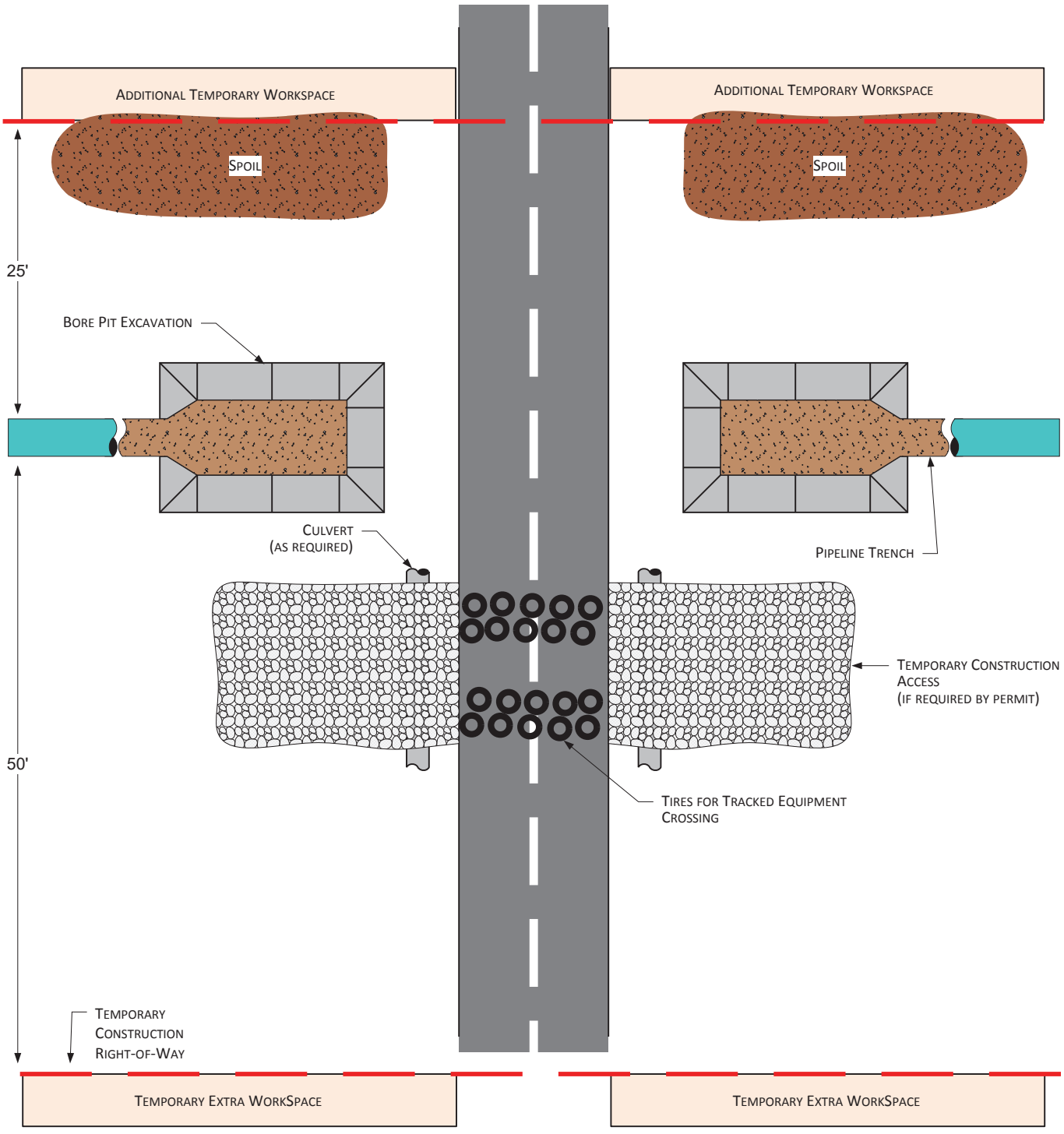
Figure 25

Typical Wetland Crossing Method
Method 5
(OKS-7901-ENV-03e)

ONEOK

ERM

	Scale: NTS	Revised: 0820/2018	Drawn By: RGCutting



PLAN VIEW

NOTES

1. PROCEDURES SHOWN IN THIS DRAWING APPLY TO IMPROVED ROADS.
2. ROADS MUST BE CLEANED AFTER EQUIPMENT CROSSES AND DIRT PLACED IN SPOIL CONTAINMENT AREAS.
3. TEMPORARY ACCESS MATERIALS MUST BE REMOVED UPON PROJECT COMPLETION.
4. ADDITIONAL INFORMATION INCLUDED ON OTHER DRAWINGS OR PERMITS.
5. CONSTRUCTION AREAS LOCATED OUTSIDE ROAD ROW.
6. INSTALL EROSION AND SEDIMENT CONTROLS AS NEEDED BASED ON SITE SPECIFIC CONDITIONS

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Figure 26
Typical Improved Road Crossing
Directional Bore Method

ERM

Scale: NTS	Revised: 08/20/2018	Drawn By: RGCutting

APPENDIX D

Project Maps

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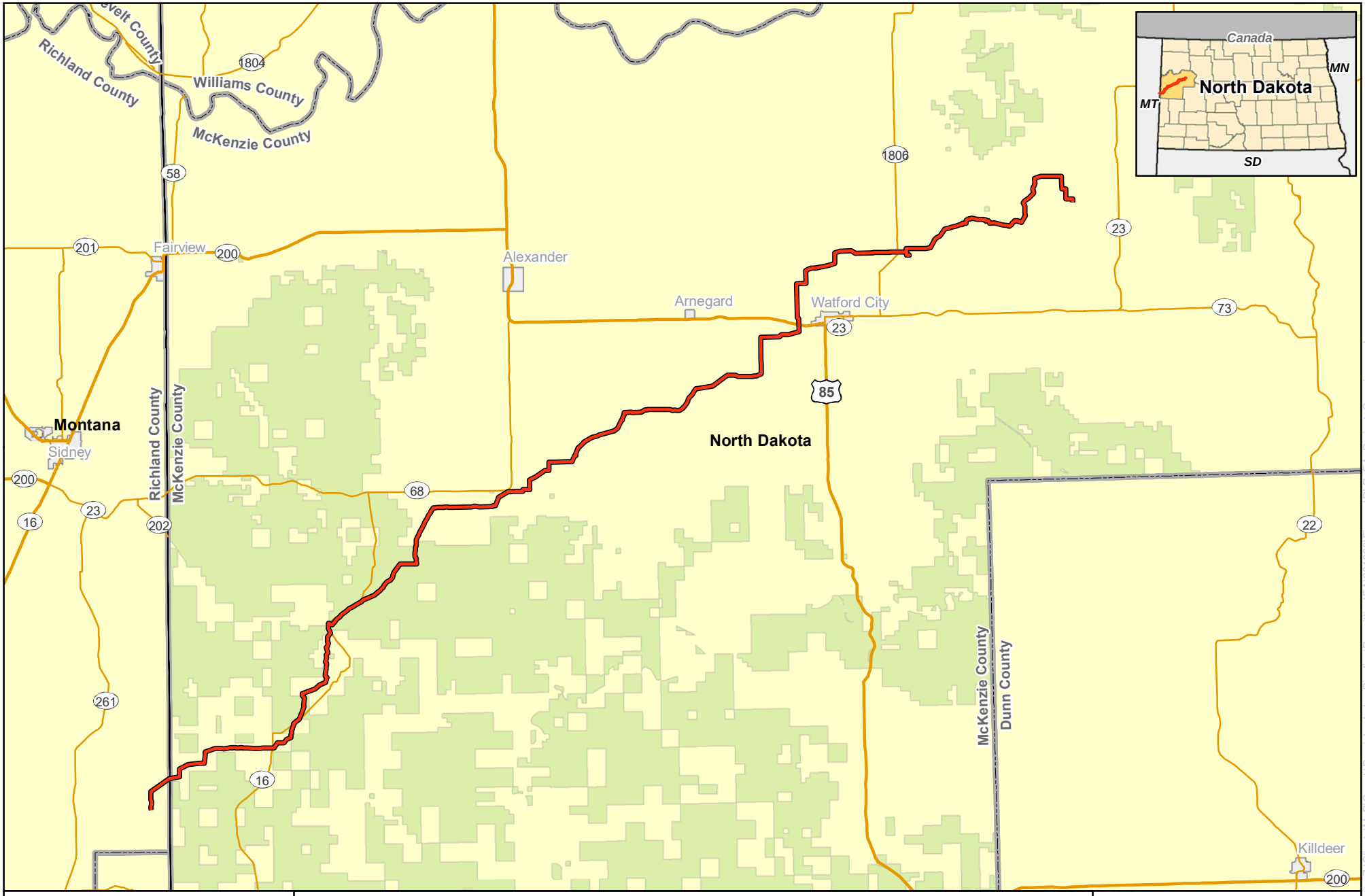

Figure 1-1
ONEOK Bakken Pipeline, L.L.C.
Demicks Lake Pipeline Project
Project Overview

0 750 1,500 Feet

1 inch = 1,500 feet

N W E S

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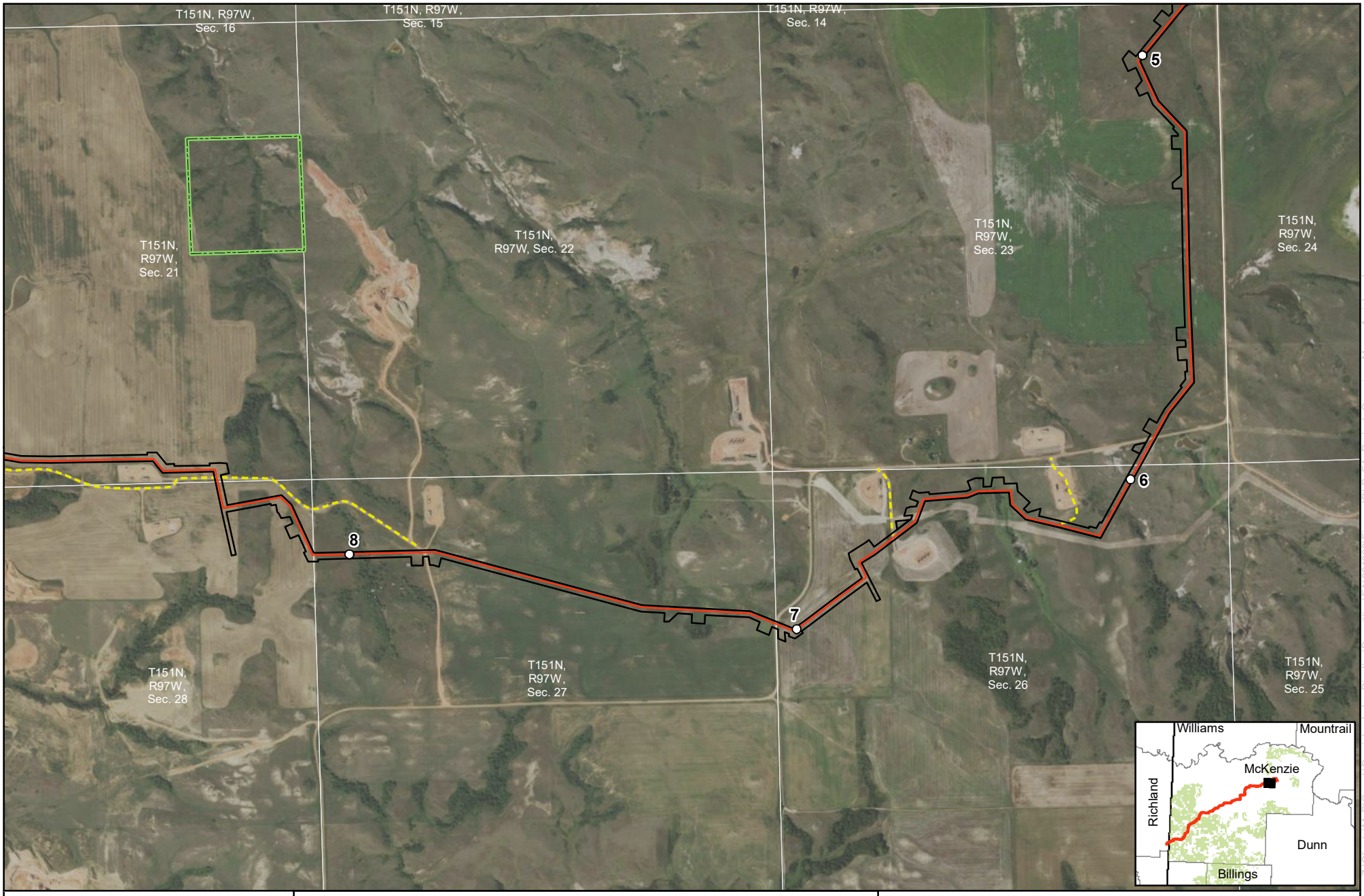
For Environmental Review Purposes Only

ONEOK
Demicks Lake Pipeline Project
Project Location Maps

- Milepost
- Proposed Route
- Proposed Access Road
- Workspace
- Section Boundary
- Forest Service Land (USFS)

Source: Z:\Clients\M_P\Oneok\Demicks_Lake_Pipeline\Permitting\EA\20180911\Figures\DLP_EA_Project_Overview_Maps_Aerial.mxd

Date: (10/18/2018)



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1 inch = 1,500 feet

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For Environmental Review Purposes Only

ONEOK
Demicks Lake Pipeline Project
Project Location Maps

- Milepost
- Proposed Route
- Proposed Access Road
- Workspace
- Section Boundary
- Forest Service Land (USFS)

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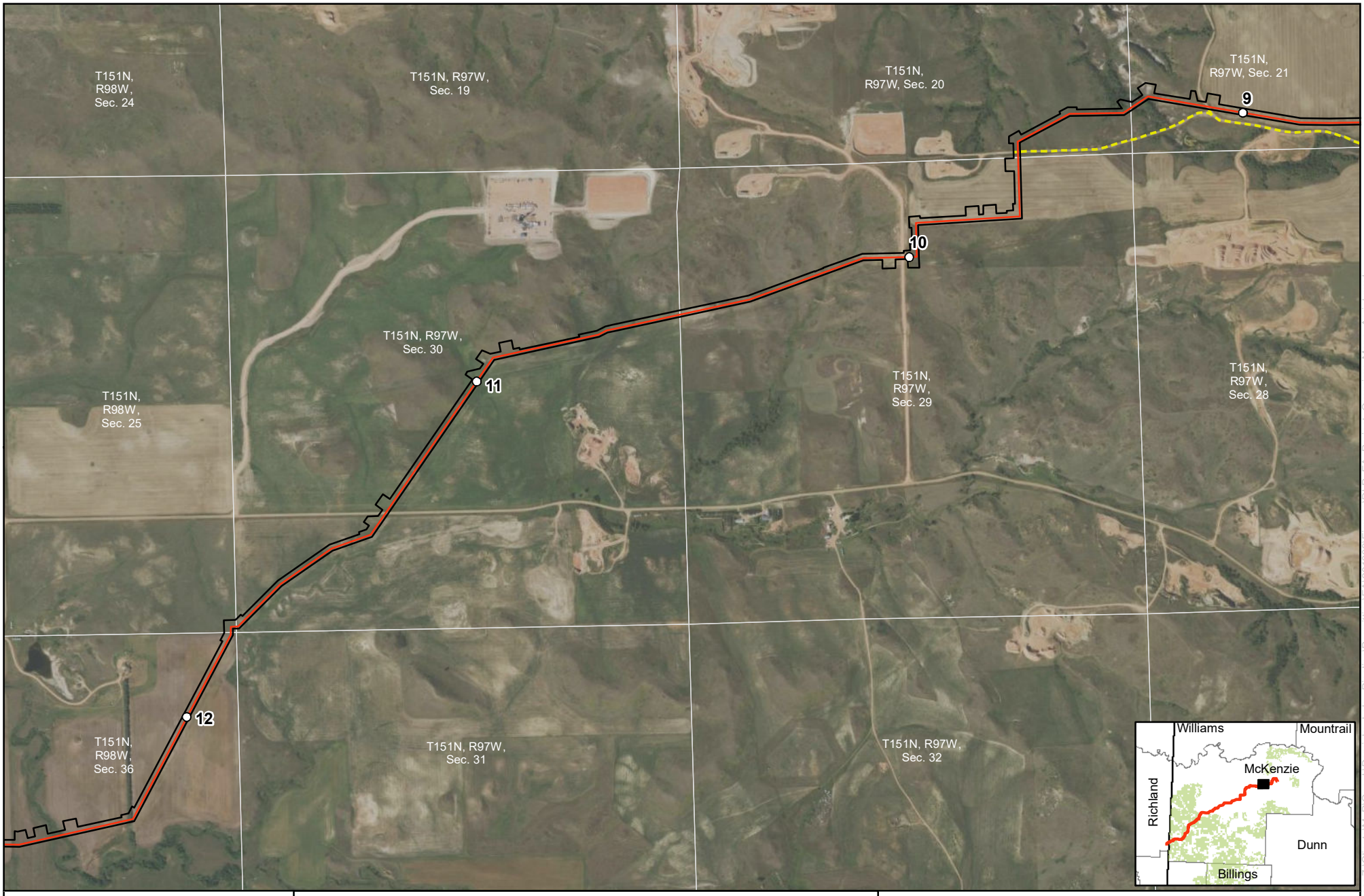

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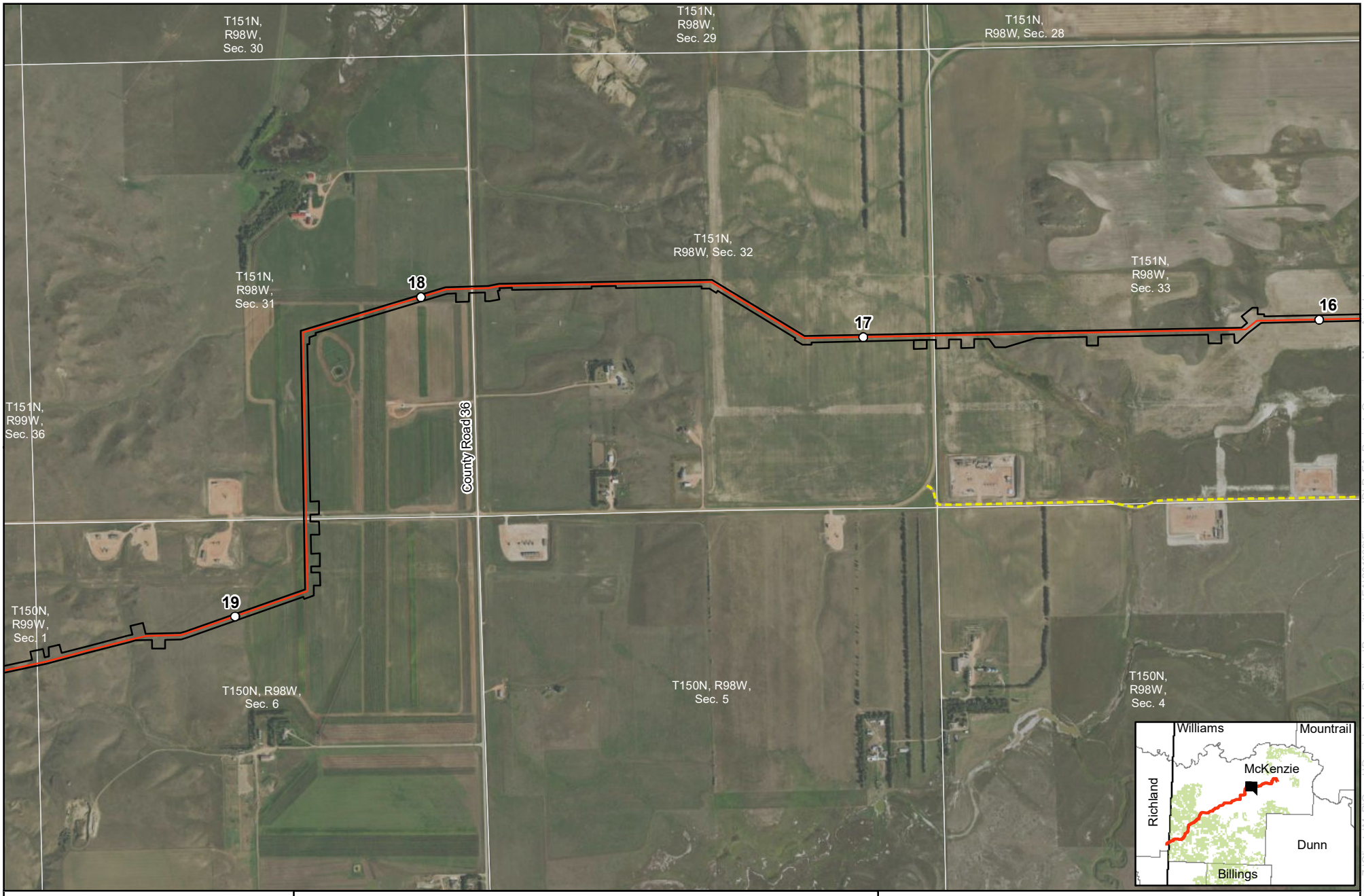

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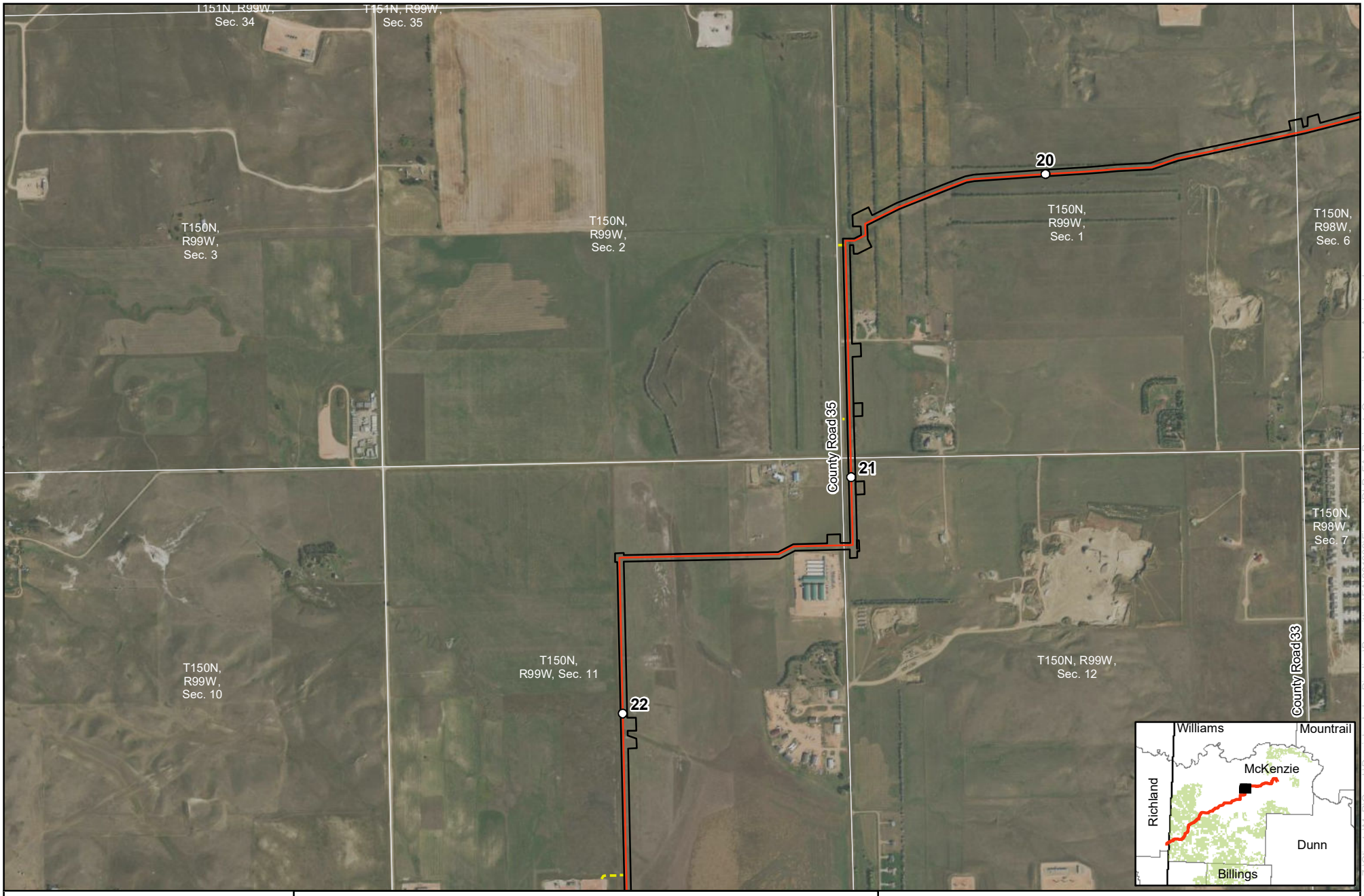

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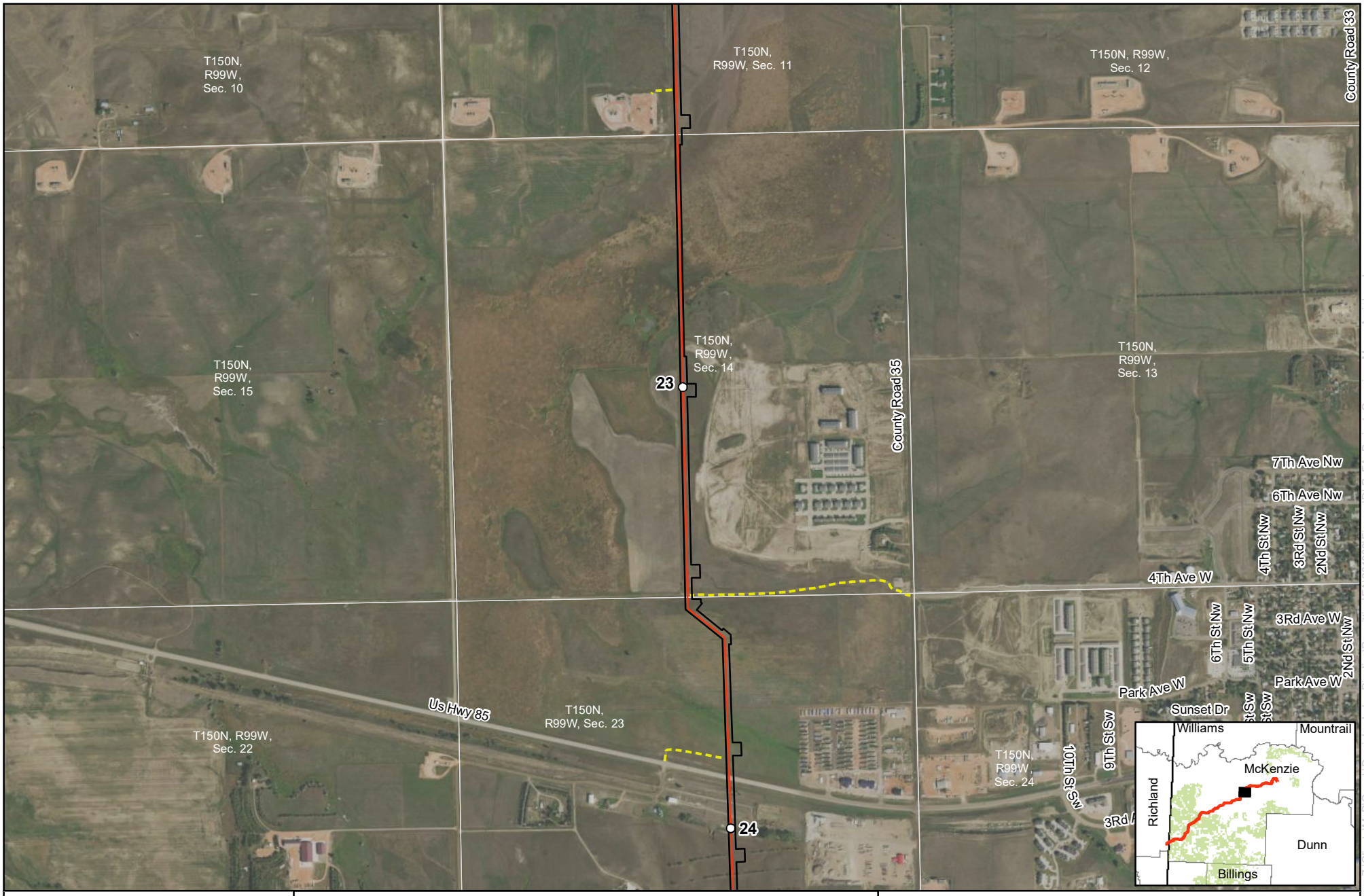

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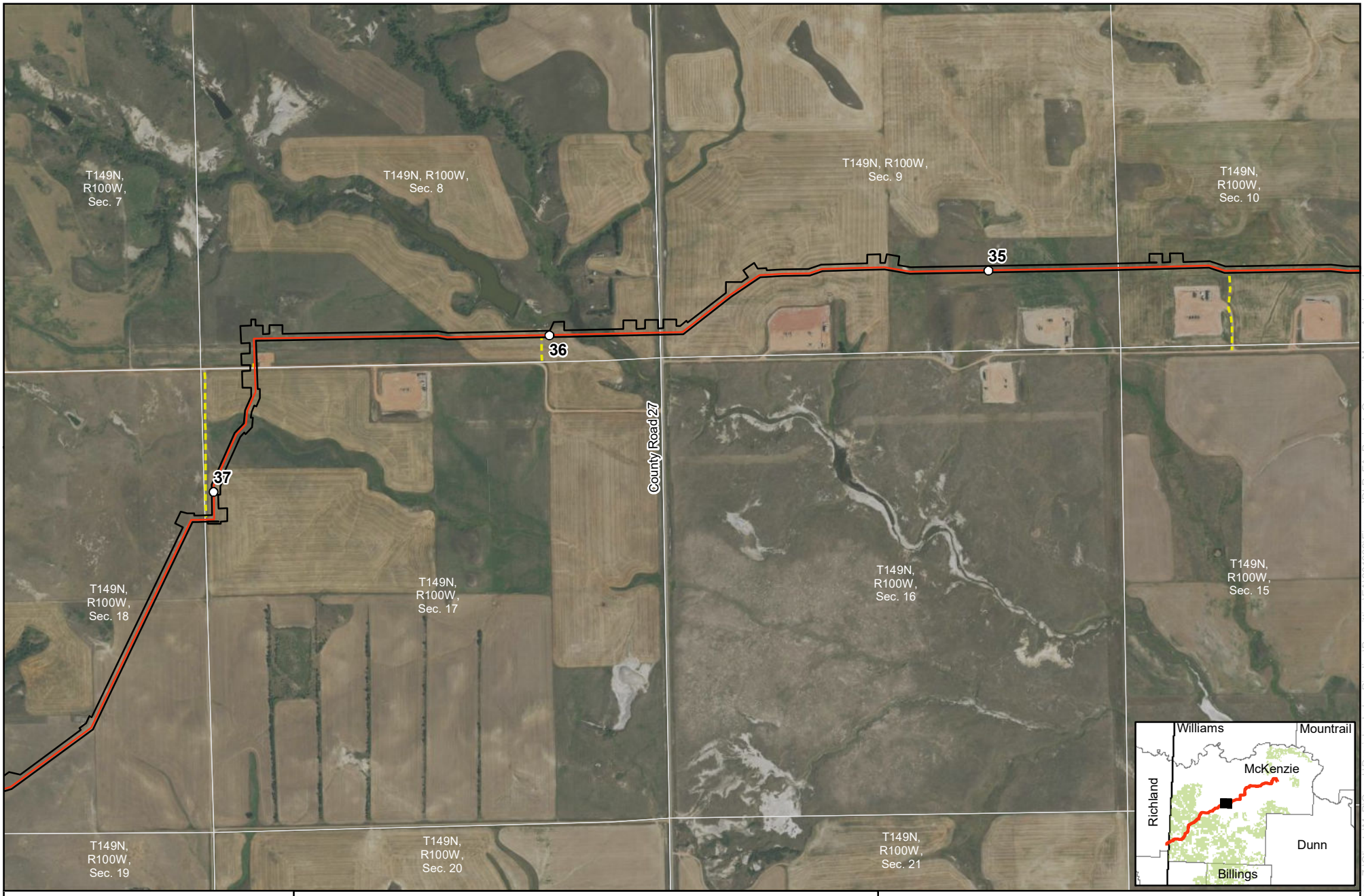

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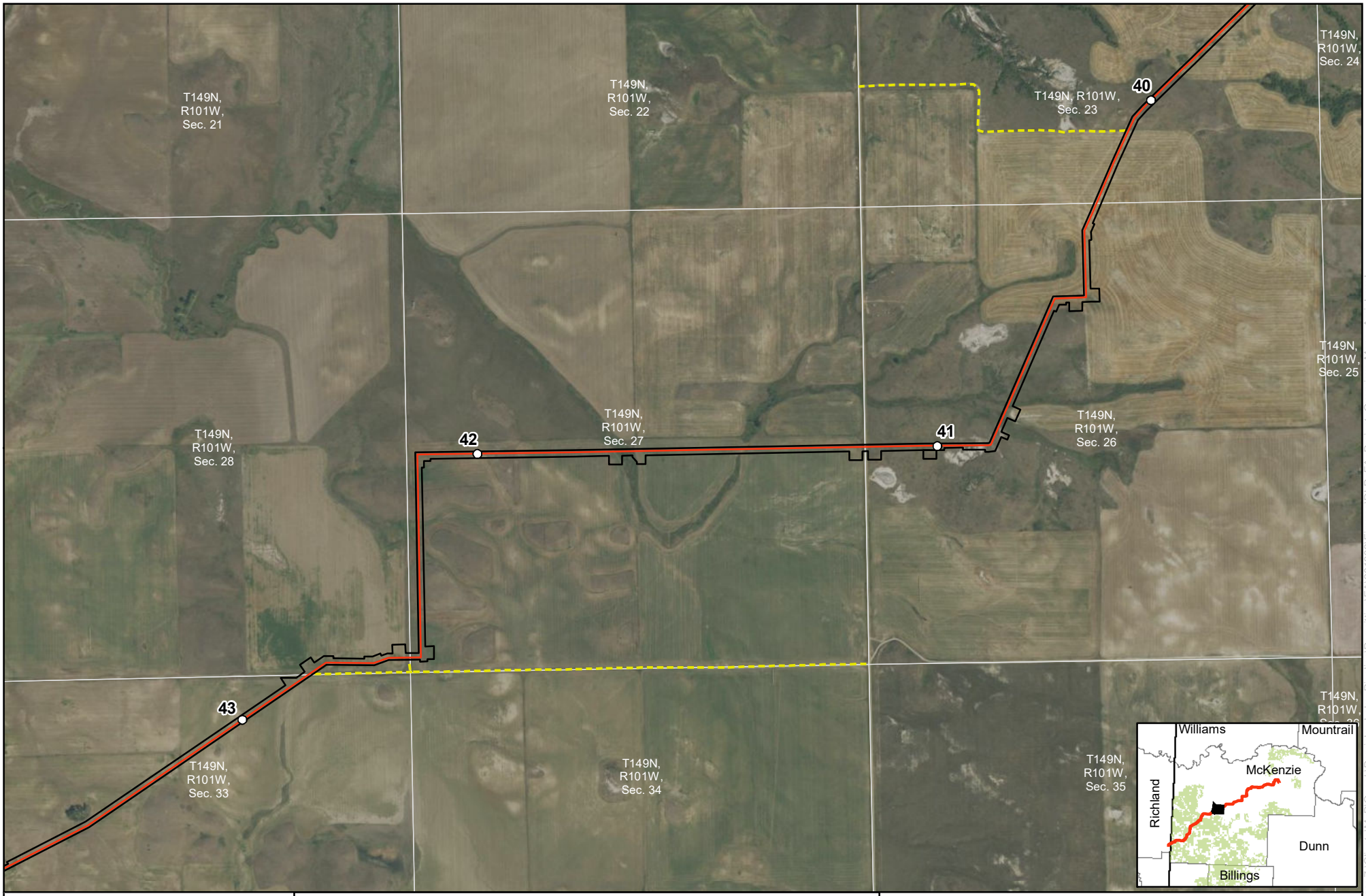

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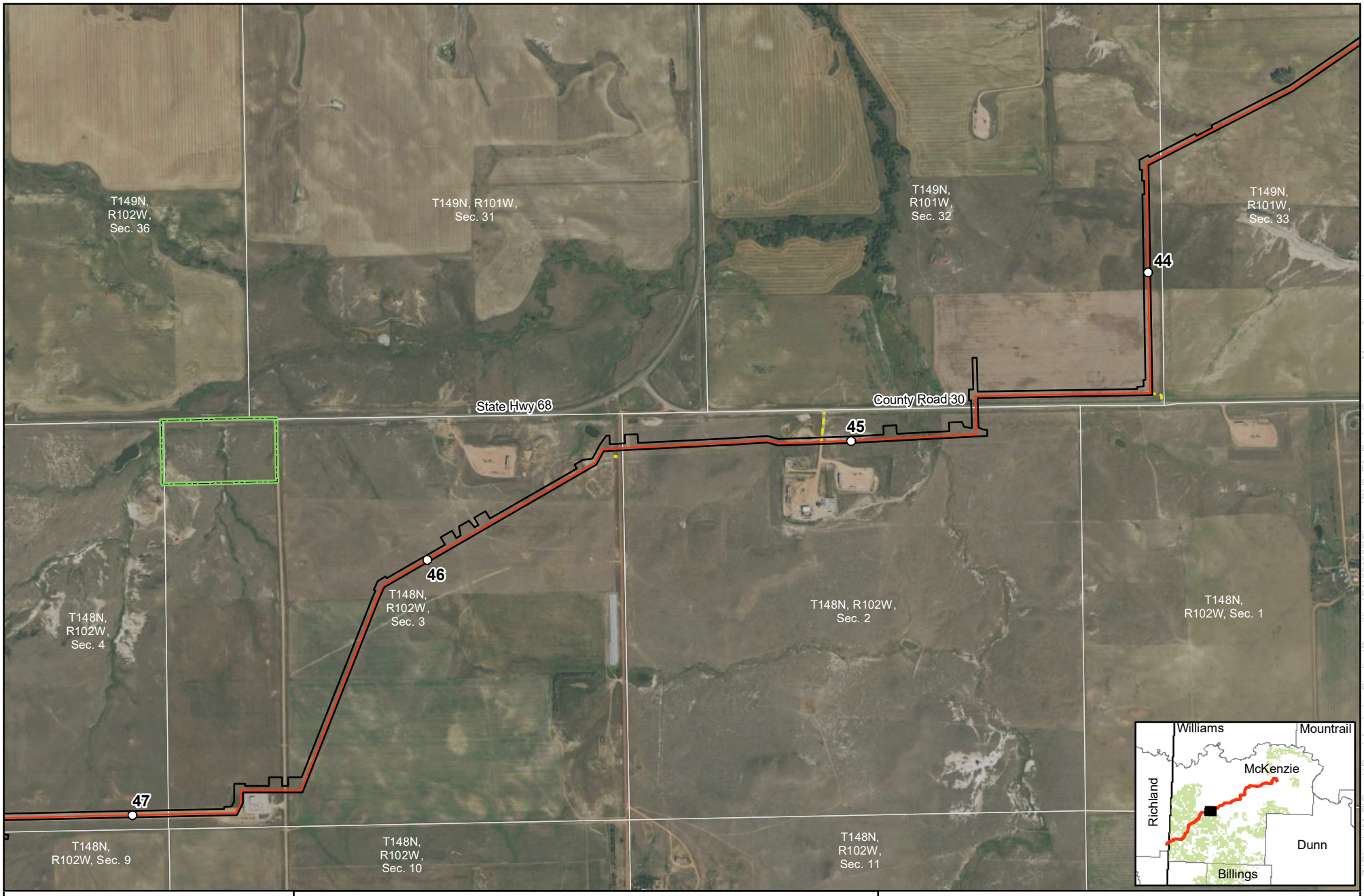

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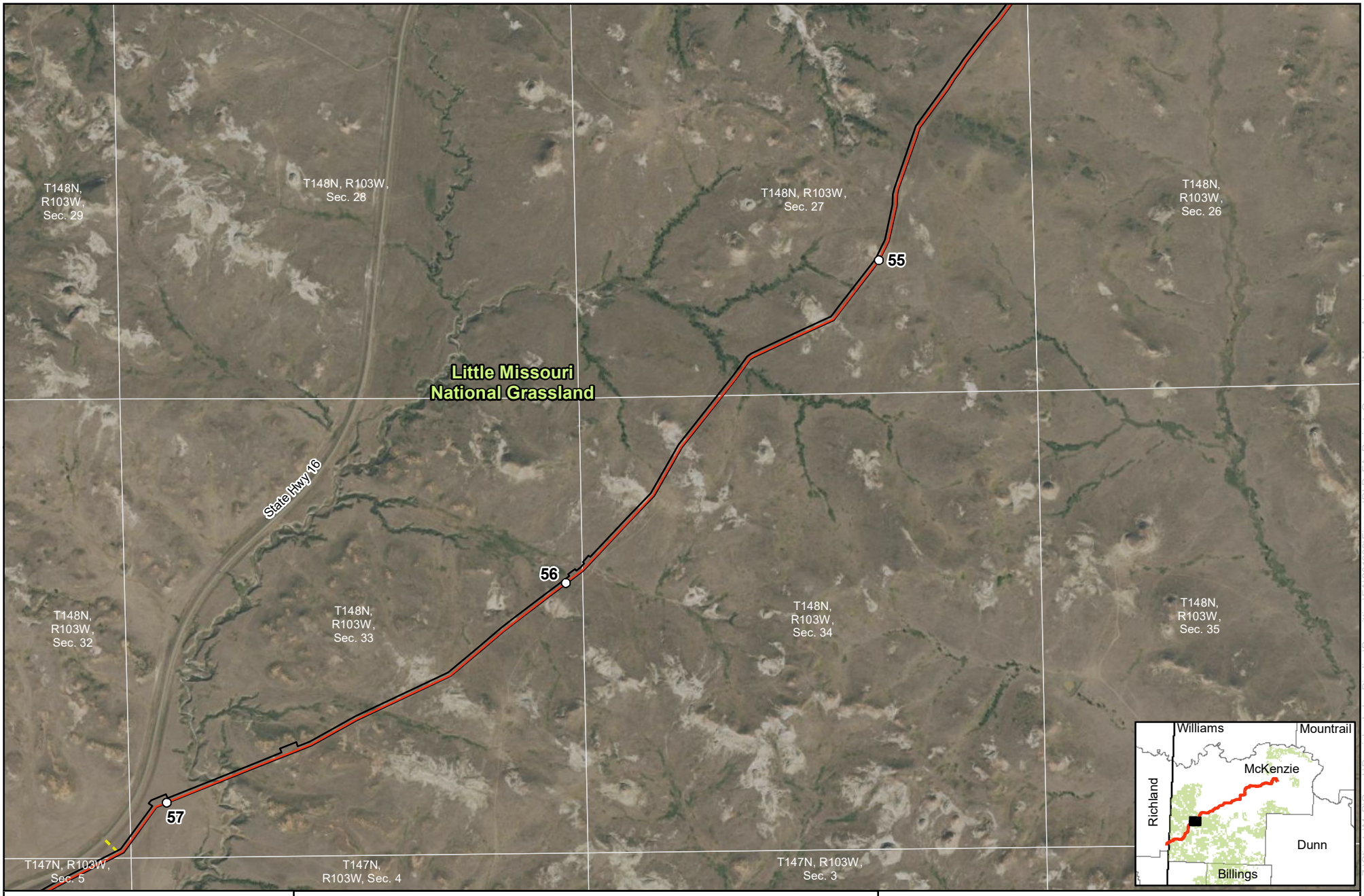

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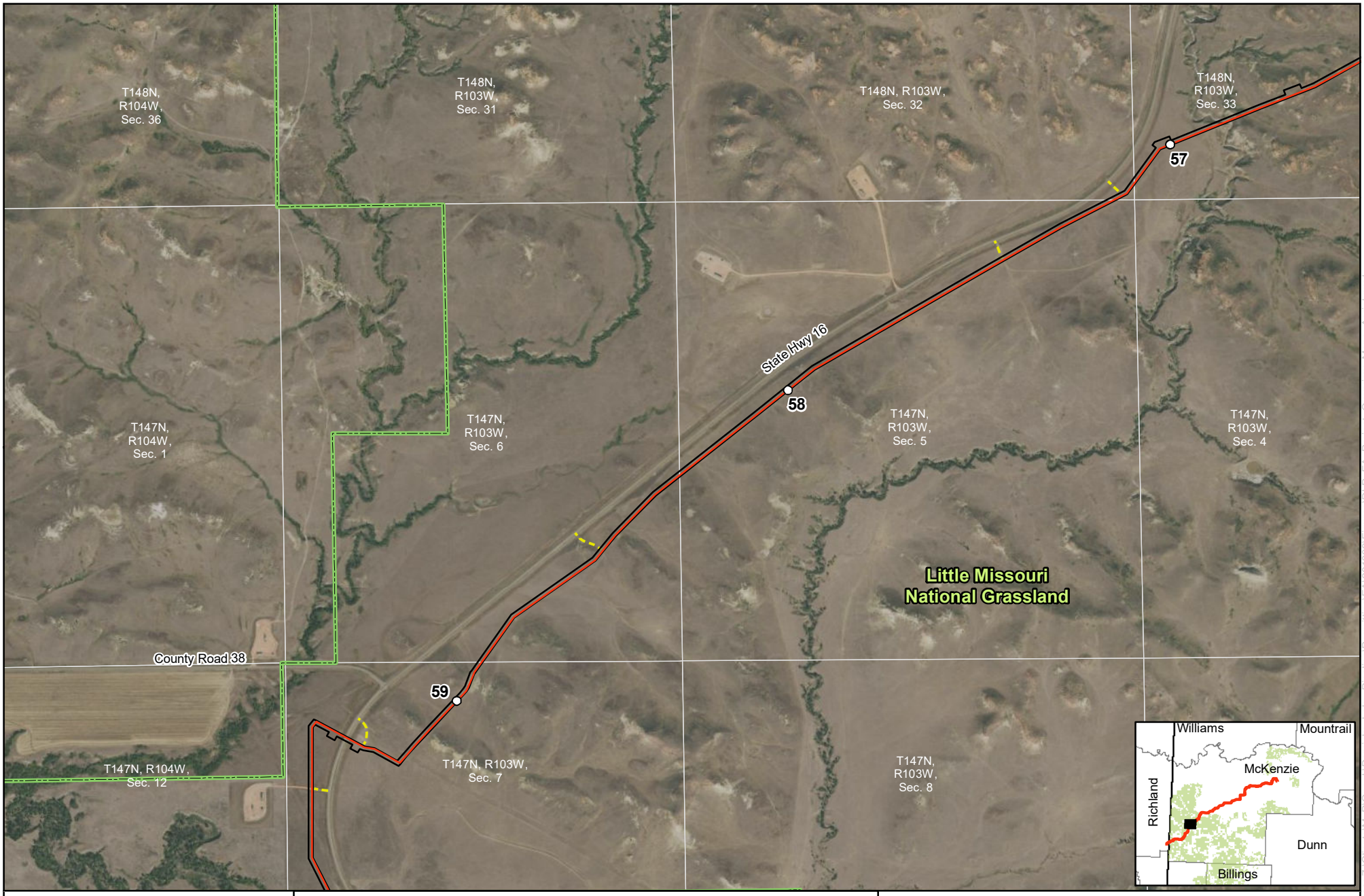

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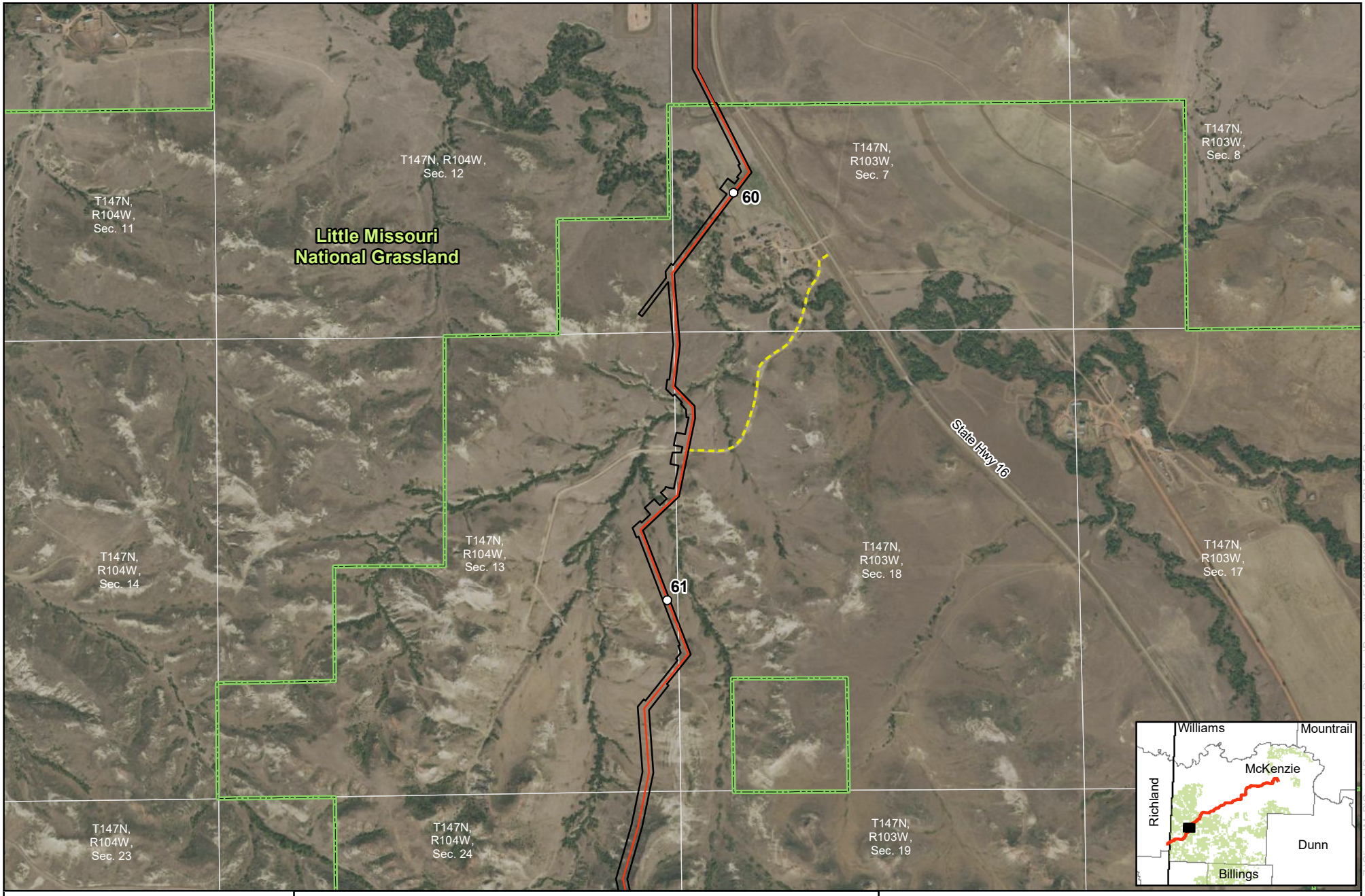

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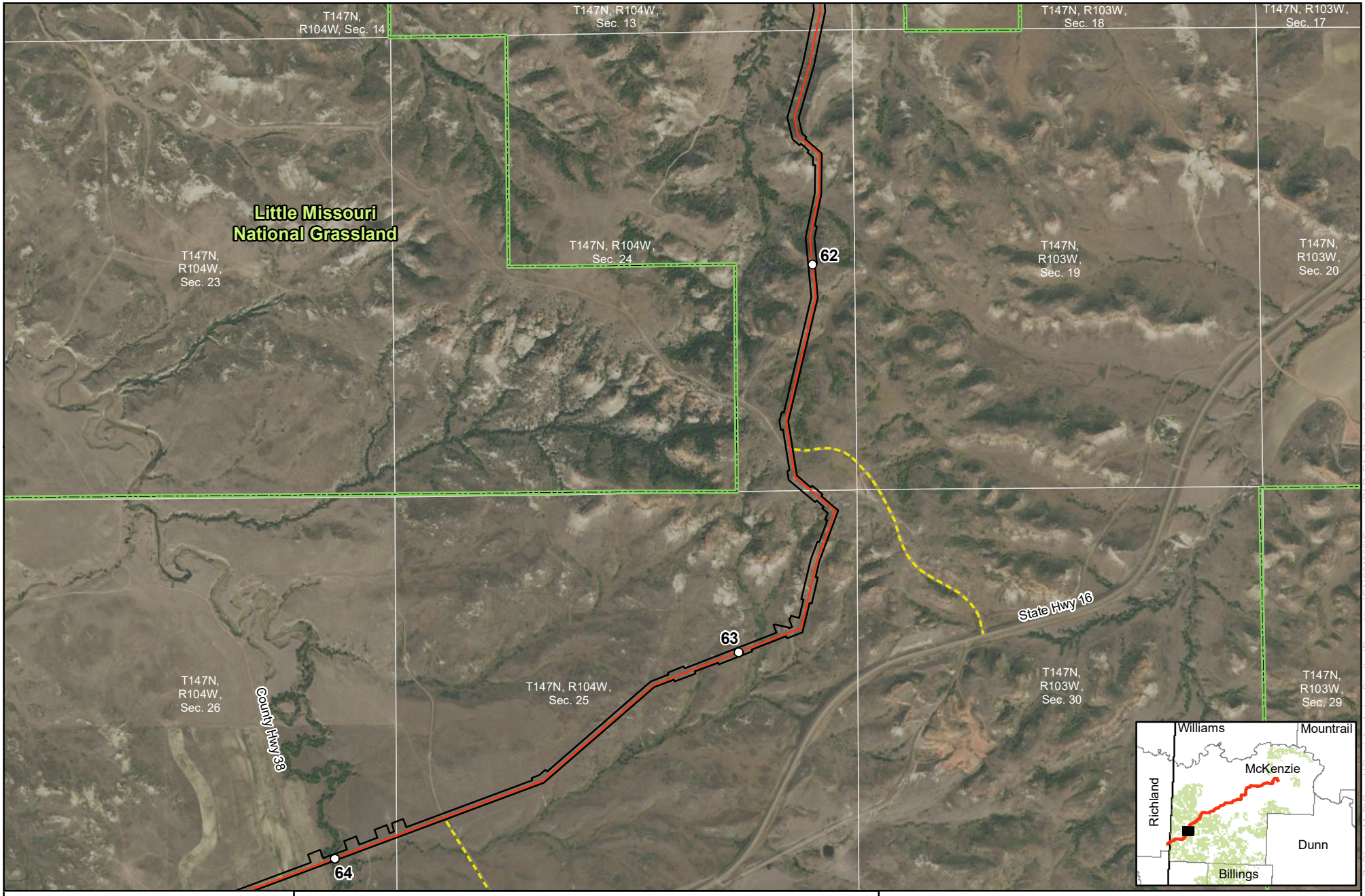

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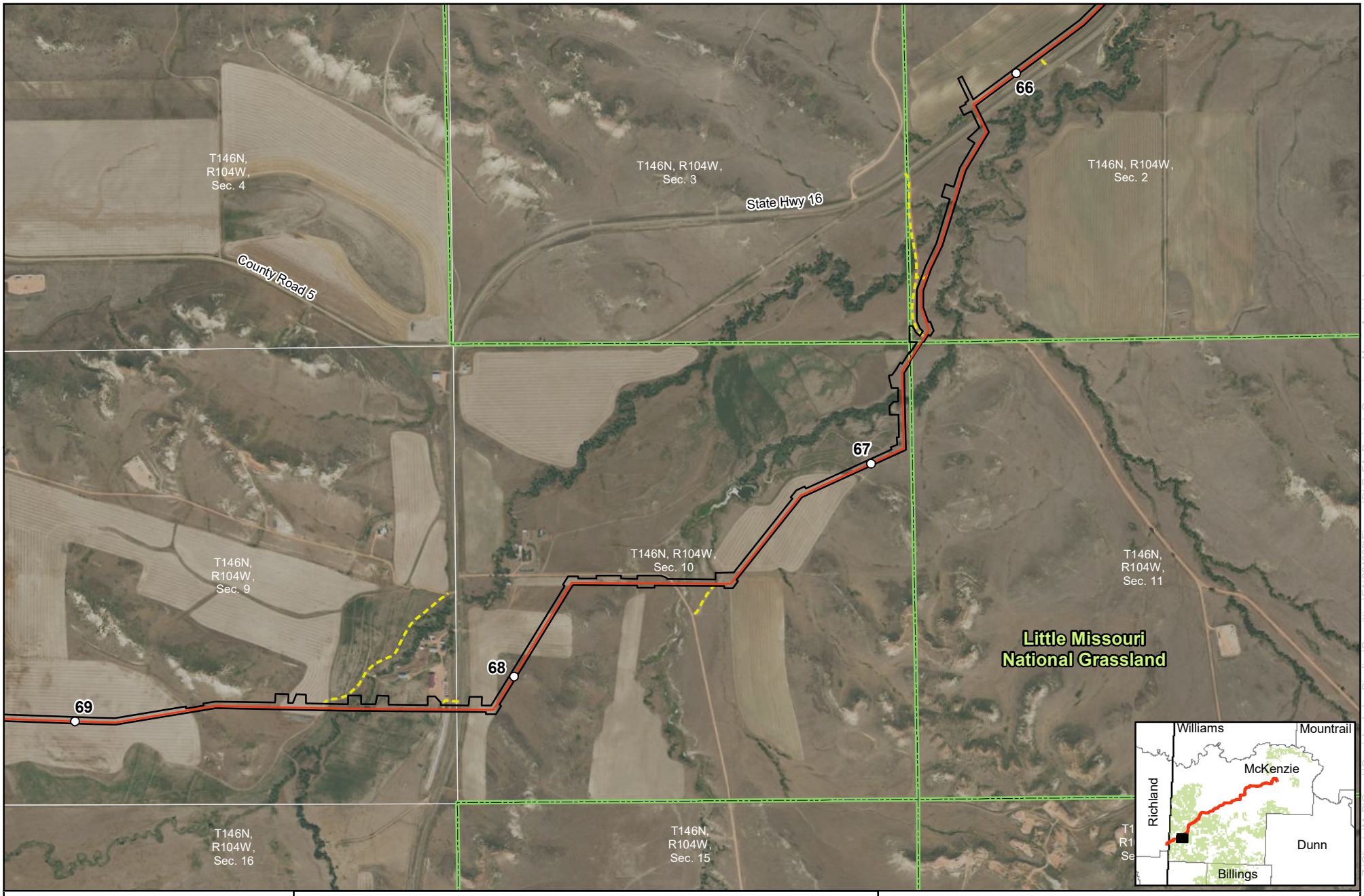

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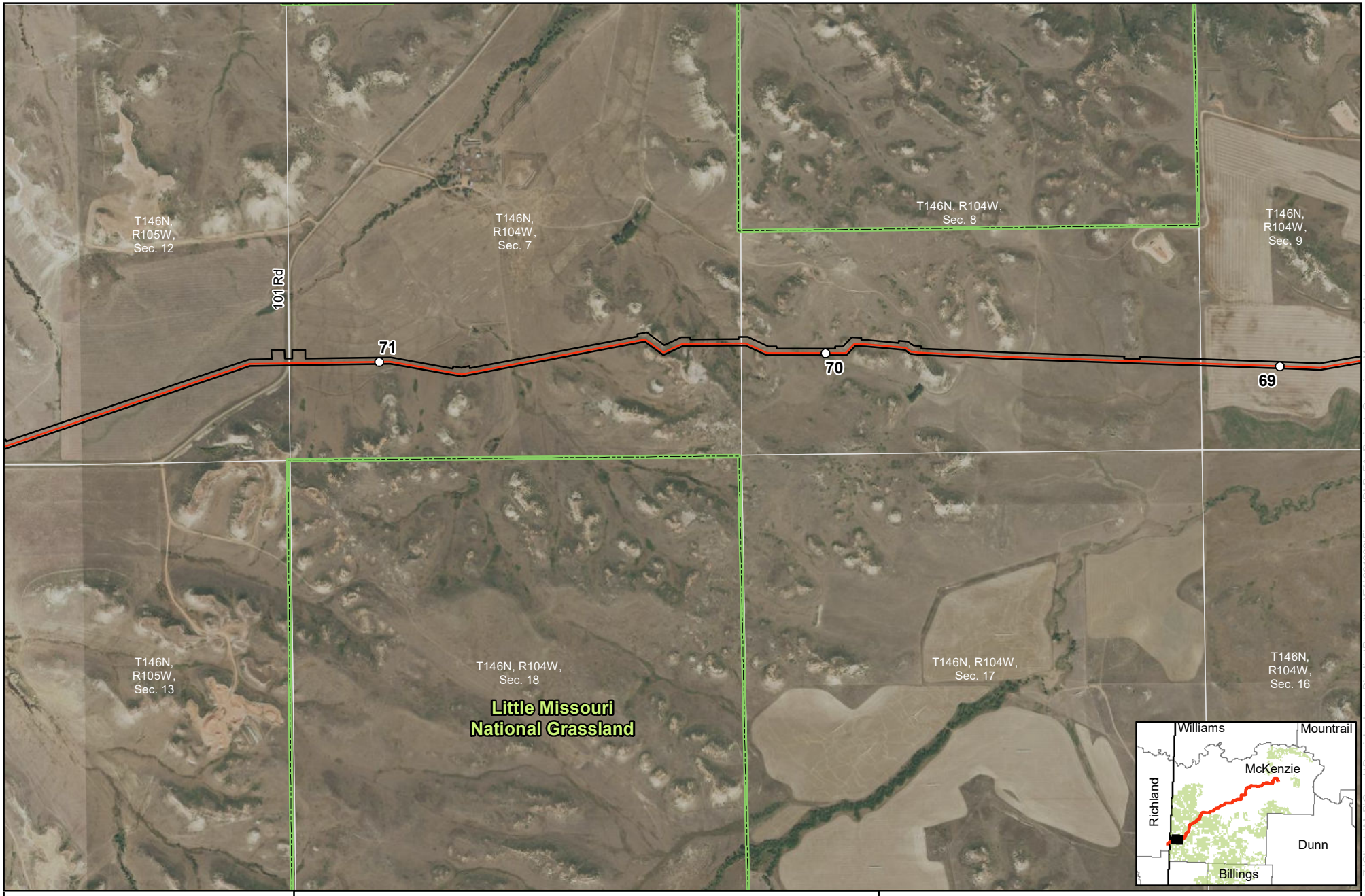

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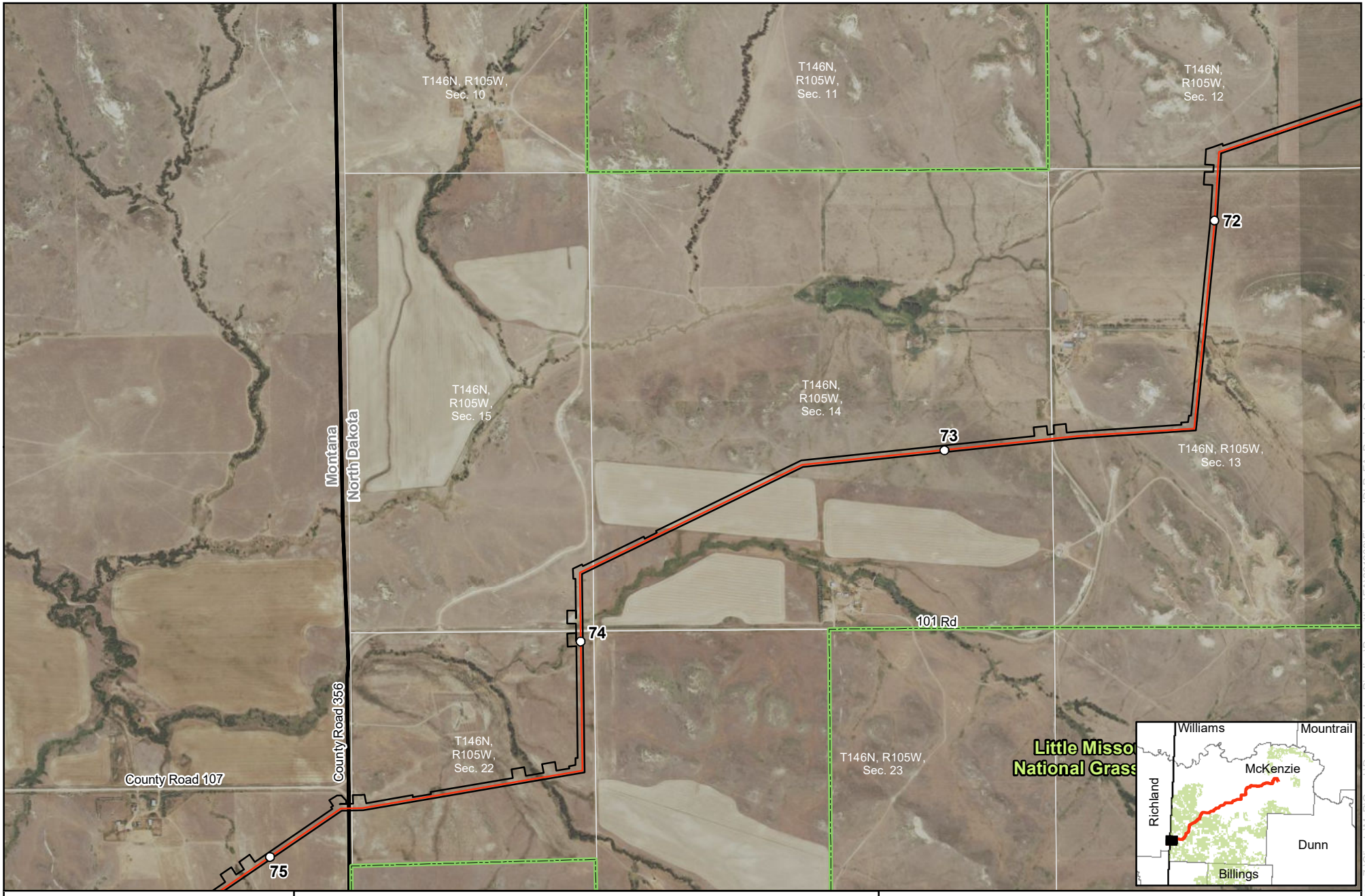

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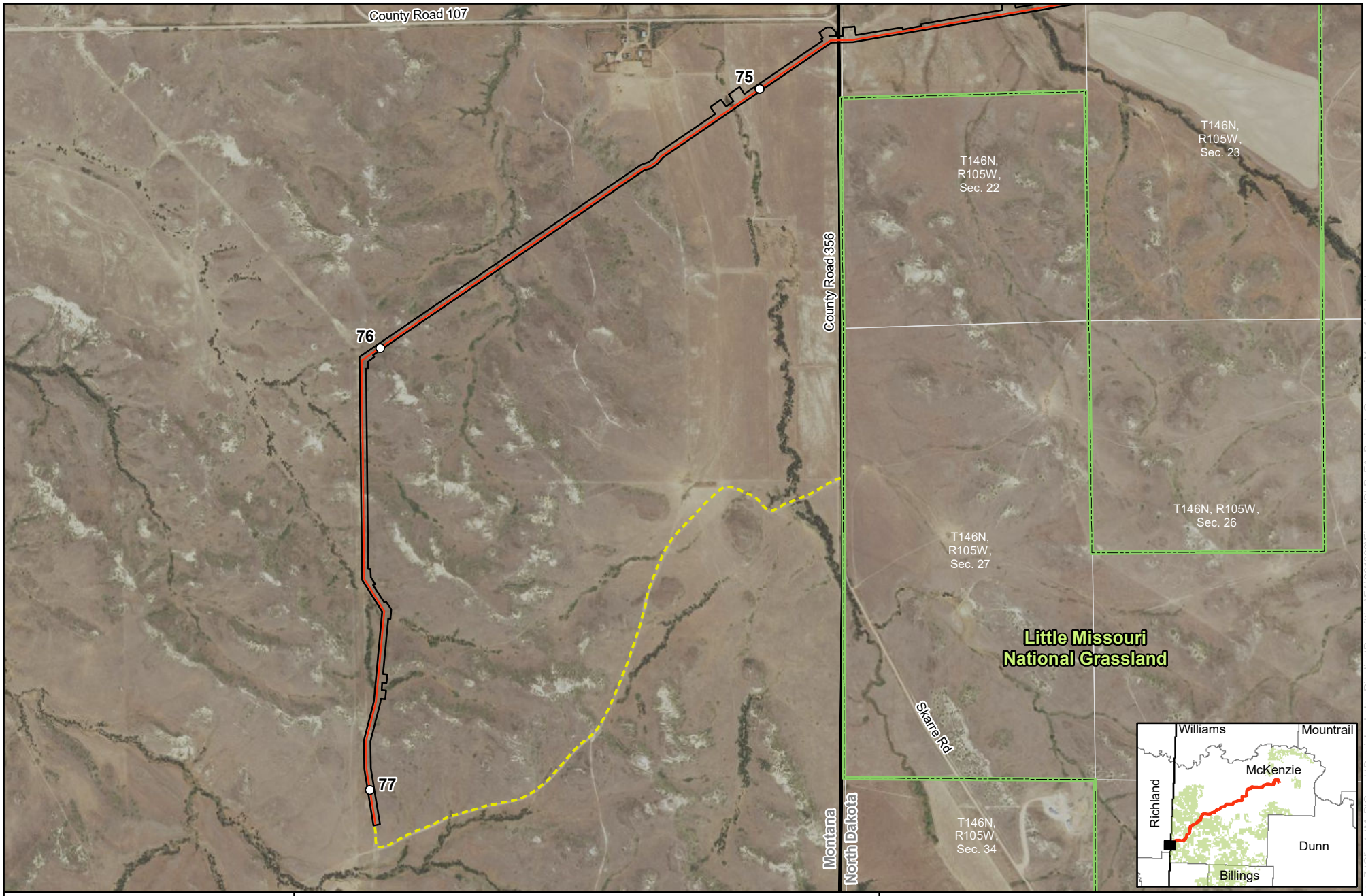

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APPENDIX E

Receiving Waters

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Surface Water Resources Within the Project Area					
Feature ID	**Milepost**	**Regime**	**Crossing Length (feet)**	**Crossing Method**	**Acreage Within Project Area [a]**
s-18042e-004	15.7	Ephemeral	0	Open Cut	<0.1
s-18042d-023	27.2	Ephemeral	8.992565	Open Cut	<0.1
s-18042d-018	37.9	Ephemeral	3.103835	HDD	<0.1
s-18042d-017	41.2	Ephemeral	3.356191	Open Cut	<0.1
s-18042d-016	44.4	Intermittent	7.484472	HDD	<0.1
s-18042d-015	49.4	Intermittent	8.122628	HDD	<0.1
s-18042d-022	55.5	Ephemeral	3.011689	Open Cut	<0.1
s-18042d-021	56.4	Intermittent	16.789009	HDD	<0.1
s-18042d-013	59.7	Ephemeral	4.067858	HDD	<0.1
s-18042d-012	60.3	Ephemeral	3.444863	Open Cut	<0.1
s-18042g-004	63.6	Ephemeral	3.997716	HDD	<0.1
s-18042d-006	65.9	Ephemeral	4.594757	HDD	<0.1
s-18042d-026	66.4	Ephemeral	6.165638	Open Cut	<0.1
s-18042d-003	67.9	Intermittent	5.203676	HDD	<0.1
s-18042d-001	73.9	Ephemeral	2.996525	Open Cut	<0.1
s-18042d-033	74.6	Ephemeral	4.076754	Open Cut	<0.1
s-ri-mc-003	76.2	Ephemeral	0	Open Cut	<0.1
s-ri-mc-002	76.3	Ephemeral	2.124052	Open Cut	<0.1

[a] Includes the temporary and permanent construction ROW, ETWS, and access roads; contractor yard(s) have not yet been determined. Contractor yards will not be established on LMNG land.

Wetland Resources Within the Project Area Within the Project Area					
Feature ID	**Milepost**	**Cowardin Classification**	**Crossing Length (feet)**	**Crossing Method**	**Acreage Within Project Area [a]**
w-18042d-060	1.8	PEM	222.55	Open Cut	0.52
w-18042d-062	2	PEM	0.00	Open Cut	0.01
w-18042d-065	3.2	PEM	0.00	Open Cut	0.01
w-18042d-063	3.4	PEM	40.70	Open Cut	0.08
w-18042e-010	14.9	PEM	65.64	Open Cut	0.11
w-18042i-004	15.4	PEM	0.00	Open Cut	0.17
w-18042i-003	15.4	PEM	0.00	Open Cut	0.03
w-18042i-002	15.4	PEM	0.00	Open Cut	0.00
w-18042e-009	15.7	PEM	40.80	Open Cut	0.04
w-18042e-008	16.3	PEM	51.61	Open Cut	0.10
w-18042e-006	22.1	PEM	1855.30	HDD	2.12
o-18042e-002	22.5	PUB	33.53	HDD	0.04
w-18042k-001	22.8	PEM	0.00	Open Cut	0.04
ext-w-18042h-003	22.9	PEM	283.51	HDD	0.33
w-18042h-003	23	PEM	1451.29	HDD	1.66
w-18042h-002	23.3	PEM	131.61	HDD	0.15
w-18042e-002	24.6	PEM	0.00	Open Cut	0.00
w-18042d-025	29.4	PEM	0.00	Open Cut	0.02
w-18042d-024	29.7	PEM	32.70	Open Cut	0.06
w-18042d-023	29.9	PEM	59.44	Open Cut	0.10
w-18042d-022	30.5	PEM	252.59	Open Cut	0.42
w-18042d-021	32.2	PEM	0.00	Open Cut	0.01
w-18042d-019	32.7	PEM	140.59	Open Cut	0.25
w-18042d-018	35.5	PEM	279.09	HDD	0.23
w-18042d-017	37.5	PEM	466.19	HDD	0.55
w-18042d-016	38.2	PEM	76.03	HDD	0.09
w-18042d-015	40.4	PEM	79.66	Open Cut	0.16
w-18042d-014	43	PEM	0.00	Open Cut	0.00
w-18042d-008	44.3	PEM	0.00	Open Cut	0.03
w-18042d-007	44.4	PEM	118.87	HDD	0.21
w-18042d-004	47.2	PEM	0.00	HDD	0.03
w-18042d-005	47.2	PEM	0.00	HDD	0.00
w-18042d-003	49.4	PEM	0.00	HDD	0.02
w-18042d-001	53.4	PEM	28.98	Open Cut	0.04
w-18042d-051	67.1	PEM	82.12	HDD	0.13
w-18042d-049	67.2	PEM	48.14	Open Cut	0.08
				Workspace Subtotal	**7.84**

[a] Includes the temporary and permanent construction ROW, ETWS, and access roads; contractor yard(s) have not yet been determined. Contractor yards will not be established on LMNG land.

APPENDIX F

Stormwater Inspection Form and Reports

Site Inspection Record Template
Construction
(07-2010)

Project Name: _____

Coverage Number: _____

Inspector: _____ Date: _____ Time: _____

Precipitation Amount: _____ Date: _____

Areas Inspected (Choose Applicable): ☐ Active areas

☐ Stabilized areas with less than 70% cover

☐ Areas that have achieved final stabilization

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

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

Observations / Corrective Actions:

_____

_____

_____

☐ 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 G

Best Management Practice Tracking Table

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Appendix G – Erosion and Sediment Controls Checklist

Prior to commencing and throughout construction activities, please review and ensure the following are completed in accordance with the SWPPP and with the General Permit. On the following page is a table in which all ECDs installed onsite will be recorded.

1. Access Drives and Tracking. Provide access drive(s) for construction vehicles that minimize tracking of soil off site using BMPs such as stone tracking pads, tire washing or grates. Minimize runoff and sediment from adjacent areas from flowing down or eroding access drive.
2. Diversion of Upslope Runoff. Divert excess runoff from upslope land, rooftops, or other surfaces, if practicable, using BMPs such as earthen diversion berms, silt fence and downspout extenders. Prevent erosion of the flow path and the outlet.
3. Inlet Protection. Protect inlets to storm drains, culverts and other stormwater conveyance systems from siltation until the site is stabilized.
4. Soil Stockpiles. Locate soil stockpiles away from channelized flow and no closer than 50 feet from roads, ditches, lakes, streams, ponds, wetlands, or environmental corridors. Control sediment from soil stockpiles. Any soil stockpile that remains for more than 7 days must be stabilized.
5. Cut and Fill Slopes. Minimize the length and steepness of proposed cut and fill slopes and stabilize them as soon as practicable.
6. Channel Flow. During construction, trap sediment in channelized flow before discharge from the site using BMPS such as sediment traps and sediment basins. Complete final grading and stabilize open channels in accordance with Permit standards.
7. Outlet Protection. Protect outlets from erosion during site dewatering and stormwater conveyance, including velocity dissipation at pipe outfalls or open channels entering or leaving a stormwater management facility.
8. Overland Flow. Trap sediment in overland flow before discharge from the site using BMPs such as silt fence and vegetative filter strips.
9. Site Dewatering. Treat pumped water to remove sediment prior to discharge from the site, using BMPs such as sediment basins and portable sediment tanks. Discharge to well-vegetated upland sites only.
10. Dust Control. Prevent excessive dust from leaving the construction site though construction phasing and timely stabilization or the use of BMPs such as site watering and mulch – especially with very dry or fine sandy soils.
11. Topsoil Application. Save existing topsoil and reapply a minimum of 4 inches to all disturbed areas for final stabilization, such as for temporary seeding or stormwater infiltration BMPs.
12. Waste Material. Recycle or properly dispose all waste and unused building materials in a timely manner. Control runoff from waste materials until they are removed or reused.
13. Sediment Cleanup. By the end of each workday, clean up all off-site sediment deposits or tracked soil that originated from the permitted site.
14. Final Site Stabilization. Stabilize all other disturbed areas within 7 days of final grading and topsoil application. Any soil erosion that occurs after final grading or the application of stabilization measures must be repaired, and the stabilization work redone.
15. Temporary Site Stabilization. Any disturbed site that remains inactive for greater than 7 days shall be stabilized with temporary stabilization measures such as soil treatment, temporary seeding, or mulching. For purposes of this subsection, “inactive” means that no site grading, landscaping, or utility work is occurring on the site and that precipitation events are not limiting these activities. Frozen soils do not exclude the site from this requirement.
16. Removal of Practices. Remove all temporary BMPs such as silt fences, ditch checks and sediment traps as soon as all disturbed areas have been stabilized.

Erosion and Sediment Controls Installed Onsite

ECD Type[1]	Location Installed[2]	Date Installed

[1] e.g., silt fence, fiber log, inlet protection (include type).

[2] Use one line for each location an ECD is installed.

APPENDIX H

Training Log

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Appendix H: Training Log

Training Date	Name	Title	Signature