

### **3 Rule B: Erosion and Sediment Control Rule**

#### **3.1 POLICY**

It is the District's policy to

- A. minimize erosion and sediment transport to lakes, streams, fens, and the Minnesota River;
- B. retain or control sediment on land and during land-disturbing activities;
- C. prevent resource degradation and loss or damage to property from erosion and sedimentation;
- D. protect receiving water bodies, wetlands, and storm sewer inlets; and
- E. require the preparation and implementation of erosion and sediment control plans to control runoff and erosion.

#### **3.2 REGULATION**

A Municipal or Individual Project permit must be obtained for any land-disturbing work in overlay districts or other areas within the watershed as defined below:

- A. General: Land-disturbing activities of one (1) acre or more
- B. HVRA: Land-disturbing activities that involve the displacement or removal of 5,000 square feet or more of surface area or vegetation or the excavation of 50 cubic yards or more of earth within the HVRA Overlay District, as shown on the Lower Minnesota River Watershed District—High Value Resources Area Overlay District Map (Figure 1)

#### **3.3 EXCEPTIONS**

An erosion and sediment control permit is not required for the following land-disturbing activities:

- A. Minor land-disturbing activities, such as home gardens contained within a residential lot, landscape repairs, and maintenance work
- B. Installation of any fence, sign, telephone or electric poles, or other kinds of posts or poles
- C. Emergency activity necessary to protect life or prevent substantial harm to persons or property
- D. All maintenance, repair, resurfacing, and reconditioning activities of existing road, bridge, and highway systems that do not involve land-disturbing activities outside of the existing surfaced roadway
- E. Agricultural activity

#### **3.4 CRITERIA**

Permit approval for activities that meet the general threshold must demonstrate that the implementation of their erosion and sediment control will meet the following criteria:

##### **3.4.1 Erosion and Sediment Control**

Erosion and sediment control during and after the proposed activities that provides the following:

- A. Protection of natural topography and soil conditions

- B. Temporary erosion and sediment control practices consistent with the Minnesota Pollution Control Agency's "Protecting Water Quality in Urban Areas," as amended or updated, and the "Minnesota Stormwater Manual," as amended or updated
- C. Minimization of the disturbance's intensity and duration
- D. Provide adequate stabilization measures on slopes of 3:1 (H:V) or steeper
- E. Protection of all stormwater conveyance systems during construction activities
- F. Final site stabilization measures

#### **3.4.2 Waste Management**

All waste generated by project activities will be properly managed and disposed of to avoid adverse impacts on water quality.

#### **3.4.3 Site Stabilization**

- A. 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, locate sediment control practices upgradient of any buffer zones, install sediment control practices before any upgradient land-disturbing activities begin and must keep the sediment control practices in place until permanent vegetative cover is established.
- B. All soil surfaces that are compacted during construction and remain compacted upon construction completion must be decompacted. Decompaction can be achieved through soil amendment and/or ripping to a depth of 18 inches. All decompaction measures should be completed before final stabilization.
- C. All temporary erosion and sediment control BMPs must be maintained until construction is completed and permanent vegetative cover is established, where appropriate, to a consistent, uniform density of 70 percent of its expected final growth.
- D. When final stabilization is achieved, all temporary erosion and sediment control BMPs must be removed from the project site.
- E. All disturbed areas must be finally stabilized within 14 days of completing land-altering activities.

#### **3.4.4 Inspection and Maintenance during Construction**

- A. The permit holder is responsible for inspecting and maintaining the project site until final stabilization is complete, to ensure that all erosion and sediment control measures are effective. Routine inspections shall be conducted at least once every seven (7) days during active construction and within 24 hours after a rainfall event greater than 0.5 inch in 24 hours by the owner or the owner's representative. Following a rainfall inspection, the next inspection shall be conducted within seven (7) days. The inspection schedule will be modified for the following conditions:
  - i. Where parts of the construction site have permanent cover, but work remains on other parts of the site, inspections shall be reduced to once per month.

- ii. Where construction sites have permanent cover on all exposed soil areas and no construction activity is occurring anywhere on the site, monthly inspections shall be performed for 12 months (except during frozen ground conditions). After the 12th month of permanent cover and no construction activity, inspections may cease until construction activity resumes or sooner if notified by the District or the LGU.
- iii. Where frozen ground conditions have resulted in suspension of work, the inspection and maintenance schedule shall resume within 24 hours after runoff occurs at the site or upon resuming construction, whichever comes first.

B. Routine inspections shall include the following:

- i. All areas disturbed by construction activity and areas used for storage of materials exposed to precipitation
- ii. Discharge locations, inaccessible locations, and nearby downstream locations where inspections are practicable
- iii. Locations where vehicles enter or exit the site for evidence of off-site sediment tracking

C. Records for each inspection and maintenance activity shall be kept on file with the owner and shall contain the following information:

- i. Date and time of inspection
- ii. Name, title, and qualifications of person(s) conducting inspection
- iii. Date, duration, and amount of all rainfall events that produce more than 0.5 inch of rain in a 24-hour period and whether any discharges occurred
- iv. Inspection findings, including corrective action recommendations and implementation dates
- v. Locations of the following:
  - a. Sediment discharges or other pollutants from the site
  - b. BMPs that need to be maintained
  - c. BMPs that have failed to operate as designed or have proven inadequate for a particular location
  - d. Needed BMPs that did not exist at the time of inspection
- vi. Documented changes to the erosion and sediment control plan
- vii. Inspector's signature

D. The owner shall keep an inspection log with the erosion and sediment control plan for a period of three (3) years following the completion of the project and filing of the Notice of Termination (NOT).

### 3.4.5 Maintenance

All maintenance conducted during construction must be recorded in writing, and these records must be kept. All nonfunctional BMPs must be repaired, replaced, or supplemented with functional BMPs within

24 hours after discovery or as soon as field conditions allow access, unless another period is specified below. Maintenance will include the following:

- A. Excess sediment behind silt fences and biorolls shall be removed and properly disposed of when sediments reach one third the height of the structure. Such sedimentation shall be corrected by the next business day following discovery.
- B. Construction site vehicle exit locations shall be inspected for evidence of off-site sediment tracking onto paved surfaces. Tracked sediment will be removed from all paved surfaces within 24 hours of discovery or, if applicable, within a shorter time.
- C. Surface waters, including drainage ditches and conveyance systems, shall be inspected for evidence of erosion and sediment deposition. Evidence of erosion and/or sediment deposition will be addressed within seven (7) calendar days.
- D. Infiltration areas shall be maintained to ensure that no compaction or sedimentation occurs.
- E. Construction entrances shall be maintained daily.
- F. Turf shall be maintained until final stabilization is established.

The maintenance of temporary erosion and sediment controls and implementation of additional controls shall be performed as soon as possible and before the next storm event, whenever practicable. All remaining temporary erosion and sediment controls and accumulated sediments from silt fences will be removed within 30 days of achieving final stabilization at the site.

### **3.5 REQUIRED INFORMATION AND EXHIBITS**

The following exhibits must accompany the permit application (one hardcopy set of plans [11 inches by 17 inches] and one set as electronic files in a format acceptable to the District):

#### **3.5.1 Narrative**

A cover letter and narrative that includes the following:

- A. Total project area and area of proposed disturbance. If within the HVRA, the narrative must include the excavated volume, in addition to the total area disturbed.
- B. An explanation of existing and proposed conditions
- C. The name, address, and telephone number(s) of all property owners
- D. The name, address, and telephone number(s) for all contractors undertaking land-disturbing activities as part of the proposed project
- E. The property owner's signature
- F. A statement granting the District and its authorized representatives' access to the site for inspection purposes
- G. Designation of an individual who will remain liable to the District for performance under this Rule from the time the permitted activities commence until vegetative cover is established and the District has certified satisfaction with erosion and sediment control requirements

### 3.5.2 Erosion and Sediment Control Plan

An erosion and sediment control plan that includes the following:

- A. Topographic maps of existing and proposed conditions that clearly indicate all hydrologic features and areas where grading will expose soils to erosive conditions as well as the flow direction of all runoff (single-family home construction or reconstruction projects may comply with this provision by providing satellite imagery or an oblique map acceptable to the District)
- B. Tabulation of the construction implementation schedule for all projects except construction or reconstruction of a single-family home
- C. Name, address, and phone number of the individual responsible for inspection and maintenance of all erosion and sediment control measures
- D. Temporary erosion and sediment control measures that will remain in place until vegetation is established
- E. All final erosion control measures and their locations
- F. Staging areas, as applicable
- G. Delineation of any floodplain and/or wetland area changes
- H. Documentation of the project's NPDES Construction Stormwater Permit status, if applicable