NPDES GENERAL PERMIT
FOR CONSTRUCTION ACTIVITY

South Dakota Department of Environment

and Natural Resources

Crowned Ridge I Transmission Line

Codington & Grant Counties, South Dakota

NextEra Energy Resources

May 9, 2019

1	Erosion and Sediment Control Inspection Report
2	South Dakota Department of Environment & Natural Resources Notice of Intent
3	Transfer of Permit Coverage Form
4	Notice of Termination
5	General Permit SDR 10-0000 With Addendum #1 Statement of Basis

TAB 1

Erosion and Sediment Control Inspection Report

General Information			
Project Name	Crowned Ridge I Transmission Line		
NPDES Tracking No.		**Location**	
Date of Inspection		**Start/End Time**	
Inspector's Name(s)			
Inspector's Title(s)			
Inspector's Contact Information			
Inspector's Qualifications			
Describe present phase of construction			

❑ Bi-Weekly ❑ Rainfall Event (___ in.) ❑ Other

Weather Information

Has there been a storm event since the last inspection? ❑Yes ❑No
If yes, provide:
Storm Start Date & Time: Storm Duration (hrs): Approximate Amount of Precipitation (in):

Weather at time of this inspection?
❑ Clear ❑Cloudy ❑ Rain ❑ Sleet ❑ Fog ❑ Snowing ❑ High Winds
❑ Other: Temperature:

Have any discharges occurred since the last inspection? ❑Yes ❑No
If yes, describe:

Are there any discharges at the time of inspection? ❑Yes ❑No
If yes, describe:

	BMP	BMP Installed	BMP Maintenance Required	Corrective Action Needed and Notes
1	Silt Fencing	❑Yes ❑No ❑N/A	❑Yes ❑No ❑N/A	
2	Wattles	❑Yes ❑No ❑N/A	❑Yes ❑No ❑N/A	
3	Rip Rap	❑Yes ❑No ❑N/A	❑Yes ❑No ❑N/A	
4	Diversion Berm/Ditch	❑Yes ❑No ❑N/A	❑Yes ❑No ❑N/A	
5	Mulching	❑Yes ❑No ❑N/A	❑Yes ❑No ❑N/A	
6	Seeding	❑Yes ❑No ❑N/A	❑Yes ❑No ❑N/A	
7	Other	❑Yes ❑No ❑N/A	❑Yes ❑No ❑N/A	
8	Other	❑Yes ❑No ❑N/A	❑Yes ❑No ❑N/A	
9		❑Yes ❑No ❑N/A	❑Yes ❑No ❑N/A	
10		❑Yes ❑No ❑N/A	❑Yes ❑No ❑N/A	

	BMP/activity	Implemented	Maintenance Required	Corrective Action Needed and Notes
1	Are all disturbed areas not actively being worked properly stabilized?	❑Yes ❑No ❑N/A	❑Yes ❑No ❑N/A	
2	Are natural resource areas (e.g., streams, wetlands, etc.) protected with BMP's?	❑Yes ❑No ❑N/A	❑Yes ❑No ❑N/A	

3	Are perimeter controls and sediment barriers adequately installed (keyed into substrate) and maintained?	❑Yes ❑No ❑N/A	❑Yes ❑No ❑N/A	
4	Are discharge points and receiving waters free of any sediment deposits?	❑Yes ❑No ❑N/A	❑Yes ❑No ❑N/A	
5	Is the construction exit preventing sediment from being tracked into the street?	❑Yes ❑No ❑N/A	❑Yes ❑No ❑N/A	
6	Is trash/litter from work areas collected and placed in dumpsters?	❑Yes ❑No ❑N/A	❑Yes ❑No ❑N/A	
7	Are concrete washout facilities available, clearly marked, and maintained?	❑Yes ❑No ❑N/A	❑Yes ❑No ❑N/A	
8	Are vehicle and equipment fueling, cleaning, and maintenance areas free of spills, leaks, or any other deleterious material?	❑Yes ❑No ❑N/A	❑Yes ❑No ❑N/A	
9	Are hazardous material areas free of spills, leaks, or any other deleterious material? Concrete Admixtures (300 gal) Diesel Fuel (3,000 gal) Gasoline (1,000 gal) Propane (300 gal) Tire Fluid (300 gal)	 ❑Yes ❑No ❑N/A ❑Yes ❑No ❑N/A ❑Yes ❑No ❑N/A ❑Yes ❑No ❑N/A ❑Yes ❑No ❑N/A	 ❑Yes ❑No ❑N/A ❑Yes ❑No ❑N/A ❑Yes ❑No ❑N/A ❑Yes ❑No ❑N/A ❑Yes ❑No ❑N/A	
10	Are materials that are potential stormwater contaminants stored inside or under cover?	❑Yes ❑No ❑N/A	❑Yes ❑No ❑N/A	
11	Are non-stormwater discharges (e.g., wash water, dewatering) properly controlled?	❑Yes ❑No ❑N/A	❑Yes ❑No ❑N/A	
12	(Other)	❑Yes ❑No ❑N/A	❑Yes ❑No ❑N/A	

Non-Compliance

Describe any incidents of non-compliance not described above:

CERTIFICATION STATEMENT

"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 gathered and evaluated 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."

Print name and title: _____

Signature:_____ Date:_____

TAB 2

DEPARTMENT of ENVIRONMENT and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.denr.sd.gov

May 9, 2019

Sean Harrington
NextEra Energy
700 Universe Blvd
Juno Beach, FL 33408

Dear Sean Harrington:

Thank you for submitting your Notice of Intent for the South Dakota General Permit for Stormwater Discharges Associated with Construction Activities. This letter grants you coverage under this general permit for the project listed below in Codington/Grant County, SD. This coverage does not relieve you from complying with other state and local requirements or from obtaining other required permits. **All contractors who will be doing dirt work or who will be responsible for implementing sediment and erosion controls must submit a Contractor Authorization form identifying the contractor.** The contractor will then be considered a co-permittee and will also be responsible for complying with the general permit.

You must maintain your site in compliance with the permit conditions. Refer to Section 3.0 for effluent limits and Section 4.0 for Stormwater Pollution Prevention Plan requirements. Your project's Permit Number is **SDR10J446**. Please refer to this number in all future correspondence.

Project Information (Please check to be certain this information is correct)**:**

Connie Rausch – Project Site Contact Person
Crowned Ridge Transmission Line (PCN: N/A)
Section to 24, Township 118N to 121N, Range 51W to 47W
Latitude 45.049186°; Longitude 96.917272°
Effective Date: **May 9, 2019**

Thank you for preserving the natural resources of South Dakota. If you have any questions or need any guidance, please contact me at 1-800-SDSTORM (1-800-737-8676).

Sincerely,

Katie Luce
Stormwater Program Assistant
Surface Water Quality Program
stormwater@state.sd.us

cc:
Connie Rausch, 16138 464th Ave, South Shore, SD 57263

Permit No.: SDR10J446
Project: Crowned Ridge Transmission Line

SOUTH DAKOTA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

General Permit Authorizing Stormwater Discharges Associated with Construction Activities Under the South Dakota Surface Water Discharge System

In compliance with the provisions of the South Dakota Water Pollution Control Act and the Administrative Rules of South Dakota (ARSD), Article 74:52, owners and operators of stormwater discharges from **construction activities**, located in the state of South Dakota are authorized to discharge in accordance with the conditions and requirements set forth herein.

This General Permit shall become effective on April 1, 2018.

General Permit coverage for NextEra Energy shall become effective May 9, 2019.

This General Permit and the authorization to discharge shall expire at midnight, **March 31, 2023**.

Signed this **23rd** day of **March, 2018,**

Authorized Permitting Official

Steven M. Pirner
Secretary
Department of Environment and Natural Resources

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
NOTICE OF INTENT (NOI)
to Obtain Coverage Under the SWD General Permit for
Stormwater Discharges Associated with Construction Activities

Submit form to: SD Department of Environment and Natural Resources
Surface Water Quality Program
523 East Capitol Avenue
Pierre, South Dakota 57501
stormwater@state.sd.us
Telephone: 1-800-SDSTORM

ALL QUESTIONS MUST BE ANSWERED COMPLETELY FOR THIS FORM TO BE VALID

I. Site Owner Contact Information:

Company Name: NextEra Energy

Primary Contact Person: Sean Harrington

Mailing Address: 700 Universe Blvd

City: Juno Beach State: FL Zip Code: 33408

Phone Number: 305-342-0468 Email Address: seanharrington@nexteraenergy.com

Type of Ownership: ☑ Private ☐ Federal ☐ State ☐ Other (Municipal, County, etc.) (any type not listed previously)

II. Contractor Information:

Will any contractors be responsible for erosion and sediment control practices: ☑ Yes ☐ No

(A contractor certification form must be submitted for each contractor that will have day to day responsibility for erosion and sediment control practices. If these contractors have not been identified at the time this NOI is submitted, the contractor certification form may be submitted after they have been identified, but before they begin construction work.)

III. Engineering Firm Contact Information (if applicable):

Contact Person: Elizabeth Hunter, PE, AICP

Contact's Email Address: ehunter@snyder-associates.com

IV. Construction Project Information:

Project Name: Crowned Ridge I Transmission Line

Physical Project Address or Description of Construction Site Location: 16138 464th Ave

City: South Shore State: SD Zip Code: 57263

On-Site Contact Person: Connie Rausch

Contact's Email Address: connie.rausch@nee.com

Contact's Mailing Address: 1014 14th Street S.E.

City: Watertown State: SD Zip Code: 57201

Phone Number: 512-971-5450 County of Construction Site: Codington & Grant

Latitude: 45D2'57.07" Longitude: 96D55'2.18" Source (GPS, Google, etc.): Google Earth Pro

Quarter(s): NW1/4 to NE1/4 Section(s): 2 to 24 Township(s): 118N to 121N Range(s): 51W to 47W

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Permit Number: _____ Date Approved: _____ Approved by: _____

Construction Project Information (Continued):

Is this project on Tribal Lands? ☐ Yes ☑ No

Total area disturbed by the project (in acres): 93

Will this project encroach, damage, or destroy one of the historic sites identified at the following wesites:

https://www.nps.gov/subjects/nationalhistoriclandmarks/list-of-nhls-by-state.htm ☐ Yes ☑ No

http://history.sd.gov/Preservation/nationalregisterofhistoricplaces.aspx ☐ Yes ☑ No

V. Stormwater Pollution Prevent Plan (SWPPP):

Has the SWPPP been developed as required? ☑ Yes ☐ No

(The plan must be developed **before** the NOI is submitted. DENR will not issue coverage before this has been developed.)

VI. Receiving Waters:

Please list all possible waters that may receive a discharge from this site. If discharging to a Municipal Storm Sewer System, indicate which municipality and the ultimate receiving water.

unnamed tributaries of the North & South Forks of Yellow Bank River

VII. Nature of Discharge:

Please include a brief description of the construction project:

27 mile long overhead transmission line for power distrubution

Will construction dewatering be required? ☐ Yes ☑ No If yes, please complete section IX also.

VIII. Construction Dates:

Project Start Date (MM/DD/YYYY): 5/1/19

Estimated Completion Date (MM/DD/YYYY): 12/31/19

IX. Dewatering Activities (Complete this section if you answered yes in VII):

Date dewatering will commence (MM/DD/YYYY): _____

Date dewatering will end (MM/DD/YYYY): _____

Total volume of dewatering (gallons): _____ Average flow rate (gallons per minute): _____

Source of water to be discharged: _____

Receiving water: _____

Brief description of water treatment processes to be employed, if any: _____

Will the dewatering discharge contain anything other than uncontaminated groundwater and stormwater: ☐ Yes ☐ No

NOTE: If there will be dewatering activities, please place points of withdrawal and discharge on a topographic map, or other map if a topographic map is unavailable. This map should extend to one (1) square mile beyond the property boundaries of the facility and each of its discharge facilities, and those wells, springs, and other surface water bodies, drinking water wells, and surface water intake structures listed in public records, or otherwise known to the applicant in the map area.

X. Other Information

List other information you feel should be brought to the attention of the SDDENR regarding coverage under this general permit. Attach additional sheets if necessary.

This projects really only entails the installation of power poles along the transmission line route so there is very little disturbance at each pole location.

STATE OF SOUTH DAKOTA

BEFORE THE SECRETARY OF

THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

IN THE MATTER OF THE APPLICATION OF Crowned Ridge I Transmission Line

STATE OF South Dakota

COUNTY OF Codington & Grant

CERTIFICATION OF APPLICANT

I, Sean Harrington, the applicant in the above matter after being duly sworn upon oath hereby certify the following information in regard to this application:

I have read and understand South Dakota Codified Law Section 1-40-27 which provides:

"The secretary may reject an application for any permit filed pursuant to Titles 34A or 45, including any application by any concentrated swine feeding operation for authorization to operate under a general permit, upon making a specific finding that:

(1) The applicant is unsuited or unqualified to perform the obligations of a permit holder based upon a finding that the applicant, any officer, director, partner, or resident general manager of the facility for which application has been made:

(a) Has intentionally misrepresented a material fact in applying for a permit;

(b) Has been convicted of a felony or other crime involving moral turpitude;

(c) Has habitually and intentionally violated environmental laws of any state or the United States which have caused significant and material environmental damage;

(d) Has had any permit revoked under the environmental laws of any state or the United States; or

(e) Has otherwise demonstrated through clear and convincing evidence of previous actions that the applicant lacks the necessary good character and competency to reliably carry out the obligations imposed by law upon the permit holder; or

(2) The application substantially duplicates an application by the same applicant denied within the past five years which denial has not been reversed by a court of competent jurisdiction. Nothing in this subdivision may be construed to prohibit an applicant from submitting a new application for a permit previously denied, if the new application represents a good faith attempt by the applicant to correct the deficiencies that served as the basis for the denial in the original application.

All applications filed pursuant to Titles 34A and 45 shall include a certification, sworn to under oath and signed by the applicant, that he is not disqualified by reason of this section from obtaining a permit. In the absence of evidence to the contrary, that certification shall constitute a prima facie showing of the suitability and qualification of the applicant. If at any point in the application review, recommendation or hearing process, the secretary finds the applicant has intentionally made any material misrepresentation of fact in regard to this certification,

consideration of the application may be suspended and the application may be rejected as provided for under this section.

Applications rejected pursuant to this section constitute final agency action upon that application and may be appealed to circuit court as provided for under chapter 1-26."

I certify pursuant to 1-40-27, that as an applicant, officer, director, partner, or resident general manager of the activity or facility for which the application has been made that I; a) have not intentionally misrepresented a material fact in applying for a permit; b) have not been convicted of a felony or other crime of moral turpitude; c) have not habitually and intentionally violated environmental laws of any state or the United States which have caused significant and material environmental damage; (d) have not had any permit revoked under the environmental laws of any state or the United States; or e) have not otherwise demonstrated through clear and convincing evidence of previous actions that I lack the necessary good character and competency to reliably carry out the obligations imposed by law upon me. I also certify that this application does not substantially duplicate an application by the same applicant denied within the past five years which denial has not been reversed by a court of competent jurisdiction. Further;

"I declare and affirm under the penalties of perjury that this claim (petition, application, information) has been examined by me, and to the best of my knowledge and belief, is in all things true and correct."

Dated this 24 day of April, 20 19.

Sean Harrington
Applicant (print)

Applicant (signature)

Subscribed and sworn before me this 24th day of April, 20 19.

Esther S Atkinson
Notary Public (signature)

My commission expires: 10/18/2021

(SEAL)

Notary Public State of Florida
Esther S Atkinson
My Commission GG 153000
Expires 10/18/2021

PLEASE ATTACH ANY ADDITIONAL INFORMATION NECESSARY TO DISCLOSE ALL FACTS AND DOCUMENTS PERTAINING TO SDCL 1-40-27 (1) (a) THROUGH (e). ALL VIOLATIONS MUST BE DISCLOSED, BUT WILL NOT AUTOMATICALLY RESULT IN THE REJECTION OF AN APPLICATION

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
CONTRACTOR AUTHORIZATION FORM

for Coverage Under the SWD General Permit for
Stormwater Discharges Associated with Construction Activities

This form is required to be submitted when a contractor will act as an operator and have day to day responsibility for erosion and sediment control measures. Submission of this form shall in no way relieve the permittee of permit obligations. Please submit this form to the following address:

Submit form to: SD Department of Environment and Natural Resources
Surface Water Quality Program
523 East Capitol Avenue
Pierre, South Dakota 57501
stormwater@state.sd.us
Telephone: 1-800-SDSTORM

ALL QUESTIONS MUST BE ANSWERED COMPLETELY FOR THIS FORM TO BE VALID

Project Name: Crowned Ridge I Transmission Line Permit Number (if available): _____

Project Site Legal Location: 16138 464th Avenue Watertown, SD 57201

Contractor Company Name: Blattner Energy, Inc.

Responsible Contact Person: Josh Overman

Contact's Email Address: Joverman@blattnerenergy.com

Contractor Mailing Address: 392 County Road 50

City: Avon State: MN Zip Code: 56310 Phone Number: 320-356-7351

The contractor(s) responsible for the day to day operation of the construction site shall certify the following:

"I certify under penalty of law that I understand and will comply with the terms and conditions of the Surface Water Discharge General Permit for Stormwater Discharges Associated with Construction Activities for the project identified above."

South Dakota Codified Laws Section 1-40-27 provides:

"The secretary may reject an application for any permit filed pursuant to Titles 34A or 45, including any application by any concentrated swine feeding operation for authorization to operate under a general permit, upon making a specific finding that:

(1) The applicant is unsuited or unqualified to perform the obligations of a permit holder based upon a finding that the applicant, any officer, director, partner or resident general manager of the facility for which application has been made:

(a) Has intentionally misrepresented a material fact in applying for a permit;

(b) Has been convicted of a felony or other crime involving moral turpitude;

(c) Has habitually and intentionally violated environmental laws of any state or the United States which have caused significant and material environmental damage;

(d) Has had any permit revoked under the environmental laws of any state or the United States; or

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Permit Number: _____ Date Approved: _____ Approved by: _____

(e) Has otherwise demonstrated through clear and convincing evidence of previous actions that the applicant lacks the necessary good character and competency to reliably carry out the obligations imposed by law upon the permit holder; or

(2) The application substantially duplicates an application by the same applicant denied within the past five years which denial has not been reversed by a court of competent jurisdiction. Nothing in this subdivision may be construed to prohibit an applicant from submitting a new application for a permit previously denied, if the new application represents a good faith attempt by the applicant to correct the deficiencies that served as the basis for the denial in the original application.

All applications filed pursuant to Titles 34A and 45 shall include a certification, sworn to under oath and signed by the applicant, that he is not disqualified by reason of this section from obtaining a permit. In the absence of evidence to the contrary, that certification shall constitute a prima facie showing of the suitability and qualification of the applicant. If at any point in the application review, recommendation or hearing process, the secretary finds the applicant has intentionally made any material misrepresentation of fact in regard to this certification, consideration of the application may be suspended and the application may be rejected as provided for under this section.

Applications rejected pursuant to this section constitute final agency action upon that application and may be appealed to circuit court as provided for under chapter 1-26."

I certify pursuant to SDCL 1-40-27, that as an applicant, officer, partner, or resident general manager of the activity or facility for which the application has been made that I; a) have not intentionally misrepresented a material fact in applying for a permit; b) have not been convicted of a felony or other crime of moral turpitude; c) have not habitually and intentionally violated environmental laws of any state or the United States which have caused significant and material environmental damage; d) have not had any permit revoked under the environmental laws of any state or the United States; or e) have not otherwise demonstrated through clear and convincing evidence of previous actions that I lack the necessary good character and competency to reliably carry out the obligations imposed by law upon me. I also certify that this application does not substantially duplicate an application by the same applicant denied within the past five years which denial has not been reversed by a court of competent jurisdiction. Further;

"I declare and affirm under the penalties of perjury that this claim (petition, application, information) has been examined by me, and to the best of my knowledge and belief, is in all things true and correct."

Dated this 16th day of April, 2019.

David H. Blotthner, JR
Applicant (print)

Applicant (signature)

Subscribed and sworn before me this 16th day of April, 2019.

Connie Tonn
Notary Public (signature)

My commission expires: 1/31/23

CONNIE M. TONN
NOTARY PUBLIC - MINNESOTA
My Comm. Exp. Jan. 31, 2023
(SEAL)

PLEASE ATTACH A SHEET DISCLOSING ALL FACTS PERTAINING TO SDCL 1-40-27 (1) (a) THROUGH (e). ALL VIOLATIONS MUST BE DISCLOSED, BUT WILL NOT AUTOMATICALLY RESULT IN THE REJECTION OF AN APPLICATION.

TAB 3

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
TRANSFER OF PERMIT COVERAGE FORM

for Coverage Under the SWD General Permit for
Stormwater Discharges Associated with Construction Activities

This form is required to be submitted when ownership of a construction project or an individual lot in a larger common plan of development has been transferred to a different owner. Please submit this form to the following address:

Submit form to: SD Department of Environment and Natural Resources
Surface Water Quality Program
523 East Capitol Avenue
Pierre, South Dakota 57501
stormwater@state.sd.us
Telephone: 1-800-SDSTORM

Project Name: _____ Permit Number: _____

Site (Lot) Legal Location: _____

Site (Lot) Description: _____

Previous Owner's Name: _____

New Owner's Name: _____

New Owner's Mailing Information:

City: _____ State: _____ Zip Code: _____

Phone Number: _____ Email: _____

Stabilization measures implemented prior to transfer: _____

_____

Date transfer of property responsibility and liability becomes effective: _____

****NOTE: Any change in location, operation, and/or coverage area requires that the Stormwater Pollution Prevention Plan be updated and revised to reflect all changes.**

The site (lot) described about is covered under the General Permit for Stormwater Discharges Associated with Construction Activity. Temporary or permanent stabilization has been established on the site, which has now transferred ownership/responsibility as indicated above. The new owners, or operators, have been made aware of the importance of site stabilization in an effort to control pollutant runoff and/or sedimentation.

The new owner assumes responsibility for implementing best management practices to reduce or eliminate a discharge of pollutants to waters of the state. The new owner is aware that permit coverage for the site is required until all soil-disturbing activities at the site have been completed and one of the following conditions have been met:

- **all portions of the site not covered by pavement or permanent structures have a uniform perennial vegetative cover over at least 70% of the site; or**
- **equivalent permanent stabilization measure have been employed, such as the use of riprap, gabions, or geotextiles.**

New Owner/Operator Signature: _____

Date: _____

Previous Owner/Operator Signature: _____

Date: _____

FOR DENR USE ONLY

Permit Number: _____ Date Approved: _____ Approved by: _____

TAB 4

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
NOTICE OF TERMINATION (NOT)
of Coverage Under the SWD General Permit for
Stormwater Discharges Associated with Construction Activities

This form is required to be submitted when a discharge permit is no longer required or necessary. Submission of this form shall in no way relieve the permittee of permit obligations required prior to submission of this form. Please submit this form to the following address:

Submit form to: SD Department of Environment and Natural Resources
Surface Water Quality Program
523 East Capitol Avenue
Pierre, South Dakota 57501
stormwater@state.sd.us
Telephone: 1-800-SDSTORM

I. Permit Number: _____

II. Primary Contact Information:

Company Name: _____

Primary Contact Person: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Phone Number: _____ Email Address: _____

III. Mailing Address for Facility/Site Location:

Project Name: _____

Primary Contact Person: _____

Contact's Email Address: _____

Contact's Mailing Address: _____

City: _____ State: _____ Zip Code: _____

I certify under penalty of law that all stormwater discharges associated with construction activity from the identified facility that are authorized by a SWD general permit have been eliminated. I understand that by submitting the Notice of Termination, I am no longer authorized to discharge stormwater associated with construction activity under this general permit, and that discharging pollutants in stormwater associated with construction activity to waters of the state is unlawful under the federal Clean Water Act and the South Dakota Water Pollution Control Act if the discharge is not authorized by a SWD permit. I also understand that the submittal of this Notice of Termination does not release an operator from liability for any violations of this permit or the South Dakota Water Pollution Control Act. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

NOTE: Notice of Termination shall be signed by the authorized chief elective or executive officer of the applicant, or by the applicant, if an individual.

Name: _____ Title: _____

Signature: _____ Date: _____

FOR DENR USE ONLY

Permit Number: _____ Date Approved: _____ Letter Date: _____ Approved by: _____

TAB 5

Permit Number: SDR100000

SOUTH DAKOTA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

General Permit Authorizing Stormwater Discharges Associated with Construction Activities Under the South Dakota Surface Water Discharge System

In compliance with the provisions of the South Dakota Water Pollution Control Act and the Administrative Rules of South Dakota (ARSD), Article 74:52, owners and operators of stormwater discharges from **construction activities**, located in the state of South Dakota are authorized to discharge in accordance with the conditions and requirements set forth herein.

This General Permit shall become effective on April 1, 2018.

General permit coverage for the [PERMITTEE] shall become effective [EFFECTIVE DATE].

This General Permit and the authorization to discharge shall expire at midnight, **March 31, 2023.**

Signed this **23rd** day of **March, 2018,**

Authorized Permitting Official

Steven M. Pirner
Secretary
Department of Environment and Natural Resources

Note: *This page will be replaced with a copy containing the assigned permit number once coverage has been authorized.*

TABLE OF CONTENTS

1.0 DEFINITIONS

ARSD – Administrative Rules of South Dakota.

Best Management Practices (BMPs) – the schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants from the construction site. BMPs also include treatment requirements, operating procedures, and practices to control construction site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Borrow Areas – the areas where materials are dug for use as fill, either onsite or offsite.

Commencement of Construction Activities – the initial disturbance of soils (or 'breaking ground') associated with clearing, grading, or excavating activities or other construction-related activities (e.g., stockpiling of fill material).

Construction Site – the land or water area where construction activities will occur and where control measures will be installed and maintained. The construction site includes construction support activities, which may be located at a different part of the property from where the primary construction activity will take place, or on a different piece of property altogether. The construction site is often a smaller subset of the lot or parcel within which the project is taking place.

Construction Site Washout – as used in this general permit, refers to any wash waters derived from the cleaning of construction trucks and/or equipment including, but not limited to, concrete, mortar, grout, stucco, form release oils, paints, curing compounds, and other construction materials.

Construction Support Activity – a construction-related activity that specifically supports the construction activity and can include activities associated with concrete or asphalt batch plants, equipment staging yards, materials storage areas, excavated material disposal areas, and borrow areas.

Construction Waste – discarded material including, but not limited to, packaging materials, scrap construction materials, masonry products, timber, steel, pipe, electrical cuttings, plastics, and Styrofoam.

Control Measures – as used in this general permit, refer to any best management practice or other method, including narrative effluent limits, used to minimize erosion and sedimentation, and thereby prevent or reduce the discharge of pollutants to surface waters of the state.

Corrective Action – as used in this general permit, refers to any action taken to (1) repair, modify, or replace any control measure used at the site; (2) clean up and dispose of spills, releases, or other deposits found on the site; or (3) remedy a permit violation.

Dewatering – the act of draining or pumping rain water, ground water, or surface waters from building foundations, vaults, trenches, and other areas of the construction site.

Discharge – the addition of any pollutant or combination of pollutants to surface waters of the state from any point source.

Earth-Disturbing Activities – as used in this general permit, means actions taken to alter the existing vegetation and/or underlying soil of a site.

Effective Operating Condition – as used in this general permit, means a control measure is kept in effective operating condition if it has been implemented and maintained in such a manner that it is working as designed to minimize pollutant discharges.

Final Stabilization – on areas not covered by permanent structures, means either (1) vegetation has been established that provides a uniform (e.g., evenly distributed, without large bare areas) perennial vegetative cover with a density of 70 percent of the natural background vegetative cover, (2) permanent non-vegetative stabilization methods have been implemented to provide effective cover for exposed portions of the site, or (3) disturbed portions of a construction site on land used for agricultural purposes must be returned to pre-construction agricultural use.

Historic Property – any building, structure, object, district, area, or site that is significant in the history, architecture, archaeology, paleontology, or culture of the state, its communities or the nation as stated in SDCL 1-19A-2.

Infeasible – as used in this general permit, means not technologically possible or not economically practicable and achievable in light of best industry practices.

Larger Common Plan of Development or Sale – a contiguous area where multiple separate and distinct land disturbing activities may be taking place at different times, on different schedules, but under one proposed plan. "One plan" is broadly defined as any announcement or piece of documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating construction activities may occur on a specific plot.

Minimize – to reduce and/or eliminate to the extent achievable using control measures that are technologically available and economically achievable and practicable in light of best industry practices.

Municipal Separate Storm Sewer System – a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the state or a municipality and is designed or used for collecting or conveying stormwater. This definition does not include combined sewers or conveyances that are part of a publicly-owned treatment works, as defined by ARSD 74:52:01:01(36).

Municipality – a city, town, county, district, sanitary district, or other public body created by or under state law with jurisdiction over the disposal of sewage, industrial wastes, or other wastes.

Natural Buffer – as used in this general permit, means an area of undisturbed natural cover surrounding surface waters within which construction activities are restricted. Natural cover

includes the vegetation, exposed rock, or barren ground that exists prior to commencement of construction activities.

Nonpoint Source – a source of pollution that is not defined as a point source.

Non-Stormwater Discharges – discharges that do not originate from runoff events. They can include, but are not limited to, discharges of process water, air conditioner condensate, non-contact cooling water, vehicle wash water, sanitary wastes, construction washout water, paint wash water, irrigation water, or pipe testing water.

Notice of Intent or **NOI** – the form (electronic or paper) provided by the Secretary required for authorization of coverage under this general permit (Appendix A).

Notice of Termination or **NOT** – the form (electronic or paper) provided by the Secretary required for terminating coverage under this general permit (Appendix B).

Operator – as used in this general permit and in the context of stormwater discharges associated with construction activity means any party associated with a construction project that meets either of the following two criteria:

1. The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or
2. The party has day-to-day operational control of those activities at a project that are necessary to ensure compliance with the general permit conditions (e.g., they are authorized to direct workers at a site to carry out activities required by the general permit).

The operator, along with the owner, is responsible for ensuring compliance with all conditions of this general permit and with development and implementation of the stormwater pollution prevention plan.

Pesticide – any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pests, or any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant.

Note: drugs used to control diseases of humans or animals (such as livestock and pets) are not considered pesticides; such drugs are regulated by the Food and Drug Administration. Fertilizers, nutrients, and other substances used to promote plant survival and health are not considered plant growth regulators and thus are not pesticides. Biological control agents, except for certain microorganisms, are exempted from regulation as pesticides under FIFRA. (Biological control agents include beneficial predators such as birds or ladybugs that eat insect pests, parasitic wasps, fish, etc.)

Point Source – any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, animal feeding operation, or vessel or other floating craft from which pollutants are or may be discharge. Construction sites disturbing one (1) or more acres are point sources. Therefore, any

water flowing off the construction site constitutes a discharge and must be covered by a Surface Water Discharge permit.

Pollutant-Generating Activities – at construction sites, as used in this general permit, means those activities that lead to or could lead to the generation of pollutants, either as a result of earth-disturbance or a related construction support activity. Some of the types of pollutants that are typically found at construction sites are:

1. Sediment;
2. Nutrients;
3. Heavy metals;
4. Pesticides and herbicides;
5. Oil and grease;
6. Bacteria and viruses;
7. Trash, debris, and solids;
8. Treatment polymers; and
9. Any other toxic chemicals.

Prohibited Discharges – as used in this general permit, means discharges that are not allowed under this general permit, see Section 2.3.

Qualified Local Program – a municipal program for stormwater discharges associated with construction sites that has been formally approved by SDDENR to act in lieu of the state program.

Regulated Substance – the compounds designated by the department under South Dakota Codified Law §§ 23A-27-25, 34A-1-39, 34A-6-1.3(17), 34A-11-9, 34A-12-1 to 34A-12-15, inclusive, 45-6B-70, 45-6C-45, 45-6D-60, and 45-9-68, including pesticides and fertilizers regulated by the Department of Agriculture; the hazardous substances designated by the federal Environmental Protection Agency pursuant to section 311 of the Federal Water Pollution Control Act and Clean Water Act (33 United States Code sections 1251 to 1387, inclusive), as amended to January 1, 2011; the toxic pollutants designated by Congress or the Federal Environmental Protection Agency pursuant to section 307 of the Toxic Substances Control Act (15 United States Code sections 2601 to 2671, inclusive), as amended to January 1, 2011; the hazardous substances designated by the Federal Environmental Protection Agency pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (42 United States code sections 9601 to 9675, inclusive), as amended to January 1, 2011; and petroleum, petroleum substances, oil, gasoline, kerosene, fuel oil, oil sludge, oil refuse, oil mixed with other wastes, crude oils, substances, or additives to be utilized in the refining or blending of crude petroleum or petroleum stock, and any other oil or petroleum substance. This term does not include sewage and sewage sludge.

Runoff Event – a precipitation event or snowmelt that results in a measurable amount of surface runoff.

SDDENR – the South Dakota Department of Environment and Natural Resources.

Secretary – the Secretary of the South Dakota Department of Environment and Natural Resources, or an authorized representative.

Section 303(d) List or 303(d) List – a list of South Dakota's water quality-limited surface waters requiring the development of Total Maximum Daily Loads (TMDLs) to comply with Section 303(d) Report is available on the SDDENR website. A link to a map of 303(d) listed waters, waters with approved TMDLs is available on the SDDENR stormwater webpage.

Stormwater – means, for the purpose of this general permit, stormwater runoff, snowmelt runoff, or surface runoff.

Stormwater Associated with Construction Activity – means a discharge of pollutants in stormwater to surface waters of the state from areas where construction site or construction support activities occur.

Stormwater Associated with Industrial Activity – means stormwater runoff, snow melt runoff, or surface runoff and drainage from industrial activities as defined in 40 C.F.R. Section 122.26(b)(14) (July 1, 2016).

Stormwater Pollution Prevention Plan or **SWPPP –** means a site-specific, written document that, among other things: 1) identifies potential sources of stormwater pollution at the construction site; 2) describes control measures to reduce or eliminate pollutants in stormwater discharges from the construction site; and 3) identifies procedures the owner or operator will implement to comply with the terms and conditions of this general permit. See Section 5.0 for details on the requirements for a SWPPP.

Surface Waters of the State – lakes, ponds, streams, rivers, wetlands, and any other body or accumulation of water on the land surface that is considered to be waters of the state, but not waste treatment systems, including treatment ponds, lagoons, leachate collection ponds, or stormwater retention ponds designed to meet the requirements of the federal Clean Water Act.

Surface Water Quality Standards – water quality standards adopted pursuant to South Dakota Codified Law §§ 34A-2-10 and 34A-2-11 or actual existing beneficial uses, whichever is higher, and effluent standards adopted pursuant to SDCL § 34A-2-13 or pursuant to the best professional judgment of the Secretary, whichever is applicable. If waters have more than one designated beneficial use and criteria are established for a parameter that is common to two or more uses, such as pH, the more restrictive criterion for the common parameter applies.

Temporary Stabilization – means a condition where exposed soils or disturbed areas are provided a temporary vegetative and/or non-vegetative protective cover to prevent erosion and sediment loss. Temporary stabilization may include temporary seeding, geotextiles, mulches, and other techniques to reduce or eliminate erosion until either final stabilization can be achieved or until further construction activities take place to re-disturb the area.

Total Maximum Daily Load or **TMDL** – means the sum of the individual wasteload allocations for point sources, load allocations for nonpoint sources, and natural background. TMDLs can be expressed in terms of mass per time, toxicity, or other appropriate measures.

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

U.S. EPA – the United States Environmental Protection Agency.

Waters of the State – all waters within the jurisdiction of this state, including all streams, lakes, ponds, impounding reservoirs, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, situated wholly or partly within or bordering upon the state.

Work Day – means, for the purpose of this general permit, a calendar day on which construction activities will take place.

2.0 COVERAGE UNDER THIS GENERAL PERMIT

2.1 Eligibility Requirements

This general permit shall apply to stormwater discharges from construction sites located within the state of South Dakota. Only those projects that meet all of the following eligibility requirements may be covered under this general permit:

1. You are the owner or operator of the construction project for which discharge will be covered under this general permit. The owner must obtain coverage under this general permit and all operators at the site must comply with the permit conditions.

2. Your project:

    a. Will disturb one (1) or more acres of land; or

    b. Will disturb less than one (1) acre of land but is part of a larger common plan of development or sale that will ultimately disturb one (1) or more acres of land; or

    c. Is less than one (1) acre, but has construction support activities required to be covered and the total area exceeds one (1) or more acres of land; or

    d. Has been designated by the Secretary or the United States Environmental Protection Agency (U.S. EPA) as needing a permit.

3. You have complied with all applicable requirements imposed by the applicable county, city, or other local government entities.

4. If your project will encroach, damage, or destroy a historic property included in the national register of historic places or the state register of historic places located in South Dakota, you must have approval from the South Dakota State Historic Preservation Office prior to submitting the Notice of Intent (NOI). You must attach an approval letter from the State Historic Preservation Office with the NOI.

2.2 Discharges Authorized

The following discharges shall be authorized under this general permit:

1. Stormwater discharges from projects detailed in Section 2.1.2.

2. Stormwater discharges from construction support activities provided:

    a. The support activity is directly related to the construction site required to have permit coverage;

    b. The support activity does not continue to operate beyond the completion of the construction activity at the project it supports. If the support activity continues past the initial permitted project, you must obtain a separate permit for those activities;

c. The support activity is included in the SWPPP as required by Section 5.0; and

d. Control measures are implemented for discharges from the support activity area.

3. Stormwater construction discharges combined with discharges from an industrial source, as long as:

   a. The industrial source is located on the same site as your construction activity; and

   b. You may not combine stormwater discharges from industrial and construction activities unless each source is covered by its own permit, or are not required to obtain permit coverage.

4. Discharges to waters for which there is a total maximum daily load (TMDL) allocation for sediment, suspended solids, and turbidity are covered only if you develop a SWPPP that is consistent with the assumptions, allocations, and requirements in the approved TMDL. If a specific numeric wasteload allocation has been established that would apply to discharges from construction activity, the permittee must incorporate that allocation into the SWPPP and implement necessary steps to meet that allocation.

2.3 Discharges Not Authorized

The following discharges are not authorized by this general permit:

1. **Post-Construction Discharges**. This general permit is not designed to address post-construction discharges after you have completed construction activities and achieved final stabilization at the site. Stormwater discharges associated with industrial activities must obtain coverage under a separate stormwater permit.

2. **Discharges Mixed with Non-Stormwater**. This general permit does not authorize discharges of non-stormwater.

3. **Discharges of Fill Material**. This general permit does not authorize you to discharge fill material into surface waters of the state. You are required to obtain a Section 404 federal Clean Water Act permit from the U.S. Army Corps of Engineers.

4. **Discharges Threatening Water Quality**. This general permit does not authorize your discharge from a construction site if the discharge will cause, or have the reasonable potential to cause or contribute to, violations of Surface Water Quality Standards. In such cases, the Secretary may deny you coverage under the general permit or require you to obtain an individual Surface Water Discharge permit.

5. **Discharges Threatening Endangered Species**. This general permit does not authorize your discharge from a construction site if the discharge will not ensure the protection of species that are federally-listed as endangered under the federal Endangered Species Act.

6. **Discharges of Regulated Substances**. This general permit does not authorize you to discharge regulated substances, hazardous substances, or oil resulting from onsite spills. You are subject to the federal reporting requirements of 40 CFR Part 110, Part 117, and Part 302 relating to spills or other releases of oils or hazardous substances. You must report spills in excess of the reportable quantities as required in Section 7.1.

2.4 Requesting Permit Coverage

To request coverage under this general permit, you must submit a complete and accurate Notice of Intent (NOI) (Appendix A) to SDDENR at least **15 calendar days** prior to the commencement of construction activities at the site. ***The NOI must be signed by the owner of the property where construction activities will occur.***

1. You must identify the person(s) responsible for day-to-day operations at the construction site, if different from the owner. A Contractor Authorization Form, included in Appendix C, must be submitted to SDDENR as soon as a contractor is identified if the contractor was not identified on the NOI.

2. You are not prohibited from submitting a late NOI. When you submit a late NOI, your authorization to discharge is only for discharges that occur after SDDENR grants coverage. SDDENR reserves the right to take appropriate enforcement action for any unpermitted discharges that may have occurred between the commencement of construction activities and the time authorization for your discharge is granted.

3. SDDENR will not process incomplete NOIs.

4. You must submit a completed and signed NOI to SDDENR by emailing the NOI to stormwater@state.sd.us, or mailing the NOI to SDDENR at the address in Section 7.3.

5. SDDENR will review each complete NOI and make a decision to grant or deny coverage or request additional information. You will receive an authorization letter from SDDENR if permit coverage is granted for your project.

6. Upon the effective date of this general permit, the Secretary will terminate the existing general permit.

    a. If you are authorized under the existing general permit and you have submitted the Notice of Intent for Reauthorization Form (found in Appendix E) prior to permit expiration date, your coverage will automatically continue under the new general permit. Once the new general permit is issued, you will receive an authorization letter from SDDENR notifying you of the continued coverage.

b. Projects covered under the existing general permit must be in compliance with the conditions in the new general permit by **October 1, 2018.** You must still maintain compliance with all requirements in the existing general permit during the grace period. SDDENR may grant additional time on a case by case basis if necessary. To obtain such an extension, you must request it from SDDENR in writing.

2.5 Transferring Permit Coverage

If a new owner purchases a construction site or a portion of the site covered under this general permit, you are responsible for notifying the new owner(s) of the general permit requirements and communicating the importance of achieving final stabilization on the site. You must transfer permit coverage to the new owner. Appendix D includes a form for transferring permit coverage for all or a portion of a project or development to a new owner.

2.6 Terminating Permit Coverage

Until the Secretary terminates your coverage under this general permit, you are required to comply with all conditions and effluent limits in this general permit. To terminate coverage, you are required to submit a complete and accurate Notice of Termination (NOT), found in Appendix B, and signed in accordance with Section 7.4. You must submit the NOT within **30 calendar days** of meeting any one of the following conditions.

1. You have completed all earth-disturbing activities at your site and, if applicable, all construction support activities covered by this general permit, and you have met all the following requirements:

    a. You have met the stabilization requirements listed in Section 3.19 and have reached final stabilization for any areas disturbed during construction and over which you had control during the construction activities;

    b. You have removed and properly disposed of all temporary construction materials, waste and waste handling devices, and have removed all equipment and vehicles that were used during construction, unless intended for long-term use on the site following termination of your general permit coverage;

    c. You have removed and properly disposed of all temporary control measures, including silt fence, and of which you installed and maintained during construction, except those that are intended for long-term use following termination of your general permit coverage; and

    d. You have removed all potential pollutants and pollutant-generating activities associated with construction.

2. You have obtained coverage under an individual or alternative general permit that addresses the discharges from the construction site.

2.7 Reporting Requirements

On October 22, 2015, the U.S. EPA published in the federal register a rule that has made electronic reporting of permit and compliance monitoring information mandatory for all National Pollution Discharge Elimination System (NPDES) permits. These are referred to as Surface Water Discharge (SWD) permits in South Dakota. The final rule became effective December 21, 2015.

Phase II of the final rule requires that authorized state NPDES programs begin electronically collecting, managing, and sharing construction stormwater permitting information by December 21, 2020. This includes general permit reports such as Notices of Intent (NOI), Notices of Termination (NOT), and all other remaining NPDES program reports. SDDENR is currently developing programs to meet this requirement and will notify facilities as they become available.

Electronic reporting will be required once SDDENR has fully developed an electronic reporting system. In the interim, all general permit reports must be submitted by email (stormwater@state.sd.us), or to the address listed in Section 7.3.

A hybrid approach will be available for owners/operators that do not expect to submit NOIs for multiple projects. This approach will provide users the ability to electronically submit the data for construction stormwater general permit reports without using the electronic signature verification process. Following electronic submittal of the reports, a hard copy of the Certification of Applicant with an original signature must be mailed to SDDENR.

2.8 Requiring an Individual Permit or an Alternative General Permit

SDDENR may either deny coverage or require you to apply for an individual Surface Water Discharge permit or an alternative general permit. In considering whether we deny coverage or require an alternative permit, the following will be taken into consideration:

1. You cannot comply with the conditions of this general permit;

2. There has been a change in the availability of demonstrated technologies or practices for the control or abatement of pollutants applicable to construction sites;

3. Effluent limitation guidelines are promulgated or revised for point sources covered by this general permit;

4. A water quality management plan is approved containing requirements applicable to your construction site;

5. Your discharge is a significant contributor of pollution to surface waters of the state or it presents a health hazard; or

6. You are discharging to an impaired water body and the best management practices are not sufficient to implement the assigned wasteload allocations in a Total Maximum Daily Load (TMDL) approved by the U.S. EPA.

2.9 Continuation of Coverage for Expired General Permit

If you wish to continue to be covered by this general permit after its expiration date, you must submit a Notice of Intent for Reauthorization (Appendix E). An expired general permit continues in full force and effect until a new general permit is issued. You will continue to have coverage under the current general permit until a new general permit is issued.

2.10 Requirement to Post Notice of Your General Permit Coverage

You must post a sign or other notice at a safe, publicly accessible location near the project site.

1. At a minimum, your notice must include the general permit tracking number (found on the cover page of your general permit and in the authorization letter) and a contact name and phone number for obtaining additional project information.

2. The notice must be located so that it is visible from the public road that is nearest to the active part of the construction site and must be readily viewed from a public right-of-way.

2.11 Property Rights

1. The Secretary's issuance of this general permit, adoption of design criteria, and approval of plans and specifications, does not convey any property rights of any sort, any exclusive privileges, any authorization to damage, injure or use any private property, any authority to invade personal rights, any authority to violate federal, state or local laws or regulations, or any taking, condemnation or use of eminent domain against any property owned by third parties.

2. The State does not warrant that your compliance with this general permit, design criteria, approved plans and specifications, and operation under this general permit, will not cause damage, injury or use of private property, an invasion of personal rights, or violation of federal, state or local laws or regulations. You are solely and severally liable for all damage, injury or use of private property, invasion of personal rights, infringement of federal, state or local laws and regulations, or taking or condemnation of property owned by third parties, that may result from actions taken under this general permit.

2.12 Reopener Provisions

SDDENR may reopen and modify this general permit to include appropriate conditions (following proper administrative procedures) if state or federal statutes or regulations change.

2.13 Severability

If any portion of the general permit is found to be void or is challenged, the remaining permit requirements shall remain valid and enforceable.

2.14 Permit Actions

This general permit may be modified, revoked and reissued, or terminated by the Secretary for cause. Any request for such changes does not stay any permit condition.

3.0 EFFLUENT LIMITS

You are required to comply with the following effluent limits for discharges from your construction site and/or from construction support activities representing the degree of effluent reduction attainable through the best practicable control technology currently available to minimize the pollutants present in the discharges. In order to achieve compliance with the conditions of this permit, you are required to address the following effluent limits by developing a Stormwater Pollution Prevention Plan (SWPPP) as required in Section 5.0. If you determine any of the following limits are infeasible, you must document your rationale in your SWPPP.

Stormwater discharges regulated under this general permit that may discharge to a surface water with an approved TMDL for sediment, total suspended solids, or turbidity must be consistent with the TMDL and any associated wasteload allocation (WLA) for construction or stormwater related discharges. In most cases compliance with this permit will be considered adequate, unless otherwise notified by the Secretary. The Secretary may require an individual permit, as referenced in Section 2.8, should compliance with this general permit be deemed insufficient to meet relevant WLAs.

3.1 Proper Operation and Maintenance

You must properly operate and maintain all sediment and erosion controls, best management practices, treatment systems, and any other control(s) used to achieve compliance with the conditions of this general permit in accordance with manufacturer's specifications, good engineering practices, and design specifications of the SWPPP.

3.2 Erosion and Sediment Control Requirements

1. You must design, install, and maintain effective erosion and sediment controls to minimize soil erosion and the discharge of pollutants during earth-disturbing activities. The stormwater controls must be designed to function properly and withstand a 2-year, 24-hour precipitation event. See Appendix F for instructions to determine your construction site's precipitation for a 2-year, 24-hour event.

2. You must account for the following factors when designing your erosion and sediment controls:

    a. The nature of resulting stormwater runoff and run-on at the construction site, including factors such as expected flow from impervious surfaces, slopes, and site drainage features. Controls must be able to control stormwater volume, velocity, and flow rates from a 2-year, 24-hour precipitation event across the construction site.

    b. Anticipated soil characteristics at the construction site, including soil type and range of particle sizes.

3.3 Installation Requirements

1. You must complete installation of down gradient erosion and sediment controls before any land disturbing activity takes place in order to control discharges.

2. You must install all other control measures planned for each phase of the project as described in your SWPPP as soon as conditions on the site allow.

3. You must install all control measures using good engineering practices and follow the manufacturer's specifications. Any departures from the manufacturer's specifications must reflect good engineering practices and must be explained in your SWPPP.

3.4 Perimeter Controls

You must have effective down gradient sediment controls, and controls for any side slope boundaries deemed appropriate for individual site conditions, to minimize pollutant discharges from the construction site.

3.5 Sediment Basins

If you use a sediment basin to control the discharge of sediment from the site, you must meet the requirements listed below.

1. Sediment basins must be designed, constructed, and operated in accordance with the requirements found in your local city or county drainage board.

2. Outlet structures must withdraw water from the surface of the sediment basin or impoundment to allow for proper sediment removal in the pond.

3. Erosion controls and velocity dissipation devices must be used to prevent erosion within the sediment basin as well as at inlets and outlets from the basin.

4. Sediment basins must be situated outside of surface waters and any natural buffers established under Section 3.10. The basins must be designed to avoid collecting water from wetlands and other water bodies.

3.6 Minimize Sediment Track-Out

You must minimize the track-out of sediment from the construction site where vehicles leave the site. To comply with this requirement, you must:

1. Restrict vehicle use to properly designated access points;

2. Use appropriate stabilization techniques at all construction site access point(s) so sediment removal occurs prior to vehicle exit.

3. Where sediment has been tracked out from your site onto offsite streets, other paved areas, and/or sidewalks, remove the deposited sediment by the end of the same work

day in which the track-out occurs. You must remove the track-out by sweeping, shoveling, or vacuuming these surfaces, or by using other similarly effective means of sediment removal. You are prohibited from hosing or sweeping tracked-out sediment into storm drain inlet, surface waters of the state, or any stormwater conveyance unless the conveyance is connected to a sediment basin, sediment trap, or similar effective control. You must obtain approval from the owner of the sediment traps before hosing or sweeping sediment into those controls.

3.7 Remove Offsite Accumulation

If sediment escapes the construction site, you must initiate removal of the offsite accumulations to minimize impacts by the end of the same work day. You must revise your SWPPP and implement controls to minimize further offsite accumulation.

3.8 Minimize Dust

You must minimize the generation of dust at the construction site to avoid pollutants from being deposited into surface waters of the state. This can be accomplished through the appropriate application of water or other dust suppression techniques.

3.9 Minimize Run-on

You must minimize run-on to your construction site.

3.10 Provide Natural Buffers

You must comply with the following requirements if disturbed portions of the construction site are within fifty (50) feet of 1) a lake assigned immersion recreation or limited contact recreational beneficial uses in ARSD 74:51:02:02 and listed in ARSD 74:51:02:04; or 2) a river or stream assigned any of the warmwater or coldwater fish life propagation beneficial uses in ARSD 74:51:03:02 and listed in ARSD 74:51:03:04 to 74:51:03:27, inclusive.

1. Provide and maintain a 50-foot undisturbed natural buffer.

    a. When the natural buffer between the disturbed area(s) and surface waters of the state is less than fifty (50) feet, you must provide a combination of undisturbed buffer and supplemental erosion and sediment controls that achieves the sediment load reduction equivalent to a 50-foot undisturbed natural buffer.

    b. When no undisturbed buffer can be provided between the disturbed area(s) and surface waters of the state, you must provide erosion and sediment controls that achieve the sediment load reduction equivalent to a 50-foot undisturbed natural buffer.

    c. Document in your SWPPP how any undisturbed natural buffer and the supplemented erosion and sediment controls achieve the sediment load reduction equivalent to a 50-foot undisturbed natural buffer.

2. Direct surface runoff to vegetated areas and maximize stormwater infiltration to reduce pollutant discharges.

3. Delineate and clearly mark all natural buffer areas with flags, tape, or other similar marking device. No construction or other activity should occur in the delineated buffer area.

4. **Exception.** You are not required to maintain a 50-foot undisturbed natural buffer or install additional controls if there is no discharge of stormwater to surface waters of the state through the area between your site and the surface waters. This includes situations where you have implemented control measures, such as a berm or other barrier, to prevent such discharges.

3.11 Preserve Topsoil

You must preserve native topsoil on your site, unless infeasible. Preserving topsoil is not required where the intended function of a specific area of the site dictates that the topsoil be disturbed or removed.

3.12 Minimize Steep Slope Disturbance

You must minimize the disturbance of slopes that are greater than a three horizontal to one vertical (3:1) slope, unless infeasible.

3.13 Protect Storm Drain Inlets

1. You must protect all storm drain inlets that receive stormwater flows from the construction site by using appropriate best management practices during construction to minimize the discharge of pollutants from the site.

2. You must maintain the inlet protection until you have permanently stabilized all sources that have the potential to discharge pollutants to the inlet. If local officials require you to remove the inlet controls during the winter, you must install alternative controls to prevent sediment from entering the storm drain inlet.

3.14 Erosive Velocity Control

1. You must use erosion controls and velocity dissipation devices where necessary along the length of stormwater conveyance channels and outlets to minimize erosion of the channel, adjacent stream bank, slope, and downstream waters.

2. You must provide energy dissipation BMPs prior to connecting pipe or culvert outlets to surface water.

3. You must control the stormwater discharges, including both peak flowrates and total stormwater volume, to minimize channel and streambank erosion and scour in the immediate vicinity of discharge points.

3.15 Minimize Soil Compaction

In areas of your site where final vegetative stabilization or infiltration will occur, you must either:

1. Restrict vehicle and equipment use in these locations to avoid soil compaction; or

2. Condition areas of compacted soil prior to seeding or planting to support vegetation growth.

3. **Exception.** You are not required to minimize soil compaction where the intended function of a specific area of the site dictates that soil be compacted.

3.16 Minimize Exposed Soil

You must schedule and sequence soil disturbing and stabilizing activities to minimize the amount and duration of soil exposure to erosion and sedimentation by wind, rain, surface runoff, and vehicle tracking. Consider factors such as high precipitation seasons when scheduling soil disturbing activities.

3.17 Protect Stockpiles

For any stockpiles or land clearing debris you must:

1. Locate the stockpiles and debris outside of any natural buffers established as required in Section 3.10 and away from any stormwater conveyances, drain inlets, and areas where stormwater flow is concentrated;

2. Protect the stockpiles debris from contact with stormwater run-on by using temporary sediment controls, berms, or other BMPs;

3. Properly maintain and position stockpiles to minimize dust generation and wind transport of sediment; and

4. Minimize stormwater runoff from the piles by properly positioning stockpiles and debris or installing effective sediment controls.

5. You are prohibited from placing stockpiles in surface waters of the state.

3.18 Stabilization Requirements

You are required to stabilize exposed portions of your site in accordance with the requirements of this section. You are responsible for implementing winter stabilization methods during frozen ground conditions if the site was not stabilized prior to the ground freezing.

1. **Deadline to Initiate Stabilization.** You must begin soil stabilization measures by the following work day whenever earth-disturbing activities have permanently or temporarily ceased on any portion of the site.

a. Earth-disturbing activities have permanently ceased when you complete clearing, grading, and excavation within any area of your site that will not include permanent structures.

b. Earth-disturbing activities have temporarily ceased when you cease clearing, grading, and excavation within any area for a period of at least **14 calendar days**, but will resume such activities in the future.

2. **Deadline to Complete Temporary Stabilization**. As soon as practicable, but no later than **14 calendar days** after initiating soil stabilization measures, you are required to have completed:

   a. All activities necessary to initially seed or plant the area to be stabilized for vegetative stabilization practices.

   b. The installation or application of all non-vegetative measures.

   c. As soon as practicable after seeding or planting, select, design, and install non-vegetative erosion controls (e.g., mulch or rolled erosion control products) to prevent erosion on the seeded or planted areas while vegetation establishes.

3. **Criteria for Final Stabilization**. To be considered as having reached final stabilization, you must meet the criteria below based on the type of cover you are using.

   a. **Vegetative Stabilization**. If you are seeding or planting vegetation to stabilize the site, you must meet the following requirements:

      i. Provide 70 percent or more of the density of coverage that was provided by vegetation prior to commencement of construction activities.

      ii. Provide perennial vegetative cover.

      iii. Minimize the presence of invasive species.

   b. **Non-Vegetative Stabilization**. If you are using non-vegetative controls for final stabilization at your site, the controls must provide effective cover to properly stabilize the exposed portions of your site.

   c. **Return to Pre-construction Agricultural Land Use.** For construction projects on land used for agricultural purposes, final stabilization may be accomplished by returning the disturbed land to its pre-construction agricultural use. Areas disturbed that were not previously used for agricultural purposes, such as buffer strips immediately next to surface waters and areas not being returned to pre-agricultural use must meet the final stabilization criteria listed in (a) and (b) above.

4. **Site Specific Stabilization Requirements**. If you are constructing in the specific areas listed below, you must complete the following stabilization requirements as soon as practicable, but no later than the deadlines listed below after initiating soil stabilization measures:

    a. Stream diversions or drainage ditches that divert water around or drain water from your construction site must be stabilized with appropriate controls prior to connection with any surface water.

    b. For stockpiles that will be unused for 14 or more days, provide cover or appropriate temporary stabilization consistent with Section 3.18.

3.19 Maintenance Requirements

1. **Effective operating condition.** You must ensure that all erosion and sediment controls remain in effective operating condition until final stabilization is complete. At a minimum, you must:

    a. Remove sediment from sedimentation basins when the design capacity has been reduced by 50% or more.

    b. Remove sediment from sediment controls before the deposit reaches 50% of the above-ground height of the control.

    c. Repair vegetative buffers if they become silt-covered, contain rills, or are otherwise rendered ineffective.

    d. You must repair and stabilize eroded areas by the end of the same work day they are identified. If repair is infeasible, you must implement alternative control measures.

    e. Clean inlet protection devices when sediment accumulates, or when the filter becomes clogged, or performance is compromised.

    f. Ensure that all controls remain in effective operating condition and are protected from activities that would reduce their effectiveness.

    g. All nonfunctional BMPs must be repaired, replaced, maintained or supplemented with functional BMPs. If a nonfunctioning BMP is supplemented, the nonfunctional BMP shall be removed.

2. **Deadline for maintenance.** If you find a problem or if your inspections identify that control measures are not operating effectively, you must make the necessary repairs or modifications as follows:

    a. If you discover a problem that does not require repair or replacement, you must initiate work to fix the problem on the same day. If the problem is identified at a time in the work day when it is too late to complete the corrective actions, you must initiate work to fix the problem on the following work day or before the next anticipated runoff event, whichever comes first.

    b. If you need to install new erosion or sediment controls or need to complete repairs, you must complete the work before the next anticipated runoff event or by no later than seven (7) calendar days from the time the problem is discovered, whichever comes first.

    c. You must modify your SWPPP within seven (7) calendar days of completing the work. The SWPPP must address any changes to the controls and must detail the necessary steps to prevent similar damage in the future.

3.20 Pollution Prevention Procedures

You must design, install, implement, and maintain effective pollution prevention measures to minimize the discharge of pollutants from the activities listed below. Spills must be reported as required in Section 7.1 of this general permit.

1. **Prohibited Discharges.** You are prohibited from discharging the following from your construction site:

    a. Wastewater from washout and cleanout of concrete, stucco, paint, form release oils, curing compounds, and other construction materials.

    b. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance.

    c. Detergents, soaps, or solvents used in vehicle and equipment washing.

    d. Toxic or hazardous substances from a spill or other release.

    e. Waste, garbage, floatable debris, construction debris, and sanitary waste.

2. **Fueling and Maintenance of Equipment or Vehicles**. If you fuel or maintain equipment or vehicles at your site, you must minimize the discharge of spilled or leaked materials from the area where these activities take place.

3. **Washing of Equipment and Vehicles**. You must provide an effective means of minimizing the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other types of washing. The washing must be limited to a defined area of the site and must be properly disposed.

4. **Management of Construction Products, Chemicals, Materials, and Wastes**. You must properly store, handle, and dispose of any construction products and materials, chemicals, landscape materials, and wastes in order to minimize the exposure to stormwater. Products or wastes that are either not a source of contamination to stormwater or are designed to be exposed to stormwater are not held to this requirement. Requirements are as follows:

    a. You must cover or otherwise protect any materials that have the potential to leach pollutants in order to minimize contact with stormwater and prevent the discharge of pollutants.

    b. Clean up spills by the end of the same work day in which the spill occurred, using dry clean-up methods where possible, and dispose of used materials properly. Do not clean surfaces or spills by hosing the area down. Eliminate the source of the spill to prevent a discharge or continuation of an ongoing discharge.

    c. For registered pesticides and fertilizers, you must comply with all application and disposal requirements included on the label. Pesticides and fertilizers must be stored under cover or other effective means designed to minimize contact with stormwater. You must document any departures from the manufacturer's specifications for applying fertilizers and pesticides.

    d. Store all diesel fuel, oil, hydraulic fluids, other petroleum products, and other chemicals and products in water-tight container.

    e. Hazardous or toxic wastes that may be present at construction sites include, but are not limited to, paints, solvents, petroleum-based products, wood preservatives, additives, curing compounds, acids, and alkaline materials. For these materials and wastes, you must:

        i. Separate hazardous or toxic wastes and materials from construction and domestic waste.

        ii. Store hazardous or toxic wastes and materials in sealed containers and provide secondary containment as applicable. These containers must be constructed of suitable materials to prevent leakage and corrosion. These containers must be labeled in accordance with the applicable Resource Conservation and Recovery Act (RCRA) requirements and all other applicable federal, state, or local requirements.

        iii. Dispose of hazardous or toxic wastes in accordance with the manufacturer's recommended method of disposal and in compliance with federal, state, and local requirements.

f. You must provide effective containment for all liquid and solid wastes generated by washout operations including, but not limited to, concrete, stucco, paint, form release oils, curing compounds, and other construction materials related to the construction activity. For these materials and wastes, you must comply with the following requirements:

   i. Designate areas to be used for washout and cleanout activities. The containment must be designed so that it does not result in runoff from washout operations or during runoff events;

   ii. Install signs adjacent to each washout facility directing site personnel to use the proper facilities for concrete disposal and other washout wastes;

   iii. Direct all wash water into a leak-proof container or leak-proof pit;

   iv. Do not dump liquid wastes in the storm sewers; and,

   v. Clean up and properly dispose of any accumulated wastes in designated waste containers.

g. You must provide proper waste disposal receptacles of sufficient size and number to handle construction wastes including, but not limited to, packaging materials, scrap construction materials, masonry products, timber, pipe, and electrical cuttings, plastics, Styrofoam®, concrete, and other trash or building materials.

   i. For sanitary waste, you must position portable toilets so they are secure and will not be tipped or knocked over. You must properly remove and dispose of wastes from the portable toilets.

3.21 Construction Dewatering

You are prohibited from discharging from dewatering activities, including discharges from dewatering of trenches and excavation, unless the discharges are managed by the following controls:

1. You shall not discharge toxic pollutants in toxic amounts.

2. Your discharge shall not impart a visible film or sheen to the surface of the receiving water or adjoining shoreline.

3. Your discharge shall not contain visible pollutants. You must visually monitor the discharge for suspended solids. If you observe suspended solids in the discharge, you must implement the following requirements:

   a. You must install additional best management practices and update your stormwater pollution prevention plan to reduce the visible solids.

b. You must sample the dewatering discharge for total suspended solids on a daily basis until there is no longer a discharge of visible solids. The samples must be analyzed in accordance with Title 40 of the Code of Federal Regulations, Part 136. If the total suspended solids value exceeds 53 mg/L in any sample or measurement, you must cease the dewatering discharge to surface waters of the state until you can demonstrate the additional best management practices are sufficient to eliminate the visible pollutants. You must also document this in your stormwater pollution prevention plan (SWPPP).

4. You must use best management practices to minimize or prevent stream channel scouring or erosion caused by dewatering discharges.

5. You cannot add chemicals to the discharge without prior approval from SDDENR.

6. You must obtain a Temporary Water Right. Contact SDDENR Water Rights Program at (605) 773-3352 for more information and to obtain a temporary water right.

4.0 INSPECTION REQUIREMENTS

You are required to conduct site inspections to determine the effectiveness of your control measures and your compliance with the conditions of the general permit.

4.1 Person(s) Responsible for Inspecting the Site

The person(s) inspecting your site may be a member of your staff or a third party you hire to conduct the inspections. You are responsible for ensuring the person who conducts the inspection is knowledgeable in the principles and practice of erosion and sediment controls and pollution, possesses the skills to assess conditions at the site that could impact stormwater quality, and is able to assess the effectiveness of any control measures selected and installed to meet the requirements of the general permit.

4.2 Frequency of Inspections

At a minimum, you must conduct a site inspection at the following frequencies:

1. Once every 7 calendar days; or

2. Once every 14 calendar days **and** within 24 hours of precipitation that exceeds 0.25 inches or snowmelt that generates runoff. You must keep a properly maintained rain gauge on your site.

4.3 Reduction of Inspection Frequency

You may reduce your inspection frequency from the requirements above under the following circumstances. You must document the beginning and ending dates of these periods in your inspection records.

1. **Partial final stabilization.** You may reduce the frequency of inspections to once per month on any portion of your site where you have reached final stabilization. If construction activity resumes in this portion at a later date, you must increase the frequency as required in Section 4.2 above.

2. **Frozen conditions.** If you are suspending earth-disturbing activities due to frozen conditions and all disturbed areas of the site have been temporarily or permanently stabilized as required in Section 3.19, you shall conduct inspections at least once per month. You must resume weekly inspections by no later than March 1st of each year until your site is permanently stabilized and you have submitted a Notice of Termination (NOT) in accordance with Section 2.6.

4.4 Areas that Need to Be Inspected

During your site inspections you must, at a minimum, inspect the following areas:

1. All areas that have been cleared, graded, or excavated and have not yet reached final stabilization;

2. All sediment and erosion control measures and best management practices, including inlet protection;

3. Vegetated buffers;

4. Stockpiles, chemical and fuel storage, fertilizer and pesticide storage and other material, waste, borrow, and/or equipment storage and maintenance areas;

5. All areas where stormwater typically flows within the site, including drainage ways designed to divert, convey, and/or treat stormwater;

6. All points of discharge from the site including surface waters, drainage ditches, and conveyance systems; and,

7. All dewatering activities at the site.

8. **Exception.** You are not required to inspect areas that, at the time of the inspection, are unsafe for your inspection personnel. A detailed description of the situation must be documented in your inspection records explaining the reason the site conditions prevented the inspection.

4.5 Requirements for Inspections

During your site inspections you must, at a minimum:

1. Check whether all erosion and sediment controls and best management practices are implemented and functioning to minimize pollutant discharges. Determine if you need to replace, repair, or maintain any controls.

2. Check for spills, leaks, or other accumulation of pollutants on the site, or for the presence of conditions that could lead to spills, leaks, or other accumulations of pollutants on site. Determine if you need to install additional controls or take corrective actions to prevent the discharge of these pollutants.

3. Determine if site conditions have changed and if current controls are still effective in controlling pollutants from leaving your site. Identify any locations where new or modified control measures are necessary.

4. Check for signs of erosion, scour, and sediment deposits that have occurred on or off the construction site:

    a. Inspect the discharge points and, where applicable, the banks of any surface waters of the state flowing within your property boundaries or immediately adjacent to your property.

    b. Identify areas where you need to correct erosion and remove sediment.

c. Determine if you need controls to reduce the velocity of the discharge or prevent further erosion and sedimentation.

5. If a discharge is occurring during your inspection, you are required to:

   a. Identify all points of the property where there is a discharge;

   b. Observe and document the visual quality of the stormwater discharge and note the characteristics of the discharge, including color, odor, floating, settled, or suspended solids, foam, oil sheen, and other obvious indicators of stormwater pollutants; and

   c. Document whether your control measures are operating effectively. Describe any controls that are not clearly operating as intended or are in need of maintenance.

6. Identify all incidents of noncompliance that you observe.

7. Based on the results of your inspection, you must initiate corrective action(s) where needed.

4.6 Inspection Report

You must complete an inspection report in conjunction with each site inspection.

1. Each inspection report must be maintained in accordance with the requirements in Section 7.3 and must include the following information;

   a. Date and time of the inspection.

   b. Names and titles of the personnel conducting the inspection.

   c. Date and amount of most recent precipitation event, as well as if runoff was flowing onsite and/or offsite at the time of the inspection.

   d. A summary of your inspection findings, covering, at a minimum, the observations you made as required in Sections 4.4. and 4.5;

   e. Specific locations where maintenance, additional best management practices, cleanup, or corrective action is needed;

   f. The results of the total suspended solids levels in any dewatering discharge, as required by Section 3.21; and

   g. A summary of any corrective actions taken in response to the inspection findings, including any changes made to the SWPPP.

2. If you have determined it is unsafe to inspect a portion of your site, you must describe the reason(s) you found it to be unsafe and specify the locations that were not inspected.

3. If an inspection does not identify any incidents of noncompliance, you must include a statement in the report that the site is in compliance with the SWPPP and the general permit.

4. You must sign and certify each inspection report in accordance with the signatory requirements found in Section 7.4.

5.0 STORMWATER POLLUTION PREVENTION PLAN

You must develop a stormwater pollution prevention plan, also referred to as a "SWPPP," to be covered under this general permit. 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 section.

5.1 SWPPP Deadlines

1. You must develop the SWPPP **prior** to the submittal of the NOI.

   Note: If you were covered under the February 1, 2010, general permit and reauthorized under this general permit, you must update your SWPPP to comply with the conditions of this general permit by **October 1, 2018**.

2. You must implement and maintain the SWPPP for any construction activity requiring this general permit until final stabilization is reached.

5.2 TMDL

For projects that discharge stormwater to a water body listed as impaired under section 303(d) of the Federal Clean Water Act due to sediment, suspended solids, or turbidity, you must identify the water body and impairment in the SWPPP. Your SWPPP must describe and conform to any Wasteload Allocation (WLA) for the water body as required in Section 2.2.4

5.3 SWPPP Contents

You must develop your SWPPP to ensure compliance with the effluent limits in Section 3.0. Your SWPPP must include the following information, at a minimum.

1. **Personnel**. Your SWPPP must identify those person(s), by name or position, who are knowledgeable and experienced in the application of erosion and sediment control BMPs and who are responsible for the development and implementation of any portion of the SWPPP, for any later modifications to the SWPPP, and for compliance with the requirements of this general permit.

2. **Staff Training**. The SWPPP shall outline how employees and responsible parties shall be trained on the implementation of the SWPPP. Training must be provided at least annually, as new employees or responsible parties are hired, or as necessary to ensure compliance with the SWPPP and this general permit. Employees and responsible parties include individuals who are responsible for conducting inspections or for the design, installation, maintenance, or repair of stormwater controls.

3. **Description of Construction Activities**. Your SWPPP must include a narrative description of the nature of your construction activities, including the following:

a. A description of the overall project and type of construction activities to occur on the site and a description of the final completed project;

b. The total size of the project and total area expected to be disturbed by construction activities;

c. The maximum area expected to be disturbed at any one time;

d. Description of the existing vegetation at the site and an estimate of the percent of vegetative ground cover;

e. A description of the soil within the disturbed areas;

f. The name of the surface waters or municipal separate storm sewer system at or near the disturbed area that could potentially receive discharges from the project site;

g. Any construction support activity areas; and,

h. The intended sequence and estimated dates of construction activity for the following:

   i. Implementation of BMPs, including when they will be operational and an explanation of how you will ensure the control measures are installed by the time each phase of earth-disturbing activity begins.

   ii. Commencement and duration of earth-disturbing activities, including clearing and grubbing, mass grading, site preparation (i.e., excavating, cutting and filling), final grading, and creation of soil and vegetation stockpiles requiring stabilization.

   iii. Cessation, temporary or permanent, of construction activities on the site or in designated portions of the site.

4. **Site Map.** You must include a legible site map depicting the following features and boundaries of the project:

   a. Pre-construction site conditions, including existing vegetative and non-vegetative cover (e.g. – forest, pasture, pavement, structures, etc.);

   b. Locations where earth-disturbing activities will occur, noting any phasing of construction activities;

   c. Approximate slopes before and after major grading activities. Note areas with a slope greater than three horizontal to one vertical (3:1);

   d. Topography of the site;

e. Drainage patterns of stormwater and authorized non-stormwater flows from the site property before and after major grading activities. Mark the flow direction with arrows on the map.

f. Locations and names, where appropriate, of all surface waters of the state that exist within or in the immediate vicinity of the site and could potentially receive discharges from the project site.

g. Locations of any surface water crossings, noting areas where work near waterbodies is necessary;

h. Location of any stormwater conveyances including, but not limited to, sediment ponds, ditches, pipes, swales, stormwater diversions, culverts, and ditch blocks;

i. Discharge locations, including locations of any storm drain inlets on or in the immediate vicinity of the site that could potentially receive discharges from the project site;

j. Locations where stormwater or allowable non-stormwater will be discharged to surface waters of the state on or in the immediate vicinity of the site.

k. Locations where sediment, soil, or other construction materials will be stockpiled;

l. Designated site access points;

m. Locations of structures and other impervious surfaces upon completion of construction;

n. Natural buffer boundaries and widths;

o. Locations of fueling activity, vehicle and equipment maintenance areas, designated wash water collection areas, lubricant and chemical storage, paint storage, material storage, staging areas, and debris collection areas;

p. Locations of all activities that could potentially generate pollutants at the site, such as dumpsters, chemical storage, construction site washout, portable toilets, or equipment storage.

q. Location and types of all sediment and erosions controls, velocity dissipation devices, post-construction controls, and all other BMPs used on the site.

r. Locations of construction support activities covered by this general permit.

5. **Description and Maintenance of Control Measures.** Your SWPPP must include a narrative description of the erosion and sediment control measures that will be implemented during construction at your site to meet the conditions of this general permit. For each control measure you must provide a narrative on the following:

a. A timeframe for the installation, maintenance, and removal (if necessary) of all selected BMPs for each phase of construction activity;

b. Your rationale for the selection of all BMPs, including calculations as necessary;

c. Whether selected BMPs are temporary or permanent;

d. A description of maintenance specifications and procedures;

e. A description of structural diversion practices intended to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site;

f. A description of the removal of any temporary stormwater conveyance; and

g. A description of the temporary and final stabilization of areas of exposed soil where construction activities have been completed or temporarily ceased. Your SWPPP must describe the specific vegetative and/or non-vegetative practices you will use to comply with the stabilization requirements in Section 3.19, along with the reasons for choosing each practice.

6. **Procedures for Inspections.** The SWPPP must describe the procedures you will follow for conducting site inspections and, where necessary, taking corrective actions. The following information must also be included in your SWPPP:

   a. Personnel responsible for conducting inspections;

   b. Required frequency of inspections;

   c. Rationale for reduction of inspection frequency; and,

   d. Any inspection checklists or other forms that you will use.

7. **Post Construction Stormwater Management.** You must identify stormwater management practices that will be installed during the construction process to control pollutants in stormwater discharges occurring after construction operations have been completed. Maintenance for onsite stormwater management features is the responsibility of the permittee until the NOT is submitted or the feature is accepted by the party responsible for long term maintenance. The following information must be included in your SWPPP:

   a. An explanation of the technical basis used to select the practices to control pollution where flows exceed pre-development levels;

   b. A description of structural stormwater management practices such as stormwater ponds, open vegetated swales, natural depressions to allow

infiltration of runoff onsite, and sequential systems that combine several practices or other post construction stormwater management features; and

c. The location of velocity and energy dissipation devices placed at discharge points and appropriate erosion protection for outfall channels and ditches.

8. **Pollution Prevention Procedures**

a. **Spill Prevention and Response Procedures**. Your SWPPP must describe the procedures you will follow to prevent and respond to spills and leaks, including:

i. Procedures for expeditiously stopping, containing, and cleaning up spills, leaks, and other releases. The SWPPP must identify the name or position of the employee(s) responsible for detection and response of spills and leaks;

ii. Procedures for notification of appropriate facility personnel, emergency response agencies, and regulatory agencies as required by Section 7.1; and,

iii. Ways to prevent reoccurrence of such releases and steps to prevent any such releases from contaminating stormwater runoff. The SWPPP shall be modified and changes implemented as appropriate.

b. **Waste Management Procedures**. The SWPPP must describe procedures for how you will handle and dispose of all wastes generated at your site, including, but not limited to, clearing and demolition debris, sediment removed from the site, construction and domestic waste, hazardous or toxic waste, and sanitary waste.

9. **Construction Site Pollutants**

a. You must include information in your SWPPP about all activities that could generate pollutants at your site. Examples of pollutant-generating activities include, but are not limited to: paving operations; concrete, paint, and stucco washout; solid waste storage and disposal; storage of fertilizers, pesticides, solvents, fuels, and soils. You must include in your SWPPP a description of the removal of construction equipment and vehicles and any cessation of any pollutant generating activities.

b. You must include an inventory of the pollutants and chemicals associated with your construction activity and consider where potential spills and leaks could occur.

c. If SDDENR approves the use of water treatment chemicals, your SWPPP must include:

i. A listing of all water treatment chemicals planned for use at the site and why these chemicals were selected;

ii. The proper dosage and method of application for all water treatment chemicals;

iii. All applicable Safety Data Sheets (SDS) for chemicals planned to be used;

iv. Schematic drawings of any controls or treatment system used for the application of the water treatment chemicals;

v. A description of how the chemicals will be stored;

vi. Copies of the applicable manufacturer's specifications regarding the use of the water treatment chemicals and chemical treatment systems;

vii. A description of the training that personnel who handle, apply, or store the chemicals have received or will receive prior to the use of water treatment chemicals and chemical treatment systems;

viii. A description of safe handling, spill prevention, and spill response procedures; and

ix. A copy of the approval letter from SDDENR, approving the use of the water treatment chemicals and/or chemical treatment system.

10. **Non-Stormwater Discharges.** You must identify in your SWPPP all sources of non-stormwater discharges.

11. **Infeasibility Documentation.** If you determine it is infeasible to comply with any of the requirements of this general permit, you must thoroughly document your rationale in your SWPPP.

5.4 SWPPP Certification

You must sign and date your SWPPP as required by Section 7.4.

5.5 Required SWPPP Modifications

1. **Conditions Requiring SWPPP Modification**. You must modify your SWPPP, including the site map(s), in response to any of the following conditions:

   a. When you have a new operator responsible for implementation of any part the SWPPP.

   b. When you make changes to your construction plans, sediment and erosion control measures, or any best management practices at your site that are no longer accurately reflected in your SWPPP. This includes changes made in response to corrective actions triggered by inspections.

c. To reflect areas on your site map where operational control has been transferred (including the date of the transfer) or has been covered under a new permit since initiating coverage under this general permit.

d. If inspections by site staff, local officials, SDDENR, or U.S. EPA determine that SWPPP modifications are necessary for compliance with this general permit.

e. To reflect any revisions to applicable federal, state, or local requirements that affect the control measures implemented at the site.

f. If approved by the Secretary, to reflect any changes in chemical water treatment systems or controls, including the use of a different water treatment chemical, different dosage rates, or different areas or methods of application.

2. **Deadlines for SWPPP Modification**. You must complete the required revisions to the SWPPP within 7 calendar days following any of the items listed above.

3. **Documentation of Modifications to the Plan**. You are required to maintain records showing the dates of all SWPPP modifications. The records must include the name of the person authorizing each change and a brief summary of all changes.

4. **Certification Requirements**. All modifications made to your SWPPP must be signed and certified as required in Section 7.4.

5. **Required Notice to Other Operators**. If there are multiple operators at the site, you must notify each operator that may be impacted by the change to the SWPPP within 24 hours.

6.0 SPECIAL CONDITIONS

6.1 Qualified Local Programs

1. To receive approval as a qualified local program, SDDENR will review the local requirements to ensure they comply with both state and federal requirements. SDDENR may authorize minor variations and alternative standards in lieu of the specific conditions of the general permit based upon the unique comprehensive control measures established in the qualifying local program. SDDENR will review each qualifying local program for recertification during the renewal of its municipal separate storm sewer system permit.

2. If a construction site is within the jurisdiction of a qualifying local program, the operator shall submit a Notice of Intent (NOI) to SDDENR to be covered under the general permit and comply with all requirements of the qualifying local program. Compliance with the qualifying local program requirements is deemed to be compliance with this general permit. A violation of qualifying local program requirements is also a violation of this general permit.

3. At this time only the City of Sioux Falls is meeting SDDENR's minimum requirements. If additional municipalities are approved as a Qualifying Local Program in the future, a modification to this general permit will be offered for public comment in the municipality's local newspaper.

7.0 REPORTING AND RECORDKEEPING REQUIREMENTS

7.1 Emergency Spill Notification

1. You must report a release or spill of a regulated substance (including petroleum and petroleum products) to SDDENR as soon as you become aware of it if any one of the following conditions exists:

    a. The release or spill threatens or is in a position to threaten waters of the state (surface water or ground water);

    b. The release or spill causes an immediate danger to human health or safety;

    c. The release or spill exceeds 25 gallons;

    d. The release or spill causes a sheen on surface water;

    e. The release or spill of any substance that exceeds the ground water quality standards of ARSD Chapter 74:54:01;

    f. The release or spill of any substance that exceeds the surface water quality standards of ARSD Chapter 74:51:01;

    g. The release or spill of any substance that harms or threatens to harm wildlife or aquatic life;

    h. The release or spill of crude oil in field activities under SDCL chapter 45-9 is greater than 1 barrel (42 gallons); or

    i. The release or spill is required to be reported according to Superfund Amendments and Reauthorization Act (SARA) Title III List of Lists, Consolidated List of Chemicals Subject to Reporting Under the Emergency Planning and Community Right to Know Act, US Environmental Protection Agency.

2. To report a release or spill, call SDDENR at 605-773-3296 during regular office hours (8 a.m. to 5 p.m. Central Standard Time). To report the release after hours, on weekends or holidays, call South Dakota Emergency Management at 605-773-3231. Reporting the release to SDDENR does not meet any obligation for reporting to other state, local, or federal agencies. Therefore, you must also contact local authorities to determine the local reporting requirements for releases. A written report of the unauthorized release of any regulated substance, including quantity discharged and the location of the discharge shall be sent to SDDENR within 14 days of the discharge.

7.2 Planned Changes

You must notify SDDENR as soon as possible of any planned physical alterations or additions to your site. Notice is required only when the alteration or addition could significantly change the nature or increase the quantity of pollutant discharged, or could result in noncompliance with permit conditions. This notification also applies to pollutants that are not addressed by the effluent limits in Section 3.0.

7.3 Records Contents & Retention

1. You must maintain onsite, or make readily available to SDDENR, the following documents:

    a. The SWPPP, including all certificates, reports, records, or other information required by this general permit.

    b. A copy of the Notice of Intent (NOI) submitted to SDDENR, along with any correspondence related to coverage under this general permit.

    c. A copy of the authorization letter you receive from SDDENR granting coverage under this general permit.

    d. A copy of this general permit.

2. You must retain copies of the SWPPP, your inspection records, all reports required by this general permit, and records of the date you used to complete the NOI and NOT for a period of at least three (3) years from the date you terminate your coverage under the general permit. SDDENR may extend the time period for retaining your records with a written notification to you.

3. You must submit all reports and documents required to be submitted to SDDENR by this general permit by email (stormwater@state.sd.us), or to the address below:

    SD Department of Environment and Natural Resources
    Surface Water Quality Program
    523 East Capitol
    Pierre, SD 57501

7.4 Signatory Requirements

1. All applications submitted to SDDENR under this general permit must be signed by either a principal executive officer or ranking elected official.

2. All reports required by the general permit and other information requested by SDDENR shall be signed by the person described in Paragraph 1 above or by a duly authorized representative of that person. A person is a duly authorized representative if:

   a. The authorization is made in writing by a person described in Paragraph 1 above and submitted to SDDENR; and

   b. The authorized representative must have responsibility for the overall operation of the site, such as the superintendent, or have overall responsibility for environmental matters. A duly authorized representative may be either a named individual or any individual occupying a named position.

3. If the authorization under Paragraph 2 above is no longer accurate, you must submit a new authorization to SDDENR.

4. You must include the following certification statement with all documents signed under this section:

   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 qualified personal 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 there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

7.5 Duty to Provide Information

1. You must provide, within a reasonable period of time, any information SDDENR requests to determine whether cause exists for modifying, revoking and reissuing, or terminating this general permit, or to determine compliance with the general permit.

2. You must provide to SDDENR, upon request, copies of the records required to be kept by this general permit.

3. You must make your SWPPP available to SDDENR, U.S. EPA, or your local storm sewer operator upon request.

4. If you become aware that you failed to submit any relevant facts or submitted incorrect information in your NOI, you must promptly submit such facts or information.

5. You must provide SDDENR with an updated point of contact including a mailing address.

7.6 Availability of Information

1. Except for data determined to be confidential under ARSD Section 74:52:02:17, all reports you prepare and submit in accordance with the terms of this general permit must be available for public inspection at the offices of SDDENR.

2. Your name and address, the NOI and NOT, your SWPPP, and your inspection records will not be considered confidential.

8.0 COMPLIANCE REQUIREMENTS

8.1 Duty to Comply

1. You must comply with all conditions of this general permit. Any permit noncompliance is a violation of the South Dakota Water Pollution Control Act and the federal Clean Water Act. A violation is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

2. If you violate a condition of the general permit or make any false statement, representation, or certification, you may be subject to enforcement action under South Dakota Codified Law, Chapter 34A-2.

3. You are responsible for complying with all local ordinance and requirements. Local governments may have additional or more stringent requirements than those included in this general permit.

8.2 Duty to Mitigate

You must take all reasonable steps to minimize or prevent any discharge of pollutants in violation of this general permit if it has a reasonable likelihood of adversely affecting human health or the environment.

8.3 Need to Halt or Reduce Activity Not a Defense

It is not a defense for you in an enforcement action that it would have been necessary to halt or reduce your construction activity to maintain compliance with the conditions of the general permit.

8.4 Upset Conditions

1. An upset constitutes an affirmative defense to an action brought for noncompliance with technology-based permit effluent limits if the requirements of Paragraph 2 of this section are met. You will have an opportunity for a judicial determination on any claim of an upset only if SDDENR or U.S EPA bring an enforcement action for noncompliance with technology-based effluent limits.

2. If you wish to establish an affirmative defense of any upset, you must demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

    a. An upset occurred and you can identify the cause of the upset;

    b. You were properly operating the pollution controls at your site;

c. You notified SDDENR within 24 hours of becoming aware of the upset. To report a release or spill, call SDDENR at 605-773-3296 during regular office hours (8 a.m. to 5 p.m. Central Standard Time). To report the release after hours, on weekends or holidays, call South Dakota Emergency Management at 605-773-3231.

d. You complied with the mitigation measures required under Section 8.2.

3. In any enforcement proceeding, you have the burden of proof to establish and document that an upset occurred.

8.5 Removed Substances

Collected solids, sludge, grit, or other pollutants removed in the course of treatment shall be properly disposed of in a manner to prevent any pollutant from entering surface waters of the state or creating a health hazard.

8.6 Inspections and Entry

You must allow SDDENR, U.S. EPA, or the operator of a municipal separate storm sewer system receiving your discharges to:

1. Enter your construction site and enter areas where you keep the records required by the general permit;

2. Have access to and copy, at reasonable times, any records that you must keep under the conditions of the general permit;

3. Inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated under this general permit; and

4. At reasonable times, sample or monitor any substances or parameters at any location for the purpose of ensuring permit compliance or as otherwise authorized by the South Dakota Water Pollution Control Act (SDCL 34A-2).

8.7 Oil and Hazardous Substance Liability

Nothing in this general permit shall relieve you from any responsibilities, liabilities, or penalties you may be subject to under Section 311 of the federal Clean Water Act.

8.8 Penalties for Violations of general permit Conditions

1. If you violate a condition of the general permit, you are in violation of the provisions of SDCL 34A-2-36 and subject to penalties under SDCL 34A-2-75. In addition to a jail sentence authorized by SDCL 22-6-2, you can be subject to a criminal fine not to exceed $10,000 per day per violation. You can also be subject to a civil penalty not to exceed $10,000 per day per violation, or for damages to the environment of this state.

2. Except as provided above in the Upset Conditions in Section 8.4, nothing in this general permit relieves you of the civil or criminal penalties for noncompliance.

8.9 Penalties for Falsification of Reports

1. If you knowingly make any false statement, representation, or certification in any record or other document submitted or required to be maintained under this general permit, you are in violation of the provisions of SDCL 34A-2-77 and subject to penalties under SDCL 34A-2-75.

2. If you falsify, tamper with, or knowingly render inaccurate any monitoring device or method required to be maintained under this general permit, you are in violation of the provisions of SDCL 34A-2-77 and is subject to penalties under SDCL 34A-2-75.

3. In addition to a jail sentence authorized by SDCL 22-6-2, you can be subject to a criminal fine not to exceed $10,000 per day per violation. You are also subject to a civil penalty not to exceed $10,000 per day per violation, or for damages to the environment of this state.

Appendix A

NOTICE OF INTENT (NOI) FORM

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
NOTICE OF INTENT (NOI)
to Obtain Coverage Under the SWD General Permit for
Stormwater Discharges Associated with Construction Activities

Submit form to: SD Department of Environment and Natural Resources
Surface Water Quality Program
523 East Capitol Avenue
Pierre, South Dakota 57501
stormwater@state.sd.us
Telephone: 1-800-SDSTORM

ALL QUESTIONS MUST BE ANSWERED COMPLETELY FOR THIS FORM TO BE VALID

I. Site Owner Contact Information:

Company Name: _____

Primary Contact Person: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Phone Number: _____ Email Address: _____

Type of Ownership: ☐ Private ☐ Federal ☐ State ☐ Other (Municipal, County, etc.)
(any type not listed previously)

II. Contractor Information:

Will any contractors be responsible for erosion and sediment control practices: ☐ Yes ☐ No

(A contractor certification form must be submitted for each contractor that will have day to day responsibility for erosion and sediment control practices. If these contractors have not been identified at the time this NOI is submitted, the contractor certification form may be submitted after they have been identified, but before they begin construction work.)

III. Engineering Firm Contact Information (if applicable):

Contact Person: _____

Contact's Email Address: _____

IV. Construction Project Information:

Project Name: _____

Physical Project Address or Description of Construction Site Location: _____

_____

City: _____ State: _____ Zip Code: _____

On-Site Contact Person: _____

Contact's Email Address: _____

Contact's Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Phone Number: _____ County of Construction Site: _____

Latitude: _____ Longitude: _____ Source (GPS, Google, etc.): _____

Quarter(s): _____ Section(s): _____ Township(s): _____ Range(s): _____

FOR DENR USE ONLY

Permit Number: _____ Date Approved: _____ Approved by: _____

Construction Project Information (Continued):

Is this project on Tribal Lands? ☐ Yes ☐ No

Total area disturbed by the project (in acres): _____

Will this project encroach, damage, or destroy one of the historic sites identified at the following wesites:

http://history.sd.gov/Preservation/nationalregisterofhistoricplaces.aspx ☐ Yes ☐ No

http://www.nps.gov/nhl/find/statelists/sd/SD.pdf ☐ Yes ☐ No

V. Stormwater Pollution Prevent Plan (SWPPP):

Has the SWPPP been developed as required? ☐ Yes ☐ No

(The plan must be developed **before** the NOI is submitted. DENR will not issue coverage before this has been developed.)

VI. Receiving Waters:

Please list all possible waters that may receive a discharge from this site. If discharging to a Municipal Storm Sewer System, indicate which municipality and the ultimate receiving water.

_____

_____

VII. Nature of Discharge:

Please include a brief description of the construction project:

_____

_____

Will construction dewatering be required? ☐ Yes ☐ No If yes, please complete section IX also.

VIII. Construction Dates:

Project Start Date (MM/DD/YYYY): _____

Estimated Completion Date (MM/DD/YYYY): _____

IX. Dewatering Activities (Complete this section if you answered yes in VII):

Date dewatering will commence (MM/DD/YYYY): _____

Date dewatering will end (MM/DD/YYYY): _____

Total volume of dewatering (gallons): _____ Average flow rate (gallons per minute): _____

Source of water to be discharged: _____

Receiving water: _____

Brief description of water treatment processes to be employed, if any: _____

_____

Will the dewatering discharge contain anything other than uncontaminated groundwater and stormwater: ☐ Yes ☐ No

NOTE: If there will be dewatering activities, please place points of withdrawal and discharge on a topographic map, or other map if a topographic map is unavailable. This map should extend to one (1) square mile beyond the property boundaries of the facility and each of its discharge facilities, and those wells, springs, and other surface water bodies, drinking water wells, and surface water intake structures listed in public records, or otherwise known to the applicant in the map area.

X. Other Information

List other information you feel should be brought to the attention of the SDDENR regarding coverage under this general permit. Attach additional sheets if necessary.

_____

_____

_____

STATE OF SOUTH DAKOTA

BEFORE THE SECRETARY OF

THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

IN THE MATTER OF THE APPLICATION OF	**)**	
	)	**CERTIFICATION OF**
_____	**)**	
	)	**APPLICANT**
STATE OF _____	**)**	
	)	
COUNTY OF _____	**)**	

I, _____, the applicant in the above matter after being duly sworn upon oath hereby certify the following information in regard to this application:

I have read and understand South Dakota Codified Law Section 1-40-27 which provides:

"The secretary may reject an application for any permit filed pursuant to Titles 34A or 45, including any application by any concentrated swine feeding operation for authorization to operate under a general permit, upon making a specific finding that:

(1) The applicant is unsuited or unqualified to perform the obligations of a permit holder based upon a finding that the applicant, any officer, director, partner, or resident general manager of the facility for which application has been made:

(a) Has intentionally misrepresented a material fact in applying for a permit;

(b) Has been convicted of a felony or other crime involving moral turpitude;

(c) Has habitually and intentionally violated environmental laws of any state or the United States which have caused significant and material environmental damage;

(d) Has had any permit revoked under the environmental laws of any state or the United States; or

(e) Has otherwise demonstrated through clear and convincing evidence of previous actions that the applicant lacks the necessary good character and competency to reliably carry out the obligations imposed by law upon the permit holder; or

(2) The application substantially duplicates an application by the same applicant denied within the past five years which denial has not been reversed by a court of competent jurisdiction. Nothing in this subdivision may be construed to prohibit an applicant from submitting a new application for a permit previously denied, if the new application represents a good faith attempt by the applicant to correct the deficiencies that served as the basis for the denial in the original application.

All applications filed pursuant to Titles 34A and 45 shall include a certification, sworn to under oath and signed by the applicant, that he is not disqualified by reason of this section from obtaining a permit. In the absence of evidence to the contrary, that certification shall constitute a prima facie showing of the suitability and qualification of the applicant. If at any point in the application review, recommendation or hearing process, the secretary finds the applicant has intentionally made any material misrepresentation of fact in regard to this certification,

consideration of the application may be suspended and the application may be rejected as provided for under this section.

Applications rejected pursuant to this section constitute final agency action upon that application and may be appealed to circuit court as provided for under chapter 1-26."

I certify pursuant to 1-40-27, that as an applicant, officer, director, partner, or resident general manager of the activity or facility for which the application has been made that I; a) have not intentionally misrepresented a material fact in applying for a permit; b) have not been convicted of a felony or other crime of moral turpitude; c) have not habitually and intentionally violated environmental laws of any state or the United States which have caused significant and material environmental damage; (d) have not had any permit revoked under the environmental laws of any state or the United States; or e) have not otherwise demonstrated through clear and convincing evidence of previous actions that I lack the necessary good character and competency to reliably carry out the obligations imposed by law upon me. I also certify that this application does not substantially duplicate an application by the same applicant denied within the past five years which denial has not been reversed by a court of competent jurisdiction. Further;

"I declare and affirm under the penalties of perjury that this claim (petition, application, information) has been examined by me, and to the best of my knowledge and belief, is in all things true and correct."

Dated this _____ day of _____ , 20____ .

_____
Applicant (print)

_____
Applicant (signature)

Subscribed and sworn before me this _____ day of _____ , 20_____ .

_____
Notary Public (signature)

My commission expires: _____

(SEAL)

PLEASE ATTACH ANY ADDITIONAL INFORMATION NECESSARY TO DISCLOSE ALL FACTS AND DOCUMENTS PERTAINING TO SDCL 1-40-27 (1) (a) THROUGH (e). ALL VIOLATIONS MUST BE DISCLOSED, BUT WILL NOT AUTOMATICALLY RESULT IN THE REJECTION OF AN APPLICATION

Appendix B

NOTICE OF TERMINATION
(NOT) FORM

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
NOTICE OF TERMINATION (NOT)
of Coverage Under the SWD General Permit for
Stormwater Discharges Associated with Construction Activities

This form is required to be submitted when a discharge permit is no longer required or necessary. Submission of this form shall in no way relieve the permittee of permit obligations required prior to submission of this form. Please submit this form to the following address:

Submit form to: SD Department of Environment and Natural Resources
Surface Water Quality Program
523 East Capitol Avenue
Pierre, South Dakota 57501
stormwater@state.sd.us
Telephone: 1-800-SDSTORM

I. Permit Number: _____

II. Primary Contact Information:

Company Name: _____

Primary Contact Person: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Phone Number: _____ Email Address: _____

III. Mailing Address for Facility/Site Location:

Project Name: _____

Primary Contact Person: _____

Contact's Email Address: _____

Contact's Mailing Address: _____

City: _____ State: _____ Zip Code: _____

I certify under penalty of law that all stormwater discharges associated with construction activity from the identified facility that are authorized by a SWD general permit have been eliminated. I understand that by submitting the Notice of Termination, I am no longer authorized to discharge stormwater associated with construction activity under this general permit, and that discharging pollutants in stormwater associated with construction activity to waters of the state is unlawful under the federal Clean Water Act and the South Dakota Water Pollution Control Act if the discharge is not authorized by a SWD permit. I also understand that the submittal of this Notice of Termination does not release an operator from liability for any violations of this permit or the South Dakota Water Pollution Control Act. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

NOTE: Notice of Termination shall be signed by the authorized chief elective or executive officer of the applicant, or by the applicant, if an individual.

Name: _____ Title: _____

Signature: _____ Date: _____

FOR DENR USE ONLY

Permit Number: _____ Date Approved: _____ Letter Date: _____ Approved by: _____

Appendix C

CONTRACTOR AUTHORIZATION FORM

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
CONTRACTOR AUTHORIZATION FORM
for Coverage Under the SWD General Permit for
Stormwater Discharges Associated with Construction Activities

This form is required to be submitted when a contractor will act as an operator and have day to day responsibility for erosion and sediment control measures. Submission of this form shall in no way relieve the permittee of permit obligations. Please submit this form to the following address:

Submit form to: SD Department of Environment and Natural Resources
Surface Water Quality Program
523 East Capitol Avenue
Pierre, South Dakota 57501
stormwater@state.sd.us
Telephone: 1-800-SDSTORM

ALL QUESTIONS MUST BE ANSWERED COMPLETELY FOR THIS FORM TO BE VALID

Project Name: _____ Permit Number (if available): _____

Project Site Legal Location: _____

Contractor Company Name: _____

Responsible Contact Person: _____

Contact's Email Address: _____

Contractor Mailing Address: _____

City: _____ State: _____ Zip Code: _____ Phone Number: _____

The contractor(s) responsible for the day to day operation of the construction site shall certify the following:

"I certify under penalty of law that I understand and will comply with the terms and conditions of the Surface Water Discharge General Permit for Stormwater Discharges Associated with Construction Activities for the project identified above."

South Dakota Codified Laws Section 1-40-27 provides:

"The secretary may reject an application for any permit filed pursuant to Titles 34A or 45, including any application by any concentrated swine feeding operation for authorization to operate under a general permit, upon making a specific finding that:

(1) The applicant is unsuited or unqualified to perform the obligations of a permit holder based upon a finding that the applicant, any officer, director, partner or resident general manager of the facility for which application has been made:

(a) Has intentionally misrepresented a material fact in applying for a permit;

(b) Has been convicted of a felony or other crime involving moral turpitude;

(c) Has habitually and intentionally violated environmental laws of any state or the United States which have caused significant and material environmental damage;

(d) Has had any permit revoked under the environmental laws of any state or the United States; or

FOR DENR USE ONLY

Permit Number: _____ Date Approved: _____ Approved by: _____

(e) Has otherwise demonstrated through clear and convincing evidence of previous actions that the applicant lacks the necessary good character and competency to reliably carry out the obligations imposed by law upon the permit holder; or

(2) The application substantially duplicates an application by the same applicant denied within the past five years which denial has not been reversed by a court of competent jurisdiction. Nothing in this subdivision may be construed to prohibit an applicant from submitting a new application for a permit previously denied, if the new application represents a good faith attempt by the applicant to correct the deficiencies that served as the basis for the denial in the original application.

All applications filed pursuant to Titles 34A and 45 shall include a certification, sworn to under oath and signed by the applicant, that he is not disqualified by reason of this section from obtaining a permit. In the absence of evidence to the contrary, that certification shall constitute a prima facie showing of the suitability and qualification of the applicant. If at any point in the application review, recommendation or hearing process, the secretary finds the applicant has intentionally made any material misrepresentation of fact in regard to this certification, consideration of the application may be suspended and the application may be rejected as provided for under this section.

Applications rejected pursuant to this section constitute final agency action upon that application and may be appealed to circuit court as provided for under chapter 1-26."

I certify pursuant to SDCL 1-40-27, that as an applicant, officer, partner, or resident general manager of the activity or facility for which the application has been made that I; a) have not intentionally misrepresented a material fact in applying for a permit; b) have not been convicted of a felony or other crime of moral turpitude; c) have not habitually and intentionally violated environmental laws of any state or the United States which have caused significant and material environmental damage; d) have not had any permit revoked under the environmental laws of any state or the United States; or e) have not otherwise demonstrated through clear and convincing evidence of previous actions that I lack the necessary good character and competency to reliably carry out the obligations imposed by law upon me. I also certify that this application does not substantially duplicate an application by the same applicant denied within the past five years which denial has not been reversed by a court of competent jurisdiction. Further;

"I declare and affirm under the penalties of perjury that this claim (petition, application, information) has been examined by me, and to the best of my knowledge and belief, is in all things true and correct."

Dated this _____ day of _____, 20____.

_____

Applicant (print)

_____

Applicant (signature)

Subscribed and sworn before me this _____ day of _____, 20____.

_____

Notary Public (signature)

My commission expires: _____

(SEAL)

PLEASE ATTACH A SHEET DISCLOSING ALL FACTS PERTAINING TO SDCL 1-40-27 (1) (a) THROUGH (e). ALL VIOLATIONS MUST BE DISCLOSED, BUT WILL NOT AUTOMATICALLY RESULT IN THE REJECTION OF AN APPLICATION.

Appendix D

TRANSFER OF PERMIT COVERAGE FORM

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
TRANSFER OF PERMIT COVERAGE FORM

for Coverage Under the SWD General Permit for
Stormwater Discharges Associated with Construction Activities

This form is required to be submitted when ownership of a construction project or an individual lot in a larger common plan of development has been transferred to a different owner. Please submit this form to the following address:

Submit form to: SD Department of Environment and Natural Resources
Surface Water Quality Program
523 East Capitol Avenue
Pierre, South Dakota 57501
stormwater@state.sd.us
Telephone: 1-800-SDSTORM

Project Name: _____ Permit Number: _____

Site (Lot) Legal Location: _____

Site (Lot) Description: _____

Previous Owner's Name: _____

New Owner's Name: _____

New Owner's Mailing Information:

City: _____ State: _____ Zip Code: _____

Phone Number: _____ Email: _____

Stabilization measures implemented prior to transfer: _____

_____

Date transfer of property responsibility and liability becomes effective: _____

****NOTE: Any change in location, operation, and/or coverage area requires that the Stormwater Pollution Prevention Plan be updated and revised to reflect all changes.**

The site (lot) described about is covered under the General Permit for Stormwater Discharges Associated with Construction Activity. Temporary or permanent stabilization has been established on the site, which has now transferred ownership/responsibility as indicated above. The new owners, or operators, have been made aware of the importance of site stabilization in an effort to control pollutant runoff and/or sedimentation.

The new owner assumes responsibility for implementing best management practices to reduce or eliminate a discharge of pollutants to waters of the state. The new owner is aware that permit coverage for the site is required until all soil-disturbing activities at the site have been completed and one of the following conditions have been met:

- **all portions of the site not covered by pavement or permanent structures have a uniform perennial vegetative cover over at least 70% of the site; or**
- **equivalent permanent stabilization measure have been employed, such as the use of riprap, gabions, or geotextiles.**

New Owner/Operator Signature: _____

Date: _____

Previous Owner/Operator Signature: _____

Date: _____

FOR DENR USE ONLY

Permit Number: _____ Date Approved: _____ Approved by: _____

Appendix E

NOTICE OF INTENT
FOR
REAUTHORIZATION FORM

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
NOTICE OF INTENT (NOI) for REAUTHORIZATION
of Coverage Under the SWD General Permit for
Stormwater Discharges Associated with Construction Activities

The following facility currently has coverage under the General Permit for Stormwater Discharges Associated with Construction Activities. ***This form must be submitted if you wish to continue coverage under the General Permit.*** Submission of this form shall in no way relieve the permittee of permit obligations required prior to submission of this form. Please submit this form to the following address:

Submit form to: SD Department of Environment and Natural Resources
Surface Water Quality Program
523 East Capitol Avenue
Pierre, South Dakota 57501
stormwater@state.sd.us
Telephone: 1-800-SDSTORM

Update information below as needed. Please print or type information.

I. Permit Number: _____

II. Owner Information:

Company Name: _____

Primary Contact Person: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Phone Number: _____ Email Address: _____

III. Construction Project Information:

Project Name: _____

Project Description: _____

On-Site Contact Person: _____

Mailing Address: _____

City: _____ County: _____ State: _____ Zip Code: _____

Phone Number: _____ Total area disturbed by the project (in acres): _____

Project Start Date: _____ Estimated Completion Date: _____

IV. Signature of Applicant

By signing this form, you are requesting to continue permit coverage under the reissued General Permit. You are certifying you will comply with the new General Permit and update your Stormwater Pollution Prevention Plan if necessary to meet the reissued General Permit conditions.

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 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 revocation of the permit and the possibility of fine and imprisonment for knowing violations. In addition, I certify that I am aware of the terms and conditions of the General Stormwater permit and I agree to comply with those requirements.

NOTE: The NOI for Reauthorization must be signed by the authorized chief elective or executive offier of the applicant, or by the applicant, if an individual project.

Name (print): _____ Title: _____

Signature: _____ Date: _____

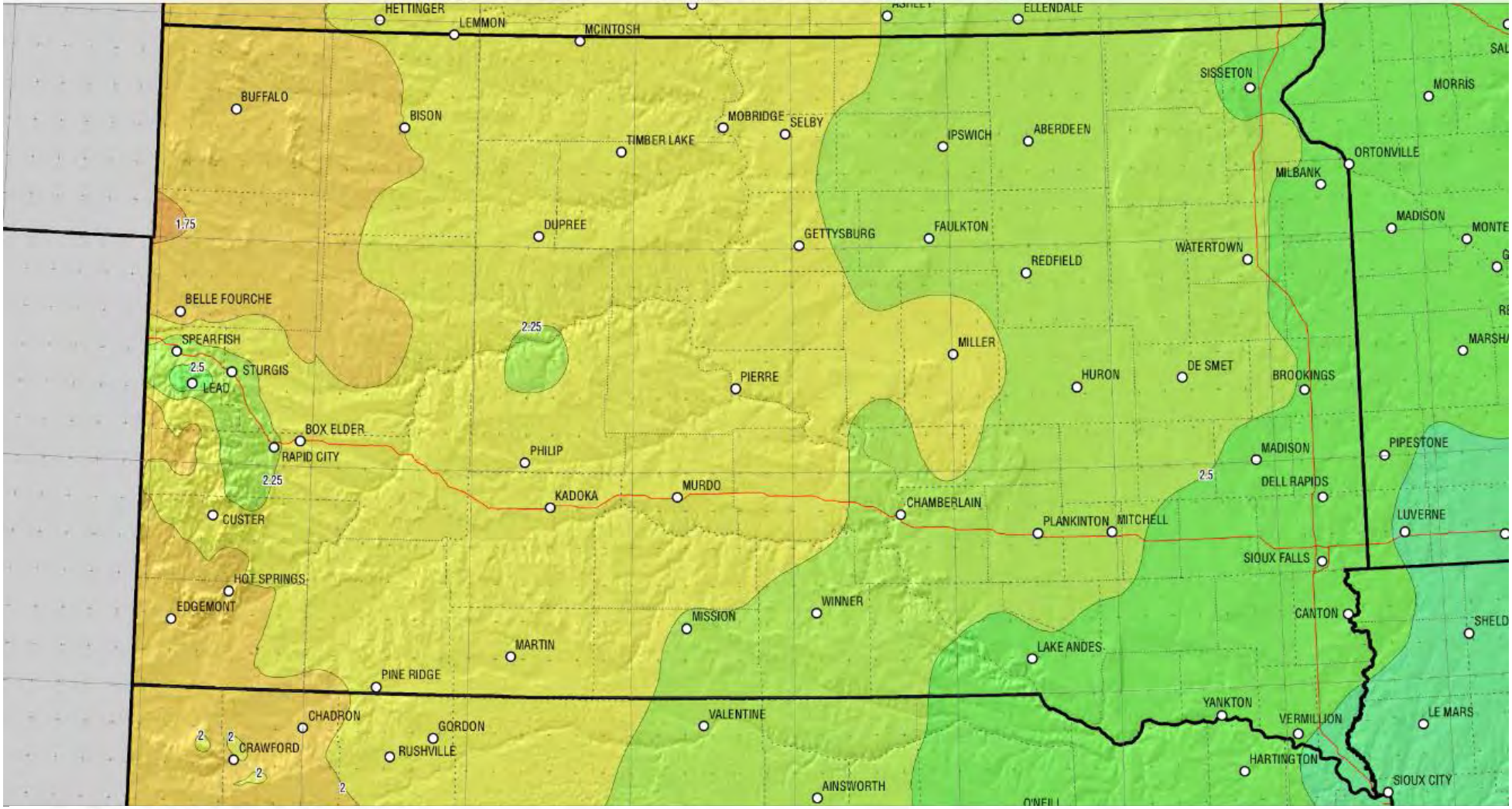
FOR DENR USE ONLY

Permit Number: _____ Date Reauthorized: _____ Approved by: _____

Appendix F

TWO YEAR, TWENTY-FOUR HOUR PRECIPITATION EVENT MAP

ftp://hdsc.nws.noaa.gov/pub/hdsc/data/mw/nd2y24h.pdf



NOAA Atlas 14, Volume 8, Version 2
Midwestern States

Prepared by U.S. DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
NATIONAL WEATHER SERVICE
OFFICE OF HYDROLOGIC DEVELOPMENT
HYDROMETEOROLOGICAL DESIGN STUDIES CENTER
April 2013

SOUTH DAKOTA

2-year 24-hour precipitation in inches

0.88 - 1.00	2.01 - 2.25	3.26 - 3.50	4.51 - 4.75
1.01 - 1.25	2.26 - 2.50	3.51 - 3.75	4.76 - 5.00
1.26 - 1.50	2.51 - 2.75	3.76 - 4.00	5.01 - 5.19
1.51 - 1.75	2.76 - 3.00	4.01 - 4.25	
1.76 - 2.00	3.01 - 3.25	4.26 - 4.50	

ADDENDUM #1
STATEMENT OF BASIS – Response to Comments

PERMIT TYPE:	General Permit for Stormwater Discharges Associated with Construction Activities
PERMIT NUMBER:	SDR100000
DISCHARGE LOCATION:	Surface Waters of the State of South Dakota

BACKGROUND

On February 9, 2018, the South Dakota Department of Environment and Natural Resources (SDDENR) offered its draft General Permit for Storm Water Discharges Associated with Construction Activities in South Dakota (General Permit) for a 30-day public comment period. The permit was published in 11 daily newspapers across the state, announcing the availability of the general permit and requesting comments. Prior to the formal public comment period, SDDENR also made the draft permit available for 70 days for informal review, inviting feedback and comment and conducting a public meeting via video conference over the Digital Dakota Network.

The Administrative Rules of South Dakota (ARSD) Section 74:52:05:20 states the following:

> ***Response to comments.*** *At the time that any final permit is issued, the secretary shall issue a response to all written comments received during the period of public notice.*

This addendum will provide SDDENR's response to the comments received, along with detailing any changes made to the permit as a result of the comments.

COMMENTS

Inspection Frequency

The South Dakota Department of Transportation commented that the draft General Permit was not consistent with the Environmental Protection Agency's (EPA) 2017 Construction General Permit. Section 4.2 of the draft General Permit states the following:

At a minimum, you must conduct a site inspection at the following frequencies:

1. Once every 7 calendar days; and
2. Within 24 hours of precipitation that exceeds 0.25 inches or snowmelt that generates runoff. You must keep a properly maintained rain gauge on your site.

EPA's 2017 Construction General Permit states inspections must be conducted once every 7 calendar days **or** once every 14 calendar days and within 24 hours of the occurrence of a storm event of 0.25 inches or greater, or the occurrence of runoff from snowmelt sufficient to cause a discharge.

SDDENR also received feedback during the informal stakeholder outreach about the difficulty of maintaining a rain gauge on linear construction sites, such as long fiber optic or pipeline projects. This change would provide an alternative inspection requirement to maintaining a rain gauge onsite.

MODIFICATION OF INSPECTION REQUIREMENTS

Based on the comment received, SDDENR is proposing the following changes to the permit. This change represents a minor modification from the originally public noticed permit and no additional public notice will be required.

4.2 Frequency of Inspections

At a minimum, you must conduct a site inspection at the following frequencies:

1. Once every 7 calendar days; or

2. Once every 14 calendar days **and** within 24 hours of precipitation that exceeds 0.25 inches or snowmelt that generates runoff. You must keep a properly maintained rain gauge on your site.

All other permit limits and conditions in the draft General Permit shall remain unchanged.

PERMIT CONTACT

This addendum and response to comments was developed by Jill Riedel, Engineer III, for the Surface Water Quality Program. Any questions pertaining to this addendum and response to comments may be directed the Surface Water Quality Program, at 1-800-SD-STORM or stormwater@state.sd.us.

March 16, 2018

STATEMENT OF BASIS

PERMIT TYPE:	**General Permit for Stormwater Discharges Associated with Construction Activities**
PERMIT NUMBER:	**SDR100000**
DISCHARGE LOCATION:	**Surface Waters of the State of South Dakota**

PURPOSE OF STATEMENT OF BASIS

This document is intended to explain the basis for the requirements contained in the draft General Permit for Stormwater Discharges Associated with Construction Activities (draft General Permit). This document provides guidance to aid in complying with the stormwater regulations as listed in the General Permit requirements. This guidance is not a substitute for reading the General Permit and understanding its requirements as they apply to your project or site.

BACKGROUND

Introduction

Construction activities have the potential to produce pollutants that may contaminate stormwater runoff. Clearing land of grass, trees, shrubs, rocks and other ground cover can change natural water runoff patterns and increase erosion. The disturbed soil, if not managed properly, can easily be washed off the construction site during storms, allowing sediment to enter water bodies. Sediment is one of the leading causes of water quality impairment nationwide. The deposition of sediment has contributed to reducing water depth in small streams, lakes, and reservoirs which can impair a water body's beneficial uses. Sediment runoff rates from unmanaged construction sites are typically 10 to 20 times greater than those from agricultural lands and 1,000 to 2,000 times greater than those of forest lands. During a short period of time, construction activity, when not managed properly, can contribute more sediment to streams than can be deposited naturally over several decades, causing physical and biological harm to waterbodies.

Some construction activities require the use of toxic or hazardous materials which contain pollutants such as pesticides, toxic chemicals, metals, and oil that may be harmful to humans, fish, wildlife, and plants. When these materials are not properly handled or stored, the resulting leaks and spills can pollute stormwater and negatively impact waters protected for drinking water, recreation, aquatic life, and other beneficial uses.

In 1972, Congress passed the Federal Water Pollution Control Act, commonly referred to as the Clean Water Act (CWA). The goal of the act was to restore and maintain the chemical, physical, and biological integrity of the Nation's waters. The CWA further states the discharge of any pollutant by any person shall be unlawful except in compliance with other provisions of the statute. To achieve these goals, the CWA requires control of discharges of pollutants from point

sources through the issuance of the National Pollution Discharge Elimination System (NPDES) permits.

In 1987, Congress amended the CWA to require implementation, in two phases, of a comprehensive national program for addressing stormwater discharges. The first phase of the program, commonly referred to as "Phase I," was promulgated on November 16, 1990. Under Phase I, the Environmental Protection Agency (EPA) established the permitting requirements for discharges of "stormwater associated with construction activity," which EPA included in its definition of "stormwater discharges associated with industrial activity." Construction activities that disturb five or more acres of land were designated as point source discharges that must receive a permit for any discharge of pollutants into waters of the United States.

On December 8, 1999, EPA promulgated Phase II of the stormwater regulations, expanding the point source discharge definition to include small construction activities that disturb between one and five acres of land.

On December 1, 2009, EPA published final regulations establishing technology-based Effluent Limitations Guidelines (ELGs) and New Source Performance Standards (NSPS) for the Construction & Development (C&D) point source category, which became effective on February 1, 2010. Litigation was initiated challenging the 2009 rule and EPA reached settlement agreements with the parties. The C&D rule was amended on March 6, 2014 in accordance with the settlement agreements. All NPDES construction permits issued by EPA or states after this date must incorporate the requirements in the C&D rule.

The intent of the stormwater regulations is to improve and protect water quality by minimizing pollutants in stormwater runoff. The discharge of pollutants into surface waters of the state from construction activities disturbing one or more acres is considered a point source and shall obtain a Surface Water Discharge (SWD) permit from the South Dakota Department of Environment and Natural Resources (SDDENR). Stormwater runoff consists of rainwater and melted snow that runs off the land and directly, or indirectly by way of storm sewers, enters surface waters of the state, such as lakes, rivers, streams, wetlands, and ponds. The term "construction activity" includes point source discharges from areas undergoing operations such as clearing, grading, and excavation. Construction activities can include road building, construction of residential houses, office buildings, industrial sites, or demolition. The term construction activity does not include agricultural, silviculture, or maintenance activities.

Permit Description

The current General Permit was issued under South Dakota's SWD regulations on February 1, 2010 and expired January 31, 2015. The General Permit was administratively extended, pending the reissuance of the permit.

SDDENR proposes to reissue the General Permit. The General Permit contains requirements that are based on technology-based effluent limitations, best management practices, South Dakota's Surface Water Quality Standards (SDSWQS), and other conditions applicable to the types of stormwater generated by construction activities.

Stormwater runoff from construction activities disturbing one or more acres of land are designated as "point sources" by Phases I and II of EPA's stormwater regulations. All point sources discharging pollutants into surface waters of the state shall have a SWD permit. Due to the nature of scheduling these construction activities, obtaining an individual SWD permit would significantly impact the timing of a project. The General Permit regulations within the Administrative Rules of South Dakota (ARSD) §74:52:02:46 provide for the issuance of General Permits for stormwater point sources. Therefore, SDDENR has issued a General Permit for these activities in order to:

1. Facilitate the scheduling of these activities by reducing the administrative delays in their authorization;
2. Establish uniform criteria for management practices and effluent limits for discharges from these activities; and
3. Promote consistent permitting with respect to these activities.

Coverage Under the General Permit

This permit authorizes the following discharges of stormwater from new or ongoing construction activities located in South Dakota:

1. Stormwater discharges associated with construction activity from construction sites greater than or equal to one (1) acre, including stormwater runoff, snowmelt runoff, and surface runoff and drainage.
2. Stormwater discharges from individual sites that are part of a larger common plan of development or sale that will ultimately disturb one (1) or more acres of land.
3. Stormwater discharges from construction sites less than one (1) acre that have been designated by the Secretary as needing a permit
4. Stormwater discharges from construction support activities provided: 1) The support activity is directly related to the construction site required to have permit coverage; 2) The support activity does not continue to operate beyond the completion of the construction activity at the project it supports; 3) The support activity is included in the Stormwater Pollution Prevention Plan (SWPPP); and 4) Control measures are implemented for discharges from the support activity area; 5) A separate permit is obtained for support activities continuing past the initial permitted project timeframe.

Reporting Requirements

On October 22, 2015, the EPA published a rule in the federal register making electronic reporting of permit and compliance monitoring information mandatory for all NPDES permits. These are referred to as SWD permits in South Dakota. The final rule became effective December 21, 2015.

Phase II of the final rule requires authorized state NPDES programs begin electronically collecting, managing, and sharing construction stormwater permitting information within five (5) years after the effective date of final rule. This information includes: general permit reports (e.g. Notice of Intent to be covered (NOI); Notice of Termination (NOT); No Exposure Certification (NOX); and all other remaining NPDES program reports.)

Currently, the SDDENR is approved to use the NPDES e-Reporting Tool (NeT) to allow electronic reporting under 40 Code of Federal Regulations (CFR) Parts 122, 403, and 503. However, SDDENR is still working on fully developing programs to meet this requirement and will notify facilities as they become available. Requirements to request and terminate permit coverage are listed below.

New Construction Projects

To obtain coverage under the draft General Permit, you, the owner of the construction site, shall submit a NOI and a Certification of Applicant form to the SDDENR at least 15 days prior to the start of construction.

Note: If a contractor other than the owner will be responsible for the day-to-day operation of the construction site, that contractor shall be identified and the owner shall submit a Contractor Authorization form found in Appendix C of the draft General Permit. As an operator of the site, any contractor performing work at the site also has responsibility for compliance with the terms of the General Permit.

Upon receipt of a complete NOI signed by the owner, the Secretary of the SDDENR makes the decision to grant or deny coverage, or request additional information.

Existing Construction Projects

For existing construction operations already covered under the current General Permit, you will need to submit a NOI for Reauthorization, found in Appendix E of the draft General Permit, to continue coverage under the reissued General Permit. Coverage under the current General Permit will expire on the effective date of the reissued General Permit. If you do not submit a NOI for Reauthorization prior to the effective date of the General Permit, your coverage under the current General Permit will be terminated and any stormwater discharges associated with construction activity at the site will not be authorized and could be subject to enforcement.

Secretary Designation

While most construction sites less than one acre do not significantly impact surface waters in South Dakota, this is not universally true. In some cases, the Secretary of the SDDENR may require smaller construction sites to obtain coverage under a permit. In making this determination, the Secretary will take into account the beneficial uses of the receiving waters, the slope of the project, the management of the site, and other appropriate factors. SDDENR is making the draft General Permit available to these designated sites. Alternatively, the owner of the designated site may request an individual permit for the site.

Oil and Gas Exemption

Title 40 CFR, Section 122.26(a)(2) states that the EPA may not require a permit for discharges of stormwater runoff from mining operations or oil and gas exploration, production, processing or treatment operations or transmission facilities, composed entirely of flows which are from conveyances or systems of conveyances (including but not limited to pipes, conduits, ditches, and channels) used for collecting and conveying precipitation runoff and which are not contaminated by contact with or that has not come into contact with, any overburden, raw

material, intermediate products, finished product, byproduct or waste products located on the site of such operations.

Therefore, owners of oil and gas field activities are exempt from the permitting requirements for any construction activity at these facilities. However, the SDDENR expects these operations to employ best management practices to minimize the discharge of pollutants from the site and ensure the SDSWQS are maintained.

RECEIVING WATERS

The South Dakota Surface Water Quality Standards (SDSWQS), Administrative Rules of South Dakota (ARSD), Sections 74:51:03:01 and 74:51:03:06, designate beneficial uses for all surface waters of the state. These classifications designate the minimum quality at which the surface waters of the state are to be maintained and protected. All waterbodies in South Dakota have been assigned one or more of the following beneficial uses:

1. Domestic water supply waters;
2. Coldwater permanent fish life propagation waters;
3. Coldwater marginal fish life propagation waters;
4. Warmwater permanent fish life propagation waters;
5. Warmwater semipermanent fish life propagation waters;
6. Warmwater marginal fish life propagation waters;
7. Immersion recreation waters;
8. Limited contact recreation waters;
9. Fish and wildlife propagation, recreation, and stock watering waters;
10. Irrigation waters; and
11. Commerce and Industry waters.

The draft General Permit was developed to ensure these beneficial uses are maintained and protected.

ANTIDEGRADATION

SDDENR has fulfilled the antidegradation review requirements for this draft General Permit. In accordance with South Dakota's Antidegradation Implementation Procedure and the South Dakota Surface Water Quality Standards (SDSWQS), no further review is required. The results of SDDENR's review are included in Attachment 1.

TOTAL MAXIMUM DAILY LOAD

Section 303(d) of the federal Clean Water Act (CWA) requires states to develop Total Maximum Daily Loads (TMDLs) for waters at levels necessary to achieve and maintain water quality standards. TMDLs are calculations of the amount of pollution a waterbody can receive and still maintain applicable water quality standards. TMDLs are necessary for waters that do not meet or are not expected to meet water quality standards with the application of technology-based controls for point sources. TMDLs address specific waterbodies, segments of waterbodies, or

even entire watersheds, and are pollutant specific. TMDLs must allow for seasonal variations and a margin of safety, which accounts for any lack of knowledge concerning the relationship between pollutant loads and water quality.

The draft General Permit is a Surface Water Discharge (SWD) permit that requires best management practices to ensure the surface water quality standards are met and maintained. Therefore, the draft General Permit will be able to authorize discharges to waterbodies that are listed as impaired or have an approved TMDL. However, if SDDENR determines a specific site has the potential to cause or contribute to an impairment of the surface water quality standards or best management practices are not sufficient, SDDENR can require the owner to implement additional controls and/or obtain an individual discharge permit.

EFFLUENT LIMITS

Under the federal Clean Water Act (CWA), dischargers shall comply with both technology-based and water quality-based effluent limits.

The CWA allows states and the Environmental Protection Agency (EPA) to meet the requirement for technology-based limits using non-numeric, or "narrative," effluent limits in permits where appropriate. The EPA has developed regulations allowing the use of narrative best management practices as effluent limits (40 CFR §122.44(k)). On March 6, 2014, EPA promulgated the final technology-based Construction and Development Effluent Guidelines in Title 40 of the Code of Federal Regulations, Part 450 (40 CFR Part 450). The draft General Permit includes narrative effluent limits, including best management practices, to ensure the federal effluent limitations guideline requirements are met. SDDENR has included additional narrative effluent limitations to ensure the South Dakota Surface Water Quality Standards (SDSWQS) are met.

All permittees and their contractors shall comply with the effluent limits specified below. These limits are based on the Construction and Development Effluent Guidelines (40 CFR Part 450), South Dakota Codified Law (SDCL), the Administrative Rules of South Dakota (ARSD), the SDSWQS, the permit writer's judgment, and current General Permit limits.

1. **Proper Operation and Maintenance.** You must properly operate and maintain all the sediment and erosion controls used to meet the conditions of the draft General Permit. This limit is based on ARSD Section 74:52:03:02(5) and the current General Permit limits.

2. **Erosion and Sediment Control Requirements.** You must design, install, and maintain effective erosion and sediment controls to minimize soil erosion and the discharge of pollutant during earth-disturbing activities. The controls must be designed for a 2-year, 24-hour precipitation event. Your controls must be able to control stormwater volume, velocity, and peak flow rates and account for the anticipated soil characteristics at the site. This limit is based on 40 CFR 450.21(a)(1), (2), and (5), and the current General Permit limits.

3. **Installation Requirements.** You must install the erosion and sediment controls before any land disturbing activity takes place. All other controls must be installed as soon as site conditions on the site allow. The controls must be installed using good engineering practices

and should follow the manufacturer's specifications. You must document any deviations from the manufacturer's specifications in the stormwater pollution prevention plan. This limit is based on the permit writer's judgement.

4. **Perimeter Controls.** You must have effective down gradient sediment controls and controls for any side slope boundaries. This limit is based on the current General Permit limits.

5. **Sediment Basins.** If you use a sediment basin at the site to control the discharge of sediment, the basin must meet the following requirements:

    a. The sediment basin must be designed, constructed, and operated in accordance with any local requirements;

    b. The outlet structures must withdraw water from the surface of the sediment basin to allow for proper sediment removal in the pond;

    c. You must use erosion control and velocity dissipation devices to prevent erosion within the basin and at the inlets and outlets from the basin; and

    d. Sediment basins must be situated outside of surface waters and any natural buffers. Basins must be designed to avoid collecting water from wetlands and other waterbodies.

    This limit is based on 40 CFR 450.21(f) and the permit writer's judgement.

6. **Minimize Sediment Track-Out.** You must take steps to minimize the track-out of sediment from the construction site where vehicles leave the site:

    a. Restrict vehicle use to properly designated access points;

    b. Use appropriate stabilization techniques at every construction site access point so sediment removal occurs prior to vehicle exit.

    c. Where sediment has been tracked out from your site onto offsite streets, other paved areas, and/or sidewalks, remove the deposited sediment by the end of the same work day in which the track-out occurs. You must remove the track-out by sweeping, shoveling, vacuuming these surfaces, or by using other similarly effective means of sediment removal. You are prohibited from hosing or sweeping tracked-out sediment into storm drain inlets, surface waters of the state, or any stormwater conveyance unless the conveyance is connected to a sediment basin, sediment trap, or similar effective control. You must obtain approval from the owner of the sediment traps before hosing or sweeping sediment into those controls.

    This limit is based on the current General Permit limits and the permit writer's judgement.

7. **Remove Offsite Accumulation.** If sediment escapes the construction site, you must begin removing the offsite accumulations by the end of the same work day. You must revise your stormwater pollution prevention plan and implement controls to minimize further offsite

accumulation. This limit is based on the current General Permit limits and the permit writer's judgement.

8. **Minimize Dust.** You must minimize the generation of dust at the construction site to avoid pollutants from being deposited into surface waters of the state. This limit is based on the current General Permit limits and the permit writer's judgement.

9. **Minimize Run-On.** You must minimize run-on to your construction site. This limit is included to minimize, not eliminiate, the volume of water managed at the site where practicable, and represents a best management practice to further reduce the likelihood of erosion and sedimentation. This limit is based on the permit writer's judgement.

10. **Provide Natural Buffers.** You must provide natural buffers if disturbed portions of the construction site are within 50 feet of a lake assigned immersion recreation or limited contact recreational beneficial uses in ARSD Section 74:51:02:02 and listed in ARSD Section 74:51:02:04; or a river or stream assigned any of the warmwater or coldwater fish life propagation beneficial uses in ARSD Section 74:51:03:02 and listed in ARSD Sections 74:51:03:04 to 74:51:03:27, inclusive. The draft General Permit requires a 50-foot undisturbed natural buffer, or equivalent controls. Equivalent controls are outlined in Appendix G of EPA's 2017 Construction General Permit. This limit is based on 40 CFR 450.21(a)(6) and permit writer's judgement.

11. **Preserve Topsoil.** You must preserve the native topsoil on your site, unless infeasible. Preserving topsoil is not required where the intended function of a specific area of the site dictates that the topsoil be disturbed or removed. This limit is based on 40 CFR 450.21(a)(8).

12. **Minimum Steep Slope Disturbance.** You must minimize the disturbance of slopes that are greater than a three horizontal to one vertical (3:1) slope, unless infeasible. This limit is based on 40 CFR 450.21(a)(4) and permit writer's judgement.

13. **Protect Storm Drain Inlets.** You must protect all storm drain inlets that receive stormwater flows from the construction site to minimize the discharge of pollutants from the site. You must maintain the inlet protection until you have permanently stabilized all sources that have the potential to discharge pollutants to the inlet. If local officials require you to remove the inlet controls during the winter, you must install alternative controls to prevent sediment from entering the storm drain inlet. This limit is based on the current General Permit limits and the permit writer's judgement.

14. **Erosive Velocity Control.** You must use erosion controls and velocity dissipation devices where necessary along the length of stormwater conveyance channels, if utilized onsite, and outlets to minimize erosion of the channel, adjacent stream bank, slope, and downstream waters. You must provide energy dissipation best management practices prior to connecting pipe or culvert outlets to surface waters. Conveyances that collect and channelize the stormwater runoff can result in high flows leaving the site at a concentrated point. This can cause erosion and scour downstream of the construction site, which in turn discharges pollutants to surface waters. You must install controls to manage both the peak flowrates and

the total stormwater volume leaving the site. This limit is based on 40 CFR 450.21(a)(1), (2), (5), and the current General Permit limits.

15. **Minimize Soil Compaction.** In areas where final vegetative stabilization or infiltration will occur, you must ensure the areas allow proper drainage following construction. You must either restrict vehicle and equipment use in these locations to avoid soil compaction or condition areas of compacted soil prior to seeding or planting. This limit is based on 40 CFR 450.21(a)(7) and the permit writer's judgement.

16. **Minimize Exposed Soil.** You must schedule and sequence soil disturbing activities to minimize the amount and duration of soil exposure to erosion and sedimentation by wind, rain, surface runoff, and vehicle tracking. You should consider factors such as high precipitation seasons when scheduling soil disturbing activities. This limit is based on 40 CFR 450.21(a)(3).

17. **Protect Stockpiles.** For any stockpiles or land clearing debris, you must take the following steps:

    a. Locate the stockpiles and debris outside of any natural buffers established under paragraph 10 (Provide Natural Buffers) above and away from any stormwater conveyances, drain inlets, and areas where stormwater flow is concentrated;

    b. Protect the stockpile debris from contact with stormwater run-on by using temporary sediment controls, berms, or other best management practices;

    c. Properly maintain and position stockpiles to minimize dust generation and wind transport of sediment; and,

    d. Minimize stormwater runoff from the piles by properly positioning stockpiles and debris or installing effective sediment controls.

    e. You are prohibited from placing stockpiles in surface waters of the state.

    This limit is based on the SDSWQS (ARSD Section 74:51:01:06), SDCL 34A-2-21, and the current General Permit limits.

18. **Stabilization Requirements.** You are required to stabilize exposed portions of your site once construction has ceased, both temporarily and permanently.

    a. You must begin soil stabilization measures the following work day whenever earth-disturbing activities have permanently or temporarily ceased on any portion of the site. Earth-disturbing activities have permanently ceased when you complete clearing, grading, and excavation within any area of your site that will not include permanent structures. Earth-disturbing activities have temporarily ceased when you cease clearing, grading, and excavation within any area for a period of at least 14 calendar days, but will resume such activities in the future.

b. You must complete temporary stabilization as soon as practicable, but no later than 14 calendar days after initiating soil stabilization measures. This includes,

   i. All activities necessary to initially seed or plant the area to be stabilized for vegetative stabilization practices.

   ii. The installation or application of all non-vegetative measures.

   iii. As soon as practicable after seeding or planting, select, design, and install non-vegetative erosion controls (e.g., mulch or rolled erosion control products) to prevent erosion on the seeded or planted areas while vegetation establishes.

c. You must meet the criteria for final stabilization, as defined in the draft General Permit:

   i. ***Final Stabilization*** *– on areas not covered by permanent structures, means either (1) vegetation has been established that provides a uniform (e.g., evenly distributed, without large bare areas) perennial vegetative cover with a density of 70 percent of the natural background vegetative cover, (2) permanent non-vegetative stabilization methods have been implemented to provide effective cover for exposed portions of the site, or (3) disturbed portions of a construction site on land used for agricultural purposes must be returned to pre-construction agricultural use*

   ii. If you are seeding or planting vegetation to stabilize the site, you must minimize the presence of invasive (aka noxious) species within your site. The following seven (7) weeds are declared to be noxious statewide: Canada thistle, hoary cress, leafy spurge, perennial sow thistle, purple loosestrife, Russian knapweed, and salt cedar (ARSD Section 12:62:03:01.06). Refer to the South Dakota Department of Agriculture's website for more information: https://sdda.sd.gov.

This limit is based on 40 CFR 450.21(b), the current General Permit limits, and permit writer's judgement.

19. **Maintenance Requirements.** You must ensure that all erosion and sediment controls remain in effective operating condition until final stabilization is complete. At a minimum, you must:

    a. Remove sediment from any sedimentation basins when the design capacity has been reduced by 50% or more.

    b. Remove sediment from sediment controls before the deposit reaches 50% of the above-ground height of the control.

    c. Repair vegetative buffers if they become silt-covered, contain rills, or are otherwise rendered ineffective.

d. You must repair and stabilize eroded areas by the end of the same work day they are identified. If repair is infeasible, you must implement alternative control measures.

e. You must clean inlet protection devices when sediment accumulates, or when the filter becomes clogged, or performance is compromised.

f. You must ensure all controls remain in effective operating condition and are protected from activities that would reduce their effectiveness.

g. .

h. If you find a problem or if your inspections identify that control measures are not operating effectively, you must make the necessary repairs or modifications as follows:

    i. If you discover a problem that does not require repair or replacement, you must initiate work to fix the problem on the same day. If the problem is identified at a time in the work day when it is too late to complete the corrective actions, you must initiate work to fix the problem on the following work day or before the next anticipated runoff event, whichever comes first.

    ii. If you need to install new erosion or sediment controls or need to complete repairs, you must complete the work before the next anticipated runoff event or by no later than seven calendar days from the time the problem is discovered, whichever comes first.

    iii. You must modify your stormwater pollution prevention plan within seven calendar days of completing the work. The stormwater pollution prevention plan must address any changes to the controls and must detail the necessary steps to prevent similar damage in the future.

This limit is based on 40 CFR 450.21(a)(1) and (5), and the current General Permit limits.

20. **Pollution Prevention Procedures.** You must design, install, implement, and maintain effective pollution prevention measures to minimize the discharge of pollutants from the activities listed below. Spills must be reported as required in Section 7.1 of the draft General Permit.

    a. ***Prohibited Discharges*.** You are prohibited from discharging the following from your construction site, based on 40 CFR 450.21(e):

        i. Wastewater from washout and cleanout of concrete, stucco, paint, form release oils, curing compounds, and other construction materials.

ii. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance.

iii. Detergents, soaps, or solvents used in vehicle and equipment washing.

iv. Toxic or hazardous substances from a spill or other release.

v. Waste, garbage, floatable debris, construction debris, and sanitary waste.

b. ***Fueling and Maintenance of Equipment or Vehicles***. If you fuel or maintain equipment or vehicles at your site, you must minimize the discharge of spilled or leaked materials from the area where these activities take place. This limit is based on the SDSWQS (ARSD 74:51:01:10).

c. ***Washing of Equipment and Vehicles***. You must provide an effective means of minimizing the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other types of washing. The washing must be limited to a defined area of the site and must be properly disposed. This limit is based on 40 CFR 450.21(d)(1).

d. ***Management of Construction Products, Chemicals, Materials, and Wastes***. You must properly store, handle, and dispose of any construction products and materials, chemicals, landscape materials, and wastes in order to minimize the exposure to stormwater. Products or wastes that are either not a source of contamination to stormwater or are designed to be exposed to stormwater are not held to this requirement. This limit is based on 40 CFR 450.21(d)(2) and (3), and SDCL 34A-2-21. Requirements are as follows:

i. You must cover or otherwise protect any materials that have the potential to leach pollutants in order to minimize contact with stormwater and prevent the discharge of pollutants.

ii. Clean up spills by the end of the same work day in which the spill occurred, using dry clean-up methods where possible, and dispose of used materials properly. Do not clean surfaces or spills by hosing the area down. Eliminate the source of the spill to prevent a discharge or continuation of an ongoing discharge.

iii. For registered pesticides and fertilizers, you must comply with all application and disposal requirements included on the label. Pesticides and fertilizers must be stored under cover or other effective means designed to minimize contact with stormwater. You must document any departures from the manufacturer's specifications for applying fertilizers and pesticides.

iv. Store all diesel fuel, oil, hydraulic fluids, other petroleum products, and other chemicals and products in water-tight container.

v. Hazardous or toxic wastes that may be present at construction sites include, but are not limited to, paints, solvents, petroleum-based products, wood preservatives, additives, curing compounds, acids, and alkaline materials. For these materials and wastes, you must:

(1) Separate hazardous or toxic wastes and materials from construction and domestic waste.

(2) Store hazardous or toxic wastes and materials in sealed containers and provide secondary containment as applicable. These containers must be constructed of suitable materials to prevent leakage and corrosion. These containers must be labeled in accordance with the applicable Resource Conservation and Recovery Act (RCRA) requirements and all other applicable federal, state, or local requirements.

(3) Dispose of hazardous or toxic wastes in accordance with the manufacturer's recommended method of disposal and in compliance with federal, state, and local requirements.

vi. You must provide effective containment for all liquid and solid wastes generated by washout operations including, but not limited to, concrete, stucco, paint, form release oils, curing compounds, and other construction materials related to the construction activity. For these materials and wastes, you must comply with the following requirements:

(1) Designate areas to be used for washout and cleanout activities. The containment must be designed so that it does not result in runoff from washout operations or during runoff events;

(2) Install signs adjacent to each washout facility directing site personnel to use the proper facilities for concrete disposal and other washout wastes;

(3) Direct all wash water into a leak-proof container or leak-proof pit;

(4) Do not dump liquid wastes in the storm sewers; and,

(5) Clean up and properly dispose of any accumulated wastes in designated waste containers.

vii. You must provide proper waste disposal receptacles of sufficient size and number to handle construction wastes including, but not limited to, packaging materials, scrap construction materials, masonry products, timber, pipe, and electrical cuttings, plastics, Styrofoam®, concrete, and other trash or building materials.

viii. For sanitary waste, you must position portable toilets so they are secure and will not be tipped or knocked over. You must properly remove and dispose of wastes from the portable toilets.

These limits are based on 40 CFR 450.21, the SDSWQS, SDCL, the current General Permit limits, and the permit writer's judgement.

21. **Construction Dewatering.** You are prohibited from discharging from dewatering activities, including discharges from dewatering of trenches and excavation, unless the discharges are managed by the following controls:

    a. You shall not discharge toxic pollutants in toxic amounts. This limit is based on the SDSWQS (ARSD Section 74:51:01:12)

    b. Your discharge shall not impart a visible film or sheen to the surface of the receiving water or adjoining shoreline. This limit is based on the SDSWQS (ARSD Section 74:51:01:10).

    c. Your discharge shall not contain visible pollutants. You must visually monitor the discharge for suspended solids. This limit is based on the SDSWQS (ARSD Section 74:51:01:06). If you observe suspended solids in the discharge, you must implement the following requirements:

        i. You must install additional best management practices and update your stormwater pollution prevention plan to reduce the visible solids.

        ii. You must sample the dewatering discharge for total suspended solids on a daily basis until there is no longer a discharge of visible solids. The samples must be analyzed in accordance 40 CFR, Part 136, which may require sending the sample to an off-site laboratory for analysis. If the total suspended solids value exceeds 53 mg/L in any sample or measurement, you must cease the dewatering discharge to surface waters of the state until you can demonstrate the additional best management practices are sufficient to eliminate the visible pollutants. You must also document this in your stormwater pollution prevention plan. Sampling is only required when there are visible pollutants in the dewatering discharge.

    d. You must use best management practices to minimize or prevent stream channel scouring or erosion caused by dewatering discharges. This limit is based on 40 CFR 450.21(a)(1) and the current General Permit limits.

    e. You cannot add chemicals to the discharge without prior approval from the SDDENR. This limit is based on the SDSWQS (ARSD Section 74:51:01:12).

    f. You must obtain a Temporary Water Right. Contact SDDENR at (605) 773-3352 for more information and to obtain a temporary water right.

These limits are based on 40 CFR 450.21(c), the SDSWQS, the current General Permit limits, and the permit writer's judgement.

STORMWATER POLLUTION PREVENTION PLAN

You are required to develop and implement a Stormwater Pollution Prevention Plan (SWPPP) prior to submitting a Notice of Intent (NOI) for new construction projects. The objective of the SWPPP is to identify and document 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 surface waters of the state and storm sewer systems. Your SWPPP must describe all control measures that are, or will be, installed and maintained that are site-specific to meet the conditions of the draft General Permit. You are required to certify you have developed the SWPPP when you submit the NOI and are required to implement the necessary sediment and erosion controls before initiating construction.

The SWPPP details the Best Management Practices (BMPs) you will implement to meet the effluent limits specified in the draft General Permit. The draft General Permit requirements for the SWPPP were designed for maximum flexibility to allow the development of needed stormwater controls based on the specifics of the site. Some of the factors to consider when developing your SWPPP include:

1. Local development requirements and/or
2. Building codes;
3. Precipitation patterns for the area at the time the project will be underway;
4. Soil types;
5. Slopes;
6. Sensitivity of nearby water bodies;
7. Safety concerns of the stormwater controls (i.e. potential safety hazards of water in stormwater retention ponds to humans and wildlife, and the potential of drawing birds to retention ponds and the hazards they pose to aircraft); and
8. Coordination with other site operators.

A large number of sites are already covered under the current General Permit. While the draft General Permit is consistent with SDDENR's requirements under the current General Permit, there are some changes. Existing permittees will have until **October 1, 2018** to update their SWPPP to reflect the requirements of the reissued General Permit.

The draft General Permit requires the stormwater controls be described in the stormwater pollution prevention plan and implemented at the site. A more thorough description of pollution prevention measures and best management practices is provided in *Developing Your Pollution Prevention Plan: A Guide for Construction Sites* (U.S. EPA, 2016). An electronic version of this document is available from the Environmental Protection Agency's (EPA) web site (http://www.epa.gov/npdes/developing-stormwater-pollution-prevention-plan-swppp), or a hardcopy of the summary document may be obtained from the SDDENR or EPA upon request.

A table listing common BMPs and their uses is also included in Attachment 2 of this Statement of Basis.

SELF MONITORING REQUIREMENTS

You shall ensure that qualified personnel (someone who is knowledgeable about your SWPPP and proper operation of erosion and sediment controls) inspect the site at least once every seven (7) days and within twenty-four (24) hours after any rain event that is 0.25 inches or greater or a snowmelt event that generates runoff. Where runoff is unlikely due to winter conditions (e.g. the site is covered with snow, ice, or frozen ground) *and* the site has been temporarily stabilized, you shall conduct such inspections at least once every month. You must resume weekly inspections by no later than March 1st of each year until the site is permanently stabilized and you have submitted a Notice of Termination (NOT). The inspection shall include:

1. All disturbed areas of the construction site that have not reached final stabilization;
2. All sediment and erosion control measures;
3. Vegetated buffers;
4. Areas used for storage of materials;
5. Areas where stormwater typically flows within the site;
6. All points of discharge from the site;
7. All dewatering activities at the site; and
8. Locations where vehicles enter or exit the site.

You, or a qualified inspector knowledgeable about stormwater controls, shall inspect these areas for evidence of, or the potential for, pollutants entering the drainage system and erosion. You, or the inspector, shall also inspect sediment control measures to ensure that they are operating correctly and that sediment is not tracked offsite. You must also inspect stabilized areas to ensure that stabilization measures are still in place and effective.

If a discharge is occurring during the inspection, you, or the qualified inspector, are required to:

1. Identify all points where there is a discharge;
2. Observe and document the visual quality of the stormwater discharge and note the characteristics of the discharge; and
3. Document whether the control measure are operating effectively.

SDDENR also recommends that you perform a “walk through” inspection of the construction site before any anticipated storm event that could potentially cause a significant amount of runoff. These types of inspections help to ensure the effective implementation of sediment and erosion controls.

Record-Keeping Requirements

You shall maintain on site, or make readily available, the SWPPP, and a copy of the SDDENR’s letter granting coverage under the draft General Permit, from the date construction activities are initiated until final stabilization is achieved and coverage under the draft General Permit is terminated. You shall retain copies of the SWPPP, all reports required by the draft General

Permit, and records of all data used to complete the Notices of Intent and Termination for this permit for a period of at least three (3) years from the date that the site is finally stabilized. The Secretary may request extension of this period at any time.

CONSTRUCTION DEWATERING

The draft General Permit provides for discharges from dewatering activities as long as you employ the following controls:

1. You shall not discharge toxic pollutants in toxic amounts.
2. Your discharge shall not impart a visible film or sheen to the surface of the receiving water or adjoining shoreline.
3. Your discharge shall not contain visible pollutants. You must visually monitor the discharge for suspended solids. If you observe suspended solids in the discharge, you must implement the following requirements:
    a. You must install additional best management practices and update your stormwater pollution prevention plan to reduce the visible solids.
    b. You must sample the dewatering discharge for total suspended solids on a daily basis until there is no longer a discharge of visible solids. The samples must be analyzed in accordance with Title 40 of the Code of Federal Regulations, Part 136. If the total suspended solids value exceeds 53 mg/L in any sample or measurement, you must cease the dewatering discharge to surface waters of the state until you can demonstrate the additional best management practices are sufficient to eliminate the visible pollutants.
4. You must use best management practices to minimize or prevent stream channel scouring or erosion caused by dewatering discharges.
5. You cannot add chemicals to the discharge without prior approval from the South Dakota Department of Environment and Natural Resources (SDDENR).
6. You must obtain a Temporary Water Right. Contact the SDDENR at (605) 773-3352 for more information and to obtain a temporary water right.

TERMINATION OF COVERAGE

After you complete construction activities in an area, you shall permanently stabilize the site as soon as possible to prevent further soil erosion. When construction activities are complete and final stabilization has been achieved, you are required to submit a Notice of Termination (NOT) to SDDENR. The NOT indicates that all earthmoving activities have ended and the site has achieved final stabilization as required by the draft General Permit. You shall maintain coverage under the draft General Permit until all disturbed areas on the entire project site have achieved final stabilization, as defined in the draft General Permit:

> ***Final Stabilization*** *– on areas not covered by permanent structures, means either (1) vegetation has been established that provides a uniform (e.g., evenly distributed, without large bare areas) perennial vegetative cover with a density of 70 percent of the natural background vegetative cover, (2) permanent non-vegetative stabilization methods have been implemented to provide effective cover*

for exposed portions of the site, or (3) disturbed portions of a construction site on land used for agricultural purposes must be returned to pre-construction agricultural use.

REQUIRING AN INDIVIDUAL PERMIT

Based upon a number of different situations (e.g., applicable numeric effluent limitations resulting from a Total Maximum Daily Limit (TMDL), or a determination that the operator has the potential to cause or contribute to a water quality standard excursion), SDDENR may determine that coverage under an individual permit is necessary. If you are currently discharging under this General Permit and SDDENR determines that individual coverage is required, written notification of this required change in permit coverage, including reasoning for this decision, an application form, and a deadline for filing the application, will be provided to you by SDDENR.

Additionally, any permittee may apply for an individual permit rather than applying for coverage under this draft General Permit. Any permittee applying for an individual permit shall submit an individual application for coverage with reasoning supporting the request. SDDENR will review the request and will determine if individual permit coverage is appropriate. If SDDENR issues an individual permit to a permittee currently covered under this General Permit, or coverage under an alternative general permit is obtained, coverage under the draft General Permit is terminated on the effective date of the new permit.

If a permittee, covered under the current General Permit, requests an alternative permit and is denied, coverage under the draft General Permit may also be terminated on the date of such denial, unless otherwise specified by SDDENR.

ENDANGERED SPECIES

This is a renewal of an existing general permit. No listed endangered species are expected to be impacted by activities related to this permit.

DRAINAGE ISSUES

Local governments have the authority to regulate drainage. You are responsible for getting any necessary drainage permits from the county *prior* to discharging.

PERMIT EXPIRATION

A five-year permit is recommended. SDDENR proposes to issue the draft General Permit for five years. Periodically during the term of this draft General Permit and at the time of renewal, you may be requested to reaffirm the eligibility of the permitted site to discharge under this General Permit.

The draft General Permit specifies procedures for continued coverage if the General Permit expires prior to a replacement permit being issued.

PERMIT CONTACT

This statement of basis and the draft permit were developed by Jill Riedel, Engineer III, for the Surface Water Quality Program. Any questions pertaining to this statement of basis or the draft permit can be directed to the Surface Water Quality Program, at 1-800-SD-STORM.

August 30, 2017

ATTACHMENT 1

Antidegradation Review

Permit Type: **General Permit for Stormwater Discharges Associated with Construction Activities**

Permit #: **SDR10000**

Receiving Stream: **Varies** Classification: **Varies**

APPLICABILITY

1. Is the permit or the stream segment exempt from the antidegradation review process under ARSD 74:51:01? Yes ☒ No ☐ If no, go to question #2. If yes, check those reasons why the review is not required:

☐ Existing facility covered under a surface water discharge permit is operating at or below design flows and pollutant loadings;

☐ *Existing effluent quality from a surface water discharge permitted facility is in compliance with all discharge permit limits;

☐ *Existing surface water discharge permittee was discharging to the current stream segment prior to March 27, 1973, and the quality and quantity of the discharge has not degraded the water quality of that segment as it existed on March 27, 1973;

☐ *The existing surface water discharge permittee, with DENR approval, has upgraded or built new wastewater treatment facilities between March 27, 1973, and July 1, 1988;

☐ The existing surface water discharge permittee discharges to a receiving water assigned only the beneficial uses of (9) and (10); the discharge is not expected to contain toxic pollutants in concentrations that may cause an impact to the receiving stream; and DENR has documented that the stream cannot attain a higher use classification. This exemption does not apply to discharges that may cause impacts to downstream segments that are of higher quality;

☐ Receiving water meets Tier 1 waters criteria. Any permitted discharge must meet water quality standards;

☐ The permitted discharge will be authorized by a Section 404 Corps of Engineers Permit, will undergo a similar review process in the issuance of that permit, and will be issued a 401 certification by the department, indicating compliance with the state's antidegradation provisions; or

☒ Other: Discharges are of a temporary nature. Any change in water quality will be temporary.

*An antidegradation review is not required where the proposal is to maintain or improve the existing effluent levels and conditions. Proposals for increased effluent levels, in these categories of activities are subject to review.

No further review required.

ANTIDEGRADATION REVIEW SUMMARY

2. The outcome of the review is:

- ☒ A formal antidegradation review was not required for reasons stated in this worksheet. Any permitted discharge must ensure water quality standards will not be violated.
- ☐ The review has determined that degradation of water quality should not be allowed. Any permitted discharge would have to meet effluent limits or conditions that would not result in any degradation estimated through appropriate modeling techniques based on ambient water quality in the receiving stream, or pursue an alternative to discharging to the waterbody.
- ☐ The review has determined that the discharge will cause an insignificant change in water quality in the receiving stream. The appropriate agency may proceed with permit issuance with the appropriate conditions to ensure water quality standards are met.
- ☐ The review has determined, with public input, that the permitted discharge is allowed to discharge effluent at concentrations determined through a total maximum daily load (TMDL). The TMDL will determine the appropriate effluent limits based on the upstream ambient water quality and the water quality standard(s) of the receiving stream.
- ☐ The review has determined that the discharge is allowed. However, the full assimilative capacity of the receiving stream cannot be used in developing the permit effluent limits or conditions. In this case, a TMDL must be completed based on the upstream ambient water quality and the assimilative capacity allowed by the antidegradation review.
- ☐ Other: _____

3. Describe any other requirements to implement antidegradation or any special conditions that are required as a result of this antidegradation review: **Antidegradation will not apply to this draft General Permit due to the intermittent and temporary nature of most stormwater runoff from construction sites and the expected limited impact of the discharge. Therefore, no formal antidegradation review is required.**

Jill M. Riedel	09/15/2017
Team Leader	Date
Kelli D. Buscher, PE	09/15/2017
Program Administrator	Date

ATTACHMENT 2

Best Management Practices Guide

BEST MANAGEMENT PRACTICES GUIDE

SDDENR January 2018

Silt Fences

https://www.landandwater.com/features/vol50no2/vol50no2_2.html

Purpose

Silt fences are a temporary sediment control used to contain soil on exposed portions of a site as well as soil stockpiles. Metal or wooden posts hold up the porous fabric that makes up the silt fence. In proper operating condition, the silt fence will allow water to pass through while retaining sediment on-site. Silt fences are most effective on larger particles and may allow finer particles to pass through. It is recommended that you consider you other BMPs alongside silt fences to prevent sediment from discharging offsite.

Application

Drive stakes to support the silt fence into the ground so that half the stake's height is below ground. Use strong plastic zip ties to attach the fabric to the stakes. Trench the fabric at least 6-8 inches into the ground, which can be achieved used a static slicing machine or a trencher. The fabric should be upright and taut along the entire length of the silt fence. Driving a tractor wheel over each side of the silt fence helps to compact the soil around the fence, preventing the fence from washing out.

For peak effectiveness, avoid long runs of silt fences, as failure in one section of the fence will render the entire run ineffective. Instead, install short runs of adjacent silt fences in the "J" shape to share the sediment load. The area draining to a silt fence should not exceed 0.25 acres per 100 feet of silt fence.

Maintenance

Inspect silt fences at least weekly and after rain events. Repair or replace silt fences that are no longer in effective operating condition. Remove sediment or add an additional silt fence when sediment reaches half the height of the silt fence.

Season

Silt fences can be an effective measure of sediment control all year if installed properly.

References

Oregon DEQ (Department of Environmental Quality). 2013. *Construction Stormwater Best Management Practices Manual.* Oregon Department of Environmental Quality, Water Quality Division, Portland, OR.

USEPA (U.S. Environmental Protection Agency). 2014. *Water: Best Management Practices, Seeding*. U.S. Environmental Protection Agency, Office of Water, Washington, DC.

SDDOT (SD Department of Transportation). 2014. *Erosion and Sediment Control and Stormwater Management.* SD Department of Transportation, Pierre, SD.

Vegetative Buffers

https://www.dot.state.oh.us/Divisions/ConstructionMgt/OnlineDocs/Specifications/2002CMS/2003_Manual_for_web/207.htm

Purpose

Vegetative buffers are a form of sediment control that: filter runoff, control runoff velocity, and trap sediment to prevent sediment and other pollutants from discharging off-site. Vegetative buffers can include areas of preexisting vegetation left undisturbed or areas where vegetation is established for the purpose of controlling runoff.

Application

Perimeter boundaries of the site can be left undisturbed, if already vegetated, or seeded to establish a vegetative buffer. The necessary width of vegetative buffer will depend on the slope of the buffer zone, the slope of adjacent disturbed areas, type and density of vegetation, and other factors. When practicable, avoid disturbing preexisting vegetation onsite. Soil compaction, soil stockpiles, and grading near or on vegetation can impact vegetation onsite and reduce the effectiveness of the vegetative buffer.

Grasses are recommended for establishing vegetative buffers, due to their extensive coverage above ground to slow and filter runoff, as well as a dense root system to hold sediment in place. Others types of vegetation can also be effective as vegetative buffers and the optimum type of vegetation will depend upon onsite conditions.

Maintenance

Inspect vegetation regularly, especially before vegetation is completely established. Remove sediment if the buffer zone becomes full of sediment. Reseed, fertilize, or otherwise encourage vegetative growth until dense vegetative cover is established. Clearly mark vegetative buffer zones on the SWPPP and onsite to prevent disturbance of vegetative buffer zones.

Season

Vegetative buffers can be an effective form of sediment control all year, if properly implemented.

References

Oregon DEQ (Department of Environmental Quality). 2013. *Construction Stormwater Best Management Practices Manual.* Oregon Department of Environmental Quality, Water Quality Division, Portland, OR.

USEPA (U.S. Environmental Protection Agency). 2014. *Water: Best Management Practices, Seeding*. U.S. Environmental Protection Agency, Office of Water, Washington, DC.

SDDOT (SD Department of Transportation). 2014. *Erosion and Sediment Control and Stormwater Management.* SD Department of Transportation, Pierre, SD.

Construction Entrances

https://www.pca.state.mn.us/water/construction-stormwater

Purpose

Construction entrances prevent vehicles from tracking sediment offsite. Rock pads, rumble tracks, wheel washes, or other forms of sediment removal can all be used as construction entrances/exits.

Application

Install construction entrances/exits in each area where vehicles will access the site. Strategic placement of entrances/exits may reduce costs by decreasing the number of entrances/exits necessary.

A rock pad should be placed over a filter cloth or geotextile to prevent packing the rock into the fine material beneath, allowing sediment to escape. Rocks used in rock pads should be large rock, 4-6 inches in diameter. Install the rock at least 6 inches deep to ensure sediment is removed properly.

A rumble track can be placed temporarily on paved roads to prevent discharging sediment offsite. Wheel washes can be used at construction exits to wash sediment from truck tires.

Maintenance

Add rock to the rock pad when necessary. Remove sediment from rumble tracks as necessary. Remove any sediment that has been tracked offsite by performing street sweeping or other sediment removal BMPs.

Season

Construction entrances can be an effective form of track out control all year, if properly implemented.

References

Oregon DEQ (Department of Environmental Quality). 2013. *Construction Stormwater Best Management Practices Manual.* Oregon Department of Environmental Quality, Water Quality Division, Portland, OR.

USEPA (U.S. Environmental Protection Agency). 2014. *Water: Best Management Practices, Seeding*. U.S. Environmental Protection Agency, Office of Water, Washington, DC.

SDDOT (SD Department of Transportation). 2014. *Erosion and Sediment Control and Stormwater Management.* SD Department of Transportation, Pierre, SD.

Sediment Basins

http://www.fairfaxcounty.gov/nvswcd/newsletter/esc.htm

Purpose

A sediment basin is usually a temporary, but can be a permanent, sediment storage area to prevent sediment from washing offsite. Sediment basins allow water to flow into the basin, and then contain the water to allow sediment to settle to the bottom. Sediment basins are most effective for large sites more than 5 acres.

Application

Form earth embankments over low areas or excavate to build sediment basins. Design in such a way that the flow from the inlet to outlet is slow enough to allow sediment to settle out of the water.

Maintenance

In time, permanent sediment basins will lose holding capacity as they fill with sediment. The time between sediment removals is dependent on size of the basin and the area contributing to the sediment basin. This usually involves the use of an excavator to scoop out the sediment. Mowing of the seeded embankment may be required. Removal of foreign objects that may clog the outlet is required to ensure proper flow through the basin.

Season

Construction should occur prior to the wet season for the particular location of the basin. Sediment basins can be effective forms of sediment control throughout the year when runoff containing sediment flows to the sediment basin.

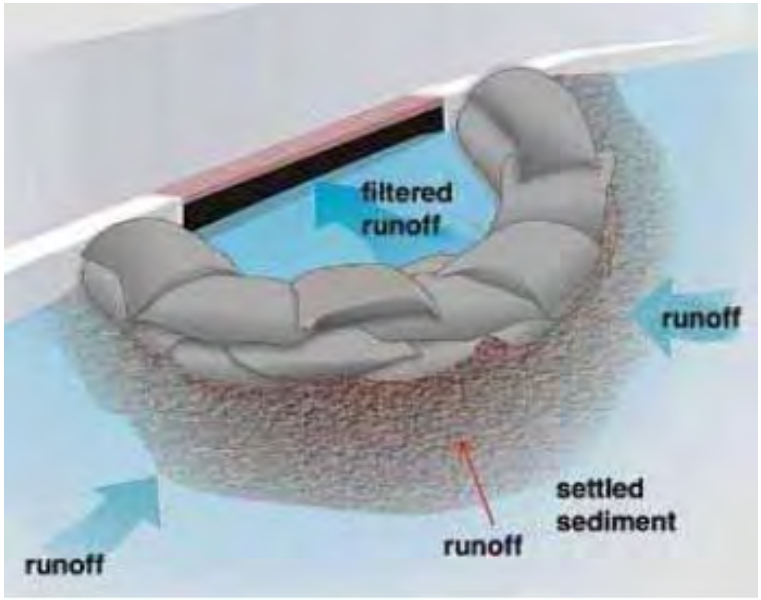
References

Oregon DEQ (Department of Environmental Quality). 2013. *Construction Stormwater Best Management Practices Manual.* Oregon Department of Environmental Quality, Water Quality Division, Portland, OR.

USEPA (U.S. Environmental Protection Agency). 2014. *Water: Best Management Practices, Seeding*. U.S. Environmental Protection Agency, Office of Water, Washington, DC.

Illinois DOT (Department of Transportation), 2014. *Sediment Basin.* Illinois Department of Transportation.

Storm Drain Inlet Protection



https://stormwater.pca.state.mn.us/index.php?title=Sediment_control_practices_-_Storm_drain_inlet_protection

Purpose

Storm drain inlet protection prevents sediment and other debris from entering and potentially clogging or reducing the effectiveness of storm drains. A variety of methods can be used to allow water to flow into the storm drain inlet while preventing sediment from entering.

Application

Excavating around the inlet, fabric barriers, sandbags, or other methods can be used to protect storm drain inlets from sediment runoff. If excavating around the inlet, excavate 1-2 feet deep. Make sure fabric inlet protection is staked firmly into the ground if inlets are adjacent to soils to prevent soil flowing beneath the fabric.

Install inlet protection on all storm drain inlets that could receive runoff from the construction site. Inlet protection should be properly installed before construction begins. When installing inlet protection BMPs, make sure that there are no gaps that could allow sediment to reach the storm drain.

Different inlet protection BMPs may be necessary during winter months to avoid damage from snow removal equipment. Winter inlet protection methods require lots of upkeep, usually daily installation and removal. Temporarily stabilize the site before removing inlet protection for the night. Filter inserts; compost, wood chip, or rock filter logs; and sediment moats are all types of winter inlet protection.

Maintenance

Inspect storm drain inlets frequently to ensure that controls remain in effective operating condition. During rain events inspect inlet protection to verify water is flowing into the drain, but sediment is blocked. Repair or replace inlet protection as necessary, and remove sediment when the controls become full and when sediment controls are removed after construction ends.

Season

Inlets should be protected all year, though the type of inlet protection used may vary in the winter months.

References

Oregon DEQ (Department of Environmental Quality). 2013. *Construction Stormwater Best Management Practices Manual.* Oregon Department of Environmental Quality, Water Quality Division, Portland, OR.

USEPA (U.S. Environmental Protection Agency). 2014. *Water: Best Management Practices, Seeding*. U.S. Environmental Protection Agency, Office of Water, Washington, DC.

MNDOT (MN Department of Transportation). November 14, 2010. *Winter Stabilization Best Management Practice Guidance Document*. MN Department of Transportation, St. Paul, MN.

Surface Roughening

http://prj.geosyntec.com/npsmanual/surfaceroughening.aspx

Purpose

Surface roughening is a technique to temporarily control erosion. Surface roughening establishes ridges that flow horizontally across a slope. Facing the slopes against the flow of water helps to slow the velocity of the flow and trap sediment. Surface roughening is useful for steep slopes, but should be used in conjunction with other sediment and erosion control BMPs.

Application

To establish soil roughening, place the grooves of the machinery to form ridges perpendicular to the contours of the slope or cut parallel to the slope. If seasonally appropriate, seed and mulch soils after surface roughening. Surface roughening should not be the only erosion control BMP on a site but, with other BMPs, can be an effective method to prevent discharging soil offsite. Do not use surface roughening for rocky soils.

Maintenance

Inspect areas of surface roughening at least weekly and after rain events to look for erosion rills. Re-roughen soils if ridges are washed out.

Season

Surface roughening can be a useful means of erosion control all year when used in conjunction with other BMPs, and is particularly useful for winter erosion control, when other BMPs may be more difficult to implement.

References

Oregon DEQ (Department of Environmental Quality). 2013. *Construction Stormwater Best Management Practices Manual.* Oregon Department of Environmental Quality, Water Quality Division, Portland, OR.

USEPA (U.S. Environmental Protection Agency). 2014. *Water: Best Management Practices, Seeding*. U.S. Environmental Protection Agency, Office of Water, Washington, DC.

SDDOT (SD Department of Transportation). 2014. *Erosion and Sediment Control and Stormwater Management.* SD Department of Transportation, Pierre, SD.

Rip Rap

https://stormwater.pca.state.mn.us/index.php?title=Sediment_control_practices_-_Outlet_energy_dissipation

Purpose

The purpose of rip rap is to prevent erosion in areas with high flow and slow the velocity of the water flow. Rip rap consists of large rocks piled together to hold sediment in place.

Application

Place a filter layer below a layer of durable, varied-size stones to form rip rap. Use larger stones for areas of higher flow, with diameters from 2-24 inches. Rip rap is not an appropriate erosion control technique on slopes greater than 2 horizontal to one vertical.

Rip rap can be an effective means of preventing erosion at outlet points, especially outlets that experience high flows. Use stone that can withstand winter conditions and remain in proper operating condition. Install rip rap at ground level, not on top of soil. Excavation may be necessary to ensure that rip rap is at ground level.

Maintenance

Inspect rip rap frequently, at least weekly and after rain events. If maintenance is necessary, make repairs to rip rap as soon as possible.

Season

Rip rap can be an effective means of erosion control all year, if installed properly.

References

Oregon DEQ (Department of Environmental Quality). 2013. *Construction Stormwater Best Management Practices Manual.* Oregon Department of Environmental Quality, Water Quality Division, Portland, OR.

USEPA (U.S. Environmental Protection Agency). 2014. *Water: Best Management Practices, Seeding*. U.S. Environmental Protection Agency, Office of Water, Washington, DC.

SDDOT (SD Department of Transportation). 2014. *Erosion and Sediment Control and Stormwater Management.* SD Department of Transportation, Pierre, SD.

Straw Bales

https://www.cityofmadison.com/engineering/stormwater/ECPracticeExamples.cfm

Purpose

Straw bales can be used to reduce the velocity of water runoff and retain some sediment onsite. The EPA recommends avoiding the use of straw bales in favor of other BMP practices.

Application

Do not use straw bales in drainage channels, or other areas with potential for high flows. Straw bales are not effective for large rain events

Always stake straw bales firmly into the ground, trench bales at least 4 inches into the ground, and fill in gaps after trenching. String or wire should bind the bale horizontally, so that the string or wire does not touch the ground. Steel wire should be at least 16 gauge in diameter, and nylon or polypropylene string should be at least 12 gauge in diameter. Place bales end to end, with no gaps in between bales, to control sheet runoff.

For winter use, wrap straw bales in a geotextile fabric.

Maintenance

Straw should be replaced approximately every 3 months. Remove sediment that has collected around straw bales when it reaches one half the height of the bale, at a minimum. Inspect bales frequently, and repair or replace bales as necessary, or every 3 months at a minimum.

Season

Straw bales can help to control sediment runoff all year, if installed properly.

References

MNDOT (MN Department of Transportation). November 14, 2010. *Winter Stabilization Best Management Practice Guidance Document*. MN Department of Transportation, St. Paul, MN.

USEPA (U.S. Environmental Protection Agency). 2014. *Water: Best Management Practices, Seeding*. U.S. Environmental Protection Agency, Office of Water, Washington, DC.

Washington State Department of Ecology. September 2004. *Stormwater Management Manual for Eastern Washington.* Washington State Department of Ecology, Water Quality Program, Olympia, WA.

Erosion Control Blanket (Mat)

https://www.codot.gov/programs/environmental/water-quality/documents/CDOT%20Pocket%20Guide%20122211.pdf

Purpose

Erosion control blankets, or mats, are fabrics used as a temporary erosion and sediment control measure. They are often made of synthetic or biodegradable materials.

Application

Place erosion control blanket on slopes and disturbed soils to provide quick temporary sediment and erosion control until permanent measures can be established. Erosion control blankets can also help to establish vegetation. Some erosion control blankets have seeding inside, but if seeding separately, seed the ground before installing erosion control blankets.

Erosion control blankets should be staked to the ground. The entire blanket should maintain contact with the ground, except where blankets overlap. Uphill blankets should overlap on top of downhill blankets to ensure stormwater does not wash under the mats; however, blankets should be installed vertically on long slopes.

The best type of erosion control blanket depends on site conditions. Consider factors such as length of time mat will be in use, rainfall expected, slope gradients, and other site conditions when selecting the appropriate material for an erosion control blanket.

For winter installation, clear snow from soil, if necessary, and install erosion control blankets directly on disturbed soils.

Maintenance

Inspect erosion control blankets frequently, at least weekly and after rain events, for flaws such as holes and tears. Repair or replace blankets with flaws as soon as possible upon discovery. Make sure that erosion control blankets stay in contact with the ground.

Season

Erosion control mats can be an effective form of temporary erosion and sediment control all year.

References

MNDOT (MN Department of Transportation). November 14, 2010. *Winter Stabilization Best Management Practice Guidance Document*. MN Department of Transportation, St. Paul, MN.

Oregon DEQ (Department of Environmental Quality). 2013. *Construction Stormwater Best Management Practices Manual.* Oregon Department of Environmental Quality, Water Quality Division, Portland, OR.

USEPA (U.S. Environmental Protection Agency). 2014. *Water: Best Management Practices, Seeding*. U.S. Environmental Protection Agency, Office of Water, Washington, DC.

Mulching

https://stormwater.pca.state.mn.us/index.php?title=Temporary_construction_erosion_and_sediment_control

Purpose

The purpose of mulching is to establish temporary erosion control using grass, straw, hay, wood, or other plant material to protect disturbed soils. Mulching stabilizes seeds as well as soils and can protect seeds and soils from temperature variance in addition to stormwater runoff.

Application

Install mulches directly on top of disturbed soils. The rate of mulch applied per acre will vary depending on the type of mulch selected, follow manufacturer specifications. Use tackifier or netting to hold mulch in place if necessary, especially on steep slopes. Soil should not be discernible beneath the mulch. If seeding, seed soils before applying mulch.

In the winter, mulch may be applied on top of snow and will approach the soil surface as snow melts. Disk anchoring or other anchoring methods may be necessary to ensure mulch is not blown away

Hydraulic mulches are applied by hydroseeding equipment and typically sued in areas with steeper slopes or where equipment access would be difficult.

Maintenance

Inspect mulched areas frequently, weekly and after rain events. Reseed and reapply mulch in areas where mulch has loosened or washed out.

Season

Mulching can be an effective form of erosion control all year, if installed properly.

References

MNDOT (MN Department of Transportation). November 14, 2010. *Winter Stabilization Best Management Practice Guidance Document*. MN Department of Transportation, St. Paul, MN. h

Oregon DEQ (Department of Environmental Quality). 2013. *Construction Stormwater Best Management Practices Manual.* Oregon Department of Environmental Quality, Water Quality Division, Portland, OR.

USEPA (U.S. Environmental Protection Agency). 2014. *Water: Best Management Practices, Seeding*. U.S. Environmental Protection Agency, Office of Water, Washington, DC.

Seeding

http://www.sddot.com/resources/manuals/SDDOTESCFieldGuidev10Press.pdf

Purpose

The purpose of seeding is to establish vegetative cover, which can be a form of temporary or permanent stabilization. After vegetation has been established, roots will help to hold soils in place to prevent erosion. Vegetation will also protect soils from disturbance by wind or rain.

Application

The ground to be seeded should contain 4-6 inches of topsoil or compost. The most suitable type of vegetation for any site depends on climate, soil types, and landscape. Follow manufacturer's specifications to determine how much seed your site will require.

Mulch or matting can be used to secure and protect the seed before vegetative cover is established. If seeding is not immediately achievable, or will not produce immediate cover (such as dormant seed that will not germinate until spring), mulching and tackifier may be necessary as temporary stabilization, before permanent vegetative cover can be established.

Hydro seeding (see Hydro seeding page), the spreading of a mix of mulch, seed, and fertilizer can be used to establish vegetative cover, but will often require more than one application to achieve 70% native vegetative cover.

Maintenance

The goal of seeding is to establish perennial vegetative cover, but maintenance may be required. Watering is critical in establishing vegetative cover. The soil should be kept moist after seeding, until vegetative cover is established. After vegetation has been established, follow manufacturer specifications regarding fertilizing and watering. Areas that do not achieve 70% of the native vegetative cover may need to be reseeded. Mowing may be required depending on the type of vegetation that is established.

Season

The optimal time for seeding will depend on the type of vegetation to be seeded, but seeding should be complete before October 1st.

References

Oregon DEQ (Department of Environmental Quality). 2013. *Construction Stormwater Best Management Practices Manual.* Oregon Department of Environmental Quality, Water Quality Division, Portland, OR.

USEPA (U.S. Environmental Protection Agency). 2014. *Water: Best Management Practices, Seeding*. U.S. Environmental Protection Agency, Office of Water, Washington, DC.

Wisconsin Department of Natural Resources. 2003. *Seeding for Construction Site Erosion Control.* Wisconsin Department of Natural Resources, Madison, WI.

Hydro Seeding

https://stormwater.pca.state.mn.us/index.php?title=Temporary_construction_erosion_and_sediment_control

Purpose

Hydro seeding is a method used to establish temporary or permanent vegetative cover to stabilize disturbed soils, preventing erosion and controlling sediment runoff.

Application

Hydro seeding is the spreading of a mix of mulch, seed, and fertilizer, and can be used to establish vegetative cover, but will often require more than one application to achieve 70% native vegetative cover.

Choose a composition of hydro seed that is compatible with onsite conditions. Use mixes specific for winter use when hydro seeding during the winter. Hydro seeding must occur directly on soil; do not attempt to hydro seed over snow cover.

Maintenance

If hydro seeding occurs in areas where stormwater runoff may be expected to flow, use erosion control mats to hold the hydro seeding mix in place.

Season

Seasonal appropriateness of hydro seeding will depend on type of mix and local conditions, but temporary stabilization methods may be required over hydro seeding if hydro seeding occurs during winter months.

References

MNDOT (MN Department of Transportation). November 14, 2010. *Winter Stabilization Best Management Practice Guidance Document*. MN Department of Transportation, St. Paul, MN.

Oregon DEQ (Department of Environmental Quality). 2013. *Construction Stormwater Best Management Practices Manual.* Oregon Department of Environmental Quality, Water Quality Division, Portland, OR.

USEPA (U.S. Environmental Protection Agency). 2014. *Water: Best Management Practices, Seeding*. U.S. Environmental Protection Agency, Office of Water, Washington, DC.

Sodding

http://www.extension.umn.edu/garden/landscaping/maint/newlawn_9.html

Purpose

Sodding can be a temporary or permanent form of stabilization. Sod controls stormwater runoff velocity as well as erosion. Sod can be used to quickly establish vegetative stabilization on disturbed areas, as well as channels of stormwater runoff.

Application

The type of sod selected will depend on the conditions of the site to be sodded. Choose sod types adapted to the conditions onsite.

Make sure that sod is uniform thickness. Clear the soil of any large rocks or clods. Apply sod perpendicular to the direction of stormwater flow and stagger section placement so the ends of each section are placed away from the end of sections above and below. Anchor the sod into the soil during establishment.

Dormant sod can be placed during times of year when seeding or normal sodding is not appropriate. Make sure soil is properly prepared for dormant sodding and sod is anchored into soil.

Maintenance

Water sod frequently during establishment and regularly after sod has been established. Fertilize as necessary, during times appropriate for the type of sod selected. Reapply sod or reseed areas that are not established.

Season

Sod can be an effective means or erosion and sediment control during much of the year, but may be difficult to establish during the winter months.

References

MNDOT (MN Department of Transportation). November 14, 2010. *Winter Stabilization Best Management Practice Guidance Document*. MN Department of Transportation, St. Paul, MN.

USEPA (U.S. Environmental Protection Agency). 2014. *Water: Best Management Practices, Seeding*. U.S. Environmental Protection Agency, Office of Water, Washington, DC.

Washington State Department of Ecology. September 2004. *Stormwater Management Manual for Eastern Washington.* Washington State Department of Ecology, Water Quality Program, Olympia, WA.

Dust Control

http://www.sddot.com/resources/manuals/Erosionsedicontrolconstman.pdf

Purpose

Dust control reduces the creation of dust onsite, reducing wind erosion as health risks associated with breathing in the dust.

Application

A variety of methods can be used to control dust onsite. Watering the ground can be effective in controlling dust, but water must not be allowed to run offsite. Vegetative cover, mulching, tilling, windscreens, and chemical dust suppressants can all be effective forms of dust control.

To avoid creating dust, it is best to avoid disturbing or removing vegetative cover of areas that will not be immediately worked whenever possible. Phase construction to minimize the amount of soil exposed at once whenever practicable. If possible, limit work that creates dust when there is high wind.

Maintenance

Maintenance depends on the type of dust control selected. Inspect BMPs regularly to ensure continued effectiveness of dust control techniques.

Season

The seasonal appropriateness of dust control BMPs will depend on the type of control selected, site conditions, and local climate. Ensure that the dust control BMPs selected are appropriate for the seasonal conditions onsite.

References

USEPA (U.S. Environmental Protection Agency). 2014. *Water: Best Management Practices, Seeding*. U.S. Environmental Protection Agency, Office of Water, Washington, DC.

Washington State Department of Ecology. September 2004. *Stormwater Management Manual for Eastern Washington.* Washington State Department of Ecology, Water Quality Program, Olympia, WA.

Floating Silt (Turbidity) Curtain

https://connect.ncdot.gov/projects/Roadway/RoadwayDesignAdministrativeDocuments/Best%20Management%20Practices%20for%20Construction%20and%20Maintenance%20Activities.pdf

Purpose

Floating silt curtains, or floating turbidity curtains, block sediment in waterbodies and cause sediment to settle to the bottom of the water body.

Application

Floating silt curtains should be installed near the shore of the waterbodies to float on the surface of the water and should also be secured to the bottom of the waterbody. The installment of the silt curtain should allow for the rise and fall of water levels.

Floating silt curtains alone are not an effective form of sediment control to prevent sediment from being discharged offsite, but can help reduce the effect of sediment that has bypassed other forms of perimeter control.

Maintenance

Inspect floating silt curtains regularly, weekly and after rain events, to ensure continued effectiveness. Check buoys, anchor lines and anchors regularly and remove debris as needed. Minimize turbidity when removing silt curtains.

Season

Silt curtains may not be effective during winter months if the surface of the water body is subject to freezing.

References

SDDOT (SD Department of Transportation). 2014. *Erosion and Sediment Control and Stormwater Management.* SD Department of Transportation, Pierre, SD.

Mississippi DEQ, 2011. *Erosion Control, Sediment Control and Stormwater management on Construction Sites and Urban Areas.* Mississippi Department of Environmental Quality

Check Dams

https://stormwater.pca.state.mn.us/index.php?title=File:Example_of_rock_check_dam.jpg

Purpose

Check dams decrease the velocity of concentrated flows in areas of water conveyance.

Application

Check dams are made of rock, logs, sandbags, or gravel and placed in ditches or areas of concentrated flow, perpendicular to direction of water flow. Do not build check dams in streams unless you have prior approval from the State.

Place a filter fabric or geotextile material beneath the check dam. Check dams should not be constructed by dumping a pile of material in ditch. The center of the check dam should be lower than the edges. The top of the downhill check dam should be at the least as high in elevation as the bottom of the uphill check dam, if built in series.

Maintenance

Inspect check dams regularly, at least weekly and after rain events, and repair or replace dams that are no longer in proper operating condition. Additional rock or other material may be necessary to keep the check dam in proper operating condition. Remove sediment that has collected in front of check dams when it reaches one half the height of the check dam, or more frequently.

Season

Check dams can be an effective form of velocity control all year, if installed properly.

References

USEPA (U.S. Environmental Protection Agency). 2014. *Water: Best Management Practices, Seeding*. U.S. Environmental Protection Agency, Office of Water, Washington, DC.

Washington State Department of Ecology. September 2004. *Stormwater Management Manual for Eastern Washington.* Washington State Department of Ecology, Water Quality Program, Olympia, WA.

Gabions

http://prj.geosyntec.com/npsmanual/gabions.aspx

Purpose

Gabions decrease surface exposure of soil near water, especially flowing water. Based on the material used to fill the gabion, they can be used to decrease the flow velocity.

Application

Gabions are wire baskets filled with rock to hold back soil while allowing water to seep through. Gabions can be used for structural integrity or as a water control structure. They are effective in preventing erosion in locations exposed to flowing water. They can be filled with a variety of material ranging from sand to large stones. The fill material will affect the infiltration rate of the Gabions as well as the roughness coefficient.

When designing a gabion the surrounding soil's percolation and infiltration rates should be consider when determining the proper fill material. A stable foundation should be provided. A filter fabric behind and under the gabion should be installed to prevent soil migration into and through the gabion, while still allowing water to flow through.

Maintenance

Need to be checked for broken wires which may allow rock to be released due to the force of the flowing water. Large vegetative growth should be removed as it may damage the cage structure of the gabion. The soil behind the gabion should be inspected for erosion and the cause should be determined and corrected. Soil below the gabion should be inspected for signs of undercutting.

Season

Gabions can be effective throughout the year, especially during times of moderate flow. Installation should occur during dry period as access to the location is improved.

References

Fischenich, J. C., and Freeman, G. E. , May 2000. "*Gabions for Streambank Erosion Control"* EMRRP Technical Notes Collection (ERDC TN-EMRRP-SR-22), U.S. Army Engineer Research and Development Center, Vicksburg, MS.

Sediment Trap

http://erieconserves.org/your-development/construction/

Purpose

Sediment traps detain runoff long enough to allow sediment to settle out before discharging the runoff.

Application

Sediment traps are small ponding areas made with an earth embankment to collect water and a rip-rap outlet structure. An outlet pipe and riser may be used as an outlet structure. Sediment traps should only be used for areas draining 5 acres or less. Side slopes should be 2:1 or less. Sediment traps should be installed prior to start of construction.

Sediment traps only remove medium sized particles,

Maintenance

Inspect sediment traps regularly, at least weekly and after rain events. Additional rock or other material may be necessary to keep the outlet in operating condition. Remove sediment that has collected in the outlet and when the sediment trap fills to half the design depth. Check to see if side slopes need maintenance or repairs.

Sediment traps should be removed once upslope areas are stabilized.

Season

Sediment traps can be an effective all year, if installed properly.

References

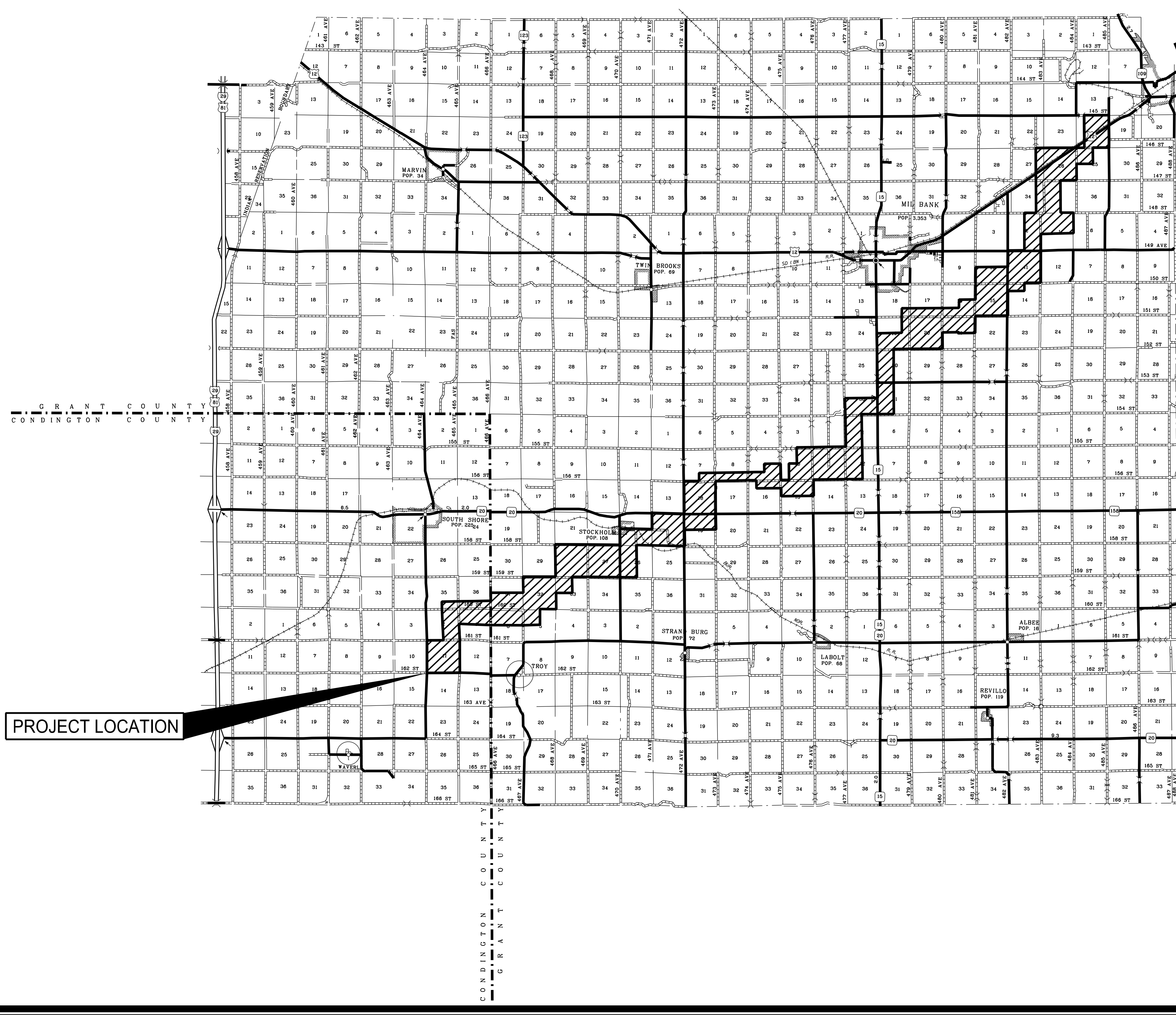
Idaho Department of Environmental Quality. September 2005. *Storm Water Best Management Practices Catalog.* Idaho Department of Environmental Quality State Office, Water Quality Division, Boise, ID.

Washington State Department of Ecology. September 2004. *Stormwater Management Manual for Eastern Washington.* Washington State Department of Ecology, Water Quality Program, Olympia, WA.

STORM WATER POLLUTION PREVENTION PLANS FOR

CROWNED RIDGE I TRANSMISSION LINE

CODINGTON & GRANT COUNTIES, SOUTH DAKOTA



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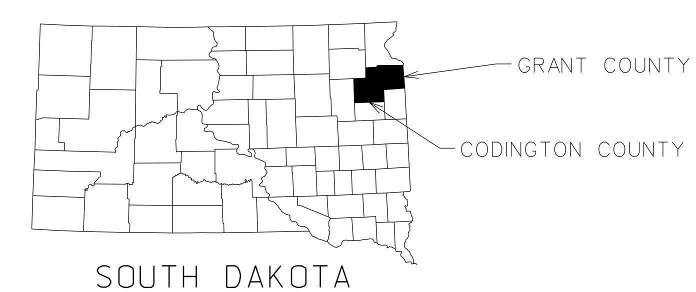

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ISSUE DATE: 05-09-2019

CROWNED RIDGE I TRANSMISSION LINE

CODINGTON & GRANT COUNTIES, SOUTH DAKOTA

TITLE SHEET

SNYDER & ASSOCIATES, INC.

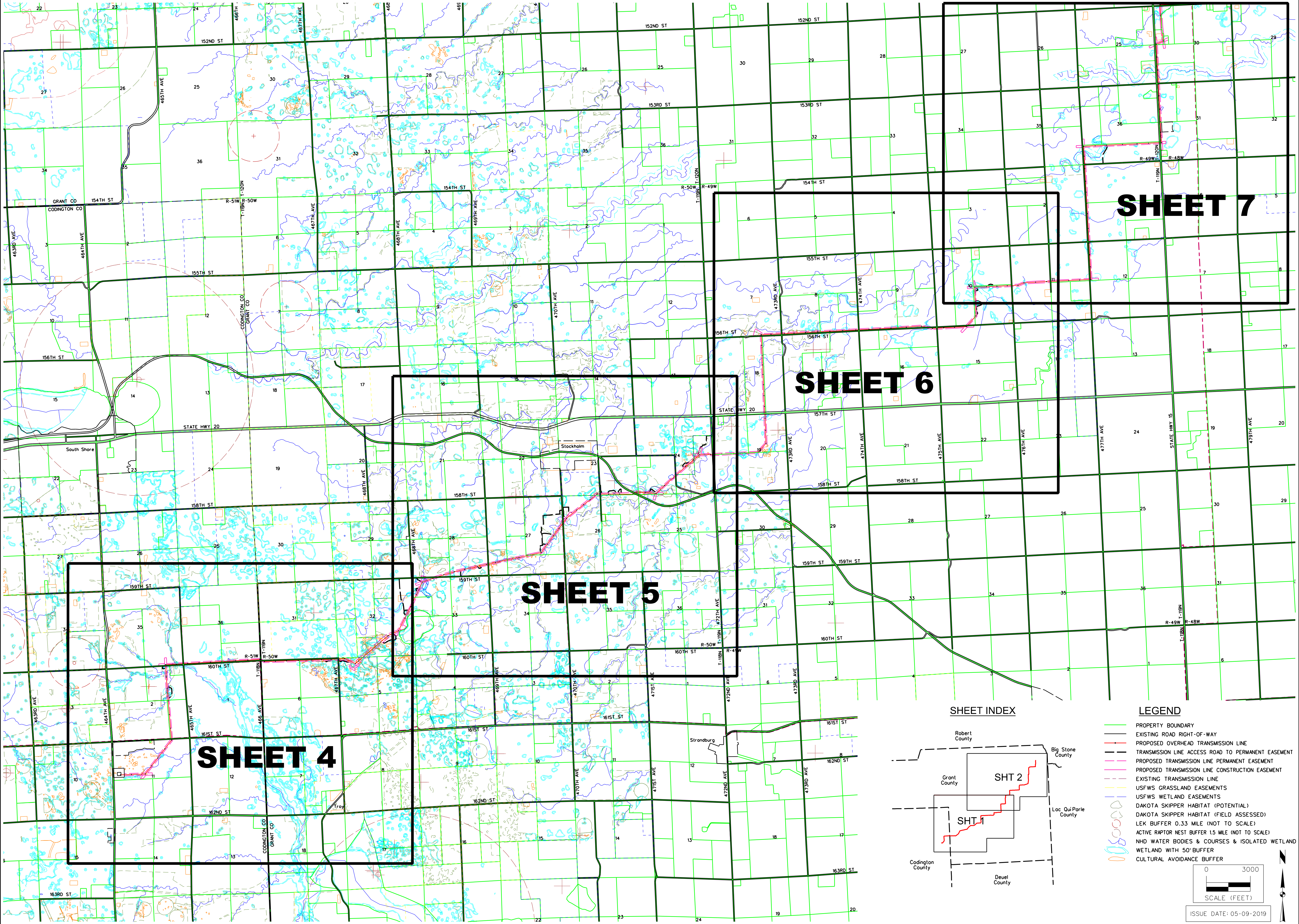
1751 MADISON AVENUE
COUNCIL BLUFFS, IA 51503
712-322-3202 | www.snyder-associates.com

MARK	REVISION	DATE	BY

Engineer: BJJ Checked By: EAH Scale: 1"=
Technician: EAL Date: 03-01-2019 Field Bk: Pg:
Project No: 1140140 Sheet 1 of 12

Project No: 1140140

Sheet 1 of 12



SHEET 4
SHEET 5
SHEET 6
SHEET 7
Stockholm
South Shore
Strandburg
Troy
STATE HWY 20
STATE HWY 15
GRANT CO
CODINGTON CO
SHEET INDEX
Roberts County
Grant County
Big Stone County
Codington County
Lac Qui Parle County
Deuel County
SHT 1
SHT 2
LEGEND
PROPERTY BOUNDARY
EXISTING ROAD RIGHT-OF-WAY
PROPOSED OVERHEAD TRANSMISSION LINE
TRANSMISSION LINE ACCESS ROAD TO PERMANENT EASEMENT
PROPOSED TRANSMISSION LINE PERMANENT EASEMENT
PROPOSED TRANSMISSION LINE CONSTRUCTION EASEMENT
EXISTING TRANSMISSION LINE
USFWS GRASSLAND EASEMENTS
USFWS WETLAND EASEMENTS
DAKOTA SKIPPER HABITAT (POTENTIAL)
DAKOTA SKIPPER HABITAT (FIELD ASSESSED)
LEK BUFFER 0.33 MILE (NOT TO SCALE)
ACTIVE RAPTOR NEST BUFFER 1.5 MILE (NOT TO SCALE)
NHD WATER BODIES & COURSES & ISOLATED WETLAND
WETLAND WITH 50' BUFFER
CULTURAL AVOIDANCE BUFFER
0 3000
SCALE (FEET)
ISSUE DATE: 05-09-2019

CROWNED RIDGE I TRANSIMISSION LINE

TRANSMISSION SITE PLAN

CODINGTON & GRANT COUNTIES, SOUTH DAKOTA

SNYDER & ASSOCIATES, INC.
1751 MADISON AVENUE
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MARK	REVISION	DATE	BY

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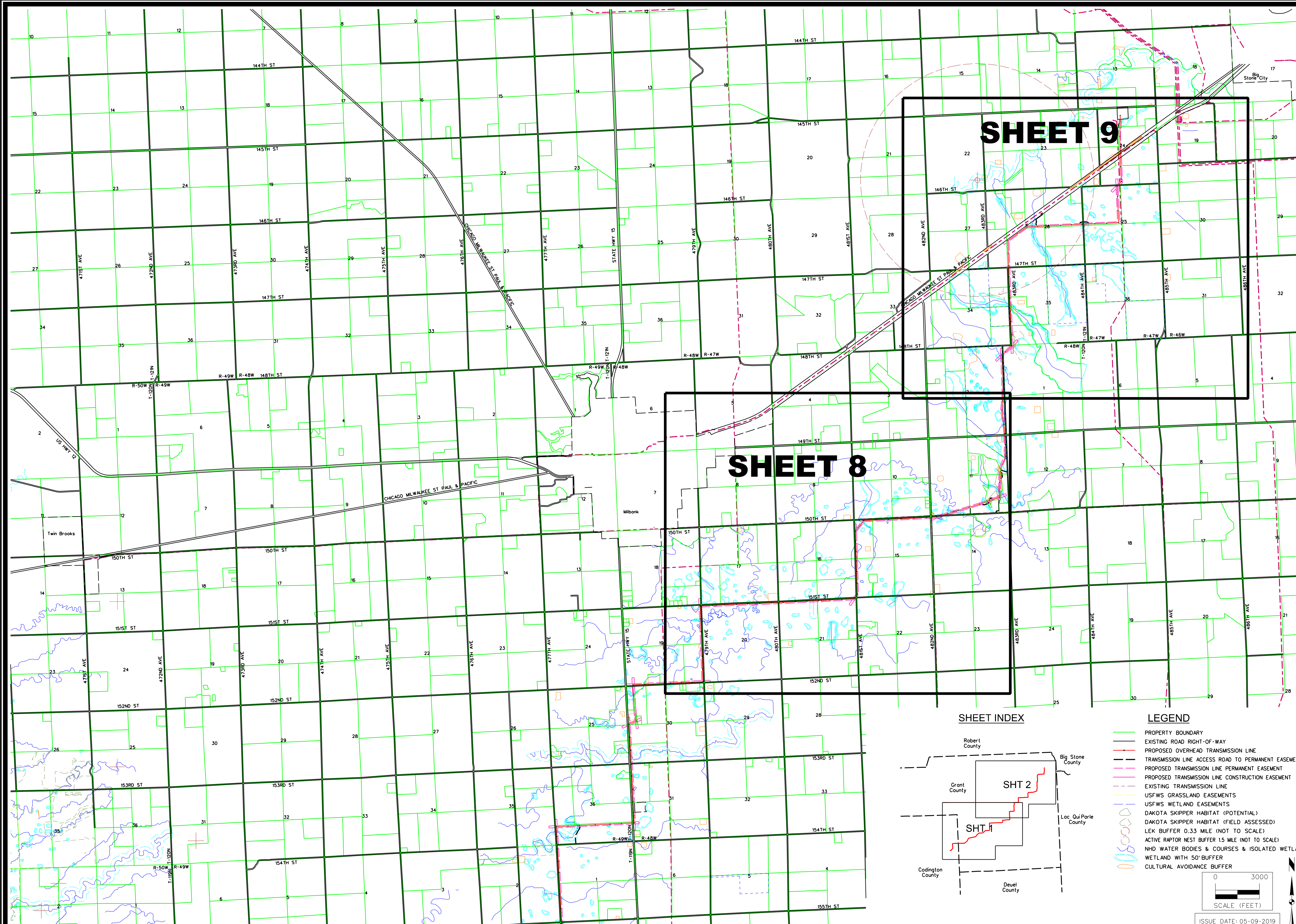
Technician: EAL | Date: 03-01-2019 | Field Bk: | Pg:

Project No: 1140140



SHEET 9
SHEET 8
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145TH ST
146TH ST
147TH ST
148TH ST
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154TH ST
155TH ST
471ST AVE
472ND AVE
473RD AVE
474TH AVE
475TH AVE
476TH AVE
477TH AVE
STATE HWY 15
479TH AVE
480TH AVE
481ST AVE
482ND AVE
483RD AVE
484TH AVE
485TH AVE
486TH AVE
US HWY 12
CHICAGO MILWAUKEE ST PAUL & PACIFIC
Twin Brooks
Milbank
Big Stone City
T-120N
T-119N
T-121N
R-50W
R-49W
R-48W
R-47W
R-46W
SHEET INDEX
Robert County
Big Stone County
Grant County
Lac Qui Parle County
Codington County
Deuel County
SHT 2
SHT 1
LEGEND
PROPERTY BOUNDARY
EXISTING ROAD RIGHT-OF-WAY
PROPOSED OVERHEAD TRANSMISSION LINE
TRANSMISSION LINE ACCESS ROAD TO PERMANENT EASEMENT
PROPOSED TRANSMISSION LINE PERMANENT EASEMENT
PROPOSED TRANSMISSION LINE CONSTRUCTION EASEMENT
EXISTING TRANSMISSION LINE
USFWS GRASSLAND EASEMENTS
USFWS WETLAND EASEMENTS
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Engineer: BJJ | Checked By: EAH | Scale: 1"= 3000'
Technician: EAL | Date: 03-01-2019 | Field Bk: | Pg:
Project No: 1140140 | Sheet 3 of 12

CROWNED RIDGE I TRANSIMISSION LINE

TRANSMISSION SITE PLAN

CODINGTON & GRANT COUNTIES, SOUTH DAKOTA

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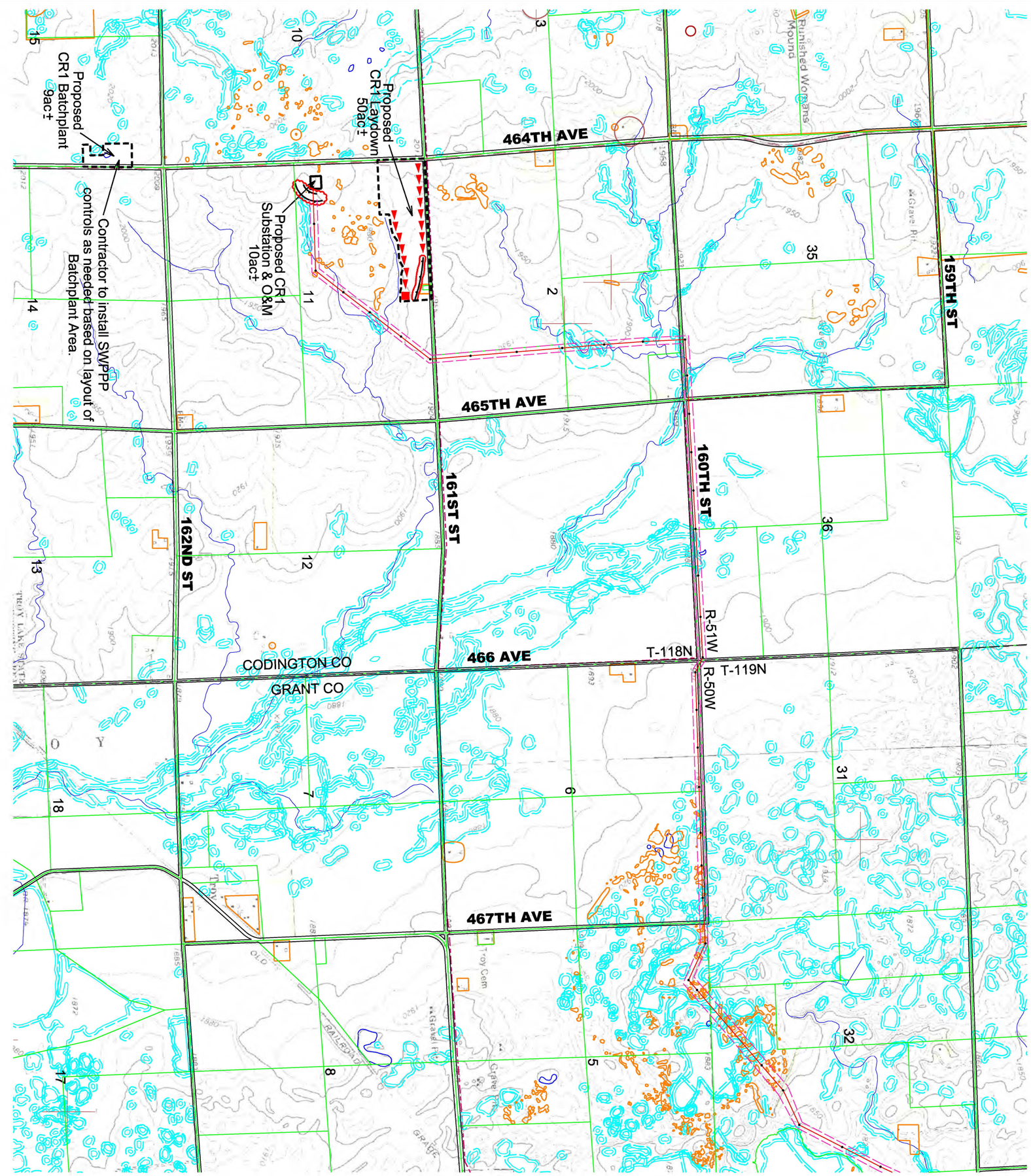
Project No: 1140140



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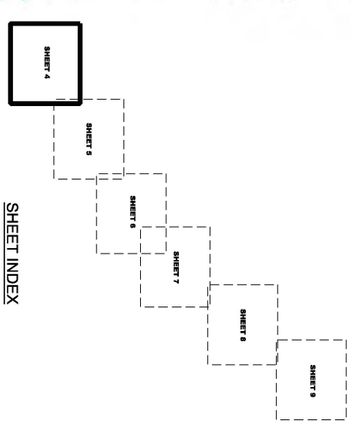

NOTES:

1. CONTRACTOR TO INSTALL ANY NEEDED SWPPP CONTROLS ON A POLE BY POLE BASIS. CARE SHALL BE TAKEN TO PROTECT RIPARIAN AREAS FROM ANY DISTURBED POLE LOCATIONS OR OTHER SOIL DISTURBING ACTIVITIES RELATED TO THE INSTALLATION OF THE TRANSMISSION LINE.
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LEGEND

- PROPERTY BOUNDARY
- EXISTING ROAD RIGHT-OF-WAY
- PROPOSED OVERHEAD TRANSMISSION LINE WITH POLE
- PROPOSED TRANSMISSION LINE CONSTRUCTION EASEMENT
- EXISTING TRANSMISSION LINE
- USFWS GRASSLAND EASEMENTS
- USFWS WETLAND EASEMENTS
- DAKOTA SKIPPER HABITAT (POTENTIAL)
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- CULTURAL AVOIDANCE BUFFER
- DIVERSION BERM
- SEDIMENT TRAP
- SILT FENCE TO BE CONSTRUCTED SEE DETAIL SHEET(S) FOR ACTUAL LENGTHS DURING CONSTRUCTION TO BE DETERMINED

ISSUE DATE: 05-09-2019

SCALE (FEET) 0 1000

Sheet 4 of 12

Project No: 1140140

CROWNED RIDGE I TRANSIMISSION LINE

STORM WATER POLLUTION PREVENTION PLAN CODINGTON & GRANT COUNTIES, SOUTH DAKOTA

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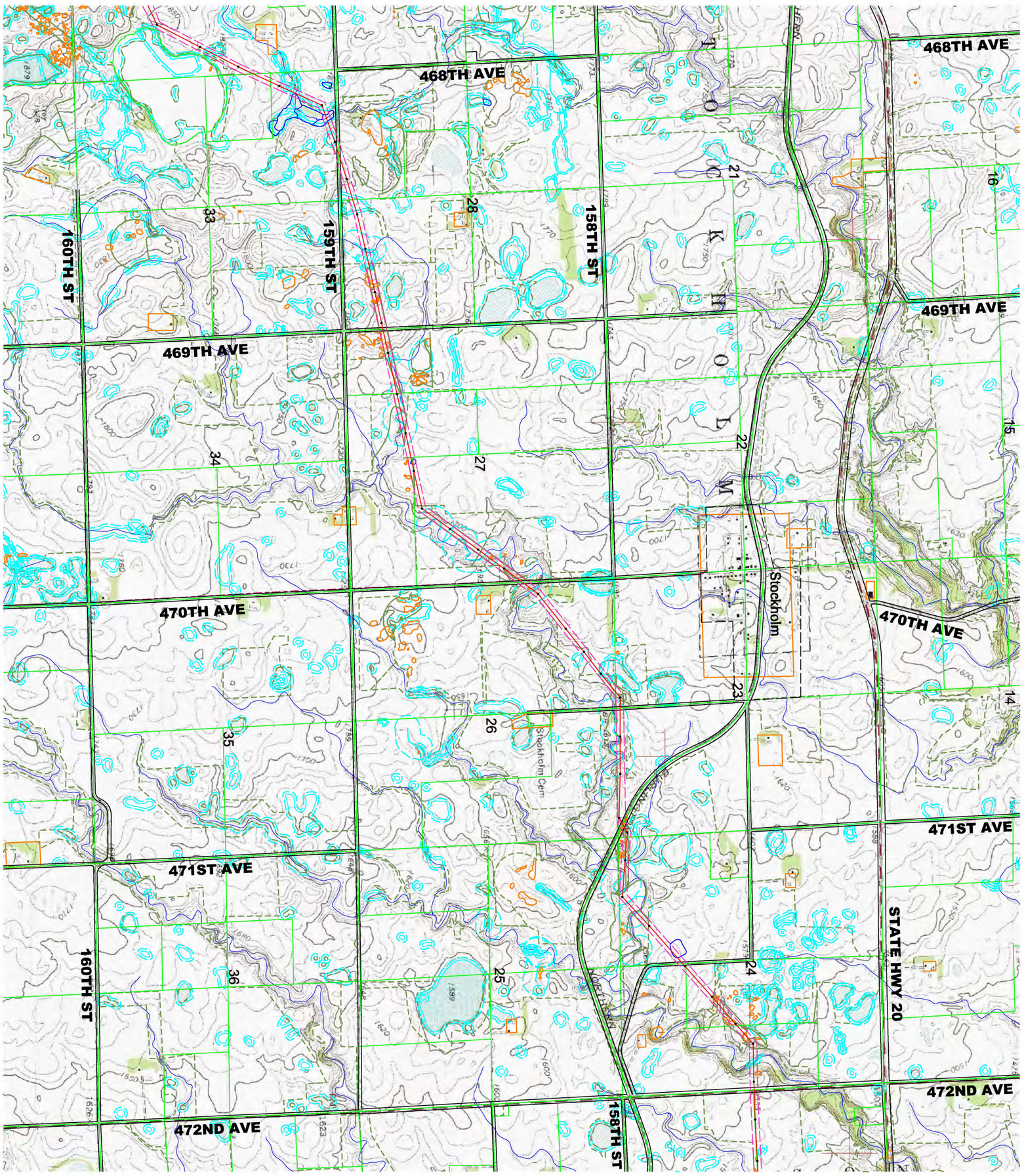
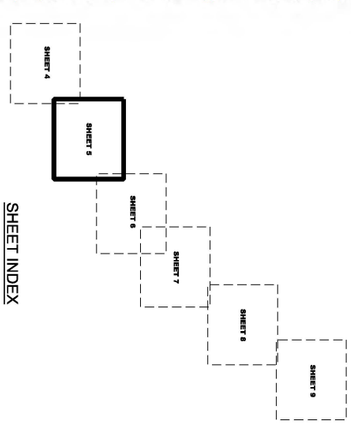
MARK	REVISION	DATE	BY

Engineer: BJJ	Checked By: EAH	Scale: 1"= 1000'	
Technician: EAL	Date: 03-01-2019	Field Bk:	Pg:
Project No: 1140140	Sheet 4 of 12		





SHEET INDEX

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LEGEND

- PROPERTY BOUNDARY
- EXISTING ROAD RIGHT-OF-WAY
- PROPOSED OVERHEAD TRANSMISSION LINE WITH POLE
- PROPOSED TRANSMISSION LINE CONSTRUCTION EASEMENT
- EXISTING TRANSMISSION LINE
- USFWS GRASSLAND EASEMENTS
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- CULTURAL AVOIDANCE BUFFER

ISSUE DATE: 05-09-2019

SCALE (FEET) 0 1000

Project No: 1140140

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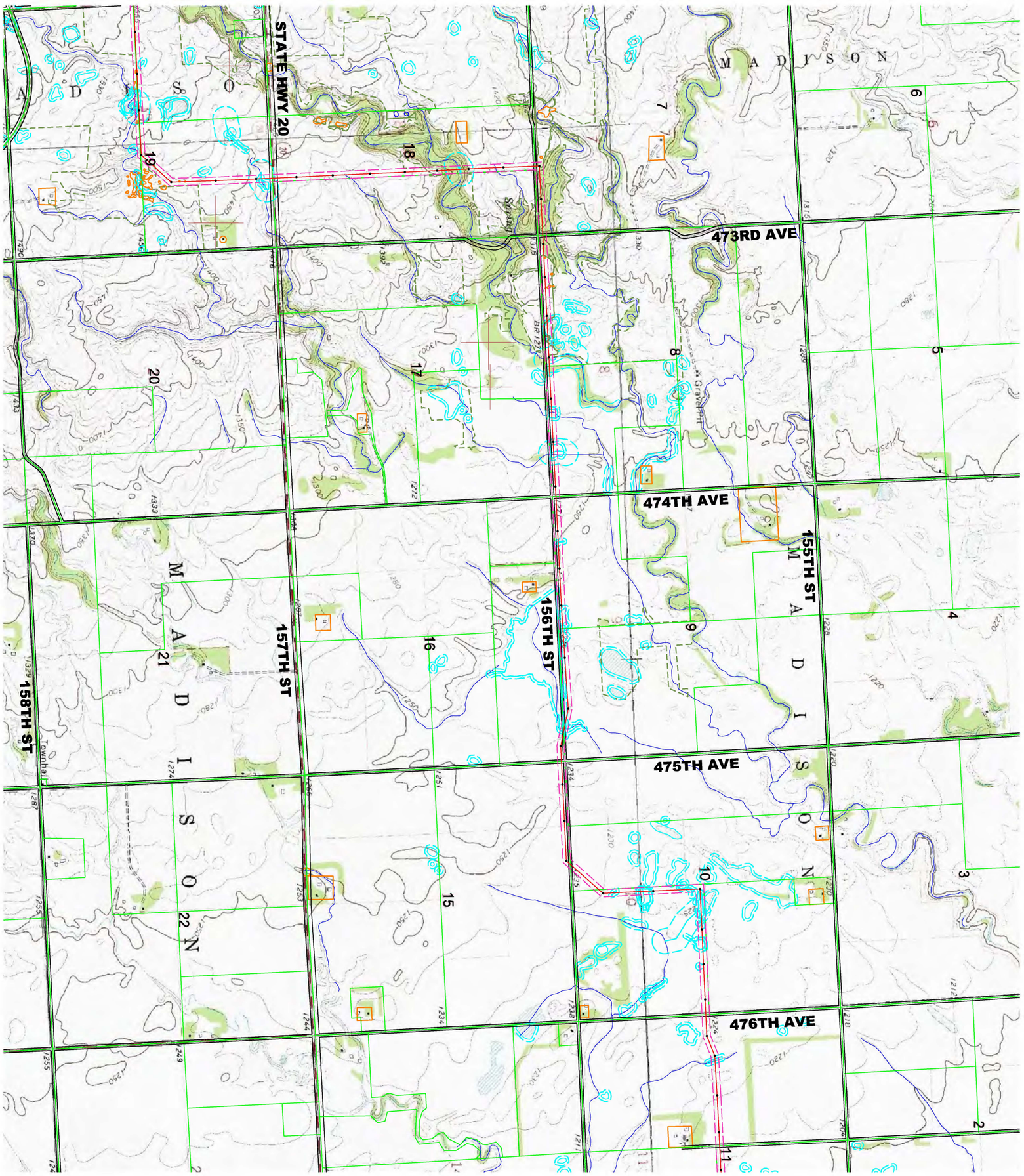
Technician:	EAL	Date:	03-01-2019	Field Bk:	Pg:

Project No: 1140140 Sheet 5 of 12



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- PROPERTY BOUNDARY
- EXISTING ROAD RIGHT-OF-WAY
- PROPOSED OVERHEAD TRANSMISSION LINE WITH POLE
- PROPOSED TRANSMISSION LINE CONSTRUCTION EASEMENT
- EXISTING TRANSMISSION LINE
- USFWS GRASSLAND EASEMENTS
- USFWS WETLAND EASEMENTS
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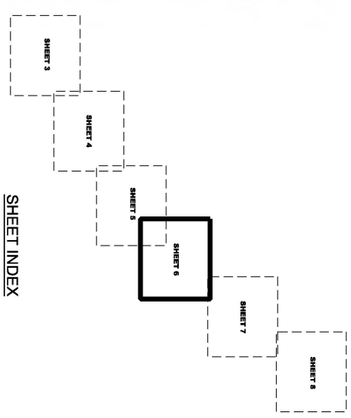
SHEET INDEX



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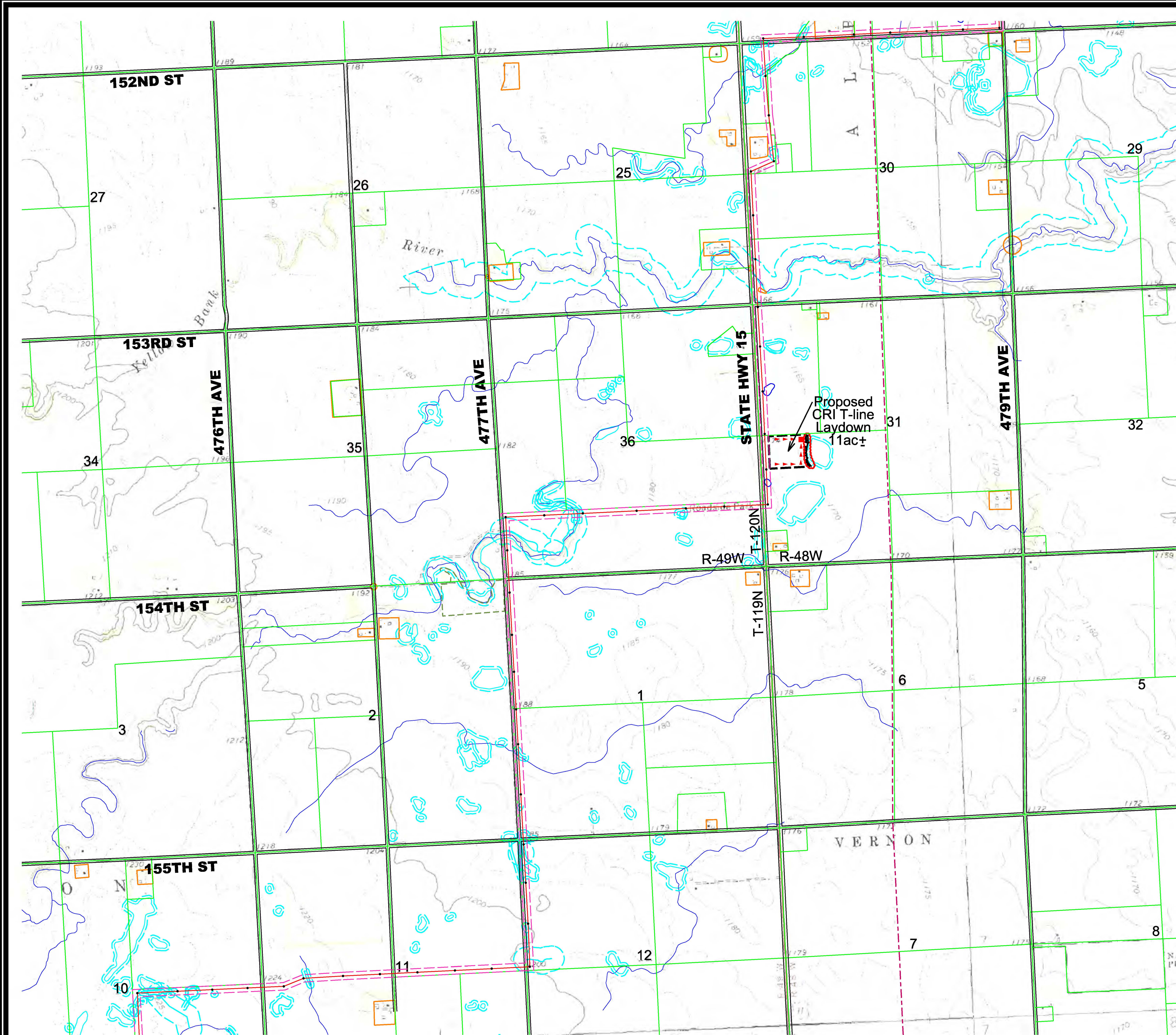
Project No: 1140140 Sheet 6 of 12

Project No: 1140140
Sheet 6 of 12



LEGEND

- PROPERTY BOUNDARY
- EXISTING ROAD RIGHT-OF-WAY
- PROPOSED OVERHEAD TRANSMISSION LINE WITH POLE
- PROPOSED TRANSMISSION LINE CONSTRUCTION EASEMENT
- EXISTING TRANSMISSION LINE
- USFWS GRASSLAND EASEMENTS
- USFWS WETLAND EASEMENTS
- DAKOTA SKIPPER HABITAT (POTENTIAL)
- DAKOTA SKIPPER HABITAT (FIELD ASSESSED)
- LEK BUFFER 0.33 MILE (NOT TO SCALE)
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- NHD WATER BODIES & COURSES & ISOLATED WETLAND
- WETLAND WITH 50' BUFFER
- CULTURAL AVOIDANCE BUFFER
- DIVERSION BERM
- SEDIMENT TRAP
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SHEET 9
SHEET 8
SHEET 7
SHEET 6
SHEET 5
SHEET 4

SHEET INDEX

0 1000
SCALE (FEET)

ISSUE DATE: 05-09-2019

MARK	REVISION	DATE	BY
Engineer: BJJ	Checked By: EAH	Scale: 1"= 1000'	
Technician: EAL	Date: 03-01-2019	Field Bk:	Pg:

Project No: 1140140

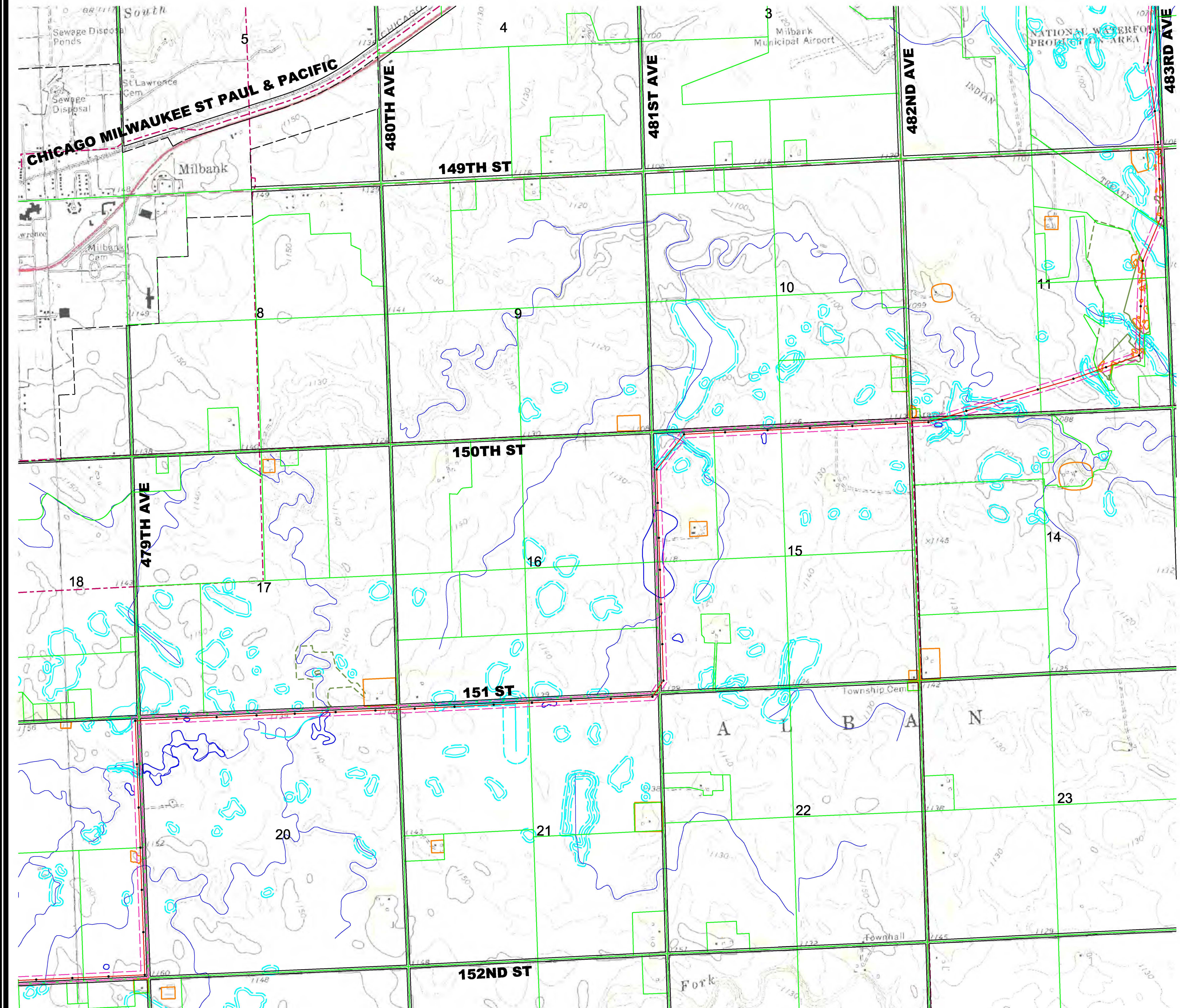
Sheet 7 of 12

CROWNED RIDGE I TRANSIMISSION LINE

STORM WATER POLLUTION PREVENTION PLAN CODINGTON & GRANT COUNTIES, SOUTH DAKOTA

SNYDER & ASSOCIATES, INC.

1751 MADISON AVENUE
COUNCIL BLUFFS, IA 51503
712-322-3202 | www.snyder-associates.com

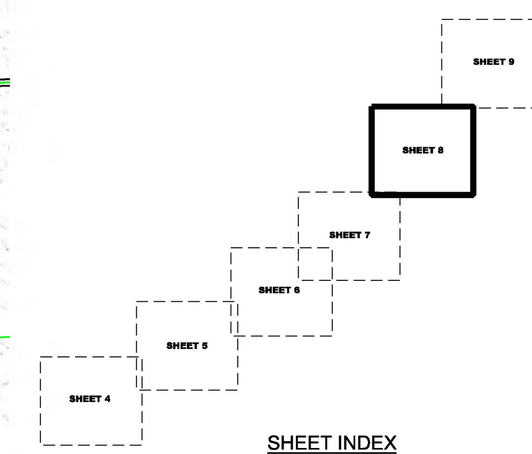


LEGEND

- PROPERTY BOUNDARY
- EXISTING ROAD RIGHT-OF-WAY
- PROPOSED OVERHEAD TRANSMISSION LINE WITH POLE
- PROPOSED TRANSMISSION LINE CONSTRUCTION EASEMENT
- EXISTING TRANSMISSION LINE
- USFWS GRASSLAND EASEMENTS
- USFWS WETLAND EASEMENTS
- DAKOTA SKIPPER HABITAT (POTENTIAL)
- DAKOTA SKIPPER HABITAT (FIELD ASSESSED)
- LEK BUFFER 0.33 MILE (NOT TO SCALE)
- ACTIVE RAPTOR NEST BUFFER 1.5 MILE (NOT TO SCALE)
- NHD WATER BODIES & COURSES & ISOLATED WETLAND
- WETLAND WITH 50' BUFFER
- CULTURAL AVOIDANCE BUFFER

NOTES:

1. CONTRACTOR TO INSTALL ANY NEEDED SWPPP CONTROLS ON A POLE BY POLE BASIS. CARE SHALL BE TAKEN TO PROTECT RUNOFF FROM ANY DISTURBED POLE LOCATIONS OR OTHER SOIL DISTURBANCE ACTIVITIES RELATED TO THE INSTALLATION OF THE TRANSMISSION LINE.
2. CARE SHALL BE TAKEN TO PROTECT ALL ENVIRONMENTAL FEATURES NOTED WITHIN THE LEGEND OF THE SWPPP DRAWINGS.



SHEET INDEX

SCALE (FEET) 0 1000

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Project No: 1140140 Sheet 8 of 12

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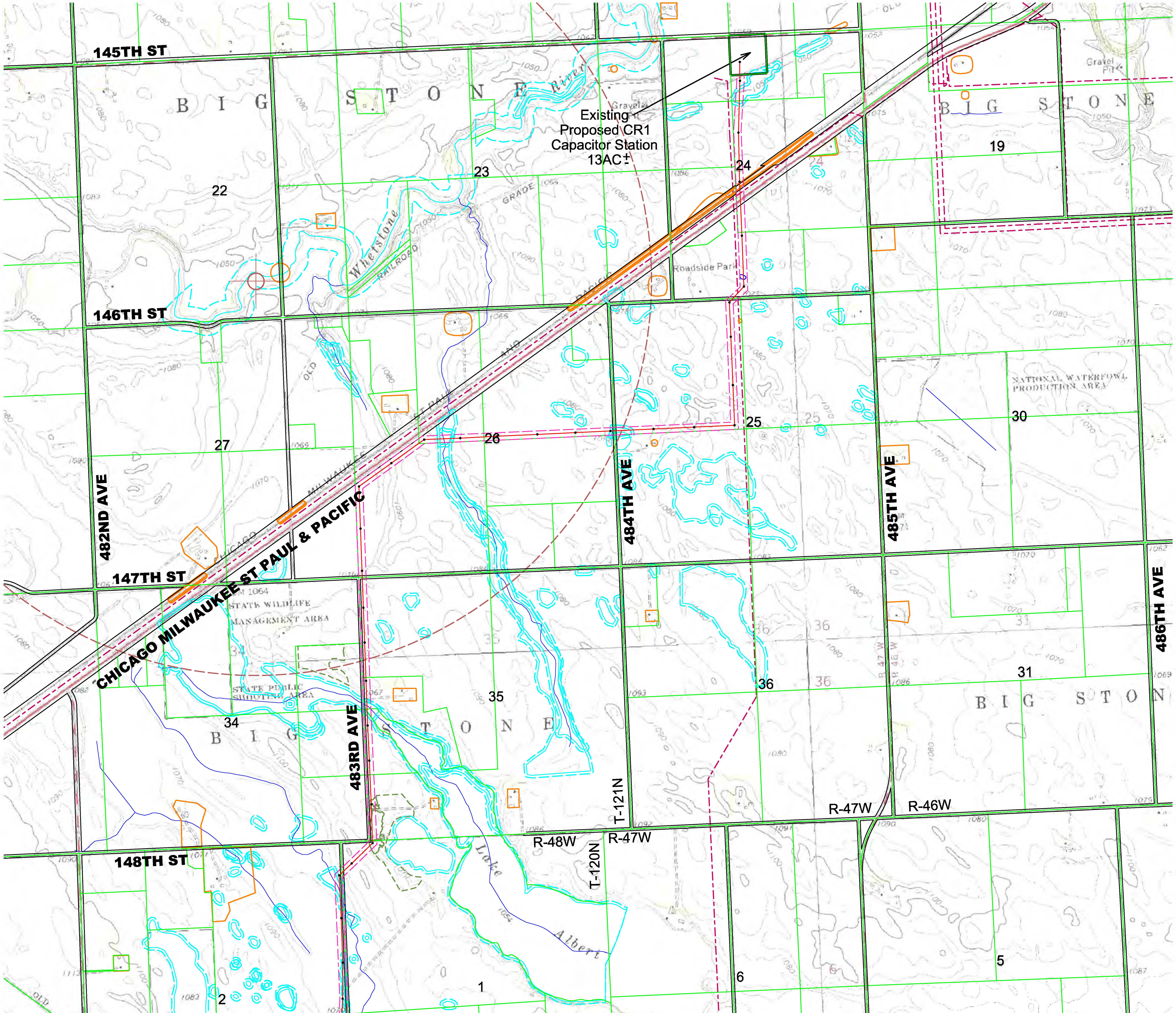

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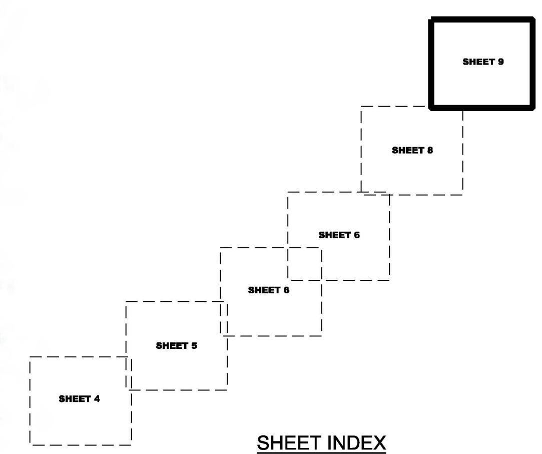

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Project No: 1140140 | Sheet 9 of 12

STORM WATER DISCHARGE PERMIT

This project requires the obtaining of an NPDES General Permit No. SDR10 for Storm Water Discharges Associated with Construction Activity from the South Dakota Department of Environmental and Natural Resources (SDDENR). The permit has effective dates April 1, 2018 to March 31, 2023. The owner shall obtain a permit and is responsible for submitting a Notice of Intent (NOI) for a permit. The owner is also responsible for developing a Storm Water Pollution Prevention Plan (SWPPP).

NOTICE OF INTENT

The NOI must be submitted to the SDDENR 15 Calender days prior to construction activities. Coverage must be obtained before land disturbing construction activities may start. Geotechnical drilling on the site does not count as a land disturbing activity. The SDDENR will send the applicant a letter stating permit coverage and assign the project a Permit Number. The Permit Number will be required for site postings, the Notice of Termination (NOT), and any correspondence with the SDDENR.

NOTICE OF TERMINATION

All parties that submitted an NOI shall submit a Notice of Termination (NOT) to the SDDENR within thirty days of final stabilization of the project. Final stabilization is defined as:

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 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 synthetic, and structural 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 clean out all sediment from conveyances and from temporary sedimentation basins that will be used as permanent water quality management basins. Sediment must be stabilized to prevent it from being washed back into the basin, conveyances or drainage ways discharging off-site; or to surface waters. The cleanout of permanent basins must be sufficient to return the basins to design capacity.

REPORTING SPILLS

Where a release containing a hazardous substance or oil in excess of a reportable quantity occurs during a 24 hour period notify the National Response Center (NRC) at 1-800-424-8802 as soon as the permittee has knowledge of the discharge. Also, notify the State of South Dakota, Division of Emergency Management at 1-605-773-3231. In addition, a written submission to both the Department and the EPA shall be provided within 5 days of the time that the permittee became aware of the circumstances.

RECORDS LOCATION AND RETENTION OF RECORDS

The owner shall retain copies of the Pollution Prevention Plan, a copy of the general permit, the signed Notice of Intent, coverage letter from the department, and the Project Inspection Diary for at least 3 years after the site is finally stabilized. A copy of the current records mentioned above shall be filed on site during project construction and be made readily available to the SDDENR upon request.

STANDARD PERMIT CONDITIONS

The contractor shall view the listing of Standard Permit Conditions that apply to this general permit. The general permit can be viewed on-line at the SDDENR website - www.denr.sd.gov/des/sw/IPermits/ConstructionGeneralPermit2018.pdf. The contractor will be provided a copy of the general permit upon request.

STORMWATER POLLUTION PREVENTION PLAN

The SDDENR may notify the owner at any time that the SWPPP does not meet minimum requirements. After such notification, the owner shall have seven days to make changes to the plan, the contractor shall perform the required changes. The owner shall submit to the SDDENR a written certification that the requested changes have been made.

The owner shall amend the plan whenever there is a change in design, construction, operation, or maintenance that has a significant effect on storm water discharges.

The contractor shall provide personnel to inspect disturbed areas of the construction site, material storage areas for potential hazardous material leaks, vehicle entrance/exits for sediment tracking, and the site controls. The general permit requires inspection every 14 days and within 24 hours after any storm event greater than 0.25 inches of rain per 24 hour period. Permittee shall utilize a rain gage located near the site where parts of the construction site have been completed but do not meet the 70% perennial vegetative cover criteria, inspections of the stabilized areas may be reduced to once per month.

The inspector mentioned above will prepare an Inspection Form, to be kept with the SWPPP. At a minimum each inspection report shall include: the date and time of the inspection, the name of the inspector, the qualifications/title of the inspector, scope of inspection, any actions required based on the inspection, corrective actions recommendations, date and amount of all rainfall events greater than 0.25 inches in 24 hours, documentation that the SWPPP plan has been amended when substantial changes are made to the erosion and sediment controls or other BMP's in response to inspections. The form may also include dates when major grading activities occurred or ceased in areas and dates when areas were stabilized. A list of hazardous materials stored on site at the time of inspection should be made on the inspection form as well.

Corrective action reports shall also be recorded and retained and shall include: BMP corrected; date and time of corrective action; name of person performing corrective action; corrective actions taken. Inspection reports and corrective action reports shall be certified per Section 4.6 of the SDR 10-0000 permit.

The Storm Water Pollution Prevention Plan shall be updated to reflect actions taken after inspections.

Maintenance of all temporary and permanent erosion control measures is the responsibility of the contractor. Cleaning of silt sediment basins shall begin when they have lost 50% of their capacity. Silt fence, fiber rolls or similar devices must be repaired , replaced, or supplemented when they become nonfunctional or the sediment reaches 1/2 the height of the device.

POLLUTION PREVENTION PLAN CERTIFICATION STATEMENT

"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____ Title________________________

Signature____________________________________ Date________________________

Contractor Information

Company_____________________________________ Phone #_______________________

Address____

STORM WATER POLLUTION PREVENTION PLAN NOTES

SITE DESCRIPTION

1. This project, located in Grant and Codington Counties, South Dakota, involves minor grading for the installation of an overhead transmission line, laydown area, substation and O&M area for the purpose of electrical power generation and supply.
2. The transmission line project area is located on approximately 16,314 acres. Minor site grading for foundation excavation and setting of transmission poles are the predominant land disturbing activities. The estimated disturbed area is 93 acres. The estimated start date for land disturbing activities is May 9, 2019 with an ending date of December 31, 2019.
3. Existing surface soils throughout the site are mainly LaDelle Silt Loam, Peever Clay Loam, Peever-Cavour Complex, Forman-Buse-Aastad Loams Coteau and Renshaw-Fordville Loams Coteau. Existing land use is mostly agricultural and rangelands. This site is generally rolling, with some flat areas and some rock outcroppings.
4. See the Stormwater Pollution Prevention Plan map for drainage patterns and slopes, locations of disturbed areas, location of structural controls and/or stabilization areas, and surface waters.
5. The project site generally drains from swales and road ditches to unnamed tributaries of the North Fork Yellow Bank River and South Fork Yellow Bank River. See the site map for storm drainage outlet locations. None of the receiving surface water bodies are within areas note to be waters 303(d).
6. The laydown yard site will have a rock surface placed simultaneously with or immediately after completion of stripping topsoil. Strippings will be used to construct perimeter diversion berms on down gradient sides of sites. The sites may be stripped and rocked in phases. A Sediment trap will be constructed. At a minimum, existing vegetative buffer strips and silt fences will provide treatment of storm water discharges from the site.

EROSION AND SEDIMENT CONTROLS

A. STABILIZATION

1. Disturbed areas of the construction site must complete stabilization measures by the following
2. Minimize disturbed areas. Match existing land contours when possible. Minimize impervious surfaces. Protect natural vegetation outside of construction areas and disturb to a minimum inside construction areas.
3. The project will use staged construction to minimize the amount of land disturbed at any one time.
4. Buffer strips of existing vegetation will remain adjacent to construction zones. Buffer Strips shall be 1 foot width for every 5 feet of disturbed area which drains to the buffer.
5. Dust control on the site will be monitored. The contractor will sprinkle access roads with water if the owner determines that dust is a problem.
6. Seed disturbed areas within Grant & Codington Counties right of way per county requirements. Seed non-crop distrubted areas on private property with a mix approved by the owner.
7. A 50 foot natural buffer or equivalent erosion and sediment controls must be provided when a project is within 50 feet of a surface water and stormwater flows to the surface water. If working within 100 feet of a surface water listed as impaired for sediment, suspended solids or turbidity, a 100 foot natural buffer or equivalent sediment and erosion controls must be provided.

B. STRUCTURAL CONTROLS

1. Silt Fence shall be placed downstream of disturbed areas as determined by the owner or contractor during construction. See the detail on the Stormwater Pollution Prevention Plan for correct installation of Silt Fence.
2. Temporary soil stockpiles draining toward surface waters or wetlands must have silt fence or other effective sediment controls, and cannot be placed in surface waters, including storm water conveyances such as curb and gutter systems or conduits and ditches.
3. Inlet and outlet protection including energy dissipation devices for culverts will be used such as rip-rap, or geotech fabric as determined by the owner or contractor during construction.
4. Existing drainage ways on the site will be protected from site run-off by the use of silt fence ditch checks, rip-rap, or geotech fabric as determined by the owner or contractor during construction.

OTHER PREVENTION MEASURES

1. Construction entrances adjacent to public/private roads shall be graveled/stabilized/ compacted immediately to prevent vehicle tracking of on-site sediments.
2. Provide portable toilets for proper disposal of sanitary sewage. Wastes shall be collected and disposed in compliance with local, state, and federal regulations.
3. Monitor construction vehicle maintenance areas. Note that external washing of trucks and other construction vehicles must be limited to a defined area of the site. Runoff must be contained and waste properly disposed of. No engine degreasing is allowed on-site.
4. Install containment berm or other secondary containment devices around fuel storage, equipment maintenance areas, and chemical storage areas. Monitor storage areas for potential hazardous material spills. List any hazardous materials stored on site in the inspection report. Areas currently used for crop production need not be seeded, but will be finished after activities have permanently or temporarily ceased and will not resume in 14 days. working day. Disturbed graded for next seasons crops. Seed non-crop disturbed areas

ISSUE DATE: 05-09-2019

HAZARDOUS MATERIAL SPILL PREVENTING AND RESPONSE

1. The contractor is responsible for training all personnel in the proper handling and cleanup of spilled materials. No spilled hazardous materials or wastes will be allowed to come into contact with storm water discharges. If contact does occur, the storm water discharge will be contained on site until appropriate measures in compliance with all Federal, State, and local regulations are followed to dispose of the hazardous substance.
2. In addition to Good Housekeeping and material management practices, the following practices shall be done to minimize the potential for hazardous material spills and to reduce the risk of the spill coming in contact with storm water.

   -Manufacturer's recommended methods for spill cleanup will be clearly posted and site personnel will be trained regarding these procedures and the location of the information and cleanup supplies.
   -Materials and equipment necessary for spill control, containment and cleanup will be provided onsite in the material storage area. Equipment and materials will include but not be limited to brooms, dust pans, mops, rags, gloves, goggles, kitty litter, sand, sawdust, sorbent booms, and plastic and metal trash containers.
3. In the event of a spill, the following procedures will be followed:
   -All spills will be cleaned up immediately following discovery.
   -The spill area will be kept well ventilated and personnel will wear appropriate protective clothing to prevent injury from contact with the hazardous substance.
4. Material Management Practices- the following is a list of practices that will be used onsite to minimize the risk of spills or other accidental exposure of materials and substances to storm water runoff.
   a. Good Housekeeping

   -An effort will be made to store onsite only enough products required to complete the job.
   -All materials stored onsite will be kept in a neat, orderly manner and in their appropriate containers. If possible, products shall be kept under a roof or other enclosure.
   -Materials will be kept in their original containers with the original manufacturer's label.
   -Whenever possible, all of a product will be used up before disposing of the container.
   -Manufacturer's recommendations for proper use and disposal will be followed.
   -The job site superintendent will be responsible for daily inspections to ensure proper use and disposal of materials.

   b. Hazardous Products

   -Products will be kept in their original containers with the original manufacturer's label.
   -The original labels and material safety data will be kept for each of the materials as they contain important product information.
   -Disposal of any excess product will be done in a manner that follows all manufacturers', federal, local and state recommended methods for proper disposal.
5. The following is a list of potential sources of pollution and specific practices to reduce pollutant discharges from the materials or sources expected to be present during construction.
   a. Petroleum Storage Tanks

   -All onsite vehicles shall be inspected and maintained for leaks and receive preventative maintenance to reduce the chance of leakage.
   -Steps will be taken by the contractor to eliminate contaminants from storage tanks from entering ground soil. Any petroleum storage tanks kept onsite will be located with an impervious surface between the tank and the ground.

   b. Fertilizers- shall be applied in minimal amounts as recommended by the manufacturer. It shall be worked into the soil as to minimize the contact with storm water discharge.

   c. Paints, paint solvents, and cleaning solvents- Excess paints and solvents shall not be discharged into the storm sewer system. The contractor shall refer to the manufacturer's instructions and federal regulations on the proper disposal from the site.

   d. Concrete Wastes

   -Concrete trucks will be allowed to washout or discharge excess concrete only in specifically designed areas which have been prepared to minimize the concrete and storm water discharge from the site.
   -The hardened product from the concrete washout areas will be disposed of as other non-hazardous waste materials or may be broken up and used on the site for other appropriate uses.

   e. Solid and construction wastes- All trash and construction debris shall be deposited into a dumpster that will be emptied as necessary. No construction waste materials will be buried on site. The dumpsters must be put in a location where the contact with the storm water discharge is minimized.

CONSTRUCTION ACTIVITIES & SCHEDULE

ACTIVITY	SCHEDULE
INSTALL ALL BMP'S NEEDED AS SHOWN ON SITE PLANS SUCH AS SILT FENCE AND OTHER STRUCTURAL CONTROLS.	PRIOR TO ANY STRIPPING OF EXISTING VEGETATION FOR CONSTRUCTION OF THE PROJECT
PROCEED WITH CONSTRUCTION AS SHOWN ON PLANS, BUT DISTURBING NO MORE AT ONE TIME THAN IS NECESSARY.	AFTER INSTALLING ALL BMP'S NEEDED AND SHOWN ON THE SITE PLANS.
BMP MAINTENANCE	ONGOING
MULCHING, EROSION MAT PLACEMENT, ESTABLISHMENT OF TEMPORARY OR PERMANENT VEGETATION	AFTER COMPLETION OF CONSTRUCTION OR WHEN WORK IS SCHEDULED TO CEASE FOR MORE THAN 14 DAYS IN ANY DISTURBED AREA.
REMOVAL OF BMP'S	BMP'S MAY NOT BE REMOVED UNTIL EACH IMPACTED DRAINAGE BASIN HAS BEEN FULLY STABILIZED.

CROWNED RIDGE I TRANSIMISSION LINE

STORMWATER POLLUTION PREVENTION PLAN NOTES

CODINGTON & GRANT COUNTIES, SOUTH DAKOTA

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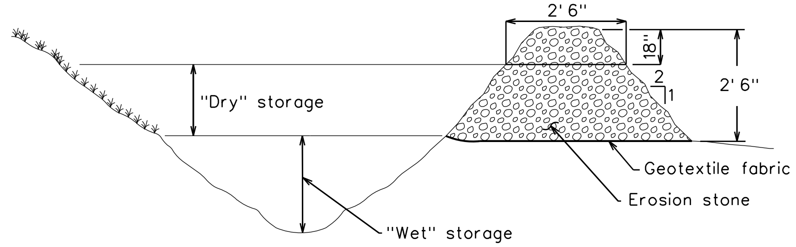
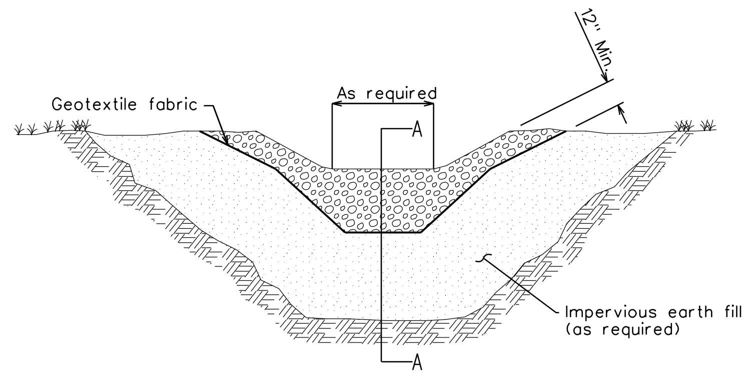


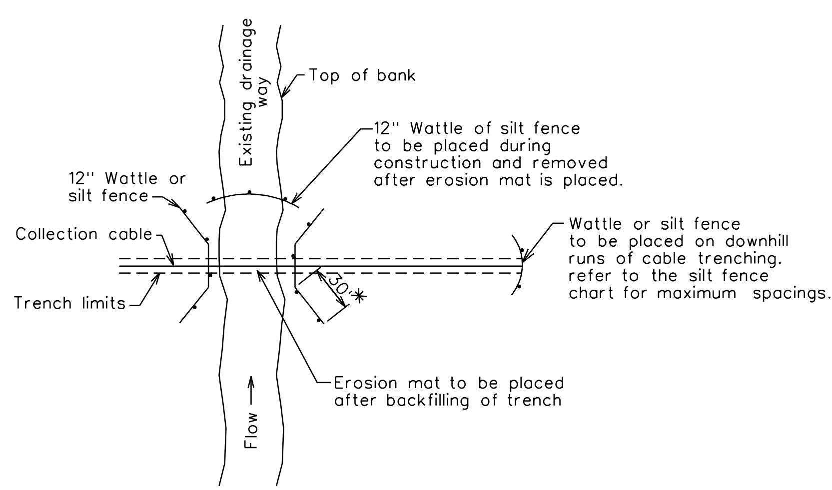
SECTION A-A



CROSS SECTION

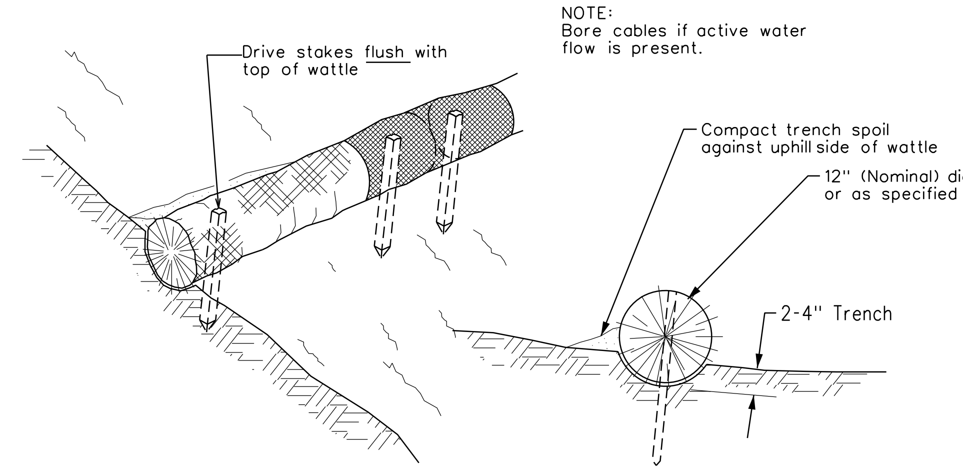
NOTE:
1. Remove accumulated sediment when level reaches one-half the height of the wet storage.
2. The contractor shall determine if sediment traps will be necessary based on site conditions.

SEDIMENT TRAP DETAIL
NOT TO SCALE



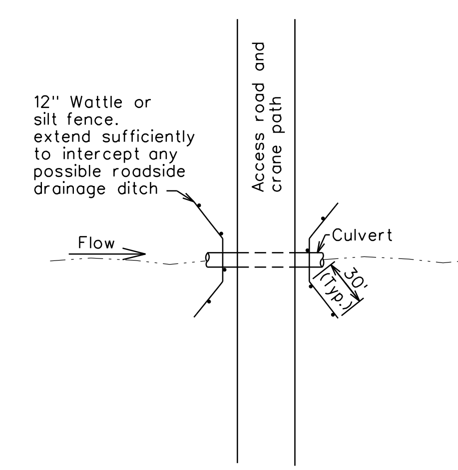
*Adjust length as required to intercept any possible soil loss from uphill trench erosion.

TRENCHED CABLE CROSSING PROTECTION DETAIL
NOT TO SCALE
SEE PLANS FOR LOCATIONS
CROSSING SHALL BE BORED IF WATER IS PRESENT.



NOTES:
1. Wattle shall be placed at the toe of the slope or on the contour.
2. Wattle shall be securely anchored in place by stakes driven through the wattle. Space stakes at 4 foot maximum. Stakes shall be driven flush with wattle.
3. Turn ends of wattle uphill to prevent water from flowing around ends.
4. Adbut ends of adjacent wattles tightly. Wrap joint with 36 inch wide section of silt fence and secure with stakes.
5. Areas requiring wattles shall be determined as construction moves forward based on site conditions.

WATTLE DETAIL
NOT TO SCALE



CULVERT CROSSING PROTECTION DETAIL
NOT TO SCALE
SEE PLANS FOR LOCATIONS

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STORM WATER POLLUTION PREVENTION DETAILS CODINGTON & GRANT COUNTIES, SOUTH DAKOTA

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Sheet 11 of 12

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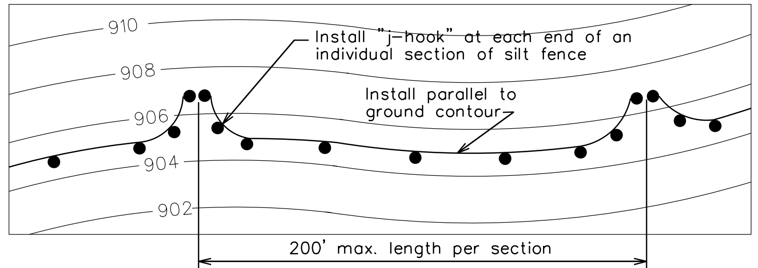
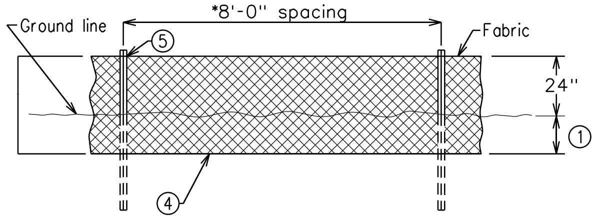
SILT FENCE DETAIL



TYPICAL SILT FENCE INSTALLATION ON LONGITUDINAL SLOPES
(PLAN VIEW)

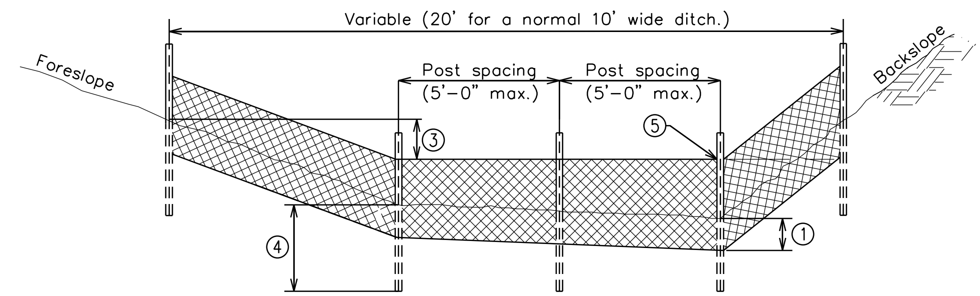


DETAILS OF SILT FENCE ON LONGITUDINAL SLOPES

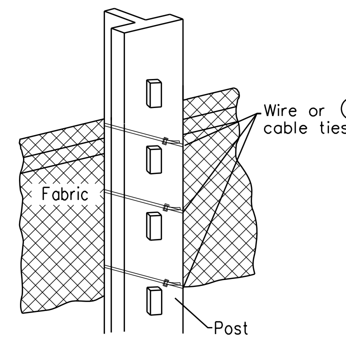
*Reduce post spacing to 5'-0" at water concentration areas, or as required to adequately support fence

SILT FENCE SPACING	
SLOPE STEEPNESS	MAXIMUM SLOPE SPACING (FT.)
2:1	50
3:1	75
4:1	125
5:1	175
FLATTER THEN 5:1	200

SILT FENCE TO BE PLACED ON THE CONTOUR



TYPICAL SILT FENCE DITCH CHECK



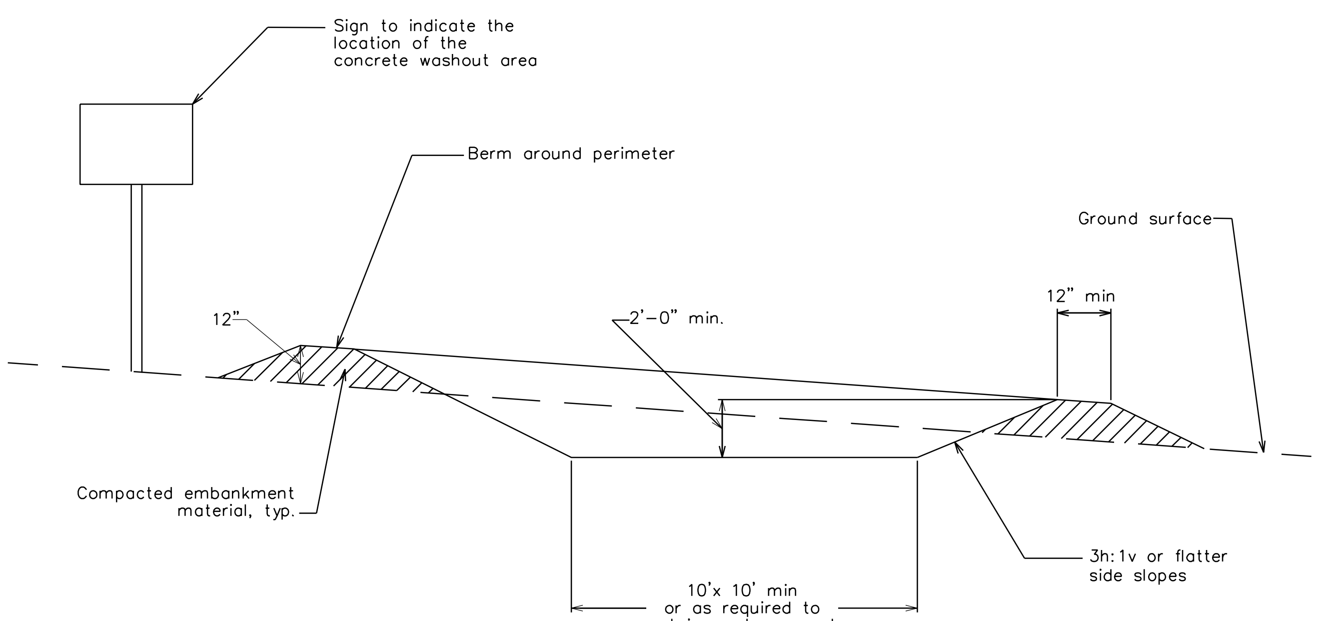
ATTACHMENT TO POST

GENERAL NOTES:

Install silt fence according to the requirements and at locations shown in the contract documents or as directed.

1. Insert 12 in. of fabric a minimum of 6 in. deep (fabric may be folded below the ground line)
2. Compact ground by driving along each side of the silt fence as required to sufficiently secure the fabric in the trench to prevent pullout and flow under the fence.
3. In ditches, extend silt fence up side slope so the bottom elevation at the end of the fence is a minimum of 2 in. higher than the top of the fence in the low point of the ditch.
4. Steel posts to be embedded 20 in.
5. Secure top of engineering fabric to steel posts using wire or plastic ties (50 lb. min.). see details of "attachment to posts."

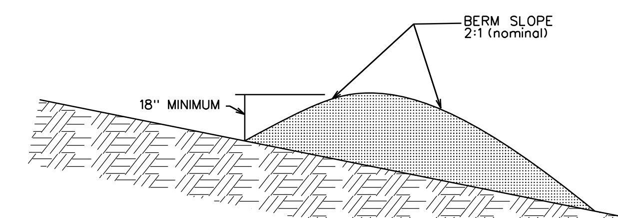
SILT FENCE DETAIL
NOT TO SCALE



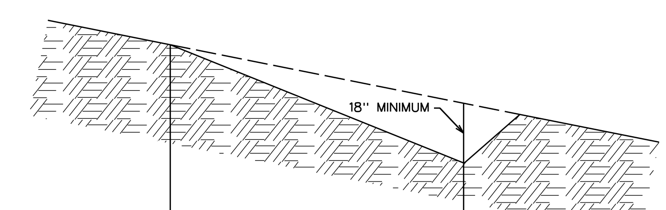
NOTES:

1. Concrete washout area shall be installed prior to any concrete placement on site. a prefabricated concrete washout container may be used instead of constructing washout area.
2. Contractor shall determine the locations and number of concrete washout areas.
3. Vehicle tracking control is required if access to concrete washout area is off pavement.
4. Signs shall be placed at the construction entrance, at the washout area, and elsewhere as necessary to clearly indicate the location of the concrete washout area to operators of concrete trucks and pump rigs.
5. The concrete washout area shall be repaired and enlarged or cleaned out as necessary to maintain capacity for wasted concrete.
6. At the end of construction, all concrete shall be removed from the site and disposed of at an accepted waste site or may be broken up and used on the site for other appropriate uses. any remaining waste water shall be disposed of at a facility that accepts processed waste water.
7. When the concrete washout area is removed, the disturbed area shall be seeded and mulched or otherwise stabilized in an acceptable manner.

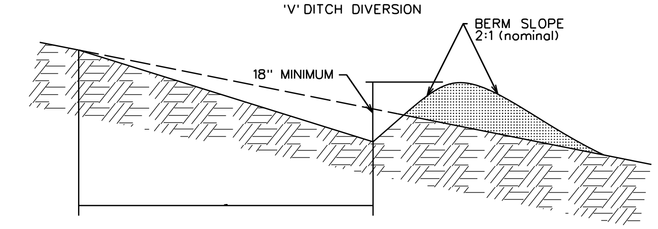
CONCRETE WASHOUT AREA
NOT TO SCALE



TYPE 1
BERM DIVERSION



TYPE 2
'V' DITCH DIVERSION



TYPE 3
DITCH/BERM DIVERSION

NOTE:
1. DIVERSION TYPES 1,2, AND 3 MAY BE USED INTERCHANGEABLY UNLESS OTHERWISE SPECIFIED
2. THE CONTRACTOR SHALL DETERMINE IF TEMPORARY DIVERSION DITCH/BERM WILL BE NECESSARY BASED ON SITE CONDITIONS.

TEMPORARY DIVERSION DETAIL
NOT TO SCALE

ISSUE DATE: 05-09-2019

MARK	REVISION	DATE	BY

Engineer: BJJ | Checked By: EAH | Scale: 1"= NTS
Technician: EAL | Date: 03-01-2019 | Field Bk: | Pg:
Project No: 1140140 | Sheet 12 of 12

CROWNED RIDGE I TRANSIMISSION LINE
STORM WATER POLLUTION PREVENTION DETAILS CODINGTON & GRANT COUNTIES, SOUTH DAKOTA

SNYDER & ASSOCIATES, INC.
1751 MADISON AVENUE
COUNCIL BLUFFS, IA 51503
712-322-3202 | www.snyder-associates.com

Project No: 1140140
Sheet 12 of 12