

ORDINANCE NO. 5 (amended)

WATAB TOWNSHIP BENTON COUNTY, MINNESOTA

AN ORDINANCE ESTABLISHING EROSION CONTROL AND STORM WATER MANAGEMENT REQUIREMENTS FOR LAND DISTURBANCES AND WATER QUALITY

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Subdivision 1: Purpose

The purpose of this ordinance is to establish standards and specifications for conservation practices and planning activities to minimize soil erosion and sedimentation, and regulate construction site erosion and stormwater runoff to accomplish the following objectives:

1. promote local stormwater management;
2. minimize sedimentation, water pollution from nutrients, heavy metals, chemicals; petroleum products and other contaminants, flooding, and thermal impacts to the water resources of Watab Township;
3. promote infiltration and groundwater recharge;
4. protect functional values of natural water courses and wetlands;
5. provide a single, consistent set of performance standards for Watab Township;
6. protect public and private property from damage resulting from runoff or erosion;
7. prohibit illicit discharges to the municipal separate storm sewer system.;
8. establish legal authority to carry out all inspection, monitoring, and enforcement procedures necessary to ensure compliance with this ordinance.

Subdivision 2: Authority

1. This Ordinance is enacted as required by the Minnesota Pollution Control Agency. Watab Township is required to be covered by General Permit No: MNR040000 Authorization to Discharge Storm Water Associated with Municipal Separate Storm Sewer Systems Under the National Pollutant Discharge Elimination System/State Disposal System Permit Program. This is 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; Minnesota Statutes, Chapter 115 and 116, as amended, and Minnesota Rules, Chapter 7001; Minnesota Rules, Chapter 7050; Minnesota Rules, Chapter 7090.
2. Watab Township hereby adopts, by reference, the standards set forth in the Minnesota Pollution Control Agency's (MPCA) General Permit-Authorization to Discharge Stormwater Associated with Construction Activity under the National Pollutant Discharge Elimination System Permit Program (Permit No: MNR100001), also known as the NPDES Phase II Permit, along with any future amendments.

Subdivision 3: Scope

- 3.1 This Ordinance shall become effective upon enactment, and covers all land disturbances, within the jurisdictional boundaries of Watab Township.
- 3.2 Unless the Township has determined the activity to be exempt per Section 3.4, all proposed land disturbances that are equal to or greater than one (1) acre in size, and including the disturbance of less than one (1) acre that is part of a larger common plan of development or sale that will ultimately disturb greater than one (1) acre, and/or result in the temporary or permanent placement of or stockpiling of fifty (50) cubic yards or more of soil materials, shall submit to the Township, a copy of their project Storm Water Pollution Prevention Plan (SWPPP) for review and approval.
- 3.3 No land disturbance shall be allowed until the Township has approved the project SWPPP.
- 3.4 The following activities are not regulated under this Ordinance and are exempt:
 - A. Minor land disturbance activities such landscaping, repairs, and maintenance work that are less than one (1) acre in size and not part of a larger common plan of development or sale.
 - B. Land disturbances to construct, install, or maintain public or private utilities that are less than one (1) acre in size and not part of a larger common plan of development or sale.
 - C. All USDA/NRCS agricultural activities for the production of agricultural, horticultural, or silvicultural crops and livestock production, including the installation or maintenance of drainage tile lines and fencing for livestock or other agricultural purposes.
 - D. All wetland activities within or adjacent to a delineated wetland, authorized and performed in conformance with the rules of the Minnesota Wetland Conservation Act (WCA).

- E. Emergency repair work requiring immediate action, provided the disturbed area is limited to the minimum area requirements as soon as possible. Approval will be required for all subsequent or additional work.
 - F. Commercial mining activities, including the extraction, crushing, washing, refining or processing of sand, gravel, rock, black dirt, peat and soils and their removal from the site.
4. The Watab Township Board shall be responsible for administration and enforcement of this Ordinance. The Town Board may appoint a representative of the Township to administer, implement, and enforce the provisions of this Ordinance.
 5. Where the standards of this Ordinance differ or conflict with any applicable ordinance, regulation, statute, or rule, the more restrictive standards shall apply.
 6. Construction activity requirements as limited to this Ordinance 5 are the same as those put forth in the NPDES Phase II permit program as promulgated by the MPCA.

Subdivision 4: Stormwater Pollution Prevention Plan: Approval and Administration

All activity requiring an NPDES Stormwater permit shall also have the documented approval of Watab Township before disturbance activity commences.

1. The permittee(s) must provide the following when requesting approval:
 - A. Copy of the Storm Water Pollution Prevention Plan (SWPPP) prepared for the MPCA NPDES Phase II Permit Program;
 - B. Copies of permits or permit applications or approvals required by any other governmental entity, including documents sent to the state administered NPDES Phase II Permit program;
 - C. A proposed timetable and schedule for completion and installation of all elements of approved erosion control and stormwater management plans and a proposed schedule for completion of construction; and
 - D. Appropriate fee as set forth in the Watab Township Fee Schedule.

Subdivision 5: Approval Process

The Township Board or their representative shall determine if the permit application is complete. The representative shall review the SWPPP for compliance with the standards which are identified in the Minnesota Pollution Control Agency's NPDES Phase II construction site stormwater permit.

Subdivision 6: Conditions

1. The SWPPP shall be implemented prior to the start of any land disturbing activity and shall be maintained over the duration of the project. Permanent stormwater components of the plan shall be maintained in perpetuity.

2. The permittee(s) is responsible for the successful completion of the SWPPP.
3. The permittee(s) shall be liable for all costs incurred, including environmental restoration costs, resulting from noncompliance with an approved plan.
4. Application for a permit shall constitute express permission by the permittee(s) for the local approval authority to enter the property for purposes of inspection or curative action.

Subdivision 7: Inspections

1. Application for approval under this ordinance shall constitute permission by the applicant for the Watab Township Representative to enter upon the property and inspect during the construction phase.
2. Prior to excavation, all perimeter controls must be inspected by the Watab Township representative.
3. The Watab Township representative shall inspect the property to verify compliance with the submitted SWPPP within 10 days of notification of soil stabilization.
4. Prior to excavation, all perimeter controls must be inspected by the Watab Township representative.
5. The Watab Township representative shall inspect the property to verify compliance with the submitted SWPPP within 10 days of notification of soil stabilization.
6. Inspections and maintenance of the permitted site are the responsibility of the owner. The applicant's inspection records must be made available to Watab Township.

Subdivision 8: Permit Transfer Modification or Subdivision Registration

Where the applicant(s) changes (e.g., an original developer sells portions of the property to various homebuilders or the responsibility parties for the entire permit changes), the new applicant(s) must submit a copy of an approved Subdivision Registration or Permit Transfer/Modification form to the Watab Township Board or their representative.

Subdivision 9: Plan or Permit Amendments

Any major modifications to approved plans, construction schedules, or alterations to accepted sequencing of land disturbing site activities shall be approved by the MPCA in a NPDES Permit Transfer/Modification. The permittee(s) shall submit a copy to Watab Township prior to implementation of said changes.

Subdivision 10: Termination of Coverage

Permittees(s) wishing to terminate coverage under this permit must submit, to Watab Township, a copy of the Notice of Termination sent to the MPCA. Compliance with this permit is required until a Notice of Termination is submitted.

Subdivision 11: Technical Standards and Specifications

1. BMPs. The design of all Best Management Practices (BMPs) designed to meet the requirements of this section shall comply with the following technical standards:
 - A. Minnesota Pollution Control Agency's "Stormwater Compliance Assistance Toolkit for Small Construction Operators," or as it is amended;
 - B. The Minnesota Pollution Control Agency's Stormwater Manual.
 - C. Any other technical methodology, providing they are at least as effective and stringent as MPCA best management practices.

Subdivision 12: Storm Water Discharge Design Requirements

1. Storm water discharge design requirements for Watab Township are the same as those set forth in the NPDES Phase II permit program as promulgated by the MPCA.
2. The identity of the entity responsible for long-term maintenance of the permanent stormwater must be submitted to Watab Township.

Subdivision 13: Permit Review Fees

The fee for the permit review and approval as required by this Ordinance will be established by the Watab Township Board as part of the Township Fee Schedule.

Subdivision 14: Prohibition of Illicit Discharges

No person shall throw, drain, or otherwise discharge, cause, or allow others under their control to throw, drain, or otherwise discharge into the municipal separate storm sewer system any pollutants or waters containing any pollutants, other than stormwater. The following discharges are exempt from the prohibition provisions above:

1. Water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wet-land flows, swimming pools (if dechlorinated—typically less than one PPM chlorine), firefighting activities, and any other water source not containing pollutants.

Subdivision 15: Salt Storage at Commercial, Industrial, and Institutional Facilities

1. Indoor operations for the storage of de-icing materials must be provided whenever possible in order to prevent such material from being affected by rain, snow, or melt water.
2. All salt, sand, and other de-icing materials stored outdoors must be covered at all times. When not using a permanent roof, a waterproof, impermeable, flexible cover must be placed over all storage piles. The cover must prevent runoff and leachate from being

generated by the outdoor storage piles. The cover must be secured to prevent removal by wind or other storm events. Piles must be formed in a conical shape and covered as necessary to prevent leaching.

- A. The facility must be in close proximity to the area in which the de-icing materials are to be used, if practical.
- B. Each facility must be located outside of floodplains and 200 feet from lakes, rivers, streams, ditches, storm drains, manholes, catch basins, wetlands, and any other areas likely to absorb runoff. A facility must not be located in close proximity to surface water features, water supplies, wells or drywells.
- C. A facility must be located on impermeable surfaces.
- D. The property's slope must be away from the facility's salt, deicer, and sand storage area.
- E. Salt vulnerable natural areas should be avoided as storage facilities to the extent possible. Where they cannot be avoided, specific measures should be instituted to protect vulnerable areas. Salt vulnerable areas include, but are not limited to:
 - i. areas with salt sensitive vegetation
 - ii. areas serving as a source of drinking water (surface water and groundwater)
 - iii. areas with bodies of water with low dilution, low volume, or salt sensitive species
 - iv. areas associated with groundwater recharge zones or shallow water tables, with medium to high permeable soils
- G. Snow Piles. Snow piles must be located downslope from salt and de-icer storage areas to prevent the snow melt from flowing through storage areas and carrying material to the nearest drainage system or waterway.
- H. Transfer of Materials. Practices must be implemented in order to reduce exposure (e.g., sweeping, diversions, and/or containment) when transferring salt or other de-icing material.

Subdivision 16 Enforcement

- 1. Notice of Violation: Whenever Watab Township finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the Township may order compliance by written notice of violation to the person responsible. Such notice may require without limitation:
 - A. The performance of monitoring, analyses, and reporting;
 - B. The elimination of illicit discharges;
 - C. That violating discharges, practices, or operations shall cease and desist;
 - D. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; and
 - E. Payment of a fine to cover administrative and remediation costs; and (the implementation of source control or treatment BMPs.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency, or a contractor and the expense thereof shall be charged to the violator.

APPEAL OF NOTICE OF VIOLATION

Any person receiving a Notice of Violation may appeal the determination of the Township representative. The notice of appeal must be received within 5 days from the date of the Notice of Violation. Hearing on the appeal before the Town Board shall take place within 15 days from the date of receipt of the notice of appeal. The decision of the municipal authority or their designee shall be final.

Notice of Violation. Hearing on the appeal before the Town Board shall take place within 15 days from the date of receipt of the notice of appeal. The decision of the municipal authority or their designee shall be final.

ENFORCEMENT MEASURES AFTER APPEAL

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within 10 days of the decision of the municipal authority upholding the decision of the Township Board, then representatives of the Township Board shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent, or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

COST OF ABATEMENT OF THE VIOLATION

Within 30 days after the abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within 15 days. If the amount due is not paid within a timely manner as determined by the decision of the Township Board or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

The Township Board may recover all attorneys' fees, court costs, and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.

INJUNCTIVE RELIEF

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Ordinance. If a person has violated or continues to violate the provisions of this ordinance, the Township may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

COMPENSATORY ACTION

In lieu of enforcement proceedings, penalties, and remedies authorized by this Ordinance, the Township Board may impose upon a violator alternative compensatory actions,

VIOLATIONS DEEMED A PUBLIC NUISANCE

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

REMEDIES NOT EXCLUSIVE

The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state, or local law and it is within the discretion of the Township Board to seek cumulative remedies.

Town Board Member 1:

Date:

Town Board Member 2:

Date:

Town Board Member 3:

Date:

Attested by:

Date:

Clerk

Adoption of Ordinance

Passed and adopted on: _____



**AUTHORIZATION TO DISCHARGE STORMWATER ASSOCIATED
WITH CONSTRUCTION ACTIVITY
UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)/
STATE DISPOSAL SYSTEM (SDS) PROGRAM
MNR100001**

Permittee : Multiple
General Permit Name: Construction Stormwater General Permit
Issuance date: August 1, 2018
Expiration date: July 31, 2023

The state of Minnesota, on behalf of its citizens through the Minnesota Pollution Control Agency (MPCA), authorizes Permittees seeking coverage under this general permit to discharge stormwater associated with construction activity to waters of the state of Minnesota.

The goal of this permit is to reduce pollutant levels in point source discharges and protect water quality in accordance with the U.S. Clean Water Act, Minnesota statutes and rules, and federal laws and regulations.

This permit is effective on the issuance date identified above. This permit expires at midnight on the expiration date identified above.

Signature: 

This document has been electronically signed.

for the Minnesota Pollution Control Agency

Mark Schmitt
Division Director
Municipal Division

Permit application:
Submit via the MPCA Online eServices Portal at
<https://rsp.pca.state.mn.us/>

Questions on this permit?
Contact eServices at
651-757-2728 or 1-844-828-0942

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1.1	Permit Coverage. [Minn. R. 7090]
1.2	This permit is required for construction activity that results in land disturbance of equal to or greater than one (1) acre or if a project is part of a common plan of development or sale that ultimately will disturb greater than one (1) acre, and authorizes, subject to the terms and conditions of this permit, the discharge of stormwater associated with construction activity. [Minn. R. 7090]
1.3	Construction activity covered by this permit cannot commence until coverage under this permit is effective as described in item 3.3 through 3.4 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. [Minn. R. 7090]
1.4	This permit covers all areas of the State of Minnesota except land wholly within the boundaries of a federally recognized Indian Reservation owned by a tribe or a tribal member or land held in trust by the federal government for a tribe or tribal member. [Minn. R. 7090]
1.5	Coverage under this permit is not required when all stormwater from construction activity is routed directly to and treated by a "treatment works," as defined in Minn. Stat. Sect. 115.01, subd. 21, operated under an individual NPDES/SDS permit with a Total Suspended Solids (TSS) effluent limit. [Minn. R. 7090]
1.6	This permit covers ongoing projects covered under any previous construction stormwater permit that are not complete on the issuance date of this permit. Permittees must either remain in compliance with the previous permit and terminate coverage within 18 months of the issuance date of this permit or comply with this permit, including updating the Stormwater Pollution Prevention Plan (SWPPP), within the 18-month period. Permittees of previously permitted projects are not required to incorporate any additional requirements regarding the permanent stormwater treatment system included in this reissued permit. [Minn. R. 7090]
1.7	Coverage for projects that extend beyond the expiration date of this permit remains effective for a grace period covering project completion and Notice of Termination (NOT) submittal. If Permittees cannot complete projects during the grace period, the MPCA will extend coverage under the next permit and permittees must comply with the requirements of the new permit including updating the SWPPP. Permittees are not required to follow changes to the permanent stormwater treatment section of the next permit. [Minn. R. 7090]
2.1	Prohibitions and Limitations of Coverage. [Minn. R. 7090]
2.2	The owner must develop a complete and accurate SWPPP that complies with item 5.2 prior to submitting the application for coverage and starting construction activity. Failure to prepare a SWPPP prior to submitting the application may result in permit revocation. [Minn. R. 7090]
2.3	This permit prohibits discharges of any material other than stormwater treated in compliance with this permit and discharges from dewatering or basin draining activities in accordance with Section 10. Prohibited discharges include, but are not limited to, wastewater from washout of concrete, stucco, paint, form release oils, curing compounds and other construction materials, fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance, soaps or solvents used in vehicle and equipment washing and maintenance, and other hazardous substances or wastes. [Minn. R. 7090]
2.4	This permit does not authorize stormwater discharges related to 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 (DNR) Public Waters Work permits or local governmental unit (LGU) Wetland Conservation Act replacement plans or determinations). [Minn. R. 7090]
2.5	This permit does not authorize stormwater discharges associated with industrial activity except for construction activity. Permittees must obtain coverage for discharges associated with industrial activity under a separate NPDES/SDS permit once day-to-day operational activities commence even if construction is ongoing. [Minn. R. 7090]
2.6	This permit does not authorize discharges from non-point source agricultural and silvicultural activities excluded from NPDES permit requirements under 40 CFR pt. 122.3(e). [Minn. R. 7090]
2.7	This permit does not authorize stormwater discharges to Prohibited, Restricted, Special or Impaired waters unless permittees follow the additional stormwater requirements in Section 23. [Minn. R. 7090]
2.8	This permit does not replace or satisfy any environmental review requirements including those under the

	Minnesota Environmental Policy Act or the National Environmental Policy Act. The owner must verify completion of any environmental review required by law, including any required Environmental Assessment Work Sheets or Environmental Impact Statements, Federal environmental review, or other required review prior to applying for coverage under this permit. If any part of your common plan of development or sale requires environmental review, coverage under this permit cannot be obtained until such environmental review is complete. [Minn. R. 7090]
2.9	This permit does not replace or satisfy any review requirements for discharges adversely impacting State or Federally designated endangered or threatened species or a designated critical habitat. The owner must comply with the National Historic Preservation Act and conduct all required review and coordination related to historic preservation, including significant anthropological sites and any burial sites, with the Minnesota Historic Preservation Officer. [Minn. R. 7090]
2.10	This permit does not authorize discharges to wetlands unless the permittee complies with the requirements in Section 22. [Minn. R. 7090]
3.1	Application and Coverage Effective Date. [Minn. R. 7090]
3.2	The owner and operator must submit a complete and accurate on-line application with the appropriate fee to the MPCA for each project that disturbs one (1) or more acres of land or for a common plan of development or sale that will ultimately disturb one (1) or more acres. [Minn. R. 7090]
3.3	For projects or common plans of development or sale that disturb less than 50 acres or do not discharge stormwater within 1 mile (aerial radius measurement) of a special or impaired water, permittees do not need to submit the SWPPP with the application. Permit coverage for these projects is effective upon application and completing the payment process. [Minn. R. 7090]
3.4	For certain projects or common plans of development or sale disturbing 50 acres or more, the complete SWPPP must be included with the application and submitted at least 30 days before the start of construction activity. This applies if there is a discharge point on the project within one mile (aerial radius measurement) of, and flows to, a special water listed in item 23.3 through 23.6 or an impaired water as described in item 23.7. Permit coverage for these projects is effective upon submitting the application and complete SWPPP, completing the payment process and receiving a determination from the MPCA that the review of the SWPPP is complete. The determination may take longer than 30 days if the SWPPP is incomplete. If the MPCA fails to contact the permittees within 30 days of application receipt, coverage is effective 30 days after completing the payment process. [Minn. R. 7090]
3.5	The application requires listing all persons meeting the definition of owner and operator as permittees. The owner is responsible for compliance with all terms and conditions of this permit. The operator is responsible for compliance with Sections 3, 4, 6-22, 24 and applicable requirements for construction activity in Section 23. [Minn. R. 7090]
3.6	Permittees will receive coverage notification in a manner determined by the MPCA. [Minn. R. 7090]
3.7	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), the current owner and the new owner or operator must submit a complete permit modification form provided by the MPCA. The current owner and the new owner or operator must submit the form prior to the new owner or operator commencing construction activity or no later than 30 days after taking ownership of the property. [Minn. R. 7090]
3.8	For construction projects where the owner or operator changes, the current owner must provide a SWPPP to the new owner and operator that specifically addresses the remaining construction activity. The new owner or operator can implement the original SWPPP, modify the SWPPP, or develop a new SWPPP. Permittees must ensure their activities do not render another party's erosion prevention and sediment control BMPs ineffective. [Minn. R. 7090]
4.1	Termination of Coverage. [Minn. R. 7090]
4.2	Permittees must submit a NOT within 30 days after all termination conditions listed in Section 13 are complete. [Minn. R. 7090]
4.3	Permittees must submit a NOT within 30 days after selling or otherwise legally transferring the entire site, including permit responsibility for roads (e.g., street sweeping) and stormwater infrastructure final clean out, or transferring portions of a site to another party. The permittees' coverage under this permit

	terminates at midnight on the submission date of the NOT. [Minn. R. 7090]
4.4	<p>Permittees may terminate permit coverage prior to completion of all construction activity if they meet all of the following conditions:</p> <ul style="list-style-type: none"> a. construction activity has ceased for at least 90 days; and b. at least 90 percent (by area) of all originally proposed construction activity has been completed and permanent cover has been established on those areas; and c. on areas where construction activity is not complete, permanent cover has been established; and d. the site complies with item 13.3 through 13.7. <p>After permit coverage is terminated under this item, any subsequent development on the remaining portions of the site will require permit coverage if the subsequent development itself or as part of the remaining common plan of development or sale will result in land disturbing activities of one (1) or more acres in size. [Minn. R. 7090]</p>
4.5	Permittees may terminate coverage upon MPCA approval after submitting information documenting the owner cancelled the project. [Minn. R. 7090]
5.1	Stormwater Pollution Prevention Plan (SWPPP) Content. [Minn. R. 7090]
5.2	The owner must develop a SWPPP. The SWPPP must include items 5.3 through 5.26. [Minn. R. 7090]
5.3	The SWPPP must incorporate specific Best Management Practices (BMP) used to comply with the requirements of this permit. [Minn. R. 7090]
5.4	The SWPPP must include a narrative describing the timing for installation of all erosion prevention and sediment control BMPs and a description of the permanent stormwater treatment systems. [Minn. R. 7090]
5.5	The SWPPP must include the location and type of all temporary and permanent erosion prevention and sediment control BMPs along with procedures used to establish additional temporary BMPs as necessary for the site conditions during construction. Standard details and/or specifications for BMPs must be included in the final plans and specifications for the project. [Minn. R. 7090]
5.6	The SWPPP must include the calculations and other information used for the design of temporary sediment basins and any of the permanent stormwater treatment systems required in Section 15. [Minn. R. 7090]
5.7	The SWPPP must include estimated quantities anticipated at the start of the project for the life of the project for all erosion prevention and sediment control BMPs (e.g., linear feet of silt fence or square feet of erosion control blanket). [Minn. R. 7090]
5.8	The SWPPP must include the number of acres of impervious surface for both pre- and post-construction. [Minn. R. 7090]
5.9	The SWPPP must include a site map with existing and final grades, including drainage area boundaries, directions of flow and all discharge points where stormwater is leaving the site or entering a surface water. The site map must indicate the areas of steep slopes. The site map must also include impervious surfaces, soil types and locations of potential pollutant-generating activities as identified in Section 12. [Minn. R. 7090]
5.10	The SWPPP must include a map of all surface waters, existing wetlands, and stormwater ponds or basins that can be identified on maps such as United States Geological Survey 7.5 minute quadrangle maps, the National Wetland Inventory map or equivalent maps and are within one mile (aerial radius measurement) from the project boundaries that will receive stormwater from the construction site, during or after construction. The SWPPP must identify if the surface waters are special or impaired waters. [Minn. R. 7090]
5.11	The SWPPP must include a site map showing construction activity areas that are adjacent to and drain to Public Waters for which the DNR has promulgated "work in water restrictions" during specified fish spawning time frames. [Minn. R. 7090]
5.12	Permittees must identify locations of 50' buffer zones as required in item 9.17 and 100' permanent buffer zones as required in item 23.11, on plan sheets in the SWPPP. [Minn. R. 7090]
5.13	If permittees determine compliance with the following requirements is infeasible, they must document the

	<p>determination in the SWPPP:</p> <ul style="list-style-type: none"> a. temporary sediment basins as described in Section 14; and b. for linear projects, if the permanent stormwater treatment system cannot be constructed within the right-of-way, a reasonable attempt must be made to obtain additional right-of-way (item 15.9); and c. buffer zones as described in item 9.17 and item 23.11. [Minn. R. 7090]
5.14	If permittees determine that a temporary sediment basin is infeasible as described in item 14.10, the SWPPP must describe the alternative BMPs used. [Minn. R. 7090]
5.15	Where systems cannot meet the full volume reduction requirement on site, (e.g., the site has infiltration prohibitions, see item 16.14 through item 16.21) the permittee must document the reasons in the SWPPP. [Minn. R. 7090]
5.16	The SWPPP must include any stormwater mitigation measures proposed to be part of the final project in any environmental review document, endangered species review, archeological or other required local, state or federal review conducted for the project. For purposes of this permit, mitigation measures means actions necessary to avoid, minimize, or mitigate for impacts related to erosion prevention, sediment control, the permanent stormwater treatment system, pollution prevention management measures and discharges associated with the project's construction activity. [Minn. R. 7090]
5.17	The SWPPP must describe the methods used for permanent cover of all exposed soil areas. [Minn. R. 7090]
5.18	Permittees must identify the locations of areas where construction will be phased to minimize the duration of exposed soil areas in the SWPPP. [Minn. R. 7090]
5.19	For projects with a discharge point on the project within one (1) mile (aerial radius measurement) of and which flows to an impaired water, permittees must identify the impaired water(s), and any United States Environmental Protection Agency (USEPA)-approved Total Maximum Daily Load (TMDL) for the pollutant(s) or stressor(s) described in item 23.7. Permittees' identification must include those TMDLs approved at any time prior to permit application submittal and are still in effect. [Minn. R. 7090]
5.20	<p>Permittees must document in the SWPPP, all trained individuals identified in item 21.2. Documentation must include:</p> <ul style="list-style-type: none"> a. names of personnel required to be trained; and b. dates of training and name of instructor(s) and entity providing training; and c. content of training course. <p>If permittees do not know the names of the individuals at the time of application, the permittees must ensure they document training before construction activity commences. [Minn. R. 7090]</p>
5.21	The SWPPP must identify a person knowledgeable and experienced in the application of erosion prevention and sediment control BMPs who will coordinate with all contractors, subcontractors, and operators on-site to oversee the implementation of the SWPPP. [Minn. R. 7090]
5.22	The SWPPP must describe any specific chemicals and chemical treatment systems used for enhancing the sedimentation process and how it achieves compliance with item 9.18. [Minn. R. 7090]
5.23	The SWPPP must identify the person(s), organizations, or entities responsible for long-term operation and maintenance of permanent stormwater treatment systems. [Minn. R. 7090]
5.24	The SWPPP must describe methods to minimize soil compaction and preserve topsoil. Minimizing soil compaction is not required where the function of a specific area dictates compaction. [Minn. R. 7090]
5.25	The SWPPP must include any site assessments for groundwater or soil contamination required in item 16.15. [Minn. R. 7090]
5.26	<p>The SWPPP must account for the following factors in designing temporary erosion prevention and sediment control BMPs:</p> <ul style="list-style-type: none"> a. the expected amount, frequency, intensity, and duration of precipitation; and b. the nature of stormwater runoff and run-on at the site, including factors such as expected flow from impervious surfaces, slopes, and site drainage features; and c. the stormwater volume, velocity, and peak flowrates to minimize discharge of pollutants in stormwater

	and to minimize channel and streambank erosion and scour in the immediate vicinity of discharge points; and d. the range of soil particle sizes expected to be present. [Minn. R. 7090]
6.1	SWPPP Amendments. [Minn. R. 7090]
6.2	One of the individuals described in item 21.2.a or item 21.2.b or another qualified individual must complete all SWPPP changes. Changes involving the use of a less stringent BMP must include a justification describing how the replacement BMP is effective for the site characteristics. [Minn. R. 7090]
6.3	Permittees must amend the SWPPP to include additional or modified BMPs as necessary to correct problems identified or address situations whenever there is a change in design, construction, operation, maintenance, weather or seasonal conditions having a significant effect on the discharge of pollutants to surface waters or groundwater. [Minn. R. 7090]
6.4	Permittees must amend the SWPPP to include additional or modified BMPs as necessary to correct problems identified or address situations whenever inspections or investigations by the site owner or operator, USEPA or MPCA officials indicate the SWPPP is not effective in eliminating or significantly minimizing the discharge of pollutants to surface waters or groundwater or the discharges are causing water quality standard exceedances (e.g., nuisance conditions as defined in Minn. R. 7050.0210, subp. 2) or the SWPPP is not consistent with the objectives of a USEPA approved TMDL. [Minn. R. 7050.0210]
7.1	BMP Selection and Installation. [Minn. R. 7090]
7.2	Permittees must select, install, and maintain the BMPs identified in the SWPPP and in this permit in an appropriate and functional manner and in accordance with relevant manufacturer specifications and accepted engineering practices. [Minn. R. 7090]
8.1	Erosion Prevention Practices. [Minn. R. 7090]
8.2	Before work begins, permittees must delineate the location of areas not to be disturbed. [Minn. R. 7090]
8.3	Permittees must minimize the need for disturbance of portions of the project with steep slopes. When steep slopes must be disturbed, permittees must use techniques such as phasing and stabilization practices designed for steep slopes (e.g., slope draining and terracing). [Minn. R. 7090]
8.4	Permittees must stabilize all exposed soil areas, including stockpiles. Stabilization must be initiated immediately to limit soil erosion when construction activity has permanently or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days. Stabilization must be completed no later than 14 calendar days after the construction activity has ceased. Stabilization is not required on constructed base components of roads, parking lots and similar surfaces. Stabilization is not required on temporary stockpiles without significant silt, clay or organic components (e.g., clean aggregate stockpiles, demolition concrete stockpiles, sand stockpiles) but permittees must provide sediment controls at the base of the stockpile. [Minn. R. 7090]
8.5	For Public Waters that the Minnesota DNR has promulgated "work in water restrictions" during specified fish spawning time frames, permittees must complete stabilization of all exposed soil areas within 200 feet of the water's edge, and that drain to these waters, within 24 hours during the restriction period. [Minn. R. 7090]
8.6	Permittees must stabilize the normal wetted perimeter of the last 200 linear feet of temporary or permanent drainage ditches or swales that drain water from the site within 24 hours after connecting to a surface water or property edge. Permittees must complete stabilization of remaining portions of temporary or permanent ditches or swales within 14 calendar days after connecting to a surface water or property edge and construction in that portion of the ditch temporarily or permanently ceases. [Minn. R. 7090]
8.7	Temporary or permanent ditches or swales being used as a sediment containment system during construction (with properly designed rock-ditch checks, bio rolls, silt dikes, etc.) do not need to be stabilized. Permittees must stabilize these areas within 24 hours after their use as a sediment containment system ceases. [Minn. R. 7090]
8.8	Permittees must not use mulch, hydromulch, tackifier, polyacrylamide or similar erosion prevention practices within any portion of the normal wetted perimeter of a temporary or permanent drainage ditch or swale section with a continuous slope of greater than 2 percent. [Minn. R. 7090]
8.9	Permittees must provide temporary or permanent energy dissipation at all pipe outlets within 24 hours

	after connection to a surface water or permanent stormwater treatment system. [Minn. R. 7090]
8.10	Permittees must not disturb more land (i.e., phasing) than can be effectively inspected and maintained in accordance with Section 11. [Minn. R. 7090]
9.1	Sediment Control Practices. [Minn. R. 7090]
9.2	Permittees must establish sediment control BMPs on all downgradient perimeters of the site and downgradient areas of the site that drain to any surface water, including curb and gutter systems. Permittees must locate sediment control practices upgradient of any buffer zones. Permittees must install sediment control practices before any upgradient land-disturbing activities begin and must keep the sediment control practices in place until they establish permanent cover. [Minn. R. 7090]
9.3	If downgradient sediment controls are overloaded, based on frequent failure or excessive maintenance requirements, permittees must install additional upgradient sediment control practices or redundant BMPs to eliminate the overloading and amend the SWPPP to identify these additional practices as required in item 6.3. [Minn. R. 7090]
9.4	Temporary or permanent drainage ditches and sediment basins 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. [Minn. R. 7090]
9.5	A floating silt curtain placed in the water is not a sediment control BMP to satisfy item 9.2 except when working on a shoreline or below the waterline. Immediately after the short term construction activity (e.g., installation of rip rap along the shoreline) in that area is complete, permittees must install an upland perimeter control practice if exposed soils still drain to a surface water. [Minn. R. 7090]
9.6	Permittees must re-install all sediment control practices adjusted or removed to accommodate short-term activities such as clearing or grubbing, or passage of vehicles, immediately after the short-term activity is completed. Permittees must re-install sediment control practices before the next precipitation event even if the short-term activity is not complete. [Minn. R. 7090]
9.7	Permittees must protect all storm drain inlets using appropriate BMPs during construction until they establish permanent cover on all areas with potential for discharging to the inlet. [Minn. R. 7090]
9.8	Permittees may remove inlet protection for a particular inlet if a specific safety concern (e.g. street flooding/freezing) is identified by the permittees or the jurisdictional authority (e.g., city/county/township/Minnesota Department of Transportation engineer). Permittees must document the need for removal in the SWPPP. [Minn. R. 7090]
9.9	Permittees must provide silt fence or other effective sediment controls at the base of stockpiles on the downgradient perimeter. [Minn. R. 7090]
9.10	Permittees must locate stockpiles outside of natural buffers or surface waters, including stormwater conveyances such as curb and gutter systems unless there is a bypass in place for the stormwater. [Minn. R. 7090]
9.11	Permittees must install a vehicle tracking BMP to minimize the track out of sediment from the construction site or onto paved roads within the site. [Minn. R. 7090]
9.12	Permittees must use street sweeping if vehicle tracking BMPs are not adequate to prevent sediment tracking onto the street. [Minn. R. 7090]
9.13	Permittees must install temporary sediment basins as required in Section 14. [Minn. R. 7090]
9.14	In any areas of the site where final vegetative stabilization will occur, permittees must restrict vehicle and equipment use to minimize soil compaction. [Minn. R. 7090]
9.15	Permittees must preserve topsoil on the site, unless infeasible. [Minn. R. 7090]
9.16	Permittees must direct discharges from BMPs to vegetated areas unless infeasible. [Minn. R. 7090]
9.17	Permittees must preserve a 50 foot natural buffer or, if a buffer is infeasible on the site, provide redundant (double) perimeter sediment controls when a surface water is located within 50 feet of the project's earth disturbances and stormwater flows to the surface water. Permittees must install perimeter sediment controls at least 5 feet apart unless limited by lack of available space. Natural buffers are not required adjacent to road ditches, judicial ditches, county ditches, stormwater conveyance channels, storm drain inlets, and sediment basins. If preserving the buffer is infeasible, permittees must document the reasons in the SWPPP. Sheet piling is a redundant perimeter control if installed in a manner that retains all

	stormwater. [Minn. R. 7090]
9.18	Permittees must use polymers, flocculants, or other sedimentation treatment chemicals in accordance with accepted engineering practices, dosing specifications and sediment removal design specifications provided by the manufacturer or supplier. The permittees must use conventional erosion and sediment controls prior to chemical addition and must direct treated stormwater to a sediment control system for filtration or settlement of the floc prior to discharge. [Minn. R. 7090]
10.1	Dewatering and Basin Draining. [Minn. R. 7090]
10.2	Permittees must discharge turbid or sediment-laden waters related to dewatering or basin draining (e.g., pumped discharges, trench/ditch cuts for drainage) to a temporary or permanent sediment basin on the project site unless infeasible. Permittees may dewater to surface waters if they visually check to ensure adequate treatment has been obtained and nuisance conditions (see Minn. R. 7050.0210, subp. 2) will not result from the discharge. If permittees cannot discharge the water to a sedimentation basin prior to entering a surface water, permittees must treat it with appropriate BMPs such that the discharge does not adversely affect the surface water or downstream properties. [Minn. R. 7050.0210]
10.3	If permittees must discharge water containing oil or grease, they must use an oil-water separator or suitable filtration device (e.g., cartridge filters, absorbents pads) prior to discharge. [Minn. R. 7090]
10.4	Permittees must discharge all water from dewatering or basin-draining activities in a manner that does not cause erosion or scour in the immediate vicinity of discharge points or inundation of wetlands in the immediate vicinity of discharge points that causes significant adverse impact to the wetland. [Minn. R. 7090]
10.5	If permittees use filters with backwash water, they must haul the backwash water away for disposal, return the backwash water to the beginning of the treatment process, or incorporate the backwash water into the site in a manner that does not cause erosion. [Minn. R. 7090]
11.1	Inspections and Maintenance. [Minn. R. 7090]
11.2	Permittees must ensure a trained person, as identified in item 21.2.b, will 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 1/2 inch in 24 hours. [Minn. R. 7090]
11.3	Permittees must inspect and maintain all permanent stormwater treatment BMPs. [Minn. R. 7090]
11.4	Permittees must inspect all erosion prevention and sediment control BMPs and Pollution Prevention Management Measures to ensure integrity and effectiveness. Permittees must repair, replace or supplement all nonfunctional BMPs with functional BMPs by the end of the next business day after discovery unless another time frame is specified in item 11.5 or 11.6. Permittees may take additional time if field conditions prevent access to the area. [Minn. R. 7090]
11.5	During each inspection, permittees must inspect surface waters, including drainage ditches and conveyance systems but not curb and gutter systems, for evidence of erosion and sediment deposition. Permittees 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. Permittees must complete removal and stabilization within seven (7) calendar days of discovery unless precluded by legal, regulatory, or physical access constraints. Permittees must use all reasonable efforts to obtain access. If precluded, removal and stabilization must take place within seven (7) days of obtaining access. Permittees are responsible for contacting all local, regional, state and federal authorities and receiving any applicable permits, prior to conducting any work in surface waters. [Minn. R. 7090]
11.6	Permittees must inspect construction site vehicle exit locations, streets and curb and gutter systems within and adjacent to the project for sedimentation from erosion or tracked sediment from vehicles. Permittees must remove sediment from all paved surfaces within one (1) calendar day of discovery or, if applicable, within a shorter time to avoid a safety hazard to users of public streets. [Minn. R. 7090]
11.7	Permittees must repair, replace or supplement all perimeter control devices when they become nonfunctional or the sediment reaches 1/2 of the height of the device. [Minn. R. 7090]
11.8	Permittees must drain temporary and permanent sedimentation basins and remove the sediment when the depth of sediment collected in the basin reaches 1/2 the storage volume. [Minn. R. 7090]
11.9	Permittees must ensure that at least one individual present on the site (or available to the project site in

	three (3) calendar days) is trained in the job duties described in item 21.2.b. [Minn. R. 7090]
11.10	<p>Permittees may adjust the inspection schedule described in item 11.2 as follows:</p> <ul style="list-style-type: none"> a. inspections of areas with permanent cover can be reduced to once per month, even if construction activity continues on other portions of the site; or b. where sites have permanent cover on all exposed soil and no construction activity is occurring anywhere on the site, inspections can be reduced to once per month and, after 12 months, may be suspended completely until construction activity resumes. The MPCA may require inspections to resume if conditions warrant; or c. where construction activity has been suspended due to frozen ground conditions, inspections may be suspended. Inspections must resume within 24 hours of runoff occurring, or upon resuming construction, whichever comes first. [Minn. R. 7090]
11.11	<p>Permittees must record all inspections and maintenance activities within 24 hours of being conducted and these records must be retained with the SWPPP. These records must include:</p> <ul style="list-style-type: none"> a. date and time of inspections; and b. name of persons conducting inspections; and c. accurate findings of inspections, including the specific location where corrective actions are needed; and d. corrective actions taken (including dates, times, and party completing maintenance activities); and e. date of all rainfall events greater than 1/2 inches in 24 hours, and the amount of rainfall for each event. Permittees must obtain rainfall amounts by either a properly maintained rain gauge installed onsite, a weather station that is within one (1) mile of your location, or a weather reporting system that provides site specific rainfall data from radar summaries; and f. if permittees observe a discharge during the inspection, they must record and should photograph and describe the location of the discharge (i.e., color, odor, settled or suspended solids, oil sheen, and other obvious indicators of pollutants); and g. any amendments to the SWPPP proposed as a result of the inspection must be documented as required in Section 6 within seven (7) calendar days. [Minn. R. 7090]
12.1	Pollution Prevention Management Measures. [Minn. R. 7090]
12.2	Permittees must place building products and landscape materials under cover (e.g., plastic sheeting or temporary roofs) or protect them by similarly effective means designed to minimize contact with stormwater. Permittees are not required to cover or protect products which are either not a source of contamination to stormwater or are designed to be exposed to stormwater. [Minn. R. 7090]
12.3	Permittees must place pesticides, fertilizers and treatment chemicals under cover (e.g., plastic sheeting or temporary roofs) or protect them by similarly effective means designed to minimize contact with stormwater. [Minn. R. 7090]
12.4	Permittees must store hazardous materials and toxic waste, (including oil, diesel fuel, gasoline, hydraulic fluids, paint solvents, petroleum-based products, wood preservatives, additives, curing compounds, and acids) in sealed containers to prevent spills, leaks or other discharge. Storage and disposal of hazardous waste materials must be in compliance with Minn. R. ch. 7045 including secondary containment as applicable. [Minn. R. 7090]
12.5	Permittees must properly store, collect and dispose solid waste in compliance with Minn. R. ch. 7035. [Minn. R. 7035]
12.6	Permittees must position portable toilets so they are secure and will not tip or be knocked over. Permittees must properly dispose sanitary waste in accordance with Minn. R. ch. 7041. [Minn. R. 7041]
12.7	Permittees must take reasonable steps to prevent the discharge of spilled or leaked chemicals, including fuel, from any area where chemicals or fuel will be loaded or unloaded including the use of drip pans or absorbents unless infeasible. Permittees must ensure adequate supplies are available at all times to clean up discharged materials and that an appropriate disposal method is available for recovered spilled materials. Permittees must report and clean up spills immediately as required by Minn. Stat. 115.061, using dry clean up measures where possible. [Minn. Stat. 115.061]
12.8	Permittees must limit vehicle exterior washing and equipment to a defined area of the site. Permittees must contain runoff from the washing area in a sediment basin or other similarly effective controls and

	must dispose waste from the washing activity properly. Permittees must properly use and store soaps, detergents, or solvents. [Minn. R. 7090]
12.9	Permittees must provide effective containment for all liquid and solid wastes generated by washout operations (e.g., concrete, stucco, paint, form release oils, curing compounds and other construction materials) related to the construction activity. Permittees must prevent liquid and solid washout wastes from contacting the ground and must design the containment so it does not result in runoff from the washout operations or areas. Permittees must properly dispose liquid and solid wastes in compliance with MPCA rules. Permittees must install a sign indicating the location of the washout facility. [Minn. R. 7035, Minn. R. 7090]
13.1	Permit Termination Conditions. [Minn. R. 7090]
13.2	Permittees must complete all construction activity and must install permanent cover over all areas prior to submitting the NOT. Vegetative cover must consist of a uniform perennial vegetation with a density of 70 percent of its expected final growth. Vegetation is not required where the function of a specific area dictates no vegetation, such as impervious surfaces or the base of a sand filter. [Minn. R. 7090]
13.3	Permittees must clean the permanent stormwater treatment system of any accumulated sediment and must ensure the system meets all applicable requirements in Section 15 through 19 and is operating as designed. [Minn. R. 7090]
13.4	Permittees must remove all sediment from conveyance systems prior to submitting the NOT. [Minn. R. 7090]
13.5	Permittees must remove all temporary synthetic erosion prevention and sediment control BMPs prior to submitting the NOT. Permittees may leave BMPs designed to decompose on-site in place. [Minn. R. 7090]
13.6	For residential construction only, permit coverage terminates on individual lots if the structures are finished and temporary erosion prevention and downgradient perimeter control is complete, the residence sells to the homeowner, and the permittee distributes the MPCA's "Homeowner Fact Sheet" to the homeowner. [Minn. R. 7090]
13.7	For construction projects on agricultural land (e.g., pipelines across cropland), permittees must return the disturbed land to its preconstruction agricultural use prior to submitting the NOT. [Minn. R. 7090]
14.1	Temporary Sediment Basins. [Minn. R. 7090]
14.2	Where ten (10) or more acres of disturbed soil drain to a common location, permittees must provide a temporary sediment basin to provide treatment of the runoff before it leaves the construction site or enters surface waters. Permittees may convert a temporary sediment basin to a permanent basin after construction is complete. The temporary basin is no longer required when permanent cover has reduced the acreage of disturbed soil to less than ten (10) acres draining to a common location. [Minn. R. 7090]
14.3	The temporary basin must provide live storage for a calculated volume of runoff from a two (2)-year, 24-hour storm from each acre drained to the basin or 1,800 cubic feet of live storage per acre drained, whichever is greater. [Minn. R. 7090]
14.4	Where permittees have not calculated the two (2)-year, 24-hour storm runoff amount, the temporary basin must provide 3,600 cubic feet of live storage per acre of the basins' drainage area. [Minn. R. 7090]
14.5	Permittees must design basin outlets to prevent short-circuiting and the discharge of floating debris. [Minn. R. 7090]
14.6	Permittees must design the outlet structure to withdraw water from the surface to minimize the discharge of pollutants. Permittees may temporarily suspend the use of a surface withdrawal mechanism during frozen conditions. The basin must include a stabilized emergency overflow to prevent failure of pond integrity. [Minn. R. 7090]
14.7	Permittees must provide energy dissipation for the basin outlet within 24 hours after connection to a surface water. [Minn. R. 7090]
14.8	Permittees must locate temporary basins outside of surface waters and any buffer zone required in item 23.11. [Minn. R. 7090]
14.9	Permittees must construct the temporary basins prior to disturbing 10 or more acres of soil draining to a common location. [Minn. R. 7090]
14.10	Where a temporary sediment basin meeting the requirements of item 14.3 through 14.9 is infeasible,

	permittees must install effective sediment controls such as smaller sediment basins and/or sediment traps, silt fences, vegetative buffer strips or any appropriate combination of measures as dictated by individual site conditions. In determining whether installing a sediment basin is infeasible, permittees must consider public safety and may consider factors such as site soils, slope, and available area on-site. Permittees must document this determination of infeasibility in the SWPPP. [Minn. R. 7090]
15.1	Permanent Stormwater Treatment System. [Minn. R. 7090]
15.2	Permittees must design the project so all stormwater discharged from the project during and after construction activities does not cause a violation of state water quality standards, including nuisance conditions, erosion in receiving channels or on downslope properties, or a significant adverse impact to wetlands caused by inundation or decrease of flow. [Minn. R. 7090]
15.3	Permittees must design and construct a permanent stormwater treatment system to treat the water quality volume if the project's ultimate development replaces vegetation and/or other pervious surfaces creating a net increase of one (1) or more acres of cumulative impervious surface. [Minn. R. 7090]
15.4	Permittees must calculate the water quality volume as one (1) inch times the net increase of impervious surfaces created by the project. [Minn. R. 7090]
15.5	Permittees must first consider volume reduction practices on-site (e.g., infiltration or other) when designing the permanent stormwater treatment system. If this permit prohibits infiltration as described in item 16.14 through item 16.21, permittees may consider a wet sedimentation basin, filtration basin or regional pond. This permit does not consider wet sedimentation basins and filtration systems to be volume reduction practices. [Minn. R. 7090]
15.6	For projects where the full volume reduction requirement cannot be met on-site, (e.g., the site has infiltration prohibitions), permittees must document the reasons in the SWPPP. [Minn. R. 7090]
15.7	Permittees must discharge the water quality volume to a permanent stormwater treatment system prior to discharge to a surface water. For purposes of this item, surface waters do not include man-made drainage systems that convey stormwater to a permanent stormwater treatment system. [Minn. R. 7090]
15.8	Where the proximity to bedrock precludes the installation of any of the permanent stormwater treatment practices required by Sections 15 through 19, permittees must install other treatment such as grassed swales, smaller ponds, or grit chambers, prior to the discharge of stormwater to surface waters. [Minn. R. 7090]
15.9	For linear projects where permittees cannot treat the entire water quality volume within the existing right-of-way, permittees must make a reasonable attempt to obtain additional right-of-way, easement or other permission for stormwater treatment during the project planning process. Documentation of these attempts must be in the SWPPP. Permittees must still consider volume reduction practices first as described in item 15.5. If permittees cannot obtain additional right-of-way, easement or other permission, they must maximize the treatment of the water quality volume prior to discharge to surface waters. [Minn. R. 7090]
16.1	Infiltration Systems. [Minn. R. 7090]
16.2	Infiltration options include, but are not limited to: infiltration basins, infiltration trenches, rainwater gardens, bioretention areas without underdrains, swales with impermeable check dams, and natural depressions. If permittees utilize an infiltration system to meet the requirements of this permit, they must incorporate the design parameters in item 16.3 through item 16.21. Permittees must follow the infiltration prohibition in item 16.14 anytime an infiltration system is designed, including those not required by this permit. [Minn. R. 7090]
16.3	Permittees must design infiltration systems such that pre-existing hydrologic conditions of wetlands in the vicinity are not impacted (e.g., inundation or breaching a perched water table supporting a wetland). [Minn. R. 7090]
16.4	Permittees must not excavate infiltration systems to final grade, or within three (3) feet of final grade, until the contributing drainage area has been constructed and fully stabilized unless they provide rigorous erosion prevention and sediment controls (e.g., diversion berms) to keep sediment and runoff completely away from the infiltration area. [Minn. R. 7090]
16.5	When excavating an infiltration system to within three (3) feet of final grade, permittees must stake off and mark the area so heavy construction vehicles or equipment do not compact the soil in the infiltration

	area. [Minn. R. 7090]
16.6	Permittees must use a pretreatment device such as a vegetated filter strip, forebay, or water quality inlet (e.g., grit chamber) to remove solids, floating materials, and oil and grease from the runoff, to the maximum extent practicable, before the system routes stormwater to the infiltration system. [Minn. R. 7090]
16.7	Permittees must design infiltration systems to provide a water quality volume (calculated as an instantaneous volume) of one (1) inch of runoff, or one (1) inch minus the volume of stormwater treated by another system on the site, from the net increase of impervious surfaces created by the project. [Minn. R. 7090]
16.8	Permittees must design the infiltration system to discharge all stormwater (including stormwater in excess of the water quality volume) routed to the system through the uppermost soil surface or engineered media surface within 48 hours. Permittees must route additional flows that cannot infiltrate within 48 hours to bypass the system through a stabilized discharge point. [Minn. R. 7090]
16.9	Permittees must provide a means to visually verify the infiltration system is discharging through the soil surface or filter media surface within 48 hours or less. [Minn. R. 7090]
16.10	Permittees must provide at least one soil boring, test pit or infiltrometer test in the location of the infiltration practice for determining infiltration rates. [Minn. R. 7090]
16.11	For design purposes, permittees must divide field measured infiltration rates by 2 as a safety factor or permittees can use soil-boring results with the infiltration rate chart in the Minnesota Stormwater Manual to determine design infiltration rates. When soil borings indicate type A soils, permittees should perform field measurements to verify the rate is not above 8.3 inches per hour. This permit prohibits infiltration if the field measured infiltration rate is above 8.3 inches per hour. [Minn. R. 7090]
16.12	Permittees must employ appropriate on-site testing ensure a minimum of three (3) feet of separation from the seasonally saturated soils (or from bedrock) and the bottom of the proposed infiltration system. [Minn. R. 7090]
16.13	Permittees must design a maintenance access, typically eight (8) feet wide, for the infiltration system. [Minn. R. 7090]
16.14	This permit prohibits permittees from constructing infiltration systems that receive runoff from vehicle fueling and maintenance areas including construction of infiltration systems not required by this permit. [Minn. R. 7090]
16.15	<p>This permit prohibits permittees from constructing infiltration systems where infiltrating stormwater may mobilize high levels of contaminants in soil or groundwater. Permittees must either complete the MPCA's contamination screening checklist or conduct their own assessment to determine the suitability for infiltration. Permittees must retain the checklist or assessment with the SWPPP.</p> <p>For more information and to access the MPCA's "contamination screening checklist" see the Minnesota Stormwater Manual. [Minn. R. 7090]</p>
16.16	This permit prohibits permittees from constructing infiltration systems in areas where soil infiltration rates are field measured at more than 8.3 inches per hour unless they amend soils to slow the infiltration rate below 8.3 inches per hour. [Minn. R. 7090]
16.17	This permit prohibits permittees from constructing infiltration systems in areas with less than three (3) feet of separation distance from the bottom of the infiltration system to the elevation of the seasonally saturated soils or the top of bedrock. [Minn. R. 7090]
16.18	This permit prohibits permittees from constructing infiltration systems in areas of predominately Hydrologic Soil Group type D soils (clay). [Minn. R. 7090]
16.19	<p>This permit prohibits permittees from constructing infiltration systems within a Drinking Water Supply Management Area (DWSMA) as defined in Minn. R. 4720.5100, subp. 13, if the system will be located:</p> <ul style="list-style-type: none"> a. in an Emergency Response Area (ERA) within a DWSMA classified as having high or very high vulnerability as defined by the Minnesota Department of Health; or b. in an ERA within a DWSMA classified as moderate vulnerability unless a regulated MS4 Permittee performed or approved a higher level of engineering review sufficient to provide a functioning treatment

	<p>system and to prevent adverse impacts to groundwater; or</p> <p>c. outside of an ERA within a DWSMA classified as having high or very high vulnerability, unless a regulated MS4 Permittee performed or approved a higher level of engineering review sufficient to provide a functioning treatment system and to prevent adverse impacts to groundwater.</p> <p>See "higher level of engineering review" in the Minnesota Stormwater Manual for more information. [Minn. R. 7090]</p>
16.20	This permit prohibits permittees from constructing infiltration systems in areas within 1,000 feet upgradient or 100 feet downgradient of active karst features. [Minn. R. 7090]
16.21	This permit prohibits permittees from constructing infiltration systems in areas that receive runoff from the following industrial facilities not authorized to infiltrate stormwater under the NPDES stormwater permit for industrial activities: automobile salvage yards; scrap recycling and waste recycling facilities; hazardous waste treatment, storage, or disposal facilities; or air transportation facilities that conduct deicing activities. [Minn. R. 7090]
17.1	Filtration Systems. [Minn. R. 7090]
17.2	Filtration options include, but are not limited to: sand filters with underdrains, biofiltration areas, swales using underdrains with impermeable check dams and underground sand filters. If permittees utilize a filtration system to meet the permanent stormwater treatment requirements of this permit, they must comply with items 17.3 through 17.11. [Minn. R. 7090]
17.3	Permittees must not install filter media until they construct and fully stabilize the contributing drainage area unless they provide rigorous erosion prevention and sediment controls (e.g., diversion berms) to keep sediment and runoff completely away from the filtration area. [Minn. R. 7090]
17.4	Permittees must design filtration systems to remove at least 80 percent of TSS. [Minn. R. 7090]
17.5	Permittees must use a pretreatment device such as a vegetated filter strip, small sedimentation basin, water quality inlet, forebay or hydrodynamic separator to remove settleable solids, floating materials, and oils and grease from the runoff, to the maximum extent practicable, before runoff enters the filtration system. [Minn. R. 7090]
17.6	Permittees must design filtration systems to treat a water quality volume (calculated as an instantaneous volume) of one (1) inch of runoff, or one (1) inch minus the volume of stormwater treated by another system on the site, from the net increase of impervious surfaces created by the project. [Minn. R. 7090]
17.7	Permittees must design the filtration system to discharge all stormwater (including stormwater in excess of the water quality volume) routed to the system through the uppermost soil surface or engineered media surface within 48 hours. Additional flows that the system cannot filter within 48 hours must bypass the system or discharge through an emergency overflow. [Minn. R. 7090]
17.8	Permittees must design the filtration system to provide a means to visually verify the system is discharging through the soil surface or filter media within 48 hours. [Minn. R. 7090]
17.9	Permittees must employ appropriate on-site testing to ensure a minimum of three (3) feet of separation between the seasonally saturated soils (or from bedrock) and the bottom of the proposed filtration system. [Minn. R. 7090]
17.10	Permittees must ensure that filtration systems with less than three (3) feet of separation between seasonally saturated soils or from bedrock are constructed with an impermeable liner. [Minn. R. 7090]
17.11	The permittees must design a maintenance access, typically eight (8) feet wide, for the filtration system. [Minn. R. 7090]
18.1	Wet Sedimentation Basin. [Minn. R. 7090]
18.2	Permittees using a wet sedimentation basin to meet the permanent stormwater treatment requirements of this permit must incorporate the design parameters in item 18.3 through 18.10. [Minn. R. 7090]
18.3	Permittees must design the basin to have a permanent volume of 1,800 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 three (3) feet and must have no depth greater than 10 feet. Permittees must configure the basin to minimize scour or resuspension of solids. [Minn. R. 7090]
18.4	Permittees must design the basin to provide live storage for a water quality volume (calculated as an

	instantaneous volume) of one (1) inch of runoff, or one (1) inch minus the volume of stormwater treated by another system on the site, from the net increase in impervious surfaces created by the project. [Minn. R. 7090]
18.5	Permittees must design basin outlets so the water quality volume discharges at no more than 5.66 cubic feet per second (cfs) per acre of surface area of the basin. [Minn. R. 7090]
18.6	Permittees must design basin outlets to prevent short-circuiting and the discharge of floating debris. Basin outlets must have energy dissipation. [Minn. R. 7090]
18.7	Permittees must design the basin to include a stabilized emergency overflow to accommodate storm events in excess of the basin's hydraulic design. [Minn. R. 7090]
18.8	Permittees must design a maintenance access, typically eight (8) feet wide, for the basin. [Minn. R. 7090]
18.9	Permittees must locate basins outside of surface waters and any buffer zone required in item 23.11. Permittees must design basins to avoid draining water from wetlands unless the impact to the wetland complies with the requirements of Section 22. [Minn. R. 7090]
18.10	Permittees must design basins using an impermeable liner if located within active karst terrain. [Minn. R. 7090]
19.1	Regional Wet Sedimentation Basins. [Minn. R. 7090]
19.2	When the entire water quality volume cannot be retained onsite, permittees can use or create regional wet sedimentation basins provided they are constructed basins, not a natural wetland or water body, (wetlands used as regional basins must be mitigated for, see Section 22). The owner must ensure the regional basin conforms to all requirements for a wet sedimentation basin as described in items 18.3 through 18.10 and must be large enough to account for the entire area that drains to the regional basin. Permittees must verify that the regional basin will discharge at no more than 5.66 cfs per acre of surface area of the basin and must provide a live storage volume of one inch times all the impervious area draining to the basin. Permittees cannot significantly degrade waterways between the project and the regional basin. The owner must obtain written authorization from the applicable LGU or private entity that owns and maintains the regional basin. [Minn. R. 7090]
20.1	SWPPP Availability. [Minn. R. 7090]
20.2	Permittees must keep the SWPPP, including all changes to it, and inspections and maintenance records at the site during normal working hours by permittees who have operational control of that portion of the site. [Minn. R. 7090]
21.1	Training Requirements. [Minn. R. 7090]
21.2	Permittees must ensure all of the following individuals receive training and the content and extent of the training is commensurate with the individual's job duties and responsibilities with regard to activities covered under this permit: <ul style="list-style-type: none"> a. Individuals preparing the SWPPP for the project. b. Individuals overseeing implementation of, revising and/or amending the SWPPP and individuals performing inspections for the project. One of these individuals must be available for an onsite inspection within 72 hours upon request by the MPCA. c. Individuals performing or supervising the installation, maintenance and repair of BMPs. [Minn. R. 7090]
21.3	Permittees must ensure individuals identified in Section 21 receive training from local, state, federal agencies, professional organizations, or other entities with expertise in erosion prevention, sediment control, permanent stormwater treatment and the Minnesota NPDES/SDS Construction Stormwater permit. Permittees must ensure these individuals attend a refresher-training course every three (3) years. [Minn. R. 7090]
22.1	Requirements for Discharges to Wetlands. [Minn. R. 7050.0186]
22.2	If the project has any discharges with the potential for significant adverse impacts to a wetland, (e.g., conversion of a natural wetland to a stormwater pond) permittees must demonstrate that the wetland mitigative sequence has been followed in accordance with items 22.3 or 22.4. [Minn. R. 7050.0186]
22.3	If the potential adverse impacts to a wetland on a specific project site are addressed by permits or other approvals from an official statewide program (U.S. Army Corps of Engineers 404 program, Minnesota

	Department of Natural Resources, or the State of Minnesota Wetland Conservation Act) that are issued specifically for the project and project site, permittees may use the permit or other determination issued by these agencies to show the potential adverse impacts are addressed. For purposes of this permit, de minimus actions are determinations by the permitting agency that address the project impacts, whereas a non-jurisdictional determination does not address project impacts. [Minn. R. 7090]
22.4	<p>If there are impacts from the project not addressed in one of the permits or other determinations discussed in item 22.3 (e.g., permanent inundation or flooding of the wetland, significant degradation of water quality, excavation, filling, draining), permittees must minimize all adverse impacts to wetlands by utilizing appropriate measures. Permittees must use measures based on the nature of the wetland, its vegetative community types and the established hydrology. These measures include in order of preference:</p> <ul style="list-style-type: none"> a. avoid all significant adverse impacts to wetlands from the project and post-project discharge; b. minimize any unavoidable impacts from the project and post-project discharge; c. provide compensatory mitigation when the permittees determine(s) that there is no reasonable and practicable alternative to having a significant adverse impact on a wetland. For compensatory mitigation, wetland restoration or creation must be of the same type, size and whenever reasonable and practicable in the same watershed as the impacted wetland. [Minn. R. 7050.0186]
23.1	Additional Requirements for Discharges to Special (Prohibited, Restricted, Other) and Impaired Waters. [Minn. R. 7090]
23.2	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 (aerial radius measurement) of special or impaired water and flows to that special or impaired water. [Minn. R. 7090]
23.3	<p>Discharges to the following special waters identified as Prohibited in Minn. R. 7050.0035 Subp. 3 must incorporate the BMPs outlined in items 23.9, 23.10, 23.11, 23.13 and 23.14:</p> <ul style="list-style-type: none"> a. 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. b. Those portions of Lake Superior North of latitude 47 degrees, 57 minutes, 13 seconds, East of Hat Point, South of the Minnesota-Ontario boundary, and West of the Minnesota-Michigan boundary; c. Scientific and Natural Areas identified as in Minn. R. 7050.0335 Subp. 3: 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; 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. [Minn. R. 7050.0335, Subp. 3]
23.4	<p>Discharges to the following special waters identified as Restricted must incorporate the BMPs outlined in items 23.9, 23.10 and 23.11:</p> <ul style="list-style-type: none"> a. Lake Superior, except those portions identified as prohibited in item 23.3.b; b. Mississippi River in 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; c. 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 que 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 Highway 27 bridge in Onamia to Madison and Rice streets in Anoka; d. Lake Trout Lakes identified in Minn. R. 7050.0335 including lake trout lakes inside the boundaries of the Boundary Waters Canoe Area Wilderness and Voyageurs National Park; e. Calcareous Fens listed in Minn. R. 7050.0335, Subp. 1. [Minn. R. 7050.0335, Subp. 1]
23.5	Discharges to the Trout Lakes (other special water) identified in Minn. R. 6264.0050, subp. 2 must incorporate the BMPs outlined in items 23.9, 23.10 and 23.11. [Minn. R. 6264.0050, Subp. 2]

23.6	Discharges to the Trout Streams (other special water) listed in Minn. R. 6264.0050, subp. 4 must incorporate the BMPs outlined in items 23.9, 23.10, 23.11 and 23.12. [Minn. R. 6264.0050, Subp. 4]
23.7	Discharges to impaired waters or a water with an USEPA approved TMDL for any of the impairments listed in this item must incorporate the BMPs outlined in items 23.9 and 23.10. Impaired waters are waters identified as impaired under section 303 (d) of the federal Clean Water Act for phosphorus (nutrient eutrophication biological indicators), turbidity, TSS, dissolved oxygen or aquatic biota (fish bioassessment, aquatic plant bioassessment and aquatic macroinvertebrate bioassessment). Terms used for the pollutants or stressors in this item are subject to change. The MPCA will list terminology changes on its construction stormwater website. [Minn. R. 7090]
23.8	Where the additional BMPs in this Section conflict with requirements elsewhere in this permit, items 23.9 through 23.14 take precedence. [Minn. R. 7090]
23.9	Permittees must immediately initiate stabilization of exposed soil areas, as described in item 8.4, and complete the stabilization within seven (7) calendar days after the construction activity in that portion of the site temporarily or permanently ceases. [Minn. R. 7090]
23.10	Permittees must provide a temporary sediment basin as described in Section 14 for common drainage locations that serve an area with five (5) or more acres disturbed at one time. [Minn. R. 7090]
23.11	Permittees must include an undisturbed buffer zone of not less than 100 linear feet from a special water (not including tributaries) and must maintain this buffer zone at all times, both during construction and as a permanent feature post construction, except where a water crossing or other encroachment is necessary to complete the project. Permittees must fully document the circumstance and reasons the buffer encroachment is necessary in the SWPPP and include restoration activities. This permit allows replacement of existing impervious surface within the buffer. Permittees must minimize all potential water quality, scenic and other environmental impacts of these exceptions by the use of additional or redundant (double) BMPs and must document this in the SWPPP for the project. [Minn. R. 7090]
23.12	<p>Permittees must design the permanent stormwater treatment system so the discharge from the project minimizes any increase in the temperature of trout streams resulting from the one (1) and two (2) year 24-hour precipitation events. This includes all tributaries of designated trout streams located within the same Public Land Survey System (PLSS) Section. Permittees must incorporate one or more of the following measures, in order of preference:</p> <ul style="list-style-type: none"> a. Provide stormwater infiltration or other volume reduction practices as described in item 15.4 and 15.5, to reduce runoff. Infiltration systems must discharge all stormwater routed to the system within 24 hours. b. Provide stormwater filtration as described in Section 17. Filtration systems must discharge all stormwater routed to the system within 24 hours. c. Minimize the discharge from connected impervious surfaces by discharging to vegetated areas, or grass swales, and through the use of other non-structural controls. d. If ponding is used, the design must include an appropriate combination of measures such as shading, vegetated swale discharges or constructed wetland treatment cells that limit temperature increases. The pond must be designed as a dry pond and should draw down in 24 hours or less. e. Other methods that minimize any increase in the temperature of the trout stream. [Minn. R. 7090]
23.13	Permittees must conduct routine site inspections once every three (3) days as described in item 11.2 for projects that discharge to prohibited waters. [Minn. R. 7090]
23.14	If discharges to prohibited waters cannot provide volume reduction equal to one (1) inch times the net increase of impervious surfaces as required in item 15.4 and 15.5, permittees must develop a permanent stormwater treatment system design that will result in no net increase of TSS or phosphorus to the prohibited water. Permittees must keep the plan in the SWPPP for the project. [Minn. R. 7090]
24.1	General Provisions. [Minn. R. 7090]
24.2	If the MPCA determines that an individual permit would more appropriately regulate the construction activity, the MPCA may require an individual permit to continue the construction activity. Coverage under this general permit will remain in effect until the MPCA issues an individual permit. [Minn. R. 7001.0210, Subp. 6]
24.3	If the permittee cannot meet the terms and conditions of this general permit, an owner may request an individual permit, in accordance with Minn. R. 7001.0210 subp. 6. [Minn. R. 7001.0210, Subp. 6]

24.4	Any interested person may petition the MPCA to require an individual NPDES/SDS permit in accordance with 40 CFR 122.28(b)(3). [40 CFR 122.29(b)(3)]
24.5	Permittees must make the SWPPP, including all inspection reports, maintenance records, training records and other information required by this permit, available to federal, state, and local officials within three (3) days upon request for the duration of the permit and for three (3) years following the NOT. [Minn. R. 7090]
24.6	Permittees may not assign or transfer this permit except when the transfer occurs in accordance with the applicable requirements of item 3.7 and 3.8. [Minn. R. 7090]
24.7	Nothing in this permit must be construed to relieve the permittees 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 permittees from any responsibilities, liabilities, or penalties to which the permittees is/are or may be subject to under Section 311 of the Clean Water Act and Minn. Stat. Sect. 115 and 116, as amended. Permittees are not liable for permit requirements for activities occurring on those portions of a site where the permit has been transferred to another party as required in item 3.7 or the permittees have submitted the NOT as required in Section 4. [Minn. R. 7090]
24.8	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. [Minn. R. 7090]
24.9	The permittees 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), 1(I), 1(J), 1(K), and 1(L). [Minn. R. 7090]
24.10	The permittees must allow access as provided in 40 CFR 122.41(i) and Minn. Stat. Sect. 115.04. The permittees must 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. [40 CFR 122.41(i)]
24.11	For the purposes of Minn. R. 7090 and other documents that reference specific sections of this permit, "Stormwater Discharge Design Requirements" corresponds to Sections 5, 6 and 14 through 21; "Construction Activity Requirements" corresponds to Sections 7 through 13; and "Appendix A" corresponds to Sections 22 and 23. [Minn. R. 7090]
25.1	Definitions. [Minn. R. 7090]
25.2	"Active karst" means a terrain having distinctive landforms and hydrology created primarily from the dissolution of soluble rocks within 50 feet of the land surface. [Minn. R. 7090]
25.3	"Aerial radius measurement" means the shortest straight line distance measurement between the point of stormwater discharge from a project construction site to the nearest edge of the water body receiving the stormwater. This measurement does not follow the meander flow path. [Minn. R. 7090]
25.4	"Best Management Practices (BMPs)" means the most effective and practicable means of erosion prevention and sediment control, and water quality management practices that are the most effective and practicable means of to control, prevent, and minimize degradation of surface water, including avoidance of impacts, construction-phasing, minimizing the length of time soil areas are exposed, prohibitions, pollution prevention through good housekeeping, and other management practices published by state or designated area-wide planning agencies. [Minn. R. 7090]
25.5	"Common Plan of Development or Sale" means one proposed plan for a contiguous area where multiple separate and distinct land-disturbing activities may be taking place at different times, on different schedules, but under one proposed plan. One plan is broadly defined to include design, permit application, advertisement or physical demarcation indicating that land-disturbing activities may occur. [Minn. R. 7090]
25.6	"Construction Activity" means activities including clearing, grading, and excavating, that result in land disturbance of equal to or greater than one acre, including the disturbance of less than one 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 acre. This includes a disturbance to the land that results in a change in the topography, existing soil cover, both vegetative and nonvegetative, or the existing soil topography that may result in accelerated stormwater runoff that may lead to soil erosion and movement of sediment. Construction activity does not include a disturbance to the land of less than five acres for the

	purpose of routine maintenance performed to maintain the original line and grade, hydraulic capacity, and original purpose of the facility. Routine maintenance does not include activities such as repairs, replacement and other types of non-routine maintenance. Pavement rehabilitation that does not disturb the underlying soils (e.g., mill and overlay projects) is not construction activity. [Minn. R. 7090]
25.7	"Dewatering" means the removal of surface or ground water to dry and/or solidify a construction site to enable construction activity. Dewatering may require a Minnesota Department of Natural Resources water appropriation permit and, if dewatering water is contaminated, discharge of such water may require an individual MPCA NPDES/SDS permit. [Minn. R. 7090]
25.8	"Energy Dissipation" means methods employed at pipe outlets to prevent erosion caused by the rapid discharge of water scouring soils. [Minn. R. 7090]
25.9	"Erosion Prevention" means measures employed to prevent erosion such as soil stabilization practices, permanent cover or construction phasing. [Minn. R. 7090]
25.10	"General Contractor" means the party who signs the construction contract with the owner to construct the entire project described in the final plans and specifications. Where the construction project involves more than one contractor, the general contractor is the party responsible for managing the entire project on behalf of the owner. In some cases, the owner is the general contractor. In these cases, the owner signs the permit application as the operator and becomes the sole permittee. [Minn. R. 7090]
25.11	"Groundwater" means the water contained below the surface of the earth in the saturated zone including, without limitation, all waters whether under confined, unconfined, or perched conditions, in near surface unconsolidated sediment or regolith, or in rock formations deeper underground. [Minn. R. 7060]
25.12	"Homeowner Fact Sheet" means an MPCA fact sheet available on the MPCA Construction Stormwater website for permittees to give to homeowners at the time of sale. [Minn. R. 7090]
25.13	"Infeasible" means not technologically possible or not economically practicable and achievable in light of the best industry practices. [Minn. R. 7090]
25.14	<p>"Initiated immediately" means taking an action to commence soil stabilization as soon as practicable, but no later than the end of the work day, following the day when the land-disturbing activities temporarily or permanently cease, if the permittees know that construction work on that portion of the site will be temporarily ceased for 14 or more additional calendar days or 7 calendar days where item 23.9 applies. Permittees can initiate stabilization by:</p> <ul style="list-style-type: none"> a. prepping the soil for vegetative or non-vegetative stabilization; or b. applying mulch or other non-vegetative product to the exposed soil area; or c. seeding or planting the exposed area; or d. starting any of the activities in a - c on a portion of the area to be stabilized, but not on the entire area; or e. finalizing arrangements to have stabilization product fully installed in compliance with the applicable deadline for completing stabilization. [Minn. R. 7090]
25.15	"Impervious Surface" means 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. Examples include rooftops, sidewalks, driveways, parking lots, and concrete, asphalt, or gravel roads. Bridges over surface waters are considered impervious surfaces. [Minn. R. 7090]
25.16	"National Pollutant Discharge Elimination System (NPDES)" means the program for issuing, modifying, revoking, reissuing, terminating, monitoring, and enforcing permits under the Clean Water Act, as amended (33 U.S.C. 1251 et seq. Section 1342 and 40 CFR parts 122, 123, 124 and 450). [Minn. R. 7090]
25.17	"Natural Buffer" means an area of undisturbed cover surrounding surface waters within which construction activities are restricted. Natural buffer includes the vegetation, exposed rock, or barren ground that exists prior to commencement of earth-disturbing activities. [Minn. R. 7090]
25.18	"Normal Wetted Perimeter" means the area of a conveyance, such as a ditch or channel, that is in contact with water during flow events that are expected to occur from a two-year, 24-hour storm event. [Minn. R. 7090]
25.19	"Notice of Termination (NOT)" means the form (electronic or paper) required for terminating coverage under the Construction General permit. [Minn. R. 7090]

25.20	"Operator" means the person (usually the general contractor), firm, governmental agency, or other entity designated by the owner who has day to day operational control and/or the ability to modify project plans and specifications related to the SWPPP. The permit application must list the operator as a permittee. Subcontractors hired by and under supervision of the general contractor are not operators. [Minn. R. 7090]
25.21	"Owner" means the person, firm, governmental agency, or other entity possessing the title of the land on which the construction activities will occur or, if the construction activity is for a lease, easement, or mineral rights license holder, the party or individual identified as the lease, easement or mineral rights license holder; or the contracting government agency responsible for the construction activity. [Minn. R. 7090]
25.22	"Permanent Cover" means surface types that will prevent soil failure under erosive conditions. Examples include: gravel, concrete, perennial cover, or other landscaped material that will permanently arrest soil erosion. Permittees must establish a uniform perennial vegetative cover (i.e., evenly distributed, without large bare areas) with a density of 70 percent of the native background vegetative cover on all areas not covered by permanent structures, or equivalent permanent stabilization measures. Permanent cover does not include temporary BMPs such as wood fiber blanket, mulch, and rolled erosion control products. [Minn. R. 7090]
25.23	"Permittees" means the persons, firm, governmental agency, or other entity identified as the owner and operator on the application submitted to the MPCA and are responsible for compliance with the terms and conditions of this permit. [Minn. R. 7090]
25.24	"Project(s)" means all construction activity planned and/or conducted under a particular permit. The project occurs on the site or sites described in the permit application, the SWPPP and in the associated plans, specifications and contract documents. [Minn. R. 7090]
25.25	"Public Waters" means all water basins and watercourses described in Minn. Stat. Sect. 103G.005 subp. 15. [Minn. R. 7090]
25.26	"Redoximorphic Features" means a color pattern in soil, formed by oxidation and reduction process of iron and/or manganese in seasonally saturated soil. [Minn. R. 7090]
25.27	"Section" includes all item numbers of the same whole number. For example, "Section 3" of the permit refers to items 3.1 through 3.8. [Minn. R. 7090]
25.28	"Seasonally Saturated Soil" means the highest seasonal elevation in the soil in a reduced chemical state because of soil voids filled with water causing anaerobic conditions. Seasonally saturated soil is evidenced by the presence of redoximorphic features or other information determined by scientifically established methods or empirical field measurements. [Minn. R. 7090]
25.29	"Sediment Control" means methods employed to prevent suspended sediment in stormwater from leaving the site (e.g. silt fences, compost logs and storm drain inlet protection). [Minn. R. 7090]
25.30	"Stabilize", "Stabilized", "Stabilization" means the exposed ground surface has been covered by appropriate materials such as mulch, staked sod, riprap, erosion control blanket, mats or other material that prevents erosion from occurring. Grass seeding, agricultural crop seeding or other seeding alone is not stabilization. Mulch materials must achieve approximately 90 percent ground coverage (typically 2 ton/acre). [Minn. R. 7090]
25.31	"Stormwater" means precipitation runoff, stormwater runoff, snowmelt runoff, and any other surface runoff and drainage. [Minn. R. 7090]
25.32	"Steep Slopes" means slopes that are 1:3 (V:H) (33.3 percent) or steeper in grade. [Minn. R. 7090]
25.33	"Storm Water Pollution Prevention Plan (SWPPP)" means a plan for stormwater discharge that includes all required content under in Section 5 that describes the erosion prevention, sediment control and waste control BMPs and permanent stormwater treatment systems. [Minn. R. 7090]
25.34	"Surface Water or Waters" means all streams, lakes, ponds, marshes, wetlands, reservoirs, springs, rivers, drainage systems, waterways, watercourses, and irrigation systems whether natural or artificial, public or private, except that surface waters do not include stormwater treatment systems constructed from upland. This permit does not consider stormwater treatment systems constructed in wetlands and mitigated in accordance with Section 22 as surface waters. [Minn. R. 7090]
25.35	"Waters of the State" (as defined in Minn. Stat. Sect. 115.01, subp. 22) means all streams, lakes, ponds,

	marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof. [Minn. Stat. 115.01, Subp. 22]
25.36	"Water Quality Volume" means one (1) inch of runoff from the net increase in impervious surfaces created by the project (calculated as an instantaneous volume). [Minn. R. 7090]
25.37	<p>"Wetlands" (as defined in Minn. R. 7050.0186, subp. 1a.B.) means those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Constructed wetlands designed for wastewater treatment are not waters of the state. Wetlands must have the following attributes:</p> <ul style="list-style-type: none"> a. a predominance of hydric soils; and b. inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in a saturated soil condition; and c. under normal circumstances support a prevalence of such vegetation. [Minn. R. 7050.0186, Subp. 1a.B]