



Minnesota Pollution Control Agency

GENERAL PERMIT

AUTHORIZATION TO DISCHARGE

STORM WATER ASSOCIATED WITH A CONSTRUCTION

ACTIVITY UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION

SYSTEM/STATE DISPOSAL SYSTEM PERMIT PROGRAM

ISSUANCE DATE: September 4, 1998

EXPIRATION DATE: September 3, 2003

In compliance with the provisions of the Clean Water Act, as amended, (33 U.S.C. 1251 et seq.; hereinafter, the "**Act**"), 40 CFR 122, 123, and 124, as amended, et seq.; Minnesota Statutes Chapters 115 and 116, as amended, and Minnesota Rules Chapter 7001;

This permit establishes conditions for discharging storm water to waters of the state from construction activities which disturb five or more acres of total land area.

This permit DOES NOT authorize:

- 1) Discharges or releases that are not **storm water** as defined on Page 18 (see "Prohibitions" on Page 14 of this permit).
- 2) The placement of fill into **waters of the state**.

Unless notified by the **Agency** to the contrary, applicants who submit a complete **application** form in accordance with the requirements of this **permit** are authorized to discharge **storm water** from construction sites under the terms and conditions of this **permit 48 hours** after the date the application is postmarked.

Coverage under this permit will remain in effect until construction is complete, the site has undergone **final stabilization**, all maintenance activities required in Part I.E. have been completed, and the **Permittee** has submitted a **Notice of Termination**, regardless of the above expiration date.

Signature: _____

John N. Holck, Manager
Nonpoint Source Compliance Section
Water Quality Division

for

Peder A. Larson
Commissioner
Minnesota Pollution Control Agency

If you have questions on this permit, including the specific permit requirements, permit reporting or permit compliance status, please contact:

**Minnesota Pollution Control Agency
Metro District/Community & Area-wide Programs
520 Lafayette Road North
St. Paul, MN 55155-4194
Telephone (651) 296-3890
Fax (651) 297-8701**

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I. REQUIREMENTS OF THIS PERMIT

A. PREREQUISITES FOR SUBMITTING A PERMIT APPLICATION

Failure to complete the following prerequisites prior to submitting the **application** will result in the **application** being returned, and the construction project NOT authorized by this **permit**.

1. The **owner** must develop a Temporary **Erosion and Sediment Control** Plan in accordance with "Appendix A." The plan requirements must be incorporated into the project's **final plans and specifications** and implemented as part of the project.
2. The **owner** must develop a Permanent Erosion and Sediment Control Plan in accordance with "Appendix B." The plan requirements must be incorporated into the project's **final plans and specifications** and implemented as part of the project.

The above plans are NOT to be submitted to the Agency but are to be retained by the owner in accordance with Appendices A and B; "Plan Retention."

B. APPLICATION FOR COVERAGE

1. The **owner** and **general contractor** are responsible for submitting a completed **application** form (or a photocopy thereof) to the Minnesota Pollution Control Agency (MPCA) for each project which disturbs five (5) or more acres of land.
2. The **owner** who signs the **application** is responsible for compliance with all terms and conditions of this **permit**. The **general contractor** who signs the **application** is a Co-Permittee for Parts I.B. through I.E., Appendix C, and Appendix D of this **permit** and is responsible for compliance with those portions of this **permit**.
3. This permit will become effective 48 hours after the postmarked date of the completed **application** form containing "Yes" responses to questions 6, 7, and 8. A "No" response to question 6, 7, or 8 will result in the application being returned to the owner, and no permit will be issued to authorize the construction. No construction which requires an NPDES permit may commence unless authorized by an NPDES permit.
4. Permittees will receive a "Notice of Storm Water Permit Coverage" card acknowledging permit coverage within 30 days of the postmarked date of the completed **application**. (See I.D.3. for posting requirements.) A photocopy of this card must be provided by the **owner** to the **local permitting authority**, where applicable, within 14 days of receipt.

C. RECORDS

1. The project's **final plans and specifications** which incorporate the requirements of the Temporary Erosion and Sediment Control Plan and Permanent Erosion and Sediment Control Plan must be:
 - a. available at the construction site in either the field office, or, inspector's vehicle, or contractor's vehicle, and,
 - b. available to federal, state, and local officials (in accordance with Appendix D, Subpart C) for inspection for the duration of this permit.
2. The following plans/records must be made available to federal, state and local officials within 24 hours of request (in accordance with Appendix D, Subpart C.) for the duration of the permit:
 - a. Temporary Erosion and Sediment Control Plan developed in accordance with Part I.A.1. (if a separate document from the project's **final plans and specifications**).
 - b. Permanent Erosion and Sediment Control Plan developed in accordance with Part I.A.2.
 - c. Records of all inspections (see Part I.E.). Records shall include:
 - 1) Date and time of inspections;
 - 2) Findings of inspections;
 - 3) Corrective actions taken (including dates and times); and
 - 4) Documentation of changes to the Temporary Erosion and Sediment Control Plan made during construction.
 - d. Date of all rainfall events.
3. The "Notice of Storm Water Permit Coverage" card shall be posted at any of the following locations:
 - a. construction site entrance and visible from the nearest public roadway;
 - b. visible from the nearest public roadway, where no construction site entrance exists;
 - c. field office (if applicable); and
 - d. for linear utility and noncontiguous municipal projects, at the office responsible for project administration.

D. EROSION AND SEDIMENT CONTROL DURING CONSTRUCTION

1. Erosion Control

- a. The **Permittee(s)** shall use, where possible, horizontal slope grading, construction phasing, and other construction practices that minimize **erosion**.
- b. Unless precluded by snow cover, all **exposed soil areas*** with a continuous positive slope within 100 lineal feet from a **water of the state**, or from a curb, gutter, storm sewer inlet, temporary or permanent drainage ditch or other **storm water** conveyance system, which is connected to a **water of the state**, shall have **temporary protection** or **permanent cover** for the **exposed soil areas** within the following time frames:

<u>Type of Slope</u>	Temporary protection or permanent cover where the area has not been, or will not be, worked by the contractor for:
Steeper than 3:1	7 days
10:1 to 3:1	14 days
Flatter than 10:1	21 days

- * For the purposes of this provision, **exposed soil areas** do not include stockpiles or surcharge areas of sand, gravel, aggregate, concrete or bituminous.
- c. The bottom of any temporary or permanent drainage ditch constructed to drain water from a construction site must be stabilized within 100 lineal feet from a water of the state. Stabilization must be initiated within 24 hours of connecting the drainage ditch to a **water of the state**, existing gutter, storm sewer inlet, drainage ditch, or other **storm water** conveyance system which discharges to **waters of the state** and completed within five calendar days.
- d. Prior to connecting any pipe to a **water of the state** or drainage ditch, the pipe’s outlet must be provided with temporary or permanent **energy dissipation** to prevent erosion.

2. **Sediment Control**

- a. **Sediment control best management practices (BMPs)**, which prevent **sediment** from entering a **water of the state**, gutter, storm sewer inlet, ditch or other storm water conveyance system, shall be established on all downgradient perimeters before any upgradient land disturbing activities begin, and shall remain in place until final stabilization has been established.
- b. The Permittee shall minimize vehicle tracking of **sediment** or **soil** off site at locations where vehicles exit the construction site onto **paved surfaces**.
- c. Where 10 or more contiguous acres of **exposed soil** are contributing to a discernible point of **discharge**, temporary sedimentation basins* must be provided prior to the runoff leaving the construction site or entering **waters of the state**.

These sedimentation basins shall comply with the following:

- 1) Basins shall provide 1800 ft³ per acre drained of hydraulic storage below the outlet pipe. For roadways, the use of adjacent drainage ditches with riser pipes to accomplish this is acceptable.
- 2) Basin outlets shall be designed to prevent short circuiting and the **discharge** of floating debris. The outlet should consist of a perforated riser pipe wrapped with filter fabric and covered with crushed gravel. The perforated riser pipe should be designed to allow complete basin drawdown.

* While recommended, this provision will not be required for:

- 1) work on existing roadways where the 10-acre disturbed common drainage area is served by an existing storm sewer which is daylighted off the road's right-of-way; **or**
- 2) proximity to bedrock or vertical relief precludes it; **or**
- 3) final stabilization will be established within 30 days of the initiation of construction activity.

E. INSPECTIONS AND MAINTENANCE

1. Except where work has been suspended due to frozen ground conditions, the **Permittee(s)** shall inspect the construction site once every seven (7) days and within 24 hours after every rain event, which results in runoff leaving the construction site or entering **waters of the state**. The **Permittee** shall investigate and comply with the following inspection and maintenance requirements:

- a. Inspection Requirement: All **erosion** and perimeter **sediment control BMPs** to ensure integrity and effectiveness.

Maintenance Requirement: All nonfunctional perimeter **sediment control BMPs** shall be repaired when the sediment reaches 1/3 of the height, or replaced, or supplemented with functional **BMPs** within 24 hours of discovery. All nonfunctional **erosion control BMPs** shall be repaired, replaced, or supplemented with functional **BMPs** as soon as field conditions allow access.

- b. Inspection Requirement: All temporary sedimentation basins to ensure effectiveness.

Maintenance Requirement: When the depth of sediment collected in the basin reaches 1/2 the height of the riser, or 1/2 the storage volume, the basin shall be drained and the sediment removed. Drainage and removal shall be completed within 72 hours of discovery, or as soon as field conditions allow access.

- c. Inspection Requirement: Drainage ditches and other **waters of the state** for evidence of **sediment** leaving the site.

Maintenance Requirement: Unless the project has received approval or certification for depositing fill into waters of the state, the **Permittee** shall remove all deltas and **sediment** deposited in drainage ways, catch basins, or **waters of the state**, and restabilize the areas where **sediment** removal results in **exposed soil**. The removal and stabilization shall take place within seven (7) days of discovery unless precluded by legal, regulatory, or physical access restraints. If precluded, removal and stabilization must take place within seven calendar days of obtaining access. The Permittee is responsible for contacting all local, regional, state and federal authorities prior to working in waters of the state, and receiving any applicable permits.

- d. Inspection Requirement: Construction site vehicle exit locations for evidence of off-site **sediment** tracking onto paved **surfaces**.

Maintenance Requirement: Tracked **sediment** shall be removed from paved **surfaces**, which do not drain back into the construction site, within 24 hours of discovery.

2. Where parts of the construction site have undergone **final stabilization**, but work remains on other parts of the site, inspections of the stabilized areas may be reduced to once per month.
3. Where work has been suspended due to frozen ground conditions, the inspections and maintenance required in Part I.E.1. above shall take place as soon as weather conditions warrant or prior to resuming construction.
4. Unless required to remain in place by the **owner** or **local permitting authority**, all temporary synthetic, structural, and nonbiodegradable **erosion** and **sediment control BMPs** shall be removed after the site has undergone **final stabilization**.
5. After the entire project has undergone **final stabilization**, all temporary sedimentation basins to be used as permanent water quality management basins must be cleaned out by the **Permittee** to provide the sediment storage capacity required in Part I.D.2.c.2. **Permittees** are responsible for the maintenance of water quality management **BMPs** until construction is complete, the site has undergone **final stabilization**, and a **Notice of Termination** has been submitted to the **Agency**.

F. DURATION OF PERMIT COVERAGE

The **owner** and **general contractor** are responsible for complying with their respective portions of this permit until construction is complete, all maintenance activities required in Part I.E. are complete, the site has undergone **final stabilization** and a **Notice of Termination** is submitted to the **Agency**.

G. APPENDICES INCORPORATED BY REFERENCE

Appendices A, B, C, and D are incorporated into this permit by reference and are made both integral and enforceable parts of this permit.

APPENDIX A

TEMPORARY EROSION AND SEDIMENT CONTROL PLAN

(Completed prior to submittal of an application)

- A. **GOAL:** The goal of the Temporary Erosion and Sediment Control Plan is to prevent **sediment** from entering **waters of the state** during construction. The **owner** shall incorporate **Best Management Practices (BMPs)** into the project's **final plans and specifications**, which are designed to meet this goal and comply with Parts I.D. and I.E. of this **permit**. While the general requirements are identified in Parts I.D. and I.E. of this **permit**, it is the **owner's** responsibility to select the appropriate **BMPs** which satisfy these requirements.

B. ASSIGNING RESPONSIBILITY

When developing bidding documents or other contracts, the **owner** must identify who will implement and manage the **erosion** and **sediment control BMPs** before and during construction; and ensure that the plan will be implemented and stay in effect until the construction project is complete, the entire site has undergone **final stabilization**, and a **Notice of Termination** has been submitted to the Agency. In addition, the **final plans and specifications** must clearly identify who will be responsible for the maintenance requirements identified in Part I.E. of this permit.

C. PLAN CONTENTS

The Temporary **Erosion** and **Sediment Control** Plan, if developed as a document separate from the project's **final plans and specifications**, must be prepared for the proposed project. The plan must contain appropriate **BMPs** which comply with Parts I.D. and I.E. of this permit and contain **standard plates** and/or specifications of these **BMPs**.

1. **Standard plates** and/or specifications must be provided for all **BMPs**, selected by the designer to be used on the project, and at a minimum, must include the following:
 - a. perimeter sediment control; and
 - b. placement and type of **temporary cover**.
2. Where applicable, **standard plates** and/or specifications must also be provided for the following:
 - a. horizontal slope grading;
 - b. proposed stabilized vehicle entrances;
 - c. temporary sedimentation basins;
 - d. storm sewer pipe outlet energy dissipation;
 - e. storm sewer inlet control; and
 - f. **erosion** and **sediment control** requirements for stockpile areas.

D. FINAL PLANS AND SPECIFICATIONS

The above **standard plates** and/or specifications are to be incorporated into the project's **final plans and specifications**. In addition, the **final plans and specifications** shall clearly denote:

1. Location and type or the procedures to establish the location and type of all **erosion and sediment control BMPs**.
2. Existing and final grades, including dividing lines and direction of flow for all **storm water** runoff drainage areas located within the project limits.
3. Locations of areas not to be disturbed or areas where construction will be staged to minimize duration of **exposed soil areas**.
4. All **waters of the state**, including existing wetlands identified on the National Wetlands Inventory Map, within one-half mile from the exposed construction area which will receive direct **storm water** runoff from the construction site during construction.

Where waters of the state, including wetlands, which will receive the direct runoff will not fit on a plan sheet, they shall be identified with an arrow, indicating both direction and distance.

5. Timing for installation of all **erosion and sediment control BMPs** required in Part I.D.

E. PLAN RETENTION

The owner shall keep a copy of the Temporary **Erosion and Sediment Control Plan** and all changes to it for three years after completion of the construction project.

F. CHANGES TO THE TEMPORARY EROSION AND SEDIMENT CONTROL PLAN

Changes in the plan made during construction to accommodate phased construction, sequenced work, timing issues, or changed site conditions are allowable provided Parts I.D. through I.E. are complied with.

APPENDIX B

PERMANENT EROSION AND SEDIMENT CONTROL PLAN

(Completed prior to submitting an application)

- A. GOAL: The goal of the Permanent Erosion and Sediment Control Plan is to protect Minnesota's water resources from pollutants generated from a project's ultimate development's impervious surfaces, change in land use, or changed ground cover.

B. ASSIGNING RESPONSIBILITY

When developing bidding documents or other contracts, the **owner** must identify who will maintain the water quality management **BMPs** until construction is complete, all maintenance activities required in Part I.E. are complete, the site has undergone **final stabilization**, and a **Notice of Termination** has been submitted to the **Agency**.

C. PLAN CONTENTS

The Permanent Erosion and Sediment Control Plan must be prepared for the proposed project, and may be developed as a separate document from the **final plans and specifications**. The plan must contain appropriate **BMPs** which satisfy the above goal, and contain **standard plates** and/or specifications of these **BMPs**. These **standard plates** and specifications must be incorporated into the project's **final plans and specifications**. At a minimum, the plan must contain:

1. Land feature changes (in acres) for both **before** and **after** construction:
 - a. Total project area;
 - b. Total **impervious surface** area of project;
 - c. Total pervious area of project;
 - d. Total estimated **impervious surface** area of ultimate development; and
 - e. Total estimated pervious area of ultimate development.
2. **Standard plates** and/or specifications of permanent erosion and sediment control BMPs below (Appendix B. C. 2a. 2b. and 2c.):
 - a. Sediment Control
Where a project's ultimate development replaces surface vegetation with one or more acres of cumulative impervious surface and all runoff has not been accounted for in a local unit of government's existing storm water management plan or practice, the runoff shall be discharged to a wet sedimentation basin* prior to entering waters of the state.

1) Proposed Development

Except as provided in 2) below ("Reconstruction or Work on Existing Roadways"), the wet sedimentation basin shall be based on the project's ultimate development and comply with the following requirements:

- a) The basin's hydraulic volume shall be sufficient to capture a 1/2 inch of runoff from the impervious watershed area.
 - b) Basins shall also provide a minimum of 250 ft.³ dead sediment storage volume below the basin's hydraulic volume/impervious acre drained.
 - c) Basin inlets shall be placed above the sediment storage volume.
 - d) Basin outlets shall be designed to remove all suspended solids greater than five microns with a settling velocity of 1.3×10^{-4} ft/sec.
 - e) Basin outlets shall also be designed to prevent short circuiting and the discharge of floating debris.
 - f) Basins must provide spillways to accommodate storm events in excess of the basin's hydraulic design.
- 2) **Reconstruction or Work on Existing Roadways**

- * While recommended, the above provision (Appendix B.C.2a.) will not be required for work on existing roadways where:
- 1) the drainage area is served by an existing storm sewer which is daylighted off the road's right-of-way **or**,
 - 2) proximity to bedrock or vertical relief precludes it, **or**,
 - 3) existing right-of-way precludes it.

For these situations, however, the **owner** will be required to incorporate other sedimentation or treatment devices (i.e., grass swales, smaller sediment basins, etc.).

b. **Permanent Erosion Control**

- 1) All drainage ditches constructed to drain water from the site after construction is complete must be **stabilized**.
- 2) All pipe outlets must be provided with permanent **energy dissipation** where the pipe's outlet velocity will exceed the permanent cover's erosive velocity.

c. **Treatment**

The **owner** is required to provide treatment of storm water through the use of **BMPs** such as grass swales, wetlands constructed for the purpose of treating **storm water**, and the planting or development of emergent vegetation around the perimeter of the wet sedimentation basin's **sediment** storage volume.

D. FINAL PLANS AND SPECIFICATIONS

The above standard plates and/or specifications are to be incorporated into the project's final plans and specifications. In addition, the final plans and specifications shall clearly denote:

1. Location and type of all permanent erosion and sediment control BMPs (Appendix B.C.2a., 2b. and 2c.).
2. The plan sheets must clearly identify all **waters of the state**, including wetlands identified on the National Wetlands Inventory Map within and one-half mile from the construction area which will receive direct **storm water** runoff from the construction site after construction is complete.

Where the **waters of the state** which will receive the direct runoff and will not fit on the plan sheet, the resource shall be identified with an arrow, indicating both direction and distance.

3. Methods to be used for final stabilization of all exposed soil areas. For linear utility and roadway projects, final stabilization is not required on agricultural land which will be tilled within one year of project completion.

E. PLAN RETENTION

The owner shall keep a copy of the Permanent Erosion and Sediment Control Plan and all changes to it for three years after completion of the construction project.

F. CHANGES TO THE PERMANENT EROSION AND SEDIMENT CONTROL PLAN

Changes in the plan made during construction to accommodate changed site conditions are allowable provided all of Appendix B. is complied with.

APPENDIX C

PROVISIONS

A. APPLICABILITY CRITERIA

1. This permit covers storm water discharges associated with a construction activity which disturb **five (5) or more acres of land** in all areas of the state of Minnesota, except for agricultural/ silvicultural activities.
2. This is a National Pollutant Discharge Elimination System/State Disposal System general permit.
3. If the Commissioner determines that storm water discharges associated with a construction activity, or other activities, are contributing to a violation of a water quality standard or would be more appropriately regulated by an individual permit, the Commissioner may require a Permittee to be covered by an individual storm water discharge permit. The Commissioner may require a Permittee to develop and implement specific best management practices. Upon issuance of an individual permit, this general permit would no longer apply.
4. A permit applicant, or Permittee, may request an individual permit.

B. MPCA ADDRESS

Submit all forms, correspondence, reports, etc. to the following address:

Minnesota Pollution Control Agency
Metro District/Community & Area-wide Programs
Attn: Construction Activity Storm Water Program
520 Lafayette Road North
St. Paul, Minnesota 55155-4194

C. RESPONSE

The Permittee shall respond to Agency requests for submittal of temporary and permanent erosion and sediment control plans and water quality management plans, certificates, reports, records, or other information required by this permit. Upon request, the Permittee shall also provide a copy of this information to the local permitting authority and municipal storm sewer operator.

D. AUTHORIZED DISCHARGES

All discharges of storm water associated with a construction activity shall be composed entirely of storm water.

E. PROHIBITIONS

Discharges of any material other than storm water, such as vehicle and equipment maintenance spills, wash water, oil and other hazardous substances are prohibited by this permit.

F. DEFINITIONS

1. "**Act**" means the Clean Water Act (formerly the Federal Water Pollution Control Act), United States Code, Title 33, Sections 1251 et seq., as amended.
2. "**Agency**" means the Minnesota Pollution Control Agency (MPCA).
3. "**Application**" means a completed application for activities regulated by this permit. Application forms are available from the Agency.
4. "**Best Management Practices (BMPs)**" means erosion and sediment control and water quality management practices that are the most effective and practicable means of controlling, preventing, and minimizing degradation of surface water, including construction-phasing, minimizing the length of time soil areas are exposed, prohibitions, and other management practices published by state or designated areawide planning agencies.

Examples of BMPs can be found in Protecting Water Quality in Urban Areas, Minnesota Pollution Control Agency 1989, and Storm Water Management for Construction Activities: Developing Pollution Prevention Plans and Best Management Practices, U.S. Environmental Protection Agency 1992 as a reference for BMPs, and Erosion Control Design Manual, Minnesota Department of Transportation, et al., 1993.

5. "**Construction Activity**" means 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 which may result in accelerated storm water runoff, leading to soil erosion and movement of sediment into waters of the state. Examples can include clearing, grading, filling and excavating.
6. "**Discharge**" means the conveyance, channeling, runoff, or drainage, of storm water, including snow melt, from a construction site.
7. "**Energy Dissipation**" means methods employed at pipe outlets to prevent erosion. Examples include, but are not limited to; aprons, riprap, splash pads, and gabions which are designed to prevent erosion.
8. "**Erosion**" means the wearing away of soil by rainfall, surface water runoff, wind, or ice movement.
9. "**Erosion Control**" means methods employed to prevent erosion. Examples include soil stabilization practices, horizontal slope grading, temporary or permanent cover, and construction phasing.
10. "**Exposed Soil Areas**" means all areas of the construction site where the perennial vegetation (including trees, shrubs, and brush) has been removed. This includes topsoil stockpile areas, borrow areas and disposal areas within the construction site.

11. "**Final Plans and Specifications**" means the reports, prints, drawings, written descriptions, and clear technical requirements necessary to build a project used by the owner for the purposes of entering into a construction contract.
12. "**Final Stabilization**" means that all soil disturbing activities at the site have been completed, and that a uniform perennial vegetative cover with a density of 70 percent of the cover for unpaved areas and areas not covered by permanent structures has been established or equivalent permanent stabilization measures have been employed. Examples of vegetative cover practices can be found in Supplemental Specifications to the 1988 Standard Specifications for Construction (Minnesota Department of Transportation, 1991).
13. "**Five or more acres of total land area**" means any project that disturbs at least five acres of land measured by the project's construction corridor, excluding areas staked as not to be disturbed. If the project is less than five acres, but is part of larger common plan of development or sale (where multiple separate and distinct construction activities may be taking place at different times on different schedules but under one plan), it is defined as "five acres or more of total land area."
14. "**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 will be the party responsible for managing the entire project on behalf of the owner. In some cases, the owner may be the general contractor. In these cases, the owner will sign the permit application as the general contractor and would become the sole permittee.
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, patios, driveways, parking lots, storage areas, and concrete, asphalt, or gravel roads.
16. "**Local Permitting Authority**" means the township, county, municipality, conservation district, watershed district, watershed management organization, or other public entity which has the authority to review and approve construction activities.
17. "**Local Unit of Government's Existing Storm Water Management Plan or Practice**" means plans or practices developed by the local permitting authority under state law for the purposes of protecting water quality.

18. "**National Pollutant Discharge Elimination System (NPDES)**" means the program for issuing, modifying, revoking, reissuing, terminating, monitoring, and enforcing permits under the Clean Water Act (Sections 301, 318, 402, and 405) and United States Code Title 33, Sections 1317, 1328, 1342, and 1345.
19. "**Notice of Termination**" means notice to terminate coverage under this permit after construction is complete, the site has undergone stabilization, and all conditions of this permit have been satisfied. Notice of Termination forms are available from the Agency.
20. "**Owner**" means the person or party possessing the title of the land on which the construction activities will occur; or if the construction activity is for a lease holder, the party or individual identified as the lease holder; or the contracting government agency responsible for the construction activity.
21. "**Permanent Cover**" means final stabilization. Examples include grass, gravel, asphalt, and concrete.
22. "**Paved Surface**" means a constructed hard, smooth surface made of asphalt, concrete or other pavement material. Examples include, but are not limited to, roads, sidewalks, driveways and parking lots.
23. "**Permit**" means a National Pollutant Discharge Elimination System/ State Disposal System (NPDES/SDS) permit.
24. "**Permittee**" means a person, firm, or governmental agency or other institution who signs the application submitted to the Agency and is responsible for compliance with the terms and conditions of this permit.
25. "**Runoff Coefficient**" means the fraction of total precipitation that is not infiltrated into or otherwise retained by the soil, concrete, asphalt or other surface upon which it falls that will appear at the conveyance as runoff.
26. "**Sediment**" means the product of an erosion process; solid material both mineral and organic, that is in suspension, is being transported, or has been moved by water, air, or ice, and has come to rest on the earth's surface either above or below water level.
27. "**Sediment Control**" means methods employed to prevent sediment from leaving the site. Sediment control practices include silt fences, sediment traps, earth dikes, drainage swales, check dams, subsurface drains, pipe slope drains, storm drain inlet protection, and temporary or permanent sedimentation basins.
28. "**Soil**" means the unconsolidated mineral and organic mineral material on the immediate surface of the earth.

29. "**Stabilized**" means the exposed ground surface has been covered by staked sod, riprap, wood fiber blanket, or other material which prevents erosion from occurring. Grass seed is not stabilization.
30. "**Standard Plates**" means general drawings having or showing similar characteristics or qualities that are representative of a construction practice or activity.
31. "**Storm water**" means the precipitation runoff, storm water runoff, snow melt runoff, and any other surface runoff and drainage (defined in 40 CFR 122.26 [b][13]). Storm water does not include construction site dewatering.
32. "**Temporary Protection**" means methods employed to prevent erosion. Examples of temporary include; straw, wood fiber blanket, wood chips, and erosion netting.
33. "**Waters of the State**" means all streams, lakes, ponds, marshes, wetlands, watercourses, waterways, drainage systems and all other bodies or accumulations of waters, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portions thereof. Waters of the state do not include storm water detention basins, or wetlands constructed for the purposes of treating storm water, which do not discharge to surface waters.

APPENDIX D

RESPONSIBILITIES

A. TRANSFER OWNERSHIP OR CONTROL

This permit may not be assigned or transferred by the permit holder. Where a new general contractor is selected after the submittal of an application, or where the general contractor changes, a new application must be, in accordance with Part I.B., submitted to the Agency at least 48 hours prior to when the general contractor begins work at the site.

B. PERMIT MODIFICATION

After notice and opportunity for a hearing, this permit may be modified, suspended, or revoked in whole or in part during its term for cause including, but not limited to, the following:

1. Violation of any terms of this permit;
2. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or
3. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge; or
4. Minn. Rules pts. 7001.0170 and 7001.0180.

C. RIGHT OF ENTRY

The Permittee shall, pursuant to Section 308 of the Act and Minnesota Statutes 115.04, allow representatives of the; Agency, local permitting authorities, local soil and water conservation districts, or municipality which operates the storm sewer system, upon presentation of credentials:

1. To enter upon the Permittee's premises where the construction activity is occurring for the purpose of obtaining information, examination of records, conducting surveys or investigations;
2. To bring such equipment upon the Permittee's premises as is necessary to conduct such surveys and investigations;
3. To examine and copy any books, papers, records, or memoranda pertaining to the storm water discharge.
4. To sample and monitor any substances or parameters at any location.

D. CIVIL AND CRIMINAL LIABILITY

Nothing in this permit shall be construed to relieve the Permittee from civil or criminal penalties for noncompliance with the terms and conditions provided herein.

E. OIL AND HAZARDOUS SUBSTANCE LIABILITY

Nothing in this permit shall be construed to preclude the installation of any legal action or relieve the Permittee from any responsibilities, liabilities, or penalties to which the Permittee is or may be subject to under Section 311 of the Act and Minn. Stat. chs. 115 and 116, as amended.

F. LIABILITY EXEMPTION

This permit authorizes the Permittee to perform the activities described herein within the conditions set forth. In issuing this permit, the State/Agency assumes no responsibility for any damage to persons, property or the environment caused by the activities authorized or undertaken pursuant to this permit. To the extent the state/agency may have any liability for the activities of its employees, that liability is explicitly limited to that provided in the Torts Claim Act, Minn. Stat. § 3.736.

G. MINNESOTA LAWS

Nothing in this permit shall be construed to preclude the installation of any legal or administrative proceedings or relieve the Permittee from any responsibilities, liabilities, or penalties for violation of effluent and water quality limitations not included in this permit or applicable laws or regulations.

H. PROPERTY RIGHTS

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.

I. SEVERABILITY

The provisions of this permit are severable, and if any provisions 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 shall not be affected thereby.

J. NPDES/SDS RULE

The Permittee shall comply with the provisions of Minn. Rules pts. 7001.0150, subp. 3 and 7001.1090, subp. 1.A,B,C,H,I. This permit does not require the submittal of a data monitoring report.

K. OTHER STATUTES, RULES AND ORDINANCES

The Agency's issuance of a permit does not release the Permittee from any liability, penalty or duty imposed by Minnesota or federal statutes or local ordinances, except the obligation to obtain the permit.

L. MORE STRINGENT RULES

The Agency's issuance of a permit does not prevent the future adoption by the Agency of pollution control rules, standards, or orders more stringent than those now in existence and does not prevent the enforcement of these rules, standards or orders against the Permittee.

M. AGENCY OBLIGATION

The Agency's issuance of a permit does not obligate the Agency to enforce local laws, rules or plans beyond that authorized by Minnesota Statutes.