

Construction General Permit (NDR10-0000)

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NORTH DAKOTA
DEPARTMENT *of* HEALTH

March 27, 2014

State and Federal Authority

- North Dakota Department of Health (NDDoH) is responsible for operating most Clean Water Act programs in the state outside of tribal areas
- The U.S. EPA is responsible for operating Clean Water Act programs in tribal areas within the state
 - If project area is on and off tribal areas, the Department will accept the EPA permit.

Construction Permit

- Permit #: NDR10-0000
- Reissued October 12, 2009
- Expires September 30, 2014

Permit No:	NDR10-0000
Effective Date:	October 12, 2009
Expiration Date:	September 30, 2014

AUTHORIZATION TO DISCHARGE UNDER THE
NORTH DAKOTA POLLUTANT DISCHARGE ELIMINATION SYSTEM

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

Facilities both qualifying for and satisfying the requirements identified in Part I of the permit are authorized to discharge stormwater associated with **construction activity** to waters of the state in accordance with conditions set forth in this permit.

This permit and the authorization to discharge shall expire at midnight, September 30, 2014.

Signed this 12TH day of October, 2009.


Dennis R. Fewless, Director
Division of Water Quality

BP 2009.02.05

Discharges

Discharges Covered

Stormwater Discharges from:

Construction Activity

- Large - sites that are 5 acres or more in size
- Small - sites that are 1-5 acres
- Sites that are part of a larger common plan of development

Support Activities

- Concrete or asphalt batch plants
- Equipment staging yards
- Material storage areas
- Excavated material disposal areas
- Borrow areas

Discharges Not Covered

- Industrial stormwater other than construction activity
- Post-construction discharges
- Industrial (or sanitary) wastewater
- Dredge or fill activity
 - (U.S. Army Corps of Engineers Section 404 permits)

Discharges Not Covered

- Stormwater discharges the NDDoH determines will cause or potentially cause a violation of a water quality standard.
- Local Authority
 - The permit does not preempt or supersede the authority of local agencies to prohibit, restrict, or control stormwater discharges to storm sewer systems or other water courses within their jurisdiction

Obtaining Coverage

Obtaining Coverage

Must submit :

- Application
- SWPP Plan
 - Only if project is greater than 50 acres OR within 2,000 feet of an impaired body of water

Permit coverage becomes effective 7 days after your completed application is received by the Department.

APPLICATION (NOTICE OF INTENT) TO OBTAIN COVERAGE UNDER NPDDES GENERAL PERMIT FOR STORMWATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITY (NDSD10-6000)
NORTH DAKOTA DEPARTMENT OF HEALTH
DIVISION OF WATER QUALITY
SDN 10146 (12/13)

FOR DEPT. USE ONLY
Application No: _____
Date Received: _____

GENERAL INFORMATION

1. Name of Owner or Construction Project: _____ 2. Contact First Name: _____ 3. Contact Last Name: _____ 4. Contact Phone No: _____
5. Contact E-mail Address: _____
6. Mailing Address: _____ 7. City: _____ 8. State/Province: _____ 9. Zip Code: _____
10. Name of Operator Working at Site: _____ 11. Contact First Name: _____ 12. Contact Last Name: _____ 13. Contact Phone No: _____
14. Contact E-mail Address: _____
15. Mailing Address: _____ 16. City: _____ 17. State/Province: _____ 18. Zip Code: _____

PROJECT INFORMATION

19. Name of Construction Project: _____
20. Brief Description of Construction Activity: _____
21. Project Start Date: _____ 22. Estimated Completion Date: _____ 23. Estimated Total Area of Dist. (acres): _____ 24. Estimated Area of Disturbance (acres): _____
25. Physical Address: _____ 26. City: _____
Project Location:
OR 27. Township: _____ 28. Range: _____ 29. Section: _____ 30. Quarter Section (ARCIS Format): _____ 31. County: _____
OR 32. Latitude (Decimal Degrees): _____ 33. Longitude (Decimal Degrees): _____
Receiving Waters: 34. Name of Municipal Storm Sewer System or Description of Receiving Water: _____

35. A SWPPP must be prepared and available for review at the time of application. A copy of the SWPPP must be submitted with this application if the project is 50 or more acres or is within 2000 feet of, and 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. See Part 1.0.3 of NDR 10-0000 for more detail.

RETURN COMPLETED APPLICATION TO:
North Dakota Department of Health
Division of Water Quality, 4th Floor
615 East Cavalry Avenue
Bismarck, ND 58501-1947
Telephone: (701) 259-0210
Fax: (701) 259-0200

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

36. Printed Name of Owner(s): _____ 37. Title: _____
38. Signature of Owner(s): _____ 39. Date: _____
40. Printed Name of Operator(s): _____ 41. Title: _____
42. Signature of Operator(s): _____ 43. Date: _____

Stormwater Pollution Prevention Plan (SWPPP)

STORMWATER POLLUTION PREVENTION PLAN TEMPLATE
NORTH DAKOTA DEPARTMENT OF HEALTH
DIVISION OF WATER QUALITY
SDN 10880 (12/2010)

Stormwater Pollution Prevention Plan

For:

Project Name: _____
Site Location Address: _____
City: _____
County: _____
Site Telephone Number (if applicable): _____

Owner(s)

Company or Organization: _____
Contact Name: _____
Mailing Address: _____
City, State, Zip Code: _____
Telephone Number: _____
Fax: _____
E-mail: _____

SWPPP Preparation Date: _____

NPDDES Permit Coverage Number: _____

- 1 -

Application Process

Who's responsible for the application:

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

Application Process

- Residential Construction (within a larger common plan of development)
 - The owner of the lot(s) submits one application for all their construction activity within the common plan;
or
 - The operator who may represent one or more lot owners submits one application for all their construction activity within the common plan

Application Process

- Oil and gas exploration, production, processing, and treatment operations or transmission facilities:
 - Must submit an NOI if disturbing 5 or more acres, including access road.
 - NOI may be submitted for individual projects, oil fields, or per county.
 - Application needs to either include:
 - Map outlining project area(s)
 - SWPPP
- A SWPPP plan must be prepared prior to the start of construction

Standard Conditions

Signatory Requirements: All applications, reports or information submitted to the NDDoH shall be signed and certified by either;

- A responsible corporate officer, a general partner, or a principal executive officer or ranking elected official.
- A duly authorized representative of the person.

Stormwater Pollution Prevention Plan

Stormwater Pollution Prevention Plan

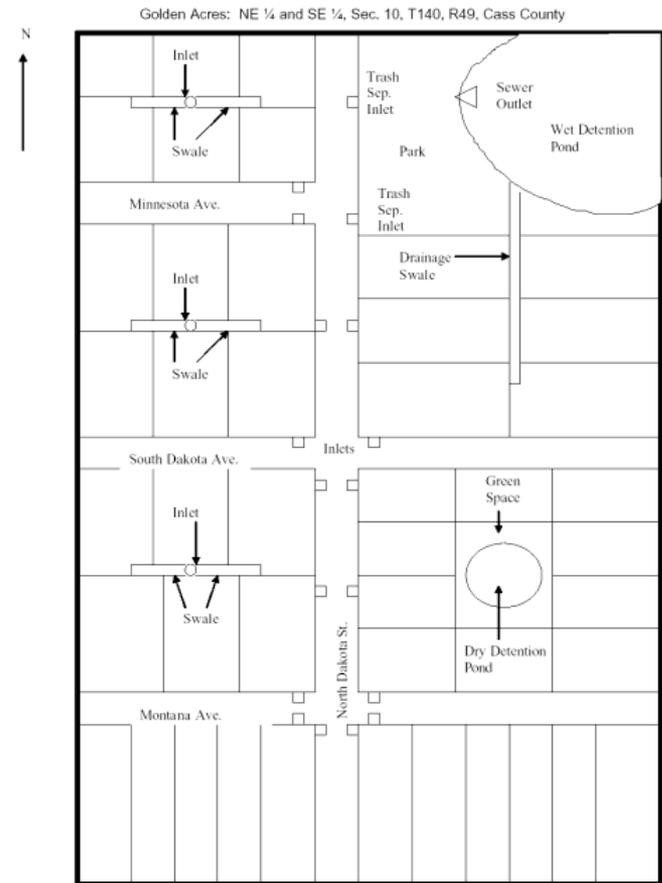
- **All permitted construction projects must develop and implement a SWPPP.**
- The objective of the SWPPP is to identify potential sources of sediment or other pollution from construction activity and ensure practices are used to reduce pollution from construction site runoff.
- The SWPPP and revisions are subject to review by the NDDoH.

SWPPP

- You do not have to use the forms provided by the NDDoH
 - Just needs to meet the requirements listed in the permit.
- Considered a “living” document.
 - Needs to be updated as appropriate throughout the project.

SWPPP – Site Description

- Must include a site description
- Must include a site map
- Identify any impaired or TMDL bodies of water if you are within 2,000 ft.



Operational Controls

SWPPP – Operational Controls

- The plan must identify a person knowledgeable and experienced in the application of erosion and sediment control BMPs.
- The owner shall develop a chain of responsibility with all operators to ensure the SWPPP is implemented.

SWPP Plan – Operational Controls

1) Good Housekeeping

- Must maintain a clean and orderly site
- Must handle litter, debris, chemicals and parts properly to minimize exposure to stormwater
- Includes measures to reduce and remove sediment tracked offsite by vehicles or equipment
- Includes dust control

SWPP Plan – Operational Controls

2) Preventative Maintenance

- Stormwater control devices (e.g., oil-water separators, catch basins, silt fences)
- Equipment used or stored on site

3) Spill Prevention and Response Procedures

- Must be developed where potential spills can occur. Where appropriate
- Bulk storage of petroleum products and other chemicals must have adequate leak and spill protection

SWPP Plan – Operational Controls

4) Employee Training

- At least annually,
- As new employees are hired, or
- As necessary to ensure compliance with the SWPPP and permit

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

- Wash water disposal must be limited to a defined or designated area
- The area must be sufficient to contain the wash water and residual cement

SWPPP – Operational Controls

6) Dewatering or Basin Draining

- Limited to stormwater, groundwater and surface water
- Coverage under the dewatering permit (NDGo7-0000) must be obtained to discharge water from other sources such as hydrostatic testing



Erosion and Sediment Control

Erosion & Sediment Controls

- Sediment basins or equivalent combination of sediment controls.



Erosion & Sediment Controls

- Provide temporary erosion protection or permanent cover where activities have been completed or temporarily ceased.



Erosion & Sediment Controls

- Controls need to be appropriately selected, installed, and maintained in accordance to manufacture's specs.



Erosion & Sediment Controls

- If sediment leaves your site, off-site accumulations must be cleaned up.
- Controls need to withstand and function properly during events of up to the 2 year, 24 hour storm event.
 - 1.9 inches in the west.
 - 2.3 inches in the east.



Erosion & Sediment Controls

- If site discharges to waters with a TMDL allocation for sediment, suspended solids or turbidity:
 - The SWPP Plan needs to be consistent with requirements of the approved TMDL.

Self Inspections

Self Inspections

- You are required to perform an inspection:
 - once every 14 calendar days
 - within 24 hours of any storm event greater than **0.50 inches** of rain per 24-hour period.
- Rainfall amounts must be taken from a rain gauge located within 5 miles of the site.
- All inspections and maintenance activities must be recorded in writing.

Self Inspections

Records of each inspection and maintenance activity shall include:

- The date and time of the inspection
- Name of personnel conducting the inspection
- Findings of the inspection, including recommendations for corrective actions
- Corrective actions taken, if any, including dates, times and party completing maintenance activities
- Date and amount of rainfall events greater than 0.50 inches within 24 hours
- Documentation when the SWPPP has been amended

Self Inspections

- Inspections may be suspended where earthwork has been suspended due to frozen ground conditions. Inspections must resume as soon as runoff occurs or the ground begins to thaw
- There may be times when an inspection cannot be conducted due to adverse climatic conditions, i.e., flooding, high winds, electrical storms, etc.

Maintenance

Maintenance Considerations

- All BMPs must be inspected to ensure integrity and effectiveness.



Maintenance Considerations

- All nonfunctional BMPs must be repaired, replaced or supplemented with functional BMPs



Maintenance Considerations

- All control devices must be repaired, replaced...when sediment reaches $\frac{1}{3}$ the height of the device. Repairs must be made within 24 hours of discovery or as soon as conditions allow
- Sediment basins must be drained and the sediment removed when the depth of sediment collected reaches $\frac{1}{2}$ the storage volume. Must be completed within 72 hours of discovery or as soon as conditions allow

Maintenance Considerations

- Surface waters, including drainage ditches and conveyance systems, must be inspected for evidence of sediment being deposited by erosion
 - Removal and stabilization must be conducted immediately, but no more than 7 days after discovery unless precluded by legal, regulatory or physical access constraints.
 - If precluded, removal and stabilization must be conducted immediately, but no more than 7 days after obtaining access

Maintenance Considerations

- Site egresses must be inspected for evidence of sediment being tracked offsite onto paved surfaces.
- Tracked and deposited sediment must be removed within 24 hour or within a shorter time period if specified by a local authority or the NDDoH
- Vehicle tracking must be minimized by BMPs
- You are responsible for (or making arrangements for) street sweeping and/or scraping if BMPs are not adequate to prevent tracked sediment

Maintenance Considerations

- If sediment escapes the site, offsite accumulations must be removed
- Vegetative buffers must be inspected for proper distribution of flows, sediment accumulation and signs of rill formation.
- If a buffer becomes silt covered or is rendered ineffective, other control measures must be implemented. Eroded areas shall be repaired and stabilized.

Records

Records Location

- The following must be kept at the construction site:
 - A copy of the completed and signed NOI
 - The coverage letter from the NDDoH
 - SWPPP
 - Site inspection Records
 - The construction general permit, NDR10-0000
- Must be kept in a field office, trailer, shed, or vehicle that is on-site during normal working hours
 - If a reasonable on-site location is not available, then the documents must be retained at a readily available alternative location;
- If the site is inactive, then documents may be stored at a local office

Final Stabilization

Final Stabilization

- All soil disturbing activities have been completed
- All soils must be stabilized by a uniform perennial vegetative cover with a density of 70% over the entire pervious surface area, or other equivalent means necessary to prevent soil failure, and;
 - All drainage ditches that drain water from the site have been stabilized to preclude erosion;
 - All temporary synthetic, and structural ESC devices (such as silt fence) have been removed; and
 - All sediment has been removed from conveyances and temporary sediment basins used as permanent water quality management basins and stabilized.

Final Stabilization

- Areas with an average annual rainfall of less than 20 inches, only:
 - All soil disturbing activities at the site have been completed
 - Temporary erosion control measures (e.g., degradable rolled erosion control product) installed
 - An appropriate seed base to provide erosion control for at least three years and achieve 70% vegetative coverage within three years without active maintenance.

Final Stabilization

- Land used for agricultural purposes:
 - Return the disturbed land to its pre-disturbance agricultural use.

- Residential construction, only:
 - temporary erosion protection and down gradient perimeter controls have been installed and
 - the residence has been transferred to the homeowner.
 - In addition, a “homeowner fact sheet” has been distributed to the homeowner. You must also demonstrate that the homeowner received the fact sheet.

Termination

Termination of Coverage

Compliance with the permit is required until a NOT is submitted and accepted by the NDDoH.

- A NOT may be submitted when one of the following has been met:
 - Final stabilization has been achieved on all portions of the site for which you are responsible.
 - Another operator/permittee has assumed control over all areas of the site that have not achieved final stabilization.
 - For residential construction only, a NOT may be filed when all the lots have been sold and/or final stabilization has been achieved.

Questions?