



Little Missouri Lateral Pipeline Project

STORMWATER POLLUTION PREVENTION PLAN

ISSUED FOR CONSTRUCTION

Prepared by



May 2019

REVISION INDEX

Revision	Date	Affected Pages	Description
Initial	September 2018	Global	Development of new SWPPP
1	January 2019	Global	General revisions/edits post ONEOK review
2	May 2019	Global	General revisions/edits

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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 Inspectors
General Permit	North Dakota National Pollutant Discharge Elimination System Stormwater Discharge from Construction Activities General Permit
NDDH	North Dakota Department of Health
NGL	Natural Gas Liquids
ONEOK	ONEOK Bakken Pipeline, L.L.C.
NOI	Notice of Intent
Project	Little Missouri Lateral 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.

<p>Construction Mitigation and Restoration Plan (CMRP)</p>	<p>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.</p>
<p>Spill Prevention, Control, and Countermeasure Plan (SPCC)</p>	<p>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.</p>
<p>Dust Control Plan</p>	<p>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.</p>
<p>Revegetation Plan</p>	<p>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.</p>
<p>Horizontal Directional Drill Release Plan</p>	<p>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.</p>
<p>Weed Management Plan</p>	<p>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.</p>

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 Little Missouri Lateral Pipeline Project (Project).

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

North Dakota acknowledges 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 project *Spill Prevention, Control, and Countermeasure (SPCC) Plan*.

The Project is an approximately 10.8-mile, 12-inch-diameter steel natural gas liquids (NGL) pipeline. The Project will originate in McKenzie County, North Dakota, and the eastern (southern) terminus of the Project will connect into Targa's existing Little Missouri Natural Gas Processing Plant, while the western (northern) terminus will connect into ONEOK's proposed Demicks Lake Pipeline (currently in construction) and ONEOK's existing Garden Creek 10-inch NGL Pipeline.

Construction activities are currently proposed to begin in June 2019 and be completed in the third quarter of 2019. Restoration activities may extend 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. This document will be kept on-site during active construction activities

Construction of the pipeline facilities will generally use 75-foot-wide construction ROW, which consists of a 50-foot-wide permanent easement and an additional 25 feet of temporary workspace. 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 appropriate *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 B.

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 Little Missouri Lateral Pipeline Project Administrator Contact Information		
Title	Company	Contact Information
Project Manager	ONEOK, LLC	Name: Blake Holland Phone: 918-732-4888 E-mail: Blake.Holland@oneok.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

McKenzie County, North Dakota		
Township	Range	Section(s) Crossed by Route
149 North	98 West	30
149 North	99 West	17-18, 20-21, 25-28
149 North	100 West	1, 12-13

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. 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 B.

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 12 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 C.

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 C. 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, 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 C.

	Land Disturbed by Construction (acres)	
	Temporary Workspace	Permanent Land Disturbance
Pipeline Right-of-Way	67.3	0
Additional Temporary Workspaces	33.6	0
Access Roads	NA	NA
Valve Sites	0.8	0.8
Total	100.9	0.8
*acreages to be updated based on final alignment.		

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 C 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 2.4-1). 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 C will be disturbed by construction activities.

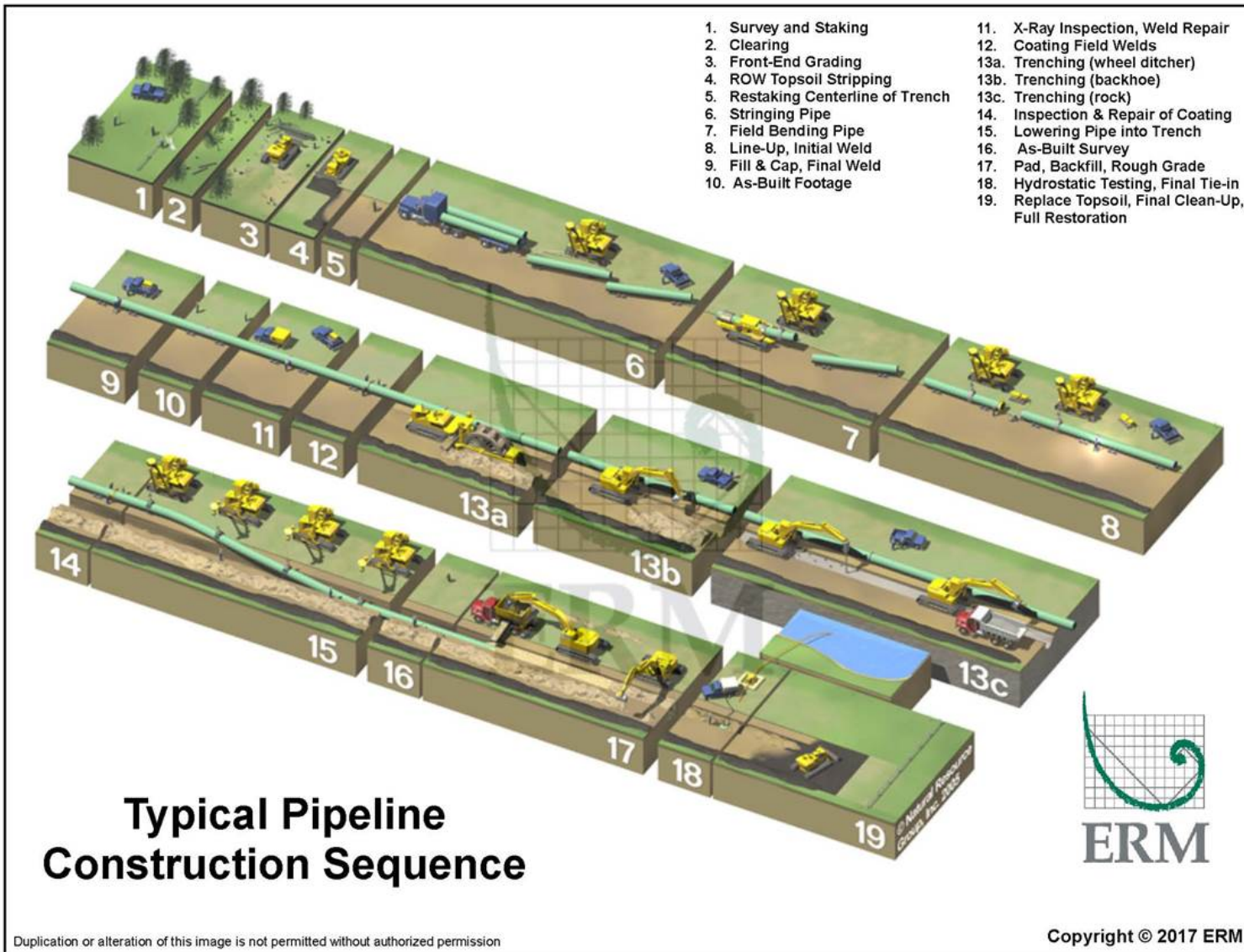
2.4 SEQUENCE OF ACTIVITIES

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 2.4-1 – Typical Pipeline Construction Sequence



2.5 SCHEDULE

Construction of the pipeline is scheduled to begin in June 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 the entire pipeline will be installed by the third quarter 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.

2.6 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

2.7 RECEIVING WATERS

The pipeline crosses numerous drainage basins. The pipeline route crosses 8 waterbodies (6 intermittent, 1 perennial, and 1 ephemeral), and 4 wetlands (all Palustrine Emergent). Appendix D 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 right-of-way are generally considered temporary. 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.

2.8 MUNICIPAL SEPARATE STORM SEWER SYSTEMS

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

2.9 IMPAIRED 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 are to 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 E) and the BMP tracking table (Appendix F).

Deficient BMPs noted during required site inspections will be addressed as soon as possible. It is the responsibility of the contractor to select best management practices 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 B 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 sediments from entering waterbodies and wetlands crossed by the pipeline route or located downslope of the construction ROW. Figures in Appendix B 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 rolls, 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. Refer to the Figures in Appendix B for typical drawings of slope breakers.

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*.

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

As noted previously, ONEOK is planning to utilize the stormwater permitting exemption. As such, coverage under NDDH NDPEs Permit NDG07-0000 will be obtained to cover trench dewatering

activities. Site dewatering conditions will be defined in that permit and are summarized below:

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 cannot (1) be in violation of the water quality standards as defined by the NDDH; (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 shall 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 *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 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 on-site, 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.

Fuels and Hazardous Materials Handling

- Refueling of equipment or hazardous material transfer will occur in designated areas only.
- No refueling or hazardous material transfer will occur within 100 feet of a 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 E). 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 shall 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 14 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 is 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 E); 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) must 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 shall 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 must 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 water quality rules and regulations, ONEOK is responsible for verbally notifying the NDDH within 24 hours of becoming aware of the noncompliance. Within 5 days after becoming aware of a noncompliance, the NDDH 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 G.

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*.

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

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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 than 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 than five acres.

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

“Non-Stormwater Discharges” means discharges other than stormwater. The term includes both process and non-process sources. Process wastewater sources that require a separate NDPDES permit include, but are not limited to industrial processes, domestic facilities and cooling water. Non-stormwater sources that may be addressed in this permit include, but are not limited to: fire-fighting, fire hydrant flushing, potable water line flushing, 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 calendar 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 LC₅₀ or EC₅₀ 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.

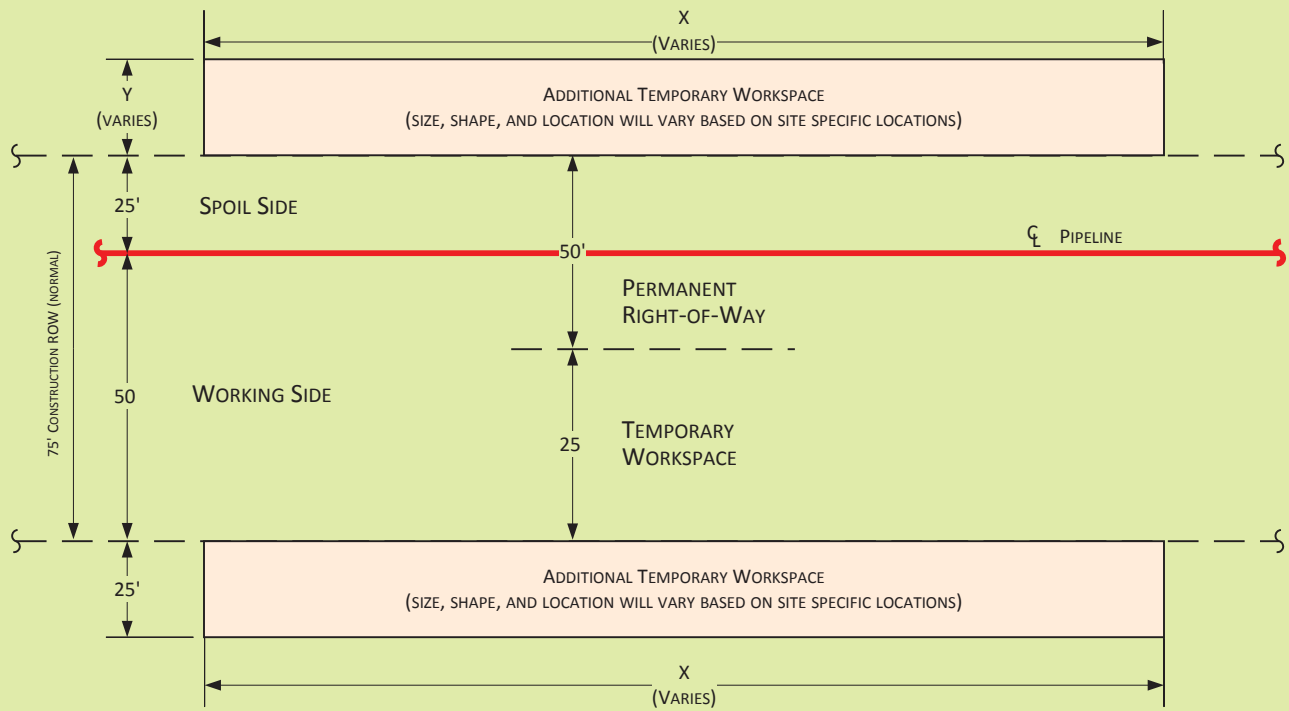
C. Operational Controls

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

Construction, Mitigation, and Restoration Typical



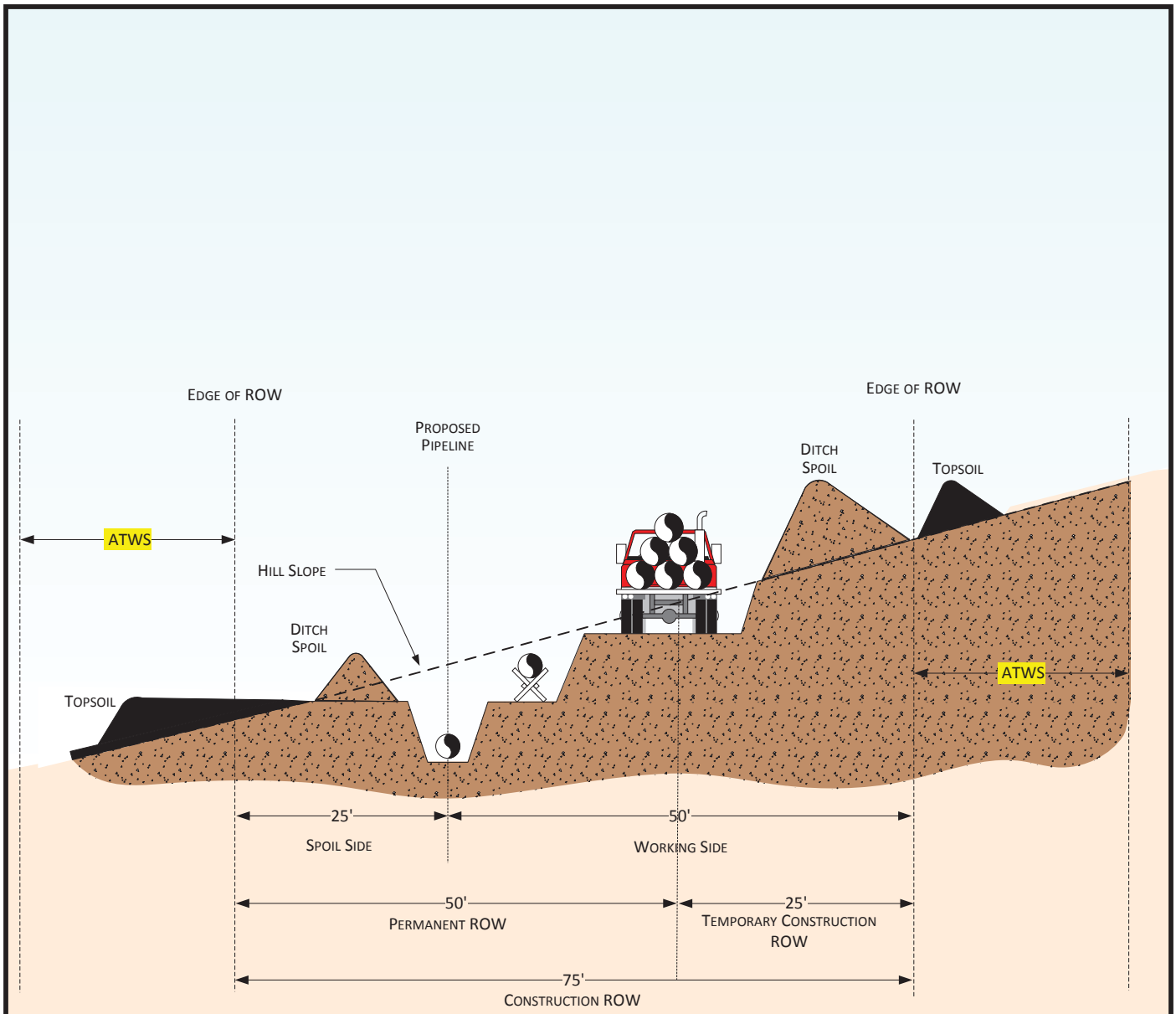
*not to scale

For environmental review purposes only.



Figure 1
Typical Construction Layout





NOTES:

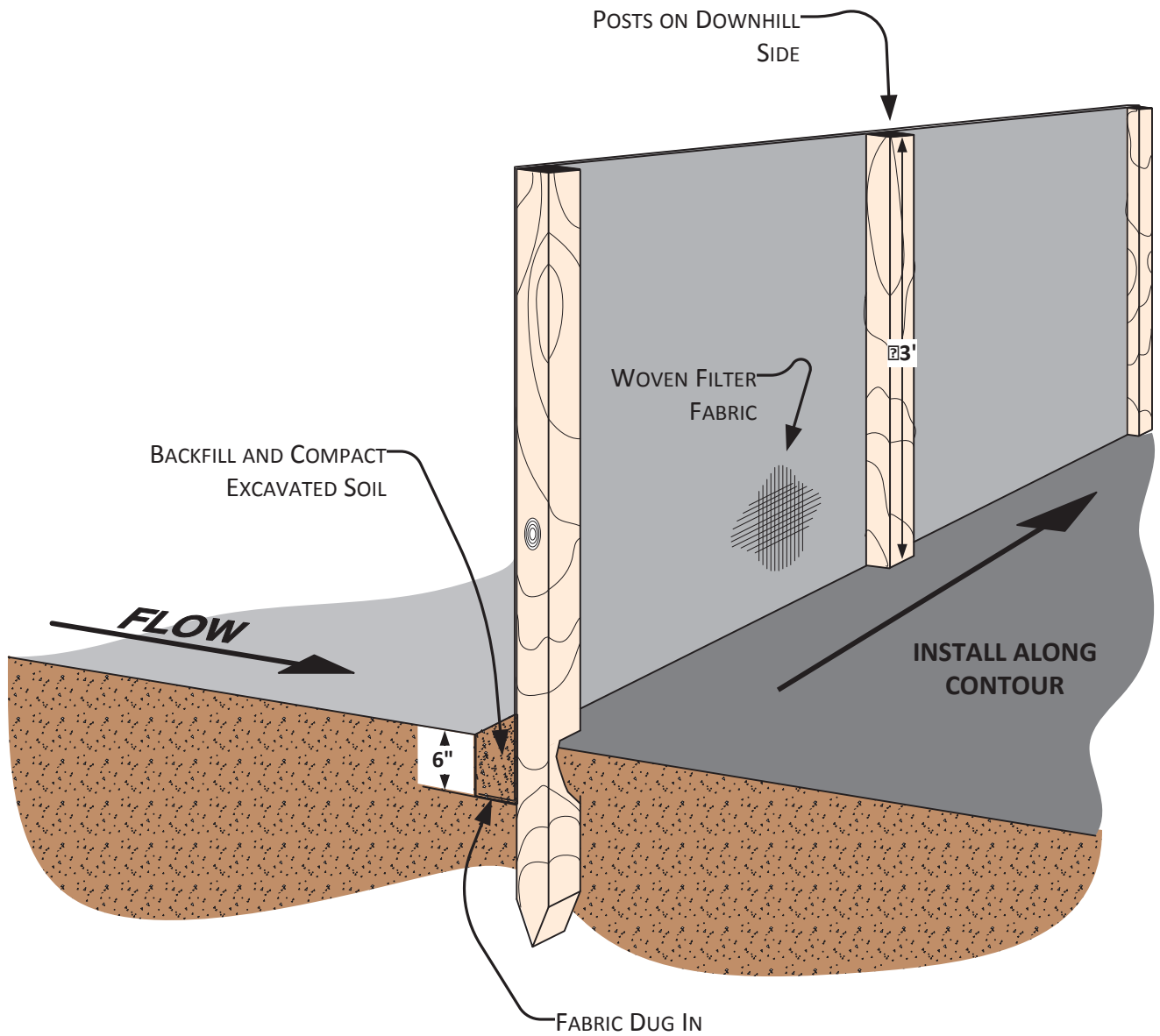
1. GRADE TO BE RESTORED AS NEAR AS PRACTICABLE TO PRECONSTRUCTION CONDITIONS DURING RESTORATION.

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Figure 2
 Typical Construction ROW
 on Sloping Terrain



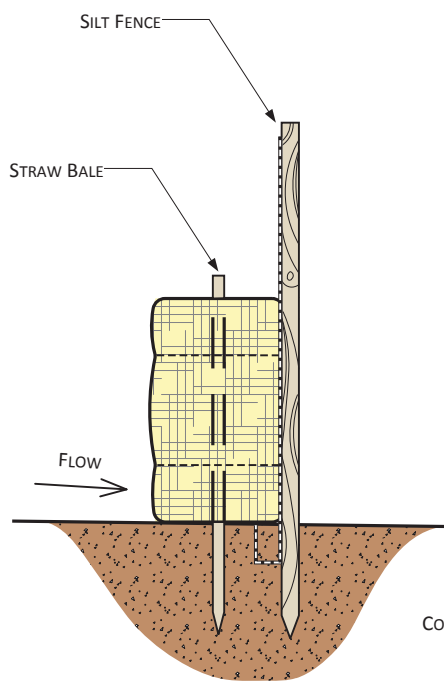
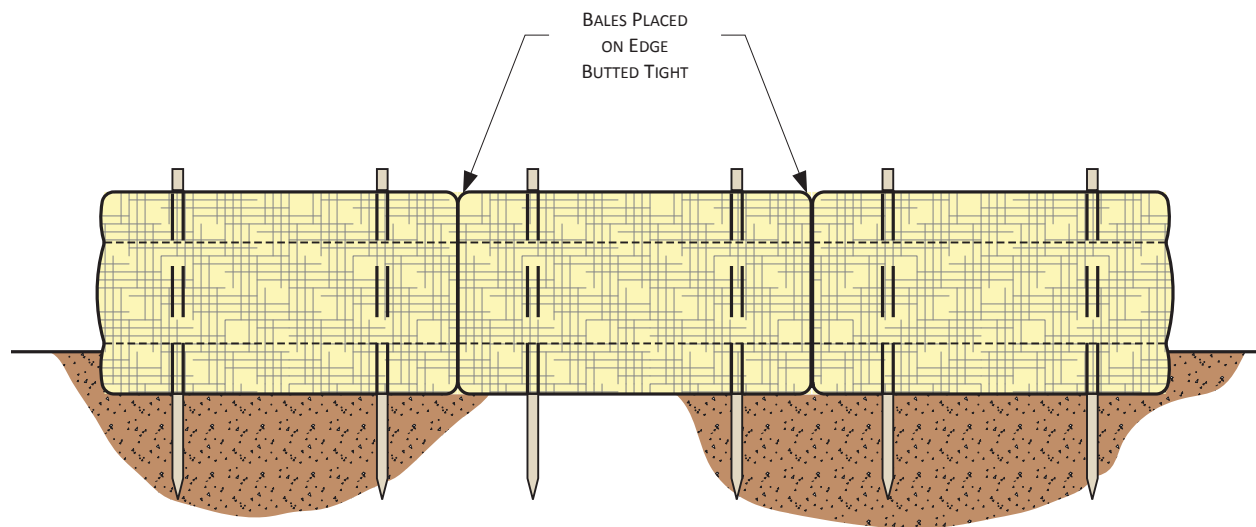


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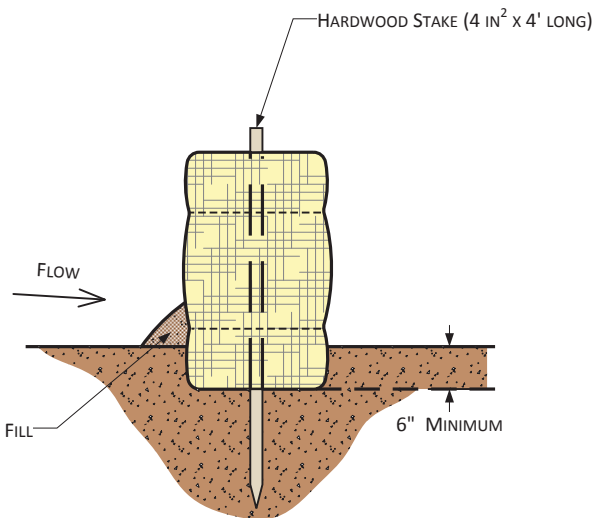


Figure 3
 Typical Silt Fence Installation
 (OKS-7901-ENV-01)





STRAW BALES & SILT FENCE



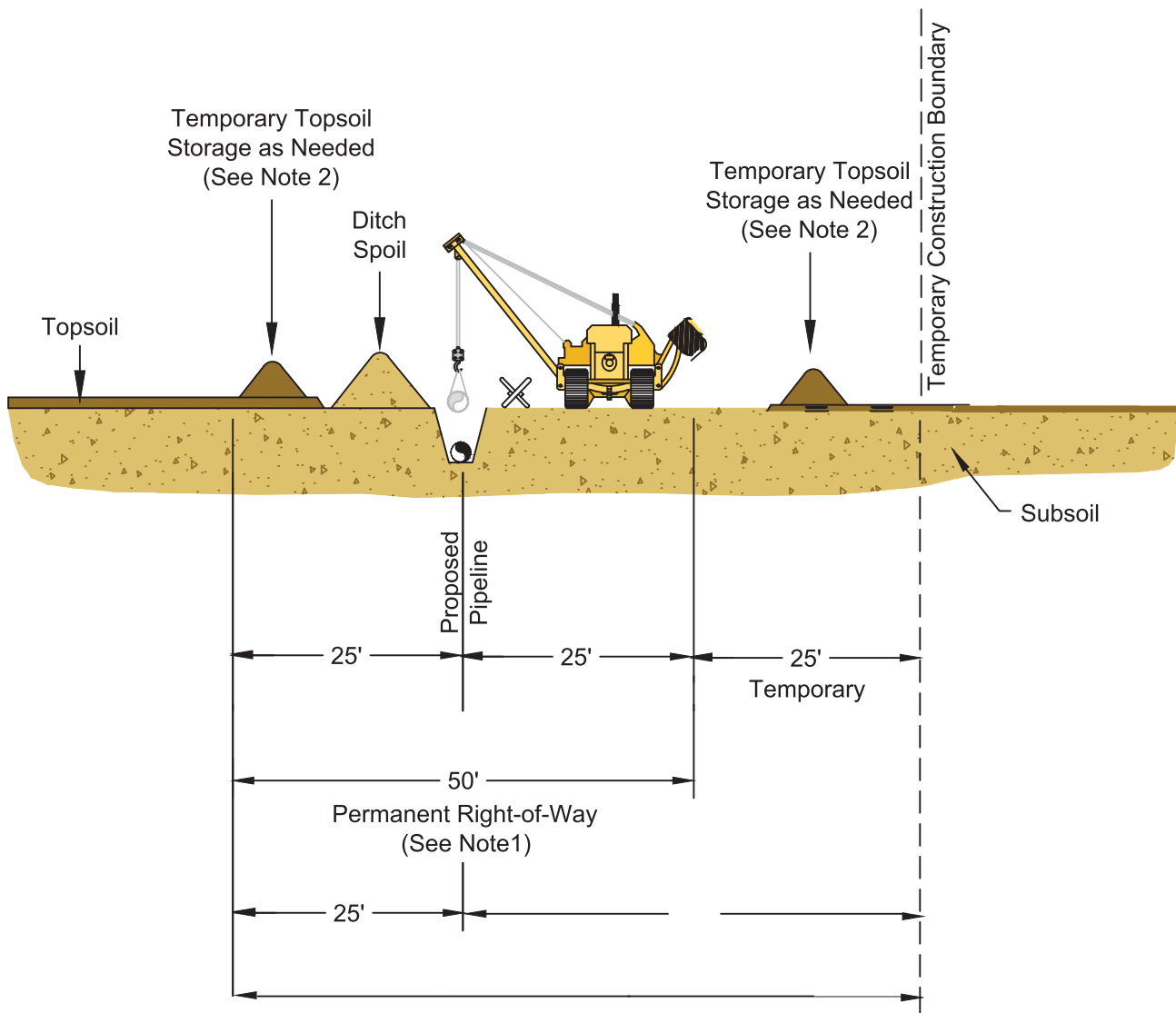
STRAW BALES ONLY

For environmental review purposes only.



Figure 4
 Typical Straw Bale Installation
 (OKS-7901-ENV-02)





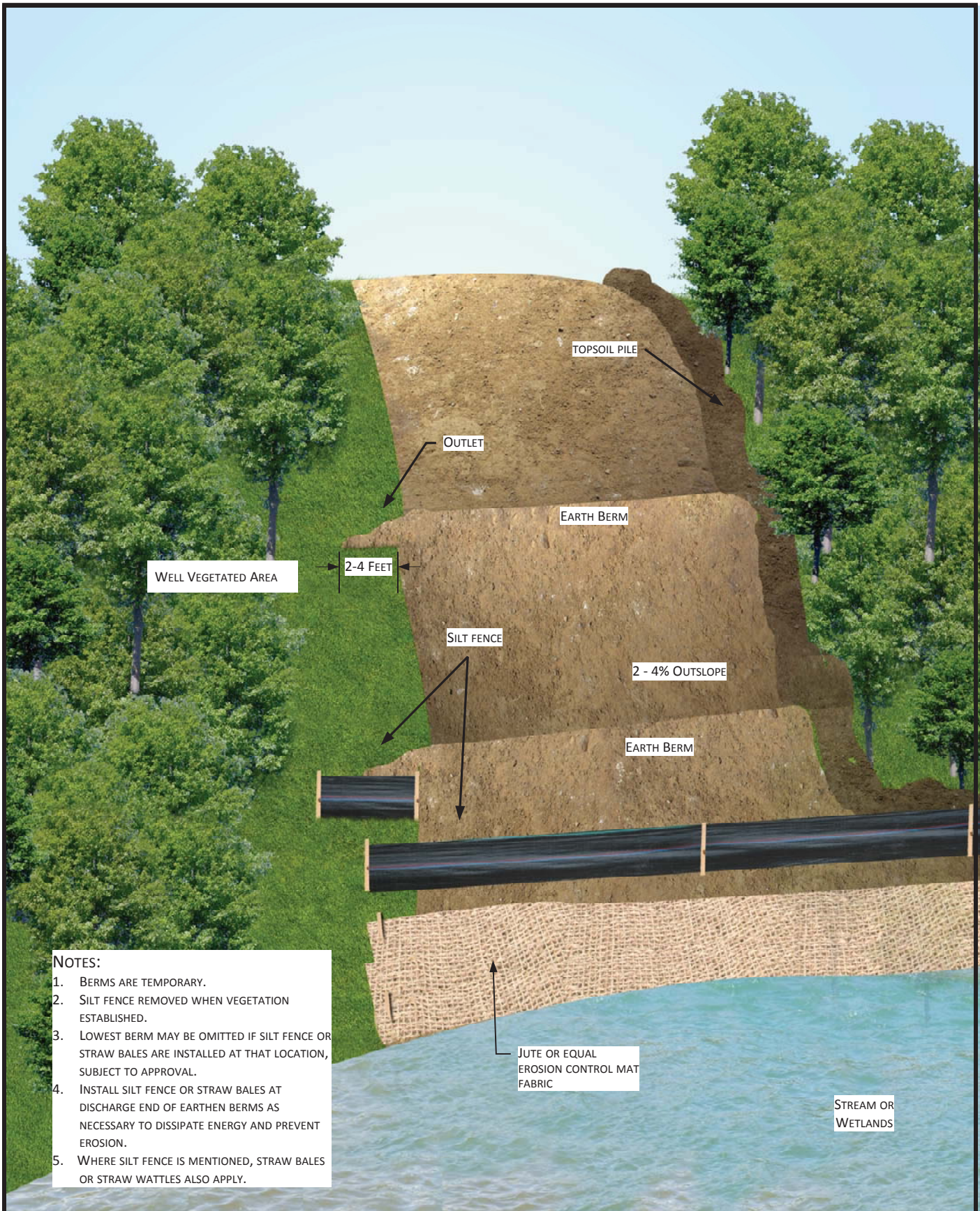
Notes:

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.



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



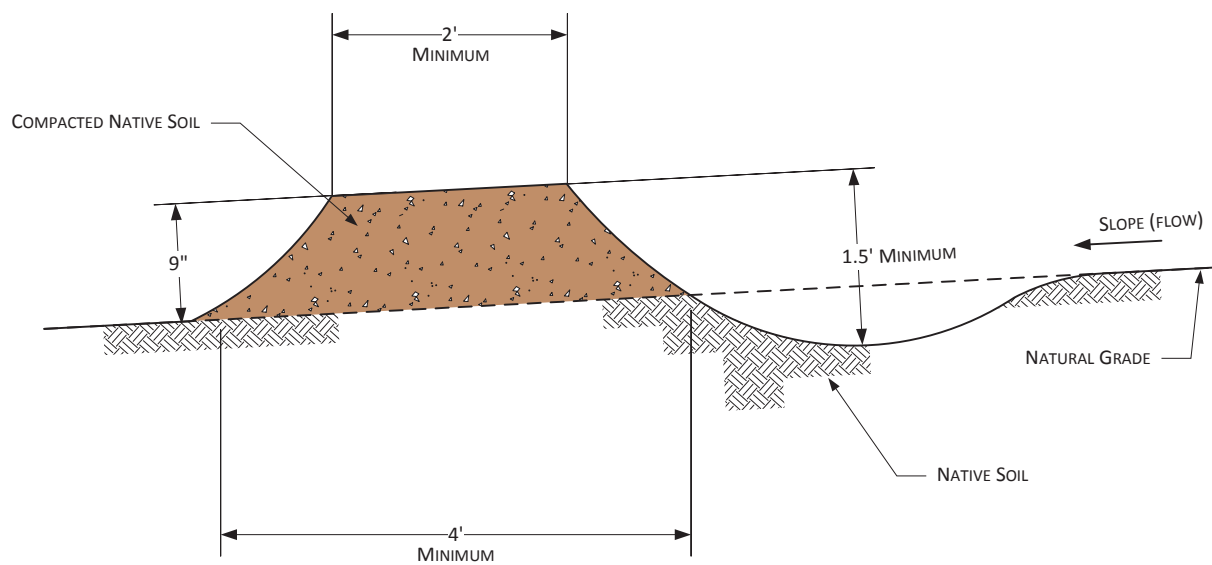


NOTES:

1. BERMS ARE TEMPORARY.
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.
5. WHERE SILT FENCE IS MENTIONED, STRAW BALES OR STRAW WATTLES ALSO APPLY.

Figure *
 Typical Temporary Berms
 Perspective View





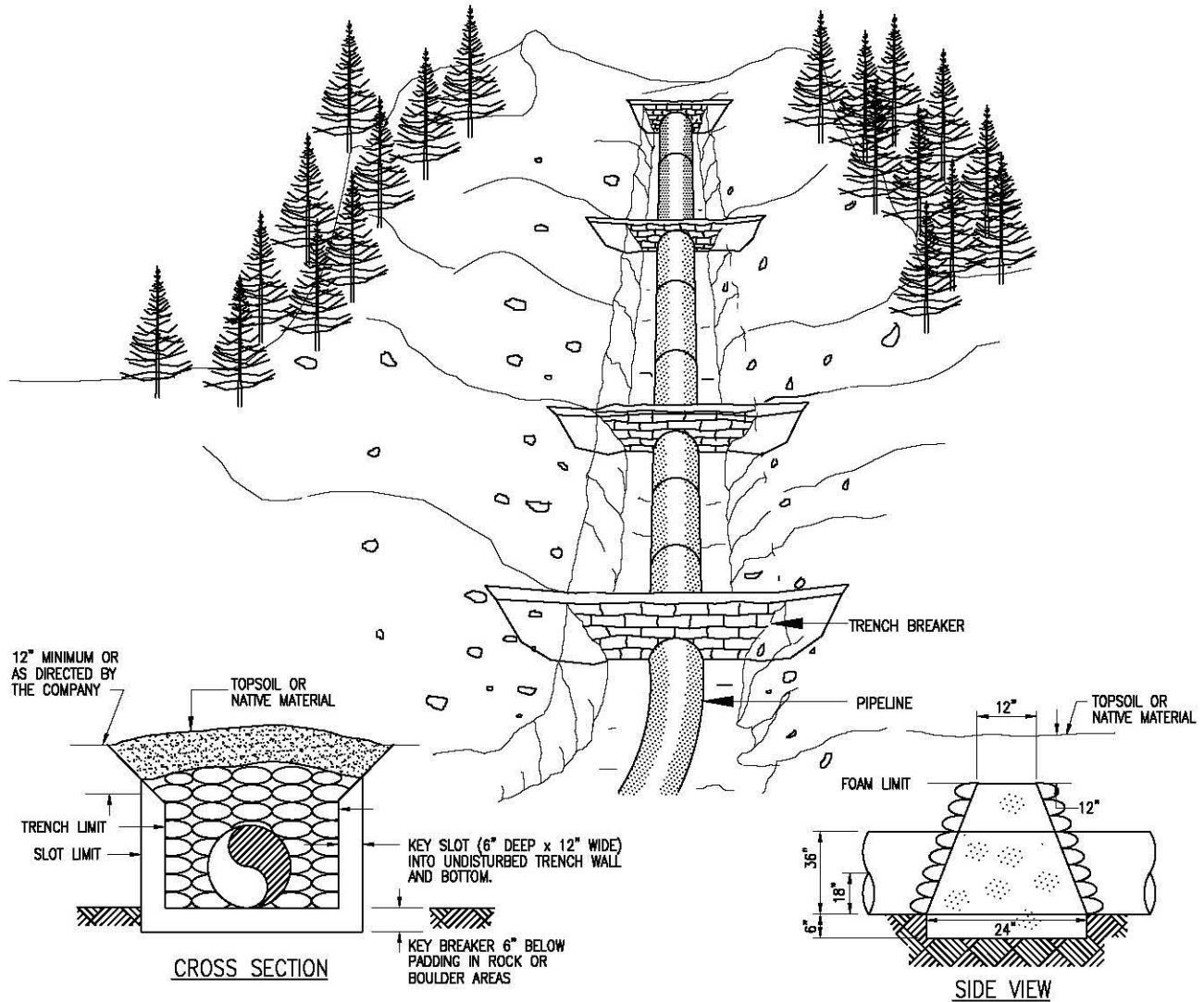
NOTES

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.

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Figure +
 Typical Temporary or Permanent Berms
 Elevation View





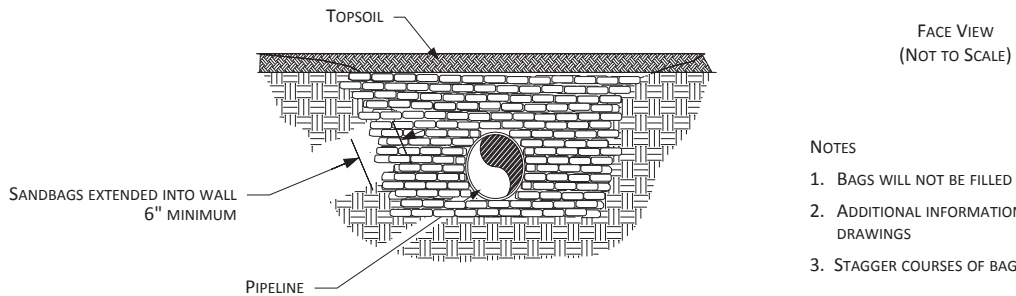
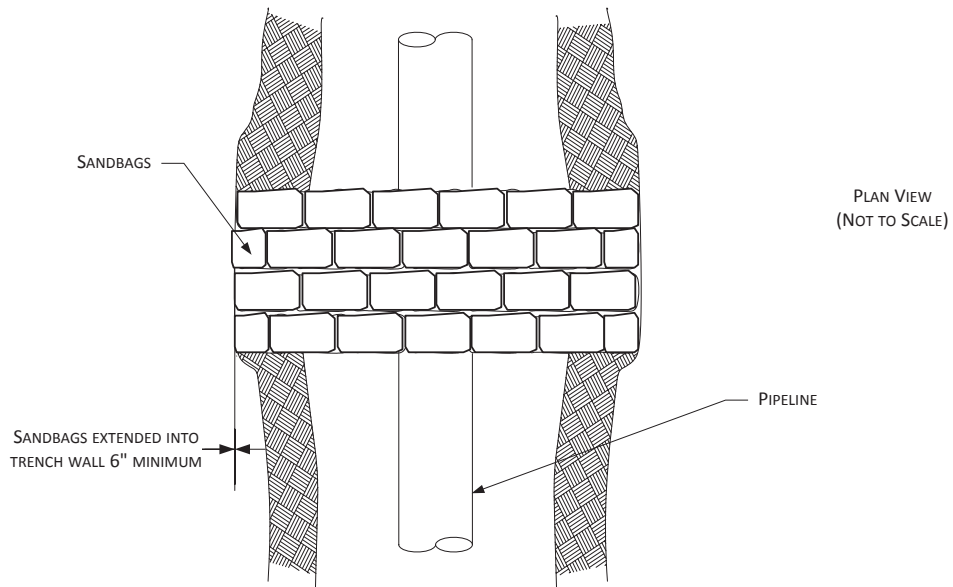
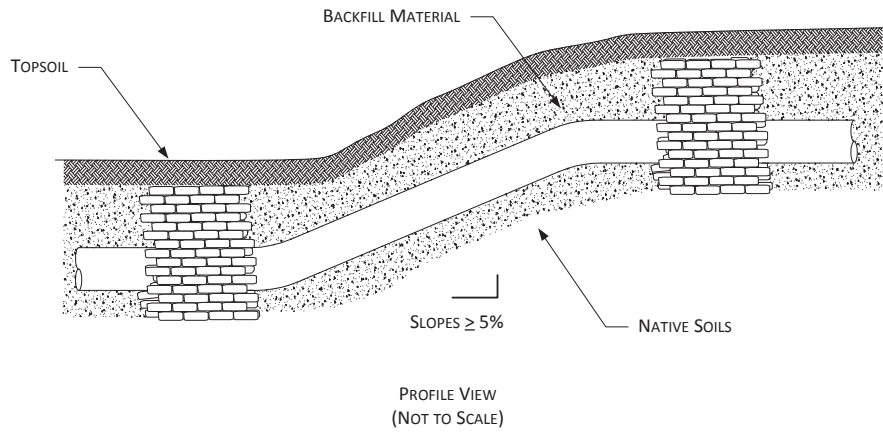
NOTES:

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 ,
 Typical Trench Breaker Perspective View
 (OKS-7901-CONST-07)



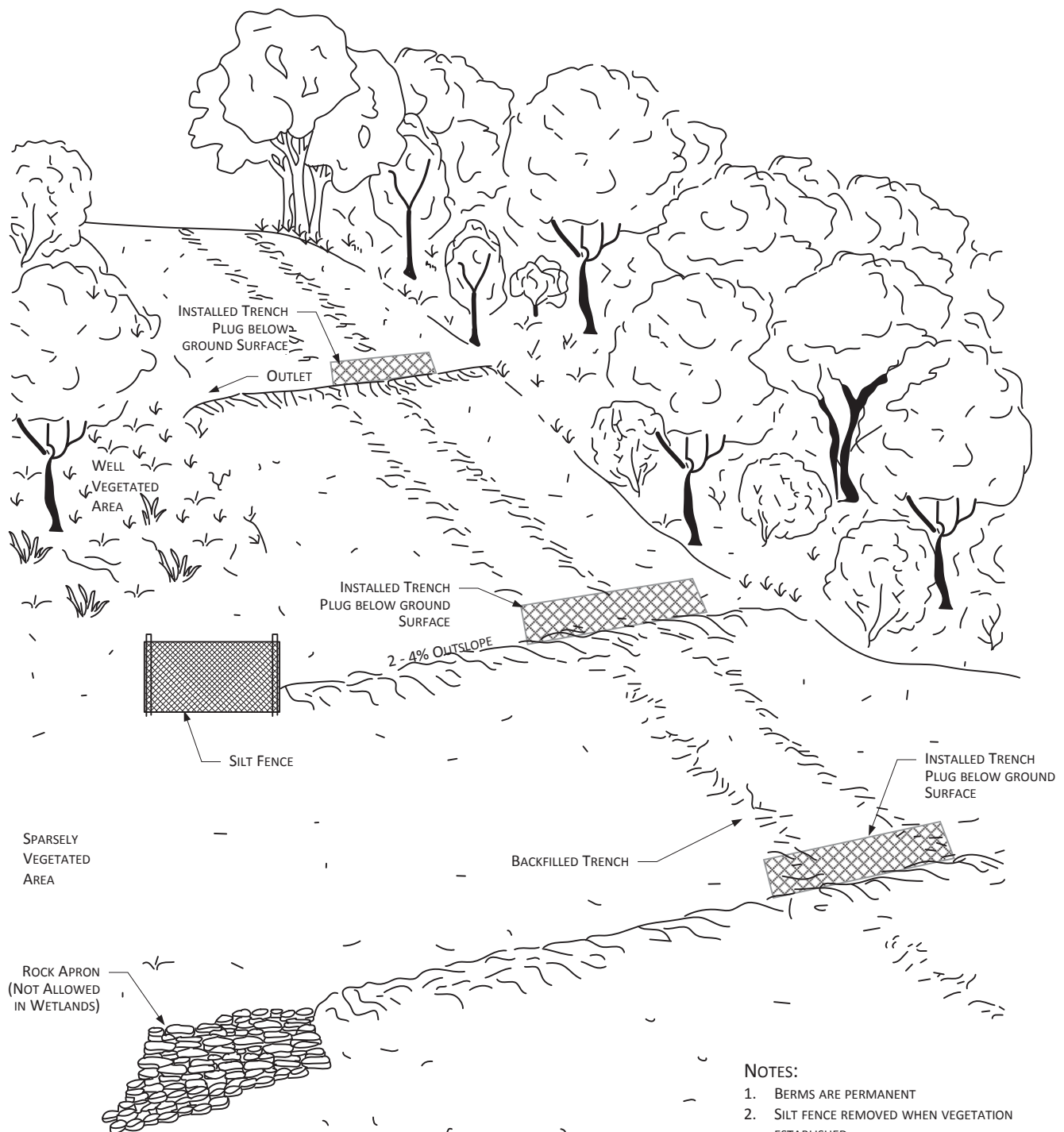


For environmental review purposes only.



Figure -
Typical Trench Breakers
Plan & Profile Views





PERSPECTIVE VIEW
(NOT TO SCALE)

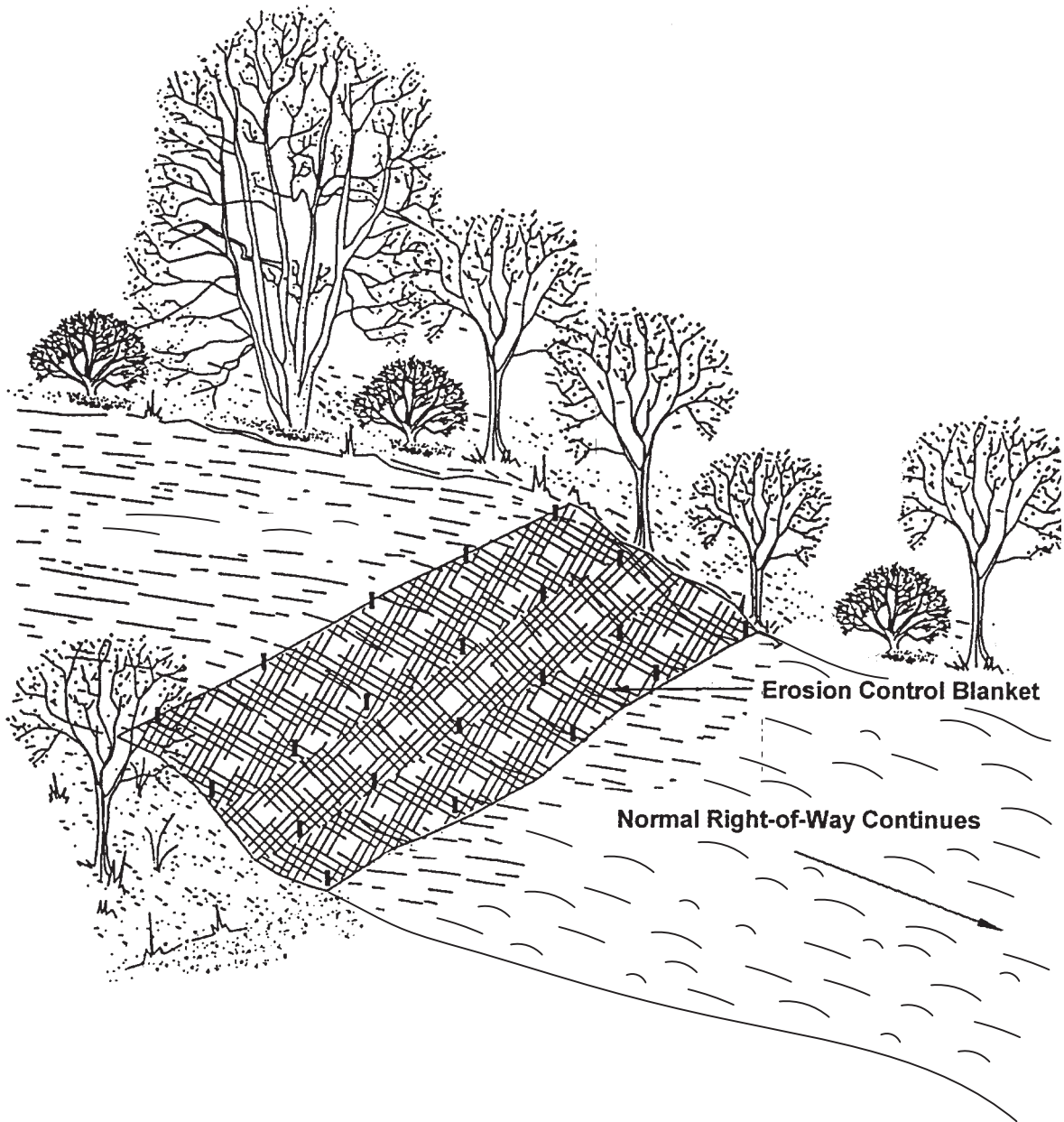
SLOPE %	APPROXIMATE SPACING (FT)
5-15	300
15-30	200
>30	<100

- 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.

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Figure 1\$
Permanent Slope Breakers
Perspective View





Erosion Control Blanket

Normal Right-of-Way Continues

NOTES

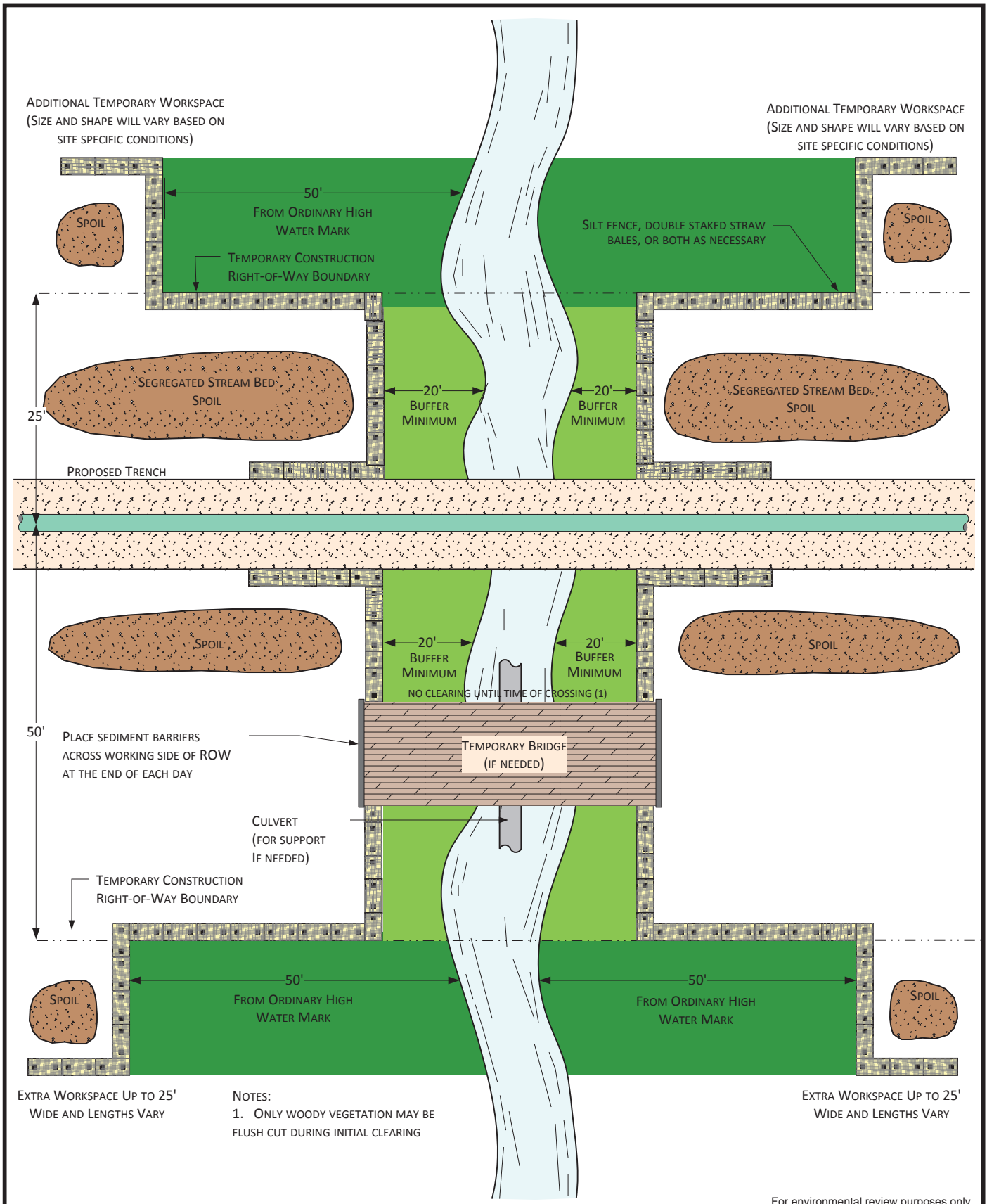
1. INSTALL EROSION CONTROL BLANKET AS PER MANUFACTURER'S SPECIFICATIONS.
2. ADDITIONAL INFORMATION INCLUDED ON OTHER DRAWINGS.

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Figure 1%
Erosion Control Blanket - Steep Slopes ($\geq 30\%$)





NOTES:
 1. ONLY WOODY VEGETATION MAY BE FLUSH CUT DURING INITIAL CLEARING

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Figure 1&
 Typical Waterbody Crossing
 Open Cut - Wet Trench Method



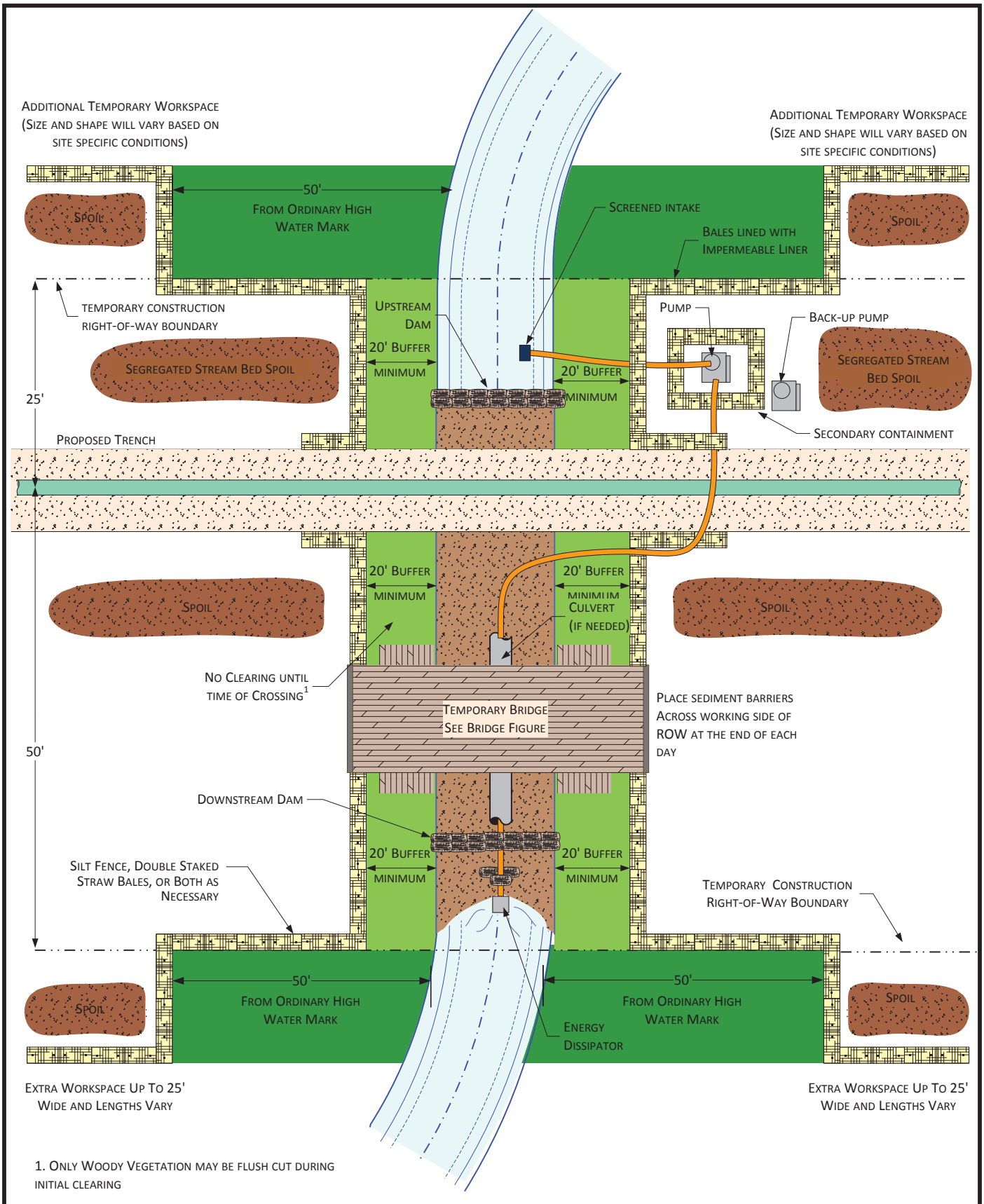


Figure 1'
 Typical Waterbody Crossing
 Dam and Pump Method



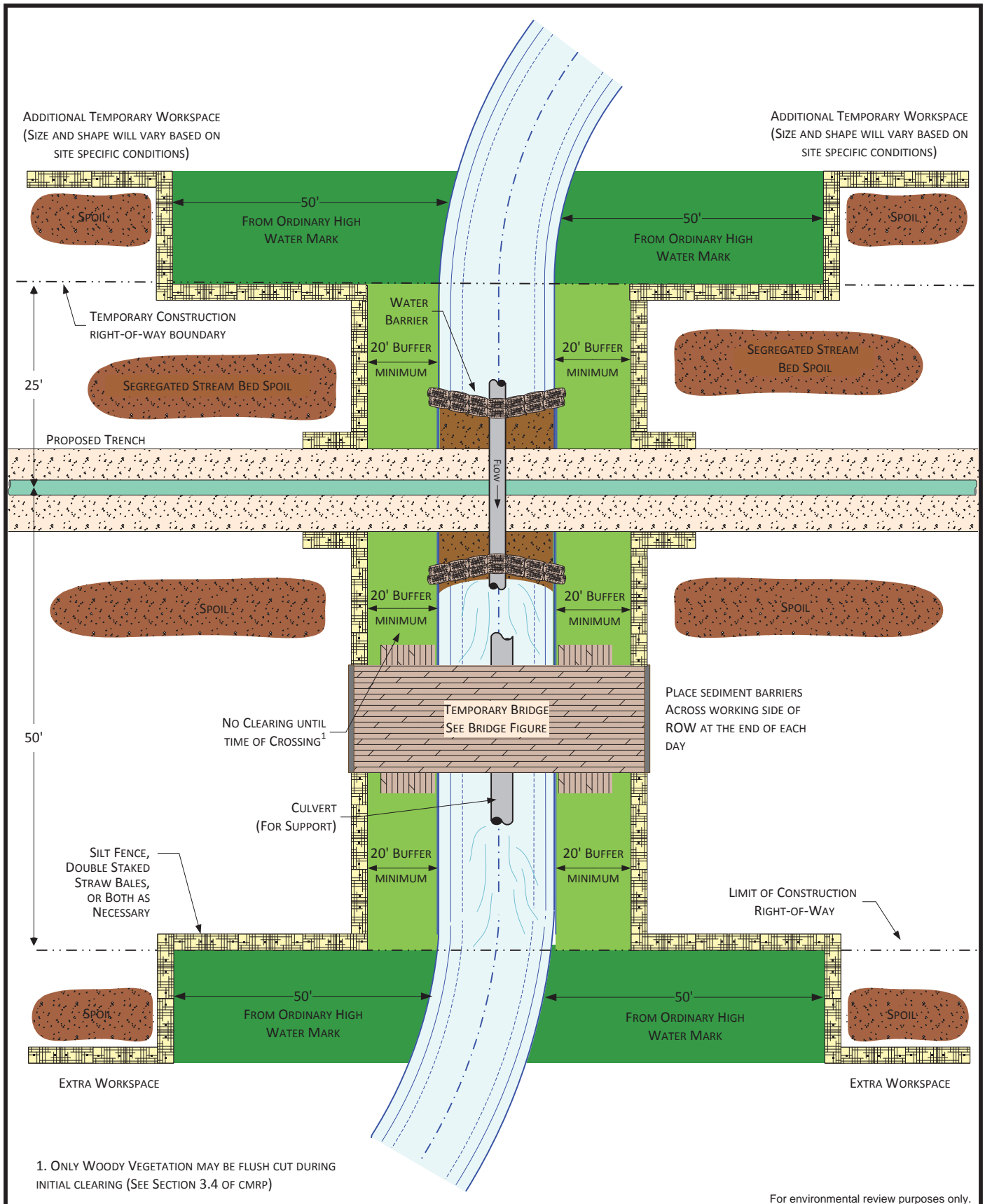
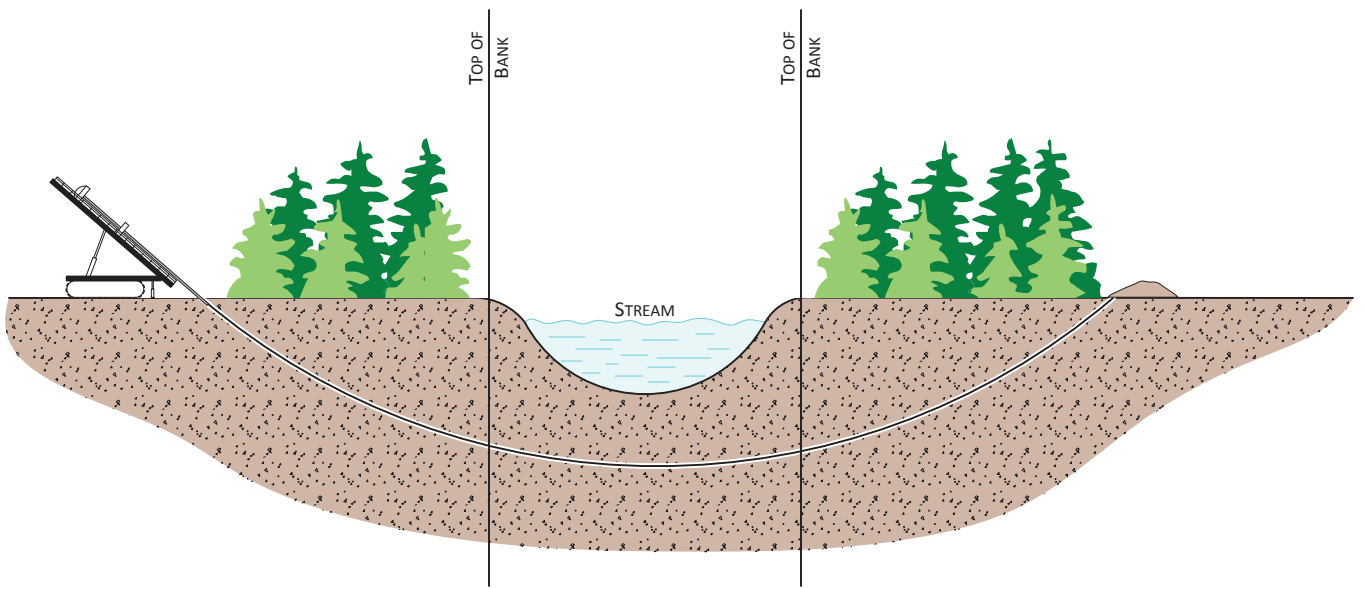


Figure 1(
Typical Waterbody Crossing
Flume Method





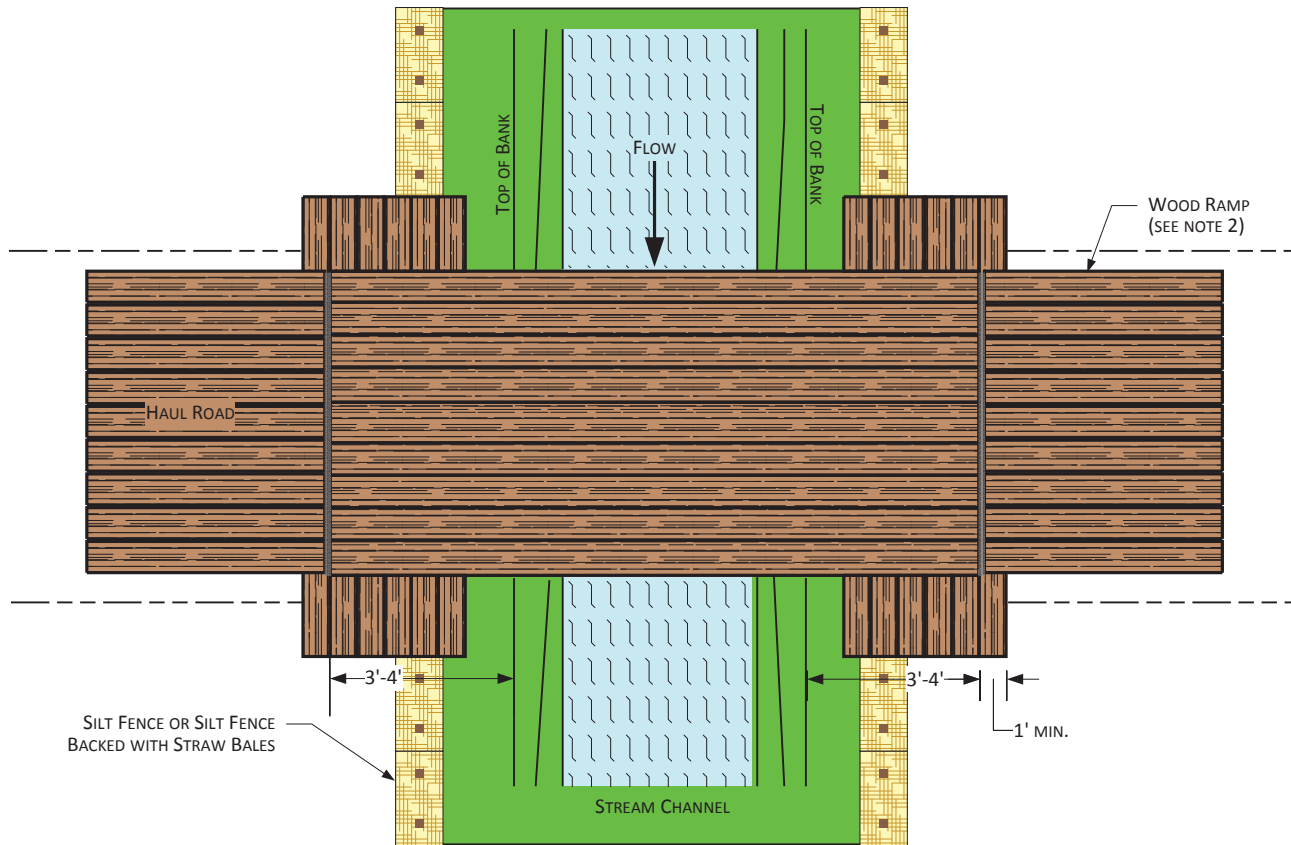
For environmental review purposes only.



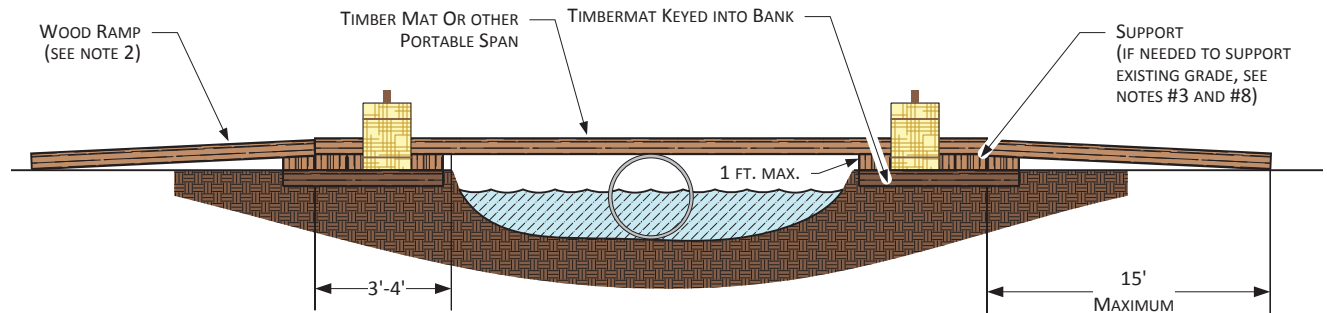
Figure 1)
 Typical Waterbody Crossing
 Directional Drill Method



Plan View



Profile View



NOTES:

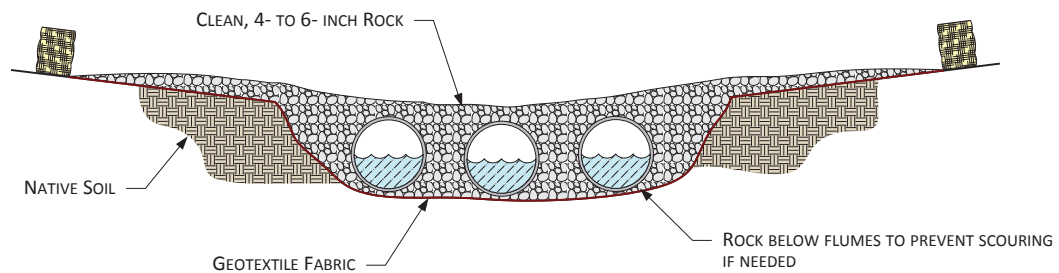
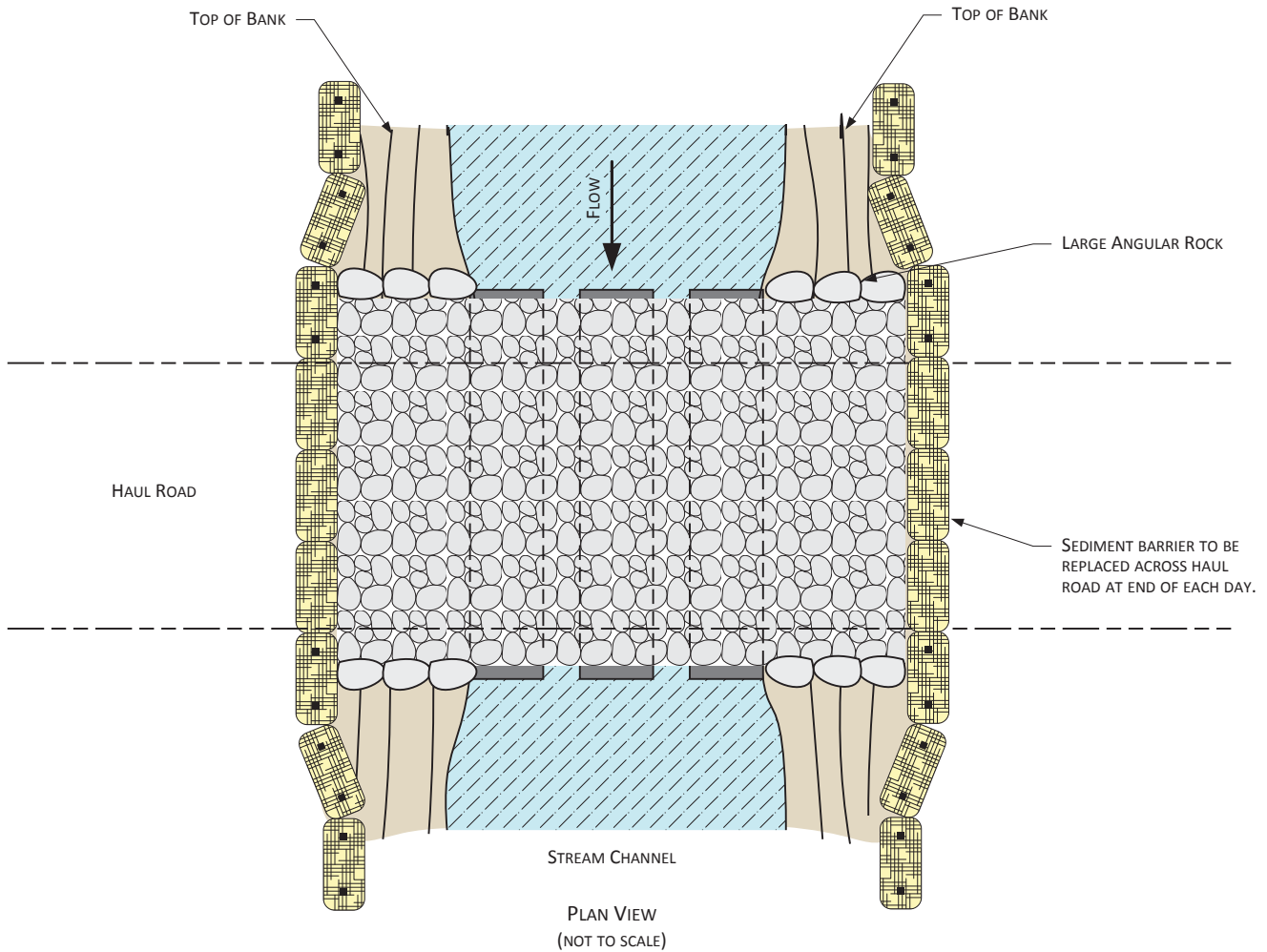
1. INSPECT BRIDGE OPENING PERIODICALLY AND FOLLOWING RAINFALLS OF OVER ½". REMOVE ANY DEBRIS RESTRICTING FLOW AND DEPOSIT IT AT AN UPLAND SITE OUTSIDE OF FLOODPLAIN.
2. IF PHYSICAL CIRCUMSTANCES PROHIBIT WOOD OR METAL RAMPS, EARTHEN RAMPS MAY BE USED AS APPROVED.
3. INSPECT BRIDGE ELEVATION SO BRIDGE 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

For environmental review purposes only.



Figure 1*
 Typical Span Type Bridge
 With or Without Instream Support
 (OKS-7901-ENV-04)





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.

For environmental review purposes only.



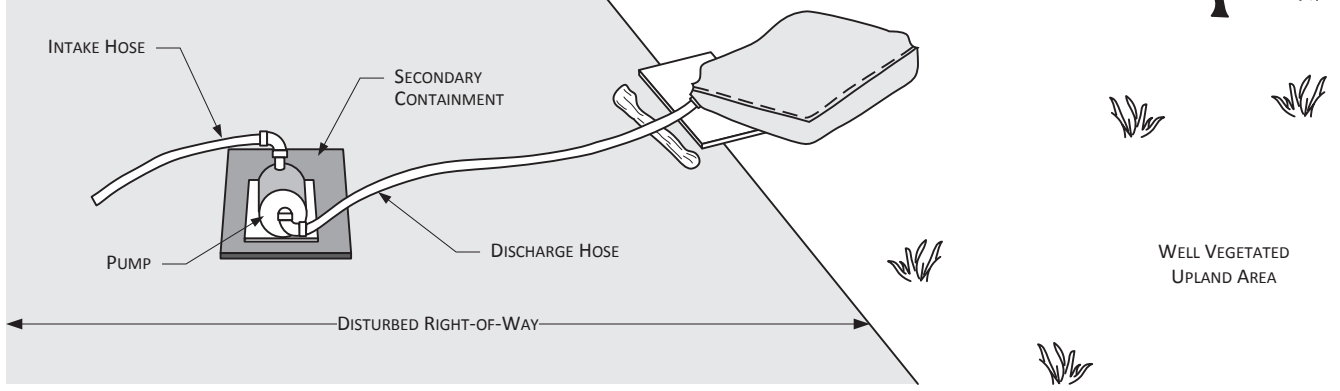
Figure 1+
Typical Rock Flume Bridge
Method 4
(OKS-7901-ENV-03d)



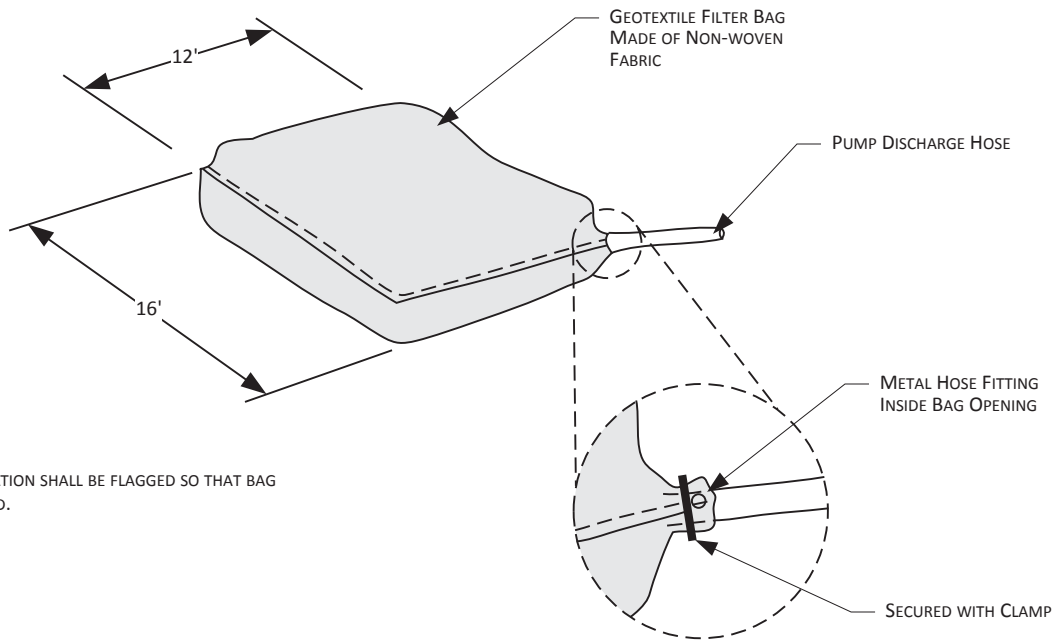
DEWATERING DISCHARGE IN WELL VEGETATED UPLANDS

NOTES:

1. PUMP INTAKE HOSE MUST BE SECURED AT LEAST ONE FOOT ABOVE THE TRENCH BOTTOM.
2. DEWATER INTO GEOTEXTILE FILTER BAG OR STRAW BALE DEWATERING STRUCTURE.



GEOTEXTILE FILTER BAG



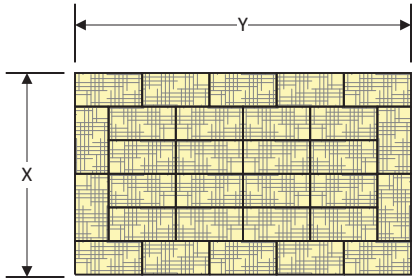
NOTE:

1. FILTER BAG LOCATION SHALL BE FLAGGED SO THAT BAG CAN BE REMOVED.

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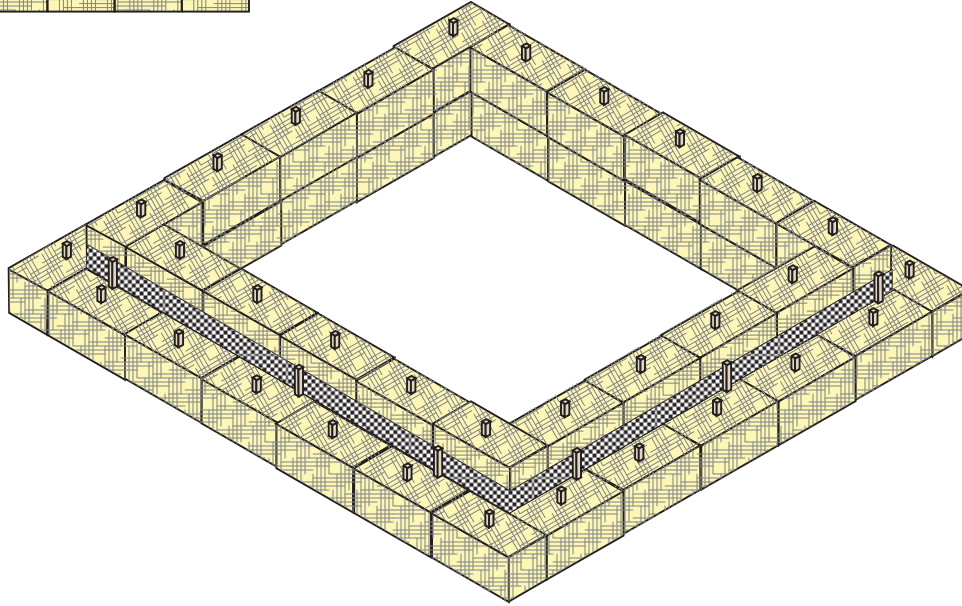
Figure %
Typical Dewatering Measures



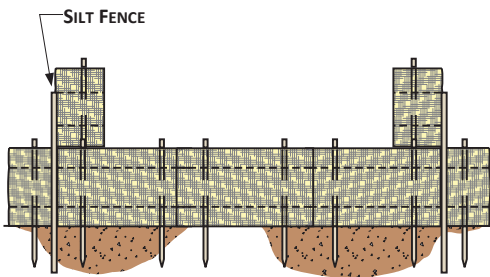


NOTES

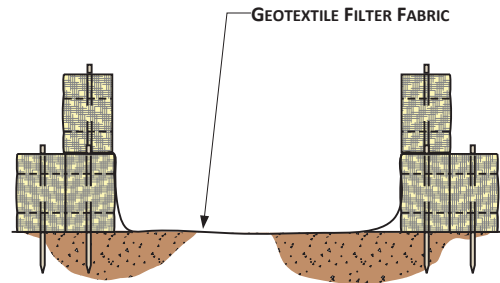
1. ARRANGE THE STRAW BALES TO THE X AND Y DIMENSIONS AS SPECIFIED BELOW.
2. IF BOTTOM OF STRUCTURE IS NOT LINED WITH STRAW BALES (OPTION 1), LINE ENTIRE STRUCTURE WITH GEOTEXTILE FILTER FABRIC.



PERSPECTIVE VIEW



OPTION 1



OPTION 2

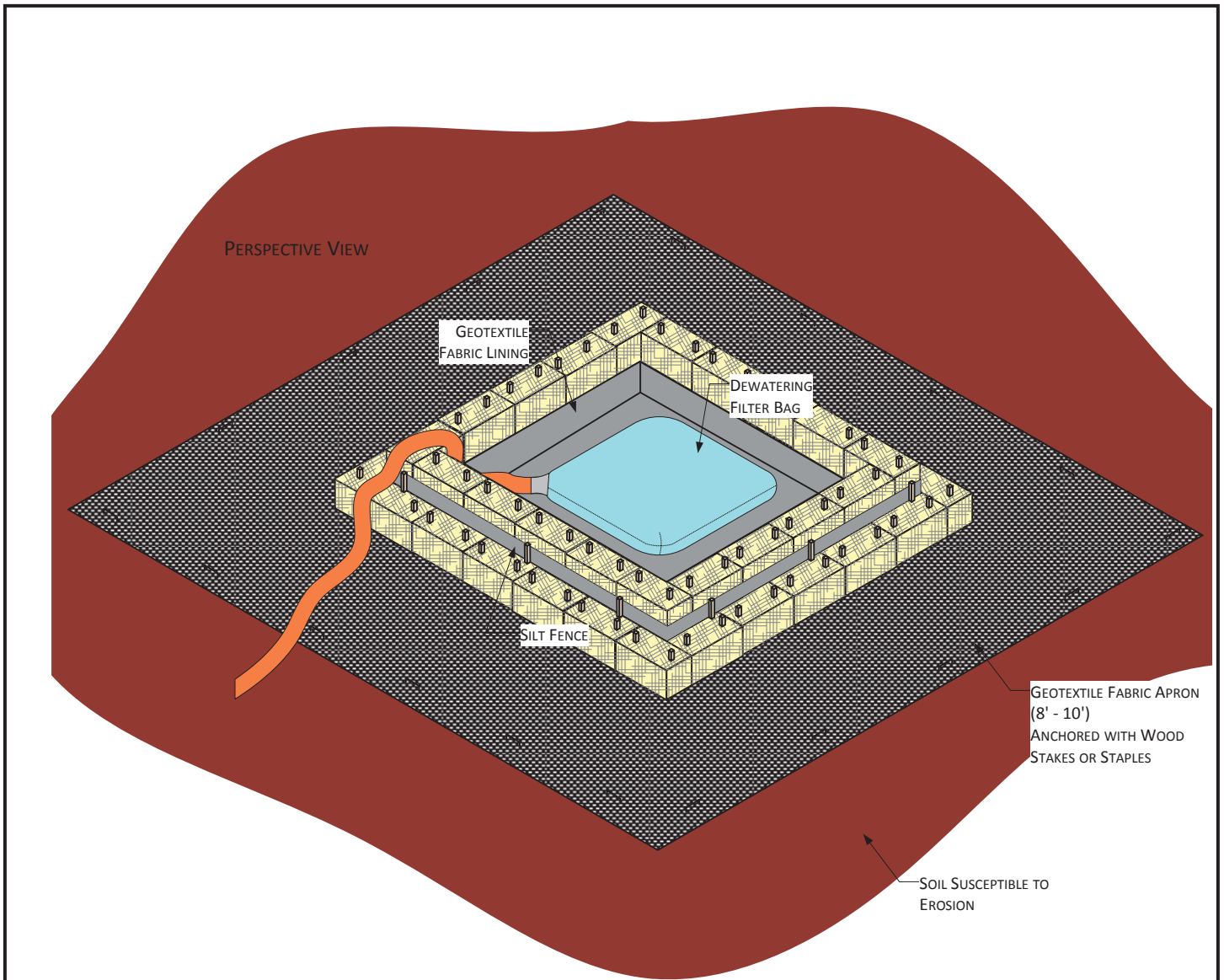
MINIMUM SUMP DIMENSIONS (FEET)		MAXIMUM PUMPING RATE GALLONS PER MINUTE
X	Y	
10	20	300
15	20	350
20	20	400
20	25	450
25	25	500
25	30	550
30	30	660

For environmental review purposes only.



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





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:

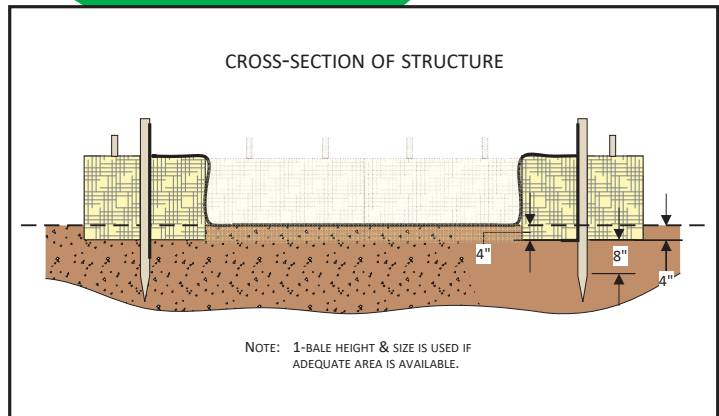
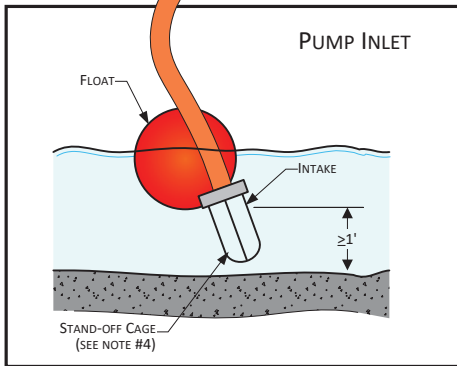
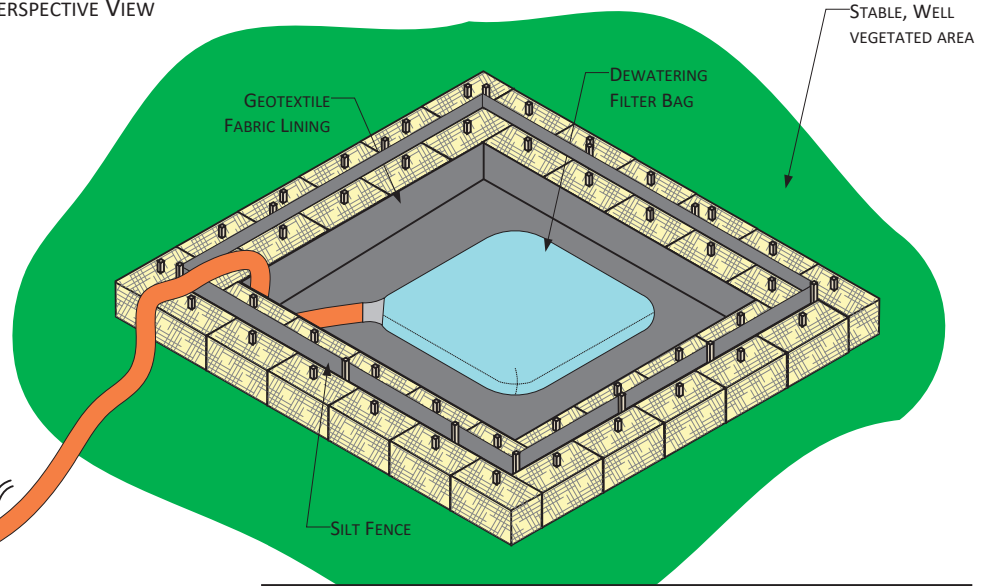
1. SILT FENCE ENDS MUST BE WRAPPED TO JOIN TWO SECTIONS.
2. INSTALL SILT FENCE 2 INCHES ABOVE TOP OF STRAW BALES, AND ANCHOR A MINIMUM OF 8 INCHES STRAIGHT DOWN.
3. SPACING BETWEEN SILT FENCE POST STAKES MUST BE 4 FEET OR LESS.
4. DEWATERING INTAKE HOSE SUPPORTED AT LEAST 1 FOOT FROM BOTTOM OF TRENCH 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.

For environmental review purposes only.

Figure 2\$
Straw Bale Dewatering Structure
(OKS-7901-ENV-06a)



PERSPECTIVE VIEW



NOTE: 1-BALE HEIGHT & SIZE IS USED IF ADEQUATE AREA IS AVAILABLE.

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.

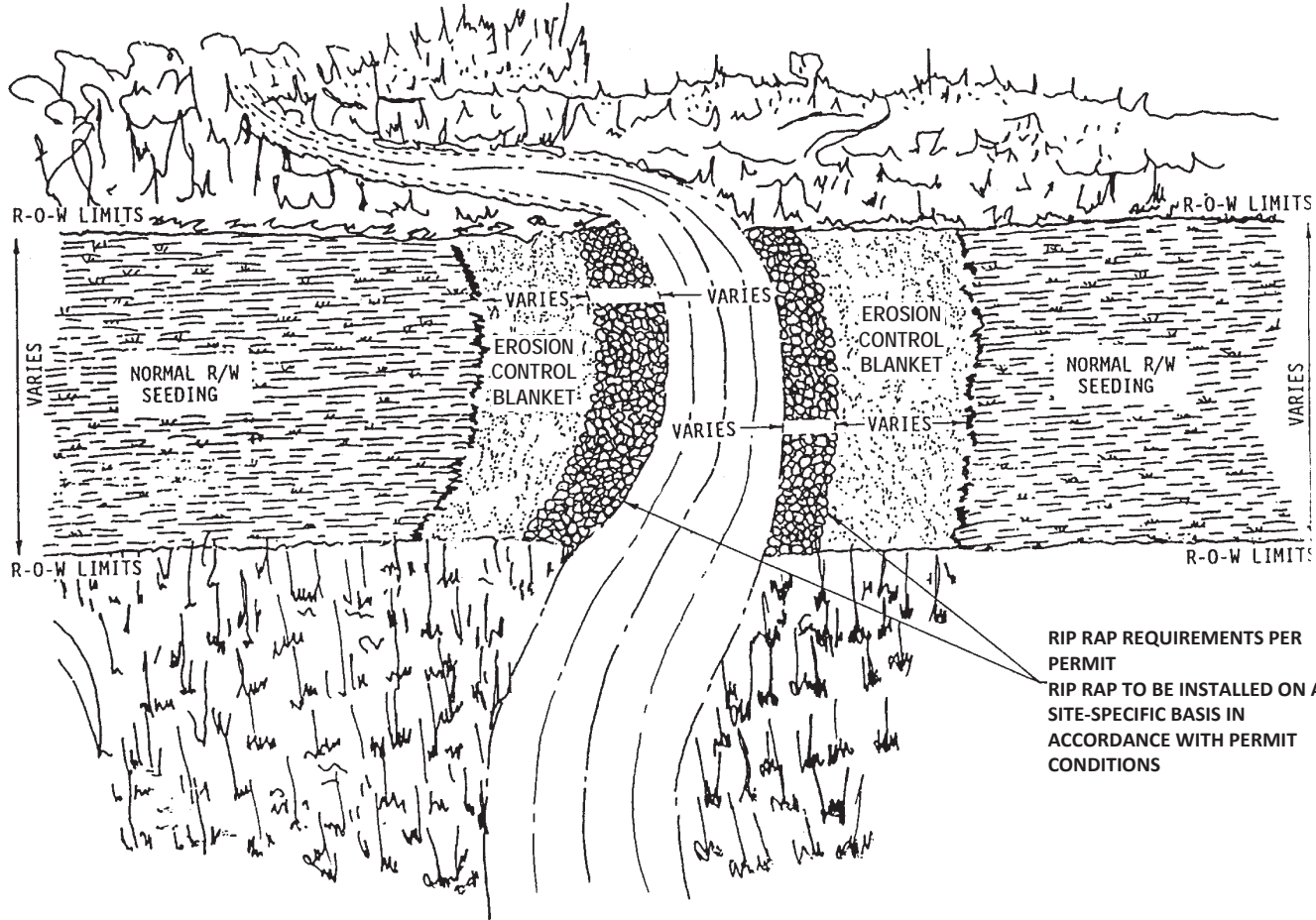
For environmental review purposes only.



Figure 2%
Straw Bale Dewatering Structure
(OKS-7901-ENV-06b)



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.



For environmental review purposes only.

Figure 2&
 Typical Final Stream Bank Stabilization
 Rip Rap & Erosion Control
 (OKS-7901-ENV-07)



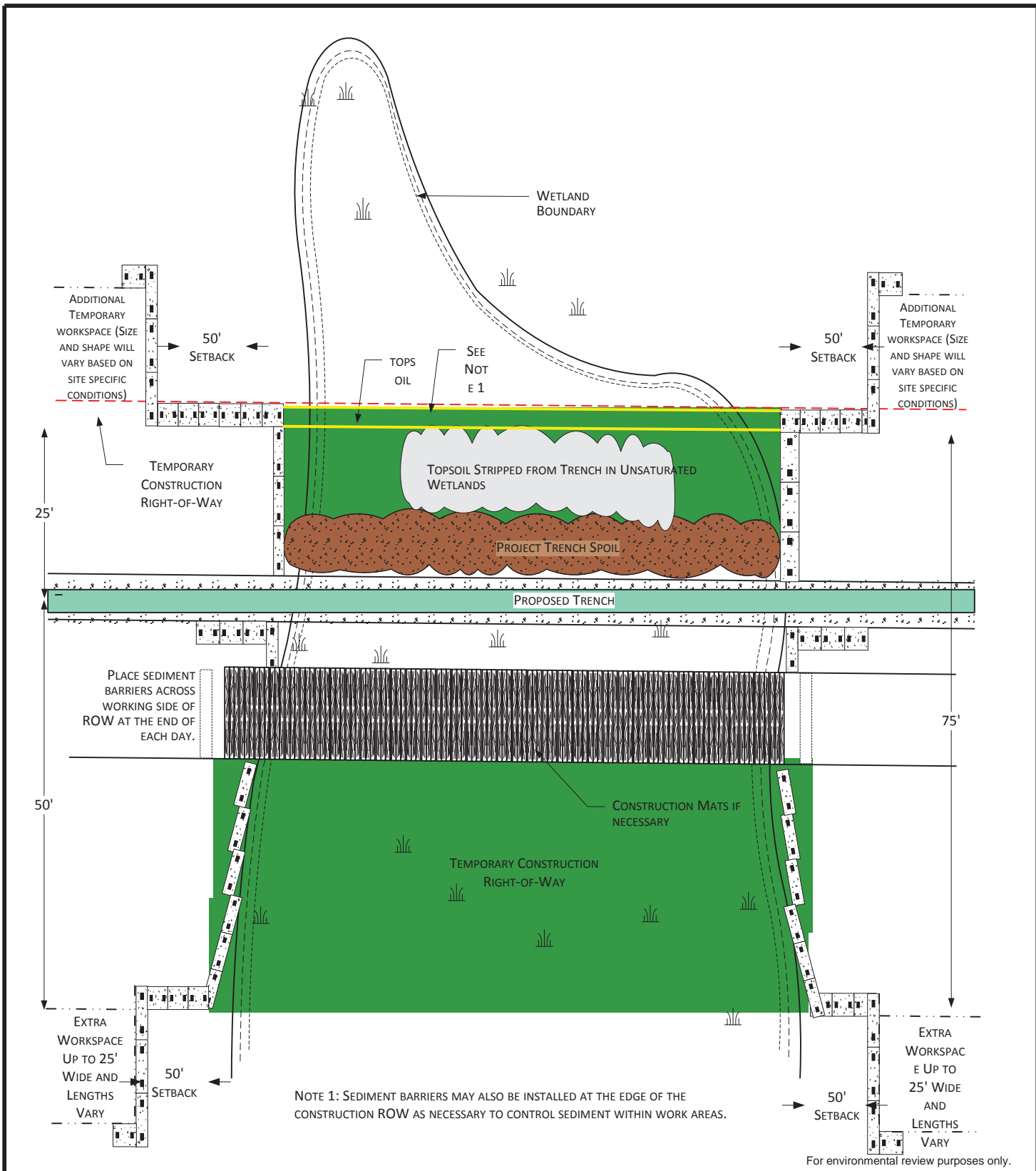
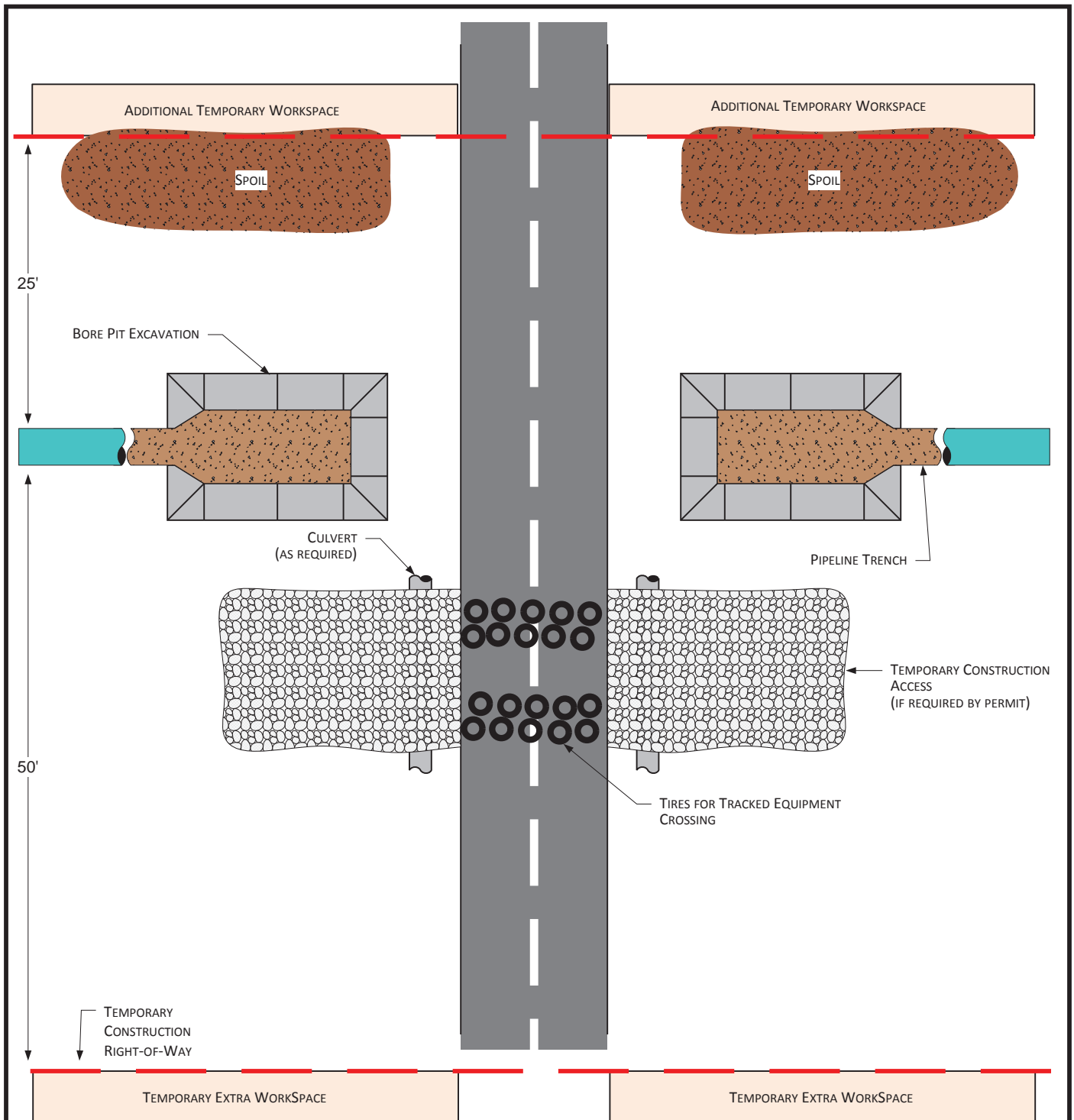


Figure 2'
 Typical Wetland Crossing Method
 Method 5
 (OKS-7901-ENV-03e)





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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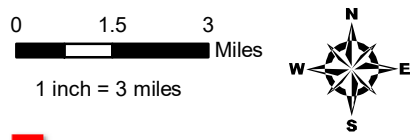
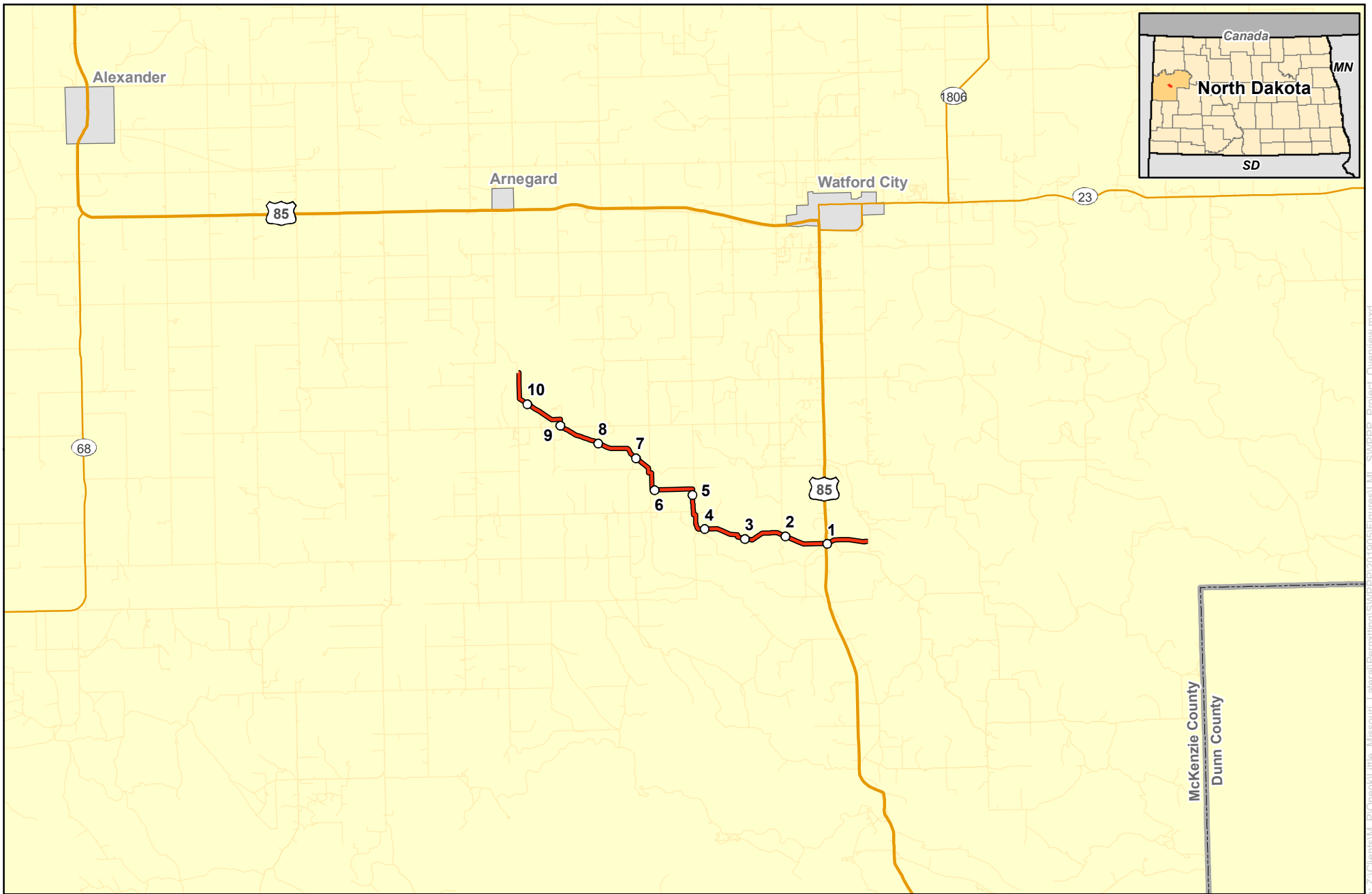


Figure 2(
 Typical Improved Road Crossing
 Directional Bore Method





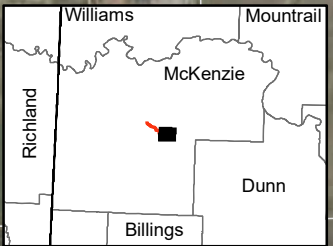
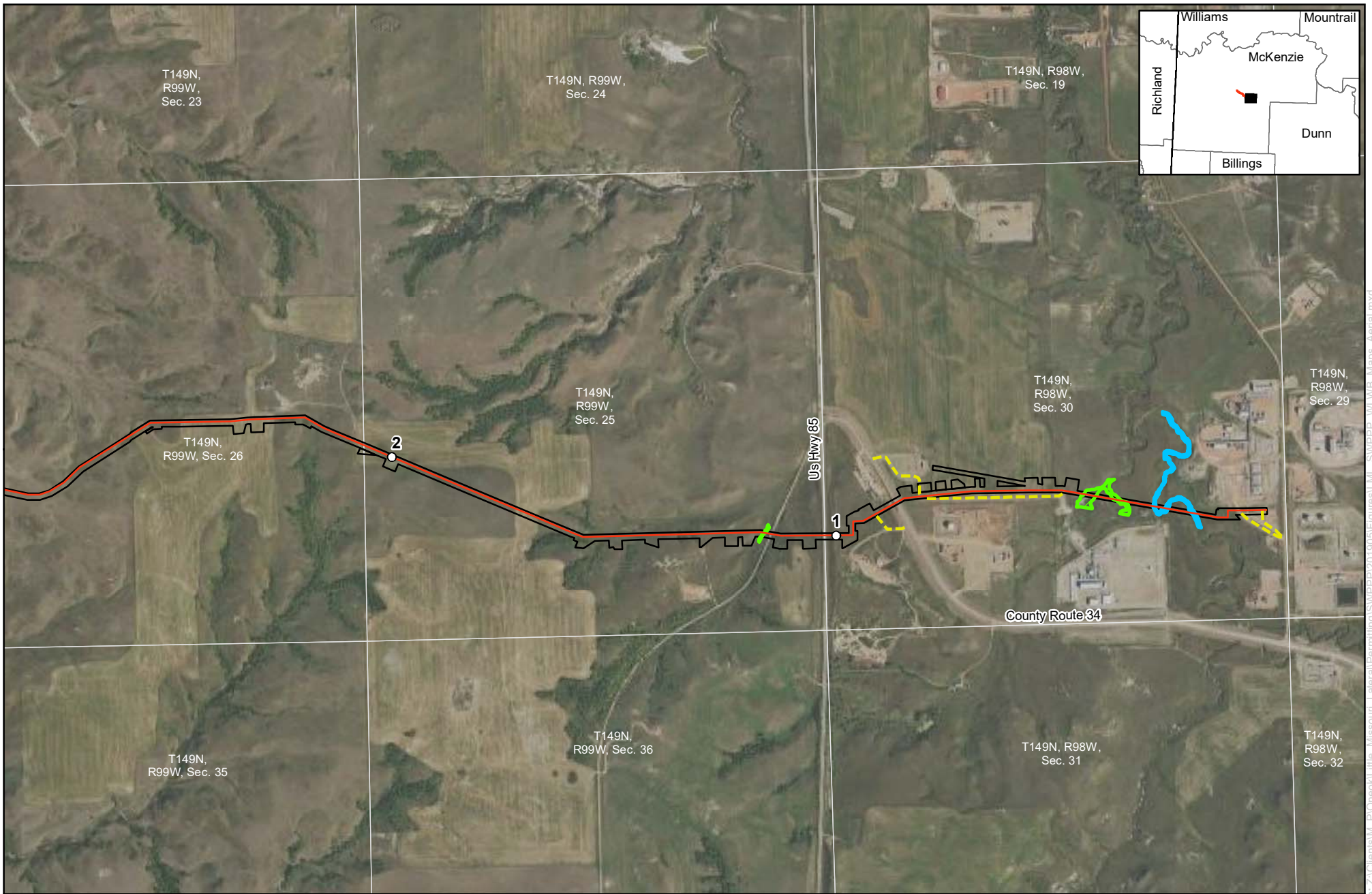
APPENDIX C

Project Maps



ONEOK
Little Missouri Lateral Pipeline Project
Project Location Map
McKenzie County, ND

-  Milepost
-  Proposed Pipeline



0 750 1,500 Feet
1 inch = 1,500 feet

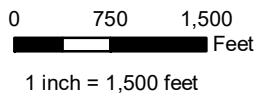
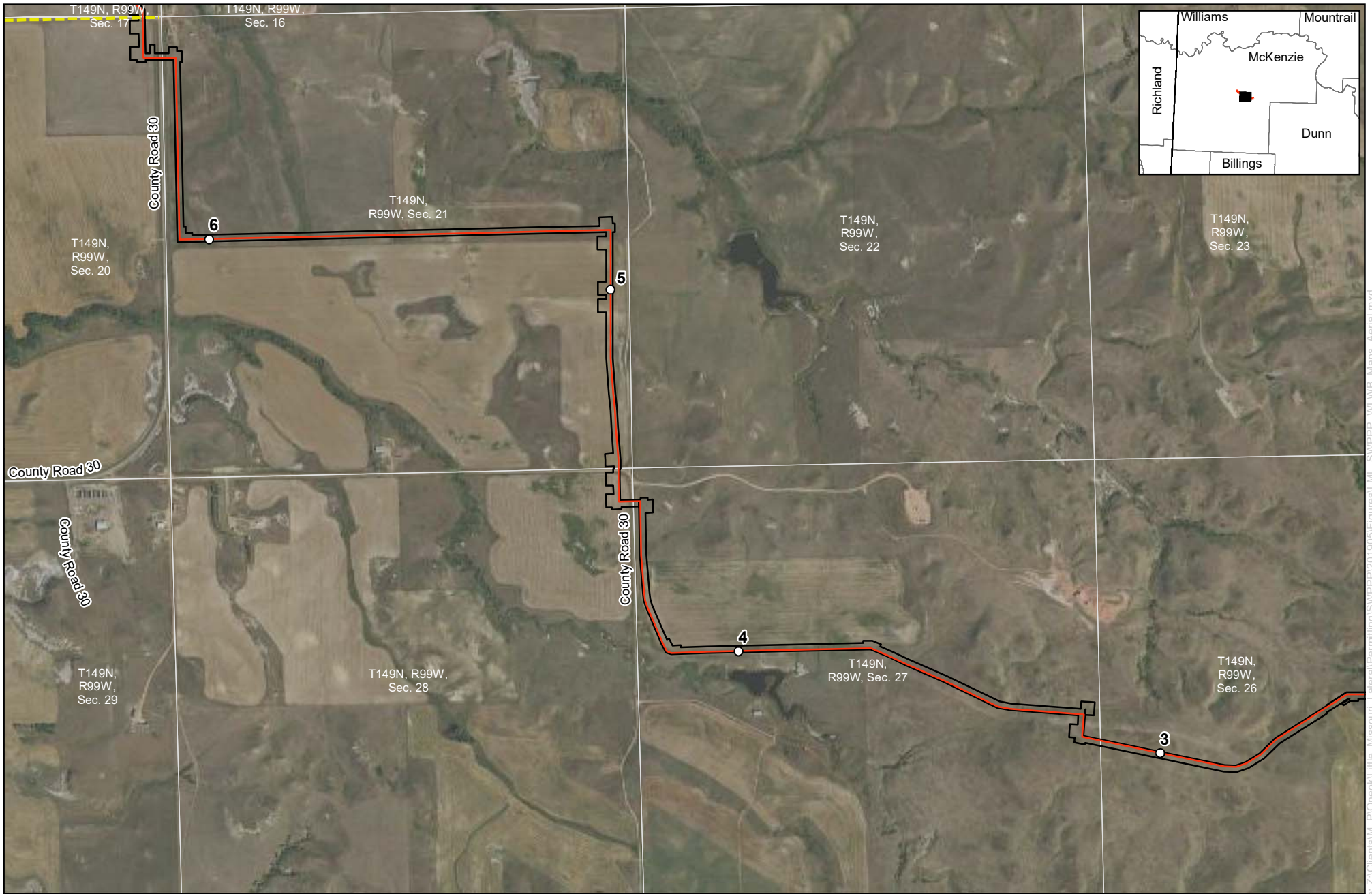
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Page 1 of 4

ONEOK
Little Missouri Lateral Pipeline Project
Project Location Maps
McKenzie County, ND

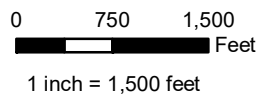
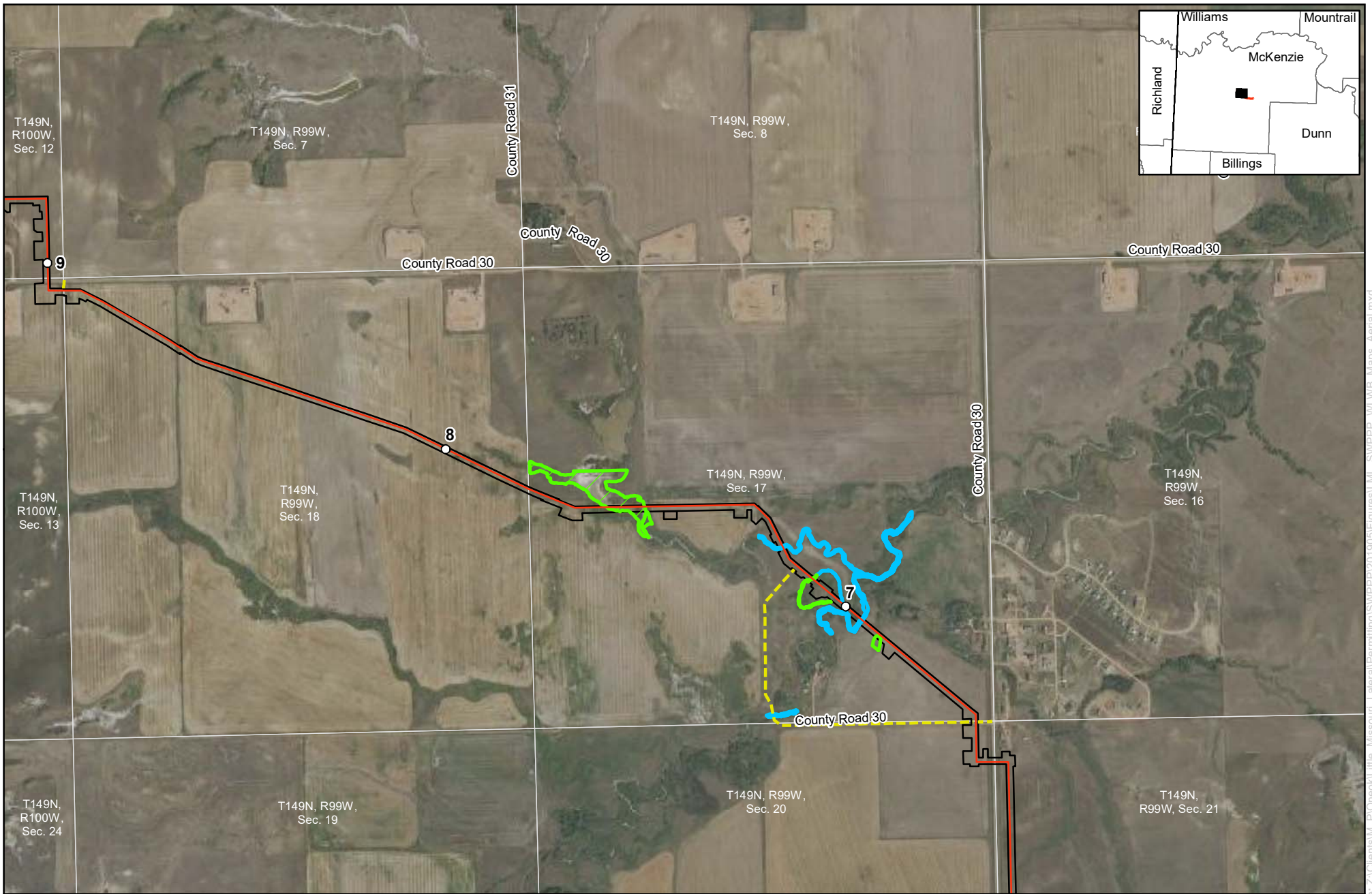
- Milepost
- Proposed Route
- Access Road
- Workspace
- Field Delineated Wetland
- Field Delineated Waterbody
- Section Boundary

Source: z:\Clients\MLP\Oneok\Little_Missouri_Lateral\Permitting\SWPPP\201905\Figures\MLL_SWPPP_WLWB_Maps_Aerial.mxd Date: (5/29/2019)



ONEOK
Little Missouri Lateral Pipeline Project
Project Location Maps
McKenzie County, ND

- Milepost
- Proposed Route
- Access Road
- Workspace
- Field Delineated Wetland
- Field Delineated Waterbody
- Section Boundary



ONEOK
Little Missouri Lateral Pipeline Project
Project Location Maps
McKenzie County, ND

- Milepost
- Proposed Route
- Access Road
- Workspace
- Field Delineated Wetland
- Field Delineated Waterbody
- Section Boundary



0 750 1,500 Feet
1 inch = 1,500 feet

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For Environmental Review Purposes Only

Page 4 of 4

ONEOK
Little Missouri Lateral Pipeline Project
Project Location Maps
McKenzie County, ND

- Milepost
- Proposed Route
- - - Access Road
- Workspace
- ▭ Field Delineated Wetland
- ▭ Field Delineated Waterbody
- Section Boundary

Date: (5/29/2019) Source: z:\Clients\MLP\Oneok\Little_Missouri_Lateral\Permitting\SWPPP\201905\Figures\MLL_SWPPP_WLWB_Maps_Aerial.mxd

APPENDIX D

Receiving Waters

ONEOK Little Missouri Lateral Pipeline Project Waterbody Crossing Summary Table					
Feature ID	Flow Regime	Crossing Method	Approximate MP	Centerline Crossing (feet)	NWP 12 Applicability
S_A-06	Intermittent	HDD with Move Around	0.2	113.150308	Not Applicable
S_A-03	Perennial	HDD with Move Around	6.9	24.489063	Not Applicable
S_A-04	Intermittent	HDD with Move Around	7	8.270334	Not Applicable
S_A-03	Perennial	N/A - Access Road	7.1	0	Not Applicable
S_A-02	Intermittent	OCM2	7.2	17.018864	Not Applicable
S_A-01	Ephemeral	OCM1	9.4	5.492657	Not Applicable

ONEOK Little Missouri Lateral Pipeline Project Wetland Crossing Summary Table					
Feature ID	Cowardin	Crossing Method	Approximate MP	Centerline Crossing (feet)	NWP 12 Applicability
W_A-12	PEM	HDD with Move Around	0.4	251.601723	Not Applicable
W_A-11	PEM	OCM5	1.2	16.269165	Not Applicable
W_A-07	PEM	HDD with Move Around	6.9	0	Not Applicable
W_A-05	PEM	OCM5	7.1	11.272558	Not Applicable
W_A-02	PEM	HDD with Move Around	7.5	0	Not Applicable
W_A-01	PEM	HDD with Move Around	7.6	431.316292	Not Applicable

APPENDIX E

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:

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

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

<input type="checkbox"/> Y <input type="checkbox"/> N	Is there evidence of concrete wash water discharging to waters of the state, storm sewer systems or onto adjacent properties?
<input type="checkbox"/> Y <input type="checkbox"/> N	Is there evidence of wastewater from processing operations or sanitary facilities (i.e., portable toilets) discharging from the site? (These types of discharges are not covered by the construction general permit, NDR10-0000. They must be stopped immediately if they are not covered by another type of permit. The following non-stormwater discharges are allowable if the appropriate prevention measures are in place: fire-fighting, fire hydrant flushing, potable water line flushing, infrequent building and equipment wash down without detergents, uncontaminated foundation drains, springs, lawn watering and air conditioning condensate. Please note that discharges from temporary dewatering activities, such as hydrostatic testing or disinfection of new pipelines may require coverage under the temporary dewatering general permit, NDG07-0000.)
<input type="checkbox"/> Y <input type="checkbox"/> N	Is there evidence of wash water from tools or equipment draining to waters of the state, drainage ditches or storm sewer systems?
<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NA	Are permanent stormwater management measures (e.g., oil-water separators, rain gardens) functioning properly?

Corrective Actions and Schedule:

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

Comments:

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

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

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

Comments

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

APPENDIX F

Best Management Practice Tracking Table

Appendix F – 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 through 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.

APPENDIX G

Training Log

