

Minnesota Construction Stormwater General Permit

Definitions

"**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]

"**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]

"**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]

"**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]

"**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]

"**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]

"**Energy Dissipation**" means methods employed at pipe outlets to prevent erosion caused by the rapid discharge of water scouring soils. [Minn. R. 7090]

"**Erosion Prevention**" means measures employed to prevent erosion such as soil stabilization practices, permanent cover or construction phasing. [Minn. R. 7090]

"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]

"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]

"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]

"Infeasible" means not technologically possible or not economically practicable and achievable in light of the best industry practices. [Minn. R. 7090]

"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:

- 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]

"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]

"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]

"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]

"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]

"Notice of Termination (NOT)" means the form (electronic or paper) required for terminating coverage under the Construction General permit. [Minn. R. 7090]

"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]

"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]

"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]

"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]

"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]

"Public Waters" means all water basins and watercourses described in Minn. Stat. Sect. 103G.005 subp. 15. [Minn. R. 7090]

"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]

"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]

"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]

"**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]

"**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]

"**Stormwater**" means precipitation runoff, stormwater runoff, snowmelt runoff, and any other surface runoff and drainage. [Minn. R. 7090]

"**Steep Slopes**" means slopes that are 1:3 (V:H) (33.3 percent) or steeper in grade. [Minn. R. 7090]

"**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]

"**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]

"**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]

"**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]

"**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:

- 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]