

Construction Stormwater Permit

Preventing further damage after floods

Under normal conditions, builders, developers, and landowners, like you, apply for a construction stormwater permit for sites over an acre, and for sites under an acre that are part of a larger common plan of development.

Coverage under this general permit authorizes you to discharge stormwater from your construction site if permit conditions are met.

A Stormwater Pollution Prevention Plan (SWPPP) is part of the application process. The SWPPP outlines how you intend to use best management practices, like stormwater detention ponds, silt fences, storm-drain inlet covers, and temporary vegetative cover on project slopes, to manage stormwater runoff.

The application process for obtaining permit coverage is not simply a paperwork exercise. A carefully implemented SWPPP prevents erosion and controls sediment from leaving your construction site.



A road near Elba, Minnesota, was damaged by flashfloods in August 2007.

Special circumstances

The environmental devastation of the flooding in southeastern Minnesota, in 2007, highlights the need for controlling stormwater. Scoured hillsides and washed-out roads are dramatic examples of the power of water to transform the landscape. Preparation and implementation of a SWPPP ensures that you are not compounding the environmental harm caused by the floods.

A provision in the state's stormwater rules (Minn. R. 7090.2020) allows certain emergency construction activities to begin before a permit application is submitted, so long as the construction activity is needed to minimize the impacts of the emergency situation that present an "imminent threat to human health, public drinking water or the environment." In such cases, the landowner needs to notify the Minnesota Pollution Control Agency (MPCA) immediately when construction begins, followed by the application soon after.

The rule allows flexibility in meeting construction stormwater permit application requirements in emergency situations, and should not be interpreted as an exemption from permit requirements in the flooded areas. This provision is applied only in rare cases where there is an "imminent threat" to humans, drinking water or the environment.

Regulatory context

Compliance with Minnesota's construction stormwater permit ensures that builders meet federal requirements for water protection found in the Clean Water Act.

Minnesota is one of several states with delegated authority from the U.S. Environmental Protection Agency to enforce federal Clean Water Act requirements.

How to apply

To apply for construction stormwater permit coverage, go to <https://www.pca.state.mn.us/water/construction-stormwater> to find all the permit application and guidance documents.

When you have completed your stormwater pollution prevention plan, apply directly online: Go to <https://rsp.pca.state.mn.us> and click proceed to apply for the construction stormwater permit.

Sediment and erosion control

These five steps will 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 does not 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 are torn or beat down. They will also need to be replaced if silt has reached one-third the height of the fence.

4. Stop vehicle tracking:

Install vehicle entrance and exit best management practices (BMPs), such as course gravel, to keep mud and sediment from leaving your sites onto roads and residential streets. If vehicle entrance/exit BMPs are inadequate, use additional street sweeping to prevent sediment from leaving the project site.

5. Protect inlets:

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

Contact the MPCA

If you have questions about the administrative details of the permit process go to: www.pca.state.mn.us/water/stormwater, or call the Stormwater hotline at 651-757-2119, or toll-free at 800-657-3804.