

# Proposed NDDH Industrial Stormwater Permit

January 2010



## Overview

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On January 15, 2010, the North Dakota Department of Health (NDDH) published its proposed reissued “NPDES Industrial Stormwater General Permit”. This permit covers stormwater discharges from industrial and “industrial-like” operations that are required to have an NPDES permit to discharge stormwater.

NPDES permits, including general permits, are reissued on a 5-year cycle. The current NDDH permit was written in 2005 and will expire on March 31, 2010. Therefore, this revised permit was needed to replace the current permit when it expires.

The Federal requirements of industrial stormwater dischargers have changed significantly since the current permit was drafted in 2005. Therefore, the draft permit being proposed by NDDH includes some new requirements for industrial stormwater dischargers in North Dakota. However, the size and complexity of the proposed permit is similar to the existing permit that North Dakota industries currently comply with.

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*Industrial stormwater discharges have been subject to NPDES permit requirements since the 1987 Clean Water Act Amendments*

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## Who Could Be Affected?

The industrial stormwater permit applies equally to all industrial and “industrial-like” facilities in North Dakota based on their Standard Industrial Classification, or “SIC Code”. Rules apply to any facility **regardless of size** or **number of employees**.

In addition to manufacturing operations, permit coverage is required for businesses such as warehousing, transportation & logistics, waste treatment and disposal facilities, including as landfills. Permit coverage is also required for airports and water transportation facilities.

## Targeted Industries

This NPDES permit applies to [all](#) types of facilities that need general permit coverage; therefore it does not have true “targeted” industries.

These industrial sectors covered under the permit include:

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*Comprehensive  
Site Inspections  
will be required  
twice each year*

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[Timber products](#)  
[Paper products](#)  
[Chemical products](#)  
[Stream electric generating facilities](#)  
[Food products](#)  
[Steel mills, foundries](#)  
[Mineral and coal mining & processing operations](#)  
[Petroleum refineries, terminals & bulk stations](#)  
[Hazardous waste TSDFs and landfills](#)  
[Scrap recycling & auto salvage operations](#)  
[Land, water & air transportation and warehousing](#)  
[Ship and boat building](#)  
[Publicly-owned treatment works](#)  
[Airports](#)  
[Textile products](#)  
[Furniture products](#)  
[Printing & publishing](#)  
[Rubber & plastic products](#)  
[Leather tanning and finishing](#)  
[Fabricated metal products](#)  
[Equipment & machinery manufacturing](#)  
[Electronic, photographic & optic products](#)  
[Asphalt Paving, Roofing Materials](#)  
[Glass, Clay, Cement & similar products](#)

The majority of the additional requirements placed on some of these sectors are sector-specific monitoring and stormwater benchmark requirements.

## Additional Application Requirements

One of the important aspects of the proposed permit is the additional requirements placed on [LARGER SITES](#) and on dischargers that are located near [LISTED IMPAIRED WATERS](#). Impaired water are those lakes and rivers that do not currently meet their State water quality standards.

Facilities that fall into either category below must [submit a copy of their SWPPP](#) when applying for permit coverage:

- Facility is greater than 50 acres, or
- Any facility that is located within 2,000 ft of a sediment-impaired water body

## What Requirements Are Proposed?

This section highlights two of the key requirements reflected in NDDH's proposed permit compared to the expired permit. For the most part, the draft permit is similar to the expiring permit.

**Stormwater Monitoring.** One of the most requirements in the NDDH permit will be the requirement for some permitted facilities to monitor stormwater discharges from their property. The facilities that require monitoring include:

- Facilities with coal pile runoff
- Some Wood and Paper Products facilities
- Some Chemical and Related Products facilities
- Some Food and Related Products facilities
- Primary Metal Industries
- Hazardous Waste Treatment, Storage and Disposal facilities
- Landfills and Land Application
- Automobile Salvage Yards
- Scrap Recycling Facilities
- Air Transportation facilities

[Additional information \(click on links\)](#)

Further information on selecting monitoring techniques:

<http://www.calthacompany.com/blog/2009/02/stormwater-monitoring-considerations.html>

**Sector-specific Stormwater Benchmarks.** Each of the 10 industrial sectors that require monitoring also have "stormwater benchmarks". These benchmarks are concentration thresholds for each of the sector-specific chemical monitoring parameters. Benchmark values are intended to provide a measurement of the effectiveness of the facility stormwater pollution prevention plan (SWPPP) If benchmark values are exceeded, this provides an indication that the SWPPP is not effective. In this event, facilities are required to evaluate their stormwater Best Management Practices (BMP) and to select new or improve existing BMPs to assure that benchmarks are met.

Some sectors have many benchmarks, such as the Food & Allied Products sector with 8; others have fewer, such as the Airport sector with only 5.

Click below to review sector benchmarks being proposed:

[http://www.calthacompany.com/WQ\\_standards/2010/01/north-dakota-proposed-benchmarks-for.html](http://www.calthacompany.com/WQ_standards/2010/01/north-dakota-proposed-benchmarks-for.html)

[Additional information \(click on links\)](#)

Further information on how benchmarks are used:

<http://www.calthacompany.com/blog/2008/11/stormwater-benchmarks-compared-to.html>

Comparison of stormwater benchmarks to typical stormwater discharge concentrations:

<http://www.calthacompany.com/blog/2008/11/stormwater-benchmarks-comparison-to.html>

Discussion of the use of ambient water quality standards as stormwater benchmarks:

[http://www.calthacompany.com/WQ\\_standards/2009/03/use-of-aquatic-life-standards-as.html](http://www.calthacompany.com/WQ_standards/2009/03/use-of-aquatic-life-standards-as.html)

## Stormwater Monitoring

Monitoring of stormwater discharges tends to be one of the more onerous requirements for many industrial dischargers.

Collecting samples of stormwater presents some logistical challenges. Because the sites that require monitoring also have to meet stormwater benchmarks, facilities that do not meet their benchmarks also have the additional costs associated with improving their SWPPP.

**Collecting Samples.** Facilities will need to collect samples once each year, except for air transport facilities which will have to collect monthly samples during deicing season.

Except for discharges from larger stormwater ponds, stormwater samples will need to be taken during the **first 30 minutes of the discharge** from all stormwater outfalls. This presents some

logistical issues, especially for facilities with several outfalls.

**Cost of Stormwater Monitoring.** Stormwater monitoring will add additional costs for permit compliance. In addition to new costs for laboratory analysis, permitted facilities will be incurring additional labor requirements (either by their own staff or an outside contractor) for collection of samples, analysis of results and reporting. For facilities that do not meet benchmarks, these costs could **expand** considerably.

**Sampling Waivers.** Some sites may eventually be able to apply for a waiver from further stormwater monitoring. However, a minimum of four samples must have been collected before NDDH will consider a waiver.

Sampling waivers must be submitted to NDDH for approval, and can be on a parameter basis, or an outfall basis.

## What Should I Be Doing?

The recent publication by NDDH is a proposed draft permit. There is nothing required of dischargers at this time.

However, NDDH is soliciting comments on the draft permit. The comment period is open for 30 days, which ends on February 15, 2010.

Because the current permit expires on March 31, 2010, NDDH intends to issue the final permit quickly. The agency expects to issue the permit to be effective on April 1, 2010, and it will expire on March 31, 2015.

To renew their coverage current permit holders must submit a renewal notice by March 31, 2010, or their coverage will be terminated and they would need to submit a new application.

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## Industrial Stormwater Services

Caltha provides expert consulting and staffing services to industries in North Dakota subject to stormwater permitting requirements, including:

- **Preparing new SWPPP or revising existing SWPPP**
- **SWPPP and stormwater monitoring training**
- **Development of stormwater monitoring programs**
- **Conducting stormwater monitoring**

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