Side-by-Side Comparison of Proposed and Current MCWD Rules
Rule 5. Stormwater Management

This side-by-side comparison has been prepared to aid in review of the proposed rule changes. The existing and proposed rules can be found on the MCWD website, along with the Guidance on Proposed Revised Rules which provides a detailed explanation of all substantive changes: https://minnehahacreek.org/permits/permitting-rule-revisions/

Key:
Blue & bold font - Key language that represents a substantive change from current language
Grey shading - Revised rule language is a relocation, consolidation, clarification, and/or simplification of the current language (i.e. housekeeping)
Italics - removed text

Revised Section	Revised Language	Current Section	Current Language
1	POLICY. It is the policy of the Board of Managers to: a. Protect and improve the physical, chemical and ecological health of surface waters and groundwater within the District; b. Protect against local and regional flooding from land use change; c. Promote abstraction of rainfall and stormwater runoff to improve water quality, maintain groundwater recharge, reduce flooding and promote the health of native and designed plant communities; d. For land disturbance subject to regulation under the National Pollutant Discharge Elimination Program, align local and state stormwater management requirements for clarity and efficiency.	1	POLICY. It is the policy of the Board of Managers to: (a) Promote abstraction of precipitation and stormwater runoff where feasible for the purposes of improving water quality, increasing groundwater recharge, reducing flooding, and promoting the health of native and designed plant communities and landscapes; (b) Preserve, maintain and improve the aesthetic, physical, chemical and biological composition of surface waters and groundwater within the District; (c) Limit or reduce stormwater runoff from drainage within the watershed to decrease the negative effects of land-disturbing activities on surface water quality and flooding; (d) Protect and maintain existing groundwater flow, promote groundwater recharge and improve groundwater quality and aquifer protection; (e) Promote the preservation and use of native vegetation for the purpose of stormwater runoff abstraction and pollutant load reduction; (f) Promote nondegradation of water quality from new development and improvement in water quality from redevelopment; and (g) Promote the management of stormwater on site for the purposes of providing local groundwater recharge and maintaining natural hydrology.
2a	APPLICABILITY. A permit under this rule is required for the following actions: **1. Development or a Linear Transportation Project that meets criteria for site size, extent of site disturbance and impervious surface change set forth in Table 1 and Table 2 of this rule. In applying Table 1, the District will aggregate all activity that it finds to constitute a Common Plan of Development and all impervious surface constructed within ten years of the date of application. If the earlier work was pursuant to a District permit, the ten-year period is determined from the date of permit issuance or reissuance.** 2. Subdivision of a tract at least one acre in size into three or more buildable lots. 3. Grading or otherwise changing land contours, **except for agricultural activity,** so as to affect the direction, peak rate, volume or water quality of runoff.	2	REGULATION. No one may create new or replace existing impervious surface or change the contours of a parcel of land in a way that affects the direction, peak rate, volume, or water quality of runoff flows from the parcel or subdivide a parcel of one acre or more in size into three or more lots without first submitting a stormwater management plan to the District and securing a permit from the District approving the plan. New development is subject to sections 3 and 7-11 below (see Table 2). Redevelopment is subject to sections 3-5 and 7-11 below (see Tables 3 and 4). Subdivision of land is subject to section 3-5 and 7-11, as applicable. Linear Transportation Projects are subject to sections 3 and 6-11 below (see Table 5). Activity subject to this rule on adjacent sites under common or related ownership shall be considered in the aggregate, and the requirements applicable to the activity under this rule will be determined with respect to all development that has occurred on a site, or on adjacent sites under common or related ownership, *since the date this rule took effect (January 2005)*.

2b	The following actions, even if subject to paragraph 2.a, do not require a permit **if the amount of new and reconstructed impervious surface is less than one acre**: 1. Single-family residential Development on an existing lot of record. 2. Construction of a sidewalk or trail not more than 12 feet in width, and bordered downgradient by pervious vegetated buffer averaging at least half the width of the sidewalk or trail. 3. Linear Transportation Projects where the net increase of impervious surface is <10,000 square feet. 4. Sites that reduce impervious by 10%.	2	The following activities are exempt from this rule: (a) SINGLE FAMILY HOMES: Construction or reconstruction of a single- family home. (b) NEW DEVELOPMENT: New development for a residential, commercial, industrial or institutional use (see Table 2): (1) that will result in less than 20 percent impervious surface over the site; or (2) on a site of less than one acre. (c) REDEVELOPMENT: Redevelopment for a residential, commercial, industrial or institutional use (see Table 3): (1) on a site that is less than five acres in size that will result in at least a ten percent reduction in impervious surface; or (2) on a site of five acres or greater where the proposed activity disturbs less than 40 percent of the site and results in at least a ten percent reduction in impervious surface. (d) LINEAR TRANSPORTATION PROJECTS: Construction of a new or reconstruction of an existing road, trail, sidewalk, utility, or other linear transportation project (see Table 5): (1) that will create less than 10,000 square feet of new impervious surface; or (2) for the construction of sidewalks and trails that will not exceed 12 feet in width and will be bordered on the downgradient side(s) by a pervious buffer averaging at least one-half the width of the sidewalk or trail.
2c	An action requiring a permit under paragraph a.2 or a.3 is not subject to section 3 of this rule. However, for an action under paragraph a.2, the applicant must provide a conceptual stormwater management plan and the permit will require subsequent land disturbance within the subdivided tract to demonstrate compliance with section 3.	N/A	N/A
3a	**VOLUME CONTROL.** **For purposes of both volume and phosphorus control, an applicant subject to this rule under paragraph 2.a.1 must provide abstraction volume equal to the following. Abstraction volume is to be calculated in accordance with Appendix A to this rule.** **1. For Development, one inch times the area of impervious surface stated in Table 1.** **2. For a Linear Transportation Project, either one inch times the area of new impervious surface, or one-half inch times the area of new and reconstructed impervious surface, whichever greater, except that if the total of new and reconstructed impervious surface is less than one acre, the volume is to be calculated only for the net increase in impervious surface as stated in Table 2.**	3	STORMWATER MANAGEMENT PLAN GENERAL REQUIREMENTS. A stormwater management plan submitted to the District must meet the following requirements, subject to the provisions in sections 4-8:
		3a	PHOSPHORUS CONTROL. (1) NEW DEVELOPMENT/LINEAR TRANSPORTATION PROJECTS: Activity subject to this rule for new development or linear transportation projects shall result in no net increase in phosphorus loading from existing conditions, except that: i. For a parcel in existing use for row crop agriculture or feedlot, new development shall result in no net increase in phosphorus loading from the site as modeled in meadow condition. (2) REDEVELOPMENT: Phosphorus control must be provided in accordance with subsection 3(c)(2), where applicable.
		3c(1)	VOLUME CONTROL. (1) The stormwater management plan must provide for the abstraction of the first one inch of rainfall from the site's impervious surface. Credit toward compliance with the one inch volume control standard will be calculated by the applicant using industry accepted hydrologic models and Appendix A: Volume Abstraction Credit Schedule, following guidance provided in the Minnesota Pollution Control Agency's Minnesota Stormwater Manual.
		4	REDEVELOPMENT REQUIREMENTS – DECREASE OR NO CHANGE IN IMPERVIOUS SURFACE. A stormwater management plan submitted to the District that proposes through redevelopment to decrease or result in no net increase in impervious surface must meet the following requirements (see Table 3): (a) For sites that are one acre or less, Best Management Practices are required in accordance with subsection 3(d); (b) For sites that are between one acre and five acres and the proposed activity disturbs less than 40 percent of the site, Best Management Practices are required in accordance with subsection 3(d); (c) For sites that are between one acre and five acres and the proposed activity disturbs 40 percent or more of the site, the stormwater management plan must meet the volume control requirement in subsection 3(c) and the phosphorus control requirement in subsection 3(a)(2), where applicable;

			(d) For sites that are greater than five acres and the proposed activity disturbs less than 40 percent of the site, Best Management Practices are required in accordance with subsection 3(d); (e) For sites that are greater than five acres and the proposed activity disturbs 40 percent or more of the site, the stormwater management plan must meet the volume control requirement in subsection 3(c) and the phosphorus control requirement in subsection 3(a)(2), where applicable.
		5	REDEVELOPMENT REQUIREMENTS – INCREASED IMPERVIOUS SURFACE. A stormwater management plan submitted to the District that proposes to increase impervious surface through redevelopment must meet the following requirements (see Table 4): (a) For sites that are one acre or less, Best Management Practices are required in accordance with subsection 3(d); (b) For sites that are greater than one acre and the proposed activity disturbs less than 40 percent of the site and results in an increase in impervious surface of less than 50 percent, the phosphorus control requirements of subsection 3 (a), rate control requirements of subsection 3(b) and volume control requirements of subsection 3(c) apply to the area of increased impervious surface; (c) For sites that are greater than one acre and the proposed activity disturbs 40 percent or more of the site, or results in an increase in impervious surface of 50 percent or more, the phosphorus control requirements of subsection 3(a), rate control requirements of subsection 3(b), and volume control requirements of subsection 3(c) apply to the entire site.
		6	LINEAR TRANSPORTATION PROJECT REQUIREMENTS (see Table 5). (a) The construction of a new road, trail, sidewalk, utility, or other linear transportation project that will create 10,000 square feet or more of impervious surface must meet the phosphorus control requirements in accordance with subsection 3(a), rate control requirements in accordance with subsection 3(b) and volume control requirements in accordance with subsection 3(c); (b) Linear Reconstruction Projects that will increase the impervious area within the project limits by between 10,000 square feet and one acre from existing conditions must meet the phosphorus control requirements in accordance with subsection 3(a) and rate control requirements in accordance with subsection 3(b) for the area of increased impervious surface; (c) Linear Reconstruction Projects that will increase the impervious area within the project limits by one acre or more from existing conditions must meet the phosphorus control requirements in accordance with subsection 3(a), rate control requirements in accordance with subsection 3(b), and volume control requirements in accordance with subsection 3(c) for the area of increased impervious surface.
3b	**Abstraction must be used to meet the subsection 3.a standard, to the extent feasible. An infiltration practice is prohibited in the following circumstances:** **1. The area receives discharge from a vehicle fueling and maintenance area.** **2. Contamination in soil or groundwater may be mobilized by the infiltrating stormwater.** **3. Soils infiltration rate exceeds 8.3 inches per hour.** **4. The separation between the bottom of the infiltration system and the elevation of seasonally saturated soils or top of bedrock is less than three feet.** **5. Soils are predominantly Hydrologic Soil Group D (clay) or otherwise unreliable for infiltration.** **6. The area is within an Emergency Response Area (ERA) in a Drinking Water Supply Management Area (DWSMA), as defined in Minnesota Rules 4720.5100, subpart 13, classified as high or very high vulnerability.** **7. The area is within an ERA in a DWSMA classified as moderate vulnerability, or outside of an ERA in a DWSMA classified as high or very high vulnerability. This prohibition does not apply if an engineering evaluation, meeting standards in the Minnesota Stormwater Manual, demonstrates that the system will function and not have adverse impact on groundwater.** **8. The area is within 1,000 feet upgradient, or 100 feet downgradient, of an active karst feature.** **9. The area receives stormwater runoff from one of the following entities regulated under NPDES**	3c(2)	Where an applicant demonstrates that it is infeasible to meet the one inch abstraction requirement through use of volume control credits pursuant to subsection 3(c)(1), the stormwater management plan must provide for abstraction of runoff to the greatest extent feasible, and at least 0.5 inches, and phosphorus control in an amount equivalent to that which would be achieved through abstraction of one inch of rainfall from the site's impervious surfaces. To demonstrate infeasibility of providing abstraction pursuant to 3(c)(1), the applicant must submit a completed Abstraction Analysis containing at a minimum the following information: i. A narrative that lists and explains the variables that limit the feasibility of providing one inch of volume control for runoff from the site's impervious surface. These variables may include but are not limited to unified soil classification, soil contamination, proximity to bedrock, proximity to groundwater, proximity to existing utilities, spatial constraints, zoning requirements, and financial considerations. ii. A narrative and conceptual plan(s) that describes and discusses how reasonable modifications to the size, scope, configuration or density of the project would influence the feasibility of providing one inch of volume control for runoff from the sites impervious surface. iii. An explanation of efforts undertaken by the applicant to accommodate or remove the constraints that influence the feasibility of providing one inch of volume control for runoff from the site's impervious surface.

	for industrial stormwater: automobile salvage yard; scrap recycling and waste recycling facility; hazardous waste treatment, storage, or disposal facility; air transportation facility that conducts deicing. To support a finding of infeasibility, the applicant must document the constraint and examine means to remove or avoid it including modifying the size, scope, configuration or density of the proposed action. To document contamination under paragraph 3.b.2, the permittee must complete the Minnesota Pollution Control Agency site screening assessment checklist, available in the Minnesota Stormwater Manual, or submit an independent assessment.		
3c	If the required abstraction volume cannot feasibly be provided by abstraction practices listed in Appendix A, the applicant must incorporate filtration or other non-abstraction practices to achieve phosphorous control in an amount equivalent to that which would be achieved through abstraction of the required volume. Equivalent phosphorus control may be demonstrated by modeling or, for filtration practices, by treating twice the required abstraction volume, as calculated in accordance with Appendix A to this rule.		
3d	**For a Linear Transportation Project, if the required abstraction volume cannot be provided within existing right-of-way, the permittee must make a reasonable attempt to obtain additional right-of-way, easement or other permission to site the required volume. Abstraction volume is not required to the extent it cannot be provided cost-effectively.**		
3e	Runoff volume draining to a landlocked area may not increase during back-to-back 100-year storm events.	3c(3)	The volume of runoff draining to a landlocked receiving area may not increase due to a project unless the applicant can demonstrate that any additional runoff volume from the project will be effectively abstracted. In addition, the applicant shall either own or have proper rights over the landlocked property receiving runoff from the project area. Back-to-back 100-year runoff events will be used to analyze holding capacity and high-water elevation for landlocked areas.
4	RATE CONTROL. a. An action may not increase the peak runoff rate from the site, in aggregate, for the one- **or two-**, 10- or 100-year design storm event. An applicant proposing to increase peak runoff at a specific point of site discharge must demonstrate no adverse local impact on water resource values or infrastructure. **Aggregate compliance for all site boundary discharge will be determined with respect to runoff not managed in a regional facility.** b. For a tract being converted from row crop agriculture, the criterion of no increase applies as compared with an assumed existing meadow condition.	3b	RATE CONTROL. (1) Activity subject to this rule shall result in no net increase in the peak runoff rate for the 1-, 10- and 100-year design storms where stormwater discharges across the downgradient site boundary, compared to the rate for the site in its existing condition, except that: i. For a parcel in use for row crop agriculture or feedlot, new development shall result in no net increase in the peak runoff rate from the site as modeled in meadow condition. (2) Peak runoff rates for the 1-, 10- and 100-year design storms may not increase within a specific drainage area of the site so as to create or exacerbate drainage or erosion problems.
5	BEST MANAGEMENT PRACTICE (BMP). When a BMP is specified in Table 1 or 2, an applicant must incorporate an on-site structural or non-structural practice to achieve one or more of the following: limit impervious surface increase, abstract stormwater, reduce pollutant discharge, or control peak flow from the site. The permittee will select the BMP to address the impacts posed by the proposed action. The BMP must be designed and installed in accordance with the Minnesota Stormwater Manual and accepted engineering practice.	3d	BEST MANAGEMENT PRACTICES (BMPs). (1) BMPs addressing the potential water resource impacts associated with the proposed activity must be incorporated to limit creation of impervious surface, maintain or enhance on-site infiltration and peak flow control and limit pollutant generation on and discharge from the site. BMPs may include site design, structural and non-structural practices. (2) BMPs must be designed and installed in accordance with generally accepted design practices and guidance contained in the Minnesota Pollution Control Agency's Minnesota Stormwater Manual and its subsequent revisions.
6	FLOOD SEPARATION. There must be two feet of vertical separation between the 100-year high water elevation of a waterbody or stormwater practice and the low opening of any structure, **unless the structure opening is hydraulically disconnected from the waterbody or practice**.	3e	HIGH WATER ELEVATION. (1) All applications shall provide at least two vertical feet of separation between low openings of structures and the 100-year high water elevations of stormwater BMPs and waterbodies.
7	IMPACT ON DOWNGRADIENT WATERBODIES. a. A new point source must treat for sediment and phosphorus removal before discharge to a waterbody. This paragraph does not apply to changes in flow from an existing point source.	8	IMPACT ON DOWNSTREAM WATERBODIES. (a) No new point source may discharge to a waterbody without pretreatment for sediment and nutrient removal. Pretreatment may be provided by non-structural means. An activity changing flow that discharges from an existing point source is not a new point source.

	b. An action otherwise subject to this rule must meet the following criteria: [See table in rule]		(b) No activity subject to this rule may alter a site in a manner that results in a(n): (1) Increase in the bounce in water level for any downstream lake or wetland beyond the limits specified in Table 1 below based on management classification, during a rainfall event of critical duration with a return frequency of 1, 10, or 100 years. (2) Increase in the duration of inundation for any downstream lake or wetland beyond the limits specified in Table 1 below based on management classification, during a precipitation event of critical duration with a return frequency of 1, 10, or 100 years. (3) Change in the elevation of the runout control of any lake or wetland beyond the limits specified in Table 1 below based on management classification. [See table in rule]
8	LOCATION OF VOLUME AND RATE CONTROL PRACTICES. a. A volume or rate control practice may be located on site, or downgradient of the regulated impervious surface but before runoff from the surface enters any public water. b. For use of an off-site facility, the applicant must incorporate an on-site BMP in accordance with section 5, above, and must demonstrate that there will be no adverse water resource impact upgradient of the facility. c. For use of an off-site regional facility, the applicant must demonstrate that the facility was designed and constructed to manage the stormwater runoff from the site, the applicant has permission to use the necessary part of facility capacity, the facility is subject to satisfactory maintenance obligations enforceable by the District, and its current maintenance conforms with those obligations. d. A public or private entity may construct a regional volume or rate control facility in advance of its use for compliance purposes. The	7	REGIONAL STORMWATER MANAGEMENT. (a) An applicant may comply with this rule by providing equal or greater phosphorus control, rate control, or volume control through a regional or subwatershed plan approved by the District; such a plan must provide for an annual accounting to the District of treatment capacity created and utilized by projects or land-disturbing activities within the drainage and treatment area of the plan. (b) District approval of a regional or subwatershed plan will be based on a determination that: (1) the use of a regional facility in place of onsite stormwater management will not result in adverse impacts to local groundwater or natural resources located upstream of the regional facility, including, but not limited to, reduced water quality, altered wetland hydrology, changes to stream velocities or baseflow, erosion, or reduced groundwater recharge; and (2) the plan incorporates onsite BMPs as necessary to mitigate impacts and provide local benefits not provided by the regional facility. (c) Individual project sites utilizing a regional facility to meet phosphorus, rate, or volume control requirements must incorporate BMPs on the project site in accordance with subsection 3(d). (d) The applicant, before commencing any land-altering activity, must demonstrate that it holds the legal rights necessary to discharge to the stormwater facility or facilities in the plan, and that the facility or facilities are subject to a maintenance document satisfying the requirements of section 11.

9	SUBMITTALS. a. The applicant must submit a plan, certified by a professional engineer registered in the State of Minnesota, to the District. The plan must contain the following: 1. Property lines of the tract or contiguous tracts under applicant's ownership. 2. Delineation of subwatersheds that contribute runoff to the site, and of existing and proposed subwatersheds on the site. 3. Delineation of top of bank of existing on-site waterbodies and of floodplain, and notations of ordinary high-water level and 100-year high water elevation of on-site waterbodies. 4. Delineation of any flowage or drainage easements, or of other property interests dedicated to water management or conveyance. 5. Existing and proposed site elevations at two-foot intervals, related to National Geodetic Vertical Datum (NGVD), 1929 datum. 6. Locations, alignments, and elevations of existing and proposed stormwater management facilities, as well as construction plans and specifications for all proposed facilities. 7. All hydrologic, hydraulic and water quality computations on which the design of proposed stormwater management facilities is based, including (i) runoff volume abstractions; and (ii) stormwater runoff volume and rate analyses for the one- or two-, 10- and 100-year design storms, for existing and proposed conditions, at each point of site discharge. b. If proposing to meet this rule by infiltration through site soils, the applicant must characterize soils by use of soil pits or hand augers, and must submit a soils report that describes, measures permeability of, and delineates site soils and includes the soil sampling methodology used. Borings for an infiltration facility must extend at least five feet below than the proposed bottom elevation of the facility. c. If proposing that infiltration is infeasible, the applicant must provide supporting documentation in accordance with subsection 3.b. d. If proposing soil amendment, the applicant must submit a soil amendment plan for District approval. e. If proposing capture and reuse, the applicant must submit a system operating plan and calculations that quantify the benefits of the reuse system. f. The applicant must document application for a National Pollutant Discharge Elimination System (NPDES) permit, if applicable.	10	REQUIRED EXHIBITS. (a) Plans certified by a professional engineer registered in the State of Minnesota and reflecting the following items shall accompany the permit application (one set of plans must be full size; one set must be reduced to a maximum size of 11" x 17"; provide electronic ArcGIS or CADD files when available): (1) Property lines and delineation of lands under ownership of the applicant. (2) Delineation of the subwatershed contributing runoff from off-site and proposed and existing subwatersheds on-site. (3) Proposed and existing locations, alignments, and elevations of stormwater facilities. (4) Delineation of existing on-site wetland, shoreland, and/or floodplain areas. (5) Existing and proposed normal, and 100 year high water elevations on-site. (6) Existing and proposed site contour elevations at two foot intervals, related to National Geodetic Vertical Datum (NGVD), 1929 datum. (7) Construction plans and specifications for all proposed stormwater management facilities. (8) Stormwater runoff volume and rate analyses for the 1-, 10- and 100- year design storms for existing and proposed conditions. (9) All hydrologic, water quality, and hydraulic computations completed to design the proposed stormwater management facilities including runoff volume abstractions. (10) Delineation of any flowage easements or other property interests dedicated to stormwater management purposes, including, but not limited to, county or judicial ditches. (b) For applications proposing infiltration, a soil sampling plan and the resulting identification, description, permeability, and approximate delineation of site soils. Investigation methods shall include soil pits or hand augers. Borings at the location of the infiltration facility must extend at least five feet deeper than the proposed bottom elevation of the infiltration facility. (c) For applications proposing tree preservation or planting, a site map showing existing trees larger than six inches in diameter, including species, diameter, and associated drip lines (canopy area). Tree map must designate trees to be removed and trees to be added. (d) For applications proposing soil amendments, a soil amendment plan following guidance from the Minnesota Pollution Control Agency's Minnesota Stormwater Manual. (e) For applications proposing capture and reuse, an operating plan and calculations that quantify the benefits of the proposed stormwater reuse system. (f) Documentation indicating conformance with an existing municipal stormwater management plan. When a municipal plan does not exist, documentation that the municipality has reviewed the project. (g) Documentation that the applicant has applied for a National Pollutant Discharge Elimination System (NPDES) Permit if required by the Minnesota Pollution Control Agency (MPCA). (h) Abstraction analysis (if applicable) in accordance with subsection 3(c)(2). (i) A declaration and maintenance agreement in conformance with section 11.
10	STORMWATER FACILITY MAINTENANCE. a. A stormwater management facility must be designed for maintenance access and maintained in perpetuity to function as designed. b. As a condition of permit issuance, a permittee must sign and record on the title a declaration or other instrument, in a form supplied by the District or otherwise acceptable to it, that provides for perpetual facility maintenance. A public permittee, in place of a recorded instrument, may enter into a signed agreement with the District by which the permittee assumes permanent maintenance responsibility. c. A public entity may assume responsibility to maintain a stormwater facility on private property either by: (1) being a signatory to the private-party declaration; or (2) entering into a signed agreement with the District and separately establishing, by means acceptable to the District, its perpetual right to enter the property.	11	MAINTENANCE. (a) All stormwater management structures and facilities must be designed for maintenance access and properly maintained in perpetuity to assure that they continue to function as designed. Permit applicants must provide a maintenance plan that identifies and protects the design, capacity and functionality of onsite and offsite stormwater management facilities; specifies the methods, schedule and responsible parties for maintenance; provides for the maintenance in perpetuity of the facility; and contains at a minimum the requirements in the District's standard maintenance declaration. The plan will be recorded on the deed in a form acceptable to the District. A public entity assuming the maintenance obligation may do so by filing with the District a document signed by an official with authority.

11	FINANCIAL ASSURANCE. A bond, letter of credit or cash escrow in accordance with the District's Financial Assurances rule is a condition of permit issuance.	9	FINANCIAL ASSURANCE. (a) A performance bond, letter of credit or other financial assurance, consistent with the District Financial Assurance Rule, may be required for any project that requires the installation of stormwater best management practices. The financial assurance shall be maintained until the stormwater best management practice has been constructed and stabilized in accordance with District rules and as shown on a set of as built drawings submitted to the District.
	[See Tables 1 and 2 in the proposed rule]		[See Tables 2-5 in the current rule]
	[See Appendix A in the proposed rule]		[See Appendix A in the current rule]