



Appendix I

Permits

Table I-1: Permits

Federal/State Permit, License, or Entitlement	Typical Activity, Facility, or Category of Persons Required to Obtain the Federal Permit, License, or Entitlement	Authority	Regulatory Agency
Title V Permit under the Clean Air Act	Any major source (source that has the potential to emit more than 91 metric tons [100 tons] per year of any regulated pollutant, 9.1 metric tons [10 tons] per year of any one of the 188 hazardous air pollutants, or 23 metric tons [25 tons] per year of total hazardous pollutants)	Title V of Clean Air Act, as amended by 1990 Clean Air Act Amendments	U.S. Environmental Protection Agency; Alaska Department of Environmental Conservation; North Dakota Department of Health
Air Quality Control Permit to Operate	Permits generally needed for larger facilities. If facility emits 250 tons or more per year of an air contaminant like particulate matter, carbon monoxide, sulfur dioxide, or oxides of nitrogen (For example, diesel generators totaling 1,675 kW, or an uncontrolled industrial boiler that burns #2 fuel oil that burns 2,082 liters [550 gallons] per hour); if the facility has an incinerator or combination of incinerators with a combined capacity of 454 kilograms [1,000 pounds] or more per hour	18 AAC 50	Alaska Department of Environmental Conservation
National Pollutant Discharge Elimination System Permit	Discharge of pollutant from any point source into waters of the United States	Section 402 of Clean Water Act, 33 U.S.C. § 1342; 18 AAC 72; NDAC 33-16; NDCC 61-28	U.S. Environmental Protection Agency; Alaska Department of Environmental Conservation; North Dakota Department of Health
Section 404 (Dredge and Fill) Permit	Any project resulting in the discharge of dredged or fill material into bodies of water, including wetlands, within the United States	Section 404 of Clean Water Act, 33 U.S.C. § 1342	U.S. Army Corps of Engineers
Storm Water Permit; Storm Water Pollution Prevention Plan (SWPPP)	Addresses specific water pollution concerns and manages the permitting of wastewater discharges to surface waters. Requires the implementation of best management practices design to reduce pollutant loads	Clean Water Act; 40 CFR 122	U.S. Environmental Protection Agency; North Dakota Department of Health; Alaska Department of Environmental Conservation

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Spill Prevention Control and Countermeasures (SPCC)	SPCC Plan for operation phase. May require amendment to facilities' existing plan	40 CFR 112	U.S. Environmental Protection Agency
Facility Demolition Notification	Any activity that requires a structure to be demolished that contains asbestos	Clean Air Act; 42 U.S.C. § 7412	U.S. Environmental Protection Agency; North Dakota Department of Health; Alaska Department of Environmental Conservation
Rivers and Harbors Act of 1899—Section 10	Work in navigable waters of the United States	33 U.S.C. § 403	U.S. Army Corps of Engineers
Hazardous Waste Facility Permit	Owners or operators of a new or existing hazardous waste facility	Resource Conservation and Recovery Act, as amended, 42 U.S.C. § 6901; 40 CFR 270; 18 AAC 63	U.S. Environmental Protection Agency; Alaska Department of Environmental Conservation; North Dakota Department of Health
U.S. Environmental Protection Agency Identification Number	Generators or transporters of hazardous waste	40 CFR 262.10 (generators); 40 CFR 263, Subpart B (transporters)	U.S. Environmental Protection Agency
Underground Storage Tank Permit	Regulates underground storage of petroleum and hazardous substances to prevent and remediate releases	40 CFR 280-281, 18 AAC 78; NDCC 23-20.03; NDAC 33-24.8	U.S. Environmental Protection Agency; Alaska Department of Environmental Conservation; North Dakota Department of Health

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Archaeological Resources Protection Act Permit	Excavation and/or removal of archaeological resources from public lands or Indian lands and carrying out activities associated with such excavation and/or removal	Archaeological Resources Protection Act of 1979, 16 U.S.C. § 470cc	U.S. Department of the Interior, National Park Service
Endangered Species Act §10 Permit	Taking endangered or threatened wildlife species; engaging in certain commercial trade of endangered or threatened plants or removing such plants on property subject to Federal jurisdiction. (Continual/updated coordination necessary)	Section 10 of the Endangered Species Act, 16 U.S.C. § 1539; 50 CFR 17, Subparts C, D, F, and G	U.S. Department of the Interior, Fish and Wildlife Service
Fish Habitat Permit	Any activity that may affect anadromous fish streams	AS 44.62	Alaska Department of Game and Fish
Right of Way Permit; Land Use Permit	Any activity that requires a right to cross state land, but for which a full ownership interest in the land is not necessary	AS 38.05.850	Alaska Department of Natural Resources
Drinking Water Systems	Plans for drinking water systems must be reviewed and approved	18 ACC 80 and 74	Alaska Department of Environmental Conservation
Oil Discharge Prevention and Contingency Plan Approval Certificate	The owner or operator of an oil terminal facility, pipeline, exploration or production facility, or oil tank vessel or barge operating within the State of Alaska must hold an approved Oil Discharge Prevention and Contingency Plan. NMD may require amendment of the existing facilities' plans	18 AAC 75	Alaska Department of Environmental Conservation
Plan Review for Sewer Systems, Wastewater Treatment Works or Public Water Systems	Required to construct, install, renovate, alter, modify, operate, or improve a sewer system, treatment works, or public water system, or any part of one	18 AAC 72, 18 AAC 80	Alaska Department of Environmental Conservation

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Wastewater Disposal Permit	Required if there is disposal of liquid waste into the waters or onto the land of the State of Alaska or into a publicly operated sewerage system	18 AAC 70, 18 AAC 72	Alaska Department of Environmental Conservation
Temporary Water Use Permit or Water Right	Any use of state water	18 AAC 70	Alaska Department of Natural Resources
Construction Dewatering Permit (General Wastewater Disposal Permit)	Any activity that requires dewatering of a site	18 AAC 72	Alaska Department of Environmental Conservation
Food Service Permit	Any activity involving the processing, preparing, or serving of food	18 AAC 31	Alaska Department of Environmental Conservation
Solid Waste Disposal Permit	Any disposal of solid waste (municipal, industrial, construction or demolition) may require a general or site specific permit	18 AAC 60	Alaska Department of Environmental Conservation
Alaska Department of Natural Resources Lease of Tidelands	Barge Landing Permit, Shemya fiber optics cable	11 AAC 62	Alaska Department of Natural Resources
Air Quality Control Permit to Open Burn	Generally needed if the burn will make black smoke, if burning is debris from more than 16 hectares (40 acres) of land, if burn is to train fire fighters, or if it is a large prescribed burn	18 AAC 50	Alaska Department of Environmental Conservation
Notification of Demolition and Renovation	Facility being renovated or demolished must be inspected by a State-certified inspector for the presence of asbestos-containing materials before beginning renovation or demolition. Notification of Demolition and Renovation form must be submitted 10 days prior to beginning demolition, whether or not asbestos is present, and for renovation activity, it must be submitted 10 days prior to beginning removal if more than 14.9 square meters (160 square feet) of asbestos-containing surfacing material or more than 79.2 meters (260 linear feet) of asbestos-containing thermal system insulation will be disturbed.	North Dakota Air Pollution Control Rules, Asbestos NESHAP, Section 33-15-13-02, Subsection 02.6	North Dakota Department of Health, Division of Environmental Engineering, Asbestos Control Program, Alaska Department of Environmental Conservation

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Sovereign Lands Permit	Work in navigable streams and waters of the State of North Dakota	NDCC Chapter 28-32; NDAC Chapter 89-10	North Dakota State Water Commission, State Engineers Office
State Water Use: Conditional Water Permit or Temporary Water Permit	A conditional water permit and a temporary water permit reserves a specified volume of State water for a specified use within a certain period of time.	NDCC Chapter 28-32; NDAC Chapter 89-03	North Dakota Water Commission, State Engineers Office
Water Right	A water right is acquired when beneficial use of water is made in accordance with the terms of the water permit. After the water is put to beneficial use and the facilities are inspected in order to determine their capacity, safety, and efficiency, a perfected water permit is issued.	NDCC Chapter 28-32	North Dakota Water Commission, State Engineers Office
Solid Waste Management Permit	Every person who transports solid waste or operates a solid waste management unit is required to have a valid permit issued by the department.	NDAC Chapter 33-20	North Dakota Department of Health, Environmental Health Section, Waste Management, Solid Waste Management
Approval for Land Treatment of Petroleum Contaminate Soil, Single Application Sites	Treatment of petroleum contaminated soil by land farming on a single application site.	Guideline 7	North Dakota Department of Health, Environmental Health Section, Waste Management
Approval of plans and specs for Installation of Water Wells (including Decommissioning)	Construction of water wells or the installation of water well pumps, pitless units, or other appurtenances. (Decommissioning of wells is considered a part of the design of a monitoring well.)	NDAC 33-18; NDCC 61-28	North Dakota Department of Health, Environmental Health Section, Municipal Facilities
Approval of plans and specs for water, sewer mains, and non-discharging sewage lagoons	All new or modified public water distributions systems (includes new fire hydrants), sewer distribution systems, and non-discharging sewage lagoons.	NDAC Chapter 33-17	North Dakota Department of Health, Environmental Health Section, Municipal Facilities

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Permit to Construct Dam, Dikes, or Other Devices	Construction of a dam, dike, or other device capable of impounding, obstructing or diverting more than 15,419 cubic meters (12.5 acre-feet)	NDAC 28-32-02; NDCC Chapter 89-08-02	North Dakota State Water Commission, State Engineer Office
North Dakota Pollutant Discharge Elimination System, Temporary Dewatering General Permit No. NDG070000	Operations engaged in temporary dewatering activities to discharge into the waters of the State (including hydrostatic testing discharge water)	NDAC 33-16; NDCC 61-28	North Dakota Department of Health, Environmental Health Section, Water Quality
Permit to Construct	For septic tanks		Individual counties in the State of North Dakota

Note:

AAC = Alaska Administrative Code

AS = Alaska Statute

CFR = Code of Federal Regulations

NDAC = North Dakota Administrative Code

NDCC = North Dakota Century Code

NESHAP = National Emission Standards for Hazardous Air Pollutants

U.S.C. = United States Code