

WELCOME TO THE CONSTRUCTION STORMWATER PERMIT WEBINAR

- All the documents shown today are in the MN Stormwater Manual on the page titled “2018 Construction Stormwater Permit – Public Notice and Public Informational Meeting”.
 - To locate this page, search for “2018 construction stormwater public notice” in the MN Stormwater Manual search bar.
- Today’s webinar will follow the “Guide to Permit Changes” document found on the page described above.

About today's webinar

- Presenter: Todd Smith, MPCA Stormwater Engineer
 - Provide overview of changes to the permit
- Questions or comments: use the Q&A box – we will try to answer your questions during the webinar
 - All questions and answers, even questions we don't get to during the webinar, will be posted in the Stormwater Manual on the CSW page
 - Do **not** use the chat box
- Webinar is being recorded
 - The recorded version will be posted in the Stormwater Manual:
[https://stormwater.pca.state.mn.us/index.php?title=2018 Construction Stormwater Permit - Public Notice and Public Informational Meeting](https://stormwater.pca.state.mn.us/index.php?title=2018_Construction_Stormwater_Permit_-_Public_Notice_and_Public_Informational_Meeting)

New requirements & considerations to the Construction Stormwater Permits

2003

Phase II. Enhanced requirements for projects discharging to Special Waters.

2008

Introduced infiltration requirements for special waters & expanded the area in which the requirements apply.

2013

1" of treatment for all projects and volume reduction (infiltration) required for sites without limitations. EPA's Construction & Development Rule. MN anti-degradation rule.

2018

No major changes. New MN anti-degradation rule

No major changes this time



Guide to changes for the draft permit

Attachment A

Guide for the draft 2018 NPDES/SDS Construction Stormwater General Permit

Introduction: This document is intended to serve as a guide for readers to understand all of the proposed changes associated with the draft permit. Many of the permit requirements were re-written, combined or split apart without changing the policy, meaning or expectations of the MPCA. Also, due to Agency wide policies, the format of the permit has changed considerably. For these reasons, a traditional red lined version of the permit is not possible. Some of the requirements have been changed or expanded. The section names denoted with an asterisk (*) indicate the proposed language is intended to change the policy, meaning or expectation of the MPCA. This guide also highlights some of the key parts of the permit that may appear different even though there is not an intended change in policy or expectation.

<u>Current Permit Reference</u>	<u>Section Name / Topic</u>	<u>Description of Change or Discussion</u>	<u>Proposed Permit Reference</u>
Part I.A.4	Permit coverage (previously ongoing projects)	<p>This section was re-written for brevity. The MPCA intends on treating ongoing projects the same as in previous permits. If a project has permit coverage under the current permit and work is still ongoing on the date the proposed permit becomes effective, permittees can either:</p> <ul style="list-style-type: none"> - finish the project following the current permit requirements within 18 months or, - if the project will continue beyond 18 months, the permittee must follow the new requirements of the proposed permit. This does not include any changes in requirements for permanent stormwater management. <p>Another statement was added to notify future permittees obtaining the proposed permit that ongoing projects will be treated in a similar way upon the re-issuance of the next construction permit in 2023. The reference to Minn. R. ch. 7001 was removed since the rule is always applicable regardless of whether or not it is stated here.</p>	1.6 1.7

Perimeter control – current language vs. draft language

Current permit

Part IV.C.1 The **Permittee(s)** must employ **Sediment control** practices as necessary **to minimize sediment from entering surface waters**, including curb and gutter systems and storm sewer inlets.

Part IV.C.2 Sediment control practices **must be established on all down gradient perimeters** and be located upgradient of any buffer zones. The perimeter sediment control practice must be in place before any upgradient land-disturbing activities begin. These practices shall remain in place until Final Stabilization has been established in accordance with Part IV.G. **A floating silt curtain** placed in the water is not a sediment control BMP to satisfy perimeter control requirements in this part except when working on a shoreline and below the waterline. In those cases, a floating silt curtain can be used as a perimeter control practice if the floating silt curtain is installed as close to shore as possible. Immediately after the short term construction activity (e.g. installation of rip rap along the shoreline) in that area is complete, an upland perimeter control practice must be installed if exposed soils still drain to the surface water.

Draft permit

Item 9.2 Permittees must establish sediment control BMPs on **all downgradient perimeters of the site and downgradient areas of the site that drain to any surface water**, including curb and gutter systems. Permittees must locate sediment control practices upgradient of any buffer zones. Permittees must install sediment control practices before any upgradient land-disturbing activities begin and must keep the sediment control practices in place until they establish permanent cover.

Item 9.5 A **floating silt curtain** placed in the water is not a sediment control BMP to satisfy item 9.2 except when working on a shoreline or below the waterline. Immediately after the short term construction activity (e.g., installation of rip rap along the shoreline) in that area is complete, permittees must install an upland perimeter control practice if exposed soils still drain to a surface water.



The MPCA is standardizing the format of all permits issued

Page 3 of 34
Permit No: MN R100001

PART I. PERMIT COVERAGE AND LIMITATIONS

I.A. PERMIT COVERAGE

- This permit is required for **construction activity** that results in land disturbance of equal to or greater than one acre or a **common plan of development or sale** that disturbs greater than one acre, and authorizes, subject to the terms and conditions of this permit, the discharge of **stormwater** associated with **construction activity**.

Construction activity does not include a disturbance to the land of less than five (5) acres for the purpose of routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility. Pavement rehabilitation that does not disturb the underlying soils (e.g., mill and overlay **projects**) is not considered construction activity.
- This permit covers all areas of the State of Minnesota.
- Coverage under this permit is not required when all stormwater from **construction activity** is routed directly to and treated by a "treatment works", as defined in Minn. Stat. § 115.01, subd. 21, that is operated under an individual **NPDES/SDS** permit with a Total Suspended Solids effluent limit for all treated runoff.
- Previously Permitted Ongoing **Projects: Permittee(s)** of ongoing **projects** covered initially under the previous MPCA-issued **NPDES/SDS** Construction Stormwater General Permit (issuance date August 1, 2008) are granted coverage under this reissued permit.
 - The **Permittee(s)** of those ongoing **projects** shall amend the **SWPPP** for the **project** to meet the requirements of this reissued permit no later than 18 months after the issuance date of this reissued permit if the termination-of-coverage requirements in Part II.C. will not be met within 18 months of the issuance date of this reissued permit and shall thereafter comply with this permit. However, additional permanent treatment required in this reissued permit is not required for previously permitted **projects**.



Permit issued: **MN0067440**
Permit expires: **Page 7 of 17**

5. Permit requirements

WS 001	Influent Waste	Facility Specific Limit and Monitoring Requirements
5.1.1		The Permittee shall submit a monthly DMR: Due by 21 days after the end of each calendar month following permit issuance. [Minn. R. 7001.0150, Subp. 2(B)]
5.1.2		Sampling Location. [Minn. R. 7001.0150, Subp. 2(B)]
5.1.3		Grab and composite samples shall be collected at a point representative of total influent flow to the holding tank. [Minn. R. 7001.0150, Subp. 2(B)]
5.1.4		The Permittee shall submit monitoring results in accordance with the limits and monitoring requirements for this station. If conditions are such that no sample can be acquired, the Permittee shall report "No Flow" or "No Discharge" on Discharge Monitoring Report (DMR) and shall add a Comments attachment to the DMR detailing why the sample was not collected. [Minn. R. 7001.0150, Subp. 2(B)]
MN0067440	Cormorant Park Place Estates	
		Waste Stream Station General Requirements
5.2.1		Representative Samples. [Minn. R. 7001]
5.2.2		Grab and composite samples shall be collected at a point representative of total influent flow to the system. [Minn. R. 7001]
		Special Requirements
5.3.3		There shall be no unauthorized discharge to the ground surface or surface water from this system during the term of this permit. [Minn. R. 7001]
5.3.4		The Permittee is required to obtain a Sanitary Sewer Extension Permit from the MPCA prior to the start of construction of any addition, extension, or replacement to the collection system or holding tank. [Minn. R. 7001]
5.3.5		Collection System and Holding Tank. [Minn. R. 7001]
5.3.6		The collection system shall be properly maintained to minimize flow, infiltration, exfiltration, and obstructions. A record of all inspections and maintenance operations shall be kept by the Permittee for a minimum of three years. [Minn. R. 7001]
5.3.7		All grinder stations and the holding tank must remain locked at all times. [Minn. R. 7001]
5.3.8		The Permittee must maintain high level alarms on the holding tank for the term of this permit. [Minn. R. 7001]
5.3.9		The Permittee shall prevent the discharge of any wastes other than sewage into the holding tank that could result in damage to the treatment facility receiving the septage or inhibit wastewater treatment



The new format

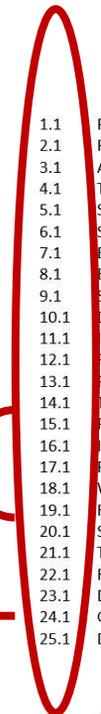
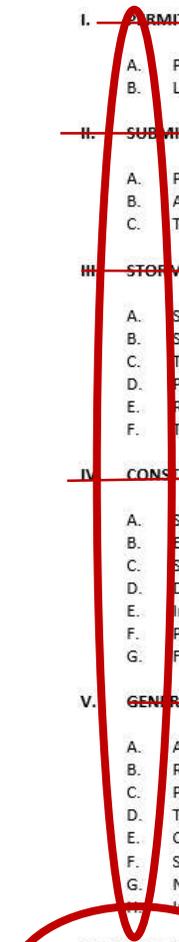
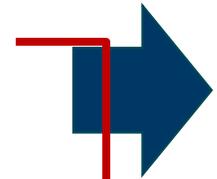
TABLE OF CONTENTS

	<u>Page</u>
I. PERMIT COVERAGE AND LIMITATIONS	3
A. Permit Coverage.....	3
B. Limitations of Coverage.....	3
II. SUBMITTING THE APPLICATION	4
A. Prerequisite for Submitting a Permit Application.....	4
B. Application and Duration of Coverage.....	5
C. Termination of Coverage.....	6
III. STORMWATER DISCHARGE DESIGN REQUIREMENTS	7
A. Stormwater Pollution Prevention Plan Content.....	7
B. SWPPP Amendments.....	10
C. Temporary Sediment Basins.....	11
D. Permanent Stormwater Management System.....	12
E. Record Retention.....	15
F. Training Requirements.....	16
IV. CONSTRUCTION ACTIVITY REQUIREMENTS	16
A. Stormwater Pollution Prevention Plan.....	16
B. Erosion Prevention Practices.....	17
C. Sediment Control Practices.....	18
D. Dewatering and Basin Draining.....	20
E. Inspections and Maintenance.....	20
F. Pollution Prevention Management Measures.....	22
G. Final Stabilization.....	24
V. GENERAL PROVISIONS	24
A. Applicability Criteria.....	24
B. Record Availability.....	25
C. Prohibitions.....	25
D. Transfer of Ownership or Control.....	25
E. Civil and Criminal Liability.....	25
F. Severability.....	25
G. NPDES/SDS Rule Standard General -Conditions.....	26
H. Inspection and Entry.....	26
APPENDIX A.....	26
APPENDIX B - DEFINITIONS.....	31

Table of contents

Table of Contents

	<u>Page</u>
1.1 Permit Coverage.....	3
2.1 Prohibitions and Limitations of Coverage.....	3
3.1 Application and Coverage Effective Date.....	4
4.1 Termination of Coverage.....	4
5.1 Stormwater Pollution Prevention Plan (SWPPP) Content.....	5
6.1 SWPPP Amendments.....	7
7.1 BMP Selection and Installation.....	7
8.1 Erosion Prevention Practices.....	7
9.1 Sediment Control Practices.....	8
10.1 Dewatering and Basin Draining.....	9
11.1 Inspections and Maintenance.....	9
12.1 Pollution Prevention Management Measures.....	10
13.1 Permit Termination Conditions.....	11
14.1 Temporary Sediment Basins.....	11
15.1 Permanent Stormwater Treatment System.....	12
16.1 Infiltration Systems.....	12
17.1 Filtration Systems.....	14
18.1 Wet Sedimentation Basin.....	14
19.1 Regional Wet Sedimentation Basins.....	15
20.1 SWPPP Availability.....	15
21.1 Training Requirements.....	15
22.1 Requirements for Discharges to Wetlands.....	15
23.1 Discharges to Special (Prohibited, Restricted, Other) and Impaired Waters.....	16
24.1 General Provisions.....	18
25.1 Definitions.....	18





Notice of coverage is changing

- The MPCA will issue a permit package that includes a cover page with the specific site/owner/contractor information along with the entire permit
- The application procedure will remain the same
- The MPCA has developed an electronic version of the permit



What happens in August if my project is already permitted?

If a project has permit coverage under the current permit and work is ongoing the date the draft permit is effective, permittees can:

1. finish the project following the current permit requirements within 18 months of the draft permit becoming effective or,
2. if the project will continue beyond 18 months, follow the new requirements of the draft permit.
 - You do not need to follow the new requirements for permanent stormwater management.

We try to issue permit coverage quickly. Two things need to happen:

1. Permittees must successfully complete the online application



- Enter all required information
- “Certify” that all information is correct
- Make the payment

2. The bank must transfer the funds



- Usually takes one business day
- Email notifications are usually sent mid-morning from our system



Waiting period when a SWPPP approval is needed

For projects that disturb 50 acres or more, the application and stormwater pollution prevention plan (SWPPP) must be sent to the MPCA 30 days before the start of construction.

The permittee must:

- Successfully complete the online application
- Complete the transfer of funds

Note: No coverage email is sent at this time

An MPCA review engineer will be assigned and:

- Review the SWPPP
- Issue permit coverage as soon as the review is done
 - MPCA's goal: issue permit coverage within 30 days
- If the SWPPP is incomplete more time may be needed



Stormwater Pollution Prevention Plan (SWPPP)

SWPPP requirements have been rewritten and reordered for clarity

- Sections that contained multiple items are divided into individual items
- Some duplicate items have been removed
- Most items remain the same but there have been some additions and modifications



Stormwater Pollution Prevention Plan (Amendments)

(2 changes here)

- Problem: Contractors are not installing BMPs shown in the SWPPP & using less effective BMPs not appropriate for the site conditions
- Current and draft permits:
 - allow for SWPPP amendments (Draft permit item 6.1)
 - require SWPPP modifications to be documented (Draft permit item 11.11)
- Draft permit item 6.2 requires:
 - if a less effective BMP is used a justification describing how the replacement BMP is effective for the site characteristics must be made in the SWPPP
 - all SWPPP changes must be done by one of the individuals described in item 21.4 or item 21.5 or another qualified individual.



Stormwater Pollution Prevention Plan (Documentation)

Item 5.15 Where systems cannot meet the full volume reduction requirement on site, (e.g., the site has infiltration prohibitions, see item 16.14 through item 16.22) the permittee must document the reasons in the SWPPP.



Stormwater Pollution Prevention Plan (Documentation)

If permittees determine compliance with the following requirements is infeasible, they must document the determination in the SWPPP:

- a. temporary sediment basins as described in item 14.1 through 14.10; and
- b. for linear projects, if the permanent stormwater treatment system cannot be constructed within the right-of-way, a reasonable attempt must be made to obtain additional right-of-way (item 15.9); and
- c. buffer zones as described in item 9.17 and item 23.22.**

For reference:

9.17 – maintain 50' buffer around surface waters during construction (all projects)

23.22 – maintain a 100' buffer both during and after construction (around special waters only)

Deleted: Karst areas: The **SWPPP** must identify additional or different measures necessary (e.g. impervious liner in pond bottom) to assure compliance with **surface and groundwater** standards in Minn. R. chs. 7050 and 7060 in karst areas and to ensure protection of drinking water supply management areas (see Minn. R. 4720.5100, subp. 13).

Because:

- The draft permit now requires a liner for wet sedimentation basins
- Permit prohibits infiltration in Karst areas (not a change)



The current permit provision allowing developers/consultants to follow the local stormwater treatment requirements instead of the Construction Stormwater Permit requirements was removed. (Part III.D, 2nd paragraph of the current permit)

- This also applies to the infiltration prohibitions



Permanent Stormwater Treatment System

These sections were reworded and reorganized for clarity.

The intent of the stormwater treatment requirements remains the same.

The proposed permit attempts to clearly define:

- when the permit requires a treatment system, and
- the level or amount of treatment, and
- what methods must be considered first and, and
- when those methods are not viable, what to consider next.



The proposed permit would prohibit infiltration systems constructed as part of the project regardless of whether or not the CSW permit requires stormwater management if the site receives runoff from vehicle fueling and maintenance areas.



Soil information for infiltration design

The current permit states: Permittees must employ appropriate on-site testing consistent the MN Stormwater Manual to verify soil types.





Soil information for infiltration design

Item 16.10 Permittees must provide at least one soil boring, test pit or infiltrometer test in the location of the infiltration practice for determining infiltration rates.

Item 16.11 For design purposes, permittees must divide field measured infiltration rates by 2 as a safety factor or permittees can use soil-boring results with the infiltration rate chart in the Minnesota Stormwater Manual to determine design infiltration rates. When soil borings indicate type A soils, permittees should perform field measurements to verify the rate is not above 8.3 inches per hour. This permit prohibits infiltration if the field measured infiltration rate is above 8.3 inches per hour.





The current permit prohibits infiltration if high levels of soil or groundwater contaminants will be mobilized by the infiltrating stormwater.

Problem:

- What are high levels?
- Is testing required?
- What kind of analysis does the Agency expect for this determination?



Infiltration prohibition: contaminated soils or groundwater

The current permit prohibits infiltration if high levels of soil or groundwater contaminants will be mobilized by the infiltrating stormwater.

The draft permit retains the same language and adds:

Permittees must either complete the MPCA's site screening assessment checklist or conduct their own assessment to determine the suitability for infiltration. The assessment must be retained with the SWPPP.

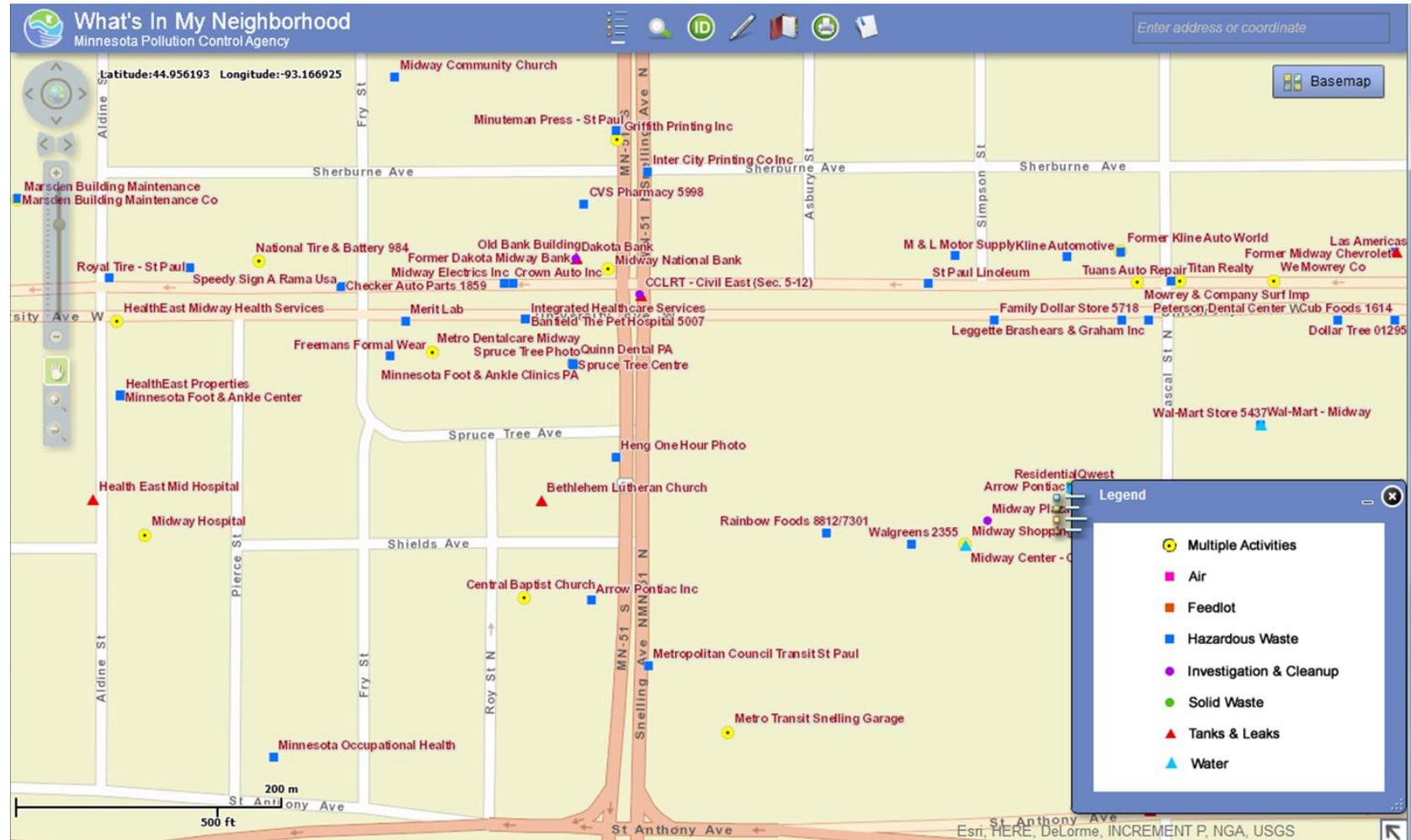
For more information and to access the MPCA's screening assessment tool see the Minnesota Stormwater Manual.





Infiltration prohibition: contaminated soils or groundwater

“What’s in my neighborhood?” on the mpca website



<https://www.pca.state.mn.us/data/whats-my-neighborhood>



The current permit prohibits infiltration within the entire DWSMA unless allowed by an MS4

The draft permit limits the boundary of the prohibition to:

- Emergency Response Areas, as defined by the Minnesota Department of Health and,
- areas of DWSMA's classified as having high or very high vulnerability, unless a regulated MS4 Permittee has performed a higher level of engineering review sufficient to provide a functioning treatment system and to prevent adverse impacts to groundwater

Similar to the requirements for infiltration systems...

"The filter media must not be installed until the contributing drainage area has been constructed and fully stabilized unless rigorous erosion prevention and sediment controls (e.g., diversion berms) are provided to keep sediment and runoff completely away from the filtration area."



New item:

"Permittees must design basins using an impermeable liner if located within active karst terrain"





Deleted: If using **stormwater** conveyance channels ,the **Permittee(s)** must design the channels to route water around unstabilized areas on the site and to reduce erosion, unless **infeasible**. The **Permittee(s)** must use erosion controls and velocity dissipation devices such as check dams, sediment traps, riprap, or grouted riprap at outlets within and along the length of any constructed **stormwater** conveyance channel, and at any outlet, to provide a non-erosive flow velocity, to minimize erosion of channels and their embankments, outlets, adjacent stream banks, slopes, and downstream waters during discharge conditions.



Ditch stabilization methods – item 8.6

(Part IV.B.4 of the current permit)

No change here:

“Permittees must stabilize the normal wetted perimeter of the last 200 linear feet of temporary or permanent drainage ditches or swales that drain water from the site within 24 hours after connecting to a surface water or property edge. Permittees must complete stabilization of remaining portions of temporary or permanent ditches or swales within 14 calendar days ...”



Ditch stabilization methods – item 8.6

“Permittees must not use mulch, hydromulch, tackifier, polyacrylamide or similar erosion prevention practices within any portion of the normal wetted perimeter of a temporary or permanent drainage ditch or swale section with a continuous slope of greater than 2 percent”.

If the selected BMP is found to be inadequate at minimizing erosion from ditches or swales, another more effective BMP must be utilized.





Sediment controls for stockpiles – item 8.6

(Part IV.C.5 of the current permit)

Permittees must provide silt fence or other effective sediment controls at the base of stockpiles.

This change is to clarify that these sediment controls are in addition to the perimeter control requirement in item 9.2



50' Buffer around surface waters – item 9.17

(Part IV.C.9 of the current permit)

Permittees must preserve a 50 foot natural buffer or, if a buffer is infeasible on the site, provide redundant (double) perimeter sediment controls when a surface water is located within 50 feet of the project's land disturbances and stormwater flows to the surface water. Permittees must install perimeter sediment controls at least 5 feet apart unless limited by lack of available space. Natural buffers are not required adjacent to road ditches, judicial ditches, county ditches, stormwater conveyance channels, storm drain inlets, and sediment basins. If preserving the buffer is infeasible, permittees must document the reasons in the SWPPP.



Timing for BMP maintenance after inspections

Part IV.E.5:

“all nonfunctional BMPs to be repaired replaced or supplemented with functional BMP’s by the end of the next business day after discovery...”

item 11.4 of the draft permit:

“Permittees must repair, replace or supplement the BMPs prior to the next anticipated rain event or three calendar days whichever comes first”.



(Part IV.F.1.c & IV.F.2 of the current permit)

Deleted: The current permit requires “restricted access storage areas must be provided to prevent vandalism”. This component of this requirement has been removed.

Deleted: The current permit requires that “permittees must conduct fueling in a contained area unless infeasible”



Final stabilization - item 13.1

(Part IV.C.9 of the current permit)

The section regarding final stabilization has been re-named “Permit Termination Conditions”. The requirements in this new section are the same as the requirements for final stabilization found in the current permit.



New requirements for sites discharging to prohibited waters

New MN Rules for addressing anti-degradation. Federal rules also require all NPDES permit to meet the states rules.



23.24 - Permittees must conduct routine site inspections once every 3 days as described in item 12.2.

23.25 - If discharges to prohibited waters cannot provide volume reduction equal to one (1) inch of runoff from new impervious surfaces as required in item 15.5, permittees must develop a Permanent Stormwater Treatment plan that will result in no net increase of TSS or Phosphorus to the prohibited water. Permittees must keep the plan in the SWPPP for the project.



Temperature controls for trout streams

Permittees must design the permanent stormwater treatment system so the discharge from the project minimizes any increase in the temperature of trout streams resulting from the one (1) and two (2) year 24-hour precipitation events. This includes all tributaries of designated trout streams located within the same Public Land Survey System (PLSS) Section.

Current Permit:

Permittees must incorporate one or more of the following measures, in order of preference:

- a. Minimize new impervious surfaces...
- b. Minimize the discharge from connected impervious surfaces by discharging to vegetated areas...
- c. Infiltration...
- d. If ponding is used...use shading, filtered bottom withdrawal, vegetated swale discharges... or a pond that draws down in 24 hours or less.
- e. Other methods...

Draft Permit:

Permittees must incorporate one or more of the following measures, in order of preference:

- a. Provide infiltration as described in item 15.4 & 15.5
- b. Provide filtration as described in 17.1...
- c. Minimize the discharge from connected impervious surfaces by discharging to vegetated areas...
- d. If ponding is used...use shading, filtered bottom withdrawal, vegetated swale discharges... or a pond that draws down in 24 hours or less.
- e. Other methods...





Who should be listed as a permittee?

The MPCA intends to more clearly define who is the “owner” and the “operator”.

“Operator” means the person (usually the general contractor) designated by the owner who has day to day operational control and/or the ability to modify project plans and specifications related to the SWPPP. Subcontractors hired by and under supervision of the general contractor are not operators.

New:

“General Contractor” means the party who signs the construction contract with the owner to construct the entire project described in the final plans and specifications. Where the construction project involves more than one contractor, the general contractor is the party responsible for managing the entire project on behalf of the owner...



Rule references to this permit - item 24.11

This item was added to the proposed permit to preserve continuity with state rules such as Minn. R. 7090 or other documents which refer to specific parts of the construction permit by name that will no longer be used. Those parts in the current permit are:

- "Stormwater Discharge Design Requirements"
- "Construction Activity Requirements"
- "Appendix A"

Item 24.11 indicates which parts in the draft permit correspond to these three parts of the current permit.



Rule references to this permit - item 24.11

For Example:

7090.0060 INCORPORATION BY REFERENCE.

For the purposes of parts [7090.2000](#) to [7090.2060](#), the storm water discharge design requirements, construction activity requirements, and the requirements of Appendix A in the Minnesota Pollution Control Agency document General Permit Authorization for construction activity...

And item 24.11 states:

For the purposes of Minn. R. 7090 and other documents (including this permit) that reference specific sections of this permit, the "Stormwater Discharge Design Requirements" section corresponds to item 5.1 through item 6.4 and item 14.1 through item 21.6; the "Construction Activity Requirements" section corresponds to item 7.1 through 13.7; and "Appendix A" corresponds to item 22.1 through item 23.25.

Thank you!

The public comment period for the permit has been extended 14 days until May 23

Please remember to re-send comments per the instructions, today comments and questions will not be a part of the response to comments document

You can submit questions throughout the public comment period

constructionstormwater.pca@state.mn.us

