

North Dakota General Industrial Permits NDR05-0000 and NDR32-0000

North Dakota Department of Health
Division of Water Quality

Luci Snowden
701.328.5239
lsnowden@nd.gov

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Which permit do I need?

- NDR05-0000 applies to discharges composed of stormwater associated with industrial activity as defined in Title 40 of the Code of Federal Regulations, Part 122.26(b)(14) except for the following:
 - Operations involved in mining or extracting activities, including processes to prepare materials for use, Standard Industrial classification (SIC) Codes 10 through 14;
 - Portable or temporary concrete or asphalt batch plants, SCI Codes 1611 and 2951.
 - Stormwater discharges from construction activity as defined in 40 CFR 122.26(b)(14)(x)

- NDR32 applies to discharges composed (either in whole or in part) of stormwater associated with industrial activity as defined in 40 CFR 122.26(b)(14) from any of the following:
 - Operations involved in mining or extracting activities, including processes to prepare materials for use, SIC Codes between 12 and 14;
 - Facilities operated to obtain or prepare materials for highway construction activities including concrete or asphalt batch plants, SIC Codes 1611, 2951 and some 327;
 - Equipment storage and maintenance yards supporting the industrial categories identified above.



Oil and Gas Extraction Exemption

- As provided in 40 CFR 122.26 (c)(1)(iii), oil and gas extraction facilities that have not discharged a reportable quantity (RQ) of oil or hazardous substances are **not** required to apply for a stormwater permit.

Application

How do I get a permit?

- Send an NOI to NDDOH
- Develop SWPPP
- Send SWPPP if 50 acres+ or discharge within 2000 ft of and flow to 303d listed water body due to sediment
- Same NOI form is used for both permits
- Different SWPPP templates available on website

NDR32 Specific - Application

- An operator of multiple temporary or portable operations may submit a single application for such activities.
- The operator must provide a copy of the SWPP plan for any locations that meet the criteria listed in Part I.D.3 prior to beginning operations on the site.

NDR32 Specific – Application Cont.

- Operators of oil or gas extraction facilities (SIC codes 13) that experience a stormwater discharge resulting in or contacting a reportable quantity release of oil or hazardous substance (release for which notification is required pursuant to 40 CFR 110.6, 40 CFR 117.21, 40 CFR 302.6) shall submit a NOI within 15 days of becoming aware of the release.
- Permit coverage for equipment storage and maintenance facilities of the field services sector (SIC codes 1381-1389) may be requested to manage potential impacts to surface waters.
- ***If you are not sure if this applies to you, then contact us***

Releases in Excess of Reportable Quantities

- These permits do not relieve the permittee of the reporting requirements of 40 CFR 110, 40 CFR117, and 40 CFR 302.
- Any release of a hazardous substance, including a release in a stormwater discharge, must be reported to the appropriate agencies.
- The potential discharge of hazardous substances in stormwater discharges shall be minimized by including measures in the SWPP plan to prevent and respond to releases of hazardous substances.
- Should a reportable quantity release occur, the SWPP plan shall be revised to prevent the reoccurrence of such a release.

Termination

How do I close the permit?

- Send Notice of Termination (NOT)
- Same NOT form for both permits
- State the reason why coverage is no longer needed
- Must be signed in accordance with signatory requirements

When do I close my permit?

- Submit No Exposure Certification (NEC)
- Eliminate sources and stabilize site. Ex: plant closure
- Reportable quantity release area has been reclaimed and operated satisfactorily for of three years
- Another permittee has assumed control Ex: Sold plant
- Inactive coal mining performance bond has been released
- A non-coal mining operation which has been released from applicable state or federal reclamation requirements

SWPPP

What do I need in my SWPPP?

- The major objectives of the plan are to identify potential sources of stormwater pollution associated with industrial activity and ensure that practices are implemented to minimize the contribution of pollutants.
- Stormwater management measures developed under other regulatory programs can be included in the SWPP plan or incorporated by reference.

SWPPP Site Description

- Provide a description of the type of activity conducted at the facility.
- Identify the individual(s) responsible for implementing, maintaining and revising the SWPPP.

SWPPP NDR05 Specific Site Description

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

SWPPP Map

- Drainage patterns
- The outline of the drainage area for each stormwater outfall
- Areas used for storage or disposal of materials
- Any existing or planned structures to reduce stormwater contamination
- Property boundaries
- Natural drainage ways receiving discharges
- Section, township, and range or lines of latitude and longitude

- Be of suitable scale and quality to show the required info

SWPPP Description of Potential Pollutant Sources

- Identify materials that are processed, handled, stored, or disposed at your site that have the potential to be released with stormwater.
- Identify sources of non-stormwater discharges that may be present and controls used to minimize the impact of the source.
 - If the non-stormwater discharge is not authorized include measures to remove the illicit discharge.

SWPPP Description of Potential Pollutant Sources Continued

- Areas to evaluate for the reasonable potential to contribute pollutants:
 - loading/unloading operations
 - outdoor storage
 - disposal and processing activities
 - significant dust generating activities
 - disturbed area vulnerable to erosion
- Factors to consider in assessing potential sources are:
 - the nature and quantity of material
 - degree of exposure to stormwater
 - history of spills or leaks
 - any measures in place to control stormwater

SWPPP NDR05 Specific Description of Potential Pollutant Sources

- For facilities subject to Emergency Planning and Community Right-to-Know Act Section 313 (EPCRA 313) requirements, the potential pollutant sources for which you report under EPCRA 313 must be identified in your description of potential pollutant sources.

SWPPP Stormwater Controls

- Describe the existing or planned controls for each source or operation that may contribute pollutants in stormwater runoff.
- A combination of Best Management Practices(BMPs) and structural controls must be implemented as appropriate to reduce pollutant contributions in stormwater.

SWPPP Good Housekeeping

- Practices to maintain a clean and orderly facility.
- Litter, debris, chemicals and parts must be handled properly to minimize exposure to stormwater.
- This includes measures to reduce and remove sediment tracked offsite by vehicles and the generation of dust.

SWPPP Preventative Maintenance

- Practices must be provided for the inspection and maintenance necessary to ensure the proper operation of stormwater management devices (e.g., oil-water separators, catch basins, and silt fences) as well as equipment used or stored at a site.

SWPPP Spill Prevention

- Spill prevention and response procedures must be developed where potential spills can occur.
- Where appropriate, specific handling procedures, storage requirements, spill containment and cleanup procedures shall be identified.

SWPPP Employee Training

- Informs personnel of their responsibility in implementing the practices and controls included in the plan such as spill response, good housekeeping, preventative maintenance, and sediment control practices.
- Training should be provided
 - annually
 - as new employees are hired
 - as necessary to ensure compliance with the plan and the general permit

SWPPP Sediment and Erosion Controls

- Sediment and erosion controls must be implemented on areas of operations vulnerable to erosion.
 - Areas vulnerable to erosion include those with little or no vegetation, steep slopes, or those with concentrated runoff flows such as ditches and culverts.
- Identify the control measures that will be used to minimize the release of sediment from the site (such as sediment basins, vegetative buffers, grassed swales, etc.) as well as methods to recover off-site sediment accumulations.
- Describe the appropriate control measures and when they will be implemented during the process for each major phase of site activity (such as clearing, grading for new mine areas or building support features).

SWPPP NDR32 Specific Sediment and Erosion Controls

- The description and implementation of controls shall address the following minimum components:
- 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.



SWPPP NDR32 Specific Sediment and Erosion Controls Cont.

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

SWPPP NDR32 Specific Sediment and Erosion Controls Cont.

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

SWPPP NDR32 Specific Sediment and Erosion Controls Cont.

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

SWPPP NDR05 Specific Sediment and Erosion Controls

- Minimize exposure of industrial materials and activities to the extent practicable.
- Identify practices or site features (such as storm resilient shelters) which limit the exposure or contact of stormwater with materials or activities.

SWPPP Stormwater Management

- Include a description of practices implemented to control pollutants in stormwater discharges occurring from the facility or offset the increase in runoff due to impervious area at the facility.
- Such practices may include: stormwater ponds; flow reduction by use of open vegetated swales and natural depressions; infiltration of runoff onsite; and sequential systems which combine several practices.
- Include an explanation of the technical basis used to select the practices to control pollution where flows exceed pre-development levels.

SWPPP Control Measures

- 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 the site situation.
- You may deviate from the manufacturer's specifications if you provide justification for the deviation and document the rationale for the deviation in the SWPP plan.

SWPPP Maintenance

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

SWPPP Inspections

- The plan must provide for site inspections to monitor the condition of stormwater discharge outlets and the effectiveness of stormwater controls.
- The permittee shall ensure that personnel conducting site inspections are familiar with permit conditions and the proper installation and operation of control measures.
- The erosion and sediment control measures identified in the plan shall be observed to ensure that they are operating correctly and in serviceable condition.
- If necessary, the SWPPP plan shall be revised based on the observations and deficiencies noted during the inspection.

SWPPP Review And Revisions

- SWPPP signed in accordance with the signatory requirements
- Retained on-site for the duration of activity at the permitted location
- Make SWPPP available to NDDOH, EPA and MS4 upon request

SWPPP NDR32 Specific Review and Revisions

- Keep the SWPPP up to date
 - change in design, construction, operation, or maintenance, which has a significant effect on the potential for the discharge of pollutants to the waters of the state.
 - amend if the plan is found to be ineffective in controlling pollutants present in stormwater.
- Oil or gas extraction facilities which have a discharge of a reportable quantity of oil or hazardous substance after the effective date of this permit shall submit a SWPPP plan and provide for compliance with the terms of the plan within 30 days of the operator becoming aware of the release.

Inspections

Who can do the inspections?

- The personnel conducting site inspections must be familiar with permit conditions and the proper installation and operation of control measures.
- No certification required
- NDDOH likes to quiz inspectors on permit requirements

Inspection Frequency

NDR05 Inspection Requirements

- Total of 2 comprehensive inspections in a year
 - 1 inspection during January through June
 - 1 inspection during July through December
- At least one of the inspections should be conducted within 48 hours of a rainfall or snowmelt event **resulting in a stormwater discharge**

Active NDR32 Facility Inspections

- Total of 2 comprehensive inspections in a year
 - 1 inspection during January through June
 - 1 inspection during July through December
- 1 inspection should be “wet”
 - Within 48h or ASAP of a storm event 1”+ in 24h
- 1 inspection should be “dry”

NDR32 Temporary or Portable Facility

- Ex: sand and gravel, batch plants
- Monthly inspections while the operation is active
- After ceasing operations 1 inspection every 6 months until final stabilization is achieved

NDR32 Inactive Facility

- Evaluate once in three years by a qualified individual with experience in surface water pollution issues (i.e., environmental, erosion control, reclamation or engineering).
- The objectives of such evaluations are to:
 - 1) assess the stability and performance of existing runoff controls, and
 - 2) identify areas adversely impacted by runoff from the site.

What do I look at during an inspection?

- The inspections shall include discharge outlets from:
 - areas used for industrial activities,
 - areas used for storage of materials,
 - structural control measures,
 - vehicle maintenance areas
 - disturbed areas of the site that have not reached final stabilization
- These areas shall be inspected for evidence of, or the potential for, pollutants entering the drainage system.
- The control measures identified in the plan shall be observed to ensure that they are operating correctly and in serviceable condition.
- If necessary, the SWPP plan shall be revised based on the observations and deficiency noted during the inspections.

What do I need to record for inspections?

- At a minimum include:
 - Date and time of inspections
 - Name of person(s) conducting inspections
 - Inspection findings, including major observations relating to the SWPP plan, condition of stormwater controls, deficiencies noted and recommendations for corrective action(s)
 - Corrective actions taken (including dates, times, and party completing maintenance activities)
 - Documentation that the SWPP plan has been amended when substantial changes are made to stormwater controls or other BMPs in response to inspections

What if I'm never at my site?

NDR05 Alternative Inspection Plans

- A permittee may submit an alternative inspection plan for inactive operations or sites where an employee is not normally stationed or does not routinely visit.
- A copy of the SWPPP and proposed inspections plan shall be submitted to the Department 30 days prior to implementing an alternative inspection plan.
- Any alternative plan must provide an inspection interval appropriate for the potential pollutant sources at the site, but not less than once in three years.

Sampling

Do I have to sample?

- NDR05 – some facilities
- NDR32 – No
 - but you can sample as an alternative to reduce inspections. Written request and approval is necessary

NDR05 Sampling Facilities

- Facilities that need to sample:
 - Coal Pile Runoff (*Any stormwater discharge from coal storage piles*)
 - Wood and Paper Products (*SIC 2421-2426, mills; 2491 preserving; 2493, reconstituted wood products; and 2631, paperboard*)
 - Chemical and Related Products (*SIC 281, industrial inorganic chemicals; 282, plastics and synthetic materials; 284, soaps and detergents; and 287, agricultural chemicals*)
 - Food and Related Products (*SIC 2011, meat packing plants; 2015, poultry processing; and 207, fats and oils*)

NDR05 Sampling Facilities Continued

- Primary Metal Industries (*SIC 33*)
- Hazardous Waste Treatment, Storage and Disposal
- Landfills and Land Application
- Automobile Salvage Yards (*SIC 5015*)
- Scrap Recycling Facilities (*SIC 5093*)
- Air Transportation (*Regional and Primary Commercial Airports and Air Force Bases*)

Unusual Sampling Situations

- NDDOH might ask you to sample because:
 - 1) analytical data is needed to estimate water quality impacts,
 - 2) discharges are shown to be generally of poor quality, or
 - 3) the SWPP plan is delinquent or determined to be insufficient.

How often do I sample?

- At least annually
- Large air transportation facilities sample monthly beginning with the first month of deicing activities through the final month of deicing activities

NDR05 Effluent Limitations

- The quality of stormwater discharges associated with industrial activity shall reflect the best which is attainable through the proper implementation of all items in the SWPP plan for the facility.
- Any discharge composed in whole or in part of coal pile runoff shall not exceed a daily maximum concentration of 50 milligrams per liter (mg/l) for total suspended solids.
 - The pH, an instantaneous measurement, shall remain within the range of 6.0 to 9.0.
 - Any untreated overflow from facilities designed, constructed and operated to treat the volume of coal pile runoff associated with a 10 year, 24 hour storm event shall not be subject to the total suspended solids limitation.

Reports

What reports do I have to send?

- NDR05 sends
 - sample results and
 - Discharge Monitoring Records
- NDR32 sends
 - annual inspection summary
 - annual location reports and
 - any sampling records

NDR32 Annual Inspection Summary

- It is a summary of the year's inspections
- List all incidents of sediment or significant material residue accumulation, or erosion due to stormwater discharges observed during the calendar year.
- Include the inspection date, outfall identification or location of incident, description of incident, estimated quantity of material or size of area affected, brief explanation of potential cause and remedial actions taken.

NDR32 Location Record

- Operators of portable or temporary facilities (such as sand and gravel operations, concrete or asphalt batch plants) maintain a location record that shows the location where they operated facilities.
- This record includes:
 - Permit number
 - Name and mailing address of the owner or operator
 - Site or plant name or number
 - Site location
 - Start date of each site
 - The estimated area of total disturbance in acres of each site
 - Name of water bodies within 2000 feet that may receive drainage from the site
 - Status of each site (active, reclaiming, inactive)
 - Date of final stabilization or when contoured to contain all stormwater discharges

When are reports due?

- All due by Jan 31 each year
- Except Primary Commercial Service Airports and US Air Bases the annual report shall cover the period from June 1 to May 31 and be submitted by June 30.

Where do I send the reports?

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

Odds and Ends

- Bulk storage structures for petroleum products and other chemicals shall have adequate leak and spill protection to prevent any spilled materials from entering waters of the state.

Dewatering

- Dewatering or basin draining (e.g., pumped discharges, trench/ditch cuts for drainage) related to the permitted activity must be managed with the appropriate BMPs, such that the discharge does not adversely affect the receiving water or downstream landowners.
- The Permittee(s) must operate the discharge to minimize the release of sediment and provide energy dissipation measures to adequately protect the outlet from erosion.
- The dewatering is limited to stormwater and small amounts of ground water that may collect on a site.
- A separate permit must be obtained for the release of water from other sources such as sand and gravel wash plants.

NDR32 Concrete Washout

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

NDR32 Specific

- Stormwater discharges from construction related activity inherent to the normal operation and expansion of covered facilities are covered by this permit.
- Such activities shall be conducted in accordance with the practices identified in the SWPP plan.
- Any newly constructed stormwater discharges associated with industrial activity shall be added to the SWPP plan or, if appropriate, covered by another applicable NDPDES permit.

NDR05 Specific

- The stormwater controls are expected to withstand and function properly during precipitation events of less than or equal to the 2 year, 24 hour storm event.
- The release of sediment or other materials due to 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.

NDR05 Specific

- All stormwater discharges must comply with the requirements, policies, or guidelines, of municipalities and other local agencies.
- Any discharges of stormwater to storm drainage systems or other water courses under local jurisdiction, including those subject to municipal stormwater management programs developed to comply with NDPDES permits, must comply with local requirements.

NDR05 Salt Storage Piles

- All salt storage piles used for deicing or other industrial or commercial purposes shall be enclosed or covered to prevent exposure to precipitation.
- Salt storage piles do not need to be covered or enclosed when adding to or taking materials from the pile and when stormwater drainage from the pile is contained on-site.

What paperwork do I need when the State inspector shows up?

- A copy of the appropriate General Permit
 - Notice of Intent
 - SWPPP
 - Inspection Records
 - Maintenance Records
 - Sampling Results
 - Annual Reports
-
- Can be electronic or hard copy

Permit Expiration

- NDR32 expires June 30, 2014
- NDR05 expires March 31, 2015
- Any request to retain coverage under a renewal of these permits shall be made in writing to the Department at least 15 days prior to the expiration date.

Questions?

- Contact 701.328.5210
 - Ask for Dallas, Luci, Patrick or Dan
- dgrossma@nd.gov
- lsnowden@nd.gov
- pschuett@nd.gov
- daweber@nd.gov