

## **Stormwater and Erosion Control Issues Frequently Asked Questions by Contractors/Builders**

### **1. ESC Basics**

- Construction has always been a dirty job. Why are there so many regulations now?
- Why is sediment in the lakes and rivers a problem?
- How much sediment *actually* leaves *my* construction site?

### **2. Permit Submittals**

- Who signs the Permit Application?
- Who pays for the Permit Fee, and how much is it?
- Who has the ultimate responsibility for the Permit? (Me, Owner, Developer, or Engineer)
- What other environmental regulations besides NPDES should I be aware?

### **3. How is the Permit administered?**

- The ESC inspector is on my job. What should I do now?
- What are the inspectors' legal and professional responsibilities/limitations?
- What am I obligated to show the inspector?
- What should I do if I receive an inspection report indicating noncompliance on the project?
- What should I do if I have multiple inspectors telling me different things?
- The inspector has given me an inappropriate and expensive solution to a problem. What should I do? Who is the inspector's boss?
- What are the chances that an ESC inspector will visit the project?
- How many inspectors are there? Which regulatory agencies might visit my site?
- What are the enforcement procedures for the ESC inspector? (City, County, State)
- What are the penalties for noncompliance?

### **4. SWPPP Issues**

- The owner/design engineer has given me a SWPPP. What is it and why is all this stuff necessary?
- Appropriate installation details and descriptions are not in the SWPPP, plans, or specifications. What should I do?
- According to the inspector, I need additional ESC BMPs other than those approved by the owner/design engineer in the SWPPP. What should I do?
- Do site limitations; I need to change my project phasing and ESC installation. Do I need to update the SWPPP? If so, what needs updating and how do I update correctly?
- The owner has transferred Permit responsibility to my building site/lot. Can I use the existing SWPPP? Where is it?
- Is there a SWPPP template for small building sites?
- Do I always need to include my design calculations for permanent stormwater treatment in the SWPPP?

## **5. Budget & Money**

- The inspector is requiring me to add additional erosion and sediment control items to my project and the owner is not willing to pay for them. What should I do?
- How do I get paid for additional erosion and sediment control work needed to comply with city, state, and county regulations if they are not in the SWPPP or original approved plans and specifications by the owner/design engineer?
- There are items in the SWPPP which are not in the original project bid. What should I do and how will I get paid for this stuff?
- I still need to be competitive when I bid a project, how do I bid the appropriate amount into the project for stormwater and erosion and sediment control related issues?

## **6. Project Planning/Phasing**

- Why is project phasing required?
- Project phasing requires additional mobilization costs to my project. What are the potential costs of ignoring any phasing to the project?
- What order should I be installing my BMP's?
- When do I need to schedule emergency measures to protect my site?

## **7. Erosion Control BMPs**

- What are Erosion Control BMPs?
- What are the common mistakes associated with erosion control BMPs?
- What are the common maintenance requirements of erosion control BMPs?
- What type of seeding manuals and resources are available for Minnesota-type climate?
- Should I seed and mulch my site before winter?
- What are my erosion control requirements during winter construction?
- What type of seed mix should I use for a low cost temporary cover prior to final establishment?

## **8. Sediment Control BMPs**

- What is a sediment control BMP?
- What are the common mistakes associated with sediment control BMPs?
- What are the common maintenance requirements of sediment control BMPs?
- What are the different types of silt fence?
- Are there any guidelines to follow for selecting proper silt fence?
- Am I required to install a temporary sediment basin on my project?
- What type of rock should I use for my construction site entrance? Is there some kind of geotextile fabric required?
- Are there any design guidelines available for sediment control BMPs?
- Why won't the inspectors just tell me what I need to use, and I will use it?

## **9. Construction Site Waste BMPs**

- What are the typical construction site waste problems on a construction site?
- Where can I get a sign for concrete truck washouts?
- What types of hazardous materials handling and storage requirements are there?

### **10. Permanent Stormwater BMPs**

- What are the required design criteria for a wet sedimentation basin?
- What are the required design criteria for infiltration/filtration stormwater BMPs?
- What are the required design criteria for regional ponds?
- I do not have enough room on my site for a permanent sedimentation pond. What other options do I have to comply with the NPDES Permit?
- What are some common examples of alternative methods?
- What type of monitoring is required for alternative methods?
- Do I need to include my calculations for permanent stormwater treatment in the SWPPP?
- Why do I need to protect my infiltration areas during construction?
- What if I am concerned about the permanent stormwater design provided, who should I call?
- What kind of plants work best for stormwater ponds and infiltration areas?
- What is the difference between “detention” and “retention” ponds? Why does this matter to me?

### **11. Regulatory Related Issues of Concern**

- How long has this NPDES thing been around?
- What are all the agencies that could potentially be looking at my construction site?
- What are the reasons for enforcement?
- Does the MPCA have any classes to learn all this stuff?
- Do I need a lawyer if I get an inspection?
- Why is everyone so focused on the contractor? Isn't anyone looking at the problem with the plans that are being designed?
- Where could I go to get more training?
- How does the MPCA know about my construction site? Why do they do an inspection?
- How does the MPCA determine what penalties to assess?
- Do I have to show the inspector my records?
- Are there any things I should not show the inspector?
- How many chances do I have to fix things before I might get a fine?