

**MINNEHAHA CREEK WATERSHED DISTRICT
BOARD OF MANAGERS**

3. EROSION & SEDIMENT CONTROL RULE

Adopted XXXX

Effective XXXX

1. POLICY. The District will implement this rule to limit erosion of soils from disturbed sites due to wind and water; reduce volume and velocity of stormwater moving off site; limit sedimentation into water bodies; and protect soil stability during and after disturbance.

a. The District will apply this rule so that disturbed sites are managed according to the following principles:

1. Limit area and duration of exposed or unstable soils.
2. Limit disturbance of soil cover and vegetation, and work near waterbodies.
3. Limit disturbance on steep slopes and high cuts and fills.
4. Keep sediments on site, and out of roadways, stormsewers and waterbodies.
5. Avoid damage to trunks and root systems of trees and vegetation being preserved.
6. Avoid, limit and repair soil compaction.

b. As an owner or operator of a municipal separate storm sewer system (MS4), the District is subject to the terms of the [Small Municipal Separate Storm Sewer Systems General Permit](#) (MNRO40000) issued by the Minnesota Pollution Control Agency (MPCA) on November 16, 2020. Specifically, the District's standards for erosion and sediment controls must be "at least as stringent" as those set forth in the MPCA Construction Stormwater General Permit (MNR100001, issued August 1, 2023) (MCSGP). For simplicity and consistency, this rule, at paragraph 4 below, adopts the applicable standards of the [Construction Stormwater General Permit](#) by reference.

2. PERMIT REQUIRED.

a. Land-disturbing activity requires a permit under this rule, except for:

1. A land disturbance of less than 5,000 square feet in area.
2. Agricultural activity.

b. A land disturbance less than one acre that is not part of a larger common plan of development or sale one acre or more, and that does not require a permit under any other District rule, may proceed under a General Permit in accordance with section 5, below. The activity is subject to section 5, but not otherwise subject to this rule.

- c. Excavation, filling or stockpiling 50 cubic yards or more of soil or earth material, if the disturbance or stockpile is not isolated from precipitation and stormwater runoff by a structural enclosure, is subject to a General Permit in accordance with section 5, below.

3. APPLICATION.

- a. The applicant must complete the District's Erosion and Sediment Control application through the [Online Permitting Portal](#) and submit an application fee or fee deposit, also through the portal, in accordance with the applicable fee schedule.
- b. The application must include an erosion and sediment control plan ("ESC Plan"). On District approval, the ESC Plan is a part of the permit and must be implemented according to its terms. The ESC Plan must be drawn to appropriate scale and benchmark, and must include the following. Required information is limited to the area within site boundaries, except where indicated.
 - 1. Site parcel boundaries and off-site surrounding roads.
 - 2. Water features and facilities, including lakes, streams and wetlands; established legal vegetated buffer on any such feature; natural and artificial water diversions and detention areas; surface and subsurface drainage facilities and stormwater conveyances; and storm sewer catch basins.
 - 3. Identification of off-site receiving waterbodies and stormwater conveyance systems to which the site discharges.
 - 4. Notation as to impaired or special management waters status of a receiving waterbody. If the site discharges within one mile of, and to, a water designated by the [Minnesota Pollution Control Agency as impaired](#), the applicant must identify any Total Maximum Daily Load (TMDL) that has been approved and is still in effect.
 - 5. Identification of areas adjacent to, and that drain to, [public waters for which the Minnesota Department of Natural Resources](#) has promulgated "work in water restrictions" during specified fish spawning times.
 - 6. Existing and final site grades, steep slopes, and the direction of flow under pre- and post-disturbance conditions.
 - 7. Existing and proposed buildings, impervious surface and other significant structures.
 - 8. Existing and planned underground utilities.

9. Trees and vegetation, indicating what is intended to be retained.
 10. Delineation of proposed area of disturbance and areas of soil or earth material storage; description of proposed grading, grubbing, clearing, tree removal, excavation, fill and other disturbance.
 11. A statement of the following quantities: area of disturbance, volume of excavation, volume of imported fill materials, volumes of soil or earth materials temporarily placed on site.
 12. Phasing plan to minimize the duration of exposed soil areas.
 13. Location and identification of proposed runoff control, erosion prevention, sediment control and temporary and permanent soil stabilization measures.
 14. Location of protective fencing around vegetation to be retained, to exclude all fill and equipment from the drip line or critical root zone, whichever greater.
 15. Areas where soil compaction is to be prevented, or minimized and repaired, including but not limited to filtration and infiltration stormwater facilities and areas to be retained as greenspace.
 16. Location and identification of existing and proposed permanent stormwater management facilities.
- c. If an applicant has determined that compliance with the temporary sediment basin or temporary buffer requirement of this rule is infeasible, the application must include the applicant's justification.
 - d. The District may require other information that it reasonably finds necessary to evaluate and approve an application under this rule.

4. SITE MAINTENANCE AND INSPECTION. In engaging in the approved activity, the permittee and those performing the work on the permittee's behalf must implement the ESC Plan in accordance with MCSGP sections 7, 8, 9, 10, 11, 12, 13 and 14; and with MCSGP paragraphs 16.4, 17.3, and 23.7 through 23.11, as they may be amended from time to time. These provisions are incorporated into this rule and attached as an addendum.

5. GENERAL PERMIT.

- a. Before land disturbance or stockpiling occurs, the applicant must submit a notice of disturbance and a simplified ESC Plan through the Online Permitting Portal. The simplified ESC Plan will include the content at subsection 3.b, paragraphs (1), (2), (6), (7)

and (13), above. If the Online Permitting Portal notes the presence of regulated waterbody or floodplain on a parcel on which the activity is to occur, the applicant is notified and the general permit is not effective until District staff have determined that the activity does not require a permit under another District rule.

- b. A permittee operating under a District general permit must conduct all activity in accordance with the following terms:
 1. Erosion and sediment control measures must be consistent with best management practices, and sufficient to retain sediment onsite as demonstrated in the [Minnesota Stormwater Manual](#).
 2. Erosion and sediment controls must be in place prior to construction start and assessed periodically to ensure functionality.
 3. If dewatering, Section 10 of the MCSGP.
 4. When land disturbing or stockpiling is complete, the site must be stabilized, and then erosion and sediment controls must be removed.
 5. By engaging in activity under a District permit, a property owner recognizes that District representatives may enter to inspect, and may direct site measures or institute compliance procedures if they find non-conformance with subsection 5.b, or that the site condition presents a risk to water resources.
6. **NOTIFICATION.** The permittee or its authorized agent must notify the District through the [Online Permitting Portal](#) at the following times. A public applicant may request an alternative notification plan.
 - a. When perimeter erosion and sedimentation controls have been installed.
 - b. Before any site dewatering.
 - c. When land-disturbing activity, stockpiling and soil stabilization and revegetation measures have been completed.
 - d. When the site has achieved permanent stabilization.
 - e. When all temporary erosion and sedimentation controls have been removed.
7. **FINANCIAL ASSURANCE.**

A bond, letter of credit or cash escrow in accordance with the District's Financial Assurances rule is a condition of permit issuance.

Minnesota Construction Stormwater General Permit (MCSGP) Addendum

MCSGP paragraph 11.3, that part of MCSGP paragraph 11.8 concerning permanent sedimentation basins, and that part of 23.11 concerning permanent buffer do not apply.

Where the text refers to: (1) the MPCA, the reference is to the District; (2) the stormwater pollution prevention plan, the reference is to the ESC Plan; (3) submittal of the notice of termination, the reference is to District approval of permit closure.

7.1	BMP Selection and Stormwater Management. [Minn. R. 7090]
7.2	Permittees must select, install, and maintain the BMPs identified in the SWPPP and in this permit in an appropriate and functional manner and in accordance with relevant manufacturer specifications and accepted engineering practices to minimize the discharge of pollutants in stormwater from construction activities. Examples of stormwater management practices for this section include but are not limited to wet sedimentation basins, temporary depressions to hold stormwater, stormwater routing, dikes, berms, pumping, and stormwater treatment BMPs. Permittees must phase and incorporate stormwater management principles as the construction progresses. Unless infeasible, temporary or permanent wet sedimentation basins (when required, see section
7.3	Permittees must not disturb more land (i.e., phasing) than can be effectively inspected and maintained in accordance with Section 11. [Minn. R. 7090]
7.4	If permittees will be using some type of erosion control netting on the site as part of the soil stabilization techniques, permittees are encouraged to use products that have been shown to minimize impacts on wildlife. The U.S. Fish & Wildlife Service recommends using types of netting practices that are considered "wildlife friendly," including those that use natural fiber or 100 percent biodegradable materials and that use a loose weave with a non-welded, movable jointed netting. Products that are not wildlife friendly include square plastic netting that are degradable (e.g., photodegradable, UVdegradable, oxo-degradable), netting made from polypropylene, nylon, polyethylene, or polyester. Other recommendations include removing the netting product when it is no longer needed. More information may be found at: https://www.fws.gov/initiative/protecting-wildlife/make-change-wildlife-friendly-erosion-control-products . There also may be State, Tribal, or local requirements about using wildlife friendly erosion control products. See Minnesota Department of Transportation requirements at: https://www.mndot.org/environment/erosion/rolled-erosion-prevention-products.html . [Minn. R. 7050]
8.1	Erosion Prevention Practices. [Minn. R. 7090]
8.2	Before work begins, permittees must delineate the location of areas not to be disturbed. [Minn. R. 7090]
8.3	Permittees must minimize the need for disturbance of portions of the project with steep slopes. When steep slopes must be disturbed, permittees must use techniques such as phasing and stabilization practices designed for steep slopes (e.g., slope draining and terracing). [Minn. R. 7090]
8.4	Permittees must stabilize all exposed soil areas, including stockpiles. Stabilization must be initiated immediately to limit soil erosion when construction activity has permanently or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days (7 days for sites discharging to special or impaired waters, see section 24). Stabilization must be completed no later than 14 calendar days after the construction activity has ceased. Stabilization is not required on constructed base components of roads, parking lots and similar surfaces. Stabilization is not required on temporary stockpiles without significant silt, clay or organic components (e.g., clean aggregate stockpiles, demolition concrete stockpiles, sand stockpiles) but permittees must provide sediment controls at the base of the stockpile. [Minn. R. 7090]
8.5	For Public Waters that the Minnesota DNR has promulgated "work in water restrictions" during specified fish spawning time frames, permittees must complete stabilization of all exposed soil areas

	within 200 feet of the water's edge, and that drain to these waters, within 24 hours during the restriction period. [Minn. R. 7090]
8.6	Permittees must stabilize the normal wetted perimeter of the last 200 linear feet of temporary or permanent drainage ditches or swales that drain water from the site within 24 hours after connecting to a surface water or property edge. Permittees must complete stabilization of remaining portions of temporary or permanent ditches or swales within 14 calendar days (7 days for sites discharging to special or impaired waters, see section 24) after connecting to a surface water or property edge and construction in that portion of the ditch temporarily or permanently ceases. [Minn. R. 7090]
8.7	Temporary or permanent ditches or swales being used as a sediment containment system during construction (with properly designed rock-ditch checks, bio rolls, silt dikes, etc.) do not need to be stabilized. Permittees must stabilize these areas within 24 hours after their use as a sediment containment system ceases. [Minn. R. 7090]
8.8	Permittees must not use mulch, hydromulch, tackifier, polyacrylamide or similar erosion prevention practices within any portion of the normal wetted perimeter of a temporary or permanent drainage ditch or swale section with a continuous slope of greater than 2 percent. Examples of acceptable erosion prevention practices include blankets, poly, riprap, etc. [Minn. R. 7090]
8.9	Permittees must provide temporary or permanent energy dissipation at all pipe outlets within 24 hours after connection to a surface water or permanent stormwater treatment system. [Minn. R. 7090]
9.1	Sediment Control Practices. [Minn. R. 7090]
9.2	Permittees must establish sediment control BMPs on all downgradient perimeters of the site and downgradient areas of the site that drain to any surface water, including curb and gutter systems. Permittees must locate sediment control practices upgradient of any buffer zones. Permittees must install sediment control practices before any upgradient land-disturbing activities begin and must keep the sediment control practices in place until they establish permanent cover. [Minn. R. 7090]
9.4	Temporary or permanent drainage ditches and sediment basins designed as part of a sediment containment system (e.g., ditches with rock-check dams) require sediment control practices only as appropriate for site conditions. [Minn. R. 7090]
9.5	A floating silt curtain placed in the water is not a sediment control BMP to satisfy item 9.2 except when working on a shoreline or below the waterline. Immediately after the construction activity (e.g., installation of rip rap along the shoreline) in that area is complete, permittees must install an upland perimeter control practice if exposed soils still drain to a surface water. [Minn. R. 7090]
9.6	Permittees must re-install all sediment control practices adjusted or removed to accommodate short-term activities such as clearing or grubbing, or passage of vehicles, immediately after the short-term activity is completed. Permittees must reinstall sediment control practices before the next precipitation event even if the short-term activity is not complete. [Minn. R. 7090]
9.7	Permittees must protect all storm drain inlets using appropriate BMPs during construction until they establish permanent cover on all areas with potential for discharging to the inlet. [Minn. R. 7090]
9.8	Permittees may remove inlet protection for a particular inlet if a specific safety concern (e.g. street flooding/freezing) is identified by the permittees or the jurisdictional authority (e.g., city/county/township/Minnesota Department of Transportation engineer). Permittees must document the need for removal in the SWPPP. [Minn. R. 7090]
9.9	Permittees must provide silt fence or other effective sediment controls at the base of stockpiles on the downgradient perimeter prior to the initiation of stockpiling. Sediment controls must be managed in accordance with section 9.6. [Minn. R. 7090]
9.10	Permittees must locate stockpiles outside of natural buffers or surface waters, including stormwater conveyances such as curb and gutter systems unless there is a bypass in place for the stormwater. [Minn. R. 7090]
9.11	Permittees must install a vehicle tracking BMP to minimize the track out of sediment from the construction site or onto paved roads within the site. [Minn. R. 7090]
9.12	Permittees must use street sweeping in addition to vehicle tracking BMPs if vehicle tracking BMPs alone are not adequate to prevent sediment tracking onto the street. [Minn. R. 7090]
9.13	Permittees must install temporary sediment basins as required in Section 14. [Minn. R. 7090]

9.14	In any areas of the site where final vegetative stabilization will occur, permittees must restrict vehicle and equipment use to minimize soil compaction. [Minn. R. 7090]
9.15	Permittees must preserve topsoil on the site, unless infeasible. [Minn. R. 7090]
9.16	Permittees must direct discharges from BMPs to vegetated areas unless infeasible. [Minn. R. 7090]
9.17	Permittees must preserve a 50-foot natural buffer or, if a buffer is infeasible on the site, provide redundant (double) perimeter sediment controls when a surface water is located within 50 feet of the project's earth disturbances and stormwater flows to the surface water. Permittees must install perimeter sediment controls at least 5 feet apart unless limited by lack of available space. Natural buffers are not required adjacent to road ditches, judicial ditches, county ditches, stormwater conveyance channels, storm drain inlets, and sediment basins. If preserving the buffer is infeasible, permittees must document the reasons in the SWPPP. Sheet piling and other impermeable barriers installed in a manner that retains all stormwater are considered redundant perimeter control. [Minn. R. 7090]
9.18	Any sediment control made of soil must be temporarily or permanently stabilized within 24 hours. [Minn. R. 7090]
9.19	Permittees must use polymers, flocculants, or other sedimentation treatment chemicals in accordance with accepted engineering practices, dosing specifications and sediment removal design specifications provided by the manufacturer or supplier. The permittees must use conventional erosion and sediment controls prior to chemical addition and must direct treated stormwater to a sediment control system for filtration or settlement of the floc prior to discharge. [Minn. R. 7090]
10.1	Dewatering and Basin Draining. [Minn. R. 7090]
10.2	Permittees must not cause nuisance conditions (see Minn. R. 7050.0210, subp. 2) in surface waters from dewatering and basin draining (e.g., pumped discharges, trench/ditch cuts for drainage) discharges. Permittees must discharge turbid or sediment-laden waters related to dewatering or basin draining to a sediment control (e.g. sediment trap or basin, filter bag) designed to prevent discharges with visual turbidity. To the extent feasible, use well-vegetated (e.g., grassy or wooded), upland areas of the site to infiltrate dewatering water before discharge. Permittees are prohibited from using receiving waters as part of the treatment area. Permittees must visually check and photograph the discharge at the beginning and at least once every 24 hours of operation to ensure adequate treatment has been obtained and nuisance conditions will not result from the discharge. [Minn. R. 7050.0210]
10.3	If nuisance conditions result from the discharge, Permittees must cease dewatering immediately and corrective actions must occur before dewatering is resumed. Nuisance conditions includes, but is not limited to, a sediment plume in the discharge or the discharge appears cloudy, or opaque, or has a visible contrast, or has a visible oil film, or has aquatic habitat degradation that can be identified by an observer. [Minn. R. 7050.0210]
10.4	If permittees must discharge water containing oil or grease, they must use an oil-water separator or suitable filtration device (e.g., cartridge filters, absorbents pads) prior to discharge. [Minn. R. 7090]
10.5	Permittees must discharge all water from dewatering or basin-draining activities in a manner that does not cause erosion or scour in the immediate vicinity of discharge points or inundation of wetlands in the immediate vicinity of discharge points that causes significant adverse impact to the wetland. [Minn. R. 7090]
10.6	If permittees use filters with backwash water, they must haul the backwash water away for disposal, return the backwash water to the beginning of the treatment process, or incorporate the backwash water into the site in a manner that does not cause erosion. [Minn. R. 7090]
11.1	Inspections and Maintenance. [Minn. R. 7090]
11.2	Permittees must ensure a trained person, as identified in item 21.2.b, will inspect the entire construction site at least once every seven (7) days during active construction and within 24 hours after a rainfall event greater than 1/2 inch in 24 hours. [Minn. R. 7090]
11.4	Permittees must inspect all erosion prevention and sediment control BMPs and Pollution Prevention Management Measures to ensure integrity and effectiveness. Permittees must repair, replace or supplement all nonfunctional BMPs with functional BMPs by the end of the next business day after

	discovery unless another time frame is specified in item 11.5 or 11.6. Permittees may take additional time if field conditions prevent access to the area. [Minn. R. 7090]
11.5	During each inspection, permittees must inspect areas adjacent to the project, surface waters, including drainage ditches and conveyance systems but not curb and gutter systems, for evidence of erosion and sediment deposition. Permittees must remove all deltas and sediment deposited in areas adjacent to the project, surface waters, including drainage ways, catch basins, and other drainage systems and restabilize the areas where sediment removal results in exposed soil. Permittees must complete removal and stabilization within seven (7) calendar days of discovery unless precluded by legal, regulatory, or physical access constraints. Permittees must use all reasonable efforts to obtain access. If precluded, removal and stabilization must take place within seven (7) days of obtaining access. Permittees are responsible for contacting all local, regional, state and federal authorities and receiving any applicable permits, prior to conducting any work in surface waters. [Minn. R. 7090]
11.6	Permittees must inspect construction site vehicle exit locations, streets and curb and gutter systems within and adjacent to the project for sedimentation from erosion or tracked sediment from vehicles. Permittees must remove sediment from all paved surfaces within one (1) calendar day of discovery or, if applicable, within a shorter time to avoid a safety hazard to users of public streets. [Minn. R. 7090]
11.7	Permittees must repair, replace or supplement all perimeter control devices when they become nonfunctional or the sediment reaches 1/2 of the height of the device. [Minn. R. 7090]
11.8	Permittees must drain temporary and permanent sedimentation basins and remove the sediment when the depth of sediment collected in the basin reaches 1/2 the storage volume within 72 hours of discovery. [Minn. R. 7090]
11.9	Permittee's must inspect and photograph dewatering discharges at the beginning and at least once every 24 hours during operation. Dewatering discharges that only last for minutes, as opposed to hours, and do not reach a surface water, do not require photographs or documentation. [Minn. R. 7090]
11.10	Permittees must ensure that at least one individual present on the site (or available to the project site in three (3) calendar days) is trained in the job duties described in item 21.2.b. [Minn. R. 7090]
11.11	Permittees may adjust the inspection schedule described in item 11.2 as follows: <ul style="list-style-type: none"> a. inspections of areas with permanent cover can be reduced to once per month, even if construction activity continues on other portions of the site; or b. where sites have permanent cover on all exposed soil and no construction activity is occurring anywhere on the site, inspections can be reduced to once per month and, after 12 months, may be suspended completely until construction activity resumes. The MPCA may require inspections to resume if conditions warrant; or c. where construction activity has been suspended due to frozen ground conditions, inspections may be suspended. Inspections must resume within 24 hours of runoff occurring, or upon resuming construction, whichever comes first. d. for projects where a pollinator habitat or native prairie type vegetated cover is being established, inspections may be reduced to once per month if the site has temporary vegetation with a density of 70% temporary uniform cover. If after 24 months no significant erosion problems are observed, inspections may be suspended completely until the termination requirements in section 13 have been met. [Minn. R. 7090]
11.12	Permittees must record all inspections and maintenance activities within 24 hours of being conducted and these records must be retained with the SWPPP. These records must include: <ul style="list-style-type: none"> a. date and time of inspections; and b. name of persons conducting inspections; and c. accurate findings of inspections, including the specific location where corrective actions are needed; and d. corrective actions taken (including dates, times, and party completing maintenance activities); and e. date of all rainfall events greater than 1/2 inches in 24 hours, and the amount of rainfall for each event. Permittees must obtain rainfall amounts by either a properly maintained rain gauge installed on-

	<p>site, a weather station that is within one (1) mile of your location, or a weather reporting system that provides site specific rainfall data from radar summaries; and</p> <p>f. if permittees observe a discharge during the inspection, they must record and should photograph and describe the location of the discharge (i.e., color, odor, settled or suspended solids, oil sheen, and other obvious indicators of pollutants); and</p> <p>g. any amendments to the SWPPP proposed as a result of the inspection must be documented as required in Section 6 within seven (7) calendar days; and h. all photographs of dewatering activities and documentation of nuisance conditions resulting from dewatering activities as described in section 10. [Minn. R. 7090]</p>
12.1	Pollution Prevention Management Measures. [Minn. R. 7090]
12.2	Permittees must place construction materials and landscape materials under cover (e.g., plastic sheeting or temporary roofs) or protect them by similarly effective means designed to minimize contact with stormwater. Permittees are not required to cover or protect products which are either not a source of contamination to stormwater or are designed to be exposed to stormwater. [Minn. R. 7090]
12.3	Permittees must place pesticides, fertilizers and treatment chemicals under cover (e.g., plastic sheeting or temporary roofs) or protect them by similarly effective means designed to minimize contact with stormwater. [Minn. R. 7090]
12.4	Permittees must store hazardous materials and toxic waste, (including oil, diesel fuel, gasoline, hydraulic fluids, paint solvents, petroleum-based products, wood preservatives, additives, curing compounds, and acids) in sealed containers to prevent spills, leaks or other discharge. Storage and disposal of hazardous waste materials must be in compliance with Minn. R. ch. 7045 including secondary containment as applicable. [Minn. R. 7090]
12.5	Permittees must properly store, collect and dispose solid waste in compliance with Minn. R. ch. 7035. [Minn. R. 7035]
12.6	Permittees must position portable toilets so they are secure and will not tip or be knocked over. Permittees must properly dispose sanitary waste in accordance with Minn. R. ch. 7041. [Minn. R. 7041]
12.7	Permittees must take reasonable steps to prevent the discharge of spilled or leaked chemicals, including fuel, from any area where chemicals or fuel will be loaded or unloaded including the use of drip pans or absorbents unless infeasible. Permittees must ensure adequate supplies are available at all times to clean up discharged materials and that an appropriate disposal method is available for recovered spilled materials. Permittees must report and clean up spills immediately as required by Minn. Stat. 115.061, using dry clean up measures where possible. [Minn. Stat. 115.061]
12.8	Permittees must limit vehicle exterior washing and equipment to a defined area of the site. Permittees must contain runoff from the washing area in a sediment basin or other similarly effective controls and must dispose waste from the washing activity properly. Permittees must properly use and store soaps, detergents, or solvents. [Minn. R. 7090]
12.9	Permittees must provide effective containment for all liquid and solid wastes generated by washout operations (e.g., concrete, stucco, paint, form release oils, curing compounds and other construction materials) related to the construction activity. Permittees must prevent liquid and solid washout wastes from contacting the ground and must design the containment so it does not result in runoff from the washout operations or areas. Permittees must properly dispose liquid and solid wastes in compliance with MPCA rules. Permittees must install a sign indicating the location of the washout facility. [Minn. R. 7035, Minn. R. 7090]
13.1	Permit Termination Conditions. [Minn. R. 7090]
13.2	Permittees must complete all construction activity and must install permanent cover over all areas prior to submitting the NOT. Vegetative cover must consist of a uniform perennial vegetation with a density of 70 percent of its expected final growth. Vegetation is not required where the function of a specific area dictates no vegetation, such as impervious surfaces or the base of a sand filter. [Minn. R. 7090]
13.3	Permittees must clean the permanent stormwater treatment system of any accumulated sediment and must ensure the system meets all applicable requirements in Section 15 through 19 and is operating as designed. [Minn. R. 7090]

13.4	Permittees must remove all sediment from conveyance systems prior to submitting the NOT. [Minn. R. 7090]
13.5	Permittees must remove all temporary synthetic erosion prevention and sediment control BMPs prior to submitting the NOT. Permittees may leave BMPs designed to decompose on-site in place. [Minn. R. 7090]
13.6	For residential construction only, permit coverage terminates on individual lots if the lot is sold to the homeowner, structures are finished, and permanent cover has been established. For lots that are sold to the homeowner where permanent cover has not been established, coverage terminates if temporary erosion prevention and downgradient perimeter control is properly installed and the permittee distributes the MPCA's "Homeowner Fact Sheet" to the homeowner. [Minn. R. 7090]
13.17	For construction projects on agricultural land (e.g., pipelines across cropland), permittees must return the disturbed land to its preconstruction agricultural use prior to submitting the NOT. [Minn. R. 7090]
13.8	When submitting the NOT, Permittees must include either ground or aerial photographs showing the requirements of 13.2 have been met. Permittees are not required to take photographs of every distinct part of the site, however the conditions portrayed must be substantially similar to those areas that are not photographed. Photographs must be clear and in focus and must include the date the photo was taken. [Minn. R. 7090]
14.1	Temporary Sediment Basins. [Minn. R. 7090]
14.2	Where ten (10) or more acres of disturbed soil (5 acres for sites discharging to special or impaired waters, see section 24) drain to a common location, permittees must provide a temporary sediment basin to provide treatment of the runoff before it leaves the construction site or enters surface waters. Permittees may convert a temporary sediment basin to a permanent basin after construction is complete. The temporary basin is no longer required when permanent cover has reduced the acreage of disturbed soil to less than ten (10) acres draining to a common location. [Minn. R. 7090]
14.3	The temporary basin must provide live storage for a calculated volume of runoff from a two (2)-year, 24-hour storm from each acre drained to the basin or 1,800 cubic feet of live storage per acre drained, whichever is greater. [Minn. R. 7090]
14.4	Where permittees have not calculated the two (2)-year, 24-hour storm runoff amount, the temporary basin must provide 3,600 cubic feet of live storage per acre of the basins' drainage area. [Minn. R. 7090]
14.5	Permittees must design basin outlets to prevent short-circuiting and the discharge of floating debris. [Minn. R. 7090]
14.6	Permittees must design the outlet structure to withdraw water from the surface to minimize the discharge of pollutants. Permittees may temporarily suspend the use of a surface withdrawal mechanism during frozen conditions. The basin must include a stabilized emergency overflow to prevent failure of pond integrity. [Minn. R. 7090]
14.7	Permittees must provide energy dissipation for the basin outlet within 24 hours after connection to a surface water. [Minn. R. 7090]
14.8	Permittees must locate temporary basins outside of surface waters and any buffer zone required in item 23.11. [Minn. R. 7090]
14.9	Permittees must construct the temporary basins prior to disturbing 10 or more acres of soil draining to a common location. [Minn. R. 7090]
14.10	Where a temporary sediment basin meeting the requirements of item 14.3 through 14.9 is infeasible, permittees must install effective sediment controls such as smaller sediment basins and/or sediment traps, silt fences, vegetative buffer strips or any appropriate combination of measures as dictated by individual site conditions. In determining whether installing a sediment basin is infeasible, permittees must consider public safety and may consider factors such as site soils, slope, and available area on-site. Permittees must document this determination of infeasibility in the SWPPP. [Minn. R. 7090]
16.4	Permittees must not excavate infiltration systems to final grade, or within three (3) feet of final grade, until the contributing drainage area has been constructed and fully stabilized unless they provide rigorous erosion prevention and sediment controls (e.g., diversion berms) to keep sediment and runoff completely away from the infiltration area. [Minn. R. 7090]

17.3	Permittees must not install filter media until they construct and fully stabilize the contributing drainage area unless they provide rigorous erosion prevention and sediment controls (e.g., diversion berms) to keep sediment and runoff completely away from the filtration area. [Minn. R. 7090]
23.7	Discharges to impaired waters or a water with an USEPA approved TMDL for any of the impairments listed in this item must incorporate the BMPs outlined in items 23.9 and 23.10. Impaired waters are waters identified as impaired under section 303 (d) of the federal Clean Water Act for phosphorus (nutrient eutrophication biological indicators, nutrients), turbidity, TSS, dissolved oxygen or aquatic biota (fish bioassessment, aquatic plant bioassessment and aquatic macroinvertebrate bioassessment, benthic macroinvertebrate bioassessment). Terms used for the pollutants or stressors in this item are subject to change. [Minn. R. 7090]
23.8	Where the additional BMPs in this Section conflict with requirements elsewhere in this permit, items 23.9 through 23.14 take precedence. [Minn. R. 7090]
23.9	Permittees must immediately initiate stabilization of exposed soil areas, as described in item 8.5 & 8.8, and complete the stabilization within seven (7) calendar days after the construction activity in that portion of the site temporarily or permanently ceases. [Minn. R. 7090]
23.10	Permittees must provide a temporary sediment basin as described in Section 14 for common drainage locations that serve an area with five (5) or more acres disturbed at one time. [Minn. R. 7090]
23.11	Permittees must include an undisturbed buffer zone of not less than 100 linear feet from a special water (not including tributaries) and must maintain this buffer zone at all times, both during construction and as a permanent feature post construction, except where a water crossing or other encroachment is necessary to complete the project. Permittees must fully document the circumstance and reasons the buffer encroachment is necessary in the SWPPP and include restoration activities. This permit allows replacement of existing impervious surface within the buffer. Permittees must minimize all potential water quality, scenic and other environmental impacts of these exceptions by the use of additional or redundant (double) BMPs and must document this in the SWPPP for the project. [Minn. R. 7090]