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| Use the following Subsection 107.01 on all projects in **North Dakota.**Exceptions:(1) Less than 1 acre of total disturbance (1). - No NPDES section required.(2) Project meets criteria for routine maintenance (2). - No NPDES section required. Document assumptions used to reach this decision in a memo in the project file.(3) Less than 5 acres of disturbance and the project qualifies for a Low Erosivity Waiver. Contact the Environment Protection Specialist (EPS) for additional language needed. Document assumptions used to reach this decision in a memo in the project file.(4) Project is on Tribal Lands- Use EPA SCR.Consult the construction general permit to determine if project-specific requirements are necessary. Consult with EPS for clarifications and technical assistance.(1) Disturbance area is typically clearing limit to clearing limit including the roadway. It also includes staging, stockpile, and waste areas outside of the clearing limits. Projects that are near the thresholds (1 acre and 5 acres) may be bumped to a higher category when the areas outside the clearing limits are included.(2) Routine Maintenance - Work that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the site.* Performed on a frequent basis – not longer than a few years
* Does not disturb soils beneath the pavement. This is a gray area when doing full depth reclamation that includes just aggregates and varies by state. Consult with ESWS.
* Reconditioning dirt and aggregate surfaced roads and adding aggregate. Does not include widening of roadways.
* Cleaning (pulling) ditches on dirt or aggregate surfaced roads. If there is vegetation removal to soil on paved roads, it will probably not meet the criteria.
* Asphalt overlays of existing pavements with no other disturbances of soil. Does not include adding asphalt or concrete paving to existing aggregate or dirt roads.
* Pavement preservation. Chip seal, fog seal, and micro-surfacing with no soil disturbances. Large stockpile and staging areas can negate this if there is a potential for sediment loss or other pollution from those operations.
* Consult with EPS for other situations that may qualify

:The expiration date of current permit is: 3/31/2025. |

**National Pollutant Discharge Elimination System (NPDES) in North Dakota**

Comply with the requirements of the North Dakota Construction General Permit (CGP) NDR11-0000 for erosion and sediment control due to storm water runoff. A copy of the permit is located at:

<https://deq.nd.gov/publications/wq/2_NDPDES/Stormwater/Construction/NDR11per20200401F.pdf>

This permit is scheduled to expire on 03/31/2025. Amend the SWPPP and site plan when the new permit goes into effect to meet new permit conditions.

**(b) Preparation of the Storm Water Pollution Prevention Plan (SWPPP).** The Government has prepared a preliminary SWPPP. Update the preliminary SWPPP for the project or develop a new SWPPP and provide to the CO for review. When the SWPPP is accepted by the CO and signed by both the CO and the Contractor, it will be the document in force on the project. Implement the SWPPP as required throughout the construction period.

Modify the erosion control details and layout sheets included in the plans, as necessary, to accommodate project site conditions and proposed construction operations and include them in the SWPPP.

**(c) Notice of Intent (NOI).** North Dakota requires a joint NOI to be filed by primary operators. The Government will complete the NOI and submit it to the Contractor for signature by an authorized signatory. Submit the NOI to the ND Department of Health. Do not perform any ground disturbing activities including clearing, grubbing, or earthwork until an acknowledgement letter is received from the North Dakota Department of Health and the SWPPP has been approved and implemented.

Post all project authorization numbers near the entrance to the site and on the bulletin board.

**(d) Inspections and Revisions to the SWPPP.**  Perform inspections as required in the CGP. Document inspections and retain records in the SWPPP. Update the SWPPP and ensure that all procedures, practices, and inspections are current.

Place the SWPPP and all updates in a three-ring binder so that completed inspection forms and other records may be inserted. Make the SWPPP available for public inspection and for use by the CO.

Revisions to the SWPPP may be necessary during construction to make improvements or to respond to unforeseen conditions noted during construction or site inspections. For that purpose, specify in the SWPPP the mechanism whereby revisions may be proposed by the Contractor or the CO and incorporated into the plan, including review and approval of minor changes. Jointly approve and sign each revision to the SWPPP. Implement approved changes according to the CGP.

**(e) Notice of Termination (NOT).** The Government will file a NOT when the conditions listed in the CGP have been met.

At the completion of the project, provide the CO with the complete SWPPP, including inspection forms, logs, and all other required documentation added during the project.