

**FACT SHEET FOR NDPDES PERMIT  
NDR05-0000**

**PERMIT REISSUANCE**

**GENERAL PERMIT FOR STORMWATER DISCHARGES FROM  
INDUSTRIAL ACTIVITIES**

**DATE OF THIS FACT SHEET – JANUARY 2020**

**INTRODUCTION**

The Federal Clean Water Act (CWA, 1972, and later amendments in 1977, 1981, and 1987, etc.) established water quality goals for the navigable (surface) waters of the United States. One mechanism for achieving the goals of the CWA is the National Pollutant Discharge Elimination System (NPDES), which the US Environmental Protection Agency (EPA) has oversight authority. In 1975, the State of North Dakota was delegated primacy of the NPDES program by EPA. The North Dakota Department of Environmental Quality (NDDEQ), hereafter referred to as “department”, has been designated the state water pollution control agency for all purposes of the Federal Water Pollution Control Act, as amended [33 U.S.C. 1251, et seq.], and is hereby authorized to take all action necessary or appropriate to secure to this state the benefits of the act and similar federal acts. The department’s authority and obligations for the wastewater discharge permit program is in the NDAC 33.1-16 (North Dakota Administrative Code) which was promulgated pursuant to NDCC chapter 61-28 (North Dakota Century Code). The department uses North Dakota Pollutant Discharge Elimination System (NDPDES) as its permitting title.

The following rules or regulations apply to NDPDES permits:

- Procedures the department follows for issuing NDPDES permits (NDAC chapter 33.1-16-01),
- Standards of Quality for Waters of the State (NDAC chapter 33.1-16-02.1).

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

According to the North Dakota Administrative Code (NDAC) section 33.1-16-01-08, the department must prepare a draft permit and accompanying fact sheet, and make it available for public review. The department must also publish an announcement (public notice) during a period of thirty days, informing the public where a draft permit may be obtained and where comments regarding the draft permit may be sent (NDAC chapter 33.1-16-01-07). For more information regarding preparing and submitting comments about the fact sheet and permit, please see **Appendix A – Public Involvement**. Following the public comment period, the department may make changes to the draft NDPDES permit. The department will summarize the responses to comments and changes to the permit in **Appendix D - Response to Comments**.

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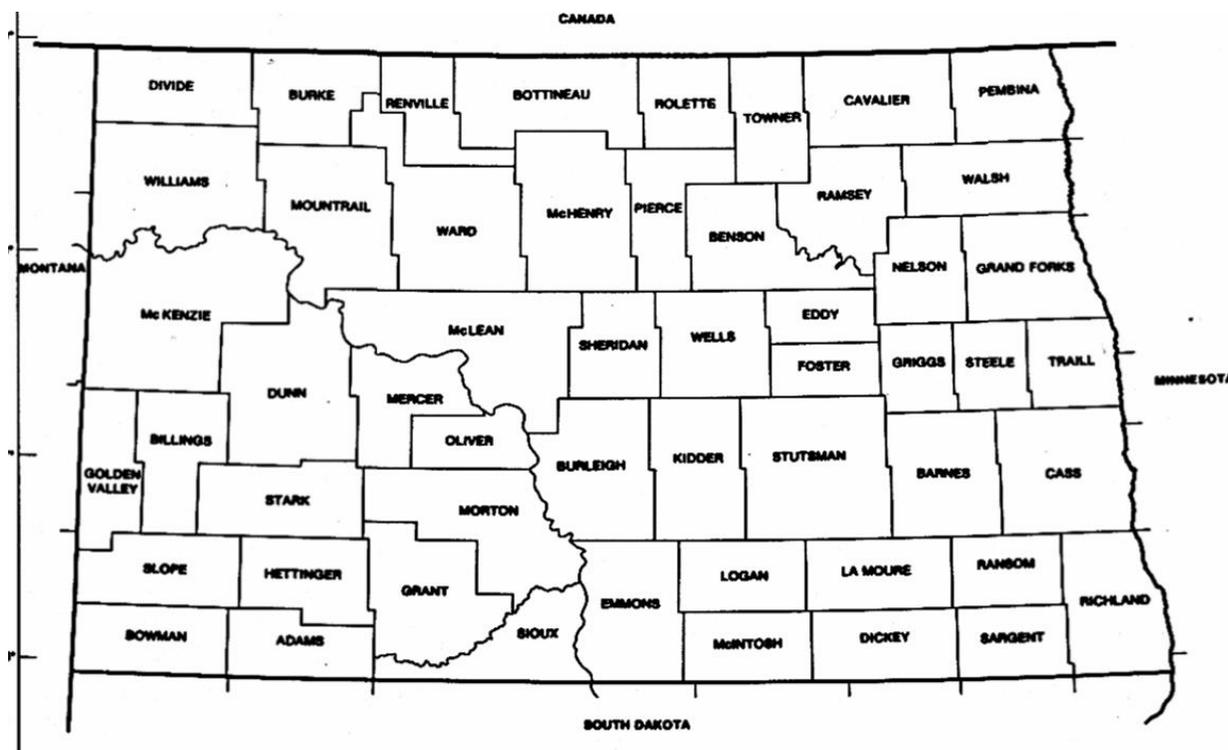
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### BACKGROUND INFORMATION

#### General Information

Permit Number:	NDR05-0000
Permit Type:	General Permit, Renewal
Type of Treatment:	Best Available Technology Economically Achievable (BAT); Best Professional Judgment (BPJ); and Best Management Practices (BMPs)
Discharge Location:	Waters of the State of North Dakota

Figure 1 – Photograph of the State of North Dakota



General permits (Title 40 of the Code of Federal Regulations (CFR), Part 122.28) provide a streamlined means to cover a large number of facilities that fall under the broad definition of “stormwater discharges associated with industrial activity.” These facilities are subject to the requirements of Section 402 of the Clean Water Act, as enforced by the NDPDES program. General permits require baseline control practices aimed at minimizing the impact of stormwater discharges to waters of the state. In addition, the general permit process places less of an administrative burden on the issuing authority than the individual permitting process. Individual permits or industry specific permits may still be developed to address specific water quality concerns or industry specific control practices.

The present general permit issued for stormwater discharges associated with industrial activities

expires March 31, 2020. The permit was developed in response to the stormwater permit application requirements promulgated by the U.S. Environmental Protection Agency on November 16, 1990. The renewal will continue to provide coverage for stormwater discharges from industrial facilities statewide. Currently, there are approximately 275 facilities covered by the present permit for industrial activities. In addition, 178 facilities have certified that they meet the condition of “no exposure” and are exempt from the permit requirements.

### **SIGNIFICANT PERMIT CHANGES**

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

- Construction activity related to the normal operation and expansion of the facility is no longer covered under this permit and must obtain a separate construction stormwater permit. The department determined this type of activity is more appropriately covered by the construction general permit.
- For most facilities, the monitoring period and reports due date were changed to cover the permit cycle year. Previous monitoring periods and reports covered the calendar year. The monitoring period covers the period from April 1 to March 31 and reports are due by April 30 following the monitoring period.
- Airports and U.S. Air Bases that monitor deicing activity must submit semiannual discharge monitoring reports every six months instead of after the deicing season. The monitoring period and report due dates cover the permit cycle year.
- Primary commercial airports with at least 1,000 annual non-propeller departures must may not use airfield pavement deicing products that contain urea. Primary commercial airports must either send in an annual certification stating they do not use airfield pavement deicing products that contain urea or sample all stormwater discharge points from airfield pavement areas and meet an ammonia as nitrogen effluent limitation. In addition, records, information, and certifications related to airfield pavement deicing effluent limitations must be kept for five years. The requirements are based on the Airport Deicing Point Source Category found in 40 CFR 449.
- The permit prohibits dry weather discharge of deicing chemicals from air transportation facilities. The permit includes inspection requirements for air transportation facilities to inspect for dry weather discharges of deicing chemicals.
- The definitions for Primary and Regional Commercial Airports were updated to reflect the change in status of the Williston airport from regional to primary.
- Electronic reporting requirements were included in Part IV(E) the proposed permit. The electronic reporting requirements comply with 40 CFR 127.
- The discharge of waters from landfills which have come in direct contact with landfill wastes and landfill waste liquids was added to the list of discharges not covered by the permit.

- Benchmark parameter monitoring was updated to reflect the conditions of the U.S. Environmental Protection Agency Multi-Sector General Permit 2015 (MSGP-2015).
- Hardness dependent benchmark parameters were updated to reflect a calculated benchmark based on a hardness concentration of 100 mg/L as CaCO<sub>3</sub>.
- Sampling requirements for Meat Packing Plants and Poultry Slaughtering and Processing facilities were removed from the finalized permit.<sup>1</sup>

### **COVERAGE UNDER THIS PERMIT**

#### **Applicability of the General Permit**

The proposed general permit authorizes the discharge of relatively uncontaminated stormwater from certain industrial activities. The permit is not intended for stormwater discharges from mining, extraction or paving material preparation activities; or construction disturbances. These activities are covered under separate general permits, NDR32-0000 and NDR10-0000, respectively.

The proposed permit applies to discharges of stormwater associated with industrial activity as defined in 40 CFR 122.26(b)(14) except for the following:

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

#### **Discharges Not Covered**

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

- Stormwater discharges from facilities or activities subject to nationally established effluent limitation guidelines or other performance standards under 40 CFR subchapter N except as provided in the proposed permit.
- Discharges or releases that are not stormwater except those non-stormwater discharges authorized by the proposed permit.
- Discharges to waters that have a total maximum daily load (TMDL) allocation are not covered unless permittees develop a Stormwater Pollution Prevention Plan (SWPPP) that

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<sup>1</sup> These industrial sectors (SIC Codes 2011 and 2015) were removed after review of the 2015 U.S. Environmental Protection Agency Multi-Sector General Permit.

is consistent with the assumptions and requirements in the approved TMDL. To be eligible for coverage under the proposed general permit, the SWPPP shall incorporate the conditions applicable to the discharge necessary for consistency with the assumptions, allocations and requirements of the TMDL. If a specific numeric wasteload allocation (WLA) has been established that would apply to the discharge from the facility, the permittee shall incorporate that WLA into the SWPPP and implement necessary steps to meet the TMDL.

- The placement of fill into waters of the state requiring local, state, or federal authorizations (such as U.S. Army Corps of Engineers Section 404 permits).
- The proposed permit does not substitute for obligations under the National Environmental Policy Act (NEPA), Endangered Species Act (ESA), Wild and Scenic Rivers Act, or National Historic Preservation Act (NHPA). It is the responsibility of the permittee to ensure the facility and resulting discharges comply with the respective requirements.
- Stormwater discharges that the department determines will cause, or have the reasonable potential to cause or contribute to, violations of standards of quality for waters of the state (North Dakota Administrative Code 33.1-16-02.1).
- The discharge of process wastewater and sanitary waste.
- The discharge of waters from landfills which have come into direct contact with landfill wastes, leachate, gas collection condensate, drained free liquids, contaminated ground water, facility wastewater, contact wash water from washing truck or equipment exteriors and surface areas which have come in direct contact with solid waste at the landfill facility.

### **Request for Authorization**

Facilities that are required to obtain coverage under the proposed permit must submit a Notice of Intent (NOI) in accordance with 40 CFR 122.28(b)(2). Facilities covered under the present permit will be retained, provided a satisfactory request was made under the renotification provisions of the permit. If necessary, the department may require the submittal of a new NOI. For operators of new facilities wishing to obtain coverage, a NOI must be submitted at least seven days prior to starting any activity subject to regulation as a stormwater discharge associated with industrial activity. Permit coverage becomes effective seven days after a complete application has been submitted to the department unless otherwise notified by the department (based on the department receipt date).

The NOI will include the following:

- Owner or operator contact name, phone number, e-mail address, and mailing address;
- Name of facility or site with brief description of business or activity;
- Location of the site; and
- Name of receiving water or the name of the receiving municipal storm sewer system and receiving water.

The NOI for facilities required to sample must include:

- Number of outfalls and outfalls sampled, and sampling group; and

- For oil and gas related activities, whether runoff is from remediation activities.

### **Alternative Permit Coverage**

The department may require any facility to apply for and obtain an individual NDPDES permit or seek coverage under an alternative NDPDES general permit (40 CFR 122.28(b)(3)). Any facility covered by the proposed general permit may request to be excluded from coverage by applying for an individual NDPDES permit.

When an individual NDPDES permit is issued to a facility otherwise subject to the proposed permit, the applicability of the general permit to the individual permittee is automatically terminated upon the effective date of the individual permit.

### **Termination of Coverage and Notice of Termination**

A permittee may request the termination of permit coverage when stormwater discharges associated with industrial activity are no longer present at the facility. The permittee must submit a Notice of Termination (NOT) to terminate coverage. The NOT may be submitted after one of the following conditions has been met:

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

### **Special Conditions**

The proposed permit must identify discharges that are prohibited from coverage under the permit. Wastewater and other non-stormwater sources that combine with a stormwater discharge must comply with a NDPDES permit specifically for the wastewater or non-stormwater discharge. Non-stormwater discharges that are eligible for coverage under the proposed permit include: fire-fighting activity, fire hydrant flushing, potable water line flushing, building and equipment wash down without detergents or hazardous cleaning products, uncontaminated foundation drains, springs, lawn watering, chemical treatment of stormwater, air conditioning condensate, and appropriately managed pavement wash water. These non-stormwater discharges are identified, or sufficiently similar to those identified, in similar EPA stormwater discharge general permits.

The proposed permit does not relieve the permittee of the reporting requirements under 40 CFR 110, 40 CFR 117, or 40 CFR 302 or the reporting requirements found in NDAC 33.1-16-02.1. Any releases which meet any reporting requirements must be reported. There is a remote possibility that hazardous substances in excess of reporting quantities may enter stormwater discharges regulated by this permit. Since the discharge of these hazardous substances is not authorized by this permit, the reporting requirement exemption in 40 CFR 117.12 would not apply, and all

specified reporting requirements would remain in effect. Of a more probable nature is the possibility of oil in excess of the mandated reporting quantity entering a stormwater discharge. As an oil spill release is not authorized by this permit, the discharger would not be relieved of the reporting obligations, which in this case are identified in 40 CFR 110. In addition, the requirements of Section 311 of the Clean Water Act, and any applicable provisions of Section 301 and 402 of the Clean Water Act would also apply.

## **STORMWATER POLLUTION PREVENTION PLAN**

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

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

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

The SWPPP requirements reflect a combination of control measures and BMPs outlined in the EPA Multi-Sector General Permit (MSGP-2015) pertinent to the industrial activities covered by the proposed permit. The required SWPPP items in the proposed permit are similar to those in the past versions of the permit. At a minimum, the SWPPP must include the following:

- Site Description: Include description of activities, general location maps, site specific maps detailing items such as outfalls and the presence of impaired waters.
- Stormwater Pollution Prevention Team: Identify who will be responsible for SWPPP compliance.
- Description of Potential Pollutant Sources: Include a narrative description of potential pollution sources associated with industrial activity and material handling at the facility. Each description shall include an activity assessment, a pollutant list, and identify non-stormwater discharges.
- Stormwater Controls: Describe the location and type of existing and planned controls for each industrial source or activity that could contribute pollutants to stormwater runoff. This section includes good housekeeping, dust control, preventative maintenance, spill prevention and response, employee training, erosion and sediment controls, stormwater management, TMDL conditions, and non-stormwater control practices.

- Maintenance: A description of the maintenance schedule for all stormwater pollution prevention control measures identified in the SWPPP.
- Inspections: Procedures for performing inspections such as person or position responsible, schedule, area of inspection, and information to record.
- Sampling: Procedures for conducting stormwater discharge sampling.
- Plan Review and Revisions: Amendments to the SWPPP when there is a change that affects the SWPPP or to achieve compliance with the proposed permit.

### **Additional Terms and Conditions**

The proposed permit includes additional terms and conditions for:

- Salt storage piles
- Petroleum products, oil field production water, and other chemicals
- Dewatering or basin draining
- Loading and unloading, storage, disposal, cleaning, maintenance, and fueling operations
- Vehicle and equipment washing
- Local requirements
- Dry weather discharge of deicing chemicals at airports

### **Records Retention**

A copy of the completed and signed NOI, renewal forms, notice of coverage letter from the department, SWPPP, inspection records, the general permit, and when applicable, annual location reports, airfield pavement deicing certifications, sample results, chain-of-custody sheets, and discharge monitoring reports shall be kept at the facility or reasonable alternative location. Electronic copies are acceptable. All records must be kept for at least three years. All records related to airfield pavement deicing limitations must be kept for at least five years.

### **Authorization to Discharge**

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

## **PROPOSED PERMIT LIMITS**

### **Effluent Limitations, Benchmark Concentrations, and Stormwater Sampling**

The proposed permit contains effluent limitations and benchmark concentrations for stormwater discharge from various industrial sectors. The proposed permit does not take the place of any promulgated effluent limitation guidelines applicable to any discharge unless specified in the proposed permit. These discharges must be covered by a different NDPDES permit. The effluent limitation and benchmark concentrations in the proposed permit reflect the conditions of the EPA

Multi-Sector General Permit (MSGP-2015), 40 CFR 449—Airport Deicing Point Source Category, and WQS.

The benchmark monitoring and value for Oil and Grease are based on the narrative standards of the WQS (NDAC 33.1-16-02.1-08(1)(a)(2)) and best professional judgment of the department.

The benchmark range for pH is based on the WQS for discharges to class III streams (NDAC 33.1-16-02.1-09, Table 1). Most stormwater discharges from industrial activities covered by this permit discharge to municipal stormwater systems, roadway ditches, and small drainages which are classified as class III streams.

The discharge limit for Total Zinc found in the General Sawmills and Planing Mills subsector was reviewed. The department determined the discharge limit value should be a benchmark value after reviewing EPA MSGP-2015 and MSGP-2008.

The hardness dependent Total Zinc benchmark value was raised from 0.119 mg/L to 0.120 mg/L based on a review of the calculations of the hardness dependent value.

The benchmark concentration and monitoring for Total Phenols was removed from the wood preserving subsector to reflect the conditions of the EPA MSGP-2015.

The hardness dependent Total Lead benchmark value was raised from 0.081 mg/L to 0.082 mg/L based on a review of the calculations of the hardness dependent value.

The benchmark concentration and monitoring for Ammonia as Nitrogen was removed from the agricultural chemicals; industrial inorganic chemicals; soaps, detergents, cosmetics, and perfumes; meat packing plants; poultry slaughtering and processing; fats and oils products; fabricated metal products; and fabricated metal coating and engraving subsectors to reflect the conditions of the EPA MSGP-2015.

The benchmark concentration and monitoring for Nitrate plus Nitrite Nitrogen was removed from the Air Transportation sector to reflect the conditions of the EPA MSGP-2015.

~~The *E. coli* benchmark concentration and monitoring for the Meat Packing Plants, Poultry Slaughtering and Processing, and Fat and Oil Products (excluding vegetable oil processing facilities) is based on the 30-day geometric mean WQS (NDAC 33.1-16-02.1-09, Table 1). These facilities can include animals which can contribute *E. coli* to stormwater discharges.<sup>2</sup>~~

Benchmark concentrations and monitoring for Dissolved and Total Radium, and Uranium for the Miscellaneous Metal Ores sector are based on the Standards of Quality for Waters of the State (NDAC 33.1-16-02.1-09, Table 1), referred to as the Water Quality Standards (WQS).

The hardness dependent Total Silver benchmark value was raised from 0.003 mg/L to 0.004 mg/L based on a review of the calculations of the hardness dependent value.

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<sup>2</sup> This requirement was removed from the finalized permit after review of the 2015 U.S. Environmental Protection Agency Multi-Sector General Permit and subsequent removal of Meat Packing Plants and Poultry Slaughtering and Processing industrial sectors from sampling requirements.

Benchmark concentrations for Chlorides and Total Arsenic for the Landfill and Land Application sector are based on the WQS. Monitoring for Chlorides and Total Arsenic are being continued in the proposed permit since they were requirements of the previous permit. Monitoring for the two parameters is used as an indicator of “industrial waste” or “special waste” as defined in NDCC 23.1-08-02(5) and NDCC 23.1-08-02(16), respectively.

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

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

The permit identifies several industry types that must conduct stormwater sampling. The specific monitoring conditions and parameter list for each facility group are outlined in the proposed permit. The parameters, effluent limitations, and benchmark concentrations by industry are provided below.

**Timber Products**

Applicability: General Sawmills and Planing Mills, SIC code 2421		
<u>Required Parameter</u>	<u>Benchmark Value</u>	<u>Discharge Limit</u>
• Oil and Grease	No visible sheen (15 mg/L)	
• pH	Between 6.0 and 9.0 S.U.	
• Total Suspended Solids	100 mg/L	
• Chemical Oxygen Demand	120 mg/L	
• Zinc, Total <sup>1</sup>	0.120 mg/L	

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

Applicability: Hardwood Dimension and Flooring Mills; Special Products Sawmills, not elsewhere classified; Millwork, Veneer, Plywood, and Structural Wood; Wood Pallets and Skids; Wood Containers, not elsewhere classified; Wood Buildings and Mobile Homes; Reconstituted Wood Products; and Wood Products Facilities not elsewhere classified, SIC codes 2426, 2429, 2431-2439 except 2434, 2441, 2448, 2449, 2451, 2452, 2493, 2499		
<u>Required Parameter</u>	<u>Benchmark Value</u>	<u>Discharge Limit</u>
• Oil and Grease	No visible sheen (15 mg/L)	

• pH	Between 6.0 and 9.0 S.U.
• Total Suspended Solids	100 mg/L
• Chemical Oxygen Demand	120 mg/L

**Paper and Allied Products**

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

**Chemical and Related Products**

Applicability: Agricultural Chemicals, SIC codes 2873-2879		
<u>Required Parameter</u>	<u>Benchmark Value</u>	<u>Discharge Limit</u>
• Oil and Grease	No visible sheen (15 mg/L)	
• pH	Between 6.0 and 9.0 S.U.	
• Nitrate plus Nitrite Nitrogen	0.68 mg/L	
• Lead, Total <sup>1</sup>	0.082 mg/L	
• Iron, Total	1.0 mg/L	
• Zinc, Total <sup>1</sup>	0.120 mg/L	
• Phosphorus	2.0 mg/L	
Facilities also shall test stormwater for any parameter that may be limited on discharges subject to effluent guideline limitation.		

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

Applicability: Soaps, Detergents, Cosmetics, and Perfumes, SIC codes 2841-2844		
<u>Required Parameter</u>	<u>Benchmark Value</u>	<u>Discharge Limit</u>
• Oil and Grease	No visible sheen (15 mg/L)	
• pH	Between 6.0 and 9.0 S.U.	
• Nitrate plus Nitrite Nitrogen	0.68 mg/L	
• Zinc, Total <sup>1</sup>	0.120 mg/L	

Applicability: Plastics, Synthetics, and Resins, SIC codes 2821-2824		
<u>Required Parameter</u>	<u>Benchmark Value</u>	<u>Discharge Limit</u>
• Oil and Grease	No visible sheen (15 mg/L)	
• pH	Between 6.0 and 9.0 S.U.	
• Zinc, Total <sup>1</sup>	0.120 mg/L	

**Asphalt Paving and Roofing Materials**

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

**Structural Clay Product Manufacturers**

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

**Primary Metal Industries**

Applicability: Steel Works, Blast Furnaces, and Rolling and Finishing Mills, SIC codes 3312-3317		
<u>Required Parameter</u>	<u>Benchmark Value</u>	<u>Discharge Limit</u>
• Oil and Grease	No visible sheen (15 mg/L)	
• pH	Between 6.0 and 9.0 S.U.	
• Aluminum, Total	0.75 mg/L	
• Zinc, Total <sup>1</sup>	0.120 mg/L	
Facilities also shall test stormwater for any parameter that may be limited on discharges subject to effluent guideline limitation.		

Applicability: Iron and Steel Foundries, SIC codes 3321-3325		
<u>Required Parameter</u>	<u>Benchmark Value</u>	<u>Discharge Limit</u>
• Oil and Grease	No visible sheen (15 mg/L)	
• pH	Between 6.0 and 9.0 S.U.	
• Aluminum, Total	0.75 mg/L	
• Total Suspended Solids	100 mg/L	
• Copper, Total <sup>1</sup>	0.014mg/L	
• Iron, Total	1.0 mg/L	
• Zinc, Total <sup>1</sup>	0.120 mg/L	

Applicability: Rolling, Drawing, and Extruding of Nonferrous Metals and Nonferrous Foundries, SIC codes 3351-3357, 3363-3369		
<u>Required Parameter</u>	<u>Benchmark Value</u>	<u>Discharge Limit</u>
• Oil and Grease	No visible sheen (15 mg/L)	
• pH	Between 6.0 and 9.0 S.U.	
• Copper, Total <sup>1</sup>	0.014 mg/L	
• Zinc, Total <sup>1</sup>	0.120 mg/L	

**Miscellaneous Metal Ores**

Applicability: SIC codes 1094		
Required Parameter	Benchmark Value	Discharge Limit
• Oil and Grease	No visible sheen (15 mg/L)	
• pH	Between 6.0 and 9.0 S.U.	
• Total Suspended Solids	100 mg/L	
• Chemical Oxygen Demand	120 mg/L	
• Turbidity	50 NTU	
• Antimony, Total	0.64 mg/L	
• Arsenic, Total	0.15 mg/L	
• Beryllium, Total	0.13 mg/L	
• Cadmium, Total <sup>1</sup>	0.002 mg/L	
• Copper, Total <sup>1</sup>	0.014 mg/L	
• Iron, Total	1.0 mg/L	
• Lead, Total <sup>1</sup>	0.082 mg/L	
• Mercury, Total	0.0014 mg/L	
• Nickel, Total <sup>1</sup>	0.47 mg/L	
• Selenium, Total	0.005 mg/L	
• Silver, Total <sup>1</sup>	0.004 mg/L	
• Zinc, Total <sup>1</sup>	0.120 mg/L	
• Radium, Dissolved and Total	5 pCi/l	
• Uranium	0.030 mg/L	
• Hardness as CaCO <sub>3</sub>	No benchmark value	

**Hazardous Waste Treatment, Storage and Disposal**

Applicability: Industrial Activity Code "HZ"		
Required Parameter	Benchmark Value	Discharge Limit
• Oil and Grease	No visible sheen (15 mg/L)	
• pH	Between 6.0 and 9.0 S.U.	
• Chemical Oxygen Demand	120 mg/L	
• Ammonia <sup>2</sup> as N	8.41 mg/L	
• Magnesium, Total	0.064 mg/L	
• Arsenic, Total	0.15 mg/L	
• Cadmium, Total <sup>1</sup>	0.002 mg/L	
• Cyanide, Total	0.022 mg/L	
• Lead, Total <sup>1</sup>	0.082 mg/L	
• Mercury, Total	0.0014 mg/L	
• Selenium, Total	0.005 mg/L	
• Silver, Total <sup>1</sup>	0.004 mg/L	
<p>The proposed permit does not authorize the discharge of waters which have come into direct contact with landfill wastes, leachate, gas collection condensate, drained free liquids, contaminated ground water, facility wastewater, contact wash water from washing truck or equipment exteriors and surface areas which have come in direct contact with solid waste at the landfill facility.</p>		

**Landfills and Land Application**

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

Applicability: Municipal Solid Waste Landfill (MSWLF) Areas Closed in Accordance with 40 CFR 258.60		
<u>Required Parameter</u>	<u>Benchmark Value</u>	<u>Discharge Limit</u>
• Oil and Grease	No visible sheen (15 mg/L)	
• pH	Between 6.0 and 9.0 S.U.	
• Total Suspended Solids	100 mg/L	
The proposed permit does not authorize the discharge of waters which have come into direct contact with landfill wastes, leachate, gas collection condensate, drained free liquids, contaminated ground water, facility wastewater, contact wash water from washing truck or equipment exteriors and surface areas which have come in direct contact with solid waste at the landfill facility.		

**Automobile Salvage Yards**

Applicability: SIC code 5015		
<u>Required Parameter</u>	<u>Benchmark Value</u>	<u>Discharge Limit</u>
• Oil and Grease	No visible sheen (15 mg/L)	
• pH	Between 6.0 and 9.0 S.U.	
• Total Suspended Solids	100 mg/L	
• Aluminum, Total	0.75 mg/L	
• Iron, Total	1.0 mg/L	
• Lead, Total <sup>1</sup>	0.082 mg/L	
The SWPPP shall include measures to prevent and respond to leaks and spills of fluids. The SWPPP also shall address specific processing and storage practices for materials and parts that present a potential environmental concern. A minimum list of materials and parts presenting environmental concern along with corresponding BMPs are outlined in the Division of Waste Management's <i>Guideline 37 – Environmentally Friendly Auto and Metal Salvage Facilities</i> . The guideline, or similar salvage industry BMP guide, may be used as part of a facility's SWPPP.		

**Scrap Recycling Facilities**

Applicability: SIC code 5093		
<u>Required Parameter</u>	<u>Benchmark Value</u>	<u>Discharge Limit</u>
• Oil and Grease	No visible sheen (15 mg/L)	
• pH	Between 6.0 and 9.0 S.U.	
• Chemical Oxygen Demand	120 mg/L	
• Total Suspended Solids	100 mg/L	
• Aluminum, Total	0.75 mg/L	
• Copper, Total <sup>1</sup>	0.014 mg/L	
• Iron, Total	1.0 mg/L	
• Lead, Total <sup>1</sup>	0.082 mg/L	
• Zinc, Total <sup>1</sup>	0.120 mg/L	
<p>The SWPPP shall include measures to prevent and respond to leaks and spills of fluids. The SWPPP also shall address specific processing and storage practices for materials and parts that present a potential environmental concern. A minimum list of materials and parts presenting environmental concern along with corresponding BMPs are outlined in the Division of Waste Management's <i>Guideline 37 – Environmentally Friendly Auto and Metal Salvage Facilities</i>. The guideline, or similar salvage industry BMP guide, may be used as part of a facility's SWPPP.</p>		

**Steam Electric Generating Facilities**

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

**Coal Pile Runoff**

Applicability: Any facility with discharges from coal storage piles		
<u>Required Parameter</u>	<u>Benchmark Value</u>	<u>Discharge Limit</u>
• Oil and Grease	No visible sheen (15 mg/L)	
• pH		Between 6.0 and 9.0 S.U.
• Total Suspended Solids		50 mg/L
<p>Any untreated overflow from facilities designed, constructed and operated to treat the volume of coal pile runoff associated with a 10-year, 24-hour storm event shall not be subject to the total suspended solids limitation.</p>		

**Air Transportation**

Applicability: Regional and Primary Commercial Airports and Air Force Bases <ul style="list-style-type: none"> <li>• Sample Frequency (Primary Commercial Airports and Air Force Bases): 1/month during deicing activities</li> <li>• Sample Frequency (Regional Commercial Airports): 1/year during the first month following the deicing season</li> </ul>		
<u>Required Parameter</u>	<u>Benchmark Value</u>	<u>Discharge Limit</u>
<ul style="list-style-type: none"> <li>• Oil and Grease</li> <li>• pH</li> <li>• 5-Day Biochemical Oxygen Demand</li> <li>• Chemical Oxygen Demand</li> <li>• Ammonia <sup>2</sup> as N</li> </ul>	No visible sheen (15 mg/L) Between 6.0 and 9.0 S.U. 30 mg/L 120 mg/L 8.41 mg/L	
<p>PRIMARY COMMERCIAL SERVICE AIRPORTS AND U.S. AIR BASES with deicing operations shall conduct monthly sampling beginning with the first month of deicing activities through the final month of deicing activities. For purposes of any sampling waiver request, the data from the past four years of sampling will be considered.</p> <p>With their semiannual reports, all facilities shall include a summary which indicates the amounts and types of deicing materials used during the six-month period.</p> <p>Where deicing operations occur, implement a program to manage contaminated runoff to minimize the amount of pollutants being discharged from the site. Include this program in the SWPPP. Consider these control measure options: a dedicated deicing facility with a runoff collection/recovery system; using vacuum/collection trucks; storing contaminated stormwater/deicing fluids in tanks and releasing controlled amounts to a publicly owned treatment works; collecting contaminated runoff in a wet pond for biochemical decomposition; and directing runoff into vegetative swales or other infiltration measures. Also consider recovering deicing materials when these materials are applied during non-precipitation events (e.g., covering storm sewer inlets, using booms, installing absorbent interceptors in the drains, etc.) to prevent these materials from later becoming a source of stormwater contamination. Used deicing fluid should be recycled whenever possible.</p> <p>An airport authority and tenants of the airport are encouraged to work in partnership in the development of a SWPPP. If an airport tenant obtains authorization under this permit and develops a SWPPP for discharges from their areas of the airport, prior to authorization, that SWPPP shall be coordinated and integrated with the SWPPP for the entire airport. Tenants of the airport facility include air passenger or cargo companies, fixed based operators and other parties who have contracts with the airport authority to conduct business operations on airport property and whose operations result in stormwater discharges associated with industrial activity.</p>		

Applicability: Primary Commercial Airports with at least 1,000 annual non-propeller aircraft departures <ul style="list-style-type: none"> <li>Sample Frequency: 1/month during deicing activities</li> </ul>		
There shall be no discharge of airfield pavement deicers containing urea. Facilities must either certify annually that airfield deicing products do not contain urea or monitor airfield pavement discharges prior to any dilution or commingling with any non-deicing discharge at every discharge point for the following:		
<u>Required Parameter</u>	<u>Benchmark Value</u>	<u>Discharge Limit</u>
<ul style="list-style-type: none"> <li>Ammonia as N</li> </ul>		14.7 mg/L

**Food and Related Products**

Applicability: Grain Mill Products, SIC codes 2041-2048		
<u>Required Parameter</u>	<u>Benchmark Value</u>	<u>Discharge Limit</u>
<ul style="list-style-type: none"> <li>Oil and Grease</li> <li>pH</li> <li>Total Suspended Solids</li> </ul>	<ul style="list-style-type: none"> <li>No visible sheen (15 mg/L)</li> <li>Between 6.0 and 9.0 S.U.</li> <li>100 mg/L</li> </ul>	

Applicability: <del>Meat Packing Plants; Poultry Slaughtering and Processing; and<sup>3</sup> Fats and Oils Products, SIC codes 2011, 2015, and 2074-2079</del>		
<u>Required Parameter</u>	<u>Benchmark Value</u>	<u>Discharge Limit</u>
<ul style="list-style-type: none"> <li>Oil and Grease</li> <li>pH</li> <li>Total Suspended Solids</li> <li>Nitrate plus Nitrite Nitrogen</li> <li>5-Day Biochemical Oxygen Demand</li> <li>Chemical Oxygen Demand</li> <li><del><i>E. coli</i></del></li> </ul>	<ul style="list-style-type: none"> <li>No visible sheen (15 mg/L)</li> <li>Between 6.0 and 9.0 S.U.</li> <li>100 mg/L</li> <li>0.68 mg/L</li> <li>30 mg/L</li> <li>120 mg/L</li> <li><del>126 organisms / 100 mL<sup>4</sup></del></li> </ul>	
<del><i>E. coli</i> testing is not required at vegetable oil processing facilities.<sup>5</sup></del>		

<sup>3</sup> This industrial sector was removed from the finalized permit after review of the 2015 U.S. Environmental Protection Agency Multi-Sector General Permit.

<sup>4</sup> This sampling requirement was removed from the finalized permit after review of the 2015 U.S. Environmental Protection Agency Multi-Sector General Permit and subsequent removal of Meat Packing Plants and Poultry Slaughtering and Processing industrial sectors from sampling requirements.

<sup>5</sup> This requirement was removed from the finalized permit after review of the 2015 U.S. Environmental Protection Agency Multi-Sector General Permit and subsequent removal of Meat Packing Plants and Poultry Slaughtering and Processing industrial sectors from sampling requirements.

**Fabricated Metal Products**

Applicability: Fabricated Metal Products, SIC codes 3411-3499, 3911-3915; (except Coating SIC code 3479)		
Required Parameter	Benchmark Value	Discharge Limit
• Oil and Grease	No visible sheen (15 mg/L)	
• pH	Between 6.0 and 9.0 S.U.	
• Aluminum, Total	0.75 mg/L	
• Iron, Total	1.0 mg/L	
• Zinc, Total <sup>1</sup>	0.120 mg/L	
• Nitrate plus Nitrite Nitrogen	0.68 mg/L	

Applicability: Fabricated Metal Coating and Engraving, SIC code 3479		
Required Parameter	Benchmark Value	Discharge Limit
• Oil and Grease	No visible sheen (15 mg/L)	
• pH	Between 6.0 and 9.0 S.U.	
• Zinc, Total <sup>1</sup>	0.120 mg/L	
• Nitrate plus Nitrite Nitrogen	0.68 mg/L	

**Baseline Parameter**

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

Notes:

<sup>1</sup> Hardness dependent; values given are based on a water hardness of 100 mg/L as CaCO<sub>3</sub>.

<sup>2</sup> Ammonia is pH dependent; value given is based on a pH of 8.0 S.U. TKN values obtained under prior permits may be considered in place of ammonia for sample waivers.

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

- Facilities where additional analytical data is needed to estimate the potential impact of stormwater discharges on water quality. Examples of where additional data may be needed include: water quality improvement projects such as Section 319 Nonpoint Sources, Total Maximum Daily Load (TMDL) development, or lake restoration projects.
- Facilities where monitoring sample results indicate discharges are generally of a poor

quality or have significantly higher pollutant concentrations relative to the results of similar industrial categories.

- Facilities where the SWPPP is delinquent, not properly implemented, or determined to be inaccurate.

The permit contains conditions for sampling waivers. The waiver (or reduction in sampling) may be pursued on both a parameter by parameter and outfall by outfall basis. The waiver request must be submitted to the department for approval. The waiver is not applicable to sampling for parameters which are required due to effluent limits in the permit. Permittees do not have to request a new waiver if a waiver was approved under a previous permit. The approval of any waiver will be based on the following conditions:

- At least four samples must have been collected and analyzed from a discharge point where sampling is required. The results from the four most recent samples must have an average concentration below the benchmark value. A summary of all available monitoring data must be included in the request.
- The industrial activities at the site have not changed since the samples were taken.

#### **Annual and Discharge Monitoring Report Requirements**

Facilities that are required to conduct sampling under the proposed permit must submit a discharge monitoring report (DMR). The DMR summarizes monitoring results obtained during the monitoring period. If no discharge occurs during a reporting period, "no discharge" shall be reported. Facilities also must report if a sample could not be collected because the facility was inactive or unstaffed, or if the discharge occurred outside of normal business hours. The proposed permit describes the schedule for submitting semiannual and yearly reports.

Thermal desorption units covered by this permit are required to submit annual location record reports to the department on an annual basis.

Primary airports with at least 1,000 annual non-propeller aircraft departures must submit annual certifications that they do not use urea on runways.

The department may require reports on a case-by-case basis to gauge permit adequacy such as inspection result summaries, SWPPPs or portions thereof.

#### **Self-Monitoring Requirements**

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

- Active facilities shall be inspected at least once during a three-month period. The three-month periods consist of the calendar quarter of each year (i.e., January – March, April – June, July – September, October – December).
- Airports and U.S. air bases have to conduct monthly inspections during deicing operations.

- Inactive facilities must be inspected annually.

Permittees must inspect the following areas for evidence of, or the potential for, pollutants entering the drainage system:

- Areas where industrial materials or activities are exposed to stormwater;
- Areas identified in the SWPPP that are potential pollutant sources;
- Areas where spills and leaks have occurred in the past three years;
- Stormwater outfalls;
- Stormwater pollution prevention control measures used to comply with the proposed permit; and
- Disturbed areas that are vulnerable to erosion.

Permittees must look for the following during the inspection:

- Industrial materials, residue, leak or spilled material, and trash that can be a source of pollution in runoff;
- Offsite tracking of industrial or waste materials, or sediment; and
- Stormwater pollution prevention control measures in need of replacement, maintenance, or repair.
- Air transportation facilities shall inspect for dry weather discharges of deicing chemicals.

Personnel conducting inspections must be familiar with permit conditions, the SWPPP, and the proper installation and operation of control measures.

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

- Date of the inspection;
- Name of person(s) conducting the inspection;
- Whether the inspection is a result of a stormwater discharge;
- Signs of pollution, or the potential for pollution, from industrial activities;
- Inspection findings and corrective actions; and
- Documentation that the SWPPP has been amended

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

### **SURFACE WATER QUALITY-BASED EFFLUENT LIMITS**

The North Dakota Standards of Quality for Waters of the State (NDAC Chapter 33.1-16-02.1) – known as the state water quality standards (WQS) – are designed to protect existing water quality and preserve the beneficial uses of North Dakota's surface waters. Stormwater discharge permits must include conditions that ensure the discharge will meet the surface water quality standards. Water quality-based effluent limits may be based on an individual waste load allocation or on a waste load allocation developed during a basin wide total maximum daily load (TMDL) study. TMDLs result from a scientific study of the water body and are developed in order to reduce pollution from all sources.

### **Numerical Criteria for the Protection of Aquatic Life and Recreation**

Numerical water quality criteria are listed in the WQS for surface waters (NDAC Chapter 33.1-16-02.1-09). They specify the maximum levels of pollutants allowed in receiving water to protect aquatic life and recreation in and on the water. The department uses numerical criteria along with chemical and physical data for stormwater and receiving waters to derive the effluent limits in the discharge permit. When surface water quality-based limits are more stringent or potentially more stringent than technology-based limits, the discharge must meet the water quality-based limits.

### **Numerical Criteria for the Protection of Human Health**

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

### **Narrative Criteria**

Narrative water quality criteria (NDAC Chapter 33.1-16-02.1-08) limit concentrations of pollutants from exceeding applicable standards of the receiving waters. The department adopted a narrative biological goal solely to provide an additional assessment method that can be used to identify impaired surface waters.

### **Antidegradation**

The purpose of North Dakota's Antidegradation Policy (NDAC Chapter 33.1-16-02.1 (Appendix IV)) is to:

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

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

### **Mixing Zones**

The department's WQS contain a Mixing Zone and Dilution Policy and Implementation Procedure, NDAC Chapter 33.1-16-02.1 (Appendix III). This policy addresses how mixing and dilution of point source discharges with receiving waters will be addressed in developing chemical-specific and whole effluent toxicity discharge limitations for point source discharges. Depending upon site-specific mixing patterns and environmental concerns, some pollutants/criteria may be allowed a mixing zone or dilution while others may not. In all cases, mixing zone and dilution allowances shall be limited, as necessary, to protect the integrity of the receiving water's ecosystem and designated uses.

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

The effluent limitation and benchmark concentrations in the proposed permit reflect the conditions of the EPA Multi-Sector General Permit (MSGP-2015). Water quality-based limitations may be

imposed on discharges covered by this permit through the implementation of a TMDL allocation. In addition, a facility covered by this permit may be required to obtain an individual permit based on site specific water quality-based limitations.

### **MONITORING REQUIREMENTS**

The department requires monitoring, recording, and reporting (NDAC Chapter 33.1-16-01-(21 through 23), and 40 CFR 122.41 and 122.44) to verify that the treatment process is functioning correctly and that the discharge complies with the permit's limits.

#### **Test Procedures**

The collection and transportation of all samples shall conform to EPA preservation techniques and holding times found in 40 CFR 136. All laboratory tests shall be performed by a North Dakota certified laboratory in conformance with test procedures pursuant to 40 CFR 136, unless other test procedures have been specified or approved by EPA as an alternate test procedure under 40 CFR 136.5.

### **PERMIT ISSUANCE PROCEDURES**

#### **Permit Actions**

The proposed permit may be modified, revoked and reissued, or terminated for cause. This includes the establishment of limitations or prohibitions based on changes to WQS, the development and approval of waste load allocation plans, the development or revision to water quality management plans, changes in sewage sludge practices, or the establishment of prohibitions or more stringent limitations for toxic or conventional pollutants and/or sewage sludges. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

#### **Proposed Permit Issuance**

The proposed permit meets all statutory requirements for the department to authorize a stormwater discharge associated with industrial activity. The permit includes limits and conditions to protect human health and aquatic life, and the beneficial uses of waters of the State of North Dakota. The department proposes to issue the proposed permit for a term of five years.

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

## APPENDIX A – PUBLIC INVOLVEMENT INFORMATION

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

The department will place a Public Notice of Draft on **February 14, 2020** 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 also will be mailed to the department's Public Notice mailing list and placed on the department's Public Comments & Notices webpage.

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 Environmental Quality  
Division of Water Quality  
918 East Divide Avenue, 4<sup>th</sup> Floor  
Bismarck, ND 58501

The primary author of the general permit and fact sheet is Dallas Grossman.

**North Dakota Department of Environmental Quality Public Notice  
Issue of an NDPDES Permit**

Public Notice Date: 2/14/2020

Public Notice Number: ND-2020-004

**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: 10/1/2019

Application Number: NDR05

Applicant Name: General Permit NDR050000-Industrial Stormwater

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

Telephone Number: 701.328.5242

Proposed Permit Expiration Date: 3/31/2025

**Description**

The Department proposes to reissue NDPDES General Permit NDR050000 associated with the discharge of stormwater from industrial activity. The permit covers stormwater discharges from industrial activities listed in 40 CFR 122.26(b)(14) except for mining operations, oil and gas extraction facilities, concrete and asphalt batch plants, and construction activity. The permit requires the implementation of a pollution prevention plan to reduce stormwater pollution. The permit includes discharge limits based on prohibitions, best management practices, water quality standards, and other considerations applicable to industrial 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 Env Quality, Div of Water Quality, 918 East Divide Ave, Bismarck ND 58501-1947 or by calling 701.328.5210.

All comments received by March 17, 2020 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

**“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 list is available on the state's web site at: [deq.nd.gov/WQ](http://deq.nd.gov/WQ)

**“Act”** means the Clean Water Act.

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

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

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

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

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

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

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

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

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

**“Measurable storm event”** means a storm event that results in an actual discharge and follows the preceding measurable storm event by at least 72 hours (3-days). The 72-hour storm interval does not apply if you document that less than a 72-hour interval is representative for local storm events. In the case of snowmelt, the monitoring must be performed at a time when a measurable discharge occurs at your site.

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

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

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

**“Non-stormwater discharges”** means discharges other than stormwater. The term includes both process and non-process sources. Process wastewater sources that require a separate NDPDES permit include, but are not limited to industrial processes, domestic facilities and cooling water. Non-stormwater sources that may be addressed in this permit include, but are not limited to: fire-fighting, fire hydrant flushing, potable water line flushing, building and equipment wash down without detergents or hazardous cleaning products, uncontaminated foundation drains, springs, lawn watering, chemical treatment of stormwater, and air conditioning condensate.

**“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.

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

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

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

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

**“Significant materials”** includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under Section 101(14) of CERCLA; any chemical the facility is required to report pursuant to Section 313 of Title III of SARA; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with stormwater discharges.

**“Significant spills”** includes, but is not limited to: releases of oil or hazardous substances in excess of reportable quantities under Section 311 of the Clean Water Act (see 40 CFR 110.10 and CFR 117.21) or Section 102 of CERCLA (see 40 CFR 302.4).

**“Stormwater”** means stormwater runoff, snow melt runoff, and surface runoff and drainage.

**“Stormwater associated with industrial activity”** means stormwater runoff, snow melt runoff, or surface runoff and drainage from industrial activities as defined in 40 CFR 122.26(b)(14). Industrial facilities include industrial facilities that are federally, state, or municipally owned or operated that meet the description of the facilities listed in paragraphs (1)-(11) below, including those facilities

designated under 40 CFR 122.26(a)(1)(v). The following categories of facilities are considered to be engaging in “industrial activity” for the purposes of this subsection:

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

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

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

**“Waters of the state”** means any and all surface waters that are contained in or flow in or through the state of North Dakota as defined in NDCC 61-28-02. This definition includes all water courses, even if they are usually dry.

## APPENDIX C – RESPONSE TO COMMENTS

Comments were provided by the Bismarck Municipal Airport and the North Dakota Department of Transportation. In addition, sections of the permit were updated after department review during the public comment period to provide clarification in the permit.

### Comment from the Bismarck Municipal Airport

**Grossman, Dallas J.**

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**From:** Matthew RemyNSE <mremynse@bismarcknd.gov>  
**Sent:** Tuesday, March 17, 2020 4:17 PM  
**To:** Grossman, Dallas J.  
**Cc:** Timothy Thorsen  
**Subject:** NDPES Permit Comment

**CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Hi Dallas,

I am sending an e-mail comment related to section II.D.7. of the draft NDPDES Permit. I respectfully request that additional language be added to Section II.D.7, Additional Terms and Conditions, so discharges during rain events are also not considered to be dry discharges. During fall and spring there may instances when de-icing activities are taking place and there is the potential for a rain event that could cause a discharge. Should you have any questions or need clarification about my comment please let me know.

Kind regards,  
Matthew J RemyNSE C.M.  
Marketing and Operations Manager  
Bismarck Airport  
Ph. 701.355.1808  
Fax. 701.221.6886  
[www.bismarckairport.com](http://www.bismarckairport.com)



### **Comment**

I am sending an e-mail comment related to section II.D.7. of the draft NDPDES Permit. I respectfully request that additional language be added to Section II.D.7, Additional Terms and Conditions, so discharges during rain events are also not considered to be dry discharges. During fall and spring there may instances when de-icing activities are taking place and there is the potential for a rain event that could cause a discharge. Should you have any questions or need clarification about my comment please let me know.

### **Response**

The department concurs with the Bismarck Municipal Airport's suggestion. The discharge of deicing chemicals in snowmelt and rain events is addressed through other sections of the permit. The second sentence of section II(D)(7) now reads:

“A stormwater discharge resulting from a snowmelt or rain event is not a dry weather discharge.”

**Comments from the North Dakota Department of Transportation (NDDOT)**



March 19, 2020

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

NDR05-0000 Industrial Permit 2020 Renewal Comments

The North Dakota Department of Transportation (NDDOT) offers the attached comments on the draft 2020 North Dakota Department of Environmental Quality (NDDEQ) Industrial Permit. The NDDOT appreciates the opportunity to review and comment on the permit and its provisions. We look forward to the Department of Environmental Quality's response to the attached comments.

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

Sincerely,

A handwritten signature in blue ink that reads "for Matt Sperry".

MARK GAYDOS, P.E.,  
DIRECTOR, ENVIRONMENTAL AND TRANSPORTATION SERVICES DIVISION

19/tmh

## **NDDOT Comments on 2020 Draft NDDEQ Industrial Permit**

### **Section II.C.1.c.7**

- Change this to “Structural stormwater control measures.” Some control measures, such as caps on hydraulic lines are very small and numerous on many sites. To include control measures such as these would make maps unreadable.

### **Section II.C.4.g**

- Change the second sentence to “The SWPPP shall include a description of necessary practices to control pollutants in stormwater discharges.” Some sites may not require stormwater management devices based upon their layout and function. This change allows the site to determine what is necessary for their operation.

### **Section V. E**

- The draft NDR11 Construction General Permit allows for the signatory authorization letter to be included with the SWPPP and not submitted to the NDDEQ unless it is requested. Please revise this section of the draft NDR05 Industrial Stormwater Permit to reflect the changes that are proposed in the draft NDR11 Construction General Permit.

### **Section VI. L**

- Remove this section. Unless a facility closes and requests termination, or a no exposer waiver is given, these permits should be issued for the life of the facility.

**1. Comment**

Section II.C.1.c.7

Change this to “Structural stormwater control measures.” Some control measures, such as caps on hydraulic lines are very small and numerous on many sites. To include control measures such as these would make maps unreadable.

**Response**

The department concurs with the NDDOT’s suggestion to clarify the items shown in the site specific map. Section II(C)(1)(c)(7) now reads:

“Structural stormwater control measures;”

**2. Comment**

Section II.C.4.g

Change the second sentence to “The SWPPP shall include a description of necessary practices to control pollutants in stormwater discharges.” Some sites may not require stormwater management devices based upon their layout and function. This change allows the site to determine what is necessary for their operation.

**Response**

The department determined including the word “necessary” in the second sentence of the stormwater management section of the SWPPP description creates an ambiguous expectation of what must be included in the Stormwater Pollution Prevention Plan and will leave the current language.

**3. Comment**

Section V.E

The draft NDR11 Construction General Permit allows for the signatory authorization letter to be included with the SWPPP and not submitted to the NDDEQ unless it is requested. Please revise this section of the draft NDR05 Industrial Stormwater Permit to reflect the changes that are proposed in the draft NDR11 Construction General Permit.

**Response**

The department reviewed the signatory requirements language in the draft NDR11 Construction General Permit as well as the 2015 U.S. Environmental Protection Agency Multi-Sector General Permit (2015 EPA MSGP) in consideration of this comment. Revising the language in section V(E) to allow for the signatory authorization letter to be included with the SWPPP and not submitted to the department unless requested would be consistent with language included in other stormwater general permits. In response, the department updated the language in section V(E)(1) from:

“The authorization is made in writing by a person described above and submitted to the

department;...”

To:

“The authorization is made in writing by a person described above and included in the SWPPP;...”

Paragraph four of section V(E) was changed from:

“If an authorization under E. Signatory Requirements is no longer accurate for any reason, a new authorization satisfying the above requirements must be submitted to the department prior to or together with any reports, information, or applications to be signed by an authorized representative.”

To:

“A copy of the written authorization must be submitted to the department upon request. If an authorization under 6. Signatory Requirements is no longer accurate for any reason, a new authorization satisfying the above requirements must be included in the SWPPP.”

#### **4. Comment**

Section VI.L

Remove this section. Unless a facility closes and requests termination, or a no exposure waiver is given, these permits should be issued for the life of the facility.

#### **Response**

The department will retain the Renotification section in the finalized permit. Section 122.46 of Title 40 of the Code of Federal Regulations (40 CFR 122.46), states that all National Pollutant Discharge Elimination System permits (including State issued permits) shall be effective for a fixed term not to exceed five years. As provided in 40 CFR 122.28(b)(2)(i), all discharges seeking coverage under a general NPDES permit must submit a notice of intent to be covered by the general permit. The department determines this to include a reissued general permit.

### **Additional Permit Updates**

1. Part I(A)(2) of the permit was updated to clarify the types of industrial activity covered by the permit. The statement “of this permit” was added to the end of the subsection to clarify that “Part I(B)(9)” of the subsection was referring to the department’s industrial stormwater permit, NDR05-0000 and not 40 CFR 122.26.
2. The incomplete sentence “Primary commercial airports with at least 1,000 annual non-propeller aircraft departures must” was removed from Appendix 1. The sentence was located between the paragraphs 1 and 2 of the finalized permit and was not associated with a permit condition.
3. The definition of “Primary Commercial Service Airports” was updated to state there are “five” major airports with commercial service in North Dakota, instead of “four” as stated in the draft permit.
4. Sampling requirements for the Meat Packing Plants and Poultry Slaughtering and Processing sectors were removed from Sector N in Appendix 1 (Industry Specific Sampling and SWPPP Requirements) of the finalized permit. These industrial sectors (SIC 2011 and 2015) were not listed as sectors that are required to sample in Part III(B)(1)(n) of the permit and are not identified as sectors that are required to sample in the 2015 U.S. Environmental Protection Agency Multi-Sector General Permit.