



Minnesota State Colleges and Universities Board Policies Chapter 5 – Administration

System Guideline: 5.24.2.2 – Construction Stormwater Permit Compliance

Part 1. Purpose. This guideline outlines processes for colleges and universities to conduct construction activities in compliance with Minnesota Pollution Control Agency (MPCA) standards. Construction permit requirements apply whether or not the college or university is subject to a Municipal Separate Storm Sewer System (MS4) permit.

Part 2. Background. MPCA issues general permits for construction activities within the National Pollutant Discharge Elimination System (NPDES) to protect Minnesota wetlands, streams, and lakes. The federal Clean Water Act and Minnesota Administrative Rules Chapter 7090, *Storm Water Regulatory Program*, Parts 7090.1000 through 7090-1040 govern the general permit process. Construction stormwater general permits include construction activity Stormwater Pollution Prevention Plans (SWPPP) and are required of colleges and universities for construction activities that disturb:

- A. One acre or more of land;
- B. Less than one acre of land if that activity is part of a "larger common plan of development or sale" that is greater than one acre; or
- C. As otherwise required by law.

For construction activities meeting these elements, NPDES construction permits and supporting SWPPPs must be in place before commencement of construction.

Part 3. Construction stormwater planning and permitting.

Subpart A. Required plans and procedures. Colleges and universities must develop and implement written plans and procedures as part of their construction stormwater general permit application. These plans and procedures become enforceable once approved by the MPCA. College and university construction stormwater permits must include the following components:

- a. **Regulatory mechanisms:** Colleges and universities must reference and enforce Board Policy 5.24, Safety and Security Compliance, and this guideline, and must develop and implement other regulatory mechanisms, including contract language, standards, and operating instructions or other mechanisms that will be enforced to ensure the terms and conditions associated with the permit are effective. Colleges and universities must require the general contractor and other parties responsible for construction activities to submit site plans for review and approval by the college or university in accordance with the institution's written site plan review procedures, including an opportunity for public input. Site plans must be updated on a timely basis by the general contractor and other parties responsible for construction activity with regard to stormwater runoff controls. The site plans must incorporate the following erosion and sediment controls and waste control best management practices (BMP):

1. BMPs to minimize erosion
2. BMPs to minimize the discharge of sediment and other pollutants
3. BMPs for dewatering activities
4. Site inspections and records of rainfall events
5. BMP maintenance
6. Management of solid and hazardous wastes on each project site
7. Final stabilization upon the completion of construction activity, including the use of perennial vegetative cover on all exposed soils or other equivalent means
8. Criteria for the use of temporary sediment basins

See <http://www.pca.state.mn.us/index.php/view-document.html?gid=20110> for detailed explanations of each BMP requirement.

- b. Site plan review:** Review of site plans by the college or university prior to the start of any construction activity to ensure compliance with the institution's regulatory mechanisms required under paragraph a.
- c. Public input:** A process to receive and consider reports by the public of noncompliance or other stormwater related information on construction activity.
- d. Site Inspections:** A process for conducting site inspections to determine compliance with the institution's regulatory mechanisms required under paragraph a. Written procedures shall include:
 1. Procedures for identifying priority sites for inspection
 2. Frequency at which site inspections will be conducted
 3. Name(s) and/or position titles(s) of individuals responsible for conducting site inspection
 4. Checklists and other written means to document site inspections
- e. Enforcement response procedures (ERPs):** Written ERPs to enforce and compel compliance with the institution's regulatory mechanisms required under paragraph a. Documentation of enforcement must include:
 1. Name of individuals or entities responsible for violating the terms and conditions of the institution's regulatory mechanisms required under paragraph a
 2. Date(s) and location(s) of the observed violation(s)
 3. Description of the violations, including reference to the relevant regulatory mechanism
 4. Corrective action(s), including a completion schedule, issued by the college or university
 5. Date(s) and type(s) of enforcement used to compel compliance (e.g., written notice, citation, stop work order, etc.)
 6. Referrals to other regulatory organizations (if any)
 7. Date(s) violation(s) resolved

- f. Documentation:** Construction activity stormwater compliance documentation shall include:
1. For each site plan review: Project name, location, total acreage to be disturbed, owner and operator of the proposed construction activity and any stormwater-related comments and support documents used by the college or university to determine project approval or denial
 2. For each site inspection: Inspection checklists or written means use to document site inspections

Subpart B. Required submissions, notice.

- a. Electronic submission:** Once approved by the college or university, the contractor must electronically submit the completed application, to MPCA at least seven business days prior to the intended construction start date, unless the project is subject to the requirements under paragraph 2, below.
- b. Hard copy submission:** The contractor must deliver a hard copy of the completed and college or university approved application to MPCA at least 30 days prior to the intended construction start date for projects disturbing 50 acres or more that also
 - a. Have a discharge point within one mile of an impaired or special water listed in Appendix A of the construction stormwater general permit and
 - b. The discharge flows to these waters,
- c. Notice of Termination:** Colleges and universities must ensure that the contractor submits the completed notice of termination form within 30 days of project completion. (The form is available at: <http://www.pca.state.mn.us/index.php/view-document.html?gid=7389>.)

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