

# NDDOT Erosion & Sediment Control – Construction Course

## Module 2: Regulations & Special Provisions

# Permitting Authority

# Clean Water Act

## **Section 402**

Established the National Pollutant Discharge Elimination System (NPDES)

Allowed for delegation to individual States for waters within their jurisdictions

# ND Authority

1975 ND was granted primacy of NPDES

Established NDCC § 61-28 and NDAC § 33-16

ND Authority

**NDCC § 61-28-06(1)**

Makes it unlawful for a person to cause pollution to any waters of the state

ND Authority

**NDCC § 61-28-06(2)**

Allows the North Dakota Department of Health the ability to issue a construction stormwater permit

ND Authority

**NDCC § 61-28-08(4)**

Establishes the penalty of:

Up to \$12,500 per day per violation



State Construction General Permit  
(NDR10-0000)



Division of Water Quality  
(701) 328-5210



## Definitions

### **“Waters of the State”**

All waters within the jurisdiction of this state, including all streams, lakes, ponds, impounding reservoirs, marshes, watercourses, waterways, and all other bodies or accumulations of water on or under the surface of the earth, natural or artificial, public or private, situated wholly or partly within or bordering upon the state, except those private waters that do not combine or effect a junction with natural surface or underground waters just defined.

## Definitions

### **“Wastes”**

All substances which cause or tend to cause pollution of any waters of the state, including dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radiological materials, heat, wrecked or discarded equipment, *rock, sand, and cellar dirt* and industrial, municipal, and agricultural pollution discharged into any waters of the state.

## Definitions

### **“Pollution”**

Manmade or man-induced alteration of the physical, chemical, biological, or radiological integrity of any waters of the state.

## State Construction General Permit

Permit # NDR10-0000

Reissued April 1, 2015

Expires March 31, 2020

# State and Federal Authority

North Dakota Department of Health

U.S. Environmental Protection Agency (EPA)