



MPCA Construction Stormwater Unit

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St. Paul Office

Presentation Outline

1. What does MPCA CSW do?
2. What is your role in an inspection/follow-up?
3. Common violations
4. Inspection follow-up process
5. Resources
6. Questions?

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What do we
do?

Construction Stormwater

- NPDES/SDS Construction Stormwater General Permit
 - Disturb >1 acre of land or part of a common plan of development or sale that will ultimately disturb >1 acre of land.

- Inspections...



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

Permittee: Multiple
Project Name: Construction Stormwater General Permit
Issuance date: August 1, 2023
Expiration date: July 31, 2028

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

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: *Ryan Anderson*

This document has been electronically signed.

for the Minnesota Pollution Control Agency

Ryan Anderson
Manager
Stormwater Section
Municipal Division

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Your role in
an inspection
and follow-up

Announced vs Unannounced



Announced

- MPCA staff contacts you ahead of time with a timeframe for the inspection
- Will try to contact you 24-48hrs ahead of time via the contact information on the permit application
- Communicate with inspector. Provide requested documents within 72hrs and preferably before the inspection.



Unannounced

- MPCA staff arrives onsite without contacting you ahead of time
- Typical for complaints
- Communication after the inspection. Feel free to call or email. Provide requested documents and photos.

Conducting Inspections

What does the MPCA expect?

- Compliance before MPCA staff arrives
- BMPs installed and functional
- Site inspected routinely and after rain events

What is the MPCA looking for?

- Non-compliance with Permit
- Sediment discharges
- Potential problems



Owner Responsibilities

- Any relevant staff are welcome to join an MPCA inspector on a site inspection.
- All SWPPP requirements listed in section 5 of the permit are owner only requirements.
 - It's common for operators to provide documents to the MPCA, but developing a SWPPP and having all required items in section 5 is an owner only responsibility.
- Communicate and coordinate with the operator at the site to fix any issues and submit a timely response to the MPCA.
- For elevated enforcement cases, we will not violate the Data Practices Act. You are free to communicate with your operator about a response.

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Common
Violations/
Issues

Top five CSW Permit violations for FFY25

1. Missed inspections

Permit Item 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**.

Permit Item 11.11:

Permittees may adjust the inspection schedule described in item 11.2 as follows:

- 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.
- d. for projects where a **pollinator habitat or native prairie type vegetated cover** is being established, inspections may be reduced to **once per month** if the site has temporary vegetation with a density of 70% temporary uniform cover. If after 24 months no significant erosion problems are observed, inspections may be suspended completely until the termination requirements in section 13 have been met.

Top five CSW Permit violations for FFY25

2. Failure to stabilize exposed soils

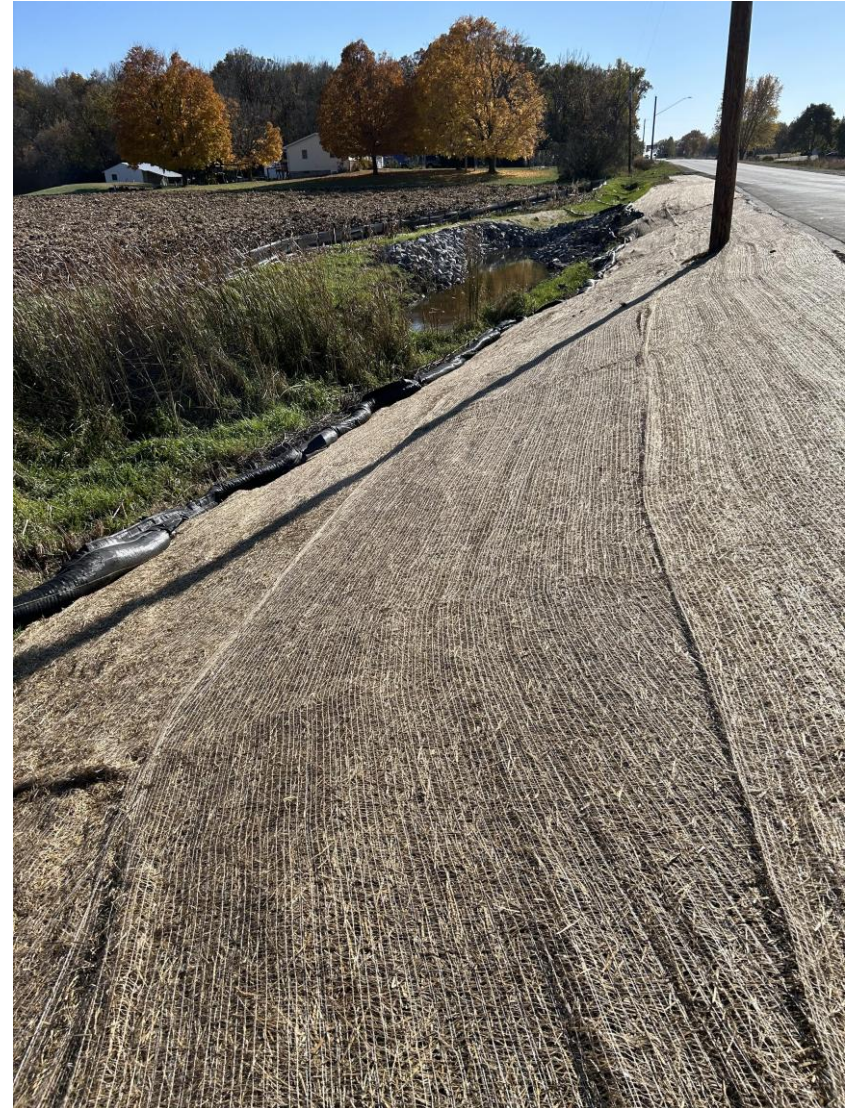


B.4

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 (7 days for sites discharging to special or impaired waters, see section 24). 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]

Good BMPs

Soil stabilization



Top five CSW Permit violations for FFY25

3. Missing perimeter controls



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]

Good BMPs

Perimeter controls



Top five CSW Permit violations for FFY25

4. Failure to install downgradient stockpile sediment controls



9.9 Permittees must provide silt fence or other effective sediment controls at the base of stockpiles on the downgradient perimeter prior to the initiation of stockpiling. Sediment controls must be managed in accordance with section 9.6. [Minn. R. 7090]

Good BMPs

Stockpile perimeter controls



Top five CSW Permit violations for FFY25

5. Failure to install appropriate inlet protection devices



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]

Good BMPs

Inlet protection devices



Other Common Violations...

Inadequate SWPPP

4. PROJECT PERSONNEL AND SWPPP IMPLEMENTATION RESPONSIBILITIES

ORGANIZATION	CONTACT NAME & CERTIFICATION NUMBER	PHONE
OWNER:	[REDACTED]	
ENGINEER FIRM NAME	[REDACTED] CIATES, INC.	[REDACTED]
SWPPP DESIGNER: PIERCE PINI AND ASSOCIATES	[REDACTED]	[REDACTED]
GENERAL CONTRACTOR FIRM NAME:		
SOIL/EROSION CONSTRUCTION SITE MANAGER	?????	
SOIL/EROSION CONSTRUCTION SITE MANAGER		

MPCA DUTY OFFICER 24-HOUR EMERGENCY SPILL NOTIFICATION:
651-649-5451 OR 800-422-0798

Protect Infiltration and Filtration Systems



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]
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]

Stockpiles Located in Stormwater Conveyances



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]
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You are required to report a discharge that may cause pollution to a water of the state!
Minn. Stat. 115.061

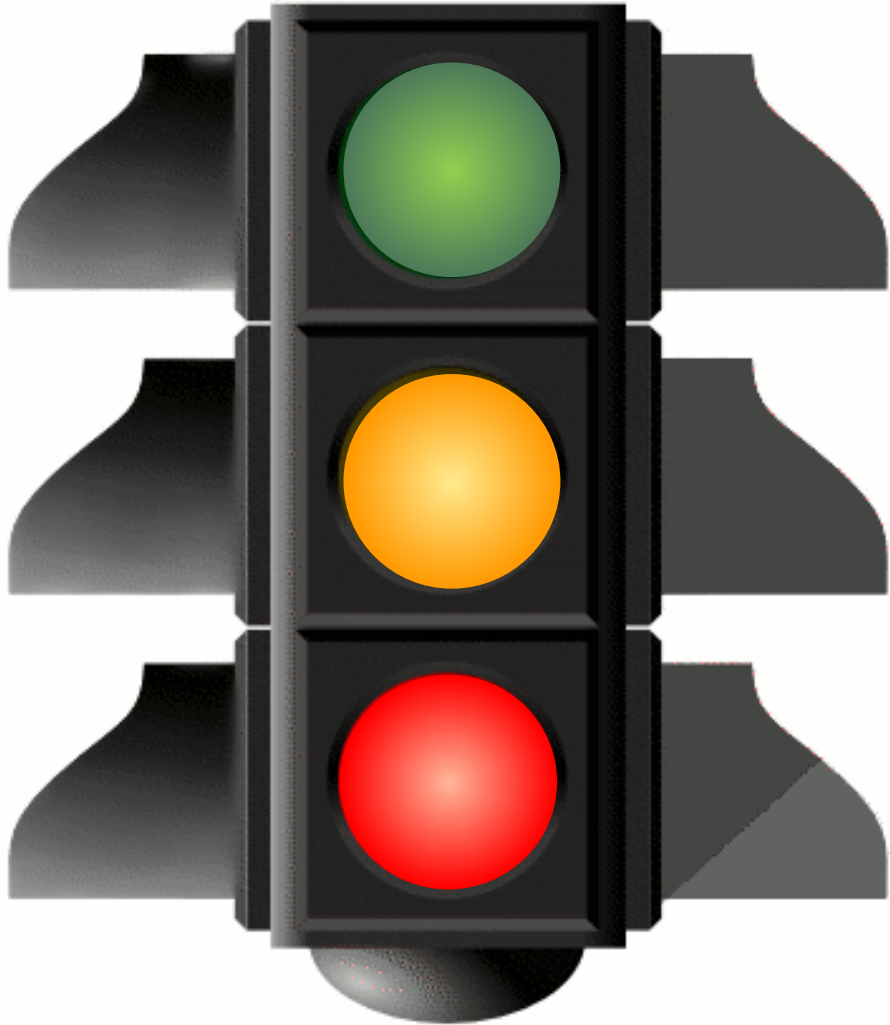


Minnesota Duty Officer
651-649-5451 or 800-422-0798

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What to expect
after an MPCA
inspection?

CSW Compliance/Enforcement Actions



Compliant

- Letter of Acknowledgement (LOA)

Minor Noncompliance

- Letter of Warning (LOW)

Major Noncompliance

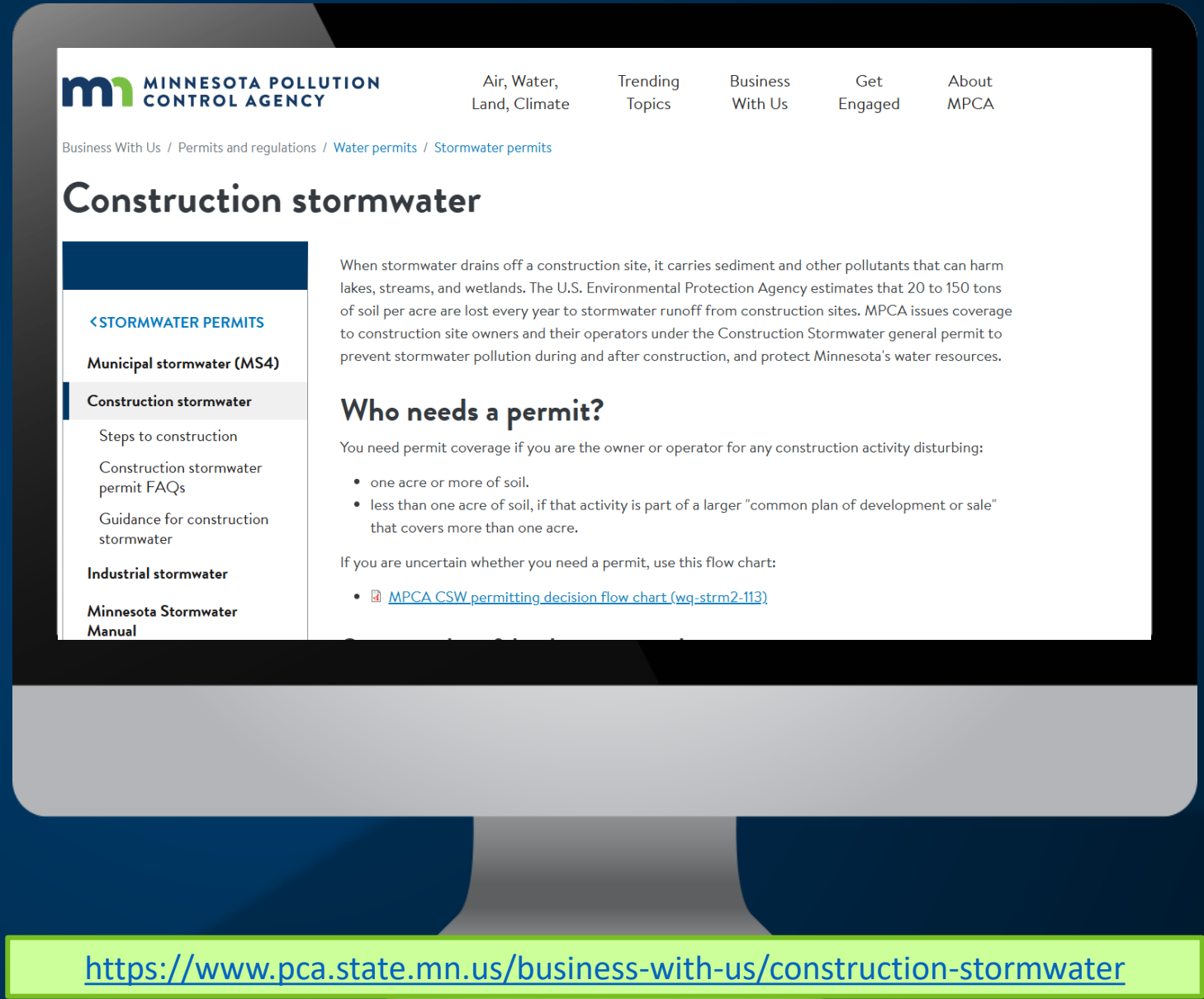
- Notice of Violation (NOV)
- **Alleged Violations Letter (AVL)*
- Administrative Penalty Order (APO)
- Stipulation Agreement (STIP)

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Resources

Online Resources

- Permit Application & Forms
- Permit Search Tool
- Special Waters Search
- Fact Sheets and Guidance
- Newsletter
- Contact Information

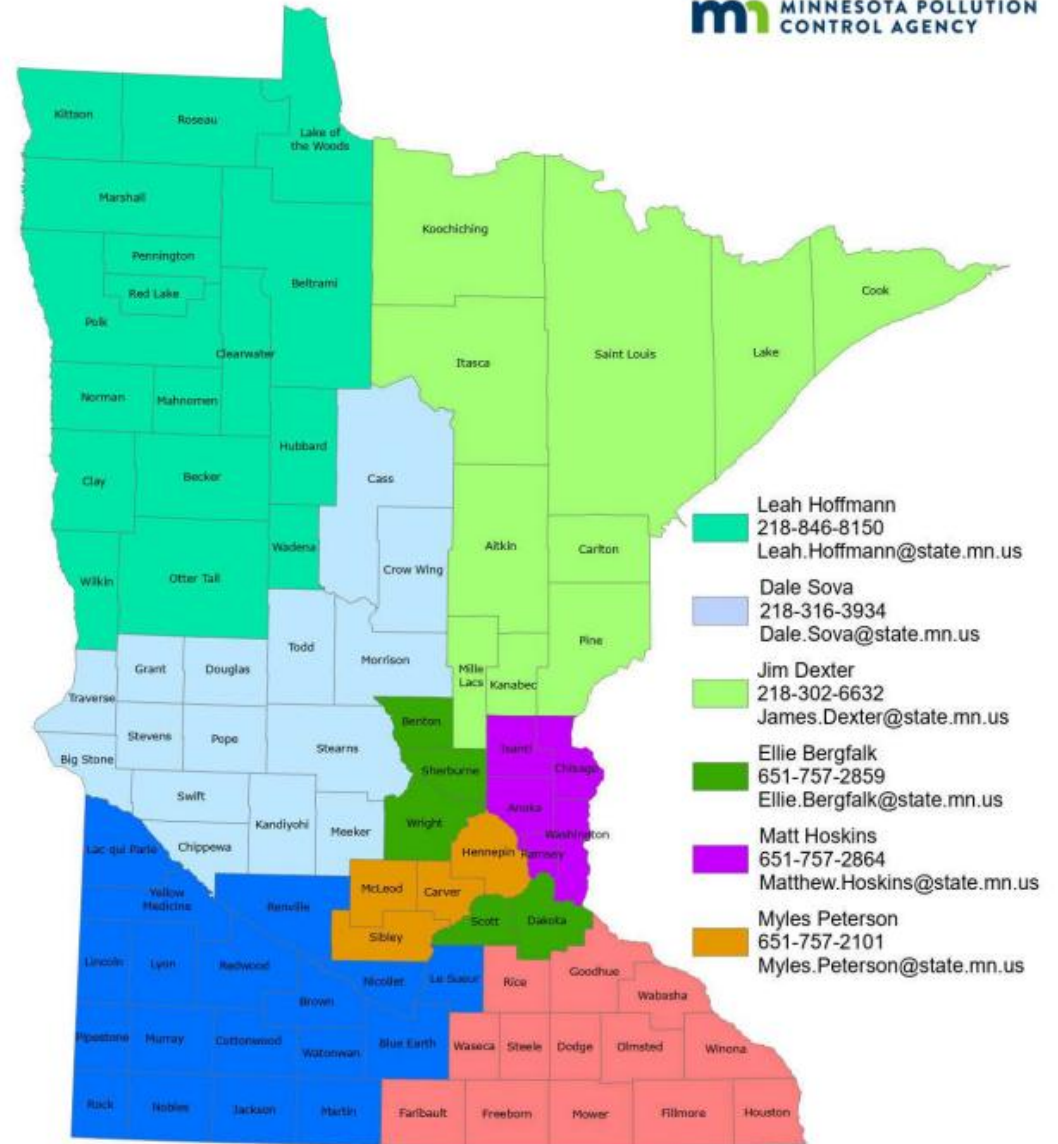


The screenshot shows the Minnesota Pollution Control Agency (MPCA) website page for "Construction stormwater". The page features a navigation menu with links for "Air, Water, Land, Climate", "Trending Topics", "Business With Us", "Get Engaged", and "About MPCA". The breadcrumb trail reads "Business With Us / Permits and regulations / Water permits / Stormwater permits". The main heading is "Construction stormwater". A left sidebar contains a "STORMWATER PERMITS" section with sub-links for "Municipal stormwater (MS4)", "Construction stormwater", "Industrial stormwater", and "Minnesota Stormwater Manual". Under "Construction stormwater", there are links for "Steps to construction", "Construction stormwater permit FAQs", and "Guidance for construction stormwater". The main content area includes a paragraph explaining that stormwater carries sediment and pollutants, and that MPCA issues coverage to construction site owners. A section titled "Who needs a permit?" states that a permit is required for construction activity disturbing one acre or more of soil, or less than one acre if part of a larger "common plan of development or sale". A link is provided for an "MPCA CSW permitting decision flow chart (wq-strm2-113)".

<https://www.pca.state.mn.us/business-with-us/construction-stormwater>

MPCA Construction Stormwater Contacts

<https://www.pca.state.mn.us/business-with-us/construction-stormwater>



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Questions?

MPCA Construction Stormwater C&E Unit

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