


**MINNESOTA DEPARTMENT OF TRANSPORTATION  
STATE AID FOR LOCAL TRANSPORTATION DIVISION**

**Technical Memorandum No. 05-SA-02**

**January 25, 2005**

**TO:** County Engineers  
City Engineers  
District State Aid Engineers

**FROM:**   
Julie Skallman  
State Aid Engineer

**SUBJECT:** NPDES process on DCP Projects

**IMPLEMENTATION AND EXPIRATION**

This Technical Memorandum will take effect immediately, and remain in effect until superseded or placed in the State Aid Manual.

**INTRODUCTION**

For some time projects requiring an NPDES permit have needed to acquire it *before* a federally funded State Aid project could proceed to letting. The local Agency may continue to use the current process whereby they apply for the permit under their name and transfer it to the Contractor after award.

It has been the desire of many of our local partners to have a process more closely resembling Mn/DOT's TH process whereby the *contractor* obtains the permit. The contractor would pay the fee and be reimbursed as part of the project. This technical memorandum is to outline a new alternative process for obtaining the NPDES permit.

**PURPOSE**

The purpose of this Technical Memorandum is to update the NPDES Permit Application Process and ensure adherence to NPDES Permit Requirements. The National Permit, locally enforced by the Minnesota Pollution Control Agency (MPCA) requires that erosion and sediment be stringently controlled during construction activities and that stormwater is appropriately discharged.

In order to satisfy NPDES Permit Requirements, Erosion/Sediment Control and Stormwater Management must be adequately addressed in all stages of project development. The Permit contains specific requirements for Design of Stormwater Pollution Prevention Plans, Contract Administration by Owner and Contractor Responsibilities. The Permit may be viewed at: <http://www.pca.state.mn.us/publications/wq-strm2-51>

**GUIDELINES**

In order to have a comparable process, the District State Aid Engineers will assume the role of Mn/DOT's Contract Administration to assure the permit is obtained by the contractor after award but before work in the affected area commences. See the attached process illustration paralleling Mn/DOT's process with the proposed local agency process.

The SALT website at [http://www.dot.state.mn.us/stateaid/res\\_sa\\_tech\\_memos.html](http://www.dot.state.mn.us/stateaid/res_sa_tech_memos.html) includes this Technical Memorandum and these steps and a link to the affidavit (declaration) will be incorporated into the DCP process located at: <http://www.dot.state.mn.us/stateaid/dcp/dcpchecklist.htm>. The DCP process will also outline the current process if the LPA opts to obtain the permit before letting.

If you have any questions concerning this memorandum, please contact Merry Daher, Federal Aid Plans Engineer, at (651) 296-7067.

Attachment: Affidavit  
cc: DSAA

## Mn/DOT TH and SA Traditional Projects

Project Design Engineer completes all of the NPDES permit application except the owner signature portion and sends it to Mn/DOT's Contract Administration Office.

Project is let. Contract Admin sends out "Apparent Low Bidder" letter instructing the contractor to submit DBE paperwork to EEO.

EEO clears project.

At time of award, Mn/DOT Contract Administration sends the permit application to the contractor.

Contractor completes the application and submits it to the MPCA<sup>2</sup>. Contractor sends a copy of the completed application and an affidavit attesting to their application, to Mn/DOT Contract Administration for the project file.

Contract Administration approves contract when they receive the affidavit – contractor may proceed with work.

MPCA sends Permit card to contractor.

Contractor posts the permit on the job site.

Mn/DOT Project Engineer verifies the permit is posted.

## SA DCP Projects

Project Design Engineer completes all of the NPDES permit application located at: (<http://www.pca.state.mn.us/water/stormwater/stormwater-c.html#forms>) except the owner signature portion and sends 2 copies to the DSAE with the plan.

DSAE sends 1 copy of the permit application along with plan to SALT<sup>1</sup> Fed Aid for processing and keeps one on file.

Project is let. The LPA Project Engineer sends out "apparent Low Bidder" letter instructing them to submit DBE Paperwork to EEO.

EEO clears Contractor and notifies the LPA Project Engineer.

At time of award the Project Engineer sends the permit application to the contractor.

Contractor completes the permit application and submits it to MPCA<sup>2</sup>.

Contractor sends a copy of the completed application and an affidavit attesting to their application to the LPA Project Engineer.

The LPA Project Engineer sends a copy of the affidavit to the DSAE.

The DSAE sends a Notice to proceed to the LPA Project Engineer who approves the contract and forwards the notice to the contractor.

MPCA sends Permit card to contractor.

Contractor posts the permit card on the job site and copies the card and gives a copy to the LPA Project Engineer.

The LPA Project Engineer verifies it is posted on the job site and sends 2 copies of the card to the DSAE.

The DSAE sends 1 copy to the SALT Fed Aid Plans Unit for the official Project (audit) file.

<sup>1</sup>For Metro projects, substitute Metro for SALT.

<sup>2</sup>Contractor shall not work in area of permit until permit is issued.