

# TOPICS



## Coming Soon to a Site Near You: An Impaired River Runs Through It?

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The Minnesota Pollution Control Agency is already working on the new Construction General Permit, due out in 2008, and changes are on the way! In recent decades, erosion control regulations have been co-evolving with regulations involving other sources of water pollution. These trends are expected to converge more prominently than ever in the next generation of NPDES (National Pollutant Discharge Elimination System) stormwater permitting.

The current General Permit places restrictions on stormwater discharges to “special” and “impaired” waters. Special waters are those that merit extra protection, such as designated trout streams. Impaired waters are so-called because they have one or more pollutants that exceed water quality standards for a specified use, such as fishing or swimming. Impaired waters are already distributed more extensively across Minnesota than are special waters, and the number of impairments is growing as assessments proceed throughout the state. As of 2004, only 8% of streams and 14% of lakes in the state had been assessed, but almost half of those assessed have been classified as impaired. As the number of impaired classifications in Minnesota increases, so does the probability that a development site will be located in proximity to an impaired water.



The complexity of impaired water assessment is likely to add to the intricacy of regulations. Each lake or stream may have one or more pollutants (e.g., sediment, mercury, phosphorus) that exceeds the allowable limits, or the Total Maximum Daily Load (TMDL). For each pollutant in excess of the TMDL, a plan must be developed for reducing the pollutant to acceptable levels. Stormwater management on construction sites will need to comply with an increasing array of TMDL plans.

### What can you do to be ready for impending changes to stormwater permitting on construction sites?

- Watch for developments from the state’s Clean Water Council. The Council started meeting last month to develop prioritization and participation strategies for implementing a new state law, the Clean Water Legacy Act of 2006.
- Look for upcoming opportunities to provide the Minnesota Pollution Control Agency with feedback as they prepare the 2008 General Permit.
- Take steps to ensure compliance with current permit requirements so that more restrictive regulations do not add unnecessary costs or delays to your project.

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