Permit No: NDR05-0000
Effective Date: April 1, 2025
Expiration Date: March 31, 2030

AUTHORIZATION TO DISCHARGE UNDER THE

NORTH DAKOTA POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with Chapter 33.1-16-01 of the North Dakota Department of Environmental Quality rules as promulgated under Chapter 61-28 (North Dakota Water Pollution Control Act) of the North Dakota Century Code,

facilities both qualifying for and satisfying the requirements identified in Part I of this permit

are authorized to discharge stormwater associated with industrial activity

to waters of the state

provided all the conditions of this permit are met.

This permit and the authorization to discharge shall expire at midnight,

March 31, 2030.

Signed this 24 day of March, 2025.

Marty Haroldson
Director
Division of Water Quality

BP 2025.02.05

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OUTFALL DESCRIPTION

Stormwater Drainage Outfall(s) – Stormwater discharges. The discharge of stormwater from a pipe, ditch, or other discrete conveyance to stormwater to waters of the state.

PERMIT SUBMITTALS SUMMARY

Coverage Point	Submittal	Monitoring Period	Submittal Frequency	First Submittal Date
Sampled Discharge Points	Discharge Monitoring Report	Annually	Annually	April 30, 2026
Sampled Discharge Points from Airports and U.S. Air Bases that use deicer	Discharge Monitoring Report	Semiannually	Semiannually	October 31, 2025
Thermal Desorption Units (included in SIC Code 4953)	Annual Location Report	Annually	Annually	April 30, 2026
New Applicants	Notice of Intent	Not Applicable	1/permit cycle	7 days prior to start of operation

Notices of intent and reports shall be submitted to the department in accordance with Part IV(E).

I. PERMIT COVERAGE AND LIMITATIONS

A. Discharges Covered

1. This permit applies to all areas within the jurisdiction of the state of North Dakota, excluding Indian Country.

2. This permit applies to discharges of stormwater associated with industrial activity as defined in Title 40 of the Code of Federal Regulations (CFR), Part 122.26(b)(14) except for those activities identified in Part I(B)(9) of this permit.

3. Certain non-stormwater discharges from facilities covered by this permit and meeting the requirements specified in Part II(A).

B. Discharges Not Covered

This permit does not cover the following activities:

1. 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 this permit.

2. Discharges or releases that are not stormwater except those non-stormwater discharges authorized under Part II(A).

3. 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 is consistent with the assumptions and requirements in the approved TMDL. To be eligible for coverage under this 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. Information about TMDL allocations may be found at: deq.nd.gov/WQ

4. 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).

5. This permit does not substitute for obligations under the National Environmental Policy Act (NEPA), Endangered Species Act (ESA), Wild and Scenic Rivers Act, or National Historic Preservation Act (NHPA). It is the responsibility of the permittee to ensure the facility and resulting discharges comply with the respective requirements.

6. 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 [NDAC] 33.1-16-02.1).

7. The discharge of process wastewater and sanitary waste.

8. 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.

9. Discharges of stormwater associated with the following industrial activities. Discharges of stormwater from these industrial activities are covered by the North Dakota Pollutant Discharge Elimination System (NDPDES) stormwater discharge general permit associated mining, extraction, and paving material preparation activities (NDR32-0000).

    a. Operations involved in coal mining, Standard Industrial Classification (SIC) Code major group 12 (North American Industrial Classification System [NAICS] Codes 212111-212113, 213113, and 238910);

    b. Operations involved in crude petroleum and natural gas extraction, SIC Code 1311 (NAICS Code 211111), that have had a discharge of stormwater resulting in the discharge of a reportable quantity for which notification is required pursuant to 40 CFR 110.6, 40 CFR 117.21, or 40 CFR 302.6 or contributes to a violation of a water quality standard;

    c. Operations involved in producing liquid hydrocarbons from oil and gas field gases, SIC Code 1321 (NAICS Code 211112), that have had a discharge of stormwater resulting in the discharge of a reportable quantity for which notification is required pursuant to 40 CFR 110.6, 40 CFR 117.21, or 40 CFR 302.6 or contributes to a violation of a water quality standard;

    d. Operations involved in oil and gas field services, SIC Codes 1381-1389 (NAICS Codes 213111, 213112, 237120, and 238910), that have had a discharge of stormwater resulting in the discharge of a reportable quantity for which notification is required pursuant to 40 CFR 110.6, 40 CFR 117.21, or 40 CFR 302.6 or contributes to a violation of a water quality standard;

    e. Operations involved in mining and quarrying of nonmetallic minerals, SIC Code major group 14 (NAICS Codes 212311-212313, 212319, 212321-212325, 212391-212393, 213115, 238910, and 212399);

    f. Facilities operated to obtain or prepare materials for highway construction activities including concrete or asphalt batch plants, SIC Codes 1611, 2951, and 327; and

    g. Stormwater discharges from construction activity as defined in 40 CFR 122.26(b)(14)(x).

C. Obtaining Coverage and Authorization Effective Date

1. To obtain coverage under this general permit, permittees shall develop a SWPPP in accordance with Part II(C) of this permit and submit a complete notice of intent (NOI) to the department. The SWPPP shall be implemented as a condition of this permit and a copy of the SWPPP shall be retained by the operator of the facility. Permittees are not required to submit a copy of the SWPPP with the NOI unless notified by the department.

2. Permit coverage becomes effective seven (7) days after a completed NOI is submitted to the department unless otherwise notified by the department (based on receipt date by the department).

3. Upon the effective date of permit coverage, permittees are authorized to discharge stormwater from eligible activities under the terms and conditions of this permit.

D. Notice of Intent Process

1. Applicants must use a NOI form or electronic NOI to complete the process to obtain coverage under the permit. The NOI form or electronic NOI can be found at:

https://deq.nd.gov/WQ/2_NDPDES_Permits/7_Stormwater/StW.aspx

2. The NOI shall contain, at a minimum, the following information:

   a. Name and mailing address of the owner or operator;
   b. Contact name, phone number, and email address;
   c. Name of facility or site;
   d. A brief description of the nature of business or activity;
   e. SIC Code;
   f. Acreage of the facility dedicated to industrial activity;
   g. Location of the site(s), including the county and latitude and longitude; or township, range, section, and quarter-quarter-quarter section;
   h. Name of the receiving water(s), or the name of the receiving municipal storm sewer system and receiving water; and
   i. The signature of the applicant(s) signed in accordance with the Signatory Requirements in Part V(E) of this permit.

3. Facilities that are required to collect samples of stormwater discharges must include the following supplemental information with the NOI:

   a. Total number of outfalls;
   b. Total number of substantially identical outfalls that will be sampled (Note: At least 20 percent of all outfalls must be sampled); and
   c. Sampling industry sector (see Appendix 1).

4. Local agencies may operate a stormwater management program and impose additional requirements. The local authority may require that a copy of the NOI and SWPPP be provided to them. This permit does not preempt or supersede the authority of local agencies to prohibit, restrict, or control the discharge of stormwater to storm sewer systems or other water courses within their jurisdiction.

E. Continuation of Coverage for Existing Permittees After Permit Expiration

1. It is the duty of the permittee to reapply for coverage under this permit to continue coverage. The authorization to discharge for permittees with existing coverage under the 2020 permit shall continue with the 2025 permit until:

   a. A NOI for coverage under the 2025 permit has been submitted to the department no later than March 31, 2025;
   b. Coverage has been granted under an alternative NDPDES permit; or
   c. Coverage is otherwise terminated.

2. Permittees with existing coverage under the 2020 permit who miss the March 31, 2025, deadline, and do not submit an NOI to the department by May 30, 2025, will have coverage administratively terminated by the department. Administrative termination will result in the permittee no longer being authorized to discharge under this permit.

F. Terminating Coverage

1. Permittees wishing to terminate coverage under this permit must submit a Notice of Termination (NOT) form or electronic NOT identifying the name and address of the owner or operator, name and location of the facility, the permit number, and a description of why coverage is not necessary (i.e., plant closure, ceasing industrial activity, removing equipment or storage, etc.). The NOT shall be signed in accordance with the Signatory Requirements in

Part V(E) of this permit. Compliance with the conditions of this permit is required until a NOT is submitted.

A no exposure certification made in accordance with 40 CFR 122.26(g) will constitute a request for termination of coverage under this 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.

2. Permittees may submit a NOT only after one of the following conditions have been met:

   a. All stormwater discharges associated with industrial activity have been eliminated at the facility (i.e., plant closure).

   b. The facility has been issued an individual North Dakota Pollutant Discharge Elimination System (NDPDES) permit or obtained coverage under another authorized NDPDES general permit to discharge stormwater associated with industrial activity.

II. STORMWATER DISCHARGE REQUIREMENTS

A. Prohibition on Non-Stormwater Discharges

The discharge of wastewater is not authorized by this permit. The following sources of non-stormwater discharges are allowed if they are not a significant source of pollution and are identified in the SWPPP: fire-fighting, fire hydrant flushing, potable water line flushing, 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. Pavement wash water may not be directed into any surface water or storm drain inlet unless appropriate control measures have been implemented. Discharges may not come into contact with oil and grease deposits or any other toxic or hazardous materials (unless cleaned up using dry clean-up methods). The SWPPP must include a description of the pollution prevention measures to be implemented while non-stormwater discharges are occurring.

B. Releases in Excess of Reportable Quantities

This permit does not relieve the permittee of the reporting requirements of 40 CFR 110, 40 CFR 117, and 40 CFR 302, nor the reporting requirements found in NDAC 33.1-16-02.1. Any release which meets any reporting requirement shall be reported to the department in accordance with Part V(F).

C. Stormwater Pollution Prevention Plans

All permittees shall develop a SWPPP prior to submitting an NOI. The SWPPP shall be implemented prior to the discharge of stormwater associated with industrial activities. The SWPPP and revisions are subject to review by the department. The objectives of the SWPPP are to identify potential sources of stormwater pollution associated with industrial activity and ensure that practices are implemented and maintained to reduce the contribution of pollutants in stormwater runoff to waters of the state and storm sewer systems. Stormwater management documents developed under other regulatory programs may be included or incorporated by reference in the SWPPP or used in whole as a SWPPP if it meets the requirements of this part. Additional industry specific SWPPP items can be found in Appendix 1 of this permit. The SWPPP shall be signed in accordance with the Signatory Requirements in Part V(E) of this permit.

The Stormwater Pollution Prevention Plan shall include the following:

1. **Site Description**

   a. Provide a description of the type of industrial activities conducted at the facility.

   b. Provide a general location map (e.g., U.S. Geological Survey [USGS] quadrangle map) with enough detail to identify the location of the facility, boundaries of the property, the size of the property in acres and all receiving waters (including wetlands and municipal separate storm sewer systems [MS4] that receive stormwater runoff from the facility).

   c. Provide a site specific map(s) of suitable scale and quality to show:

      (1) Township, range, and section, or latitude and longitude;
      (2) Stormwater drainage patterns in and around the facility;
      (3) All stormwater conveyances including ditches, pipes, and swales in and around the facility;
      (4) Storm sewer inlets and outfalls, along with a unique identification code for each outfall (e.g., Outfall 001, 002), in and around the facility;
      (5) All stormwater sample collection points;
      (6) Potential pollutant sources;
      (7) Structural stormwater control measures;
      (8) Location and extent of facility structures and impervious surfaces; and
      (9) Any locations and dates where reportable quantity spills or leaks have occurred within the three years preceding the most recent SWPPP revision.

      Also indicate the location of the following activities that are exposed to precipitation:

      (10) Fueling stations;
      (11) Vehicle and equipment maintenance and/or cleaning areas;
      (12) Loading/unloading areas;
      (13) Locations used for the treatment, storage, or disposal of wastes;
      (14) Liquid storage tanks;
      (15) Processing and storage areas;
      (16) Immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility;
      (17) Transfer areas for substances in bulk; and
      (18) Machinery.

   d. Facilities that have a discharge point within 2000 feet of, and flow to, a water body listed as impaired under section 303(d) of the Federal Clean Water Act shall identify the water body and impairment in the SWPPP. The department's 303(d) list may be found at the following website under Integrated Reports: deq.nd.gov/WQ

2. **Stormwater Pollution Prevention Team**
   Identify the individual(s) responsible for overseeing the development of the SWPPP, any later modifications to the SWPPP, and for compliance with this permit. Include the individual(s) name or title and identify their responsibilities. The individual(s) shall have ready access to a copy of this permit, the current version of the SWPPP, and other relevant documents and information that shall be kept as required by this permit.

3. **Description of Potential Pollutant Sources**
   The SWPPP shall include a narrative description of the potential pollution sources associated with industrial activity and material handling at the facility. For each potential pollution source, the description shall include:

   a. Activity Assessment. The SWPPP shall provide an assessment of industrial activity at the facility that could contribute pollutants to stormwater runoff. Each of the following shall be

evaluated for the reasonable potential to contribute pollutants to stormwater runoff: material handling equipment or operations; industrial machinery; industrial production and processes; significant dust generating activities; disturbed area vulnerable to erosion; and the storage, loading and unloading, transportation, disposal, and conveyance of any raw material, intermediate products, by-products, final products, and waste products.

b. Pollutant List. The SWPPP shall include a list of significant materials associated with industrial activity that could be exposed to precipitation and discharged from the facility as potential pollutants. Examples include but are not limited to crankcase oil, zinc, sulfuric acid, and cleaning solvents. The pollutant list shall include all significant materials that have been handled, treated, stored, or disposed at the facility. The list also shall include past spills that were exposed to stormwater in the three years prior to the date the SWPPP was prepared or amended.

   For facilities subject to Emergency Planning and Community Right-to-Know Act Section 313 (EPCRA 313) requirements, the sources of potential pollutants for which you report under EPCRA 313 shall be included in the description of potential pollutant sources.

c. Non-Stormwater Discharges. The SWPPP shall identify sources and locations of non-stormwater discharges that may be present and include a description of the pollution prevention measures in use.

4. **Stormwater Controls**
   The SWPPP shall describe the location and type of all stormwater control measures for each industrial source or activity that could contribute pollutants to stormwater runoff. A combination of best management practices (BMPs) and structural controls shall be implemented as appropriate to reduce the contribution of pollutants to stormwater runoff. The SWPPP shall include a description of the following:

   a. The SWPPP shall describe good housekeeping practices to maintain a clean and orderly facility. Litter, debris, chemicals, and parts shall be handled properly to minimize exposure to stormwater. Include a schedule for regular collection and disposal of waste materials, along with routine inspections for leaks, and the condition of drums, tanks and containers. All exposed areas that are potential sources of pollutants shall be kept clean to prevent pollutants from being carried away by wind or water. All materials shall be stored in appropriately labeled containers when feasible. The SWPPP also shall address specific processing and storage practices for materials and parts that present a potential environmental concern.

   b. The SWPPP shall describe methods used to minimize the generation of dust that could be discharged in stormwater from the facility. Bins, dumpsters, and roll-off boxes that contain materials that are a potential source of stormwater pollution and are susceptible to being removed by wind or rain must have lids or be covered when not in use.

   c. The SWPPP shall describe preventative maintenance procedures to ensure the proper operation of stormwater management devices, as well as equipment on-site. This includes regular inspection, testing, maintenance, and repair of all control measures and equipment to ensure proper operation. The SWPPP shall include the schedule or frequency for inspecting and maintaining all selected control measures and equipment.

   d. The SWPPP shall detail procedures for preventing and responding to spills and leaks. The SWPPP shall include notification procedures for reporting internally and to the department. Response procedures shall specify recovery equipment and disposal methods. Document in the SWPPP all spills and leaks of chemicals, oil, or toxic or hazardous pollutants that occurred in areas exposed to stormwater or that drained to a

stormwater conveyance. Documentation shall include all reportable quantity spills or leaks that have occurred within the three years preceding the most recent SWPPP revision. Spill kits shall be maintained in a ready state.

e. The SWPPP shall describe employee training used to inform personnel of their responsibility in implementing the practices and controls included in the SWPPP such as spill response, good housekeeping, and sediment control practices.

(1) All employees who work in areas where industrial materials or activities are exposed to stormwater, or are responsible for implementing activities necessary to meet the conditions of this permit (including all members of the Stormwater Pollution Prevention Team), shall receive training.

(2) Personnel shall be trained in at least the following areas as related to the scope of their job duties:
- An overview of the contents of the SWPPP;
- Spill prevention and response procedures, good housekeeping practices; maintenance requirements, and material management practices;
- The location and maintenance of on-site stormwater pollution prevention controls;
- Operating procedures for preventing pollution; and
- Inspection procedures and records retention.

(3) Training shall be provided at least annually, as new employees are hired, and as necessary to maintain compliance with this permit. The SWPPP shall detail the content and frequency of training, and retain a log of the dates employees received training.

f. The SWPPP shall describe erosion and sediment controls implemented on areas vulnerable to erosion. The SWPPP shall describe the appropriate controls and when they will be implemented. The description and implementation of controls shall address the following:

(1) Areas vulnerable to erosion, including those with little or no vegetation, steep slopes, or those with concentrated runoff flows such as ditches and culverts, shall be stabilized.

(2) The SWPPP shall identify the controls used to minimize the release of sediment from the site (sediment basins, rock check dams, silt fences, vegetative buffers, permanent seeding, grassed swales, etc.).

(3) Sediment and erosion controls are expected to withstand and function properly during precipitation events of less than or equal to the 2-year, 24-hour storm event. The release of sediment or other materials due to such storm events should be minimal. The 2-year, 24-hour rainfall event in North Dakota ranges from about 1.76 inches in the west to 2.50 inches in the east (NOAA Atlas 14, Volume 8, Version 2, Midwestern States 2013).

(4) The SWPPP shall describe methods to recover off-site sediment accumulations.

g. The SWPPP shall describe stormwater management. The SWPPP shall include a description of practices to control pollutants in stormwater discharges. Such practices may include: stormwater ponds; flow reduction by use of open vegetated swales and natural depressions; infiltration of runoff on-site; and sequential systems which combine several practices.

h. For facilities that discharge to waters with a TMDL allocation the SWPPP shall incorporate the conditions applicable to the discharge necessary for consistency with the assumptions, allocations and requirements of the TMDL. The SWPPP shall incorporate the WLA and outline necessary steps to meet the TMDL.

i. The SWPPP shall describe the pollution prevention measure(s) that will be implemented while non-stormwater discharges are occurring.

5. **Maintenance**
All stormwater pollution prevention control measures identified in the SWPPP shall be maintained in effective operating condition. The SWPPP shall identify the maintenance schedule for stormwater pollution prevention controls. If site inspections identify BMPs that are not operating effectively, maintenance shall be arranged and accomplished as soon as practicable.

6. **Inspections**
Site inspections as required in Part III(A) shall be conducted to monitor the condition of stormwater discharge outlets and effectiveness of BMPs. The SWPPP shall specify the procedures for performing inspections, including:

a. Person(s) or position(s) responsible for inspections;
b. Schedules and frequencies for conducting inspections;
c. Areas and activities that will be inspected; and
d. Information that will be recorded as part of an inspection.

Stormwater pollution prevention control measures identified in the SWPPP shall be inspected to ensure they are operating correctly and in serviceable condition. Areas that require more frequent monitoring due to the nature of the industrial activity or past leaks shall be identified in the SWPPP.

7. **Sampling**
The SWPPP shall identify sampling requirements. The SWPPP shall include procedures for conducting sampling required by this permit in Part III(B). The SWPPP shall include specifics such as sampling points, sampling procedures, chain-of-custody requirements, contracted laboratory, and parameters to be sampled.

a. The SWPPP shall outline:

(1) Locations of all outfalls where samples will be collected, including any determination that two or more outfalls are substantially identical (refer to Appendix 2);
(2) Sample parameters;
(3) Type of sample collection method (e.g., grab, instantaneous);
(4) Schedules for sampling and monitoring at the facility;
(5) Any numeric control values (benchmarks, effluent limitations, TMDL-related WLAs, etc.) applicable to each outfall;
(6) Procedures for collecting samples; and
(7) Procedures for gathering storm event data.

b. The SWPPP for facilities conducting representative sampling (Appendix 2(C)) shall include:

(1) The location of each of the substantially identical outfalls;
(2) The location of representative outfalls;

(3) A description of the general industrial activities conducted in the drainage area of each outfall;
(4) A description of the exposed materials located in the drainage area of each outfall that are likely to be significant contributors of pollutants to stormwater discharges;
(5) A description of the control measures implemented in the drainage area of each outfall; and
(6) Information indicating why the outfalls are expected to discharge substantially identical effluents.

c. The SWPPP for facilities not required to conduct sampling under the permit shall include a statement identifying that they are not subject to sampling requirements.

8. **SWPPP Review and Revisions**

a. The SWPPP shall be signed in accordance with the Signatory Requirements, Part V(E), and retained on-site for the duration of activity at the permitted location.

b. The permittee shall amend the SWPPP whenever there is a change in design, construction, operation, or maintenance, which has a significant effect on the potential for the discharge of pollutants to the waters of the state. The SWPPP also shall be amended if it is found to be ineffective at controlling pollutants present in stormwater.

c. Facilities operating under an existing SWPPP are responsible for incorporating and implementing any changes necessitated by the conditions described in this permit within 180 days of the effective date of this permit.

D. Additional Terms and Conditions

1. Salt storage piles used for deicing or other industrial or commercial purposes shall be enclosed or covered. Salt storage piles do not need to be covered or enclosed when adding or taking materials from the pile and when stormwater drainage from the pile is contained on-site.

2. Petroleum products, oil field production water, and other chemicals shall have adequate leak and spill protection to prevent any spilled materials from entering waters of the state. Position materials, equipment and activities so that leaks and spills are contained, or able to be contained, to prevent the leak or spill from leaving the facility. Clean up spills and leaks promptly to prevent the discharge of pollutants. The SWPPP shall include recovery and disposal methods for cleaning up spills and leaks.

3. Dewatering or basin draining (i.e., pumped discharges) related to the permitted activity shall be managed with the appropriate BMPs, such that the discharge does not adversely affect the receiving water. The permittee(s) shall operate the discharge to minimize the release of sediment and provide energy dissipation measures to adequately protect the outlet from erosion. Dewatering is limited to uncontaminated stormwater, ground water, and the non-stormwater sources found in Part II(A).

4. Minimize the exposure of industrial activity including loading and unloading, storage, disposal, cleaning, maintenance, and fueling operations to precipitation by locating these activities indoors or utilizing storm resistant coverings, where practicable.

5. Ensure that all wash water from operations such as vehicle or equipment washing, with the exception of allowable non-stormwater discharges, drains to a sanitary sewer, sump, or other proper collection system and not to a stormwater drainage system.

6. All stormwater discharges shall comply with the requirements, policies or guidelines of municipalities and other local agencies. Any discharges of stormwater to stormwater drainage systems or other water courses under local jurisdiction, including those subject to municipal stormwater management programs, shall comply with local requirements.

7. There shall be no dry weather discharge of deicing chemicals from air transportation facilities. A stormwater discharge resulting from a snowmelt or rain event is not a dry weather discharge.

E. Records Retention

A copy of the completed and signed NOI, renewal forms, notice of coverage letter from the department, SWPPP, inspection records, this general permit, and where applicable annual location reports, airfield pavement deicing certifications, sample results, chain-of-custody sheets, and discharge monitoring reports shall be kept at the facility – electronic copies of records are acceptable. If the facility does not have a reasonable on-site location or is inactive or unstaffed, then the documents shall be retained at a readily available alternative location; preferably with a member of the Stormwater Pollution Prevention Team. The permittee shall make plans available upon request to the department, EPA, or in the case of discharges to a MS4, the operator of the MS4.

III. SELF-MONITORING AND REPORTING

A. Inspection Requirements

1. **Inspection Frequency**
   A comprehensive inspection of the facility shall be performed according to the schedule below:

   a. Active facilities shall be inspected at least once during each three-month period. The three-month periods shall consist of the first quarter of the year (January – March), the second quarter of the year (April – June), the third quarter of the year (July – September), and the fourth quarter of the year (October – December).

   b. Airports and U.S. air bases shall conduct monthly inspections during deicing operations.

   c. Inactive facilities shall be inspected at least annually.

   d. Increased inspection frequency may be appropriate for some types of equipment, processes and stormwater control measures, or areas of the facility with significant activities and materials exposed to stormwater. These frequencies shall be identified in the SWPPP.

2. **Inspector Qualifications**
   The permittee shall ensure that personnel conducting inspections are familiar with permit conditions, the SWPPP, the proper installation and operation of control measures, and applicable sampling requirements.

3. **Areas to Inspect**
   Inspectors shall consider the results of previous inspections and sampling results when planning and conducting inspections. The following areas shall be inspected for the evidence of, or the potential for, pollutants entering the stormwater drainage system:

   a. Areas where industrial materials or activities are exposed to stormwater;

b. Items identified in the SWPPP that are potential pollutant sources;
c. Areas where spills and leaks have occurred in the past three years;
d. Stormwater outfalls;
e. Stormwater pollution prevention control measures used to comply with this permit; and
f. Disturbed areas of the site that are vulnerable to erosion.

During the inspection, inspectors shall look for the following:

g. Industrial materials, residue, leak or spilled material, or trash that may have or could come into contact with stormwater and pollute runoff from the facility;
h. Offsite tracking of industrial or waste materials, or sediment; and
i. Stormwater pollution prevention control measures needing replacement, maintenance or repair.

In addition, air transportation facilities shall inspect for dry weather discharges of deicing chemicals.

4. **Inspection Records**
A record shall be made summarizing the scope of the inspection, major observations relating to the SWPPP, and any corrective actions taken. At a minimum, the inspection record (or report) shall include:

a. Date of inspections;
b. Name of person(s) conducting inspections;
c. Signature of person(s) conducting inspections or other means used to verify an inspector (e.g., work order or preventative maintenance schedule completion);
d. Indicate if the inspection is a result of a stormwater discharge event;
e. Signs of pollution, or the potential for pollution, from industrial activities;
f. Inspection findings including major observations related to the SWPPP, condition of stormwater pollution prevention controls, deficiencies noted, recommendations for corrective actions and corrective actions taken, and other recordings and imagery; and
g. Documentation that the SWPPP has been amended when substantial changes are made to stormwater controls or other BMPs in response to inspections.

5. **Maintenance Records**
When deficiencies are noted during an inspection, corrective actions shall be performed as soon as feasible. A record of corrective and maintenance activities shall be kept. This record shall include the dates activities were completed and party completing the activities, and any recordings or imagery.

B. Sampling Requirements
Permittees with industrial activities identified in this section are required to sample stormwater runoff from facility outfalls as a condition of this permit unless waived. The minimum monitoring conditions and parameter list for each industrial activity are outlined in Appendix 1.

1. Stormwater sampling is required for the industrial activities identified below.

a. Wood and Paper Products (SIC codes 2421, 2491, 2426, 2431-2439 except 2434, 2451, 2452, 2493, 2499, and 2631)
b. Chemical and Related Products (SIC codes 2873-2879, 2812-2819, 2841-2844, and 2821-2824)
c. Asphalt Paving and Roofing Materials (SIC code 2952)
d. Structural Clay Products Manufacturers (SIC codes 3251-3259)
e. Primary Metal Industries (SIC codes 3312-3317, 3321-3325, 3351-3357, and 3363-3369)

f. Miscellaneous Metal Ores (SIC code 1094)
g. Hazardous Waste Treatment, Storage and Disposal
h. Landfills and Land Application
i. Automobile Salvage Yards (SIC code 5015)
j. Scrap Recycling Facilities (SIC code 5093)
k. Steam Electric Generating Facilities
l. Coal Pile Runoff (stormwater discharge from coal storage piles)
m. Air Transportation (Regional and Primary Commercial Airports and Air Force Bases)
n. Food and Related Products (SIC codes 2041-2048, 2074-2079)
o. Fabricated Metal Products (SIC codes 3411-3499, 3911-3915)

2. The department may direct the permittee, by written notification, to conduct sampling at a facility covered by this permit. Instances where sampling could be required include, but are not limited to, any of the following:

   a. Analytical data is needed to estimate water quality impacts (e.g., nutrient loading);
   b. Discharges are shown to be generally of poor quality (e.g., glycol impacts); or
   c. The SWPPP is delinquent or determined to be insufficient.

3. Outfalls at the facility shall be sampled in accordance with Appendix 1 and 2. Outfalls that require sampling are outfalls with industrial activity identified in Part III(B)(1) present in the drainage.

4. Sampling at an outfall is no longer required if industrial activity that requires sampling is removed from the drainage to an outfall and the permittee is given department approval subsequent to the department being provided with written notification.

5. Stormwater sampling, where required, shall conform to the requirements, procedures, and conditions in Part IV and Appendix 1 and 2.

C. Effluent Limitations

1. Effluent limitations only apply to those facilities that are required to sample. The quality of stormwater discharges associated with industrial activity shall reflect the best which is attainable through the proper implementation of all items in the SWPPP for the facility.

2. Discharges composed in whole or in part of coal pile runoff shall not exceed a daily maximum concentration of 50 milligrams per liter (mg/L) for total suspended solids. The pH, an instantaneous measurement, shall remain within the range of 6.0 to 9.0 standard units (S.U.). Any overflow from facilities designed, constructed and operated to treat the volume of a 10-year, 24-hour storm event shall not be subject to the total suspended solids limitation.

3. Primary commercial air transportation facilities with at least 1,000 annual non-propeller aircraft departures shall not discharge airfield pavement deicers containing urea. These facilities shall certify annually that the facility does not use airfield deicing products that contain urea, or alternatively, discharges from every airfield pavement discharge point shall not exceed a daily maximum ammonia as nitrogen concentration of 14.7 mg/L prior to any dilution or commingling with any non-deicing discharge.

D. Reporting Requirements

1. **Discharge Monitoring Reports**
   Permittees that are directed to conduct sampling under this permit shall submit a discharge monitoring report (DMR). If sampling is no longer required at a facility outfall in accordance

with Part III(B)(4) of the permit, then a DMR is no longer required to be submitted for that outfall. The DMR shall summarize monitoring results obtained during the reporting period. If no discharge occurs during a reporting period, “no discharge” shall be reported on the DMR. Indicate on the DMR if a sample could not be collected because the facility was inactive or unstaffed, or the discharge occurred outside of normal business hours. DMRs shall be submitted according to the following schedule:

a. Airports and U.S. Air Bases that conduct deicing or anti-icing shall submit a DMR once every six months. The monitoring period shall cover the biannual permit cycle and the DMR shall be submitted to the department by the end of the month following the six-month period (i.e., April 1 to September 30, due October 31; and October 1 to March 31, due April 30).

b. For all other facilities, the DMRs shall cover a period from April 1 to March 31 and be submitted to the department by April 30.

2. **Location Record**
Operators of portable thermal desorption units shall maintain a location record showing where the facility operated. The location record shall cover a period from April 1 to March 31 and be submitted to the department by April 30. The location record shall include the following:

a. Permit number;
b. Name of owner or operator;
b. The site or plant name or number;
c. Site location (township, range, section, and quarter-quarter-quarter);
d. County;
e. Receiving stream;
f. Status of each site (active, storage,);
g. Start date at of each site; and
h. End date.

3. **Airfield Pavement Deicing Certification**
Operators of primary commercial air transportation facilities with at least 1,000 annual non-propeller aircraft departures shall submit an annual statement certifying that the facility does not use airfield deicing products that contain urea, or alternatively, operators of primary commercial air transportation facilities with at least 1,000 annual non-propeller departures shall comply with the numeric effluent limitation in Part III(C)(3) and submit DMRs in accordance with Part III(D)(1).

4. **Report Submittals**
Reports and any other correspondence required in this permit shall be submitted in accordance with Part IV(E).

IV. MONITORING, RECORDING, AND REPORTING REQUIREMENTS

A. Representative Sampling (Routine and Non-Routine Discharges)

All samples and measurements taken shall be representative of the monitored discharge.

In order to ensure that the effluent limits set forth in this permit are not violated at times other than when routine samples are taken, the permittee must collect additional samples at the appropriate outfall whenever any discharge occurs that may reasonably be expected to cause or contribute to a violation that is unlikely to be detected by a routine sample. The permittee shall analyze the additional samples for those parameters listed in **Appendix 2** of this permit that are likely to be affected by the discharge.

The permittee must collect such additional samples as soon as the spill or discharge reaches the outfall. The samples must be analyzed in accordance with B. Test Procedures. The permittee must report all additional monitoring in accordance with D. Additional Monitoring.

B. Test Procedures

The collection and transportation of all samples shall conform with 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 in this permit or approved by EPA as an alternate test procedure under 40 CFR 136.5.

C. Recording of Results

Records of monitoring information shall include:

1. the date, exact place and time of sampling or measurements;
2. the name(s) of the individual(s) who performed the sampling or measurements;
3. the name of the laboratory;
4. the date(s) and time(s) analyses were performed;
5. the name(s) of the individual(s) who performed the analyses;
6. the analytical techniques or methods used; and
7. the results of such analyses.

D. Additional Monitoring

If the discharge is monitored more frequently than this permit requires, all additional results, if in compliance with B. Test Procedures, shall be included in the summary on the Discharge Monitoring Report.

E. Reporting of Monitoring Results

1. Monitoring results shall be summarized and reported to the department using Discharge Monitoring Reports (DMRs). If no discharge occurs during a reporting period, "No Discharge" shall be reported. The permittee must submit DMRs electronically using the electronic information reporting system unless requirements in subsection 3 are met.

2. Prior to December 21, 2025, the permittee may elect to electronically submit the following compliance monitoring data and reports instead of mailing paper forms. Beginning December 21, 2025, the permittee must report the following using the electronic reporting system:

   a. General permit reports [e.g., notices of intent (NOI); notices of termination (NOT); no exposure certifications (NOE)];

   b. Municipal separate storm sewer system program reports;

c. Pretreatment program reports;

d. Sewer overflow/bypass event reports; and

e. Clean Water Act 316(b) annual reports

3. The permittee may seek a waiver from electronic reporting. To obtain a waiver, the permittee must complete and submit an Application for Temporary Electronic Reporting Waiver form (SFN 60992) to the department. The department will have 120 days to approve or deny the waiver request. Once the waiver is approved, the permittee may submit paper versions of monitoring data and reports to the department.

   a. One of the following criteria must be met in order to obtain a waiver. The department reserves the right to deny any waiver request, even if they meet one of the criteria below.

      (1) No internet access,

      (2) No computer access,

      (3) Annual DMRs (upon approval of the department),

      (4) Employee turnover (3-month periods only), or

      (5) Short duration permits (upon approval of the department)

   All reports must be postmarked by the last day of the month following the end of each reporting period. All original documents and reports required herein shall be signed and submitted to the department at the following address:

   ND Department of Environmental Quality
   Division of Water Quality
   4201 Normandy Street
   Bismarck ND 58503-1324

F. Records Retention

All records and information (including calibration and maintenance) required by this permit shall be kept for at least three years from the date of generation or longer if requested by the department or EPA. All records and information, including certifications, related to airfield pavement deicing limitations shall be kept for a period of five years from the date of generation or longer if requested by the department or EPA.

V. COMPLIANCE RESPONSIBILITIES

A. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

B. Proper Operation and Maintenance

The permittee shall at all times maintain in good working order and operate as efficiently as possible all treatment or control facilities or systems installed or used by the permittee to achieve compliance with the terms and conditions of this permit. If necessary to achieve compliance with the conditions of this permit, this shall include the operation and maintenance of backup or auxiliary systems.

C. Planned Changes

The department shall be given advance notice of any planned changes at the permitted facility or of an activity which may result in permit noncompliance. Any anticipated facility expansions, production increase, or process modifications which might result in new, different, or increased discharges of pollutants shall be reported to the department as soon as possible. Changes which may result in a facility being designated a "new source" as determined in 40 CFR 122.29(b) shall also be reported.

D. Duty to Provide Information

The permittee shall furnish to the department, within a reasonable time, any information which the department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the department, upon request, copies of records required to be kept by this permit. When a permittee becomes aware that it failed to submit any relevant facts or submitted incorrect information in a permit application or any report, it shall promptly submit such facts or information.

E. Signatory Requirements

All applications, reports, or information submitted to the department shall be signed and certified.

All permit applications shall be signed by a responsible corporate officer for a corporation; a general partner or the proprietor for a partnership or sole proprietorship; or a principal executive officer or ranking elected official for a municipality, State, Federal, or other public agency.

The SWPPP and all reports required by the permit and other information requested by the department shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

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

2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters.

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.

Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

F. Twenty-four Hour Notice of Noncompliance Reporting

1. The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally as soon as possible, but no later than twenty-four (24) hours from the time the permittee first became aware of the circumstances. The following occurrences of noncompliance shall be included in the oral report to the department at 701.328.5210:

a. Any unanticipated bypass which exceeds any effluent limitation in the permit under G. Bypass of Treatment Facilities;

b. Any upset which exceeds any limitation in the permit under H. Upset Conditions; or

c. Violation of any daily maximum or instantaneous discharge limitation for any of the pollutants listed in the permit.

2. A written submission shall also be provided within five days of the time that the permittee became aware of the circumstances. The written submission shall contain:

a. A description of the noncompliance and its cause;

b. The period of noncompliance, including exact dates and times;

c. The estimated time noncompliance is expected to continue if it has not been corrected; and

d. Steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

Reports shall be submitted in accordance with **Part IV.E. Reporting of Monitoring Results**. The department may waive the written report on a case by case basis if the oral report has been received within 24 hours by the department as identified above.

All other instances of noncompliance shall be reported no later than at the time of the next Discharge Monitoring Report submittal. The report shall include the four items listed in this subsection.

G. Bypass of Treatment Facilities

1. Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to any of the following provisions in this section.

2. Bypass exceeding limitations-notification requirements.

a. Anticipated Bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten (10) days before the date of bypass.

b. Unanticipated Bypass. The permittee shall submit notice of an unanticipated bypass as required under F. Twenty-four Hour Notice of Noncompliance Reporting.

3. Prohibition of Bypass. Bypass is prohibited, and the department may take enforcement action against a permittee for bypass, unless:

a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

c. The permittee submitted notices as required under the 1. Anticipated Bypass subsection of this section.

The department may approve an anticipated bypass, after considering its adverse effects, if the department determines that it will meet the three (3) conditions listed above.

H. Upset Conditions

An upset constitutes an affirmative defense to an action brought for noncompliance with technology-based permit effluent limitations if the requirements of the following paragraph are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

1. An upset occurred and the permittee can identify its cause(s);

2. The permitted facility was, at the time, being properly operated;

3. The permittee submitted notice of the upset as required under F. Twenty-four Hour Notice of Noncompliance Reporting and

4. The permittee complied with any remedial measures required under I. Duty to Mitigate.

In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

I. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment. The permittee, at the department's request, shall provide accelerated or additional monitoring as necessary to determine the nature and impact of any discharge.

J. Removed Materials

Collected screenings, grit, solids, sludges, or other pollutants removed in the course of treatment shall be managed and disposed of in such a manner to prevent any pollutant from entering any waters of the state or creating a health hazard. The permit issuing authority shall be contacted prior to the disposal of any sludges. At that time, concentration limitations and/or self-monitoring requirements may be established.

VI. GENERAL PROVISIONS

A. Inspection and Entry

The permittee shall allow department and EPA representatives, at reasonable times and upon the presentation of credentials if requested, to enter the permittee’s premises to inspect the stormwater/industrial activity treatment facilities and monitoring equipment, to sample any discharges, and to have access to and copy any records required to be kept by this permit.

B. Availability of Reports

Except for data determined to be confidential under 40 CFR Part 2, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the department and EPA. As required by the Act, permit applications, permits, and effluent data shall not be considered confidential.

C. Transfers

This permit is not transferable except upon filing a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee and subsequent department approval. The written agreement shall be filed with the department at least thirty days in advance of the proposed transfer date. The current permit holder must inform the new controller, operator, or owner of the existence of this permit and notify the department of the possible change.

D. New Limitations or Prohibitions

The permittee shall comply with any effluent standards or prohibitions established under Section 306(a), Section 307(a), or Section 405 of the Act for any pollutant (toxic or conventional) present in the discharge or removed substances within the time identified in the regulations even if the permit has not yet been modified to incorporate the requirements.

E. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause. This includes the establishment of limitations or prohibitions based on changes to Water Quality Standards, the development and approval of waste load allocation plans, the development or revision to water quality management plans, changes in sludge practices, or the establishment of prohibitions or more stringent limitations for toxic or conventional pollutants and/or 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.

F. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

G. State Laws

Nothing in this permit shall be construed to preclude the institution of legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation preserved under Section 510 of the Act.

H. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Act.

I. Property Rights

The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.

J. Severability

The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby.

K. General Permits

Coverage under this permit may be modified, revoked and reissued, or terminated for cause. The department may require any operator covered by this permit to apply and obtain an individual or alternative general permit if:

1. The discharge is not in compliance with the conditions of the general permit.

2. Conditions or standards have changed so that the discharge no longer qualifies for a general permit.

3. Information becomes available which indicates that the permittee's discharge has a reasonable potential to contribute to an exceedance of a water quality standard

When an individual NDPDES permit is issued to an operator otherwise subject to this permit or the operator is approved for coverage under an alternative NDPDES general permit, the applicability of this permit to the operator is automatically inactivated upon the effective date of the individual permit or coverage under the alternative general permit.

VII. DEFINITIONS

"**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

"**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 five 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, Williston 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, and Jamestown.

"**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** a**ctivity"** 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 within Standard Industrial Classification 24, Industry Group 241 that are rock crushing, gravel washing, log sorting, or log storage facilities operated in connection with silvicultural activities defined in 40 CFR 122.27(b)(2)-(3) and Industry Groups 242 through 249; 26 (except 265 and 267), 28 (except 283), 29, 311, 32 (except 323), 33, 3441, 373; (not included are all other types of silviculture facilities);

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 1 - Industry Specific Sampling and SWPPP Requirements

The industry sectors identified in this appendix are required to collect samples of stormwater discharges from all outfalls as part of the sampling requirements listed in Part III(B) of the permit. The specific sampling parameters and frequencies applicable to each industry sector are listed below.

The sampling procedures and conditions applicable to all facilities sampling stormwater discharges are outlined in Part IV and Appendix 2. In general, operators shall collect grab samples of measurable storm events at each and every outfall for the parameters listed for their industry sector. Appendix 2 also provides conditions for reduction in monitoring based on sample history and "benchmark" values.

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. If samples exceed the benchmark value, the SWPPP shall be revised to include possible sources of the high concentration and methods to reduce future concentrations.

A. Wood and Paper Products

Applicability: General Sawmills and Planing Mills, SIC code 2421
- Sample Frequency: 1/year

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	
• Zinc, Total [1]	0.120 mg/L	

Applicability: Wood Preserving, SIC code 2491
- Sample Frequency: 1/year

Required Parameter	Benchmark Value	Discharge Limit
• 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 [1]	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, 2431-2439 except 2434, 2451, 2452, 2493, 2499
- Sample Frequency: 1/year

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	

Applicability: Paperboard Mills, SIC code 2631
- Sample Frequency: 1/year

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	

B. Chemical and Related Products

Applicability: Agricultural Chemicals, SIC codes 2873-2879
- Sample Frequency: 1/year

Required Parameter	Benchmark Value	Discharge Limit
• 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 [1]	0.082 mg/L	
• Iron, Total	1.0 mg/L	
• Zinc, Total [1]	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
- Sample Frequency: 1/year

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	1.1 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
- Sample Frequency: 1/year

Required Parameter	Benchmark Value	Discharge Limit
• 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 [1]	0.120 mg/L	

Applicability: Plastics, Synthetics, and Resins, SIC codes 2821-2824
- Sample Frequency: 1/year

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 [1]	0.120 mg/L	

C. Asphalt Paving and Roofing Materials

Applicability: SIC code 2952
- Sample Frequency: 1/year

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	

D. Structural Clay Product Manufacturers

Applicability: SIC codes 3251-3259 • Sample Frequency: 1/year		
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	1.1 mg/L	

E. Primary Metal Industries

Applicability: Steel Works, Blast Furnaces, and Rolling and Finishing Mills, SIC codes 3312-3317 • Sample Frequency: 1/year		
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	1.1 mg/L	
• Zinc, Total [1]	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 • Sample Frequency: 1/year		
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	1.1 mg/L	
• Total Suspended Solids	100 mg/L	
• Copper, Total [1]	0.014mg/L	
• Iron, Total	1.0 mg/L	
• Zinc, Total [1]	0.120 mg/L	

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

F. Miscellaneous Metal Ores

Applicability: SIC codes 1094
- Sample Frequency: 1/year

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 [1]	0.002 mg/L	
• Copper, Total [1]	0.014 mg/L	
• Iron, Total	1.0 mg/L	
• Lead, Total [1]	0.082 mg/L	
• Mercury, Total	0.0014 mg/L	
• Nickel, Total [1]	0.47 mg/L	
• Selenium, Total	0.005 mg/L	
• Silver, Total [1]	0.004 mg/L	
• Zinc, Total [1]	0.120 mg/L	
• Radium, Dissolved and Total	5 pCi/l	
• Uranium	0.030 mg/L	
• Hardness as $CaCO_3$	No benchmark value	

G. Hazardous Waste Treatment, Storage and Disposal

Applicability: Industrial Activity Code “HZ”
- Sample Frequency: 1/year

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 [2] as N	8.41 mg/L	
• Magnesium, Total	0.064 mg/L	
• Arsenic, Total	0.15 mg/L	
• Cadmium, Total [1]	0.002 mg/L	
• Cyanide, Total	0.022 mg/L	
• Lead, Total [1]	0.082 mg/L	
• Mercury, Total	0.0014 mg/L	
• Selenium, Total	0.005 mg/L	
• Silver, Total [1]	0.004 mg/L	

This 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.

H. Landfills and Land Application

Applicability: All Landfill, Land Application Sites and Open Dumps (Industrial Activity Code "LF")

- Sample Frequency: 1/year

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	
• Iron, Total	1.0 mg/L	
• Chlorides	250 mg/L	
• Arsenic, Total	0.15 mg/L	

This 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

- Sample Frequency: 1/year

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	

This 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.

I. Automobile Salvage Yards

Applicability: SIC code 5015

- Sample Frequency: 1/year

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	
• Aluminum, Total	1.1 mg/L	
• Iron, Total	1.0 mg/L	
• Lead, Total [1]	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 *Guideline 37 – Environmentally Friendly Auto and Metal Salvage Facilities*. The guideline, or similar salvage industry BMP guide, may be used as part of a facility's SWPPP.

J. Scrap Recycling Facilities

Applicability: SIC code 5093
- Sample Frequency: 1/year

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	
• Total Suspended Solids	100 mg/L	
• Aluminum, Total	1.1 mg/L	
• Copper, Total [1]	0.014 mg/L	
• Iron, Total	1.0 mg/L	
• Lead, Total [1]	0.082 mg/L	
• Zinc, Total [1]	0.120 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 *Guideline 37 – Environmentally Friendly Auto and Metal Salvage Facilities*. The guideline, or similar salvage industry BMP guide, may be used as part of a facility's SWPPP.

K. Steam Electric Generating Facilities

Applicability: Steam Electric Generating Facilities (Industrial Activity Code "SE")
- Sample Frequency: 1/year

Required Parameter	Benchmark Value	Discharge Limit
• Oil and Grease	No visible sheen (15 mg/L)	
• pH	Between 6.0 and 9.0 S.U.	
• Iron, Total	1.0 mg/L	

L. Coal Pile Runoff

Applicability: Any facility with discharges from coal storage piles
- Sample Frequency: 1/year

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		50 mg/L

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.

M. Air Transportation

Applicability: Regional and Primary Commercial Airports and Air Force Bases
- Sample Frequency (Primary Commercial Airports and Air Force Bases): 1/month during deicing activities
- Sample Frequency (Regional Commercial Airports): 1/year during the first month following the deicing season

Required Parameter	Benchmark Value	Discharge Limit
• Oil and Grease	No visible sheen (15 mg/L)	
• pH	Between 6.0 and 9.0 S.U.	
• 5-Day Biochemical Oxygen Demand	30 mg/L	
• Chemical Oxygen Demand	120 mg/L	
• Ammonia [2] as N	8.41 mg/L	

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.

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.

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.

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.

Applicability: Primary Commercial Airports with at least 1,000 annual non-propeller aircraft departures
- Sample Frequency: 1/month during deicing activities

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 at every discharge point for the following:

Required Parameter	Benchmark Value	Discharge Limit
• Ammonia as N		14.7 mg/L

N. Food and Related Products

Applicability: Grain Mill Products, SIC codes 2041-2048 • Sample Frequency: 1/year		
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	

Applicability: Fats and Oils Products, SIC codes 2074-2079 • Sample Frequency: 1/year		
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	
• Nitrate plus Nitrite Nitrogen	0.68 mg/L	
• 5-Day Biochemical Oxygen Demand	30 mg/L	
• Chemical Oxygen Demand	120 mg/L	

O. Fabricated Metal Products

Applicability: Fabricated Metal Products, SIC codes 3411-3499, 3911-3915; (except Coating SIC code 3479) • Sample Frequency: 1/year		
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	1.1 mg/L	
• Iron, Total	1.0 mg/L	
• Zinc, Total [1]	0.120 mg/L	
• Nitrate plus Nitrite Nitrogen	0.68 mg/L	

Applicability: Fabricated Metal Coating and Engraving, SIC code 3479 • Sample Frequency: 1/year		
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 [1]	0.120 mg/L	
• Nitrate plus Nitrite Nitrogen	0.68 mg/L	

P. Baseline Parameter

Applicability: facilities directed to sample by the department, but not listed in Items A-O above • Sample Frequency: 1/year		
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 [2] 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:
[1] Hardness dependent; values given are based on a water hardness of 100 mg/L as $CaCO_3$. However, hardness dependent values can be calculated with a hardness of no greater than 400 mg/L as $CaCO_3$.
[2] Ammonia is pH dependent; value given is based on a pH of 8.0 S.U.

Appendix 2 - Stormwater Sampling Requirements, Procedures and Conditions

Applicable to facilities conducting a sampling program.

A. Sample procedures

1. All required monitoring must be performed on a storm event that results in an actual discharge from the facility ("measurable storm event") that follows the preceding measurable storm event by at least 72 hours (three days). In the case of snowmelt, the monitoring must be performed at a time when a measurable discharge occurs from the facility.

2. For discharges from holding ponds or other impoundments with a 24-hour or greater retention capability, grab samples of the discharge may be obtained at any time. For all other discharges, grab samples shall be taken during the first 30 minutes of the discharge. If the collection of a grab sample during the first 30 minutes is impracticable, a grab sample may be taken as soon as practicable.

3. For storm events sampled, except snowmelt monitoring, the permittee shall record the date and duration (in hours) of the event, rainfall amount or estimates (in inches) of the event, and time (in days) since the last measurable storm event which generated runoff. For snowmelt monitoring, you must identify the date of the sampling event. The information shall be included on DMRs. The permittee shall have the option of maintaining a rain gauge on site or utilizing the nearest National Weather Service rain gauge station. Rain gauge locations or stations must be representative of the facility.

B. Impractical or adverse conditions

When a permittee is unable to collect samples due to impractical or adverse climatic conditions, the permittee must describe in the DMR why samples could not be collected. Impractical or adverse climatic conditions which may prohibit the collection of samples include: normal non-working hours, nightfall, or weather conditions that create dangerous conditions for personnel (local flooding, high winds, tornadoes, electrical storms, etc.) or otherwise make the collection of a sample impractical (drought, extended frozen periods, inactive or unstaffed facility, etc.).

C. Substantially identical outfalls

When a facility has two or more outfalls which the permittee believes would discharge substantially identical effluents (based on the features and activities within the areas drained by the outfalls), the permittee must develop and retain a representative sampling plan in which at least 20 percent of all outfalls would be monitored. Permittees utilizing this option shall include the representative sampling plan in the SWPPP.

D. Equivalent monitoring plans

Where appropriate, results for monitoring plans developed for other regulatory agencies or other purposes can be used for the requirements of this permit.

E. Sampling waiver

A permittee may seek a waiver from all or part of the sampling requirements outlined in Part III(B) and Appendix 1 by demonstrating that the conditions listed below have been met. 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:

1. At least four (4) samples must have been collected and analyzed from a discharge point where sampling is required for the parameter(s) being considered. The samples may have been obtained over the course of one year or several years. The results from the four (4) most recent samples must

have an average concentration below the benchmark value listed in Appendix 1. A summary of all available monitoring data should be included in the request.

2. The industrial activities at the site, such as material handling and storage, chemical use, waste disposal practices, erosion controls, and other types of industrial activities, have not changed since the samples were taken in any way that could have an adverse impact on stormwater quality.