

**MnDOT office of Environmental Stewardship  
Erosion Control and Stormwater Management Unit**

**Subject:** Release of Sediment; Duty to Report and Response

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The intent of this guidance document is to provide general procedural information for MnDOT Construction contracts that have a MPCA NPDES Construction Stormwater Permit (CSP). The following is based on legal requirements. Any deviation from this document may have legal implications and must be discussed with The Erosion Control and Stormwater Management Unit prior to implementation.

**Duty to Report:**

Report a stormwater sediment release at the time of discovery from the project site to the Minnesota Duty Officer and the Resident Engineer that does the following;

- Causes a noticeable deposit of sediment off the right-of-way or adjacent to surface waters (excluding the typical roadside ditch section); or
- Causes a noticeable plume of turbid water discharge into the surface waters (excluding the typical roadside ditch section).

Call Minnesota State Duty Officer at (800) 422-0798 or (651) 649-5451 and provide the following information:

Name of caller, telephone number, state project number, location of project, associated MPCA permit number, MPCA permit enforcement representative, date and time of release, type of release (sediment), affected surface water, and the below response steps that will be taken.

**Response:**

Step 1: Stop the release when conditions are safe to perform the repair or replacement activities. Document the release with a description, location, and photograph.

Step 2: Verify SWPPP file is accurate and complete up to the time of the release event. Collect historical information from project diaries, inspection logs, reports, weekly meetings and other relevant information if necessary to update the SWPPP file.

Step 3: Perform the following when applicable:

- Obtain written sediment removal permission, or stay determination from the governing enforcement body (i.e. MPCA, WCA LGU, DNR, Watershed District, USACE), and land owner, where applicable. An e-mail is sufficient. Retain a copy for the SWPPP file.
- Determine land access requirements or Right of Access Agreement from property owner(s).
- Determine if the Sediment/Erosion Control BMPs were properly installed and functioning at the time of the release event. Upgrade the BMP's if not adequate.
- Develop a sediment removal/restoration plan (may require collecting sediments by hand, vacuum, or equipment bucket)
- Perform corrective actions, site access, and sediment removal/restoration plan. Complete these activities within 7 days and incorporate into the SWPPP file.
- Document and supplement corrective action work with photographs.
- Contact MPCA CSP regional representative, other public authorities and land owners when corrective actions are complete.
- Monitor area for BMP performance to prevent a re-occurrence.