



Minnesota
Pollution
Control
Agency

Emergency Construction Stormwater Application

Overview

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Emergency construction that is required to minimize the impacts of an emergency situation, in certain cases, does not require an application to be submitted to the Minnesota Pollution Control Agency (MPCA) in order to receive Construction Stormwater Permit coverage.

Notification

In emergency situations, small construction activities that disturb one to less than five acres may begin immediately after the MPCA is notified with basic site information including:

- Contact name/owner's name
- Name/address of the construction company
- Location/address of the construction activity
- List of the cities, counties, and townships where the construction activity is occurring
- The approximate acres to be disturbed by the construction activity
- A brief description of the emergency situation

How to contact MPCA

Emergency construction notification to the MPCA must be done through letter, telephone, or by facsimile.

Mailing address

Construction Stormwater Program
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, MN 55155

Stormwater Program phone

651-757-2119 or toll-free at 800-657-3804
(leave message after hours)

Stormwater Program fax

651/297-8683

Requirements

Under the federal rule, National Pollutant Discharge Elimination System (NPDES) Construction Stormwater Permit coverage for stormwater discharges associated with construction activity is required before the start of construction.

However, emergency situations often arise where immediate action is required to restore utility related services such as gas, or electricity or other essential public services including public transportation systems such as airports and roadways. These emergency situations may be the result of natural disasters or failures of systems unrelated to the utility operation and, therefore, may require immediate construction of emergency access, diversionary or replacement structures, or other types of activities

The MPCA has developed some flexibility in meeting the Construction Stormwater Permit application requirements when construction activities must begin

immediately to minimize the impacts of an emergency situation.

Minn. R. 7090.2020, subparts 1 and 2 - *Scope and Emergency* construction allow emergency construction resulting from natural disasters such as floods, tornados, and severe storms that present an imminent threat to public health and safety, public drinking water or the environment to begin without permit application, if the following specific requirements are met:

- The owner must notify the MPCA that emergency construction activities will begin. This is required so that the MPCA will know that purpose of the construction activity is for an emergency situation.
- The owner and the operator of the emergency construction activity must comply with the requirements of the Construction Stormwater Permit that apply to specific stormwater management practices, and Best Management Practices (BMPs) used to prevent or mitigate polluted stormwater runoff from leaving the construction site.

For emergency construction that will disturb equal to or greater than five acres, the owner must immediately contact the Construction Stormwater Hotline at 651-757-2119 or 800-657-3804

Notification

The MPCA will notify owners and operators of construction activities that disturb one to less than five acres of soil and meet the requirements stated above that they are covered under the Construction Stormwater Permit, even if the owner or operator has not submitted a permit application.

The construction activity must incorporate the erosion and sediment control requirements contained in the Construction Stormwater Permit even though a formal stormwater pollution prevention plan (SWPPP) has not been written. Though all requirements of the permit should be complied with, BMPs conducted on the site should at a minimum include these five steps to help you get your job done without damaging the environment:

1. Stabilize slopes

Without vegetation, whole hillsides are quickly washed away in a downpour. Cover your slopes with mats or mulch that will get plants growing right away.

2. Control your perimeter

Watch the flow of water on and off your site. Silt fences and other barriers make sure dirt doesn't escape. Embankments may keep extra water from entering your site.

3. Maintain silt fences

Silt fences only work so long, so replace them if they're torn or beat down. They'll also need to be replaced if silt has reached one-third the height of the fence.

4. Stop vehicle tracking

Install a section of coarse gravel at the exit to your site to keep mud off roads and residential streets.

5. Protect inlets

Prevent your stormwater ponds from filling with silt when you install storm-sewer inlet protection.

Measuring area

The area of disturbance measured to determine if the project disturbance is one to less than five acres should include all areas to be graded or otherwise within what might be considered the construction limits including construction of access roads and staging areas. Even if your emergency repair project is less than an acre in size and therefore does not require Construction Stormwater Permit coverage, the Construction Stormwater Program always recommends you incorporate appropriate BMPs to minimize the impact of runoff from the construction site to the lakes, streams or wetlands down slope of the project.

Submitting an application

A written project specific SWPPP must be developed and permit application submitted when the emergency effort becomes stabilized or for any follow-up project(s).

More information

For more information contact the Construction Stormwater Hotline at 651-757-2119 or 800-657-3804.

Visit Minnesota Pollution Control Agency Stormwater Web site: www.pca.state.mn.us/stormwater