



Minnesota Pollution Control Agency

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October 10, 2008

Mr. Derek Lash, PE
Rehbein Environmental Solutions, Inc.
8651 Naples Street N.E.
Minneapolis, MN 55449

RE: EPIC system for stormwater management

Dear Mr. Lash:

This letter is meant to clarify how the EPIC system your company has patented would be regulated in regards to the stormwater treatment requirements in the National Pollutant Discharge Elimination System (NPDES) Construction Stormwater Permit for construction activity. In many cases the design could qualify as a Filtration system (Part III,C,2) and not have the additional monitoring and mitigation plan as required by the Alternative Method section (Part III,C,5). The treatment requirements are based on the amount of impervious surfaces being created by the construction activity therefore to simply have one of these systems in place, no treatment requirements would apply as the Minnesota Pollution Control Agency (MPCA) would not consider this to be an impervious surface.

If a project is creating new impervious areas and directing the runoff to the EPIC system, the system could be considered a filtration system if the following conditions were met:

- The installed system must have the capability of capturing a volume of water equal to ½" times the new impervious surface created by the project.
- The system cannot be used to treat runoff from exposed soils during construction.
- There must be no standing water in the EPIC area 48 hours after a rain event occurs.
- There must be 3' of separation between the bottom of the EPIC system and the seasonally saturated groundwater level or an impermeable layer must be installed under the EPIC system.
- A pretreatment device is required. This could be accomplished by considering the first row of cells pre-treatment as long as the volume of storage for that area is not included in the sizing equation.

The permanent treatment requirements found in the NPDES construction permit only apply if a project will result in a net increase in impervious surfaces. Therefore in a redevelopment situation an EPIC system could also be used for stormwater treatment and management without any regulatory oversight at the state level.

Sincerely,

A handwritten signature in blue ink, appearing to read "Todd Smith".

Todd Smith P.E.
Senior Engineer
Stormwater Policy and Technical Assistance

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