

Changes and Enforcement News



NORTH DAKOTA
DEPARTMENT *of* HEALTH

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Division of Water Quality

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Changes

Processing Delays

- Current backlog for processing notices of intent (NOIs) for construction and industrial activities
 - Four months
- Keep in mind, projects and facilities are covered under the respective permit seven days after the department receives the NOI
- A coverage letter will be sent once the NOI is processed

Updated Notice of Intent

- An updated NOI has been developed
- Contains a 2-D barcode
- Should allow for faster processing

Electronic Notice of Intent

- An eNOI system currently is being developed
- Expect in the fall of 2014
- Needs to be compliant with electronic signature requirements

Expiring General Permits

- All four of the department's stormwater general permits will expire in the next year
 - The municipal separate storm sewer system (MS4) general permit expires March 31, 2014 but will be administratively extended
 - The mining, extraction and paving material preparation general permit will expire June 30, 2014
 - The construction general permit will expire September 30, 2014 but will be administratively extended until March 31, 2015
 - The industrial general permit expires March 31, 2015

MS4 General Permit

- Changes will revolve around strengthening the permit
- Clear, consistent and enforceable

Mining, Extraction and Paving Material Preparation General Permit

- More emphasis on the extraction (oil and gas) portion of the permit
 - Discharge and sampling requirements
 - Sector specific requirements
- May remove the requirement to submit annual inspection reports

Construction General Permit

- Update to be consistent with the new construction and development effluent limitation guidelines
 - Minimize erosion
 - Maintain buffers
 - Timely stabilization

Proposed Post-Construction Stormwater Rulemaking

- Presently on hold

Changes to the State's Maximum Penalty Amount

- The maximum penalty amount prior to January 1, 2014 was \$5000 per violation per day
- As of January 1, 2014, the maximum penalty has increased to \$12,500 per violation per day
- North Dakota Century Code §61-28-08.4

Enforcement News

Recent Actions

- A number of enforcement actions involving stormwater runoff from construction sites took place this past year
- North Dakota Department of Health and the U.S. Environmental Protection Agency
- Formal actions and expedited settlements
- Resulting from compliance inspections

Common Penalties Observed

- Best management practices for erosion and sediment controls were not employed
- A notice of intent (NOI) was not submitted
- Stormwater pollution prevention plans (SWPPP) were not developed or followed
- Inspections were not being conducted or recorded
- Maintenance was not being conducted

Common Penalties Observed

- Three of the common penalties were paperwork related (NOI, SWPPP, inspections)
- Why is paperwork important?
 - A SWPPP is the strategy used to discharge clean stormwater from the project
 - Inspections communicate to others the effectiveness of the strategy
 - Maintenance records track corrective actions that have occurred

What Prompts an Inspection

- No controls are observed
 - Either by the department, public or competition
- Location
 - Proximity to waters of the state
 - Terrain
- Size
- Complaints
 - Dust
 - Tracking dirt on to a street
 - Dirt depositing off site (i.e., street, waterways)

What Prompts an Inspection

- Even if the site looks good – and every other site in the area looks good – then someone is going to be inspected



Questions?

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