

# Erosion and Sediment Control: Frequently Asked Questions



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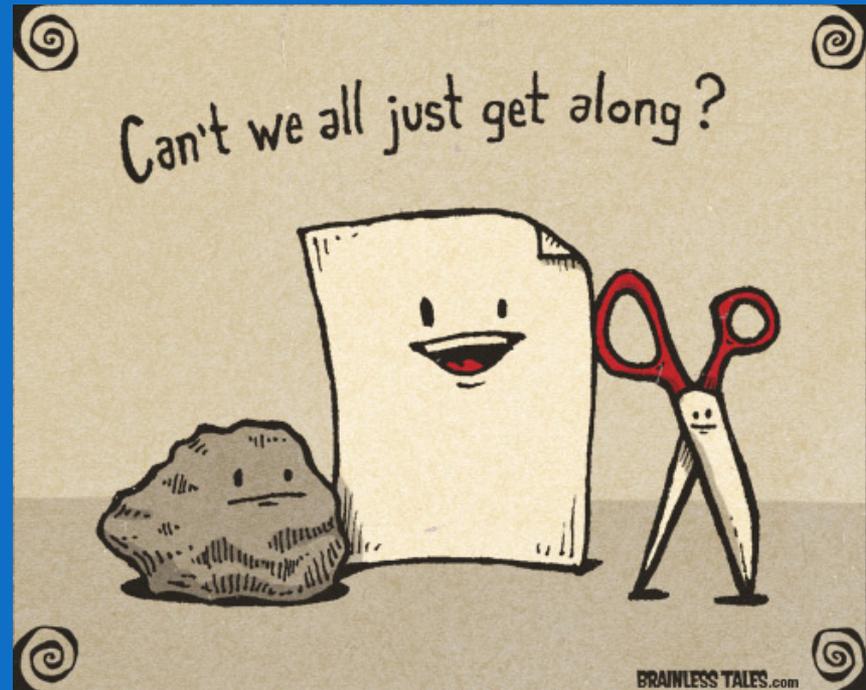
# Why do we use Erosion and Sediment Control?

- Because they make us!
- They = EPA, NDDOH, USACE, etc.



# Why won't "They" just leave us alone?

- Clean Water Act
- National Pollutant Discharge Elimination System
- Sediment is most common pollutant
- Causes \$16 Billion in damage/year



# What permit is applicable?

- NDDoH Construction Permit
  - Applicable on the majority of the state
- EPA Construction Permit
  - Applicable on Tribal Lands
- If project is on both Tribal and Non-Tribal Lands, must get both permits
- Contractor obtains both



# How do “They” check us?

- Random Inspections
- Not necessarily notified
- Length can be site or regulator dependent
- Both can inspect State permit

ARGUING WITH AN  
INSPECTOR IS LIKE WRESTLING  
WITH A PIG IN THE MUD.

.. AFTER A  
WHILE YOU REALIZE  
THE PIG ENJOYS IT!



Source Unknown

# What are “They” looking for?

- Paperwork, Paperwork, Paperwork!!
  - Stormwater Pollution Prevention Plan (SWPPP)
  - Inspection Logs
  - Copy of the Permit
  - Maintenance Records
  - SWPPP changes
- Site and Best Management Practices (BMP)
- Sediment Migration



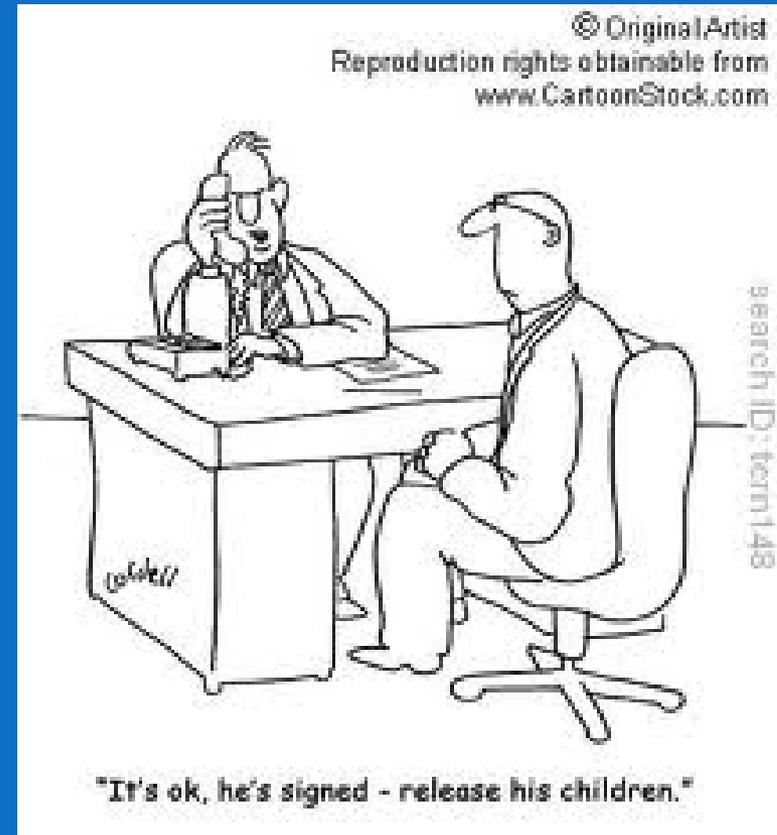
# Isn't the Contractor responsible?

- The contractor is responsible, but not completely
- NDDOT is the Owner
- Responsible for all violations
- MOA is our signature



# What is the MOA?

- Agreement between NDDOT and NDDOH
- Construction Permit only
- Sets up roles and responsibilities of NDDOT and contractor
- Provides for slightly more freedom with permit termination
- On NDDOH website, referenced in spec book



# Is a SWPPP required on all projects?

- Spec book requires SWPPP to be submitted
  - Section 110.03
- Only if permit is required
- < 1 acre = no permit
- Same practices should be implemented



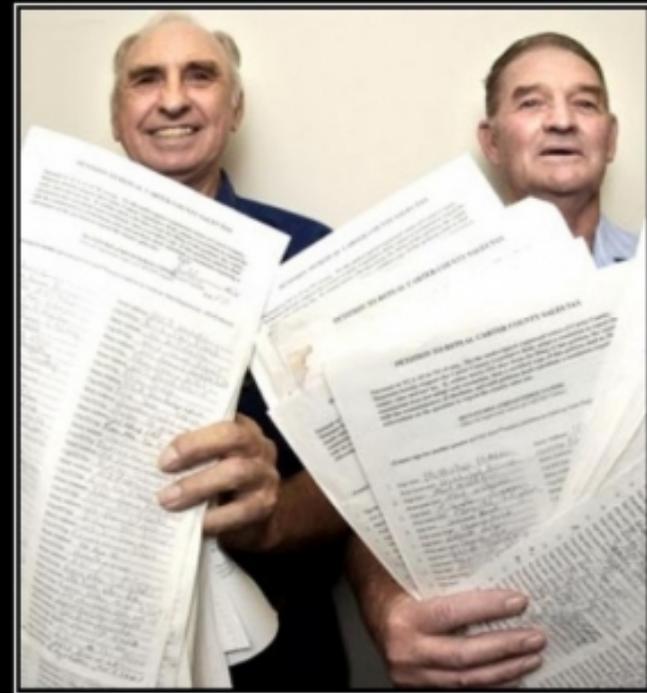
# What is an acceptable SWPPP?

- One that meets all the requirements of the permit
- Should be submitted to project engineer for review
- NDDoH does not approve SWPPP
- Contractor should have working copy and should be available at all times



# What paperwork is required to be onsite?

- Copy of the completed and signed NOI
- Permit
- Coverage letter from NDDoH
- SWPPP
- Inspection Records



## GOVERNMENT PAPER WORK

Paper work is the embalming fluid of bureaucracy,  
maintaining an appearance of life where none exists. -  
Robert J. Meltzer

# When are updates to the SWPPP required?

- SWPPP should reflect condition on site
- SWPPP should be updated when there is a change in:
  - Design
  - Construction
  - Operation
  - Maintenance
- If in doubt = Update!



# What if the SWPPP or the plans say to put something where it shouldn't be?

- If changes are required, make them
- Change should be justified
- If BMP is ineffective or incorrect = Justifiable Change
- Contractor doesn't want to do it = Not Justifiable



# What is the department's responsibility for the inspections required by the permit?

- Contractor required to conduct inspections
- NDDOT required to assure they are being conducted
- Should ask periodically for copies of inspection reports



# What is the difference between erosion and sediment control?

- Erosion Control

- Used to prevent soil dislodging
- Mulch, ECB, TRM, Riprap, Articulated Concrete Block, etc.

- Sediment Control

- Used to remove sediment from stormwater
- Fiber Rolls, Silt Fence, Ditch Checks, Earthen Berms, etc.



# What is the difference between temporary and permanent BMPs?

- Temporary
  - Installed at beginning or during project
  - Generally removed to make way for permanent
- Permanent
  - Installed on areas that are finished
  - Not removed
  - Installed so little maintenance is needed
- Can be the same



# What is an acceptable BMP?

- Meets Specifications
- Functions to prevent erosion or sediment movement
- Does not cause secondary pollution
- NDDOT Handbook being updated
- Appendix 1 of State Permit



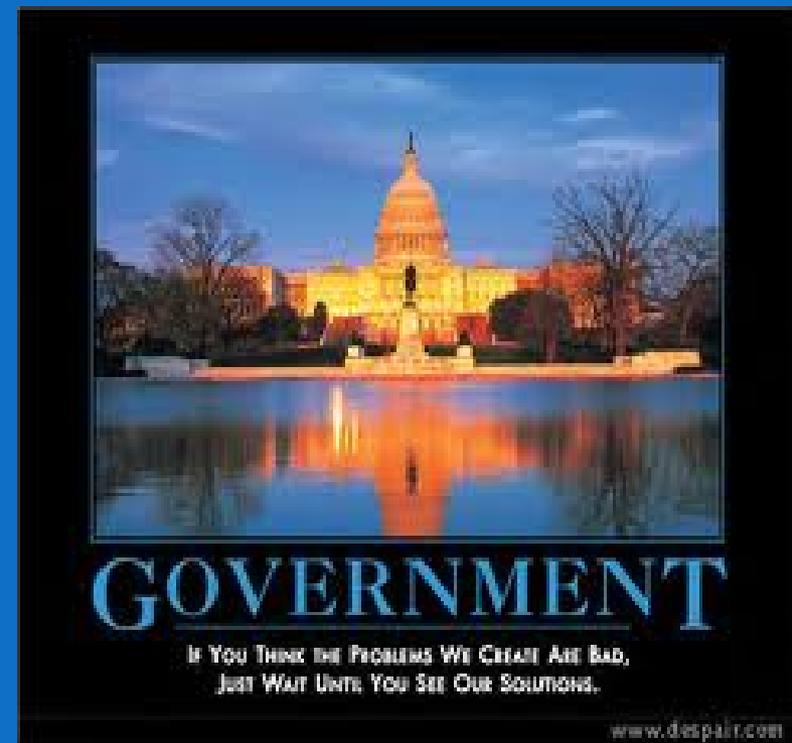
# Are the BMPs listed in the plans the only acceptable devices?

- No
- If a different BMP is to be used:
  - Project Engineer must approve it
  - SWPPP must be updated to show:
    - Placement
    - Installation
    - Maintenance
    - Removal



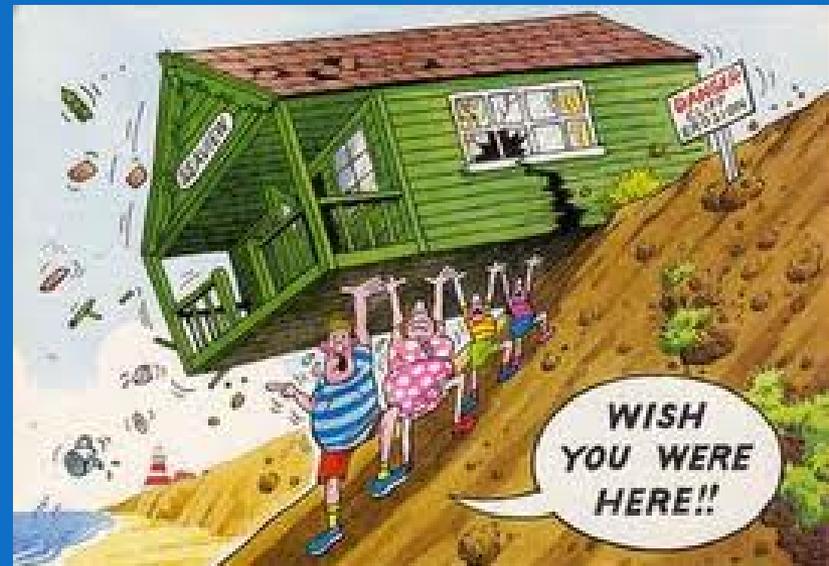
# What intermediate types of BMPs are required to meet the permit?

- NDDoH and EPA do not require certain BMPs
- Requirements for BMP sizing in some situations
- BMPs must be situation specific
- Changes made if the situation changes



# What conditions would constitute needing devices prior to permanent control?

- Stopping work in an area
  - Temporary
  - Permanent
- Direct connection to surface waters
- Disturbed slopes to surface waters
- Areas with concentrated flows



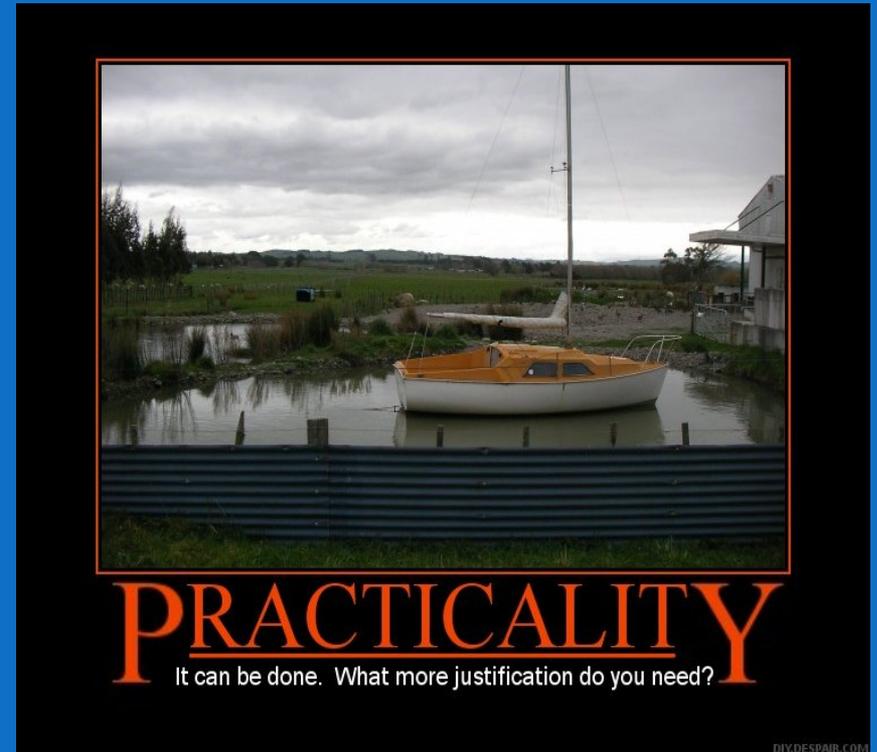
# Is keeping sediment onsite enough?

- It is much easier to prevent erosion than to catch sediment.
- Perimeter BMPs only = Bad Idea
- Use Erosion and Sediment controls in combination
- Do not rely on one thing to save you



# Is it practical to mobilize erosion and sediment control contractors multiple times?

- Permit requirements don't take into account practicality
- Weather may cause multiple issues
- Stronger BMPs can be used to limit maintenance
- Prime may have to do some small work themselves



# What authority does the NDDOT have to enforce erosion control requirements on private land?

- Contractor Option Material Sources
- Must determine use
- Use determines permit
- Permit determines our responsibility



# What does “impaired water” mean?

- Listed by the state as having an impairment
- Doesn't meet water quality standards
- Can be whole water or just part
- 303 d list on NDDoH website
- Sediment, turbidity, settleable solids, nutrients



# What do we do if it is impaired?

- Permits have special requirements for impaired streams
- Particular BMPs such as vegetative buffers
- Possible benchmark testing for EPA permits



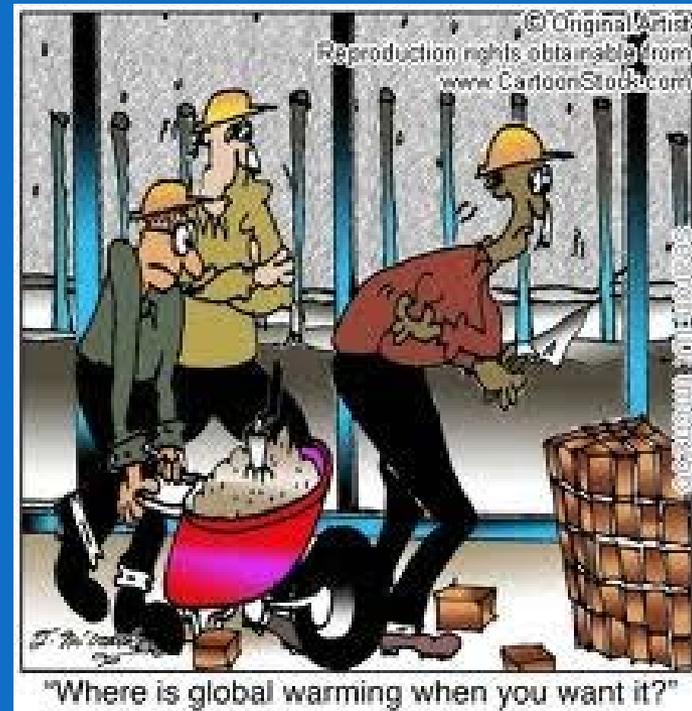
# How do we get rid of the permit?

- Meet termination requirements
- 70% density of vegetation over 100% area
- MOA Exception
  - E&S controls (mulching, seeding, fiber rolls, etc.) to meet 70% in 3 years
  - No maintenance
- Farmland Exception



# What if we aren't done with the project before winter?

- Permit stays in effect
- Inspections not required on frozen ground but must document
- If contractor is released, NDDOT becomes sole permittee and does inspections
- If new contractor is acquired, they become operator
- EPA Exception



# How are we adapting our methods?

- Working on different ways of dealing with erosion and sediment control
- Special Provisions, Plan Notes, Plan Changes, Spec Book Updates, etc.
- Many options
- Trial and error



# So what are you getting at?

- Two permits – State & EPA
- SWPPP is main requirement
- Make sure paperwork is up to date
- Use erosion and sediment control wisely
- New items coming in the future to help



# Thank You all for coming!

- Will be doing visits with each district this summer
- Try to review sites and show what an inspector will look at
- Prepare you for inspections by regulators
- Further erosion and sediment control training is available:
  - LTAP training from February 22, 2012
- Matt Sperry
- [mosperry@nd.gov](mailto:mosperry@nd.gov)
- 328-3486

# BMP Information

- EPA BMP Menu

<http://cfpub.epa.gov/npdes/stormwater/menuofbmps/index.cfm>

- NDDOT Erosion Control Handbook

<http://www.dot.nd.gov/manuals/environmental/escm/escmfinal.pdf>

- NDDOT Spec Book

- Supplemental Specifications

- Plans

- NDDOH Construction Page (SWPPP template, Inspection Forms, etc.)

<http://www.ndhealth.gov/WQ/Storm/Construction/ConstructionHome.htm>