The following is the federal EPA (2009) Effluent Limitations Guidelines and Standards for the Construction and Development (C&D) Point Source Category §40 CFR Part 450 Rule. The EPA C&D Rule requirements include non-numeric effluent limitations that apply to all permitted discharges from construction sites (40CFR 450.21). These non-numeric effluent limitations are required by EPA to be addressed in the state’s issuance of the NPDES stormwater permit.

**EPA Rule §40 CFR Part 450**

**Subpart B—Construction and Development Effluent Guidelines**

§ 450.21 Effluent limitations reflecting the best practicable technology currently available (BPT). Except as provided in 40 CFR 125.30 through 125.32, any point source subject to this subpart must achieve, at a minimum, the following effluent limitations representing the degree of effluent reduction attainable by application of the best practicable control technology currently available (BPT).

§ 450.21 (a) Erosion and Sediment Controls.
Design, install and maintain effective erosion controls and sediment controls to minimize the discharge of pollutants. At a minimum, such controls must be designed, installed and maintained to:

1. Control stormwater volume and velocity within the site to minimize soil erosion;

2. Control stormwater discharges, including both peak flow rates and total stormwater volume, to minimize erosion at outlets and to minimize downstream channel and streambank erosion;

3. Minimize the amount of soil exposed during construction activity;

4. Minimize the disturbance of steep slopes; \( \leq 5 \% \)

5. Minimize sediment discharges from the site. The design, installation and maintenance of erosion and sediment controls must address factors such as the amount, frequency, intensity and duration of precipitation, the nature of resulting stormwater runoff, and soil characteristics, including the range of soil particle sizes expected to be present on the site;

6. Provide and maintain natural buffers around surface waters, direct stormwater to vegetated areas to increase sediment removal and maximize stormwater infiltration, unless infeasible; and

7. Minimize soil compaction and, unless infeasible, preserve topsoil.

§ 450.21 (b) Soil Stabilization. Stabilization of disturbed areas must, at a minimum, be initiated immediately whenever any clearing, grading, excavating or other earth disturbing activities have permanently ceased on any portion of the site, or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days. Stabilization must be completed within a period of time determined by the permitting authority. In arid, semiarid, and drought-stricken areas where initiating vegetative stabilization measures immediately is infeasible, alternative stabilization measures must be employed as specified by the permitting authority.
§ 450.21 (c) Dewatering. Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, are prohibited unless managed by appropriate controls.

§ 450.21 (d) Pollution Prevention Measures.
Design, install, implement, and maintain effective pollution prevention measures to minimize the discharge of pollutants. At a minimum, such measures must be designed, installed, implemented and maintained to:

(1) Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge;

(2) Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials present on the site to precipitation and to stormwater; and

(3) Minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures.

§ 450.21 (e) Prohibited Discharges. The following discharges are prohibited:

(1) Wastewater from washout of concrete, unless managed by an appropriate control;

(2) Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials;

(3) Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance; and

(4) Soaps or solvents used in vehicle and equipment washing.

§ 450.21 (f) Surface Outlets. When discharging from basins and impoundments, utilize outlet structures that withdraw water from the surface, unless infeasible.
Minnesota General Construction Stormwater (CSW) Permit
Preliminary List of Permit Reissuance Issues To Meet C&D Rule
Stakeholder Meeting December 17, 2012

MPCA is anticipating that the following concepts when formulated into BMPs will meet the EPA C&D Rule requirements. The EPA, in their own 2012 Construction General Permit (CGP) developed most of these concepts and based the purpose of each BMP on the segment of the rule as indicated by the C&D rule references by each item.

Buffers

- During construction maintain a 50 foot natural buffer or redundant sediment controls if a buffer is not feasible. §450.21(a)(6)

SWPPP Design of Controls

- The SWPPP should account for the following in the BMPs design to control both peak flow rates and total stormwater volume for water channelized at the site and for outlets in order to minimize downstream channel and streambank erosion: §450.21(a)(2); §450.21(a)(5)
  - stormwater runoff and run-on at the site
  - factors such as expected flow from impervious surfaces, slopes, and site drainage features
  - the expected amount, frequency, intensity, and duration of precipitation

- The SWPPP should address the range of soil particle sizes expected to be present on the site. §450.21(a)(2); §450.21(a)(5)

Sediment Basins

- The temporary sediment basin’s outlet structure should be designed to withdraw water from the surface unless during frozen conditions. §450.21(a)(2); §450.21(f)

- Locate sediment basins outside of any natural buffers. §450.21(a)(2); §450.21(a)(6)

Site Considerations

- Design conveyance channels to route water around unstabilized areas on the site and use of erosion controls and velocity dissipation devices. §450.21(a)(1); §450.21(a)(2); §450.21(a)(3); §450.21(a)(4)

- Identify areas and minimize disturbance for steep slopes. The State would define steep slope as 3:1 or steeper. §450.21(a)(4)

- Unless infeasible, direct discharges from stormwater controls to vegetated areas and use velocity dissipation devices if necessary to prevent erosion. §450.21(a)(6)

- Minimize soil compaction and, unless infeasible, preserve topsoil. §450.21(a)(7)

- Stabilization of all exposed soil areas must be “initiated immediately” vs. the existing “as soon as possible”. “Initiated immediately” would mean action to start stabilization as soon as practicable,
but no later than the end of the next work day, following the day when the earth-disturbing activities have temporarily or permanently ceased for 14 or more additional calendar days. " INITIATION would generally mean prepping the soil, applying mulch, seeding, starting any of these activities on a portion of the area to be stabilized or finalizing arrangements to have stabilization product fully installed. §450.21(b)

Pollution Prevention (P2) Measures

- The SWPPP site map should show locations of all potential pollutant-generating activities such as chemical storage, washout activities, equipment wash, fueling areas, etc. §450.21(d); §450.21(e)

- Minimize the exposure to stormwater by proper storage and provide either cover or other means for potential pollutants on site such as; building products, materials or wastes, pesticides, herbicides, insecticides, fertilizers, treatment chemicals, and landscape materials, hazardous materials, toxic waste, oil, diesel fuel, gasoline, hydraulic fluids, paint, solvents, petroleum-based products, wood preservatives, additives, curing compounds, acids and even soaps, detergents, or solvents. §450.21(d)(1); §450.21(d)(2); §450.21(e)(3)

- Capture and contain for treatment or disposal of all liquid and solid wastes generated by washout operations including stucco, paint, form release oils, curing compounds and other construction materials. §450.21(e)(2)

- The SWPPP should have a fueling operation plan and have an emergency spill plan. §450.21(d)(3); §450.21(e)(3)

- Position and secure portable toilets and dispose of sanitary waste properly. §450.21(d)(2)
Minnesota General Construction Stormwater (CSP) Permit
MPCA Preliminary Concepts for Permit Reissuance
Stakeholder Meeting December 17, 2012

The MPCA is considering some issues to improve permanent treatment, clarify permit and compliance requirements, and improve permit understanding. While the permit must meet the requirements of the EPA C&D rule it must also meet our own state Antidegradation requirements. The following list of ideas includes some concepts to have the permit achieve those goals.

- Allow projects located in an NPDES permitted MS4 that have a permanent treatment requirement that meets the current MS4 permit; the project can follow that MS4 permanent treatment requirement to satisfy this CSW permit.

- Permanent Treatment to require 1 inch of new impervious surface runoff must be held on site and infiltrated, harvested or reused, if feasible.

- Applications to be submitted electronically and permit coverage provided in 7 days.

- Eliminate the requirement for applicant to obtain an approval letter from the DNR prior to application when discharge to a fen is involved.

- Training requirements would include refresher training be attended every three years.

- Activities in areas draining to MDNR Protected Waters that have restrictions for in water work during fish spawning time frames, must complete the stabilization requirements no later than 7 days.

- Inspect and record the construction site within 24 hours after a rainfall event greater than 0.25 inches in 24 hours.

- Document in the SWPPP any specific chemicals used for flocculation and the chemical treatment plan for the site.

- If used, backwash water from filters must be either hauled away for disposal or return it to the beginning of the treatment process. Replace and clean the filter media. §450.21(a)(5)