

FACT SHEET FOR NDPDES PERMIT NDR05-0000

GENERAL PERMIT FOR STORMWATER DISCHARGES FROM INDUSTRIAL ACTIVITIES

DATE OF THIS FACT SHEET – JANUARY 2015

INTRODUCTION

The Federal Clean Water Act (CWA, 1972, and later amendments in 1977, 1981, and 1987, etc.) established water quality goals for the navigable (surface) waters of the United States. One mechanism for achieving the goals of the CWA is the National Pollutant Discharge Elimination System (NPDES), which the US Environmental Protection Agency (EPA) has oversight authority. In 1975, the State of North Dakota was delegated primacy of the NPDES program by EPA. The North Dakota Department of Health (NDDoH), hereafter referred to as “department”, has been designated the state water pollution control agency for all purposes of the Federal Water Pollution Control Act, as amended [33 U.S.C. 1251, et seq.], and is hereby authorized to take all action necessary or appropriate to secure to this state the benefits of the act and similar federal acts. The department’s authority and obligations for the wastewater discharge permit program is in the NDAC 33-16 (North Dakota Administrative Code) which was promulgated pursuant to NDCC chapter 61-28 (North Dakota Century Code). The department uses North Dakota Pollutant Discharge Elimination System (NDPDES) as its permitting title

The following rules or regulations apply to NDPDES permits:

- Procedures the department follows for issuing NDPDES permits (NDAC chapter 33-16-01),
- Standards of Quality for Waters of the State (NDAC chapter 33-16-02.1).

These rules require any treatment facility operator to obtain an NDPDES permit before discharging wastewater to state waters. They also define the basis for limits on each discharge and for other requirements imposed by the permit.

According to the North Dakota Administrative Code (NDAC) section 33-16-01-08, the department must prepare a draft permit and accompanying fact sheet, and make it available for public review. The department must also publish an announcement (public notice) during a period of thirty days, informing the public where a draft permit may be obtained and where comments regarding the draft permit may be sent (NDAC chapter 33-16-01-07). For more information regarding preparing and submitting comments about the fact sheet and permit, please see **Appendix A – Public Involvement**. Following the public comment period, the department may make changes to the draft NDPDES permit. The department will summarize the responses to comments and changes to the permit in **Appendix C - Response to Comments**.

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BACKGROUND INFORMATION

General Information

Permit Number:	NDR05-0000
Permit Type:	General Permit, Renewal
Type of Treatment:	Best Management Practices (BMPs)
Discharge Location:	Stormwater Runoff from a Facility

Figure 1 – Map of counties of the State of North Dakota



General permits provide a streamlined means to cover a large number of facilities that fall under to the broad definition of "stormwater discharges associated with industrial activity." These facilities are must follow the requirements of Section 402 of the Clean Water Act, as enforced by the NDPDES program. General permits require baseline control practices aimed at minimizing the impact of stormwater discharges to waters of the state. In addition, the general permit process places less of an administrative burden on the issuing authority than the individual permitting process. Individual permits or industry specific permits may still be developed to address specific water quality concerns or industry specific control practices.

The present general permit issued for stormwater discharges associated with industrial activities expires March 31, 2015. The permit was developed in response to the stormwater permit

application requirements promulgated by the U.S. Environmental Protection Agency on November 16, 1990. The renewal will continue to provide coverage for stormwater discharges from industrial facilities statewide. Currently, there are approximately 297 facilities covered by the present permit for industrial activities. In addition, 162 facilities have certified that they meet the condition of “no exposure” and are exempt from the permit requirements.

SIGNIFICANT PERMIT CHANGES

The following additions or changes to the proposed general permit were made:

- Stormwater Pollution Prevention Plans (SWPPPs) are no longer required to be submitted as part of the application process.
- SWPPP information was changed such as map requirements, a pollution prevention team, employee training specifications, and sampling.
- Inspection frequency was increased.
- Terms and conditions were added such as minimizing exposure, locating materials, and spill cleanup methods.
- Thermal desorption units are required to submit an annual location report.
- Airports must include a deicing management plan in as part of the SWPPP

COVERAGE UNDER THIS PERMIT

Applicability of the General Permit

The proposed general permit would authorize the discharge of relatively uncontaminated stormwater from certain industrial activities to the waters of the state. The proposed permit does not cover stormwater discharges from mining, extraction or paving material preparation activities; or construction disturbances. These activities are covered under separate general permits, NDR32-0000 and NDR10-0000 respectively.

The propose permit applies to discharges composed (either in whole or in part) of stormwater associated with industrial activity as defined in Title 40 of the Code of Federal Regulations (CFR), Part 122.26(b)(14) as published July 1, 2002, except for the following:

- Operations involved in mining or extraction activities, including processes to prepare materials for use, Standard Industrial Classification (SIC) Codes major groups 12 through 14;
- Portable or temporary concrete or asphalt batch plants, SIC codes 1611 and 2951, and industry group number 327.
- Stormwater discharges from construction activity as defined in 40 CFR 122.26(b)(14)(x).

Discharges Not Covered

There are other types of discharges that are not appropriately regulated by the proposed permit and other limitations on what activities the proposed permit can authorize. As such, the following discharges are not eligible for coverage under the proposed permit:

- Stormwater discharges from facilities or activities subject to nationally established effluent limitation guidelines or other performance standards under 40 CFR subchapter N except

as provided in the proposed permit.

- Discharges or releases that are not stormwater except those non-stormwater discharges authorized under Part II(A)
- Discharges to waters that have a total maximum daily load (TMDL) allocation 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 the proposed general permit, the SWPPP shall 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 (WLA) has been established that would apply to the discharge from the facility, the permittee shall incorporate that WLA into the SWPPP and implement necessary steps to meet the TMDL. Information about TMDL allocations may be found at the following website:
- 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).
- The proposed 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.
- Stormwater discharges that the department determines will cause, or have the reasonable potential to cause or contribute to, violations of standards of quality for waters of the state (North Dakota Administrative Code 33-16-02.1).
- The discharge of process wastewater and sanitary waste.

Request for Authorization

Facilities covered under the present permit will be retained, provided a satisfactory request was made under the renotification provisions of the permit. If necessary, the department may require the submittal of a new Notice of Intent. For operators of new facilities wishing to obtain coverage, an application must be submitted at least seven days prior to starting any activity subject to regulation as a stormwater discharge associated with industrial activity. Permit coverage becomes effective seven days after a complete application has been submitted to the department unless otherwise notified by the department (based on the department receipt date).

The application (or also referred to as Notice of Intent) will contain the following information:

- Name and mailing address of the owner or operator;
- Contact name and phone number;
- Name of facility or site;
- A brief description of the nature of business or activity;
- SIC Code;
- Acreage of the facility dedicated to industrial activity;

- Location of the site(s), including the county and latitude and longitude; or township, range, section, and quarter-quarter-quarter section;
- Name of the receiving water(s), or the name of the receiving municipal storm sewer system and receiving water; and
- The signature of the applicant(s), signed in accordance with Signatory Requirements of the proposed permit.

Alternative Permit Coverage and Notice of Termination

The department may require any facility to apply for and obtain an individual NDPDES permit or seek coverage under an alternative NDPDES general permit. Any facility covered by the proposed general permit may request to be excluded from coverage by either applying for an individual NDPDES permit, or filing a Notice of Intent to be covered under an alternative NDPDES general permit.

When an individual NDPDES permit is issued to a facility otherwise subject to the proposed permit or the person is approved for coverage under an alternative NDPDES general permit, the applicability of the proposed general permit to the individual permittee is automatically terminated upon the effective date of the individual permit or the date of approval for coverage under the alternative general permit.

Termination of Coverage

A permittee may request the termination of permit coverage when stormwater discharges associated with industrial activity are no longer present at the facility. The request must be made, in writing, to the department. The request must consist of either of the following depending on the reason for discontinuing coverage:

- All industrial activity has been eliminated at the facility (i.e., plant closure).
- The facility has been issued an individual NDPDES permit to discharge stormwater associated with industrial activity.
- The facility has obtained coverage under an alternative NDPDES general permit.
- The facility has submitted a No Exposure Certification form to the department.
- No exposure certification made in accordance with 40 CFR 122.26(g) will constitute a request for termination of coverage under the proposed permit. To qualify for the conditional exemption, all industrial materials and activities shall be protected to prevent exposure to stormwater. Permittees shall submit a No Exposure Certification form to the department to end permit coverage and begin the certification period.

Special Conditions

As the proposed is a general permit for stormwater discharges, it must be identified that certain discharges are prohibited from coverage under the proposed permit. Should process wastewaters or other non-stormwater sources be combined with the stormwater discharge, the waste water or non-stormwater source must be in compliance with an appropriate NDPDES permit specific to the non-stormwater discharge. The proposed permit allows certain non-stormwater discharges to be operated under the conditions of proposed permit. Non-stormwater discharges that may be considered for coverage under the proposed permit would be limited to those identified or sufficiently similar to those identified, in similar EPA's general permits. Such discharges include,

but not limited to fire-fighting, fire hydrant flushing, potable water line flushing, building and equipment wash down without detergents or hazardous cleaning products, uncontaminated foundation drains, springs, lawn watering, chemical treatment of stormwater and air conditioning condensate. The proposed permit allows pavement wash water to be directed into surface waters and storm drain inlets if the appropriate control measures are 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 proposed 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 NDAC 33-16-02.1. Any releases which meet any reporting requirement must be reported. There is a remote possibility that hazardous substances in excess of reporting quantities may enter stormwater discharges regulated by the proposed permit. Since the discharge of these hazardous substances is not authorized by the proposed permit, the reporting requirement exemption in 40 CFR 117.12 would not apply, and all specified reporting requirements would remain in effect. Of a more probable nature is the possibility of oil in excess of the mandated reporting quantity entering a stormwater discharge. As an oil spill release is not authorized by the proposed permit, the discharger would not be relieved of the reporting obligations, which in this case are identified in 40 CFR 110. In addition, the requirements of Section 311 of the Clean Water Act, and any applicable provisions of Section 301 and 402 of the Clean Water Act would also apply.

STORMWATER POLLUTION PREVENTION PLAN

All facilities covered by the proposed general permit are required to prepare, implement, and maintain a SWPPP. The major objectives of the plan are to identify potential sources of pollution which may reasonably be expected to affect the quality of stormwater discharges and ensure that practices are implemented to minimize pollutants in stormwater discharges.

Some facilities covered by the proposed permit may be subject to local or state sediment and erosion control programs or stormwater management related requirements as part of other regulatory programs. In particular, spill prevention control and counter measure (SPCC) plans have been developed for many facilities. In most cases, it will be acceptable to incorporate by reference the applicable portions or requirements of plans developed under other regulatory programs into the SWPPP.

The SWPPP developed and approved under the current permit may be continued under the proposed permit. The facilities with existing plans are responsible for updating their SWPPP accordingly within 180 days of the issuance of the proposed permit.

The SWPPP requirements reflect a combination of controls measures and BMPs outlined in the EPA Draft Multi-Sector General Permit (MSGP-2008) published in the Federal Register on September 29, 2008 pertinent to the industrial activities covered by the proposed permit. The required SWPPP items in the proposed permit shall be similar to those in the past versions of the permit. At a minimum, the SWPPP must include the following:

- Site Description: Include description of activities, general location maps, site specific maps detailing items such as outfalls and the presence of 303(d) waters.

- Stormwater Pollution Prevention Team: Identify who will be responsible for SWPPP compliance.
- Description of Potential Pollutant Sources: Include a narrative description of description of the potential pollution sources associated with industrial activity and material handling at the facility. Each description shall include an activity assessment, a pollutant list, and any non-stormwater discharges.
- Stormwater Controls: Describe the location and type of existing and planned controls for each industrial source or activity that could contribute pollutants to stormwater runoff. This section includes good housekeeping, dust control, preventative maintenance, spill prevention and response, employee training, erosion and sediment controls, stormwater management, TMDL discharges, and non-stormwater control practices.
- Maintenance: All stormwater pollution prevention control measures identified in the SWPPP shall be maintained in effective operating condition.
- Inspections: Site inspections shall be conducted to monitor the condition of stormwater discharge outlets and effectiveness of BMPs.
- Sampling: The SWPPP shall include procedures for conducting sampling required by this permit
- Plan Review and Revisions: The SWPPP must be signed according to permit requirement, amended when there is a change, and existing SWPPPs have 180 days to make changes to come into compliance with the proposed permit.
- Records Retention: A copy of the completed and signed NOI, notice of coverage letter from the department, SWPPP, inspection records, sample results, annual location reports, Discharge Monitoring Reports (DMRs), chain-of-custody (where applicable), and this general permit shall be kept at the facility.

Additional Terms and Conditions

The proposed permit includes additional terms and conditions regarding material management.

- Salt storage piles used for deicing or other industrial or commercial purposes shall be enclosed or covered.
- Petroleum products and other chemicals shall have adequate leak and spill protection to prevent any spilled materials from entering waters of the state.
- Dewatering or basin draining related to the permitted activity shall be managed with the appropriate BMPs, such that the discharge does not adversely affect the receiving water.
- Stormwater discharges from construction related activity inherent to the normal operation and expansion of covered facilities are covered by the proposed permit.

- You shall minimize the exposure of industrial activity to precipitation by locating these activities indoors or utilizing storm resistant coverings.
- Ensure that all wash water from operations such as vehicle or equipment washing, with the exception of allowable non-stormwater discharges, drains to a sanitary sewer, sump, or other proper collection system and not to a stormwater drainage system.
- All stormwater discharges shall comply with the requirements, policies or guidelines of municipalities and other local agencies

Authorization to Discharge

Coverage under the proposed permit does not convey approval to discharge to any ditch, storm sewer, private property, or other method of routing stormwater from the facility to the waters of the state. Facilities are responsible for applying and obtaining any additional authorizations necessary to initiate the discharge proposed in the facility's application. If the process of obtaining all the authorizations necessary to initiate the discharge results in changes to the facility's application, the facility must modify in writing the application for an NDPDES permit. The facility will not be authorized to discharge stormwater other than the type and at the location specified in the application.

PROPOSED PERMIT LIMITS

Effluent Limitations

The proposed permit does not take the place of any promulgated effluent limitation guidelines applicable to any discharge unless specified in the proposed permit. These discharges must be covered by a different NDPDES permit. The effluent limitations included in the proposed permit are identified below:

- 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 SWPPP 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.

Benchmark Concentrations

The proposed permit contains benchmark concentrations. Benchmark concentrations should not be interpreted as stormwater effluent limitations, individual wastewater effluent limitations, or as state water quality standards. Benchmark concentrations provide an appropriate level to determine whether a facility's stormwater pollution prevention measures are effective. A pollutant concentration that is above the benchmark value represents a potential water quality concern and the need to improve a facility's SWPP plan.

The proposed permit includes benchmarks for industrial categories that currently operate or could

potentially operate within the state of North Dakota. Benchmarks for industrial activities that do not exist or are not reasonably expected to begin operation with the state were not included in this renewal. If the expectations change over time a future permit renewal could include such benchmarks.

Stormwater Sampling

The permit identifies several industry types that must conduct stormwater sampling. The industries and sample parameters reflect the conditions of the EPA Multi-Sector General Permit (MSGP-2008). Additional parameters and benchmarks were added based on best professional judgment of the department. The specific monitoring conditions and parameter list for each facility group is outlined in Appendices 1 and 2 of the proposed permit. The sampling requirements by industry are provided below.

Wood and Paper Products

Applicability: General Sawmills and Planing Mills, SIC code 2421		
<u>Required Parameter</u>	<u>Benchmark Value</u>	<u>Discharge Limit</u>
• Oil and Grease	No visible sheen (15 mg/L)	
• pH	Between 6.0 and 9.0 S.U.	
• Total Suspended Solids	100 mg/L	
• Chemical Oxygen Demand	120 mg/L	
• Zinc, Total ¹		0.119 mg/L

Applicability: Wood Preserving, SIC code 2491		
<u>Required Parameter</u>	<u>Benchmark Value</u>	<u>Discharge Limit</u>
• Oil and Grease	No visible sheen (15 mg/L)	
• pH	Between 6.0 and 9.0 S.U.	
• Phenols, Total	0.3 mg/L	
• Arsenic, Total	0.15 mg/L	
• Copper, Total ¹	0.014 mg/L	

Applicability: Hardwood Dimension and Flooring Mills; Special Products Sawmills, not elsewhere classified; Millwork, Veneer, Plywood, and Structural Wood; Wood Pallets and Skids; Wood Containers, not elsewhere classified; Wood Buildings and Mobile Homes; Reconstituted Wood Products; and Wood Products Facilities not elsewhere classified, SIC codes 2426, 2431-2439 except 2434, 2451, 2452, 2493, 2499		
<u>Required Parameter</u>	<u>Benchmark Value</u>	<u>Discharge Limit</u>
• Oil and Grease	No visible sheen (15 mg/L)	
• pH	Between 6.0 and 9.0 S.U.	
• Total Suspended Solids	100 mg/L	
• Chemical Oxygen Demand	120 mg/L	

Applicability: Paperboard Mills, SIC code 2631		
<u>Required Parameter</u>	<u>Benchmark Value</u>	<u>Discharge Limit</u>
• Oil and Grease	No visible sheen (15 mg/L)	
• pH	Between 6.0 and 9.0 S.U.	
• Chemical Oxygen Demand	120 mg/L	

Chemical and Related Products

Applicability: Agricultural Chemicals, SIC codes 2873-2879		
Required Parameter	Benchmark Value	Discharge Limit
• Oil and Grease	No visible sheen (15 mg/L)	
• pH	Between 6.0 and 9.0 S.U.	
• Nitrate plus Nitrite Nitrogen	0.68 mg/L	
• Ammonia ² as N	8.41mg/L	
• Lead, Total ¹	0.081 mg/L	
• Iron, Total	1.0 mg/L	
• Zinc, Total ¹	0.119 mg/L	
• Phosphorus	2.0 mg/L	
Facilities also shall test stormwater for any parameter that may be limited on discharges subject to effluent guideline limitation.		

Applicability: Industrial Inorganic Chemicals, SIC codes 2812-2819		
Required Parameter	Benchmark Value	Discharge Limit
• Oil and Grease	No visible sheen (15 mg/L)	
• pH	Between 6.0 and 9.0 S.U.	
• Aluminum, Total	0.75 mg/L	
• Iron, Total	1.0 mg/L	
• Nitrate plus Nitrite Nitrogen	0.68 mg/L	
• Ammonia ² as N	8.41mg/L	

Applicability: Soaps, Detergents, Cosmetics, and Perfumes, SIC codes 2841-2844		
Required Parameter	Benchmark Value	Discharge Limit
• Oil and Grease	No visible sheen (15 mg/L)	
• pH	Between 6.0 and 9.0 S.U.	
• Nitrate plus Nitrite Nitrogen	0.68 mg/L	
• Ammonia ² as N	8.41mg/L	
• Zinc, Total ¹	0.119 mg/L	

Applicability: Plastics, Synthetics, and Resins, SIC codes 2821-2824		
Required Parameter	Benchmark Value	Discharge Limit
• Oil and Grease	No visible sheen (15 mg/L)	
• pH	Between 6.0 and 9.0 S.U.	
• Zinc, Total ¹	0.119 mg/L	

Asphalt Paving and Roofing Materials

Applicability: SIC code 2952		
Required Parameter	Benchmark Value	Discharge Limit
• Oil and Grease	No visible sheen (15 mg/L)	
• pH	Between 6.0 and 9.0 S.U.	
• Total Suspended Solids	100 mg/L	

Structural Clay Product Manufacturers

Applicability: SIC codes 3251-3259		
<u>Required Parameter</u>	<u>Benchmark Value</u>	<u>Discharge Limit</u>
• Oil and Grease	No visible sheen (15 mg/L)	
• pH	Between 6.0 and 9.0 S.U.	
• Aluminum, Total	0.75 mg/L	

Primary Metal Industries

Applicability: Steel Works, Blast Furnaces, and Rolling and Finishing Mills, SIC codes 3312-3317		
<u>Required Parameter</u>	<u>Benchmark Value</u>	<u>Discharge Limit</u>
• Oil and Grease	No visible sheen (15 mg/L)	
• pH	Between 6.0 and 9.0 S.U.	
• Aluminum, Total	0.75 mg/L	
• Zinc, Total ¹	0.119 mg/L	
Facilities also shall test stormwater for any parameter that may be limited on discharges subject to effluent guideline limitation.		

Applicability: Iron and Steel Foundries, SIC codes 3321-3325		
<u>Required Parameter</u>	<u>Benchmark Value</u>	<u>Discharge Limit</u>
• Oil and Grease	No visible sheen (15 mg/L)	
• pH	Between 6.0 and 9.0 S.U.	
• Aluminum, Total	0.75 mg/L	
• Total Suspended Solids	100 mg/L	
• Copper, Total ¹	0.014mg/L	
• Iron, Total	1.0 mg/L	
• Zinc, Total ¹	0.119 mg/L	

Applicability: Rolling, Drawing, and Extruding of Nonferrous Metals and Nonferrous Foundries, SIC codes 3351-3357, 3363-3369		
<u>Required Parameter</u>	<u>Benchmark Value</u>	<u>Discharge Limit</u>
• Oil and Grease	No visible sheen (15 mg/L)	
• pH	Between 6.0 and 9.0 S.U.	
• Copper, Total ¹	0.014 mg/L	
• Zinc, Total ¹	0.119 mg/L	

Miscellaneous Metal Ores

Applicability: SIC codes 1094		
<u>Required Parameter</u>	<u>Benchmark Value</u>	<u>Discharge Limit</u>
• Oil and Grease	No visible sheen (15 mg/L)	
• pH	Between 6.0 and 9.0 S.U.	
• Total Suspended Solids	100 mg/L	
• Chemical Oxygen Demand	120 mg/L	
• Turbidity	50 NTU	
• Antimony, Total	0.64 mg/L	
• Arsenic, Total	0.15 mg/L	
• Beryllium, Total	0.13 mg/L	

• Cadmium, Total ¹	0.002 mg/L
• Copper, Total ¹	0.014 mg/L
• Iron, Total	1.0 mg/L
• Lead, Total ¹	0.082 mg/L
• Mercury, Total	0.0014 mg/L
• Nickel, Total ¹	0.47 mg/L
• Selenium, Total	0.005 mg/L
• Silver, Total ¹	0.004 mg/L
• Zinc, Total ¹	0.12 mg/L
• Radium, Dissolved and Total	5 pCi/l
• Uranium	0.030 mg/L

Hazardous Waste Treatment, Storage and Disposal

Applicability: Industrial Activity Code "HZ"		
<u>Required Parameter</u>	<u>Benchmark Value</u>	<u>Discharge Limit</u>
• Oil and Grease	No visible sheen (15 mg/L)	
• pH	Between 6.0 and 9.0 S.U.	
• Chemical Oxygen Demand	120 mg/L	
• Ammonia ² as N	8.41 mg/L	
• Magnesium, Total	0.064 mg/L	
• Arsenic, Total	0.15 mg/L	
• Cadmium, Total ¹	0.002 mg/L	
• Cyanide, Total	0.022 mg/L	
• Lead, Total ¹	0.081 mg/L	
• Mercury, Total	0.0014 mg/L	
• Selenium, Total	0.005 mg/L	
• Silver, Total ¹	0.003 mg/L	
The proposed permit does not authorize the discharge of waters which have come into direct contact with landfill wastes, leachate, gas collection condensate, drained free liquids, contaminated ground water, facility wastewater, contact wash water from washing truck or equipment exteriors and surface areas which have come in direct contact with solid waste at the landfill facility.		

Landfills and Land Application

Applicability: All Landfill, Land Application Sites and Open Dumps (Industrial Activity Code "LF")		
<u>Required Parameter</u>	<u>Benchmark Value</u>	<u>Discharge Limit</u>
• Oil and Grease	No visible sheen (15 mg/L)	
• pH	Between 6.0 and 9.0 S.U.	
• Total Suspended Solids	100 mg/L	
• Iron, Total	1.0 mg/L	
• Chlorides	250 mg/L	
• Arsenic, Total	0.15 mg/L	
The proposed permit does not authorize the discharge of waters which have come into direct contact with landfill wastes, leachate, gas collection condensate, drained free liquids, contaminated ground water, facility wastewater, contact wash water from washing truck or equipment exteriors and surface areas which have come in direct contact with solid waste		

at the landfill facility.

Applicability: Municipal Solid Waste Landfill (MSWLF) Areas Closed in Accordance with 40 CFR 258.60

Required Parameter	Benchmark Value	Discharge Limit
• Oil and Grease	No visible sheen (15 mg/L)	
• pH	Between 6.0 and 9.0 S.U.	
• Total Suspended Solids	100 mg/L	

The proposed permit does not authorize the discharge of waters which have come into direct contact with landfill wastes, leachate, gas collection condensate, drained free liquids, contaminated ground water, facility wastewater, contact wash water from washing truck or equipment exteriors and surface areas which have come in direct contact with solid waste at the landfill facility.

Automobile Salvage Yards

Applicability: SIC code 5015

Required Parameter	Benchmark Value	Discharge Limit
• Oil and Grease	No visible sheen (15 mg/L)	
• pH	Between 6.0 and 9.0 S.U.	
• Total Suspended Solids	100 mg/L	
• Aluminum, Total	0.750 mg/L	
• Iron, Total	1.0 mg/L	
• Lead, Total ¹	0.081 mg/L	

The SWPPP shall include measures to prevent and respond to leaks and spills of fluids. The SWPPP also shall address specific processing and storage practices for materials and parts that present a potential environmental concern. A minimum list of materials and parts presenting environmental concern along with corresponding BMPs are outlined in the Division of Waste Management’s *Guideline 37 – Environmentally Friendly Auto and Metal Salvage Facilities*. The guideline, or similar salvage industry BMP guide, may be used as part of a facility’s SWPPP.

Scrap Recycling Facilities

Applicability: SIC code 5093

Required Parameter	Benchmark Value	Discharge Limit
• Oil and Grease	No visible sheen (15 mg/L)	
• pH	Between 6.0 and 9.0 S.U.	
• Chemical Oxygen Demand	120 mg/L	
• Total Suspended Solids	100 mg/L	
• Aluminum, Total	0.750 mg/L	
• Copper, Total ¹	0.014 mg/L	
• Iron, Total	1.0 mg/L	
• Lead, Total ¹	0.081 mg/L	
• Zinc, Total ¹	0.119 mg/L	

The SWPPP shall include measures to prevent and respond to leaks and spills of fluids. The SWPPP also shall address specific processing and storage practices for materials and parts that present a potential environmental concern. A minimum list of materials

and parts presenting environmental concern along with corresponding BMPs are outlined in the Division of Waste Management's *Guideline 37 – Environmentally Friendly Auto and Metal Salvage Facilities*. The guideline, or similar salvage industry BMP guide, may be used as part of a facility's SWPPP.

Steam Electric Generating Facilities

Applicability: Steam Electric Generating Facilities		
<u>Required Parameter</u>	<u>Benchmark Value</u>	<u>Discharge Limit</u>
• Oil and Grease	No visible sheen (15 mg/L)	
• pH	Between 6.0 and 9.0 S.U.	
• Iron, Total	1.0 mg/L	

Coal Pile Runoff

Applicability: Any facility with discharges from coal storage piles		
<u>Required Parameter</u>	<u>Benchmark Value</u>	<u>Discharge Limit</u>
• Oil and Grease	No visible sheen (15 mg/L)	
• pH		Between 6.0 and 9.0 S.U.
• Total Suspended Solids		50 mg/L
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.		

Air Transportation

Applicability: Regional and Primary Commercial Airports and Air Force Bases		
<u>Required Parameter</u>	<u>Benchmark Value</u>	<u>Discharge Limit</u>
• Oil and Grease	No visible sheen (15 mg/L)	
• pH	Between 6.0 and 9.0 S.U.	
• 5-Day Biochemical Oxygen Demand	30 mg/L	
• Chemical Oxygen Demand	120 mg/L	
• Ammonia ² as N	8.14 mg/L	
• Nitrate plus Nitrite Nitrogen	0.68 mg/L	
<p>PRIMARY COMMERCIAL SERVICE AIRPORTS AND U.S. AIR BASES with deicing operations shall conduct monthly sampling beginning with the first month of deicing activities through the final month of deicing activities. For purposes of any sampling waiver request, the data from the past four years of sampling will be considered.</p> <p>With their annual reports, all facilities shall include a summary which indicates the amounts and types of deicing materials used during the year.</p> <p>Where deicing operations occur, implement a program to manage contaminated runoff to minimize the amount of pollutants being discharged from the site. Include this program in your SWPPP. Consider these control measure options: a dedicated deicing facility with a runoff collection/recovery system; using vacuum/collection trucks; storing contaminated stormwater/deicing fluids in tanks and releasing controlled amounts to a publicly owned treatment works; collecting contaminated runoff in a wet pond for biochemical decomposition; and directing runoff into vegetative swales or other infiltration measures. Also consider recovering deicing materials when these materials are applied during non-</p>		

precipitation events (e.g., covering storm sewer inlets, using booms, installing absorbent interceptors in the drains, etc.) to prevent these materials from later becoming a source of stormwater contamination. Used deicing fluid should be recycled whenever possible.

An airport authority and tenants of the airport are encouraged to work in partnership in the development of a SWPPP. If an airport tenant obtains authorization under the proposed permit and develops a SWPPP for discharges from their areas of the airport, prior to authorization, that SWPPP shall be coordinated and integrated with the SWPPP for the entire airport. Tenants of the airport facility include air passenger or cargo companies, fixed based operators and other parties who have contracts with the airport authority to conduct business operations on airport property and whose operations result in stormwater discharges associated with industrial activity.

Food and Related Products

Applicability: Grain Mill Products, SIC codes 2041-2048		
Required Parameter	Benchmark Value	Discharge Limit
• Oil and Grease	No visible sheen (15 mg/L)	
• pH	Between 6.0 and 9.0 S.U.	
• Total Suspended Solids	100 mg/L	

Applicability: Meat Packing Plants; Poultry Slaughtering and Processing; and Fats and Oils Products, SIC codes 2011, 2015, and 2074-2079		
Required Parameter	Benchmark Value	Discharge Limit
• Oil and Grease	No visible sheen (15 mg/L)	
• pH	Between 6.0 and 9.0 S.U.	
• Total Suspended Solids	100 mg/L	
• Ammonia ² as N	8.41 mg/L	
• Nitrate plus Nitrite Nitrogen	0.68 mg/L	
• 5-Day Biochemical Oxygen Demand	30 mg/L	
• Chemical Oxygen Demand	120 mg/L	
• E. coli	126 organisms / 100 ml	
E. coli testing is not required at vegetable oil processing facilities.		

Fabricated Metal Products

Applicability: Fabricated Metal Products, SIC codes 3411-3499, 3911-3915; (except Coating SIC code 3479)		
Required Parameter	Benchmark Value	Discharge Limit
• Oil and Grease	No visible sheen (15 mg/L)	
• pH	Between 6.0 and 9.0 S.U.	
• Aluminum, Total	0.75 mg/L	
• Iron, Total	1.0 mg/L	
• Zinc, Total ¹	0.119 mg/L	
• Ammonia ² as N	8.41 mg/L	
• Nitrate plus Nitrite Nitrogen	0.68 mg/L	

Applicability: Fabricated Metal Coating and Engraving, SIC code 3479
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Required Parameter	Benchmark Value	Discharge Limit
• Oil and Grease	No visible sheen (15 mg/L)	
• pH	Between 6.0 and 9.0 S.U.	
• Zinc, Total ¹	0.1198 mg/L	
• Ammonia ² as N	8.41 mg/L	
• Nitrate plus Nitrite Nitrogen	0.68 mg/L	

Baseline Parameter

Applicability: facilities directed to sample by the department, but not listed in Items A-O above		
Required Parameter	Benchmark Value	Discharge Limit
• Oil and Grease	No visible sheen (15 mg/L)	
• pH	Between 6.0 and 9.0 S.U.	
• Total Suspended Solids	100 mg/L	
• Phosphorus, Total	2.0 mg/L	
• Ammonia ² as N	8.41 mg/L	
• Nitrate plus Nitrite Nitrogen	0.68 mg/L	
• 5-Day Biochemical Oxygen Demand	30 mg/L	
• Chemical Oxygen Demand	120 mg/L	

Notes:

¹ Hardness dependent; values given are based on a water hardness of 100 mg/L as CaCO₃.
² Ammonia is pH dependent; value given is based on a pH of 8.0 S.U. TKN values obtained under prior permits may be considered in place of ammonia for sample waivers under Item 9 of appendix 2 of the general permit.

There may be instances where the department may find it necessary to require sampling to evaluate the effectiveness of BMPs and other water quality concerns. As such, provisions for sampling stormwater discharges are included in the proposed permit. Conditions that may require sampling include but are not limited to the following:

- Facilities where additional analytical data is needed to estimate the potential impact of stormwater discharges on water quality. Examples of where additional data may be needed include: water quality improvement projects such as Section 319 Nonpoint Sources, Total Maximum Daily Load (TMDL) development, or lake restoration projects.
- Facilities where monitoring sample results indicate discharges are generally of a poor quality or have significantly higher pollutant concentrations relative to the results of similar industrial categories.
- Facilities where the SWPPP is delinquent, not properly implemented, or determined to be inaccurate.

The permit contains conditions for sampling waivers. The waiver (or reduction in sampling) may be pursued on both a parameter by parameter and outfall by outfall basis. The waiver request must be submitted to the department for approval. The approval of any waiver will be based on the following conditions:

- At least four (4) samples must have been collected and analyzed from a discharge point where sampling is required for the parameter(s) being considered. The samples may have been obtained over the course of one year or several years. The results from the four (4) most recent samples must have an average concentration below the benchmark value listed in Appendix 2. A summary of all available monitoring data must be included in the request.
- The industrial activities at the site (such as materials handling and storage, chemical use, waste disposal practices, erosion controls, and other types of industrial activities) have not changed in any way that could have an adverse impact stormwater quality since the samples were taken.
- The waiver is not applicable for parameters which are required due to effluent limitations in the permit.

Annual and Discharge Monitoring Report Requirements

Other than those required to sample, most facilities covered by the proposed permit are not required to submit annual location record reports to the department on a routine basis. The department may require reports on a case-by-case basis to gauge permit adequacy such as inspection results summaries, SWPP plans or portions thereof. In addition, local authorities may require routine reporting to evaluate discharges to their storm sewer system.

Thermal desorption units are the only industrial activity that is required to submit annual location report. The report shall cover the calendar year from January 1 to December 31 and be submitted to the department by January 31 of the following year.

Facilities that are required to conduct sampling under the proposed permit must submit an annual discharge monitoring report. The report shall summarize monitoring results obtained during the report period. If no discharge occurs during a reporting period, "no discharge" shall be reported. Monitoring reports of a sampling period shall be required from all facilities that are covered by the proposed permit for any portion of that reporting period. The monitoring (or reporting period) and report due dates are as follows:

- For the Primary Commercial Service Airports and U.S. Air Bases the annual report shall cover the period from June 1 to May 31 and be submitted by June 30.
- For all other facilities, the annual report shall cover a period from January 1 to December 31 and be submitted to the department by January 31 the following year.

Self-Monitoring Requirements

All facilities covered by the proposed permit are required to conduct comprehensive site inspections according to the schedule below:

- All facilities shall be inspected at least once (1) during a three (3) month period. The three month periods shall consist of the first quarter of the year (January – March), the second quarter of the year (April – June), the third quarter of the year (July – September) and the

fourth quarter of the year (October – December).

- Increased frequency may be appropriate for some types of equipment, processes and stormwater control measures, or areas of the facility with significant activities and materials exposed to stormwater.
- At least half of the routine inspections required in the proposed permit must be conducted within 48 hours, or as soon as conditions allow, following precipitation event resulting in a stormwater discharge. At least one inspection must be conducted during a three month period when no such events occur.

The areas below will be inspected for evidence of, or the potential for, pollutants entering the drainage system:

- Areas where industrial materials or activities are exposed to stormwater;
- Areas identified in the SWPPP that are potential pollutant sources;
- Areas where spills and leaks have occurred in the past three years;
- Discharge points;
- Control measures used to comply with the proposed permit; and
- Disturbed areas of the site that are vulnerable to erosion.

During an inspection a permittee must look for the following:

- Industrial materials, residue or trash that may have or could come into contact with stormwater;
- Leaks or spills;
- Offsite tracking of industrial or waste materials;
- Offsite tracking of sediment; and
- Control measures needing replacement, maintenance or repair.

The permittees must ensure that personnel conducting inspections are familiar with permit conditions, the SWPP plan, and the proper installation and operation of control measures.

Inspection records will summarize the scope of the inspection, major observations related to the SWPPP and any corrective actions. At a minimum inspection records will include:

- The date and time of inspections;
- Name of person(s) conducting the inspection;
- Signs of pollution or the potential for pollution from industrial activities;
- Inspection findings including major observations relating to the SWPP plan, condition of stormwater controls, deficiencies noted and recommendations for corrective actions;
- Corrective actions taken including dates, times, and party completing maintenance activities); and
- Documentation that the SWPPP has been amended when substantial changes are made to stormwater controls or other BMPs in response to inspections.

Inspectors must consider the results of previous visual and analytical monitoring when planning and conducting inspections.

SURFACE WATER QUALITY-BASED EFFLUENT LIMITS

The North Dakota State Water Quality Standards (NDAC Chapter 33-16-02.1) are designed to protect existing water quality and preserve the beneficial uses of North Dakota's surface waters. Wastewater discharge permits must include conditions that ensure the discharge will meet the surface water quality standards. Water quality-based effluent limits may be based on an individual waste load allocation or on a waste load allocation developed during a basin wide total maximum daily load (TMDL) study. TMDLs result from a scientific study of the water body and are developed in order to reduce pollution from all sources.

Numerical Criteria for the Protection of Aquatic Life and Recreation

Numerical water quality criteria are listed in the water quality standards for surface waters (NDAC Chapter 33-16-02.1). They specify the maximum levels of pollutants allowed in receiving water to protect aquatic life and recreation in and on the water. The department uses numerical criteria along with chemical and physical data for the wastewater and receiving water to derive the effluent limits in the discharge permit. When surface water quality-based limits are more stringent or potentially more stringent than technology-based limits, the discharge must meet the water quality-based limits.

Numerical Criteria for the Protection of Human Health

The U.S. EPA has published numeric water quality criteria for the protection of human health that are applicable to dischargers. These criteria are designed to protect humans from exposure to pollutants linked to cancer and other diseases, based on consuming fish and shellfish and drinking contaminated surface waters. The Water Quality Standards also include radionuclide criteria to protect humans from the effects of radioactive substances.

Narrative Criteria

Narrative water quality criteria (NDAC Chapter 33-16-02.1-08) limit concentrations of pollutants from exceeding applicable standards of the receiving waters. The department adopted a narrative biological goal solely to provide an additional assessment method that can be used to identify impaired surface waters.

Antidegradation

The purpose of North Dakota's Antidegradation Policy (NDAC Chapter 33-16-02(Appendix IV)) is to:

- Provide all waters of the state one of three levels of antidegradation protection.
- Determine whether authorizing the proposed regulated activity is consistent with antidegradation requirements.

The department's fact sheet demonstrates that the existing and designated uses of the receiving water will be protected under the conditions of the proposed permit.

Mixing Zones

The department's WQS contain a Mixing Zone and Dilution Policy and Implementation Procedure, NDAC Chapter 33-16-02.1 (Appendix III). This policy addresses how mixing and dilution of point source discharges with receiving waters will be addressed in developing chemical-specific and whole effluent toxicity discharge limitations for point source discharges. Depending upon site-specific mixing patterns and environmental concerns, some pollutants/criteria may be allowed a mixing zone or dilution while others may not. In all cases, mixing zone and dilution allowances shall be limited, as necessary, to protect the integrity of the receiving water's ecosystem and designated uses.

EVALUATION OF SURFACE WATER QUALITY-BASED EFFLUENT LIMITS FOR NUMERIC CRITERIA

The effluent limitation and benchmark concentrations in the permit reflect the conditions of the EPA Multi-Sector General Permit (MSGP-2008). Water quality based limits may be imposed on discharges covered by the proposed permit through the implementation of a TMDL allocation. In addition, a facility covered by the proposed permit may be required to obtain an individual permit based on site specific water quality based limitations.

MONITORING REQUIREMENTS

The department requires monitoring, recording, and reporting (NDAC Chapter 33-16-01-(21 through 23) and 40 CFR 122.41) to verify that the treatment process is functioning correctly and that the discharge complies with the permit's limits.

Test Procedures

The collection and transportation of all samples shall conform to EPA preservation techniques and holding times found in 40 CFR 136. All laboratory tests shall be performed by a North Dakota certified laboratory in conformance with test procedures pursuant to 40 CFR 136, unless other test procedures have been specified or approved by EPA as an alternate test procedure under 40 CFR 136.5. The method of determining the total amount of water discharged shall provide results within 10 percent of the actual amount.

PERMIT ISSUANCE PROCEDURES

Permit Actions

The proposed permit may be modified, revoked and reissued, or terminated for cause. This includes the establishment of limitations or prohibitions based on changes to WQS, the development and approval of waste load allocation plans, the development or revision to water quality management plans, changes in sewage sludge practices, 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. NDDH also may modify the proposed permit to comply with new or amended state or federal regulations.

Proposed Permit Issuance

This proposed permit meets all statutory requirements for the department to authorize a wastewater discharge. The permit includes limits and conditions to protect human health and aquatic life, and the beneficial uses of waters of the State of North Dakota. The department proposes to issue the proposed permit for a term of five (5) years.

Any request to retain coverage under a renewal of the proposed permit shall be made in writing to the department at least 15 days prior to the expiration date of the proposed permit. Typically the department provides permit holders with renewal or renotification instructions when a new permit has been drafted. Upon request by the department, a new Notice of Intent shall be submitted.

APPENDIX A – PUBLIC INVOLVEMENT INFORMATION

The department proposes to reissue a general permit for stormwater discharges associated with industrial activity. The permit includes the use of best management practices, the development of a stormwater pollution prevention plan, monitoring requirements and other conditions. This fact sheet describes the type of facilities covered under the permit and the department's reasons for requiring permit conditions.

The department will place a 30-day Public Notice on **February 9, 2015** in the **Bismarck Tribune**, the official newspaper of the capital city, and in **Regional Papers** throughout the state to inform the public and to invite comment on the proposed draft North Dakota Pollutant Discharge Elimination System permit and fact sheet. The notice will also be mailed to the department's Public Notice mailing list.

The Notice –

- Indicates where copies of the draft Permit and Fact Sheet are available for public evaluation.
- Offers to provide assistance to accommodate special needs.
- Urges individuals to submit their comments before the end of the comment period.
- Informs the public that if there is significant interest, a public hearing will be scheduled.

You may obtain further information from the department by telephone, 701.328.5210 or by writing to the address listed below.

North Dakota Department of Health
Division of Water Quality
918 East Divide Avenue, 4th Floor
Bismarck, ND 58501

The authors of the general permit and fact sheet are Luci Snowden and Dallas Grossman.

APPENDIX B – GLOSSARY

“**303d List**” or “**Section 303d List**” means a list of North Dakota’s water quality-limited waters needing total maximum daily loads or TMDLs developed to comply with section 303d of the Clean Water Act. A copy of the list is available on the state’s web site at:
www.ndhealth.gov/wg/sw/A_Publications.htm

“**Act**” means the Clean Water Act.

“**Best management practices**” (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage areas.

“**Bypass**” means the intentional diversion of waste streams from any portion of a treatment facility.

“**Composite**” sample means a combination of at least 4 discrete sample aliquots, collected over periodic intervals from the same location, during the operating hours of a facility not to exceed a 24 hour period. The sample aliquots shall be collected and stored in accordance with procedures prescribed in the most recent edition of Standard Methods for the Examination of Water and Wastewater.

“**Daily discharge**” means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the “daily discharge” is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the “daily discharge” is calculated as the average measurement of the pollutant over the day.

“**Department**” means the North Dakota Department of Health, Division of Water Quality.

“**DMR**” means discharge monitoring report.

“**EPA**” means the United States Environmental Protection Agency.

“**Grab**” for monitoring requirements, means a single "dip and take" sample collected at a representative point in the discharge stream.

“**Instantaneous**” for monitoring requirements, means a single reading, observation, or measurement. If more than one sample is taken during any calendar day, each result obtained shall be considered.

“**Maximum daily discharge limitation**” means the highest allowable “daily discharge.”

“**NDPDES**” means North Dakota Pollutant Discharge Elimination System.

“**No Exposure**” means that all industrial materials or activities are protected by a storm resistant

shelter to prevent exposure to rain, snow, snowmelt and/or runoff.

"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 the proposed permit include, but are not limited to: fire-fighting, fire hydrant flushing, potable water line flushing, building and equipment wash down without detergents or hazardous cleaning products, uncontaminated foundation drains, springs, lawn watering, chemical treatment of stormwater and air conditioning condensate.

"Operator" means the owner, party, person, general contractor, corporation, or other entity that has operational control over a facility. The operator is responsible for ensuring compliance with all conditions of the permit and with development and implementation of the "stormwater pollution prevention plan".

"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.

"Primary Commercial Service Airports" means the four major airports with commercial service and two military airfields in North Dakota. The Bismarck Airport, the Fargo Airport, the Grand Forks Airport, the Minot Airport, the Grand Forks Air Base and the Minot Air Base are included in this definition.

"Regional Commercial Service Airports" are the airports located in the cities of Devils Lake, Dickinson, Jamestown, and Williston.

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

"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; raw materials used in food processing or production; 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).

"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).

Industrial facilities (including industrial facilities that are federally or municipally owned or operated that meet the description of the facilities listed in paragraph (i)-(xi)) include those facilities designated under 122.26(a)(1)(v). The following categories of facilities are considered to be engaging in "industrial activity" for the purposes of this subsection:

1. Facilities subject to storm water effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards under 40 CFR subchapter N (except facilities with toxic pollutant effluent standards which are exempted under category 11 of this section);
2. Facilities classified as Standard Industrial Classifications 24 (except 2434), 26 (except 265 and 267), 28 (except 283), 29, 31, 32 (except 323), 33, 344, 373;
3. Facilities classified as Standard Industrial Classifications 10 through 14 (mineral industry) including active or inactive mining operations (except for areas of coal mining operations no longer meeting the definition of a reclamation area under 40 CFR 434.11(1) because the performance bond issued to the facility by the appropriate SMCRA authority has been released, or except for areas of non-coal mining operations which have been released from applicable State or Federal reclamation requirements after December 17, 1990) and oil and gas exploration, production, processing, or treatment operations, or transmission facilities that discharge storm water contaminated by contact with or that has come into contact with, any overburden, raw material, intermediate products, finished products, byproducts or waste products located on the site of such operations; (inactive mining operations are mining sites that are not being actively mined, but which have an identifiable owner/operator; inactive mining sites do not include sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined materials, nor sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim);
4. Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under subtitle C of RCRA;
5. Landfills, land application sites, and open dumps that receive or have received any industrial wastes (waste that is received from any of the facilities described under this subsection) including those that are subject to regulation under subtitle D of RCRA;
6. Facilities involved in the recycling of materials, including metal scrap yards, battery reclaimers, salvage yards, and automobile junkyards, including but limited to those classified as Standard Industrial Classification 5015 and 5093;
7. Steam electric power generating facilities, including coal handling sites;
8. Transportation facilities classified as Standard Industrial Classifications 40, 41, 42 (except 4221-25), 43, 44, 45, and 5171 which have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, airport deicing operations, or which are otherwise identified under paragraphs 1-7 or 9-11 of this section are associated with industrial activity;
9. Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility, with a design flow of 1.0 mgd or more, or required to have an approved pretreatment program under 40 CFR part 403. Not included are farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with section 405 of the CWA;
10. Construction activity including clearing, grading and excavation, except operations that result in the disturbance of less than five acres of total land area. Construction activity also includes the disturbance of less than five 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 acres or more;
11. Facilities under Standard Industrial Classifications 20, 21, 22, 23, 2434, 25, 265, 267, 27, 283, 285, 30, 31 (except 311), 323, 34 (except 3441), 35, 36, 37 (except 373), 38, 39, and 4221-25;

“Total drain” means the total volume of effluent discharged.

“Upset” means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

“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 C – RESPONSE TO COMMENTS



12300 Elm Creek Blvd • Maple Grove, Minnesota 55369-4718 • 763-445-5000 • Fax 763-445-5050 • www.GreatRiverEnergy.com

March 11, 2015

VIA EMAIL

North Dakota Department of Health
Division of Water Quality
918 East Divide Avenue, 4th Floor
Bismarck, ND 58501-1947
stormwater@nd.gov

Re: Great River Energy Comments on the Draft Industrial Stormwater Permit

Dear Permit Writer:

Great River Energy is providing comments on selected aspects of the Draft Industrial Stormwater Permit¹.

Permit Section II.C.1.c.9) requires that the site map in the facility's Stormwater Pollution Prevention Plan (SWPPP) identify "Any locations where reportable quantity spills or leaks have occurred." This requirement could be interpreted to require identifying the location of any reportable spills that have occurred over the history of the facility. We believe it would be more appropriate to limit the timeframe to the preceding three years. This would be consistent with the reporting of spills required in Section II.3.b. In addition, it would reflect the areas with potential to have spills based on current operations. Including spills on the site map that have occurred over the history of the plant would require significant effort and result in a site map that is not representative of current operations or the associated potential for spills.

Permit Section III.A.1.a requires conducting inspections on a quarterly basis. Currently inspections are required twice a year. Increasing the frequency of inspections,

¹ DRAFT NDR05-0000 with an effective date of April 1, 2015. Available at:
<http://www.ndhealth.gov/wq/storm/Industrial/NDR05per20150401D.pdf>

North Dakota Department of Health
March 11, 2015
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particularly during the time of year when there is snow cover or frozen conditions, is not justified in the fact sheet for the draft permit² and we believe it is unnecessary. Great River Energy requests that the frequency in the upcoming permit stay at twice per year. If more frequent inspections are required, we request that the permittee be provided the option of waiving them during periods when the ground is snow covered and/or there is no runoff due to freezing conditions.

Section III.B.1.k of the permit indicates that storm water sampling is required for steam electric power plants. The permit fact sheet does not provide a basis for this added requirement. Given the substantial challenges associated with storm water sampling, Great River Energy believes that this requirement should only be included with clear justification. Furthermore, at Great River Energy's facilities, and likely other properly maintained facilities, storm water runoff that has come into contact industrial materials is retained on site and not discharged. Therefore, Great River Energy requests that the sampling requirements for steam electric generating facilities be removed from the permit.

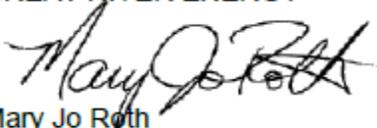
Great River Energy's Coal Creek Station is a zero discharge facility and contains all contact storm water and coal pile runoff in on site ponds. The final permit should provide a clear alternative so that sampling at a facility such as this is not necessary.

Great River Energy appreciates the opportunity to provide comments on this draft permit. We are committed to minimizing the impact of our storm water in a cost-effective and efficient manner.

If you have any questions or require additional information please contact Jennifer Charles at (701) 442-7081 or jcharles@greenergy.com.

Sincerely,

GREAT RIVER ENERGY



Mary Jo Roth
Manager, Environmental Services

c: Jennifer Charles
Diane Stockdill

² Fact Sheet for NDPDES permit NDR05-0000. General Permit for Stormwater Discharges from Industrial Activities. January 2015. Available at: <http://www.ndhealth.gov/wq/storm/Industrial/NDR05sob20150401D.pdf>

Department response to Great River Energy:

Item 1, Permit section II.C.1.c.9

The department concurs with Great River Energy's comment. Part II(C)(1)(c)(9) of the permit was changed to read:

"Any locations where reportable quantity spills or leaks have occurred within the three years preceding the most recent SWPPP revision."

Item 2, Permit section III.A.1.a

The requirement for quarterly inspection reflects the EPA's 2008 Multi-Sector General Permit, (page 20, part 4.1.1). Quarterly inspections reflect changes to industrial activities at a facility throughout the year. Quarterly inspections may identify potential pollution issues during fall and winter and allow for time to address them prior to any discharge of stormwater due to snowmelt.

Item 3, Permit section III.B.1.k

The annual stormwater sampling for steam electric generating facilities was added to the permit to reflect the EPA's 2008 Multi-Sector General Permit (page 105, part 8.O.7) for sector specific benchmarks. As provided in the fact sheet benchmark concentrations provide an appropriate level to determine whether a facility's stormwater pollution prevention measures are effective. A pollutant concentration that is above the benchmark value represents a potential water quality concern and the need to improve a facility's SWPP plan. Please note that benchmark sampling is only required when there is a stormwater discharge from the facility.

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March 11, 2015

North Dakota Department of Health
Attn: Dallas Grossman
Division of Water Quality
918 East Divide Avenue, 4th Floor
Bismarck, ND 58501-1947



Submitted via e-mail

Dear Mr. Grossman:

Subject: Otter Tail Power Company Comments on Draft Re-issued General Permit for Industrial Stormwater Discharges NDR05-0000

Following are Otter Tail Power Company's (OTP) comments on the North Dakota Department of Health's Draft Re-Issued General Permit for stormwater discharges associated with industrial activity, NDR05-0000. OTP's Central Stores facility in Wahpeton, ND currently has coverage under General Permit number NDR05-0660, and will thus be covered under the re-issued permit.

The Central Stores facility warehouses electrical transmission and distribution products both indoors and outdoors. There is also a repair facility for electrical equipment at this location.

Comment 1: "Pollutant List" needs clarification.

Page 10 Section II.C.3.b. of the draft general permit states that the Storm Water Pollution Prevention Plan (SWPPP) "shall include a list of potential pollutants associated with industrial activity" that could be exposed to stormwater. The wording in this section is not clear if the list should consist of potential *chemical* pollutants (ex. TSS, oil and grease, etc.) or consist of an inventory of the significant *materials* onsite. OTP recommends that the wording should be modified to make clear that this SWPPP requirement is for a significant materials list only. Listing all potential chemical pollutants would be overly burdensome for permittees, especially in facilities that are not required to take discharge samples.

Comment 2: Requirement to store all materials in labeled containers is not possible.

Page 10 Section II.C.4.a. of the draft general permit states that "all materials shall be stored in appropriately labeled containers." At Central Stores, it is not possible to store certain significant materials in labeled containers. For instance, finished materials such as electrical

Otter Tail Power Company
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equipment (transformers, voltage regulators, poles etc.) in storage yards are too large to be stored in containers. OTP recommends that the language “where feasible” should be added to this requirement for clarity.

Comment 3: Dumpster lid requirements need clarification.

Page 10 Section II.C.4.b. of the draft general permit states that containment bins and dumpsters that are a “potential source of stormwater pollution” must have lids or be covered when not in use. OTP recommends modification in the wording to make clear that not all dumpsters require lids. For example, Central Stores has several scrap wood and metal recycling containment bins which are not covered and which have never been required to have lids. OTP recommends that the department clarify the wording to say “only dumpsters with material that is susceptible to being removed by wind or rain” need lids.

Comment 4: Requirement to locate all industrial activities indoors or utilize storm resistant coverings is not feasible.

Page 13 Section II.D.5 of the draft general permit states that “You shall minimize the exposure of... operations to precipitation by locating these activities indoors or utilizing storm resistant coverings.” This is not feasible at Central Stores, since the facility is used for activities including the storage of electrical equipment which takes up several acres of space. Additionally, the significant materials stored outdoors are intended for outdoor use, so moving these materials indoors would not make sense or produce any kind of a benefit. OTP recommends that the language “to the greatest extent feasible” should be added to this requirement for clarity.

Comment 5: Requirements for inspections are inconsistent between the draft permit and the fact sheet, and need clarification.

Page 14 Section III.A.1.d. states that at least one of the routine quarterly inspections shall be conducted within 48 hours of a precipitation event resulting in stormwater discharge, while page 19 of the Fact Sheet states that “at least half” of the quarterly inspections must be conducted within 48 hours of such an event. OTP recommends that the fact sheet be revised to match the permit.

Additionally, the wording for the requirement to conduct at least one inspection during a “three month period when no such event occurs” is unclear. OTP recommends that the

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language should be removed or revised to say that inspections shall occur quarterly regardless of whether there was a precipitation event which resulted in discharge.

Otter Tail appreciates your attention to these comments. If you have any questions, please do not hesitate to contact me at 218.739.8406 or at mllisburg@otpc.com

Sincerely,



Megan Lisburg
Environmental Compliance Specialist
Environmental Services

Department response to Otter Tail Power Company Comments

Item 1 Pollutant List Section II(C)(3)(b)

The department changed the first sentence of section II(C)(3)(b) to read:

“The SWPPP shall include a list of significant materials, associated with industrial activity, that could be exposed to precipitation and discharged from the facility as potential pollutants. Examples include but are not limited to crankcase oil, zinc, sulfuric acid, and cleaning solvents.”

Item 2 Labeled Containers Section II(C)(4)(a)

The department concurs with Otter Tail Power Company’s suggestion. The second to last sentence of section II(C)(4)(a) was changed to read:

“All materials shall be stored in appropriately labeled containers when feasible [emphasis added].”

Item 3 Dumpster lid Section II(C)(4)(b)

The department concurs with Otter Tail Power Company’s suggestion. The last sentence of section II(C)(4)(b) was changed to read:

“Bins, dumpsters, and roll-off boxes that contain materials that are a potential source of stormwater pollution and are susceptible to being removed by wind or rain must have lids or be covered when not in use.”

Item 4 Storm resistant coverings Section II(D)(5)

The department concurs with Otter Tail Power Company's suggestion. The last sentence of section II(D)(5) was changed to read:

"You shall minimize the exposure of loading and unloading, storage, disposal, cleaning, maintenance, and fueling operations to precipitation by locating these activities indoors or utilizing storm resistant coverings, where practicable [emphasis added]."

Item 5 Inspection requirements Section III(A)(1)(d) and fact sheet page 19

The department concurs with Otter Tail Power Company's suggestion. The last sentence of section III(A)(1)(d) in the permit was deleted to clarify the inspection requirement. Section III(A)(1)(d) now reads:

" At least one of the routine inspections required in Part III(A)(1) shall be conducted within 48 hours of a precipitation event resulting in a stormwater discharge."



Your Touchstone Energy® Partner 

P.O. Box 13200 • Grand Forks, ND 58208-3200
1822 Mill Road • Grand Forks, ND 58203
March 10, 2015

Phone (701) 795-4000
www.minnkota.com

Submitted Electronically

North Dakota Department of Health
Div. of Water Quality Permits Program
918 E. Divide Ave.
Bismarck, ND 58501-1947

**Re: Comments for Draft NDPDES Industrial Stormwater General Permit NDR05-0000
Public Notice ND-2015-006**

Dear Ms. Snowden:

Minnkota Power Cooperative, Inc. (Minnkota) is submitting comments associated with the draft NDPDES Industrial Stormwater General Permit (ISGP) as outlined in the Public Notice indicated above.

Minnkota is a generation and transmission (G&T) cooperative with headquarters located in Grand Forks and generation facilities located at the Milton R. Young Station located 35 miles northwest of Bismarck, North Dakota. Minnkota is owned by 11 member-owned distribution cooperatives, serving a 34,500 square mile area in eastern North Dakota and northwestern Minnesota. Minnkota also serves as the operating agent for the Northern Municipal Power Agency (NMPA) which serves 12 municipal utilities in the same geographic region. In total, the Minnkota/NMPA Joint System provides electricity to nearly 280,000 customers.

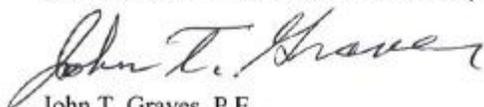
Minnkota understands that the ND Department of Health (NDDH) must update their ISGP to include provisions associated with the EPA's Multi-Sector General Permit (MSGP-2008). Upon our review of the draft ISGP, Minnkota has the following comment:

- For facilities that are not required to perform storm water sampling, the inspections continue to be on a semi-annual basis.
-

If you require any additional information, please contact me at 701-795-4221 or at jgraves@minnkota.com.

Sincerely,

MINNKOTA POWER COOPERATIVE, INC.



John T. Graves, P.E.
Environmental Manager

Department response to Minnkota Power Cooperative Inc.'s comments
Item 1 Inspection frequency.

See response to item 2 under Great River Energy's comments on page 29 of this fact sheet.

From: KLUCK, DANNY F CIV USAF AFGSC 5 CES/CEIEC [<mailto:danny.kluck.1@us.af.mil>]
Sent: Friday, March 13, 2015 8:57 AM
To: Grossman, Dallas J.
Cc: GETTY, MICHAEL G GS-12 USAF AFGSC 5 CES/CEIE
Subject: NDR05-0000 New Permit Ammonia Levels

Mr. Grossman.

In the draft copy of NDR05-0000, in Appendix 1, section M. Air Transportation, the ammonia level is listed as 8.14 mg/l. In the existing permit that is about to expire the ammonia level is 8.41 mg/l. All other parameters are the same between the permits and I saw no mention of the ammonia level being changed to 8.14 mg/l in the Fact Sheet. I understand that ammonia is pH dependent and the value given in the parameters table is based on a pH of 8.0 s.u., so I would think that this is a typo error and the ammonia level in the parameter table should still be 8.41 mg/l. I have attached pages from both permits in question.

Danny Kluck
5 CES/CEIEC
Minot AFB, ND
701-723-4825

Department response to Danny Kluck:

The department reviewed the ammonia level in the permit and in the expiring permit. The department determined this was a transcription error. The ammonia benchmark level in Appendix 1 Part M air transportation category was changed to 8.41mg/L.

From: Paul Azure [<mailto:paul.azure58@gmail.com>]
Sent: Monday, February 23, 2015 12:09 PM
To: Schuett, Patrick J.
Subject: Storm water permit public comment

This revision should include the railroad refueling yards, the overflow from these yards that don't have fuel catch basins is huge. Also I believe that more work needs to be done in the area of contamination spills, such as increased liability and insurance requirements. Paul Azure 499 14 th st n apt 101 wahpeton and 58075 701-403-4898

Department response to Paul Azure:

Railroad facilities are categorized under SIC code major group 40 which is covered by this permit only for areas of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling [emphasis added], and lubrication), or equipment cleaning operations. The department is not authorized to include liability and insurance

requirements for contaminated spills under this permit.

From: Heefner, Wes (WFP Tomball) [mailto:wes.heefner@westwayfeed.com]
Sent: Tuesday, February 17, 2015 2:26 PM
To: DOH, Stormwater
Subject: NDPDES Draft General Permit - NDR05-0000

Dear Dallas and Luci,

In response to the solicitation for comments regarding the recently published NDPDES Draft General Permit for Stormwater Discharges from Industrial Activities, Westway Feed Products LLC would like to request for consideration that the Industry Specific Sampling sectors in Appendix 1 be "re-labeled" to align with the USEPA established main sectors (see attached). Unless NDDH feels it is warranted, Westway Feed Products LLC is not requesting the sectors be subdivided beyond the main categories of A through AD.

Thank you for your consideration.

Sincerely,

Wes Heefner

HSE Regional Manager

14015 Park Drive, Suite 217

Tomball, TX 77377

wes.heefner@westwayfeed.com

Office: 281-290-3012

Mobile: 832-746-3119

Fax: 281-351-4975

Department response to Wes Heefner:

The department did not change the labeling of the industry specific sampling sectors in Appendix 1 of the permit. This was done to maintain consistent labeling and to resemble the labeling convention used in the mining, extraction, and paving material preparation permit NDR32-0000.



North Dakota Department of Transportation

Grant Levi, P.E.
Director

Jack Dalrymple
Governor

March 9, 2015

Mr. Marty Haroldson, NDPDES Program Manager
North Dakota Department of Health
Division of Water Quality
918 East Divide Avenue
Bismarck, ND 58501-1947

NDR05-0000 INDUSTRIAL PERMIT 2015 RENEWAL COMMENTS

The North Dakota Department of Transportation (NDDOT) offers the attached comments on the draft 2015 North Dakota Department of Health (NDDoH) Industrial Permit. The NDDOT appreciates the opportunity to review and comment on the permit and its provisions. We look forward to the Health Department's responses to the attached comments.

If you have any questions, please call Matt Sperry at 701-328-3486.

A handwritten signature in black ink, appearing to read "Wayde Swenson".

WAYDE L. SWENSON, P.E., OFFICE OF OPERATIONS DIRECTOR

80/mjs/slh

NDDOT Comments on 2015 Draft NDDoH Industrial Permit

Draft Permit General Comments:

- Please include the new NDDoH email address.

Section I. A. 2. – page 6

- The items covered within the CFR should be included in this section or if defined within the permit, a reference to this location. If items 2.a, 2.b, and 2.c listed are not applicable move to Section B, Discharges Not Covered.

Section 1.A.2.a. – page 6

- Please consider switching SIC Codes to NAICS codes. SIC codes are no longer updated.

Section I.B.3 – page 6

- Which TMDL impairment is being referenced?

Section I.C.2. – page 7

- A receipt notification should be sent to the permittee verifying the beginning of this 7 day time period.

Section I.E.1 – page 8

- Include language allowing an applicant submit a no exposure certification in lieu of a permit?

Section II.C – page 9

- The first sentence states that prior to submitting an NOI a SWPPP shall be implemented. Modify this to state that a SWPPP shall be developed. The permit requires the implementation.

Section II.C.1.c.7 – page 9

- Remove "or planned". This is too ambiguous and leaves a large gray area for potential violations. All it would take is someone to say they were planning on doing something in an inspection and the inspector could cite them for not including the planned measure in the SWPPP.

Section II.C.1.c.8 – page 9

- Please define “significant facility structures”.

Section II.C.1.c.9 – page 9

- Please define “reportable quantity spill or leak”.

Section II.C.1.d – page 9

- The information contained in the Integrated Report is very complicated and difficult for anyone not familiar with 303(d) lists and TMDLs to ascertain what information is relevant. The NDDoH needs to provide a simpler method for permittee’s to search for the receiving stream for their site that will provide the information needed by the permit. With the GIS programs available to the NDDoH, an interactive map system should be created that will facilitate this activity. Permittee’s should not be expected to sort through a 276 page report to locate the information that the NDDoH requires. Training should also be provided by the NDDoH as to how to comply with the requirements of TMDLs.

Section II.C.2 – page 9

- Detail the minimum requirements for this "Team". How many individuals are necessary? Is one person enough? Does everyone working on site have to be part of the "Team"? When asking about team members responsibilities, does this pertain only to the SWPPP or are you asking for all duties of the individual?

Section II. C. 3. – page 9

- Please define "potential pollution sources" or state as defined within this permit. As written noise, light, air, etc., may be included.

Section II. C. 3.a – page 9-10

- Please bullet this section.

Section II.C.4 – page 10

- Please see comment in Section II.C.1.c.7

Section II. C.4.b – page 10

- Please define what methods to reduce the generation of dust are acceptable and include with the permit.

Section II. C.4.c – page 10

- What are the inspection requirements of the control measures and equipment? Please include in this section or provide a reference where the information is contained within the permit.

Section II. C.4.d – page 10

- Please revise the second to last sentence. As written, the sentence is asking for two things. It says three years prior to last revision and the life of the permit. Please clarify?
- Please provide greater detail. Please define what should be contained in a spill kit and answer/define a “ready state”?

Section II.C.4.e.2 – page 11

- The last four bullets of this list should be contained in the first bullet.

Section II.C.4.f. – page 11

- Please remove “of operations” in the first sentence.

Section II.C.4.f.1 – page 11

- This requirement is infeasible. Areas in the western part of the state are naturally prone to having little or no vegetation.

Section II.C.4.f.2 – page 11

- Define the frequency and duration of storm event these controls should be designed to withstand.

Section II.C.4.g – page 11

- Please provide a definition for stormwater management.
- Second sentence; are these items required on all locations? Are there minimum requirements and/or do these vary based on the location?

Section II.C.4.h – page 11

- Please indicate a distance for the discharge. Technically all discharges may end up in a TMDL waterbody eventually.
- TMDL for what parameters? Are industrial facilities now required to treat for fecal coliform?

Section II.C.4.i – page 11

- Please revise, measure to measure(s).

Section II.C.5 – page 11

- Please revise. Please see comment Section II.C.1.c.7. This is another reason planned controls should not be listed in the SWPPP. You cannot maintain a planned control.

Section II.C.6 – page 12

- Bullets B, C, and D, are redundant. These items are required in Part III(A) of the permit.
- Last paragraph – Please remove. These items in this sentence are required in Part III(A) of the permit.

Section II.C.7 – page 12

- Items such as sampling and inspections are discussed in multiple locations in the permit. Please consider combining these areas to reduce confusion and shorten the permit.

Section II.D.5 – page 13

- Please revise the second sentence. As written it appears that fueling operations can be performed indoors, this is not so.

Section II.E – page 14

- Please remove the 5th sentence as it was stated two sentences prior.

Section III.A.1.a – page 14

- The inspection frequency should not be changed from the existing permit requirements.

Section III.A.1.d – page 14

- This is not a practical requirement. There may not be a three month period where there is not a precipitation event that results in a stormwater discharge. The inspection frequency should not be changed from the existing permit requirements.

Section III.A.1.f – page 14

- Remove section f. This is already stated in Section III.A.1.c.

Section III.A.4.b – page 15

- Does rainfall need to be recorded? Or an indication of which type of inspection (discharge or non-discharge)?

Section III.A.4.e – page 15

- What is required? The lead in paragraph in this section states that the record shall include corrective actions taken, but the list just says recommendations for corrective actions.

Section III.A.5 – page 15

- In the first sentence, what are the time lines for these corrective actions? Time lines should be included for clarification and consistency.

Section III.C.1 – page 16

- This sentence does not seem complete, may be missing words.

Section III.D.1 – page 16

- Please state in this section that inspection reports only need to be submitted to the Department if they are requested.

Section IV.E – page 18

- Greater clarification is needed for records retention. Three years from the issuance of the 5 year permit? Day of the inspection?

Section V.C – page 18

- Clarification should be added to this section. This may be applicable to a point source discharger like a sewer plant, but this is not applicable for a maintenance facility. We cannot be expected to notify the NDDoH every time we do something on our sites.

Section V.E – page 19

- Authorization Statement – Please include a statement indicating how long the authorizations are valid.

Section VI. - page 22

- Consider automatic continuation of existing permits without the paperwork. Unless a facility closes or a no exposurer waiver is given, these permits are really issued for the life of the facility.

Item 1.

Please include the new NDDOH email address.

Department Response 1.

In order to be compliant with federal reporting requirements, the department changed the first sentence of section (III)(D)(3) to read:

“Reports and any other correspondence required in this permit shall be submitted to the department by means of an electronic reporting system or post mail to.”

Item 2.1. Section I. A. 2. – page 6

The items covered within the CFR should be included in this section or if defined within the permit, a reference to this location.

Department Response 2.

Please refer to the definition of “stormwater associated with industrial activity” found in section V – DEFINITIONS, beginning on page 22 of the permit.

Item 2.2

If items 2.a, 2.b, and 2.c listed are not applicable move to Section B, Discharges Not Covered.

Department Response 2.2

The department made no changes to section (1)(A)(2)(a), (b), or (c) in order to maintain consistency with NDR10-0000 and NDR32-0000.

Item 3. Section 1.A.2.a. – page 6

Please consider switching SIC Codes to NAICS codes. SIC codes are no longer updated.

Department Response 3.

The department will continue to use Standard Industrial Classification codes to maintain consistency with EPA’s 2008 Multi-Sector General Permit and 40 CFR 122.26 (b)(14)(i)-(ix), (xi).

Item 4. Section I.B.3 – page 6

Which TMDL impairment is being referenced?

Department Response 4:

Section (I)(B)(3) states only TMDLs and WLAs that are applicable to the discharge from the facility shall be incorporated into the SWPPP.

Item 5. Section I.C.2. – page 7

A receipt notification should be sent to the permittee verifying the beginning of this 7 day time period.

Department Response 5.

The department determined it is not necessary to provide permittees confirmation of application receipt. The department will continue to send notice of coverage letters to permittees when applications are processed.

Item 6. Section I.E.1 – page 8

Include language allowing an applicant submit a no exposure certification in lieu of a permit?

Department Response 6.

A facility is not required to obtain coverage under NDR05-0000 before filing a No Exposure Certification. Adding such language to the permit is unnecessary.

Item 7. Section II.C – page 9

The first sentence states that prior to submitting an NOI a SWPPP shall be implemented. Modify this to state that a SWPPP shall be developed. The permit requires the implementation.

Department Response 7.

The department changed the first sentence of section (II)(C) to now read:

“All permittees shall develop a SWPPP prior to submitting an NOI.”

The department also added the following as the second sentence of section (II)(C):

“The SWPPP shall be implemented prior to the discharge of stormwater associated with industrial activities.”

Item 8. Section II.C.1.c.7 – page 9

Remove "or planned". This is too ambiguous and leaves a large gray area for potential violations. All it would take is someone to say they were planning on doing something in an inspection and the inspector could cite them for not including the planned measure in the SWPPP.

Department Response 8.

The department changed section (II)(C)(1)(c)(7) to read:

“All stormwater control measures;”

Item 9. Section II.C.1.c.8 – page 9

Please define “significant facility structures”.

Department Response 9.

The department determined it is unnecessary to define “significant facility structures.” To simplify the requirement, the department changed section (II)(C)(1)(c)(8) to read:

“Location and extent of facility structures and impervious surfaces; and”

Item 10. Section II.C.1.c.9 – page 9

Please define “reportable quantity spill or leak”.

Department Response 10.

The department determined it is unnecessary to define “reportable quantity spill or leak.” All spills which may potentially impact waters of the state, either surface water or groundwater, must be reported. Reportable quantities may be found in NDAC 33-16-02.1-11, as well as 40 CFR 110.6, 40 CFR 117.21, and 40 CFR 302.6.

Item 11. Section II.C.1.d – page 9

The information contained in the Integrated Report is very complicated and difficult for anyone not familiar with 303(d) lists and TMDLs to ascertain what information is relevant. The NDDoH needs to provide a simpler method for permittee’s to search for the receiving stream for their site that will provide the information needed by the permit. With the GIS programs available to the NDDoH, an

interactive map system should be created that will facilitate this activity. Permittee's should not be expected to sort through a 276 page report to locate the information that the NDDoH requires. Training should also be provided by the NDDoH as to how to comply with the requirements of TMDLs.

Department Response 11.

The Surface Water Quality Program has had an interactive web mapping tool and has provided the information in a GIS format via the ND GIS Hub and Data Portal since 2012.

The interactive mapping tool was built primarily for people who wish to download all the analytical information from our water quality monitoring programs, but it also has an interactive map that users can see the impaired and listed water bodies. The Surface Water Quality Data Portal is here: http://www.ndhealth.gov/WQ/SW/Z8_SWData/index.html . Click on the "Go To Interactive Map" button to open the interactive map. The default is to search for a particular station or analyte.

Based on the DOT comments, it appears that they simply wish to see if a water body is listed or impaired. To do that, click on the Map Layers (on the bottom of the list on the left side of the screen); and then select the "Water Quality Impairment Status." The "2014 Category for Lakes and Reservoirs" and "2014 Category for Rivers and Streams" represents those water bodies that fall into the 6 categories identified in the Integrated Report, specifically

- a) unclassified,*
- b) 1- All beneficial uses attained*
- c) 2 – some beneficial uses attained*
- d) 4A-TMDL Approved Still Impaired*
- e) 4C – No TMDL required, impaired by non pollutant and*
- f) 5-303(d) List-Impaired, needing a TMDL*

These same layers that are used in the Interactive Web Mapping tool can also be pulled directly into GIS software (such as ArcGIS Desktop) by DOT personnel, or can be downloaded via the North Dakota GIS HUB Data Portal, <https://apps.nd.gov/hubdataportal/srv/en/main.home> . The data are called "Assessed Lakes and Reservoirs" and "Assessed Streams and Rivers". The attribute "CATEGORY" has the codes, 1, 2, 4A, 4C and 5 that are used above.

When requested, the department would provide a training session to interested DOT personnel on how to use the interactive web mapping tool and how to download the information from the Hub Data Portal at a mutually agreed upon time.

Item 12. Section II.C.2 – page 9

Detail the minimum requirements for this "Team". How many individuals are necessary? Is one person enough? Does everyone working on site have to be part of the "Team"? When asking about team members responsibilities, does this pertain only to the SWPPP or are you asking for all duties of the individual?

Department Response 12.

The department changed section (II)(C)(2) to read:

"Identify the individual(s) responsible for overseeing the development of the SWPPP, any later modifications to the SWPPP, and for compliance with this permit. Include the

individual(s) name or title and identify their responsibilities. The individual(s) shall have ready access to a copy of this permit, the current version of the SWPPP, and other relevant documents and information that shall be kept as required by this permit.”

The department will leave the determination of which individual(s) will constitute the team to the permittee. This requirement only pertains to responsibilities of the individual(s) under the permit.

Item 13. Section II. C. 3. – page 9

Please define "potential pollution sources" or state as defined within this permit. As written noise, light, air, etc., may be included.

Department Response 13.

The department determined it is unnecessary to define “potential pollution sources.” As stated in the permit, sources would be “associated with industrial activity and material handling at the facility.”

Item 14. Section II. C. 3.a – page 9-10

Please bullet this section.

Department Response 14.

The department determined it is unnecessary to bullet this section.

Item 15. Section II.C.4 – page 10

Please see comment in Section II.C.1.c.7

Department Response 15.

The department changed section (II)(C)(4) to read:

“The SWPPP shall describe the location and type of all stormwater control measures [emphasis added] for each industrial source or activity that could contribute pollutants to stormwater runoff.”

Item 16. Section II. C.4.b – page 10

Please define what methods to reduce the generation of dust are acceptable and include with the permit.

Department Response 16.

Methods to reduce the generation of dust will be left to the determination of the permittee. Methods to reduce the generation of dust must be in compliance with the permit and all other applicable laws.

Item 17. Section II. C.4.c – page 10

What are the inspection requirements of the control measures and equipment? Please include in this section or provide a reference where the information is contained within the permit.

Department Response 17.

Refer to section (II)(C)(6) – Inspections, and section (III)(A)(1) – Inspection Frequency, of the permit for inspection requirements of control measures and equipment.

Item 18.1. Section II. C.4.d – page 10

Please revise the second to last sentence. As written, the sentence is asking for two things. It says three years prior to last revision and the life of the permit. Please clarify?

Department Response 18.

*The second to last sentence of section II(C)(4)(d) of the permit was changed to read:
“Documentation shall include all reportable quantity spills or leaks that have occurred within the three years preceding the most recent SWPPP revision.”*

Item 18.2.

Please provide greater detail. Please define what should be contained in a spill kit and answer/define a “ready state”?

Department Response 18.2.

The department determined it is unnecessary to define what should be contained in a spill kit or what constitutes a ready state. Contents and status of a spill kit must be in compliance with applicable laws.

Item 19. Section II.C.4.e.2 – page 11

The last four bullets of this list should be contained in the first bullet.

Department Response 19.

The department determined it is unnecessary to contain the last four bullets of this list in the first bullet.

Item 20. Section II.C.4.f. – page 11

Please remove “of operations” in the first sentence.

Department Response 20.

*The department concurs with NDDOT’s suggestion and changed the first sentence of section II(C)(4)(f) to read:
“The SWPPP shall describe erosion and sediment controls implemented on areas vulnerable to erosion.”*

Item 21. Section II.C.4.f.1 – page 11

This requirement is infeasible. Areas in the western part of the state are naturally prone to having little or no vegetation.

Department Response 21.

The permit does not contain a definition for “stabilized.” Stabilization may be achieved by using methods other than vegetation.

Item 22. Section II.C.4.f.2 – page 11

Define the frequency and duration of storm event these controls should be designed to withstand.

Department Response 22.

The department concurs with NDDOT’s suggestion and added the following item to section

II(C)(4)(f):

“Sediment and erosion 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.”

Item 23. Section II.C.4.g – page 11

Please provide a definition for stormwater management. Second sentence; are these items required on all locations? Are there minimum requirements and/or do these vary based on the location?

Department Response 23.

The department determined it is unnecessary to define “stormwater management.” After further discussion with the NDDOT, the second item is in relation to the third sentence of section II.C.4.g. These items are not required on all locations. The list is an example of the types of practices that would be considered stormwater management practices. There are no minimum requirements at this time.

Item 24. Section II.C.4.h – page 11

Please indicate a distance for the discharge. Technically all discharges may end up in a TMDL waterbody eventually. TMDL for what parameters? Are industrial facilities now required to treat for fecal coliform?

Department Response 24.

Since TMDL requirements may vary by watershed, stream segment, or lake or reservoir, distance requirements would be dependent on the requirements described in the TMDL document. Permittees are required to incorporate TMDL parameters applicable to stormwater discharges from the facility. For example if there is an expectation that fecal coliform would be present in stormwater discharges from the facility, then the permittee would need to incorporate the waste load allocation for fecal coliform described in the TMDL document.

Item 25. Section II.C.4.i – page 11

Please revise, measure to measure(s).

Department Response 25.

The department concurs with NDDOT’s suggestion and changed “measure” to “measure(s)” in section (II)(C)(4)(i) of the permit.

Item 26. Section II.C.5 – page 11

Please revise. Please see comment Section II.C.1.c.7. This is another reason planned controls should not be listed in the SWPPP. You cannot maintain a planned control.

Department Response 26.

Please refer to changes to section (II)(C)(1)(c)(7) of the permit.

Item 27. Section II.C.6 – page 12

Bullets B, C, and D, are redundant. These items are required in Part III(A) of the permit. Last paragraph – Please remove. These items in this sentence are required in Part III(A) of the permit.

Department Response 27.

The department determined these items will remain in the permit. Describing inspection requirements in the SWPPP and describing what constitutes an inspection are separate items.

Item 28. Section II.C.7 – page 12

Items such as sampling and inspections are discussed in multiple locations in the permit. Please consider combining these areas to reduce confusion and shorten the permit.

Department Response 28.

The department determined this change would not affect the intent of the permit and will not combine these areas of the permit.

Item 29. Section II.D.5 – page 13

Please revise the second sentence. As written it appears that fueling operations can be performed indoors, this is not so.

Department Response 29.

Please refer to the department's response to the second item on page 32 of this fact sheet.

Item 30. Section II.E – page 14

Please remove the 5th sentence as it was stated two sentences prior.

Department Response 30.

The department concurs with NDDOT's suggestion. The fifth sentence was deleted and section (II)(E) now reads:

"A copy of the completed and signed NOI, notice of coverage letter from the department, SWPPP, inspection records, sample results, annual location reports, Discharge Monitoring Reports (DMRs), chain-of-custody (where applicable), and this general permit shall be kept at the facility. If the facility does not have a reasonable on-site location, then the documents shall be retained at a readily available alternative location; preferably with a member of the Stormwater Pollution Prevention Team. If the site is inactive, then the documents may be stored at a local office. Electronic copies of records are acceptable if the records can be accessed on-site. Permittees should avoid using personal electronic devices for storing electronic records. The permittee shall make plans available upon request to the department, EPA, or, in the case of discharges to a MS4, to the operator of the MS4."

Item 31. Section III.A.1.a – page 14

The inspection frequency should not be changed from the existing permit requirements.

Department Response 31.

Please refer to the department's response to Great River Energy's second item on page 29 of this fact sheet.

Item 32. Section III.A.1.d – page 14

This is not a practical requirement. There may not be a three month period where there is not a precipitation event that results in a stormwater discharge. The inspection frequency should not be changed from the existing permit requirements.

Department Response 32.

Please refer to the department's response to Otter Tail Power Company's fifth item on page 33 of this fact sheet.

Item 33. Section III.A.1.f – page 14

Remove section f. This is already stated in Section III.A.1.c.

Department Response 33.

The department concurs with NDDOT's suggestion. Section (III)(A)(1)(f) was deleted from the permit.

Item 34. Section III.A.4.b – page 15

Does rainfall need to be recorded? Or an indication of which type of inspection (discharge or non-discharge)?

Department Response 34.

The department concurs with NDDOT's suggestion. Section (III)(A)(4)(c) was changed to read:

"Indicate if the inspection is a result of a stormwater discharge event;"

Sections formerly labeled as (III)(A)(4)(b) through (e) were relabeled (III)(A)(4)(c) through (f) to accommodate the change.

Item 35. Section III.A.4.e – page 15

What is required? The lead in paragraph in this section states that the record shall include corrective actions taken, but the list just says recommendations for corrective actions.

Department Response 35.

Section (III)(A)(4)(e) was relabeled to (III)(A)(4)(f) based on the previous item.

The department changed section (III)(A)(4)(e) to clarify the records requirements. The section now reads:

"Inspection findings including major observations related to the SWPPP, condition of stormwater pollution prevention controls, deficiencies noted, recommendations for corrective actions and corrective actions taken [emphasis added]; and"

Item 36. Section III.A.5 – page 15

In the first sentence, what are the time lines for these corrective actions? Time lines should be included for clarification and consistency.

Department Response 36.

The department concurs with NDDOT's suggestion. The first sentence of section (III)(A)(5) was changed to read:

"When deficiencies are noted during an inspection, corrective actions shall be performed as soon as feasible."

Item 37. Section III.C.1 – page 16

This sentence does not seem complete, may be missing words.

Department Response 37.

The department reviewed section (III)(C)(1) and determined it to be complete.

Item 38. Section III.D.1 – page 16

Please state in this section that inspection reports only need to be submitted to the Department if they are requested.

Department Response 38.

The department determined it is unnecessary to state that inspection reports only need to be submitted to the department if they are requested. Section (III)(D)(1) only details submittal requirements for DMRs.

Item 39. Section IV.E – page 18

Greater clarification is needed for records retention. Three years from the issuance of the 5 year permit? Day of the inspection?

Department Response 39.

Records and information are required to be retained for at least three years from the date of generation or longer if requested by the department of EPA.

Item 40. Section V.C – page 18

Clarification should be added to this section. This may be applicable to a point source discharger like a sewer plant, but this is not applicable for a maintenance facility. We cannot be expected to notify the NDDoH every time we do something on our sites.

Department Response 40.

The department determined that section (V)(C) as written is applicable to facilities that obtain coverage under this permit. The department must be notified when there is a change that may result in noncompliance with the permit; a new, different, or increased discharge of pollutants; or a discharge that is designated as a source of pollution not covered by this permit.

Item 41. Section V.E – page 19

Authorization Statement – Please include a statement indicating how long the authorizations are valid.

Department Response 41.

The authorization is valid only when accurate during the life of this permit.

Item 42. Section VI. - page 22

Consider automatic continuation of existing permits without the paperwork. Unless a facility closes or a no exposer waiver is given, these permits are really issued for the life of the facility.

Department Response 42.

The department will continue to require permittees to renew coverage under reissued NDPDES general permits. The department determined it is necessary for permittees to reapply for coverage in order to maintain accurate information.