

NDDH-NDCC 33-16

Protects Waters of the State

EPA-CWA

Protects Navigable Waters of the US
and Adjoining Shorelines

Missouri, Souris, and Red River Systems



Lakes Used for Intrastate Commerce



Isolated Lakes



Streams



Isolated Wetlands



Groundwater



Spills Make Headlines!

SPCC and Industrial Stormwater Compliance

Vol XCIII, No. 311

Wednesday, March 26, 2014

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Cuyahoga River Fire June 22 1969



"River oozes rather than flows."
Time Magazine Aug 1969

West Virginia chemical spill shines spotlight on loose regulation

By Alexandra Field, Meredith Edwards and Catherine E. Shoichet, CNN January 13, 2014

Gov. Earl Ray Tomblin told CNN, "We need to do what we can to see that this kind of incident never happens again."

Two U.S. congressmen say the spill exposes regulatory gaps in the country's chemical control laws.

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Cuyahoga River Fire June 22 1969



"River oozes rather than flows."

Time Magazine Aug 1969

Time Magazine captures images of the Cuyahoga River in Ohio on fire. The river is known to have caught fire at least 13 times before this incident.

1970 the National Environmental Policy Act (NEPA) is signed into law.

1972 Clean Water Act is enacted, granting EPA authority to eliminated the discharge of pollutants to Navigable Waters of the US

Clean Water Act

- Maintain or improve the quality and uses of water resources (lakes, streams, and groundwater)
- Protect existing uses of those resources

Oil Pollution Prevention

- Regulated by EPA under 40 CFR Part 112
- Applies to the bulk storage of fuels, oils, fats, or greases
 - >1,320 gallons above ground
 - >42,000 gallons below ground
- Requires
 - Implementation of a Spill Prevention, Controls, and Countermeasures (SPCC) Plan

Pollution Discharge Elimination System

- Regulated by NDDH under 40 CFR Part 122
- Applies to Specific SIC Codes under OSHA
 - Manufacturing
 - Mining/Oil & Gas Extraction
 - Construction-Soil Disturbance
- Requires
 - Submitting a **Permit Application**
 - Implementation of a Storm Water Pollution Prevention Plan (SWPPP)

EPA SPCC Plan Requirements

- Description of Facility and Activities onsite
- Assignment of Compliance Personnel
- Site Map
- Inventory of Regulated Materials
- Description of Best Management Practices (BMPs)
- Inspection Schedule
 - Facility
 - Primary Storage Containers

NDDH SWPPP Requirements

- Description of Facility and Activities
- Assignment of Compliance Personnel
- Site Map
- Inventory and History of Regulated Materials
- Description of BMPs In-use
- Facility Inspection Schedule
- Scheduled Plan Review/Update
- Training Schedule
- Erosion Control Measures
- Assessment of Non-Storm water Discharges
- Permitted discharges are also dependent on impairment status of receiving stream

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- Description of Best Management Practices (BMPs)
- Inspection Schedule
 - Facility
 - Primary Storage Containers
 - Secondary Containment Systems
- Scheduled Plan Reviews/Update
- Training Schedule
- Record Keeping

**Requires PE Certification if
>10,000 gallons**



EPA SPCC Plan Requirements

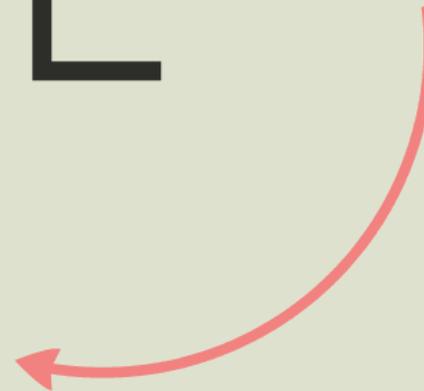
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 - Secondary Containment Systems
- Scheduled Plan Reviews/Update
- Training Schedule
- Record Keeping

Requires PE Certification if
>10,000 gallons



Not Required if:

- Materials are stored in containers less than 55 gallons
- Can demonstrate that spilled material will not reach Navigable Waters of the US



Pollution Discharge Elimination System

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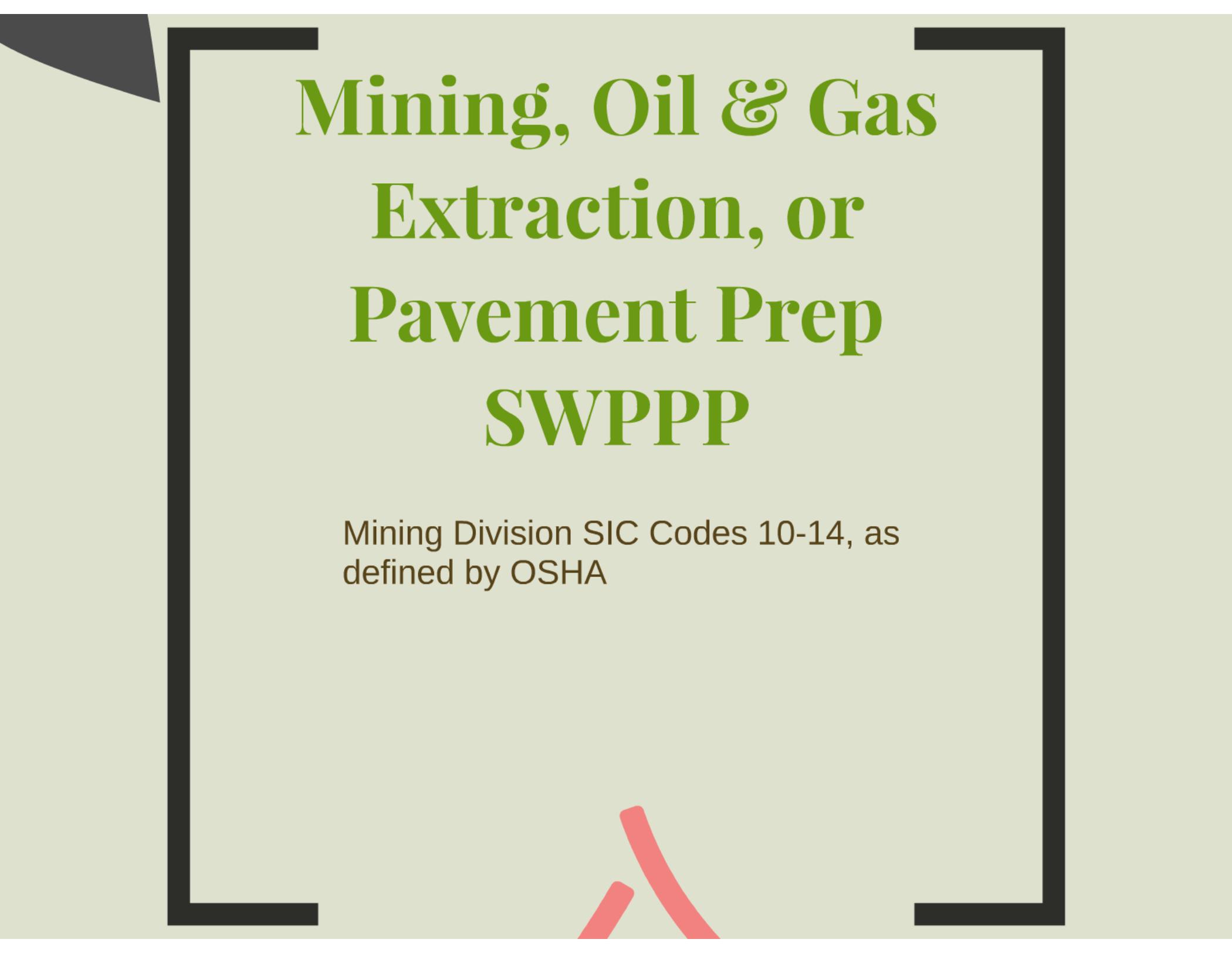
NDDH SWPPP Requirements

- Description of Facility and Activities
- Assignment of Compliance Personnel
- Site Map
- Inventory *and History* of Regulated Materials
- Description of BMPs In-use
- Facility Inspection Schedule
- Scheduled Plan Reviews/Update
- Training Schedule
- Record Keeping
- *Erosion Control Measures*
- *Assessment of Non-Storm water Discharges*
- *Permitted discharges are also dependent on impairment status of receiving stream*



Industrial SWPPP

- Manufacturing Division SIC Codes 20-39
- Hazardous Waste Treatment, Storage or Disposal Facilities
- Landfills
- Steam Electric Power Generation and Coal Handling
- Vehicle and Equipment Maintenance Areas



Mining, Oil & Gas Extraction, or Pavement Prep SWPPP

Mining Division SIC Codes 10-14, as
defined by OSHA

Construction SWPPP

- if land disturbance is 1 acre or more
- if land disturbance is part of a larger common plan of development or sale that is 1 acre or more
- if there is potential for discharge of pollutants to waters of the state

Activity is generally temporary in nature

• Implementation of a Storm Water Pollution Prevention Plan (SWPPP)

NDDH SWPPP Requirements

- Description of Facility and Activities
- Assignment of Compliance Personnel
- Site Map
- Inventory and History of Regulated Materials
- Description of BMPs In-use
- Facility Inspection Schedule
- Scheduled Plan Reviews/Update
- Training Schedule
- Record Keeping
- Erosion Control Measures
- Assessment of Non-Storm water Discharges
- Permitted discharges are also dependent on impairment status of receiving stream



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Industrial SWPPP

- Manufacturing Division SIC Codes 20-39
- Hazardous Waste Treatment, Storage or Disposal Facilities
- Landfills
- Steam Electric Power Generation and Coal Handling
- Vehicle and Equipment Maintenance Areas

Mining, Oil & Gas Extraction, or Pavement Prep SWPPP

Mining Division SIC Codes 10-14, as defined by OSHA

No Exposure Designation:
SWPPP is not required if all regulated activities are isolated from contact with stormwater

Not Primary Business:
Permit is not required if you identify your primary business as a different SIC code from those listed under 40 CFR Part 122.26(b)(14)

No Spill History:
Permit is Not Required if your Oil or Gas Extraction Facility has not had reportable quantity release to stormwater.



Clean Water Act

- Maintain or improve the quality and uses of water resources (lakes, streams, and groundwater)
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Oil Pollution Prevention

- Regulated by EPA under 40 CFR Part 112
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 - >1,320 gallons above ground
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- Requires
 - Implementation of a Spill Prevention, Controls, and Countermeasures (SPCC) Plan

Pollution Discharge Elimination System

- Regulated by NDDH under 40 CFR Part 122
- Applies to Specific SIC Codes under OSHA
 - Manufacturing
 - Mining/Oil & Gas Extraction
 - Construction-Soil Disturbance
- Requires
 - Submitting a Permit Application
 - Implementation of a Storm Water Pollution Prevention Plan (SWPPP)

EPA SPCC Plan Requirements

- Description of Facility and Address onsite
- Description of Containment/Pollution Prevention
- Site Map
- Inventory of Spill-Prone Materials
- Description of Spill Management Practices (SMP)
- Inspection Schedule
- Runoff
- Primary Containment
- Secondary Containment Systems
- Scheduled and Unscheduled Inspections
- Training Schedule
- Record Keeping

Requires DR 1 contribution if 1,000 or greater gallons

NDDH SWPPP Requirements

- Description of Facility and Address
- Description of Containment/Pollution Prevention
- Site Map
- Inventory and History of Stormwater Management Practices
- Description of SWPPP, its use
- Facility Inspection Schedule
- Scheduled and Unscheduled Inspections
- Training Schedule
- Record Keeping
- Disposal System
- Abatement
- Assessment of High Priority Stormwater
- Potential Discharges are also regulated and require permit

Construction SWPPP

- If land disturbance is 1 acre or more
- If land disturbance is part of a larger common plan of development or sale that is 1 acre or more
- If there is potential for discharge of pollutants to waters of the state

Activity is generally temporary in nature

Industrial SWPPP

- Manufacturing (Various SIC Codes 20-33)
- Hazardous Waste Treatment, Storage or Disposal Facilities
- Landfills
- Steam Electric Power Generation and Coal-Firing
- Vehicle and Equipment Maintenance Areas

Mining, Oil & Gas Extraction, or Pavement Prep SWPPP

Mining (Various SIC Codes 10-14, as defined by OSHA)

Not Required if:

- Materials are stored in containers less than 55 gallons
- Can demonstrate that spilled material will not reach Navigable Waters of the US

No Exposure Designation: SWPPP is not required if all regulated activities are isolated from contact with stormwater

Not Primary Business: Permit is not required if you identify your primary business as a different SIC code from those listed under 40 CFR Part 122.26(b)(14)

No Spill History: Permit is Not Required if your Oil or Gas Extraction Facility has not had a reportable quantity release to storm water.

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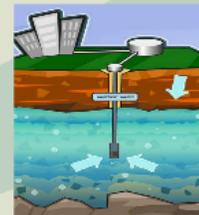
Streams



Isolated Wetlands



Groundwater



Consolidate Your Compliance Policies in an Environmental Protection Plan (EPP)

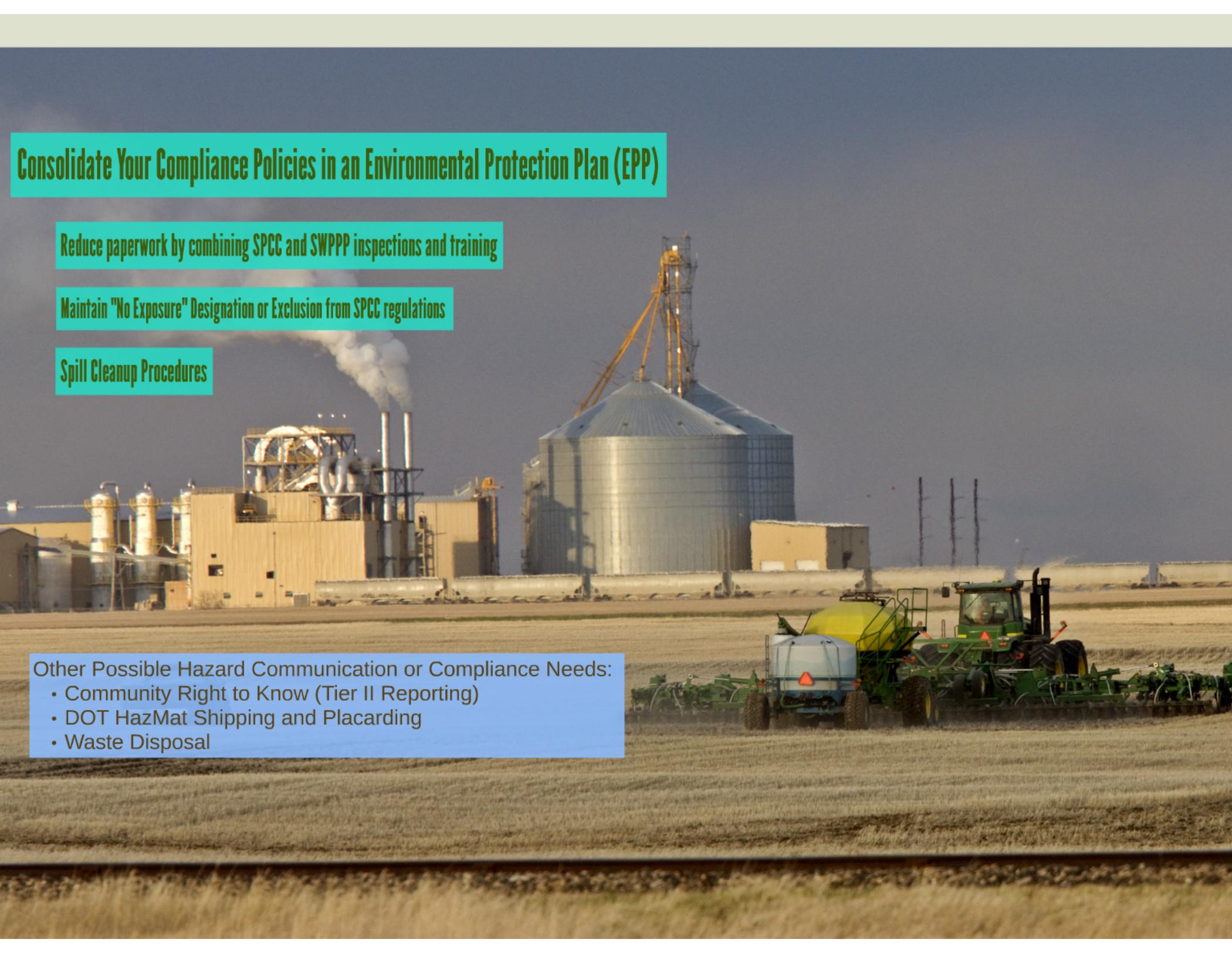
Reduce paperwork by combining SPCC and SWPPP inspections and training

Maintain "No Exposure" Designation or Exclusion from SPCC regulations

Spill Cleanup Procedures

Other Possible Hazard Communication or Compliance Needs:

- Community Right to Know (Tier II Reporting)
- DOT HazMat Shipping and Placarding
- Waste Disposal



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State environmental officials said the facility had the only permit it was required to have: an industrial storm water permit.



Oil companies could be fined for flooded wells in western ND

Amy Dalrymple, Forum News Service, INFORUM, March 17, 2014

TRENTON, N.D. – Oil companies that failed to prepare for flooding near the confluence of the Missouri and Yellowstone rivers could face enforcement action, state officials said Monday.....



If you have questions:

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