

# TOPICS

## BREAKING NEWS - October 2009

### Deadline Fast Approaching on Updating NPDES Permits and SWPPPs

In August of 2008, the Minnesota Pollution Control Agency (MPCA) updated the Phase II NPDES General Construction Permit. The MPCA granted an 18-month grace period, ending February 1, 2010, to update existing project SWPPPs permitted prior to August 1, 2008. The changes and additions to the NPDES permit affect existing and future projects that disturb one acre or more of land. Complying with the updated permit and updating your existing SWPPP is important to maintain compliance and avoid unnecessary fines on your project.

Projects applying for a permit after August 1, 2008 must apply for and meet the newest permit requirements and no SWPPP update is needed.

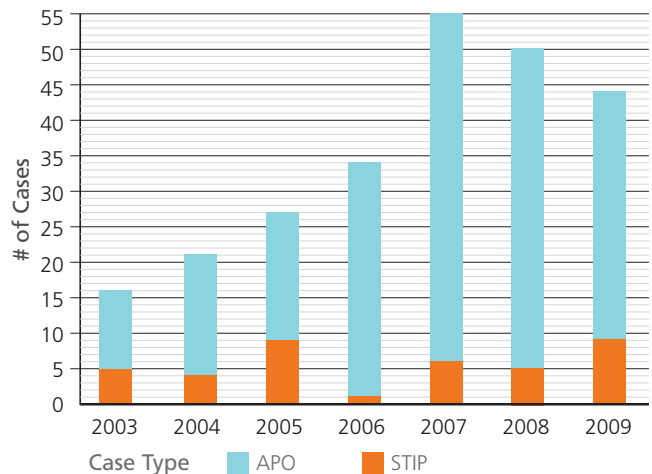
Updates to SWPPPs due by February 1, 2010 include:

- Stabilization Time Frames - Soils must be stabilized with mulch / seed, blanket / seed, sod or other method within 14 days after temporarily or permanently ceasing soils disturbing activities.
- Concrete washout BMPs must contain washout water and material with an impervious liner or other method which does not allow concrete washout water to contact soils (compacted clay liner is considered impervious).
- Additional restrictions and requirements for stormwater discharges to impaired waters located within one mile of the site which includes stabilization within seven days, temporary sediment basins for five acres disturbed draining to a common point and treatment of the first one inch of stormwater runoff from impervious surfaces.
- Training requirements needed for site inspectors, BMP installers, and SWPPP designers.
- Project BMP tabulation sheet which lists anticipated quantities of BMPs to be used during the life of the project (tabulation sheets only needed for new projects permitted after August 1, 2008).

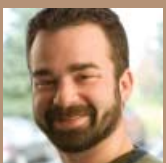
What this means:

- The project SWPPP must be updated to reflect most of the permit changes listed above.
- Additional restrictions may be applicable to your project if the site is located and discharges to a TMDL / impaired water within a mile of the site.
- Concrete washout BMPs must be updated in the SWPPP and practiced in the field.
- Trained personnel need to be identified in the SWPPP.

Construction Stormwater Enforcement Numbers



The graph illustrates the increased enforcement of NPDES permit requirements in recent years (2003 - 2009). Administrative Penalty Orders (APO) involve \$10,000 fines, and Stipulation Agreements (STIP) entail fines greater than \$10,000. *Source of data: MPCA*



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