

Stormwater Construction Inspection Guide

m1 MINNESOTA POLLUTION
CONTROL AGENCY

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Comments welcome

This is the first edition of the Inspection Guide. We welcome comments and suggestions on how it might be changed in future editions to better assist stormwater inspectors. Send comments to:

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Chapter 1

Introduction

Purpose of this inspection guide

This stormwater construction inspection guide is designed to assist construction site inspectors, such as staff representing various local units of government, in the procedures for conducting a compliance inspection at construction sites. The focus of this guide is on inspecting construction sites less than five disturbed acres; however, the principles of this inspection guide can be applied to construction sites of any size.

After a brief overview of the Minnesota Pollution Control Agency (MPCA) construction stormwater permit, this inspection guide covers three main topics: How to conduct a stormwater inspection, tips on inspecting BMPs, and information about referring enforcement cases to the MPCA.

Construction Stormwater Permit Overview

The MPCA issued the National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) General Stormwater Permit for Construction Activity in August 2018. Owners and operators of construction activity disturbing one acre or more of land need to obtain the construction stormwater permit. Sites disturbing less than one acre within a larger common plan of development or sale that is more than one acre also need permit coverage.

Regulated parties are required to develop a stormwater pollution prevention plan (SWPPP) and submit a completed application and a \$400 application fee. Application must be completed on-line by creating an e-Services account. Access the e-Services webpage by visiting https://rsp.pca.state.mn.us/TEMPO_RSP/Orchestrate.do?initiate=true.

What is a “larger common plan of development or sale?”

A common plan of development or sale means a contiguous area where multiple separate and distinct construction activities are occurring under one overall plan (e.g., the operator is building on three half-acre lots in a six-acre development). The “plan” in a common plan of development or sale is broadly defined as any announcement or documentation or physical demarcation indicating that construction activities may occur on a specific plot.

In addition to developing the SWPPP, regulated parties must implement the SWPPP, conduct regular inspections, and maintain best management practices (BMPs). Inspections are required once every seven days during active construction and within 24 hours after a rainfall event greater than 0.5 inches in 24 hours.

What are “special waters?”

Additional requirements apply to construction sites that discharge within one-mile of a special water. These waters can include:

- Wilderness areas (such as the Boundary Waters Canoe Area Wilderness, Voyageurs National Park, and parts of Kettle River and Rum River)
- Mississippi River (portions of)
- Scenic or recreational river segments (such as the Saint Croix River and Cannon River)
- Lake Superior
- Lake Trout lakes
- Trout lakes
- Scientific and natural areas
- Trout streams

(See Section 23 of the construction stormwater permit for more information or use the Special Waters Search tool on the MPCA construction stormwater webpage).

The next inspection must be conducted within seven days after that. At the end of the project, after all disturbed surfaces are stabilized, the regulated party must submit a notice of termination/permit modification form to let the MPCA know that the construction activity is complete.

For most sites, construction may begin upon completing the payment process. For sites that are more than 50 acres and discharging to a special or impaired waters, the SWPPP and application materials must be submitted at least 30 days prior to commencing construction.

Changes in owner/operator

When the owner or operator or a portion of a site or entire site changes, the former owner or operator and the new owner or operator needs to submit a Notice of Termination (NOT) / Permit Modification to the

MPCA. The form is available on the MPCA construction stormwater website and must be submitted within seven days of assuming operational control of the site, commencing work on their portion of the site, or of the legal transfer, sale or closing on the property.

For stormwater discharges from construction activities where the owner or operator changes, the new owner or operator can implement the original SWPPP created for the project or develop and implement their own SWPPP. Permittee(s) shall ensure either directly or through coordination with other permittee(s) that their SWPPP meets all terms and conditions of the permit and that their activities do not render another party’s erosion prevention and sediment control BMPs ineffective.

Additional information on the MPCA’s Stormwater Program is available on the web at www.pca.state.mn.us/water/stormwater.



Chapter 2

How to conduct a stormwater inspection

Construction Site Inspector: Role and responsibilities

The inspector determines compliance with permit conditions, applicable regulations, and other requirements and assesses the adequacy of best management practices to protect natural resources. This is primarily accomplished by reviewing on-site activities for permit compliance and the construction operator's SWPPP.

Legal responsibilities

Item 24.10 of the construction stormwater permit provides inspectors the authority to inspect construction sites. This section of the permit requires the construction operator to "allow representatives of the MPCA or any member, employee or agent thereof, when authorized by it, upon presentation of credentials, to enter upon any property, public or private, for the purpose of obtaining information or examination of records or conducting surveys or investigations." An inspector's first responsibility is to be familiar with the specific requirements in the general permit, and applicable regulations. Inspectors must always have and display their inspection credentials.

Professional responsibilities

Inspectors are expected to perform their duties with a high degree of professionalism. Facts are to be noted and reported completely, accurately and objectively. Inspectors should also be tactful, courteous and diplomatic when working with construction operators and other members of the public. During an inspection, inspectors should not speak derogatorily of any product, manufacturer or person.

When problems are found that are not significant, inspectors should provide technical assistance on approaches for dealing with minor issues that do not warrant a violation notice. This could include minor issues that, if not corrected, could lead to a violation. Technical assistance refers to providing general guidance on how to solve erosion and sediment control problems without providing specific design details. In other words, the inspector does not provide engineering advice.

Inspection procedures

An on-site construction site inspection will typically consist of the following components, followed by the development of an inspection report:

- Pre-Inspection Preparation
- Entry
- Records Review
- Site Inspection
- Exit Interview

Pre-inspection preparation

Plan your inspections by targeting construction sites in priority areas (i.e., sites discharging to special waters, sites near surface waters, areas undergoing rapid development), large construction sites, or sites with a history of compliance problems. Be flexible, and plan your inspections immediately prior to or during anticipated rain events, or immediately following actual rain events (this is the best time to conduct stormwater inspections!). Identify more inspection candidate sites than you can visit in a day so you have back-up sites in case changes occur.

Always keep safety in mind!

- Use safety equipment such as hard hats, reflective vests, and steel-toed shoes.
- Maintain safety equipment in good condition and proper working order.
- Watch where you are walking, and be careful of what is going on overhead.
- Never enter confined spaces, such as a ditch or manhole, unless properly trained, equipped, and certified.

In preparing for an inspection, also review available files such as permits, copies of SWPPPs or erosion and sediment control plans, past inspection reports, downstream water quality problems from monitoring/assessment reports, and other correspondence such as maintenance records on the construction sites you will be inspecting. Copy relevant information that may be useful in the field. This could include past inspection reports in order to verify that problems have been corrected. Use the special waters search on the MPCA website to

determine whether any of the construction sites you plan to visit are located near special waters or impaired waters. Discharges to special waters, wetlands, and impaired waters have additional requirements that are described in Section 23 of the permit.

Find all the construction sites you'll be inspecting on a map to plan out your day. Group inspections by geographic area when possible to minimize your drive time.

Finally, be prepared for the inspection. Dress for the weather and take appropriate safety gear. Make sure you have the following: inspection credentials, digital camera, copies of inspection forms, copy of the general permit, logbook for taking notes, and personal protective equipment (steel-toed shoes, hard hat, safety vest). Always take extra copies of materials such as the general permit, inspection forms, and application forms.



Entry

Before entering the construction site, observe the surroundings and various stages of construction. Note areas for in-depth review and any clear violations. This is also a good time to view construction site vehicle exit locations and perimeter controls. Indicate on the inspection form the date/time and weather conditions (e.g., light rain, sunny, some rain in previous 24 hours).

When entering the site, review all postings and then ask for the owner or contractor whose name is on the application. If these people are not available, ask to speak with someone who is familiar with the construction site's SWPPP. Always note the names of the individuals with whom you meet. Present your credentials and explain the purpose of your inspection. Inform the individual of the typical sequence of events for the inspection (introductions, file review, site tour, exit interview, report preparation, delivery and follow-up). Ensure that the construction operator participates during the records review and accompanies you during the inspection. Ask if there are any specific safety issues or requirements for this site.

Records review

Ask to see a copy of their SWPPP and application for coverage under the general stormwater permit, including a copy of all construction site inspections (i.e. the weekly inspections owners/operators are required to make weekly as well as within 24 hours of a rain event greater than 0.5 inches in a 24-hour period).

Review the SWPPP to ensure it addresses all the requirements in the permit. Specific items in the SWPPP to review and record in your notes include:

- The most recent date of the SWPPP, and who prepared it.
- Primary erosion prevention and sediment control BMPs used on-site.
- Inspection and maintenance records, which are required to be kept with the SWPPP. Operator is required to inspect the site once every seven days and within 24 hours after a rainfall event greater than 0.5 inches in 24 hours.
- Permanent stormwater management practices.
- Pollution prevention practices (especially for fueling, solid waste, hazardous materials, and vehicle washing).
- Discharge points from the project to surface waters and wetlands.

What if the site does not have a permit?

If a construction site disturbing more than one-acre has not applied for the stormwater permit, notify your Regional MPCA construction contact. Explain to the site representative the requirement to apply for a stormwater permit, continue the inspection, and leave compliance assistance materials such as a copy of the permit and application. Note the violation on the inspection form.

What to do if denied entry?

Stay calm and explain that the permit provides the MPCA and MPCA representatives with the authority to conduct inspections. Inquire as to why you are denied entry and record this information in your notes. Explain that you will need this information so that you can accurately portray their reasons for denial to your supervisor. Evaluate what they said were their reasons and determine if there are ways you can mitigate their concerns. Many times their concerns are unfounded. In no case should you threaten or indicate that their denial may lead to future punitive penalties.

Include in your notes a general narrative of the construction activity (e.g., construction of five single family homes on 2.5 acre parcel). Ask the construction operator to describe the project as you review the SWPPP. Questions you can ask include:

- How large is the project, how long has construction been underway, and when do you plan to complete construction?
- Do you store or use hazardous materials or waste fluids on-site? Do you refuel vehicles or equipment on-site?
- Does this project include concrete pouring, and how do you handle washout of concrete trucks?
- Does the project have a rain gage, and how do you track rainfall amounts?
- What procedures do you institute in advance of forecasted rain events?
- Where are the critical areas of protection?
- Where is the construction draining to?

The SWPPP must include a narrative describing the timing for installation of all erosion prevention and sediment control BMPs. The SWPPP must also address phasing.

Ask for a copy of the site map and the BMP list to determine if it is specific to the construction site you're inspecting. The site map and BMP list can be marked up during your inspection to indicate locations of potential violations and as a reminder to ensure that BMPs are implemented. Remember that these items are enforceable and that the permit requires them to fully implement their SWPPP.

Remember SWPPPs are dynamic documents; they should be updated when (Section 5):

- A change in design, construction, operation, maintenance, weather or seasonal conditions have a significant effect on stormwater discharges,
 - Inspections indicate the SWPPP is not effective, or
 - The SWPPP is not consistent with the terms of the permit.

The SWPPP must be on-site!

Item 20.2 of the permit requires that “the SWPPP, including all changes to it, and inspections and maintenance records at the site during normal working hours by permittees who have operational control of that portion of the site.” The SWPPP can be kept in either the field office or in an on-site vehicle.

If the SWPPP is not available, ask why and note the response in your report. There are no legitimate excuses for not having stormwater paperwork on-site and available for review. Inform the construction operator that the permit requires the SWPPP to be on-site and available for review. If issues on-site indicate an in-depth review of the SWPPP is necessary, request that a copy of the SWPPP be submitted to the MPCA in the corrective actions.

Discuss with the site contact whether any amendments have been made to the SWPPP. The constantly changing conditions at a construction site (from rough grading to building construction) mean that the BMPs in the SWPPP must change as the site conditions change.

If their SWPPP is not available for review, this will make your inspection more difficult. Ask for a copy of a map of the construction site, if possible, and continue with your inspection. Note the lack of an on-site SWPPP on the inspection form.

Site inspection

A keen eye, an understanding of the construction sequencing process and accurate documentation are the keys to an effective construction site inspection. Use the inspection form, and take notes regarding the location and condition of BMPs, discharge points, and inlets. Use photos to document concerns/violations and indicate on a rough diagram where the photos were taken. Keep a written log of preliminary findings during your inspection to facilitate your exit interview. Bring extra copies of relevant documents (such as the permit, application form, and construction stormwater permit overview fact sheet) to explain the requirements, and to leave for the construction operator if they need it.

A note about construction activity:

Construction activity, by its very nature, is a “dirty” business. In many cases, land is cleared and graded to conform to the new site requirements. During a rain event, even the best-managed construction sites will look “muddy.” Your role as a construction inspector is to ensure that sediment and other pollutants in stormwater leaving the site do not impact waters of the state. Become familiar with typical construction practices, terminology, and conditions and use this experience during your inspection.

Seasonal considerations

During frozen ground conditions, construction activity may be suspended. BMPs must be in place; however, inspections may be suspended until runoff occurs at the site or when construction resumes. If possible, conduct inspections during the spring thaw period.

A recommended construction inspection sequence follows:

1. Plan your inspection

Review the site map and plan how you will conduct the inspection (this is particularly important for large construction sites). Identify the significant pollutant sources and BMPs you want to inspect (silt fence installation, sediment basins, slope stabilization, material storage areas, etc.). Consider the direction stormwater will flow as you plan the inspection. Begin your inspection at the low point on the construction site, observing all discharge points and walk up the slope to inspect the rest of the site. Consider the current sequence of construction phasing when planning your inspection.

2. Inspect discharge points and downstream, off-site areas for signs of impact

When inspecting discharge points from the site, if it appears that sediment is leaving the site, walk downstream to document the extent of travel and impact on receiving waters or storm drain systems. Make sure you walk “down the street” if necessary to inspect off-site areas for signs of discharge. This is particularly important in areas with existing curbs and gutters. Inspect down-slope municipal catch basin inlets to ensure that they are adequately protected. Note on the inspection form all environmental impacts and document with photographs when possible.

In some limited situations, it may be useful to collect samples of stormwater discharges from construction sites. Contact your MPCA regional construction stormwater staff contact if you feel sampling may be useful in a specific situation.

3. *Inspect perimeter controls*

Note the type of perimeter controls installed at the site, and whether these have been properly installed and maintained. Inspect the construction exit to determine if there is excessive tracking of sediment from the site. Is street sweeping being used? If so, what is the frequency? Is there evidence of additional construction exits being used that are not in the SWPPP or are not stabilized?

Check all sediment controls. All storm drains must be protected, temporary stockpiles must have sediment controls and cannot be placed in surface water, including stormwater conveyances.

4. *Compare BMPs in the SWPPP with construction site conditions*

Are all BMPs required by the SWPPP in place? Are additional BMPs needed? Evaluate whether BMPs have been adequately installed and maintained (see Chapter 3 for more information on inspecting BMPs). Describe in your notes the potential violations and their location. Look for areas where BMPs are needed, but are missing and are not included in the SWPPP.

5. *Inspect disturbed areas not currently being worked*

Disturbed areas need to be temporary or permanent cover when they are not being actively worked. All exposed soil areas must be stabilization initiated immediately to limit soil erosion whenever any construction activity has permanently or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days. Stabilization must be completed no later than 14 calendar days after the construction activity in that portion of the site has temporarily or permanently ceased.

6. *Inspect areas with final stabilization*

Inspect any stabilized areas to ensure that excessive erosion is not occurring. Estimate whether the site has been stabilized with uniform perennial vegetative cover with a density of 70% over the entire pervious area. Temporary BMPs in areas with final stabilization must be removed and sediment must be cleaned out of all conveyances and temporary sediment basins that will be used as permanent water quality management basins. Areas where temporary BMPs have been removed must be stabilized and seeded.

7. *Inspect wetted perimeter areas*

The normal wetted perimeters of any temporary or permanent drainage ditch that drains water from a construction site, or diverts water around a site, must be stabilized within 200 lineal feet from the property edge, or from the point of discharge to any surface water. Stabilization must be completed within 24 hours of connecting to a surface water. The remainder of the ditch must be stabilized within 14 days.

Guidance on inspecting individual BMPs is discussed in Chapter 3.

Common compliance problems at construction sites

The following compliance problems are commonly found at small construction sites. Keep these common problems in mind as you conduct inspections.

Problem #1 – No temporary or permanent cover

All exposed soil areas must have stabilization initiated immediately to limit soil erosion whenever any construction activity has permanently or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days. Ask the contractor when particular exposed soils were last worked to help you determine if there is compliance.

Problem #2 – No sediment controls on site

The permit requires established sediment control practices (e.g., sediment traps/basins, down-gradient silt fences or sediment barriers, check dams, etc.) on down-gradient perimeters before up-gradient land disturbing activities begin.

Problem #3 – No sediment control for temporary stock piles

Temporary stockpiles must have silt fence or other effective sediment controls, and cannot be placed in surface waters (or curb and gutter systems).

Problem #4 – No inlet protection

All storm drain inlets that receive a discharge from the construction site must be protected before construction begins, and must be maintained until the site is stabilized. Inlet protection may be removed for a particular inlet if a specific safety concern has been identified. Written correspondence must be documented in the SWPPP or available within 72 hours upon request.

Problem #5 – No BMPs to minimize vehicle tracking on to the road

Vehicle exits must use BMPs such as stone pads, concrete or steel wash racks, or equivalent systems to prevent vehicle tracking of sediment.

Problem #6 – Sediment on the road

If BMPs are not adequately keeping sediment off the street, then the permit requires tracked sediment to be removed (e.g., street sweeping).

Problem #7 – Improper solid waste or hazardous materials management

Solid waste must be disposed of properly, and hazardous materials (including oil, gasoline, and paint) must be properly stored (which includes secondary containment).

Problem #8 – Dewatering at the construction site

Typically dewatering occurs where building footings are being constructed. Have measures been taken to ensure that the pumped discharge is not causing erosion? Is the discharge turbid and if so is it treated before discharging from the site? Has ditching been used to dewater and if so is that water resulting in the discharge of sediment and causing water quality impairments?

Problem #9 – Concrete washout

All liquid and solid wastes generated by concrete washout operations must be contained in a leak-proof containment facility or impermeable liner.

Taking photographs

A digital camera is extremely useful during an inspection. Take digital photographs to document your findings and provide a site overview as you write your report. Take photos of the site entry sign, all potential violations, and a general view(s) of the construction site. Be certain to photograph impacts to waters of the state and try to document with photos that the construction project is the only source of the impact (not other upstream sources), so take shots above and below the project at the impacted waterbody. Remember that you do not need to incorporate all of the photos you take into your inspection report. Photograph model BMPs that could be useful as examples to other construction operators.

On the site map, indicate approximate locations of where you took photos, and the direction of the photograph. Keep notes for each photograph you take, as you need to describe the potential violation in your report.

When taking a photograph, make sure you keep perspective in mind. If the viewer will have difficulty understanding how large something is (for example, a rill/gully), then use a prop such as a person, hardhat or other object for perspective.

Exit interview

Prior to conducting your exit interview, break away from the assembled group to gather your thoughts and prepare a list of preliminary findings. Review the inspection forms and determine the severity of any identified deficiencies. It is best to lead off your exit interview with one or more positive comments regarding the site and then list your negative findings in order of severity. Therefore, come up with a few positives examples of what they are doing right.

Debrief the person in charge. Explain that the results of the inspection are preliminary and are not final until all documents and photos have been reviewed and a supervisor has reviewed your report. Explain the identified deficiencies and any areas of concern (parts of SWPPP are missing, inspections are not being done, silt fence was down, etc.). Where possible, cite the section of the permit that requires these missing practices. While it is important that you provide a comprehensive site assessment, it is acceptable to indicate that you are uncertain about certain deficiencies/points and that additional review is required.

Leave copies of any compliance assistance information, such as the MPCA fact sheets “Overview of Minnesota’s NPDES/SDS Construction Stormwater Permit” or “Sediment and Erosion Control for New Homeowners.” Share information on permit compliance, and direct them to contact the MPCA office (contact phone numbers are noted on the bottom of the inspection forms), or explain how to obtain technical guidance materials.

Lastly, don’t tell the construction operator which BMP to use. Explain the problem or the permit requirement that must be met, and describe how other construction sites have



addressed typical problems. Its OK to tell the construction operator about what typically works and what doesn't work in the field, but don't specify the BMP to use (especially if it is a proprietary BMP). Ultimately, it is up to the construction operator to decide which BMPs to use.

Report writing and follow-up

Inspection reports consist of inspection forms, a site map and a photo log. If possible, complete all the relevant fields on the inspection forms and write your inspection report while you are still on the construction site. This will allow you to double check any observations and ask follow-up questions.

Remember that your inspection report is a legal document. Write legibly, accurately and objectively. Report all violations observed at the site, and always cite the section of the permit that was violated. Be careful not to include any information that you are unsure of (i.e., product names). The inspection report may be the first step in a compliance process that could reasonably be expected to be contentious. Factual errors in the report will bring the entire report and inspection into question, and will hurt the inspector's credibility. Therefore, if there is any doubt about the information, it should be left out.

When writing the description of violations, items that were stated to occur but were not observed should always be attributed to the construction operator or their representative. For example, the representative may state that the street is swept daily, but you do not know this as an observed fact.

Be consistent when writing your inspection reports. Identify potential violations in such a way that another inspector can take your report and locate the problem area easily. Be specific when you describe your observations. Don't write "a discharge was entering the storm drain" but rather "a discharge was entering the storm drain on the east side of the project below the construction entrance." As a rule, descriptions of potential violations should be in past tense, i.e., "the silt fence was installed without being toed in."

The photo log provides an important visual link between the written inspection report and the actual inspection. The photo log will also help determine the severity of potential violations. The inspection checklist should reference the photo log.

Photo log should include:

1. Size the photos so that the shortest side is 3.5 inches. Center the photos and captions on the page. Generally, a page will have two landscape oriented photos or one portrait. See Attachment A, Page 28, for a sample photo log.
2. Include a photo(s) that illustrates general construction site conditions. A macro level shot provides insight into whether the site is generally in good shape or poorly maintained. For a site that is generally in compliance, the general construction site conditions photo may be the only picture in the log.
3. Provide photos for all potential violations. The photo serves as a record that the findings actually occurred and provides a means of comparing future site conditions with those on the day of inspection. Also, it's easier to resolve

potential disputes with the construction operator if findings are documented with photographs.

4. Photo captions should briefly describe what is observed in the picture. Avoid references to the “normal” conditions in that area (“per the construction operator” statements); these are better discussed in the inspection report.
5. Check to make sure the construction site name and NPDES/SDS permit number match the inspection report. The best way to do this is to create a new photo log for each construction site; problems seem to arise when inspectors recycle photo logs by erasing the photos from one site and add those from another.

Save the photo log as the nine digit NPDES/SDS permit number followed by the facility name, or first word of a long facility name (i.e., C00012345 Acme.doc). The NPDES/SDS permit number is the unique value used to organize the photo logs with the reports and make sure that none are missing.

Chapter 3

Tips on inspecting BMPs

Inspecting BMPs

The following BMPs are commonly implemented on small construction sites. Tips for inspecting these BMPs are described on the following pages. For more information on BMPs, see:

- Minnesota Stormwater Manual https://stormwater.pca.state.mn.us/index.php/Main_Page
- Minnesota Urban Small Sites BMP Manual: Stormwater Best Management Practices for Cold Climates, Metropolitan Council, 2001. <https://metro council.org/Wastewater-Water/Planning/Water-Resources-Management/Water-Quality-Management-Key-Roles.aspx>

Both manuals provide details on the standards and specifications for installing and maintaining these and other stormwater BMPs.

The BMPs are generally organized by the order an inspector will typically encounter them in the field when conducting an inspection.

The BMPs in this list were selected because they are commonly found on construction sites disturbing less than five acres of soil.

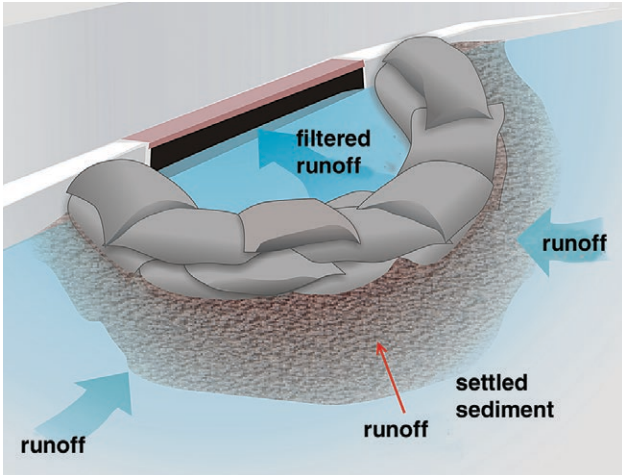


Figure 1. Sand or gravel bags can be used to filter stormwater runoff before entering a catch basin. Commercial products are also available that fit in front of or inside the catch basin.

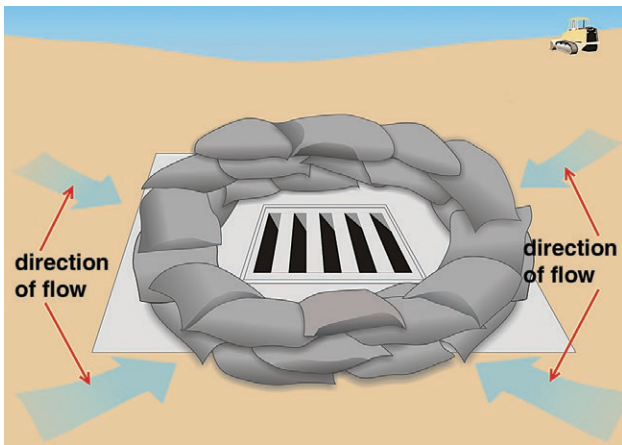


Figure 2. Sand or gravel bags used to protect a drop inlet.

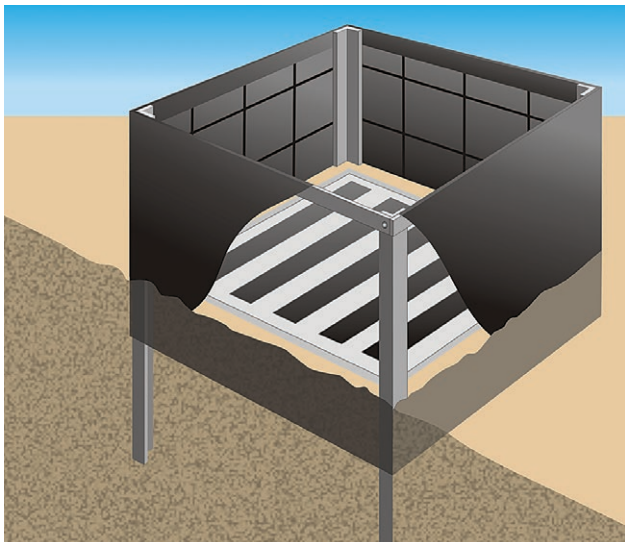


Figure 3. Silt fence can also be used to protect a drop

Storm drain inlet protection

Storm drain inlet protection prevents sediment from entering a storm drain by surrounding or covering the inlet with a filtering material. This allows sediment-laden runoff to pond and settle before entering the storm drain.

Several types of filters are commonly used for inlet protection: silt fence, sand bags or block and gravel. The type of filter used will depend on inlet type (curb inlet, drop inlet), slope, and amount of flow. Many different commercial inlet filters are also available. Some commercial inlet filters are placed in front of or on top of an inlet, others are placed inside the inlet and under the grate.

Permit requirements:

- All storm drain inlets must be protected by appropriate BMPs during construction until all sources with potential for discharging to the inlet have been stabilized. Inlet protection may be removed if a specific safety concern has been identified and the Permittee(s) have received written correspondence from the jurisdictional authority (Item 9.7).
- All sediment control BMPs must be inspected to ensure integrity and effectiveness. All nonfunctional BMPs must be repaired, replaced, or supplemented with functional BMPs. (Section 11).

Inspection tips:

- ✓ Inlet protection is a secondary BMP. Make sure that erosion controls or additional sediment controls are also in place.
- ✓ The inlet protection must not block the storm drain or cause flooding.
- ✓ Inlet protection must be in place immediately after storm drains are installed (or before land disturbance activities begin in an area with existing storm drains).
- ✓ Sediment accumulation must be removed after each storm event if it impedes flow through the filter.
- ✓ Make sure there are not any “gaps” allowing unfiltered stormwater to enter the inlet.

Stabilized construction exit

A rock construction exit can reduce the amount of sediment transported onto paved roads by vehicles. The construction exit does this by knocking mud off the vehicle tires before the vehicle enters a public road.

Permit requirements:

- Vehicle tracking of sediment from the construction site must be minimized by BMPs such as stone pads, concrete or steel wash racks, or equivalent systems. Street sweeping must be used if such BMPs are not adequate to prevent sediment from being tracked onto the street (Item 9.11).
- Construction site vehicle exit locations must be inspected for evidence of off-site sediment tracking onto paved surfaces. Permittees must use street sweeping if vehicle tracking BMPs are not adequate to prevent sediment tracking onto the street (Item 9.12).

Inspection tips:

- ✓ Is there evidence of sediment tracking from the site? (Street sweeping may be necessary if sediment tracking is evident).
- ✓ Is there evidence that vehicles are leaving the site from other locations, and not using the designated construction exits?
- ✓ Does the aggregate need to be replaced or replenished?
- ✓ Is the construction exit long enough to remove mud from the tires (50 ft. minimum)?
- ✓ Is the site graded away from the construction exit to prevent runoff from leaving the site?

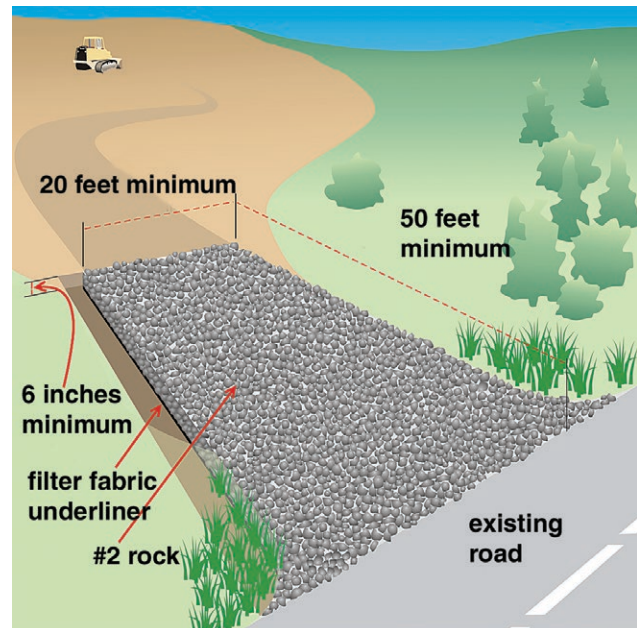


Figure 4. Stabilized construction exit.

Silt fence/other sediment barrier

A silt fence or sediment filter (such as a fiber roll or wattle) is a down-gradient barrier intended to intercept sheet flow runoff and settle out sediment upslope while allowing runoff to filter through.

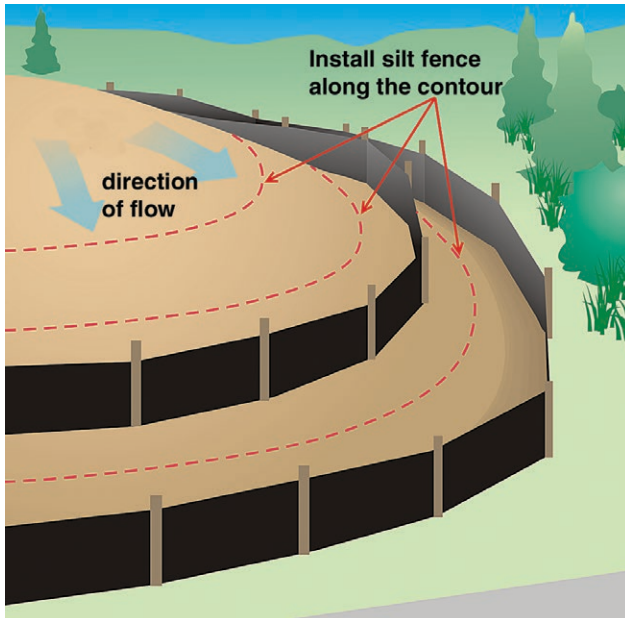


Figure 5. Illustration of silt fence installed along the contour.

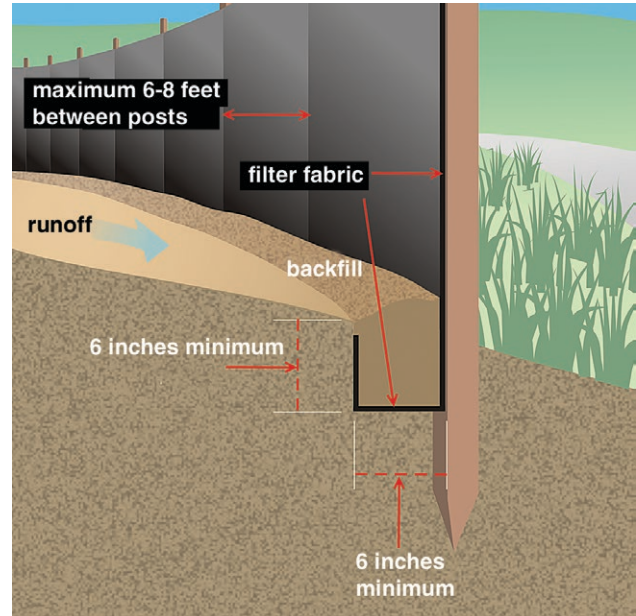


Figure 6. Detail of silt fence installation.



Figure 7. Illustration of "J-hooks" used during silt fence installation.

Permit requirements:

Sediment control practices must be established on all down-gradient perimeters before any upgradient land disturbing activities begin. These practices must remain in place until final stabilization has been established (Item 9.2). All silt fences must be repaired, replaced, or supplemented when they become nonfunctional or the sediment reaches 1/2 of the height of the fence. These repairs must be made within 24 hours of discovery, or as soon as field conditions allow access (Item 11.4).

Inspection tips:

- ✓ Is the silt fence installed along the contour (on a level horizontal plane)?
- ✓ Are the ends turned up (J-hooks) to help pond the water behind the filter?
- ✓ Is the filter trenched-in with the stakes on the downhill side (trench must be six inches deep by six inches wide)?
- ✓ Has sediment been removed when it reaches 1/2 the height of the barrier?
- ✓ Sediment barriers should not be used as check dams or where concentrated flow is expected.

Key inspection area: Inadequate installation

- Soil should be compacted after trenching.
- The stakes used to hold the silt fence must be on the down-slope side.

Key inspection area: Improper placement

- A silt fence is not adequate protection for steep, long slopes. The drainage area must be no greater than ¼ acre per 100 feet of fence; i.e., silt fences must be spaced 60-110 ft. apart on long slopes.

Key inspection area: Maintenance

- Torn or degraded silt fence fabric must be replaced immediately.

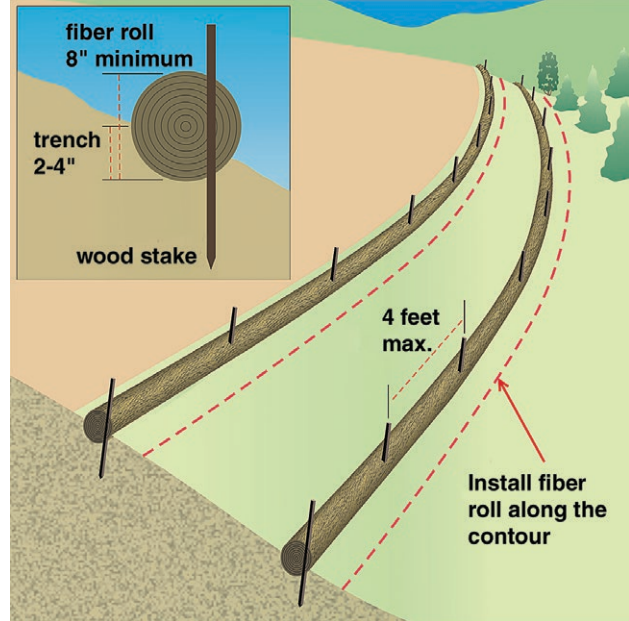


Figure 8. Fiber roll installation and detail.

Diversion ditches/berms

Diversion ditches or berms direct off-site runoff away from unprotected slopes or direct sediment-laden runoff to a sediment trapping structure. A diversion ditch can be located at the upslope side of a construction site to prevent surface runoff from entering the disturbed area. Ditches or berms on steeper slopes may need to consider erosive velocities. Also, ensure that the diverted water is released through a stable outlet and does not cause downstream flooding.

Inspection tips:

- ✓ Check to make sure the diversion discharges to a stable outlet or channel.
- ✓ Check to see if diversion ditches and berms have been seeded.
- ✓ Is the diversion eroding? (channel grades should be relatively flat).
- ✓ Check dams may be necessary if high velocity flows are present.

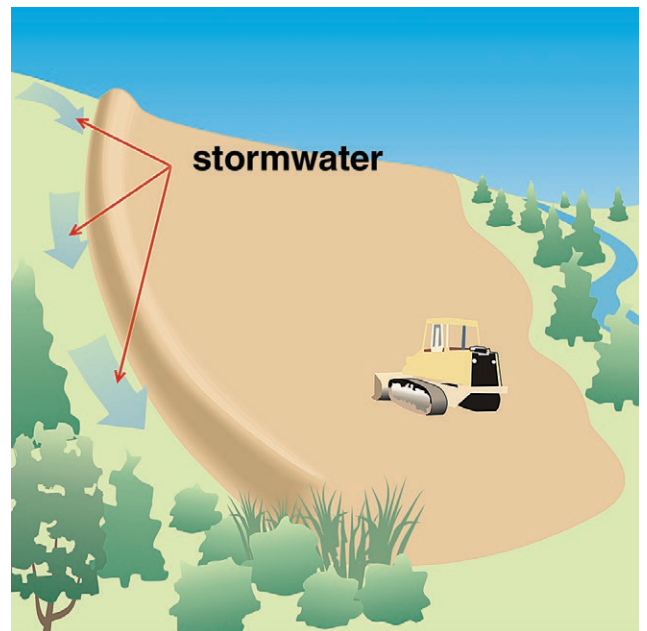


Figure 9. Diversions should be used to divert stormwater away from disturbed areas.

Mats, mulches, and blankets

Mats, mulches and blankets are used for temporary stabilization and establishing vegetation of disturbed soils. Mats and blankets are typically used on slopes or channels while mulches are effective in helping to protect the soil surface and foster the growth of vegetation.

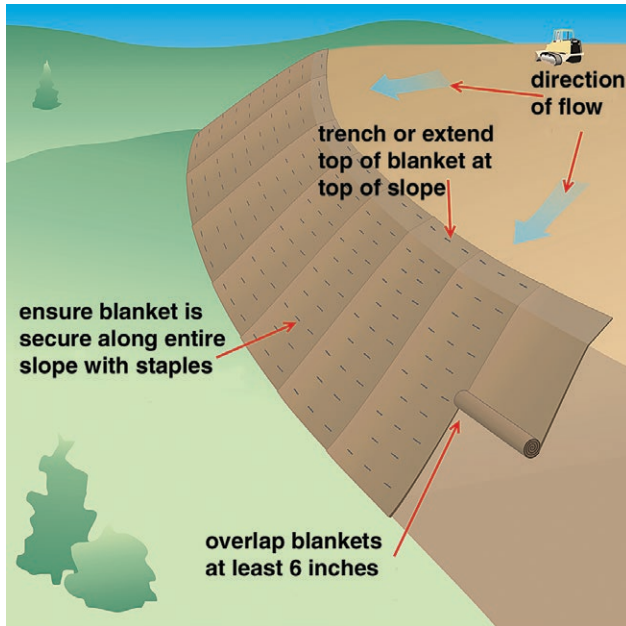


Figure 10. Erosion control blanket.

Inspection tips:

- ✓ The blanket or mat must come into complete contact with the soil.
- ✓ Check that the top of the blanket is trenched-in (there should be no evidence of water flowing under the blanket or mat).
- ✓ Mulch should not be placed in concentrated flow areas.
- ✓ Check to see if erosion is occurring in the mulched area (more mulch may need to be applied).
- ✓ Check blankets and mats to see if sections are overlapped 4-6 inches and staples are 12 inches apart on tops and 24 inches apart down the sides and in the middle.

Temporary sediment trap or pond

A temporary sediment trap or pond is a small, temporary ponding area formed by constructing an earthen embankment with an outlet across a swale. Temporary sediment traps are intended to detain sediment-laden runoff from small, disturbed areas long enough to allow the majority (at least 75%) of the sediment to settle out.

Sediment traps are designed for small areas. The volume of the trap must be at least 1,800 cubic feet per acre of contributing drainage.

Inspection tips:

- ✓ Check the location of the sediment trap. Failure of the trap should not pose a risk to life or property.
- ✓ Sediment in the trap should be removed after it reaches about 1/2 the design volume.
- ✓ The trap should not be installed in a main stream or near culvert outlets.
- ✓ Check the outlet for needed maintenance.

Vegetative stabilization

Vegetative stabilization includes temporary or permanent seeding and sodding. Vegetative stabilization helps prevent erosion at construction sites by reestablishing vegetation on exposed soils. Native and noninvasive species are highly preferred to introduced grasses.

Permit requirement (Item 8.4):

All exposed soil area must have stabilization initiated immediately to limit soil erosion. Stabilization must be completed no later than 14 calendar days after construction activity in that portion of the site has temporarily or permanently ceased. Temporary stock piles without significant silt, clay or organic components and the constructed based components of the roads, paving lots, and similar surface are exempt from this requirement.

Inspection tips:

- ✓ Are all exposed soil areas stabilized?
- ✓ Check for signs of erosion in vegetated areas.
- ✓ Concentrated flows should not be allowed across newly seeded slopes.
- ✓ If late in the year, a slope may need to be mulched rather than seeded.

Permanent stormwater treatment system

For projects that replace pervious surfaces with one or more acres of cumulative impervious surface, a permanent stormwater management system that treats one inch runoff from the new impervious surface is required. See Section 15 of the permit for additional information.

For projects where the full volume reduction requirement cannot be met on-site, (e.g. the site has infiltration prohibitions), permittees must document the reasons in the SWPPP.

For linear projects where permittees cannot treat the entire water quality volume within the existing right-of-way, permittees must make a reasonable attempt to obtain right-of-way, easement or other permission for stormwater treatment during the project planning process. Documentation attempts must be in the SWPPP.

Permittees must first consider volume reduction practices on-site (e.g., infiltration or other) when designing the permanent stormwater treatment system. If the permit prohibits infiltration, permittees may consider a wet sedimentation basin, filtration basin or regional pond.

- *Infiltration/filtration.* Treatment can include infiltration basins and trenches, rainwater gardens, sand filters, bioretention areas, and enhanced swales. The water quality volume treated should be 1 inch of new impervious surface. (Section 16 & Section 17).
- *Wet sedimentation basin.* Permanent storage volume (dead storage) of 1800 cubic feet of storage per acre that drains to the basin must be provided. The water

quality volume (live storage) must be discharged at no more than 5.66 cubic feet per second (CFS) per acre of surface area of the pond. The water quality volume treated should be one inch times of new impervious surface. (Section 18).

- *Regional Ponds.* Written authorization to discharge to a regional pond must be included in the SWPPP, and the pond must meet the permit's design requirements. (Section 19)
- *Combination of the above practices.* SWPPP must document the volume that each practices addresses.
- *Alternative method.* An alternative method must be approved in advance by the MPCA. Check the SWPPP to see if approval and additional documentation is provided.

Solid waste/hazardous materials management

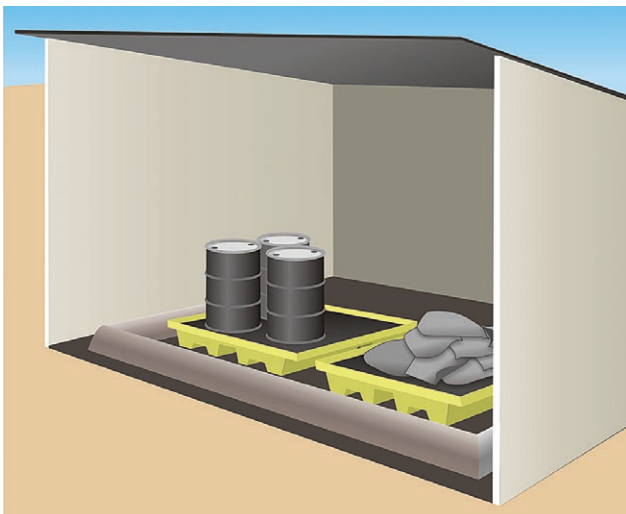


Figure 11. Example of hazardous materials storage (doors removed for illustrative purposes only). Access to hazardous materials must be restricted.

Section 12 of the permit requires construction sites to implement pollution prevention measures. At a minimum, sites are required to:

- Properly dispose of solid waste.
- Hazardous materials must be properly stored, including secondary containment, with restricted access to prevent vandalism. Oil, gasoline and paint are hazardous materials often used at construction sites.
- Limit external washing of vehicles and contain runoff. Engine degreasing is prohibited.

Permit requirements:

- **Solid Waste:** Collected sediment, asphalt and concrete millings, floating debris, paper, plastic, fabric, construction and demolition debris and other wastes must be disposed of properly and must comply with MPCA disposal requirements. (Item 12.9).
- **Hazardous Materials:** Oil, gasoline, paint and any hazardous substances must be properly stored, including secondary containment, to prevent spills, leaks or other discharge. Access to storage areas must be restricted to prevent vandalism. Storage and disposal of hazardous waste must be in compliance with MPCA regulations. (Item 12.4).
- Spills must be reported to the Minnesota Duty Officer 1-800-422-0798.

- Concrete washout onsite: All liquid and solid wastes generated by concrete washout operations must be contained in a leak-proof containment facility or impermeable liner. A compacted clay liner that does not allow washout liquids to enter ground water is considered an impermeable liner. The liquid and solid wastes must not contact the ground, and there must not be runoff from the concrete washout operations or areas. Liquid and solid wastes must be disposed of properly and in compliance with MPCA regulations. A sign must be installed adjacent to each washout facility to inform concrete equipment operators to utilize the proper facilities. (Item 12.9).

Inspection tips:

- ✓ Does the construction site have dumpsters or other containers for debris and solid waste?
- ✓ Is there evidence of solid waste or debris in the storm drain system?
- ✓ Are oil, gasoline and paint properly stored?
- ✓ Does the construction operator allow vehicles to be washed on-site?
- ✓ Are solid waste and hazardous materials stored away from receiving waters and catch basins?
- ✓ Is there evidence of hazardous materials being disposed of in the solid waste bins?
- ✓ Is there evidence that the solid waste or hazardous materials containers have leaked?
- ✓ Are vehicles or equipment fueled on-site? Is this area bermed or away from receiving waters and storm drains?
- ✓ Are all hazardous materials containers properly labeled?
- ✓ Are concrete washouts properly installed away from receiving waters and storm drains?
- ✓ Is there a sign adjacent to each washout facility to inform concrete equipment operators to utilize the proper facility.

Chapter 4

Referring enforcement cases to the MPCA

Specific referral procedures are detailed in contracts between the MPCA and non-MPCA inspectors. In most instances, referrals will follow this general practice. Cases may be referred directly to the MPCA from approved agencies. At this point the MPCA determines if enforcement actions are warranted and if proper documentation has been filed. If the MPCA determines that no action is required, because of the lack of documentation or insufficient information or evidence, the case will be referred back with a letter of explanation. If MPCA staff determine that action is required the case will be pursued. Cases that meet MPCA requirements will be brought through the MPCA enforcement process in conjunction with the referring approved agency. Most times a parallel request will be made by the referring approved agency to engage with local enforcement measures. These measures may include: having the plan-approving agency (zoning and planning departments) refrain from issuing or, in some cases, revoking any building or grading permits until outstanding violations are remedied.

The following are three common violations at small construction sites and the potential level of enforcement response by the MPCA and approved partners. Further information and details on MPCA enforcement response or guidance on inspection reports and field letter of warning use can be obtained from the MPCA Enforcement Response Plan (ERP).

For failure to obtain an NPDES stormwater permit

Citation: 7001.1035, 7001.1040 and 7001.1030.

Suggested enforcement action: Administrative Penalty Order (APO).

Evidence needed: photos of the construction activity, DELTA permit search, a completed inspection report, pollutant discharge documentation (when occurring), size of site, cite the “failure to obtain a permit” violation,

Required action: Immediately cease construction work. Create corrective actions that will prevent harm or correct/minimize releases. Apply for permit ASAP and prior to continued site activity. Follow up with appropriate enforcement action.

For discharging sediment into waters of the state

Citation: Minnesota Statute 115.061 or Minn. R. 7001.0210.

Suggested enforcement action: APO/Stipulation Agreement.

Evidence needed: Delineation of sediment plume, photos, and inspection report which describes the impacts with good factual records.

Required action: Create corrective actions to stop discharge and prevent harm or correct/minimize releases, report discharges to appropriate agencies. Proceed with appropriate enforcement action; most cases involving discharges typically involve penalties depending on the seriousness, length of time and response to the discharge.

For violations of the NPDES/SDS stormwater permit requirements

Citation: NPDES/SDS Permit MN R100001

Suggested enforcement action: Letter of Warning, APO or Stipulation Agreement.

Evidence needed: Review erosion and sediment control plans, photos, and inspection reports that describes any impacts with good factual records of failure of the permit conditions.

Required action: Clearly and concisely document any violations, including the location of the violation and the part of the permit that the construction operator is violating. Create corrective actions that will result in compliance with the permit and, if appropriate, establish a time frame for compliance. Write clearly and concisely. Proceed with enforcement as appropriate. Cases involving environmental harm or potential for harm may involve penalties depending on the seriousness, length of time and response to the corrective actions. Case by case evaluation is necessary to make these determinations. If a reinspection is necessary, set a time or date for this (either scheduled with the construction operator or an unannounced inspection).

Enforcement options available

There are a suite of enforcement options available to local government or state agencies ranging from field requests to formal notices and various penalty actions, including local citations, administrative penalty orders, stipulation agreements, stop work orders and permit revocations.

Chapter 5

Additional resources

This *Stormwater Inspection Guide* is available online, as are the additional resources on stormwater BMPs listed below:

MPCA Stormwater Inspection Guide

www.pca.state.mn.us/publications/wq-strm2-10.pdf

MPCA Minnesota Stormwater Manual

www.pca.state.mn.us/water/stormwater/stormwater-manual.html. The first half of the manual is dedicated to the general Minnesota context for stormwater management. The second half includes diagrams and formulas, it is intended for professional, but useful for homeowners.

MPCA Stormwater Program

www.pca.state.mn.us/water/stormwater/index.html. Click on the construction stormwater program to get copies of the construction permit, application, fact sheets, information on special waters and staff contacts.

MPCA Stormwater BMP Manual

www.pca.state.mn.us/water/pubs/sw-bmpmanual.html. An electronic copy of the MPCA's *Protecting Water Quality in Urban Areas: Best Management Practices for Dealing with Stormwater Runoff from Urban, Suburban and Developing Areas of Minnesota* (2000). Includes information on all types of stormwater control practices.

Metropolitan Council's Urban Small Sites BMP Manual

<https://metro council.org/Wastewater-Water/Planning/Water-Resources-Management/Water-Quality-Management-Key-Roles.aspx>

An electronic copy of the *Minnesota Urban Small Sites BMP Manual: Stormwater Best Management Practices for Cold Climates* (2001). This BMP manual provides information on construction and permanent stormwater BMPs.

Minnesota Erosion Control Association

www.mnerosion.org. An organization that is advancing effective stormwater management and erosion and sediment control techniques and practices.

International Erosion Control Association

www.ieca.org. Association for erosion and sediment control professionals.

Chapter 6

Definitions

The following selected definitions are reprinted from the MPCA’s construction permit. For additional definitions, see the construction permit.

“Best management practices (BMPs)”

Erosion and sediment control and water quality management practices that are the most effective and practicable means of controlling, preventing, and minimizing degradation of surface water, including avoidance of impacts, construction-phasing, minimizing the length of time soil areas are exposed, prohibitions, and other management practices published by state or designated area-wide planning agencies. Individual BMPs found in the construction permit are described in the current version of *Minnesota Stormwater Manual*. BMPs must be adapted to the site and can be adopted from other sources. However, they must be similar in purpose and at least as effective and stringent as the MPCA’s BMPs. (Other sources include manufacturers specifications, *Stormwater Management for Construction Activities: Developing Pollution Prevention Plans and Best Management Practices*, U.S. Environmental Protection Agency 1992, and *Erosion Control Design Manual*, Minnesota Department of Transportation, et al, 1993).

“Common plan of development or sale”

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.

“Construction activity”

Construction activity as defined in 40 C.F.R. part 122.26(b)(14)(x) and small construction activity as defined in 40 C.F.R. part 122.26(b)(15). This includes a disturbance to the land that results in a change in the topography, existing soil cover (both vegetative and non-vegetative), or the existing soil topography that may result in accelerated stormwater runoff, leading to soil erosion and movement of sediment into surface waters or drainage systems. Examples of construction activity may include clearing, grading, filling and excavating. Construction activity includes the disturbance of less than one-acre of total land area that is a part of a larger common plan of development or sale if the larger common plan will ultimately disturb one acre or more.

“Erosion prevention”

Measures employed to prevent erosion including but not limited to: soil stabilization practices, limited grading, mulch, temporary or permanent cover, and construction phasing.

“Final stabilization” requires all of Parts 1-5 or Part 6:

1. All soil disturbing activities at the site have been completed and all soils must be stabilized by a uniform perennial vegetative cover with a density of 70% over the entire pervious surface area, or other equivalent means necessary to prevent soil failure under erosive conditions.
2. The permanent stormwater treatment system meets all requirements in Section 15. This includes but is not limited to, a final clean out of temporary or permanent sedimentation basins that are to be used as permanent water quality management basins and final construction or maintenance of infiltration basins. All sediment must be removed from conveyance systems and ditches must be stabilized with permanent cover.
3. Prior to submission of the NOT, all temporary synthetic and structural erosion prevention and sediment control BMPs (such as silt fence) must be removed on the portions of the site for which the Permittee is responsible. Best Management Practices designed to decompose on site (such as some compost logs) may be left in place.
4. For residential construction only, individual lots are considered finally stabilized if the structure(s) are finished and temporary erosion protection and downgradient perimeter control has been completed and the residence has been sold to the homeowner. Additionally, the Permittee must distribute the MPCA’s “Homeowner Fact Sheet” to the homeowner to inform the homeowner of the need for, and benefits of, permanent cover.
5. For construction projects on land used for agricultural purposes (e.g., pipelines across crop or range land) Final Stabilization may be accomplished by returning the disturbed land to its preconstruction agricultural use.
6. A Permittee may terminate permit coverage prior to completion of all construction activity if all of the following conditions are met in addition to Part 2 and 3 and where applicable, Part 4 or Part 5.
 - a. Construction activity has ceased for at least 90 days.
 - b. At least 90% (by area) of all originally proposed construction activity has been completed and permanent cover established on those areas.
 - c. On areas where construction activity is not complete, permanent cover has been established.

“Operator”

The person (usually the general contractor), 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 person must be knowledgeable in those areas of the permit for which the operator is responsible. (Section 1 – Section 3, Section 5, Section 8 – Section 13).



“Owner”

The person or party 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.

“Permittee”

A person(s), firm, or governmental agency or other institution that signs the application and is responsible for compliance with the terms and conditions of the permit.

“Sediment control”

Methods employed to prevent sediment from leaving the site. Sediment control practices include silt fences, sediment traps, earth dikes, drainage swales, check dams, subsurface drains, pipe slope drains, storm drain inlet protection, and temporary or permanent sedimentation basins.

“Stormwater”

Defined under Minn. R. 7077.0105, subp. 41(b), and includes precipitation runoff, stormwater runoff, snow melt runoff, and any other surface runoff and drainage.

“Stormwater Pollution Prevention Plan”

A plan for stormwater discharge that includes erosion prevention measures, sediment controls and permanent stormwater Management System that, when implemented, will decrease soil erosion on a parcel of land and decrease off-site nonpoint pollution.

“Surface water or waters”

All streams, lakes, ponds, marshes, wetlands, reservoirs, springs, rivers, drainage systems, waterways, watercourses, and irrigation systems whether natural or artificial, public or private.

“Temporary erosion protection”

Methods employed to prevent erosion. Examples of temporary cover include; straw, wood fiber blanket, wood chips, and erosion netting.

“Waters of the state”

Defined in Minn. Stat. § 115.01, subd. 22 as 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.



Attachment A - Photo log

Acme construction (permit number)
Inspected by: (Inspector's name, office, phone number)

Construction site name and inspector's last name, office, and phone number are centered in the header and must appear on all pages.



Photo 1: Well-maintained and labeled concrete truck washout

Generally each page will have two landscape or one portrait picture(s). To size each picture, right-click on the picture and select Format Picture for sizing. For landscape view, set height to 3.5" and width is set by MS Word (make sure Lock Aspect Ratio is checked ON.) For portrait view, set width to 3.5" and height is set by MS Word.



Photo 2: Hay bales and silt fence that are in need of

Inspection date: January 5, 2004

Page 1 of 3

Inspection date and sequential page numbering in the footer must appear on all pages.

Attachment B - Violation citations

NPDES/SDS General Stormwater Permit for Construction activity violation citations

Citation	Permit section or rule
No permit	Minn. R. 70090.2010 subp. 1, 2, 3 (permit required, permit application deadline, and compliance requirements for unpermitted construction, respectively)
Change of coverage	Item 3.7
Erosion control practices during construction	
a) All exposed soil must be stabilized no later than 14 days after the construction activity in that portion of the site has temporarily or permanently ceased	Item 8.4
b) Normal wetted perimeter of drainage system - 200' within 24 hours of connecting	Item 8.6
c) Energy dissipation (temp. or perm.) within 24 hours	Item 8.9
Sediment control practices during construction	
a) Lacking sediment control practices Overloaded systems eliminated, no unbroken slopes 75' @ 3:1>	Item 9.3
b) Temporary sediment basin required	Item 9.13
c) Inlet BMPs not functional	Item 9.7
d) Perimeter controls/soil disturbance	Item 9.2
Inspections and maintenance	
a) Maintenance of erosion and sediment temporary/permanent cover	Item 11.4
b) Temporary sediment basin 1/2-volume	Item 11.8
c) Recovery of sediment in waters (name water body)	Item 11.5
– Duty to notify, avoid and recover water pollution	Minn. Stat. § 115.061
– Nuisance conditions prohibited (define discharge)	Minn. R. 7050.0210, subp. 2
d) Vehicle tracking	Item 11.6
Inspections and records retention	Section 11
a) SWPPP development required	Section 5
SWPPP requirements:	Item 5.2
– BMPs/locations procedures	Item 5.5
– Site map/flow arrows	Item 5.9
– Phased areas	Item 5.18
– Surface waters/wetlands 1 mile	Item 5.10
– Methods for final stabilization	Item 5.17
b) Inspections (specifically note failed maintenance)	Section 11
c) Training requirement documentation	Item 21.2

Permanent stormwater treatment

- >One acre impervious, permanent treatment required
 - a) Wet sedimentation basin
 - Regional ponds
 - Infiltration/filtration (hydro analysis)
 - Alternative methods, 90-day review, monitoring
 - b) Pretreatment required
 - c) Dewatering
 - d) Turbid discharges off site or waters of the state
 - e) Wetland impacts: authorization and mitigation

Section 15
Section 18
Section 19
Section 16/Section17
Item 16.6/Item 17.5
Section 10
Minn. R. 7050. 0210, subp. 2

Management pollution prevention

- a) Solid waste disposed of properly
- b) Hazardous materials in secondary containment and restricted access
- c) Defined areas for construction vehicles external washing
- d) Defined concrete washout on site and with a sign

Item 12.5
Item 12.4
Item 12.8
Item 12.9

Attachment B - Violation citations

(continued)

Letter of warning (LOW)

A notice to a regulated party (RP) that documents violations discovered during an inspection, complaint follow-up or review of submittals. The LOW typically includes a reference of the statute, rule, permit condition or checklist that are violated. The LOW typically requires the regulated party to complete specific corrective actions to return the facility to compliance. The LOW usually gives a regulated party between 7-30 days to complete required corrective actions.

Request for information (RFI)

A notice to an RP requiring information. Occasionally additional information is required to determine the status of compliance or for an RP to respond to violations discovered. This information can be used to determine if elevated enforcement (including penalties) is appropriate.

Corrective actions (LOW or RFI)

Requirements to correct field conditions and to come into compliance with the permit, statute or rules and must be responded to in the period noted on this field report. This response (including any lack of response) is considered by the MPCA and future enforcement for the violations discovered.

Attachment C - Temporary, permanent sediment basin checklist

Site name/Location _____ Date of inspection _____

Permanent – temporary (circle) sedimentation basins: (location/ID) _____

- Required basin installed (> 10 acres/ single point (T) or >1 acre new impervious (P)? Yes No
- Does basin have energy dissipation for outlet? Yes No
- Stabilized emergency overflow outlet? Yes No
- Was basin constructed /operational concurrent with construction? Yes No
- Are slopes stabilized with perm cover or temp erosion protection? Yes No
- Is basin connected to surface waters? Yes Name/description waters: _____
- Was discharge- connection stabilized within 24 hours of connecting? Yes No
- Dewatering: Onsite to a temp. settling basin? Yes No If offsite, is water turbid? Yes No
- If no settling basin, was appropriate BMPs for turbidity and scour applied? Yes No
- Is discharge from site creating a nuisance conditions or WQ violations? Yes No

Observations:

Permanent – temporary (circle) sedimentation basins: (location/ID) _____

- Required basin installed (> 10 acres/ single point (T) or >1 acre new impervious (P)? Yes No
- Does basin have energy dissipation for outlet? Yes No
- Stabilized emergency overflow outlet? Yes No
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- Was discharge- connection stabilized within 24 hours of connecting? Yes No
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- If no settling basin, was appropriate BMPs for turbidity and scour applied? Yes No
- Is discharge from site creating a nuisance conditions or WQ violations? Yes No

Observations:

Permanent – temporary (circle) sedimentation basins: (location/ID) _____

- Required basin installed (> 10 acres/ single point (T) or >1 acre new impervious (P)? Yes No
- Does basin have energy dissipation for outlet? Yes No
- Stabilized emergency overflow outlet? Yes No
- Was basin constructed /operational concurrent with construction? Yes No
- Are slopes stabilized with perm cover or temp erosion protection within 200' of surface water? Yes No
- Is basin connected to surface waters? Yes Name/description waters: _____
- Was discharge- connection stabilized within 24 hours of connecting? Yes No
- Dewatering: Onsite to a temp. settling basin? Yes No If offsite, is water turbid? Yes No
- If no settling basin, was appropriate BMPs for turbidity and scour applied? Yes No
- Is discharge from site creating a nuisance conditions or WQ violations? Yes No

Observations:

