Construction Stormwater General NPDES/SDS Permit Reissuance

Minnesota Erosion Control Association
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Lawrence S. Zdon
Minnesota Pollution Control Agency

The Minnesota General Construction Stormwater NPDES/SDS Permit

- Clean Water Act 1972 NPDES Permit Program
- Stormwater permits started in 1990
- General Permit for Construction
- Reissued every 5 years
- 1,500 -2,000 sites apply / year
- 2009 Federal C&D rule change

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Opportunities for Public Input

- Public informational meeting (**Dec.17, 2012**)
- 45-day Public Notice comment period published in the State Register (**February 4 – March 20, 2013**)
- Public Informational Meeting during comment period (**March 8, 2013**)
- MPCA Citizens Board Meeting (Informational Item scheduled for the **March 26th Board meeting**)
- MPCA Citizens Board Meeting (Decision Item tentatively **May 28th Board meeting**)

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Comment Period

Interested persons are invited to submit written comments on the draft permit. Any comments received before 4:30 p.m. on the last day of the comment period (March 20, 2013) will be considered before the draft permit is finalized.

Comments on the draft permit should include the following information, pursuant to *Minnesota Rules* 7001.0110:

1. A statement of your interest in the draft permit;
2. A statement of the action you wish the MPCA to take, including specific references to sections in the draft permit that you believe should be changed; and
3. The reasons supporting your position, stated with sufficient specificity as to allow the Commissioner to investigate the merits of your position.

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Why changes for the CSW permit for 2013?

- EPA Rule **40 CFR Part 450** - Effluent Limitations Guidelines and Standards for the Construction and Development Point Source Category for CSW Permits (2009).
- Everyone calls it the C&D Rule.
- The EPA requires the rule items to be addressed by states in their NPDES CSW permits.

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Why changes for the CSW permit for 2013?

- While the permit must meet the requirements of the EPA C&D rule it must also meet our own state Antidegradation requirements.
- The proposed changes also includes modifications to the existing permit that the MPCA identified as necessary or that were required to address state requirements.

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Why changes for the CSW permit for 2013?

- MPCA also proposes numerous updates, clarifications, streamlining language, new definitions, reorganization and minor language changes to make the permit more concise, cut duplicative or unneeded language and to improve permit readability and understanding.
- MPCA intends that many of these clarifications and streamlining would have no change to permit requirements.

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What do these proposed permit changes look like?

These are the major proposed permit modifications:

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Permanent Treatment

- Permanent Treatment is modified to require 1 inch of the new impervious surface runoff to be retained on site and not discharged to a surface water.
- Methods used will be infiltration (unless prohibited) or volume reduction by other methods.
- For those projects where infiltration is prohibited and not all of the water quality volume has been reduced by other methods, the remaining water quality volume must be treated by a wet sedimentation basin, filtration system, regional ponding or equivalent methods prior to the discharge of stormwater to surface waters.

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Permanent Treatment

- If the project is in a jurisdiction that is subject to a MS4 permit that has permanent treatment requirement that meets the current draft MS4 requirements, then the project can comply with the MS4 requirements in lieu of permanent treatment requirements in the CSW permit.

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Maintain Buffers During Construction

- During Construction provide and maintain a 50 foot natural buffer around surface waters, if feasible.
- If not feasible, provide some form of redundant BMP.

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Define Infeasible

- Infeasible means not technologically possible or not economically practicable and achievable in light of the best industry practices.
- For design requirements or SWPPP components where this permit allows other methods to be used if the Permittee determines that compliance with the requirement is infeasible, you must document that determination in the SWPPP including the substitute BMPs to be used.

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Electronic Applications

- All permit applications are required to be submitted electronically.
- If you are not able to apply on line, you may request waiver of the electronic submission requirement and be mailed a paper application.
- Permit coverage will become effective 7 days after submittal.

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Training Requirements

- Erosion and Sediment control training requirements require a refresher training must be attended every three years, starting three years after the reissuance of this CSW permit.

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Projects Discharging to Calcareous Fens

- Eliminate the requirement for an applicant to obtain an approval letter from the DNR prior to application when discharge to a calcareous fen is involved.
- If discharging to a calcareous fen, follow additional BMPs for Special Waters (ORVW) found in Appendix A. C-1 and C -2.

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Inspection

- Inspect and record the construction site within 24 hours after a rainfall event greater than 0.25 inch in 24 hours.
- Discharges occurring during inspection should be viewed to determine permit compliance.
- Photograph discharges to supplement the description.
- Rainfall amounts must be measured in a rain gauge installed onsite.

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Site Design Considerations

- Design conveyance channels to route water around unstabilized areas on the site and use erosion controls and velocity dissipation devices if necessary to prevent erosion.
- Identify steep (>3:1) slopes in the SWPPP and minimize disturbance to these slopes.
- Direct stormwater to vegetated or buffer areas to maximize stormwater infiltration, unless infeasible. Use velocity dissipation devices if needed.

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Design Factors

The SWPPP should account for the following in the design of Erosion and Sediment controls:

- Expected amount, frequency, intensity, and duration of precipitation in design of BMPs.
- Nature of stormwater runoff and run-on at the site, including factors such as expected flow from impervious surfaces, slopes, and site drainage features.
- The range of soil particle sizes expected to be present on the site.

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Soil Management

- Minimize soil compaction during the construction activity.
- Preserve top soil, unless infeasible.

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Soil Stabilization

- Soil Stabilization of disturbed areas must be initiated immediately when earth disturbing activities have ceased on any portion of the site and will not resume for a period exceeding 14 calendar days.

"Initiated immediately" would generally mean prepping the soil, applying mulch, seeding, starting any of these activities on a portion of the area to be stabilized or finalizing arrangements to have stabilization product fully installed.

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Soil Stabilization

Stabilization requirements on slopes adjacent to (DNR) Public Waters with work restrictions during fish spawning periods.

- Activities in areas adjacent to and draining to MDNR Public Waters that have work restrictions during fish spawning time frames must complete the stabilization no later than 24 hours.

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Temporary Sediment Basin Design

- The temporary sediment basin's outlet structure must be designed to withdraw water from the surface unless during frozen conditions.
- Sediment Basins must not be located in any natural buffers.

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Dewatering

- Dewatering discharge water found to contain oil or grease must use an oil-water separator or suitable filtration device.
- If there is backwash water from filters for dewatering, it must either be hauled away for disposal, returned to the beginning of the treatment process or incorporated into the site in a manner that does not erode.
- Replace and clean filter media when required.

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Treatment Chemical Planning

- Develop and document in the SWPPP any use of treatment chemicals, such as polymers or flocculants, and the treatment systems used with them for enhancing the sedimentation process on the site.
- Specify in the SWPPP the plan to comply with the proper use and dosing of treatment chemicals.

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Pollution Prevention

Storage, Handling, and Disposal of Construction Products, Materials, and Wastes:

- Building products that have the potential to leach pollutants, pesticides, herbicides, insecticides, fertilizers, treatment chemicals, and landscape materials must be under cover (e.g., plastic sheeting or temporary roofs) or protected to minimize contact with stormwater.

Products or wastes which are either not a source of contamination to stormwater or are designed to be exposed to stormwater, are not held to this requirement.

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Pollution Prevention

Washouts Waste:

- Provide secure containment for all liquid and solid wastes generated by washout operations related to the construction activity.

Washout waste includes concrete and stucco, paint, form release oils, curing compounds and other construction materials.

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Pollution Prevention

Fueling and Maintenance of Equipment or Vehicles; Spill Prevention and Response:

- 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. This includes the use of drip pans and (where feasible) conducting fueling in a contained area.
- 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.
- Report and clean up spills immediately, using dry clean up measures where possible.

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Pollution Prevention

Sanitary Waste on the construction site:

- Portable toilets must be positioned so that they are secure and will not be tipped or knocked over.
- Sanitary waste must be disposed of properly in accordance with MPCA rules.

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In Conclusion

- The 45 day public comment period began: **February 4, 2013**
- The public comment period ends: **March 20, 2013**
- The Public Informational Meeting at the MPCA during comment period will be: **March 8, 2013**

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Check it out

The MPCA Web site for Construction Stormwater for all Public Notice details, public comment submittal requirements and updated information regarding the reissuance of the 2013 CSW NPDES/SDS permit.

www.pca.state.mn.us

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Questions ?

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