

MEETING DATE: March 10, 2016

TITLE: Authorization to Enter Memorandum of Understanding with the City of St. Louis Park Regarding Exercise of Authority Over Erosion and Sediment Control Permits

RESOLUTION NUMBER: 16-016

PREPARED BY: Katherine Sylvia

E-MAIL: ksylvia@minnehahacreek.org

TELEPHONE: 952-473-2855

REVIEWED BY: Administrator Counsel Program Mgr. (Name): _____
 Board Committee Engineer Other Renae Clark

WORKSHOP ACTION:

<input type="checkbox"/> Advance to Board mtg. Consent Agenda.	<input type="checkbox"/> Advance to Board meeting for discussion prior to action.
<input type="checkbox"/> Refer to a future workshop (date): _____	<input type="checkbox"/> Refer to taskforce or committee (date): _____
<input type="checkbox"/> Return to staff for additional work.	<input type="checkbox"/> No further action requested.
<input checked="" type="checkbox"/> Other (specify): Not Reviewed at Workshop. Seeking approval at February 25, 2016 Board Meeting.	

PURPOSE or ACTION REQUESTED:

Authorization for the Board President to execute the attached Memorandum of Understanding between the Minnehaha Creek Watershed District (MCWD) and the City of St. Louis Park (the City) which provides the City sole regulatory authority over work subject to the MCWD Erosion Control Rule.

PROJECT/PROGRAM LOCATION:

The City of St. Louis Park

PROJECT TIMELINE:

Effective immediately.

PROJECT/PROGRAM COST:

N/A

PAST BOARD ACTIONS:

- September 3, 2009, RES 09-087: Resolution to Approve the City of St. Louis Park Local Water Resources Management Plan.

BACKGROUND:

Under Resolution 09-087 (Exhibit A of Attachment 1), the MCWD Board of Managers conditionally approved the City's local water management plan. The approved plan described the existing and proposed physical environment and land use within the City and set forth an implementation plan for bringing local water management into conformance with the MCWD's comprehensive watershed management plan. This approval was granted under the premise that the MCWD would continue to exercise regulatory authority over activities

**DRAFT for discussion purposes only and subject to Board approval and the availability of funds.
Resolutions are not final until approved by the Board and signed by the Board Secretary.**

subject to the District Rules in all instances. The City has requested to exercise regulatory authority over work subject to the MCWD Erosion Control Rule. Under a review by Wenck Associates, the City's erosion control rule has been found to be at least as protective of water resources as MCWD's Erosion Control Rule. The rules of MCWD and the City were compared based on the following criteria:

1. Erosion Control Application Submittals,
2. Exempted Activities,
3. Erosion Control Practices and Specifications,
4. Final Stabilization and Erosion Control Timing.

The Technical Memo summarizing this comparison has been included as Attachment 2. The City has amended its ordinance to incorporate upgrades responsive to the findings and recommendations in the Wenck memo. Attachment 3 provides a comparison of the City's updated ordinance and the MCWD's Erosion Control Rule.

Additionally, the City has provided a supplemental memo addressing the requirements of Section 7.1.2 of the District's Comprehensive Plan, and the memo is provided as Attachment 5.

Staff recommends the Board authorize the Board President to execute the attached Memorandum of Understanding acknowledging that the City will exercise permitting authority over activities subject to the MCWD Erosion Control Rule.

AGREEMENT & EASEMENTS:

The enclosed Memorandum of Understanding lays out the terms between the MCWD and the City (see Attachment 1).

ATTACHMENTS:

- Attachment 1: Memorandum of Understanding Between the Minnehaha Creek Watershed District and the City of St. Louis Park for Local Water Planning and Regulation
- Attachment 2: Wenck's Technical Memo dated June 24th, 2015
- Attachment 3: Wenck's Technical Memo dated February 25th, 2016
- Attachment 4: St. Louis Park Erosion Control and Stormwater Management Plan Guidelines Updated per Wenck's Recommendations
- Attachment 5: City of St. Louis Park Memorandum Regarding Transfer of Rule Authority

RESOLUTION

RESOLUTION NUMBER: 16-016

TITLE: **Authorization to Enter Memorandum of Understanding with City of St. Louis Park Regarding Exercise of Authority Over Erosion and Sediment Control Permits**

WHEREAS, in 2007, the MCWD revised its comprehensive watershed management plan under Minnesota Statutes § 103B.231, which details the existing physical environment, land use and development in the watershed, and establishes a plan to regulate water resource use and management to protect water resources, improve water quality, prevent flooding, and otherwise achieve the goals of Minnesota Statutes Chapters 103B and 103D;

WHEREAS, the MCWD's comprehensive watershed management plan incorporates the Rules adopted by the MCWD to protect water resources, improve water quality, prevent flooding and otherwise achieve the goals of Minnesota Statutes Chapters 103B and 103D;

WHEREAS, the City has developed a local water management plan under Minnesota Statutes § 103B.235 that describes the existing and proposed physical environment and land use within the City and sets forth an implementation plan for bringing local water management into conformance with the MCWD's comprehensive watershed management plan;

WHEREAS, on September 3, 2009, the MCWD Board of Managers conditionally approved the City's local water management plan by adoption of Resolution 09-087, which resolution is attached and incorporated herein as Exhibit A, and the City satisfied the conditions therein;

WHEREAS, the City now wishes to exercise sole permitting responsibility in the area of erosion control, but to continue to authorize MCWD to exercise permitting authority with respect to all other areas regulated by the MCWD;

WHEREAS, MCWD approval of a local plan requires a finding that the official controls of the local government are at least as protective of water resources as the MCWD rules;

WHEREAS, the finding by the MCWD Board of Managers in this regard with respect to permitting areas other than erosion control, rested on the City's authorization of the MCWD's continued exercise of regulatory authority within the City in accordance with Minnesota Statutes § 103B.211, subdivision 1(a)(3);

WHEREAS, the MCWD engineer analyzed the City's erosion control ordinance and compared the ordinance with MCWD analogous thresholds and criteria, then made findings and recommendations for revisions to the ordinance that the City subsequently incorporated into City Code section 12-156 and Appendix M, attached hereto, and the MCWD finds the revised ordinance is as protective of water resources as MCWD's Erosion Control Rule;

WHEREAS, the MCWD Board of Managers adopts the MCWD engineer's findings and conclusions;

WHEREAS, The MCWD and City desire to memorialize their respective roles in implementing water resource protection and management within the City;

NOW, THEREFORE, BE IT RESOLVED, the President of the Board of Managers, on advice and consent of counsel, is authorized to execute the attached MOU with the City of St. Louis Park, acknowledging that the City will execute sole regulatory authority over work subject to the MCWD Erosion Control Rule.

Resolution Number 16-016 was moved by Manager _____, seconded by Manager _____.
 Motion to adopt the resolution ___ ayes, ___ nays, ___ abstentions. Date: _____.

 Secretary Date: _____

MEMORANDUM of UNDERSTANDING

**Between the Minnehaha Creek Watershed District
and the City of St. Louis Park
for Local Water Planning and Regulation**

This Memorandum of Understanding (MOU) is made this 19th day of Jan, 2016 by and between the Minnehaha Creek Watershed District, a watershed district with purposes and powers as set forth at Minnesota Statutes Chapters 103B and 103D ("MCWD"), and the City of St. Louis park, a body corporate and politic and a statutory city in the State of Minnesota ("City").

Recitals and Statement of Purpose

WHEREAS, in 2007, the MCWD revised its comprehensive watershed management plan under Minnesota Statutes § 103B.231, which details the existing physical environment, land use and development in the watershed, and establishes a plan to regulate water resource use and management to protect water resources, improve water quality, prevent flooding, and otherwise achieve the goals of Minnesota Statutes Chapters 103B and 103D;

WHEREAS, the MCWD's comprehensive watershed management plan incorporates the Rules adopted by the MCWD to protect water resources, improve water quality, prevent flooding and otherwise achieve the goals of Minnesota Statutes Chapters 103B and 103D;

WHEREAS, the City has developed a local water management plan under Minnesota Statutes § 103B.235 that describes the existing and proposed physical environment and land use within the City and sets forth an implementation plan for bringing local water management into conformance with the MCWD's comprehensive watershed management plan;

WHEREAS, on September 3, 2009, the MCWD Board of Managers conditionally approved the City's local water management plan by adoption of Resolution 09-087, which resolution is attached to and incorporated herein as Exhibit A, and the City satisfied the conditions therein;

WHEREAS, the City now wishes to assume sole permitting responsibility in the area of erosion control, but to continue to authorize MCWD to exercise permitting authority with respect to all other areas regulated by the MCWD;

WHEREAS, MCWD approval of a local plan requires a finding that the official controls of the local government are at least as protective of water resources as the MCWD rules;

WHEREAS, the finding by the MCWD Board of Managers in this regard with respect to permitting areas other than erosion control, rested on the City's authorization of the MCWD's continued exercise of regulatory authority within the City in accordance with Minnesota Statutes § 103B.211, subdivision 1(a)(3);

WHEREAS the MCWD Board of Managers finds that the City's erosion control ordinance[s], attached to and incorporated herein as Exhibit B, are at least as protective of water resources as MCWD's Erosion Control Rule;

WHEREAS, the MCWD and City desire to memorialize their respective roles in implementing water resource protection and management within the City;

NOW THEREFORE, it is mutually agreed by and between the parties that they enter into this MOU in order to document the understanding of the parties as to the roles and responsibilities of each party.

1.0 Responsibilities of the City

1.1 The City may exercise all present and future authority it otherwise may possess to issue permits for and regulate activities affecting water resources within the City.

1.2 The City is solely responsible for permitting for purposes of erosion control within the City. The City will regulate these activities in accordance with the City's approved local water management plan and the terms of this MOU.

1.3 The City will not issue a variance from an above-referenced ordinance until the MCWD has approved the variance and proposed conditions. On receipt of a property owner's or agent's request for a variance from the above-reference ordinance(s), the City promptly will transmit a copy of the variance request and supporting documentation to the MCWD for review.

1.4 The City will maintain a log of permits it grants pursuant to this MOU, will provide the log to the MCWD annually and will meet at least annually with the MCWD to review the implementation of the City's local water management plan and erosion control ordinance[s].

2.0 Responsibilities of the MCWD

2.1 The MCWD will continue to apply and enforce its Rules, as they may be amended from time to time, within the City except for erosion control, which will not apply within the City.

2.2 The MCWD will review and issue a decision on any variance request transmitted to it by the City in accordance with paragraph 1.3 herein within 45 days of receipt.

2.3 The MCWD will meet with the City at least annually to review the implementation of the City's local water management plan and erosion control ordinance[s].

2.4 The MCWD retains the right to enforce any and all of its rules in the event that the City is unable or unwilling to carry out its obligations listed in Section 1.0 of this MOU.

2.5 The MCWD retains all authority that it may possess under Minnesota Statutes Chapters 103B and 103D or any other provision of law, except as explicitly reposed in the City under this MOU, including but not limited to authority set forth at Minnesota Statutes § 103B.211, subd. 1(a); 103D.335 and 103D.341.

3.0 Amendment

This MOU may be amended only by a writing signed by both of the parties.

IN WITNESS WHEREOF, the parties hereto have executed this Memorandum of Understanding.

CITY OF ST. LOUIS PARK

By [Signature] Date: 1/25/16
Mayor

By [Signature] Date: 1/20/16
City Manager

MINNEHAHA CREEK WATERSHED DISTRICT

By _____ Date: _____
President, Board of Managers

APPROVED AS TO FORM AND EXECUTION

APPROVED AS TO FORM AND EXECUTION

By _____
Its Attorney

By _____
Its Attorney

TITLE: City of St. Louis Park Local Water Management Plan – Approval

Date: 9/3/09

ITEM TYPE: Action Consent
 Discussion Information

PREPARED BY: Nathaniel Kale

TELEPHONE: 952-471-0590 x 229

E-MAIL: nkale@minnehahacreek.org

REVIEWED BY: Administrator Board Committee
 Counsel District Engineer
 Consulting Engineer District Technician
 Planner/Program Mgr Communications
 Other

Fiscal/FTE Impact:	
<input checked="" type="checkbox"/>	None
<input type="checkbox"/>	Amount included in current budget
<input type="checkbox"/>	Budget amendment requested
<input type="checkbox"/>	Project/program adjustment needed for FTE
<input type="checkbox"/>	FTE included in current complement
<input type="checkbox"/>	New FTE(s) requested
<input type="checkbox"/>	Other (include explanation in text).

PURPOSE or ACTION REQUESTED:

Conditional approval of the City of St. Louis Park Local Water Management Plan

SUMMARY:

The City of St. Louis Park has submitted a Local Water Management Plan for MCWD review and approval. The historic timeline of the review is as follows:

- June 8, 2009: City of St. Louis Park submits Local Water Management Plan (LWMP) to MCWD for review
- August 6, 2009: City extends review period to 9/4/09

The City of St. Louis Park has updated their Local Water Management Plan to reference information consistent with State Rules Chapter 8410 and Minnesota Statute 103B.235 and also reference the policies identified in the 2007 MCWD Comprehensive Water Resources Management Plan. The City has not proposed to acquire implementation authority for MCWD Rules B, C, D, and N. The City has proposed that MCWD retain Minnesota Wetland Conservation Act Local Government Unit status. MCWD staff has verified that the Local Water Management Plan is generally consistent with the goals and policies of the Watershed District. The plan is available to view from the MCWD FTP site: <ftp://www.minnehahacreek.org/planning/>. The following items are included for review in this packet:

- Plan Summary
- August 26, 2009 response to MCWD comments

STAFF RECOMMENDATION:

Staff recommends the Board approve the City of St. Louis Park's Local Water Management Plan effective on the execution by MCWD and the City of St. Louis Park of a Memorandum of Understanding materially equivalent to the Memorandum included in this packet as resolution 09-088 within 60 days of the passage of this resolution.

EXPLANATION OF FISCAL/FTE IMPACT:

Local water resource management plans reviews are budgeted for 2009.

RESOLUTION

RESOLUTION NUMBER: 09-087

TITLE: City of St. Louis Park Local Water Resources Management Plan - Approval

WHEREAS, on July 5, 2007, the MCWD adopted amendments to its comprehensive watershed management plan under Minnesota Statutes § 103B.231, which, as amended, details the existing physical environment, land use and development in the watershed and established a plan to manage water resources and regulate water resource use to improve water quality, prevent flooding and otherwise achieve the goals of Minnesota Statutes Chapters 103B and 103D; and

WHEREAS, the MCWD Comprehensive Water Resources Management Plan, as amended incorporates the Rules adopted by the MCWD to protect water resources, improve water quality, prevent flooding and otherwise achieve the goals of Minnesota Statutes Chapters 103B and 103D; and

WHEREAS, the City of St. Louis Park completed a draft Local Water Management Plan and submitted it to the MCWD for review and approval in 2009; and

WHEREAS, MCWD reviewed the Plan in accordance with Minnesota Statutes § 103B.235, subd.3, as to those portions of the City within MCWD boundaries, prepared comments and discussed with City representatives; and

WHEREAS, the City of St. Louis Park subsequently prepared and submitted final revisions for the Local Water Management Plan to MCWD which incorporated MCWD review comments; and

WHEREAS, the MCWD has determined that the final revised Plan, on occurrence of the conditions stated below, will be consistent with the MCWD Water Resources Management Plan; and

WHEREAS, the Metropolitan Council has received the Local Water Management Plan and has provided its written comments to the MCWD in a letter on June 12, 2009 and the District has fully considered the comments; and

WHEREAS the MCWD has determined that the Plan generally meets the requirements for local plan approval set forth in the MCWD's watershed management plan, except that the City has not demonstrated that the official controls described in the Plan will protect the MCWD's water resources at least as well as the MCWD's rules; and

WHEREAS the City does not wish to assume regulatory authority but, instead, wishes to authorize the MCWD to continue to require permits for the use and development of land, and otherwise exercise its regulatory authority, within the meaning of Minnesota Statutes §103B.211, subd. 1(a)(3); and

WHEREAS the City wishes the MCWD to continue to exercise authority as the Local Government Unit for the Minnesota Wetland Conservation Act; and

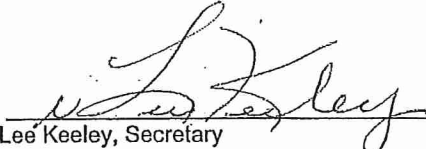
WHEREAS the MCWD's ability to approve the Plan rests on the City's agreement that the MCWD will continue to exercise its present regulatory authority within those parts of the City where the MCWD has jurisdiction;

NOW, THEREFORE, BE IT RESOLVED, that the MCWD hereby approves the City of St. Louis Park Local Water Management Plan, effective on the fulfillment of the following conditions:

- a. Policy 2.1.14 of the City of St. Louis Park Local Water Management Plan be revised to include the development and adoption of an ordinance to implement the referenced policy; and
- b. MCWD and the City of St. Louis Park execute the Memorandum of Understanding attached hereto or a substantially equivalent Memorandum within 60 days of the passage of this resolution, establishing implementation and annual reporting responsibilities between the MCWD and the City.

within 2 YEARS
from 9-13-09

Resolution Number 09-087 was moved by Manager Blixt seconded by Manager KEELEY.
Motion to adopt the resolution 6 ayes, 0 nays, 0 abstentions. Date: _____


Lee Keeley, Secretary

Date: 9-03-09

Technical Memo



Responsive partner.
Exceptional outcomes.

To: Minnehaha Creek Watershed District (MCWD)

From: Chris Meehan, PE, Wenck Associates, Inc.
Erik Megow, Wenck Associates, Inc.

Date: June 24, 2015

Subject: Comparison of MCWD and St. Louis Park Erosion Control guidelines

The City of St. Louis Park has requested rule authority for Erosion Control. Currently, St. Louis Park (SLP) works with the Minnehaha Creek and Basset Creek watersheds for erosion control permitting and in many cases an erosion Control from the City and a Watershed District is needed. Before the District cedes authority of Erosion Control permitting MCWD Staff and their legal counsel have asked for an engineering review to determine if the City's guidelines are equivalent to MCWD's guidelines. This memo compares the two sets of guidelines, quantitatively and qualitatively, based on the following criteria:

1. Erosion Control Application Submittals,
2. Exempted Activities,
3. Erosion Control Practices & Specifications,
4. Final Stabilization & Erosion Control Timing.

Following is a breakdown of each of these criteria and a determination of whether the SLP guidelines are less, as, or more restrictive than the guideline outlined in MCWD's Erosion Control Rule.

1. EROSION CONTROL APPLICATION SUBMITTALS:

The table below outlines the required submittals required by each ruling authority.

Required Submittals	MCWD	SLP
Construction, Phasing, and Erosion Control Schedule	X	X
Erosion Control Plan	X	X
Soils Engineering and Geology Reports	X	
Maintenance Plan and Schedule	X	X
Inspection Plan	X	
Financial Assurance or Securities	X	X
Proof of NPDES permit from the MPCA	X	X
As-built Grading Plan		X

The MCWD Guidelines explicitly outline that a Soils or Geotechnical report may be required based on the nature of the work, while the SLP Guidelines do not mention either. Additionally, the SLP Guidelines do not have any requirements for inspections, however, they do require an as-built grading plan.

Overview: The SLP guidelines are slightly *less strict* when it comes to required exhibits. To bring the SLP guidelines to the standards of MCWD's guidelines, the SLP guidelines would

need to include Inspections beyond an as-built grading plan and a guideline stating that a soils engineering and geotechnical report may be required based on the nature of the work.

2. EXEMPTED ACTIVITIES:

Both MCWD and SLP do not require Erosion Control Permits for projects or activities that:

- disturb an area of less than 5,000 square feet; or
- involve grading, excavating, filling or storing on site of less than 50 cubic yards of soil or earth material.

Beyond those exemptions, MCWD does not require a permit for the following:

- Agricultural activity.
- Emergency activity immediately necessary to protect life or prevent substantial physical harm to person or property, provided that erosion control measures, including any necessary remedial action, are implemented as soon as possible

Overview: The SLP guidelines are *more strict* when it comes to exempted activities as they do not explicitly note the exemption of agricultural and emergency activities.

3. EROSION CONTROL PRACTICES:

The MCWD Erosion Control guidelines require that the applicant explicitly call out the following erosion control practices:

- Silt fence in accordance with the latest MnDOT standards.
- Protective fencing for vegetation.
- Temporary and permanent soil stabilization measures, such as, inlet protection, perimeter control, temporary and permanent soil stabilization, concrete wash areas, slope breaks, energy dissipation, rock construction entrance, silt curtains.
- Dewatering or basin draining (e.g. pumped discharges, trench/ditch cuts for drainage) related to the construction activity that may have turbid or sediment laden discharge water must be discharged to a temporary or permanent sedimentation basin on the site whenever possible.

These practices are not explicitly outlined in SLP's Erosion Control guidelines, however, the SLP Guidelines contain generic language that Best Management Practices (BMPs) to minimize erosion and or sedimentary and other pollutant discharges need to be identified. The SLP Guidelines do include some instruction for erosion control blanket and temporary sediment basins.

Overview: The SLP guidelines are not as detailed when it comes to what BMPs need to be addressed. Although these BMPs may be part of generic standards, the SLP Guidelines would benefit from additional detail to be as restrictive, or strict, when it comes to erosion control practices.

4. FINAL STABILIZATION AND EROSION CONTROL TIMING:

The table below compares the final stabilization and implementation timing requirements of the MCWD and SLP Guidelines.

Final Stabilization and Implementation Timing	MCWD Guideline	SLP Guideline
Soil Stabilization	Must be stabilized within 14 days; slopes along surfaces waters within 24 hours	Must be stabilized within 7 days; slopes along surfaces waters within 24 hours
BMP Implementation	Must be stabilized within 14 days	Must be stabilized within 7 days
Ditches, Swales & Outfalls	Must be stabilized within 24 hours	
Maintenance of BMPs	Maintenance required within 24hrs	Maintenance required within 24hrs

Overview: The SLP guidelines are *as strict* when it comes to final stabilization and implementation timing. Although SLP has a more restrictive soil stabilization timeline, the MCWD guidelines require that final/permanent stabilization should include six inches of topsoil or organic matter be spreads and incorporated into the underlying soil during final site treatment. This specification should be added to the SLP Guidelines.

SUMMARY:

Review of the MCWD and SLP erosion control guideline indicates that there are aspects of the SLP guidelines which require additional clarity and detail to be as meet MCWD guidelines and requirements. The table below lists a breakdown of the four criteria of the respective erosion control plans and how the SLP guidelines compare to that of MCWD and what should be included in the SLP Guidelines to meet the requirements outlined by MCWD.

SLP Guidelines compared to MCWD Guidelines				
Criteria	Less Strict	As Strict	More Strict	Additional Requirements Needed to meet MCWD Standards
Erosion Control Application Submittals	X			Require Inspection plan, Soils Engineering and Geology Reports
Exempted Activities			X	None.
Erosion Control Practices & Specifications	X			Request additional detail for required practices and specifications
Final Stabilization		X		Require a specification for including 6 inches of topsoil/organic matter for final stabilization

Overall, the MCWD Erosion Control Rule contains a lot more detail than the SLP guidelines; however, not all of these details make MCWD's requirements more restrictive. There are some minor additional details and requirements that would make the rule as restrictive as MCWD. However, at this time, the SLP erosion control guidelines are not as restrictive as the guidelines listed in the MCWD Erosion Control Rule.

ADDITIONAL REQUIREMENTS AND DETAILS:

To make the SLP erosion control guidelines equivalent to the MCWD erosion control guidelines, additional requirements and details need to be added. The following table provides suggestions based on the MCWD rule language on how to meet the requirements needed for each of the four erosion control criteria outlined in this memo.

Criteria	Additional requirements and details
Erosion Control Application Submittals	<p><i>Inspection plan:</i> An inspection and maintenance record should be retained with the erosion control plan and made available at the City's request within 24 hours. Records of each inspection and maintenance activity shall include:</p> <ul style="list-style-type: none"> • Date and time of inspections; • Name of person conducting inspections; • Findings of inspections, including recommendations for corrective actions; corrective actions taken (including dates, times and party completing maintenance activities); and • Date and amount of all rainfall events greater than 0.5 inches in 24 hours. <p><i>Soils Engineering and Geology Reports:</i> The report should include:</p> <ul style="list-style-type: none"> • Data and information obtained from the requested site investigation. • A description of the types, composition, permeability, stability, erodibility and distribution of existing soils on site. • A description of site geology. • Conclusions and revision, if any, to the proposed land-disturbing activity at the site or erosion control plan, including revisions of plans and specifications.
Exempted Activities	<i>None.</i>
Erosion Control Practices & Specifications	<p>The following are example details which could be referenced for the the erosion control plan and submittal:</p> <ul style="list-style-type: none"> • The site location in relation to surrounding roads, steep slopes, other significant geographic features, buildings and other significant structures. • Existing and final grades/contours, and the direction of flow for all pre- and post-construction runoff from the site. • Site property lines. • Identification and location of all existing and planned underground utilities, to be concentrated in corridors where safe, practical and feasible. • Identification of all receiving waterbodies and/or stormwater conveyance systems to which the site discharges. Specification of the Impaired or Special Management waters status of each receiving waterbody or conveyance system. • Identification and location of all onsite water features and facilities, including any lake, stream or wetland; any natural or artificial water diversion or detention area; any surface or subsurface drainage facility or stormwater conveyance; and any storm sewer catch basin. • Location of all trees and vegetation on site, with identification of that which is intended to be retained. Installation of protective fencing so as to exclude all fill and equipment from the drip line or critical root zone, whichever is greater, of all vegetation to be retained. • Location of buildings and structures on site. • Proposed grading or other land-disturbing activity including areas of grubbing, clearing, tree removal, grading, excavation, fill and other disturbance; areas of soil or earth material storage; quantities of soil or

	<p>earth material to be removed, placed, stored or otherwise moved on site; and delineated limits of disturbance.</p> <ul style="list-style-type: none"> • Locations of proposed runoff control, erosion prevention, sediment control and temporary and permanent soil stabilization measures, including, but not limited to: inlet protection, perimeter control, temporary and permanent soil stabilization, concrete wash areas, slope breaks, energy dissipation, rock construction entrance, silt curtains. • Detail showing the location of all areas where compaction is to be prevented and/or mitigated. These areas shall be protected from construction vehicle traffic where practical and feasible. These areas include but are not limited to: filtration and infiltration stormwater facilities and areas that are proposed to be permanently landscaped as greenspace. • The location of all onsite, existing and proposed stormwater management facilities, including, but not limited to: infiltration basins, bio-filtration basins, stormwater ponds, porous pavers, underground storage and swales. • Location of any wetland buffers on site (existing or to be established). <p>The following criteria could be referenced to be included in the plans and specification for all proposed runoff control, erosion prevention, sediment control and temporary and permanent soil stabilization measures:</p> <ul style="list-style-type: none"> • Plans and specifications shall conform to the provisions of "Stormwater Compliance Assistance Toolkit for Small Construction Operators" and/or the "2005 MN Stormwater Manual." (Minnesota Pollution Control Agency, 2004) • All erosion and sedimentation controls proposed for compliance with this rule shall be in place before any land-disturbing activity commences. • Plans shall provide that stockpiles of soil or other materials subject to erosion by wind or water shall be covered, vegetated, enclosed, fenced on the downgradient side or otherwise effectively protected from erosion in accordance with the amount of time the material will be on site and the manner of its proposed use. • Silt fence shall conform to Sections 3886.1 and 3886.2, Standard Specifications for Construction, Minnesota Department of Transportation (2000 ed.), as it may be amended. • Plans shall provide that all fabric fences used for erosion and sedimentation control and all other temporary controls shall not be removed until the City has determined that the site has been permanently re-stabilized and shall be removed within 30 days thereafter.
<p>Final Stabilization</p>	<p>The following specification should be added to the final stabilization requirements:</p> <ul style="list-style-type: none"> • Plans shall provide for permanent stabilization of all areas subject to land disturbance, retention of native topsoil on site wherever practical and feasible, and <i>specify at least six inches of topsoil or organic matter be spread and incorporated into the underlying soil during final site treatment wherever topsoil has been removed.</i>

To: Minnehaha Creek Watershed District (MCWD)

From: Chris Meehan, PE, Wenck Associates, Inc.
Erik Megow, Wenck Associates, Inc.

Date: February 25, 2016

Subject: Comparison of MCWD and St. Louis Park's Updated Erosion Control guidelines

The City of St. Louis Park has requested rule authority for Erosion Control. Currently, St. Louis Park (SLP) works with the Minnehaha Creek and Basset Creek watersheds for erosion control permitting and in many cases an erosion Control from the City and a Watershed District is needed. Before the District cedes authority of Erosion Control permitting MCWD Staff and their legal counsel have asked for an engineering review to determine if the City's updated guidelines (Appendix M, dated 8-18-2015) are equivalent to MCWD's guidelines. This memo compares the two sets of guidelines, quantitatively and qualitatively, based on the following criteria:

1. Erosion Control Application Submittals,
2. Exempted Activities,
3. Erosion Control Practices & Specifications,
4. Final Stabilization & Erosion Control Timing.

Following is a breakdown of each of these criteria and a determination of whether the SLP guidelines are less, as, or more restrictive than the guideline outlined in MCWD's Erosion Control Rule.

1. EROSION CONTROL APPLICATION SUBMITTALS:

The table below outlines the required submittals required by each ruling authority.

Required Submittals	MCWD	SLP
Construction, Phasing, and Erosion Control Schedule	X	X
Erosion Control Plan	X	X
Soils Engineering and Geology Reports	X	X
Maintenance Plan and Schedule	X	X
Inspection Plan	X	X
Financial Assurance or Securities	X	X
Proof of NPDES permit from the MPCA	X	X
As-built Grading Plan		X

Overview: The SLP guidelines are slightly *more strict* when it comes to required exhibits. With the updated SLP guidelines, an inspection and a soils engineering and geotechnical report are now required. Additionally, the SLP standards require an as-built grading plan.

2. **EXEMPTED ACTIVITIES:**

Both MCWD and SLP do not require Erosion Control Permits for projects or activities that:

- disturb an area of less than 5,000 square feet; or
- involve grading, excavating, filling or storing on site of less than 50 cubic yards of soil or earth material.

Beyond those exemptions, MCWD does not require a permit for the following:

- Agricultural activity.
- Emergency activity immediately necessary to protect life or prevent substantial physical harm to person or property, provided that erosion control measures, including any necessary remedial action, are implemented as soon as possible

Overview: The SLP guidelines are *more strict* when it comes to exempted activities as they do not explicitly note the exemption of agricultural and emergency activities.

3. **EROSION CONTROL PRACTICES:**

The updated SLP erosion control standards now call out specific erosion control practices including, but not limited to:

- Silt fence in accordance with the latest MnDOT standards.
- Protective fencing for vegetation.
- Temporary and permanent soil stabilization measures, such as, inlet protection, perimeter control, temporary and permanent soil stabilization, concrete wash areas, slope breaks, energy dissipation, rock construction entrance, silt curtains.
- Dewatering or basin draining (e.g. pumped discharges, trench/ditch cuts for drainage) related to the construction activity that may have turbid or sediment laden discharge water must be discharged to a temporary or permanent sedimentation basin on the site whenever possible.

These practices were explicitly added to SLP's Erosion Control guideline update to meet the standards of MCWD.

Overview: The SLP guidelines are *as strict* when it comes to what BMPs need to be addressed within erosion control plans.

4. **FINAL STABILIZATION AND EROSION CONTROL TIMING:**

The table below compares the final stabilization and implementation timing requirements of the MCWD and SLP Guidelines.

Final Stabilization and Implementation Timing	MCWD Guideline	SLP Guideline
Soil Stabilization	Must be stabilized within 14 days; slopes along surfaces waters within 24 hours	Must be stabilized within 7 days; slopes along surfaces waters within 24 hours
BMP Implementation	Must be stabilized within 14 days	Must be stabilized within 7 days
Ditches, Swales & Outfalls	Must be stabilized within 24 hours	
Maintenance of BMPs	Maintenance required within 24hrs	Maintenance required within 24hrs

Overview: The SLP guidelines are *as strict* when it comes to final stabilization and implementation timing. Additionally, both SLP and MCWD guidelines require that

final/permanent stabilization should include six inches of topsoil or organic matter be spreads and incorporated into the underlying soil during final site treatment.

SUMMARY:

Review of the MCWD and the updated SLP erosion control guidelines indicates that the SLP guidelines are as restrictive as the MCWD guidelines and requirements. The table below lists a breakdown of the four criteria of the respective erosion control plans and how the SLP guidelines compare to those of MCWD.

SLP Guidelines compared to MCWD Guidelines				
<i>Criteria</i>	<i>Less Strict</i>	<i>As Strict</i>	<i>More Strict</i>	<i>Additional Requirements Needed to meet MCWD Standards</i>
Erosion Control Application Submittals			X	<i>None.</i>
Exempted Activities			X	<i>None.</i>
Erosion Control Practices & Specifications		X		<i>None.</i>
Final Stabilization		X		<i>None.</i>

Overall, the MCWD Erosion Control Rule and the updated SLP guidelines are equivalent in scope. With the updated Appendix M, the SLP erosion control guidelines are as restrictive as the guidelines listed in the MCWD Erosion Control Rule.

Appendix M: Erosion Control and Stormwater Management Plan Guidelines

Erosion and Sediment Control Plan and Site Management Guidelines

Outlined below are the City's guidelines for erosion and sediment control plan (SWPPP) development, SWPPP implementation, and ongoing site maintenance:

Projects Requiring Permits: All projects disturbing 5,000 square feet or excavating, filling, or stockpiling 50 cubic yards of material within the City must be compliant with NPDES, Minnehaha Creek Watershed, Bassett Creek Watershed Management Organization, or any other regulatory agency having jurisdiction within the City, erosion and sediment control guidelines.

Emergency activity immediately necessary to protect life or prevent substantial physical harm to person or property, provided that erosion control measures, including any necessary remedial action, are implemented as soon as possible.

Erosion and Sediment Control Site Plan Requirements: Site plan design shall be adequate to prevent erosion and the transportation of sediment and other pollutants from the permitted site to the satisfaction of the City Engineer. At a minimum, the plan should include the following items so plan review can begin.

1. Plans and specifications shall conform to the provisions of "Stormwater Compliance Assistance Toolkit for Small Construction Operators" and/or the "2005 MN Stormwater Manual." (Minnesota Pollution Control Agency, 2004)
2. Provide schedule for overall project construction, phasing, and erosion and sediment control plan implementation.
3. Show site location in relation to surrounding roads, steep slopes, other significant geographic features, buildings and other significant structures.
4. Show existing and final grades/contours, and the direction of flow for all pre- and post-construction runoff from the site.
5. Show site property lines.
6. Identification and location of all existing and planned underground utilities, to be concentrated in corridors where safe, practical and feasible.
7. Identification of all receiving waterbodies and/or stormwater conveyance systems to which the site discharges. Specification of the Impaired or Special Management waters status of each receiving waterbody or conveyance system.
8. Identification and location of all onsite water features and facilities, including any lake, stream or wetland; any natural or artificial water diversion or detention area; any surface or subsurface drainage facility or stormwater conveyance; and any storm sewer catch basin.

9. Location of all trees and vegetation on site, with identification of that which is intended to be retained. Installation of protective fencing so as to exclude all fill and equipment from the drip line or critical root zone, whichever is greater, of all vegetation to be retained.
10. Location of buildings and structures on site.
11. Proposed grading or other land-disturbing activity including areas of grubbing, clearing, tree removal, grading, excavation, fill and other disturbance; areas of soil or earth material storage; quantities of soil or earth material to be removed, placed, stored or otherwise moved on site; and delineated limits of disturbance.
12. Locations of proposed runoff control, erosion prevention, sediment control and temporary and permanent soil stabilization measures, including, but not limited to: inlet protection, perimeter control, temporary and permanent soil stabilization, concrete wash areas, slope breaks, energy dissipation, rock construction entrance, silt curtains.
13. Silt fence shall conform to Sections 3886.1 and 3886.2, Standard Specifications for Construction, Minnesota Department of Transportation (2000 ed.), as it may be amended.
14. Detail showing the location of all areas where compaction is to be prevented and/or mitigated. These areas shall be protected from construction vehicle traffic where practical and feasible. These areas include but are not limited to: filtration and infiltration stormwater facilities and areas that are proposed to be permanently landscaped as greenspace.
15. Location of all onsite, existing and proposed stormwater management facilities, including, but not limited to: infiltration basins, bio-filtration basins, stormwater ponds, porous pavers, underground storage and swales.
16. Location of any wetland buffers on site (existing or to be established).
17. Provide site inspection plan, to include the following:
 - a. Maintain inspection and maintenance records, on site, with the erosion control plan and made available at the City's request within 24 hours.
 - i. City performs inspections twice a week and within 24 hours after a 2.5 inch rainfall event.
 - b. Date and time of inspection.
 - c. Name of person conducting inspections.
 - d. Findings of inspection, including recommendations for corrective actions, corrective actions taken including dates, times, party completing maintenance activities.
 - e. Date and amount of rainfall events greater than 0.5 inches within 24 hours.
18. Identify an adequately trained erosion control supervisor, SWPPP amendment procedures, record retention, and rainfall monitoring policies.
19. Identify BMP's to minimize erosion.

20. All exposed soils shall be stabilized within seven days of inactivity.
21. Slopes along surface waters require soil stabilization within 72 hours.
22. Slopes greater than 3:1 or greater require a category 3 erosion control blanket.
23. Identify BMP's to minimize sedimentary and other pollutant discharges.
24. All down gradient slopes shall have adequate sediment and pollutant controls that will not allow sediment or other pollutants to overtop or to undermine the BMPs.
25. Outline a process and BMP's for dewatering activities and submit to City Engineer for review.
26. All dewatering activities require an individual site plan to be submitted to the City Engineer and to include, at a minimum, sampling protocol for selected pollutants, identification and protection plan for downstream receiving waters, adequate treatment process to reduce pollutants and to protect downstream receiving waters.
27. Plans shall provide that stockpiles of soil or other materials subject to erosion by wind or water shall be covered, vegetated, enclosed, fenced on the downgradient side or otherwise effectively protected from erosion in accordance with the amount of time the material will be on site and the manner of its proposed use.
28. Provide BMP maintenance timelines and practices per NPDES guidelines:
 - a. Guidelines for maintenance of sediment control BMPs (24 hours)
 - b. Implementation of erosion control BMPs (no greater than 7 days)
 - c. Stabilize ditches and outfalls with adequate BMPs (24 hours)
29. Define the management practices of solid and hazardous wastes per NPDES guidelines:
 - a. No vehicle washing on site will be allowed.
 - b. Hazardous materials must be kept in secured location.
 - c. Concrete washout and slurry must not come in contact with pervious surfaces.
30. Provide design calculations for the use of temporary sediment basins for sites greater than five acres.
31. Plan must implement construction phasing, maintain vegetative buffer strips, horizontal slope grading, and minimize the need for disturbance.
32. Additional site plan design may be required to meet TMDL requirements.
33. Review of erosion and sediment control plan cannot begin until all of these aforementioned criteria have been met.
34. Provide soils engineering and geology report, the City Engineer may request

of the following information:

- a. Data and information obtained from the requested site investigation.
- b. Description of the types, composition, permeability, stability, erodibility and distribution of existing soils on site.
- c. Description of site geology.
- d. Conclusions and revisions, if any, to the proposed land-disturbing activity at the site or erosion control plan, including revisions of plans and specifications.

35. Plans shall provide that all fabric fences used for erosion and sedimentation control and all other temporary controls shall not be removed until the City has determined that the site has been permanently re-stabilized and shall be removed within 30 days thereafter.

Construction Activity Requirements: During the construction process the Owner and Contractor must maintain site wide compliance as defined within their SWPPP and with NPDES and local watershed standards and includes the following:

1. All erosion and sedimentation controls proposed for compliance with this rule shall be in place before any land-disturbing activity commences.

Material testing and quantity verification requirements: Permittee's and contractors are required to work closely with City to ensure that the installation, application, location, and quantity of the selected erosion and sediment control BMP are in conformance with the approved plans and specifications for the project. The City reserves the right to refuse any work that is not in conformance with the approved plans and specifications for the project or is deemed to be inadequate due to existing conditions.

Project Closeout: The following outlines the City's project certification and permit closeout procedures to ensure that the project has been completed in conformance with the plans and specification developed for project that are one acre or greater. The permittee shall implement the following to obtain final project closeout.

1. Permittee shall provide the City Engineer with an as-built grading plan as defined in the City's erosion and sediment control plan requirements and design Guidelines (section 02050 Standard Specifications).
2. The City will withhold all securities until the approved certified as-built grading plan has been approved by the City Engineer.

Final Stabilization Plan: Plan to establish permanent perennial vegetative cover to prevent erosion of the soil and include the following:

1. Provide final soil stabilization and or landscaping plan.
2. Define specific vegetation species and locations within the project.
3. Define performance standard and schedule for desired vegetative cover.

4. Plans shall provide for permanent stabilization of all areas subject to land disturbance, retention of native topsoil on site wherever practical and feasible, and specify at least six inches of topsoil or organic matter be spread and incorporated into the underlying soil during final site treatment wherever topsoil has been removed.
5. Define soil amendments and usage of fertilizers.
6. Outline long term vegetation maintenance practices.

Stormwater Management Design Requirements

Stormwater Management Plan: A plan must be submitted to the City which describes how runoff and associated water quality impacts resulting from the development will be controlled or managed. This plan must indicate whether stormwater will be managed on-site or off-site and, if on-site, the general location and type of practices. This final plan must be signed by a licensed professional engineer (PE), who will verify that the design of all stormwater management practices meet the submittal requirements of the Comprehensive Water Resources Management Plan (CWRMP).

Stormwater Management Plan Required for all new developments and redevelopment project which resulting in site disturbance that is one acre or greater or any project that proposes 10,000 square feet of new impervious surface. Construction of a single family home is exempt from this requirement.

The stormwater management plan shall detail how runoff and associated water quality impacts resulting from the project will be controlled or managed. This plan must indicate whether stormwater will be managed on-site or off-site and, if on-site, the general location and type of practices. This plan should also conform to the requirements of the jurisdictional watershed district.

A stormwater management plan submitted to the City of St. Louis Park must meet the following requirements:

- **Phosphorus Control**
Construction projects subject to this rule shall result in no net increase in phosphorus loading from existing conditions.
- **Total Suspended Solids**
Construction projects subject to this rule shall result in no net increase in Total suspended solids loading from existing conditions.
- **Rate Control**
For all projects subjected to this rule, the site design shall provide on-site facilities for post-construction conditions to ensure that discharge rates from the 6.0 inch 24 hour rainfall event is no greater than the existing discharge rates from a 4.2- inch 24 hour rainfall event.

- **Volume Control**

For all projects subjected to this rule, 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*.

Stormwater Management Limitations.

Applicant shall fully attempt to comply with the appropriate performance goals described above. Options considered and presented shall examine the merits of relocating project elements to address, varying soil conditions and other constraints across the site. If full compliance is not possible due to any of the factors listed below, the applicant must document the reason.

Volume reduction techniques considered shall include infiltration, reuse & rainwater harvesting, and canopy interception & evapotranspiration and/or additional techniques included in the Minnesota Stormwater Manual. Higher priority shall be given to BMPs that include volume reduction. Secondary preference is to employ filtration techniques, followed by rate control BMPs. Factors to be considered for each alternative will include following restricted and prohibited site conditions:

Restricted Infiltration Areas:

1. Hydraulic Soil Group D (clay) Soil
2. Within 1,000 feet up-gradient, or 100 feet down-gradient of active karst features.
3. Drinking Water Source Management Areas or within 200 feet of drinking water well per MN R.4720.5100, subp. 13.
4. Poor soils (infiltration rates that are too low or too high, above 8.3 inches per hour, or problematic urban soils)
5. Zoning, setbacks, prohibited areas, or other land use requirements

Prohibited Infiltration Areas:

1. Where industrial facilities are not authorized to infiltrate industrial stormwater under an NPDES/SDS Industrial Stormwater Permit issued by the MPCA.
2. Where vehicle fueling and maintenance occur.
3. With less than three feet of separation distance from the bottom of the infiltration system to the elevation of the seasonally saturated soils or the top of bedrock.
4. Where high levels of contaminants in soil or groundwater will be mobilized by the infiltrating stormwater.

5. Zoning, setbacks, prohibited areas, or other land use requirements

Mitigation Provisions: In the case that infiltration practices cannot be implemented on site, steps must be taken to mitigate stormwater runoff volume, rate, and pollutant reduction. This may include off site or regional treatment for additional volume retention, additional pollutant or reduction. The City Engineer and all permitting agencies must approve all mitigation projects and document who is responsible for the long term maintenance of the facility. Mitigation project areas, if approved, are selected in the following order of preference:

1. Locations that yield benefits to the same receiving water that receives runoff from the original construction activity.
2. Locations within the same watershed area as the original construction activity.
3. Locations in the next adjacent upstream watershed.
4. An alternate location within the City of St. Louis Park.
5. Mitigation projects must involve the creation of new structural stormwater BMPs or the retrofit of existing structural stormwater BMPs, or the use of a properly designed regional structural stormwater BMP.
6. Routine maintenance of structural stormwater BMPs already required by this permit cannot be used to meet mitigation requirements of this part.
7. Mitigation projects shall be completed within 24 months after the start of the original construction activity.
8. The City's Engineering Department shall determine, and document, who will be responsible for long-term maintenance on all mitigation projects of this part.
9. If a regional project has been identified, the City of St. Louis Park may consider a cash payment from the owner and/or operator of a construction activity for mitigation purposes in lieu of the owner or operator of that construction activity meeting the conditions for post-construction stormwater management. Upon receipt of a cash payment in lieu of onsite treatment, a project must be implemented with the designated funds. Mitigation projects must be completed within two years upon the start of construction of the project.

Maintenance: 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 City of St. Louis Park'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.

Stormwater Management Design Requirements

The following information shall be provided to describe the conditions which will exist on the site following completion of final construction of structures and improvements

General Requirements

- Proposed drainage plan and hydraulic calculations are dated and signed by a licensed professional.
- Size of the project shown:
 - Existing impervious and pervious surface areas of the site.
 - Ultimate (when site fully developed) impervious and pervious surface of the site.
- Plan is drawn in 2-foot contours. Existing contours are dashed and proposed are solid. All contours are labeled and legible. Where applicable, extend existing 2-foot contour lines a minimum 100 feet beyond the site boundary or more to accurately depict the drainage patterns.
- Existing vegetation: Describe and identify the location of existing vegetation.
- Areas not to be disturbed clearly defined.
- On-site soil characteristics and groundwater elevations.
- Existing drainage: Show pre-developed drainage areas, land use and the direction of flow for each area and travel path used to determine the Time of Concentration.
- Final drainage: Show post-developed drainage areas, land use and the direction of flow for each area and travel path used to determine the Time of Concentration.
- Identify off-site catchment areas draining to the site. Provide 2-foot contours. Show land use and the direction of flow for each area and travel path used to determine the Time of Concentration.
- Existing public and private utilities shown.
- All receiving waters, including wetlands, identified.
- Property limits shown. Streets labeled. Lot and block information shown if platted. Street address shown if unplatted.

- A long-term inspection and maintenance plan for all permanent stormwater treatment practices is required to be submitted with the SWPPP following the City's examples.
 - Existing and proposed drainage easements shown and labeled on the plan.
 - All existing and proposed lot corner elevations shown to the nearest tenth of a foot.
 - Control/spot elevations for drainage ways provided.
- Building pads, type of house to be built, garage floor elevation, lowest floor elevation and lowest opening elevation are shown.
- Driveway slope, from garage to the gutter is shown.
- Lowest opening elevation: Min. 2 feet above 100-year HWL and min. 1 foot above emergency overflow elevation.
- Pipe size, length, grade and material shown
- Top of castings and all inverts of catch basins and manholes shown. Label storm drain structures.
- Overflow design to be considered for events greater than storm sewer system design event.

Infiltration/Filtration

- Refer to the Minnesota Stormwater Manual for specific infiltration/filtration practices.
- Infiltration systems shall meet volume control standards as set by the City.
- Filtration systems shall achieve approximately 80% removal of total suspended solids.
- Infiltration or filtration systems should not be excavated to final grade until the contributing drainage area has been constructed and fully stabilized.
- During construction of infiltration or filtration systems, rigorous erosion prevention and sediment controls (e.g. diversion berms) should be used to keep sediment and runoff completely away from the infiltration or filtration area.
 - The area must be staked off and marked so that heavy construction equipment will not compact the soil in the proposed infiltration or filtration area.
- Area to be infiltrated or filtrated shall be delineated on plans.

- Calculations or computer model results that demonstrate the design adequacy of the infiltration or filtration system must be included as part of the SWPPP.
- The water quality volume shall discharge through the soil surface or filter media in 48 hours or less. Additional flows that cannot be infiltrated or filtered in 48 hours should be routed to bypass the system through a stabilized discharge point.
- A way to visually verify that the system is as designed must be provided.
- Appropriate on-site testing is required and must be consistent with the recommendations in the Minnesota Stormwater Manual. Testing shall be conducted to verify soil types, infiltration capacity characteristics, and to ensure a minimum of 3 feet of separation from the seasonally saturated soils (or from bedrock) and the bottom of the proposed infiltration system.
- Adequate maintenance access must be provided (typically 12 ft. wide).
- Provide scaled drawing of infiltration or filtration BMP, with typical detail and typical cross section. Outline area which runoff is directed to the BMP. As part of the drawing set submittal, provide in table form the following information:

Alternative Volume Reduction and Treatment Practices: Green Infrastructure techniques and practices (including, but not limited to, infiltration, evapotranspiration, reuse/harvesting, conservation design, urban forestry, green roofs), shall be given preference as design options consistent with zoning, subdivision and PUD requirements. Alternative practices must follow requirements and recommendations in the Minnesota Stormwater Manual.

Memorandum

To: *Tom Dietrich, Minnehaha Creek Watershed District*

From: *Erick Francis, City of St. Louis Park*

Date: *November 24, 2015*

Re: *Follow Up on the Transfer of Regulatory Authority for Construction Stormwater Management for the City of St. Louis Park*

Introduction

The purpose of this memorandum is to respond to questions asked as part of the regulatory authority transfer for Construction Stormwater Management (CSM) from the Minnehaha Creek Watershed District (MCWD) to the City of St. Louis Park (City) in an email from Permit Coordinator Tom Dietrich at the MCWD, dated 11/4/2015.

Comment and Response

Comment 1: The local plan (City) must identify those District rules for which it wishes to assume sole regulatory authority.

Response 1: The City of St. Louis Park wished to obtain sole authority of Construction Stormwater Management, or erosion and sediment control, permitting within its jurisdiction.

Comment 2: The local plan must describe a compliance monitoring and enforcement program in adequate detail, relating to:

- a. Work without a permit;
- b. Active work under a permit;

Response 2a:

a. Work without a permit; Monitoring:

1. City Engineering Staff works closely with Inspections Staff on construction plan submittal, review, and approval for each project that is anticipated to disturb an area of 5,000 square feet or excavate 50 cubic yards of material or greater. In addition, City Staff performs routine CSM compliance inspections throughout the City on an every other week basis, or after a three inch rainfall event that may identify unpermitted projects.

b. Work without a permit; Enforcement:

1. Projects identified to be unpermitted for land disturbing activities will receive a stop work order posted and the owner and contractor will typically have specified amount of time to submit a permit application. If the application is not submitted with the specified timeframe, the stop work order will remain in effect, until the application has been submitted and the permit fee will doubled.

Response 2b:

a. Active work under a permit; Monitoring:

1. CSM compliance monitoring is performed on active or inactive projects that have a land disturbance 5,000 square feet or will excavate 50 cubic yards of material or greater by City staff, twice a month or after a three inch rainfall event.
2. Follow up compliance inspections are performed on sites that have been requested to perform required maintenance on specific BMPs, based on the NPDES timeline for the identified BMP.
3. Compliance monitoring is also based on the owners and contractors past compliance history and inspection frequency may be increased or decreased based on this history.
4. Additional compliance monitoring is also performed as part of other MS4 inspection and maintenance activities.

b. Active work under a permit; Enforcement:

1. Projects found to be noncompliant with permit regulations will receive written and photo documentation of the violation and a timeline when required repair actions must occur, for the specified Best Management Practice (BMP).
2. Further contact with owner and or contractor about noncompliant issues will also be provided and to assist them to bring the site back into compliance.
3. Observation of compliance being not achieved within the specified timeline, the City may withhold further inspections and the issuance of additional permits for the project.
4. Issuance of stop work order for noncompliant projects.
5. Notification of additional permitting agencies about larger noncompliant issues or environmental impacts.
6. City is also finalizing the process of collecting deposits for CSM permits, once regulatory authority is obtained, and will be the primary means of assisting with maintaining compliance in the future.

Comment 3: For those areas for which the City wishes to assume sole authority, it must describe the technical expertise it has or will acquire to implement its ordinances, describe how it will monitor and enforce compliance, and present an estimate of its annual cost to implement its program;

Response 3:

1. Technical expertise will be provided by current City staff. Water Resources Manager, Erick Francis heads up the CSM program for the City and has over 12 years in the CSM monitoring and enforcement. Erick has developed several CSM monitoring, and enforcement programs and developed ordinances for several municipalities within the metro area. Erick has also developed an approved CSM training program and has performing joint compliance inspections with MCDW and other agencies. Erick has also been instrumental in several enforcement actions, including site wide shutdowns, Administrative Penalty Orders, and Stipulation Agreement. Additional City staffing can also provide CSM support including Deb Heiser, Engineering Department Director, Phillip Elkin, Senior Project Manager, and Luke Ingram, Engineering Aid.
2. Inspection and enforcement policy is outlined in Response 2b.
3. Anticipated costs for implementing and managing the CSM program, which is already in place, range from \$20,000 to \$50,000 annually depending on the number of construction projects that are submitted to the City each year.

Comment 4: The local plan must state that within one year after the District provides notice that it has significantly revised a District rule, the City will submit for District approval, adopt and put into effect a revised ordinance consistent with the District rule change. If the City chooses not to make the revision, it can simply authorize the District to apply its revised rule within City boundaries.

Response 4: The City will maintain compliance with MCWD rules, when updated, and will adopt and implement the revised rules within the specified timeline given by the MCWD.

Comment 5: These items likely already exist in current iterations of the City's ordinances, so feel free to incorporate this information by reference. The MOU will be the last item to address once the materials noted above have been submitted. If you have any questions or concerns regarding these items, please feel free to contact me.

Response 5: Complete detail on the City's CSM practices and policies attached and are also available on the City's website under erosion and sediment control permits, under the links for the following:

- City Ordinance (Sec. 12-156)
- Appendix M of the Stormwater Management Plan

Summary

The City of St. Louis Park is eager to streamline its construction stormwater management permitting process and to increase enforcement capabilities as part of this this authority shift. The City would appreciate the timely response to these comments and transfer of authority so the new policy can take effect by early January. If you have further questions on this monitoring study, feel free to contact me at 952-924-2690 or at efrancis@stlouispark.org.

City of St. Louis Park

Surface Water Management Plan

Appendix M

Erosion and Sediment Control Plan &
Stormwater Management Plan Guidelines



City of St. Louis Park Stormwater Management Plan

Appendix M: Erosion and Sediment Control Plan and Stormwater Management Plan Guidelines

Erosion and Sediment Control Plan and Site Management Guidelines

Outlined below are the City's guidelines for erosion and sediment control plan (SWPPP) development, SWPPP implementation, and ongoing site maintenance:

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All projects disturbing 5,000 square feet or excavating, filling, or stockpiling 50 cubic yards of material within the City must be compliant with NPDES, Minnehaha Creek Watershed, Bassett Creek Watershed Management Organization, or any other regulatory agency having jurisdiction within the City, erosion and sediment control guidelines.

Emergency activities immediately necessary to protect life or prevent substantial physical harm to personal property are exempt from these guidelines, provided that erosion control measures are taken including any necessary remedial actions are implemented as soon as possible.

Erosion and Sediment Control Site Plan Requirements: Site plan design shall be adequate to prevent erosion and the transportation of sediment and other pollutants from the permitted site to the satisfaction of the City Engineer. At a minimum, the plan should include the following items so plan review can begin.

1. Plans and specifications shall conform to the provisions of "Stormwater Compliance Assistance Toolkit for Small Construction Operators" and/or the "2005 MN Stormwater Manual." (Minnesota Pollution Control Agency, 2004)
2. Provide schedule for overall project construction, phasing, and erosion and sediment control plan implementation.
3. Show site location in relation to surrounding roads, steep slopes, other significant geographic features, buildings and other significant structures.
4. Show existing and final grades/contours, and the direction of flow for all pre- and post-construction runoff from the site.
5. Show site property lines.
6. Identification and location of all existing and planned underground utilities, to be concentrated in corridors where safe, practical and feasible.
7. Identification of all receiving waterbodies and/or stormwater conveyance

- systems to which the site discharges. Specification of the Impaired or Special Management waters status of each receiving waterbody or conveyance system.
8. Identification and location of all onsite water features and facilities, including any lake, stream or wetland; any natural or artificial water diversion or detention area; any surface or subsurface drainage facility or stormwater conveyance; and any storm sewer catch basin.
 9. Location of all trees and vegetation on site, with identification of that which is intended to be retained. Installation of protective fencing must be provided so as to exclude all fill and equipment from the drip line or critical root zone, whichever is greater, of all vegetation to be retained.
 10. Location of buildings and structures on site.
 11. Proposed grading or other land-disturbing activity including areas of grubbing, clearing, tree removal, grading, excavation, fill and other disturbance; areas of soil or earth material storage; quantities of soil or earth material to be removed, placed, stored or otherwise moved on site; and delineated limits of disturbance.
 12. Locations of proposed runoff control, erosion prevention, sediment control and temporary and permanent soil stabilization measures, including, but not limited to: inlet protection, perimeter control, temporary and permanent soil stabilization, concrete wash areas, slope breaks, energy dissipation, rock construction entrance, silt curtains.
 13. Silt fence shall conform to Sections 3886.1 and 3886.2, Standard Specifications for Construction, Minnesota Department of Transportation (2000 ed.), as it may be amended.
 14. Detail showing the location of all areas where compaction is to be prevented and/or mitigated. These areas shall be protected from construction vehicle traffic where practical and feasible. These areas include but are not limited to: filtration and infiltration stormwater facilities and areas that are proposed to be permanently landscaped as greenspace.
 15. Location of all onsite, existing and proposed stormwater management facilities, including, but not limited to: infiltration basins, bio-filtration basins, stormwater ponds, porous pavers, underground storage and swales.
 16. Location of any wetland buffers on site (existing or to be established).
 17. Provide site inspection plan, to include the following:

- a. Maintain inspection and maintenance records, on site, with the erosion control plan and made available at the City's request within 24 hours.
 - b. City performs inspections twice a week and within 24 hours after a 2.5 inch rainfall event.
 - c. Date and time of inspection.
 - d. Name of person conducting inspections.
 - e. Findings of inspection, including recommendations for corrective actions, corrective actions taken including dates, times, party completing maintenance activities.
 - f. Date and amount of rainfall events greater than 0.5 inches within 24 hours.
18. Identify an adequately trained erosion control supervisor, SWPPP amendment procedures, record retention, and rainfall monitoring policies.
19. Identify BMP's to minimize erosion.
20. All exposed soils shall be stabilized within seven days of inactivity.
21. Slopes along surface waters require soil stabilization within 72 hours.
22. Slopes greater than 3:1 or greater require a category 3 erosion control blanket.
23. Identify BMP's to minimize sedimentary and other pollutant discharges.
24. All down gradient slopes shall have adequate sediment and pollutant controls that will not allow sediment or other pollutants to overtop or to undermine the BMPs.
25. Outline a process and BMP's for dewatering activities and submit to City Engineer for review.
26. All dewatering activities require an individual site plan to be submitted to the City Engineer and to include, at a minimum, sampling protocol for selected pollutants, identification and protection plan for downstream receiving waters, adequate treatment process to reduce pollutants and to protect downstream receiving waters.
27. Plans shall provide that stockpiles of soil or other materials subject to erosion by wind or water shall be covered, vegetated, enclosed, fenced on the downgradient side or otherwise effectively protected from erosion in accordance with the amount of time the material will be on site and the manner of its proposed use.
28. Provide BMP maintenance timelines and practices per NPDES guidelines:
- a. Guidelines for maintenance of sediment control BMPs (24 hours)
 - b. Implementation of erosion control BMPs (no greater than 7 days)
 - c. Stabilize ditches and outfalls with adequate BMPs (24 hours)
29. Define the management practices of solid and hazardous wastes per NPDES

guidelines:

- a. No vehicle washing on site will be allowed.
 - b. Hazardous materials must be kept in secured location.
 - c. Concrete washout and slurry must not come in contact with pervious surfaces.
30. Provide design calculations for the use of temporary sediment basins for sites greater than five acres.
 31. Plan must implement construction phasing, maintain vegetative buffer strips, horizontal slope grading, and minimize the need for disturbance.
 32. Additional site plan design may be required to meet TMDL requirements.
 33. Review of erosion and sediment control plan cannot begin until all of these aforementioned criteria have been met.
 34. Provide soils engineering and geology report, the City Engineer may request of the following information:
 - a. Data and information obtained from the requested site investigation.
 - b. Description of the types, composition, permeability, stability, erodibility and distribution of existing soils on site.
 - c. Description of site geology.
 - d. Conclusions and revisions, if any, to the proposed land-disturbing activity at the site or erosion control plan, including revisions of plans and specifications.
 35. Plans shall provide that all fabric fences used for erosion and sedimentation control and all other temporary controls shall not be removed until the City has determined that the site has been permanently re-stabilized and shall be removed within 30 days thereafter.

Construction Activity Requirements: During the construction process the Owner and Contractor must maintain site wide compliance as defined within their SWPPP and with NPDES and local watershed standards and includes the following:

1. All erosion and sedimentation controls proposed for compliance with this rule shall be in place before any land-disturbing activity commences.

Construction Site Inspection and Enforcement: As part of erosion and sediment control guidelines, the following is an outline of the City's site inspection and enforcement policy:

1. Permitted projects, active or inactive, will be inspected by City Staff or a Consultant of the City twice a month or after a three inch rainfall event to ensure project compliance.
 - a. Projects identified to be unpermitted for land disturbing activities will receive a stop work order posted and the owner and contractor will typically have specified

amount of time to submit a permit application. If the application is not submitted with the specified timeframe, the stop work order will remain in effect, until the application has been submitted and the permit fee will doubled.

2. Inspections will include review of the project Stormwater Pollution Prevention Plan (SWPPP), a complete site inspection, including review of downstream receiving waters, written and photo documentation sent to the owner and contractor of the project.
 - a. Project inspection schedule may be revised based on project compliance history. Project with a good compliance history, inspections may be reduced to a monthly basis and after a three inch rainfall event. Project with a poor compliance history will be inspected weekly and after a three inch rainfall event.
3. Projects found to be noncompliant with permit regulations will receive written and photo documentation of the violation and a timeline when required repair actions must occur, for the specified Best Management Practice (BMP).
 - a. Further contact with owner and or contractor about noncompliant issues will also be provided and to assist them to bring the site back into compliance.
 - b. Observation of compliance being not achieved within the specified timeline, the City may withhold further inspections and the issuance of additional permits for the project.
4. Issuance of stop work order for noncompliant projects.
5. Notification of additional permitting agencies about larger noncompliant issues or environmental impacts.
6. Leverage of deposit funds held by the City from the owner or contractor to perform required maintenance activities, whether City provided services or by a contractor, and to reimburse City or Consultant staff time to manage site compliance.

Material testing and quantity verification requirements: Permittee's and contractors are required to work closely with City to ensure that the installation, application, location, and quantity of the selected erosion and sediment control BMP are in conformance with the approved plans and specifications for the project. The City reserves the right to refuse any work that is not in conformance with the approved plans and specifications for the project or is deemed to be inadequate due to existing conditions.

Project Closeout: The following outlines the City's project certification and permit closeout procedures to ensure that the project has been completed in conformance with the plans and specification developed for project that are one acre or greater. The permittee shall implement the following to obtain final project closeout.

1. Permittee shall provide the City Engineer with an as-built grading plan as defined in the City's erosion and sediment control plan requirements and design Guidelines (section 02050 Standard Specifications).

2. The City will withhold all securities until the approved certified as-built grading plan has been approved by the City Engineer.

Final Stabilization Plan: Plan to establish permanent perennial vegetative cover to prevent erosion of the soil and include the following:

1. Provide final soil stabilization and or landscaping plan.
2. Define specific vegetation species and locations within the project.
3. Define performance standard and schedule for desired vegetative cover.
4. Plans shall provide for permanent stabilization of all areas subject to land disturbance, retention of native topsoil on site wherever practical and feasible, and specify at least six inches of topsoil or organic matter be spread and incorporated into the underlying soil during final site treatment wherever topsoil has been removed.
5. Define soil amendments and usage of fertilizers.
6. Outline long term vegetation maintenance practices.

Stormwater Management Design Requirements

Stormwater Management Plan: A plan must be submitted to the City which describes how runoff and associated water quality impacts resulting from the development will be controlled or managed. This plan must indicate whether stormwater will be managed on-site or off-site and, if on-site, the general location and type of practices. This final plan must be signed by a licensed professional engineer (PE), who will verify that the design of all stormwater management practices meet the submittal requirements of the Comprehensive Water Resources Management Plan (CWRMP).

Stormwater Management Plan Required for all new developments and redevelopment project which resulting in site disturbance that is one acre or greater or any project that proposes 10,000 square feet of new impervious surface. Construction of a single family home is exempt from this requirement.

The stormwater management plan shall detail how runoff and associated water quality impacts resulting from the project will be controlled or managed. This plan must indicate whether stormwater will be managed on-site or off-site and, if on-site, the general location and type of practices. This plan should also conform to the requirements of the jurisdictional watershed district.

A stormwater management plan submitted to the City of St. Louis Park must meet the following requirements:

1. **Phosphorus Control**
Construction projects subject to this rule shall result in no net increase in phosphorus loading from existing conditions.
2. **Total Suspended Solids**
Construction projects subject to this rule shall result in no net increase in Total suspended solids loading from existing conditions.
3. **Rate Control**
For all projects subjected to this rule, the site design shall provide on-site facilities for post-construction conditions to ensure that discharge rates from the 6.0 inch 24 hour rainfall event is no greater than the existing discharge rates from a 4.2- inch 24 hour rainfall event.
4. **Volume Control**
For all projects subjected to this rule, 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*.

Stormwater Management Limitations: Applicant shall fully attempt to comply with the appropriate performance goals described above. Options considered and presented shall examine the merits of relocating project elements to address, varying soil conditions and other constraints across the site. If full compliance is not possible due to any of the factors listed below, the applicant must document the reason.

Volume reduction techniques considered shall include infiltration, reuse & rainwater harvesting, and canopy interception & evapotranspiration and/or additional techniques included in the Minnesota Stormwater Manual. Higher priority shall be given to BMPs that include volume reduction. Secondary preference is to employ filtration techniques, followed by rate control BMPs. Factors to be considered for each alternative will include following restricted and prohibited site conditions:

1. Restricted Infiltration Areas:
 - a. Hydraulic Soil Group D (clay) Soil
 - b. Within 1,000 feet up-gradient, or 100 feet down-gradient of active karst features.
 - c. Drinking Water Source Management Areas or within 200 feet of drinking water well per MN R.4720.5100, subp. 13.
 - d. Poor soils (infiltration rates that are too low or too high, above 8.3 inches per hour, or problematic urban soils)
 - e. Zoning, setbacks, prohibited areas, or other land use requirements

2. Prohibited Infiltration Areas:
 - a. Where industrial facilities are not authorized to infiltrate industrial stormwater under an NPDES/SDS Industrial Stormwater Permit issued by the MPCA.
 - b. Where vehicle fueling and maintenance occur.
 - c. With less than three feet of separation distance from the bottom of the infiltration system to the elevation of the seasonally saturated soils or the top of bedrock.
 - d. Where high levels of contaminants in soil or groundwater will be mobilized by the infiltrating stormwater.
 - e. Zoning, setbacks, prohibited areas, or other land use requirements

Mitigation Provisions: In the case that infiltration practices cannot be implemented on site, steps must be taken to mitigate stormwater runoff volume, rate, and pollutant reduction. This may include off site or regional treatment for additional volume retention, additional pollutant or reduction. The City Engineer and all permitting agencies must approve all mitigation projects and document who is responsible for the long term maintenance of the facility. Mitigation project areas, if approved, are selected in the following order of preference:

1. Locations that yield benefits to the same receiving water that receives runoff from the original construction activity.

2. Locations within the same watershed area as the original construction activity.

3. Locations in the next adjacent upstream watershed.

4. An alternate location within the City of St. Louis Park.
5. Mitigation projects must involve the creation of new structural stormwater BMPs or the retrofit of existing structural stormwater BMPs, or the use of a properly designed regional structural stormwater BMP.
6. Routine maintenance of structural stormwater BMPs already required by this permit cannot be used to meet mitigation requirements of this part.
7. Mitigation projects shall be completed within 24 months after the start of the original construction activity.
8. The City's Engineering Department shall determine, and document, who will be responsible for long-term maintenance on all mitigation projects of this part.
9. If a regional project has been identified, the City of St. Louis Park may consider a cash payment from the owner and/or operator of a construction activity for mitigation purposes in lieu of the owner or operator of that construction activity meeting the conditions for post-construction stormwater management. Upon receipt of a cash payment in lieu of onsite treatment, a project must be implemented with the designated funds. Mitigation projects must be completed within two years upon the start of construction of the project.

Maintenance: 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 City of St. Louis Park'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.

Stormwater Management Design Requirements

The following information shall be provided to describe the conditions which will exist on the site following completion of final construction of structures and improvements

General Requirements

Proposed drainage plan and hydraulic calculations are dated and signed by a licensed professional.

1. Size of the project shown:
 - a. Existing impervious and pervious surface areas of the site.
 - b. Ultimate (when site fully developed) impervious and pervious surface of the site
2. Plan is drawn in 2-foot contours. Existing contours are dashed and proposed are solid. All contours are labeled and legible. Where applicable, extend existing 2-foot contour lines a minimum 100 feet beyond the site boundary or more to accurately depict the drainage patterns.
3. Existing vegetation: Describe and identify the location of existing vegetation.
4. Areas not to be disturbed clearly defined.
5. On-site soil characteristics and groundwater elevations.
6. Existing drainage: Show pre-developed drainage areas, land use and the direction of flow for each area and travel path used to determine the Time of Concentration.
7. Final drainage: Show post-developed drainage areas, land use and the direction of flow for each area and travel path used to determine the Time of Concentration.
8. Identify off-site catchment areas draining to the site. Provide 2-foot contours. Show land use and the direction of flow for each area and travel path used to determine the Time of Concentration.
9. Existing public and private utilities shown.
10. All receiving waters, including wetlands, identified.
11. Property limits shown. Streets labeled. Lot and block information shown if platted. Street address shown if unplatted.

12. A long-term inspection and maintenance plan for all permanent stormwater treatment practices is required to be submitted with the SWPPP following the City's examples.
 - a. Existing and proposed drainage easements shown and labeled on the plan.
 - b. All existing and proposed lot corner elevations shown to the nearest tenth of a foot
 - c. Control/spot elevations for drainage ways provided.
13. Building pads, type of house to be built, garage floor elevation, lowest floor elevation and lowest opening elevation are shown.
14. Driveway slope, from garage to the gutter is shown.
15. Lowest opening elevation: Min. 2 feet above 100-year HWL and min. 1 foot above emergency overflow elevation.
16. Pipe size, length, grade and material shown
17. Top of castings and all inverts of catch basins and manholes shown.
 - a. Label storm drain structures.
18. Overflow design to be considered for events greater than storm sewer system design event.

Infiltration/Filtration

1. Refer to the Minnesota Stormwater Manual for specific infiltration/filtration practices.
2. Infiltration systems shall meet volume control standards as set by the City.
3. Filtration systems shall achieve approximately 80% removal of total suspended solids.
4. Infiltration or filtration systems should not be excavated to final grade until the contributing drainage area has been constructed and fully stabilized.
5. During construction of infiltration or filtration systems, rigorous erosion prevention and sediment controls (e.g. diversion berms) should be used to keep sediment and runoff completely away from the infiltration or filtration area.
 - a. The area must be staked off and marked so that heavy construction equipment will not compact the soil in the proposed infiltration or filtration area.

6. Area to be infiltrated or filtered shall be delineated on plans.
7. Calculations or computer model results that demonstrate the design adequacy of the infiltration or filtration system must be included as part of the SWPPP.
8. The water quality volume shall discharge through the soil surface or filter media in 48 hours or less. Additional flows that cannot be infiltrated or filtered in 48 hours should be routed to bypass the system through a stabilized discharge point.
9. A way to visually verify that the system is as designed must be provided.
10. Appropriate on-site testing is required and must be consistent with the recommendations in the Minnesota Stormwater Manual. Testing shall be conducted to verify soil types, infiltration capacity characteristics, and to ensure a minimum of 3 feet of separation from the seasonally saturated soils (or from bedrock) and the bottom of the proposed infiltration system.
11. Adequate maintenance access must be provided (typically 12 ft. wide).
12. Provide scaled drawing of infiltration or filtration BMP, with typical detail and typical cross section. Outline area which runoff is directed to the BMP. As part of the drawing set submittal, provide in table form the following information:

Alternative Volume Reduction and Treatment Practices: Green Infrastructure techniques and practices (including, but not limited to, infiltration, evapotranspiration, reuse/harvesting, conservation design, urban forestry, green roofs), shall be given preference as design options consistent with zoning, subdivision and PUD requirements. Alternative practices must follow requirements and recommendations in the Minnesota Stormwater Manual.

City of St. Louis Park
Surface Water Management Plan
Erosion and Sediment Control &
Stormwater Management Ordinance

ARTICLE V. STORMWATER, SOIL EROSION, AND SEDIMENTATION**Sec. 12-151 Purpose.**

The purpose of this ordinance is to provide for the health, safety and general welfare of the residents of St. Louis Park by reducing and controlling stormwater, soil erosion and sedimentation within the City. It establishes standards and specifications for conservation practices and planning activities which enhance water quality, minimize stormwater pollution, soil erosion, and sediment in waterways, and control the volume of water runoff to receiving streams and other water resources.

Sec. 12-152. Definitions

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in the section, except where the context clearly indicates a different meaning:

Authorized Enforcement Agency means employees or designees of the City or other governing authorities designated to enforce this ordinance.

Best Management Practices (BMPs) means schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

City refers to the City of St Louis Park, any employees, agents, contractors or designee.

Clean Water Act refers to the Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

CWRMP means the Comprehensive Water Resources Management Plan on record in the City offices.

Discharge means any substance entering the stormwater system by any means.

Discharge, Illicit means any direct or indirect non-stormwater discharge to the stormwater system, except as exempted in Section 12-157 of this ordinance.

Discharge, Non-Stormwater means any discharge to the stormwater system that is not composed entirely of stormwater.

Erosion means any process that wears away the surface of the land by the action of water, wind, ice or gravity. Erosion can be accelerated by the activities of people and nature.

Erosion Control refers to methods employed to prevent erosion. Examples include soil stabilization practices, horizontal slope grading, temporary or permanent cover, and construction phasing.

Erosion Control Plan means a plan detailing erosion control during construction activity as defined in the Comprehensive Water Resources Management Plan (CWRMP), Appendix M.

Hazardous Materials means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration; or, physical, chemical, or infectious characteristics, may cause or significantly contribute to a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Illicit Connections means either

- 1) Any drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the stormwater system, including but not limited to any conveyances which allow any non-stormwater discharge including wastewater, process wastewater, and wash water to enter the stormwater system and any connections to the stormwater system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or;
- 2) Any drain or conveyance connected from a commercial or industrial land use to the stormwater system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Industrial Activity means activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

Land Disturbing Activity means any activity which changes the volume or peak flow discharge rate of rainfall runoff from the land surface, including the grading, digging, cutting, scraping, or excavating of soil, placement of fill materials, paving, construction, substantial removal of vegetation or any activity which bears soil or rock, or involves the diversion or piping of any natural or man-made watercourse.

NPDES means National Pollutant Discharge Elimination System as established pursuant to 33 USC § 1342(b) to regulate discharges of pollutants to waters of the United States.

NPDES Permit means a National Pollutant Discharge Elimination System Stormwater discharge permit issued by the Minnesota Pollution Control Agency (pursuant to 33 USC § 1342(b)) that regulates discharges of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Non-Point Source Pollution means pollution from any source other than any discernable, confined and discreet conveyances, and shall include but not be limited to pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

Permanent Stabilization Plan means a written plan to establish permanent vegetation to prevent erosion of soil. This plan may be in the form of a letter. Permanent vegetation includes sod, native grasses, trees or other acceptable forms of landscaping.

Person means any individual, association, organization, partnership, firm, corporation or other private or public entity recognized by law and acting as either the owner or as the owner's agent.

Pollutant means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Premises means any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Sediment means solid matter carried by water, wastewater or other liquids.

Stormwater means any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation.

Stormwater Facility means anything within the stormwater system that collects, conveys or stores stormwater, including, but not limited to any inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

Stormwater Management means the use of structural or non-structural practices that are designed to reduce stormwater runoff pollutant loads, discharge volumes, peak flow discharge rates and detrimental changes that affect water quality and habitat.

Stormwater Management Plan means a plan which describes how runoff and associated water quality impacts resulting from the development will be controlled or managed. This plan must indicate whether stormwater will be managed on-site or off-site and, if on-site, the general location and type of practices. This final plan must be signed by a licensed professional engineer (PE), who will verify that the design of all stormwater management practices meet the submittal requirements of the Comprehensive Water Resources Management Plan (CWRMP).

Stormwater Pollution Prevention Plan (SWPPP) means a document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater systems, and/or receiving waters to the maximum extent practicable.

Stormwater System means facilities by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

Structure means anything manufactured, constructed, or erected, which is normally attached to, or positioned on land, including portable structures, earthen structures, roads, parking lots and paved storage areas.

Watercourse means a stream or body of water, or a natural or artificial channel for the passage of stormwater.

Wastewater means any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

Waters of the U.S. means any water in the United States per definition as specified 33 CFR 328.a.

Wetlands as defined in Minnesota Rules 7050.0130, subpart F, means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Sec. 12-153. Responsibility for Administration.

The City shall administer, implement, and enforce the provisions of this ordinance.

Sec. 12-154. Applicability.

This ordinance shall apply to all water entering the stormwater system generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency or in this ordinance.

Sec. 12-155. Severability.

The provisions of this ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Ordinance.

Sec. 12-156. Construction Site Stormwater Runoff and Erosion Control.

(a) Purpose. The purpose of this section is to regulate land disturbing activities, to preserve and enhance the natural environment by reducing sedimentation in streams, lakes, stormwater systems and other waterways, protect the quality of surface water resources, preserve and protect wildlife habitat, restore sites to reduce the negative environmental effects of land disturbing activities, provide effective practices for erosion and sedimentation control, and to comply with local, state and federal regulations.

(b) Scope. Except where an exemption applies, any person proposing a land disturbing activity within the City shall apply to the City for the approval of erosion control plan. No land shall be disturbed until the plan is approved by the City and conforms to the standards set forth herein.

(c) Erosion control plan and permit required.

1. *Review and approval.* No person may grade, fill, excavate, store, dispose of soil and earth materials, or perform any other land disturbing or land filling activity without first submitting an erosion control plan for review and approval by the City and obtaining a permit as required in this section. The erosion control permit is not a replacement for a City Conditional Use Permit as required in section 36-79 of the City Ordinance, nor is it a replacement for a watershed district permit or a state NPDES permit.

2. *General exemptions.* Land disturbing activities, which meet all the following criteria, are exempt from the requirements of this section:
 - a. The disturbed or filled area is 5,000 square feet or less in area, and;
 - b. The volume of soil or earth material stored or moved is 50 cubic yards or less, and;
 - c. No drainage way is blocked or has its stormwater-carrying capacities or characteristics modified; and
 - d. The activity does not take place within 100 feet by horizontal measurement from the top of the bank of a watercourse, the ordinary high water mark of a water body, or the ordinary high water mark of a wetland associated with a watercourse or water body. The activity does not take place within an established 100-year floodplain.

3. *Categorical exemptions.* Notwithstanding the requirements of the City Code, the following activities are exempt from the permit requirements:
 - a. Emergency activities necessary to prevent or alleviate immediate dangers to life or property.
 - b. General farming, gardening and nursery activities.
 - c. One and two family residential construction activity limited to:
 - 1) additions to the existing structure,
 - 2) landscaping and landscaping structures, and
 - 3) construction of a garage.

(d) Submission requirements for erosion control permit.

1. *Application items.* Application for an erosion control permit shall include submittal of:
 - a. Application form and fee.
 - b. Site map and grading plan.
 - c. Interim erosion and sediment control plan as defined in the City's Comprehensive Water Resources Management Plan, Appendix M.
 - d. As defined in the Comprehensive Water Resources Management Plan, Appendix M: Stormwater management plan or permanent stabilization plan as required.
 - e. Work schedule.
 - f. Cost estimate.

2. *Fees.* All applications shall be accompanied by a permit fee. Fees for permits shall be fixed and determined by the City council, adopted by resolution and uniformly enforced. Such permit fees may, from time to time, be amended by City council resolution. A copy of the resolution setting forth currently effective permit fees shall be kept on file by the City and shall be open to inspection during regular business hours.

(e) Review Procedure.

1. *Process.* City staff will review each complete application for an erosion control permit to determine its conformance with the provisions of this ordinance. Within 60 days of receiving an application, City staff shall either approve, approve with conditions, or deny an erosion control permit application.
2. *Appeal.* An appeal by an applicant of a denial of a permit under this section shall be made under the manner prescribed in section 36-31 of this Code.
3. *Site Review.* When a permit is granted, City staff shall inspect the property for erosion control compliance with city code, permit conditions and site plans prior to the onset of construction activities.

(f) Form of security. Before a permit is issued, the City may require the permittee to post security in a form acceptable to the City equal to 125 percent of the cost estimate stated in the application and agreed by the City to be the cost of the work to be done under the permit. The security may take the form of cash in United States currency or an irrevocable letter of credit issued by a financial institution and in a form acceptable to the City.

1. *Release of security.*
 - a. Any security deposited with the City to guarantee performance of the grading and erosion control work shall be released to the person holding the permit upon determination by the City that the conditions of the permit have been satisfactorily performed if no action has been taken by the City to recover all or a part of the security before that determination has been made.
 - b. Securities held to ensure the successful completion of the final plan and an interim plan shall be released to the permittee either one year after termination of the permit, or when a final plan is submitted for the unimproved site, whichever is later, if no action has been taken by the City to recover all or a part of the security filed by the permittee before that date.

(g) Suspension of permit. In enforcing the permit:

1. The City may suspend the permit and issue a stop work order and the permittee shall cease all work on the work site except for work necessary to remedy the cause of the suspension.
2. The permittee may request a reinstatement of a suspended permit upon correction of the causes for suspension and, if the conditions of the permit have been complied with in full, the City shall reinstate the permit.
3. If the permittee fails or refuses to cease work as required under subsection 6.H. [*Actions against security*] of this section, the City shall revoke the permit.
4. The City shall not reinstate a revoked permit but shall proceed to act against the security as provided in subsection 6.H. [*Actions against security*] of this section.

(h) Action against security. The City may act against the appropriate security if any of the following conditions exist:

1. The permittee stops performing the land disturbing activities or filling, and abandons the work site prior to completion of the grading plan.
2. The permittee fails to conform to the interim plan or final plan as approved, and has had its permit revoked as provided in subsection (g) *Suspension of Permit* of this section.
3. The techniques utilized under the interim or final plan fail within one year of installation or before the final plan is implemented for the site or portion of the site, whichever comes later.
4. The City determines that action by the City is necessary to prevent excessive erosion from occurring on the site, or to prevent sediment from occurring on adjacent or nearby properties.

The City shall use funds recovered from the security to reimburse the City for all direct and indirect costs incurred in doing the remedial work undertaken by the City or private contractor under contract with the City.

Sec. 12-157. Illicit Discharge and Connection

(a) Objectives. The objectives are to regulate the introduction of pollutants to the stormwater system by any user; to prohibit illicit connections and discharges to the stormwater system; and to establish authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this ordinance.

(b) Discharge Prohibitions.

1. *Prohibition of Illicit Discharges.* No person shall discharge or cause to be discharged into the stormwater system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater.
 - a. The commencement, execution or continuance of discharge of pollutants to the stormwater system is prohibited except as follows: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater de-watering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wet-land flows, fire fighting activities, and any other water source not containing pollutants.
 - b. Discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety are allowed.
 - c. Dye testing is an allowable discharge, but requires a verbal notification to the authorized enforcement agency prior to the time of the test.

d. The prohibition shall not apply to any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, Minnesota Pollution Control Agency, or other agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the stormwater system.

2. *Prohibition of Illicit Connections.* The construction, use, maintenance or continued existence of such connections to the stormwater system is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

A person is considered to be in violation of this ordinance if the person connects a line conveying wastewater to the stormwater system, or allows such a connection to continue.

(c) Suspension of Stormwater System Access.

1. *Suspension due to Illicit Discharges in Emergency Situations.* The City may, without prior notice, suspend stormwater system discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent or substantial danger to the environment, or to the health or welfare of persons, or to the stormwater system or waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the stormwater system or waters of the United States, or to minimize danger to persons.
2. *Suspension due to the Detection of Illicit Discharge.* Any person discharging to the stormwater system in violation of this ordinance may have their stormwater system access terminated if such termination would abate or reduce an illicit discharge. The City will notify a violator of the proposed termination of its stormwater system access. The violator may petition the City for a reconsideration and hearing. A person commits an offense if the person reinstates stormwater system access to premises terminated pursuant to this Section, without the prior approval of the City.

(d) Monitoring of Discharges.

1. *Access to Facilities.*
- a. The City shall be allowed to enter and inspect facilities and properties subject to regulation under this ordinance as often as may be necessary to determine compliance with this ordinance and for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.

- b. The City shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the facility's stormwater discharge.
- c. The City has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense.
- d. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the owner or operator at the written or oral request of the City and shall not be replaced. The costs of clearing such access shall be borne by the owner of operator.
- e. Unreasonable delays in allowing the City access to a permitted facility is a violation of a stormwater discharge permit and of this ordinance. A person who is the operator of a facility with a NPDES permit to discharge stormwater associated with industrial activity commits an offense if the person denies the City reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this ordinance.

(e) Requirement To Prevent, Control, And Reduce Stormwater Pollutants By The Use Of Best Management Practices.

- 1. *Owner Responsibility.* The owner or operator of any property shall provide, at owner/operator's expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal stormwater system or watercourses through the use of structural and non-structural Best Management Practices (BMPs). Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the stormwater system. These BMPs are listed in the Stormwater Pollution Prevention Plan (SWPPP) and the Minnesota Pollution Control Agency's current BMPs, and are necessary for compliance with requirements of the NPDES permit and Appendix J of the City's Comprehensive Water Resources Management Plan.

(f) Water Course Protection.

- 1. *Owner Responsibility.* Every owner of a property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within their property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly impact the flow of water through the watercourse. All owners or lessees shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

(g) Notification of Spills.

1. Notwithstanding other requirements of law, as soon as any person responsible for a facility, vehicle or operation, or responsible for emergency response for a facility or operation has knowledge of any known or suspected release of materials of any amount, which are resulting or may result in illicit discharges or pollutants discharging into the stormwater system or water of the United States, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify the City and other emergency response agencies of the occurrence via emergency dispatch services.

In the event of a release of non-hazardous materials, said person shall notify the City in person or by phone no later than the next business day.

If the discharge of prohibited materials emanates from a commercial or industrial establishment or vehicle, the owner or operator of such establishment or vehicle shall also retain a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

Sec. 12-158. Post construction stormwater runoff.

(a) Objectives. The objectives of this Section are to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing in watersheds within this jurisdiction. This section seeks to meet that purpose through the following objectives:

1. Reduce stormwater runoff rates and volumes, soil erosion and non-point source pollution, wherever possible, through stormwater management controls and to ensure that these management controls are properly maintained and pose no threat to public safety;
2. Control stormwater runoff in any development to reduce flooding, silt deposits, stream bank erosion and maintain the integrity of stream channels;
3. Control non-point source pollution caused by stormwater runoff from development; and
4. Control the total annual volume of surface water runoff, which flows from any specific site following development.

(b) Applicability. The rules of applicability are as set forth in Sec. 12-156. [*Construction Site Stormwater Runoff and Erosion Control*] of this ordinance, with some exceptions. A stormwater management plan is not required for construction or redevelopment of a single or double family home. A stormwater management plan is not required for residential construction on less than two (2) acres with a density of two (2) units or less per acre. However, a permanent stabilization plan is required for projects that meet these exceptions.

(c) Stormwater Management Plan.

1. *Stormwater Management Plan Required for All New Developments and Redevelopments.* No application for development or redevelopment will be approved unless it includes a stormwater management plan detailing in concept

how runoff and associated water quality impacts resulting from the development will be controlled or managed. This plan must indicate whether stormwater will be managed on-site or off-site and, if on-site, the general location and type of practices.

The stormwater management plan(s) shall be referred for comment to interested agencies, and any comments must be addressed in a final stormwater management plan. This final plan must be signed by a licensed professional engineer (PE), who will verify that the design of all stormwater management practices meet the submittal requirements of the Comprehensive Water Resources Management Plan.

2. *Maintenance of Existing Stormwater Facilities.* Any stormwater facility in existence prior to adoption of this ordinance shall be maintained by the owner of the stormwater facility and in a manner to conform to design standards for that facility. Any redevelopment of the stormwater facility shall require that the facility meet current stormwater design standards as set forth in this ordinance.

The thresholds for maintenance are triggered once sediment deposition reaches a point greater than is allowed under the design standard criteria, or such deposition begins to have a substantial effect on the water quality or holding capacity of the pond.

3. *Inspection of Stormwater Facilities.* Inspection programs may be established on a reasonable basis, including but not limited to an inspection at least once every five years or more often if deemed necessary to ensure proper functioning of the stormwater management facility. Inspections are the responsibility of the owner of the stormwater facility and must be completed by a licensed professional engineer (PE) hired for that purpose. Inspection results must be completed and submitted to the City of St Louis Park every five years beginning five years from the completion of development or from the date of this ordinance for a pre-existing stormwater facility.

Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other stormwater treatment practices.

All new and existing stormwater management facilities must undergo, at a minimum, an inspection every five years to document maintenance and repair needs and ensure compliance with the requirements of this ordinance and accomplishment of its purposes. This maintenance may include: removal of silt, litter and other debris from all catch basins, inlets and drainage pipes; grass cutting and vegetation removal; and necessary replacement of landscape vegetation. Any maintenance needs found must be addressed in a timely manner, as determined by the City of St. Louis Park. The inspection and maintenance requirement may be increased as deemed necessary to ensure proper functioning of the stormwater management facility.

(d) Maintenance Covenants. Maintenance of all stormwater management facilities shall be ensured through the creation of a formal maintenance covenant that must be approved by the City of St. Louis Park and recorded at the Hennepin County Records Office prior to final plan approval. As part of the covenant, a schedule shall be developed for when and how often maintenance will occur to ensure proper function of the stormwater management facility. The covenant shall also include plans for periodic inspections to ensure proper performance of the facility between scheduled cleanouts.

The owner/operator shall show in the maintenance covenant how it will utilize Best Management Practices (BMPs) to prevent discharge of pollutants into the stormwater system. These BMPs are listed in the City's Stormwater Pollution Prevention Plan (SWPPP) and the current Minnesota

Pollution Control Agency BMP standards, and are necessary for compliance with requirements of the NPDES permit and Appendix J of the City's Comprehensive Water Resources Management Plan. The threshold for maintenance is triggered once sediment deposition reaches a point greater than is allowed under the design standard criteria, or such deposition begins to have a substantial effect on the water quality or holding capacity of the pond.

(e) Right-of-Entry for Inspection. When any new drainage control facility is installed on private property, or when any new connection is made between private property and a public stormwater system, the property owner shall grant to the City of St. Louis Park the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when the City has a reasonable basis to believe that a violation of this ordinance is occurring or has occurred, and to enter when necessary for abatement of a public nuisance or correction of a violation of this ordinance.

(f) Records of Installation and Maintenance Activities. Parties responsible for the operation and maintenance of a stormwater management facility shall make records of the installation and of all maintenance and repairs, and shall retain the records for at least ten years. These records shall be made available to the City during inspection of the facility and at other reasonable times upon request.

Reference Appendix "T" of the Comprehensive Surface Water Management Plan, entitled *Stormwater Management Guidelines for New Development or Redevelopment within the City of St. Louis Park*.

Sec. 12-159. Wetland Protection.

All land disturbing activities, which impact or may impact a wetland, must be in conformance with the City's Wetland Management Plan, which is Appendix "B" of the City's Comprehensive Surface Water Management Plan, as adopted by Council Resolution.

Sec. 12-160. Enforcement.

(a) Violation. Any action, failure to act or land use practice that would impair water quality if allowed to continue, shall constitute a public nuisance and be treated as a misdemeanor under this Code.

(b) Notice of Violation. Whenever the City finds that a person has violated any section of this Code or failed to meet a requirement of this Ordinance, the City shall order compliance by written Notice of Violation to the responsible person. Such notice may require:

1. Monitoring, analyses and reporting;
2. Elimination of illicit discharges or connections;
3. Abatement of pollution and hazards;
4. Restoration of affected property;
5. Remediation of issue;
6. Payment of a fine to cover administrative and remediation costs;
7. Implementation of source control or treatment BMPs; and
8. Other actions as deemed necessary by the City.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. The notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by the City or other local governmental unit or a contractor and the expense thereof shall be charged to the violator.

(c) Failure to maintain practices. If a responsible party fails or refuses to meet the requirements of the maintenance covenant, the City of St. Louis Park, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in proper working condition. In the event that the stormwater management facility becomes a danger to public safety or public health, the City of St. Louis Park shall notify the party responsible for maintenance of the stormwater management facility in writing. Upon receipt of that notice, the responsible person shall have 30 days to effect maintenance and repair of the facility in an approved manner. After proper notice, the City of St. Louis Park may assess the owner(s) of the facility for the cost of repair work and any penalties; and the cost of the work shall be a lien on the property, or prorated against the beneficial users of the property, and may be placed on the tax bill and collected as ordinary taxes by the county.

Sec. 12-161. Appeal of Notice of Violation.

Any person receiving a Notice of Violation may appeal the determination of the City. The notice of appeal must be received within 5 days from the date of the Notice of Violation. Hearing on the appeal before the appropriate authority or designee shall take place within 30 days from the date of receipt of the notice of appeal. The decision of the City or the local government unit or designee shall be final.

Sec. 12-162. Enforcement Measures After Appeal.

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within 5 days of the decision of the City or local government unit upholding the decision of the authorized enforcement agency, then representatives of the authorized enforcement agency shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

Sec. 12-163. Cost of Abatement of the Violation.

Within 30 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner must file any objection to the amount of the assessment in writing with the City within 30 days. If the amount due is not paid within a timely manner as determined by the decision of the City or by the expiration of the time in which to file an appeal, the costs shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. Any person violating any of the provisions of this article shall become liable to the City by reason of such violation.

Sec. 12-164. Injunctive Relief.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Ordinance. If a person has violated or continues to violate the provisions of this Ordinance, the authorized enforcement agency may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

Sec. 12-165. Compensatory Action.

In lieu of enforcement proceedings, penalties, and remedies authorized by this Ordinance, the authorized enforcement agency may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, and similar programs.

Sec. 12-166. Violations Deemed A Public Nuisance.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

Sec. 12-167. Criminal Prosecution.

Any person that has violated or continues to violate this ordinance shall be liable to criminal prosecution to the fullest extent of the law.

The authorized enforcement agency may recover all attorney's fees court costs and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.

Sec. 12-168. Remedies Not Exclusive.

The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

(Ordinance No. 2264-04, 3-30-04)

