Appendix No. 1 – PRWD Correspondence

"Protecting Our Lakes"

PELICAN RIVER WATERSHED DISTRICT

801 Roosevelt Avenue
P.O. Box 1043
Detroit Lakes, MN 56502

(218) 846-0436
Fax (218) 846-0437
E-mail: tguetter@lakesnet.net

May 2, 2007

Jon Pratt
Ulteig Engineers
Detroit Lakes, MN 56501

RE: Curry Avenue, Detroit Lakes, MN

Dear Mr. Pratt:

At the April 19th monthly board meeting, the District's Board of Managers considered the request from the City of Detroit Lakes to delay the design and implementation of the storm water management plan required by the District's Water Management Rules, for the reconstruction of Curry Avenue in 2007.

The drainage area for Curry Avenue is complex, with storm-water discharging in several directions which utilize a number of different storm sewer collection systems and treatment basins (see below map). The majority of storm water from this drainage area is treated by a chain of existing treatment basins towards Dynamic Homes and the industrial park softball fields. However, the level of storm water treatment/management (% phosphorous removal/ % suspended solids removal, discharge rates) for Curry Avenue and the larger sub-watershed basin area have not been analyzed and modeled by the City.

Towards addressing and complying with the District's Water Management Rules for the reconstruction of Curry Avenue and for future linear projects within this drainage area, the City is requesting additional time to review, design, and implement on a comprehensive level, the water management requirements of the entire northern drainage system. The Managers approved the City's request to delay the implementation of the District's Water Management Rule requirements for Curry Avenue with the following conditions:

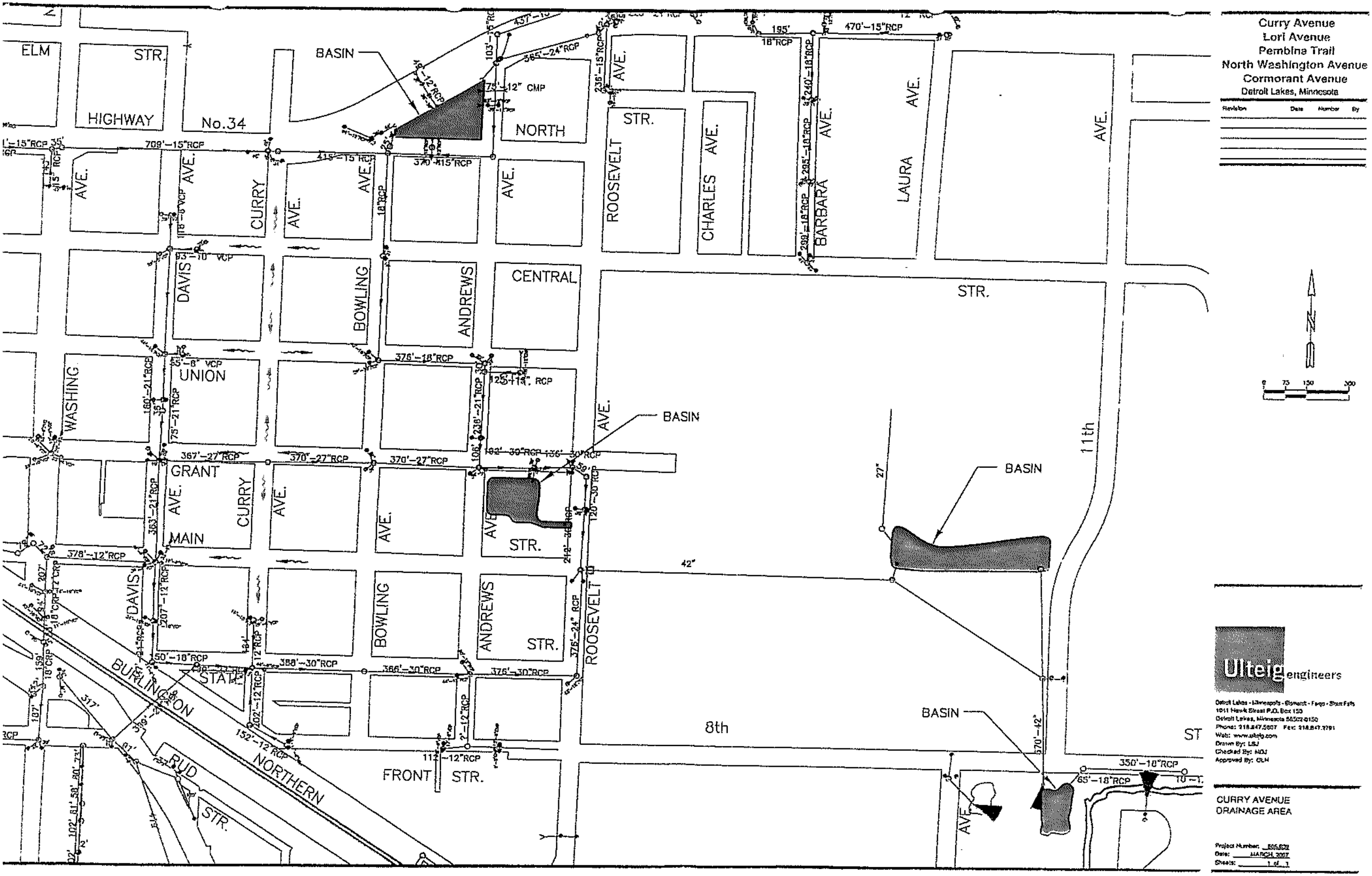
1. The City commits to comply with the District's Water Management Rules for the 2007 Curry Avenue project and for future projects within the City's northern drainage area (attached map);
2. The analysis and modeling for the northern drainage area (attached map) will be completed by October 1, 2007;
3. The design and implementation of the additional storm water management measures required to comply with the District's Rules will be completed by October 31, 2008.

The District looks forward to working with you on this plan. If you have any questions, please give me a call.

Sincerely,

Tera L. Guetter
Administrator

CC: Rich Grabow
Gary Nansen


Curry Avenue
Lori Avenue
Pembina Trail
North Washington Avenue
Cormorant Avenue
Detroit Lakes, Minnesota
Revision
Date
Number
By
Ulteig engineers
Drawn By: LSJ
Checked By: NDJ
Approved By: GLH
CURRY AVENUE
DRAINAGE AREA
Date: MARCH, 2007
Sheets: 1 of 1
BASIN
BASIN
BASIN
BASIN
ELM
STR.
HIGHWAY
No.34
NORTH
AVE.
CURRY
DAVIS
BOWLING
ANDREWS
CENTRAL
ROOSEVELT
CHARLES
BARBARA
LAURA
STR.
UNION
WASHING
GRANT
MAIN
BURLINGTON
NORTHERN
FRONT
RUD
8th
11th
ST
709'–15"RCP
470'–15"RCP
376'–18"RCP
370'–27"RCP
367'–27"RCP
388'–30"RCP
366'–30"RCP
376'–30"RCP
376'–24" RCP
350'–18"RCP
570'–42"
42"
27"

Appendix No. 2 – PRWD Application Packet

Return completed permit application, including two sets of required exhibits, and appropriate fees to:

Pelican River Watershed District
801 Roosevelt Avenue
PO Box 1043
Detroit Lakes, MN 56502
PH (218) 846-0436 FAX (218) 846-0778

(For office use only)

PERMIT APPLICATION NO. _____ — _____

REC'D OFFICE _____ REC'D ENGR/ SWCD_____

PERMIT & FIELD INSPECTION FEES $_____

PERMIT APPLICATION

TO BE COMPLETED BY APPLICANT (Property Owner OR by Governmental Entity if a public project)

1. PROPERTY OWNERS *List all.* **(Last, First, M.I.)**

Address (Street, Box #, City, State, Zip)

Day Telephone **Cellular Phone** **E-mail**

2. PROJECT LOCATION (Attach drawing with directions to site):

LAKE (if applicable) TOWNSHIP(S) TWP NO. RANGE SECTION (1/4) N W LOT, BLOCK, SUBDIVISION

PROJECT ADDRESS: CITY:

3. PERMIT APPLICATION FOR:

_____ **A. alterations to land, vegetation, impervious surface in shore impact zone**

_____ **B. rip-rap or beach sand blanket** (installation, repair, replacement)

_____ **C. alterations to land, vegetation, impervious surface in bluff impact zone or on steep slopes in shoreland district**

_____ **D. retaining wall** (installation, repair, replacement within shore impact or bluff impact zones)

_____ **E. impervious surface** (total cumulative coverage)

_____ more than 25% of lot coverage

_____ 1 acre (43,560 sq. ft.) or greater

_____ more than 10,000 sq. ft. in Shoreland District

_____ **F. subdivisions, plats, or planned unit developments (PUD's)**

_____ **G. highway, road, street, parking lot, or public water access** (construction or reconstruction)

_____ **H. bridges, culverts, inlets to waters of the state; storm sewers** (new or changes to existing structures)

_____ **I. groundwater dewatering** (discharges to Waters of the State)

3.a PROJECT PLAN DESIGN CONTACT
COMPANY, NAME, ADDRESS, PHONE, CELL PHONE, EMAIL,FAX

3.b EROSION CONTROLGRADING CONTACT for our Inspector:
COMPANY, NAME, ADDRESS, PHONE, CELL PHONE, EMAIL,FAX

4. PROJECT DESCRIPTION

5. DATES Proposed start of activity:
(identify any completed work on attached drawing)

Proposed Completion Date:

Submittal Requirements

Applicants must submit all of the following items:

1. Completed permit application (application must be signed by the PROPERTY OWNER or Governmental Entity)
2. 2 copies of drawings, plans and other data as outlined in "Pelican River Watershed District Permit Information Sheets"
3. The application/field inspection fees according to the most recent schedule set by the Board of Managers
4. Street location map

Applying for the permit does not preclude your applying for any necessary permit that may be required from OTHER governmental agencies. Any work performed prior to obtaining all required authorizations may be subject to Federal, State, and/or local administrative, civil and/or criminal penalties. No liability shall be imposed on the district or any of its officers, agents, or employees, officially or personally, on account of the granting of this permit, on an account of any damage to any person or property resulting from any act or omission of the permittee or any of its agents, employees or contractors relating to any matter hereunder. This permit shall not be construed as limiting any legal claim or right of action of the District against the permittee, its agents, employees, or contractors for the violation of or failure to comply with the provisions of the permit or applicable provisions of law.

When all items have been satisfactorily completed and the District determines the project meets the District's Rule requirement, this permit will be issued. The permit may be picked up at the office or it will be mailed out. A copy will be faxed to the applicable governmental entity (Becker County or City of DL Zoning Departments).

The permit will be valid for 18 months from date of issuance unless otherwise suspended or revoked. A permit may be extended at no charge provided the property owner notifies the District in writing stating the reasons for extension. Any plan changes, and related project documents must also be included in the extension application. The District must receive the extension application at least 30 days prior to the permit's expiration date.

If changes are made to the permitted plans for this project, changes must be submitted to the District (in duplicate) for review.
If approved, an amended permit will be issued.

When the project is complete, please call the District office at (218) 846-0436 to request final inspection.

This permit may be terminated by the Board of Managers without notice at any time deemed necessary for the management of the water resources of the District, or in the interest of the public health and welfare, or for violation of any of the provisions of this permit.

'I understand that, as a Permitee, I am legally accountable to ensure compliance with the terms and conditions of the permit. I understand that I am not authorized to begin the project until I receive the permit and the permit sign is posted on the site. If the project is modified, I will obtain approval by the District before I continue with the project. I authorize the District, and its agents, employees, officers and contractors , to enter the project site to perform any inspection or work authorized by the permit or any applicable law."

"I certify that I have thoroughly read and understand the information on this permit application, including submittal requirements."

SIGNATURE: _____ DATE: _____

Property Owner or Authorized Signature of Governmental Entity

APPROVED PERMIT MUST BE POSTED PROMINENTLY ON THE SITE BEFORE ANY WORK CAN BEGIN. THE PELICAN WATERSHED DISTRICT MAY ISSUE STOP-WORK ORDERS ON SITES WITHOUT APPROVED PERMITS. IF A PERMITED SITE IS OUT OF COMPLIANCE WITH ITS PLAN, AS DETERMINED BY INSPECTION, A STOP WORK ORDER MAY BE ISSUED AND PENALITIES APPLIED. VIOLATION OF DISTRICT WATER MANAGEMENT RULES IS A MISDEMEANOR SUBJECT TO A PENALTY AS PROVIDED BY LAW.

ACTION BY PELICAN RIVER WATERSHED DISTRICT

PERMIT NO. _____ — _____

The above application for permit is **APPROVED / DISAPPROVED** this _____ day of _____, 20__
Pelican River Watershed District

BY _____

Its _____

PERMIT INFORMA-TION	Pelican River Watershed District 801 Roosevelt Avenue, P.O. Box 1043, Detroit Lakes, MN 56502 **(218) 846-0436 phone** **(218) 846-0778 fax**

IMPERVIOUS SURFACE PERMITS

Use this packet for preparation of an application for a permit for proposed projects which will result in total impervious surface (new and existing) in excess of 25% of lot area, or an acre (43,360 square feet) or 10,000 square feet within the Shoreland Zone. Refer to the back page for definitions.

Complete and sign enclosed applications to the District office for review and approval. Applications must be signed by the property owner or governmental unit (if applicable). Complete applications will include: (1) signed application; (2) necessary maps, diagrams and any necessary product specifications or calculations in duplicate; and (3) permit application/field inspection fees. Additional information may be required by the District after initial review.

Applications are usually reviewed within 14 days, however the District reserves the right to allow 60 days for approval from receipt of completed application. Once all plans and other permit requirements are met, the Board of Managers or their Designee will approve your permit. You can pick up the signed permit at the District office or we can mail it to you by request. PRWD Staff will inform you within ten (10) days written notice of any deficiencies in your application and ask you to make necessary changes.

In reviewing and approving applications, the following will be taken into consideration:

General Conditions:

Impervious surface changes covered by a District permit may not result in increases in stormwater discharge rates to a lake or stream, or to adjoining properties for the 5-year, 25-year, and 100 -year -24-hour rainfall events.

For areas that are changed, projects must incorporate on-site retention for the 5-year-24-hour rainfall event (3.2 inches). An alternative standard would be to show at least 50% phosphorus and 90% suspended solids removal for a 3.2" rainfall event using Walker's Pondnet model. Examples of such measures include swales, infiltration trenches, French drains. A maintenance schedule must be provided (i.e., if sediment builds up, it will need to be removed)

Projects increasing impervious surfaces covered by a District permit must utilize standard procedures for controlling runoff rates, nutrients and sediments (references to such standards are listed on the last page of this packet).

Proposed actions involving additions of impervious surface over 25% of lot coverage, <u>but</u> less than 1 acre, or less than 10,000 square feet in the Shoreland Zone:

Must include a grading and sediment erosion control plan and a PRWD impervious surface site plan with the permit application.

Proposed actions involving additions of impervious surface of 1 acre or 10,000 square feet or more in the Shoreland Zone:

Must include a grading and sediment erosion control plan and a PRWD stormwater management plan (including a site plan) with the permit application.

THE IMPORTANCE OF BEING PERVIOUS!

The poor water quality in our lakes and streams is linked to the growing imperviousness of our watersheds.

The idea is simple, as more and more of a watershed is covered by surfaces which do not permit infiltration into the ground, more runoff is produced, it moves at a greater speed, and it delivers more pollutants to rivers and lakes.

Pollutants negatively impact receiving waters and the health of the organisms which inhabit them. As impervious coverage increases, the problems multiply.

Consider this extreme case: compared to a meadow of the same slope and size, a parking lot (100% impervious) surface produces 15 times as much runoff from a one-inch storm, 5 times the runoff velocity, 7 times as much nitrogen load, and 4 times as much phosphorus. Fortunately, most watersheds are not 100% impervious. On the other hand, large portions of our watersheds are covered with impervious surface, and the percentage is growing. Research has shown that downstream waters (lakes and streams) of watersheds with as little as 10 percent impervious surface are impacted. Shoreland Zone areas around our lakes are generally between 15 and 25 impervious.

District Rules are aimed at minimizing the effects of Impervious surfaces, particularly in shoreland areas.

WHAT SHOULD SHORELAND OWNERS DO?

Shoreland property owners can reduce impervious surfaces on their properties through careful design. Avoid long driveways, or large parking areas, as examples. Also garages can be oriented in such a way as to eliminate turning areas. For longer driveways, share with a neighbor, reduce driveway width, or use wheel-track designs.

More and more ***pervious*** paving materials are available, and are very suitable for sidewalks, patios, driveways, and parking areas. Contractors can provide information on modular paving blocks, concrete and plastic interlocking units which may be filled by grass or gravel. The subsurface areas are comprised of sand and gravel to promote infiltration. They are suitable for most residential applications, and properly installed, can withstand harsh winters and snowplows. Such pervious installations will initially be more expensive than asphalt or concrete, but may reduce stormwater treatment costs (see box).

Impervious surface can be *expensive*!

Regulations may require on-site retention of runoff from impervious surfaces. These regulations apply to shoreland lots where total imperviousness exceeds 25% or 10,000 square feet. On a 25,000 square foot lot, a 1% increase in impervious surface (e.g. 250 square feet), requires about 60 cubic feet of storage of runoff. That is equivalent to an area 10 feet wide, six feet long, and 1 foot deep. Providing such storage may be expensive and inconvenient.

FOR MORE INFORMATION ON SPECIFIC PERVIOUS PAVING PRODUCTS CONTACT THE WATERSHED DISTRICT OFFICE AT (218) 846-0436.

Do not use this form for projects which have impervious surfaces of one acre or more OR greater than 10,000 square feet in the shoreland district,

IMPERVIOUS SURFACE SITE PLAN

For office use only
Permit Application No.
_____ – _____

Lot Area: _____ **Sq. Ft;**

Impervious area allowable (lot area x 25%): _____**Sq. Ft;**

Current Impervious surface area: _____ **Sq. Ft;**

Proposed Impervious surface area: _____**Sq. Ft;**

Total Impervious surface area _____ **Sq. Ft.**
(See reverse for impervious surface worksheet)

Area in excess of allowable lot coverage _____ **Sq. Ft;**

Estimated retention volume required: _____**Cu. Ft..**
(District staff will calculate this for the applicant).

Site plan should include:

- Property boundaries and adjacent land usage (road right-of-way, buildings, waterways, drainage systems, streams, lakes, wetlands), shore impact zone (if applicable), lot dimensions, north point, date, scale of drawing.
- Existing topography (elevations, contours, drainage directions)
- Locations and dimensions of existing buildings, paved or surfaced areas (driveways, sidewalks, decks, patios), vegetated areas, and septic system.
- Items to be removed (buildings, paved or surfaced areas, vegetated areas, etc.)
- Proposed additions of buildings, paved or surfaced areas, vegetated areas, septic systems, etc.
- Anticipated grading/finished elevations
- Anticipated construction dates
- Stormwater on-site retention areas

DEFINITIONS

Impervious— a constructed hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development.

Pervious surface—a constructed surface that provides a large measure of infiltration into the ground.

Shoreland Zone (or Shoreland District) —means land located within 1000 feet of the Ordinary High Water Level (OHW) of a lake, or 300 feet from a river or stream).

Ordinary High Water (OHW). The boundary of public waters and wetlands which is an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly the point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water is the elevation of the top of the bank of the channel. For many lakes in the District, the DNR has *set a defined the OHW as a specific elevation.*

Examples of impervious surfaces: rooftops, sidewalks, patios, roads, decks, driveways and parking lots constructed of concrete, asphalt, paving stones and bricks, or compacted soils (including "class 5").

IMPERVIOUS COVERAGE WORKSHEET

Type of Impervious Surface	Existing (sq. ft.)	New (proposed) (sq. ft.)	Comments (pervious brands, etc.)
House			
Garage(s)			
Driveway, parking			
Sidewalk			
Patio, Deck			
Guest House, Boathouse, etc.			
Other (specify)			
Totals			

Sources of Standard measures for use in controlling runoff and nutrient discharges.

- *"Protecting Water Quality in Urban Areas" manual (MPCA , 2000) as revised.*
- *"BWSR Minnesota Construction Site Erosion and Sediment Control Planning Handbook" as revised,*
- *NRCS "Slope Protection for Dams and Lakeshores, Minnesota Technical Release 2" (October 1997) as revised,*
- *"Minnesota Urban Small Sites BMP Manual, Met Council, 2001"*
- *"Storm Water Management for Construction Activities: Developing Pollution Prevention Plans and Best Management Practices, U.S. Environmental Protection Agency, 1992", as revised.*

PELICAN RIVER WATERSHED DISTRICT

To protect and enhance the quality of water in the lakes within its jurisdiction and to ensure that wise decisions are made concerning the management of streams, wetlands, lakes, groundwater and related land resources which impact these lakes— PRWD Mission Statement

PERMIT INFORMATION PACKET	Pelican River Watershed District 801 Roosevelt Avenue, P.O. Box 1043, Detroit Lakes, MN 56502 **(218) 846-0436 phone** **(218) 846-0778 fax**

GRADING & EROSION CONTROL PLAN

EROSION & SEDIMENT CONTROL PLAN

The goal of this plan is to prevent erosion from occurring and keep sediment on the site during active construction.

This is accomplished by minimizing: (1) the area and duration of exposed soil and unstable soil conditions; (2) off-site sediment transport on trucks and equipment; (3) work in and adjacent to water bodies and wetlands;(4) soil compaction. In addition, maintain stable slopes, and avoid steep slopes and the need for high cuts and fills.

Natural site topography and soil conditions must be considered to reduce erosion and sedimentation during construction and after project completion. Erosion and sediment control measures must be installed prior to land altering activities and routinely inspected and maintained during the project until final turf and ground cover has been established The project site must be inspected after every rainfall event exceeding 0.5 inches and implement erosion and sediment control measures as addressed as needed. The project must be phased as best as possible to minimize disturbed areas and removal of existing vegetation until necessary for project progress. In order to ensure that sediment is retained on-site, the District may require the permit applicant to provide additional erosion control measures where site conditions warrant. Temporary erosion and sediment control measures (i.e., silt fence, rock access drives) must be removed after all disturbed areas have been stabilized.

All disturbed areas must be restored at a minimum with seed and disced mulch, sod, wood-fiber blanket, or be hard surfaced within 2 weeks from the completion of land alteration. For areas altered with a slope of 3:1 or greater, restoration with sod or wood fiber blanket is required. Typically, restoration with seed and disced mulch must be completed not later than September 15. Areas to be restored with sod must be completed by October 15. Both of these restoration dates are in accordance with Natural Resource Conservation Service requirements.

EROSION AND SEDIMENT CONTROL PLAN MUST INCLUDE:

1. Existing and proposed topographic map which clearly indicates all hydrologic features(i.e., ditches, grass channels, swales, perennial/intermittent streams, wetlands, lakes, ponds, floodplains, culverts, and storm sewers) and areas where grading will expose soils to erosive conditions. The plan must also indicate the direction of all site runoff.
2. Identification of all temporary erosion control measures which will remain in place until permanent vegetation is established for the construction site, including entryways onto sites and for work areas within open water. Examples include, but are not limited to: seeding, mulching, sodding, silt fence, erosion control matting, access drives (rocked filter dike at construction site entrance). Work proposed within open water areas (e.g., installation of a storm sewer outfall) floatation silt curtain must be used.
3. Location and dimensions of all temporary soil or dirt stockpiles.
4. A detailed schedule indicating dates and sequence of land alteration activities; implementation, maintenance and removal of sediment and erosion control measures; and permanent site stabilization measures.
5. Name, address, and phone number of party responsible for maintenance of all erosion control measures.
6. A detailed description of how erosion control, sediment control and soil stabilization measures implemented pursuant to the plan will be monitored, maintained, and removed.
7. Identification of all permanent erosion control measures such as vegetation, outfall spillways, and rip-rap shoreline protection, and their locations.
8. Copy of MPCA Notification of application for an NPDES general permit for projects one acre or more of graded area.
9. Tabulation of all earthwork cut-and-fill volumes and computation of any floodplain volume and/or wetland area changes.

***All actions and plans** must utilize standards and procedures for controlling runoff rates, nutrients, and sediments as described in the "Protecting Water Quality in Urban Areas" manual (MPCA , 2000) as revised.*

PERMIT INFORMATION PACKET	Pelican River Watershed District 801 Roosevelt Avenue, P.O. Box 1043, Detroit Lakes, MN 56502 **(218) 846-0436 phone** **(218) 846-0778 fax**

STORMWATER MANAGEMENT PLAN

The goal of the stormwater management plan is to minimize long-term erosion and manage storm water runoff discharging from the project's impervious surface after construction is complete.

The following items are to be included in the stormwater management plan.

1. description of the proposed land use and a description of all adjacent lands;
2. location/dimensions of property lines, existing roads, buildings, other structures, paved or surfaced areas; utilities (e.g., water, sewer, gas, electric) and easements;
3. detailed site topographic plan showing:existing grades (minimum of 2-foot contours recommended) and all hydrological features such as ditches, grass channels, swales, perennial/intermittent streams, wetlands, lakes, ponds, floodplains, culverts, and stormsewers;
4. tributary subwatersheds and on-site drainage paths;
5. mapping/description of predominant soils from most current version of USDA , "Soil Survey for Becker County, MN";
6. boundaries of existing predominant vegetation and proposed limits of clearing
7. detailed site topographic plan for the proposed project conditions which clearly indicates alterations to existing grades and topographic features. The plan should outline changes in sub-watershed divides, emergency overflows, and drainageways. Proposed location of new roads, buildings, and other structures;
8. show any items to be removed;
9. calculations demonstrating that post-development, peak discharges rates are not increased over existing conditions for the 5-, 25-, and 100-year storm events;
10. calculations demonstrating that detention facilities have been designed with permanent pool volume sufficient to retain the runoff from a 3.2-inch rainfall. An alternative standard would be to show a minimum of 90% removal of total suspended solids and a 50% or higher total phosphorus removal for a 5-year-24-hour rainfall event using Walker's Pond Net model.
11. preliminary landscaping plans for stormwater treatment practices and any site re-vegetation or re-forestation.
12. maintenance plan for on-site treatment measures
13. name, address, telephone number, license number of appropriate professional preparing the plan.

***All actions and plans** must utilize standards and procedures for controlling runoff rates, nutrients, and sediments as described in the "Protecting Water Quality in Urban Areas" manual (MPCA , 2000) as revised.*

If a facility or measure is not addressed in that manual, other resources include "BWSR Minnesota Construction Site Erosion and Sediment Control Planning Handbook" as revised, the NRCS "Slope Protection for Dams and Lakeshores, Minnesota Technical Release 2" (October 1997) as revised, "Minnesota Urban Small Sites BMP Manual, Met Council, 2001", or "Storm Water Management for Construction Activities: Developing Pollution Prevention Plans and Best Management Practices, U.S. Environmental Protection Agency, 1992", as revised.

Actions will not result in increases in stormwater discharge rates to adjoining properties or to waters of the state for the 5-year, 25-year, and 100-year- 24-hour rainfall events.

Appendix No. 3 – NPDES Permit Application

GENERAL PERMIT
AUTHORIZATION TO DISCHARGE
STORMWATER ASSOCIATED WITH CONSTRUCTION ACTIVITY
UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION

ISSUANCE DATE: **August 1, 2008** **EXPIRATION DATE:** **August 1, 2013**

In compliance with the provisions of the Clean Water Act, as amended, (33 U.S.C. 1251 et seq.), 40 CFR 122, 123, and 124, as amended, et seq.; Minn. Stat. chs. 115 and 116, as amended, Minn. R. chs. 7001 and 7090:

This permit regulates the discharges of **stormwater** to the **waters of the state** of Minnesota associated with **construction activity**. This permit covers the **stormwater** discharges identified in Part I.A. of this permit. The limitations on permit coverage are identified in Part I.B. of this permit.

This permit requires the development and implementation of a **Storm Water Pollution Prevention Plan (SWPPP)**. No person shall commence **construction activity** covered by Part I.A. until permit coverage under this permit is effective or, if applicable, until the Minnesota Pollution Control Agency (MPCA) has issued an individual **National Pollutant Discharge Elimination System (NPDES)**/State Disposal System (SDS) construction **stormwater** permit for the project. The **SWPPP** must be completed prior to submitting any permit application and prior to conducting any **construction activity** by any required **Permittee**.

Unless notified by the MPCA to the contrary, applicants who submit a complete and accurate application (including permit fee) in accordance with the requirements of this permit are authorized to discharge **stormwater** from construction sites under the terms and conditions of this permit as described in Part II.B.

Signature: 

Brad Moore
Commissioner
Minnesota Pollution Control Agency

If you have questions on this permit, including the specific permit requirements, permit reporting or permit compliance status, please contact the appropriate MPCA offices.

Minnesota Pollution Control Agency
Municipal Division
Construction Stormwater Program
520 Lafayette Road North
St. Paul, MN 55155-4194
Telephone: 651-296-6300
Toll free in MN 800-657-3864

TABLE OF CONTENTS

PART I. PERMIT COVERAGE AND LIMITATIONS

A. PERMIT COVERAGE

1. This permit is required for **construction activity** and **small construction activity** as defined in 40 CFR pt. 122.26(b)(14)(x) and (b)(15), respectively.

2. This permit authorizes, subject to the terms and conditions of this permit, the discharge of **stormwater** associated with **construction activity** and **small construction activity.**

   Construction activity includes clearing, grading and excavation, that disturbs land of equal to or greater than five (5) acres and includes the disturbance of less than five (5) acres of total land area that is a part of a larger **common plan of development or sale** if the larger common plan will ultimately disturb five (5) acres or more.

   Small construction activity includes clearing, grading and excavation, that disturbs land of equal to or greater than one (1) acre, and includes the disturbance of less than one (1) acre of total land area that is part of a larger **common plan of development or sale** if the larger common plan will ultimately disturb equal to or greater than one and less than five (5) acres. **Small construction activity** does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility.

3. This permit covers all areas of the State of Minnesota.

4. For Parts I.B through Appendix A of this permit, all reference to **construction activity** includes both **small construction activity** and **construction activity**.

5. Coverage under this permit is not required when all runoff from **construction activity** or **small 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.

6. 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, 2003) must continue 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. Any additional permanent treatment in Appendix A. Part C.2 is not required for previously permitted projects that have discharges to impaired waters or if the project is located between 2000 feet and one mile of, and discharges to, a special water.

   a. If the previously permitted ongoing project will meet the termination-of-coverage requirements in Part II.C within 18 months of the issuance date of this reissued permit, the **Permittee(s)** shall comply with the 2003 construction general permit until the project is complete and a **Notice of Termination** consistent with Part II.C. of this reissued permit is submitted.

   b. If the previously permitted ongoing project will not be able to meet the terms and conditions of this reissued permit, an individual permit will be required in accordance with Minn. R. ch. 7001.

B. LIMITATIONS OF COVERAGE

This permit does not cover the following activities:

1. Discharges or releases that are not **stormwater** except those non-**stormwater** discharges authorized under Part IV.D.

2. The placement of fill into **waters of the state** requiring local, state, or federal authorizations (such as U.S. Army Corps of Engineers Section 404 permits, Minnesota Department of Natural Resources Public Waters Work Permits or Local Governmental Unit Wetland Conservation Act replacement plans or determinations).

3. **Stormwater** discharges associated with industrial activity that originate from the site after construction activities have been completed and the site has undergone **Final Stabilization**. Post-construction, industrial **stormwater** discharges may need to be covered by a separate NPDES/SDS permit.

4. Non-point source agricultural and silvicultural discharges excluded from **NPDES** permit requirements under 40 CFR pt. 122.3(e).

5. Discharges to the waters identified below unless the requirements of Appendix A. are complied with:

   a. Discharges into **outstanding resource value waters** as listed in Minn. R. 7050.0180, subp. 3, 4, 5, 6 and 6a, except calcareous fens listed in Minn. R. 7050.0180, subp. 6b.

   b. Discharges into Trout waters as listed in Minn. R. 6264.0050, subp. 2 and 4.

   c. Discharges into **wetlands** as defined in Minn. R. 7050.0130, item F.

   d. Discharges from projects that have not met applicable Environmental Review requirements under state or federal laws.

   e. Discharges that adversely impact or contribute to adverse impacts on a state or federal listed endangered or threatened species or adversely modify a designated critical habitat.

   f. Discharges which adversely affect properties listed or eligible for listing in the National Register of Historic Places or affecting known or discovered archeological sites.

6. Discharges to calcareous fens listed in Minn. R. 7050.0180, subp. 6b, without a letter of approval from the Minnesota Department of Natural Resources (DNR). If the DNR does not respond to the permittee's request for approval within 30 calendar days, the application can be submitted.

7. Discharges to waters identified as impaired pursuant to section 303 (d) of the federal Clean Water Act (33 U.S.C. § 303(d)) where the identified pollutant(s) or stressor(s) are phosphorus (nutrient eutrophication biological indicators), turbidity, dissolved oxygen, or biotic impairment (fish bioassessment, aquatic plant bioassessment and aquatic macroinvertebrate bioassessment), and with or without a U.S. Environmental Protection Agency (USEPA) approved Total Maximum Daily Load (TMDL) for any of these identified pollutant(s) or stressor(s), unless the applicable requirements of Part III.A.9 are met.

PART II. SUBMITTING THE APPLICATION

A. PREREQUISITE FOR SUBMITTING A PERMIT APPLICATION

The **owner** must develop a **SWPPP** in accordance with Part III (Storm Water Discharge Design Requirements) of this permit. The plans are not to be submitted to the MPCA (unless the project size is 50 acres or more and will discharge to certain waters as described in Part II.B.1.b.) but are to be retained by the **owner** in accordance with Part III.D (Record Retention). The applicants' failure to complete the **SWPPP** prior to submitting the application will result in the application being returned and the **stormwater** discharges associated with **construction activity** will not be authorized by this permit.

B. APPLICATION AND DURATION OF COVERAGE

1. Application Required.

   a. The **owner** and **operator** shall submit a complete and accurate application form (or a photocopy thereof) with the appropriate fee for project size (see application form) to the MPCA for each project which disturbs one (1) or more acres of land. The **owner** and **operator** of a **common plan of development or sale** that will ultimately disturb one (1) or more acres must submit a complete and accurate application to the MPCA.

   b. For certain projects or **common plans of development or sale** disturbing 50 acres or more, the application must be submitted at least 30 days before the start of construction activity. This requirement pertains to projects that have a discharge point on the project that is within one mile of, and flows to, a special water listed in Appendix A, Part B. or waters listed as impaired under section 303(d) of the federal Clean Water Act (see the MPCA's web site) where the identified pollutant(s) or stressor(s) are phosphorus (nutrient eutrophication biological indicators), turbidity, dissolved oxygen, or biotic impairment (fish bioassessment, aquatic plant bioassessment and aquatic macroinvertebrate bioassessment). Applicants must submit a complete and accurate application form and **SWPPP** including all calculations for the Permanent **Stormwater** Management System (see Part III.A – C).

2. The **Owner** and **Operator** are **Permittee(s)**. The **owner** who signs the application is a **Permittee** and is responsible for compliance with all terms and conditions of this permit. The **operator** (usually the **general contractor**) who signs the application is a **Permittee** for Parts II.B., Part II.C., Part IV. and applicable construction activity requirements found in Appendix A. Part C. of this permit and is jointly responsible with the **owner** for compliance with those portions of the permit.

3. Permit Coverage. The commencement of any **construction activity** (e.g., land disturbing activities) covered under Part I.A. of this permit is prohibited until permit coverage under this permit is effective or, if applicable, until the MPCA has issued an individual NPDES/SDS construction **stormwater** permit for the project.

   a. Except as provided in subp. 3.b., 3.c. and 3.d below, permit coverage will become effective seven (7) calendar days after the postmarked date of the completed application form.

   b. For projects disturbing 50 acres or more, that have a discharge point on the project that is

within one mile of, and flows to, a special water listed in Appendix A, Part B. or waters listed as impaired under section 303(d) of the federal Clean Water Act, the applicants must submit a complete application and **SWPPP** to the MPCA at least thirty (30) calendar days prior to the commencement of **construction activity**. MPCA staff will review the **SWPPP** submitted with the complete application and permit coverage will become effective 30 calendar days after the postmarked date or MPCA date stamp (whichever is first) of the complete application or on the effective date identified within a permit coverage letter issued by the MPCA. For incomplete applications (e.g. lack of fees or signature) or incomplete **SWPPPs** (e.g. missing calculations, **Best Management Practice (BMP)** specifications or timing of **BMP** installation narrative), the 30 calendar day review period begins on the date that all required information is submitted.

c. For proposals to use Alternative Method(s) for the Permanent Stormwater Management System under Part III.C.5, the applicants must submit a complete application and **SWPPP**, including the Alternative Method documentation under Part III.C.5, to MPCA for review and approval at least 90 days prior to the proposed starting date of **construction activity**.

   i. The MPCA will notify the applicant within the 90-day period, in writing, whether the alternative method is approved or not approved and, if applicable, the basis for denial.

   ii. The applicant may re-submit the alternative method after addressing the MPCA's basis for denial. The MPCA will respond within 30 days.

   iii. Permit coverage will become effective upon receipt of an alternative treatment method approval letter from MPCA. Any **construction activity** on the project is not covered under this permit until receiving the alternative treatment approval letter.

d. Except as provided in parts 3.b. and 3.c., for, projects that apply online, permit coverage will become effective two (2) calendar days after the online application process is complete.

4. Coverage Letter. For projects under subpart 3.a. of this part, the **Permittee(s)** will receive a permit letter and certificate acknowledging permit coverage, usually within 30 days of the postmarked date of the complete application.

5. Change of Coverage. For construction projects where the **owner** or **operator** changes, (e.g., an original developer sells portions of the property to various homebuilders or sells the entire site to a new owner):

   a. The original/current **owner** shall provide a copy of the complete notice of termination/permit modification form (as required in Part II.C.2.b) to the new **owner**. The original/current **owner** shall provide a **SWPPP** to the new **owner** and **operator** that specifically addresses the remaining **construction activity**. Note: The notice of termination/permit modification form replaces the subdivision registration, permit transfer/modification and notice of termination forms.

   b. The new **owner** or **operator** shall submit a complete and signed permit modification portion (permit modifications include subdivision registration or permit transfer) of the notice of termination/permit modification form to the MPCA prior to commencing **construction activity** on site or in no case later than seven (7) days after taking ownership of the property. The new **Permittee(s)** are responsible for compliance with all terms and conditions of this permit as described in Part II.B.2.

   c. If an **operator** or **general contractor** has completed their portion of work on the site, is no

longer in operational control of the project, and all contractual obligations between the **owner** and **operator** or **general contractor** relating to compliance with the terms and conditions of this permit have been met, the **operator** or **general contractor**, may transfer permit coverage back to the **owner** or to a new **operator** using the notice of termination/permit modification form. A signature from both the owner and operator is required.

C. TERMINATION OF COVERAGE

1. **Permittee(s)** wishing to terminate coverage under this permit must submit a **Notice of Termination (NOT)** to the MPCA. Compliance with this permit is required until a **NOT** is submitted. The **Permittee(s)** coverage under this permit terminates at midnight on the postmark date of the **NOT**, or on the date an online **NOT** is submitted to the MPCA.

2. Termination of coverage scenarios:

   a. Termination of coverage for the entire project.

      i. All **Permittee(s)** must submit a **NOT** within 30 days after **Final Stabilization** (see Part IV.G.) has been completed on all portions of the site for which the **Permittee** is responsible and all **construction activity** has been completed. If the site includes permanent stormwater management systems, the requirements for final cleanout/maintenance must be performed as required in **Final Stabilization**, Part IV.G.2.

      ii. **Permittee(s)** must submit a **NOT** within 30 days after selling the entire site including roads and stormwater infrastructure, and coverage is transferred to another owner as described in Part II.B.5.

   b. Termination of coverage for a portion of the entire project.

      All **Permittee(s)** must submit a **NOT** within seven (7) days after selling or otherwise legally transferring portions of the site to another party and they are no longer the **owner** or **operator**. The portions of the site being sold to another party must be in compliance with the permit (e.g. all **temporary erosion protection** and **sediment control** measures must be in place). The form must include signatures from the original **Permittee(s)** and contact information for the new **owner** of the property.

   c. Termination of coverage obtained using a subdivision registration.

      If permit coverage was obtained using the subdivision registration process, **Permittee(s)** are required to submit a **NOT** within 30 days after achieving **Final Stabilization** (see Part IV.G.).

3. **Permittee(s)** that use an alternative method for the Permanent **Stormwater** Management System as described in Part III.C.5, are prohibited from terminating this permit until **Final Stabilization** has been achieved on site and either:

   a. The two years of monitoring data required in Part III.C.5 has been submitted to the MPCA and the MPCA has determined that the required treatment has been achieved. The **Permittee**

will be notified in writing within 30 days after the monitoring data has been submitted. If the **Permittee** has not heard from the MPCA within 30 days after submitting the required data, the Permittee can submit a **NOT**.

b. The Permittee can submit a **NOT**, even if the timeframe is less than two years, if the MPCA determines that the alternative method is achieving the required treatment.

During the monitoring and evaluation of the alternative method, the **Permittee** is not responsible for other permit requirements that have been transferred as described in Part II.B.5.

PART III. STORMWATER DISCHARGE DESIGN REQUIREMENTS

A. STORM WATER POLLUTION PREVENTION PLAN

The **owner** must develop a Storm Water Pollution Prevention Plan (**SWPPP**). The **SWPPP** shall be completed prior to submitting any permit application and prior to conducting any **construction activity** by any required **Permittee(s)**. The plan must be a combination of narrative, plan sheets and if appropriate standard detail sheets that address the foreseeable conditions, at any stage in the construction or post construction activities. The plan must include a description of the nature of the **construction activity**. The plan must address the potential for discharge of sediment and/or other potential pollutants from the site. For **stormwater** discharges from **construction activity** where the **owner** or **operator** changes, the new **owner** or **operator** can implement the original **SWPPP** created for the project, modify the original SWPPP, or develop and implement their own **SWPPP**. **Permittee(s)** shall ensure either directly or through coordination with other **Permittee(s)** that their **SWPPP** meets all terms and conditions of this permit and that their activities do not render another party's **erosion prevention** and **sediment control BMPs** ineffective.

1. As part of the **SWPPP** the **owner** must identify a person knowledgeable and experienced in the application of **erosion prevention** and **sediment control BMPs** who will oversee the implementation of the **SWPPP**, and the installation, inspection and maintenance of the **erosion prevention** and **sediment control BMPs** before and during construction. The **owner** must identify who will have the responsibility for long term operation and maintenance of the Permanent **Stormwater** Management System (see Part III.C.). The **owner** shall develop a chain of responsibility with all **operators** on the site to ensure that the **SWPPP** will be implemented and stay in effect until the construction project is complete, the entire site has undergone **Final Stabilization**, and a **NOT** has been submitted to the MPCA.

2. Training requirements. **Permittee(s)** must comply with these training requirements no later than 18 months after the issuance date of this permit. The **Permittee(s)** shall ensure the individuals identified in this part have been trained in accordance with this Permit's training requirements. The **Permittee(s)** shall ensure the training is recorded in or with the **SWPPP** before the start of construction or as soon as the personnel for the project have been determined.

   a. Who must be trained:

      i. Individual(s) preparing the **SWPPP** for the project.

      ii. Individual(s) overseeing implementation of, revising, and amending the **SWPPP** and individual(s) performing inspections as required in Part IV.E. One of these individual(s) must be available for an on site inspection within 72 hours upon request by the MPCA.

      iii. Individual(s) performing or supervising the installation, maintenance and repair of **BMPs**. At least one individual on a project must be trained in these job duties.

b. Training content. The content and extent of training must be commensurate with the individual's job duties and responsibilities with regard to activities covered under this permit for the project. At least one individual present on the permitted project site (or available to the project site in 72 hours) must be trained in the job duties described in Part III.A.2.a.ii and Part III.A.2.a.iii.

c. Training documentation.

i. Documentation must be in or with the **SWPPP** or be available within 72 hours upon request.

ii. Names of the personnel associated with this project that are required to be trained per Part III.A.2.a. of this permit.

iii. Dates of training and name of instructor(s) and entity providing training.

iv. Content of training course or workshop (including number of hours of training).

d. The **Permittee(s)** shall ensure that the individuals are trained by local, state, federal agencies, professional organizations, or other entities with expertise in **erosion prevention, sediment control** or permanent **stormwater** management such as the University of Minnesota, Minnesota Erosion Control Association, Soil and Water Conservation Districts or the MPCA.

3. The **SWPPP** must incorporate the requirements of Part III (Stormwater Discharge Design Requirements), Part IV (Construction Activity Requirements) and Appendix A for the project. A narrative describing the timing for installation of all **erosion prevention** and **sediment control BMPs** required in Part III, Part IV and Appendix A must also be included in the **SWPPP**.

4. The **SWPPP** requirements must be incorporated into the project's final plans and specifications and/or project documentation, as appropriate, and must include:

a. Location and type of all temporary and permanent **erosion prevention** and **sediment control BMPs** along with procedures to be used to establish additional temporary **BMPs** as necessary for the site conditions during construction. **Standard plates** and/or specifications for the **BMPs** used on the project must be included in the final plans and specifications for the project.

b. Estimated preliminary quantities tabulation anticipated at the start of the project for the life of the project must be included for all **erosion prevention** and **sediment control BMPs** in the **SWPPP**.

c. The **SWPPP** must include the number of acres of impervious surface for both pre- and post-construction.

d. A site map with existing and final grades, including dividing lines and direction of flow for all pre-and post-construction **stormwater** runoff drainage areas located within the project limits. The site map must also include **impervious surfaces** and soil types.

e. Locations of areas not to be disturbed. Buffer zones, if required in Appendix A. Part C.3, must be described and identified on plan sheets or project maps in the **SWPPP**.

f. Location of areas where construction will be phased to minimize duration of exposed soil areas.

g. All **surface waters** and existing **wetlands**, which can be identified on maps such as United States Geological Survey 7.5 minute quadrangle maps or equivalent maps within one mile from the project boundaries, which will receive **stormwater** runoff from the construction site, during or after construction. Where **surface waters** receiving runoff associated with **construction activity** will not fit on the plan sheet, they must be identified with an arrow, indicating both direction and distance to the **surface water**. The **SWPPP** must identify if the **surface water** is a special or impaired water.

h. Methods to be used for **Final Stabilization** of all exposed soil areas.

5. The **Permittee(s)** must amend the **SWPPP** as necessary to include additional requirements, such as additional or modified **BMPs**, designed to correct problems identified or address situations whenever:

   a. There is a change in design, construction, operation, maintenance, weather or seasonal conditions that has a significant effect on the discharge of pollutants to **surface waters** or **underground waters**;

   b. Inspections or investigations by site **operators**, local, state or federal officials indicate the **SWPPP** is not effective in eliminating or significantly minimizing the discharge of pollutants to **surface waters** or **underground waters** or that the discharges are causing water quality standard exceedances (e.g. nuisance conditions as defined in Minn. R. 7050.0210, subp. 2); or

   c. The **SWPPP** is not achieving the general objectives of minimizing pollutants in **stormwater** discharges associated with **construction activity**, or the **SWPPP** is not consistent with the terms and conditions of this permit.

   d. At any time after permit coverage is effective, the MPCA may determine that the project's **stormwater** discharges may cause, have reasonable potential to cause, or contribute to non-attainment of any applicable water quality standard, or that the **SWPPP** does not incorporate the applicable requirements in Part III.A.9, Discharges to Impaired Waters and TMDLs. If MPCA makes such determination(s) or any of the determinations in Parts III.A.5.a.-.c., MPCA will notify the **Permittee(s)** in writing. In response, the **Permittee(s)** must develop a supplemental **BMP** action plan or appropriate **SWPPP** amendments describing **SWPPP** modifications to address the identified concerns and submit information requested by MPCA, which may include an individual permit application. If MPCA's written notification requires a response, failure to respond within the specified timeframe constitutes a permit violation.

6. The **SWPPP** must factor in any findings of and include any **stormwater** mitigation measures required as the result of any environmental, archeological or other required local, state or federal review conducted for the project. For the purposes of this permit provision, mitigation measures mean avoiding, minimizing, rectifying (e.g., repairing, rehabilitating, restoring), reducing,

eliminating or compensating for impacts related to: (1) **stormwater** discharges associated with the project's **construction activity**; and (2) **erosion prevention, sediment control** and the Permanent **Stormwater** Management System for the project.

7. The **SWPPP** must provide additional measures as necessary to assure compliance with **surface and ground water** standards in Minn. R. chs. 7050 and 7060 in karst areas and to ensure protection of drinking water supply management areas (see Minn. R. 4725.4450).

8. If runoff from the site discharges to a calcareous fen listed in Minn. R. 7050.0180, subp. 6b, and a letter of approval from the Minnesota Department of Natural Resources (DNR) has been obtained, this must be documented in the **SWPPP** for the project. Any additional **stormwater** mitigation measures contained in the DNR approval letter must be incorporated into the **SWPPP** for the project. If the DNR does not respond to the request for a letter of approval within 30 calendar days, this must be documented in the SWPPP for the project.

9. Discharges to Impaired Waters and TMDLs

   This part describes the requirements for projects that have a discharge point on the project that is within one mile of, and flows to, an impaired water that is identified on the most recent USEPA approved list of impaired waters. Impaired waters for the purposes of this permit are those waters identified as impaired pursuant to section 303(d) of the Clean Water Act where the identified pollutant(s) or stressor(s) are phosphorus (nutrient eutrophication biological indicators), turbidity, dissolved oxygen, or biotic impairment (fish bioassessment, aquatic plant bioassessment and aquatic macroinvertebrate bioassessment), and a TMDL is either required, or complete and USEPA approved, for any of the identified pollutant(s) or stressor(s).

   a. Requirements for Discharges to Impaired Waters

      For projects that have a discharge point on the project that is within one mile of, and flows to, an impaired water, the **Permittee(s)** must identify the impaired water(s) in the **SWPPP**, and whether there is a USEPA approved TMDL for the pollutant(s) or stressor(s) identified in this part. Unless otherwise notified by the MPCA in writing, the **Permittee(s)** identification of impaired waters must be based on the most recent USEPA approved section 303(d) Clean Water Act list of impaired waters and USEPA approved TMDLs at the time a complete permit application is submitted. The **Permittee(s)** identification must include those TMDLs applicable to the project's **stormwater** discharge that were approved at any time prior to permit application submittal and are still in effect.

   b. Impaired Water Without an Approved TMDL or With an Approved TMDL and No Waste Load Allocation

      If runoff from the site discharges to an impaired water, and a TMDL has not been approved by USEPA or there is a USEPA approved TMDL that does not establish a Waste Load Allocation (WLA) for construction **stormwater**, the **Permittee(s)** must incorporate into their **SWPPP**, and implement, the additional **BMPs** in Appendix A, Part C.1 and C.2.

   c. Impaired Water With an Approved TMDL and WLA

      If runoff from the site discharges to an impaired water for which there is a USEPA approved TMDL that establishes a WLA for construction **stormwater**, and the TMDL does not

identify any specific implementation activities that would apply to the site discharges, the **Permittee(s)** must incorporate into their **SWPPP**, and implement, the additional BMPs in Appendix A, Part C.1 and C.2. If the TMDL identifies specific implementation activities regarding construction stormwater that would apply to the site discharges, the Permittee(s) must include the following in the **SWPPP**:

i. Identify the receiving water, the areas of the site discharging to it, and the pollutant(s) identified in the TMDL; and

ii. **BMPs** identified in the TMDL and any other specific construction stormwater related implementation activities identified in the TMDL.

B. TEMPORARY SEDIMENT BASINS

Where ten (10) or more acres of disturbed soil drain to a common location, a temporary (or permanent) sediment basin must be provided prior to the runoff leaving the construction site or entering **surface waters**. The **Permittee** is encouraged, but not required, to install temporary sediment basins where appropriate in areas with steep slopes or highly erodible soils even if less than ten (10) acres drains to one area. The basins must be designed and constructed according to the following requirements:

1. The basins must provide storage below the outlet pipe for a calculated volume of runoff from a two (2) year, 24 hour storm from each acre drained to the basin, except that in no case shall the basin provide less than 1800 cubic feet of storage below the outlet pipe from each acre drained to the basin.

2. Where no such calculation has been performed, a temporary (or permanent) sediment basin providing 3,600 cubic feet of storage below the outlet pipe per acre drained to the basin, shall be provided where attainable until **permanent cover** is established for the entire drainage area of the temporary basin.

3. Temporary basin outlets must be designed to prevent short-circuiting and the discharge of floating debris. The basin must be designed with the ability to allow complete basin drawdown (e.g., perforated riser pipe wrapped with filter fabric and covered with crushed gravel, pumps or other means, see Part IV.D.) for maintenance activities, and provide a **stabilized** emergency overflow to prevent failure of pond integrity. **Energy dissipation** must be provided for the basin outlet (see Part IV.B.4).

4. The temporary (or permanent) basins must be constructed and made operational concurrent with the start of soil disturbance that is upgradient of the area and contributes runoff to the pond.

5. Where the temporary sediment basin is not attainable due to site limitations, equivalent **sediment controls** such as smaller sediment basins, and/or sediment traps, silt fences, vegetative buffer strips, or any appropriate combination of measures are required for all down slope boundaries of the construction area and for those side slope boundaries deemed appropriate as dictated by individual site conditions. In determining whether installing a sediment basin is attainable, the **Permittee** must consider public safety and may consider factors such as site soils, slope, and available area on site. This determination must be documented in the **SWPPP**.

C. PERMANENT STORMWATER MANAGEMENT SYSTEM

All **stormwater** must be discharged in a manner that does not cause nuisance conditions, erosion in receiving channels or on downslope properties, or inundation in **wetlands** causing a significant adverse impact to the **wetlands**.

Where a project's ultimate development replaces vegetation and/or other pervious surfaces with one or more acres of cumulative **impervious surface**, a **water quality volume** of ½ inch of runoff from the new **impervious surfaces** created by the project must be treated by one of the methods outlined in Part III.C.1 through Part III.C.5 prior to the runoff leaving the construction site or entering **surface waters** (excluding man made drainage systems that convey **stormwater** to a constructed permanent **stormwater** management facility designed to treat the **water quality volume** from the project).

For those areas of a project where there is no feasible way to meet the treatment requirement for the **water quality volume**, other treatment such as grassed swales, smaller ponds or grit chambers is required prior to discharge to **surface waters**. A cumulative maximum of three (3) acres or 1% of project size whichever is larger can be treated in this manner.

Where the proximity to bedrock precludes the installation of any of the permanent **stormwater** management practices outlined in Part III.C., other treatment, such as grassed swales, smaller ponds, or grit chambers, is required prior to discharge to **surface waters**.

For work on linear projects where the lack of right of way precludes the installation of any of the permanent **stormwater** management practices outlined in Part III.C., other treatment such as grassed swales, smaller ponds, or grit chambers, is required prior to discharge to **surface waters**. A reasonable attempt must be made to obtain right of way during the project planning process. Documentation of these attempts must be in the **SWPPP** for the project or made available upon request within 72 hours.

1. Wet Sedimentation Basin

    a. The basin must have a permanent volume of 1800 cubic feet of storage below the outlet pipe for each acre that drains to the basin. The basin's permanent volume must reach a minimum depth of at least 3 feet and must have no depth greater than 10 feet. The basin must be configured such that scour or resuspension of solids is minimized.

    b. The basin's **water quality volume** is calculated as ½ inch of runoff from the new **impervious surfaces** created by the project.

    c. Basin outlets shall be designed such that the **water quality volume** is discharged at no more than 5.66 cubic feet per second (cfs) per acre of surface area of the pond.

    d. Basin outlets must be designed to prevent short-circuiting and the discharge of floating debris. Basin outlets must have **energy dissipation**.

    e. The basin must provide a **stabilized** emergency overflow to accommodate storm events in excess of the basin's hydraulic design.

    f. Adequate maintenance access must be provided (typically 8 ft. wide) along with a maintenance plan identifying whom will be performing future maintenance of the basin.

2. Infiltration/Filtration

Infiltration/Filtration options include but are not limited to: infiltration basins, infiltration trenches, rainwater gardens, sand filters, organic filters, bioretention areas, enhanced swales, dry storage ponds with underdrain discharge, off-line retention areas, and natural depressions. Infiltration must be used only as appropriate to the site and land uses. Settleable solids, floating materials, oils and grease should be removed from the runoff to the maximum extent practicable before runoff enters the infiltration/filtration system. Filtration systems must have a reasonable chance of achieving approximately 80% removal of total suspended solids. The **Permittee(s)** must evaluate the impact of constructing an infiltration practice on existing hydrologic features (e.g., existing **wetlands**) and try to maintain pre-existing conditions (e.g., do not breach a perched water table which is supporting a **wetland**). For a discussion of potential stormwater hotspots, ground water warnings, design measures, maintenance considerations or other retention, detention, and treatment devices, see the **Minnesota Stormwater Manual** or MPCA's **Protecting Water Quality in Urban Areas** found on the MPCA's web-site.

a. Infiltration systems should not be excavated to final grade until the contributing drainage area has been constructed and fully **stabilized**.

b. During construction of an infiltration system, rigorous **erosion prevention** and **sediment controls** (e.g., diversion berms) should be used to keep sediment and runoff completely away from the infiltration area. The area must be staked off and marked so that heavy construction equipment will not compact the soil in the proposed infiltration area.

c. To prevent clogging of the infiltration or filtration system, a pretreatment device such as a vegetated filter strip, small sedimentation basin, or water quality inlet (e.g., grit chamber) must be used to settle particulates before the **storm water** discharges into the infiltration or filtration system.

d. Infiltration or filtration systems shall be sufficient to infiltrate or filter a **water quality volume** of ½ inch of runoff from the new **impervious surfaces** created by the project.

e. The **water quality volume** shall discharge through the soil surface or filter media in 48 hours or less. Additional flows that cannot be infiltrated or filtered in 48 hours should be routed to bypass the system through a **stabilized** discharge point. A way to visually verify that the system is operating as designed must be provided.

f. Appropriate on-site testing consistent with the recommendations found in the **Minnesota Stormwater Manual** shall be conducted to ensure a minimum of 3 feet of separation from the seasonally **saturated soils** (or from bedrock) and the bottom of the proposed infiltration system. Calculations or computer model results that demonstrate the design adequacy of the infiltration system must be included as part of the **SWPPP**.

g. Adequate maintenance access must be provided (typically 8 ft. wide) along with a maintenance plan identifying whom will be performing future maintenance of the infiltration or filtration system.

h. Use of designed infiltration systems receiving runoff from vehicle fueling and maintenance areas is prohibited.

3. Regional Ponds

Regional ponds can be used provided that they are constructed ponds, not a natural **wetland** or

water body, (**wetlands** used as regional ponds must be mitigated for, see Appendix A) and designed in accordance with this permit's design requirements (see Part III.C.1) for all water from **impervious surfaces** that reach the pond. **Permittee(s)** shall not construct regional ponds in **wetlands**, regardless of their condition, quality or designation by local plans, unless the mitigative sequence in Appendix A. D. of this permit has been completed. There must be no significant degradation of the waterways between the project and the regional pond. The **owner** must obtain written authorization from the applicable local governmental unit (LGU) or private entity that owns and maintains the regional pond. The LGU's or private entity's written authorization must identify that the regional pond will discharge the **water quality volume** (½ inch of runoff from the impervious watershed area) at no more than 5.66 cfs per acre of surface area of the pond. The **owner** must include the LGU's or private entities' written authorization in the **SWPPP**. The LGU's or private entity's written authorization must be obtained before the **owner** finalizes the **SWPPP** and before any application for this permit is made to the MPCA.

4. Combination of Practices

A combination of practices, including those required by a LGU, which meet the requirements of Part III.C.1, 2 and 3 respectively, (i.e., wet sedimentation basins, infiltration/filtration, and regional ponds) may be used such that the **water quality volume** of ½ inch of runoff from the new **impervious surfaces** created by the project is accounted for in the **owner's** permanent **storm water** management system (e.g., ¼ inch infiltrated and ¼ inch treated through a wet sedimentation basin). If any combination of these practices is used, the **SWPPP** must contain documentation (e.g.. LGU or private entity's authorization, infiltration computer model results or calculations, etc.) identifying the volume that each practice addresses.

5. Alternative Method

Where an alternative, innovative treatment system is proposed and demonstrated by calculation, design or other independent methods to achieve approximately 80% removal of total suspended solids on an annual average basis, the **Commissioner** will approve the method if the process outlined in Part II.B.3.c. is completed, and the following information is submitted:

a. All calculations, drainage areas, plans, and specifications for the proposed alternative method and a graphic representation of the area to be served by the method. These items must be included in the **SWPPP** and submitted to the MPCA at least 90 days prior to the proposed starting date of the **construction activity**.

b. A two (2) year monitoring plan to sample runoff from the proposed method. The plan must include a discussion of the methods used to collect samples, location where samples will be taken (upstream and downstream of the proposed method), frequency of samples (minimum of six runoff events sampled), identify lab used to analyze the samples and quality assurance and quality control methods to be used. The plan must include a schedule for submitting the monitoring data annually.

c. A mitigation plan that addresses how the **water quality volume** will be treated in the event that the monitoring data shows the proposed alternative treatment method does not function as designed.

d. The alternative method must achieve approximately 80% removal of total suspended solids on an average annual basis for the conditions expected at the site. The design must also consider public safety, health and water quality concerns. Proprietary information on

effectiveness will not be considered for alternative treatment method review and approval.

No **construction activity** on the project is covered under this permit until the applicant receives an alternative treatment approval letter from the MPCA as described in Part II.B.3.c.

D. RECORD RETENTION

The **SWPPP** (original or copies) including, all changes to it, and inspections and maintenance records must be kept at the site during construction by the **Permittee** who has operational control of that portion of the site. The **SWPPP** can be kept in either the field office or in an on site vehicle during normal working hours.

All **owner(s)** must keep the **SWPPP**, along with the following additional records, on file for three (3) years after submittal of the **NOT** as outlined in Part II.C. This does not include any records after submittal of the **NOT**.

1. Any other permits required for the project;

2. Records of all inspection and maintenance conducted during construction (see Part IV.E. Inspections and Maintenance);

3. All permanent operation and maintenance agreements that have been implemented, including all right of way, contracts, covenants and other binding requirements regarding perpetual maintenance; and

4. All required calculations for design of the temporary and Permanent **Stormwater** Management Systems.

PART IV. CONSTRUCTION ACTIVITY REQUIREMENTS

A. STORM WATER POLLUTION PREVENTION PLAN

The **Permittee(s)** must implement the **SWPPP** and the requirements of this part. The **BMPs** identified in the **SWPPP** and in this permit must be selected, installed, and maintained in an appropriate and functional manner that is in accordance with relevant manufacturer specifications and accepted engineering practices.

B. EROSION PREVENTION PRACTICES

1. The **Permittee(s)** must plan for and implement appropriate construction phasing, vegetative buffer strips, horizontal slope grading, and other construction practices that minimize erosion, so that the inspection and maintenance requirements of Part IV.E. are complied with. The location of areas not to be disturbed must be delineated (e.g. with flags, stakes, signs, silt fence etc.) on the development site before work begins.

2. All exposed soil areas must be **stabilized** as soon as possible to limit soil erosion but in no case later than 14 days after the construction activity in that portion of the site has temporarily or permanently ceased. Temporary stockpiles without significant silt, clay or organic components (e.g., clean aggregate stockpiles, demolition concrete stockpiles, sand stockpiles) and the constructed base components of roads, parking lots and similar surfaces are exempt from this requirement but must comply with Part IV.C.5.

3. The **normal wetted perimeter** of any temporary or permanent drainage ditch or swale that drains water from any portion of the construction site, or diverts water around the site, must be **stabilized** within 200 lineal feet from the property edge, or from the point of discharge into any **surface water**. Stabilization of the last 200 lineal feet must be completed within 24 hours after connecting to a **surface water**.

   Stabilization of the remaining portions of any temporary or permanent ditches or swales must be complete within 14 days after connecting to a **surface** water and construction in that portion of the ditch has temporarily or permanently ceased.

   Temporary or permanent ditches or swales that are being used as a sediment containment system (with properly designed rock ditch checks, bio rolls, silt dikes etc.) do not need to be **stabilized**. These areas must be **stabilized** within 24 hours after no longer being used as a sediment containment system.

4. Pipe outlets must be provided with temporary or permanent **energy dissipation** within 24 hours after connection to a **surface water**.

C. SEDIMENT CONTROL PRACTICES

1. **Sediment control** practices must minimize sediment from entering **surface waters**, including curb and gutter systems and storm sewer inlets.

   a. Temporary or permanent drainage ditches and sediment basins that are designed as part of a sediment containment system (e.g., ditches with rock check dams) require **sediment control** practices only as appropriate for site conditions.

   b. If the down gradient treatment system is overloaded, additional upgradient **sediment control** practices or redundant BMPs must be installed to eliminate the overloading, and the **SWPPP** must be amended to identify these additional practices as required in Part III.A.4, a. through c.

   c. In order to maintain sheet flow and minimize rills and/or gullies, there shall be no unbroken slope length of greater than 75 feet for slopes with a grade of 3:1 or steeper.

2. **Sediment control** practices must be established on all down gradient perimeters 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.

3. The timing of the installation of **sediment control** practices may be adjusted to accommodate short-term activities such as clearing or grubbing, or passage of vehicles. Any short-term activity must be completed as quickly as possible and the **sediment control** practices must be installed immediately after the activity is completed. However, **sediment control** practices must be installed before the next precipitation event even if the activity is not complete.
4. All storm drain inlets must be protected by appropriate **BMPs** during construction until all sources with potential for discharging to the inlet have been **stabilized**. Inlet protection may be removed for a particular inlet if a specific safety concern (street flooding/freezing) has been identified and the **Permittee(s)** have received written correspondence from the jurisdictional authority (e.g. city/county/township/MnDOT engineer) verifying the need for removal. The written correspondence must be documented in the **SWPPP** or available within 72 hours upon

request. When written correspondence can not be obtained in a timely manner, the specific inlet protection can be removed to alleviate the immediate safety concern. However, efforts to obtain written correspondence must be documented in the SWPPP and available within 72 hours upon request. Permission to remove inlet protection based on a specific safety concern must still be obtained from the jurisdictional authority within 30 days of removal.

5. Temporary soil stockpiles must have silt fence or other effective **sediment controls**, and cannot be placed in **surface waters**, including **stormwater** conveyances such as curb and gutter systems, or conduits and ditches unless there is a bypass in place for the stormwater.

6. Vehicle tracking of sediment from the construction site (or onto streets within the site) must be minimized by **BMPs** such as stone pads, concrete or steel wash racks, or equivalent systems. Street sweeping must be used if such **BMPs** are not adequate to prevent sediment from being tracked onto the street (see Part IV.E.4.d.).

7. The **Permittee** must install temporary sedimentation basins as required in Part III.B. of this permit.

D. DEWATERING AND BASIN DRAINING

1. **Dewatering** or basin draining (e.g., pumped discharges, trench/ditch cuts for drainage) related to the **construction activity** that may have turbid or sediment laden discharge water must be discharged to a temporary or permanent sedimentation basin on the project site whenever possible. Discharge from the temporary or permanent sedimentation basin must be visually checked to ensure adequate treatment is obtained in the basin and that nuisance conditions (see Minn. R. 7050.0210, subp. 2) will not result from the discharge. If the water cannot be discharged to a sedimentation basin prior to entering the **surface water**, it must be treated with the appropriate **BMPs**, such that the discharge does not adversely affect the receiving water or downstream landowners. The **Permittee(s)** must ensure that discharge points are adequately protected from erosion and scour. The discharge must be dispersed over natural rock riprap, sand bags, plastic sheeting, or other accepted **energy dissipation** measures. Adequate sedimentation control measures are required for discharge water that contains suspended solids.

2. All water from **dewatering** or basin draining activities must be discharged in a manner that does not cause nuisance conditions, erosion in receiving channels or on downslope properties, or inundation in **wetlands** causing significant adverse impact to the **wetland.**

E. INSPECTIONS AND MAINTENANCE

1. The **Permittee(s)** (either the **owner** or **operator**, whoever is identified in the **SWPPP**) must routinely inspect the entire construction site at least once every seven (7) days during active construction and within 24 hours after a rainfall event greater than 0.5 inches in 24 hours. Following an inspection which occurs within 24 hours after a rainfall event, the next inspection must be conducted within seven (7) days after that.

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

   a. Date and time of inspections;

b. Name of person(s) conducting inspections;

c. Findings of inspections, including recommendations for corrective actions;

d. Corrective actions taken (including dates, times, and party completing maintenance activities);

e. Date and amount of all rainfall events greater than 1/2 inch (0.5 inches) in 24 hours;

f. Documentation of changes made to the **SWPPP** as required in Part III.A.4; and

3. Where parts of the construction site have **permanent cover**, but work remains on other parts of the site, inspections of the areas with **permanent cover** may be reduced to once per month. Where construction sites have **permanent cover** on all exposed soil areas and no construction activity is occurring anywhere on the site, the site must be inspected for a period of twelve (12) months (the inspections may be ceased during frozen ground conditions). Following the twelfth month of **permanent cover** and no **construction activity**, inspections may be terminated until construction activity is once again initiated or sooner if notified in writing by the MPCA. Where work has been suspended due to frozen ground conditions, the required inspections and maintenance schedule must begin within 24 hours after runoff occurs at the site or prior to resuming construction, whichever comes first.

4. All **erosion prevention** and **sediment control BMPs** must be inspected to ensure integrity and effectiveness. All nonfunctional **BMPs** must be repaired, replaced, or supplemented with functional **BMPs** within 24 hours after discovery, or as soon as field conditions allow access unless another time frame is specified below. The **Permittee(s)** must investigate and comply with the following inspection and maintenance requirements:

   a. All silt fences must be repaired, replaced, or supplemented when they become nonfunctional or the sediment reaches 1/3 of the height of the fence. These repairs must be made within 24 hours of discovery, or as soon as field conditions allow access.

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

   c. **Surface waters**, including drainage ditches and conveyance systems, must be inspected for evidence of erosion and sediment deposition. The **Permittee(s)** must remove all deltas and sediment deposited in **surface waters**, including drainage ways, catch basins, and other drainage systems, and restabilize the areas where sediment removal results in exposed soil. The removal and stabilization must take place within seven (7) days of discovery unless precluded by legal, regulatory, or physical access constraints. The **Permittee** shall use all reasonable efforts to obtain access. If precluded, removal and stabilization must take place within seven (7) calendar days of obtaining access. The **Permittee** is responsible for contacting all local, regional, state and federal authorities and receiving any applicable permits, prior to conducting any work.

d. Construction site vehicle exit locations must be inspected for evidence of off-site sediment tracking onto paved surfaces. Tracked sediment must be removed from all paved surfaces, within 24 hours of discovery, or if applicable, within a shorter time to comply with Part IV.C.6.

e. The **Permittee(s)** are responsible for the operation and maintenance of temporary and permanent water quality management **BMPs**, as well as all **erosion prevention** and **sediment control BMPs**, for the duration of the construction work at the site. The **Permittee(s)** are responsible until another **Permittee** has assumed control according to Part II.B.5 over all areas of the site that have not been finally **stabilized** or the site has undergone **Final Stabilization**, and a **NOT** has been submitted to the MPCA.

f. If sediment escapes the construction site, off-site accumulations of sediment must be removed in a manner and at a frequency sufficient to minimize off-site impacts (e.g., fugitive sediment in streets could be washed into storm sewers by the next rain and/or pose a safety hazard to users of public streets).

5. All infiltration areas must be inspected to ensure that no sediment from ongoing **construction activity** is reaching the infiltration area and these areas are protected from compaction due to construction equipment driving across the infiltration area.

F. POLLUTION PREVENTION MANAGEMENT MEASURES

The **Permittee(s)** shall implement the following pollution prevention management measures on the site:

1. Solid Waste: Collected sediment, asphalt and concrete millings, floating debris, paper, plastic, fabric, construction and demolition debris and other wastes must be disposed of properly and must comply with MPCA disposal requirements.

2. Hazardous Materials: Oil, gasoline, paint and any hazardous substances must be properly stored, including secondary containment, to prevent spills, leaks or other discharge. Restricted access to storage areas must be provided to prevent vandalism. Storage and disposal of hazardous waste must be in compliance with MPCA regulations.
3. 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. Concrete washout onsite: All liquid and solid wastes generated by concrete washout operations must be contained in a leak-proof containment facility or impermeable liner. A compacted clay liner that does not allow washout liquids to enter ground water is considered an impermeable liner. The liquid and solid wastes must not contact the ground, and there must not be runoff from the concrete washout operations or areas. Liquid and solid wastes must be disposed of properly and in compliance with MPCA regulations. A sign must be installed adjacent to each washout facility to inform concrete equipment operators to utilize the proper facilities.

G. FINAL STABILIZATION

The **Permittee(s)** must ensure **Final Stabilization** of the site. **Final Stabilization** requires all of Parts IV.G.1-5 or Part IV.G.6:

1. **Final Stabilization** requires that 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% over the entire pervious surface area, or other equivalent means necessary to prevent soil failure under erosive conditions.

2. The **Permittee(s)** must ensure that the permanent **stormwater** treatment system meets all requirements in Part III, C. This includes but is not limited to, a final clean out of temporary or permanent sedimentation basins that are to be used as permanent water quality management basins and final construction or maintenance of infiltration basins. All sediment must be removed from conveyance systems and ditches must be **stabilized** with **permanent cover**.

3. Prior to submission of the **NOT**, all temporary synthetic and structural **erosion prevention** and **sediment control BMPs** (such as silt fence) must be removed on the portions of the site for which the **Permittee** is responsible. **BMPs** designed to decompose on site (such as some compost logs) may be left in place.

4. For residential construction only, individual lots are considered finally **stabilized** if the structure(s) are finished & **temporary erosion protection** and downgradient perimeter control has been completed and the residence has been sold to the homeowner. Additionally, the **Permittee** must distribute the MPCA's "**Homeowner Fact Sheet**" to the homeowner to inform the homeowner of the need for, and benefits of, **permanent cover**.

5. For construction projects on land used for agricultural purposes (e.g., pipelines across crop or range land) **Final Stabilization** may be accomplished by returning the disturbed land to its preconstruction agricultural use.

6. A **Permittee** may terminate permit coverage prior to completion of all **construction activity** if all of the following conditions are met in addition to Part IV.G.2 through Part IV.G.3 and where applicable, Part IV.G.4 or Part IV.G.5.

   a. **Construction activity** has ceased for at least 90 days.

   b. At least 90% (by area) of all originally proposed **construction activity** has been completed and **permanent cover** established on those areas.

   c. On areas where **construction activity** is not complete, **permanent cover** has been established.

PART V. GENERAL PROVISIONS

A. APPLICABILITY CRITERIA

1. If the **Commissioner** determines that **stormwater** discharges associated with a **construction activity** are contributing to a violation of a water quality standard or would be more appropriately regulated by an individual permit, the **Commissioner** may require the **owner** to be covered by an individual **stormwater** discharge permit. The **Commissioner** may require the **owner** to develop and implement specific **BMPs** and monitor the discharge from the site. If applicable, upon issuance of an individual permit, this general permit would no longer apply.

2. If the terms and conditions of this general permit cannot be met, an **owner** may request an individual permit, in accordance with Minn. R. 7001.

3. Any interested person may petition the MPCA to require an individual NPDES/SDS permit in accordance with 40 CFR 122.28(b)(3).

B. RESPONSE

The **SWPPP**, including all certificates, reports, records, or other information required by this permit, must be made available to federal, state, and local officials within 72 hours upon request for the duration of the permit and for three years following the **NOT**. This does not include any records after submittal of the **NOT**.

C. PROHIBITIONS

This permit prohibits discharges of any material other than **stormwater,** and discharges from **dewatering** or basin draining activities in accordance with Part IV.D.1 and 2. For example, prohibited discharges include but are not limited to vehicle and equipment washing, maintenance spills, wash water, and discharges of oil and other hazardous substances.

D. TRANSFER OF OWNERSHIP OR CONTROL

This permit may not be assigned or transferred by the permit holder except when transfer occurs in accordance with the applicable requirements of Part II.B.5.

E. CIVIL AND CRIMINAL LIABILITY

Nothing in this permit must be construed to relieve the **Permittee(s)** from civil or criminal penalties for noncompliance with the terms and conditions provided herein. Nothing in this permit must be construed to preclude the initiation of any legal action or relieve the **Permittee(s)** from any responsibilities, liabilities, or penalties to which the **Permittee(s)** is or may be subject to under Section 311 of the Act and Minn. Stat. chs. 115 and 116, as amended. The **Permittee(s)** are not liable for permit requirements for activities occurring on those portions of a site where another party has submitted a notice of termination/permit modification form as described in Part II. B.5.b or the permittee has submitted the notice of termination/permit modification form as described in Part II.C.2.b except for monitoring responsibilities listed under Part III.C.5 if applicable.

F. SEVERABILITY

The provisions of this permit are severable. If any provision of this permit, or the application of any provision of this permit to any circumstances, is held invalid, the application of such provision to other circumstances, and the remainder of this permit must not be affected thereby.

G. NPDES/SDS RULE STANDARD CONDITIONS

The **Permittee(s)** must comply with the provisions of Minn. R. 7001.0150, subp. 3 and Minn. R. 7001.1090, subp. 1(A), 1(B), 1(C), 1(H), and 1(I). This permit does not require the submittal of a data monitoring report, except where monitoring is required in Part III.C.5.

H. INSPECTION AND ENTRY

The **Permittee(s)** must comply with the provisions of 40 CFR 122.41(i), Minn. Stat. ch. 115.04 and Minn. Stat. ch. 115B.17. The **Permittee(s)** shall allow representatives of the MPCA or any member, employee or agent thereof, when authorized by it, upon presentation of credentials, to enter upon any property, public or private, for the purpose of obtaining information or examination of records or conducting surveys or investigations.

APPENDIX A

A. GENERAL REQUIREMENTS

All requirements in this Appendix are in addition to **BMPs** already specified in the permit. Where provisions of Appendix A conflict with requirements elsewhere in the permit, the provisions in Appendix A take precedence. All **BMPs** used to comply with this Appendix must be documented in the **SWPPP** for the project. If the terms and conditions of this Appendix cannot be met, an individual permit will be required in accordance with Minn. R. ch. 7001.

B. REQUIREMENTS FOR DISCHARGES TO SPECIAL WATERS AND IMPAIRED WATERS

Additional **BMPs** together with enhanced runoff controls are required for discharges to the following special waters (part B.1 through B.8 of Appendix A) and impaired waters (part B.9 of Appendix A). The **BMPs** identified for each special or impaired water are required for those areas of the project draining to a discharge point on the project that is within one mile of a special or impaired water and flows to that special or impaired water.

1. **Wilderness areas:** Boundary Waters Canoe Area Wilderness; Voyageurs National Park; Kettle River from the site of the former dam at Sandstone to its confluence with the Saint Croix River; Rum River from Ogechie Lake spillway to the northernmost confluence with Lake Onamia. Discharges to these waters must incorporate the **BMPs** outlined in C.1, C.2, C.3 and C.4 of this Appendix.

2. **Mississippi River:** Those portions from Lake Itasca to the southerly boundary of Morrison County that are included in the Mississippi Headwaters Board comprehensive plan dated February 12, 1981. Discharges to these waters must incorporate the **BMPs** outlined in C.1, C.2 and C.3 of this Appendix.

3. **Scenic or recreational river segments:** Saint Croix river, entire length; Cannon River from northern city limits of Faribault to its confluence with the Mississippi River; North Fork of the Crow River from Lake Koronis outlet to the Meeker-Wright county line; Kettle River from north Pine County line to the site of the former dam at Sandstone; Minnesota River from Lac qui Parle dam to Redwood County state aid highway 11; Mississippi River from county state aid highway 7 bridge in Saint Cloud to northwestern city limits of Anoka; and Rum River from state aid Highway 27 bridge in Onamia to Madison and Rice streets in Anoka. Discharges to these waters must incorporate the **BMPs** outlined in C.1, C.2 and C.3 of this Appendix.

4. **Lake Superior:** (Prohibited and restricted.) Discharges to Lake Superior must incorporate the **BMPs** outlined in C.1, C.2 and C.3 of this Appendix.

5. **Lake Trout Lakes:** Identified in Minn. R. 7050.0470, including those inside the boundaries of the Boundary Waters Canoe Area Wilderness and Voyageurs National Park. Discharges to these waters must incorporate the **BMPs** outlined in C.1, C.2, C.3 and C.4 of this Appendix.

6. **Trout Lakes:** Identified in Minn. R. 6264.0050, subp. 2. Discharges to these waters must incorporate the **BMPs** outlined in C.1, C.2, C.3, and C.4 of this Appendix.

7. **Scientific and natural areas:** Boot Lake, Anoka County; Kettle River in sections 15, 22, 23, T 41 N, R 20, Pine County; Pennington Bog, Beltrami County; Purvis Lake-Ober Foundation, Saint Louis County; Waters within the borders of Itasca Wilderness Sanctuary, Clearwater County; Iron Springs Bog, Clearwater County; Wolsfeld Woods, Hennepin County; Green Water Lake, Becker County; Blackdog Preserve, Dakota County; Prairie Bush Clover, Jackson County; Black Lake Bog, Pine County; Pembina Trail Preserve, Polk County; and Falls Creek, Washington County. Discharges to these waters must incorporate the **BMPs** outlined in C.1, C.2, C.3 and C.4 of this Appendix.

8. **Trout Streams:** Listed in Minn. R. 6264.0050, subp. 4. Discharges to these waters must incorporate the **BMPs** outlined in C.1, C.2, C.3, and C.5 of this Appendix.

9. **Impaired Waters**: waters identified as impaired under section 303 (d) of the federal Clean Water Act for phosphorus (nutrient eutrophication biological indicators), turbidity, dissolved oxygen or aquatic biota (fish bioassessment, aquatic plant bioassessment and aquatic macroinvertebrate bioassessment). Discharges to these waters must incorporate the **BMPs** outlined in C.1 and C.2 of this Appendix.

Note on impaired waters listing terminology: The terms in parenthesis in Appendix A Part B.9 above are the most current terminology used to list waters as impaired at the time of permit issuance. 'These terms are subject to change. For example, at one time waters were listed as impaired for phosphorus and now those same waters are listed as impaired for nutrient eutrophication biological indicators. If the terminology changes for one of the pollutant(s) or stressor(s) identified in the permit, the MPCA will keep a list of the new terms on its construction **stormwater** web site.

C. ADDITIONAL BMPS FOR SPECIAL WATERS AND IMPAIRED WATERS

For the BMPs described in C.2, C.4 and C.5 of this Appendix:

Where the proximity to bedrock precludes the installation of any of the permanent **stormwater** management practices outlined in Appendix A, other treatment such as grassed swales, smaller ponds, or grit chambers is required prior to discharge to **surface waters.**

For work on linear projects where the lack of right of way precludes the installation of any of the permanent **stormwater** management practices outlined in Appendix A, other treatment such as grassed swales, smaller ponds, or grit chambers is required prior to discharge to **surface waters.**

1. During construction.

   a. All exposed soil areas must be **stabilized** as soon as possible to limit soil erosion but in no case later than seven (7) days after the **construction activity** in that portion of the site has temporarily or permanently ceased.

   b. Temporary sediment basin requirements described in Part III.B.1-5 must be used for common drainage locations that serve an area with five (5) or more acres disturbed at one time.

2. Post construction. The **water quality volume** that must be treated by the project's permanent **stormwater** management system described in Part III.C. shall be one (1) inch of runoff from the