



PERMIT GUIDANCE AND INFORMATION HANDBOOK

OCTOBER 2006

THE INFORMATION IN THIS HANDBOOK SHOULD BE USED IN CONJUNCTION WITH THE WATERSHED DISTRICT RULES AND NOT USED AS A STAND ALONE ITEM. THIS HANDBOOK WILL BE PERIODICALLY UPDATED.

RULE B: PERMIT PROCESS GUIDANCE

WHEN IS A PERMIT REQUIRED?

A permit is required from the District when one or more of the following conditions are met:

Rule C – Stormwater Management

Any land disturbing activity or the development of land one acre or greater, unless specifically exempted by Rule C.

Rule D – Flood Control

Any alteration or fill of land below the 100-year flood elevation or land disturbing activity or the development of land adjacent to any water body, public water, or public water wetland.

Rule E – Wetland Management

Any land disturbing activity or the development of land adjacent to a wetland or any alteration or filling of a wetland, unless specifically exempted by Rule E.

Rule F – Erosion and Sediment Control

Any land disturbing activity or the development of land one acre or greater, within the 100-year floodplain and greater than 1,000 square feet or is adjacent to a public water or protected wetland and greater than 1,000 square feet.

Rule G – Illicit Discharge and Connection

All waters entering the storm drain system generated on any developed or undeveloped lands unless specifically exempted by Rule G. Any direct connections or replacement of existing connections to the Trout Brook Storm Sewer or other components of the District MS4 will also require a permit.

WHERE CAN I GET AN APPLICATION FORM?

The application form can be found on the District website www.capitolregionwd.org or at the District office that is located at 1410 Energy Park Drive, Suite 4, St. Paul, MN. An application can also be found in the appendix of this document.

WHAT DO I NEED TO SUBMIT WITH THE APPLICATION?

The following should be submitted with the permit application form:

- Permit Processing Fee
- Location Map
- Required Exhibits as noted in each Rule that applies to the project

Please note that all plans shall be submitted as one full size set, one 11” x 17” and also in electronic pdf format.

WHAT IS THE PERMIT PROCESSING FEE?

The District Board of Managers sets the permit inspection fees by resolution. The following is the permit processing fee schedule:

Permit Inspection Fees:

Erosion Control Permit Only	
Rule F Only	\$500
Stormwater Management, Wetland Management, and Flood Control Permits*	

	Rule C, or Rule D, or Rule E	\$1500
Illicit Discharge and Connection		
	Rule G	\$500

*An additional \$500 fee will be charged to applicant if the project involves a Wetland Replacement or Banking Plan.

The permit process fee shall be a check made payable to the Capitol Region Watershed District (CRWD).

WHAT IS THE SURETY AMOUNT?

The District Board of Managers sets the surety amounts by resolution. The following is the current surety schedule:

Sureties:

Description of Activity		Cash Surety Amount
1.	Grading associated with Development (Rule F)	\$2,000/acre
2.	Stormwater Management Facilities (Rule C)	\$5,000/acre

Sureties need to be paid before the permit is issued. Sureties payments are not needed to make an application. Upon satisfactory completion of the project under the terms of the issued permit all unused surety will be returned to the permittee.

WHAT IS THE APPLICATION TIMELINE?

A complete permit application package must be filed with the District **at least 21 calendar days** prior to the scheduled meeting date of the Board of Managers to be considered for inclusion on that meeting agenda. Late or incomplete submittals will be scheduled to a subsequent meeting date. To allow time to resolve questions and make necessary revisions, the District recommends that applications be submitted earlier depending on the complexity of the project.

The Board of Managers holds its regular monthly meeting on the first and third Wednesdays of each month, at 6:00 pm, to discuss and act on permit applications. The meetings are usually held at the District office located at 1410 Energy Park Drive, Suite 4, St. Paul, MN. The meeting date, time, and location may occasionally change due to conflicts or holidays; therefore it is important to verify with District staff the date, time and location of a specific meeting.

A permit application will not be processed for consideration by the Board of Managers until the information required in the Rules has been provided and the application has been determined by District staff to be complete. If an application is deemed substantially incomplete, the applicant will be notified via a letter and a full review will not begin until the required exhibits are received. Once the application is complete, District staff and engineer will review the package for compliance with District Rules. Comments will be provided to the applicant after that review.

WHAT ARE THE ACTIONS THAT CAN BE TAKEN BY THE BOARD OF MANAGERS ON MY PERMIT APPLICATION?

District staff will make a recommendation to the Board. The Board may: deny, approve, conditional approval pending receipt of changes, or table the permit application. If an application is approved by the Board of Managers

pending receipt of changes, applicants will have 90 days to submit the required non-administrative item(s) and six months to submit the required administrative items. After this time, the application reverts to a denial and a new application will need to be submitted.

WHAT IS THE WETLAND CONSERVATION ACT PROCESS AND TIMELINE?

For applications involving wetland impacts, there are noticing requirements of the Wetland Conservation Act (WCA). Wetland related application materials must be submitted 39 calendar days prior to the scheduled meeting date of the Board of Managers.

RULE C: STORMWATER MANAGEMENT GUIDANCE

WHAT AM I REQUIRED TO DO FOR STORMWATER MANAGEMENT?

Applicants are required to do three things for stormwater management on their site:

1. Rate Control – Runoff rates shall not exceed existing runoff rates for the 2-year, 10-year, and 100-year critical storm events.
2. Volume Reduction – Stormwater runoff volume reduction shall be achieved onsite in the amount of one inch of runoff from the impervious surfaces.
3. Water Quality – Developments must incorporate effective non-point source pollution reduction BMPs to achieve 90% total suspended solids removal from the runoff generated by a NURP water quality storm (2.5” rainfall).

District staff has developed a Stormwater Management Worksheet to assist an applicant in meeting the standards of Rule C. See the attached worksheet and Rule C for further guidance.

WHAT IF I AM NOT ABLE TO INFILTRATE ON MY SITE?

Rule C includes a table that lists possible site conditions that may make it impossible or undesirable to infiltrate stormwater. If those conditions exist on your site and you submit documentation, you may follow the alternative compliance sequencing steps in order to determine the best way to meet the volume reduction standard.

In addition to the list of possible alternative compliance site conditions listed in Rule C, applicants shall follow the Minnesota Department of Health’s guidance called “Evaluating Proposed Stormwater Infiltration Projects in Vulnerable Wellhead Protection Areas” when designing a project. That flow chart can be found in the appendix of this document.

WHAT IS ALTERNATIVE COMPLIANCE SEQUENCING?

The alternative compliance sequencing process includes three steps that must be followed in order to meet the volume reduction standard. The sequencing steps to be followed are:

1. First, the applicant shall comply or partially comply with the volume reduction standard to the fullest extent practicable on-site through alternative volume reduction methods. See the questions below for more information.
2. Second, the applicant shall meet the volume reduction standard at an offsite location or through the use of qualified banking credit.

3. Third, as a last alternative, the applicant shall pay into the District's Stormwater Impact Fund to cover the cost of implementing volume reduction elsewhere in the watershed.

See the attached Stormwater Management Worksheet and Rule C for more information.

WHAT ARE SOME EXAMPLES OF ALTERNATIVE VOLUME REDUCTION BMPs?

Infiltration of stormwater is often the first choice for applicants to achieve volume reduction on their site. But there are other techniques to reduce volume that do not rely solely on infiltration. They are good alternatives whether or not you are able to infiltrate. Below is a list of possible alternative volume reduction BMPs. This list is not meant to be all-inclusive but only an idea of other alternatives. All of these techniques can be found in the *2005 Minnesota Stormwater Manual*. The District will consider 70% credit for filtration volume for alternative compliance sites.

Bioretention (rain gardens with underdrains)
Vegetated Swales

Rain Barrels/Cisterns
Green Roofs/Roof Gardens

You can also use Low Impact Design (LID) techniques to reduce and/or disconnect impervious surfaces.

WHERE DO I FIND DESIGN GUIDANCE FOR STORMWATER BMPs?

The *2005 Minnesota Stormwater Manual* is a new, state of the art manual for stormwater BMP design, construction, and maintenance guidance. A wealth of information is available for developers and engineers planning and designing a development site. Specifically, Chapter 12 and Appendix D provide detailed information on many different types of stormwater management BMPs including CADD details. Chapter 12 and Appendix D are attached to this document. A copy of the entire Minnesota Stormwater Manual can be found on the Minnesota Pollution Control Agency's website at <http://www.pca.state.mn.us/water/stormwater/stormwater-manual.html> or from the District office. A link to the Manual can also be found from the District website.

HOW DO I DETERMINE IF THE PRETREATMENT I AM PROVIDING IS ADEQUATE?

Infiltration BMPs require varying degrees of pretreatment of stormwater runoff in order to remove solids to maintain the long-term viability of the infiltration areas. Because the degree needed for pretreatment depends largely on the BMP used and the area draining to the BMP, one standard cannot be written to cover all situations and BMPs. District staff will use the MN Stormwater Manual for guidance in determining if pretreatment is adequate on a case by case basis. Guidance on pretreatment can be found in Chapter 12 of the MN Stormwater Manual

HOW DO I DETERMINE IF BANKING CREDITS ARE AVAILABLE FOR MY SITE?

Excess volume reduction achieved onsite may be placed into a bank to be used on subsequent projects that are unable to meet the volume reduction standard onsite. The District will administer the bank including keeping a list of all qualified banking credits available. The credits will be listed by drainage area and sub-watershed. When possible, banking credits should come from the same drainage area as the project site or downstream in the same sub-watershed as the project site.

The applicant will be responsible for contacting the seller of volume reduction credits and arranging the sale. The District will require a form to be filled out by both the buyer and seller to certify the sale. The whole process is similar to the use of wetland credits for wetland replacement.

WHAT IS REQUIRED FOR LONG TERM MAINTENANCE?

All stormwater management BMPs need to be maintained to assure that the structures and facilities function as originally designed. Rule C requires that a maintenance agreement be executed between the District and the responsible party and also be recorded with the property. The executed agreement in a recordable format needs to be submitted to the District before issuance of a permit. The District will record the agreement with the county. Stormwater BMPs on public developments will be covered with a single Memorandum of Agreement that covers all facilities within the political subdivision's jurisdiction.

RULE D: FLOOD CONTROL GUIDANCE

WHAT IS REQUIRED IF I WANT TO FILL OR BUILD IN A FLOODPLAIN?

No placement of fill within the 100-year floodplain is allowed unless compensatory storage is provided. Compensatory storage must be provided on the development or immediately adjacent to the development within the affected floodplain. Compensatory storage shall result in the creation of floodplain storage to fully offset the loss of storage.

WHAT IS THE DEFINITION OF FLOODPLAIN?

Floodplain is the area adjoining a watercourse or natural or man-made water body, including the area around lakes, marshes and lowlands that is inundated during a 100-year flood.

ARE THERE FREEBOARD REQUIREMENTS THAT NEED TO BE MET?

Yes. Please reference Table 3 in Rule D for more information on the freeboard requirements that must be met.

ARE THERE ANY OTHER REQUIREMENTS?

Rule D also requires that emergency overflow swales or areas be constructed to convey the peak 100-year discharge away from buildings and from each water body to the next downstream water body. Typically, the swales should be a minimum of ten feet wide and one foot deep and be lined completely with a permanent soil stabilization material.

RULE E: WETLAND MANAGEMENT GUIDANCE

HOW DO I KNOW IF I HAVE A WETLAND ON MY PROPERTY?

Wetlands may exist on your site even if you do not see standing water. Staff has identified the location of most of the wetlands in the District by completing a wetland inventory. Although the wetlands in the District were identified and classified they were not delineated. While most of the wetlands have been located, there still may be other areas that are considered wetlands even if not on our map. The District map should only be considered a starting point for determining if wetlands exist on your site.

WHAT IF I WANT TO IMPACT A WETLAND ON MY SITE?

The Districts Wetland Management Rule adopts by reference the Wetland Conservation Act (WCA), with the following exceptions:

- (1) The de minimis size will be zero.
- (2) Flexibility Sequencing will not be allowed.
- (3) Public Value Credits can not be used for replacement.
- (4) All other WCA non-temporary impact exemptions to wetlands will not be allowed.
- (5) A 25-foot buffer of permanent non-impacted vegetative cover abutting and surrounding the wetland is required.

The Wetland Management rule and WCA require project applicants to complete a sequencing analysis before proposing to drain, fill, or excavate wetlands by completing the following steps:

1. Attempt to **avoid** direct and indirect impacts to wetland;
2. **Minimize** impacts to wetlands by limiting the degree or magnitude of wetland activity;
3. **Rectifying** temporary impacts by repairing, rehabilitating, or restoring the affect wetland;
4. **Reducing** or eliminating impacts to wetlands over time by preserving the wetlands through proper maintenance, management, and operation of the project to avoid further draining or filling of wetlands, and
5. **Replace** unavoidable wetland impacts by replacing with wetland areas of equal or greater public value.

The District is the Wetland Conservation Act Local Government Unit for every city in the District except for St. Paul. A separate application form and process is required for projects proposing to impact a wetland. District staff should be contacted early to start that process.

Wetland buffers are required for all developments adjacent to a wetland whether or not the wetland is located on the same parcel as the proposed development. The minimum and average buffer widths required vary based on the wetland classification. See Rule E for more information.

AM I ABLE TO GRADE OR OTHERWISE DISTURB THE LAND IN THE BUFFER AREAS?

The required buffers are not to be disturbed. Generally, they may not be graded and no stormwater management BMPs may be placed in them. In areas where the buffer is unacceptable and has high restoration potential, grading may be allowed as long as the required buffer width is achieved post construction with the restoration of a native buffer. The buffer restoration standards can be found in more detail in Rule E.

RULE F: EROSION AND SEDIMENT CONTROL GUIDANCE

WHAT IS REQUIRED FOR EROSION AND SEDIMENT CONTROL?

The District requires an applicant to submit an erosion and sediment control plan and comply with the following criteria:

1. Erosion and sediment control plans shall comply with the standards of the Minnesota Pollution Control Agency's NPDES General Construction Permit except where more specific requirements are required.
2. Natural site topography and soil conditions shall be used to control runoff and reduce erosion and sedimentation.
3. Construction activity shall be phased when possible to minimize disturbed areas subject to erosion at one time.
4. All construction waste shall be properly managed and disposed of so they will not have an adverse impact on water quality.
5. All controls shall be installed before commencing the land disturbing activity and shall not be removed without District approval or until the District has issued a certificate of completion.
6. The permittee shall be responsible for proper operation and maintenance of all controls until the site has undergone final stabilization and has received an approved certificate of completion.

ARE THERE MANUALS AVAILABLE FOR CHOOSING EROSION AND SEDIMENT CONTROL BMPs OR DESIGN OF PLANS?

The Minnesota Pollution Control Agency (MPCA) manual titled, "Protecting Water Quality in Urban Areas" is a good tool for choosing best management practices and design guidance. The manual can be found on the MPCA website at <http://www.pca.state.mn.us/water/pubs/sw-bmpmanual.html> or at the District office.

RULE G: ILLICIT DISCHARGE AND CONNECTION

WHAT DO I NEED TO DO TO CONNECT TO THE TROUT BROOK INTERCEPTOR OR OTHER PARTS OF THE DISTRICT MS4 SYSTEM?

New direct connections and replacement of existing connections require a permit to be obtained from the District. The connections must be done using a method that is approved by the District. Peak flow rate and the total volume of flow for new connections must be managed to not cause new water conveyance problems or exacerbate existing water conveyance problems in the Trout Brook Interceptor. Enlargement of existing connections is considered a new connection.

LIST OF OTHER PERMIT RELATED DOCUMENTS:

PERMIT APPLICATION

PROCESS TIMELINE AND APPLICATION DEADLINES

STORMWATER MANAGEMENT WORKSHEET

SAMPLE MAINTENANCE AGREEMENT

MN STORMWATER MANUAL CHAPTER 12 AND APPENDIX D

MDH GUIDANCE ON INFILTRATION

VOLUME REDUCTION FAQ SHEET