

U.S. ENVIRONMENTAL PROTECTION AGENCY REGION 8
1595 Wynkoop Street, Denver, CO 80202-1129

PUBLIC NOTICE OF PROPOSED ADMINISTRATIVE PENALTY ASSESSMENT AND OPPORTUNITY TO COMMENT ON CLEAN WATER ACT CONSENT AGREEMENT

Purpose of Public Notice

The purpose of this notice is to announce the United States Environmental Protection Agency's (EPA's) intention to enter into a Consent Agreement and Final Order with:

Wagner Construction, Inc.
3151 Highway 53
International Falls, Minnesota 56649

for alleged violations of the Clean Water Act (CWA) on the Souris River in Minot, North Dakota, and to give the public the opportunity to comment on the proposed consent agreement.

Process Information

Under the CWA, EPA is authorized to issue orders assessing civil penalties for violations of the CWA. 33 U.S.C. § 1319(g). EPA may issue such an order after the commencement of an administrative penalty proceeding. As required by law, EPA is hereby providing public notice of the proposed consent agreement. 33 U.S.C. § 1319(g)(4)(A) and 40 C.F.R. § 22.45(b).

Administrative enforcement proceedings are conducted under EPA's Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation, Termination or Suspension of Permits (Consolidated Rules), 40 C.F.R. part 22. The procedures through which the public may submit written comment on a proposed consent agreement and participate in a proceeding are set forth in 40 C.F.R. § 22.45. The proposed consent agreement has been entered into by the parties for the purpose of simultaneously commencing and concluding this matter as authorized by 40 C.F.R. § 22.13(b) and executed pursuant to 40 C.F.R. § 22.18(b)(2) and (3). The deadline for submitting public comment on a proposed consent agreement is thirty (30) days after the date of public notice.

Case Summary.

The case against Wagner Construction (Respondent), Docket No. CWA-08-2016-0018, was filed on 9/26 2016. The complaint that initiated this case was combined with a consent agreement for a penalty of \$5,900 for violations of the storm water discharge permit issued by the State of North Dakota. As the operator under the permit, Respondent was responsible for managing storm water at its construction of flood hazard mitigation improvements at the location of the Minot Water Treatment Plant located at 16th Street Southwest and West Burdick Expressway in Minot, North Dakota. The permit violations occurred in July 2016 and were discovered during an EPA inspection on July 21, 2016. The Respondent had failed to implement storm water and pollution prevention best management practices and failed to meet permit requirements for its Storm Water Pollution Prevention Plan. Potential discharges of storm water pollutants from Respondent's construction operations flowed toward the Souris River, which is immediately adjacent to the construction site. The Souris River is, and was at all relevant times, a water of the United States.

Further Information and Comments

Persons wishing to receive a copy of any documents filed in these proceedings, comment upon the proposed consent agreement, or otherwise participate in any of the proceedings should contact the Regional Hearing Clerk, Missy Haniewicz, U.S. Environmental Protection Agency, Region 8 (8RC), 1595 Wynkoop Street, Denver, Colorado 80202-1129, telephone: 303.312.7059. Written comments on this proposed consent

agreement must be directed to the Regional Hearing Clerk by the deadline set forth above in this public notice.

The case docket for this proceeding is located in the EPA - Region 8 office identified above and the file will be open for public inspection during normal business hours. Written comments submitted by the public are available as part of the case docket, subject to provisions of law restricting public disclosure of confidential information. In order to provide opportunity for public comment, no final order assessing a penalty in these proceedings will be issued prior to **40 calendar days after publication of this notice.**

September 28, 2016
Date of Publication



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 8

1595 Wynkoop Street
Denver, Colorado 80202

EXPEDITED SETTLEMENT AGREEMENT

Docket No. : CWA-08-2016-0018 NPDES Permit No. NDR108568

SEP 26 AM 10:41

FILED
EPA REGION VIII
HEARING CLERK

Wagner Construction, Incorporated ("Respondent") is a "person," within the meaning of Section 502(5) of the Clean Water Act (Act), 33 U.S.C. § 1362(5), and 40 C.F.R. Part 122.2.

Attached is an Expedited Settlement Offer Deficiencies Form (Form), which is incorporated by reference. By its signature, Complainant (EPA) finds that Respondent is responsible for the deficiencies specified in the Form.

Respondent failed to comply with its National Pollutant Discharge Elimination System (NPDES) storm water permit issued under section 402 of the Act, 33 U.S.C. § 1342.

EPA finds, and Respondent admits, that Respondent is subject to section 301(a) of the Act, 33 U.S.C. § 1311(a), and that EPA has jurisdiction over any person who discharges pollutants from a point source to waters of the United States. Respondent neither admits nor denies the deficiencies specified in the Form.

EPA is authorized to enter into this Consent Agreement and Final Order (Agreement) under the authority vested in the Administrator of EPA by section 309(g)(2)(A) of the Act, 33 U.S.C. § 1319(g)(2)(A), and by 40 C.F.R. Part 22.13(b). The parties enter into this Agreement in order to settle the civil violation(s) alleged in this Agreement for a penalty of \$5,900.00. Respondent consents to the assessment of this penalty, and waives the right to: (1) contest the finding(s) specified in the Form; (2) a hearing pursuant to section 309(g)(2) of the Act, 33 U.S.C. § 1319(g)(2); and (3) appeal pursuant to section 309(g)(8), 33 U.S.C. § 1319(g)(8).

Additionally, Respondent certifies, subject to civil and criminal penalties for making a false statement to the United States Government, that any deficiencies identified in the Form have been corrected. Respondent shall submit a written report with this Agreement detailing the specific actions taken to correct the violations cited herein.

Respondent certifies that, within ten (10) days of receiving notice from EPA that the Agreement is effective (the effective date is thirty (30) days from the date it is signed by the Regional Judicial Officer), Respondent shall submit a bank, cashiers or certified check, with case name and docket number noted, for the amount specified above payable to the Treasurer, United States of America, via certified mail, to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 69197-9000

In the Matter of: Wagner Construction, Incorporated

Docket No: CWA-08-2016-0018

This Agreement settles EPA's civil penalty claims against Respondent for the Clean Water Act violation(s) specified in this Agreement. EPA does not waive its rights to take any enforcement action against Respondent for any other past, present, or future civil or criminal violation of the Act or of any other federal statute or regulation. EPA does not waive its right to issue a compliance order for any uncorrected deficiencies or violation(s) described in the Form. EPA has determined this Agreement to be appropriate.

This Agreement is binding on the parties signing below and effective thirty (30) days from the date it is signed by the Regional Judicial Officer, unless a petition to set aside the Order approving this Agreement is filed by a commenter pursuant to section 309(g)(4)(C) of the Act, 33 U.S.C. § 1319(g)(4)(C), or a hearing is requested under section 309(g)(4) of the Act, 33 U.S.C. § 1319(g)(4).

APPROVED BY EPA:

Stephanie DeJong, Acting Unit Chief
NPDES Enforcement Program
Office of Enforcement, Compliance
And Environmental Justice

Date: 9/23/16

James H. Eppers, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
And Environmental Justice

Date: 9/23/16

APPROVED BY RESPONDENT:

Name (print): MAT GUERTON

Title (print): PROJECT MANAGER, WAGNER CONST.

Signature:  Date: 09/13/16

Having determined that this Agreement is authorized by law,
IT IS SO ORDERED:

_____ Date: _____
Hon. Elyana R. Sutin
Regional Judicial Officer

**Expedited Settlement Offer Worksheet
Deficiencies Form**
Consult instructions regarding eligibility criteria
and procedures prior to use

version 10.3.4



LEGAL NAME AND MAILING ADDRESS OF OPERATOR		Telephone Number	NPDES Permit Number
1	Wagner Construction, Inc. 3151 Highway 53 International Falls, MN 56649	218-240-9045	NDR106858
		Inspector Name:	Michael Boeglin
		Inspector Agency:	US EPA
		Entrance Interview Conducted:	Yes
		Exit Interview Conducted:	Yes
		Exit Interview given to:	Joe E. Dubel, Wagner Construction
		Exit Interview time:	16:45 Date: 07/21/2016
LOCATION AND ADDRESS OF SITE			
2	Minot WTP Flood Hazard Mitigation Project 900 16th Street SW Minot, ND 58701		

FACILITY DESCRIPTION / CONTACT NAMES			
Name of Site Contact (ESO Worksheet recipient):		Dennis Wagner, Owner - Wagner Construction, Inc.	
Name of Authorized Official (40 CFR 122.22):		Matt Guerton, Project Manager - Wagner Construction, Inc.	
Inspection Date:		07/21/2016	
Start Construction Date:		09/10/2015	
Estimated Completion Construction Date:		08/31/2017	
If Unpermitted, Number of Months Unpermitted:		11	
Name of Receiving Water Body (Indicate whether 303(d) listed):		Souris River, not impaired	
Acres Currently Disturbed Acres to be Disturbed in Whole Common Plan:		12.00	12.00
Has Operator Requested Rainfall Erosivity or TMDL Waiver per 44 CFR 122.26(b)(15)?		No	

PERMIT COVERAGE	Findings	Citation Reference**	R C A*	No. of Deficiencies	Dollar Amount	Total
3	Operator unpermitted for one month (# months unpermitted equals number of violations). Discharge without a permit.	CWA 301	No	1	\$500.00 =	\$500

SWPPP REVIEW							
4	SWPPP not prepared (If no SWPPP, leave elements 5 - 30 blank)	ND CGP I.C.1			\$5,000.00 =		
5	SWPPP prepared but prepared after construction start (# of months = # of violations)	ND CGP I.C.1			\$75.00 =		
6	SWPPP does not identify all potential sources of pollution to include: porta-pottys, fuel tanks, staging areas, waste containers, chemical storage areas, concrete cure, paints, solvents, etc...	ND CGP II.C.1.f			\$250.00 =		
7	SWPPP does not identify all operators for the project site and the areas of the site over which each operator has control	ND CGP II.C, II.C.3.a	Yes	1	\$500.00 =	\$500	
8	SWPPP does not have site description, as follows:						
	A Nature of activity in description	ND CGP II.C.1.a			\$100.00 =		
	B Intended sequence of major activities	ND CGP II.C.1.c			\$100.00 =		
	C Total disturbed acreage	ND CGP II.C.1.b			\$100.00 =		
	D General location map	n/a			\$100.00 =		
	E Site map	ND CGP II.C.1.f			\$500.00 =		

	F	Site map does not show drainage patterns, slopes, areas of disturbance, locations of major controls, structural practices shown, stabilization practices, offsite materials, waste, borrow or equipment storage areas, potential sources of pollution, surface waters, discharge points, areas of final stabilization (count each omission under 8F as 1 violation)	on the site map.	ND CGP II.C.1.f	Yes	3	\$50.00	=	\$150
	G	Location/description industrial activities, like concrete or asphalt batch plants		ND CGP II.C.1.f.19			\$500.00	=	
9		SWPPP does not:							
	A	Describe all pollution control measures (e.g. BMPs)		ND CGP II.C.2 and II.C.4			\$750.00	=	
	B	Describe sequence for implementation		ND CGP II.C.2.a			\$250.00	=	
	C	Detail operator(s) responsible for implementation		ND CGP II.C.3.a			\$250.00	=	
10		SWPPP does not describe interim stabilization practices		ND CGP II.C.2, II.C.4.a, and II.C.4.c			\$250.00	=	
11		SWPPP does not describe permanent stabilization practices		ND CGP II.C.2, II.C.4.a, II.C.4.c, and II.E			\$250.00	=	
12		SWPPP does not describe a schedule to implement stabilization practices		ND CGP II.C.2.a			\$250.00	=	
13		Following dates are not recorded: major grading activities; construction temporarily or permanently ceased; stabilization measures initiated (count each omission under 13 as 1 violation)		n/a			\$250.00	=	
14		SWPPP does not have description of structural practices to divert flows from exposed soils, retain flows, or limit runoff from exposed areas		ND CGP II.C.2 and II.C.4			\$500.00	=	
15		SWPPP does not have a description of measures that will be installed during the construction process to control pollutants in storm water discharges that will occur AFTER construction operations have been completed	The SWPPP lacked any description of post-construction BMPs.	ND CGP II.C.5	Yes	1	\$500.00	=	\$500
16		SWPPP does not describe measures to prevent discharge of solid materials to waters of the US, except as authorized by 404 permit		ND CGP II.C.2, Appendix 1.A.8, and Appendix 1.A.14			\$500.00	=	
17		SWPPP does not describe measures to minimize off-site vehicle tracking and generation of dust		ND CGP II.C.2, Appendix 1.B.2			\$500.00	=	
18		SWPPP does not include description of construction or waste materials expected to be stored on site w/updates re: controls used to reduce pollutants from these materials		ND CGP II.C.3.f and Appendix 1.C.1.a			\$250.00	=	
19		SWPPP does not have description of pollutant sources from areas other than construction (asphalt or concrete plants) w/ updates re: controls to reduce pollutants from these materials		ND CGP II.C.3.b, II.C.3.d, and Appendix 1.C.1			\$500.00	=	
20		SWPPP does not identify allowable sources of non-storm water discharges listed in subpart 1.3.B of the CGP		ND CGP II.A			\$500.00	=	
21		SWPPP does not identify/ensure implementation of pollution prevention measures for non-storm water discharges		ND CGP II.A			\$500.00	=	
22		Endangered Species Act documentation is not in SWPPP		ND CGP II.C.2			\$500.00	=	
23		Historic Properties (Reserved)							
24		Copy of permit and/or NOI not kept onsite (count each omission under 24 as 1 violation)	The site did not have available at the time of inspection a copy of the North Dakota Department of Health general permit.	ND CGP III.B	Yes	1	\$250.00	=	\$250
25		SWPPP is not consistent with requirements specified in applicable sediment and erosion site plans or site permits, or storm water management plans or site permits approved by State, Tribal or local officials (e.g., MS4 requirements)		ND CGP II.D			\$750.00	=	

26	SWPPP has not been updated to remain consistent with changes applicable to protecting surface waters in State, Tribal or local erosion plans		ND CGP II.D			\$250.00	=		
27	Copies of inspection reports have not been retained as part of the SWPPP for 3 years from date permit coverage terminates		ND CGP IV.A.5			\$500.00	=		
28	SWPPP has not been updated/modified to reflect change at site effecting discharge, or where inspections identify SWPPP/BMPs as ineffective, updates to SWPPP regarding modifications to BMPs not made within 7 days of such inspection (count each omission under under 28 as 1 violation)		ND CGP II.C.8.c			\$50.00	=		
29	Copy of SWPPP not retained on site		ND CGP II.C.8.a and III.B			\$500.00	=		
	A SWPPP not made available upon request		ND CGP II.C.8.b and IV.A.4			\$500.00	=		
30	SWPPP not signed/certified		ND CGP II.C.8.a and IV.A.6			\$500.00	=		
Subtotal SWPPP Deficiencies							\$1,400		
INSPECTIONS									
31	Inspections not performed and documented at least once every 14 days and within 24 hours after storm event greater than 0.25 inches or greater per 24 hour period (not required if: temp stabilization; runoff unlikely due to winter conditions; construction during arid periods in arid areas) (Count each failure to inspect and document as one violation).		ND CGP III.A.1			\$250.00	=		
	No inspections conducted and documented (if True, then leave elements 32-39 blank)						True or False		
	Number of Inspections expected if performed every 7 days:								
	Number of Inspections expected if performed bi-weekly:								
	If known, number of days of rainfall of >0.5"								

32	Inspections not conducted by qualified personnel		ND CGP II.C.3, II.C.3.e.2, and II.C.7				\$50.00	=	
33	All areas disturbed by construction activity or used for storage of materials and which exposed to precipitation not inspected		ND CGP II.C.7				\$50.00	=	
34	All pollution control measures not inspected to ensure proper operation		ND CGP II.C.7				\$50.00	=	
35	Discharge locations are not observed and inspected						\$50.00	=	
36	For discharge locations that are not accessible, nearby locations are not inspected						\$50.00	=	
37	Entrance/exit not inspected for off-site tracking		ND CGP Appendix 1.B.3				\$50.00	=	
38	Site inspection report does not include: date, name and qualifications of inspector, weather information, location of sediment/pollutant discharge, BMP(s) requiring maintenance, BMP(s) that have failed, BMP(s) that are needed, corrective action required including changes/updates to SWPPP and schedule/dates (count each omission under 38 as 1 violation)		ND CGP III.A.4 and III.A.5				\$50.00	=	
39	Inspection reports not properly signed/certified (count each failure to sign/certify as 1 violation)		ND CGP III.A.f and IV.A.6				\$50.00	=	
Subtotal Inspections Deficiencies									\$0
AVAILABILITY OF RECORDS									
40	Sign/notice not posted		n/a				\$250.00	=	
	A Does not contain copy of complete NOI		ND CGP III.B				\$50.00	=	
	B Location of SWPPP or contact person for scheduling viewing times where on-site location for SWPPP unavailable not noted on sign		n/a				\$50.00	=	
Subtotal Records Deficiencies									\$0
BEST MANAGEMENT PRACTICES									
41	No velocity dissipation devices located at discharge locations or outfall channels to ensure non-erosive flow to receiving water		ND CGP II.C.5.b				\$500.00	=	
42	Control measures are not properly:	A concrete wash-out BMP was needed on-site. Photo 78 shows an undesignated location where concrete had been dumped without use of a leak-proof container or leak-proof pit. No vehicle track-out pad had been installed at the north site entrance, where sediment was observed exiting the site; see photo 77. Storm drain inlet protection was needed but absent at the end of 6th Avenue near the north site entrance; see photos 98-99.							
	A Selected, installed and maintained		ND CGP II.C.2, II.C.3.c, and Appendix 1.A.2	Yes	3		\$500.00	=	\$1,500
	B Maintenance not performed prior to next anticipated storm event		ND CGP Appendix 1.B.1				\$250.00	=	
	(count each failure to select, install, maintain each BMP as one violation)								

43	When sediment escapes the site, it is not removed at a frequency necessary to minimize off-site impacts	6th Avenue and Burdick Expressway were covered with sediment that had been tracked off site by trucks exiting the site from its two exits; see photos 74-76 and 97.	ND CGP Appendix 1.B.4		1	\$500.00	=	\$500	
44	Litter, construction debris, and construction chemicals exposed to storm water are not prevented from becoming a pollutant source (e.g. screening outfalls, pickup daily, etc.)		ND CGP Appendix 1.C			\$500.00	=		
45	Stabilization measures are not initiated as soon as practicable on portions of the site where construction activities have temporarily or permanently ceased within 14 days after such cessation	Soil stabilization was missing from two locations where land disturbance reached the edge of the river and construction activities had temporarily ceased; see photos 88, 92 and 93.	Appendix 1.A.3	Yes	2	\$500.00	=	\$1,000	
	*Exceptions:								
	(a) Snow or frozen ground conditions								
	(b) Activities will be resumed within 14 days								
	(c) Arid or Semi-arid areas (<20 inches per								
46	Common Drainage of 10+ acres does not have a sedimentation basin for the 2 year, 24 hour storm, or 3600 cubic ft. storage per acre drained		n/a			\$1,000.00	=		
	A Where sedimentation basin not attainable, smaller sediment basins, sediment traps, or erosion controls not implemented for downslope boundaries		ND CGP II.C.4.b			\$1,000.00	=		
	B Sediment not removed from sediment basin or traps when design capacity reduced by 50% or more		ND CGP Appendix 1.B.1.c			\$500.00	=		
47	Common Drainage less than 10 acres does not have sediment traps, silt fences, vegetative buffer strips, or equivalent sediment controls for all down slope boundaries (not required if sedimentation sediment basin meeting criteria in 46 above)	The site lacked a sediment control barrier at two locations where land disturbance reached the edge of the river; see photos 88, 92 and 93.		Yes	2	\$500.00	=	\$1,000	
	A Sediment not removed from sediment trap when design capacity reduced by 50% or more		ND CGP Appendix 1.B.1.c			\$500.00	=		
Subtotal BMP Deficiencies								\$4,000	
SMALL BUSINESS EVALUATION									
48	Is the Owner/Operator a Small Business?	The EPA assumes that Wagner Construction, Inc. is a small business.							
	A <i>small business</i> is defined by EPA's Small Business Compliance Policy as: "a person, corporation, partnership, or other entity that employs 100 or fewer individuals (across all facilities and operations owned by the small business)." The number of employees should be considered as full-time equivalents on an annual basis, including contract employees (see 40 CFR 372.3). A full time employee unit is 2000 hours worked per year.								
Total Expedited Settlement:								\$5,900	
* Requires Corrective Action									
** NPDES General Permit, 68 FR 39087, issued by EPA on July 1, 2003, http://cfpub.epa.gov/npdes/stormwater/cgp.cfm									



09/08/16
U.S EPA Region 8
1595 Wynkoop Street
Denver, Colorado 80202

Project Name: Minot WTP Flood Mitigation Project
Project Number: 3673
Project Owner: City of Minot
Project Engineer: Alan Kemmet
EPA Inspection Staff: Michael Boeglin

Re: NPDES Permit No. NDR108568, Inspection Report and Notice to Proceed Expedited Settlement Agreement Response Letter

Michael-

Wagner Construction has reviewed and accepted to terms set forth by the EPA Case Number (8ENF-W-NP). Please see the attached photos and explanations of the remedied deficiencies.

1. The following general Storm Water Pollution Prevention Plan (SWPPP) deficiencies were identified:

A copy of the general permit was not onsite as required by Part III.B.

- A copy of the NPDES general permit will be placed in the SWPPP file soon as it received, NDR10-8568.

The SWPPP did not identify all permittees and theirs areas of control as required by Part II.C.

- I have updated the operators on the cover sheet of the SWPPP to list all, sub-contractors and a description of trade. Wagner Construction is liable for all BMP install and maintenance.

2. The following SWPPP site description and map deficiencies were identified:

The site map did not include the location of potential sources of pollution as required by Part II.C.1.f.9.

- The trash receptacles and port-a-toilets are now depicted on the Site Map. See attached.

The site map did not include the location where storm water discharge to surface water as required by Part II.C.1.f.14

- The current discharge point has been identified on the Site Map. West of flood wall station 104+00. See attached.

3. The following SWPPP controls to reduce pollutants deficiencies were identified:

The SWPPP did not identify post construction control and/or post construction controls were not maintained, Part II.C.5.

- The SWPPP identifies both pre & post construction controls. The post controls are installed in the exact same locations as the pre controls. Wagner Construction is

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rebuilding the storm sewer system in the identical/exact same location as the existing inlets.

The SWPPP was not amended when there is a change in design, construction, operation or maintenance as required by Part II.C.8.c

- The SWPPP has been updated to depict this change.

The silt fence appears on the SWPPP map along the entire length of the project's land disturbance boundary with the river, however, site representatives explained that most of the length of silt fence was not in place because they deemed the silt curtain to be adequate substitute. This discrepancy represents a needed SWPPP amendment.

- Silt Fence has now been installed along the entire river edge, SW of the 16th St SE bridge. However, portion have been removed to complete permanent stabilization with riprap. The SWPPP has also been updated with this depiction.
 - See attached photos (1-3)

4. The following best management practice (BMP) deficiencies were identified:

Street cleaning was used onsite but it was not conducted.

6th Avenue and Burdick Expressway were covered with sediment that had been tracked off site by trucks exiting the site from its two exits; see photos 74-76 and 97.

- Burdick Expressway & 16th St SW and 12th St SW had construction entrances installed on 07/29/16. However, the entrances have since been removed for concrete work to be completed. Wagner Construction has a sweeper staged at the entrance of Burdick Expressway & 16th St SW until the concrete work is complete. Burdick & 16th have BMP's installed in all existing inlets and new storm sewer catch basins.
 - See attached photos (4-6)

Concrete washout was used on-site without a BMP.

A concrete wash-out BMP was needed onsite. Photo 78 shows an undesignated location where concrete had been dumped without use of a BMP.

- A washout area was designed in the laydown yard on the North end of the project. The wash out area has since been removed. All concrete trucks washout offsite. The concrete that is depicted in the photos taken by Michael was the "prime" concrete for the concrete pump truck. This was strictly concrete blown out of the pump truck's trimmie hose. This is regular concrete with little to no water. The concrete prime piles have been picked up and disposed of.
 - See attached photos of cleaned areas and "original washout area". Photos (7-8)

5. The following site self inspection deficiencies were identified:

- No response needed.

6. The following stabilization and structural practiced deficiencies were identified:

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Stabilization had not been initiated immediately in areas where activities have permanently or temporarily ceased on any portion of the site and will not resume for a period exceeding fourteen (14) calendar days, per the requirement at Appendix 1.A.3 of the permit. Soil stabilization was missing from two locations where land disturbance reached the edge of the river and construction activities appeared to have been ceased for many days while earthwork continued in adjacent areas; see photos 88, 92 and 93.

- Additional riprap and stabilization have been placed in for photo 92 & 93
The area on the bank where photo 88 was taken has been cleaned up and silt fence placed.
- See attached photos (9-10) Photo 9=EPA Photo 88

Silt Curtain had been installed as a sediment control BMP in the river; however, it had been installed unnecessarily far in the middle of the river channel where it would fail to protect the water column from discharge of pollutants; see photos 89-90.

- Silt Curtain has been reinstalled closer to the shoreline EPA comments.
- See attached photos (11-13)

The site lacked a sediment control barrier at two locations where land disturbance reached the edge of the river; see photos 88, 92 & 93.

- See comments above.

No vehicle track-out pad had been installed at the north site entrance, where sediment was observed exiting the site; see photo 77.

- See was covered in Item 4. The north construction entrance has been stabilized with rock. See attached photos (14-15)

Storm drain inlet protection was needed but absent at the end of 6th Avenue near the north site entrance; see photos 98-99.

- Drainage fabric had been installed in the storm inlet. See attached photos (16-17)

Off-site accumulations of sediment were not removed to minimize off site impact as required by Part II.C.4 and Appendix I.B.4.

Sediment had been tracked out onto the neighboring residential streets and onto Burdick Expressway; see photos 74-77 and 97.

- Track out pad has been installed at the north construction entrance on 6th Ave SE. All streets have been swept. This includes, but is not limited to:
 - Burdick Expressway
 - 16th St SW
 - 12th St SW
 - 6th Ave SW
 - 11th Ave SW
 - 18th St SW
 - See attached photos (18-20)

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Wagner Construction has signed the Expedited Settlement Agreement and will consider the matter closed once notified to execute payment in the amount of \$5,900.00. If you have any further questions or concerns, please feel free to contact me.

Matt Guerton
Project Manager

WAGNER CONSTRUCTION, INC.
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Site Photos

Photo 1

This photo depicts silt fence on the SW side of 16th St SW paralleling the river.



Photo 2

This photo is the same as Photo 1 further to the SW. There is a vegetated grass buffer that is approximately 50' between the silt fence and the toe of the stock pile.



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Photo 3
This photo is the same as 1 & 2 closer to the river.



Photo 4
This photo depicts the construction entrance at 8th Ave SW & 12th St SW. This area is prepped for bituminous pavement to be placed next. This entrance is closed to all traffic.



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Photo 5

This photo depicts the construction entrance at 6th Ave SW and the construction entrance. The street has been swept and a rock construction entrance installed.



Photo 6

This photo depicts the construction entrance at Burdick Expressway and 16th St SW. The street has been swept. The rock construction entrance has been removed due to grading for the reinforced concrete roadway. Wagner Construction has a sweeper located on the project and the road this swept a minimum of (2) two times per day.



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Photo 7

This photo depicts the area where the concrete pump truck “primed” the pump. The concrete has been picked up and disposed of at the City of Minot Landfill.



Photo 8

This photo depicts the area in which the original concrete washout area was located. It has been removed and hauled to the City of Minot Landfill.



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Photo 9

This photo depicts the disturbed area in EPA photo 87. This area is currently being constructed for permanent riprap stabilization. This area will be worked continually until completion.

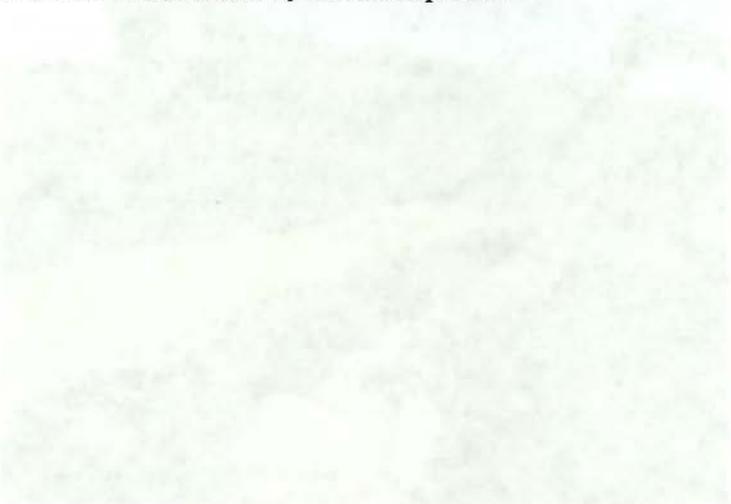
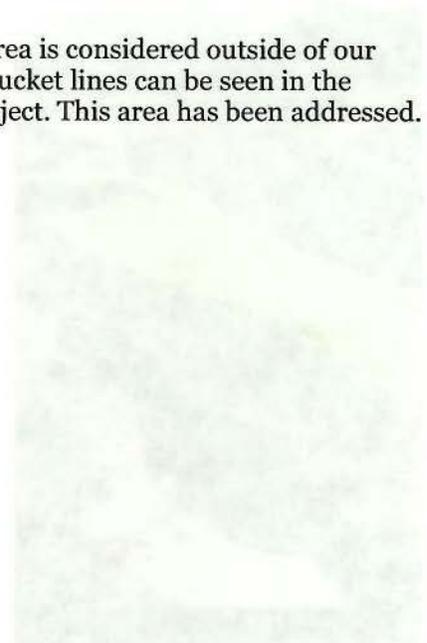


Photo 10

This photo depicts rock checks placed on the “existing slope”. This area is considered outside of our work zone. See riprap placement zones on the Site Map. Excavator bucket lines can be seen in the pictures as an “attempt” to correct and area not impacted by this project. This area has been addressed.

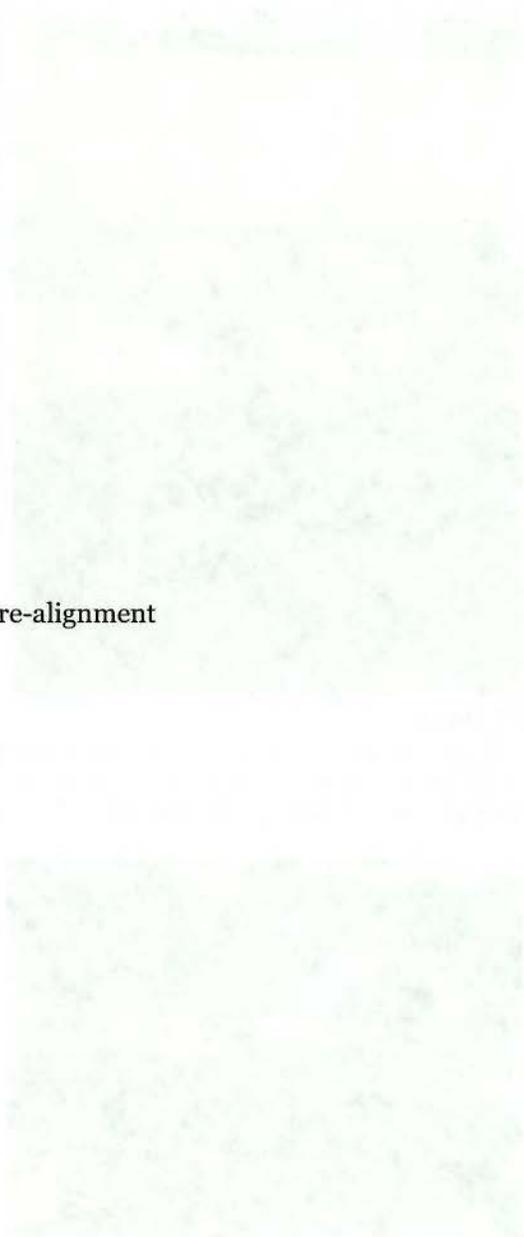


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Photo 11
This photo depicts the Floating Silt Curtain re-alignment.



Photo 12
This photo is continuation of Photo 11; Floating Silt Curtain re-alignment



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Photo 13

This photo is continuation of Photo 11 & 12; Floating Silt Curtain re-alignment

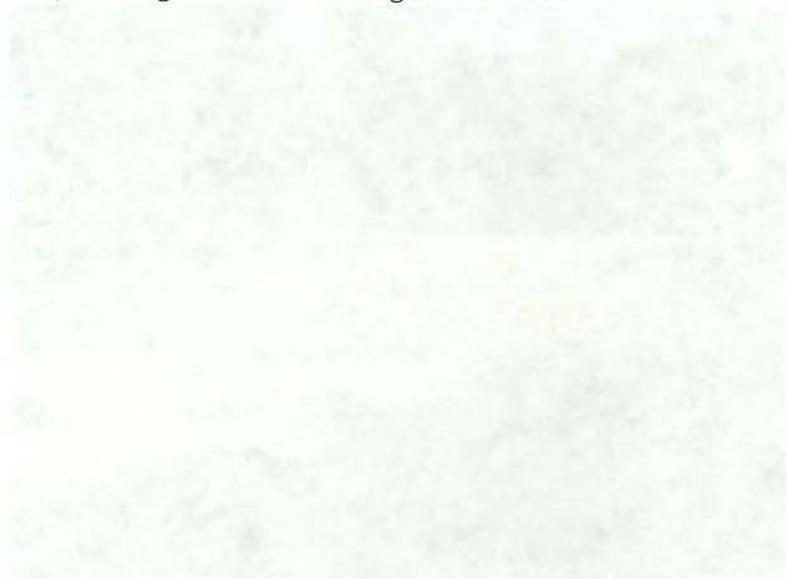
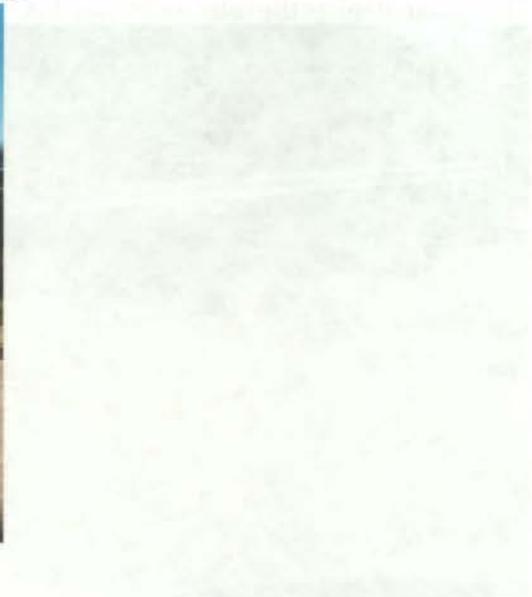


Photo 14

This photo depicts the north yard rock construction entrance.



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Photo 15
This photo depicts the north yard rock construction entrance.



Photo 16
This photo depicts the inlet on 6th Ave SW.



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Photo 17
This photo depicts the inlet on 6th Ave SW.



Photo 18
This photo depicts the sediment removal by sweeping on Burick Expressway & 16th St SW.



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Photo 19

This photo depicts the sediment removal by sweeping on 12th St SW & 6th Ave SW.



Photo 20

This photo depicts the sediment removal by sweeping on 12th St SW.



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Photo 21

This photo depicts the sediment removal by sweeping on 6th Ave SW.



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**Project Name: Minot WTP Flood Mitigation Project
SWPPP Maintenance & Inspection Narrative**

1. **Wagner Construction** must ensure that a trained person will routinely inspect the entire construction site at least once every seven (7) days during active construction and within 24 hours after a rainfall event greater than 0.25 inches in 24 hours. Following an inspection that occurs within 24 hours after a rainfall event, the next inspection must be conducted within seven (7) days after the rainfall event.

2. All inspections and maintenance conducted during construction must be recorded within 24 hours in writing and these records must be retained with the **SWPPP**. Records of each inspection and maintenance activity shall include:

- a. Date and time of inspections
- b. Name of person(s) conducting inspections
- c. Findings of inspections, including the specific location where corrective actions are needed
- d. Corrective actions taken (including dates, times, and party completing maintenance activities)
- e. Date and amount of all rainfall events greater than 1/4 inch (0.25 inches) in 24 hours.

Rainfall amounts must be obtained by a properly maintained rain gauge installed onsite, a weather station that is within 1 mile of your location or a weather reporting system that provides site specific rainfall data from radar summaries.

If any discharge is observed to be occurring during the inspection, a record of all points of the property from which there is a discharge must be made, and the discharge should be described (i.e., color, odor, floating, settled, or suspended solids, foam, oil sheen, and other obvious indicators of pollutants) and photographed.

Any amendments to the **SWPPP** proposed as a result of the inspection must be documented within seven (7) calendar days.

3. Inspection frequency adjustment

- a. Where parts of the **project** site have **permanent cover**, but work remains on other parts of the site, **Wagner Construction** may reduce inspections of the areas with **permanent cover** to once per month.
- b. Where construction sites have **permanent cover** on all exposed soil areas and no **construction activity** is occurring anywhere on the site, the site must be inspected during non-frozen ground conditions at least once per month for a period of twelve (12) months.

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Following the twelfth month of **permanent cover** and no **construction activity**, inspections may be terminated until **construction activity** is once again initiated unless **Wagner Construction** is notified in writing by the governing body that erosion issues have been detected at the site and inspections need to resume.

c. Where work has been suspended due to frozen ground conditions, the inspections may be suspended. The required inspections and maintenance schedule must begin within 24 hours after runoff occurs at the site or 24 hours prior to resuming construction, whichever comes first.

4. **Wagner Construction** is responsible for the inspection and maintenance of temporary and permanent water quality management **BMPs**, as well as all **erosion prevention** and **sediment control BMPs**, until another **Permittee** has obtained coverage under this Permit or the **project** has undergone **Final Stabilization**.

5. **Wagner Construction** must inspect all **erosion prevention** and **sediment control BMPs** and Pollution Prevention Management Measures to ensure integrity and effectiveness during all routine and post-rainfall event inspections. All nonfunctional **BMPs** must be repaired, replaced, or supplemented with functional **BMPs** by the end of the next business day after discovery, or as soon as field conditions allow access unless another time frame is specified below. The **Permittee(s)** must investigate and comply with the following inspection and maintenance requirements:

a. All perimeter control devices must be repaired, replaced, or supplemented when they become nonfunctional or the sediment reaches one-half ($1/2$) of the height of the device. These repairs must be made by the end of the next business day after discovery, or thereafter as soon as field conditions allow access.

b. Temporary and permanent sedimentation basins must be drained and the sediment removed when the depth of sediment collected in the basin reaches one-half ($1/2$) the storage volume. Drainage and removal must be completed within 72 hours of discovery, or as soon as field conditions allow access.

c. **Surface waters**, including drainage ditches and conveyance systems, must be inspected for evidence of erosion and sediment deposition during each inspection. **Wagner Construction** must remove all deltas and sediment deposited in **surface waters**, including drainage ways, catch basins, and other drainage systems, and restabilize the areas where sediment removal results in exposed soil. The removal and **stabilization** must take place within seven (7) days of discovery unless precluded by legal, regulatory, or physical access constraints. **Wagner Construction** shall use all reasonable efforts to obtain access. If precluded, removal and **stabilization** must take place within seven (7) calendar days of obtaining access.

d. Construction site vehicle exit locations must be inspected for evidence of off-site sediment tracking onto paved surfaces. Tracked sediment must be removed from all paved surfaces both

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on and off site within 24 hours of discovery, or if applicable, within a shorter time.

e. Streets and other areas adjacent to the **project** must be inspected for evidence of off-site accumulations of sediment. If sediment is present, it must be removed in a manner and at a frequency sufficient to minimize off-site impacts.

6. All infiltration areas must be inspected to ensure that no sediment from ongoing **construction activity** is reaching the infiltration area. All infiltration areas must be inspected to ensure that equipment is not being driven across the infiltration area.

7. **All BMP's** will be installed by certified erosion control installer. Methods of sediment removal shall be that of **Wagner Construction**. Sediment removal methods may vary on a case by case basis.

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WAGNER CONSTRUCTION SUPPLY

M:\Projects\113_0313_03\DWG\113_0313_03_01.dwg 11/13/15 10:50 AM

LEGEND

- BRIDGE DRAW FABRIC (Symbol: Circle with X)
- SILT FENCE (Symbol: Dashed line with X)
- SILT CURTAIN (Symbol: Dashed line)
- FIBER ROLL (Symbol: Dashed line with dots)
- INLET PROTECTION (Symbol: Circle with X)
- CONSTRUCTION ENTRANCE (Symbol: Dashed line with cross-hatch)
- FLOW ARROW (Symbol: Arrow)
- PORTABLE TOILET (Symbol: Blue square)
- TRASH DUMPING (Symbol: Red square)

Scale: 0 to 120 Feet

No.	Revision	Date	By
A-1	ADDITIONAL WORK INTO BURDICK EXPY ON 18TH ST SW	7-24-15	HAL

			Drawn by DEK, JMW	Date 2-13-15	MINOT WATER TREATMENT PLANT FLOOD HAZARD MITIGATION PROJECT CITY OF MINOT, NORTH DAKOTA	SWPPP STORMWATER POLLUTION PREVENTION PLAN CITY PROJECT NO. 3673	C-1401 SHEET 98 of 233
			Checked by JDB, KAL	Scale AS SHOWN			



09/21/15 mg.



STORMWATER POLLUTION PREVENTION PLAN TEMPLATE
NORTH DAKOTA DEPARTMENT OF HEALTH
DIVISION OF WATER QUALITY
SFN 19388 (12/2015)

Stormwater Pollution Prevention Plan

For:

Minot Water Treatment Plant Flood Hazard Mitigation Project
16th St SW (Int. of 16th St SW & 12th St SW)
Minot, ND
Ward County

Owner(s):

City of Minot Public Works
Dan Jonasson
1025 31st SE
Minot, ND 58701
701-857-4100
dan.jonasson@minotnd.org

Operator(s):

Pro Landscapers
Jon
1841 43rd St N Ste B
Fargo, ND 58102
(701) 721-4598
jon@prolandscapersnd.com

*→ ALSO SEE NEXT SHEET
FOR ADDITIONAL OPERATORS.*

SWPPP Contact(s):

Wagner Construction
Matt Guerton
3151 Hwy 53
Int'l Falls, MN 56649
(218) 240-9045
m.guerton@wagnerconstructioninc.com

SWPPP Preparation Date:

09/09/15

NDPDES Permit Coverage Number:

NDR10-8568

ISSUED 08/11/16

Contact List



Minot, ND - WTP Flood Hazard Mitigation Project

Wagner Construction, Inc. | 3151 Hwy 53; Suite 1 - International Falls, MN 56649 | [P] 218.283.3700 | [F] 218.283.1043

Description	Supplier	Phone	Fax	Email
Pipe & Fittings	Ferguson Waterworks PO Box 802817 Chicago, IL 60680 Brian Thompson	(701) 258-9700	(701) 258-1452	Brian.Thompson3@ferguson.com
Precast Concrete	Cretex PO Box 1450 Minneapolis, MN 55485 Jody Jones	(701) 223-7178	(763) 416-1633	JLJones@cretex.com
Aggregates	Aggregate Construction 4100 Hwy 52 S Minot, ND 58701 Terry	(701) 852-2343	(701) 839-6263	aggregate@srt.com
Steel Pipe	True North Steel PO Box 1450 Minneapolis, MN 55485 Courtney Homan	(701) 373-7781 (office) (701) 371-2375 (mobile)	(701) 281-1993	courtney.homan@truenorthsteel.com
Description	Subcontractor	Phone	Fax	Email
Testing	Northern Technologies, Inc. 5150 Hwy 2 E Minot, ND 58701 Tony Francis	(701) 839-5400 (office) (701) 818-8486 (mobile)	(701) 232-1822	tonyf@ntigeo.com
Asphalt	Minot Paving Co Inc. PO Box 1805 Minot, ND 58702 Richard Rutten	(701) 852-0558 (office)	(701) 852-0560	minotpav@srt.com
Landscaping	Pro Landscapers LLC 1841 43rd St N Ste B Fargo, ND 58102 Jon	(701) 277-7001 (office) (701) 261-7725	(701) 297-7748	jon@prolandscapersnd.com
Structural Concrete/Mechanical	Rice Lake Construction Group 22380 County Road 12 Deerwood, MN 56444 John Strain	(218) 546-5519 (office) (612) 790-3822	(218) 546-7016	John.Strain@ricelake.org
Fencing	Dakota Fence 1915 20th Ave SE Minot, ND 58702 Mylan Sand	(701) 852-6263 (office) (701) 721-5294 (mobile)	(701) 852-0931	mylans@dakotafence.com
Electrical	Main Electric PO Box 936 Minot, ND 58702 Kent Engle	(701) 852-3315 (office) (701) 833-8507 (mobile)	(701) 852-6618	kengle@minot.com
Traffic Control	3D Specialties PO Box 1615 Fargo, ND 58107 Doyle Schrader	(701) 293-8599 (office) (320) 743-2400 (office)	(701) 293-7811	doyles@dakotafence.com
Jack & Bore	Midwest Borings PO Box 38 Santiago, MN 55377 Lynnette Schillewaert	(612) 865-2430 (mobile)	(320) 743-5487	midwestbores@gmail.com
Wagner Construction, Inc. Contacts		Phone	Fax	Email
Project Manager	Matt Guerton	(218) 283-3700 (office) (218) 240-9000 (mobile)	(218) 283-1043	m.guerton@wagnerconstructioninc.com
On-site Foreman	Ashley Waller	(218) 283-3700	(218) 283-1043	a.larsen@wagnerconstructioninc.com
Payroll	Ann King	(218) 283-3700	(218) 283-1043	a.king@wagnerconstructioninc.com
Owner Information		Phone	Fax	Email
Owner:	City of Minot PO Box 5006 515 2nd Ave SW Minot, ND 58702			
Engineer Information		Phone	Fax	Email
Engineer:	Houston Engineering 3712 Lockport Street Bismarck, ND 58503 Kevin Martin	(701) 323-0200 (office)	(701) 323-0300	kmartin@houstoneng.com

Stormwater Pollution Prevention Plan (SWPPP)

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Foreword:

All permittees shall implement a SWPPP for any construction activity requiring this permit until final stabilization is achieved. The SWPPP and revisions are subject to review by the department. The objectives of the SWPPP is to identify potential sources of sediment and other sources of pollution associated with construction activity, and to ensure practices are implemented and maintained to reduce the contribution of pollutants in stormwater discharges from the construction site 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 (e.g., Spill Prevention, Control and Countermeasure requirements).

The SWPPP may identify more than one permittee and may specify the responsibilities of each permittee by task, area, and/or timing. Permittees may coordinate and prepare more than one SWPPP to accomplish this. However, in the event there is a requirement under the SWPPP for which responsibility is ambiguous or is not included in the SWPPP, each permittee shall be responsible for implementation of that requirement. Each permittee is also responsible for ensuring that its activities do not render another permittee's controls ineffective.

The SWPPP is an enforceable document.

The SWPPP shall include the following information:

1. Site description
2. A Narrative of operational controls and sediment and erosion controls
3. Operational controls
4. Erosion and sediment controls
5. Stormwater management
6. Maintenance
7. Inspections
8. Records location and retention
9. Plan review and revisions
10. Final stabilization
11. Construction stormwater general permit, NDR10-0000
12. Copy of the notice of intent
13. Coverage letter from the North Dakota Department of Health
14. Guidelines, specifications or manuals for selected best management practices

Disclaimer

This SWPPP is intended to be used as an outline/starting point. **Permittees are to provide additional information under each section which pertains specifically to the project which is permitted.** It is assumed that each responsible party listed in the SWPPP has read and understands all of the requirements in Construction General Permit NDR10-0000. **The use of this template does not necessarily ensure compliance with the Construction General Permit.**

SECTION 1: CONTACT INFORMATION/CHAIN OF RESPONSIBILITY

1.1 SWPPP Contact

The SWPPP contact must be an individual who is knowledgeable and experienced in the application of erosion and sediment control BMPs who will oversee the implementation of the SWPPP, and the installation, inspection and maintenance of the erosion and sediment control BMPs, before and during construction until a NOT, is filed or the permit is transferred.

Additional rows may need to be added if more than two SWPPP contacts will be working on the project.

SWPPP Contact Information	Title	Phone
Matt Guerton	Project Manager	(218) 240-9045
Jess Kindred	General Superintendent	(218) 240-9045
Kevin Hesse	General Superintendent	(218) 244-8466

1.2 Chain of Responsibility

A chain of responsibility must be developed by the owner with all operators on site to ensure that the SWPPP will be implemented and stay in effect until the construction project is complete, the entire site has undergone final stabilization, and a NOT has been submitted to the department.

Additional operators may need to be added if there will be more than one operator on-site.

Note: The operator has day to day supervision of construction activities and is jointly responsible with the owner for compliance with the permit conditions as they pertain to the construction activities delegated to the operator.

OPERATOR	
Contact Information	Responsibilities
Jon-Pro Landscapers	Installer \oplus SEE ATTACHED SHEET - 1A -

SECTION 2: SITE DESCRIPTION

2.1 Project location

Please complete one of the selections.

Street Address	City	Subdivision (if known)
16 th Street SW	Minot	N/A

Or,

Quarter	Section	Township	Range

Or,

Latitude	Longitude
N48D13M42S	W101D18M55S

Or,

General Location
16 th St SW (Int. of 16 th St SW & 12 th St SW)

2.2 Overall project description

Describe the overall project and type of construction activity.

Grading, Storm Sewer, Watermain, Demo, Bank Stabilization & Flood Wall Construction

2.3 Project Size and Area of Disturbance

Estimated total area of the project and total area expected to be disturbed by excavation, grading, grubbing or other activities. Include the estimated total area of offsite support activities that will be covered by the construction general permit. This includes concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, and borrow areas not already covered by another stormwater permit.

Total area of project: 17.00 ac

Total area expected to be disturbed: 15.00 ac

2.4 Proposed timetable/schedule

Provide a proposed timetable of soil disturbing activities for major portions of the site (for example; excavation, grading, grubbing, building, temporary stabilization, final stabilization). A construction schedule may be used if available.

Please note that it may be necessary to add additional rows to the table for your project.

Phase/Stage	BMP Implementation Schedule	BMP Removal Schedule	Disturbance(s) Schedule	Stabilization Schedule
Slope Stabilization	10/13/15 ✓	10/31/16	11/01/15 ✓	08/01/16
Street Work	06/01/16 ✓	10/31/16	06/30/16 ✓	10/31/16
General Site Restoration	10/13/15 ✓	08/31/17	10/13/15 ✓	10/31/16

2.5 Soil description

Describe the soil within the disturbed area(s). Attach additional pages if needed. (Soil survey information may be found at: <http://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>)

The Geologic Map of Renville and Ward Counties indicates that the area is dominated with Quaternary age alluvium, varying in composition from gravel to clay. The alluvium is bounded and presumably underlain with Quaternary age glacial sediments. Consistent with the map, our penetration test borings and test pits found the proposed floodwall alignments and levee footprints to be underlain with alluvium and glacial sediments, though these materials were at all locations capped by a veneer of fill.

The alluvium, approximately 8 to 25 feet thick, is similarly variable, consisting of interbedded but discontinuous layers of sand – classifying as poorly graded sand (SP), poorly graded sand with silt or clay (SP-SM or SP-SC), silty sand (SM) or clayey sand (SC) – or silt (ML) or lean clay (CL). At the time our work was completed, the alluvial soils were almost exclusively wet, with sand and silt layers at depth being waterbearing. Penetration resistance values recorded in the sands and silts generally did not exceed 10 BPF, indicating they were very loose to loose overall. Penetration resistance values recorded in the clays generally fell in the range of 4 to 8 BPF, indicating they were of rather soft to medium consistency.

2.6 Name of Receiving Water(s)

Provide the drainage path runoff takes as it leaves the site. Include the municipal, county or state-operated storm sewer or drainage ditch, as well as the first named waterbody or wetland (if known) to which the site drains.

Mouse/Souris River

2.7 Site Map

Provide a site map showing the following items. Please note: Items 1 through 19 all must be shown on the site map as applicable. If an item is not applicable rationale must be provided. Include any maps in **Appendix A**.

1. Project boundaries;
2. Areas of ground disturbance during each phase/stage of the project;
3. Areas where disturbance will not occur, such as avoidance areas (e.g. wetlands, critical habitat, Threatened and Endangered Species, etc);

4. Drainage patterns including: flow direction (run-on and runoff)
5. Dividing lines, discharge points, and storm sewer system inlets which the site drains to or may be affected by the activity;
6. Pre-existing and final grades;
7. Location of all temporary and permanent sediment and erosion controls during each particular phase;
8. Location of any stormwater conveyances such as: retention ponds, detention ponds, ditches, pipes, swales, stormwater diversions, culverts, and ditch blocks;
9. Location of potential sources of pollution (e.g. portable toilets, trash receptacles, etc.);
10. Location of soil stockpiles;
11. Identify steep slopes;
12. Surface waters, including an aerial extent of wetland acreage;
13. Location of surface water crossings;
14. Locations where stormwater is discharged to surface waters;
15. Location of dewatering discharge points;
16. Locations of where chemical treatment of stormwater will be performed, including discharge points;
17. Fueling locations, vehicle and equipment maintenance areas, designated wash water collection site, lubricant and chemical storage, paint storage, material storage, staging areas, and debris collection area;
18. Location of any impervious surfaces upon completion of construction; and
19. Where included as part of the project, the site maps for off-site concrete/asphalt batch plants, equipment staging areas, borrow sites or excavated fill material disposal sites. Site maps must show items 1 through 18 of this section.

See attached SWPPP Map

2.8 **Impaired Water Bodies**

Identify whether or not the waterbody is listed in the most recent North Dakota Integrated Section 305(b) Water Quality Assessment Report and Section 303(d) List of Water Needing Total Maximum Daily Loads. The Department's 303(d) list may be found at the following website under Integrated Reports: www.ndhealth.gov/WQ/SW/Z2_TMDL/Integrated_Reports/B_Integrated_Reports.htm.

N/A

2.9 **Water Bodies with a TMDL**

For water bodies which have a TMDL, the SWPPP must describe and conform to the Waste Load Allocations (WLA) of the water body as per Part II(C)(4)(g) of this permit. Information about TMDL allocations may be found at the following website: www.ndhealth.gov/WQ/SW/Z2_TMDL/default.htm.

N/A

SECTION 3: OPERATIONAL CONTROLS

The SWPPP must include a narrative description of the selected operational controls and sediment and erosion controls as outlined in Part II(C)(3), Part II(C)(4), and Appendix 1 of this permit. When applicable, a description of the requirements for any additional environmental regulations (federal) and local requirements related to the project, as it relates to waters of the state, must also be included or incorporated by reference (e.g. The Wild and Scenic Rivers Act, The National Historic Preservation Act, The Endangered Species Act, Fish and Wildlife Coordination Act, National Environmental Policy Act, Section 404 of the Clean Water Act, etc.).

The narrative shall describe at a minimum:

- a) The installation, removal (if applicable), and maintenance requirements of selected Best Management Practices (BMPs) for each phase/stage of construction activity;
- b) The rationale for the selection of all BMPs (calculations should be included if appropriate);
- c) Whether selected BMPs are temporary or permanent;
- d) Any descriptions of infeasibility or explanations as required in Part II, Part III(A), and Appendix 1 of this permit.

Erosion and sediment controls and stabilization practices and maintenance requirements must meet the requirements outlined in Appendix 1 of the General Construction Permit.

The plan must describe the operational best management practices (BMPs) used in day-to-day operations on the project site that reduce the contribution of pollutants in stormwater runoff. Descriptions must at a minimum include the four (4) topics outlined above for each control.

3.1 Good Housekeeping

Describe good housekeeping practices used to maintain a clean and orderly site. The SWPPP shall describe how litter, debris, chemicals and parts will be handled to minimize exposure to stormwater. The SWPPP also shall describe what measures will be used to reduce and remove sediment tracked off-site by vehicles or equipment. In addition, the SWPPP shall describe methods which will be used to reduce the generation of dust.

3.1.1 Litter, debris, chemicals and parts

Describe how these items will be managed properly to minimize the exposure to stormwater so that they will not be carried off-site by wind or water.

All Litter and Debris will be placed in onsite dumpster. Chemicals & Parts will stored along with fuel in the designated staging areas. Chemicals will be brought Cenex for proper disposal. Parts in the onsite dumpster, recycle centers or landfill. Also, see Wagner SWPPP Narrative.

3.1.2 Sediment track out

Describe the sediment control measures which will be used to reduce and remove sediment tracked off-site by vehicles or equipment.

Rock entrances will also be installed at all exit locations. A Water Truck and Mechanical Broom will be present onsite. All tracking will be cleaned by the end of the work day.

3.1.3 Dust control

Describe the erosion control methods which will be used to reduce the generation of dust from the construction site.

A Water Truck and Mechanical Broom will be present onsite. The contract calls for Magnesium Chloride on all detour routes. A water meter will be rented from the City of Minot to fill Water Trucks.

3.2 Preventative maintenance

Describe the preventative maintenance practices which will be used to ensure the proper operation of all selected erosion and sediment control devices and equipment used or stored on-site.

Note: Refer to Appendix 1 of the General Construction Permit for the minimum maintenance requirements.

See attached SWPPP Map

3.3 Spill prevention and response procedures

Describe spill prevention and response procedures used in areas where spills could occur. Bulk storage of petroleum products and other chemicals must have adequate leak and spill protection to prevent spilled material from entering waters of the state or storm sewer systems or from draining onto adjacent property.

Include, where appropriate:

- Specific handling procedures.
- Storage requirements.
- Spill containment procedures.
- Spill cleanup procedures.

Reportable spills are those that:

- Threaten or are in a position to threaten waters of the state, such as surface or ground water.
- Cause immediate danger to human health or safety.
- Cause harm or threaten to harm wildlife or aquatic life.
- Are 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).

Note: CFR stands for Code of Federal Regulations, and CERCLA stands for Comprehensive Environmental Response, Compensation, and Liability Act.

Spill Reporting

Report any spill that may seriously endanger health or the environment **as soon as possible**, but no later than 24 hours from the time you became aware of the spill.

Some releases may require immediate response by trained emergency personnel. This may be coordinated through the Department of Health, Department of Emergency Services and any other state or local emergency response agencies that may be needed. **If there is any question as to proper response, call the Department of Health at 701.328.5210 or the North Dakota hazardous materials emergency assistance and spill reporting number (800.472.2121) and provide all relevant information about the incident.**

North Dakota Department of Health:	
Division of Water Quality	701.328.5210
Division of Waste Management	701.328.5166
Division of Air Quality	701.328.5188
Division of Municipal Facilities	701.328.5211

North Dakota hazardous materials emergency assistance and spill reporting:

800.472.2121 (24-hour hotline)

Releases may be reported by filling out the online Environmental Incident Report Form at <http://www.ndhealth.gov/EHS/Spills/>.

Stormwater Pollution Prevention Plan (SWPPP)

Material/Chemical	Quantity	Handling Procedures	Storage Requirements	Spill Containment Procedures	Spill Clean-up Procedures
Diesel Fuel			Staging Area		Safety Klean Spill Kit 7881
Motor Oil			Staging Area		Safety Klean Spill Kit 7881
PVC Pipe			Staging Area		N/A
RC Pipe			Staging Area		N/A
Anti-Freeze			Staging Area		Safety Klean Spill Kit 7881
Hydraulic Oil			Staging Area		Safety Klean Spill Kit 7881

Attach additional pages if needed

3.4 Employee training

Describe how employees and responsible parties shall be trained on the implementation of the SWPPP. Employees and responsible parties include individuals who are responsible for design, installation, maintenance and repair of stormwater controls and conducting inspections.

The following items must be addressed:

- 1) On-site personnel must understand the requirements of this permit as it pertains to their role in implementing the SWPPP. On-site personnel must know:
 - a. The purpose of the SWPPP, requirements of the SWPPP, and how the SWPPP will be implemented;
 - b. The location of all BMPs identified in the SWPPP; and
 - c. Correct installation, function, maintenance and removal (if applicable) of BMPs identified in the SWPPP.
- 2) Personnel responsible for performing site inspections must understand when inspections must be conducted (Part III(A)), what must be inspected (Part II(C)(7)), how to record findings, when to initiate corrective actions, and properly document corrective actions.
- 3) Maintenance personnel must understand when maintenance must be performed on BMPs in order to maintain properly functioning BMPs and what needs to be recorded for corrective actions/maintenance records in accordance with Part III(A)(5) of this permit.

Note: Employee training must be provided at least annually, as new employees are hired or as necessary to ensure compliance with the plan and the general permit, NDR10-0000.

Wagner Construction management staff attends annual Erosion Control Classes provided by MnDOT

3.5 Concrete grindings and slurry

Describe how concrete grindings and slurry will be managed on-site.

Wash Out areas will be designated in staging area. If a wash out area is not easily accessible, concrete trucks will wash out offsite at a designated wash out to be named later. Wash out areas will be constructed of an earthen berm sump, lined with reinforced poly. Wash Out will be removed and hauled to the City Land Fill

3.6 Wastewater from concrete washout, cleanout or washout from: stucco, paint, joint compound, and other building materials

Describe what practices will be used to prevent wastewater from concrete washout, cleanout or washout from: stucco, paint, joint compound, and other building materials. Wastewater shall not be discharged to waters of the state, storm sewer systems or curb and gutter systems.

Note: Wash water must be collected in leak-proof containers or leak-proof pits. Containers or pits must be designed and maintained so that overflows cannot occur due to inadequate sizing, precipitation events, or snowmelt.

Wastewater or any other hazardous material will be collected by using a vac truck and transported to the City Land Fill.

3.7 Dewatering and basin draining operations

Describe how dewatering operations will be operated to minimize the release of sediment and erosion caused by the discharge. Provide any dewatering inspection in **Appendix B**.

These operations must not adversely affect receiving waters or downstream landowners. The operation must be inspected daily and an inspection record must be maintained. The following conditions apply to dewatering activities covered by the construction general permit:

Dewatering is limited to un-contaminated stormwater, surface water, and groundwater that may collect on-site and those sources identified in Part II(A), if they are not a significant source of pollution. A separate permit must be obtained to discharge water from other sources such as hydrostatic testing of pipes, tanks, or other similar vessels; disinfection of potable water lines; pump testing of water wells; and the treatment of gasoline or diesel contaminated groundwater or surface water.

The operation must not lead to sediment deposits within storm sewers, ditches and surface waters. The operation must not cause or potentially cause a visible plume in a surface water.

When dewatering, you must utilize structures or BMPs which allow for draw down to occur from the surface of the water, unless infeasible. If infeasible, documentation must be provided and you must describe what BMP(s) will be used in its place.

Note: You are allowed to discharge the non-stormwater discharges sources only if you describe what measures will be used to minimize their impact to water quality.

A separate Dewatering Plan will be issued to the engineer and stored with the SWPPP if an operation of this nature is to occur. Dewatering is a case by case basis. Wagner Construction owns and operates a well point system when applicable.

SECTION 4: EROSION AND SEDIMENT CONTROLS

Erosion and Sediment Controls.

Erosion and sediment controls and stabilization requirements must be implemented for each major phase of site activity (e.g., clearing, grading, building, and landscaping phases). A description of the erosion and sediment controls and site stabilization methods must be provided in accordance with Part II(C)(2) of this permit. Erosion and sediment controls, and site stabilization must conform to the requirements provided in Appendix 1. The description and implementation of controls shall address the following minimum components:

The selection of erosion and sediment controls, and site stabilization shall consider the following:

- 1. The expected amount, frequency, intensity, and duration of precipitation events;*
- 2. The nature of stormwater run-on and runoff from the site as well as changes during, and as a result of, construction activity. This includes changes to impervious surfaces, slopes, seasonal changes, and drainage features on-site;*
- 3. Channelized flow, must be handled in order to minimize erosion at outlets and to minimize impacts to downstream receiving waters;*
- 4. Soil types (wind and water erodibility, and settling time); and*
- 5. Seasonal conditions.*

See attached SWPPP Map

4.1 Sediment basins (where applicable)

Provide a description which meets the five (5) criteria above for the sediment basins, along with calculations if applicable to the design of the sediment basin. Attach any design specifications in **Appendix C**.

If sediment basins are being utilized on site they must be designed for a calculated volume of runoff from a 2-year, 24-hour storm per acre drained to the basin and provides not less than 1,800 cubic feet of sediment storage below the invert of the outlet pipe from each acre drained to the basin; or Basins shall be sized to provide 3,600 cubic feet of sediment storage below the invert of the outlet pipe per acre drained to the basin if calculations are not performed.

Outlets must be designed to avoid short-circuiting and the discharge of floating debris. Basins must be designed with the ability to allow complete basin drawdown for maintenance activities. Basins must release the storage volume in at least 24 hours. Outlet structures must be designed to withdraw water from the surface, unless not practicable. If not practicable, rationale must be provided in the SWPPP. The basin must have a stabilized emergency overflow to prevent failure of pond integrity. Energy dissipation must be provided for the basin outlet.

See attached SWPPP Map

4.2 Erosion and sediment controls and stabilization practices

Provide a description of all erosion, sediment, and stabilization practices which meets the five (5) criteria above and include all maintenance considerations for the selected erosion and sediment controls and stabilization practices. Attach any product specifications, installation diagrams, and calculations (when appropriate) in **Appendix C**.

Erosion and sediment controls and stabilization practices and maintenance requirements must meet the requirements outlined in Appendix 1 of the General Construction Permit.

All erosion and sediment control measures and other protective measures identified in the SWPPP must be maintained in effective operating condition. The SWPPP must indicate, as appropriate, the maintenance or clean out interval for sediment controls. If site inspections, required in Part III of this permit, identify BMPs that are not operating effectively, maintenance shall be arranged and accomplished in accordance to Appendix 1 or as soon as practicable.

All control measures must be properly selected, installed and maintained in accordance with the manufacturer's specifications and good engineering practices. If periodic inspections or other information indicates a control has been used inappropriately or incorrectly, the permittee must replace or modify the control for site situations. Corrective actions must be made prior to the next anticipated rainfall event of within 24 hours of discovery (whichever comes first) or as soon as field conditions allow. Documentation must be provided in the maintenance records if field conditions do not allow access along with a plan of action for performing maintenance activities.

Note: The permittee may deviate from the manufacturer's specifications and erosion and sediment control requirements in Appendix 1 if they provide justification for the deviation and document the rationale for the deviation in the SWPPP. Any deviation must provide equivalent erosion and sediment control.

If sediment escapes from the site, off-site accumulations of sediment must be removed in a manner and at a frequency sufficient to minimize off-site impacts. The plan must be modified to prevent further sediment deposition off-site.

Stormwater controls are expected to withstand and function properly up to a two-year, 24-hour precipitation event. Visible erosion and/or off-site sediment deposits should be minimal. A two-year, 24 hour rain event in North Dakota ranges from 1.9 inches in the west to 2.3 inches in the east.

If the project discharges stormwater which flows to a waterbody that has a TMDL allocation for sediment and/or parameters associated with sediment transport, the SWPPP must be consistent with the assumptions, allocations, and requirements of the TMDL. If the TMDL requires certain practices be used to meet the waste load allocation (WLA), then the practices must be incorporated into this plan.

See attached SWPPP Map and Narrative

4.3 Stormwater Management

Identify any permanent practices incorporated into the project to control pollutants in stormwater discharges occurring after construction operations have been completed. Include any design specifications in **Appendix C**. Provide a description of any maintenance requirements for the permanent controls.

This includes the following:

- a. Stormwater ponds; flow reduction practices that use open vegetated swales and natural depressions; infiltration of on-site runoff; and sequential systems that combine several practices.
- b. Velocity / energy dissipation devices placed at discharge locations (e.g., riprap) and appropriate erosion protection for outfall channels and ditches (e.g., hard armor or soft armor practices).

See attached SWPPP Map

SECTION 5: INSPECTIONS

Inspections: Provide a description of inspection procedures, personnel responsible for conducting site inspections, inspection schedule, and the location of your rain gauge or identify which National Weather Service station is being utilized. Identify any erosion and sediment control measures which require more frequent inspections due to re-occurring maintenance issues. Provide inspection records in **Appendix D** and maintenance records in **Appendix E**. Document any portions of the site which qualify for reduced inspections (Part III(A)(6) of the permit).

Inspectors must be knowledgeable in their role of the SWPPP, as outlined in Part II(C)(3)(e) of this permit.

At a minimum, inspections must be performed and recorded once every 14 calendar days and within 24 hours of a rain event greater than 0.25-inches.

You may use a rain gauge or the nearest National Weather Service precipitation gauge station which is representative of the site, or a rain gauge may be used on site.

All erosion and sediment control measures **identified in the plan** must be inspected to ensure they are operating correctly and in serviceable condition.

Surface waters, drainage ditches and conveyance systems must be inspected for sediment deposits.

Further inspection requirements can be found in Part II(C)(7) and Part III of the permit.

See attached EPA Inspection Log

SECTION 6: SWPPP REVISIONS

The SWPPP must be amended whenever there is a change in design, construction, operation, maintenance, or BMPs. The SWPPP shall be amended if the plan is found to be ineffective in controlling pollutants present in stormwater. The SWPPP shall be amended as soon as practicable.

The plan must be made available, upon request, to the North Dakota Department of Health, United States Environmental Protection Agency, or operator of the local municipal separate storm sewer system.

SWPPP Revision Documentation

<u>Item Revised</u>	<u>Revision Made</u>	<u>Date</u>	<u>Initials</u>
<u>ADDITIONAL SILT FENCE</u>	<u>ADDED FENCE BY TOPSOIL PILE</u>	<u>10/13/15</u>	<u>MG</u>
<u>ADDITIONAL PROTECTION ON BRIDGE DRAINS</u>	<u>ADDED FABRIC TO BRIDGE DRAIN</u>	<u>06/01/16</u>	<u>MG</u>
<u>ADDITIONAL SILT FENCE @ TOPSOIL PILE</u>	<u>PLACED 400' OF SILT FENCE</u>	<u>07/29/16</u>	<u>MG</u>
<u>SILT FENCE PLACED ON WEST RIVER BANK</u>	<u>PLACED 1,000' OF SILT FENCE</u>	<u>07/29/16</u>	<u>MG</u>
<u>REMOVED EAST SILT CURTAIN</u>	<u>SILT CURTAIN REMOVED</u>	<u>07/29/16</u>	<u>MG</u>
<u>PLACED FABRIC IN CBS ALONG BORDICK</u>	<u>BMP'S INSTALLED ALONG BORDICK</u>	<u>08/08/16</u>	<u>MG</u>
<u>PLACED ROCK CONST. ENTRANCES @ BORDICK, 12TH ST & N. ENTRANCE</u>	<u>12TH ST, BORDICK & 16TH N. ENTRANCE</u>	<u>07/29/16 & 08/01/16</u>	<u>MG</u>
<u>ROCK CONST. ENTRANCES</u>	<u>BORDICK & 16TH ST, 12TH ST</u>	<u>09/05/16 & 09/01/16</u>	<u>MG</u>
<u>COMPLETE WASHOUT</u>	<u>REMOVED WASHOUT</u>	<u>08/31/16</u>	<u>MG</u>

SECTION 7: FINAL STABILIZATION

Describe the procedures for final stabilization. If you complete construction activities on part of your site, document the final stabilization efforts for that portion of the site and indicate those portions on your site map. For portions of the site which have met final stabilization, inspections may be suspended (refer to Part III(A)(7) of the permit).

Final stabilization means that:

1. All soil disturbing activities at the site have been completed and all soils must be stabilized by a uniform perennial vegetative cover with a density of 70 percent of the pre-existing cover over the entire pervious surface area, or other equivalent means necessary to prevent soil failure under erosive conditions and;
 - a. All drainage ditches, constructed to drain water from the site after construction is complete, must be stabilized to preclude erosion;
 - b. All temporary erosion prevention and sediment control BMPs (such as silt fence) must be removed as part of the site final stabilization; and
 - c. The permittee(s) must remove all sediment from conveyances and temporary sedimentation basins that will be used as permanent water quality management basins. Sediment must be stabilized to prevent it from being washed into basins, conveyances or drainage ways discharging off-site or to surface waters. The cleanout of permanent basins must be sufficient to return the basin to design capacity.
2. For areas of the state where the average annual rainfall is less than 20 inches, all soil disturbing activities at the site have been completed and erosion control measures (e.g., degradable rolled erosion control product) and stabilization methods are selected, designed, and installed along with an appropriate seed base to provide erosion control for at least three years and achieve 70 percent of the pre-existing vegetative cover within three (3) years without active maintenance. Sites must meet the criteria outlined in items 1(a), (b), and (c) above.
3. Disturbed areas on land used for agricultural purposes that are restored to their pre-construction agricultural use are not subject to these final stabilization criteria. If the construction activity removed standing crop, the area must be restored in accordance with the landowner.

Areas disturbed that were not previously used for agricultural activities, such as buffer strips immediately adjacent to waters of the state, and areas which are not being returned to their pre-disturbance use must meet the final stabilization criteria in (1) or (2) above.

4. For residential construction only, final stabilization may be achieved when soil is stabilized (see Appendix 1(A)(3)) and down gradient perimeter control for individual lots has been implemented and the residence has been transferred to the homeowner. Additionally, the permittee must distribute a "homeowner fact sheet" to the homeowner to inform the homeowner of the need for, and benefits of, final stabilization. The permittee also must demonstrate that the homeowner received the fact sheet.

SECTION 8: CERTIFICATION

The stormwater pollution prevention plan (SWPPP) must be signed by a responsible corporate officer, a general partner, or a principal executive officer or ranking elected official.

The SWPPP may be signed by a duly authorized representative of the individual described above if:

The authorization is made in writing by the person described above and submitted to the North Dakota Department of Health; and

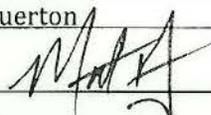
The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the plant manager, the superintendent, a position of equivalent responsibility, or an individual or position having overall responsibility for environmental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

If the authorization is no longer accurate for any reason, a new authorization satisfying the above requirements must be submitted to the Department of Health prior to or together with any reports, information or applications signed by the authorized representative.

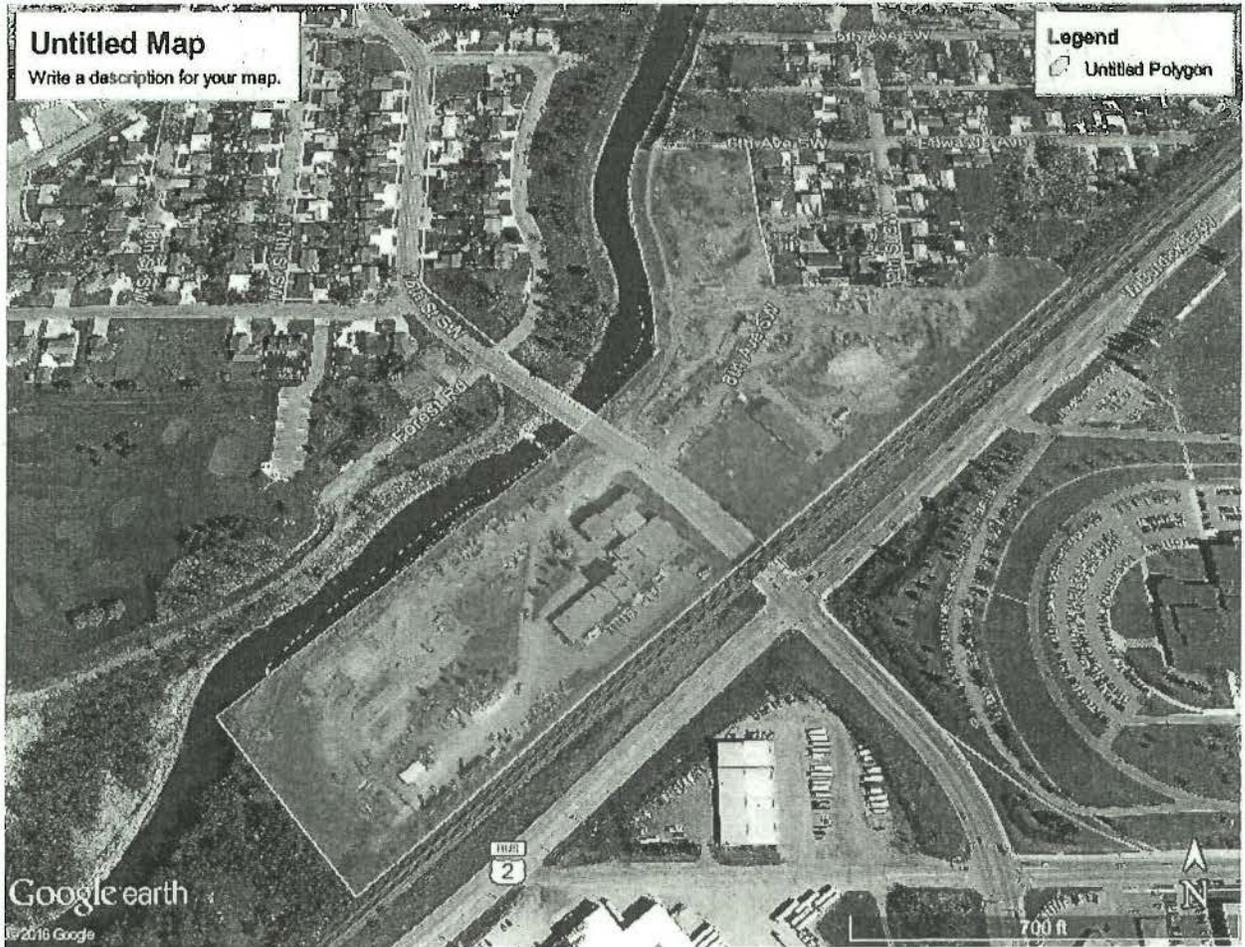
8.1 Certification

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.

Name Matt Guerton Title Project Manager

Signature  Date 09/09/15

APPENDIX A: SITE MAP



APPENDIX B: DEWATERING INSPECTIONS

N/A



APPENDIX C: DESIGN AND INSTALLATION SPECIFICATIONS

See Construction Detail Sheets

APPENDIX D: INSPECTION RECORDS

See EPA Inspection Log in SWPPP Mailbox

APPENDIX E: MAINTENANCE RECORDS

See Attached

APPENDIX F: CONSTRUCTION GENERAL PERMIT

Wagner has not received the Permit back from the North Dakota Department of Health. The SWPPP will be amended once the permit has been received.

APPENDIX G: NOI AND NOTICE OF COVERAGE



**APPLICATION (NOTICE OF INTENT) TO OBTAIN
COVERAGE UNDER NDPDES GENERAL PERMIT
FOR STORMWATER DISCHARGES ASSOCIATED
WITH CONSTRUCTION ACTIVITY (NDR10-0000)**
NORTH DAKOTA DEPARTMENT OF HEALTH
DIVISION OF WATER QUALITY
SFN 19140 (01-10)

FOR DEPT. USE ONLY

Application No.
Date Received

GENERAL INFORMATION

Name of Owner of Construction Project City of Minot	Contact Person Name (M/F/A) Dan Jonasson	Contact Phone No. 701-857-4100
Mailing Address 1025 31 st St	City Minot	State/Province ND
		Zip Code 58701
Name of Operator Working at Site (attach address if needed) Wagner Construction, Inc	Contact Person Name (M/F/A) Matt Guertler	Contact Phone No. 218-240-9045
Mailing Address 3151 Hwy 50	City International Falls	State/Province MN
		Zip Code 56649

PROJECT INFORMATION

Name of Construction Project
Minot Water Treatment Plant Flood Hazard Mitigation Project

Site Description of Construction Activity
Grading, Storm Sewer, Watermain, Dam, Bank Stabilization & Flood Wall Construction

Project Start Date 09/1/15	Estimated Completion Date 07/30/17	Estimated Total Area of Site (acres) 17.0	Estimated Area of Disturbance (acres) 15.0
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Project Location	Street Address 15 th St SW (Int. of 16 th St SW & 12 th St SW)	City Minot
	Township T48N	Range R10W
	Section 18	County Ward
	Latitude N48D13M47S	Longitude W101D18M55S

Receiving Water
Name of Municipal Storm Sewer System, Including Flowing Water
Ward County

Name of Underpin at Receiving Water
Municipal

Stormwater Pollution Prevention Plan (SWPPP) Requirements

Has a SWPPP been developed in accordance with Title 33 of ND 10-0000? YES NO

If "NO", a SWPPP must be approved and available for review at the time of application. See Part 10.05 of NDR10-0000 for additional information.

SWPPP Contact: NDR10-0000, Part 10.05 of ND 10-0000 Matt Guertler	SWPPP Contact Phone No. (218) 240-9045	SWPPP Location (NDR10-0000, Part 10.05) On Site Mailbox
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Signature Information

RETURN COMPLETED APPLICATION TO: North Dakota Department of Health Division of Water Quality, 4 th Floor 505 East River Avenue Bismarck, ND 58505-1247 Telephone: (701) 328-0210 Fax: (701) 328-0200	I certify under penalty of law that I have personally examined the information submitted herein. Based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate, and complete. I am aware that the state stipulated penalties for submitting false information, including the penalty of incarceration, imprisonment,	
	Printed Name of Applicant Dan Jonasson	Title Public Works Director
	Signature of Applicant <i>[Signature]</i>	Date 4/17/15
	Printed Name of Operator Matt Guertler	Title Project Manager
Signature of Operator <i>[Signature]</i>	Date 9/9/15	

Attach additional pages if needed.

APPENDIX H: ADDITIONAL INFORMATION

UNIVERSITY OF MINNESOTA

Kevin Hesse

Construction Site Management (May 31 2017)

