LIBERTY MIDSTREAM SOLUTIONS, LLC
STORMWATER POLLUTION PREVENTION PLAN
FOR THE ALLIANCE SALES LINE PROJECT

PERMIT NDR10-0000
WILLIAMS AND MOUNTRAIL COUNTIES, NORTH DAKOTA

DECEMBER 2019

A Report Prepared for:

Liberty Midstream Solutions, LLC
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LIBERTY MIDSTREAM SOLUTIONS, LLC
STORMWATER POLLUTION PREVENTION PLAN (SWPPP)
FOR THE
ALLIANCE SALES LINE PROJECT

PERMIT NDR10-0000
WILLIAMS AND MOUNTRAIL COUNTIES, NORTH DAKOTA

Prepared by:

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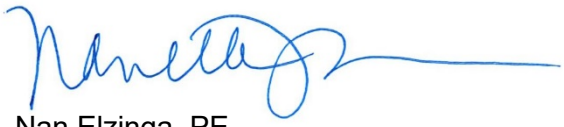

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TABLE OF CONTENTS

TABLES

APPENDICES

Table 1. Amendments to Stormwater Pollution Prevention Plan

SWPPP Modification Log			
Name of Construction Site		**Location of Construction Site**	
Type of Modification		**Description of Modification**	**Location of Modification**
☐ **Major**	☐ **Minor**		
Start Date:			
Completion Date:			
Reason for Modifications:		**Approved/Implemented By:**	
Type of Modification		**Description of Modification**	**Location of Modification**
☐ **Major**	☐ **Minor**		
Start Date:			
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☐ **Major**	☐ **Minor**		
Start Date:			
Completion Date:			
Reason for Modifications:		**Approved/Implemented By:**	

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.

Printed Name of Applicant	Title
Signature of Applicant	Date

1 PROJECT INFORMATION

This Stormwater Pollution Prevention Plan (SWPPP) was written to comply with the North Dakota Department of Environmental Quality (NDDEQ) General Permit NDR10-0000 (the "Permit"), which provides authorization to discharge stormwater associated with new and large construction activities. This SWPPP was prepared with the objective to inventory pollutants that have potential to leave the construction site in stormwater runoff, identify best management practices (BMPs) to eliminate or minimize pollutants in runoff, meet the conditions of the Permit, and not cause contamination or degradation to waters of the state.

Liberty Midstream Solutions, LLC (LMS) is seeking to obtain coverage under the General Stormwater Permit (NDR10-0000, **Appendix A**) for the construction of their Alliance Sales Line Project (Project). This SWPPP addresses construction activities associated with the construction of approximately 4.72 miles of new 8-inch residue gas pipeline in Williams and Mountrail Counties, North Dakota. **Appendix B** provides an Overview Map of the Project, as well as the specific site maps that show the BMPs to be utilized during construction; these figures will be periodically added to and updated as site conditions change and as LMS proceeds through construction to restoration.

This SWPPP was prepared in accordance with good engineering, hydrologic, and pollution control practices. This SWPPP is a dynamic document that will be updated, as needed, to address planned development, new disturbances, and other changes needed to manage stormwater and protect surface water quality. The SWPPP will be modified whenever there is a change in design, construction, operation, or maintenance that changes the potential for the discharge of pollutants to the waters of the state. The SWPPP will also be modified if elements prove ineffective in eliminating or minimizing pollutants present in stormwater. Table 1 on page v lists all modifications to this SWPPP.

The most current SWPPP is to be retained on site or may be located off-site when the Project is shut down for the season or when completion of construction occurs. The complete SWPPP will be maintained at LMS' field office at the existing Liberty County Line Gas Plant. A copy will also be kept with the SWPPP administrator when practical.

1.1 Stormwater Administrator

Stormwater management involves LMS as well as an outside consultant. This SWPPP was prepared on behalf of LMS by Kleinfelder, Inc.; however, the implementation and execution of the plan will be conducted by LMS or their construction contractor. The authorized officer for this SWPPP is listed below:

SWPPP Administrator and Legally Responsible Person:
Jerry Weiland
LMS Operations Manager
10261 74th Street NW
Tioga, ND 58852
406-860-8319

Jerry.Weiland@lmsllc.com

1.2 Site Description

LMS is proposing to construct and operate the Alliance Sales Line Project (Project) which consists of construction of a new 8-inch residue gas pipeline beginning at the existing Liberty County Line Gas Plant and terminating at a tie-in with a third-party operated pipeline. The pipeline is located in Williams and Mountrail Counties, North Dakota. The proposed pipeline will have a 25-foot permanent right-of-way (ROW) with an additional 75 feet of temporary ROW (centered on the proposed pipeline where feasible) for a total of 100 feet of temporary construction ROW. The Project location is depicted in the Project Overview Map included in **Appendix B**.

The Project is located entirely on private lands. The observed land use along the alignment is primarily ranchland and agricultural plots, as well as some existing oil and gas facilities. The site-specific stormwater diagrams and suggested stormwater BMPs for each project component can be found in **Appendix C**. Acreages of disturbance for the pipeline construction ROW is estimated to be 57.21 acres.

1.3 Proposed Sequence of Construction Activities

The Project includes construction and installation of approximately 4.72 miles of new 8-inch residue gas pipeline within a 100-foot construction ROW. Construction and development is anticipated to begin in February 2020 and will continue for approximately 8 weeks. Reclamation will begin immediately after construction is complete and the final restoration including adequate vegetative cover will be dependent on weather conditions.

All BMPs will be installed in a phased approach by activity (for example, Construction and Development followed by Operation and Reclamation) as outlined in accordance with **Table 2**.

Table 2. BMPs Recommended During Each Project Phase

Construction and Development	Operation	Reclamation
Erosion and Sediment Control (Structural)		
Dust Control	Dust Control	Dust Control
Earthen Berms	Earthen Berms	Earthen Berms
Fiber Roll	Fiber Roll	Fiber Roll
Silt Fence	Silt Fence	Silt Fence
Temporary Slope Drains	Temporary Slope Drains	Temporary Slope Drains
Sediment Traps	Sediment Traps	Sediment Traps
Trench Plug		
Water Bar		
Erosion and Sediment Control (Non-structural)		
Phased Construction	Phased Construction	Phased Construction
Protect/Preserve Vegetation	Protect/Preserve Vegetation	Protect/Preserve Vegetation
Re-vegetation	Re-vegetation	Re-vegetation
Mulching	Mulching	Mulching
Surface Roughening	Surface Roughening	Surface Roughening
Proper Track Walking During Land Grading	Proper Track Walking During Land Grading	Proper Track Walking During Land Grading
Slope Stabilization	Slope Stabilization	Slope Stabilization
Operational Controls		
Good Housekeeping	Good Housekeeping	Good Housekeeping
Employee Training	Employee Training	Employee Training
Bulk Storage of Petroleum	Bulk Storage of Petroleum	
Concrete Washout		
Maintenance of Equipment	Maintenance of Equipment	
Dewatering BMPs		
Settling/Filtration		
Velocity Dissipation		

1.3.1 Construction and Development

Construction of pipelines and appurtenances is subject to safety regulations specified in U.S. Department of Transportation (USDOT) CFR, Title 49, Part 192 (49 CFR § 192), Transportation of Natural and Other Gas by Pipeline Minimum Federal Safety Standards, and other applicable regulations.

The first phase of construction would involve staking the pipeline centerline and the construction ROW. Clearing of trees and brush would be performed after staking is completed. Vegetative debris would be managed in accordance with applicable regulations; the resulting materials would be beneficially used where possible (that is, timber, mulch, firewood), or hauled away for off-site management or disposal in accordance with applicable local and state requirements and/or restrictions. Topsoil segregation would be performed ahead of trenching and subsoil would be stockpiled separately from topsoil.

Stormwater inspections would begin once the soil or vegetation is disturbed. Temporary or permanent on-site perimeter erosion and sediment control BMPs will be installed as appropriate (that is, before, during, and after all grading activities and development).

Individual sections of pipe would be strung along the ROW, which can be done either before or after trenching. Trenching would be accomplished by backhoe or trenching machine, keeping trench spoil separate from topsoil. Generally, the trench would be excavated 12 inches wider than the diameter of the pipe. Trench width is dependent on pipe size and trenching method; for the proposed 8-inch pipeline the trench would be up to 20 inches wide using a backhoe.

Pipe would be bent where necessary, aligned, and welded. All welds would be visually and radiographically inspected. The pipe assembly would be lowered into the trench and backfilled with the previously excavated soil. The depth of soil cover over the top of pipe would be at least 60 inches. After backfilling, the pipe would be hydrostatically tested in accordance with USDOT regulations specified in 49 CFR 192.

Sequencing of construction activities will progress as rapidly as practicable to minimize the amount of time that portions of the site are disturbed. Inactive areas will be temporarily stabilized to reduce erosion potential, slow runoff velocity, and promote infiltration and will be temporarily seeded where applicable.

The Site Maps showing the limits of disturbance are as well as the specific BMPs to be used during construction of the pipeline are included in **Appendix C**.

1.3.2 Operation

All proposed facilities covered under this SWPPP will be operated and maintained in compliance with USDOT regulations (49 CFR 192), and in a manner consistent with industry standards. Procedures will include periodic inspection and maintenance of pipelines and appurtenances.

Operational activity on the pipeline would be limited primarily to maintenance of the ROW and inspection, repair, and cleaning of the pipeline. Periodic ground inspections by pipeline personnel would identify:

- Soil erosion that may expose the pipe
- Dead vegetation that may indicate a leak in the line
- Conditions of the vegetation cover and erosion control measures
- Unauthorized encroachment on the ROW, such as buildings and other substantial structures
- Other conditions that could present a safety hazard or require preventive maintenance or repairs

The pipeline cathodic protection system would also be monitored and inspected periodically to ensure proper and adequate corrosion protection. During the Operation Phase, appropriate BMPs will be maintained and remain in place until final stabilization is achieved.

1.3.3 Reclamation

After construction and operation activities are complete, the grades of the slopes will be reduced and returned to approximately the original topography. All reclaimed areas will be permanently seeded and mulched according to the standard details included in **Appendix D**. Final seeding of the reclaimed area will be done in the spring depending on the completion time of the reclamation and weather conditions.

Following completion of final revegetation, a qualified representative will inspect areas that have been seeded to ensure that the revegetation has been successful. If revegetation is not successful, spot revegetation or other remedial actions will be implemented to assure compliance with the Permit. An Inactivation Notice will be filed for the project once all of the construction activities have been completed and all areas have reached final stabilization or 70 percent of pre-disturbed vegetative conditions.

1.4 Potential Pollution Sources

Potential pollution sources associated with construction and operation activities includes:

- Sediment resulting from erosion of soil stockpiles and other areas cleared of vegetation
- Fugitive dust
- Off-site vehicle tracking
- Leakage of fuels and lubricants from equipment and spills from fueling or equipment failures during earth moving activities
- Solid waste and debris from clearing activities, construction materials, and workers
- Construction material storage areas
- Chemicals associated with temporary portable toilet services for construction workers

The most common source of pollution anticipated during construction and development is sediment which may potentially impact the water quality of receiving waterbodies via clearing, grading, and altering previously undisturbed lands. Fugitive dust associated with construction activities may transport sediment during heavy traffic periods, grading, clearing, or grubbing activities. Off-site vehicle tracking will need to be minimized or eliminated through the use of vehicle tracking control BMPs when necessary.

Petroleum products utilized on-site can be potential stormwater pollutants. These products are used in project construction to power or lubricate equipment and include the following: fuel, gear and hydraulic oils, brake fluids, and grease. Leakage from fueling or other site operations will be handled in accordance with BMPs included in **Appendices C and D** and as described in Section 2.2 – Operational Controls. Designated areas for storing petroleum products will need to be updated on site-specific maps if locations change.

Debris from construction, residue from equipment cleaning and maintenance, and solid waste generated from land clearing operations and human activities present other potential pollution

sources within the construction site(s). Please refer to the BMPs and site-specific maps that address these non-stormwater issues.

Construction material storage areas may be potential pollution sources if materials are improperly stored or exposed to precipitation. Construction material storage areas may include petroleum products, fertilizers, chemicals, or paints associated with proposed activities on site. Secondary containment BMPs should be updated on the site-specific maps and in stormwater BMPs located in **Appendices C and D**. Additional chemicals associated with toilets for construction workers will need to be sited in areas that will not impact waterways or storm drains.

Potential pollutant sources will be inspected on a regular basis and include:

1) Disturbed and stored soils

There is a potential for disturbed and stored soils to contribute pollutants to stormwater discharges; however, as part of the regular stormwater inspections, all disturbed and stored soils will be monitored to ensure sediment transport is not occurring. BMPs will be installed and maintained along these areas.

2) Vehicle tracking of sediments

There is a low potential for vehicle tracking of sediments to contribute pollutants to stormwater discharges given that the roads in the area are not paved.

3) Management of contaminated soils

There is a low potential for contaminated soils to contribute pollutants to stormwater discharges. Areas of contaminated soils will be disposed of in an appropriate facility and soil sampling will be conducted to ensure contaminated soils have been removed.

4) Loading and unloading operations

There is a low potential for loading and unloading operations to contribute pollutants to stormwater discharges, because BMPs will be installed before items necessary for pipelines, and gas treatment are put in place.

5) Outdoor storage activities (building materials, fertilizers, and chemicals)

There is a low potential for outdoor storage activities to contribute pollutants to stormwater discharges. No fertilizers or building materials will be kept on-site and chemicals used for plant operations will be stored within a weatherproof structure or will be kept off the ground and covered to ensure precipitation does not come in contact with the materials.

6) Vehicle and equipment maintenance and fueling

There is a low potential for vehicle and equipment maintenance and fueling to contribute pollutants to stormwater discharges. No vehicle and equipment maintenance and fueling will take place at the Project facilities. On-site maintenance and fueling will be done in designated areas cleared of vegetation and located away from any drainage areas.

7) Significant dust or particulate generating processes

There is a moderate potential for dust or particulate-generating processes to contribute pollutants to stormwater discharges. During summer months, winds carry dust and

sediment from construction activity or moving vehicles and deposit it along waterways. However, areas of disturbed soils will be stabilized, and areas needed for post-construction operations will be hard surfaced after construction operations are completed.

8) Routine maintenance activities involving fertilizers, pesticides, detergents, fuels, solvents, oils

Oils and antifreeze will be used for plant maintenance.

9) On-site waste management practices (waste piles, liquid wastes)

There is a low potential for on-site waste management practices to contribute pollutants to stormwater discharges. Waste piles will be contained using BMPs to minimize sediment transport. During construction operations, dumpsters may be retained on-site for worker trash and will be emptied as necessary.

10) Concrete truck/equipment washing, including the concrete truck chute and associated fixtures and equipment

There is a very low potential for concrete truck/equipment washing to contribute pollutants to stormwater discharge. There will be a designated washout area and concrete will be disposed of properly.

11) Dedicated asphalt and concrete batch plants

There is no potential for dedicated asphalt and concrete batch plants to contribute pollutants to stormwater discharges as there are no asphalt or concrete batch plants associated with the project.

12) Non-industrial waste sources such as worker trash and portable toilets

There is a low potential for non-industrial waste sources to contribute pollutants to stormwater discharges. Dumpsters for worker trash will be kept on-site and portable toilets will be staked down and will be located in a safe area where accidental tipping will not occur. Dumpsters and portable toilets will only be on-site during construction operations.

13) Other areas or procedures where potential spills can occur

Spills may occur from vehicles accessing each location during construction and daily activities. Observations for soil staining will be conducted during routine inspections.

Non-stormwater discharges are not expected from the Project. There are no municipal discharge outfalls within the Project Area. Storm culverts and diversion ditches in close proximity to construction activities associated with this Project are depicted on the site-specific maps.

1.5 Existing Topography, Vegetation, and Soils

Other relevant characteristics include runoff characteristics, site elevations, and soil units. Runoff characteristics are based on site topography, soil type, and soil/vegetative cover. The facilities are mainly located on flat tracks of land where the potential for soil loss due to topography is considered minimal. The elevation in the Project Area generally ranges from 5,700 to 6,200 feet.

Vegetative communities primarily consist of shrubland, herbaceous upland (grasses and forbs), upland woody vegetation, cropland (small grains), and palustrine emergent (PEM) wetland. Vegetative cover ranges from 90-percent to 100-percent. Vegetation maps can be found in **Appendix E**.

The United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) Web based soil survey was used to determine soil types within the Project corridor. The web-based soil maps, including a name and designation index, are included in **Appendix E.** Soils crossed by the proposed ROW are listed below:

- Williams-Zahl loams, 3 to 6 percent slopes
- Zahl-Max-Bowbells loams, 6 to 35 percent slopes
- Williams-Zahl- Parnell complex, 0 to 9 percent slopes
- Zahl-Williams loams, 9 to 15 percent slopes
- Hamerly-Tonka complex, 0 to 3 percent slopes
- Williams-Zahl loams, 3 to 6 percent slopes
- Williams-Bowbells loams, 0 to 3 percent slopes
- Zahl-Wiliams-Bowbells loams, 3 to 9 percent slopes
- Bowbells loam, 0 to 3 percent slopes
- Zahl-Wiliams loams, 9 to 15 percent slopes
- Williams-Zahl-Zahill complex, 6 to 9 percent slopes
- Vallers loam, moderately saline, 0 to 1 percent slopes
- Divide loam, 0 to 2 percent slopes

1.6 Receiving Waters

The Project Area is located within one hydrologic unit, the Upper White Earth Creek (HUC 101101011203). From the Project Area, stormwater runoff would flow into White Earth Creek and its tributaries and other intermittent drainages located near and within the Project Area. Outfalls potentially consist of overland flows from the locations described in this plan to the above-mentioned drainages which subsequently drain into the White Earth River. Hydrology Maps, including features delineated during field surveys, are included in **Appendix E**.

1.6.1 Impaired Waters

There are no receiving water(s) that are listed on the state's most recent 303(d) report as impaired within 2,000 feet of the Project Area. There are no receiving water(s) that are listed on the state's most recent 303(d) that have an approved Total Maximum Daily Load (TMDL) for sediment, suspended solids or turbidity within 2,000 feet of the construction site and that may receive runoff from the construction site or will receive construction site stormwater discharge that enter a storm sewer system.

2 BEST MANAGEMENT PRACTICES (BMPS) FOR STORMWATER POLLUTION PREVENTION

The selection of erosion and sediment control BMPs is contingent upon site-specific conditions during construction. The objective of the selected erosion and sediment controls is to minimize erosion and sedimentation via the utilization of a combination of structural and nonstructural controls. The types and locations of structural BMPs for construction of the proposed pipeline are depicted on the Site Plans in **Appendix C**.

2.1 Erosion and Sediment Controls

Erosion prevention BMPs prevent soil or sediment movement by wind or water and retain soil in its original location within the construction site. Temporary erosion protection may be needed for some activities, in particular where further work is not anticipated for 28 calendar days or more. Ditches, berms, and soil stockpiles may require temporary erosion protection. Sedimentation controls prevent soil from eroding and being transported from the original location on-site and from entering waters of the state. Appropriate control measures for erosion and sediment control of the Project Area are described as follows:

1) Structural Practices for Erosion and Sediment Control

There are a number of structural practices which may be used on the project including: various dust control methods, waterbars, trench plugs, silt fence with outlets, and sediment traps, re-establishing/replacing vegetation, mulching, and rolled erosion control products. The locations of structural BMP practices are depicted on the Site Plans in **Appendix C**.

2) Non-Structural Practices for Erosion and Sediment Control

Non-structural erosion and sediment control BMPs include phasing construction, minimizing disturbances to existing vegetation, and preservation of natural vegetation, surface roughening, and proper track walking during land grading activities. The location of non-structural BMPs practices are depicted on the Site Plans in **Appendix C**.

3) Phased BMP Implementation

BMPs for these sites will be implemented in three phases – construction, operation, and reclamation. **Table 2** lists the BMPs that may be used during each of the aforementioned phases of the project.

2.1.1 Construction and Development

The Construction Phase will begin with the clearing and grubbing of all necessary areas to construct the proposed 8-inch pipeline. The temporary construction ROW will be cleared of trees and obstructions and graded to a relatively flat surface to accommodate construction equipment. Stormwater inspections begin once the soil or vegetation is disturbed. The facilities and associated private access road will be constructed utilizing standard cut and fill techniques.

Structural sediment control BMPs will be installed below the limits of disturbance to prevent sediment from leaving the construction site. These BMPs will be installed prior to starting any

earthwork activities. If site berms are installed, they will encompass the facility surface and will be constructed at the top of the fill slopes to act as run on control. BMPs will be maintained during construction to the standards outlined in the BMP details located in **Appendix D**.

In areas disturbed by construction, topsoil will be stripped and stockpiled on-site. Soil materials will be managed so erosion and sediment transport are minimized. Nearby drainages will be protected by appropriate BMPs. Any stockpiled excess cut-material or topsoil will be segregated during construction and appropriate erosion and sediment control BMPs will be utilized to minimize sediment transport during temporary storage.

The pipeline trenches will be excavated to provide a depth of cover required by the USDOT, Williams and Mountrail Counties, or LMS Standards. At roadways the pipeline will be bored using standard construction techniques. Temporary BMPs will be implemented to prevent sediment transport from stockpiles where applicable.

Pipe segments will be strung along the ROW parallel to the trench, and will be bent (where required), welded, and lowered into the trench. Once the pipeline is placed in the trench, a bulldozer or other appropriate equipment will backfill the trench with fill or native subsoil. Topsoil that was segregated during grading operations will be placed over the subsoil. The ROW will be re-graded to its preconstruction contour and seeded to encourage revegetation. Any excavated materials not used as backfill will be disposed of properly. After installation, the pipeline will undergo hydrostatic testing to ensure its integrity.

Sequencing of construction activities will progress as rapidly as practicable to minimize the amount of time portions of the site are disturbed. Inactive areas, where ground disturbing activity has ceased for more than 14 calendar days, will be stabilized to reduce erosion potential, slow runoff velocity, and promote infiltration and will be temporarily seeded where applicable.

The construction phase will last approximately 8 weeks. All ground disturbing activities will be conducted on the working surface of the construction site during the development phase.

During construction and development, all structural BMPs used for sediment control during the construction phase will be maintained or be replaced, and any necessary additional BMPs will be installed. Possible BMPs include sit fencing, vehicle traction control, timber matting, trench plugs and water bars, and erosion control blankets.

Depending on site conditions, a variety of erosion control practices may be necessary to stabilize areas of disturbed soil that do not have gravel or that have not been surface hardened. Seed and mulch or erosion control blankets should be applied to disturbed areas such as topsoil stockpiles and cut and fill slopes. Slopes may also be track walked to provide soil roughening.

2.1.2 Operation

Once constructed, the pipeline will operate 24 hours a day, 365 days a year. Once operating, there is no intention of removing or terminating use of the compressor station or the pipeline. Should any portion of the facilities require decommissioning, the pipeline would be isolated, cleaned, and abandoned in place per State of Wyoming and local regulations and per the landowner agreement.

The pipeline will be un-manned during operation. The ROW may be periodically driven by one or two employees for regular inspection and/or maintenance. All non-emergency work will take place between 6:00 AM and 5:00 PM, Monday through Friday. Daily visits to the pipeline ROW are not anticipated. During the Operation Phase, appropriate BMPs will be maintained and remain in place until final stabilization is achieved.

2.1.3 Reclamation

Interim or final stabilization activities will begin once all construction and development activities have been completed or will cease for more than 14 days. The slopes and disturbed soils will be re-contoured to match preexisting conditions, stockpiled topsoil should be applied to the slopes and then track walked, seeded, and mulched.

After final stabilization, the site will continue to be monitored on a monthly basis while the vegetation cover is established to ensure that the proposed activities to achieve final stabilization are adequate. Once uniform vegetative cover has been established with a plant density of at least 70 percent of pre-existing conditions on all reclaimed areas, the site will be considered stabilized and inspections may cease. Structural BMPs, if present, may be removed after these conditions have been met.

Seeding can be conducted at any time of the year; however, the middle of winter and the middle of summer can be problematic. If applied in the winter, seed will lie dormant and will be in place to grow as soon as spring arrives accompanied by warmer temperatures and moisture from precipitation or snowmelt. However, seed cannot be applied when there is more than an inch of snow on the ground. If seed is applied in the middle of summer, extreme heat and limited moisture will reduce effectiveness. Therefore, the recommended times for seeding are spring (after snowmelt begins but generally mid-March to mid-June) and fall (generally from late August until the first heavy snow).

Final stabilization practices for obtaining a minimal 70 percent pre-disturbance vegetative cover will include selecting a seed mix and application methods, soil preparation and amendments when necessary, implementing soil stabilization practices, and utilizing appropriate sediment control BMPs, as needed, until final stabilization is achieved. The temporary ROW will be re-graded to reduce cut and fill slopes and be re-seeded. The seeding and stabilization practices may include drill- or broadcast-seeding, mulching and crimping, erosion control matting, or hydro-seeding. The BMPs implemented may be modified as needed to ensure site reclamation and stabilization leading to 70 percent of pre-disturbance vegetative cover.

2.1.4 Construction Site Dewatering

If groundwater is encountered during proposed activities, a separate groundwater permit may be acquired by LMS from NDDEQ and monitoring will need to be conducted in accordance with the groundwater permit requirements. Other dewatering activities should include BMPs that remove sediments suspended in the water as well as velocity dissipation devices (for example, rock riprap, sandbags, plastic sheeting, or equivalent) to control erosion during the discharge process.

2.2 Operational Controls

2.2.1 Spill Response

Spills at the site can be largely prevented through proper training and the conscientious efforts of personnel during the performance of routine activities. Efforts should be made to refuel equipment away from drainages and waterways. If possible, attempts should be made to use the same location for refueling activities, such as a designated equipment refueling/staging area. If a release of a hazardous substance does occur during construction activities, construction personnel will take appropriate action to minimize the impact of the spill through the use of absorbent material stored at the construction site. Absorbent material may consist of clay, sawdust, straw, kitty litter, booms, absorbent pads, or other suitable materials.

In the event of a release of fuel, lubricant, or coolant from equipment, efforts will be made to stop the release. Spilled fluids will be cleaned up as soon as possible. All contaminated soils and spent/used clean up materials shall be containerized (drums or dumpsters) and stored on site, until appropriate disposal methods have been identified. **Jerry Weiland (LMS) is to be contacted at 406-860-8319, to report any spills over five gallons.** The necessary repairs will be made to the equipment to prevent a continued release of potential pollutants.

LMS will report any spill that may seriously endanger health or the environment as soon as possible, but no later than 24 hours from the time LMS became aware of the spill.

Immediate response by trained emergency personnel may be coordinated through the Department of Health, Department of Emergency Services and any other state or local emergency response agencies that may be needed. If there is any question as to proper response, call the 24-hour North Dakota hazardous materials emergency assistance and spill reporting number (800.472.2121) and provide all relevant information about the incident.

North Dakota Department of Health:

Division of Water Quality	701.328.5210
Division of Waste Management	701.328.5166
Division of Air Quality	701.328.5188
Division of Municipal Facilities	701.328.5211

Report Spills to http://www.ndhealth.gov/EHS/Spills/

3 GOOD HOUSEKEEPING

A list of all potentially toxic or hazardous chemicals used during the Project will be maintained and kept on-site. Warning labels must be attached to all potentially toxic or hazardous chemicals. Safety Data Sheets (SDS) and other safety information will be on file and accessible during all periods in which the chemicals are used or stored. Construction site personnel must follow spill prevention and control practices as outlined in the SPCC plan developed for the existing gas plant.

In addition to maintaining an inventory of potentially toxic, hazardous materials and associated safety information, the following materials management practices will be followed:

- Materials will be handled in accordance with Occupational Safety and Health Administration (OSHA) requirements and manufacturers' instructions.
- Chemicals regulated under the Resource Conservation and Recovery Act (RCRA) will be reported and handled in accordance with relevant regulations.
- Materials stored at the construction site will be covered or otherwise protected from the elements.
- The quantity of fuel and lubricants stored on the construction site will be limited to the amount that is reasonable to support the specific construction or maintenance activity.
- Bulk storage areas for materials not consumed daily will be enclosed and protected from the elements and contained in a manner to prevent release to the environment.
- Petroleum products and fertilizers will be stored at separate facilities or isolated by impermeable barriers.
- General construction site debris will be stored in trash containers and removed from the job site on a regular basis to prevent overflowing.

3.1 Bulk Storage of Petroleum Products

Lubricant, hydraulic, and miscellaneous oils and solvents will be stored in 55-gallon or smaller containers. Pollutants from petroleum products used during construction activities adhere easily to soil particles and other surfaces. In case of a spill or leak, soils contaminated with petroleum products will be contained and removed to a proper disposal site. Proposed soil erosion and sediment control practices will aid in retention of spills or leaks. Use of secondary containment and drip pans will reduce the likelihood of spills or leaks contacting the ground. Proposed maintenance and safe storage practices will reduce the chance of petroleum products contaminating on-site soils and drainages. Oily wastes such as cans, rags, and paper containing oils will be placed in proper receptacles and disposed of or recycled. Additional sources of petroleum contamination are leaks from equipment and vehicles. Routine daily inspections will be conducted to identify leaks and initiate corrective actions, if needed.

The following guidelines for storing petroleum products will be used:

- All product containers will be clearly labeled.
- Drums will be kept off the ground within secondary containment and stored under cover, if needed.
- Emergency spill response procedures will be available on-site. Persons trained in handling spills will be on call at all times.
- Spill cleanup and containment materials (absorbent, shovels, etc.) will be easily accessible. Spills will be cleaned in a timely manner and reported as required in accordance with applicable regulations.

- Contaminated materials will be properly stored on-site until they can be disposed of in accordance with applicable regulations.

Storage areas and containers will be regularly monitored for leaks and repaired or replaced as necessary. Workers will be reminded about proper storage and handling of materials during safety meetings.

Each of these wastes will be managed so as to not contribute to stormwater pollution.

1) Dedicated Concrete or Asphalt Batch Plants

   No concrete or asphalt batch plants are included as part of this project.

2) Vehicle Tracking Controls

   Vehicle tracking controls (VTCs) are used to reduce the potential for sediment to leave a construction area. If tracking does become an issue, VTC will be implemented.

3) Concrete Washout

   During plant construction, the concrete washout will be addressed by properly containing all waste within a lined pit or manufactured tank facility to prevent concrete wash waters from entering surface waters of the state.

4) Waste Management and Disposal

   Construction will generate various other wastes, possibly including the following:

   - Vegetation from clearing operations
   - Trash and debris from construction materials and workers
   - Sanitary sewage

Vegetation may be piled along the toe of fill slopes to provide additional sediment control or be hauled off-site. Construction trash and debris will be collected in containers and hauled off-site for disposal in suitable landfills. Temporary portable toilets will be staked to prevent accidental spillage.

3.2 Employee Training

Scheduled “tail gate” trainings will be provided for on-site personnel. These trainings will review important components of the SWPPP with a focus on general BMP awareness and site controls and maintenance responsibilities.

4 MAINTENANCE

All erosion and sediment control practices and other protective measures included in the SWPPP will be maintained in effective operating condition. Proper selection and installation of BMPs and development of comprehensive inspection and maintenance procedures are planned to meet this condition.

Should inspections reveal that BMPs are not operating in accordance with good engineering, hydrologic, and pollution control practices then maintenance will be initiated. Maintenance activities may include removal of collected sediment outside the acceptable tolerances of the BMPs and other activities for preparation for post-construction stormwater control. BMP maintenance is intended to be proactive, not reactive. Equipment used on-site is to be maintained in accordance with applicable manufacturer and/or industry standards.

Temporary and permanent sedimentation ponds or basins, if used, must be drained and sediment removed when the depth of sediment collected in the basin reaches ½ the sediment storage volume. Drainage and removal must be completed for active construction site within 72 hours and on inactive construction sites within 14 days of discovery, or as soon as field conditions allow access.

Construction site egress locations must be inspected for evidence of sediment being tracked off-site by vehicles or equipment onto paved surfaces. Accumulation of tracked and deposited sediment must be removed from paved surfaces within 24 hours of discovery.

Observations resulting in BMP maintenance activities can be made during a site inspection or during general observations of site conditions. The BMP maintenance standards are outlined in the BMP details located in **Appendix D**.

Adequate site assessment will be performed as part of a comprehensive inspection and maintenance procedures. Site assessment evaluates the adequacy of BMPs at the site and the necessity of changes to those BMPs to assure continued effective performance. Where BMPs have failed, resulting in non-compliance with the Permit, they must be addressed as soon as possible, (that is, immediately in most cases), to minimize the discharge of pollutants. When new BMPs are installed or replaced with different BMPs, the SWPPP must be updated.

5 INSPECTION

To meet requirements of the Permit, inspection and maintenance of erosion and sediment controls must occur during the project construction or until a Notice of Termination is submitted to NDDEQ. Continued inspection and maintenance are required for specific structures after construction is completed. The inspection program will include the following:

1) A qualified person familiar with the SWPPP and control measures will conduct the inspections.
2) Inspections will cover these areas of the construction site:
    - Disturbed areas
    - Material storage areas
    - BMPs
    - Surface water diversions
    - Up-gradient and down gradient areas (run-on and run-off)
3) A log of inspections will be kept at the site when practical, a copy of all inspection reports

will be filed in **Appendix F** of the SWPPP.

4) Sediment control BMPs will be inspected for evidence of deterioration, under-cutting, and buildup of sediment.

5) Following each inspection, the SWPPP will be updated as necessary to include additional controls designed to correct problems. Revisions to the SWPPP will be made after the changes to BMP installations or implementations occur to the site within 30 days following the inspection.

6) A signed inspection report summarizing the scope of the inspection, the name of the person conducting the inspection, date of inspection, and observations will be prepared and placed into the SWPPP. Inspection reports will be retained by the Impact SWPPP Administrator for at least 3 years from the date that the site is finally stabilized.

7) Actions taken to modify any stormwater control measure will be recorded and maintained with the SWPPP. Once adequate corrective action(s) have been taken, or where an inspection report does not indicate incidents requiring corrective action, the report shall be signed by a qualified person indicating the site is in compliance. An updated site map will accompany each inspection report.

5.1 Minimum Inspection Schedule

The stormwater inspections will be conducted in accordance with the following inspection schedule to meet the requirements of the Permit. The minimum inspection schedules are allowed:

1) Active Construction Sites/Areas

   During active construction, qualified personnel shall inspect disturbed areas, control measures, and locations where vehicles enter or exit the site at least once every 14 calendar days and within 24 hours of any precipitation and/or snow melt event which exceeds 0.5 inches. The permittee must either maintain a rain gauge at the site or use the nearest National Weather Service precipitation gauge station. Any rain measurement shall be taken from an area within 10 miles of the construction project, or at least once every 7 days.

2) Inspections at Completed Sites/Areas

   For sites, or portions of sites, that meet the following criteria but where final stabilization has not yet been achieved due to a vegetative cover that has not become established, an inspection will be conducted at least once every month and post-storm event inspections are not required. This reduced inspection schedule is allowed *only* if:

   - All construction activities that will result in surface ground disturbance are completed.
   - All activities required for final stabilization, in accordance with the SWPPP, have been completed, with the exception of the application of seed that has not occurred due to seasonal conditions or the necessity for additional seed application to augment previous efforts.

- The SWPPP must be amended to indicate those areas that will be inspected in accordance with the reduced schedule allowed for in this subsection.

3) Inactive Construction Sites/Areas

   During seasonal shutdowns and periods following completion of construction, but before the site has achieved "final stabilization" conditions and termination of coverage under the General Permit, qualified personnel is required to inspect the site at least once each month.

4) Weather-Related Delays

   Operators of projects in remote, rural sites that do not have "all season" road access may delay inspections until site conditions are appropriate for access. The reason for such a delay must be documented in the SWPPP. Inspections must occur as soon as access is feasible.

5) Alternative Inspection Plans and Schedules

   A permittee may submit an alternative inspection plan for long, narrow, linear construction projects such as pipeline or utility line installation, and other projects in remote areas where vehicle traffic is restricted or could compromise native vegetation or stabilization measures. A copy of the SWPPP and alternative inspection plan must be submitted to the Department at least 30 days prior to implementing the plan. An alternative plan must provide for the timely recognition and repair of erosion or sedimentation. For an alternative inspection plan to be valid, it must be approved in writing by NDDEQ.

6) Winter Conditions Inspections Exclusion

   Inspections will not be performed at sites where construction activities are temporarily halted, snow cover exists over the entire site for an extended period, and melting conditions posing a risk of surface erosion do not exist. This exception is applicable *only* during the period where melting conditions do not exist and applies to the routine 14-day and monthly inspections as well as post-storm event inspections. The following information will be documented in the inspection record for use of this exclusion:

   - Dates when snow cover occurred
   - Date when construction ceased
   - Date melting conditions began

7) Completed Construction

   Where there are areas that have achieved final stabilization, the operator may document such in the facility SWPPP and omit those areas from further routine inspections. Examples of where this provision may apply include specific well pads or pipeline segments that have been stabilized that are part of a larger plan of development covered under a single stormwater permit. Or the earlier phases of a large, phased development which may be stabilized before the later phases are completed.

5.2 Inspection Requirement

1) Inspection Scope

The construction site perimeter, all disturbed areas, material or waste storage areas that are exposed to precipitation, discharge locations, and locations where vehicles access the site will be inspected for evidence of, or the potential for, pollutants leaving the construction site boundaries, entering the stormwater drainage system, or discharging to waters of the state. All erosion and sediment control practices identified in the SWPPP will be evaluated to confirm that they are operating correctly.

The stormwater inspector will be trained and knowledgeable about implementing the practices and controls included in the SWPPP such as spill response, good housekeeping and sediment controls. Employee training will be provided at least annually, as new employees are hired, as site conditions change, or as necessary to ensure compliance with the SWPPP and General Permit.

2) Inspection Report/Records

A record will be kept of inspections. Measurable quantities of sediment or other pollutants that have been transported off site are to be included in inspection record. Inspection reports will identify any incidents of non-compliance with the terms and conditions of the Permit and a diagram will accompany each report. The measures taken to correct deficiencies are to be recorded.

Copies of the inspection reports shall be retained with the SWPPP (**Appendix F**) at the LMS Field Office at the County Line Gas Plant during construction, interim and final reclamation operations and for a minimum of three years following the completion of the activities. The most current version of the SWPPP and inspection records shall be retained at the construction site during active construction unless infeasible. If keeping a copy of the SWPPP and inspection records on-site is infeasible (such as on a site where there is no construction trailer or other structure where the SWPPP can be kept), the permittee shall provide the location of an off-site SWPPP to the NDDEQ either by letter or e-mail. Such notice must include the facility stormwater permit authorization number, location of the SWPPP and the name, address and a contact telephone number for a person with access to the SWPPP. All reports will be provided to the Administrator upon request.

The inspection reports will include:

- The inspection date
- Names and title of the personnel making the inspection
- Location of discharges of sediment or other pollutants from the site
- Location of BMPs that need to be maintained

- Location of BMPs that failed to operate as designed or proved inadequate for a particular location
- Location where additional BMPs are needed that were not in place at the time of the inspection
- Deviations from the minimum inspection schedule
- Description of corrective action for above items, date corrective action taken, and measures taken to prevent future violations, including requisite changes to the SWPPP as necessary
- Dates and amount of all rainfall events greater than 0.5 inches in a 24-hour period for active construction projects that are inspected under the 14-day inspection schedule
- Documentation of any changes made to the SWPPP and SWPPP site map as a result of the inspection
- After corrective action has been taken, or where a report does not identify any incidents requiring corrective action, the report will contain a signed statement indicating that it is in compliance with the SWPPP and the General Permit to the best of the signatory's knowledge and belief

5.3 Required Actions Following Site Inspections

Where site inspections note the need for BMP maintenance activities, BMPs will be maintained in accordance with the SWPPP. Repair, replacement, or installation of new BMPs determined necessary during site inspections to address ineffective or inadequate BMPs will be conducted as described below. Guidelines for specific BMP installation and maintenance are included in **Appendix D**.

Upon written request from the Administrator of the Water Quality Division of NDDEQ or his agent, stormwater effluent or ambient water quality data will be collected of the type and at the frequency specified. Monitoring records shall include the following information:

- The date, exact place, and time of sampling or measurements
- The initials or name(s) of the individual(s) who performed the sampling or measurements
- The date(s) analyses were performed
- The time(s) analyses were initiated
- The initials or name(s) of the individual(s) who performed the analyses
- References and written procedures for the analytical techniques or methods used
- The results of such analyses, including the bench sheets, instrument readouts, computer disks or tapes, etc., used to determine these results

Monitoring will be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in the general NPDES permit NDR10-0000.

APPENDIX A
NDPDES STORMWATER GENERAL PERMIT NDR10-0000

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

AUTHORIZATION TO DISCHARGE UNDER THE

NORTH DAKOTA POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with Chapter 33-16-01 of the North Dakota Department of Health rules as promulgated under Chapter 61-28 (North Dakota Water Pollution Control Act) of the North Dakota Century Code,

Facilities both qualifying for and satisfying the requirements identified in Part I of the permit

are authorized to discharge stormwater associated with **construction activity**

to waters of the state

in accordance with conditions set forth in this permit.

This permit and the authorization to discharge shall expire at midnight,

March 31, 2020.

Signed this 31 day of March, 2015.

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

BP 2014.06.12

Table of Contents

I. PERMIT COVERAGE AND LIMITATIONS

A. Discharges Covered

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

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

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

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

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

3. Stormwater discharges from support activities (e.g., equipment staging yards, material storage areas, excavated material disposal areas, borrow areas) may be covered by this permit as part of a related construction site. The support activities may only be in association with one project. If the support activity is associated with more than one project, a separate stormwater permit (Industrial or mining, extraction or paving material preparation) is required.

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

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

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

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

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

B. Discharges Not Covered

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

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

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

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

5. Discharges to waters for which there is a total maximum daily load (TMDL) allocation for sediment and/or parameters associated with sediment transport are not covered unless you develop a Stormwater Pollution Prevention plan (SWPPP) that is consistent with the assumptions and requirements in the approved TMDL. To be eligible for coverage under this general permit, the SWPPP must incorporate the conditions applicable to the discharge necessary for consistency with the assumptions, allocations and requirements of the TMDL. If a specific numeric wasteload allocation has been established that would apply to discharges from construction activity, the permittee must incorporate that allocation into the SWPPP and implement necessary steps to meet that allocation. Information about TMDL allocations may be found at the following website: www.ndhealth.gov/WQ/SW/Z2_TMDL/default.htm.

6. Stormwater discharges that the department determines will cause, or have the reasonable potential to cause or contribute to a violation of the standards for quality for waters of the state (North Dakota Administrative Code (N.D.A.C.) 33-16-02.1).

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

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

C. Obtaining Coverage and Authorization Effective Date

1. To obtain authorization under this general permit for stormwater discharges you must submit a complete application and develop a SWPPP in accordance with Part II(C) of this permit. A SWPPP must be in place as a condition of the permit and a copy of the SWPPP must be retained by the permittee.

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

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

D. Application (Notice of Intent) Process

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

2. Application Content and Conditions.

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

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

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

   c. A SWPPP (Part II(C)) for the project must be prepared and available for review, upon request, by the department at the time of application. A partially complete plan is acceptable when it clearly identifies the item(s) to be completed, the person(s) responsible for completing the item(s) and the deadline for completing the item(s). The SWPPP must be completed prior to the start of construction (or the applicable construction phase). You are not required to submit the SWPPP with the application unless otherwise notified by the department.

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

   a. The owner of the lot(s) shall submit one (1) NOI for all of the owner's construction activity within the common plan of development, or

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

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

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

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

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

E. Notice of Termination (NOT)

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

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

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

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

   c. For residential construction only, a NOT is not required for each lot that is sold, transferred, or has achieved final stabilization. The permittee must modify their SWPPP to indicate that permit coverage is no longer required for that lot. The SWPPP shall indicate the reason why coverage is no longer needed and the date the lot was sold, transferred, or achieved final stabilization. In order to terminate coverage, all lots under the control of the owner or operator must be sold, transferred, or achieved final stabilization (Part II(E)).

F. Transfer of Ownership or Control

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

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

II. STORMWATER DISCHARGE REQUIREMENTS

A. Prohibition of Non-Stormwater Discharges

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

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

B. Releases in Excess of Reportable Quantities

This permit does not relieve the permittee of the reporting requirements of 40 CFR 110, 40 CFR 117, and 40 CFR 302, nor the reporting requirements found in Chapter 33-16-02.1 of the North Dakota Administrative Code. Any releases which meet any reporting requirement, must be reported to the agencies identified in Part IV(A)(7).

C. Stormwater Pollution Prevention Plans

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

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

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

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

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

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

c. A proposed timetable/schedule, or chart, of activities that includes major phases/stages, BMP implementation, BMP removal, disturbances, and stabilization for major portions of the site;

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

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

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

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

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

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

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

   The narrative shall describe at a minimum:

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

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

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

      The owner shall develop a chain of responsibility with all operators on the site to ensure that the SWPPP will be implemented and stay in effect until the construction project is complete, the entire site has undergone final stabilization, and a NOT has been submitted to the department.

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

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

   d. The SWPPP shall describe spill prevention and response procedures where potential spills can occur. Specific handling procedures, storage requirements, spill containment, cleanup procedures, and disposal must be identified. Storage structures for petroleum products and other chemicals shall have adequate leak and spill protection to prevent any spilled materials from entering waters of the state or storm sewer systems.

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

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

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

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

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

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

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

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

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

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

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

    1) Dewatering is limited to un-contaminated stormwater, surface water, and groundwater that may collect on-site and those sources identified in Part II(A), if they are not a significant source of pollution. A separate permit must be obtained to discharge water from other sources such as hydrostatic testing of pipes, tanks, or other similar vessels; disinfection of potable water lines; pump testing of water wells; and the treatment of gasoline or diesel contaminated groundwater or surface water.

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

3) When dewatering, utilize structures or BMPs which allow for draw down to occur from the surface of the water, unless infeasible. If infeasible, documentation must be provided in the SWPPP. In addition, you must describe what BMP(s) will be used in its place.

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

   a. Records shall contain at a minimum:

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

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

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

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

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

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

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

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

      5. Seasonal conditions.

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

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

d. All control measures must be properly selected, installed and maintained in accordance with the manufacturer's specifications and good engineering practices. If periodic inspections or other information indicates a control has been used inappropriately or incorrectly, the permittee must replace or modify the control for site situations. Corrective actions must be made prior to the next anticipated rainfall event of within 24 hours of discovery (whichever comes first) or as soon as field conditions allow. Documentation must be provided in the maintenance records if field conditions do not allow access along with a plan of action for performing maintenance activities.

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

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

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

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

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

   a. Identify stormwater ponds; flow reduction methods; infiltration of runoff on-site; sequential systems which combine several practices or other post-construction stormwater management features.

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

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

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

6. **Maintenance**. All erosion and sediment control measures and other protective measures identified in the SWPPP must be maintained in effective operating condition. The SWPPP must indicate, as appropriate, the maintenance or clean out interval for sediment controls. If site inspections, required in Part III of this permit, identify BMPs that are not operating effectively, maintenance shall be arranged and accomplished in accordance to Appendix 1 or as soon as practicable.

7. **Inspections**. The SWPPP must provide for site inspections as outlined in Part III. The permittee shall ensure that personnel conducting site inspections are familiar with permit conditions and the proper installation and operation of control measures. Inspectors must be knowledgeable in their role of the SWPPP, as outlined in Part II(C)(3)(e) of this permit. The erosion and sediment control measures and stabilized areas identified in the SWPPP shall be observed to ensure they are operating correctly and in serviceable condition. Inspections shall include areas used for storage of materials, permanent stormwater control measures and vehicle maintenance areas. These areas shall be inspected for evidence of, or the potential for, pollutants entering a drainage system. If necessary, the plan shall be revised based on the observations and deficiencies noted during the inspection.

8. **SWPPP Review and Revisions**.

    a. The SWPPP shall be signed in accordance with the Signatory Requirements, Part IV(A)(6), and retained on-site for the duration of activity as outlined in Part III(B).

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

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

D. Local Requirements

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

E. Final Stabilization

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

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

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

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

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

2. For areas of the state where the average annual rainfall is less than 20 inches, all soil disturbing activities at the site have been completed and erosion control measures (e.g., degradable rolled erosion control product) and stabilization methods are selected, designed, and installed along with an appropriate seed base to provide erosion control for at least three years and achieve 70 percent of the pre-existing vegetative cover within three (3) years without active maintenance. Sites must meet the criteria outlined in items 1(a), (b), and (c) above.

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

   Areas disturbed that were not previously used for agricultural activities, such as buffer strips immediately adjacent to waters of the state, and areas which are not being returned to their pre-disturbance use must meet the final stabilization criteria in (1) or (2) above.

4. For residential construction only, final stabilization may be achieved when soil is stabilized (see Appendix 1(A)(3)) and down gradient perimeter control for individual lots has been implemented and the residence has been transferred to the homeowner. Additionally, the permittee must distribute a “homeowner fact sheet” to the homeowner to inform the homeowner of the need for, and benefits of, final stabilization. The permittee also must demonstrate that the homeowner received the fact sheet.

III. SELF MONITORING AND REPORTING

A. Inspection and Maintenance Requirements

1. Inspections shall be performed by or under the direction of the permittee at least once every 14 calendar days and within 24 hours after any storm event of greater than 0.25 inches of rain per 24-hour period. Inspections are only required during normal working hours. The permittee shall use a rain gauge on-site or utilize the nearest National Weather Service precipitation gauge station. Rain gauge locations or stations must be representative of the site.

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

2. There may be times when a site inspection may not be practical at the specified time. Adverse climatic conditions, such as flooding, high winds, tornadoes, electrical storms, site access constraints, etc., may prohibit inspections. The permittee must include a description of why the inspection(s) could not be performed at the designated time in the next inspection record. If an inspection is delayed due to adverse weather conditions or rain events outside normal working hours, an inspection must be conducted during the next working day, or as conditions allow.

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

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

    a. Date and time of inspections;

    b. Name of person(s) conducting inspections;

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

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

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

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

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

    a. Best Management Practice corrected;

    b. Date and time of corrective action;

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

    d. Corrective actions taken; and

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

6. Completed areas that have been stabilized but do not meet the 70 percent perennial vegetative cover criteria for final stabilization may be inspected once per month. Inspections may be suspended for parts of the construction site that meet final stabilization requirements of Part II(E) of this permit. The SWPPP must update to identify any areas which meet this condition.

7. Inspections may be suspended where earthwork has been suspended due to frozen ground conditions. The required inspections and maintenance must resume as soon as runoff occurs or the ground begins to thaw at the site. The permittee must record freeze/thaw and runoff dates as part of the inspection records.

B. Records Location

A copy of the completed and signed NOI, coverage letter from the department, SWPPP, site inspection records, and this general permit shall be kept at the site of the construction activity in a field office, trailer, shed, or in a vehicle that is on-site during normal working hours. If the site does not have a reasonable on-site location, then the documents must be retained at a readily available alternative location; preferably with the individual responsible for overseeing the implementation of the SWPPP. Electronic copies of records are acceptable if the records can be accessed on-site. If the site is inactive, then the documents may be stored at a local office. Permittees should avoid using personal electronic devices for storing electronic records.

IV. STANDARD CONDITIONS

A. COMPLIANCE RESPONSIBILITIES BP 2014.12.08

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

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

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

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

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

6. Signatory Requirements
All applications, reports, or information submitted to the department shall be signed and certified.

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

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

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

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

If an authorization under 6. Signatory Requirements is no longer accurate for any reason, a new authorization satisfying the above requirements must be submitted to the department prior to or together with any reports, information, or applications to be signed by an authorized representative.

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

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

7. Twenty-four Hour Notice of Noncompliance Reporting

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

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

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

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

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

    a. A description of the noncompliance and its cause;

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

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

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

    Reports shall be submitted to the address in **Part I(D) Application (Notice of Intent) Process**. The department may waive the written report on a case by case basis if the oral report has been received within 24 hours by the department at 701.328.5210 as identified above.

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

8. Bypass of Treatment Facilities

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

Bypass exceeding limitations-notification requirements.

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

b. Unanticipated Bypass. The permittee shall submit notice of an unanticipated bypass as required under 7. Twenty-four Hour Notice of Noncompliance Reporting.

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

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

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

c. The permittee submitted notices as required under the 8(a). Anticipated Bypass subsection of this section.

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

9. Upset Conditions

An upset constitutes an affirmative defense to an action brought for noncompliance with erosion and sediment or site stabilization methods if the requirements of the following paragraph are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

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

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

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

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

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

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

10. Duty to Mitigate

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

11. Removed Materials

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

12. Duty to Reapply

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

B. GENERAL REQUIREMENTS

1. Inspection and Entry

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

2. Availability of Reports

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

3. Transfers

This permit is not transferable except upon the filing of a Transfer/Modification request (Part I(F)) by the new party. The current permit holder should inform the new controller, operator, or owner of the existence of this permit and also notify the Department of the possible change.

4. New Limitations or Prohibitions

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

5. Permit Actions

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

6. Need to Halt or Reduce Activity Not a Defense

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

7. State Laws

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

8. Oil and Hazardous Substance Liability

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

9. Property Rights

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

10. Severability

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

V. DEFINITIONS Permit Specific BP 2009.02.05

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

"Act" means the Clean Water Act.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Stabilized" means the exposed ground surface has been covered by appropriate materials such as mulch, staked sod, riprap, erosion control blanket, or other material that prevents erosion from occurring. Grass seeding alone is not stabilization. Snow cover and frozen ground conditions are not considered stabilized.

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

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

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

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

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

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

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

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

"Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with permit requirements because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed erosion and sediment controls or site stabilization methods, inadequate erosion and sediment controls or site stabilization methods, lack of preventive maintenance, or careless or improper operation.

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

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

Appendix 1 – Erosion and Sediment Control Requirements

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

A. Erosion and Sediment Control Practices

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

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

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

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

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

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

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

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

5. The normal wetted perimeter of any temporary or permanent drainage ditch that drains water from a construction site, or diverts water around a site, must be stabilized at least 200 linear feet from the property edge, or from the point of discharge to any surface water. Stabilization shall be completed prior to connection with a surface water. Any remaining portion of the temporary or permanent drainage ditch must be stabilized within fourteen (14) calendar days for portions which construction activities have temporarily or permanently ceased.

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

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

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

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

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

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

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

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

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

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

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

13. Vegetated buffers must have a minimum width of 1 foot for every 5 feet of disturbed area that drains to the buffer. The width of the buffer shall have a slope of 5 percent or less and the area draining to the buffer shall have a slope of 6 percent or less. Concentrated flows should be minimized throughout the buffer.

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

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

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

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

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

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

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

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

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

B. Maintenance Requirements for Erosion and Sediment Controls

1. All erosion prevention and sediment control BMPs must be inspected to ensure integrity and effectiveness. All nonfunctional BMPs must be repaired, replaced, maintained or supplemented with functional BMPs. If a nonfunctioning BMP is supplemented, the nonfunctional BMP shall be removed. Corrective actions must be made prior to the next anticipated rainfall event or within 24 hours of discovery (whichever comes first), or as soon as field conditions allow access. Documentation must be provided in the maintenance records if field conditions do not allow access along with a plan of action for performing maintenance activities.

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

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

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

c. Sedimentation basins must be drained and the sediment removed when the depth of sediment collected in the basin reaches 1/2 the storage volume. Drainage and removal must be completed within 72 hours of discovery, or as soon as field conditions allow access. Documentation must be provided in the maintenance records if field conditions do not allow access along with a plan of action for performing maintenance activities.

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

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

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

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

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

5. Vegetative buffers must be inspected for proper distribution of flows, sediment accumulation and signs of rill formation. If a buffer becomes silt covered, contains rills, or is otherwise rendered ineffective, other control measures shall be implemented. Eroded areas shall be repaired and stabilized within 24 hours of discovery, or as soon as conditions allow access. Documentation must be provided in the maintenance records if field conditions do not allow access along with a plan of action for performing maintenance activities.

C. **Operational Controls**

1. Properly handle construction debris and waste materials.

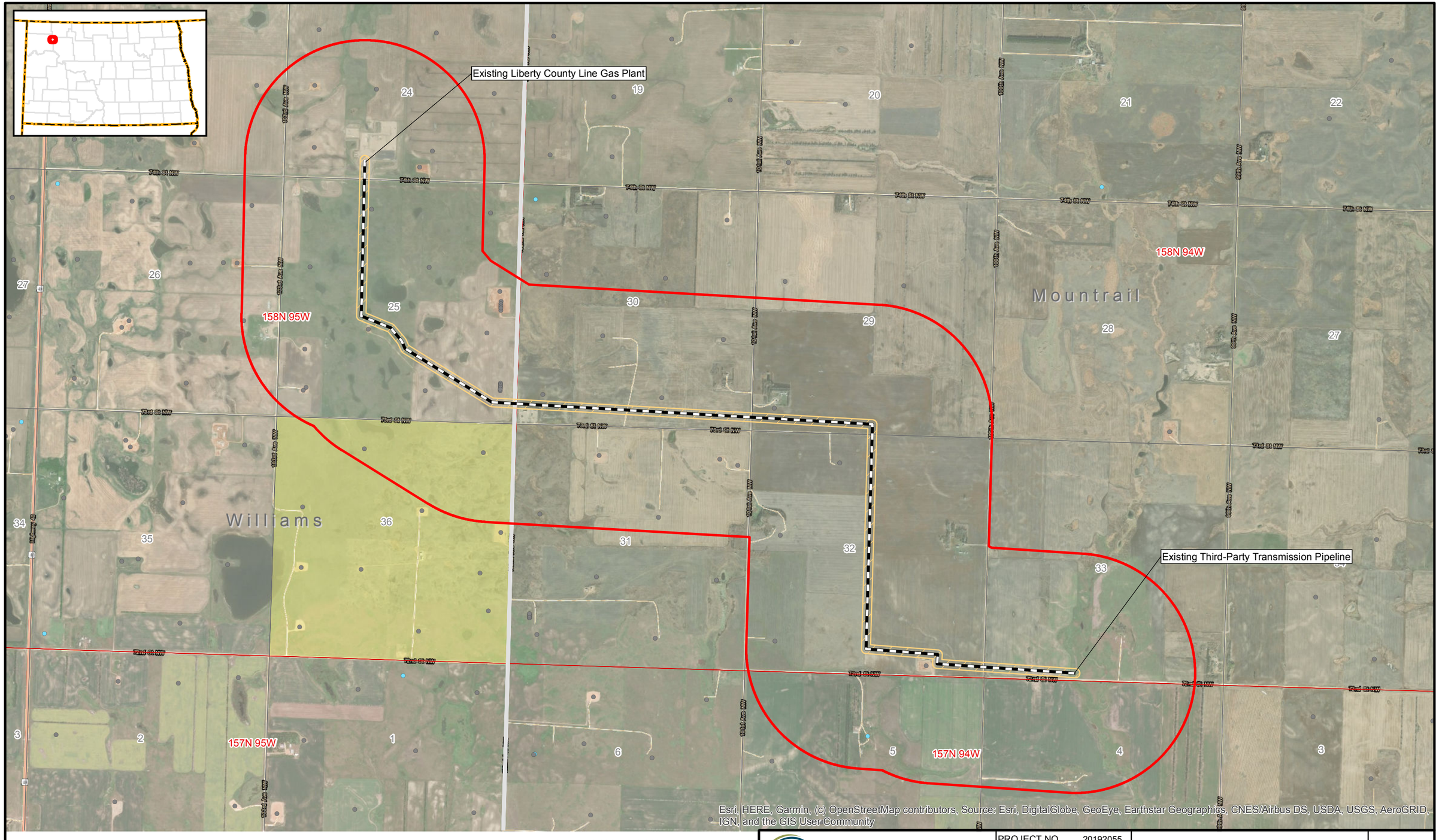
   a. Debris and waste must be handled appropriately until disposal. Litter and debris shall be collected and stored to reduce the potential for wind and water to carry the materials off-site or leachate discharging from a site. Collected material shall be taken to the appropriate facility for disposal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

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

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

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

APPENDIX B
PROJECT OVERVIEW MAP



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LEGEND

- Proposed Pipeline Route
- Survey Area
- Study Area
- Oil/Gas Well Location
- Water Well Location
- State Land
- County Boundary
- Township/Range
- Section

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Project Overview Map

Liberty Midstream Solutions, LLC
Alliance Sales Line
Williams and Mountrail Counties, North Dakota

APPENDIX C
SWPPP SITE MAPS

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LEGEND

- Alliance Sales Line
- Permanent Limits of Disturbance
- Temporary Limits of Disturbance
- Boring Location
- Vehicle Tracking Control
- Silt Fence
- Trench Plug
- Water Bar
- Timber Matting
- Delineated Features (SWCA)
- NHD Flowline
- State Land
- County Boundary
- Township/Range
- Section

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Erosion & Sediment Control Site Maps

Liberty Midstream Solutions, LLC
Alliance Sales Line
Williams and Mountrail Counties, North Dakota

FIGURE

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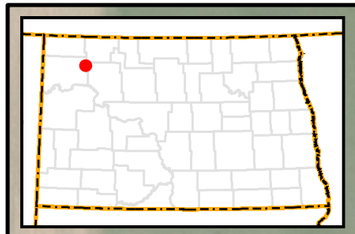

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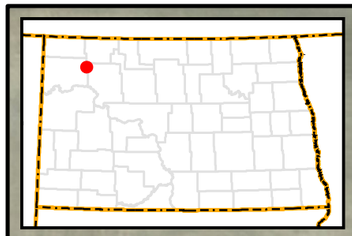

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Mountrail

158N 94W

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73rd St NW

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Erosion & Sediment Control Site Maps

Liberty Midstream Solutions, LLC
Alliance Sales Line
Williams and Mountrail Counties, North Dakota

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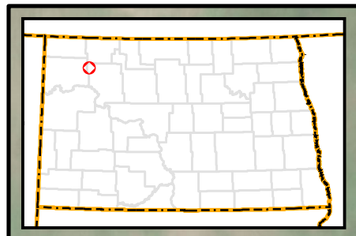
FILE NAME:	Fig1_SWPPP.mxd

Erosion & Sediment Control Site Maps

Liberty Midstream Solutions, LLC
Alliance Sales Line
Williams and Mountrail Counties, North Dakota

FIGURE
1

Date: 11/27/2019 User: ALeonard Path: \\azrgisstorp01\GIS_Projects\Client\LibertyMidstream\20192055_ND\MXD\Report\Fig1_SWPPP.mxd



33

158N 94W

Paulsen Creek

Mountrail

9045
72nd St NW

9045
72nd St NW

72nd St NW

157N 94W

4

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LEGEND

- Alliance Sales Line
- Permanent Limits of Disturbance
- Temporary Limits of Disturbance
- Boring Location
- Vehicle Tracking Control
- Silt Fence
- Trench Plug
- Water Bar
- Timber Matting
- Delineated Features (SWCA)
- NHD Flowline
- State Land
- County Boundary
- Township/Range
- Section

0 100 200 400
Feet

N

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LIBERTY MIDSTREAM SOLUTIONS

PROJECT NO.	20192055
CREATED:	11/27/2019
CREATED BY:	A. Leonard
CHECKED BY:	A. Dury
FILE NAME:	Fig1_SWPPP.mxd

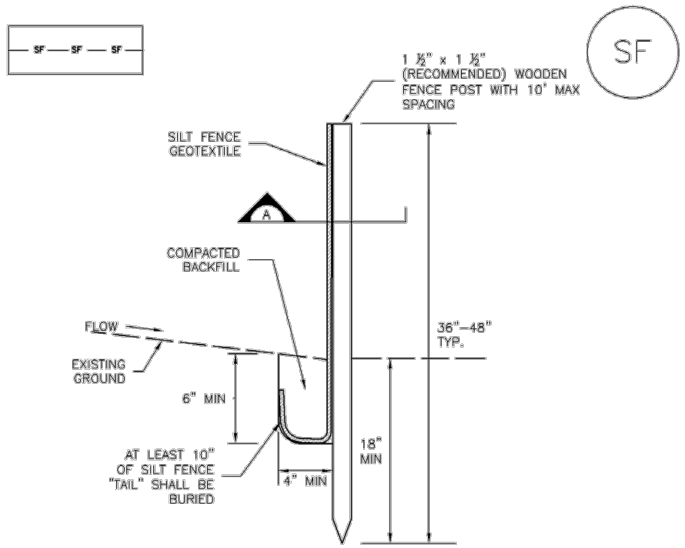
Erosion & Sediment Control Site Maps

Liberty Midstream Solutions, LLC
Alliance Sales Line
Williams and Mountrail Counties, North Dakota

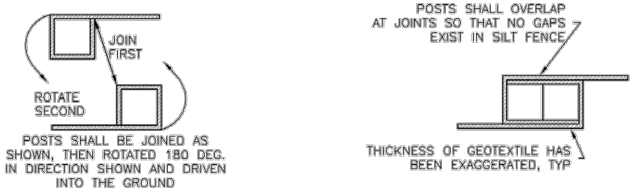
FIGURE
1

Date: 11/27/2019 User: ALeonard Path: \\azrgisstorp01\GIS_Projects\Client\Liberty\Midstream\20192055_ND\MXD\Report\Fig1_SWPPP.mxd

APPENDIX D
BMP DETAILS



SILT FENCE



SECTION A

SF–1. SILT FENCE

SILT FENCE INSTALLATION NOTES

1. SILT FENCE MUST BE PLACED AWAY FROM THE TOE OF THE SLOPE TO ALLOW FOR WATER PONDING. SILT FENCE AT THE TOE OF A SLOPE SHOULD BE INSTALLED IN A FLAT LOCATION AT LEAST SEVERAL FEET (2–5 FT) FROM THE TOE OF THE SLOPE TO ALLOW ROOM FOR PONDING AND DEPOSITION.

2. A UNIFORM 6" X 4" ANCHOR TRENCH SHALL BE EXCAVATED USING TRENCHER OR SILT FENCE INSTALLATION DEVICE. NO ROAD GRADERS, BACKHOES, OR SIMILAR EQUIPMENT SHALL BE USED.

3. COMPACT ANCHOR TRENCH BY HAND WITH A "JUMPING JACK" OR BY WHEEL ROLLING. COMPACTION SHALL BE SUCH THAT SILT FENCE RESISTS BEING PULLED OUT OF ANCHOR TRENCH BY HAND.

4. SILT FENCE SHALL BE PULLED TIGHT AS IT IS ANCHORED TO THE STAKES. THERE SHOULD BE NO NOTICEABLE SAG BETWEEN STAKES AFTER IT HAS BEEN ANCHORED TO THE STAKES.

5. SILT FENCE FABRIC SHALL BE ANCHORED TO THE STAKES USING 1" HEAVY DUTY STAPLES OR NAILS WITH 1" HEADS. STAPLES AND NAILS SHOULD BE PLACED 3" ALONG THE FABRIC DOWN THE STAKE.

6. AT THE END OF A RUN OF SILT FENCE ALONG A CONTOUR, THE SILT FENCE SHOULD BE TURNED PERPENDICULAR TO THE CONTOUR TO CREATE A "J–HOOK." THE "J–HOOK" EXTENDING PERPENDICULAR TO THE CONTOUR SHOULD BE OF SUFFICIENT LENGTH TO KEEP RUNOFF FROM FLOWING AROUND THE END OF THE SILT FENCE (TYPICALLY 10' – 20').

7. SILT FENCE SHALL BE INSTALLED PRIOR TO ANY LAND DISTURBING ACTIVITIES.

SILT FENCE MAINTENANCE NOTES

1. INSPECT BMPs EACH WORKDAY, AND MAINTAIN THEM IN EFFECTIVE OPERATING CONDITION. MAINTENANCE OF BMPs SHOULD BE PROACTIVE, NOT REACTIVE. INSPECT BMPs AS SOON AS POSSIBLE (AND ALWAYS WITHIN 24 HOURS) FOLLOWING A STORM THAT CAUSES SURFACE EROSION, AND PERFORM NECESSARY MAINTENANCE.

2. FREQUENT OBSERVATIONS AND MAINTENANCE ARE NECESSARY TO MAINTAIN BMPs IN EFFECTIVE OPERATING CONDITION. INSPECTIONS AND CORRECTIVE MEASURES SHOULD BE DOCUMENTED THOROUGHLY.

3. WHERE BMPs HAVE FAILED, REPAIR OR REPLACEMENT SHOULD BE INITIATED UPON DISCOVERY OF THE FAILURE.

4. SEDIMENT ACCUMULATED UPSTREAM OF THE SILT FENCE SHALL BE REMOVED AS NEEDED TO MAINTAIN THE FUNCTIONALITY OF THE BMP, TYPICALLY WHEN DEPTH OF ACCUMULATED SEDIMENTS IS APPROXIMATELY 6".

5. REPAIR OR REPLACE SILT FENCE WHEN THERE ARE SIGNS OF WEAR, SUCH AS SAGGING, TEARING, OR COLLAPSE.

6. SILT FENCE IS TO REMAIN IN PLACE UNTIL THE UPSTREAM DISTURBED AREA IS STABILIZED AND APPROVED BY THE LOCAL JURISDICTION, OR IS REPLACED BY AN EQUIVALENT PERIMETER SEDIMENT CONTROL BMP.

7. WHEN SILT FENCE IS REMOVED, ALL DISTURBED AREAS SHALL BE COVERED WITH TOPSOIL, SEEDED AND MULCHED OR OTHERWISE STABILIZED AS APPROVED BY LOCAL JURISDICTION.

(DETAIL ADAPTED FROM TOWN OF PARKER, COLORADO AND CITY OF AURORA, NOT AVAILABLE IN AUTOCAD)

NOTE: MANY JURISDICTIONS HAVE BMP DETAILS THAT VARY FROM UDFCD STANDARD DETAILS. CONSULT WITH LOCAL JURISDICTIONS AS TO WHICH DETAIL SHOULD BE USED WHEN DIFFERENCES ARE NOTED.

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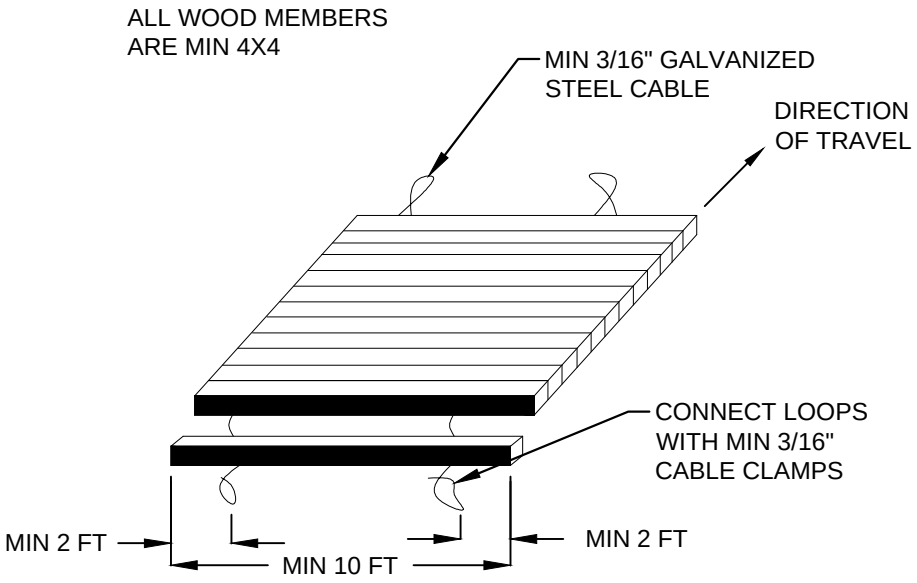
SILT FENCE

LIBERTY MIDSTREAM
ALLIANCE PIPELINE

FIGURE
-



NOTES:

1. THERE SHALL BE NO SPACING BETWEEN MATS.
2. ALL MATS SHALL BE PROVIDED WITH SIDE BOARDS AND A SOLID DECK.
3. MATS SHALL BE ABLE TO SUPPORT THE WEIGHT OF THE EQUIPMENT TO PREVENT EXCESSIVE RUTTING IN WETLAND AREAS.
4. THE LENGTH OF TIMBER MAT REQUIRED SHALL BE SUCH THAT THE TIMBER MAT EXTENDS PAST THE WETLAND EDGES ON EACH SIDE OF THE CROSSING A SUFFICIENT DISTANCE TO SUPPORT THE MAXIMUM EQUIPMENT SIZE USING THE CROSSING.

MAINTENANCE:

1. INSPECT CROSSINGS AFTER RUNOFF-PRODUCING RAINS TO CHECK FOR BLOCKAGE IN CHANNEL, EROSION OF ABUTMENTS, CHANNEL SCOUR, RIPRAP DISPLACEMENT, OR PIPING. MAKE ALL REPAIRS IMMEDIATELY TO PREVENT FURTHER DAMAGE TO THE INSTALLATION.
2. AT THE END OF CONSTRUCTION, MATS SHALL BE HOSED CLEAN OF SEDIMENT ON-SITE TO PREVENT OFFSITE SEDIMENTATION.

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TIMBER MAT

LIBERTY MIDSTREAM
ALLIANCE PIPELINE

FIGURE

-

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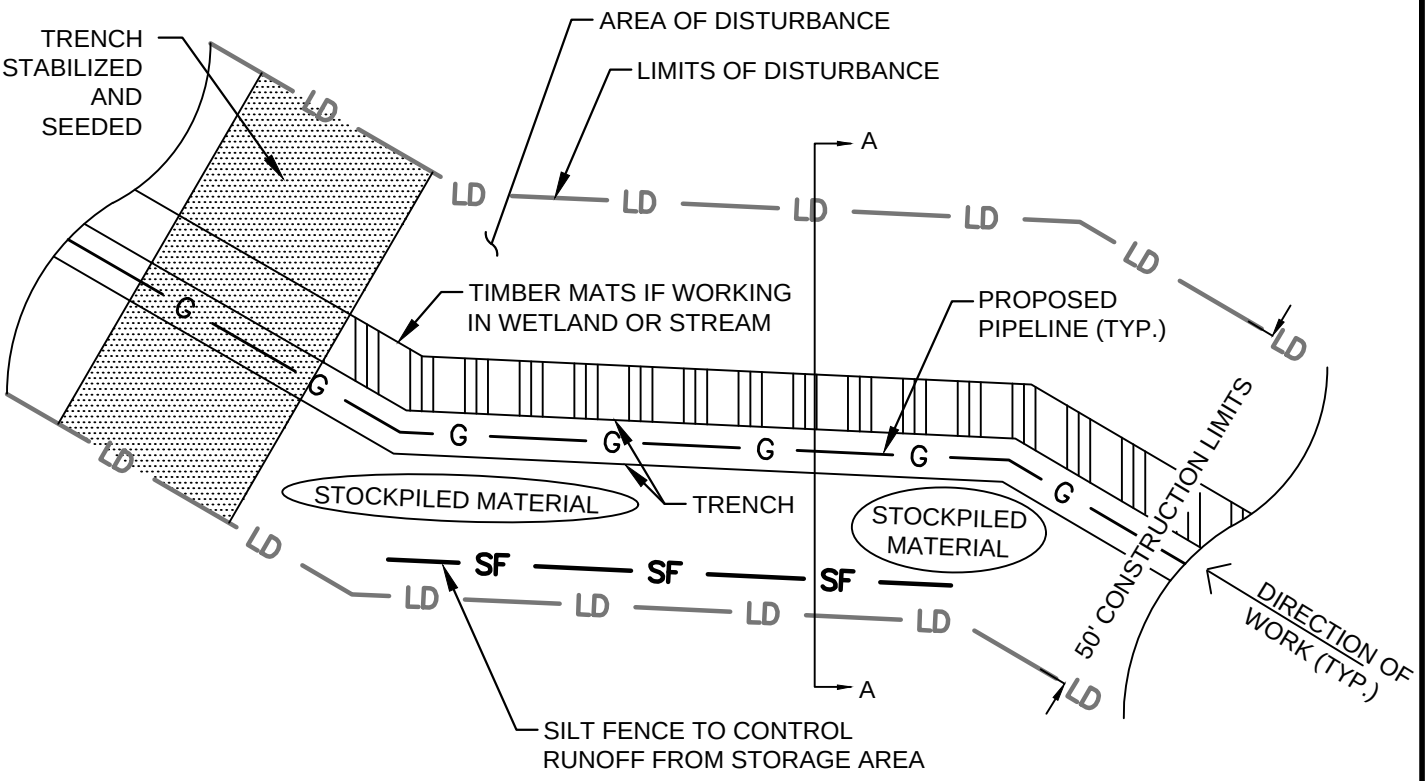
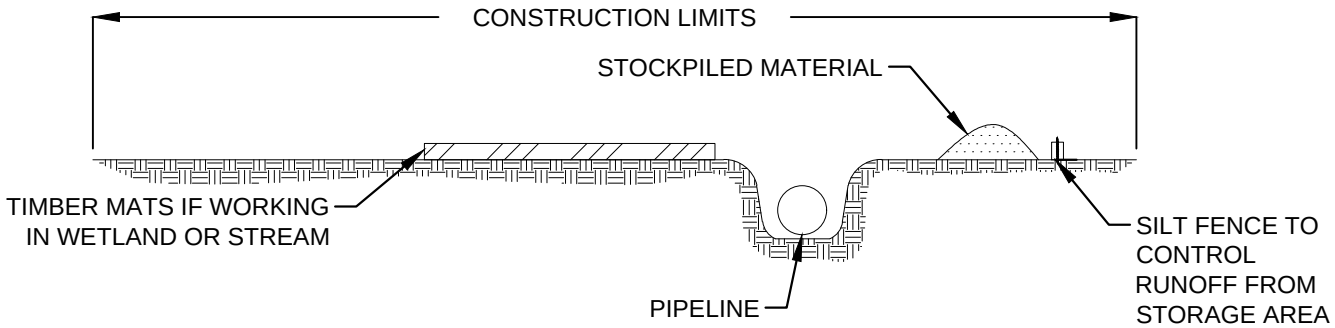
CAD FILE: \\sandiegolsandiego-data\GRAPHICS\Civil\Design_Clients\Liberty Midstream\20192055\CAD\ LAYOUT: Detail 4





SECTION A-A

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TYPICAL TRENCH E&S CONTROLS

LIBERTY MIDSTREAM ALLIANCE PIPELINE

FIGURE

-

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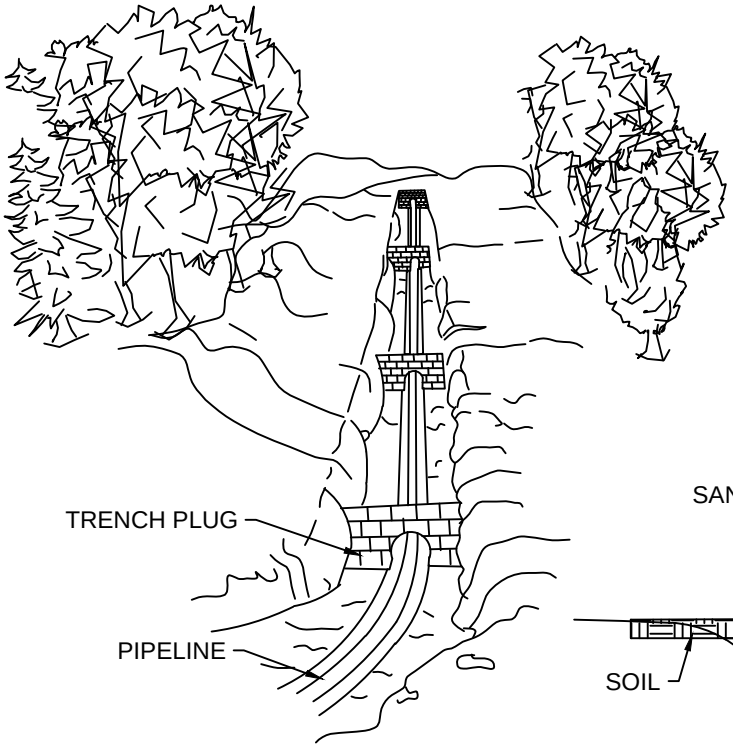
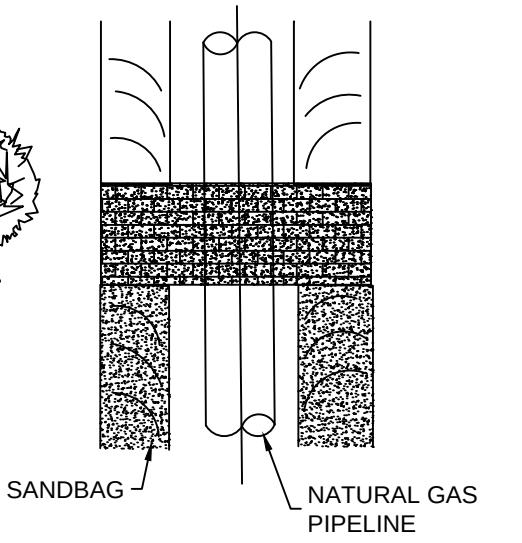
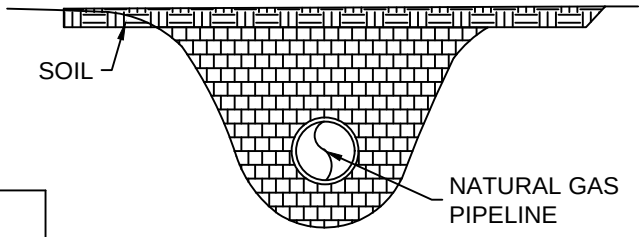




PLAN VIEW



PROFILE VIEW

TRENCH PLUG SPACING

ALIGNMENT SLOPE %*	SPACING L (FT)	PLUG MATERIAL
5-15 %	500	* EARTH FILLED SACKS
15-30 %	300	* EARTH FILLED SACKS
>30 %	200	* EARTH FILLED SACKS

* FOAM PLUGS MAY BE USED IN LIEU OF EARTH FILLED SACKS

NOTES:

1. ROARING FORK REPRESENTATIVE SHALL DETERMINE REQUIREMENTS FOR, AND SPACING OF, TRENCH PLUGS.
2. TRENCH PLUGS SHALL BE INSTALLED AT THE SAME SPACING AS, AND UPSLOPE OF, TERRACES AND/OR PERMANENT SLOPE BREAKERS.
3. IN AGRICULTURAL FIELDS AND RESIDENTIAL AREAS WHERE SLOPE BREAKERS ARE NOT TYPICALLY REQUIRED, TRENCH PLUGS SHALL BE INSTALLED AT THE SAME SPACING AS IF PERMANENT SLOPE BREAKERS WERE REQUIRED.
4. TRENCH PLUGS SHALL BE INSTALLED AT THE BASE OF SLOPES GREATER THAN 5% WHERE THE BASE OF THE SLOPE IS LESS THAN 50 FEET FROM A WATER BODY OR WETLAND.
5. TRENCH PLUGS SHALL BE INSTALLED WHERE NEEDED TO AVOID DRAINING A WATER BODY OR WETLAND (TO PREVENT SEDIMENT FLOW INTO WETLANDS).
6. TRENCH PLUGS SHALL NOT BE CONSTRUCTED OF TOPSOIL. SAND MAY BE USED AS A SUBSTITUTE.

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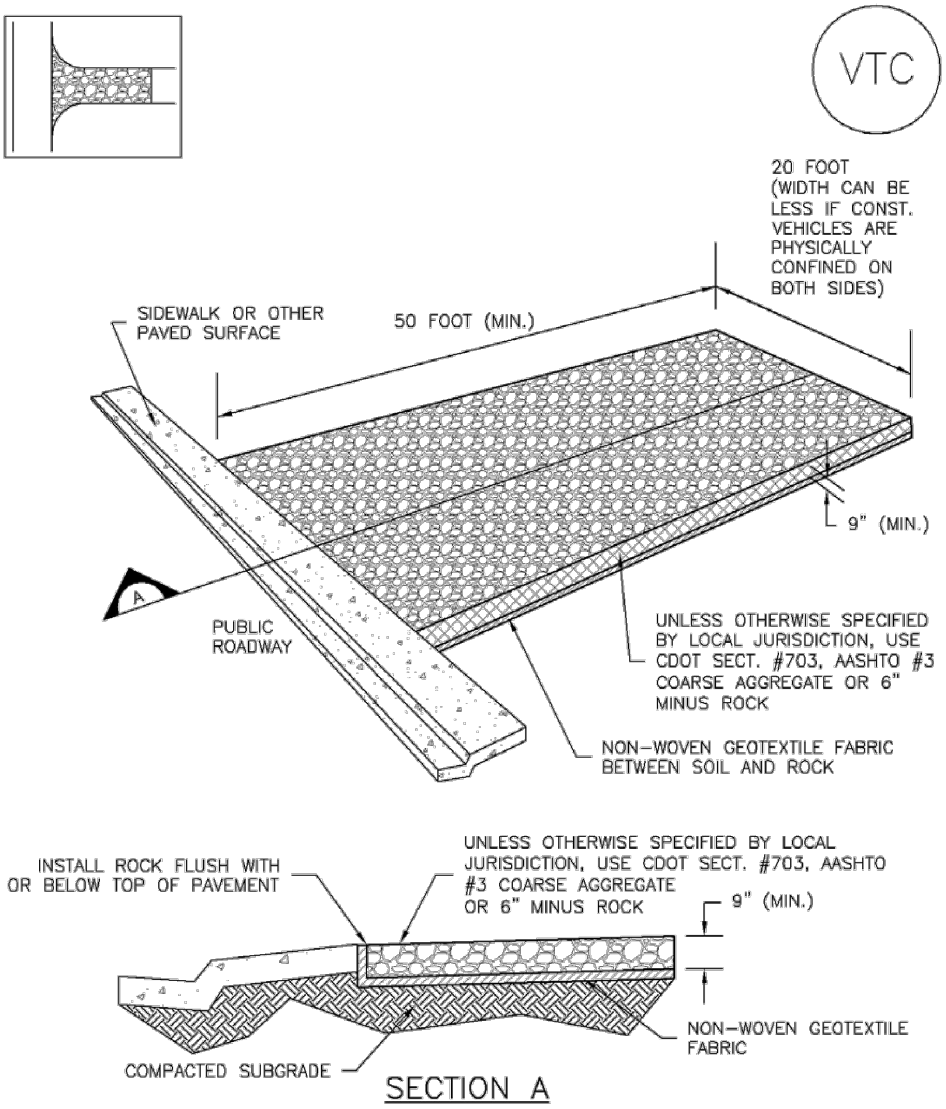
TRENCH PLUG

LIBERTY MIDSTREAM
ALLIANCE PIPELINE

FIGURE
-

Vehicle Tracking Control (VTC) SM-4



VTC-1. AGGREGATE VEHICLE TRACKING CONTROL

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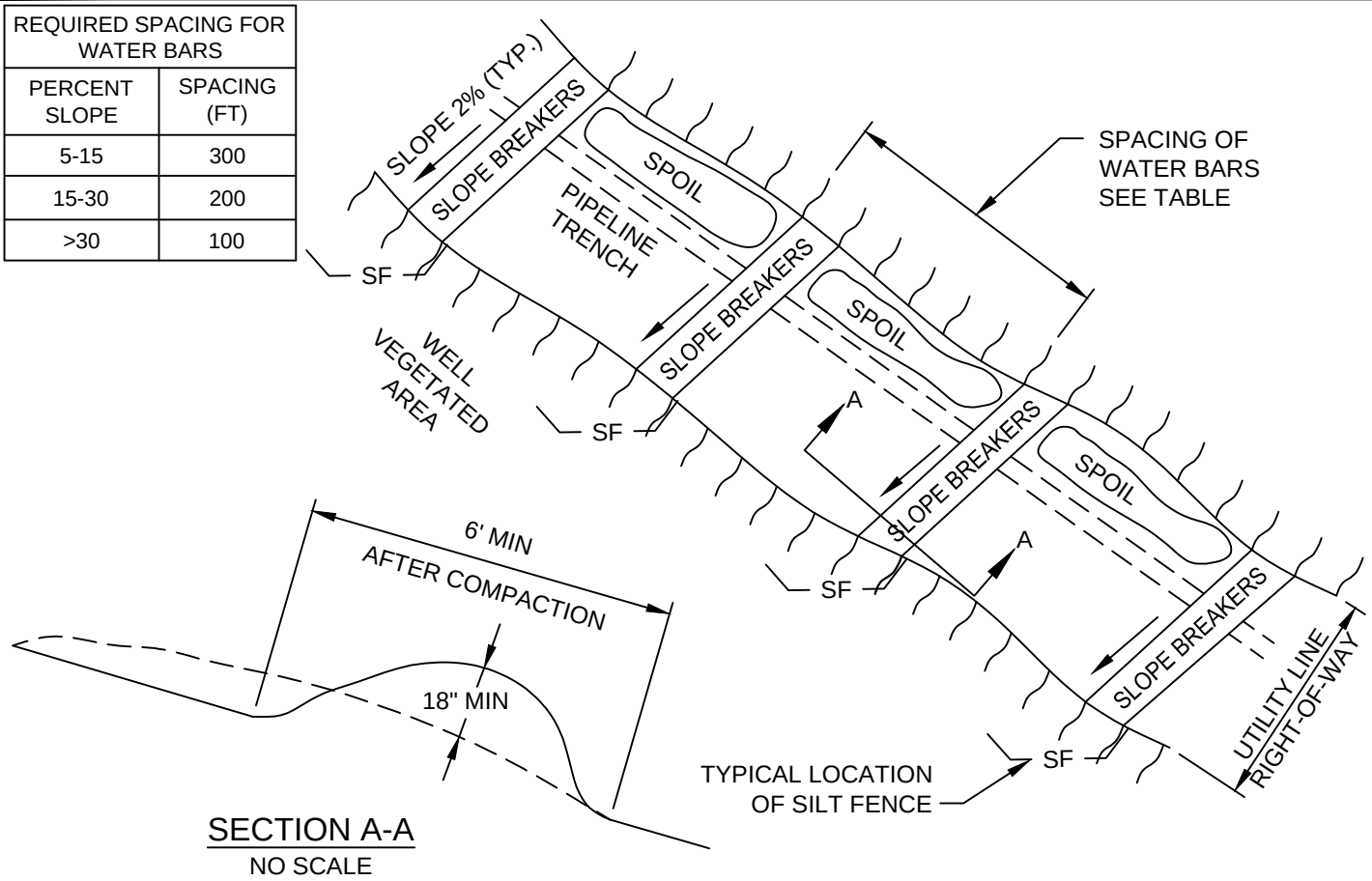
AGGREGATE VEHICLE TRACKING CONTROL

LIBERTY MIDSTREAM
ALLIANCE PIPELINE

FIGURE
-

REQUIRED SPACING FOR WATER BARS	
PERCENT SLOPE	SPACING (FT)
5-15	300
15-30	200
>30	100



SECTION A-A
NO SCALE

NOTES:

1. WATER BARS (TEMPORARY RIGHT-OF-WAY DIVERSIONS) SHOULD BE INSTALLED ACROSS THE ENTIRE RIGHT-OF-WAY ON ALL SLOPES.

2. WATER BARS SHOULD BE CONSTRUCTED AT A SLOPE OF 2% AND DISCHARGE TO A WELL-VEGETATED AREA. WATER BARS SHOULD NOT DISCHARGE INTO AN OPEN TRENCH. WATER BARS SHOULD BE ORIENTED SO THAT THE DISCHARGE DOES NOT FLOW BACK ONTO THE RIGHT-OF-WAY. OBSTRUCTIONS, (E.G. STRAW BALES, SILT FENCE, ROCK FILTERS, ETC.) SHOULD NOT BE PLACED IN ANY WATER BARS. WHERE NEEDED, THEY SHOULD BE LOCATED BELOW THE DISCHARGE END OF THE WATER BAR.

3. WATER BARS SHALL BE MAINTAINED UNTIL PERMANENT STABILIZATION IS REACHED.

4. WATER BARS SHALL BE INSPECTED EVERYDAY OF CONSTRUCTION ACTIVITY AND AFTER EACH RAIN EVENT FOR DEGRADATION IN SIZE AND FOR WATER BUILDUP. IF REPAIR IS NECESSARY, THE WATER BARS SHALL BE REPLACED/RESLOPED WITHIN 24 HOURS OF INSPECTION TO PREVENT FURTHER WATER BUILDUP.

5. WATER BARS SHALL REMAIN AFTER STABILIZATION IS ACHIEVED, EXCEPT IN AGRICULTURAL AREAS.

6. SILT FENCE SHALL BE INSTALLED AT ALL DISCHARGING POINTS.

7. WATER BARS THAT MAY DISCHARGE OVER FILL SLOPES, SHOULD HAVE SCOUR PROTECTION INSTALLED SUCH AS GEOTEXTILE MATERIAL AND NATIVE STONE ALONG DISCHARGE PATH OVER FILL SLOPE.

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WATERBAR

LIBERTY MIDSTREAM
ALLIANCE PIPELINE

FIGURE
-

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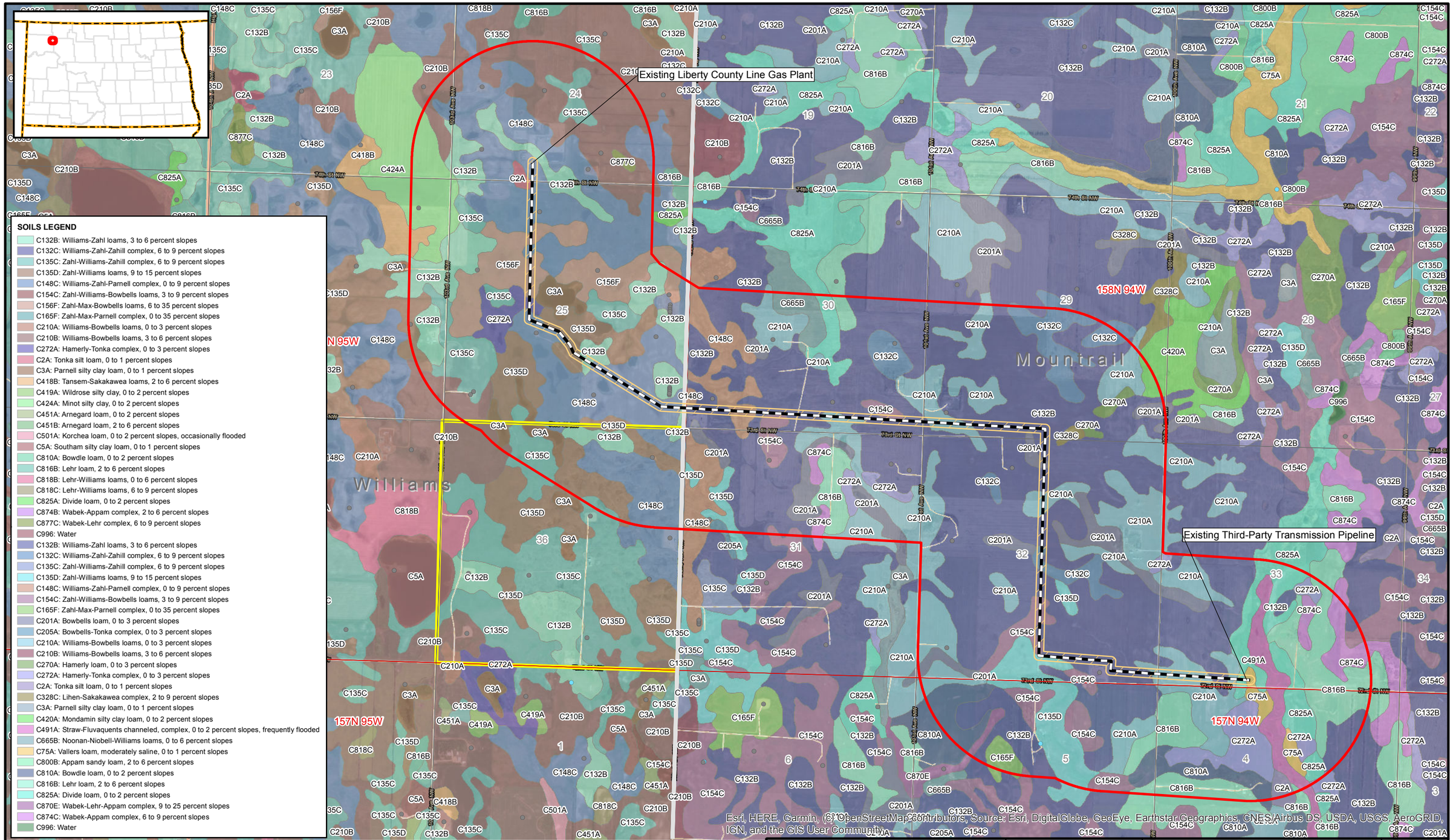
APPENDIX E
MAPS OF SOILS, VEGETATION, AND HYDROLOGY IN THE PROJECT AREA



SOILS LEGEND

- C132B: Williams-Zahl loams, 3 to 6 percent slopes
- C132C: Williams-Zahl-Zahill complex, 6 to 9 percent slopes
- C135C: Zahl-Williams-Zahill complex, 6 to 9 percent slopes
- C135D: Zahl-Williams loams, 9 to 15 percent slopes
- C148C: Williams-Zahl-Parnell complex, 0 to 9 percent slopes
- C154C: Zahl-Williams-Bowbells loams, 3 to 9 percent slopes
- C156F: Zahl-Max-Bowbells loams, 6 to 35 percent slopes
- C165F: Zahl-Max-Parnell complex, 0 to 35 percent slopes
- C210A: Williams-Bowbells loams, 0 to 3 percent slopes
- C210B: Williams-Bowbells loams, 3 to 6 percent slopes
- C272A: Hamerly-Tonka complex, 0 to 3 percent slopes
- C2A: Tonka silt loam, 0 to 1 percent slopes
- C3A: Parnell silty clay loam, 0 to 1 percent slopes
- C418B: Tansem-Sakakawea loams, 2 to 6 percent slopes
- C419A: Wildrose silty clay, 0 to 2 percent slopes
- C424A: Minot silty clay, 0 to 2 percent slopes
- C451A: Arnegard loam, 0 to 2 percent slopes
- C451B: Arnegard loam, 2 to 6 percent slopes
- C501A: Korchea loam, 0 to 2 percent slopes, occasionally flooded
- C5A: Southam silty clay loam, 0 to 1 percent slopes
- C810A: Bowdle loam, 0 to 2 percent slopes
- C816B: Lehr loam, 2 to 6 percent slopes
- C818B: Lehr-Williams loams, 0 to 6 percent slopes
- C818C: Lehr-Williams loams, 6 to 9 percent slopes
- C825A: Divide loam, 0 to 2 percent slopes
- C874B: Wabek-Appam complex, 2 to 6 percent slopes
- C877C: Wabek-Lehr complex, 6 to 9 percent slopes
- C996: Water
- C132B: Williams-Zahl loams, 3 to 6 percent slopes
- C132C: Williams-Zahl-Zahill complex, 6 to 9 percent slopes
- C135C: Zahl-Williams-Zahill complex, 6 to 9 percent slopes
- C135D: Zahl-Williams loams, 9 to 15 percent slopes
- C148C: Williams-Zahl-Parnell complex, 0 to 9 percent slopes
- C154C: Zahl-Williams-Bowbells loams, 3 to 9 percent slopes
- C165F: Zahl-Max-Parnell complex, 0 to 35 percent slopes
- C201A: Bowbells loam, 0 to 3 percent slopes
- C205A: Bowbells-Tonka complex, 0 to 3 percent slopes
- C210A: Williams-Bowbells loams, 0 to 3 percent slopes
- C210B: Williams-Bowbells loams, 3 to 6 percent slopes
- C270A: Hamerly loam, 0 to 3 percent slopes
- C272A: Hamerly-Tonka complex, 0 to 3 percent slopes
- C2A: Tonka silt loam, 0 to 1 percent slopes
- C328C: Lihen-Sakakawea complex, 2 to 9 percent slopes
- C3A: Parnell silty clay loam, 0 to 1 percent slopes
- C420A: Mondamin silty clay loam, 0 to 2 percent slopes
- C491A: Straw-Fluvaquents channeled, complex, 0 to 2 percent slopes, frequently flooded
- C665B: Noonan-Niobell-Williams loams, 0 to 6 percent slopes
- C75A: Vallers loam, moderately saline, 0 to 1 percent slopes
- C800B: Appam sandy loam, 2 to 6 percent slopes
- C810A: Bowdle loam, 0 to 2 percent slopes
- C816B: Lehr loam, 2 to 6 percent slopes
- C825A: Divide loam, 0 to 2 percent slopes
- C870E: Wabek-Lehr-Appam complex, 9 to 25 percent slopes
- C874C: Wabek-Appam complex, 6 to 9 percent slopes
- C996: Water

LEGEND

- Proposed Pipeline Route
- Survey Area
- Study Area
- Oil/Gas Well Location
- Water Well Location
- State Land
- County Boundary
- Township/Range
- Section

0 1,000 2,000 4,000
Feet

N

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PROJECT NO.	20192055
CREATED:	11/14/2019
CREATED BY:	A. Leonard
CHECKED BY:	A. Dury
FILE NAME:	FigA5_Soils.mxd

Soils Map

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Alliance Sales Line
Williams and Mountrail Counties, North Dakota

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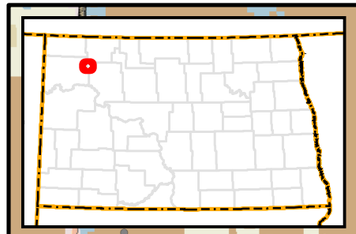

Existing Liberty County Line Gas Plant

Existing Third-Party Transmission Pipeline

158N 95W

158N 94W

157N 95W

157N 94W

Mountrail

Williams

NLCD LEGEND

- Open Water
- Developed, Open Space
- Developed, Low Intensity
- Deciduous Forest
- Shrub/Scrub
- Herbaceuous
- Hay/Pasture
- Cultivated Crops
- Woody Wetlands
- Emergent Herbaceuous Wetlands

Esri, HERE, Garmin, (c) OpenStreetMap contributors

LEGEND

- Proposed Pipeline Route
- Survey Area
- Study Area
- Oil/Gas Well Location
- Water Well Location
- State Land
- County Boundary
- Township/Range
- Section

0 1,000 2,000 4,000

Feet

N

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LIBERTY MIDSTREAM SOLUTIONS

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FILE NAME:	FigA3_LandUse.mxd

Land Use Map

Liberty Midstream Solutions, LLC
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Williams and Mountrail Counties, North Dakota

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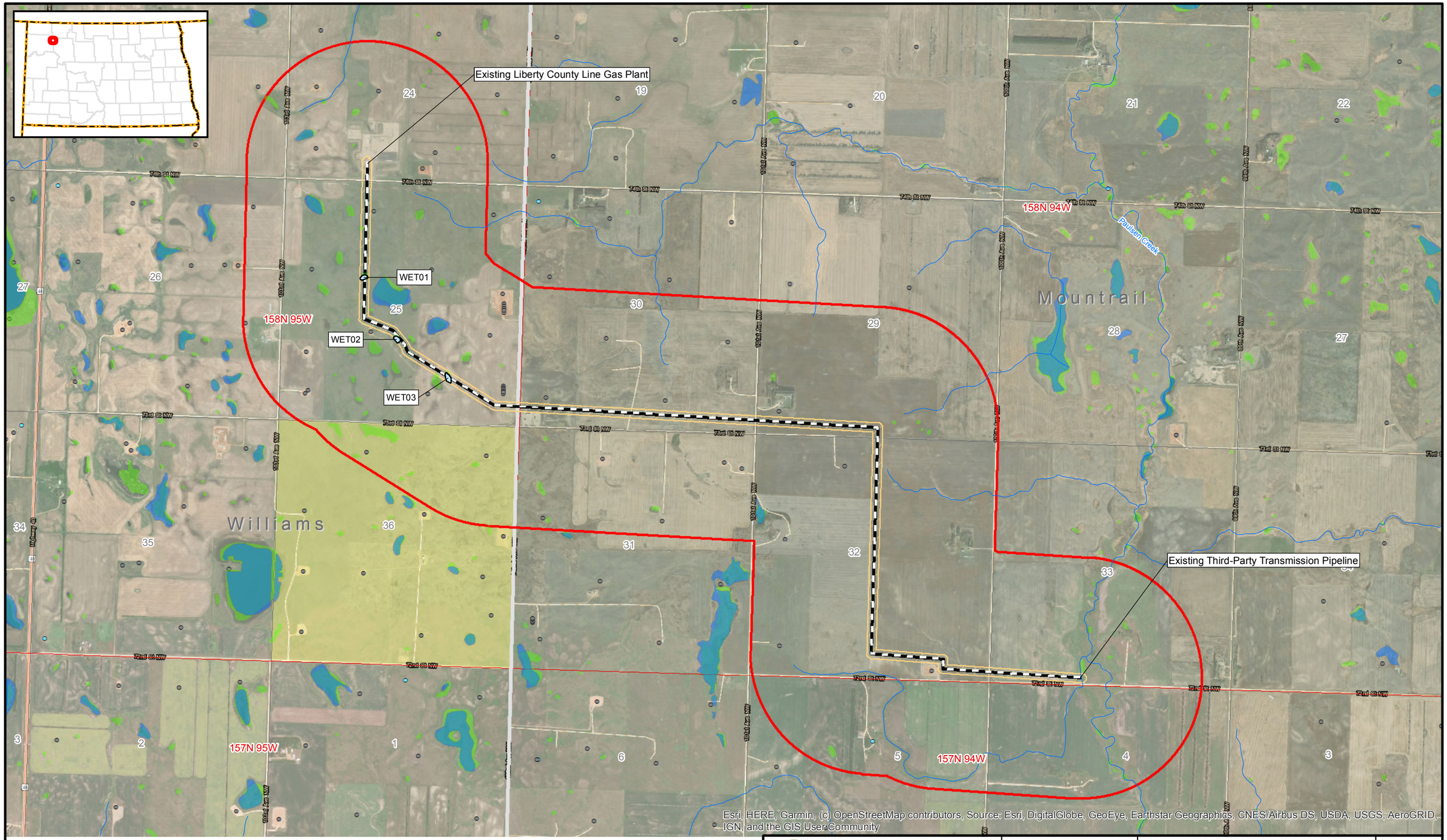

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LEGEND

- Proposed Pipeline Route
- Delineated Features (SWCA)
- NHD Flowline
- NHD Waterbody
- NWI Wetlands
- Survey Area
- Study Area
- Oil/Gas Well Location
- Water Well Location
- State Land
- County Boundary
- Township/Range
- Section

0 1,000 2,000 4,000
Feet

N

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FILE NAME:	FigA4_Hydro.mxd

Wetlands and Waterbodies Map

Liberty Midstream Solutions, LLC
Alliance Sales Line
Williams and Mountrail Counties, North Dakota

APPENDIX F
STORMWATER INSPECTION REPORTS

Site Inspection Record Template
Construction
(07-2010)

Project Name: _____

Coverage Number: _____

Inspector: _____ Date: _____ Time: _____

Precipitation Amount: _____ Date: _____

Areas Inspected (Choose Applicable): ☐ Active areas

☐ Stabilized areas with less than 70% cover

☐ Areas that have achieved final stabilization

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

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

Observations / Corrective Actions:

_____

_____

_____

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

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

Corrective Actions and Schedule:

_____

_____

_____

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

Comments:

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_____

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

-Size	-Location	-Was it reportable?	-Was it reported?
_____	_____	☐ Y ☐ N	☐ Y ☐ N
_____	_____	☐ Y ☐ N	☐ Y ☐ N
_____	_____	☐ Y ☐ N	☐ Y ☐ N

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

Comments

_____

_____

_____

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