

## FACT SHEET FOR NDPDES PERMIT NDR10-0000

### STORMWATER DISCHARGES FROM CONSTRUCTION ACTIVITIES NORTH DAKOTA POLLUTANT DISCHARGE ELIMINATION SYSTEM (NDPDES) GENERAL PERMIT NDR10-0000

DATE OF THIS FACT SHEET – March 2015

#### INTRODUCTION

The Federal Clean Water Act (FCWA, 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 Clean Water Act is the National Pollutant Discharge Elimination System (NPDES), by which the United States Environmental Protection Agency (US EPA) has oversight authority. In 1975 the State of North Dakota was delegated primacy of the NPDES program by EPA. The state governor accepted the delegation and the state legislature assigned the power and duty for conducting NPDES permitting and enforcement to the North Dakota Department of Health (NDDH). The legislature defined North Dakota Department of Health's authority and obligations for the wastewater discharge permit program in North Dakota Administrative Code (NDAC) 33-16, which was promulgated pursuant to North Dakota Century Code (NDCC) 61-28. The NDDH uses North Dakota Pollutant Discharge Elimination System (NDPDES) as its permitting title.

The following regulations apply to NDPDES permits:

- Procedures NDDH follows for issuing NDPDES permits (NDAC 33-16-01),
- Water quality criteria for waters of the state (NDAC 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 NDAC 33-16-01-08 the NDPDES permit program must prepare a draft permit and accompanying fact sheet. These documents must be made available for public review. The NDDH must issue a public notice which notifies the public where a copy of the draft permit may be obtained and where to submit written views. In accordance with NDAC 33-16-01-07 public notice periods are to be not less than thirty days, in which interested persons may submit their written views. For more details on preparing and filing comments about these documents, please see **Appendix A – Public Involvement**. After the public comment period ends, the NDDH may make changes to the draft NDPDES permit. The NDDH will summarize the responses to comments and any changes to the permit in **Appendix C - Response to Comments**.

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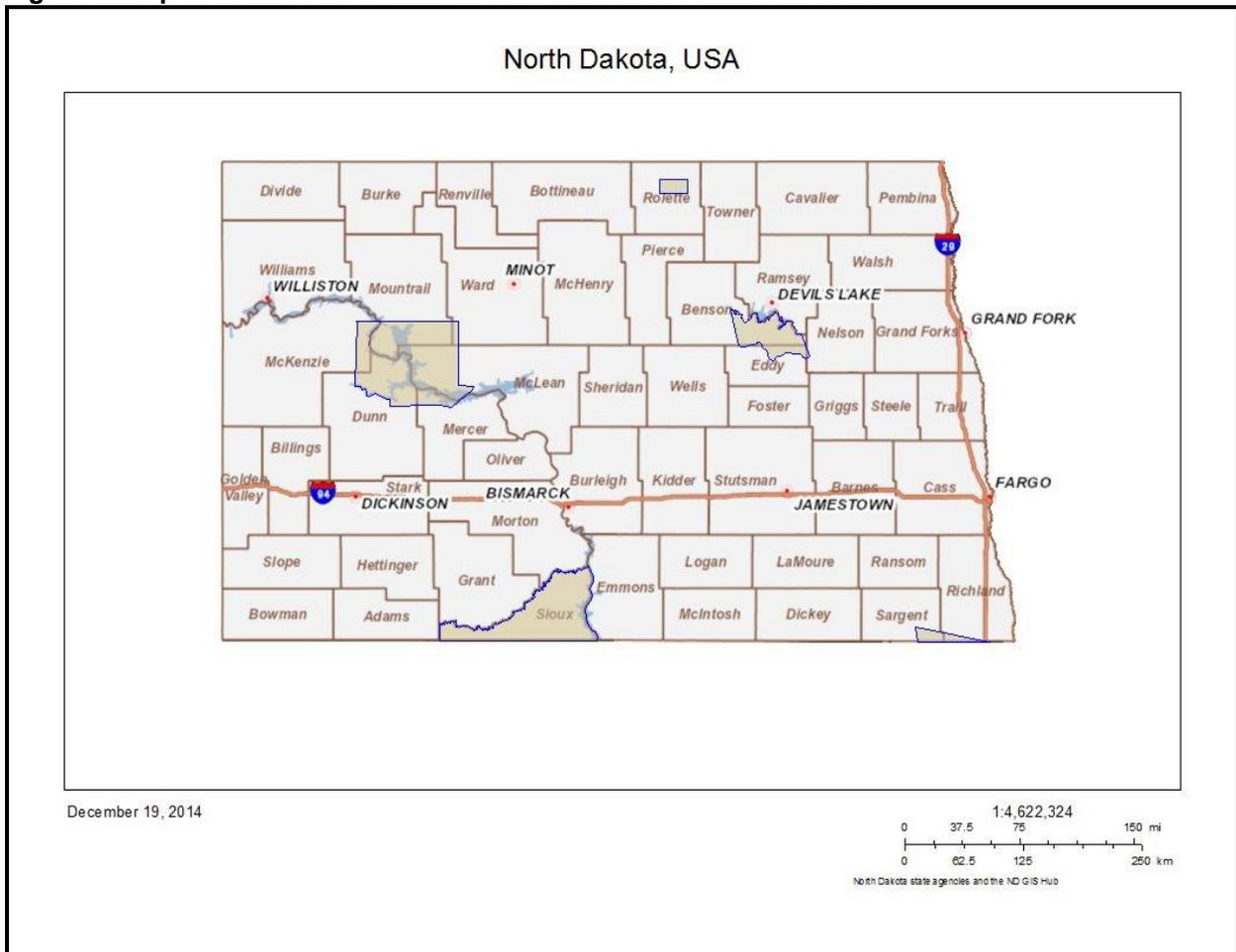
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**BACKGROUND INFORMATION**

**General Information**

Permit Number:	NDR10-0000
Permit Type:	General Permit, Renewal
Type of Treatment:	Best Available Technology Economically Achievable (BAT); Best Practicable Control Technology Currently Available (BPT); Best Professional Judgment (BPJ)
Discharge Location:	Waters of the State of North Dakota

**Figure 1: Map of North Dakota with Tribal Boundaries outlined in blue.**



General permits streamline the processes for dischargers to obtain authorization to discharge, setup permit requirements for dischargers covered by the permit, and to reduce administrative workloads for NPDES permitting authorities. General permits are used to cover similar discharges that are subject to Section 402 of the Clean Water Act (CWA). General permits must meet the conditions set forth in 40 CFR 122.28. This stormwater construction general permit meets the criteria of 40 CFR 122.28(a)(2)(i), which authorizes a general permit to be issued for discharges in the subcategory for stormwater point sources.

Dischargers seeking coverage under a general permit submit a Notice of Intent (NOI) to the permitting authority. With the submittal of a NOI, the discharger acknowledges that they are eligible for coverage under the permit and they agree to the conditions of the permit. A NOI is not a permit or a permit application, it is a notification that the discharger will be operating under the general permit and will implement the requirements of general permit. Permitting authorities may require an individual permit to address specific water quality concerns.

NPDES permits, including general permits, are required to include effluent limitations under Section 301 and 306 of the CWA. Effluent limitations may either be numeric, non-numeric, or water quality based. Dischargers are subject to the requirements of the NDPDES permitting program requirements and enforcement in accordance with Section 402 of the Clean Water Act as delegated under NDCC 61-28 and NDAC 33-16.

This general permit is for stormwater discharges associated with industrial activity defined in 40 CFR 122.26(b)(14)(x), and stormwater discharges associated with small construction activities as defined in 40 CFR 122.26(b)(15). The current general permit for stormwater discharges from construction activity expired on September 30, 2014. It is currently under administrative extension until the proposed general permit is reissued pursuant 40 CFR 122.6(d). 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 reissued permit will continue to cover stormwater discharges from construction activity. Currently, there are approximately 4,000 construction projects or operations covered by the existing permit for the discharge of stormwater from construction activities.

### **SIGNIFICANT PERMIT CHANGES**

The following additions or changes to this general permit were made:

- SWPPPs are no longer required to be submitted as part of the Notice of Intent,
- Site map requirements,
- SWPPP must include a narrative section,
- Wash water from tools and concrete wash out requirements,
- Dewatering requirements,
- Erosion and sediment control design factors,
- Temporary and permanent erosion protection requirements,
- Inspection requirements,
- Records location,
- Erosion and sediment control, and stabilization requirements,
- Maintenance requirements, and

- Operational controls.

## **COVERAGE UNDER THIS PERMIT**

### **Applicability of General Permit**

This permit applies to all areas within the state of North Dakota, except for those areas defined as Indian Country. Construction activity located within Indian Country within the state of North Dakota must obtain a permit through the United States Environmental Protection Agency. Projects which are within the jurisdiction of both the State and U.S. EPA must apply for and obtain coverage from both entities.

Under this general permit, authorization to discharge relatively uncontaminated stormwater from construction activities into the waters of the state of North Dakota may be granted. This permit applies to stormwater discharges associated with construction activity and small construction activity as defined in Title 40 of the Code of Federal Regulations (CFR), Parts 122.26(b)(14)(x) and (b)(15), respectively. The reference to construction activity in this permit includes both large construction activity and small construction activity as described below.

- Large construction activity includes clearing, grading and excavation, that disturbs land of equal to or greater than five (5) acres and includes the disturbance of less than five (5) acres of total land area that is a part of a larger common plan of development or sale if the larger common plan will ultimately disturb five (5) acres or more.
- Small construction activity includes clearing, grading and excavation, that disturbs land of equal to or greater than one (1) acre, and includes the disturbance of less than one (1) acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one and less than five (5) acres.
- Stormwater discharges from support activities (e.g., concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas) may be covered by this permit as part of a related construction site. Similar facilities that will serve multiple projects or are commercial in nature must be covered by a different permit. In many cases it will be appropriate for construction support facilities to be covered under general permit NDR32-0000; stormwater discharges from mining, extraction or paving material preparation activities.
- Discharges of stormwater from oil and gas exploration, production, processing or treatment operations, or transmission facilities composed of contaminated runoff by contact with or that has come into contact with, any overburden, raw material, intermediate products, finished product, byproduct, or waste products located on the site of such operations.<sup>1</sup>

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<sup>1</sup> This paragraph was added in response to NDPC comment 1.

Facilities covered under the present permit shall be retained, provided renewal request is made by submitting the renewal form(s) provided by the North Dakota Department of Health (department) or other written request for renewal of permit coverage for an active project. If deemed necessary, the department may require the submittal of a new Notice of Intent.

*Basis:* This section provides for the geographic extent which this permit is applicable and the type of discharges which may obtain coverage under this permit. This is the implementation of NDAC 33-16-01-26.1(1)(a), 40 CFR 122.26 and 40 CFR 122.28.

### **Discharges Not Covered**

There are other types of discharges which also may not be appropriately regulated through this permit and other limitations on what activities this permit can authorize. The following discharges are not eligible for coverage under this permit:

1. Stormwater discharges associated with industrial activity from any source other than construction activities described in Part I(A).
2. Post-construction discharges from industrial activity that originate from the site after construction activities have been completed at the site. Industrial and post-construction stormwater discharges may need to be covered by a separate stormwater permit.
3. The placement of fill into waters of the state requiring local, state, or federal authorizations (such as U.S. Army Corps of Engineers Section 404 permits).
4. This permit does not substitute for obligations under the National Environmental Policy Act (NEPA), Endangered Species Act (ESA), Wild and Scenic Rivers Act, or National Historic Preservation Act (NHPA), it is your responsibility to ensure the project and resulting discharges comply with the respective requirements.
5. Discharges to waters for which there is a total maximum daily load (TMDL) allocation for sediment and/or parameters associated with sediment transport are not covered unless you develop a Stormwater Pollution Prevention Plan (SWPPP) that is consistent with the assumptions and requirements in the approved TMDL. To be eligible for coverage under this general permit, the SWPPP must incorporate the conditions applicable to the discharge necessary for consistency with the assumptions, allocations and requirements of the TMDL. If a specific numeric wasteload allocation has been established that would apply to discharges from construction activity, the permittee must incorporate that allocation into the SWPPP and implement necessary steps to meet that allocation. Information about TMDL allocations may be found at the following website:  
[www.ndhealth.gov/WQ/SW/Z2\\_TMDL/default.htm](http://www.ndhealth.gov/WQ/SW/Z2_TMDL/default.htm).
6. Stormwater discharges that the department determines will cause, or have the reasonable potential to cause or contribute to a violation of the standards for quality for waters of the state NDAC 33-16-02.1.
7. Discharges from hydrostatic testing, well points, water line disinfection and treatment of

gasoline or diesel contaminated groundwater.

8. Discharges of wash water using detergents, wastewater, or sanitary waste<sup>2</sup>.

*Basis:* This section describes what discharges are authorized under this permit. This permit is for the discharge of stormwater associated with construction activity and certain non-stormwater discharges associated with construction activity.

### **Request for Authorization**

Construction activities covered under the 2009 General Construction Permit (GCP) shall be retained, provided an acceptable request was made under the re-notification provisions of the permit. Upon the request being accepted, construction activities covered under the 2009 GCP shall ~~come into compliance with this re-issued permit~~ amend and implement Stormwater Pollution Prevention Plan (SWPPP) which meets the requirements of this re-issued permit within 90 days from the effective date of this permit<sup>3</sup>. If deemed necessary, the department may require the submittal of a new Notice of Intent (NOI).

For operators of new construction activities wishing to obtain coverage, an application should be submitted at least seven (7) days prior to starting any activity subject to regulation as a stormwater discharge associated with industrial activity. Permit coverage will become effective seven (7) days after submittal of a complete application unless otherwise notified by the department. ~~Compliance with this permit~~ Projects which have obtained coverage under this permit shall amend and implement a SWPPP which meets the requirements of this permit ~~be~~ within 90 days from the effective date ~~of this permit~~ for new construction activities<sup>4</sup>.

The application requirements for general permits have in the past, and may be more appropriately referred to under NPDES permit regulations, as a NOI to obtain coverage. However, to simplify permit language the department will use the term “application” in place of “Notice of Intent” in reference to the process of obtaining coverage under the general permit. The application may be on a form provided by the department or other form containing the required information. The current NOI form will be acceptable.

*Basis:* Construction activities covered under the currently administratively extended 2009 General Construction Permit (2009 GCP) and new construction activities will have a grace period of 90 days from the effective date of this permit to become compliant. The grace period is based upon the time requirement for the reissuance of a permit as outlined in NDAC 33-16-01-26.1(3), 40 CFR 122.21(C)(1), 40 CFR 122.28(b)(2)(iii), and 40 CFR 122.28(b)(2)(iv).

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<sup>2</sup> This change was made in response to NDDOT comment 11.

<sup>3</sup> These changes were made to provide consistency between the permit requirements and the fact sheet, and to maintain the intent of the permit. The in-consistency was found due to the NDDOT comment on Section 1.A.6. of the permit. Please refer to Appendix C.

<sup>4</sup> Refer to footnote 1.

## Application Process

A separate application must be submitted for each project meeting the definition of construction activity. The owner or the owner jointly with the operator (usually the general contractor) shall submit a completed application for this permit. The owner is responsible for compliance with all terms and conditions of this permit. The operator has day to day supervision of construction activities and is jointly responsible with the owner for compliance with the permit for construction activities performed.

The application for coverage under the general permit shall contain, at a minimum, the following information:

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

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

For residential construction activity occurring within a development or subdivision subject to the permit requirements, coverage may be obtained by the following:

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

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

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

For oil and gas exploration, production, processing, and treatment operations or transmission facilities, ~~coverage under this permit is not required for small construction activity~~ which discharge contaminated stormwater. ~~For oil and gas related large construction activity,~~ permit applications may be submitted for individual project sites or for an area of operations such as well field or county.<sup>5</sup>

*Basis:* The 2009 GCP required the submittal of the SWPPP if the project is 50 acres or more acres; or if the project has a discharge point within 2,000 feet of, and flows to, a water body listed as impaired under section 303(d) of the Federal Clean Water Act due to sediment, suspended solids or turbidity. This requirement was removed because the department does not approve SWPPPs. Stormwater Pollution Prevention Plans are reviewed during compliance inspections to ensure they meet the requirements of the permit. Applicants must still provide a copy of the SWPPP upon request of the department. The minimum application information is the implementation of 40 CFR 122.28(b)(ii).

### **Notice of Termination (NOT)**

Permittees wishing to terminate coverage under this permit must submit a Notice of Termination (NOT) or other written request identifying the facility and the reason why the permit is no longer needed. The NOT must be signed in accordance with the standard NDPDES permit signatory requirements. Compliance with the conditions of this permit is required until a NOT is submitted.

Typically, permittees may only submit a NOT after final stabilization (see definitions in permit) has been achieved on all portions of the site for which the permittee is responsible. In some cases a NOT may be appropriate when another operator/permittee has assumed control over all areas of the site that has not been finally stabilized in accordance with the transfer provisions of the permit.

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

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<sup>5</sup> This sub-paragraph was added due to comment 1 on the permit from the North Dakota Petroleum Council and to provide clarification on what circumstances oil and gas exploration, production, processing or treatment operations, or transmission facilities would require a permit.

*Basis:* This section describes the conditions that need to be met and the procedures for permit termination. This section is the implementation of 40 CFR 122.28 (b)(2)(iv).

### **Transfer of Ownership or Control**

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

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

*Basis:* This section allows for a permit to be transferred to a new owner or operator as specified in 40 CFR 122.63(d). Permit transfers/modifications must be requested in writing. This section implements 40 CFR 122.61(a) and 40 CFR 122.63(d).

## **STORMWATER DISCHARGE REQUIREMENTS**

### **Prohibition of Non-Stormwater Discharges**

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

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

*Basis:* Wastewater discharges not outlined in this section are not authorized under this permit. If other wastewater is to be discharged, a different NDPDES permit is required. Specific information is needed for the use of chemical treatment for sediment removal. This information is the same information required by the general dewatering permit (NDG07-0000).

### **Release in Excess of Reportable Quantities**

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

*Basis:* This section implements spill/release regulations, so that any potential release does not impact waters of the state. Spills/releases or pollutants which meet the reporting requirements in 40 CFR 110, 40 CFR 117, 40 CFR 302, and NDAC 33-16-02.1 must be reported.

### **Stormwater Pollution Prevention Plans**

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

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

*Basis:* This section establishes the minimum requirements that SWPPPs must contain. The requirement implements 40 CFR 122.44(s), which requires state programs to require the development and implementation of a SWPPP. This is required per 40 CFR 123.25.

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

1. **Site Description.** Each plan shall provide a description of the construction activity and potential sources of pollution as indicated below:
  - a. A description of the overall project and the type of construction activity;

- b. Estimates of the total area of the site and the total area that is expected to be disturbed by excavation, grading, grubbing, or other activities during the life of the project;
- c. A proposed timetable/schedule, or chart, of activities that includes major phases/stages, BMP implementation, BMP removal, disturbances, and stabilization for major portions of the site;
- d. A description of the soil within the disturbed area(s);
- e. The name of the surface water(s) or municipal storm sewer systems at or near the disturbed area that may receive discharges from the project site; and
- f. A site map which indicates the following items as applicable (more than one (1) map may be needed). If an item is not applicable, provide rationale describing why the item is not applicable to the construction activity:
  - 1) Project boundaries;
  - 2) Areas of ground disturbance during each phase/stage of the project;
  - 3) Areas where disturbance will not occur, such as avoidance areas (e.g. wetlands, critical habitat, Threatened and Endangered Species, etc);
  - 4) Drainage patterns including: flow direction (run-on and runoff);
  - 5) Dividing lines, discharge points, and storm sewer system inlets which the site drains to or may be affected by the activity;
  - 6) Pre-existing and final grades;
  - 7) Location of all temporary and permanent sediment and erosion controls during each particular phase;
  - 8) Location of any stormwater conveyances such as: retention ponds, detention ponds, ditches, pipes, swales, stormwater diversions, culverts, and ditch blocks;
  - 9) Location of potential sources of pollution (e.g. portable toilets, trash receptacles, etc.);
  - 10) Location of soil stockpiles;
  - 11) Identify steep slopes;
  - 12) Surface waters, including an aerial extent of wetland acreage;
  - 13) Location of surface water crossings;
  - 14) Locations where stormwater is discharged to surface waters;
  - 15) Location of dewatering discharge points;
  - 16) Locations of where chemical treatment of stormwater will be performed, including discharge points;
  - 17) Fueling locations, vehicle and equipment maintenance areas, designated wash water collection site, lubricant and chemical storage, paint storage, material storage, staging areas, and debris collection area;
  - 18) Location of any impervious surfaces upon completion of construction; and
  - 19) Where included as part of the project, the site maps for off-site concrete/asphalt batch plants, equipment staging areas, borrow sites or excavated fill material disposal sites. Site maps must show items 1 through 18 of this section.

- g. Projects that discharge stormwater which flows to a water body listed as impaired under section 303(d) of the Federal Clean Water Act due to sediment, suspended solids or turbidity must identify the water body and impairment in the SWPPP. The Department's 303(d) list may be found at the following website under Integrated Reports:  
[www.ndhealth.gov/WQ/SW/Z2\\_TMDL/Integrated\\_Reports/B\\_Integrated\\_Reports.htm](http://www.ndhealth.gov/WQ/SW/Z2_TMDL/Integrated_Reports/B_Integrated_Reports.htm).<sup>6</sup>
- h. For water bodies which have a TMDL, the SWPPP must describe and conform to the Waste Load Allocations (WLA) of the water body as per Part II(C)(4)(g) of this permit. Information about TMDL allocations may be found at the following website:  
[www.ndhealth.gov/WQ/SW/Z2\\_TMDL/default.htm](http://www.ndhealth.gov/WQ/SW/Z2_TMDL/default.htm).<sup>7</sup>

*Basis:* This section provides information for the nature of the construction activities which will take place at the site. The additional map requirements were added to provide further clarification of what needs to be shown on a site map and to assist in identify potential sources of pollution. The map shows where specific BMPs are being used and communicates to other responsible parties the location of the BMPs. These requirements were obtained from the 2012 United States Environmental Protection Agency (2012 US EPA) Construction General Permit (CGP) Part 7.2.6. Some requirements listed in the 2012 US EPA CGP Part 7.2.6 were broken down to provide clarification.

Impaired bodies of water and water bodies with a listed TMDL were broken out because a water body can be listed as impaired, but not have a developed TMDL. These items are two separate items which need to be reviewed. Permittee's need to consider the potential for stormwater drainage to enter impaired bodies of water and impacts their site could have on the water body, even if the discharge is directly to the impaired water body. If an impaired body of water is down gradient, the permittee needs to determine and identify the specified pollutant(s) of concern and determine if the potential pollutant(s) could be discharged from the construction site. The permittee needs to specifically address and identify BMPs which will be used on-site which will adequately address the pollutant(s) of concern.<sup>8</sup>

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

The narrative shall include at a minimum:

- a. The installation, removal (if applicable)<sup>9</sup>, and maintenance requirements of selected Best

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<sup>6</sup> This paragraphed was revised due to comment 24 from the NDDOT.

<sup>7</sup> This paragraphed was revised due to comment 24 from the NDDOT and to separate out impaired bodies of water from TMDL water bodies.

<sup>8</sup> This explanation was added due to revision made to the permit from comment 24 from the NDDOT.

<sup>9</sup> This was changed in response to comment 25 received by NDDOT and to incorporate the applicability of permanent BMPs.

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

*Basis:* This requirement is the implementation of 40 CFR 122.44(s), which requires the SWPPP to include a description of appropriate controls measures, maintenance procedures, inspection procedures and identification of non-stormwater discharges. The 2009 GCP required descriptions for site activities, but the requirements were not readily found. This permit provides clarification on what descriptions need to be provided in the SWPPP and brings the items to the forefront instead of being spread throughout the permit. This requirement is based on 2012 US EPA CGP Part 7.2.5 and that the permittee needs to provide rationale for decision making pertaining to pollution reduction on site.

3. **Operational Controls.** The SWPPP shall describe the BMPs used in day to day operations on the project site that reduce the contribution of pollutants in stormwater runoff.
  - a. The plan must identify a person knowledgeable and experienced in the application of erosion and sediment control BMPs who will oversee the implementation of the SWPPP, and the installation, inspection and maintenance of the erosion and sediment control BMPs before and during construction, until final stabilization is achieved. A knowledgeable and experienced person is someone who meets the requirements of Part II(C)(3)(f)(e)<sup>10</sup> of this permit.

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

- b. The SWPPP must include a description of good housekeeping practices used to maintain a clean and orderly site. The SWPPP shall describe how litter, debris, chemicals and parts will be handled to minimize exposure to stormwater. The SWPPP also shall describe what measures will be used to reduce and remove sediment tracked off-site by vehicles or equipment. In addition, the SWPPP shall describe methods which will be used to reduce the generation of dust.
- c. The SWPPP shall describe preventative maintenance practices used to ensure the proper operation of erosion and sediment control devices (e.g., fiber rolls, erosion control blankets and silt fences) and equipment used or stored on site. The SWPPP shall describe proper inspection procedures for ensuring proper operation of erosion and sediment control devices.

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<sup>10</sup> This was changed in response to comment27 received from the NDDOT and to make a grammatical correction.

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

The potential discharge of hazardous substances in stormwater discharges shall be minimized by including measures onsite, detailed in the SWPPP to prevent and respond to releases of hazardous substances. If a reportable quantity release occurs, the SWPPP shall be revised to prevent the reoccurrence of such a release<sup>11</sup>.

- e. The SWPPP shall outline how employees and responsible parties shall be trained on the implementation of the SWPPP. Training must be provided at least annually, as new employees or responsible parties are hired or as necessary to ensure compliance with the SWPPP and the general permit. Employees and responsible parties include individuals who are responsible for design, installation, maintenance and repair of stormwater controls and conducting inspections.
  - 1) On-site personnel must understand the requirements of this permit as it pertains to their role in implementing the SWPPP. On-site personnel must know<sup>12</sup>:
    - a. The purpose of the SWPPP, requirements of the SWPPP, and how the SWPPP will be implemented;
    - b. The location of all BMPs identified in the SWPPP; and
    - c. Correct installation, function, and maintenance and removal (if applicable)<sup>13</sup> of BMPs identified in the SWPPP.
  - 2) Personnel responsible for performing site inspections must understand when inspection (Part III(A)), what must be inspected (Part II(C)(7)), how to record findings, when to initiate corrective actions, and properly document corrective actions.<sup>14</sup>
  - 3) Maintenance personnel must understand when maintenance must be performed on BMPs in order to maintain properly functioning BMPs and what needs to be recorded for corrective actions/maintenance records in accordance with Part III(A)(5) of this permit.
- f. The SWPPP must describe how concrete grindings and slurry will be managed. Wastewater from concrete washout, cleanout or washout from: stucco, paint, joint compound, and other building materials shall not be discharged to waters of the state, storm sewer systems or curb and gutter systems.

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<sup>11</sup> This change was made in response to comment 34 received from the NDDOT.

<sup>12</sup> This change was made in response to comment 36 received from the NDDOT.

<sup>13</sup> Change made in response to comment 37 received from NDDOT and to provide consistency with other updated sections of the permit.

<sup>14</sup> The additional language was added in response to comment 39 received from the NDDOT and to correct grammatical errors.

- 1) Wash water must be collected in leak-proof containers or leak-proof pits. Containers or pits must be designed and maintained so that overflows cannot occur due to inadequate sizing, precipitation events, or snowmelt.
- g. The SWPPP shall describe any dewatering activities planned at the site. Dewatering or basin draining (e.g., pumped discharges, trench/ditch cuts for drainage) related to the permitted activity must be managed with appropriate BMPs, such that the discharge does not adversely affect the receiving water. The following conditions apply to dewatering activities:
- 1) Dewatering is limited to un-contaminated stormwater, surface water, and groundwater that may collect on site and those sources identified in Part II(A), if they are not a significant source of pollution. A separate permit must be obtained to discharge water from other sources such as hydrostatic testing of pipes, tanks, or other similar vessels; disinfection of potable water lines; pump testing of water wells; and the treatment of gasoline or diesel contaminated groundwater or surface water.
  - 2) The permittee(s) must operate the discharge to minimize the release of sediment and provide adequate BMPs where necessary to minimize erosion due to the discharge. Discharges must not lead to the deposition of sediment within stormwater conveyance systems or surface waters. Discharges must not cause or potentially cause a visible plume within a surface water body.
  - 3) When dewatering, utilize structures or BMPs which allow for draw down to occur from the surface of the water, unless infeasible. If infeasible, documentation must be provided in the SWPPP. In addition, you must describe what BMP(s) will be used in its place.
  - 4) In addition to the inspection requirements in Part III, dewatering activities shall be inspected daily. The inspection must include the dewatering site, areas where BMPs are being implemented and the discharge location. A record shall be maintained to document the inspections of the dewatering operation and actions taken to correct any problems that may be identified.
    - a. Records shall contain at a minimum:
      - i. Date and time of the inspection,
      - ii. Inspector name,
      - iii. Approximate<sup>15</sup> volume of water discharged,
      - iv. Findings of the inspection, including recommendations and schedule for corrective actions;
      - v. Corrective actions taken (including dates, times, and party completing maintenance activities); and

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<sup>15</sup> Change made in response to comment 42 received from the NDDOT and to provide clarification on the intent of this requirement.

- vi. Documentation that the SWPPP has been amended when ~~substantial~~<sup>16</sup> changes are made to the dewatering activity in response to inspections.
- 5) Local authorities may require specific BMPs for discharges affecting their storm sewer system.

*Basis:* Permittees/operators implementing the SWPPP need have knowledge of erosion and sediment controls, and understand the permit requirements so it can be implemented effectively. Descriptions of the operational controls are required in order to communicate what operational controls are being used on-site to other responsible parties. The descriptions will also notify appropriate parties of maintenance activities that need to be performed in order to reduce the potential for the discharge of pollutants and to maintain controls in effective operating conditions as required by this permit.

The department has received questions on training requirements pertaining to the permit. Training requirements provided in Part II(3)(e) of this permit were added to provide clarification on who should be trained pertaining to the general permit and what the training should entail. This requirement comes from the 2012 US EPA CGP Part 6 and the implementation of 40 CFR 122.44(s) as required by 40 CFR 123.25.

The 2009 GCP the requirement that concrete wash water, grindings, and slurry could not to be discharged to waters of the state, storm sewer systems or be allowed to drain onto adjacent properties. The permit did not address how wash water should be handled so that the wastewater would not leave the site. Wash water is considered to be a wastewater and is not covered under this permit unless specified in Part II(A) of the permit. This requirement comes from the 2012 US EPA CGP Part 2.3.3.4 and the implementation of 40 CFR 122.44(s)(1)(ii) as required by 40 CFR 123.25.

The 2009 GCP did not provide a requirement for where water must be drawn from in collection/sediment basins for dewatering activities. Drawing water from the surface assures that the cleanest water is being removed from the site and limits re-suspending settled out solid while dewatering activities are occurring. This requirement is the implementation of 40 CFR 122.44(s) as required by 40 CFR 123.25.

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

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<sup>16</sup> Change made in response to comment 44 received from the NDDOT and to remove ambiguity caused by the term "substantial."

2. The nature of stormwater run-on and runoff from the site as well as changes during, and as a result of, construction activity. This includes changes to impervious surfaces, slopes, seasonal changes, and drainage features on-site;
  3. Channelized flow, must be handled in order to minimize erosion at outlets and to minimize impacts to downstream receiving waters;
  4. Soil types (wind and water erodibility, and settling time); and
  5. Seasonal conditions.
- b. Sediment basins, or an appropriate combination of equivalent sediment controls such as smaller sediment basins and/or sediment traps, silt fences, fiber logs, vegetative buffer strips, berms, etc., are required for all down slope boundaries of the disturbance area and for those side slope boundaries as may be appropriate for site conditions.
  - c. Temporary or permanent erosion protection and stabilization (such as cover crop planting or mulching) must be initiated immediately, as described in Appendix 1(A), for all exposed soil areas where activities have been completed or temporarily ceased.
  - d. All control measures must be properly selected, installed and maintained in accordance with the manufacturer's specifications and good engineering practices. If periodic inspections or other information indicates a control has been used inappropriately or incorrectly, the permittee must replace or modify the control for site situations. Corrective actions must be made prior to the next anticipated rainfall event of within 24 hours of discovery (whichever comes first) or as soon as field conditions allow.<sup>17</sup>

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

- e. If sediment escapes from the site, off-site accumulations of sediment must be removed in a manner and frequency sufficient to minimize off-site impacts as outlined in Appendix 1(B). The SWPPP must be modified to prevent further sediment deposition off-site.
- f. Stormwater controls are expected to withstand and function properly during precipitation events of up to the 2-year, 24-hour storm event. Visible erosion and/or off-site sediment deposition from such storm events should be minimal. The 2-year, 24-hour rainfall event in North Dakota ranges from about 1.9 inches in the west to 2.3 inches in the east.
- g. For projects that discharge stormwater which flows to waters that have a TMDL allocation for sediment, ~~suspended solids or turbidity~~ and/or parameters associated with sediment transport, the ~~plan~~ SWPPP must be consistent with the assumptions, allocations and requirements of the approved TMDL. If a TMDL specifies certain BMPs

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<sup>17</sup> This addition was in response to comment 50 received from the NDDOT and to maintain consistency with Appendix 1 of the permit.

or controls to meet a wasteload allocation (WLA) applicable to the project's discharges, the BMPs or controls must be incorporated into the ~~plan~~ SWPPP. Information about TMDL allocations may be found at the following website<sup>18</sup>:  
[www.ndhealth.gov/WQ/SW/Z2\\_TMDL/default.htm](http://www.ndhealth.gov/WQ/SW/Z2_TMDL/default.htm).

*Basis:* Design considerations were added to Part II(C)(4) in order to provide clarification on what factors need to be considered while designing and selecting proper BMPs for construction sites. These considerations were provided by the 2012 US EPA GCP Part 2.1.1.2. The 2009 GCP Part II(C)(4)(c) included stabilization requirements, but did not specify any time frames for starting stabilization of the site. This resulted in many sites with exposed soils during inactive periods. Stabilization needs to take place to reduce the amount exposed soil while any portion of the site is no longer being worked. This requirement provides clarification for when stabilization should begin. The requirement comes from the 2012 US EPA GCP Part 2.2 and the implementation of 40 CFR 122.44(s) as required by 40 CFR 123.25.

Erosion and sediment controls need to be described in order to communicate to responsible parties what practices are being used on-site, where they are located, and how they need to be maintained so they function properly. The 2009 GCP required descriptions of erosion and sediment controls, but the requirements were not brought to the forefront.

5. **Stormwater Management.** The SWPPP must identify permanent practices incorporated into the project to control pollutants in stormwater discharges occurring after construction operations have been completed.
  - a. Identify stormwater ponds; flow reduction methods; infiltration of runoff on-site; sequential systems which combine several practices or other post-construction stormwater management features.
  - b. Identify velocity / energy dissipation devices placed at discharge locations and appropriate erosion protection for outfall channels and ditches.
  - c. Maintenance for on-site stormwater management features is the responsibility of the permittee until the NOT is submitted or the feature is accepted by the party responsible for long term maintenance.
  - d. The design, installation and use of stormwater management features must comply with applicable local, state or federal requirements.

*Basis:* The SWPPP needs to identify stormwater management practices which will remain on location after the completion of the project. Control measures need to be identified along with maintenance procedures for the control. This requirement is the implementation of 40 CFR 122.44(s) as required by 40 CFR 123.25.

6. **Maintenance.** All erosion and sediment control measures and other protective measures identified in the plan must be maintained in accordance to Appendix 1. The plan must

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<sup>18</sup> These changes were made in response to comment 55 received from the NDDOT and to maintain consistency with Part I of the permit.

indicate, as appropriate, the maintenance or clean out interval for sediment controls. If site inspections, required in Part III of this permit, identify BMPs that are not operating effectively, maintenance shall be arranged and accomplished in accordance to Appendix 1 or as soon as practicable.

*Basis:* All BMPs need to be maintained in order to ensure proper function to reduce the discharge of pollutants. This requirement is the implementation of 40 CFR 122.44(s) as required by 40 CFR 123.25.

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

*Basis:* Inspectors conducting the required inspections in accordance with Part III of this permit must meet the minimum training requirements as outlined in Part II(C)(2)(e) of this permit. This ensures that inspectors understand the permit requirements, understand of what needs to be inspected, recorded, and what maintenance and corrective actions need to take place on-site. This implements 40 CFR 122.48, which requires recording and reporting of monitoring results.

#### 8. **SWPPP Review and Revisions.**

- a. The SWPPP shall be signed in accordance with the Signatory Requirements, Part IV(A)(6), and retained on-site for the duration of activity as outlined in Part III(B).
- b. The permittee shall make the SWPPP available upon request to the department, EPA, or, in the case of discharges to a municipal storm sewer system, the operator of the municipal system.
- c. The permittee shall amend the SWPPP whenever there is a change in design, construction, operation, maintenance, or BMPs. The SWPPP shall be amended if the plan is found to be ineffective in controlling pollutants present in stormwater. The SWPPP shall be amended as soon as practicable.<sup>19</sup>

*Basis:* The SWPPP must be signed in accordance with the Signatory Requirements as required by 40 CFR 122.22(d). Stormwater Pollution Prevention Plans must be made available upon request by the Department, EPA, or the operator of a municipal system.

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<sup>19</sup> The additional sentence was added in response to comment 61 received from the NDDOT.

Stormwater Pollution Prevention Plans must be amended to reflect site changes and changes in BMPs in order to have continued communication amongst responsible parties.

This requirement is the implementation of 40 CFR 122.44(s) as required by 40 CFR 123.25. Signatory requirements are the implementation of 40 CFR 122.22(d).

## Local Requirements

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

The local stormwater requirements may be established by ordinance or stormwater management programs developed to comply with a separate NDPDES permits issued to the municipality.

*Basis:* If local municipalities or agencies have more stringent stormwater requirements, the permittee must follow the most stringent requirements. By following the more stringent requirements, the permittee would automatically be in compliance of this permit.

## Final Stabilization

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

1. All soil disturbing activities at the site have been completed and all soils must be stabilized by a uniform perennial vegetative cover with a density of 70 percent of the pre-existing cover over the entire pervious surface area, or other equivalent means necessary to prevent soil failure under erosive conditions and;
  - a. All drainage ditches, constructed to drain water from the site after construction is complete, must be stabilized to preclude erosion;
  - b. All temporary, ~~synthetic, and structural~~<sup>20</sup> erosion prevention and sediment control BMPs (such as silt fence) must be removed as part of the site final stabilization; and
  - c. The permittee(s) must remove all sediment from conveyances and temporary sedimentation basins that will be used as permanent water quality management basins. Sediment must be stabilized to prevent it from being washed into basins, conveyances or drainage ways discharging off-site or to surface waters. The cleanout of permanent basins must be sufficient to return the basin to design capacity.

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<sup>20</sup> This change was made in response to comment 65 received from the NDDOT.

2. For areas of the state where the average annual rainfall is less than 20 inches, all soil disturbing activities at the site have been completed and temporary<sup>21</sup> erosion control measures (e.g., degradable rolled erosion control product) and stabilization methods are selected, designed, and installed along with an appropriate seed base to provide erosion control for at least three years and achieve 70 percent of the pre-existing vegetative cover within three (3) years without active maintenance. Sites must meet the criteria outlined in items 1(a), (b), and (c) above.
3. ~~For soil disturbing activities on land used for agricultural purposes, final stabilization may be accomplished by returning the disturbed land to its pre-disturbance agricultural use. Pasture lands must be returned to pre-disturbance vegetative cover and cropland must be seeded. Areas disturbed that were not previously used for agricultural activities, such as buffer strips immediately adjacent to waters of the state, and Disturbed areas on land used for agricultural purposes that are restored to their pre-construction agricultural use are not subject to these final stabilization criteria. If the construction activity removed standing crop, the area must be restored in accordance with the landowner. Areas which are not being returned to their pre-disturbance use must meet the final stabilization criteria in (1) or (2) above.~~<sup>22</sup>
4. For residential construction only, final stabilization may be achieved when soil is stabilized (see Appendix 1(A)(3)) and down gradient perimeter control for individual lots has been implemented and the residence has been transferred to the homeowner. Additionally, the permittee must distribute a "homeowner fact sheet" to the homeowner to inform the homeowner of the need for, and benefits of, final stabilization. The permittee also must demonstrate that the homeowner received the fact sheet.

*Basis:* Parts 2 and 3 above were moved to this section from the definition of stabilization. Though in the 2009 GCP, these parts were listed in Part V of the 2009 GCP, few permittees were aware of the two conditions which counted as final stabilization. In order to increase awareness, they were added to this section of the permit. The definition of final stabilization was removed from Part V of this permit.

## **SELF MONITORING AND REPORTING**

### **Inspection and Maintenance Requirements**

1. Inspections shall be performed by or under the direction of the permittee at least once every 14 calendar days and within 24 hours after any storm event of greater than 0.25 inches of rain per 24-hour period during active construction<sup>23</sup>. Inspections are only required during normal working hours. The permittee shall use a rain gauge on-site or utilize the nearest National Weather Service precipitation gauge station. Rain gauge

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<sup>21</sup> This change was made in response to comment 67 received from the NDDOT.

<sup>22</sup> Change made in response to comment 69 received from NDDOT and to provide clarification on how to handle agricultural lands.

<sup>23</sup> This change was made in response to comment 72 received from the NDDOT and to remove ambiguity of what is considered "active construction."

locations or stations must be representative of the site.

- a. "Within 24 hours after any storm event greater than 0.25 inches rain per 24-hour period" means that you are required to conduct an inspection within 24 hours once a storm event has produced 0.25 inches, even if the storm event is still continuing. If there is a storm event at your site that continues for multiple days, and each day of the storm produces 0.25 inches or more rain, you are required to conduct an inspection within 24 hours of the first day of the storm and within 24 hours after the end of the storm.
2. There may be times when a site inspection may not be practical at the specified time. Adverse climatic conditions, such as flooding, high winds, tornadoes, electrical storms, site access constraints, etc., may prohibit inspections. ~~Storm events may also occur outside of normal working hours.~~ The permittee must include a description of why the inspection(s) could not be performed at the designated time in the next inspection record. ~~If a rain event occurs outside of normal working hours, an inspection must be conducted during the next working day.~~ If an inspection is delayed due to adverse weather conditions or rain events outside normal working hours, an inspection must be conducted during the next working day, or as conditions allow.<sup>24</sup>
3. Some erosion and sediment control measures may require more frequent inspection based on location (e.g., sensitive areas or waters of the state) or as a result of recurring maintenance issues. Erosion or sediment control measures found in need of maintenance between inspections must be repaired or supplemented with appropriate measures as soon as practicable. Erosion and sediment control measures which require more frequent inspection based on location or as a result of recurring maintenance issues must be identified in the SWPPP.
4. All inspections conducted during construction must be recorded in writing and these records must be retained in accordance with Part III(B). Records of each inspection activity shall include:
  - a. Date and time of inspections;
  - b. Name of person(s) conducting inspections;
  - c. Findings of inspections, including recommendations and schedule for corrective actions;
  - d. Date and amount of all rainfall events greater than 1/4 inch (0.25 inches) in 24 hours; and
  - e. Documentation that the SWPPP has been amended when changes are made to BMPs in response to inspections.

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<sup>24</sup> This change was made in response to comment 74 received from the NDDOT and to provide clarification on how to handle situations when inspections are not practical at the specified time.

- f. All inspection reports shall be signed in accordance with Part IV(A)(6) of this permit.
5. Corrective actions (maintenance activities) performed during construction must be recorded in writing and these records must be retained in accordance with Part III(B). Records for maintenance activity shall include:
  - a. Best Management Practice corrected;
  - b. Date and time of corrective action;
  - c. Name of person(s) performing corrective actions;
  - d. Corrective actions taken; and
  - e. Corrective actions/maintenance records shall be signed in accordance with Part IV(A)(6) of this permit.
6. Completed areas that have been stabilized but do not meet the 70 percent perennial vegetative cover criteria for final stabilization may be inspected once per month. Inspections may be suspended for parts of the construction site that meet final stabilization requirements of Part II(E) of this permit. The SWPPP must update to identify any areas which meet this condition.
7. Inspections may be suspended where earthwork has been suspended due to frozen ground conditions. The required inspections and maintenance must resume as soon as runoff occurs or the ground begins to thaw at the site. The permittee must record freeze/thaw and runoff dates as part of the inspection records.

*Basis:* The 2009 GCP required inspections every 14 calendar days and within 24 hours after any storm event of greater than 0.5 inches of rain per 24-hour period during active construction. The new requirement of conducting an inspection within 24 hours after any storm event of greater than 0.25 inches of rain per 24-hour period during active construction is based off of the 2012 US EPA CGP Part 4.1.2.2.

The requirements for inspection and maintenance records were broken out into separate items in order to provide clarification on documentation needed for maintenance activities.

This permit removed the alternative inspection plan option for long, narrow, linear construction projects. With the new stabilization requirements and site access constraints being added to times when a site inspection may not be practical at the specified time, the alternative inspection plans are no longer necessary. These requirements are for the implementation 40 CFR 122.48 and 40 CFR 122.41(j).

## **Records Location**

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

*Basis:* 40 CFR 122.41(h) requires that permittees must furnish information requested by the department within reasonable time in determining compliance with the permit. 40 CFR 122.41(i)(2) requires that inspectors have access to and copy, at reasonable times, and any records that must be kept under the conditions of the permit.

The 2009 GCP did not address electronic copies as being an acceptable form for records retention. Electronic storage of records is acceptable, but must be available on site via an electronic device. If the records cannot be pulled up, a hard copy of the records must be stored on location, except when the site is inactive. Documents may be stored at a local office when the site is inactive.

## **Appendix 1 – Erosion and Sediment Control Requirements**

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

*Basis:* The 2009 GCP incorporated Appendix 1, but was only a guideline. In this permit, Appendix 1 is now a requirement instead of guidelines. The requirements represent effluent limitations for construction sites which are operating under this permit.

### **A. Erosion and Sediment Control Practices**

1. Sites using temporary (or permanent) sediment basins must meet the following requirements:
  - a. Sediment basins shall be designed for a calculated volume of runoff from a 2-year, 24-hour storm per acre drained to the basin and provides not less than 1,800 cubic feet of sediment storage below the invert of the outlet pipe from each acre drained to the basin; or
  - b. Basins shall be sized to provide 3,600 cubic feet of sediment storage below the invert of the outlet pipe per acre drained to the basin if calculations are not performed.
  - c. Basin outlets must be designed to avoid short-circuiting and the discharge of floating debris. Basins must be designed with the ability to allow complete basin drawdown for maintenance activities. Basins must release the storage volume in at least 24 hours. Outlet structures must be designed to withdraw water from the surface, unless not practicable. If not practicable, rationale must be provided in the SWPPP. The basin must have a stabilized emergency overflow to prevent failure of pond integrity. Energy dissipation must be provided for the basin outlet.

*Basis:* The 2009 GCP required that sediment basins be used when 10 acres or more drained to a common location or if not practical a combination of measures which provide equivalent treatment must be provided. This permit removes the requirement of sediment basins, and sets requirements for sediment basins for sites that decide to use them.

The 2009 GCP did not include any requirements for where the water must be drawn from while discharging from a sediment basin. This permit requires that any outlet structure for a sediment basin must draw water from the surface. This allows the discharge of the cleanest water from the sediment basin, while allowing settling time for suspended solids. This requirement extends from the 2012 US EPA CGP Part 2.1.3.2.a.ii and is the implementation of 40 CFR 122.44(s) as required by 40 CFR 123.25.

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

etc.

*Basis:* The 2009 GCP required that sediment and erosion controls be provided for sites that do not use sediment basins. This permit will require all permittees to use erosion, sediment and stabilization on-site. This requirement comes from the 2012 US EPA CGP Part 2.1.

3. All exposed soil areas must be stabilized (see definitions). Stabilization must be initiated immediately where activities have been ~~completed~~ permanently<sup>25</sup> or temporarily ceased on any portion of the site and will not resume for a period exceeding fourteen (14) calendar days. Stabilization must be completed as soon as practicable, but no later than fourteen (14) calendar days after the initiation of soil stabilization. Temporary stockpiles without significant silt, clay or organic components (e.g., clean aggregate stockpiles, demolition concrete stockpiles, sand stockpiles) are exempt from this requirement.
  - a. For slopes with a grade of 3:1 or greater, stabilization must be initiated immediately once activities have been completed or temporarily ceased. Stabilization must be completed as soon as practicable, but no later than seven (7) calendar days after the initiation of soil stabilization.

*Basis:* The 2009 GCP required stabilization of exposed soils, but did not include a time frame for beginning and completing soil stabilization. The sooner areas are stabilized; the less soil becomes dislodged, reducing the need for performing maintenance on sediment controls. By stabilizing the soil as soon as possible, the site can reach final stabilization sooner, reducing impacts to receiving waters of the state. This requirement comes from the 2012 US EPA CGP Part 2.2.

The addition of a more stringent time frame for slopes with a grade of 3:1 was added. The 2009 GCP had a requirement for breaking up slopes with a grade of 3:1 or greater every 75 feet. This requirement did not address slopes which had a grade of 3:1 or greater that was not 75 feet in length. This requirement encompasses all slopes with a grade of 3:1 or greater, no matter the length of the slope. Due to a large number of highly erodible soil types in North Dakota, this additional requirement was added to reduce the impact of sediment on waters of the state. This requirement is based on combination of the 2012 US EPA CGP Part 2.1.2.5 and Part 2.2.

These requirements are the implementation of 40 CFR 122.44(s) as required by 40 CFR 123.25.

4. Temporary soil stockpiles must have effective sediment controls, and cannot be placed in surface waters, including stormwater conveyances such as curb and gutter systems, or conduits and ditches. ~~Temporary soil stockpiles must be stabilized within fourteen (14) calendar days.~~<sup>26</sup>

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<sup>25</sup> Change made in response to comment 91 received from NDDOT and to provide consistency with other sections of the permit.

<sup>26</sup> Change made in response to comment 94 received from NDDOT and to redundancy in the permit.

*Basis:* Temporary soil stockpiles need to have sediment controls around the stockpile to reduce sediment loss from the stockpile. Stockpiles cannot be placed in surface waters which would be a violation of NDCC 61-28 and NDAC 33-16-02.1. Effective sediment controls around soil stockpiles was required in the 2009 GCP. This item was broken out into a separate requirement in order to bring it to the forefront.

5. The normal wetted perimeter of any temporary or permanent drainage ditch that drains water from a construction site, or diverts water around a site, must be stabilized at least 200 linear feet from the property edge, or from the point of discharge to any surface water. Stabilization shall be completed ~~within 24 hours of~~ <sup>27</sup>connecting to a surface water. Any remaining portion of the temporary or permanent drainage ditch must be stabilized within fourteen (14) calendar days for portions which construction activities have temporarily or permanently ceased.

*Basis:* This requirement addresses the issue of sites having a temporary or permanent drainage ditch with exposed soils. Exposed soils in a drainage ditch causes increased erosion within the ditch; resulting in the increased potential for sediment deposition into waters of the state or off-site. This requires that 200 feet from the point of discharge be stabilized within 24 hours of completion of the drainage ditch, and any remaining portion of the drainage ditch be stabilized within fourteen (14) calendar days.

6. If stabilization requirements cannot be met due to circumstances beyond the control of the permittee, the permittee may comply with following:
  - a. If vegetative stabilization is to be used, immediately initiate, and within 14 calendar days complete, the installation of temporary non-vegetated stabilization; or
  - b. Complete all methods of initiating stabilization as soon as conditions or circumstances allow.

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

Permittees are responsible for implementing winter stabilization methods during frozen ground conditions if the site was not stabilized prior to the ground freezing.<sup>28</sup>

*Basis:* The department recognizes that circumstances outside of the permittee's control may arise which would inhibit permittee's from meeting the stabilization requirements of this permit. The basis of this paragraph is from the 2012 EPA CGP and is the implementation of 40 CFR 122.44(s).

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<sup>27</sup> This change was made in response to comment 97 received from the NDDOT.

<sup>28</sup> This paragraph was added in response to comment 93 received from the NDDOT and comment 11 received from the NDPC.

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

*Basis:* The 2009 GCP did not address how stream diversions or temporary or permanent drainage ditches, or trenches, with continuous flow should be handled. This requirement is to ensure that erosion does not occur within the channel of the stream diversion, drainage ditch, or trench, which would increase the discharge of unrecoverable sediment into waters of the state. This requirement is the implementation of 40 CFR 122.44(s) as required by 40 CFR 123.25.

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

*Basis:* The 2009 GCP did not address working in and around surface waters. Though silt curtains are an acceptable BMP, they should only be used as a secondary sediment control, except when working on the shoreline or below the waterline where it is the only viable option. BMPs need to be provided above the waterline. If only silt curtain is used in situations when work is not being conducted on the shoreline or below the waterline, the sediment has already been discharged to a water of the state. This requirement is the implementation of 40 CFR 122.44(s) as required by 40 CFR 123.25.

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

*Basis:* Pipe outlets must provide energy dissipation to reduce erosion/scouring at the outlet from concentrated water flows. This requirement is the implementation of 40 CFR 122.44(s) as required by 40 CFR 123.25.

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

*Basis:* By providing splash pads and/or downspout extensions the velocity of the concentrated flow is dissipated. This reduces soil erosion and the potential for sediment to be deposited in a curb and gutter system, storm sewer system or waters of the state.

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

equipment.

*Basis:* Storm drain inlets need to have sediment control in order to stop sediment getting into the storm sewer system. Storm sewers are considered a water of the state under NDAC 33-16-02.1. This requirement is the implementation of 40 CFR 122.44(s) as required by 40 CFR 123.25 and is from the 2012 US EPA CGP Part 2.1.2.9.

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

*Basis:* Sediment should not leave the construction site if erosion, sediment and stabilization practices are being conducted properly. If sediment leaves the site and enters a storm sewer system, it would be a violation of NDAC 33-16-02.1. Inlet protection needs to be provided in case erosion, sediment and stabilization practices fail, then a supplemental BMP is in place so that sediment does not reach a water of the state. In this permit, it was moved out to a separate item in order to bring this requirement to the forefront.

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

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

*Basis:* The 2009 GCP addressed the minimum width for vegetative buffers, if used. The previous permit required a minimum width of 25 feet for every 125 feet of disturbed area which drained to the buffer; then an additional foot for every five (5) feet of additional disturbance which flowed to the buffer. In both scenarios the ratio of buffer width to area of disturbance is one (1) foot of buffer for every five (5) feet of disturbance which drains to the buffer. This revision is to provide clarification on vegetative buffer requirements and allow for smaller sites to utilize vegetative buffers if desired. This requirement is the implementation of 40 CFR 122.44(s) as required by 40 CFR 123.25.

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

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

*Basis:* The 2009 GCP did not include natural buffer requirements while working near surface waters. This requirement provides extra protection for surface waters, which limits the amount of exposed soil adjacent to surface waters, and provides natural sediment control. While working within 100 feet of an impaired surface water, a 100 foot natural buffer is to be provided. The extra 50 feet of buffer is required due to the surface water already being impaired and is to assist with not exceeding potential waste load allocations, if applicable, and to prevent further impairment of the surface water. This requirement is from the 2012 US EPA CGP Part 2.1.2.1 and is the implementation of 40 CFR 122.44(s) as required by 40 CFR 123.25.

15. If the permittee(s) intend to use chemical treatment for sediment removal, they must be used in accordance with the manufacturer's specifications. Treatment chemicals must be selected appropriately for the anticipated soil particle size and characteristics of the stormwater (pH, turbidity, flow rate of stormwater flowing into the chemical treatment system, etc.). A description of the chemical treatment process must be included in the SWPPP.
  - a. To ensure selection and management of chemicals minimize the potential for harmful effects in the discharge, the permittee will be required to provide the department, for review and approval. Additional monitoring and reporting may be required as a condition for the approval to discharge.

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

- i. Material Safety Data Sheet/Safety Data Sheet (MSDS/SDS);
  - ii. Proposed water additive discharge concentration;
  - iii. Discharge frequency (i.e., number of hours per day and number of days per year);
  - iv. Monitoring point for product discharge;
  - v. Type of removal treatment, if any, that the water additive receives prior to discharge;
  - vi. Product function (e.g., coagulant, flocculant, etc.);
  - vii. A 48-hour LC<sub>50</sub> or EC<sub>50</sub> for a North American freshwater planktonic crustacean (*Ceriodaphnia* sp., *Daphnia* sp., or *Simocephalus* sp.); and
  - viii. Results for a toxicity test for one other North American freshwater aquatic species (other than a planktonic crustacean).
- b. Discharges from the chemical treatment of stormwater must not cause a violation of the standards of quality for waters of the state (NDAC 33-16-02.1). The discharge must meet the dewatering or basin draining requirements provided in Part II(C)(3)(g)

of this permit.

*Basis:* The 2009 GCP did not address the use of chemical flocculants. Chemical flocculants are being used in other parts of the nation in order to remove sediment from stormwater. The department added this requirement in order to recognize that the chemical treatment of stormwater is an option, only if it is performed properly and does not result in a violation of a water quality standard.

The information required in part (a) of this section was added to ensure that chemical treatments are used properly. This permit does not restrict the use of cationic or anionic chemicals, but ensures that they will be used appropriately and will not harm the environment. The required information is from the NDG07-0000 permit. Based upon the information provided, the department may or may not give approval to discharge the treated water.

This requirement extends from the 2012 US EPA CGP Part 2.1.3.3 and is the implementation of 40 CFR 122.44(s) as required by 40 CFR 123.25.

~~16. The disturbance of steep slopes must be minimized.~~ Minimize the duration of exposed soils on steep slopes.<sup>29</sup>

*Basis:* The purpose of this requirement is to reduce amount of exposed soil on steep slopes in order to reduce the potential for soil erosion on the slope and sediment deposition down gradient. It is recognized that steep slopes may not be totally avoidable for certain construction activities. If the disturbance of a steep slope must occur, the work should be performed as quickly as possible and re-stabilized as soon as possible. This requirement is from the 2012 US EPA CGP Part 2.1.2.6 and the implementation of 40 CFR 122.44(s) as required by 40 CFR 123.25.

## **B. Maintenance Requirements for Erosion and Sediment Controls**

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

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

- a. All control devices similar to, and including, silt fence or fiber rolls must be repaired, replaced, maintained or supplemented when they become nonfunctional (torn from

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<sup>29</sup> This was changed in response to comment 105 received from the NDDOT and comment 13 received from the NDPC.

posts, visible tears, etc.). Collected sediment must be removed as it approaches 1/2 of the above ground capacity of the control device. ~~Repairs must be made prior to the next anticipated rainfall event or within 24 hours of discovery (whichever comes first), or as soon as field conditions allow access. Documentation must be provided in the maintenance records if field conditions do not allow access along with a plan of action for performing maintenance activities.~~<sup>30</sup>

- b. Fiber rolls must be replaced when 1/2 of the original above ground height of the device when it was installed has been lost as a result of flattening or other damage.
- c. Sedimentation basins must be drained and the sediment removed when the depth of sediment collected in the basin reaches 1/2 the storage volume. Drainage and removal must be completed within 72 hours of discovery, or as soon as field conditions allow access. Documentation must be provided in the maintenance records if field conditions do not allow access along with a plan of action for performing maintenance activities.
- d. Maintenance and cleaning of inlet protection devices must be performed when sediment accumulates, the filter becomes clogged, and/or performance is compromised.

*Basis:* The 2009 GCP was vague in defining how the height of the device should be measured. The height of the device should be measured from the above ground portion of the device, not from the bottom of the device or the trenched in portion. Controls must be repaired prior to the next anticipated rainfall event. The previous permit allowed for within 24 hours of discovery, of which a rainfall event could occur again prior to the end of the 24 hour period. The control devices would be non-functional during the next rainfall event, allowing sediment to escape the site.

Control devices must be cleaned out or maintained before 1/2 of its above ground capacity is attained. The 2009 GCP provided guidance that controls should be cleaned out at 1/3 the height of the device. This permit will allow for more sediment accumulation for controls, but it must be cleaned out/maintained before it reaches 1/2 of its above ground capacity. This requirement is from the 2012 US EPA CGP Part 2.1.2.2(b).

Inlet protection must also be maintained in effective operation. The 2009 GCP required maintenance for inlet protection in a timely manner. This permit provides clarification for when an inlet protection control needs to be repaired, replaced or maintained. Inlet protection controls are a last line of defense and should not have sediment accumulations, become clogged or have their performance compromised if on-site controls are functioning properly. This requirement is from the 2012 US EPA CGP Part 2.1.2.9(b).

These requirements are the implementation of 40 CFR 122.44(s) as required by 40 CFR 123.25.

- 2. Surface waters, including drainage ditches and conveyance systems, must be inspected for evidence of sediment deposited by erosion. Permittees must remove all deltas and

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<sup>30</sup> Changes made to Appendix 1(B)(1) were in response to comment 59 received from the NDDOT and to meet the intent of the permit.

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

*Basis:* Sediment should not be reaching surface waters, drainage ditches (unless installed as part of the SWPPP). Sediment deposition may occur due to storm events greater than a 2 year, 24-hour rain event. In the case of an event larger than a 2 year, 24-hour rainfall occurs and sediment leaves the site, the permittee must remove all deposited sediment and re-stabilize the area within 7 calendar days. If sediment is not recovered and the area re-stabilized, unless documentation of a preclusion is provided, it would be considered permit violation and a violation of NDAC 33-16-02.1 and NDCC 61-28. This requirement is the implementation of 40 CFR 122.44(s) as required by 40 CFR 123.25.

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

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

*Basis:* The 2009 GCP provided a guideline for track out removal within 24 hours of discovery. This permit will require track out to be removed by the end of the work day, shift or if applicable, within a shorter time specified by local authorities or the department which the track out occurred. Sediment track out has been a large issue at construction sites and historically has not been addressed in a timely manner. This requirement is from the 2012 US EPA CGP Part 2.1.2.3 and is the implementation of 40 CFR 122.44(s) as required by 40 CFR 123.25.

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

*Basis:* Sediment that escapes construction sites, must be recovered so that wastes are not placed where they could potentially cause pollution to waters of the state pursuant NDCC

61-28-06. This requirement is the implementation of NDCC 61-28 and 40 CFR 122.44(s) as required by 40 CFR 123.25.

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

*Basis:* The 2009 GCP required the inspection of vegetative buffers for proper flow distribution, but did not address the repair and re-stabilization of eroded areas. This permit will require that eroded areas be repaired and stabilized within 24 hours of discovery in order to reduce erosion in vegetative buffers to maintain proper function and to reduce potential sediment deposition off-site. This requirement is the implementation of 40 CFR 122.44(s) as required by 40 CFR 123.25.

### **C. Operational Controls**

1. Properly handle construction debris and waste materials.
  - a. Debris and waste must be handled appropriately until disposal. Litter and debris shall be collected and stored to reduce the potential for wind and water to carry the materials off-site or leachate discharging from a site. Collected material shall be taken to the appropriate facility for disposal or recycling.
  - b. Liquid or soluble materials including oil, fuel, paint and any other hazardous substances must be properly stored, to prevent spills, leaks or other discharges. Restricted access to storage areas must be provided to prevent vandalism. Storage and disposal of liquid or soluble material must be in compliance with applicable regulations.

*Basis:* The requirement for properly handling debris and waste materials is to prevent any wastes to be blown or washed away and be deposited into water of the state. Construction debris or waste materials which are blown or washed away and deposited into waters of the state would be a violation of NDCC 61-28-06 and NDAC 33-16-02.1. This section was carried over from the 2009 GCP. This requirement is the implementation of 40 CFR 122.44(s) as required by 40 CFR 123.25.

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

*Basis:* The purpose of this requirement is to avoid any potential for the wash water containment to over flow and discharge to a water of the state. Wastewater discharges other than allowable and identified discharges in Part II(A) of this permit are allowed. Any other wastewater discharge would be in violation of NDCC 61-28 and NDAC 33-16-02.1. This requirement is the implementation of 40 CFR 122.44(s) as required by 40 CFR 123.25.

3. Best management practices used in surface waters must be cleaned immediately upon removal from surface waters<sup>31</sup> to prevent the transfer of aquatic nuisance species.

*Basis:* The purpose of this requirement is to acknowledge that aquatic nuisance species have the possibility to be transferred by construction BMPs, if proper procedures for decontaminating re-used BMPs are not performed. Regulations pertaining to the transfer of aquatic nuisance species are covered under NDCC 20.1-17 and ND Admin Code 30-03-06<sup>32</sup> and administered by the North Dakota Game and Fish Department.

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<sup>31</sup> Additional language was added in response to NDDOT Comment 112 and to maintain consistency with ND Admin. Code 30-03-06.

<sup>32</sup> Reference added due to NDDOT Comment 112.

## APPENDIX A – PUBLIC INVOLVEMENT

The department proposes to reissue a general permit for stormwater discharges associated with construction 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 **January 21, 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 author of the general permit and fact sheet is Patrick J. Schuett.

**North Dakota Department of Health Public Notice  
Issue of an NDPDES Permit**

Public Notice Date: 1/21/2015      Public Notice Number: ND-2015-001

**Purpose of Public Notice**

The Department intends to issue the following North Dakota Pollutant Discharge Elimination System (NDPDES) Discharge Permit under the authority of Section 61-28-04 of the North Dakota Century Code.

**Permit Information**

Application Date: 10/1/2014      Application Number: NDR10

Applicant Name: NDPDES Construction Stormwater General Permit

Mailing Address: ND Dept of Health, Div of Water Quality, 918 East Divide Ave, Bismarck ND 58501-1947

Telephone Number: 701.328.5235

Proposed Permit Expiration Date: 3/31/2020

**Description**

The Department proposes to reissue NDPDES General Permit NDR10-0000 to authorize the discharge of stormwater associated with construction activity as defined in 40 CFR part 122.26(b)(14) (x) and small construction activity as defined in 40 CFR part 122.26(b)(15). The regulated construction activities include clearing, grading, and excavating that result in land disturbance of equal to or greater than one acre. Construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale, if the larger common plan will ultimately disturb equal to or greater than one acre.

The permit requires the implementation of a pollution prevention plan to reduce erosion and sediment impacts to surface waters. The permit includes discharge conditions based on prohibitions, best management practices, water quality standards, and other considerations applicable to the activities.

**Tentative Determinations**

Proposed effluent limitations and other permit conditions have been made by the Department. They assure that State Water Quality Standards and applicable provisions of the FWPCA will be protected.

**Information Requests and Public Comments**

Copies of the application, draft permit, and related documents are available for review. Comments or requests should be directed to the ND Dept of Health, Div of Water Quality, 918 East Divide Ave, Bismarck ND 58501-1947 or by calling 701.328.5210.

All comments received by February 21, 2015 will be considered prior to finalizing the permit. If there is significant interest, a public hearing will be scheduled. Otherwise, the Department will issue the final permit within sixty (60) days of this notice. If you require special facilities or assistance relating to a disability, call TDD at 1.800.366.6868.

## APPENDIX B – GLOSSARY

### DEFINITIONS Permit Specific

1. **“303(d) List”** or **“Section 303(d) List”** means a list of North Dakota’s water quality-limited waters needing total maximum daily loads or TMDLs developed to comply with section 303(d) of the Clean Water Act. A copy of the latest integrated report is available on the state’s web site at:  
[www.ndhealth.gov/WQ/SW/Z2\\_TMDL/Integrated\\_Reports/B\\_Integrated\\_Reports.htm](http://www.ndhealth.gov/WQ/SW/Z2_TMDL/Integrated_Reports/B_Integrated_Reports.htm).
2. **“Act”** means the Clean Water Act.
3. **“Bankfull”** means the channel is filled to the top of one or both of its banks.
4. **“BMP”** or **“Best Management Practices”** means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the state. BMPs also include treatment requirements, operating procedures and practices to control construction site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
5. **“Bypass”** means the intentional diversion of waste streams from any portion of a treatment facility.
6. **“Common Plan of Development or Sale”** means a contiguous area where multiple separate and distinct land disturbing activities may be taking place at different times, on different schedules, but under one proposed plan. One plan is broadly defined to include design, permit application, advertisement or physical demarcation indicating that land-disturbing activities may occur.
7. **“Construction Activity”** means construction activity as defined in 40 CFR part 122.26(b)(14)(x) and small construction activity as defined in 40 CFR part 122.26(b)(15). This includes a disturbance to the land that results in a change in topography, existing soil cover (both vegetative and non-vegetative), or the existing soil topography that may result in accelerated stormwater runoff, leading to soil erosion and movement of sediment into surface waters or drainage systems. Examples of construction activity may include clearing, grading, filling and excavating. Construction activity includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb one (1) acre or more. Construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility.
8. **“Department”** means the North Dakota Department of Health, Division of Water Quality.
9. **“Energy Dissipation”** means methods employed at pipe outlets to prevent erosion. Examples include, but are not limited to: concrete aprons, riprap, splash pads, and gabions that are designed to prevent erosion.

10. **“Indian Country”** means (1) All land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservations; (2) All dependent Indian communities within the borders of the United States whether within the originally or subsequently acquired territory thereof, and whether within or without the limits of a state; and (3) All Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.
11. **“Infeasible”** means not technologically possible or not economically practicable and achievable in light of best industry practices.
12. **“Immediately”** means as soon as practicable, but no later than the end of the next work day, following the day when the earth-disturbing activities have temporarily or permanently ceased.
13. **“Large Construction Activity”** means land disturbance of equal to or greater than five (5) acres. Large construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale, if the larger common plan will ultimately disturb equal to or greater than five acres.
14. **“Normal Wetted Perimeter”** means the area of a conveyance, such as a ditch, channel, or pipe that is in contact with water during flow events that are expected to occur once every year.
15. **“Non-Stormwater Discharges”** means discharges other than stormwater. The term includes both process and non-process sources. Process wastewater sources that require a separate NDPDES permit include, but are not limited to industrial processes, domestic facilities and cooling water. Non-stormwater sources that may be addressed in this permit include, but are not limited to: fire-fighting, fire hydrant flushing, potable water line flushing, equipment wash down without detergents or hazardous cleaning products, uncontaminated foundation drains, springs, surface water, lawn watering, chemical treatment of stormwater and air conditioning condensate.
16. **“Operator”** means the person (usually the general contractor) designated by the owner who has day to day operational control and/or the ability to modify project plans and specifications related to the SWPPP. The person must be knowledgeable in those areas of the permit for which the operator is responsible and must perform those responsibilities in a workmanlike manner.
17. **“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.
18. **“Permanently Ceased”** means clearing and excavation within any area of your construction site that will not include permanent structures has been completed.

19. **"Permanent Cover"** means final stabilization. Examples include grass, gravel, asphalt, and concrete.
20. **"Severe Property Damage"** means substantial physical damage to property, damage to best management practices which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in construction.
21. **"Significant Materials"** includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; hazardous substances designated under Section 101(14) of CERCLA; any chemical the facility is required to report pursuant to Section 313 of Title III of SARA; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with stormwater discharges.
22. **"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).
23. **"Small Construction Activity"** means land disturbance of equal to or greater than one acre and less than five acres. Small construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale, if the larger common plan will ultimately disturb equal to or greater than one and less than five acres
24. **"Stabilized"** means the exposed ground surface has been covered by appropriate materials such as mulch, staked sod, riprap, erosion control blanket, or other material that prevents erosion from occurring. Grass seeding alone is not stabilization. Snow cover and frozen ground conditions are not considered stabilized.
25. **"Steep Slopes"** means slopes which are fifteen (15) percent or greater in grade.
26. **"Stormwater"** means stormwater runoff, snow melt runoff, and surface runoff and drainage.
27. **"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).
28. **"Stormwater Associated with Small Construction Activity"** means the discharge of stormwater from:
  - a. Construction activities including clearing, grading, and excavating that result in land disturbance of equal to or greater than once acre and less than five acres. Small construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common

plan will ultimately disturb equal to or greater than one and less than five acres. Small construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility.

- b. Any other construction activity designated by EPA or the Department, based on the potential for contribution to a violation of a water quality standard or for significant contribution of pollutants to waters of the state.
29. **"Temporarily Ceased"** means clearing, grading, and excavation within any area of the site that will not include permanent structures, will not resume (i.e., the land will be idle) for a period of 14 or more calendar days, but such activities will resume in the future.
  30. **"Temporary Erosion Protection"** means methods employed to prevent erosion. Examples of temporary cover include; mulch, straw, erosion control blanket, wood chips, tackifiers, and erosion netting.
  31. **"Upset"** means an exceptional incident in which there is unintentional and temporary noncompliance with permit requirements because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed erosion and sediment controls or site stabilization methods, inadequate erosion and sediment controls or site stabilization methods, lack of preventive maintenance, or careless or improper operation.
  32. **"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.
  33. **"You"** means the owner, operator or permittee as appropriate.

**APPENDIX C – RESPONSE TO COMMENTS**

**Comment:**

America's Oil Champion



February 23, 2015

VIA CERTIFIED MAIL AND ELECTRONIC MAIL ([krockema@nd.gov](mailto:krockema@nd.gov))

Mr. Karl Rockeman, P.E., Director  
Division of Water Quality  
North Dakota Department of Health  
Gold Seal Center, 918 East Divide Ave  
Bismarck, ND 58501-1947

Re: Request to Reopen and Extend Comment Period for the North Dakota Department of Health's ("NDDoH") Draft General Construction Permit NDR10-0000 (Stormwater Discharges Associated with Construction Activity) (the "Stormwater Permit")

Dear Mr. Rockeman:

Continental Resources, Inc. ("CLR") endorses the Stormwater Permit comments submitted earlier today by the North Dakota Petroleum Council ("NDPC") and, like NDPC, respectfully requests NDDoH reopen and extend the comment period. Because NDDoH limited the Stormwater Permit comment period to only thirty days and neglected to provide sufficient notice to the public of the proposed rulemaking, we and other NDPC members were deprived of our respective rights to receive notice of the proposed Stormwater Permit and a legitimate opportunity to submit meaningful comments.

Thank you in advance for your consideration of our request.

Sincerely,

CONTINENTAL RESOURCES, INC.

A handwritten signature in blue ink, appearing to read "J. Roger Kelley".

J. Roger Kelley  
Director of Regulatory Affairs

**Response:**

The comment period for the general permit to discharge stormwater associated with construction activity began on January 21, 2015 and ended on February 21, 2015, a period of thirty (30) days. North Dakota Administrative Code (N.D. Admin Code) 33-16-01-07(2) states:

“The department shall provide a period of not less than thirty days following the date of the public notice during which time interested persons may submit their written views on the tentative determinations with respect to the national pollutant discharge elimination system application. All written comments submitted during the thirty-day comment period shall be retained by the department and considered in the formulation of its final determinations with respect to the national pollutant discharge elimination system application. The period for comment may be extended at the discretion of the department.”

In accordance with N.D. Admin Code 33-16-01-07(02) the department has met the requirement of a public comment period of “not less than thirty days.”

On the day of public notice, the department of health provided notification via electronic mail to the following companies/names:

Aecom -	Self -	Earth Systems
Aggregate Industries/Sheree	Curtis Steier	ECC Horizon/Castellano
Eilertson	Martin R Schock	Environmental Defense Fund
Aland Enterprises	"Western Consulting Services, S.P."	Jim Grijalva
Diane Wizig - Alston + Bird LLP	Bna -	Derek Senn
Karen Otten	North Dakota Chapter of The Wildlife Society	Enhesa -
ALTUS Environmental		Enhesa -
"ALTUS Environmental, LLC"	Burns and McDonnell	EOG Resources
"Amber Waves Inc."	"Carlson McCain, Inc./John McCain"	EOG Resources
"American%20Engineering%20Testing,%20Inc. -"	Tim Kuiken	Environmental Protection Agency
"American Engineering Testing, Inc"	CH2M Hill	Epa -
Mary Johnson	Chemadvisor -	Epa -
Antea Group / Richard Anderson	"Citation Technologies, Inc"	US EPA Office of Regional Counsel
Cravates -	"City of Fargo, WTP"	Emilio Llamozas
New Century Press	Clean Coal Solution Services	
Dale Wetzel	Les Ashwood	Epa -
Apex Engineering Group	Clean Harbors	Epic Engineering
Aquionix -	Clean Harbors Environmental Services	Epic Engineering
Ark Environmental Consulting	Continental Resources	EP Minerals
John Alexander Roswech	Stacy Aguirre	"EP Minerals, LLC"
Avanti Corporation	Robert Sasson	Environmental Resources Management
Barr Engineering Company / Adam Driscoll	"Continental Resources, Inc."	Dean Ritts
Barr Engineering Company	Conveyabull -	Erm -
"Barr Engineering Co."	Corval Group	Erm -
Barr Engineering	North Dakota Funeral Directors Association	Erm -
Barr Engineering	American Crystal Sugar Company	Evoqua Water Technologies LLC
Tony Widboom	Dakota Software	Fidelity Exploration
Bd -	R D Reimers Cpa	Fidelity E
Benchmark Electronics	City of Dickinson	"Optic Fuel Clean, Inc."
"B.enviroSAFE, Inc."	Barb/Dakota Resource Council	Brent -
Dgc -	Dakota Resource Council	Gei -
	Dakota Resource Council	Stephanie Baker
	Eapc -	"GeoSynthetics, INC"
"Bionic Filter Solutions, Inc."		"GeoStat Environmental, LLC"

FACT SHEET FOR NDPDES PERMIT NDR10-0000  
 STORMWATER DISCHARGES FROM CONSTRUCTION ACTIVITIES  
 NORTH DAKOTA POLLUTANT DISCHARGE ELIMINATION SYSTEM (NDPDES)  
 GENERAL PERMIT NDR10-0000  
**EXPIRATION DATE: MARCH 31, 2020**  
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"Groundwater Environmental Services, Inc"  
 Global Energy Decisions  
 WelCore Health  
 Astec -  
 Travailleur autonome  
 "Squire, Sanders"  
 "Kringstad Septic Srv."  
 caron P  
 JJ England  
 Larry Heilmann  
 Independent -  
 Septic Medic's  
 Sarah Keller  
 Dong Gia Group  
 Self -  
 Golder Associates  
 "Golder Associates Inc."  
 "Law Office of Douglas A. Goulding"  
 Early Childhood Tracking  
 Grand Forks AFB  
 US Air Force - Grand Forks Air Force Base  
 City of Grand Forks  
 City Grand Forks Water Utility  
 Grand Forks  
 Grand Forks Public Health  
 Graymont -  
 Great River Energy/Deb Nelson  
 Mary Jo Roth  
 Great River Energy/Jennifer Charles  
 Great River Energy  
 North Dakota Funeral Directors Association  
 Halcon -  
 HDR Engineering  
 American Heart Association  
 Heideman Consulting  
 Michael McCabe  
 Stetson Sannes  
 "HLN Consulting, LLC"  
 Hms -  
 Allen Johnson  
 Dennis Kost  
 City of Cooperstown  
 Lynn C Wolff  
 Michael Klebe  
 Barb Price  
 Houston Engineering Inc  
 Hunt Oil Company  
 Hunt Oil Company/Martin Wouch  
 Icarus Energy  
 Icm -  
 "Industrial Reports Inc."  
 Integrated Water Services  
 Jeld-Wen -  
 IHD Solids Management  
 Smucker's/Brad Petersen  
 John Deere  
 John Deere Seeding Group Valley  
 City  
 "KBM Inc."  
 Klj -  
 Klj -  
 "KLJ Solutions, Inc."

Marks Group Broadcasting  
 Lexis Nexis  
 Christi Zamarripa  
 Lignite Energy Council - Jeff Burgess  
 Liuna -  
 Elite Energy Services  
 "Lowham Walsh, LLC"  
 Mansfield Oil  
 Marathon Oil Company  
 Marathon Oil  
 Marquis Alliance  
 "Martin Construction, Inc"  
 MinnDak Farmers Cooperative/Kurt Evenson  
 Montana-Dakota Utilities  
 Abbie Krebsbach  
 "Montana-Dakota Utilities Co."  
 "Montana-Dakota Utilities Co."  
 "Montana-Dakota Utilities Co."  
 MDU/Ron Rolle  
 "Montana-Dakota Utilities, Co."  
 School of Medicine and Health Sciences  
 SourceOne Healthcare Technologies  
 "Meverden Environmental, Inc."  
 "Tri-State Services of Baker, LLC"  
 Minnkota Power/Craig Bleth  
 John Graves  
 "Minnkota Power Cooperative, Inc."  
 Minnkota Power  
 Minnkota Power Cooperative  
 "City of Minot, Dayna Moerkerke"  
 City of Minot  
 "Midwest Industria X-Ray, Inc."  
 MLT Vacations  
 Emily Deering  
 Tori Tuncan  
 Doug Kleis  
 Ron -  
 Murex Petroleum Corporation  
 Murex Petroleum Corporation  
 University of North Dakota  
 North Dakota Department of Health  
 ND Dept of Health  
 North Dakota Dept of Health  
 "David D. Glatt"  
 Lisa Otto  
 "Van Vleet, Greg"  
 John Mittleider  
 ltd -  
 ND Dept of Trust Lands  
 Central Valley Health District  
 ND House of Representatives  
 Burke County Planning  
 Nddh -  
 Wild Rice Soil Conservation District  
 North Dakota Farm Bureau  
 Ndsu -  
 Gary Kessel  
 Northrop Grumman  
 Northrop Grumman  
 Northern Improvement Company  
 Nimonik -  
 Northland Community Health Center  
 "North Shore Analytical, Inc."

"Northwest Contracting Inc./Jennifer"  
 Alexandra Sonnenblick  
 National Parks Conservation Association  
 National Parks Conservation Association  
 National Park Service  
 Bill Miller  
 North Star Energy and Construction  
 Nuverra -  
 Olsson Associates  
 Oasis Petroleum  
 O'Day Equipment LLC  
 Oneok -  
 Mark Thoma/Otter Tail Power Company  
 Otter Tail Power Company  
 "OXY USA Inc."  
 "Pace Analytical Services, Inc."  
 "PeopleService, Inc."  
 Philotechnics/ William Button  
 "Philotechnics, Ltd"  
 "Pioneer Construction, Inc."  
 "Plains Energy Technical Resources, LLC"  
 "St. Alexius Medical Center"  
 "PTI Group Inc."  
 Pumpco Energy Services  
 Purity Oilfield Services  
 Varilek Construction Inc  
 R-360 Environmental  
 R360 Environmental Solutions  
 R360 Environmental Solutions  
 Troy Thacker  
 "R and D Enterprises, Inc."  
 "Remedial Construction Services, L.P."  
 Recovery Systems Company  
 "U.S. Army Western Regional Environmental Office"  
 R -  
 Southeast Water Users District  
 Gregg Webster  
 "Safety-Kleen Systems, Inc."  
 Santec Corporation  
 SCS Engineers  
 Secure Energy Services  
 Secure Energy Services  
 Secure Energy  
 "Short Elliott Hendrickson Inc."  
 Oberon Elementary School  
 Sierra Club  
 SJE-Rhombus -  
 SM Energy  
 SRF Consulting Group  
 Jim Herman  
 Farmers Union Oil of Velva/Vincent  
 Kangas  
 Srst Epa/Der  
 Stantec Consulting  
 Statescape -  
 Stateside Associates  
 Stateside Associates  
 Strata Corporation  
 SWCA Environmental Consultants

FACT SHEET FOR NDPDES PERMIT NDR10-0000  
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GENERAL PERMIT NDR10-0000  
**EXPIRATION DATE: MARCH 31, 2020**  
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Mary Massad  
"Systech, Inc."  
DTN/The Progressive Farmer  
Tervita LLC  
Tetra Tech  
Aspen Environmental Services  
Trinity Consultants  
Shelley Koehn  
Bob Dundas  
"Tesoro Companies, Inc."  
Tesoro Mandan Refinery  
Ulteig -  
Colin Mcpartlin  
Urs -  
Karen Jordan  
World Environmental  
Jeremy Szynskie

"U.S. Department of Justice/David  
McIlwain"  
Experience HealthND  
Experience Health ND  
US Postal Service  
"James H. Moss"  
Fargo VA Health Care System  
Valley Community Health Centers  
"Varec, Inc."  
VeraSun Energy Corporation  
"WBI Energy, Inc."  
Taryn Kuida  
Wenck Associates  
"Wenck Associates, Inc."  
"Wenck Associates, Inc."  
Wenck Associates/ Josh Kamrud  
"Wenck Associates, Inc. Fargo"  
Wenck Associates-Minot

Nicholas Williams  
Grant County Soil Conservation  
District  
Prairie Disposal Inc  
Waste Management  
Wsp -  
Wsi -  
CA Haas Consulting LLC  
RMG Consulting LLC  
Brandon Boyle  
Dakota Springs Engineering  
Jeremy Dockter  
Aspa -  
Theodora Bird Bear  
"Just do in consulting inc."

\* Total number of subscribers: 326

The department published the public notice in all regional newspapers in North Dakota. The following are copies of the public notices:

match hardly anyone noticed. That should be expected. Jimmy Walker was involved. He is becoming more difficult to ignore with each victory. Walker's nine-shot win at the Sony Open — the largest margin on the PGA Tour in nearly six years — was his fourth victory in the last 15 months, the most of any American in that stretch. His world ranking is No. 13, moving him closer to his goal of playing in the Olympics. More work remains, starting with the majors, and Walker knows this. Last year was his first time playing

has shown to be a quick study and a hard worker. Of all the new experiences from 2014, though, what stood out was Sunday at Gleneagles. The Ryder Cup long had been decided when Walker won his singles match against Lee Westwood by making eight birdies in 16 holes. With key wins early from Europe's two major champions, Rory McIlroy and Martin Kaymer, there was no reason for television to pay much attention to a match that affected only the final score. But it was a big deal for Walker.

the Ryder Cup in so many aspects, though it caused him to reminisce the way he never let up until it was over. "That was huge, that Sunday match against Lee," Walker said. "That was another day where I didn't want to let him have anything. After the Ryder Cup I said, 'I need to figure how to get in that mode, where every shot means so much.' That's how it felt. I was so engaged in every shot I hit. I've got to try to figure out how to do that week in and week out. And that's how I felt today."

**PUBLIC NOTICE**

**NOTICE OF APPLICATION ON PETITION FOR APPROPRIATION OF WATER FROM GROUND WATER SOURCES**  
 TAKE NOTICE that Menard, Inc., Eau Claire, Wisconsin, has submitted water permit application No. 6733 to the North Dakota Office of the State Engineer for a permit to divert and appropriate water from ground-water sources.

The application requests a permit to appropriate water from ground-water sources, utilizing point(s) of diversion located in the NE1/4 of Section 33, Township 139 North, Range 77 West, in Burleigh county as shown on the map accompanying the application, at a pumping rate of 60 gallons per minute during the operating season for each year said permit may remain in force, with an annual appropriation of 19.9 acre-feet of water, for industrial use.

TAKE NOTICE that written comments regarding the proposed appropriation must be filed in the North Dakota Office of the State Engineer, 900 East Boulevard Avenue, Bismarck, North Dakota 58505-0850, by 5:00 o'clock p.m. on the 23rd day of February, 2015. The State Engineer shall consider all written comments received and prepare a recommended decision which will be provided to the applicant and any person who filed written comments. Those persons may file additional comments with the State Engineer, request an adjudicative proceeding on the application, or both. Dated at Bismarck, North Dakota, on January 13, 2015.

IS/Todd Sande, PE  
 North Dakota State Engineer  
 900 East Boulevard Avenue  
 Bismarck, ND 58505-0850  
 1/21 & 28 - 20767630

**North Dakota Department of Health Public Notice**  
 Issue of an NDPDES Permit  
 Public Notice Date: 1/21/2015

**Purpose of Public Notice**  
 The Department intends to issue the following North Dakota Pollutant Discharge Elimination System (NDPDES) Discharge Permit under the authority of Section 61-28-04 of the North Dakota Century Code.

**Permit Information**  
 Public Notice Number: ND-2015-002  
 Application Date: 10/1/2014  
 Application Number: NDG07  
 Applicant Name: General Permit NDG070000-Dewatering and Hydrostatic Testing  
 Mailing Address: ND Dept of Health, Div of Water Quality, 918 East Divide Ave, Bismarck ND 58501-1947  
 Telephone Number: 701.328.5234  
 Proposed Permit Expiration Date: 3/31/2020

**Description**  
 The Department intends to reissue NDPDES General Permit, NDG070000, to regulate the discharge of temporary dewatering and hydrostatic testing

North Dakota Department of Health  
 Public Notice  
 Issue of an NDPDES Permit  
 Public Notice Date: 1/21/2015

**Purpose of Public Notice**  
 The Department intends to issue the following North Dakota Pollutant Discharge Elimination System (NDPDES) Discharge Permit under the authority of Section 61-28-04 of the North Dakota Century Code.

**Permit Information**  
 Public Notice Number: ND-2015-001  
 Application Date: 10/1/2014  
 Application Number: NDR10  
 Applicant Name: NDPDES Construction Stormwater General Permit  
 Mailing Address: ND Dept of Health, Div of Water Quality, 918 East Divide Ave, Bismarck ND 58501-1947  
 Telephone Number: 701.328.5235  
 Proposed Permit Expiration Date: 3/31/2020

**Description**  
 The Department proposes to reissue NDPDES General Permit NDR10-0000 to authorize the discharge of stormwater associated with construction activity as defined in 40 CFR part 122.26(b)(14)(x) and small construction activity as defined in 40 CFR part 122.26(b)(15). The regulated construction activities include clearing, grading, and excavating that result in land disturbance of equal to or greater than one acre. Construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale, if the larger common plan will ultimately disturb equal to or greater than one acre.

The permit requires the implementation of a pollution prevention plan to reduce erosion and sediment impacts to surface waters. The permit includes discharge conditions based on prohibitions, best management practices, water quality standards, and other considerations applicable to the activities.

**Permit Determinations**  
 Proposed effluent limitations and other permit conditions have been made by the Department. They assure that State Water Quality Standards and applicable provisions of the FWPCA are protected.

**Information Requests and Public Comments**

Copies of the application, draft permit, and related documents are available for review to the ND Dept of Health, Div of Water Quality, 918 East Divide Ave, Bismarck ND 58501-1947 or by calling 701.328.5210.

All comments received by February 21, 2015 will be considered prior to finalizing the permit. If there is significant interest, a public hearing will be scheduled. Otherwise, the Department will issue the final permit within sixty (60) days of this notice. If you require special facilities or assistance relating to a disability, call TDD at 1.800.366.6868.

1/21 - 20767626

**REQUEST FOR QUOTES**

United Tribes Technical College (UTTC), herein after referred to as the Owner, and is requesting quotations to remodel and repair the shower rooms on the first and second floors of Sitting Bull Hall to bring to current code. The building is located on the UTTC campus. The building number is 33. Funding for this project is provided by DOE Title III. The owner reserves the right to hold legitimate bids for seven (7) days, to reject bids and to waive any irregularities when in the best interest of the owner and the owner shall incur no legal liability for the payment of any monies until the contract is awarded and approved by the proper authorities. The owner requires the bidders to provide a performance-payment bond. The bidder shall submit the cost of a payment and performance bond in the amount of one hundred (100%) of the bid. The owner reserves the right to delete the payment and performance bond.

1. Equal Employment Opportunity - E.O. 11246 - Equal Opportunity as amended by E.O. 11375
2. Copeland "Anti-Kickback" Act (18 U.S.C. and 40 U.S.C. 276c) 874
3. Davis-Bacon Act, as amended (40 U.S.C. 276a to a-7)
4. Contract Work Hours and Safety Standards Act (40 U.S.C. 327-333)
5. Right of Intervention Made Under a Contract or Agreement.
6. Clean Air Act (42 A.S.C. 7401 et seq.) and the Federal Water Pollution Control Act (33 U.S.C. 125 (et. Seq.) as amended.
7. Bird Anti-Lobbying Amendment (31 U.S.C. 1352)
8. Debarment or Suspension (E.O. 12549 and E.O. 12689)

The scope of work shall consist of supplying the material and labor necessary to remodel the bathrooms located at Sitting Bull Hall. Call or e-mail to arrange to pick up scope of work (Randy Lamberth), (rlamberth@uttc.edu) 701 255-3285 ext.1391  
 Items necessary for the completion of the project and not included as bid items, shall be considered incidental to the overall bid.  
 The contractor shall be responsible for traffic and pedestrian control including signage. If required, the contractor will be responsible acquiring building permits from the Bismarck Community Development City and County Building Department. Contractors must be licensed in the State of North Dakota. Contractors shall guarantee their work for a period of two years.  
 Completion date for this project is 08-15-2015.  
 Sealed quotes will be received until 2:00 PM CDT, February 4th, 2015 at the office of Student and Campus Services, Bldg #1B, 3315 University Drive, Bismarck, ND 58504.  
 1/14, 21 & 28 - 20765566

**REQUEST FOR QUOTES**

United Tribes Technical College (UTTC), herein after referred to as the Owner, and is requesting quotations to repair or replace the northwest quadrant of the skills center - The building is located on the UTTC campus. The building number is: 200. Funding for project is provided by DOE Title III.

The owner reserves the right to hold legitimate bids for seven (7) days, to reject bids and to waive any irregularities when in the best interest of the owner and the owner shall incur no legal liability for the payment of any monies until the contract is awarded and approved by the proper authorities. The owner requires the bidders to provide a performance-payment bond. The bidder shall submit the cost of a payment and performance bond in the amount of one hundred (100%) of the bid. The owner reserves the right to delete the payment and performance bond.

1. Equal Employment Opportunity - E.O. 11246 - Equal Opportunity as amended by E.O. 11375
2. Copeland "Anti-Kickback" Act (18 U.S.C. and 40 U.S.C. 276c) 874
3. Davis-Bacon Act, as amended (40 U.S.C. 276a to a-7)
4. Contract Work Hours and Safety Standards Act (40 U.S.C. 327-333)
5. Right of Intervention Made Under a Contract or Agreement.
6. Clean Air Act (42 A.S.C. 7401 et seq.) and the Federal Water Pollution Control Act (33 U.S.C. 125 (et. Seq.) as amended.
7. Bird Anti-Lobbying Amendment (31 U.S.C. 1352)
8. Debarment or Suspension (E.O. 12549 and E.O. 12689)

The scope of work shall consist of supplying the material and labor necessary to repair existing roof on the NW section of the skills center building. Call or e-mail to arrange to pick up scope of work (Randy Lamberth), (rlamberth@uttc.edu) 701 255-3285 ext. 1391  
 Items necessary for the completion of the project and not included as bid items, shall be considered incidental to the overall bid.  
 The contractor shall be responsible for traffic and pedestrian control including signage. If required, the contractor will be responsible acquiring building permits from the Bismarck Community Development City and County Building Department. Contractors must be licensed in the State of North Dakota. Contractors shall guarantee their work for a period of two years.  
 Completion date for this project is 08-15-2015.

1/21 Bismarck



## Affidavit of Publication

Colleen Park, being duly sworn, states as follows:

1. I am the designated agent, under the provisions and for the purposes of, Section 31-04-06, NDCC, for the newspapers listed on the attached exhibits.
2. The newspapers listed on the exhibits published the advertisement of: **ND Health Department – Issue of an NDPDES Permit; 1 time(s)** as required by law or ordinance.
3. All of the listed newspapers are legal newspapers in the State of North Dakota and, under the provisions of Section 46-05-01, NDCC, are qualified to publish any public notice or any matter required by law or ordinance to be printed or published in a newspaper in North Dakota.

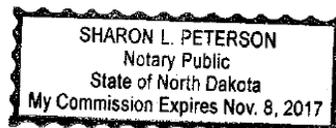
Signed: Colleen Park

State of North Dakota

County of Burleigh

Subscribed and sworn to before me this 28 day of January, 20 15.

Sharon L. Peterson



**FACT SHEET FOR NDPDES PERMIT NDR10-0000  
STORMWATER DISCHARGES FROM CONSTRUCTION ACTIVITIES  
NORTH DAKOTA POLLUTANT DISCHARGE ELIMINATION SYSTEM (NDPDES)  
GENERAL PERMIT NDR10-0000  
EXPIRATION DATE: MARCH 31, 2020  
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**WANTED**  
Cars and scrap  
1701-928-0325  
message. (TFN)

oil/gas inter-  
lis to: P.O. Box  
26, 80201. (TFN)

15 New Holland  
r parts. Call 408-

**STATEWIDE CLASSIFIEDS**

plants. Excellent salary. 401K,  
BCBS, vacation, acreage bonus.  
Call Scott, 701-848-6172. email:  
fuolkenmare@hotmail.com

**MISCELLANEOUS WANTED**  
**LEGAL REPRESENTATION**  
**NEEDED:** Dickinson divorce. At-  
torney must have expertise in  
Domestic Abuse, marital fraud,  
financial infidelity and abandon-  
ment issues and passionate to  
vindicate victims. 701-677-1789.

**BUSINESSES FOR SALE**  
**HARDWOOD FLOOR BUSI-  
NESS** for sale. Everything you  
need to start working tomorrow.  
Install, sand, refinish. Buy the  
business or the equipment. Call  
701-799-0139.

**REAL ESTATE FOR SALE**  
**NORTH DAKOTA FARMLAND**  
values are at all-time highest. Con-  
tact Kevin Pifer 701-238-5810  
(kpifer@pifers.com) for Free  
Farmland Valuation Land Auc-  
tions & Farmland Management  
Services. www.pifers.com

**MISCELLANEOUS FOR SALE**  
**LOOKING FOR THE MOST COM-  
plete listing of ND Media? ND**  
**Media Guide. Only \$25! Call**  
**(701) 223-6397, ND Newspaper**  
**Association.**

**LET NORTH DAKOTA** know what  
you have to sell. For \$150, you  
can place a 25-word classified  
ad in every North Dakota news-  
paper. Contact this newspaper for  
details.

**AUCTIONS**  
**SPORTSMAN'S AUCTION: RI-  
FLES, shotguns, pistols, ammo**  
**& reloading, vehicles, motorcycle,**  
**boat, 4-wheeler, more. Saturday,**  
**February 7, 2015, 11:00 am CST,**  
**GrandView Beulah, ND. www.**  
**woiffauctioneers.com 701-983-**  
**4573.**

**LAND AUCTIONS**  
**LAND & MINERAL AUCTIONS**  
- Billings, Stark & Dunn Coun-  
ties - February 18, 2015, 11 a.m.  
& 1 p.m. Contact Agents: Andy  
Mmak/Jim Sabe - 701.523.7366  
or Kevin Pifer - 701.238.5810  
Pifer's Auction & Realty, view all  
information at www.pifers.com

**MISCELLANEOUS**  
**VISIT THE NORTH Dakota**  
**Newspaper Association Hall of**  
**Fame kiosk at the ND State Heri-  
tage Center, Bismarck, to learn**  
**about the newspaper pioneers of**  
**the state.**

**STATE OF NORTH DAKOTA**

**IN THE MATTER OF THE ESTATE OF**  
**ELLA LATZ, Deceased.**  
**NOTICE OF HEARING**  
TO: All heirs, devisees or other interested  
persons of the Estate of Ella Latz, De-  
ceased.  
NOTICE is hereby given that a hearing  
on a PETITION FOR FORMAL PRO-  
BATE AND APPOINTMENT OF PER-  
SONAL REPRESENTATIVE IN INTER-  
ESTACY in the above-entitled case will be  
held before the presiding Southwest Dis-  
trict Court Judge, at the Bowman County  
Courthouse, Bowman, North Dakota, at  
8:30 o'clock A.M. on the 12th day of Feb-  
ruary, 2015.  
Dated this 14th day of January, 2015.  
**SADOWSKY AND WILD LAW OFFICE,**  
P.C.  
By: Steven J. Wild  
Attorney for Plaintiff  
PO Box 260  
Bowman, ND 58623  
(701) 523-3112  
ND # 04091  
swlawpc@ndsupernet.com

**PUBLISHED IN THE**  
**BOWMAN COUNTY PIONEER**  
**JANUARY 23, 2015**

**SCRANTON BOARD OF**  
**EDUCATION**  
**REGULAR MEETING**  
12-10-14

The regular meeting of the board was  
called to order by President Mellmer at  
7:05 p.m. in the superintendent's office.  
Members present were Sanford, Reitz,  
Dillon, Mellmer and Evans. No one was  
absent. Others present were Katrina  
Johnson, Principal Pierce, Superinten-  
dent Pretzer and Business Manager Eb-  
erte.  
The agenda was read and no additions  
were made.  
There was a motion by Reitz, a second  
by Dillon to approve the minutes. All  
were in favor. The motion carried.  
There was a motion by Sanford, a second  
by Evans to approve the bills. All were in  
favor. The motion carried.  
The board reviewed the monthly financial  
reports and filed them for the auditors.  
The November, 2014, payroll expenses  
were \$137,858.70. The checks issued  
were numbers 27773-27781. The check  
stubs issued were numbers 7466-7534.  
There was a motion by Evans, a second  
by Reitz to approve the payroll. All were  
in favor. The motion carried.  
A thank you card from Karyn Chiapella  
was read by the board.  
The board reviewed the proposed 2015-  
2016 school calendar. There was a mo-  
tion by Reitz, a second by Sanford to ap-  
prove the 2015-2016 school calendar as  
presented. All were in favor. The motion  
carried.  
Superintendent Pretzer informed the  
board the school audit was conducted  
and the report will be mailed, and that  
Rocky Kinsey has been hired as head

**North Dakota Department of Health**  
**Public Notice**  
**Issue of an NDPDES Permit**

Public Notice Date: 1/21/2015  
Purpose of Public Notice  
The Department intends to issue the  
following North Dakota Pollutant Dis-  
charge Elimination System (NDPDES)  
Discharge Permit under the authority of  
Section 51-28-04 of the North Dakota  
Century Code.

Permit Information  
Public Notice Number: ND-2015-001  
Application Date: 10/1/2014  
Application Number: NDR10  
Applicant Name: NDPDES Construction  
Stormwater General Permit  
Mailing Address: ND Dept of Health, Div  
of Water Quality, 918 East Divide Ave,  
Bismarck ND 58501-1947  
Telephone Number: 701.328.5235  
Proposed Permit Expiration Date:  
3/31/2020

Description  
The Department proposes to reissue  
NDPDES General Permit NDR10-0000  
to authorize the discharge of stormwa-  
ter associated with construction activity  
as defined in 40 CFR part 122.26(b)(14)  
(x) and small construction activity as de-  
fined in 40 CFR part 122.26(b)(16). The  
regulated construction activities include  
clearing, grading, and excavating that  
result in land disturbance of equal to or  
greater than one acre. Construction activ-  
ity also includes the disturbance of less  
than one acre of total land area that is  
part of a larger common plan of develop-  
ment or sale, if the larger common plan  
will ultimately disturb equal to or greater  
than one acre.  
The permit requires the implementation  
of a pollution prevention plan to reduce  
erosion and sediment impacts to surface  
waters. The permit includes discharge  
conditions based on prohibitions, best  
management practices, water quality  
standards, and other considerations ap-  
plicable to the activities.

Tentative Determinations  
Proposed effluent limitations and other  
permit conditions have been made by the  
Department. They assure that State Wa-  
ter Quality Standards and applicable pro-  
visions of the FWPCA will be protected.  
Information Requests and Public Com-  
ments  
Copies of the application, draft permit,  
and related documents are available for  
review. Comments or requests should  
be directed to the ND Dept of Health, Div  
of Water Quality, 918 East Divide Ave,  
Bismarck ND 58501-1947 or by calling  
701.328.5210.  
All comments received by February 21,  
2015 will be considered prior to finalizing  
the permit. If there is significant interest,  
a public hearing will be scheduled. Other-  
wise, the Department will issue the final  
permit within sixty (60) days of this no-  
tice. If you require special facilities or as-  
sistance relating to a disability, call TDD  
at 1.800.368.6868.

**PUBLISHED IN THE**  
**BOWMAN COUNTY PIONEER**  
**JANUARY 23, 30 &**  
**FEBRUARY 6, 2015**

**STATE OF NORTH DAKOTA**

**COURT,**  
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**PUBLISHED IN THE**  
**BOWMAN COUNTY PIONEER**  
**JANUARY 23, 30 &**  
**FEBRUARY 6, 2015**

**STATE OF NORTH DAKOTA**  
**COUNTY OF BOWMAN**  
**JUVENILE COURT**  
**SOUTHWEST JUDICIAL**  
**DISTRICT**

**IN THE INTEREST OF A.M., a child**  
State of North Dakota,  
Petitioner,  
vs.  
A.M., a minor child,  
Dion Mitchell, father,  
Respondents.

**SUMMONS**  
Juvenile File No. 06-2014-JV-00007  
**THE STATE OF NORTH DAKOTA TO**  
**THE ABOVE-NAMED RESPONDENTS:**  
You, and each of you, are hereby sum-  
moned and required to appear personally  
and bring the above-named child before  
the Honorable Dann Greenwood, Juve-  
nile Judge, at the Stark County Court-  
house in Dickinson, North Dakota, on the  
3rd day of February, 2015, at 9:00 o'clock  
a.m., or as soon thereafter as the parties  
can be heard, for the purpose of hear-  
ing the Petition made and filed with this  
Court, alleging said child to be subject  
to the provisions of the Uniform Juvenile  
Court Act (Chapter 27-20 of the North  
Dakota Century Code) by reason of the  
following:  
That the above-named Respondent child  
is a deprived child, as more fully appear  
from the Petition, a copy of which is  
file with the above-named Court.  
If you fail to appear personally and  
bring said child before the Court at sa-  
me time and place or to show good cause  
why you cannot do so, the Court may  
make such order as may be appropriate  
and you may be proceeded against  
civil contempt.

**RIGHT TO COUNSEL**  
While you are not required to have  
counsel in this proceeding, you are  
entitled to legal counsel if you so des-  
ire. You desire legal counsel and are  
without undue financial hardship to  
employ counsel, the Court, upon re-  
quest, will appoint legal counsel for  
you if you intend to have legal counsel  
employed in this proceeding. If you  
do not intend to have legal counsel  
employed, you must so advise the Court  
at the hearing.  
Dated this 16th day of January,  
Bowman, North Dakota.  
William Herauf  
Judge of the Juvenile Court.

**PUBLISHED IN THE**  
**BOWMAN COUNTY PION**  
**JANUARY 23, 30 &**  
**FEBRUARY 6, 2015**

**STATE OF NORTH DAK**

1/23 Bowman



## Affidavit of Publication

Colleen Park, being duly sworn, states as follows:

1. I am the designated agent, under the provisions and for the purposes of, Section 31-04-06, NDCC, for the newspapers listed on the attached exhibits.
2. The newspapers listed on the exhibits published the advertisement of: **ND Health Department – Issue of an NDPDES Permit; 1 time(s)** as required by law or ordinance.
3. All of the listed newspapers are legal newspapers in the State of North Dakota and, under the provisions of Section 46-05-01, NDCC, are qualified to publish any public notice or any matter required by law or ordinance to be printed or published in a newspaper in North Dakota.

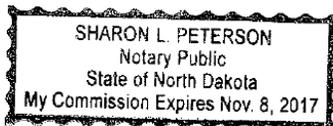
Signed: Colleen Park

State of North Dakota

County of Burleigh

Subscribed and sworn to before me this 28 day of January, 20 15.

Sharon L. Peterson



*Sharon L. Peterson*

**DEVILS LAKE JOURNAL**

**PUBLIC NOTICES**

North Dakota Department of Health  
 Public Notice  
**Issue of an NDPDES Permit**  
 Public Notice Date: 1/21/2015  
 Purpose of Public Notice  
 The Department intends to issue the following North Dakota Pollutant Discharge Elimination System (NDPDES) Discharge Permit under the authority of Section 61-28-04 of the North Dakota Century Code.  
 Permit Information  
 Public Notice Number: ND-2015-001  
 Application Date: 10/1/2014  
 Application Number: NDR10  
 Applicant Name: NDPDES Construction Stormwater General Permit  
 Mailing Address: ND Dept of Health, Div of Water Quality, 918 East Divide Ave, Bismarck ND 58501-1947  
 Telephone Number: 701.328.5235  
 Proposed Permit Expiration Date: 3/31/2020

Description  
 The Department proposes to reissue NDPDES General Permit NDR10-0000 to authorize the discharge of stormwater associated with construction activity as defined in 40 CFR part 122.26(b)(14)(x) and small construction activity as defined in 40 CFR part 122.26(b)(15). The regulated construction activities include clearing, grading, and excavating that result in land disturbance of equal to or greater than one acre. Construction activity also includes the disturbance of less than one acre of total land that is part of a larger common plan of development or sale, if the larger common plan ultimately disturb equal to or greater than one acre.

The permit requires the implementation of a erosion prevention plan to reduce erosion and sediment impacts to surface waters. The permit includes discharge conditions based on pretreatment, best management practices, water quality standards, and other considerations applicable to the activities.

Tentative Determinations  
 Proposed effluent limitations and other permit conditions have been made by the Department. They assure that State Water Quality Standards and applicable provisions of the FWPCA will be protected.

Information Requests and Public Comments  
 Copies of the application, draft permit, and related documents are available for review. Comments or requests should be directed to the ND Dept of Health, Div of Water Quality, 918 East Divide Ave, Bismarck ND 58501-1947 or by calling 701.328.5210.

All comments received by February 21, 2015 will be considered prior to finalizing the permit. If there is significant interest, a public hearing will be scheduled. Otherwise, the Department will issue the final permit within sixty (60) days of this notice. If you require special facilities or assistance relating to a disability, call TDD at 1.800.366.6868.

(c:1-21)

North Dakota Department of Health  
 Public Notice

*1/21 Devils Lake*

**PUBLIC NOTICES**

North Dakota. The permit will establish effluent requirements based on technology and water quality considerations, prohibitions, best management practices, and other conditions applicable to these types of wastewaters. Anyone desiring coverage under this permit should contact the Department for further information.

Tentative Determinations  
 Proposed effluent limitations and other permit conditions have been made by the Department. They assure that State Water Quality Standards and applicable provisions of the FWPCA will be protected.

Information Requests and Public Comments  
 Copies of the application, draft permit, and related documents are available for review. Comments or requests should be directed to the ND Dept of Health, Div of Water Quality, 918 East Divide Ave, Bismarck ND 58501-1947 or by calling 701.328.5210.

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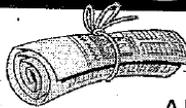
(c:1-21)

**REACH**  
 for  
 great  
 buy  
 in the  
 classified



**Devils Lake JOURNAL**  
 516 4th St. N  
 Devils Lake  
 701-662-2127

**CARRIERS**



They are weatherable  
 Don't scound outside,  
 enjoy the outdoors

**AND GET PAD FOR IT!**

Apply today to be a Carrier of the Devils Lake Journal

Rt 170: 4th - 6th Ave S & Park Village - (19 Papers)

Rt 145: 15th Ave N & 15th Ave S - (18 Papers)

Rt 100: Village Ave & 13th Ave S - (12 Papers)

Rt. 65: 7th & 8th St & 2nd - 5th Ave - (22 papers)

Rt. 140: 16th -18th Ave S & Dickinson Drive - (43 papers)

Rt. 50: 8th & 9th St - (27 papers)

Upon doing the route for 90 days, we will give you a \$50 BONUS.  
 Please call the DL Journal & ask for Circulation, 662-2127.

DATE: \_\_\_\_\_





## Affidavit of Publication

Colleen Park, being duly sworn, states as follows:

1. I am the designated agent, under the provisions and for the purposes of, Section 31-04-06, NDCC, for the newspapers listed on the attached exhibits.
2. The newspapers listed on the exhibits published the advertisement of:  
**ND Health Department – Issue of an NDPDES Permit; 1 time(s)** as required by law or ordinance.
3. All of the listed newspapers are legal newspapers in the State of North Dakota and, under the provisions of Section 46-05-01, NDCC, are qualified to publish any public notice or any matter required by law or ordinance to be printed or published in a newspaper in North Dakota.

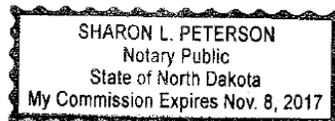
Signed: Colleen Park

State of North Dakota

County of Burleigh

Subscribed and sworn to before me this 28 day of January, 20 15.

Sharon L. Peterson



FACT SHEET FOR NDPDES PERMIT NDR10-0000  
 STORMWATER DISCHARGES FROM CONSTRUCTION ACTIVITIES  
 NORTH DAKOTA POLLUTANT DISCHARGE ELIMINATION SYSTEM (NDPDES)  
 GENERAL PERMIT NDR10-0000  
 EXPIRATION DATE: MARCH 31, 2020  
 Page 53 of 173

sealed after the scheduled opening time will be returned to the bidder unopened. Bidders shall submit either a Prime Bid or separate bids for General, Mechanical or Electrical Construction. All contractors desiring to submit a bid may obtain a copy of the contract documents from the following website:  
<http://www.ipdservices.com/clients/mathisons/planroom?nulsing>

Contract documents can be downloaded free of charge as pdf's. A hard copy set of documents shall be non-refundable. Contractor's desiring to be on the bidder's list should contact Hulsing and Associates Architects, P.C. at (701) 225-6871, with their contact information. Drawings and Specifications will also be on file at Builders Exchanges in Dickinson, Bismarck, Mandan, Williston, Fargo, and Minot, North Dakota; Billings, Montana; Minneapolis, Minnesota; Rapid City, South Dakota; and McGraw Hill Dodge, Minneapolis, Minnesota; and Reed Construction Data.

Each bid shall be submitted in duplicate and enclosed in a sealed opaque envelope upon which there is disclosed the necessary information as required by the Instructions to Bidders. Each bid shall be accompanied by a separate sealed opaque envelope containing a bidder's bond made payable to South Heart Public Schools and executed by the bidder as principal and by a surety company authorized to do business in North Dakota, in a sum equal to five percent (5%) of the bidder's highest total bid combination, including all add alternates to the bid items, conditioned that if bidder's proposal be accepted and the contract awarded to him, her, within ten (10) days after notice of such award, will effect and execute a contract in accordance with the terms of his, her, bid and a contractor's bond as required by law and the regulations and determinations of the Owner. AIA Document A310, Bid Bond, should be used to execute the bid guarantee.

Bidders' attention shall be called to all relevant sections of the North Dakota State Century Code regulating submittal of bids for Public Building Construction. In compliance with Section 43-07-12 of the North Dakota Century Code, each contractor submitting a bid must have a copy of his North Dakota Contractors License or certificate of renewal thereof issued by the Secretary of State enclosed in the bid bond envelope and must be licensed for the highest amount of their bid including add alternates as provided by Section 43-07-05 and such license must have been in effect at least ten (10) days prior to the date of the bid opening. No bid will be read or considered which does not fully comply with the provisions herein as to bonds and licenses, and any deficient bid submitted will be resealed and returned to the bidder immediately. The Owner reserves the right to hold all legitimate bids for a period of forty-five (45) days after the date fixed for the opening thereof. The Owner further reserves the right to reject any and all bids and to waive irregularities, and shall incur no legal liability for the payment of any monies until contract is awarded and approved by the proper authorities. The successful bidder will be required to furnish a Performance-Payment Bond. Dated this 7th day of January, 2015  
 Calvin Dean  
 Superintendent  
 (Published January 7, 14, 21 & 28, 2015)

request water/sewer as previously discussed with the council. Building of the new Fire Hall will start right away in the spring.  
 Ted Sander here to request a closing to the problem of Ed Gorskey's property N. of the park. New owner wants to either split W. lot with property owner to the West or just make it all 1 lot with the home on it. Kurt said they will get a certificate of occupancy w/o the garage. Want the lot situation resolved one way or another by February 9th meeting. Let us know. The 2nd building permit will be dropped.  
**Police Report:** Deputy Moser reported on changes with new Sheriff in office now. No outstanding items in police report. There will be more patrols in Gladstone. Joe Warner said the Firemen are in a chile cook-off on Jan. 24th at the Astoria Hotel in Dickinson. Tickets are available from Firemen. The first Wednesday in March is weather day at the KC Hall in Gladstone. There is a storm shelter at the Church.  
**Jeremy with Engineer report:** K&L and BNSF pipeline application is done for the 2 sleeves needed for the main water project. Discussion followed. Need to know the cost per mill. Gallon on water. Ask Carla and see if she can come to the next meeting. The Deed for the Community building is signed and it is recorded. Mo to put Deed in sale at City Hall.  
**Attorney Report:** Kurt asked the Council to approve a \$3000 retainer for Vogel Law Firm to respond to the letter from Tyler Mason's Attorney. This is due to a conflict of interest with Mackillo/Kallogg Attorneys. Motion by Darcy to retain Vogel Law firm. 2nd by Vicki. Carried. Roll call votes: Vicki, aye. Darrell, aye. Gene, aye. Darcy, aye. Elizabeth reported that Earl Shear still has a bench warrant for his arrest. If anyone knows he is at home, please call the Sheriff.  
**West end project report by Jeremy:** The water/sewer project is complete. A summary of the bill was handed out. There were changes made due to the cold weather start. Some items were changed to keep costs down. Bill to BEK Consulting is \$181,971.86. It was pressure tested, chlorinated, videoed and compaction is good. Motion to approve project as complete (some minor yard work will be cleaned up in the spring) and pay BEK Consulting \$181,971.86 by Gene. 2nd by Vicki. Carried.  
 Kurt asked the process to get the escrow money from the Contractors involved. Elizabeth will check. Next spring we'll need a rough estimate from Jeremy before bids put out to do the streets. Last fall it was \$150,000. The City will have to send letters out to residents to do specials on the street improvements next spring. Will also need 3 on an assessment board to do notice of special assessments. Motion by Gene to send out the letters to inform residents on Cliff St. that there will be a construction project that will include specials. Kurt said the City should pick up the cost for residents that just finished paying 9 years of specials.  
**New business:** the old loader will not be getting fixed up any more. Garbage rates have gone up. Kurt said a meeting is needed to decide where the city is on cost/income for garbage. Mo said the State did a routine inspection on the dump. A new sign is needed for the dump. 3' x 2' should be good. Darcy will approve the wording. Motion by Darcy to get a sign for the dump entrance. 2nd by Gene. Carried. Mo will order one from Kath Signs in Dickinson.  
**Bills:** motion by Vicki to approve the bills. 2nd by Gene. Carried.

City of Gladstone  
 Regular meeting  
 Jan. 12, 2015  
 Start 7:30 to 8:45 pm  
 Minutes subject to approval  
 Mayor Kurt Martin called the meeting to order with Council members Darcy Fossum, Gene Kruger, Vicki Nogosek and Darrell Sadovsky also present.

City of Gladstone  
 Regular meeting  
 Jan. 12, 2015  
 Start 7:30 to 8:45 pm  
 Minutes subject to approval  
 Mayor Kurt Martin called the meeting to order with Council members Darcy Fossum, Gene Kruger, Vicki Nogosek and Darrell Sadovsky also present.

Larned  
 (Published January 21, 2015)

**North Dakota Department of Health Public Notice**  
**Issue of an NDPDES Permit**  
 Public Notice Date: 1/21/2015  
 Purpose of Public Notice  
 The Department intends to issue the following North Dakota Pollutant Discharge Elimination System (NDPDES) Discharge Permit under the authority of Section 61-28-04 of the North Dakota Century Code.

**Permit Information**  
 Public Notice Number: ND-2015-001  
 Application Date: 10/1/2014  
 Application Number: NDR10  
 Applicant Name: NDPDES Construction Stormwater General Permit  
 Mailing Address: ND Dept of Health, Div of Water Quality, 918 East Divide Ave, Bismarck ND 58501-1947  
 Telephone Number: 701.326.5235  
 Proposed Permit Expiration Date: 3/31/2020

**Description**  
 The Department proposes to reissue NDPDES General Permit NDR10-0000 to authorize the discharge of stormwater associated with construction activity as defined in 40 CFR part 122.26(b)(14)(x) and small construction activity as defined in 40 CFR part 122.26(b)(15). The regulated construction activities include clearing, grading, and excavating that result in land disturbance of equal to or greater than one acre. Construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale, if the larger common plan will ultimately disturb equal to or greater than one acre. The permit requires the implementation of a pollution prevention plan to reduce erosion and sediment impacts to surface waters. The permit includes discharge conditions based on prohibitions, best management practices, water quality standards, and other considerations applicable to the activities.

**Tentative Determinations**  
 Proposed effluent limitations and other permit conditions have been made by the Department. They assure that State Water Quality Standards and applicable provisions of the FWPCA will be protected. Information Requests and Public Comments

Copies of the application, draft permit, and related documents are available for review. Comments or requests should be directed to the ND Dept of Health, Div of Water Quality, 918 East Divide Ave, Bismarck ND 58501-1947 or by calling 701.326.5210. All comments received by February 21, 2015 will be considered prior to finalizing the permit. If there is significant interest, a public hearing will be scheduled. Otherwise, the Department will issue the final permit within sixty (60) days of this notice. If you require special facilities or assistance relating to a disability, call TDD at 1.800.365.8866.  
 (Published January 21, 2015)

**North Dakota Department of Health Public Notice**  
**Issue of an NDPDES Permit**  
 Public Notice Date: 1/21/2015  
 Purpose of Public Notice  
 The Department intends to issue the following North Dakota Pollutant Discharge Elimination System (NDPDES) Discharge Permit under the authority of Section 61-28-04 of the North Dakota Century Code.

**Permit Information**  
 Public Notice Number: ND-2015-002  
 Application Date: 10/1/2014  
 Application Number: NDG07  
 Applicant Name: General Permit NDG070000-Dewatering and Hydrostatic Testing

1/21 Dickinson



## Affidavit of Publication

Colleen Park, being duly sworn, states as follows:

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3. All of the listed newspapers are legal newspapers in the State of North Dakota and, under the provisions of Section 46-05-01, NDCC, are qualified to publish any public notice or any matter required by law or ordinance to be printed or published in a newspaper in North Dakota.

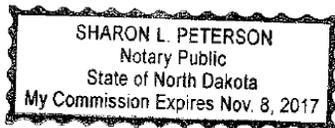
Signed: Colleen Park

State of North Dakota

County of Burleigh

Subscribed and sworn to before me this 28 day of January, 2015.

Sharon L. Peterson







## Affidavit of Publication

Colleen Park, being duly sworn, states as follows:

1. I am the designated agent, under the provisions and for the purposes of, Section 31-04-06, NDCC, for the newspapers listed on the attached exhibits.
2. The newspapers listed on the exhibits published the advertisement of: **ND Health Department – Issue of an NDPDES Permit; 1 time(s)** as required by law or ordinance.
3. All of the listed newspapers are legal newspapers in the State of North Dakota and, under the provisions of Section 46-05-01, NDCC, are qualified to publish any public notice or any matter required by law or ordinance to be printed or published in a newspaper in North Dakota.

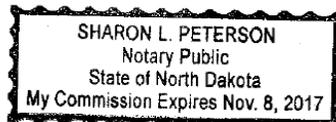
Signed: Colleen Park

State of North Dakota

County of Burleigh

Subscribed and sworn to before me this 28 day of January, 20 15.

Sharon L. Peterson



**FACT SHEET FOR NDPDES PERMIT NDR10-0000  
STORMWATER DISCHARGES FROM CONSTRUCTION ACTIVITIES  
NORTH DAKOTA POLLUTANT DISCHARGE ELIMINATION SYSTEM (NDPDES)  
GENERAL PERMIT NDR10-0000  
EXPIRATION DATE: MARCH 31, 2020  
Page 57 of 173**

870 Feet  
490 Feet  
160 Feet  
900 Feet  
500 Feet  
100 Feet  
97 Each  
56 Each  
90 Feet  
2 Each

Open on forms furnished as part of accompanied, in a separate sealed or less than ten (10) percent of the or the benefit of the Grand Forks of the Contractor's license or secretary of State. The bid bond shall be by a surety company authorized by. All bidders must be licensed for by Section 43-07-05 of the North by the holder of the North Dakota date set for receiving bids to be a his information in a separate sealed and shall be resealed and returned e sealed and delivered to the Grand location designated in this notice he time set in this notice. The bond r will enter into a contract with the strict and furnish the required pay- ties of insurance and endorsements tice of award, and will be declared said contract or furnish the required forsements if his bid is accepted.

examined at the office to the Grand ing normal business hours. Copies btained from the office of Pribula V.W., East Grand Forks, Minnesota 50.00.

e District, reserves the right to se- are to be compared and contract(s) to waive any and all irregularity in

January 2015,  
Chairman GFCWRD

2, 2015)

awards as well as 10 of the past 13 General Excellence awards in our category. Write our newspaper in our category. We do big things and our readers expect this from us.

Our newspaper is part of the family-owned Forum Communications Co., one of the most well-respected media groups in the Midwest. We offer extremely competitive wages and subsidized housing is available.

This is an excellent position for someone looking to gain valuable experience at a daily newspaper. Many of our past reporters have moved on to larger newspapers or to bigger positions within our company.

**Applicants must:**

- Have a journalism degree, or similar, from a four-year college.
- Have one year of journalism experience at daily newspaper. Recent journalism school graduates with internship, daily newspaper and/or college newspaper experience are encouraged to apply.
- Be able to cover breaking news and write under tight deadlines, and do so in proper AP style.
- Have experience with Google and Adobe software.
- Be able to take photographs.
- Have strong decision-making, communication and interpersonal skills.
- Be a motivated, self-starter who can produce award-winning ideas.
- Must possess a reliable vehicle covered with acceptable insurance.
- Must have a valid driver's license with a driving record that is insurable by the company.

Please send a cover letter, resume and no more than five writing clips, as well as any samples of page design and photography, and three professional references to Managing Editor Dustin Monke at: [dmonke@thedickinsonpress.com](mailto:dmonke@thedickinsonpress.com) no later than Feb. 10.

Dustin Monke  
Managing Editor, The Dickinson Press  
Email: [dmonke@thedickinsonpress.com](mailto:dmonke@thedickinsonpress.com)  
Office: 701-456-1205  
Cell: 701-209-0069

Send your resume to:  
Dave Johnson, C.E., WDAY TV,  
301 South Eighth Street, Fargo, ND 58103  
OR e-mail: [djohnson@wday.com](mailto:djohnson@wday.com)  
EOE



**Morning News/Talk Show Host**

970 WDAY radio is looking for an experienced morning news/talk show host. Our new host must deliver remarkable content that connects with listeners and builds ratings. If you're plugged in to the news, can conduct an entertaining yet civil conversation with high energy and a sense of humor with news figures and everyday people, we want to hear from you. The successful candidate will also create exclusive content and contribute regularly to the station's digital platforms including blogs, podcasts, videos and social media. Applicants must have at least 5 years of radio experience. They must also have a valid drivers license with a driving record that is insurable by the company.

Send your audio, resume and proven track record of winning to: [mkapel@wday.com](mailto:mkapel@wday.com). Please put in the subject line "970 WDAY Morning Talk Show Host".

By Mail:  
970 WDAY  
Attn: Mike Kapel  
301 8th St. So.  
Fargo, ND 58103

Application Deadline: 02/03/2015  
No phone calls please.

WDAY AM 970 is owned and operated by Forum Communications Company, an equal employment opportunity employer

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**PUBLIC NOTICE**

If the communities affected and the locations where copies of the FIRM are available for review, please visit FEMA's website at [www.fema.gov/plan/preact/firm/bld](http://www.fema.gov/plan/preact/firm/bld), or call the FEMA Map Information Exchange (FMIX) toll free at 1-877-FEMA-MAP (1-877-336-2627). (January 22, 29, 2015).

**IN THE DISTRICT COURT OF GRAND FORKS COUNTY, STATE OF NORTH DAKOTA**

In the Matter of the Estate of **IDA BERTSON**, Deceased  
Probate No. 18-2014-PR-00193

**NOTICE TO CREDITORS**

NOTICE IS HEREBY GIVEN that the undersigned has been appointed personal representative of the above estate. All persons having claims against the said deceased are required to present their claims within three months after the date of the first publication or mailing of this notice or said claims will be forever barred. Claims must either be presented to Karen J. Laakso and Wayne A. Bertson, Co-personal representatives of the estate, at PO Box 1000, Mint, ND 58702-1000, or filed with the Court. Dated this 22nd day of December, 2014.

/s/ Karen J. Laakso  
Karen J. Laakso  
Co-Personal Representative  
/s/ Wayne A. Bertson  
Wayne A. Bertson  
Co-Personal Representative  
CAROL K. LARSON (ID #04406)  
PRINGLE & HERIGSTAD, P.C.

*Grand Forks*

**PUBLIC NOTICE**

2525 Elk Drive  
PO Box 1030  
Mint, ND 58702-1000  
Attorneys for: Co-Personal Representatives  
(January 8, 15, 22, 2015)

**North Dakota Department of Health  
Public Notice**

Issue of an NDPDES Permit  
Public Notice Date: 1/21/2015  
Purpose of Public Notice

The Department intends to issue the following North Dakota Pollutant Discharge Elimination System (NDPDES) Discharge Permit under the authority of Section 61-28-04 of the North Dakota Century Code.

Permit Information  
Public Notice Number: ND-2015-001  
Application Date: 10/1/2014  
Application Number: NDR10  
Applicant Name: NDPDES Construction Stormwater General Permit  
Mailing Address: ND Dept of Health, Div of Water Quality, 918 East Divide Ave, Bismarck ND 58501-1947  
Telephone Number: 701.328.5235  
Proposed Permit Expiration Date: 3/31/2020

Description  
The Department proposes to reissue NDPDES General Permit NDR10-0000 to authorize the discharge of stormwater associated with construction activity as defined in 40 CFR part 122.26(b)(14)(i) and small construction activity as defined in 40 CFR part 122.26(b)(15). The regulated construction activities include

**PUBLIC NOTICE**

clearing, grading, and excavating that result in land disturbance of equal to or greater than one acre. Construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale, if the larger common plan will ultimately disturb equal to or greater than one acre. The permit requires the implementation of a pollution prevention plan to reduce erosion and sediment impacts to surface waters. The permit includes discharge conditions based on prohibitions, best management practices, water quality standards, and other considerations applicable to the activities. Tentative Determinations  
Proposed effluent limitations and other permit conditions have been made by the Department. They assure that State Water Quality Standards and applicable provisions of the FWPCA will be protected. Information Requests and Public Comments  
Copies of the application, draft permit, and related documents are available for review. Comments or requests should be directed to the ND Dept of Health, Div of Water Quality, 918 East Divide Ave, Bismarck ND 58501-1947 or by calling 701.328.5210. All comments received by February 21, 2015 will be considered prior to finalizing the permit. If there is significant interest, a public hearing will be scheduled. Otherwise, the Department will issue the final permit within sixty (60) days

**PUBLIC NOTICE**

of this notice. If you require special facilities or assistance relating to a disability, call TDD at 1.800.366.6868. (January 22, 2015)

**North Dakota Department of Health  
Public Notice**

Issue of an NDPDES Permit  
Public Notice Date: 1/21/2015  
Purpose of Public Notice

The Department intends to issue the following North Dakota Pollutant Discharge Elimination System (NDPDES) Discharge Permit under the authority of Section 61-28-04 of the North Dakota Century Code.

Permit Information  
Public Notice Number: ND-2015-002  
Application Date: 10/1/2014  
Application Number: NDG07  
Applicant Name: General Permit NDG070000-Dewatering and Hydrostatic Testing  
Mailing Address: ND Dept of Health, Div of Water Quality, 918 East Divide Ave, Bismarck ND 58501-1947  
Telephone Number: 701.328.5234  
Proposed Permit Expiration Date: 3/31/2020

Description  
The Department intends to reissue a NDPDES General Permit, NDG070000, to regulate the discharge of temporary dewatering and hydrostatic testing activities in the State of North Dakota. The permit will establish effluent requirements based on technology and water quality considerations, prohibitions, and best management practices, and other condi-



## Affidavit of Publication

Colleen Park, being duly sworn, states as follows:

1. I am the designated agent, under the provisions and for the purposes of, Section 31-04-06, NDCC, for the newspapers listed on the attached exhibits.
2. The newspapers listed on the exhibits published the advertisement of: **ND Health Department – Issue of an NDPDES Permit; 1 time(s)** as required by law or ordinance.
3. All of the listed newspapers are legal newspapers in the State of North Dakota and, under the provisions of Section 46-05-01, NDCC, are qualified to publish any public notice or any matter required by law or ordinance to be printed or published in a newspaper in North Dakota.

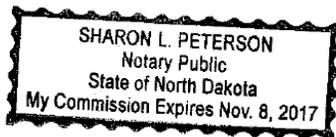
Signed: Colleen Park

State of North Dakota

County of Burleigh

Subscribed and sworn to before me this 28 day of January, 20 15.

Sharon L. Peterson



FACT SHEET FOR NDPDES PERMIT NDR10-0000  
 STORMWATER DISCHARGES FROM CONSTRUCTION ACTIVITIES  
 NORTH DAKOTA POLLUTANT DISCHARGE ELIMINATION SYSTEM (NDPDES)  
 GENERAL PERMIT NDR10-0000  
**EXPIRATION DATE: MARCH 31, 2020**  
 Page 59 of 173

*1/21 Jamestown*

2015, send bias to PO, Box 243,  
 Drake, ND 58735.  
 Sharon Toy, Auditor  
 January 19-February 7, 2015

**IN THE DISTRICT COURT OF  
 STUTSMAN COUNTY,  
 STATE OF NORTH DAKOTA**  
**In the Matter of the Estate of  
 Alvin N. Peterson, Deceased.**  
 Case No. 15-28-0001

**NOTICE TO CREDITORS**

NOTICE IS HEREBY GIVEN that the undersigned has been appointed personal representative of the above-estate. All persons having claims against the said decedent are required to present their claims within three months after the first publication or mailing of this notice or said claims will be forever barred. Claims must be presented to Lynn R. Lambrecht, 3520 81st Ave SE, #15, Jamestown, ND 58401, personal representative of the estate, or filed with the Court.

Dated this 7th day of January 2015  
 Lynn R. Lambrecht  
 3520 81st Ave SE, #15  
 Jamestown, ND 58401

GLEN R. NAGEL  
 PO Box 522,  
 Jamestown, ND 58402-0522  
 Attorney for  
 Personal Representative  
 nagelaw@akrfi.com,  
 First publication on the 14th day of  
 January, 2015.  
 January 14, 21, 28, 2015

**North Dakota Department of Health  
 Public Notice  
 Issue of an NDPDES Permit.**

Public Notice Date: 1/21/2015  
 Purpose of Public Notice  
 The Department intends to issue the following North Dakota Pollutant Discharge Elimination System (NDPDES) Discharge Permit under the authority of Section 61-28-04 of the North Dakota Century Code.  
 Permit Information  
 Public Notice Number: ND-2015-001  
 Application Date: 10/1/2014  
 Application Number: NDG07-0000  
 Applicant Name: General Permit NDG07000-Dewatering and Hydrostatic Testing  
 Mailing Address: ND Dept of Health, Div of Water Quality, 918 East Divide Ave, Bismarck ND, 58501-1947  
 Telephone Number: 701.328.5234  
 Proposed Permit Expiration Date: 3/31/2020  
 Description

The Department intends to reissue a NDPDES General Permit, NDG070000, to regulate the discharge of temporary dewatering and hydrostatic testing activities in the State of North Dakota. The permit will establish effluent requirements based on technology and water quality considerations, prohibitions, best management practices, and other conditions applicable to these types of wastewaters. Anyone desiring coverage under this permit should contact the Department for further information.

Tentative Determinations  
 Proposed effluent limitations and other permit conditions have been made by the Department. They assure that State Water Quality Standards and applicable provisions of the FWPCA will be protected.

**North Dakota Department of Health  
 Public Notice  
 Issue of an NDPDES Permit**

Public Notice Date: 1/21/2015  
 Purpose of Public Notice  
 The Department intends to issue the following North Dakota Pollutant Discharge Elimination System (NDPDES) Discharge Permit under the authority of Section 61-28-04 of the North Dakota Century Code.  
 Permit Information  
 Public Notice Number: ND-2015-001  
 Application Date: 10/1/2014  
 Application Number: NDR10  
 Applicant Name: NDPDES Construction Stormwater General Permit  
 Mailing Address: ND Dept of Health, Div of Water Quality, 918 East Divide Ave, Bismarck ND 58501-1947  
 Telephone Number: 701.328.5235  
 Proposed Permit Expiration Date: 3/31/2020  
 Description

The Department proposes to reissue NDPDES General Permit NDR10-0000 to authorize the discharge of stormwater associated with construction activity as defined in 40 CFR part 122.26 (b)(14)(x) and small construction activity as defined in 40 CFR part 122.26(b)(15). The regulated construction activities include clearing, grading, and excavating that result in land disturbance of equal to or greater than one acre. Construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale, if the larger common plan will ultimately disturb equal to or greater than one acre. The permit requires the implementation of a pollution prevention plan to reduce erosion and sediment impacts to surface waters. The permit includes discharge conditions based on prohibitions, best management practices, water quality standards, and other considerations applicable to the activities.

Tentative Determinations  
 Proposed effluent limitations and other permit conditions have been made by the Department. They assure that State Water Quality Standards and applicable provisions of the FWPCA will be protected. Information Requests and Public Comments  
 Copies of the application, draft permit, and related documents are available for review. Comments or requests should be directed to the ND Dept of Health, Div of Water Quality, 918 East Divide Ave, Bismarck ND 58501-1947 or by calling 701.328.5210.  
 All comments received by February 21, 2015 will be considered prior to finalizing the permit. If there is significant interest, a public hearing will be scheduled. Otherwise, the Department will issue the final permit within sixty (60) days of this notice. If you require special facilities or assistance relating to a disability, call TDD at 1.800.366.6868.  
 January 21, 2015

**NOTICE OF APPLICATION  
 ON APPLICATION FOR**

Range 69 West, at a pumping rate of 885 gallons per minute during the operating season for each year said permit may remain in force, for the purpose of irrigating 147.1 acres located in the E1/2 of Section 12, Township 139 North, Range 69 West, in Stutsman County, North Dakota (79.3 acre-foot and 141.2 acres initially applied for are being held in abeyance). The priority date of this water permit is March 29, 2005.  
 TAKE NOTICE that written comments regarding the proposed amendment to water permit No. 5749 must be filed in the North Dakota Office of the State Engineer, 900 East Boulevard Avenue, Bismarck, North Dakota 58505-0850, by 5:00 o'clock p.m. on the 23rd day of February, 2015. The State Engineer will consider all written comments and prepare a recommended decision, which will be provided to the applicant and persons submitting written comments. Those persons may file additional comments with the State Engineer, request an adjudicative proceeding on the application, or both.  
 Dated at Bismarck, North Dakota, on January 13, 2015.

/s/ Todd Sando, PE  
 North Dakota State Engineer  
 900 East Boulevard Avenue  
 Bismarck, ND 58505-0850  
 January 21, 28, 2015

**STATE OF NORTH DAKOTA  
 IN DISTRICT COURT  
 COUNTY OF STUTSMAN  
 SOUTH EAST JUDICIAL DISTRICT  
 ProCollect Services, LLC,  
 Plaintiff,**

**vs.  
 Dean Ameson Jr.,  
 Defendant.  
 Civil No. 47-2015-CV-00013  
 SUMMONS**

THE STATE OF NORTH DAKOTA TO BE ABOVE-NAMED DEFENDANT: YOU ARE HEREBY SUMMONED and required to appear and defend against the Complaint in this action, which is herewith served upon you, by serving on the undersigned an Answer or other proper response within twenty-one days after the service of this Summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.  
 Dated January 12, 2015.

Christopher A. Carlson (d #03375)  
 PO Box 1827  
 Bismarck ND 58502-1827  
 701.254-4800  
 carsonlaw@carsonlaw.net  
 Attorney for the Plaintiff  
 January 14, 21, 28, 2015.

**PUBLIC  
 NOTICES**

A public notice is information informing citizens of government activities that may affect the citizens' everyday lives. Public Notices have been printed in local newspapers, the



## Affidavit of Publication

Colleen Park, being duly sworn, states as follows:

1. I am the designated agent, under the provisions and for the purposes of, Section 31-04-06, NDCC, for the newspapers listed on the attached exhibits.
2. The newspapers listed on the exhibits published the advertisement of: **ND Health Department – Issue of an NDPDES Permit; 1 time(s)** as required by law or ordinance.
3. All of the listed newspapers are legal newspapers in the State of North Dakota and, under the provisions of Section 46-05-01, NDCC, are qualified to publish any public notice or any matter required by law or ordinance to be printed or published in a newspaper in North Dakota.

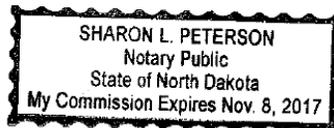
Signed: Colleen Park

State of North Dakota

County of Burleigh

Subscribed and sworn to before me this 28 day of January, 20 15.

Sharon L. Peterson



FACT SHEET FOR NDPDES PERMIT NDR10-0000  
 STORMWATER DISCHARGES FROM CONSTRUCTION ACTIVITIES  
 NORTH DAKOTA POLLUTANT DISCHARGE ELIMINATION SYSTEM (NDPDES)  
 GENERAL PERMIT NDR10-0000  
 EXPIRATION DATE: MARCH 31, 2020  
 Page 61 of 173

*1/21 Minot*

structures and to provide to the City a construction schedule that details the construction timeline and completion date.

Lehner moved, Jantzer seconded and was carried. The City placed West Central Inc. interim use permit on the agenda for discussion; approve a conditional use permit rather than an interim use permit for West Central Inc. Motion seconded by Alderman Jantzer.

The Assistant City Attorney stated she was under the understanding there would be revisions to the terms of the interim use permit. The City Planner stated the current zoning for industrial does not allow for conditional use permits. Lehner withdrew his motion, and Jantzer withdrew his second.

Lehner moved, Jantzer seconded to amend the duration of the interim use permit to 25 years from the date of approval and adopt the proposed resolution.

Larry Bruess, a representative of West Central Inc. appeared before the Council to state he has been doing business in Minot for 15 years and plans to be around for a lot longer.

Whereupon a vote was taken on the amended motion by Lehner, seconded by Jantzer and was carried.

There being no further business, Frantsvog moved, Miller seconded and was carried to adjourn the meeting at 8:17 p.m.

APPROVED: Chuck Barney, Mayor ATTEST: Lisa Jundt, City Clerk - PURSUANT TO NDCC 40-01-09.1 THESE MINUTES PUBLISHED SUBJECT TO THE CITY COUNCIL'S REVIEW AND REVISION. (January 21, 2015)

**NEDROSE SCHOOL DISTRICT NO. 4**  
 6900 Highway 2 East  
 Minot, North Dakota 58701  
 Phone (701)838-5552

Nedrose School Board Minutes  
 SPECIAL MEETING  
 December 23, 2014  
 5:30 P.M.

The Nedrose School Board Meeting was called to order by President Victoria Haider. Members present were: Victoria Haider, Mark Maercklein and Jaycin Sunhelm. Also present were; Charles Miller, Administrator, Mary A. Larson, Bs. Manager.

Representatives of Northwest Contracting presented the results of Bid Package #4 for construction of the Nedrose High School. Motion made by Mark Maercklein and seconded by Jaycin Sunhelm to accept Section 28-A of Bid Package #4 as presented by NW Contracting. Motion carried unanimously.

Meeting adjourned.

North Dakota Department of Health Public Notice  
 Issue of an NDPDES Permit  
 Public Notice Date: 1/21/2015  
 Purpose of Public Notice  
 The Department intends to issue the following North Dakota Pollutant Discharge Elimination System (NDPDES) Discharge Permit under the authority of Section 61-28-04 of the North Dakota Century Code.  
 Permit Information:  
 Public Notice Number: ND-2015-001  
 Application Date: 10/1/2014  
 Application Number: NDR10  
 Applicant Name: NDPDES Construction Stormwater General Permit  
 Mailing Address: ND Dept of Health, Div of Water Quality, 918 East Divide Ave, Bismarck ND 58501-1947  
 Telephone Number: 701.328.5235  
 Proposed Permit Expiration Date: 3/31/2020  
 Description  
 The Department proposes to reissue NDPDES General Permit NDR10-0000 to authorize the discharge of stormwater associated with construction activity as defined in 40 CFR part 122.26(b)(14)(x) and small construction activity as defined in 40 CFR part 122.26(b)(15). The regulated construction activities include clearing, grading, and excavating that result in land disturbance of equal to or greater than one acre. Construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale, if the larger common plan will ultimately disturb equal to or greater than one acre.

The permit requires the implementation of a pollution prevention plan to reduce erosion and sediment impacts to surface waters. The permit includes discharge conditions based on prohibitions, best management practices, water quality standards, and other considerations applicable to the activities.

Tentative Determinations  
 Proposed effluent limitations and other permit conditions have been made by the Department. They assure that State Water Quality Standards and applicable provisions of the FWPCA will be protected.  
 Information Requests and Public Comments  
 Copies of the application, draft permit, and related documents are available for review. Comments or requests should be directed to the ND Dept of Health, Div of Water Quality, 918 East Divide Ave, Bismarck ND 58501-1947 or by calling 701.328.5210.

All comments received by February 21, 2015 will be considered prior to finalizing the permit. If there is significant interest, a public hearing will be scheduled. Otherwise, the Department will issue the final permit within sixty (60) days of this notice. If you require special facilities or assistance relating to a disability, call TDD at 1.800.366.6868.  
 (January 21, 2015)

YOU AND EACH OF YOU ARE HEREBY SUMMONED to answer the Complaint in the above-entitled action, which Complaint is filed in the Office of the Clerk of the District Court of Ward County, North Dakota, and to serve a copy of your Answer to said Complaint on the undersigned at their offices in the City of Minot, Ward County, North Dakota, within twenty-one (21) days after such service of this Summons upon you, exclusive of the day of such service; and in case of your failure to answer or appear, Judgment will be taken against you by default for the relief demanded in the Complaint.  
 Dated this 8th day of January, 2015.  
 OLSON & BURNS, P.C.  
 s/Richard P. Olson  
 Richard P. Olson (ID #03183)  
 Attorneys for Plaintiff  
 PO Box 1180  
 Minot, ND 58702-1180  
 (701) 839-1740  
 rpolson@minotlaw.com  
 (January 14-21-28, 2015)

The Local Federal Coordinating Committee for the Combined Federal Campaign is now accepting applications for local non-profit [501(c)(3)] human-service agency funding which have a substantial local presence.

Completed applications must be received by 12:00 noon, Wednesday, March 18, 2015.

The application may be obtained by contacting:  
 Patricia Smith, Minot Area CFC  
 c/o Souris Valley United Way  
 15 2nd  
 Ave. SW Suite 102  
 Minot, ND 58701  
 Phone: 701-839-2994

CFC regulations set forth at 5 CFR 950.204 defines a substantial local presence and applicants must meet the criteria.

Combined Federal Campaign (CFC) is the only authorized charitable fundraising drive conducted in the federal workplace. Each year through the CFC, federal employees help meet human health and welfare needs here at home and around the world by financially assisting local, national and international CFC approved federations and organizations.

CFC Regulations can be found in Title 5, Part 950 of the Code of Federal Regulations maintained on the OPM-CFC website at [www.opm.gov/cfc](http://www.opm.gov/cfc).  
 (January 21, February 4, 2015)

**Looking For A Job?**  
 find it in the  
**Minot Daily News CLASSIFIEDS**



## Affidavit of Publication

Colleen Park, being duly sworn, states as follows:

1. I am the designated agent, under the provisions and for the purposes of, Section 31-04-06, NDCC, for the newspapers listed on the attached exhibits.

2. The newspapers listed on the exhibits published the advertisement of: **ND Health Department – Issue of an NDPDES Permit; 1 time(s)** as required by law or ordinance.

3. All of the listed newspapers are legal newspapers in the State of North Dakota and, under the provisions of Section 46-05-01, NDCC, are qualified to publish any public notice or any matter required by law or ordinance to be printed or published in a newspaper in North Dakota.

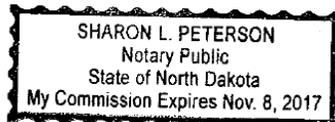
Signed: Colleen Park

State of North Dakota

County of Burleigh

Subscribed and sworn to before me this 28 day of January, 20 15.

Sharon L. Peterson



FACT SHEET FOR NDPDES PERMIT NDR10-0000  
 STORMWATER DISCHARGES FROM CONSTRUCTION ACTIVITIES  
 NORTH DAKOTA POLLUTANT DISCHARGE ELIMINATION SYSTEM (NDPDES)  
 GENERAL PERMIT NDR10-0000  
**EXPIRATION DATE: MARCH 31, 2020**  
 Page 63 of 173

2015 01 29/20 J January 14, 21 2015	
<p>843</p> <p>North Dakota Department of Health                  Public Notice                  Issue of an NDPDES Permit                  Public Notice Date: 1/21/2015                  Purpose of Public Notice                  The Department intends to issue the following North Dakota Pollutant Discharge Elimination System (NDPDES) Discharge Permit under the authority of Section 61-28-04 of the North Dakota Century Code.</p> <p>Permit Information                  Public Notice Number: ND-2015-002                  Application Date: 10/1/2014                  Application Number: NDG07                  Applicant Name: General Permit NDG070000-Dewatering and Hydrostatic Testing                  Mailing Address: ND Dept of Health, Div of Water Quality, 918 East Divide Ave, Bismarck ND 58501-1947                  Telephone Number: 701.328.5234                  Proposed Permit Expiration Date: 3/31/2020</p> <p>Description                  The Department intends to reissue a NDPDES General Permit NDG070000, for regulate the discharge of temporary dewatering and hydrostatic testing activities in the State of North Dakota. The permit will establish effluent requirements based on technology and water quality considerations, prohibitions, best management practices, and other conditions applicable to these types of wastewaters. Anyone desiring coverage under this permit should contact the Department for further information.</p> <p>Tentative Determinations                  Proposed effluent limitations and other permit conditions have been made by the Department. They assure that State Water Quality Standards and applicable provisions of the FWPCA will be protected.</p> <p>Information Requests and Public Comments                  Copies of the application, draft permit, and related documents are available for review. Comments or requests should be directed to the ND Dept of Health, Div of Water Quality, 918 East Divide Ave, Bismarck ND 58501-1947, or by calling 701.328.5210.</p> <p>All comments received by February 21, 2015 will be considered prior to finalizing the permit. If there is significant interest, a public hearing will be scheduled. Otherwise, the Department will issue the final permit within sixty (60) days of this notice. If you require special facilities or assistance relating to a disability, call TDD at 1.800.366.6868.</p> <p>(January 21, 2015)</p>	<p>Public Notice Date: 1/21/2015                  Purpose of Public Notice                  The Department intends to issue the following North Dakota Pollutant Discharge Elimination System (NDPDES) Discharge Permit under the authority of Section 61-28-04 of the North Dakota Century Code.</p> <p>Permit Information                  Public Notice Number: ND-2015-001                  Application Date: 10/1/2014                  Application Number: NDR10                  Applicant Name: NDPDES Construction Stormwater General Permit                  Mailing Address: ND Dept of Health, Div of Water Quality, 918 East Divide Ave, Bismarck ND 58501-1947                  Telephone Number: 701.328.5235                  Proposed Permit Expiration Date: 3/31/2020</p> <p>Description                  The Department proposes to reissue NDPDES General Permit NDR10-0000 to authorize the discharge of stormwater associated with construction activity as defined in 40 CFR part 122.26(b)(14)(v) and small construction activity as defined in 40 CFR part 122.26(b)(15). The regulated construction activities include clearing, grading, and excavating that result in land disturbance of equal to or greater than one acre. Construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale; if the larger common plan will ultimately disturb equal to or greater than one acre.</p> <p>The permit requires the implementation of a pollution prevention plan to reduce erosion and sediment impacts to surface waters. The permit includes discharge conditions based on prohibitions, best management practices, water quality standards, and other considerations applicable to the activities.</p> <p>Tentative Determinations                  Proposed effluent limitations and other permit conditions have been made by the Department. 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<p>842</p> <p>North Dakota Department of Health                  Public Notice                  Issue of an NDPDES Permit</p> <p>1121 Valley City</p>	<p>(January 21, 2015)</p>



## Affidavit of Publication

Colleen Park, being duly sworn, states as follows:

1. I am the designated agent, under the provisions and for the purposes of, Section 31-04-06, NDCC, for the newspapers listed on the attached exhibits.
2. The newspapers listed on the exhibits published the advertisement of: **ND Health Department – Issue of an NDPDES Permit; 1 time(s)** as required by law or ordinance.
3. All of the listed newspapers are legal newspapers in the State of North Dakota and, under the provisions of Section 46-05-01, NDCC, are qualified to publish any public notice or any matter required by law or ordinance to be printed or published in a newspaper in North Dakota.

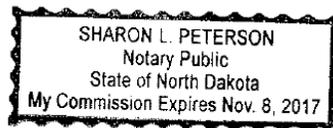
Signed: Colleen Park

State of North Dakota

County of Burleigh

Subscribed and sworn to before me this 28 day of January, 20 15.

Sharon L. Peterson



FACT SHEET FOR NDPDES PERMIT NDR10-0000  
 STORMWATER DISCHARGES FROM CONSTRUCTION ACTIVITIES  
 NORTH DAKOTA POLLUTANT DISCHARGE ELIMINATION SYSTEM (NDPDES)  
 GENERAL PERMIT NDR10-0000  
 EXPIRATION DATE: MARCH 31, 2020  
 Page 65 of 173

**PJ's Lawn Care & Snow Removal**  
 Call us for all your residential or commercial snow removal needs. Give us a call at 701-899-2980

**300 Apartments For Rent**

**SENIOR LIVING MAPLEWOOD & WILLOWS** has openings. Call Mike for details 701-261-7722

North Dakota Department of Health Public Notice  
 Issue of an NDPDES Permit  
 Public Notice Date: 1/21/2015  
 Purpose of Public Notice  
 The Department intends to issue the following North Dakota Pollutant Discharge Elimination System (NDPDES) Discharge Permit under the authority of Section 61-28-04 of the North Dakota Century Code.  
 Permit Information  
 Public Notice Number: ND-2015-002  
 Application Date: 10/1/2014  
 Application Number: NDG07  
 Applicant Name: General Permit NDG070000  
 Dewatering and Hydrostatic Testing  
 Mailing Address: ND Dept of Health, Div of Water Quality, 918 East Divide Ave, Bismarck ND 58501-1947  
 Telephone Number: 701.328.5234  
 Proposed Permit Expiration Date: 3/31/2020  
 Description  
 The Department intends to reissue a NDPDES General Permit, NDG070000, to regulate the discharge of temporary dewatering and hydrostatic testing activities in the State of North Dakota. The permit will establish effluent requirements based on technology and water quality considerations, prohibitions, best management practices, and other conditions applicable to these types of wastewaters. Anyone desiring coverage under this permit should contact the Department for further information.  
 Tentative Determinations  
 Proposed effluent limitations and other permit conditions have been made by the Department. They assure that State Water Quality Standards and applicable provisions of the FWPCA will be protected. Information Requests and Public Comments  
 Copies of the application, draft permit, and related documents are available for review. Comments or requests should be directed to the ND Dept of Health, Div of Water Quality, 918 East Divide Ave, Bismarck ND 58501-1947 or by calling 701.328.5210.  
 All comments received by February 21, 2015 will be considered prior to finalizing the permit. If there is significant interest, a public hearing will be scheduled. Otherwise, the Department will issue the final permit within sixty (60) days of this notice. If you require special facilities or assistance relating to a disability, call TDD at 1.800.368.6868.

\$250 701-403-9948  
**Fourth Avenue Manor**  
 Independent Senior Housing Facility  
 500 4th Ave. S.  
 Wahpeton, ND  
 Apartments Available  
**701-642-3100**  
**701-680-0623**

...trng avail for qualified candidates!  
 • CNC Machinists (2<sup>nd</sup> and Wkd shifts)  
 • Assemblers/Parts washers/Teardown  
 Apply online: <https://careers-horton.icims.com>  
 Questions? 605-448-3307  
 EOE: Minorities/Women/Protected Veterans/Individuals with disabilities.  
 VEVRAA contractor/subcontractor requesting priority referral of protected veterans.  
 ©2011 Horton Holding, Inc. All rights reserved.

**880 Office Space For Rent**  
**NICE DOWNTOWN OFFICE SPACE**  
 701-640-0575

North Dakota Department of Health Public Notice  
 Issue of an NDPDES Permit  
 Public Notice Date: 1/21/2015  
 Purpose of Public Notice  
 The Department intends to issue the following North Dakota Pollutant Discharge Elimination System (NDPDES) Discharge Permit under the authority of Section 61-28-04 of the North Dakota Century Code.  
 Permit Information  
 Public Notice Number: ND-2015-001  
 Application Date: 10/1/2014  
 Application Number: NDR10  
 Applicant Name: NDPDES Construction-Stormwater- General Permit  
 Mailing Address: ND Dept of Health, Div of Water Quality, 918 East Divide Ave, Bismarck ND 58501-1947  
 Telephone Number: 701.328.5235  
 Proposed Permit Expiration Date: 3/31/2020  
 Description  
 The Department proposes to reissue NDPDES General Permit NDR10-0000 to authorize the discharge of stormwater associated with construction activity as defined in 40 CFR part 122.26(b)(1)-(4) and small construction activity as defined in 40 CFR part 122.26(c)(1)-(5). The regulated construction activities include clearing, grading, and excavating that result in land disturbance of equal to or greater than one acre. Construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale, if the larger common plan will ultimately disturb equal to or greater than one acre.  
 The permit requires the implementation of a pollution prevention plan to reduce erosion and sediment impacts to surface waters. The permit includes discharge conditions based on prohibitions, best management practices, water quality standards, and other considerations applicable to the activities.  
 Tentative Determinations - Proposed effluent limitations and other permit conditions have been made by the Department. They assure that State Water Quality Standards and applicable provisions of the FWPCA will be protected. Information Requests and Public Comments  
 Copies of the application, draft permit, and related documents are available for review. Comments or requests should be directed to the ND Dept of Health, Div of Water Quality, 918 East Divide Ave, Bismarck ND 58501-1947 or by calling 701.328.5210.  
 All comments received by February 21, 2015 will be considered prior to finalizing the permit. If there is significant interest, a public hearing will be scheduled. Otherwise, the Department will issue the final permit within sixty (60) days of this notice. If you require special facilities or assistance relating to a disability, call TDD at 1.800.368.6868.

**PUBLIC NOTICE**  
 NOTICE OF MORTGAGE FORECLOSURE SALE

NOTICE IS HEREBY GIVEN that default has occurred in the conditions of the following described mortgage:  
 DATE OF MORTGAGE: May 30, 2002  
 ORIGINAL PRINCIPAL AMOUNT OF MORTGAGE: \$118,486.73  
 MORTGAGOR(S): Sharon Larson, a single person  
 MORTGAGEE: Citifinancial Services, Inc.  
 DATE AND PLACE OF RECORDING: Recorded: June 06, 2002 Wilkin County Recorder Document Number: 175408  
 Transaction Agent: Not Applicable  
 Transaction Agent Mortgage Identification Number: Not Applicable  
 Lender or Broker: Citifinancial Services, Inc.  
 Residential Mortgage Servicer: Citifinancial Mortgage Originator: Not Applicable  
 COUNTY IN WHICH PROPERTY IS LOCATED: Wilkin  
 Property Address: 709 8th St S, Breckenridge, MN 56520-2416  
 Tax Parcel ID Number: 23-622-0090  
 LEGAL DESCRIPTION OF PROPERTY: The South Fifty Feet (50) of Lot Numbered Three (3) and the North Fifty (50) feet of Lot Numbered Four (4) in Block Numbered Seven (7) of Second South Side Addition to the City of Breckenridge  
 AMOUNT DUE AND CLAIMED TO BE DUE AS OF DATE OF NOTICE: \$126,637.28  
 THAT all pre-foreclosure requirements have been complied with; that no action or proceeding has been instituted at law or otherwise to recover the debt secured by said mortgage, or any part thereof.  
 PURSUANT to the power of sale contained in said mortgage, the above-described property will be sold by the Sheriff of said county as follows:  
 DATE AND TIME OF SALE: February 05, 2015 at 10:00 AM  
 PLACE OF SALE: Sheriff's Main Office, Law Enforcement Center, Breckenridge, Minnesota to pay the debt secured by said mortgage and taxes, if any, on said premises and the costs and disbursements, including attorney fees allowed by law, subject to redemption within six (6) months from the date of said sale by the mortgagor(s), their personal representatives or assigns.  
 If the Mortgage is not reinstated under Minn. Stat. §580.30 or the property is not redeemed under Minn. Stat. §580.32, the Mortgagor must vacate the property on or before 11:59 p.m. on August 05, 2015, or the next business day if August 05, 2015 falls on a Saturday, Sunday or legal holiday.  
 Mortgagor(s) released from financial obligation: NONE

THIS COMMUNICATION IS FROM A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.  
 THE RIGHT TO VERIFICATION OF THE DEBT AND IDENTITY OF THE ORIGINAL CREDITOR WITHIN THE TIME PROVIDED BY LAW IS NOT AFFECTED BY THIS ACTION.  
 THE TIME ALLOWED BY LAW FOR REDEMPTION BY THE MORTGAGOR, THE MORTGAGOR'S PERSONAL REPRESENTATIVES OR ASSIGNS, MAY BE REDUCED TO FIVE WEEKS IF A JUDICIAL ORDER IS ENTERED UNDER MINNESOTA STATUTES, SECTION 582.02, DETERMINING, AMONG OTHER THINGS, THAT THE MORTGAGED PREMISES ARE IMPROVED WITH A RESIDENTIAL DWELLING OF LESS THAN FIVE UNITS, ARE NOT PROPERTY USED IN AGRICULTURAL PRODUCTION, AND ARE ABANDONED.  
 DATED: November 29, 2014  
 MORTGAGEE: Citifinancial Services, Inc.  
 Wilford, Geske & Cook P.A.  
 Attorneys for Mortgagee  
 7816 Currell Blvd, Suite 300  
 Woodbury, MN 55125-4393  
 (651) 295-3300  
 File Number: 032078F01  
 Legal No. 60166 - Published Wednesday, December 17, 24, 31, 2014, January 7, 14, 21, 2015

121 Wahpeton



## Affidavit of Publication

Colleen Park, being duly sworn, states as follows:

1. I am the designated agent, under the provisions and for the purposes of, Section 31-04-06, NDCC, for the newspapers listed on the attached exhibits.
2. The newspapers listed on the exhibits published the advertisement of: **ND Health Department – Issue of an NDPDES Permit; 1 time(s)** as required by law or ordinance.
3. All of the listed newspapers are legal newspapers in the State of North Dakota and, under the provisions of Section 46-05-01, NDCC, are qualified to publish any public notice or any matter required by law or ordinance to be printed or published in a newspaper in North Dakota.

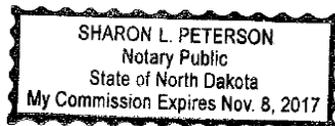
Signed: Colleen Park

State of North Dakota

County of Burleigh

Subscribed and sworn to before me this 28 day of January, 20 15.

Sharon L. Peterson



EQUIPMENT & SUPPLIES, INC.  
 Sales • Rental • Parts • Service

### Shakopee Crane Service Technician Opening

- Local work, great benefits and pay
- Work your way to Master Technician Certification
- Top notch people and product lines
- Stable strong company

To learn more or apply, visit [www.genequip.com](http://www.genequip.com)  
 or email [hr@genequip.com](mailto:hr@genequip.com)  
 Phone: (952) 224-1300  
 Toll Free: (800) 366-1455  
 1600 Valley Industrial Blvd S, Shakopee, MN 55379

**CLASSIFIED WORK**



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*Williston*

**999. Public Notices**

North Dakota Department of Health Public Notice  
 Issue of an NDPDES Permit

Public Notice Date: 1/21/2015  
 Purpose of Public Notice  
 The Department intends to issue the following North Dakota Pollutant Discharge Elimination System (NDPDES) Discharge Permit under the authority of Section 61-28-04 of the North Dakota Century Code.

Permit Information  
 Public Notice Number: ND-2015-001  
 Application Date: 10/1/2014  
 Application Number: NDR10  
 Applicant Name: NDPDES Construction Stormwater General Permit  
 Mailing Address: ND Dept of Health, Div of Water Quality, 918 East Divide Ave, Bismarck ND 58501-1947  
 Telephone Number: 701.328.5235  
 Proposed Permit Expiration Date: 3/31/2020

Description  
 The Department proposes to reissue NDPDES General Permit NDR10-0000 to authorize the discharge of stormwater associated with construction activity as defined in 40 CFR part 122.26(b)(14)(x) and small construction activity as defined in 40 CFR part 122.26(b)(15). The regulated construction activities include clearing, grading, and excavating that result in land disturbance of equal to or greater than one acre. Construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or site, if the larger common plan will ultimately disturb equal to or greater than one acre.

The permit requires the implementation of a pollution prevention plan to reduce erosion and sediment impacts to surface waters. The permit includes discharge conditions based on prohibitions, best management practices, water quality standards, and other considerations applicable to the activities.

Tentative Determinations  
 Proposed effluent limitations and other permit conditions have been made by the Department. They assure that State Water Quality Standards and applicable provisions of the FWPCA will be protected.

Information Requests and Public Comments  
 Copies of the application, draft permit, and related documents are available for review. Comments or requests should be directed to the ND Dept. of Health, Div of Water Quality, 918 East Divide Ave, Bismarck ND 58501-1947 or by calling 701.328.5210.

All comments received by February 21, 2015 will be considered prior to finalizing the permit. If there is significant interest, a public hearing will be scheduled. Otherwise, the Department will issue the final permit within sixty (60) days of this notice. If you require special facilities or assistance relating to a disability, call TDD at 1.800.366.6868.  
 (January 21, 2015)

**999. Public Notices**

**FARMLAND FOR LEASE**  
 FIRST NATIONAL BANK & TRUST CO OF WILLISTON, as Trustee, offers to lease the following land located in Williams County:

1. TOWNSHIP 156 NORTH, RANGE 101 WEST, 5th P.M. Section 15; N1/2N1/2 containing 73 (ilable) acres more or less
2. The Lease Term will be for three (3) years commencing March 1, 2015, and ending on the 31st day of December, 2018. The lease is for cash rent to be paid by the tenant on an annual basis with the time for payment to be negotiated with the successful bidder.
3. THE OWNER RESERVES THE RIGHT TO REJECT ANY AND ALL BIDS.

This offer to lease shall be made upon sealed bids and shall be delivered to the Trust Department of First National Bank & Trust Co. of Williston at 22 East 4th St, or mailed to P.O. Box 1827, Williston, ND 58802 and marked to the attention of Lavina Domagala or Amy Wells no later than 12:00 pm Thursday, February 3, 2015. Any questions concerning the subject premises may be directed to Lavina Domagala or Amy Wells, First National Bank & Trust Co. of Williston, (701)577-9618, during reasonable business hours.  
 (January 11, 14, 18, 21, 25, 26, 2015)

**NOTICE OF PETITION FOR NAME CHANGE IN DISTRICT COURT.**

WILLIAMS COUNTY, NORTH DAKOTA

NOTICE IS HEREBY GIVEN THAT Matrik Nilesh Patel has filed a Petition with the District Court in Williston, Williams County, North Dakota where he has requested an order from the court changing his last name from Patel to Ananda to be known as Niliya Mahadeva Ananda. This Petition will be presented to the Court for consideration not less than thirty days following publication of this Notice.

Dated this 19th day of January, 2015.  
 Matrik Nilesh Patel  
 (January 21, 2015)

**SUMMONS**  
 Civil No. 53-2014-CV-01370  
 STATE OF NORTH DAKOTA  
 COUNTY OF WILLIAMS  
 IN DISTRICT COURT  
 NORTHWEST JUDICIAL DISTRICT

Dennis L. Bellef, Diane M. Bellef, Leslie Bellef, Gayle Brenny, Craig Bellef, and Michael Bellef.

vs.

Chris Hamm, Justin Grimmer, Harold Grimmer, and the City of Springbrook, North Dakota.

Plaintiffs.

Defendants.

THE STATE OF NORTH DAKOTA TO THE ABOVE-NAMED DEFENDANT:  
 YOU ARE HEREBY SUMMONED

## POUND PETS

These pets have been picked up by Williston Police Department and miss their owners.  
**Call 577-1212**

Bik: Whi, Gry Australian Shepard mix no collar male  
 Goldendoodle female no collar  
 Brown German Pointer female pink collar  
 Brown Lab mix red collar male  
 Black Springer Spaniel mix female pink collar with red bow looking thru on it

Retail

We are leaders in the retail and restaurant industries, allowing us to specialize in customer service and leadership development. We serve a million customers a day, and we need the most determined and innovative industry players on our team. We encourage you to take advantage of the leadership opportunities available at Pilot Flying J and visit us at the following job fair for a guaranteed face-to-face interview.

**Region Manager, Retail Managers, Restaurant Managers, Retail Shift Managers**

Join Pilot and receive:  
 • Competitive Wages • Life and Medical Insurance • Tuition Reimbursement  
 • Development and Advancement Opportunities

**HIRING EVENT**  
 Tuesday, January 27th from 10am - 2pm



## Affidavit of Publication

Colleen Park, being duly sworn, states as follows:

1. I am the designated agent, under the provisions and for the purposes of, Section 31-04-06, NDCC, for the newspapers listed on the attached exhibits.
2. The newspapers listed on the exhibits published the advertisement of: **ND Health Department – Issue of an NDPDES Permit; 1 time(s)** as required by law or ordinance.
3. All of the listed newspapers are legal newspapers in the State of North Dakota and, under the provisions of Section 46-05-01, NDCC, are qualified to publish any public notice or any matter required by law or ordinance to be printed or published in a newspaper in North Dakota.

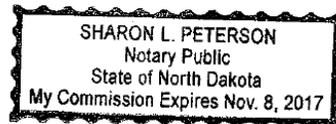
Signed: Colleen Park

State of North Dakota

County of Burleigh

Subscribed and sworn to before me this 28 day of January, 20 15.

Sharon L. Peterson



FACT SHEET FOR NDPDES PERMIT NDR10-0000  
STORMWATER DISCHARGES FROM CONSTRUCTION ACTIVITIES  
NORTH DAKOTA POLLUTANT DISCHARGE ELIMINATION SYSTEM (NDPDES)  
GENERAL PERMIT NDR10-0000  
**EXPIRATION DATE: MARCH 31, 2020**  
Page 69 of 173

The department provided notification to all companies which have an active permit. The reapplication letters which were sent to the companies listed below specified the public comment period "...begins January 21, 2015 and ends February 21, 2015." The following is a list of companies which were notified:

108 Lakeside Drive LLC	Anchor Drilling Fluids USA	Bakken Western Services LLC
1105 Peters Road, LLC	Anderson and Wood Construction	BakkenLink Pipeline, LLC
16th Crossing LLC	Annabelle Homes LLC	Banner Transportation
1804 Operating, LLC	Annunciation Priory/U Of Mary	Bar Over Hat, Inc
1804, Ltd.	Anschutz Exploration Corporation	Baranko Brothers Construction
2013 Bismarck LLC	Anton Gudajtes	Barkman Construction ND LTD dba
2015 Grand Forks, LLC	Anyleaks, Inc.	Landmark Homes
2020 Properties LLC	Apex Engineering Group	Barnes County
26th Street Hospitality, LLC	APi GroupReal Estate, LLC	Barnes County Municipal Airport
28th Street Apartments, LLC	APM, LLLP	Barnes County North School
3PP Bottineau, LLC	Apple Creek Developers LLP	Barnes County Water Resource
3PP Dickinson LLC	Apple Creek LLP	District
3PP Stanley, LLC	Apple Creek Partners LLC	Bartlett & West Engineers
3PP Watford City, LLC	Applied Products Inc.	Base Utilities
4T Construction, LLC	Aquasource Holdings LLC	Basin Electric Power Cooperative
5229 Properties LLC	Arbor Courts, LLC	Basin Transload, LLC
55th Crossing LLC	Ardys Bahm Couch	Bayfront Builders Inc
5th Contracting Squadron	Argusville City Of	Baytex Energy USA LTD
76th Street Holdings, LLC	Arista Development	Bear Tracker Energy, LLC
Abercrombie City Of	Arnegard Lakeview Estates LLC	Beard Construction & Engineering
Abraxas Petroleum Corporation	Arrow Head Development, LLC	Beau Koffler
Absorbent & Safety Solutions	Arrow Pipeline LLC	Bechtold Paving Company
Acciona Wind Energy USA	Arthur Companies	BEK Communications
Accrete LLC	Arthur Greenberg Jr	Bemas Construction Inc
Ackerman Acres	ASC Construction Equipment USA	Benson County
Ackerman Estvold Engineering Inc	Inc	Bergquist Development Inc
Acme Tool	Ashley Municipal Airport	Berthold City Of
Adams Custom Contracting	Aspens Williston LLC	Beulah City Of
Adjutant General	Asplin Excavating Inc	Beulah Hotel Group, LLC
Adjutant General Department -	Associated Builders	Beyond Shelters
Devils Lake	Associated Potato Growers, Inc.	BFJ Homebuilders
Air Liquide Industrial US, LP	ATCO Structures & Logistics (USA)	BFKB Development LLC
Alan Netzer Construction	Inc.	Big Eye Hospitality LLP
Alan Withrow	Autocore	Big West Resources, LLC/Flying J
Alerus Center	Aux Sable Midstream LLC	Bill Barth
Alexander Transport LLC	AVERA Companies	Billings County
All Terrain Grounds Maintenance	Avi Bree Real Estate Holdings, LLC	BIP 40 LLC
Allele / Minnesota Power	B & W Properties	Birches Williston LLC
Alliance Pipeline LLP	B&B Dirtworks Inc	Bismarck City Of
Allied Agronomy LLC	Bachmeier Custom Homes	Bismarck City Public Works
Allied Building	Badlands Power Fuels, LLC	Bismarck Fire Department
All-Terrain Groudns Maintenance	Baird Construction Inc	Bismarck Municipal Airport
Altru Health System	Baker Hughes	Bismarck Parks & Recreation District
Alumni Suites LLC	Bakken BBQ Inc	Bismarck Partners
Alverson Construction Inc	Bakken Commerce Center,LLC	Bismarck Property Investors, LLC
Alvin Leingang	Bakken Commercial Truck Wash,	Bismarck Public Schools
Amanda Hoffman	LLC	Bismarck School District No. 1
Amber Ridge Investments, LLC	Bakken Development Group	Bismarck State College
Amber Valley Apartments, LLC	Bakken Development Group Minot 1,	Bison Midstream LLC
American Crystal Sugar Company	LLC	Bison Ridge Development LLC
American Crystal Sugar Hillsboro	Bakken Development Solutions LLC	Black Gold Farms
American Eagle Energy Corporation	Bakken Holdings, Inc.	Black Pines Group, LLC
American Enterprises Inc	Bakken Housing Partners	Black Stag Services
American General Contractors Inc	Bakken NW 58th Street LLC	Blackhawk Energy
American Independent Remodlers	Bakken Oil Express LLC	Blaisden Systems - Watford I, LLC
Ameri-Tech Buildings, LLC	Bakken Oil Express Pipeline, LLC	Blake Nitschke Farm
Amity Technologies	Bakken Transload, LLC	BLH LLC

FACT SHEET FOR NDPDES PERMIT NDR10-0000  
 STORMWATER DISCHARGES FROM CONSTRUCTION ACTIVITIES  
 NORTH DAKOTA POLLUTANT DISCHARGE ELIMINATION SYSTEM (NDPDES)  
 GENERAL PERMIT NDR10-0000  
**EXPIRATION DATE: MARCH 31, 2020**  
 Page 70 of 173

Blue Bison Construction  
 Blue Star Investments LLP  
 Bluffs Communities  
 BMW Homes  
 BNSF Minneapolis  
 BNSF Railway  
 BNSF Railway Company  
 Boas Northport Fargo LLC  
 Bob Footitt Construction Inc.  
 Bobcat Company  
 BOE Pipeline, LLC  
 Bolton Properties  
 Border Patrol Facilities and Tactical Infrastructure  
 Border States Electric Inc.  
 Border States Paving Inc  
 Border Winds Energy, LLC  
 Born to Run, LLC  
 Bottineau Cobblestone Hotel Group LLC  
 Bottineau County  
 Bottineau Winter Park  
 Bottle Barn Liquors Inc  
 Boulder Apartments LLC  
 Boulder Homes LLC  
 Boulder Ridge Development Inc  
 Boulevard Square LLC I and II  
 Bowdon City Of  
 Bowman County  
 Bowman County Airport Authority  
 Boyd & Sons Construction Company  
 Brad Paul Enterprises Inc  
 Brandt Crossing, LLC  
 Brandt Holding Company  
 Brandt Place Investments, LLC  
 Brandt Senior Living Properties, LLC  
 Braun Distributing  
 Brei Estates LLP  
 Bremer Bank  
 Brendel Homes  
 Brian & Terrie Dahl  
 Brian L. Beeter  
 Brian Patel  
 Bridger Pipeline LLC  
 Bridgewater LLC  
 Bridgewood Community, LLC  
 Brigham Crossings LLC  
 Brigham Oil & Gas LP  
 Brimark Builders, LLC  
 Brolin Investing  
 Brooks Custom Homes  
 Brookstone Property  
 Brown Corporations  
 BRR Properties  
 Bruce Morman  
 Bruce Speich Feedlot  
 Buchholz/Mastel Const Inc  
 Buckhorn Energy Services  
 Buffalo Holding LLC  
 Builders Management and Investment Company  
 Building Concepts Inc  
 Bullinger Enterprises LLLP  
 Burgum 34 LLP  
 Burke Construction Group

Burke Divide Williams Water System  
 Burke-Divide Electric Cooperative  
 Burleigh County  
 Burleigh County Highway Dept  
 Burleigh County Park Board  
 Burleigh County Water Resource District  
 Burlington Resources Oil & Gas Co., LP  
 Burlington Township  
 Burnt Creek Group, LLC  
 Busek Family Real Estate Partnership LLLP  
 Butch Olson  
 Butler Machinery Company  
 Byron Rohr  
 C.Y. of Bismarck Inc.  
 Calfrac Well Services Corp.  
 Caliber Midstream LLC  
 CAM  
 Cambridge Development LLC  
 Camp Creek Development  
 Campus Crest at Grand Forks LLC  
 Canadian Pacific Railway  
 Cando City Of  
 Cando Municipal Airport  
 Capex Oilfield Services (2000) Inc.  
 Capital RV  
 Carbo Ceramics  
 Carefree Investments, LLC  
 Cargill Inc-West Fargo  
 Carish, Inc.  
 Carolyn Jay, LLC  
 Carrington City Of  
 Cascade Financial International LLC  
 Casey Stoudt  
 Cass County Highway Department  
 Cass County Joint Water Resource District  
 Cass County JWRD  
 Cass Oil Company  
 Casselton City Of  
 Catalyst Development LLC  
 Caterpillar Remanufacturing  
 Drivetrain Fargo LLC  
 Cavalier City Of  
 Cavalier County  
 Cavalier Homes, Inc.  
 Cavendish Farms  
 Cedars at Brandt Crossing, LLC  
 Centennial Estates of Williston LLC  
 CenterPoint Energy Bakken Crude Services, LLC (CEBCS)  
 Centerra Development Company LLC  
 Centerville Development Group, LLC  
 Central Harvest States / Southwest Grain  
 Central Plains Ag Services, LLC  
 Central Power Electric Cooperative Inc  
 Century Properties, LLP  
 CG Enterprises  
 Chad Dietrich  
 Chamley Pipe and Salvage

Charles Hart  
 Charles Nelson  
 Chazline Construction Inc.  
 Chesapeake Operating, Inc.  
 Chimney Butte Environmental, LLC  
 Chris Lind Custom Home Contracting LLC  
 CHS Inc  
 CHS Inc.  
 CHS Inc. - Dakota Ag Cooperative  
 Chute Contracting LLC  
 CIG Investments - Fargo, LLP  
 Circle K Builders Inc  
 Citizens Community Credit Union  
 City of Alexander/Heggen Nelson Eng  
 City of Benedict  
 City of Bismarck  
 City of Bismarck-Civic Center  
 City of Ellendale  
 City of Enderlin  
 City of Fargo  
 City of Fargo Division of Solid Waste  
 City of Flasher  
 City of Grafton  
 City of Grand Forks  
 City of Kenmare  
 City of Leonard  
 City of Linton, ND  
 City of Lisbon  
 City of Mandan  
 City of Mapleton  
 City of Mayville  
 City of Minot  
 City of Minot-Fire Department  
 City of Oxbow  
 City of Scranton  
 City of Stanley  
 City of Tower City  
 City of Wahpeton  
 City of Watford City  
 City of West Fargo  
 City of Williston  
 City of Williston, Public Works and Engineering  
 Civic Auditorium Limited Partnership  
 Civil Construction LLP  
 Civil Science Inc  
 CKW Properties, LLP  
 Clairmont Development Company  
 Classic Construction Inc  
 Clean Energy Fluids Systems LLC  
 CM Arctic Investments  
 CMGL 10 LLC  
 CMGL 11, LLC  
 Coal Creek Drying & Storage  
 Coldspring  
 Cole Hokana  
 Colfax Elevator  
 Colleen Steffan  
 Colton Lee Communities of ND LLC  
 Columbia Grain  
 Columbia Grain, Inc.  
 Comie Ordahl Ranch  
 Community Contractors Inc

FACT SHEET FOR NDPDES PERMIT NDR10-0000  
STORMWATER DISCHARGES FROM CONSTRUCTION ACTIVITIES  
NORTH DAKOTA POLLUTANT DISCHARGE ELIMINATION SYSTEM (NDPDES)  
GENERAL PERMIT NDR10-0000  
**EXPIRATION DATE: MARCH 31, 2020**  
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Comstock Land Company	Dakota Prairie Estates, LLC	Diocese of Fargo
Conlins Furniture	Dakota Prairie Grasslands	Diversity Homes
Conoco Phillips Houston	Dakota Prairie Refining LLC	Diversity Homes, Inc
Continental Resources, Inc.	Dakota Prarie Refining	DKO Foods, LLC
Continental Resources, Inc-Baker	Dakota Ridge Subdivision	Don McGuire
Continental Resources, Inc-Killdeer	Dakota Transload	Donald Bottrell
Continental Resources, Inc-Tioga	Dakota Underground Company	Done Right Building
Cooks Court LLLP	Dakota Valley Growers	Doosan - Bobcat
Cooperstown City Of	Dakota West Contracting Inc	Drayton City Of
Cornerstone Bank	Dale Buchholz	Dream Homes LLC
Cornerstone Dental	Dan Conlin	DSI Automotive
Cornerstone Specialties Inc.	Dans Supermarket	Duane W. Block
Corwin Holdings, Inc.	Darden Restaurants	Duckwall-Alco Stores Inc.
Cory Haller	Darick L Franzen	Duemelands Retail LLLP
Cory Haller & Jody Arthaud	Darren Berger & Richard Bohrer	Duerr Township
Costar Bakken LLC	Dave Anderson Construction	Dunn County
Cottage Homestead of America Inc	Dave Hangsleben	Dunn County Airport Authority
Coulee Township	Dave Meyer Construction	Dunn Properties LLC
Country Side Development LLC	Dave Schmidt Construction	Durheim Ranch
County 20 Storage & Transfer Inc	Davenport City Of	Dustin Roise Farm
County One Development, LLC	David Peterson	Dustin Wagner
Courtenay Wind Farm LLC	David Tweeten	DZ Electric
Courtyard Development Inc.	Davies 2nd Addition LLC	Eaglesmere Land Acquisition
Coyote Creek Mining Company, LLC	Davis Holdings LLLP	Vehicle LLC
CPS Ltd	Deacons Development, LLP	Eaglesmere Williston 1 LLC
C-R Projects	Deacon's Greens Ltd	Eaglesmere Williston 1, LLC
Craftmaster Homes LLC	Dealer Sites LLC	eArista Development
Crary Development	Dean Kessel	Easy Living LLC
Creative Touch Homes LLC	Deer Valley Trucking	Ebenezer Lutheran Church
Crescent Point Energy US	Dehaan, Grabbs, & Associates	EBF Investments, LLC
Corporation	Dehaan, Grabs, & Associates	ECA LLC
Crist Construction Inc	Delaney Homes Inc	Eclipse Energy Services LLC
Crosby City Of	Dell Arneson	Eddy County Water Resource
Cryal Callender	Delta Holdings of Minot Inc.	District
Crystal Creek Apartments LLC	Denbury Onshore LLC	Edge of Osgood, LLP
CSC General Contractors	Dennis & Elizabeth Rehder RLT	Edgeley City Of
Curlys Construction Inc	Dennis Adams	Edgewood Development Group -
D&D Ziegler Construction Inc	Dennis Gregoire	Bismarck
D&J Enterprises Inc. / Simonson	Department of Interior - USFWS -	Edgewood Development Group LLC
Station Stores	Arrowwood NWR	Edgewood Development Group, LLC
DAB #2-24 LLC	Department of Veteran Affairs	- Bismarck
DAB #3-30 LLC	DEPO-2012, LLC	Edgewood Group
DAB #3-36 LLC	Dept. of the Air Force	Edgewood Real Estate Investments
DAB LLC #1-37 and DAB LLC #1-36	Department of Interior - US Fish &	Trust
Dabbert Custom Homes Inc	Wildlife Service	Edward H. Schwartz Construction
Dacotah Bank	Designer Homes of Fargo Moorhead	Ehlers Livestock
Daisy Dean Feedlot	LLC	Eid-Co Buildings Inc
Dakota Access LLC	Development Homes Inc.	Elk Industries
Dakota Apple Partnership	Devils Lake Area Office - NRCS	Ellen Boyer
Dakota Boys & Girls Ranch	Devils Lake City Of	Ellig Properties, LLC
Dakota Carrier Network	Dewitz Feedlot	Elm Crest Manor
Dakota College at Bottineau	DFH Watford LLC	Emmons County
Dakota Commercial and	Dickey County	Emmons County-Highway
Development	Dickinson Area Office - NRCS	Department
Dakota Environmental Inc.	Dickinson City Of	Enable Bakken Crude Services, LLC
Dakota Gasification Co	Dickinson HomStay LLC	Enbridge Energy
Dakota Gasification Company	Dickinson Lincoln Park Apartments	Enbridge Energy, Limited
Dakota Hotel Ventures, LLC	LLC	Partnership
Dakota Infrastructure	Dickinson Public Schools	Enbridge Pipelines (North Dakota)
Dakota IV Contracting	Dickinson Research Ext Center	LLC
Dakota Land LLC	Dickinson State University	Enbridge Pipelines (Southern
Dakota Medical Foundation	Dickinson Theodore Roosevelt	Lights), LLC
Dakota Metro LLC	Regional Airport	Enclave Development LLC
Dakota Midland Grain LLC-Norwich	Dietrich Construction LLC	Enderlin Municipal Airport
Dakota Modulares LLC	DIK Lodging LLC	Enerbase

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Energy Commerce Center, LLC.  
 Engberg Builders Inc  
 Ensign Energy Inc  
 Environmentally Clean Systems  
 Envision Land & Development  
 EOG Resources  
 EOG Resources Inc  
 EOG Resources Rail Yard, Inc  
 Epping Transmission Company LLC  
 Equity Home Builders, LLC  
 ERD Mandan, LLC  
 Eric Belanger  
 Evans Rentals LLC  
 Evenson Angus  
 Eventide Senior Living Communities  
 Excavating Inc Fargo  
 Expressway Suites  
 Fairhills Partners LLC  
 Faith Lutheran Church  
 Fargo Apartment Homes LLC  
 Fargo City Of  
 Fargo Clubhouse Ventures LLP  
 Fargo Country Club  
 Fargo Development  
 Fargo Hospitality LLC  
 Fargo Hotel Partners LLC  
 Fargo Housing and Redevelopment Authority  
 Fargo Lodging Associates ES, LLC  
 Fargo Park District  
 Fargo Parks Department  
 Fargo Public Schools  
 Fargodome Authority  
 Farmers Union Oil Co  
 Farmers Union Oil Co. of Stanley  
 Farmers Union Oil Company  
 Farmers Union Oil of Berthold & Carpio  
 Federal Highway Administration  
 CFLHD  
 Feist Construction Inc  
 Ferrellgas Inc  
 Fessenden City Of  
 Fidelity Exploration & Production Co  
 Fidelity Exploration & Production Company  
 Fidelity Exploration and Production Company  
 Fifth Skaff Appartments of ND  
 Fine Associates LLC  
 Finishing Touch Inc  
 Finley Farmers Grain & Elevator  
 First Assembly of God Church  
 First Baptist Church  
 First International Bank  
 First International Bank and Trust  
 First United Methodist  
 FIS International Services, LLC  
 Fiske Construction LLP  
 Five Diamond Development  
 Five Star Dairy  
 Flat Stick, LLC  
 Flint Hills Resources Pine Bend LLC  
 Florence French  
 FM Rentals, LLC

Foothills Contracting, Inc.  
 Fort Ransom City Of  
 Fourth Avenue LLC  
 Fraedrich Transport Inc  
 Frank Klein  
 Frontier Development Group, LLC  
 Full Circle Ag  
 Fullerton Farmers Elev.  
 Funfar Construction Inc  
 FURN USA ND, LLC  
 Furst Stolz Development LLC  
 Future Builders, Inc  
 FW Townhouses, LLC  
 G&B Development, LLC  
 G&E Enterprises  
 G&K Services  
 G. A. Haan Development  
 G. R. Pierce Inc  
 Gackle City Of  
 Gary Anderson  
 Gascoyne Materials H&R  
 Gasman Township  
 Gavilon Grain, LLC  
 GDG Properties LLC  
 Gehertz Construction Services  
 Geier Homes  
 Geiger Construction & Development, LLC  
 Georgia Builders, Inc.  
 Geraldine Lippert  
 GFY Investments, LLC  
 GHB Realty  
 Gibbon Farms  
 Glen Libbrecht  
 Glen Properties, LLC  
 Global Dakota, LLC  
 GMRI Inc  
 Gnesa Land Holding  
 Golden Valley County  
 Goldmark Development Corporation  
 Goodin Company  
 Gooseneck Implements  
 Gowan Construction Inc  
 Grafton Public Schools  
 Graham Construction Company  
 Graham Development Co.  
 Grand Forks AFB  
 Grand Forks City Of  
 Grand Forks County Highway Department  
 Grand Forks International Airport  
 Grand Forks My Place LLC  
 Grand Forks Parks & Rec.  
 Grand Forks Public School District  
 Grand Forks WTP  
 Granite Peak Development  
 Granite Peak Development, LLC - Williston  
 Granite Peak Partners  
 Grant County  
 GRD West Fargo LLC  
 Great Lakes Excavating Services, Inc.  
 Great Northern Gathering and Marketing

Great Plains Clinic Medical Ent. LLC  
 Great Plains Natural Gas Co.  
 Great River Energy  
 Great River Energy - Coal Creek Station  
 Great Western LLC  
 Greenberg Family Consolidated LP  
 Greg Krueger Construction Inc.  
 Gregory D. Bradford  
 Grenora City Of  
 GTLE Dakota Plant 1 LLC  
 Gwinner Airport Authority  
 GWN LLC  
 H&H Holdings LLP  
 H. Carlson Family LLC  
 Halliburton Energy Services, Inc.  
 Halliburton Energy Services, Inc. - Williston  
 Hallmark Homes Inc  
 Hank Albers  
 Hanson Brothers Inc  
 Harmony Properties, LLC  
 Harold Wenaas & Scott Cranston  
 Harry Gilbertson Construction  
 Harvey City Of  
 Harvey Sand & Gravel Inc  
 Haugland Development Company  
 HD Partnership  
 HDE LLC  
 HDP Eagle Homes SS LLC  
 Hebron Brick & Block Supply  
 Hector International Airport  
 Heidrich Homes Inc.  
 Heim Brothers  
 Heinen Land Holdings  
 Heinze Feedlot  
 Helenske Design Group  
 Helmerich & Payne, Idc.  
 Henry Albers  
 Heritage Hills I LLLP  
 Heritage Homes LLC  
 Heritage Properties, Inc  
 Herseth Farms, Inc.  
 Hess Bakken Investments II LLC  
 Hess Corporation  
 Hess North Dakota Export Logistics LLC  
 Hess North Dakota Pipelines LLC  
 Hess Tioga Gas Plant LLC  
 Hi Line Construction Inc  
 Hi Line Owners Group  
 Highlands Engineering and Surveying, PLCC  
 Hiland Crude LLC  
 Hiland Operating, LLC  
 Hiland Partners  
 Hofer Construction  
 Holiday Stationstores Inc  
 Holland Land Co LLC  
 Holly & Company Classic Homes  
 Hollybeck Surveying & Engineering  
 Holoien Development Co., LLC  
 Home of Economy  
 Home Twedt Home Properties LLC  
 Homeland Developers Inc

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Hometown Living L.P.  
Hope Investment LLC  
Hopfauf Custom Builders  
Horizon Development LLC  
Horizon Holdings LLP  
Hospitality Builders Inc  
Houston Engineering Inc  
Howard Leier  
HRC Operating LLC  
HSBC 1  
Hunter City Of  
Huntington Enterprises, Inc  
Husker Real Estate, LLC  
I-94 Development, LLC  
Ian  
ICAN Worldwide Technology LLC  
ICON-KMP, LLC  
Idaho Township  
IHD Solids Management LLC  
Industrial Builders Inc  
Industrial Contract Services Inc  
Inergy Crude Logistics, LLC  
Inland Truck Parts  
Innes Construction Company, Inc.  
INREIT Properties, LLLP  
INREIT Properties, LLP  
International Peace Gardens  
Interstate Engineering  
Interstate Engineering - Beulah  
Interstate Engineering - Jamestown  
Interstate Engineering Inc  
Interstate Engineering, Inc.  
Investcore Inc  
IRET Properties  
IRET WRH 1, LLC  
Iron Man Enterprises LLC and  
Carroll Drilling  
Ironman Enterprises LLC  
Irons Landscaping  
Ironwood Apartments, LLC  
Ironwood Construction  
Island Park Motel  
J & L Harley Davidson  
J and E Real Estate LLP  
J Koski Company  
J&D Construction Inc  
J&K Investments  
J&L Construction / LTD Corporation  
J&O Real Estate  
J. V. Hough, Inc.  
Jack Knutson  
Jacobson Contracting  
James Hutton  
James Valley Grain  
Jamestown Airport Authority  
Jamestown Area Office - NRCS  
Jamestown City Of  
Jamestown College  
Jamestown Parks & Recreation  
Jason Gillen/Bismarck LLC  
Jason Vedadi  
Jay Dietz Construction Inc  
JB Development  
Jeff and Troy Kupper  
Jeff Askew

Jeff Eberhardt  
JEM Construction  
Jensen Bros Construction Inc  
Jerry M. Cook  
JGP Development  
Jim Kusler  
JJT3 LLC  
JL Jeffries Inc  
JLBWF LLC  
JM Homes, Inc.  
Joe Vetter Construction Inc  
Joeleon Holdings LLP  
John Deere Seeding Group  
John Deere Seeding Valley City  
John Edwards  
John Geving  
John H. Holt  
John Laurant  
John Plott Company, Inc.  
John Weeda  
John Wyman  
Joint Board, Center & Dwight Twp &  
City of Wahpeton  
Jon Gregoire  
Jonas Lomoley Brew  
Jordahl Custom Homes Inc  
JPG Development  
JPR Investments #13  
JR RV Park  
JR Simplot Company  
JSW, LLC  
JTC, Inc.  
Judith H Stenehjem (SLS) LP  
Justin Barnes  
Justin Hoff  
Justin Sharp  
K&L Homes, Inc.  
K&M Tire  
K2 Properties LLC  
K2S Engineering Inc  
Kadrmass Lee & Jackson Dickinson  
Kadrmass Lee & Jackson Grafton  
Kadrmass Lee & Jackson Inc  
Bismarck  
Kadrmass Lee & Jackson Valley City  
Kadrmass, Lee & Jackson, Inc.  
Kalikow Realty and Construction  
Corp  
Kallod Construction  
Kamrose Construction Inc  
Karvako Engineering  
Katie Deutsch  
KBW Associates Inc  
KC Harvey Environmental, LLC  
KD Hoyt Inc  
Keidels South Heart Terrace 3rd  
Addition  
Keitu Engineers & Consultants, Inc.  
Ken Tog1 Inc  
Kenny Stedman  
Kent Roers  
Keplin Gracon Joint Venture  
Kevin & Karon McDonough  
Kevin Fischer Construction  
Kevin Ohnstad

Kevin Terrell & Marc Asmus  
Kevin Thoele  
Key Energy Services  
Kilber Development, LLC  
Killdeer City Of  
Killdeer Investments, LLC  
Killdeer Land Partners LP  
Killdeer Mountain Park LLC  
Kindred City Of  
Kirk Larson Feedlot Facility  
Kissler Enterprises  
KLC Holdings LLC  
KLC of Willmar Inc  
Klein Construction Inc  
KLJ Dickinson  
KLJ Watford City  
KMR LLC  
KMRK Properties ND, LLC/DBA  
Williston Properties ND  
Knight Oil Tools  
Knutson Homes Inc  
Knutson Properties LLP  
Koch Construction, Inc.  
Koch Property Investments Inc  
Kochmann Brothers Homes Inc  
Kodiak Homes  
Kodiak Oil & Gas USA Inc  
Korey & Wendy Elde  
Kost Materials  
Kraus-Anderson Construction  
Company  
KRE H Venture, LLC Continuum  
Partners  
Kringlie Investments, LLC  
KSSG Storage, LLC  
KT Investments  
KT Properties LLC  
KTJ 210 LLC  
KTJ 211 LLC  
KTJ 226 LLC  
Kulm City Of  
Kum & Go LLC  
Kuntz Builders Inc  
Kupper Chevrolet Inc  
KW Fargo LLC  
KWA Constructors Inc  
L. Nagel Construction  
Lake Region State College  
Lakewood Townhomes Limited  
Partnership  
Lamont Companies  
Lamoure City Of  
LaMoure County  
Land and Lease Development LLC  
Land Elements  
Land Resources Inc  
Landcore LLC  
Langdon City of  
Larimore Municipal Airport  
Larry and Sue Durand  
Larry C Madson  
Larry Jones  
Larry Walford Farm  
Larson Engineering  
Lawler Angus Ranch

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Layton Construction Co Inc  
LB Trailer Park  
Leadership Circle, LLC  
Leevers Foods Inc.  
Legacy Land Development of ND,  
LLC  
Legion Energy Services, LLC  
Legion Terminals, LLC  
Lehr City Of  
Les Frenzel  
Level 1A Investments LLC  
Level Construction Inc. dba  
Differding Signature Homes  
Lexstar Construction  
Liechty Homes  
Lime Rock Resources III-A, LP  
Lincoln City Of  
Linda Juhala  
Linton City Of  
Linton Hotel Group, LLC  
Lisbon Airport Authority  
Lisbon City Of  
Living Investments, LLC  
Living Services Foundation  
LKM Bismarck LLC  
Lodging Dynamics  
Logan County  
Lois Scheele  
Lonesome Dove Properties  
Longhorn Construction  
Lower Heart River Water Resource  
District  
Lower Yellowstone Rural Electric  
Association  
LPF Properties LLC  
LSS Housing Watford City II LLC  
Lufkin Industries Inc.  
Lukenbill Family Partnership  
Lunnen Development, LLC  
Lunnen Lot 4  
Lutheran Brethren Fellowship  
Church  
Lutheran Social Services  
Lutheran Social Services of North  
Dakota  
Lyle Grandalen  
M Space Holdings  
M&R North Dakota II, LLC  
M&U Construction  
M3 Design Homes  
MacBain Properties Ltd (USA) Inc  
Magellan Midstream Partners LP  
Magellan Midstream Partners, L.P.  
Mages Group LLC  
Magi Touch  
Magic City Partners LLC  
Magill Farms  
Magnum Contracting, Inc.  
Magnum Midstream  
Mahan Construction Inc.  
Mandan Field Office - NRCS  
Mandan Municipal Airport  
Mandan Public School District  
Maple Ridge Estates, LLC  
Maple River Water Resource District

Maple River-Rush River Water  
Resource District  
Marathon Oil Company - Dickinson  
Marchus Homes Inc  
Marilyn Noonan  
Mariner Construction Inc  
Mark Buchholz  
Mark Cahoon  
Mark Gillette  
Mark Hovland  
Mark Olson  
Mark Sand and Gravel  
Marquis Alliance Energy Group USA  
Inc  
Martin LLC  
Marvel Homes  
Marvin Opp  
Marvin Schnabel  
Master Construction Company Inc  
Mathison Properties  
Matrix Properties Corporation  
Matthew B Jahne  
Mattson Construction  
Mayflower Partnership  
Mayville Municipal Airport  
Mayville State University  
MB Enterprises LLC  
MBA Construction  
MBC Contracting Corp  
MBI Energy Services  
McDonalds Corporation  
McHenry County  
McHenry County Auditor  
McIntosh County  
McKenzie County  
McKenzie County School District #1  
McKenzie County Water Resource  
District  
McKenzie Electric Cooperative Inc  
McKenzie WW, LLC  
McKinzi Marie Maltern  
McLean County  
McMurray Construction Co.  
McNeilus Steel, Inc.  
McQuade Properties LLC  
McVille City Of  
Meadowlands Construction  
Meadowlark Hills LLC  
Meadowlark Midstream Company  
LLC  
Medora City Of  
MELD Capital  
Menard Inc  
Menoken Public School District  
Mercer County  
Mercer County Highway Department  
Mercer County Water Resource  
Board  
Mercy Medical Center  
Meridian Commercial Construction  
Meritage Midstream Services, LLC  
Mertz Builders Inc  
Mesa Oil Services, Inc.  
Metro Flood Diversion Authority  
Metro-Area Ambulance Service Inc

Metropolitan Apartments, LLC  
Meyer Real Estate Group  
Michael Baumgartner Construction  
Michael French  
Michael Stellon  
Michael Stoltman  
Mick Oja  
Microsoft  
Microvest Inc  
Midland Garage Door Manufacturing  
Co., Inc  
Midwest AgEnergy Group LLC dba  
Dakota Spirit AgEnergy  
Midwest Contracting, LLC  
Mikkelsen Aggregates LLP  
Miller & Sons Storage & Leasing  
Miller Insulation  
Minn-Dak Farmers Cooperative  
Minnesota Power  
Minn-Kota AG Products  
Minnkota Power Cooperative Inc  
Minnkota Windows  
Minot AFB 5 CES/CEAN  
Minot AFB 5 CES/CEIEC  
Minot Area Development  
Corporation  
Minot Field Office - NRCS  
Minot Hotel Partners LLC  
Minot International Airport  
Minot Park District  
Minot Paving Company Inc  
Minot Place Limited Partnership  
Minot Public Schools  
Minot State University  
Missouri Basin Materials  
Missouri Valley Petroleum  
Mitzel Builders Inc  
Mitzel Contractors Inc  
MK Home Builders Inc.  
MK Weeden Construction, Inc.  
MKA LLC  
MME, Inc.  
Mobile Motel  
Mohall Airport Authority  
Mohall City Of  
Molstad Excavating Inc  
Mon-Dak Water and Septic Service  
Monsanto Company  
Montana Dakota Utilities  
Montana Dakota Utilities Co  
Montana Dakota Utilities Company  
Montana-Dakota Utilities  
Montana-Dakota Utilities Co  
Moore Engineering  
Morton County  
Morton County Water Resource  
District  
Mortys LLC  
Mountain Peak Builders  
Mountrail County  
Mountrail County Medical Building  
Mountrail Williams Electric  
Cooperative  
Mountrail-Williams Electric  
Cooperative

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MP Jamestown, LLC  
MSR, LLC  
Mutchler Bartram Architects  
MW&W LLC  
MWEC  
My Sunshine Shoppe  
Nabors Drilling  
Nabors Well Services  
Nakota Development LLC  
Napoleon City Of  
Natgun Corporation  
Nathan Lamoureux  
Nathaniel Schroeder  
Nativity Church  
ND Army National Guard Bismarck  
ND Board of Higher Education  
ND DOT  
ND DOT District 1  
ND DOT District 2  
ND DOT District 3  
ND DOT District 4  
ND DOT District 5  
ND DOT District 7  
ND DOT District 8  
ND Game & Fish Department  
ND Land Holding LLC (dba Dory Land)  
ND Parks & Recreation Department  
ND Parks and Rec. Dept.  
ND Properties and Investments  
ND Public Service Commission  
ND State Hospital  
ND State Penitentiary  
ND State Water Commission  
NDDOT  
NDDOT - Devils Lake District 3  
NDDOT - District 1  
NDDOT - District 5  
NDDOT District 2  
NDDOT District 8  
NDDOT-District 4  
NDDOT-District 7  
NDI Group LLC  
NDSU - Facilities Management  
NDSU Animal and Range Science  
Nedrose Elementary School  
Nedrose Holdings  
Nelson County  
Nelson County Water Resource District  
Nelson Excavating  
Neset Consulting Service  
NetREIT Broadway Inc  
New Creations Construction  
New England Cable Vision Inc.  
New Leaf Hospitality  
New Rockford City Of  
Newalta Corporation  
Newfield Production Company  
NexCore Group LP  
NHC Inc  
Nienow Properties LLP & ELA  
Victory Properties  
Noble Inn LLC  
Nodak Properties LLC

Nordick Group Inc  
North by Northwest Properties LLC  
North Cass-Rush River Joint WRD  
North Central Management  
North Dakota 3, LLC  
North Dakota Air National Guard  
North Dakota Army National Guard - Fargo  
North Dakota Field Office - BLM  
North Dakota Guaranty  
North Dakota LNG LLC  
North Dakota Pipeline Company LLC  
North Dakota Pipeline Company LLC (Enbridge)  
North Dakota Pipeline Company LLC dba NDPL LLC (NDPL)  
North Dakota Port Services Inc.  
North Dakota Salt Water Disposal #1, LLC  
North Dakota State Board of Higher Education  
North Dakota State Fair  
North Dakota State University  
North Dakota Veterans Home  
North Highlands-Minot LLC  
North Hill Properties LLC  
North Peak Construction, LLC  
North Valley Creamatory  
Northern Border Pipeline Company  
Northern Group Housing LLC  
Northern Improvement Co  
Northern Improvement Company  
Northern Improvement Company Fargo  
Northern Lights Idlewild, LLC  
Northern Lights Property Development, LLC  
Northern Metals, LLC  
Northern Plains Engineering  
Northgate on Broadway, LLC  
Northgold LLC  
Northridge Construction Inc  
Northridge Properties LLC  
Northstar Commercial Development, LLC  
NorthStar Energy Services, LLC  
Northtown Crossing LLC  
Northwest Contracting Inc  
Northwest Contracting Inc -Minot  
Northwood City Of  
Northwood Investment Enterprises  
NOV Tuboscope  
Nugget Investments LLC  
NuVision Construction  
Oakes City Of  
Oakes Municipal Airport  
Oakland Construction Inc.  
Oasis Petroleum  
Oasis Petroleum LLC-Williston  
Oasis Petroleum North America LLC  
OCS Enterprises  
Office of the Adjutant General  
Olaf Anderson & Son  
Oliver County  
On The Level Construction, Inc.

ONEOK Bakken Pipeline, L.L.C.  
Oneok Partners, Bear Paw Energy  
ONEOK Rockies Midstream LLC  
Onsite Improvements Inc.  
Opp Construction  
Oppidan Investment Company  
O'Reilly Auto Parts  
ORRIN, LLC  
Osgood Investments LLC  
Osgood Investments, LLC  
Otter Tail Power Company  
Outdoor Investments, LLC  
Outlet Recreation  
Outwest Field Services  
Oxbow CC  
OXY USA Inc  
OXY USA, Inc.  
PACE North Dakota  
Paces Lodging Corporation  
Packers Plus Energy Services USA  
Page City Of  
Painted Ridge Development  
Palkin Development LLC  
Pam and Jerry Szarkowski  
Paradigm Midstream LLC  
Paradise Properties LLC  
Paramount Builders Inc  
Paramount Builders Inc.  
Park Construction MPLS  
Park Construction Company  
Park District of the City of Fargo (Courts Plus)  
Park River City Of  
Park River WTP  
Parker Pladson  
Parr Properties, LLC  
Pat Biel Trucking Inc  
Path North Dakota, INC.  
Patrick Vesey  
Patrick Zavoral  
Patriot Homes  
Paul Jorgenson  
Paula Rae Homes and Gardens  
Peak Oil Field Service Co LLC  
Pearson Home Builders, Inc  
Pebble Creek Homes Inc  
Pecan Pipeline  
Peco Kid LLC  
Pelican Lake Consulting, Inc  
Pembina County  
Pembina County Water Resource District  
Peterson Construction  
Peterson Construction & Development  
Petro Harvester Operating Co., LLC  
Petro-Hunt LLC  
Philip Johnson  
Phillips & Jordan, Inc  
Phillips 66  
Pierce County  
Pinecrest 40 & Roers Development  
Pinnacle Homes Inc  
Pioneer Wireline Services LLC  
Piping & Equipment Co Inc

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PKG Contracting Inc  
 Plains All American Pipeline LP  
 PLC Investments, LLC  
 Plecity - Kowalski Const Inc  
 Plote Construction ND, LLC  
 Plus Four Holdings (LLC)  
 Points North LLC  
 Polar Communications  
 Poplar Grove Township  
 Portland City Of  
 Power Fuels  
 Prairie Aire Homes Inc  
 Prairie Disposal, Inc.  
 Prairie Dog Development LLC  
 Prairie Gold Real Estate  
 Prairie Grove LLC  
 Prairie Grove, Inc.  
 Prairie Heights Community Church  
 Prairie Housing Services  
 Prairie Rose Dental  
 Prairies Edge Properties  
 Precision Plus Construction Inc  
 Preferred Equities LLC  
 Prelude Partners LLP  
 Premiere Development 2, LLC  
 Premiere Development LLC  
 Premiere Homes & Builders LLP  
 Premiere Pointe LLC  
 Pride, Inc.  
 Professional Choice Properties, LLC  
 Professional Contractors Inc  
 Progressive Homebuilders  
 Prolific Initiatives  
 ProMark Services  
 Promenade Partners, LLC  
 Proteus On Demand  
 ProWater  
 PTI Group, Inc.  
 PTI USA Manufacturing  
 PVI Development  
 QEP Energy Company  
 Quadpro. LLC  
 R & T Real Estate Holdings, LLC  
 R&R Investments  
 R&T Investments, LLC  
 R&T Water Authority  
 R. D. Yale  
 Rachel Contracting, Inc.  
 RAH Property Owner LLC  
 Raley Construction LLC  
 Ralph Dupea  
 Ramsey County  
 Ramsey County Highway  
 Department  
 Rangeland Energy, LLC  
 Ransom County  
 Ransom County Water Resource  
 District  
 Rave Investments LLC  
 Ray City Of  
 Ray Farmers Union Elevator  
 RBB Building  
 RC Development, LLC  
 RCD Holdings Inc  
 RCH Properties

Real Builders Inc  
 Real Hardware North LLC  
 Red Door Homes  
 RED LLC  
 Red River Riparian Project  
 Red River Rural Telephone Assn.  
 Red River Supply  
 Red River Valley Developments LLC  
 Red River Zoological Society  
 Redlands LLC  
 Reiles Transfer and Delivery, Inc  
 Reliant Asset Management  
 Remington Seeds  
 Remington Seeds, LLC  
 Renaissance On Main L.P.  
 Renewable Resources LLC  
 Renville County  
 Rescom TLC  
 Reservation Telephone Cooperative  
 Retreat at Urban Plains LLC  
 Reynolds United Coop  
 RHR Construction Inc  
 Richard A Anderson  
 Richardton City Of  
 Richland County  
 Richland County Emergency  
 Management  
 Richland County Water Resource  
 Dist  
 Richland School District 44  
 Rick Kleinsasser  
 Rick Samson Const Inc  
 Rick Slavik Construction Inc  
 Rick Sturn Farm  
 Rick Waterworth Construction Inc  
 Ridgeview Hospitality  
 Riley Bros Construction Inc  
 Risto Mackovski  
 River Basin Contracting  
 River Oaks Development LLC  
 Rivers Bend Development Corp  
 Road Runner Investments  
 Roadrunner Investments LLC  
 Robb Sattler  
 Robert Plutowski  
 Robertson Construction  
 Robin Greenhagen  
 Robin Greenhagen, Auto Property  
 Solutions, LLC  
 Robust Properties, Inc  
 Rocky Heights LLC  
 Rocky Mountain Underground LLC  
 Rod Gorder  
 Roddies Storage, LLC.  
 Roers Construction Inc  
 Roers Development  
 Roger Feist  
 Rokke Construction  
 Rolac Contracting Inc  
 Rolfson Oil  
 Rolla City Of  
 Roma Builders LLC  
 Ron Knutson  
 Ron Morlock Construction Inc  
 Ron Symington

Rose Creek Development Corp  
 Rosewood on Broadway  
 Ross City of  
 Roughrider Electric Cooperative  
 Roughrider Hospitality, LLP  
 Rowe Farms, Inc.  
 Rudnick Construction  
 Ruedebusch Development  
 Rugby City Of  
 Rugby Municipal Airport  
 Rush River WRD  
 Rushville Township Ward Co.  
 Russell Thompson  
 Rusty Goose Development  
 RW Bismarck, LLC  
 S & B Development, LLC  
 S & B Dickinson Apartments 1, LLC  
 Sam Kumar  
 Samson Resources  
 Sand Source Services  
 Sanford Health  
 Sanford Health - Bismarck  
 Sanford Occupational Health Clinic  
 Sargent County  
 Sargent County Water Resource  
 District  
 Sargent Property Group, LLC  
 Sattler Homes  
 Savage Services Corporation  
 Sawtooth Capital Partners, LLC  
 SBG Energy Services  
 Schatz Properties, LLC  
 Scherr Family, LLC  
 Schlosser Home Contracting Inc  
 Schlumberger  
 Schlumberger Technologies  
 Schmit Brothers Construction Inc  
 Schueller Properties  
 Schwab-Messer Construction Inc  
 Schweigert Feedyards  
 Scott Lynch  
 SD Tioga, LLC  
 SDB Construction Inc  
 Secure Energy Group USA, LLC  
 Select Energy Services  
 Seths Services  
 Setzer Properties  
 Shadow Bay Apartments LLC  
 Shadow Creek Development III, LLC  
 Shadow Ridge Estates, LLC  
 Shane Hart  
 Shangcheng USA Corp  
 Sheridan Electric Cooperative Inc  
 Sheyenne Villas, LLC  
 Shiloh Christian School  
 Shorestone Development  
 Silver Springs Development Inc.  
 Simonson Station Stores  
 Simplot Grower Solutions  
 Site-West Development, LLC  
 Sky Logistics  
 Skyport Development LLC  
 Slope County  
 Sloulin Field International Airport  
 SM Energy

FACT SHEET FOR NDPDES PERMIT NDR10-0000  
STORMWATER DISCHARGES FROM CONSTRUCTION ACTIVITIES  
NORTH DAKOTA POLLUTANT DISCHARGE ELIMINATION SYSTEM (NDPDES)  
GENERAL PERMIT NDR10-0000  
**EXPIRATION DATE: MARCH 31, 2020**  
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SM Energy Company	Stutsman County-Road Department	Tim Haglin
Smart Lease USA, LLC	Stutsman Rural Water District	Timber Jamestown Properties, LP
Smoky Butte Environmental LLC	Stylemark Builders	Timberland Partners, Inc.
SNT Development, Inc	Sullivan Construction Inc	Timbers Development Holdings, LLC
Somerset Regional Water Resources, LLC	Sullivan Properties	Tioga City Of
Sonata Apartments LLP	Sun Quest Investments	Tioga Medical Center
Sonnet Heights Development Co.	Sun Well Services Inc	Tioga Public Schools
Sonoma Apartments LLC	Sundance Commons Limited Partnership	Titan Homes Inc
SoTo Holdings, LLP	Sundance Covos LLC	Titan Machinery
Souris Basin Transportation	Sundre Township	TJ Real Estate 3
South Dakota Wheat Growers	Super Homes Inc	TK Builders
South Heart City Of	Surrey City Of	TK Homes Inc
South Heart Rail Terminal LLC	Swanston Equipment	Toay Livestock
South Minnewauken Township	Swenson Hagen & Co	Tobias Marman Construction
South Prairie School District	Symanowski Farms	Toby & Stephanie Differding
South-40 Development	Synergy Real Estate Investments, LLC	Tod Harrington
Southeast Cass Water Resource District	Syversen Cattle Company	Tollberg Homes
Southeast Water User District	T Lofts, LLC	Tom Ell
SouthPoint LLC	T M Investments	Tom Kunz
Southview Crossing LLC	Tanya Hammer	Tom McInnes
Southwest Crossing Partners LLC	Targa Badlands, LLC	Toman Engineering Company
Southwest Water Authority	Targa Resources	Torning Township
Spartannash	Targa Resources LLC	Towner County
Specialized Contracting Inc	Target Logistics Management, LLC	Townhomes at Shadow Wood LLC
Spiritwood Energy Park Association	Target Logistics/Contractor Lodging Solutions	Townhomes at Stonebridge II, LLC
SRK Hospitality	Terra Vallee LLP	TPR LLP
SSGK LLP	Terry Becker Construction LLC	TR Construction
St. Johns Parish	Terry Dishon	Tractor and Equipment - T&E
St. Josephs Hospital and Health Center	Terry Pitt Construction	Tractor Supply Company
Stacey & Amy Hoiberg	Terry Welle Construction Inc	Traffic Safety Services
Stahl Architects	Tervita	Traill Co Water Resource District
Stanley Blaisdell RV Park LLC	Tervita LLC	Traill County Hwy Dept
Stanley Square LLC	Tesoro High Plains Pipeline Company	Traill County, ND
Stantec	Tesoro Logistics Operations LLC	Traill Rural Water District
Star Builders	Tesoro Logistics Operations, LLC	Treguboff Farms
Starion Financial	Tesoro Technology Company	Triangle Petroleum Corporation
Stark County	TF Powers Construction Company	Triangle USA Petroleum Corporation
State Bank & Trust	Tharaldson Development	Triland Holdings, LLC
State Bank of Bottineau	Tharaldson Ethanol Plant I	Trinity Health
State of North Dakota	The Cathedral of St. Marys	Truck Wash Express - Williston LLC
State of North Dakota Facilities Management	The Church of Jesus Christ of Latter-Day Saints	True North Equipment
Statoil	The Coleman Group Inc	True Oil LLC
Statoil Oil & Gas LP	The Davis Group	True Style Homes LLC
StaySharpe West Fargo, LLC	The Galleria on Veterans, LLC	TTT Development
Steele County Water Resource District	The Hub	Tuscany Villas LLC
Steeple Apartments LLC	The Nordick Group, Inc.	Twete, Inc.
Stenehjem Development, LLP	The Petersen Group, Inc	Twin Rivers Investment Group LLC
Steve and Lois Mortenson	The Shoppes South at Osgood II, LLC	Twin Services
Steve Thilmoney	The Westmoreland Co Inc	UC Property Owner LLC
Steven Grenier Farms	Theodore Roosevelt Medora Foundation	Ulteig Engineering
Steven Nelson	Thermal Energy Products	Ulteig Engineering - Sioux Falls
Stevenson Funeral Home	Thomas Allen or Mary Jean Clement	Ultimate Construction Inc. of USA
Stone Creek LLC	Thomas Haustveit	UND Aerospace Foundation
Stonebridge Villas II, LLC	Thompson City Of	UND Foundation
StoneCrest Management, Inc	Thomsen Homes, LLC	United Grain Corporation
Strata Corporation	Thompson City Of	United Pulse Trading
Streeter City Of	Three Forks Ventures LLC	United States Air Force - Cavalier AFS
Stroh Properties LLC	Three M Inc	United States Air Force Minot
Student Housing, LLC	Tim Corwin	United States Customs and Border Protection
Stutsman County		Universal Homes, Inc.
		University Commons LLC
		University of ND
		University of North Dakota

FACT SHEET FOR NDPDES PERMIT NDR10-0000  
STORMWATER DISCHARGES FROM CONSTRUCTION ACTIVITIES  
NORTH DAKOTA POLLUTANT DISCHARGE ELIMINATION SYSTEM (NDPDES)  
GENERAL PERMIT NDR10-0000  
**EXPIRATION DATE: MARCH 31, 2020**  
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Urban Plains Apartments, LLP  
Urijahs 1st Addition  
US Air Force Minot  
US Army Corps of Engineers  
US Army Corps of Engineers Grand  
Forks  
US Army Corps of Engineers  
Riverdale  
US Army Corps of Engineers Devils  
Lake  
US Army Corps of Engineers Minot  
US Army Corps of Engineers Pierre  
US Army Engineer District  
US Bureau of Reclamation  
US Customs & Border Patrol  
US GSA - Denver  
USACE - Omaha Division  
USG Bakken Midstream I, LLC  
USG Wheatland Pipeline, LLC  
USPG  
USPG Minot LLC  
V & H Construction  
VA Medical Center  
Valley City Barnes County  
Development Corporation  
Valley City City Of  
Valley City Parks and Recreation  
Valley Markets Properties LLC  
Valley Memorial Homes  
Valley Reality, Inc.  
Valley Realty  
Valley View RE, LLC  
VanBedaf Dairy LLP  
Vance Vetter Construction  
Vangsness Ranch  
VanOverschelde Custom Homes  
LLC  
Vantage Pipeline US LP  
Vecta Oil & Gas, Ltd  
Vegas Capital Funding  
Venture Building Company LLC  
Venture Homes LLC  
Veraway Apartments LLP  
Verazity Properties  
Verendrye Electric Cooperative  
Verity Homes Inc  
Verity Homes of Bismarck LLC  
Verity Homes of Fargo  
Verke Liechty Development, LLC  
Verona City Of  
Veterans Park Apartment Homes,  
LLC  
Vic Fleck Trucking & Excavating  
Viland Const Inc  
Vittera  
Vom Adler LLC  
W. Harvey Sparkman, LLC  
Wachter Development Inc  
Wahpeton City of  
Wahpeton School District # 37  
Walhalla Municipal Airport  
Walker Village  
Wal-Mart Stores Inc  
Walsh County Highway Dept

Walsh County Water Resource  
District  
Ward County  
Ward County Highway Department  
Ward County Water Resource  
District  
Ward Leasing LLC #3  
Washburn City Of  
Washington Square Apartments LLC  
Waste Management  
Waste Management - McDaniel  
Landfill  
Waste Management of North Dakota  
Inc  
Waste Water Ecology Group LLC  
Watco Companies  
Waters Edge Apartments  
Watford City 100, LLC  
Watford City Hospitality &  
Associates, LLC  
Watford City Hotel Partners LLC  
Watford City Legacy, LLC  
Watford City Municipal Airport  
Wayne Wiek Farm  
WBCM LLC  
WBI Energy Transmission  
WBW Investments LLC  
WC 16, LLC  
Weatherford Artificial Lift Systems  
Inc  
Weld Township  
Wells County Highway Department  
Wesley Elston Farm  
West Acres Development Corp  
West Creek Apartments LLC  
West Dakota Water  
West Fargo City Of  
West Fargo Fire Department  
West Fargo Park District  
West Fargo Public Schools  
West Lake II LLP  
West River Veterinary Clinic  
WESTCORP MINOT, LLC.  
Western Area Power Administration  
Western Area Water Supply  
Authority  
Western Cooperative Credit Union  
Westfield Industries  
Westhope City Of  
Westlie Motors  
Westport Beach LLC  
Westport Beach Townhomes, LLC  
Westwood Development LLC  
Wheatland Hills Dev 2 LLP  
Wheatland Hills Development 2 LLC  
Wheeler Contracting Inc  
Whispering Bay Corporation  
White Rock Dairy LLLP  
Whiting Oil and Gas Corporation  
Whiting Petroleum Corporation  
Wig Properties  
Wilbur Ellis Company  
Wild West Investments, LLC  
Wildcat Minerals  
Wildcat Minerals LLC

William Budagher  
William Lisburg  
Williams Construction Company Inc  
Williams County  
Williams County Highway  
Williams County Highway  
Department  
Williams County Resource Board  
Williams County, North Dakota  
Williams Scotsman, Inc.  
Williston 32nd LLC  
Williston Express Hospitality  
Williston Fox Run Development, LLC  
Williston Industrial LP  
Williston Lodge, LLC  
Williston Parks & Recreation District  
Williston Public School District #1  
Williston Real Estate Investment LLC  
Williston State College  
Williston State College/Train ND  
Willow Creek Development Co LLC  
Wilment Properties LLC  
Wimbledon City Of  
Windsong Country Estates LLC  
Windsor Energy Group, LLC  
Winfield Solutions  
Winfield Solutions, LLC  
WISCO Inc  
Wold Engineering Bottineau  
Wold Engineering Minot  
Wold Engineering Bismarck  
Wolf Oil Field Services  
Woodhaven Development LLP  
Woodland Estates of Thompson  
Woodmont Bismarck Developers GP  
LLC  
Woodworks by Vorwerk  
WW Ranch  
Wyoming Casing  
Xcel Energy  
XL Homes  
XTO Energy  
XTO Energy Inc  
Yellowstone Ethanol, LLC  
Youngquist Brothers Oil & Gas  
Zavanna, LLC  
Zenergy Inc

The department mailed notifications to the local health units throughout the state. The following are copies of the letters which were mailed to the local health units:



**NORTH DAKOTA**  
DEPARTMENT of HEALTH

ENVIRONMENTAL HEALTH SECTION  
Gold Seal Center, 918 E. Divide Ave.  
Bismarck, ND 58501-1947  
701.328.5200 (fax)  
www.ndhealth.gov



January 6, 2015

Renae Moch  
Bismarck Burleigh Public Health  
PO Box 5503  
Bismarck, ND 58506-5503

**RE: Public Notice for your North Dakota Pollutant Discharge Elimination System (NDPDES) Permit(s) to the Local/District Health Units**

This Department is informing you of the pending Public Notice for the issuance/reissuance of the following NDPDES permit(s) within your health district or coverage area.

<b>Permit Number</b>	<b>Name</b>
NDR10	NDPDES Construction Stormwater General Permit

Viewing and printing of the Public Notice(s) can be done on our website at: [www.ndhealth.gov](http://www.ndhealth.gov) under Current Issues-Public Notices.

Note that any questions, comments, or suggestions concerning the public notice will be taken into consideration if they are received by our office on or before 2/21/2015. We have also arranged to have the public notice printed in either the permittees local, regional, or official county newspaper.

Should you have any questions concerning the public notice please contact the Division of Water Quality-NDPDES Permits Program at 701.328.5210. We will promptly provide you with any additional information.

North Dakota Dept of Health  
Division of Water Quality  
NDPDES Permits Program

Environmental Health  
Section Chief's Office  
701-328-5150

Division of  
Air Quality  
701-328-5188

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January 6, 2015

Anton Sattler  
Bismarck Environmental Health Division  
1020 E Central Ave  
Bismarck, ND 58501

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January 6, 2015

Terri Gustafson  
Cavalier County Health District  
901 3rd St Suite 11  
Langdon, ND 58249

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January 6, 2015

Marcie Bata  
Central Valley Health District  
122 2nd St NW  
Jamestown, ND 58401

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January 6, 2015

Theresa Will  
City County Health District  
230 4th St NW Rm 102  
Valley City, ND 58072-2947

**RE: Public Notice for your North Dakota Pollutant Discharge Elimination System (NDPDES) Permit(s) to the Local/District Health Units**

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January 6, 2015

Aaron Johnson  
Custer Health  
210 2nd Ave NW  
Mandan, ND 58554

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January 6, 2015

Roxanne Holm  
Dickey County Health District  
PO Box 238  
Ellendale, ND 58436

**RE: Public Notice for your North Dakota Pollutant Discharge Elimination System (NDPDES) Permit(s) to the Local/District Health Units**

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www.ndhealth.gov



January 6, 2015

Bev Voller  
Emmons County Public Health  
PO Box 636  
Linton, ND 58552-0636

**RE: Public Notice for your North Dakota Pollutant Discharge Elimination System (NDPDES) Permit(s) to the Local/District Health Units**

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701.328.5200 (fax)  
www.ndhealth.gov



January 6, 2015

Grant Larson  
Fargo Cass Public Health  
401 3rd Ave N  
Fargo, ND 58102-4839

**RE: Public Notice for your North Dakota Pollutant Discharge Elimination System (NDPDES) Permit(s) to the Local/District Health Units**

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January 6, 2015

Jim Heckman  
First District Health Unit  
PO Box 1268  
Minot, ND 58702-1268

**RE: Public Notice for your North Dakota Pollutant Discharge Elimination System (NDPDES) Permit(s) to the Local/District Health Units**

This Department is informing you of the pending Public Notice for the issuance/reissuance of the following NDPDES permit(s) within your health district or coverage area.

<b>Permit Number</b>	<b>Name</b>
NDR10	NDPDES Construction Stormwater General Permit

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January 6, 2015

Lisa Solwey  
Foster County Public Health  
881 Main St  
Carrington, ND 58421

**RE: Public Notice for your North Dakota Pollutant Discharge Elimination System (NDPDES) Permit(s) to the Local/District Health Units**

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January 6, 2015

Javin Bedard  
Grand Forks Public Health Dept  
151 S 4th St Suite N301  
Grand Forks, ND 58201-4735

**RE: Public Notice for your North Dakota Pollutant Discharge Elimination System (NDPDES) Permit(s) to the Local/District Health Units**

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January 6, 2015

Janel Brousseau  
Kidder County District Health Unit  
422 2nd Ave NW  
Steele, ND 58482

**RE: Public Notice for your North Dakota Pollutant Discharge Elimination System (NDPDES) Permit(s) to the Local/District Health Units**

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January 6, 2015

Allen McKay  
Lake Region District Health Unit  
524 4th Ave NE Unit 9  
Devils Lake, ND 58301

**RE: Public Notice for your North Dakota Pollutant Discharge Elimination System (NDPDES) Permit(s) to the Local/District Health Units**

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January 6, 2015

Tony Hanson  
Lamoure County Public Health Dept  
PO Box 692  
LaMoure, ND 58458

**RE: Public Notice for your North Dakota Pollutant Discharge Elimination System (NDPDES) Permit(s) to the Local/District Health Units**

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January 6, 2015

Cheryl Reis-Schilling  
McIntosh District Health Unit  
511 3rd Ave NW  
Ashley, ND 58413-7131

**RE: Public Notice for your North Dakota Pollutant Discharge Elimination System (NDPDES) Permit(s) to the Local/District Health Units**

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January 6, 2015

Julie Ferry  
Nelson Griggs District Health Unit  
PO Box 365  
McVille, ND 58254

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January 6, 2015

Jeanna Kujava  
Pembina County Health Dept  
301 Dakota St W #2  
Cavalier, ND 58220-4100

**RE: Public Notice for your North Dakota Pollutant Discharge Elimination System (NDPDES) Permit(s) to the Local/District Health Units**

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January 6, 2015

Brenna Welton  
Ransom County Public Health Dept  
PO Box 89  
Lisbon, ND 58504

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January 6, 2015

Debra Flack  
Richland County Health Dept  
413 3rd Ave N  
Wahpeton, ND 58075

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January 6, 2015

Alison Perleberg  
Sargent County District Health Unit  
PO Box 237  
Forman, ND 58032-0237

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January 6, 2015

Kevin Pavlish  
Southwestern District Health Unit  
2869 3rd Ave W  
Dickinson, ND 58601

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January 6, 2015

Brittany Ness  
Steele County Public Health Dept  
PO Box 317  
Finley, ND 58230

**RE: Public Notice for your North Dakota Pollutant Discharge Elimination System (NDPDES) Permit(s) to the Local/District Health Units**

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January 6, 2015

Sherry Walters  
Towner County Public Health District  
PO Box 705  
Cando, ND 58324-0705

**RE: Public Notice for your North Dakota Pollutant Discharge Elimination System (NDPDES) Permit(s) to the Local/District Health Units**

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January 6, 2015

Brenda Stallman  
Traill District Health Unit  
PO Box 58  
Hillsboro, ND 58045

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701.328.5200 (fax)  
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January 6, 2015

Laurie Kok  
Upper Missouri District Health Unit  
110 West Broadway Suite 101  
Williston, ND 58801

**RE: Public Notice for your North Dakota Pollutant Discharge Elimination System (NDPDES) Permit(s) to the Local/District Health Units**

This Department is informing you of the pending Public Notice for the issuance/reissuance of the following NDPDES permit(s) within your health district or coverage area.

<b>Permit Number</b>	<b>Name</b>
NDR10	NDPDES Construction Stormwater General Permit

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January 6, 2015

Wanda Kratochvil  
Walsh County Health District  
638 Cooper Ave Ste 3  
Grafton, ND 58237

**RE: Public Notice for your North Dakota Pollutant Discharge Elimination System (NDPDES) Permit(s) to the Local/District Health Units**

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January 6, 2015

Karen Volk  
Wells County District Health Unit  
PO Box 6  
Fessenden, ND 58438

**RE: Public Notice for your North Dakota Pollutant Discharge Elimination System (NDPDES) Permit(s) to the Local/District Health Units**

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FACT SHEET FOR NDPDES PERMIT NDR10-0000  
STORMWATER DISCHARGES FROM CONSTRUCTION ACTIVITIES  
NORTH DAKOTA POLLUTANT DISCHARGE ELIMINATION SYSTEM (NDPDES)  
GENERAL PERMIT NDR10-0000  
**EXPIRATION DATE: MARCH 31, 2020**  
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The department mailed notifications to federal agencies and other interested parties which had requested to be placed on the mailing list. The following are copies of the letters that were mailed:



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January 6, 2015

Kelly McPhillips  
Bureau of Reclamation  
PO Box 1017  
Bismarck, ND 58502-1017

**RE: Public Notice for your North Dakota Pollutant Discharge Elimination System (NDPDES) Permit(s) to Government Entities, Border States/Provinces and Interested Parties**

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January 6, 2015

Don Morrison  
Dakota Resource Council  
1200 Missouri Ave Suite 102  
Bismarck, ND 58504

**RE: Public Notice for your North Dakota Pollutant Discharge Elimination System (NDPDES) Permit(s) to Government Entities, Border States/Provinces and Interested Parties**

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January 6, 2015

Al Grasser  
Grand Forks City of  
PO Box 5200  
Grand Forks, ND 58206-5200

**RE: Public Notice for your North Dakota Pollutant Discharge Elimination System (NDPDES) Permit(s) to Government Entities, Border States/Provinces and Interested Parties**

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January 6, 2015

Dwight Williamson  
Manitoba Water Stewardship  
200 Saulteaux Crescent  
Winnipeg, MB R3J 3W3

**RE: Public Notice for your North Dakota Pollutant Discharge Elimination System (NDPDES) Permit(s) to Government Entities, Border States/Provinces and Interested Parties**

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January 6, 2015

Tom Reid  
Montana Dept of Env Quality  
PO Box 200901  
Helena, MT 59601-0901

**RE: Public Notice for your North Dakota Pollutant Discharge Elimination System (NDPDES) Permit(s) to Government Entities, Border States/Provinces and Interested Parties**

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January 6, 2015

Will Haapala  
MPCA-NW Region  
714 Lake Avenue # 220  
Detroit Lakes, MN 56501

**RE: Public Notice for your North Dakota Pollutant Discharge Elimination System (NDPDES) Permit(s) to Government Entities, Border States/Provinces and Interested Parties**

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January 6, 2015

Ed Murphy  
ND Geological Survey  
600 East Boulevard  
Bismarck, ND 58505

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January 6, 2015

Kathy Duttonhefner  
ND Parks and Recreation  
1600 East Century Ave Suite 3  
Bismarck, ND 58503

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January 6, 2015

Sam Ferris  
Saskatchewan Ministry of Environment  
420-2365 Albert St  
Regina, SK S4P 4K1

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January 6, 2015

Kelli Buscher  
South Dakota Dept of Env/Nat Resources  
523 E Capitol  
Pierre, SD 57501

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January 6, 2015

Col Joel Cross  
US Army Corps of Engineers Omaha District  
Omaha, NE 68102

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January 6, 2015

Col Dan Koprowski  
US Army Corps of Engineers St Paul District  
St Paul, MN 55101-1678

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January 6, 2015

Jeff Towner  
US Fish and Wildlife Service  
3425 Miriam Ave  
Bismarck, ND 58501

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NDPDES Permits Program

Environmental Health  
Section Chief's Office  
701-328-5150

Division of  
Air Quality  
701-328-5188

Division of  
Municipal Facilities  
701-328-5211

Division of  
Waste Management  
701-328-5166

Division of  
Water Quality  
701-328-5210

It is also important to note that the department has not created any new laws. The department is reissuing a general permit as required by 40 CFR § 122.46. The North Dakota law which regulates the North Dakota Pollution Discharge Elimination System permits (N.D. Admin Code 33-16-01) has been in effect since 1975, when the state was granted primacy over the National Pollution Discharge Elimination System.

### **Comments from the North Dakota Petroleum Council**

1. **Comment:**

Comment to North Dakota Department of Health, Division of Water on the 2015 proposed permit for stormwater discharges associated with construction activity, NDR10-0000:

We respectfully request the oil and gas permitting exemption be applied to both large and small oil and gas construction projects. We request this change as it is consistent with the Federal NPDES exemption. Additionally, EPA has stated about this exemption: "The CSW exemption at 402(l)(2) prohibits states from permitting these activities through a federally approved NPDES program" (August 2006).

The Energy Policy Act of 2005 (EPAAct) extended the NPDES exemption to the construction of oil and gas facilities by defining the term "oil and gas exploration, production, processing, or treatment operations or transmission facilities" to mean "all field activities or operations associated with exploration, production, processing, or treatment operations, or transmission facilities, including activities necessary to prepare a site for drilling and for the movement and placement of drilling equipment, whether or not such field activities or operations may be considered to be construction activity" (33 U.S.C. § 1362(24)). This definition applies to all construction activities, regardless of size.

The EPA's 2006 rules implementing the EPAAct expanded on it by creating a sediment rule. Even though the 9<sup>th</sup> Circuit Court of Appeals struck down the EPA's regulations implementing and expanding the EP Act, the Court did not strike down the EPAAct definition. Therefore, as the EPA's current NPDES Stormwater website states:

"Now that the 2006 rule has been vacated, the effective requirements are the regulations in place prior to the 2006 rule plus the additional Energy Policy Act clarification of the activities included in the CWA 402(l)(2) exemption." (emphasis added)

EPA has continued to recognize the validity of the oil and gas exemption established by the EPAAct. Therefore a state may not utilize a federally delegated NPDES program to require a permit for these exempt activities.

**Response:**

The department intends to continue requesting stormwater permit coverage for construction activity for oil and gas exploration, production, processing, or treatment operations or transmission facilities which discharge contaminated stormwater.

The version of the federal rules incorporated by reference into North Dakota's rules is the federal rules as they existed on October 1, 2002(N.D. Admin. Code § 33-16-01-01(5)). EPA's 2006 rule was vacated in November of 2008. With the rule rescinded, the permitting requirements were reverted back to the requirements in place prior to the 2006 rule, plus the Energy Policy Act's amendment clarifying that construction activities are included in the CWA § 402(l)(2) exemption for uncontaminated discharges. This would require operators with contaminated discharges, including sediment, to submit a permit application. The term "contaminated" is not defined in the CWA or 1990 Rules. But 40 CFR § 122.26(c)(1)(iii) lists the circumstances that indicate a facility's discharge may be contaminated and requires operators of such facilities to apply for a stormwater permit. Specifically, oil and gas facilities must apply for a stormwater permit if the facility has: (1) discharged stormwater "resulting in the discharge of a reportable quantity for which notification is or was required" under 40 CFR §110.6, 117.21, or 302.6; or (2) contributed to a water quality standard violation. These operators would be considered to be engaging in industrial activity.

North Dakota Administrative Code § 33-16-02.1-11(2) prohibits the discharge of untreated industrial waste to waters of the state<sup>33</sup>. Waste is defined in N.D.C.C. § 61-28 as "all substances which cause or tend to cause pollution<sup>34</sup> of any waters of the state, including, dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radiological materials, heat, wrecked or discarded equipment, rock, sand, and cellar dirt and industrial, municipal, and agricultural pollution discharged into any waters of the state.

Therefore, any sediment or industrial pollution discharged to a water of the state would constitute a water quality violation, which would trigger the operator to be considered an industrial activity, subject to NPDES permitting in the state of North Dakota.

In response to this comment, the department changed the following areas of the permit:

Added Part I(A)(2)(c), which reads:

*Discharges of stormwater from oil and gas exploration, production, processing or treatment operations, or transmission facilities composed of contaminated runoff by*

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<sup>33</sup> North Dakota Century Code § 61-28 defines a water of the state as "all waters within the jurisdiction of this state, including all streams, lakes, ponds, impounding reservoirs, marshes, watercourses, waterways, and all other bodies or accumulations of water on or under the surface of the earth, natural or artificial, public or private, situated wholly or partly within or bordering upon the state, except those private waters that do not combine or effect a junction with natural surface or underground waters just defined.

<sup>34</sup> North Dakota Administrative Code § 33-16-02.1-04(7) defines pollution as "contamination, or other alteration of the physical, chemical, or biological properties, of any water of the state, including change in temperature, taste, color, turbidity, or odor. Pollution includes discharge of any liquid, gaseous, solid, radioactive, or other substances into any waters of the state that will or is likely to create nuisance or render such waters harmful, detrimental, or injurious to public health, safety, or welfare; domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses; or livestock, wild animals, birds, fish, or other aquatic biota.

*contact with or that has come into contact with, any overburden, raw material, intermediate products, finished product, byproduct, or waste products located on the site of such operations.*

Part I(D)(4) to read:

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

2. **Comment:**



**North Dakota Petroleum Council**

120 N 3<sup>rd</sup> Street, Suite 200      Phone: (701) 223-6380  
P.O. Box 1395                      Fax: (701) 222-0006  
Bismarck, ND 58502-1395      E-mail: ndpc@ndoil.org



[www.ndoil.org](http://www.ndoil.org)

February 23, 2015

Karl Rockeman  
Division of Water Quality  
North Dakota Department of Health  
918 East Divide Ave-3<sup>rd</sup> Floor  
Bismarck, ND 58501-1947

RE: Comments on NDR10-0000:

Dear Mr. Rockeman;

The North Dakota Petroleum Council (NDPC) is a trade association that represents more than 550 companies involved in all aspects of the oil and gas industry including oil and gas production, refining, pipeline, transportation, mineral leasing, consulting, legal work, and oil field service activities in North Dakota, South Dakota, and the Rocky Mountain Region. Petroleum Council members produced 98% of the oil produced in North Dakota in 2014.

NDPC members appreciate the time and effort that the North Dakota Department of Health put into the proposed rulemaking on NDDES. We recognize that robust rulemaking that will stand the test of time is no easy task.

The membership of NDPC appreciate the opportunity to provide comments on the document and would like to request a public hearing as an additional opportunity to enter into further discussion with the North Dakota Department of Health on this important topic. To formulate comments on behalf of the industry, the NDPC solicited input from our member companies but due to the short

timeframe atypical of the North Dakota rulemaking process, the oil and gas industry has not had sufficient time to provide comprehensive comments.

Rules governing this process lapsed on September 30th, 2014. Consequently, the North Dakota Department of Health has utilized five months to formulate a new rulemaking language on this subject for 30-23-10. Though the law states that 30 days is the minimum requirement for a comment period for new rules, ND DoH has consistently allowed longer comment periods. Most recently, the ND DoH allowed a sixty day comment period for a proposed rulemaking on TENORM with three public hearings across North Dakota, after which it extended the comment period an additional six weeks to allow for comprehensive public input.

The new SWPPP affects not only the oil and gas industry in North Dakota but all construction projects, homebuilders, general contractors and industry contractors across our state. Given the unprecedented construction ongoing in North Dakota, allowing more input from these entities would appear to be warranted.

The Energy Policy Act of 2005 (EP Act) extended an NPDES oil and gas exemption to the construction of oil and gas facilities by defining the term "oil and gas exploration, production, processing, or treatment operations or transmission facilities" to mean "all field activities or operations associated with exploration, production, processing, or treatment operations, or transmission facilities, including activities necessary to prepare a site for drilling and for the movement and placement of drilling equipment, whether or not such field activities or operations may be considered to be construction activity" (33 U.S.C. § 1362(24)). This definition applies to all oil and gas construction activities, regardless of size.

Additionally, the EPA has stated about this exemption: "The CSW exemption at 402(1)(2) prohibits states from permitting these activities through a federally approved NPDES program" (August 2006).

NDPC requests the oil and gas permitting exemption be applied to both large and small oil and gas construction projects on the basis that an exemption is consistent with the Federal NPDES exemption.

The EPA's 2006 rules implementing the EP Act expanded on it by creating a sediment rule. Even though the 9<sup>th</sup> Circuit Court of Appeals struck down the EPA's regulations implementing and expanding the EP Act, the Court did not strike down the EP Act definition. Therefore, as the EPA's current NPDES Stormwater website states:

" Now that the 2006 rule has been vacated, the effective requirements are the regulations in place prior to the 2006 rule plus the additional Energy Policy Act clarification of the activities included in the CWA 402(1)(2) exemption."

EPA has continued to recognize the validity of the oil and gas exemption established by the EP Act. Therefore a state may not utilize a federally delegated NPDES program to require a permit for these exempt activities.

Thank you for your consideration of NDPC's comments;

Kari Cutting  
Vice President

**Response:**

Please refer to the response to Continental Resources, Inc and the response to comment 1.

3. **Comment:**

Part II(C)(4)(d)

Installation of erosion and sediment controls during periods of heavy snow contradict manufacturer and engineering principles associated with installation. Since installation of BMPs would not occur in accordance to good engineering practices, the permit indicates the operator will need to replace or modify the control. This places additional economic burden on the operator. First, installing BMPs ineffectively in winter and second, replacing BMPs once site conditions improve (see further related comments on page 26; Winter Sediment and Erosion Control Installation Examples).

**Response:**

In accordance with Part II(C)(4)(d) of the permit, the permittee may deviate from the manufacturer's specifications. In addition, Part II(C)(4)(a)(5) requires that seasonal conditions should be considered while selecting erosion and sediment controls.

4. **Comment:**

Part III(A)(1)

It is recommended that the trigger for post-storm event inspections be restored to 0.5 inches of rain. The shrinking rain event inspections from 0.5 to 0.25 inches will increase the number of inspections required to comply with the new rule and is unnecessarily burdensome without providing appreciable incremental protection of the environment. Previously inspections were required every 14 days and within 24 hours of a .5" rainfall event, because 0.5" of rainfall is the threshold EPA has identified as the size of a storm event likely to cause erosion.

It is also recommended that the permit incorporate the option for an alternate inspection schedule allowed by EPA, which consists of performing inspections at least every 7 days but does not require post-storm event inspections. Under some circumstances, an operator might find it more practical to allocate manpower and ensure compliance by performing inspections on a routine basis as allowed by this alternative.

**Response:**

It is the intent of the permit to reduce erosion of exposed soils. To reduce the potential for pollutants to be discharged to a water of the state, sediment controls must be maintained so

they function properly to remove sediment, dislodged due to erosion, from stormwater runoff.

The department reviewed the rainfall data from the Watford City 2E weather station (the center of the Bakken and referenced in comment 5 below) for the years 2009 through 2014. During this period there were a total of 357 documented rainfall events. Based upon the 0.5 inch inspection trigger, only 13% of those rainfall events were covered. This left a significant number of rainfall events which could potentially have BMPs not functioning properly, resulting in an increased potential for pollutants to be discharged from the site. This would go against the intent of the permit. Moving the inspection trigger to 0.25 inches of rainfall would incorporate 27% of the rainfall events. For the number additional inspections triggered by this change please refer to our response for comment 5.

Dependent upon duration and intensity, rainfall events between 0.25 and 0.5 inches of rainfall have the potential to compromise BMPs on site. Given these circumstances, inspections would be warranted to ensure the proper function of the selected BMPs on-site. By increasing the inspection frequency, non-functional BMPs would be identified and corrected sooner, resulting in less pollutants being discharged from the site. The department intends to leave the current language.

The department intends to leave the current language for inspection schedules. With the proposed alternative of performing inspections at least every 7 days but not requiring post-storm events, it would not be consistent with the maintenance requirements of Appendix 1(B)(a). If multiple rain events were to occur between the scheduled inspections and BMPs became non-functional due to the first storm event, there would be an increased potential for sediment to be discharged during the subsequent storm events. This would be against the intent of the permit, which is to reduce the amount of pollutants discharged from construction sites to waters of the state. Providing the alternative inspection schedule would allow for potential permit and water quality violations.

5. **Comment:**

Part III(A)(1)(a)

Previous interpretation of this section indicated inspection as soon as practicable AFTER rainfall event had occurred (and stopped). The Fact Sheet for NDPDES Permit NDR 10-0000 indicates that the NDDH has modified the storm event frequency requirement to include all storms events of greater than 0.25 inches of rainfall per 24-hour period in order to follow monitoring requirements based in the 2012 US EPA CGP Part 4.1.2.2. The fact sheet for this permit indicated that EPA bases the increased inspection frequency on the percentage of storms included in a performance evaluation that is intended under the storm-based inspection schedule. This evaluation compared the number of 0.25 and 0.5 inch storm depths in three states and indicated that inspections would be required for 10-47 percent of all rainfall events depending on the state. EPA also indicated that this would require an additional 2.3 additional inspections per permittee each year.

Oil drilling and production activities in the Bakken include thousands of well locations that are covered under NDR 10-0000. Individual operators may have 500 or more locations that are either under active construction requiring a 14 day inspection schedule, or being

monitored on a monthly schedule until final stabilization is achieved. Well locations are often spread out across a large geographic area limiting the number of locations that could be inspected within 24 hours after a storm event. Conducting timely inspections within 24 hours for such a large number of well locations is not practicable due to factors including the availability of qualified inspectors, travel distance between well locations, and adverse road conditions that limit site access.

In order to quantify the increased storm event inspection requirement for the proposed CGP, data from the North Dakota Agricultural Weather Network for the Watford City 2E weather station was evaluated (<http://ndawn.ndsu.nodak.edu/get-monthly-report.html>). Data from the past 24 months available for this station documented a total of 120 rainfall events during the non-winter months (April to October). During this period, the proposed increased inspection requirement (0.25 inch rainfall compared to the 0.5 inch event) would increase the required inspections from 15 to 37 events for the period of record at this location. This represents a 147% increase in rainfall events that would require inspections. The distribution of storm events for the Watford City 2E station for each month during the 24 month period is presented in the following table.

Storm Events Data, Watford City 2E 0.25 inches of rainfall or greater (February 2013 to January 2014):

Month	Events > 0.25" 24-Month Period	Annual Events/Month
April	2	1
May	10	5
June	8	4
July	3	1.5
August	8	4
September	4	2
October	2	1

For the 2 year period based on data from the Watford City 2E weather station, inspections for an average of 18.5 storm events (0.25 inch) would be required during the non-winter months each year. A maximum of 4-5 inspections per month during May, June and August would be required as indicated above. This would result in additional cost for inspection above that for the 2007 CGP and the 14 day inspection schedule. Additional inspections would be required if multiday storms greater than 0.25 inches of rainfall occur further escalating cost for inspections and requiring additional resources. The Watford City 2E data presented above represents a small period of record for that specific area in the Bakken field and is presents to illustrate the increased inspection requirement relative to the proposed increased inspection requirement. Climate and rainfall will vary spatially across the state and from year to year.

**Response:**

It is the intent of the permit to reduce the amount of pollutants discharged to waters of the state. The department reviewed the daily rainfall amounts for the years of 2009 through 2014 from the North Dakota Agricultural Weather Network for the Watford City 2E weather

station. In accordance with this data, 52 additional inspections would be incurred over the 6 year period. This amounts to an average of 16 additional inspections per year or 1.38 additional inspections per month. This would only pertain to locations which use the Watford City 2E weather station as the designated rain gauge location. It is important to note that in the Bakken region final stabilization can be achieved when:

“[A]ll soil disturbing activities at the site have been completed and temporary erosion control measures . . . and stabilization methods are selected, designed, and installed along with an appropriate seed base to provide erosion control for at least three years and achieve 70 percent of the pre-existing vegetative cover within three (3) years” (please refer to Part II(E)(2) of the permit).

When locations meet the requirements of final stabilization, inspections can be suspended in accordance with Part III(A)(6) of the permit. It is recommended that site planning be adjusted so that locations meet the final stabilization requirements faster, thus reducing the number of inspections required by the permit. In accordance with Part III(A)(2) if site access constraints don't allow for an inspection to be conducted at the specified time, documentation must be provided which describes why the inspection could not be performed at the specified time and must be recorded on the next inspection record.

6. **Comment:**

Section III(1)(a)

Completing multiple inspections during the same rainfall event is not practical nor is it productive. The draft permit would require repeat inspections during inclement weather. Any issue identified during a first inspection cannot not be corrected until site conditions allow access. Most, if not all, BMP installation cannot take place until a site is dry. Any dirt disturbance that occurred during the rainfall would need to be smoothed before installing erosion or sediment controls. Finally, as with winter installation of sediment and erosion controls, SWPP inspections during a storm may have an impact on worker safety. Many of these locations are remote and would require the inspectors to drive on potentially slick, dangerous roads.

**Response:**

Part III(A)(1)(a) of the permit states:

“If there is a storm event at your site that continues for multiple days, and each day of the storm produces 0.25 inches or more rain, you are required to conduct an inspection within 24 hours of the first day of the storm and within 24 hours after the end of the storm.”

This means that if a storm event meets these criteria, only two inspections would need to be conducted. The purpose for multiple inspections is to ensure that installed BMPs are function properly during the storm event as required in Part II(C)(4)(f) and Appendix 1(B)(1) of the permit.

Please refer to Part III(A)(2), Part III(A)(7) of the permit, and the response to the NDDOT comment 74, which discuss when inspections may not be practicable and when they may be suspended.

7. **Comment:**

Part III(A)(7)

The permit allows operators to suspend inspections in winter months as frozen ground conditions limit the amount of sediment leaving sites. If the permit contemplates frozen ground conditions as a natural form of stabilization, a strict 14 day window for implementation of erosion and sediment controls is unnecessary. Given this exemption, it is logical to conclude that the draft recommendations are not needed in the winter as sediment is at low risk to movement.

**Response:**

In accordance with the definition of “stabilized” in Part V of the permit, snow cover and frozen ground conditions are not considered to be stabilized. Due to the semi-arid climate in the western part of the state, there is a high potential for the lack of snow cover. Soils are susceptible to erosion due to wind and snow melt. Winter stabilization techniques must be utilized.

8. **Comment:**

Part V

Definition “stabilized” does not allow acknowledgement of winter conditions that prevent operators from continuing proper reclamation.

**Response:**

Please refer to the response to comment 7.

9. **Comment:**

Part V

Steep slopes are defined in the proposed permit as slope greater than 15 percent grade. This is less than a 6:1 slope angle and is not that steep compared to road cuts and fill slopes that may be constructed at much steeper angles. NDDH may consider removing the reference and definition to steep slopes from the CGP or to redefine steep slope as 3:1 or greater in order to provide consistency throughout the CGP.

**Response:**

Please refer to the response to comment 87 from the NDDOT.

10. **Comment:**

Appendix 1(A)(1)

The proposed inspection schedule for storm events exceeding 0.25 inches of rainfall should be waived for projects when sediment basins are included in the SWPPP. The volume of runoff anticipated for the 0.25 inches of rainfall would represent only a small volume of the basin capacity (likely less than 10%) and sediment discharge from the basin outfall would be highly unlikely.

**Response:**

In accordance with Part II(C)(7) of the permit, the erosion and sediment controls identified in the SWPPP must be inspected to ensure they are operating correctly and are in serviceable condition. This includes sediment basins.

11. **Comment:**

Appendix 1(A)(3)

Timetable requirements coupled with percent coverage on the vegetation stabilization is unreasonable. The draft permit requires operators to stabilize the site within 14 days of construction completion. A blanket 14 day stabilization requirement is overly broad as it does not consider seasonal differences in oil and gas operations. It is nearly impossible to execute proper reclamation during the winter months for a multitude of reasons (see Winter Sediment and Erosion Control Installation Examples).

First, an inflexible 14 day timetable has the potential to jeopardize worker safety. Operations may have “temporarily ceased” due to unsafe weather conditions. However, the stabilization requirement does not contemplate this possibility. Working in frozen conditions creates a higher risk for worker injury. Not only are slips, trips, and falls a concern, but heavy equipment cannot operate safely on frozen slopes.

Second, the draft permit would require operators to install erosion and sediment controls during periods of heavy snow. Not only would this be ineffective, it directly contradicts recommended manufacturer and engineering practices associated with installation. Specifically, the permit recommends mulch, staked sod, riprap, and erosion control blankets as good options when considering site stabilization. Manufacturer guidelines, however, dictate proper site conditions and appropriate weather for proper installation.

**Response:**

In accordance with Part V, “stabilized” is defined as:

“[E]xposed ground surface has been covered by appropriate materials such as mulch, staked sod, riprap, erosion control blanket, or other material that prevents erosion from occurring. Grass seeding alone is not stabilization. Snow cover and frozen ground conditions are not considered stabilized.”

As provided in the definition of stabilized, percent coverage for vegetation is not part of the definition of “stabilized.” In addition, in response to NDDOT comment 93, the department has added a paragraph which addresses circumstances for when stabilization requirements of the permit cannot be met (refer to NDDOT comment 93).

The permittee needs to take into consideration seasonal conditions while selecting appropriate BMPs as per Part II(C)(4)(1) of the permit. If construction is to occur during the winter months, permittees need to plan accordingly and properly select erosion and sediment controls for season in which the construction activity will take place. In accordance with Part II(C)(4)(d) of the permit, the permittee may deviate from the manufacturer’s specifications. This allows for installation methods to be developed for installation during frozen ground conditions. For example, if erosion control blanket is to be installed during the winter, there are multiple options which could be used for securing the blanket. One option would be to place sand bags on top of the blanket. Another option would be to pre-drill holes so that the blanket can be stapled.

## 12. **Comment:**

Appendix 1(A)(3)

Winter Sediment and Erosion Control Installation Examples:

During frozen conditions, soil is removed in layers but often is removed in large clumps that are difficult to spread. Topsoil is stockpiled until Spring when seeding conditions are ideal. Once pad slopes are formed, they are tracked. Track slopes provide a solid base and freeze leaving sediment in place (see attached pictures of winter tracked slopes). As discussed above, the general permit indicated mulch, staked sod, riprap, erosion control blanket are good options when considering site stabilization.

- Mulch
  - o Straw mulch is commonly sprayed onto the ground and can only be applied on a calm day as wind will blow the straw offsite. Manufacture guidelines dictate crimping the straw into the slopes. During winter months, frozen ground conditions make crimping the straw an impossibility. The DoH acknowledged this during an office visit from the Oasis regulatory team on 2/12/15. Given these facts, mulch could not be used during winter.
- Staked sod
  - o Using sod on any construction site can be very costly and is often difficult to get in sufficient quantities. It is also impractical for winter months. The sod would not survived extreme temperatures and, therefore, would not provide any stabilization as the root system would not be able to penetrate the ground. Staking sode would also not be possible give the ground conditions.
- Riprap
  - o For proper installation, geotextile fabric is required to be place on a smoothed area. Riprap is placed on top. Riprap is very effective for stabilizing drainage ditches, but would not be feasible for stabilizing an entire site.
- Erosion Control Blanket
  - o Manufacturer guidelines call for smooth slopes in order to install blanket properly. The blankets must be overlapped and stapled in the ground – an impossible feat when the ground is frozen. For proper reclaim, seeding should occur under the blanket. During winter

months, seeding is not practical on rough, frozen slopes. Finally, installation of blankets requires physical labor along the slopes. There is a higher risk of injury during winter installation.

- Hydroseeding
  - o Hydroseeding is applied using water and tackifier to adhere to slopes. Although good for steep, rough slopes, winter conditions would cause the water to freeze up and could damage equipment.

As indicated above, ineffective or improper usage of BMPs requires the operator to replace or modify the control. Thus the draft permit places yet an additional unnecessary burden on the operator: forcing improper installation of BMPs in the winter and replacing BMPs once site conditions improve.

In the winter time, when traditional BMPs installation is impracticable, perimeter controls and slope tracking is a viable mitigation option. The flexibility offered in the current permit better reflect reality without sacrificing SWPPP integrity.

Winter Tracked Slopes:





**Response:**

As per the response to comment 12, tracked slopes do not meet the definition of stabilized (refer to the response for comment 11). Tracked slopes still leave soil exposed, leaving it susceptible to wind and snowmelt erosion.

As mentioned in the response to comment 11, Part II(C)(4)(d) of the permit allows for permittees to deviate from manufacturer's specifications. The installation of any BMP during the winter is difficult unless proper planning and installation methods are used. As stated in the previous response, erosion control blanket can be installed by pre-drilling for the staples, or placing sand bags on top of the blanket to anchor it down. The permittee would then need to come back in the spring to seed and re-stabilize the site. Instead of trenching in silt fence, sand bags may be placed on the bottom of the fabric and the stakes can be pre-drilled or the ground could be thawed in order to install the stake. Rebar stakes can be used to install waddles instead of wood stakes. As required in Part II(4)(a)(5), permittees need to plan accordingly for seasonal conditions in which their construction activity will be taking place.

The 2009 CGP extended permit still required that exposed soils needed to be stabilized. The current permit establishes a time frame, and still allows for permittees to deviate from the manufacturer's specifications as the 2009 CGP did.

**13. Comment:**

Appendix 1(3)(a)

Stabilization activities on steep slopes when activities have been completed or temporarily ceased during frozen ground conditions "winter construction" is not generally considered to be practicable or feasible within a 7 calendar day period. Winter construction is commonly

interrupted during periods of severe weather including snow accumulation and extreme cold. Construction and stabilization of steep slopes during these adverse conditions is limited primarily due to safety, seeding, mulch application, and the installation of some BMPs are not feasible or effective during frozen conditions. Examples of limitations under adverse conditions include the following:

- Topsoil placement on frozen subgrade in steep slope conditions is very dangerous and would likely be in violation of OSHA guidelines.
- The stability of topsoil placed over frozen subgrade may be questionable due to accumulation and ice on the interface. Ripping of topsoil piles would produce large frozen boulders. A roughened interface between the subgrade and topsoil, which would promote stability, would not likely be achieved in the frozen ground. Topsoil would not adhere to the frozen surface. Thawing and runoff during spring conditions may result in seepage and sliding of soil along the interface. Poor soil placement and stability issues would likely result in accelerated erosion during spring thaw and spring rainfall.
- Operation of equipment to place seed, apply straw mulch, hydromulching, or installation of erosion matting during winter conditions is not practicable or feasible. Controlling depth of seed placement would be difficult and would likely result in seeding failures.
- Topsoil spreading during the winter is problematic since grading to achieve the desirable thickness is a problem when the ground is frozen. Large clumps of frozen soil do not break up easily and would not result in a suitable seed bed.
- Drill seeding into frozen ground is not feasible since the disk will not penetrate the frozen ground allowing seeds to be placed at the proper depth. Seeding equipment is not designed to be operated in frozen conditions. Ice buildup due to frozen conditions will occur on the planters and press wheels that will result in damage to seeders and uneven seed application and seeding at less than optimal depths would result.
- Straw mulch application would be limited to location where access for tractors and mulch spreaders is feasible. Operation of tractors and spreaders on steep slopes would not be possible or safe. Straw crimping in frozen ground conditions would likely produce poor results and blowing would result in significant loss of the applied mulch.
- Other seeding methods such as broadcast seeding would not be optimal and seed applied to the surface could be blown away resulting in patchy germination. Hydromulching in sub-freezing conditions would be problematic since freezing would occur in the pump, piping, and application hose. Hydromulch would freeze on the frozen surface and running may occur after thawing if excessive moisture is present since the tackifier has not set up. The performance for hydromulching during winter conditions would be less than optimal resulting in poor grass establishment.
- Installation of erosion blankets, wattles, erosion logs, silt fence and other stormwater BMP is not feasible in frozen ground. Frozen conditions would be problematic for installing staples, wooden stakes, plowing silt fence, trenching, backfilling and other activities required

to properly install BMPs. Hand trenching required to install fiber wattles would not be practical in frozen conditions.

- Safety is always a concern when working during winter conditions when frozen ground occurs. This would be especially true when attempting to work on steep slopes. Laborers working in such conditions to install BMPs would be exposed to temperatures that may result in frostbite and footing hazards would exist.

**Response:**

Please refer to the response to comment 11 for addresses circumstances for when stabilization requirements of the permit cannot be met. The permit does not require the placement of topsoil; it only requires that exposed soils be stabilized. If it is not viable to place topsoil in the winter, exposed soils must still be stabilized using winter stabilization methods. Seeding could then be conducted in the spring.

Seed broadcasting can also be performed in the winter, it would be recommended that erosion controls be installed using alternative installation methods, as allowed in Part II(C)(4)(d) of the permit, so that the seed would not blow away. Please refer to the responses to comments 11 and 12 for further information on winter stabilization.

**Comments from the North Dakota Department of Transportation**



**North Dakota  
Department of Transportation**

Grant Levi, P.E.  
*Director*

Jack Dalrymple  
*Governor*

February 20, 2015

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

**NDR10-0000 CONSTRUCTION GENERAL 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) Construction General Permit. The NDDOT appreciates the opportunity to review and comment on the permit and its provisions. We look forward to the Health Department's response to the attached comments.

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

A handwritten signature in blue ink that reads "Wayde L. Swenson".

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

80/mjs

1. **Comment:**

As you read through this permit information, there are numerous references to other documents not provided. What do these other documents state? How do we know the impacts of these references when they are not provided? There could be items in these referenced documents that will dramatically change how the permit is administered.

**Response:**

The department is required to include any references to applicable statutory or regulatory provisions and appropriate supporting references which are used as a basis for the draft permit conditions under 40 CFR 124.8(b)(4). Referencing other documents within the permit and fact sheet is an appropriate method for providing the required information. These documents are readily available to the public.

2. **Comment:**

**Tentative Determinations – Proposed effluents limitations have been made by the Department.** What are these limitations? Many of our locations are in the middle of farm land and much of the water reaching the site originated from this farm land. The expectation of cleaning this water from acres of farm land seems infeasible.

**Response:**

As referenced on page 4 of the Fact Sheet, National Pollution Discharge Elimination System (NPDES) permits, including general permits, are required to include effluent limitations. Effluent limitations may be numeric, non-numeric, or water quality based.

The effluent limitations incorporated into the construction general stormwater permit are non-numeric. These non-numeric effluent limitations consist of the use of erosion and sediment control measures, and the implementation of pollution prevention measures to prevent the discharge of pollutants into waters of the state. These measures are to prevent the mobilization and discharge of sediment and sediment-bound pollutants, and to minimize the exposure of stormwater to construction materials, debris and other sources of pollutants which are present on construction sites.

3. **Comment:**

Please remove any requirements that are not required by the EPA Construction General Permit.

**Response:**

The permit was developed in accordance with 40 CFR 122.44(s), which allows for “additional requirements necessary to achieve the applicable technology-based standards or “best available technology” and “best conventional technology” based on the best professional judgment of the permit writer.”

4. **Comment:**

It is not clear what/who a “permittee” is nor is there a definition in the document. The document talks about applicants, owners, and operators, and contractors, but not what step or action designates or constitutes a permittee(s). We recommend adding a definition for “Permittee”.

**Response:**

The department appreciates the comment. The department has determined that adding a definition for “permittee” would not significantly impact the intent of the permit and will leave the current language.

5. **Comment:**

There are frequent areas where the permit requires the owner to complete an action, sign something, or furnish information. We understand that as an owner, it does come with responsibilities but tasks will be difficult or impossible to complete. Can these duties be delegated to an Operator?

**Response:**

Please refer to Part IV(6) of the permit for information about delegating duties to an operator.

6. **Comment:**

Section I.A. 1.

Consider stating that for projects that are on both sides of the Indian Country Boundary both NDDOH and EPA permit is required.

**Response:**

In response to this comment, the following sentence was added to provide clarification:

*If the construction activity is located within the jurisdiction of the state of North Dakota and the United States Environmental Protection Agency, a permit must be obtained from both regulatory entities.*

7. **Comment:**

Section I.A. 3.

Clarification should be added. If a location is opened for a project it needs to be reclaimed prior to terminating the construction permit or a separate permit is required to allow that site to operate. Two projects cannot pull material from the same site unless it has a stand-alone MINING PERMIT.

**Response:**

In response to this comment, the following sentences were added to provide clarification:

*The support activities may only be in association with one project. If the support activity is associated with more than one project, a separate stormwater permit (industrial or mining, extraction or paving material preparation) is required.*

8. **Comment:**

Section I. A. 6.

There is a section in the fact sheet on "Request for Authorization". This section includes much more detail on this 90 day requirement. These details should be included in the permit.

**Response:**

Information contained in the "Request for Authorization" portion of the fact sheet may be found in Parts I(A)(5) & (6) of the permit.

9. **Comment:**

Section I. A. 6.

Consider extending this 90 days to 180 days or to the end of the 2015 construction season to allow training to be provided on the new permit requirements. This permit is being reissued at the beginning of a construction season when all projects for that construction season have been planned based upon the existing permit. Requiring compliance with this permit at this time would place undue costs on all projects associated with this permit and delay the completion of those projects.

**Response:**

Undue costs have not been demonstrated. The department has determined to leave the current language. As stated in the fact sheet, the basis of the grace period is based upon the time requirements for the reissuance of a permit outlined in NDAC 33-16-01-26.1(3), 40 CFR 122.21(C)(1), 40 CFR 122.28(b)(2)(iii), and 40 CFR 122.28(b)(2)(iv).

10. **Comment:**

Section I. B. 5.

What are the parameters associated with sediment? Please be specific.

**Response:**

Parameters associated with sediment incorporate any sediment-bound pollutants (e.g. pesticides, herbicides, nutrients, metals, and organics) which may be discharged to a water of the state.

11. **Comment:**

Section I.B. 8.

Washwater that does not contain detergents used to be allowed to be discharged. Can this still be discharged? If so, clarification as to what wash water cannot be discharged should be included.

**Response:**

In response to this comment the department change Part I(B)(8) to read:

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

This was changed in order to provide consistency that the discharge of wash water without using detergents is allowable under Part II(A) of the permit.

12. **Comment:**

Section I. D. 2. a.

A sentence is missing here that is in the Fact Sheet. "A separate application must be submitted for each project meeting the definition of construction activity." Consider including this sentence in the permit.

**Response:**

The department appreciates the comment. The department has determined that this comment would not significantly impact the intent of the permit and will leave the current language. The inclusion of this language would significantly increase the amount of applications received by the department (homebuilding, oil and gas, etc.).

13. **Comment:**

Section I. D. 5.

What is the email address for submittal? This should be included.

**Response:**

Upon review of the electronic submittal requirements the department changed the sentence to read:

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

This was changed in order to meet the requirements for electronic submittal of documents.

14. **Comment:**

Section I. E. 1.

This section adds the words "and accepted by the department. The Fact Sheet does not

contain these words. These words should be removed. Sometimes it is months after submittal that they are accepted by the department. The permittee should not be penalized for that.

**Response:**

In response to this comment, the department changed the sentence to read:

*Compliance with the conditions of this permit is required until a NOT is submitted to the department.*

This change was made in order to reflect what is verbally told to permittees by the department due to the back log in processing Notice of Terminations.

15. **Comment:**

Section II. A.

This section contradicts Section I. B. 8 mentioned above.

**Response:**

Please refer to the response of comment 11 above.

16. **Comment:**

Section II.C

Are all contractors and subcontractors listed as permittees in the SWPPP required to sign the initial NOI?

**Response:**

Not all contractors and subcontractors are required to sign the initial NOI. Please refer to Part I(D) of the permit for the NOI process.

17. **Comment:**

Section II. C. 1. c.

It appears the permit requires a very detailed construction schedule. In the past, it has been very difficult to get a contractor to put information like this in writing. We request that this section be simplified as this level of detail for a proposed schedule may be infeasible.

**Response:**

The timetable is only proposed. The department understands that there may be delays on construction schedules. If delays occur the SWPPP should be updated as required in Part II(C)(8)(c) of the permit.

18. **Comment:**

Section II. C. 1. b.  
What detail is required for the description of soil?

**Response:**

The soil description should include enough detail to allow for the appropriate selection of erosion and sediment controls for the soil type.

19. **Comment:**

Section II. C. 1. F.  
It appears the permit requires a very detailed site map. In the past, it has been very difficult to get a contractor to put information like this in writing. We request that this section be simplified as this level of detail for a site map may be infeasible.

**Response:**

These items were required to be on site maps in the past, but this permit lists the items instead of grouping them together into seven (7) items. An item does not need to be included on the map if it is not applicable to the project. Please refer to Part II(C)(1)(f) of the permit.

20. **Comment:**

Section II. C. 1. F. 6.  
The permit asks for pre-existing and final grades. Are lines showing flow direction sufficient?

**Response:**

The permit requires pre-existing and final grades to be shown on a map (as applicable). Part II(C)(1)(f)(4) of the permit requires flow direction. Both items must be shown on a site map. The intent of pre-existing and final grades is to provide considerations for the selection of BMPs as the project starts and moves towards the final grade, and where runoff will be directed as the project progresses.

21. **Comment:**

Section II. C. 1. f. 8.  
Are all these items required to be labeled? If so, our maps may be unreadable. We request this requirement be removed.

**Response:**

These items are not required to be labeled, but must be identified. A standard key may be used to identify these items on a map. These items need to be shown on a map, and must be identifiable. As stated in Part II(C)(1)(f), more than one map may be used.

**22. Comment:**

Section II. C. 1. F. 15

Is this required for all dewatering discharge points or only ones that discharge off-site?

**Response:**

This is required for all dewatering discharge points.

**23. Comment:**

Section II. C. 1. F. 19.

This should say "as part of the permit" not project. These can be part of a project, but covered under separate permits.

**Response:**

Please refer to Part I(A)(2) and Part I(B)(1) of the permit for information on what types of off-site support activities may be covered under this permit and what types of discharges are not covered under this permit.

**24. Comment:**

Section II. C. 1. g.

This should say "2000 stream feet".

**Response:**

In response to this comment that department has changed the sentence to read:

*Projects that discharge stormwater which flows to a water body listed as impaired under section 303(d) of the Federal Clean Water Act due to sediment, suspended solids or turbidity must identify the water body and impairment in the SWPPP.*

The department also broke out the TMDL requirements into paragraph h, which reads:

*For water bodies which have a TMDL, the SWPPP must describe and conform to the Waste Load Allocations (WLA) of the water body as per Part II(C)(4)(g) of this permit. Information about TMDL allocations may be found at the following website:*

[www.ndhealth.gov/WQ/SW/Z2\\_TMDL/default.htm](http://www.ndhealth.gov/WQ/SW/Z2_TMDL/default.htm).

This change was made in order to meet the intent of this permit of reducing the discharge of pollutants to waters of the state.

25. **Comment:**

Section II. C. 2. a.  
This should say "removal (if applicable)".

**Response:**

In response to this comment the department has changed to sentence to read:

*The installation, removal (if applicable), and maintenance requirements of selected Best Management Practices (BMPs) for each phase/stage of construction activity;*

This change was made due to the fact that some BMPs may be permanent BMPs and would not be removed from the construction site.

26. **Comment:**

Section II. C. 2. b.  
What is considered appropriate? When exactly would calculations be required?

**Response:**

Examples of when calculations should be provided include: designing sediment basins for a 2-year, 24-hour precipitation event; determining appropriate sediment and erosion controls that would function up to a 2-year, 24-hour storm event; and calculating the channel flow from a 2-year, 24-hour storm event of a stream; or any other calculation which affects the selection of BMPs (temporary or permanent) used on a construction project.

27. **Comment:**

Section II. C. 3. A.  
This should say "someone who meets the requirements of Part II(C)(3)(e) of this permit."

**Response:**

In response to this comment, the department has changed this sentence to read:

*A knowledgeable and experienced person is someone who meets the requirements of Part II(C)(3)(e) of this permit.*

This change was made to reference the correction section of the permit.

28. **Comment:**

Section II. C. 3. a.

This says “until final stabilization is achieved”, but shouldn’t this be until an NOT is filed or the permit is transferred? Also, this should indicate that a new person should be identified if the permit is transferred.

**Response:**

In response to this comment, the department changed this sentence to read:

*The SWPPP must identify a person knowledgeable and experienced in the application of erosion and sediment control BMPs who will oversee the implementation of the SWPPP, and the installation, inspection and maintenance of the erosion and sediment control BMPs before and during construction, until a NOT is filed or the permit is transferred.*

This change was made to maintain consistency with other portions of the permit.

29. **Comment:**

Section II. C. 3. a.

Most General Contractors have Sub-contractors that perform work on the job. It is unfeasible, and generally not allowed, to expect the owner of a project to be able to direct sub-contractors as they do not have a contract with the sub-contractors. The chain of responsibility should be developed by the operator or this should be changed just to say that a chain of responsibility shall be developed.

**Response:**

This section is not meant to require owners to direct sub-contractors. It is meant to establish a hierarchy to ensure the SWPPP is implemented. Please refer Part I(D)(2)(a) of the permit which outlines the responsibilities of the owner and operator.

30. **Comment:**

Section II. C. 3. B.

Dust control is generally an air quality issue. How is this a stormwater requirement?

**Response:**

Wind erosion can deposit sediment into or adjacent to waters of the state or curb and gutter systems. If the sediment is deposited adjacent to a water of the state or curb and gutter systems, the next precipitation event has the chance of discharging sediment into the water of the state.

31. **Comment:**

Section II. C. 3. b.

What level of detail is required for dust control and track out information?

**Response:**

The level of detail should be enough to adequately describe the procedures, so that individuals may easily understand and follow the SWPPP.

32. **Comment:**

Section II. C. 3. c.

What is considered proper inspection procedure?

**Response:**

Please refer to Parts II(C)(6) &(7) and Part III of the permit for inspection requirements. Permittees may develop procedures based on these requirements.

33. **Comment:**

Section II. C. 3. d.

This should say "adequate leak and spill protection based upon the type of material and amount stored"

**Response:**

The department has determined that the additional language would not significantly impact the intent of the permit and will leave the current language.

34. **Comment:**

Section II. C. 3.d.

Second paragraph should say "including measures onsite, detailed in the SWPPP".

**Response:**

In response to this comment, the department has changed this sentence to read:

*The potential discharge of hazardous substances in stormwater discharges shall be minimized by including measures onsite, detailed in the SWPPP to prevent and respond to releases of hazardous substances.*

This change was made in order to maintain consistency with the first paragraph of this part.

35. **Comment:**

Section II. C. 3. e.

What are the minimum requirements for training? What level of detail needs to be provided in the SWPPP?

**Response:**

Part II(C)(3)(e) outlines the minimum requirements for training. The level of detail provided in the SWPPP must provide adequate information which outlines how employees and responsible parties are trained.

36. **Comment:**

Section II. C. 3. e. 1.

This should say "On-site personnel must know".

**Response:**

In response to this comment, the department changed the sentence to read:

*On-site personnel must know:*

This was changed as a grammatical correction.

37. **Comment:**

Section II. C. 3. e. 1. b.

This section says the onsite personnel must understand the requirements as they pertain to their role, but this section says they need to know the location of all BMPs. What if all the BMPs do not pertain to their role? This should say "location of bmps relevant to their role".

**Response:**

In response to this comment the department has changed Part II(C)(3)(e)(1)(b) to read:

*The location of all BMPs, relevant to their role, identified in the SWPPP; and*

This change was made to provide clarification that this requirement is as it pertains to the on-site personnel's role in implementing the SWPPP.

38. **Comment:**

Section II. C. 3. E. 1. c.

This should say "installation, function, maintenance and removal (if applicable)"

**Response:**

In response to this comment, the department changed this sentence to read:

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

This was changed in maintain consistency with other portions of the permit.

39. **Comment:**

Section II. C. 3. e. 2.

This should say “when to initiate corrective actions, and how to properly document”

**Response:**

In response to this comment, the department changed this sentence to read:

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

This was changed in order to correct grammatical errors.

40. **Comment:**

Section II. C. 3. f.

Is there a reporting form for this required by the NDDoH? If so, include a reference to the form.

**Response:**

The department does not have a reporting form for this requirement. This requirement must be included in the SWPPP.

41. **Comment:**

Section II. C. 3. g. 2.

Consider revising this to say “must operate the dewatering”.

**Response:**

This requirement is under the dewatering sub-section of the permit, this requirement pertains to dewatering activities. The department has determined that the additional

language would not significantly impact the intent of the permit and will leave the current language.

42. **Comment:**

Section II. C. 3. g. 4. iii.

Is the exact volume necessary? For items such as work area dewatering, it may be impossible to know exact amounts. We request that this be removed. If this is kept, it should be “approximate”.

**Response:**

In response to this comment, the department changed this sentence to read:

*Approximate volume of water discharged,*

This change was made because it was the intent to only have an approximate volume of water discharged from dewatering activities.

43. **Comment:**

Section II. C. 3. g. 4. a. v.

Are there timelines for completing corrections for these items? If there are timelines discussed in other sections include a reference to those sections.

**Response:**

Timelines for completing corrective actions related to dewatering activity have not been established. Please refer to Part II(C)(6) of the permit for maintenance timelines.

44. **Comment:**

Section II. C. 3. g. 4. a. vi.

What is considered a substantial change? Please define.

**Response:**

In response to this permit, the department changed this sentence to read:

*Documentation that the SWPPP has been amended when changes are made to the dewatering activity in response to inspections.*

This change was made to remove the word “substantial” due to possible inconsistencies on what is considered a “substantial” change.

45. **Comment:**

Section II. C. 4. a. 1.

This is not a reasonable expectation as any information provided would be a guess. If this is kept, expectations need to be established as to what information you want.

**Response:**

This information needs to be considered because there can be multiple precipitation events which are high intensity and short duration, which produce less than the 2-yr, 24-hour storm event precipitation amount. During high intensity, short duration precipitation events, precipitation does not infiltrate the soil as much as during a low intensity, long duration events, which results in higher runoff volumes.

This information needs to be considered for selecting appropriate erosion and sediment controls which will withstand and function properly during multiple precipitation events, such as high intensity, short duration precipitation events. Sediment and erosion controls are expected to withstand and function properly for precipitation events up to a 2-year, 24-hour storm event (Part II(C)(4)(f) of the permit), which includes storm events which are high intensity and short duration, but do not produce the 2-year, 24-hour storm event precipitation amounts.

The department recognizes that weather changes from year to year and cannot always be predicted at the time SWPPP's are developed. Historical precipitation amounts and storm event amounts can be utilized to assist in selecting appropriate erosion and sediment controls.

46. **Comment:**

Section II. C. 4. a. 2.  
Do all run-on sources need to be named in the SWPPP?

**Response:**

This is a consideration that should be looked at while selecting appropriate erosion and sediment controls for your site.

47. **Comment:**

Section II. C. 4. a. 3.  
This should say "handled appropriately".

**Response:**

The department has determined that adding this language would not significantly impact the intent of the permit and will leave the current language.

48. **Comment:**

Section II. C. 4. a. 4.

Is there a source for this information that you will accept? If so, please indicate where to obtain this information.

**Response:**

This information can be obtained from the Natural Resources Conservation Service web soil survey or county soil survey books.

49. **Comment:**

Section II. C. 4. b.  
The words "before work commences in the area" should be added to this requirement.

**Response:**

The department has determined that this language would not significantly impact the intent of the permit and will leave the current language.

50. **Comment:**

Section II. C. 4. d.  
What is the timeline for replacement or modification of controls?

**Response:**

In response to this comment the department made the following changes to the permit:

Added a sentence to Part II(C)(4)(d), and now reads:

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

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

The last two sentences of Appendix 1(B)(1)(a) were moved to Appendix 1(B)(1), which now reads:

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

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

These changes were made in order to provide clarification on the intent of the permit.

51. **Comment:**

Section II. C. 4. d.

If something is standard practice for the NDDOT and it is more stringent than manufacturer's instructions, does this need to be justified each time? For example, the NDDOT uses a different staple pattern from most ECB manufacturers. Does this need to be justified in all SWPPPs for DOT projects?

**Response:**

Each SWPPP is specific to one single project. This would need to be justified in all SWPPPs that the more stringent practice is required by NDDOT. NDDOT is considered a local agency and in accordance with Part II(D) of this permit, all stormwater discharges must comply with the requirements, policies, or guidelines of municipalities and other local agencies.

52. **Comment:**

Section II. C. 4. d.

Who determines if an equivalent control has been provided?

**Response:**

The modified control must provide the same treatment as the control installed per manufacturer's specifications.

53. **Comment:**

Section II. C. 4. e.

There should be something indicating what should be done if access is prohibited by the landowner.

**Response:**

Please refer to Appendix 1(B)(2) of the permit which discussed access constraints.

54. **Comment:**

Section II. C. 4. f.

For clarity, consider providing the rainfall amounts by county in an appendix.

**Response:**

Rainfall amounts information is readily available to the public. Providing rainfall amounts would be unnecessary due to the information being readily available to the public.

55. **Comment:**

Section II. C. 4. g.

These parameters should match the TMDL requirements from earlier in the permit.

**Response:**

In response to this comment, Part II(C)(4)(g) now reads:

*For projects that discharge stormwater which flows to a water body for which there is a TMDL allocation for sediment and/or parameters associated with sediment transport, the SWPPP must be consistent with the assumptions, allocations, and requirements in the approved TMDL. If a TMDL specifies certain BMPs or controls to meet a WLA applicable to the project's discharges, the BMPs or controls must be incorporated into the SWPPP. Information about TMDL allocations may be found at the following website: [www.ndhealth.gov/WQ/SW/Z2\\_TMDL/default.htm](http://www.ndhealth.gov/WQ/SW/Z2_TMDL/default.htm).*

This change was made in order to maintain consistency with Part I(B)(5) of the permit.

56. **Comment:**

Section II. C. 4. g.

There should be a distance requirement on this. Technically, every discharge in the state goes to a TMDL water eventually.

**Response:**

Please refer to the following website for information pertaining to the process of TMDL development and to view US EPA approved TMDL's:

[http://www.ndhealth.gov/WQ/SW/Z2\\_TMDL/](http://www.ndhealth.gov/WQ/SW/Z2_TMDL/)

Not all surface waters have an established TMDL.

**57. Comment:**

Section II. C. 4. g.

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.

**Response:**

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](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 can 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.

**58. Comment:**

Section II. C. 5.

What does this mean? Are permanent structural controls required on all projects? What about areas that are returned to cropland?

**Response:**

Certain projects within a regulated MS4 are required to incorporate post-construction BMPs. Local authorities may require quantity controls, or specific permanent BMPs. If used, these must be incorporated into the SWPPP.

**59. Comment:**

Section II. C. 6.

Clarification should be added to this section detailing what can or cannot be done with respect to a BMP that is no longer functional, but has been replaced or supplemented with additional controls. For example, can a silt fence that is down be left in place if additional controls have been installed or does that violate the requirement that all BMPs must be maintained? Can degradable BMPs such as fiber roll be abandoned once they have been filled in by sediment?

**Response:**

This section requires maintenance in accordance with Appendix 1 of the permit. In response to this comment, the following sentence has been added to Appendix 1(B)(1):

*If a nonfunctioning BMP is supplemented, the nonfunctional BMP shall be removed.*

Appendix 1(B)(1) will now read:

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

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

Appendix 1(B)(1)(a) will now read:

*All control devices similar to, and including, silt fence or fiber rolls must be repaired, replaced, maintained or supplemented when they become nonfunctional (torn from*

*posts, visible tears, etc.). Collected sediment must be removed as it approaches 1/2 of the above ground capacity of the control device.*

These changes were made to provide clarification on how supplemented BMPs should be handled. The paragraph addressed maintenance, but not supplementing BMPs. In accordance with Part II(C)(6) of the permit, all BMPs need to be maintained in effective operating conditions. If the BMP is not in effective operating conditions and is supplemented, it should be removed so that it would still not need to be maintained in effective operating condition. This change was made in accordance to maintain consistency with the response to comment 50.

60. **Comment:**

Section II. C. 7.

Areas that have had permanent stabilization measures installed should no longer need to be inspected. This falls in line with the NOT exemption for final stabilization for areas with less than 20 inches of rain per year.

**Response:**

Please refer to Part III(6) of the permit which discusses reduced inspection frequencies.

61. **Comment:**

Section II. C. 8. c.

What is the timeline required for changes and updates to the SWPPP? These timelines need to be established to ensure that there is a specific expectation. It is not feasible to expect a contractor to immediately update a SWPPP. If the controls on site are kept up, there should be a grace period for updates to the SWPPP.

**Response:**

In response to this comment the department Part II(C)(8)(c) now reads:

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

This addition was made to provide clarification on the time requirement for amending the SWPPP.

62. **Comment:**

Section II.D.

Consider a reference to MS4 communities specifically.

**Response:**

The department has determined that referencing MS4 communities specifically would not significantly impact the intent of the permit and will leave the current language.

**63. Comment:**

Section II. E. 1.

Does the pre-existing condition need to be documented? If so, how?

**Response:**

The department will leave the decision to the permittee as to whether to document pre-existing conditions or not and how.

**64. Comment:**

Section II. E. 1.

Is there a definition of pre-existing?

**Response:**

Pre-existing would be the conditions prior to the start of construction activity.

**65. Comment:**

Section II. E. 1. b.

Consider removing the terms synthetic and structural. If not, there should be some statement allowing TRM, transition mats or other synthetic and structural BMPs to remain in place.

**Response:**

In response to this comment, Part II(E)(1)(b) was revised to read:

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

This change was made in order to provide clarification that only temporary BMPs must be removed in order to terminate the permit under this condition.

**66. Comment:**

Section II. E. 1. b.

Consider adding definitions for temporary BMPs and permanent BMPs.

**Response:**

The department does not believe it is necessary to define temporary BMPs or permanent BMPs.

67. **Comment:**

Section II. E. 2.  
Remove the word “temporary”.

**Response:**

In response to this comment Part II(E)(2) now reads:

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

This was changed in order to remove redundancy with Part II(E)(1) of the permit.

68. **Comment:**

Section II. E. 2.  
Define “active maintenance”.

**Response:**

Active maintenance would be considered maintenance of erosion control or stabilization measures due to a failure that would, or has, led to erosion.

69. **Comment:**

Section II. E. 3.  
This should be clarified. What about crop land that is in a non planted state? If the remainder of the field is just a plowed field, why would the area to be returned need to be seeded? What if it is out of the seeding dates for that particular crop? You don't seed corn in September.

**Response:**

In response to this comment, Part II(E)(3) was changed to read:

*Disturbed areas on land used for agricultural purposes that are restored to their pre-construction agricultural use are not subject to these final stabilization criteria.*

*If the construction activity removed standing crop, the area must be restored in accordance with the landowner.*

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

This was changed to meet the intent of the permit, which was to return it back to what it was or provide stabilization if the land is not returned back to pre-construction conditions.

70. **Comment:**

Section II. E. 3.

Are you asking for native seed? What if the landowner wants to develop the property? Will it need to be seeded first?

**Response:**

Please refer to the response to comment 69 above.

71. **Comment:**

Section III. A.

Consider referencing "Upset Conditions" in this section.

**Response:**

The department has determined that referencing "Upset Conditions" in this section would not significantly impact the intent of the permit and will leave the current language.

72. **Comment:**

Section III. A. 1.

Define "active construction". If activity has been suspended in an area, can these areas be skipped and only the areas where activity is taking place be inspected?

**Response:**

In response to this comment, Part III(A)(1) now reads:

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

This change was made to remove the ambiguity of what was considered “active construction.”

73. **Comment:**

Section II. A. 1. a.

The federal permit has a better explanation for multi-day rain event inspections. This explanation should be used to provide consistency between the two permits.

**Response:**

Please refer to page 30 of the US EPA Construction General Permit. This explanation was used, but modified slightly to be consistent with the North Dakota General Construction permit inspection requirements.

74. **Comment:**

Section III. A. 2.

There should be a sentence in here stating that an inspection must be conducted as soon as conditions allow.

**Response:**

In response to this comment, the department changed Part III(A)(2) to read:

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

This was changed in order to provide clarification of when an inspection needs to be conducted upon the chance a site inspection may not be practical at a specified time due to adverse climatic conditions.

75. **Comment:**

Section III. A. 2.

The last sentence should state “If a rain event that would trigger an inspection”.

**Response:**

Please refer to the response to comment 74 above.

**76. Comment:**

Section III. A. 6.

The first sentence of this paragraph is contradicted by the second. It says you can go to once per month for areas that have been stabilized but not reached 70 percent, but the next sentence says that areas that meet Part II (E) can suspend inspections. Part II(E) allows for areas with less than 20 inches of rain to be considered final without meeting 70 percent. This section should be simplified to say that any areas that have permanent stabilization can suspend inspections.

**Response:**

Under the described conditions above, in accordance with Part II(E), that area would meet final stabilization requirements, which inspections may be suspended. This section addresses both Part II(E)(1) and Part II(E)(2) of the permit. It allows for projects in areas that have an annual rainfall of 20 inches or more to reduce inspection frequency for areas which have been stabilized, but have not met the criteria for final stabilization (mainly the eastern part of the state). It also allows for projects which are located in areas with an annual rainfall of 20 inches or less to suspend inspections because it meets the definition of final stabilization.

**77. Comment:**

Section III. A. 7.

What is the definition of frozen ground?

**Response:**

The department does not believe it is necessary to define frozen ground.

**78. Comment:**

Section III. A. 7.

What are these dates based upon? Does the contractor need to have a thermometer on site?

**Response:**

Dates are based on days when soil may freeze or thaw, and when runoff occurs due to snowmelt or precipitation events. Permittees may use available resources to determine soil temperature.

**79. Comment:**

Section III. B.

There should be an explanation of what to do if a coverage letter has not been received for a site. On nearly all projects last summer, the Contractor did not receive the "Notice of Coverage" letter until after the earth disturbing activities were already completed. If the

NDDOH is going to make this a requirement of the permit then they need to provide that letter 14 days after the NOI is submitted.

**Response:**

The department has determined that this comment would not significantly impact the intent of the permit and will leave the current language.

80. **Comment:**

Section III. B.

Please clarify. Electronic copies are acceptable but permittees should avoid using personal electronic devices. Does ownership of the device matter if the information is accurate and complete? If the reasoning behind this is that all devices used on site for permit compliance are discoverable and can be subpoenaed, the permit should state such.

**Response:**

The department has determined that this comment would not significantly impact the intent of the permit and will leave the current language.

81. **Comment:**

Section IV. A. 6.

How long is this delegation valid?

**Response:**

The delegation remains valid until it is no longer accurate for any reason. Please refer to Part IV(A)(6)(b) for further information.

82. **Comment:**

Section IV. B. 4.

The Act is referred to for effluent standards and prohibitions. The Clean Water Act is used as a reference throughout the permit. Either these standards should be included in the permit document or a hyperlink provided.

**Response:**

Please refer to the response for comment 1.

83. **Comment:**

Section V.

The "Act" can be changed or updated during the life of a Permit. The conditions of the Permit should state they will remain as specified in the Act at the date of signature by permittee.

**Response:**

Except as provided in Part IV(B)(4) of the permit and 40 CFR § 122.5(a)(1), compliance with a permit during its term, constitutes compliance with the Act. However, a permit may be modified, revoked, reissued, or terminated during its term.

84. **Comment:**

Section V.

“Normal wetted perimeter” – This should be during a two year 24 hour event for consistency.

**Response:**

The department appreciates the comment. The department has determined that this comment would not significantly impact the intent of the permit and will leave the current language.

85. **Comment:**

Section V.

“Permanently ceased” - Define Permanent structures.

**Response:**

The department does not believe it is necessary to define permanent structures.

86. **Comment:**

Section V.

Add definitions to explain the difference between temporary and permanent controls.

**Response:**

The department does not believe it is necessary to explain the difference between temporary and permanent controls.

87. **Comment:**

Section V.

“Steep slopes” – This does not line up with the stabilization requirement of 3:1 or steeper that is established in Appendix 1. While we recommend that the 3:1 stabilization in 7 days requirement be removed, if it is kept the definition of steep slopes should match the 3:1, not 15%. 2:1 or steeper may be a better compromise.

**Response:**

The definition of steep slopes is as defined by the U.S. EPA.

**88. Comment:**

Section V.  
“You” – This definition should be more specific.

**Response:**

The department has determined changing the definition would not significantly impact the intent of the permit and will leave the current language.

**89. Comment:**

Appendix 1. A. 1. b.  
Are you referencing the calculations in a?

**Response:**

The calculations are in reference to item “a.”

**90. Comment:**

Appendix 1. A. 2.  
There should be a statement requiring perimeter control be placed before work commences in an area.

**Response:**

The department has determined that including a statement requiring perimeter controls be placed before work commences would not significantly impact the intent of the permit and will leave the current language.

**91. Comment:**

Appendix 1. A. 3.  
This says where activities have been completed. It should say permanently ceased.

**Response:**

In response to this comment, the department has change Appendix 1(A)(3) to read:

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

This change was made in order to be consistent with the definition of permanently ceased provided in Part V of the permit.

92. **Comment:**

Appendix 1. A. 3.

There should be an exemption for areas that it is infeasible to stabilize due to their nature, such as compacted roadway bases.

**Response:**

The department has determined that including an exemption of this type would not significantly impact the intent of the permit and will leave the current language.

93. **Comment:**

Appendix 1. A. 3. a.

7 days is an infeasible timeline to meet. Weather could cause activities to cease for longer than 7 days. Also, there is no precedent for this in the Federal permit. We request that this requirement be removed from the permit.

**Response:**

In response to this comment the department added the following paragraph to Appendix 1(A):

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

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

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

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

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

This was added to the permit in order to allow for situations which may prohibit permittees to meet the stabilization requirements of the permit.

94. **Comment:**

Appendix 1. A. 4.

The second sentence in this section is redundant and should be removed. This falls under the requirements for 3 above.

**Response:**

In response to this comment, Appendix 1(A)(4) now reads:

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

This change was made in order to reduce redundancy with Appendix 1(A)(3).

95. **Comment:**

Appendix 1. A. 5.

The dimension on this needs clarification. Do you mean 200 feet in all directions? or just 200 feet of the wetted area linearly from the property line? An example is needed if this requirement is going to stay.

**Response:**

The dimension refers to stabilizing the normal wetted perimeter of a ditch beginning at the property edge or point of discharge and extending 200 feet into the ditch.

96. **Comment:**

Appendix 1. A. 5.

There should be clarification on what should be done in a situation where 200 feet is not available due to land ownership or right of way.

**Response:**

The department would expect the available normal wetted perimeter to be stabilized in this situation.

97. **Comment:**

Appendix 1.A. 5.

The last sentence should state prior to connection with a surface water as it is stated in 6 below this for consistency.

**Response:**

In response to this comment, the department changed Appendix (1)(A)(5) to read:

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

This change was made to maintain consistency with Appendix (1)(A)(6) of the permit.

98. **Comment:**

Appendix I. A. 6.

Remove “which will have continuous flow”. This is not defined and will be a point of contention and confusion.

**Response:**

The department has determined that removing “which will have continuous flow” would not significantly impact the intent of the permit and will leave the current language. Removing the language would conflict with Appendix 1(A)(5) of the permit.

99. **Comment:**

Appendix I. A. 6.

This seems reasonable if the anticipated velocities indicate a scour potential. If the diversion can be designed in such a way to minimize scour, could this be a viable alternative to lining an entire channel?

**Response:**

Although it may be possible to design a diversion to minimize scour, this would be the exception. Therefore, the department will keep the current language.

100. **Comment:**

Appendix 1. A. 7.

Are you allowing soil/water interaction below the water line? For example, Can someone push fill into a stream as a cofferdam or a temporary crossing and only protect the area above the water line? You cannot put silt curtain across a flowing water. This implies that there are no protections needed below the water line. This should be clarified.

**Response:**

Down gradient BMPs must still be provided in accordance with Part II(C)(4)(b). The intent of this requirement is that floating silt curtain is a secondary sediment control, unless working on or below the elevation of the surface water. Only in this circumstance would it be an appropriate primary BMP. In the circumstance described of not being able to put floating silt curtain across flowing water, sediment and erosion controls still need to be appropriately selected given site conditions as require in Part II(C)(4)(d) of the permit. In accordance with Part I(B)(3), this permit does not cover the placement of fill into waters of the state which require local, state, or federal authorization.

101. **Comment:**

Appendix 1. A. 8.

This should be before connection to a surface water or it should be allowed to be stabilized within 14 days as the remainder of the ditch to be consistent.

**Response:**

The department has determined that changing the language would not significantly impact the intent of the permit and will leave the current language.

102. **Comment:**

Appendix 1. A. 10.

Stormwater conveyances that do not discharge into surface waters or off property (i.e. centerline and approach culverts) should not require protections. Please add language explaining this.

**Response:**

The department has determined that changing the language would not significantly impact the intent of the permit and will leave the current language.

103. **Comment:**

Appendix 1.A.13.

What would constitute "equivalent controls"? What amount of detail is required in the rationale for the equivalent controls?

**Response:**

Equivalent controls would be equivalent to natural buffer. The amount of detail required would need to be enough to show the control is equivalent to a natural buffer.

104. **Comment:**

Appendix 1. A. 14. a. vii.

Data from the manufacturer is sufficient. These tests should not be performed by the permittee.

**Response:**

If this data is provided by the manufacturer, then it may be used. Otherwise the permittee will be required to obtain this information.

Discharges of wastewater are not allowed under this permit. In order to simplify the process of obtaining a permit to discharge wastewater, the department included these requirements, which are the same requirements for NDG07 and NDG52, for using chemical additives for chemically treating water.

105. **Comment:**

Appendix 1. A. 15.

Please remove this item. This is not clear on what is required. This could change from inspector to inspector and it does not appear to be measureable.

**Response:**

In response to this comment, Appendix 1(A)(15) now reads:

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

This was changed to provide clarification on the intent of the requirement.

106. **Comment:**

Appendix 1. B. 1. a.

Do these devices need to be removed when they are no longer functional if other controls have been installed? This should be established.

**Response:**

Please refer to the response from comment 59.

107. **Comment:**

Appendix 1. B. 1. c.

Is there a minimum draw down time for a basin or can it be drained as fast as possible?

**Response:**

Please refer to Appendix 1 (A)(1)(c) and Part II(C)(3)(g), which discusses basin draining and dewatering.

108. **Comment:**

Appendix 1 B. 2.

This goes back to the earlier statement on protecting work in surface waters. Won't the placement or exposure to water cause sediment to be deposited by erosion? The permit needs to be consistent.

**Response:**

This part requires that if sediment is deposited into a water of the state, permittees have seven (7) days to remove the sediment.

109. **Comment:**

Appendix 1 B. 3.

If clean-up is required daily, inspections of these areas should be required daily as they are for dewatering operations.

**Response:**

The department anticipates these areas will be visually observed daily to ensure sediment tracking is minimized. The department believes a daily written inspection report would be burdensome and unnecessary.

110. **Comment:**

Appendix 1 B.4.

Does this need to be documented in the maintenance records? If so, state that.

**Response:**

Please refer to the response to comment 109.

111. **Comment:**

Appendix 1. B. 5.

What does proper distribution of flows mean?

**Response:**

Proper distribution of flows would be sheet flow through the buffer with minimal concentrated flows that would lead to erosion.

112. **Comment:**

Appendix 1. C. 3.

This should say before transportation to another waterbody.

**Response:**

The addition of this language would be against ND Admin. Code § 30-03-06. In response to the comment Appendix 1 (C)(3) now reads:

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

This was changed in order to be compliant with ND Admin. Code § 30-03-06.

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Your Touchstone Energy® Partner 

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

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

February 20, 2015

ND Dept. of Health  
Div. of Water quality Permits Program  
918 E. Divide Ave.  
Bismarck, ND 58501-1947

**Re: Comments for Draft NDPDES Construction Stormwater General Permit NDR10-0000  
Public Notice No. ND-2015-001**

Dear Sir or Madam:

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

Upon our review of the draft CSGP, Minnkota supports the departments' draft CSGP. In particular, Minnkota points out the following draft requirements we support in more detail:

Draft Inspection and Maintenance Requirements (1.) "Inspections shall be performed by or under the direction of the permittee at least once every 14 calendar days and within 24 hours after any storm event of greater than 0.25 inches or rain per 24-hour period during active construction. Inspections are only required during normal working hours."

Draft Appendix 1 – Erosion and Sediment Control Requirements, A. Erosion and Sediment Control Practices (1)(a,b,c). Minnkota believes that this section provides a simplistic and flexible means in which to apply this portion of the 2009 GCP.

If you require any additional information, please contact me at 701-795-4293 or at [tjohnson@minnkota.com](mailto:tjohnson@minnkota.com).

Sincerely,

MINNKOTA POWER COOPERATIVE, INC.



Terry Johnson  
Environmental Engineer