

| #  | Commenter | Comment  | CRWD Response   | Rule change                |
|----|-----------|--|---|----------------------------|
| 1  | BWSR      | Our review of the timeline and the overview of the rule development process leads us to conclude that both the letter and the intent of Minnesota statutes 103D.341 is being followed. It is usually difficult to get all stakeholders who are potentially affected by rules to engage prior to the brink of adoption. We encourage you to continue addressing comments of the municipalities as they are raised, regardless of the potential slowdown in your proposed timeline.  | A Technical Advisory Committee was convened to address concerns from the municipalities | None                       |
| 2  | BWSR      | The definition rule includes separate definitions for drainageway and watercourse. In addition the definitions explain the differences between floodway and flood fringe. None of these terms appear to be in use in the subsequent rules. We recommend minimizing extraneous definitions and providing additional detail on the minimum size tributary area for whatever definitions you do end up retaining.   | The four unused words will be removed from the definition section.                      | See Rule A: Def            |
| 3  | BWSR      | Definition for land disturbance relies on the term "underlying soil". Some care should be taken to differentiate whether an engineered fill such as road sub-grade falls with your intentions for the use of the term "soil".  | The definition of land disturbance has been revised.                                    | See Rule A: Def            |
| 4  | BWSR      | Your procedural requirements state in B.4 that the managers will act within 60 days of receipt of a completed permit application. This requirement could be strengthened by mirroring language found in MS15.99.   | Rule B has been revised to include a mention of MS15.99.                                | See Rule B.4               |
| 5  | BWSR      | Rule B.9 refers to the permit fees the district intends to charge. It appears the District had made the decision not to charge any hourly fees for the review of permits. B.10 does imply that some hourly charges will be incurred for follow up inspections, though the text is somewhat ambiguous.  | The fees section of Rule B has been revised   | See Rule B.14              |
| 6  | BWSR      | Rule D pertains to flooding yet does not make any linkage between the definitions of drainageway, major drainageway and watercourse described earlier. It's not clear whether the floodplain rules applies only to areas designated on flood insurance rate maps or to any locally computed area of inundation. Such areas might include pond elevations, emergency overflows and other localized drainageways.  | Rule D has been revised.  | See Rule A: Def and Rule D |
| 7  | BWSR      | Rule D.3 would be strengthened by defining what comprises acceptable compensatory flood storage. In particular, we believe a clear definition between dead and live storage is important in order to provide clarity to project proposes.  | Rule D has been revised to address this issue   | See Rule D.3.a.1           |
| 8  | BWSR      | Rule D.4 outlines required exhibits. We recommend that a drainage easement be required by the district. The primary reason is to preserve the floodplain storage, but a second, no less important reason, is to serve as a notice to present and future property owners that the areas within the drainage easements will at some time be inundated by water. Such easements could be nonexclusive drainage easements over all required storm water facilities, conveyance structures, flood plain, drainageways, maintenance paths and emergency overflow routes.   | In most cases the municipality will require an easement.                                | None                       |
| 9  | BWSR      | Rule D.4 requires the submission of soil boring results if they are available. We question what purpose your review of these borings would serve and whether their submission begins to imply that the District is somehow utilizing this information as it assesses whether the proposed flood plain use is feasible.   | Soil borings will not be required   | None                       |
| 10 | BWSR      | The wetland management rule clearly outlines the districts intent to aggressively regulate the few remaining wetlands in the watershed. Though the rule appears well written in this regard, it has potential for requiring yet another layer of wetland permitting on top of federal and local governmental units applying the standard wetland conservation act. We encourage you to overtly discuss this possibility with LGUs prior to enacting rule E.  | CRWD/RWMWD has offered to be the LGU for all of St. Paul.                               | None                       |
| 11 | BWSR      | Aside from the CRWD's ability to actively inspect erosion sediment control plans in the field, there appears to be substantial overlap with the erosion sediment control permits being issued by the Pollution Control Agency. To the extent that the exhibits can mirror those of the Pollution Control Agency permit, we encourage the CRWD to do so on a related note, if the CRWD intends to have similar minimum size threshold as the state permits, it may eliminate some overlap if the CRWD can be designated as the organization charged with primary responsibility for inspections. The downside of this approach may be that the CRWD would not have immediate access to cash sureties, which often prove to be the most powerful motivator for insuring permit compliance. | The rules will adopt by reference the standards of the PCA permit                       | See Rule F.3.c             |
| 12 | BWSR      | Rule G addresses connections to the Trout Brook Interceptor. As currently written, the design criteria appear arbitrary. The criteria state that any such connections will be "completed using a method that is approved by the district." This is a bit of circular logic. We encourage you to replace it with a technical design standard. In our discussions you indicated that CRWD staff is investigating whether the City of St. Paul or Metropolitan Council had such a standard in place.  | The District will better define the method of connection outside of the Rule.           | None                       |

| #  | Commenter   | Comment  | CRWD Response  | Rule change |
|----|---|--|--|-------------|
| 13 | BWSR  | We do not see any text addressing the conditions of protocols for utilizing a performance surety. This could occur in rule H (enforcement) or in rule B (permit procedural requirements).  | No change made   | None        |
| 14 | BWSR  | Rule J addresses variances and the standards, which will be required to be met. As currently written J.2.c would seem to provide little, if any room for obtaining a variance. We suggest CRWD legal counsel take a closer look at the variance language. While we are supportive of the board's desire to limit applications of variances, we are concerned about the board's ability to exercise their judgment in creating flexible rulings that can create win-win situations.   | CRWD legal counsel has reviewed the Rule J.  | None        |
| 15 | BWSR  | The Minnesota Department of Transportation has expressed an interest in monitoring the formation and adoption of watershed district rules. Given the large amount of Interstate present in the CRWD, it would be prudent to forward your draft to them before finalizing the rule. Considerable legislative activity in the 2004 legislative session focused upon the interaction of watershed districts and the Department of Transportation. In particular, Minnesota Rules 8415 was created to address how the Department of Transportation will interact with watershed district rules and permitting decisions.   | MNDOT was included in the Technical Advisory Committee process. Their concerns have been noted.                                  | None        |
| 16 | David Arbeit (CAC)  | The Committee has already prepared a resolution at its last meeting which includes numerous recommendations that address language and issues of clarity regarding the rules. Mr. Arbeit stated he would like to go on record to make it very clear that the members of the CRWD Advisory Committee, who represent all the municipalities that the District covers and four or five of the community councils in St. Paul, agree unanimously that CRWD rules are appropriate and needed. The Committee feels the rules have been well established through meticulously documented technical studies and supports the Board's efforts to adopt the rules to be enforced as written.  | No response needed   | None        |
| 17 | Susan Jane Cheney (Dist 10 Environment Committee)                               | Ms. Cheney conveyed that the Committee is pleased to recognize that the proposed rules, reflecting several years of input from the public about water quality issues and extensive analysis of the rule's potential effectiveness and practicality conform to the spirit of the 1998 petition that was filed by District 10 citizens, by applying standards that rival those of the most effective watershed districts in the state.   | No response needed   | None        |
| 18 | Larry Soderholm City of St. Paul Department of Planning & Economics Development | Mr. Soderholm stated that everyone in the various City departments who he has spoken to about this issue is very supportive of the mission of the watershed district and the goals of the program and rules that the watershed district has set out.   | No response needed   | None        |
| 19 | Larry Soderholm City of St. Paul Department of Planning & Economics Development | However, he stated there is a lot of concern about some of the details in the implementation of those rules.   | A Technical Advisory Committee was convened to address concerns from the municipalities  | None        |
| 20 | Larry Soderholm City of St. Paul Department of Planning & Economics Development | Mr. Soderholm said that the St. Paul City Council, a couple of hours ago, passed a resolution asking for answers to a number of questions as well as more time for the City to work on its input. He noted that a clause at the end of the resolution states "the Council has requested the watershed district to extend the comment period to December 15, 2005 and are asking the City administration to bring comments back to the City Council for their meeting on December 14, 2005." In addition, the City Council has requested the administration to propose a timeline for engaging the Capitol Region Watershed District in the development of final rules that would not unreasonably delay the adoption of rules. | A Technical Advisory Committee was convened to address concerns from the municipalities. Adoption of the Rules has been delayed. | None        |

| #  | Commenter  | Comment  | CRWD Response   | Rule change |
|----|--|--|---|-------------|
| 21 | Larry Soderholm<br>City of St. Paul<br>Department of<br>Planning &<br>Economics<br>Development | Those issues could be addressed one-by-one to make sure that concerns relating to street-paving, utilities, tree planting, enforcement, land use, floodplains, and maintenance are addressed. Then the watershed can understand the city department's points of view and that the city departments can understand the amount of work that has gone into the rulemaking process.  | A Technical Advisory Committee was convened to address concerns from the municipalities   | None        |
| 22 | Larry Soderholm<br>City of St. Paul<br>Department of<br>Planning &<br>Economics<br>Development | There is a fair amount of confusion, probably a large amount of misunderstanding, and significant anxiety. He said that the City departments want to find a way for all parties to clarify the proposals and make sure that the cities understand the proposals and the implications and if there are costs that they get a better handle on those before they go back to the City Council on December 14, 2005. The City should identify what those cost questions might be and include it with the issues that the City departments need to try to resolve over the coming weeks and months. | A Technical Advisory Committee was convened to address concerns from the municipalities   | None        |
| 23 | Larry Soderholm<br>City of St. Paul<br>Department of<br>Planning &<br>Economics<br>Development | It appeared that if the watershed district had regulatory authority over the Island Station redevelopment the watershed would deny permits. He continued to state that if you deny permits, that raises the question of whether the watershed wants to buy the property, because you are denying use as otherwise permitted under law.   | CRWD and all watershed districts have the legal authority to regulate floodplains. As the Rule was drafted floodplain filling could be allowed if compensatory storage is provided.                               | None        |
| 24 | Larry Soderholm<br>City of St. Paul<br>Department of<br>Planning &<br>Economics<br>Development | The City's impression is that if the watershed had regulatory authority as now proposed, you would have been the body to deny it. It is the City's fear that the watershed's experience with land use laws is less deep than the City's.   | Based on past development of the Mississippi River floodplain, CRWD feels that current regulation does not adequately protect floodplain areas of the district.   | None        |
| 25 | Larry Soderholm<br>City of St. Paul<br>Department of<br>Planning &<br>Economics<br>Development | Since it is the goal of land use planning in both the City and the metro area for the central Cities to become denser, we believe it is going to be difficult to meet the standards that the watershed district is setting and that it will make it more expensive to build in the City.   | CRWD believes that the proposed standards are feasible and financially reasonable. The district's Rulemaking Study indicates this. Feasibility and Reasonableness were focused on extensively in the TAC process. | None        |
| 26 | Larry Soderholm<br>City of St. Paul<br>Department of<br>Planning &<br>Economics<br>Development | The City has a market handicap and most large scale redevelopments are subsidized by the City. The rules may increase the amount of subsidy that is required to redevelop, and it will be a deterrent to redevelopment and an incentive for people to move to the suburbs instead of building in the City of St. Paul. He hopes that this issue is something that will be able to be discussed and resolved over the next few weeks.   | CRWD believes that the proposed standards are feasible and financially reasonable. The TAC discussed these concerns.  | None        |
| 27 | Tom Beach<br>City of St. Paul  | He said that most of his job is working with other people, looking at projects and making sure they conform to regulations and getting down to the detail level. From that perspective he would encourage the watershed district to delay the process, just to make sure all the details are discussed and make sure that the watershed understands the implications of the rules.   | A Technical Advisory Committee was convened to address concerns from the municipalities. Adoption of the Rules has been delayed.  | None        |

| #  | Commenter  | Comment  | CRWD Response  | Rule change      |
|----|--|--|--|------------------|
| 28 | Bruce Elder<br>City of St. Paul<br>Public Works<br>Department        | The Public Works Department feels that the watershed district rules would make it very difficult as they stand today to keep the departments projects on line and at their current pace. The costs are likely to increase on the order of 20%. In some areas it would likely involve the taking of properties to create the ponding areas. The Department thinks it reasonable that the watershed district participate in the funding of these projects, insofar as it entails the water management practices. Mr. Elder said that the Department of Public Works has a record of cooperation with the watershed district and we now have a joint project in the in the works currently, west of Como Lake, and on the maintenance of the Trout Brook Sewer, and anticipate working closely with the watershed district in the future. | The TAC recommended a cap on costs for public road projects to limit the financial liability for those projects. The District does not require "ponding". The District would have the option to financially participate in a project should costs to achieve the volume control standard exceed the cap. | See Rule C.3.c.3 |
| 29 | Bruce Elder<br>City of St. Paul<br>Public Works<br>Department        | The Public Works Department feels they need to develop a technical advisory committee, such as engineers, and planners, from the various municipalities that are within the Capitol Region Watershed District, including other road authorities such as MnDOT and the county.  | A Technical Advisory Committee was convened to address concerns from the municipalities  | None             |
| 30 | Bruce Elder<br>City of St. Paul<br>Public Works<br>Department        | Department also thinks that the timeline the watershed district has suggested for review of plans for instance, a 60 day review period, would make it difficult to take advantage of what is already a shortened construction season. The Department would like to find a faster review process so when plans are submitted the watershed is able to turn them around quickly so that the Departments projects stay on schedule.   | The 60-day limit would be the maximum the District could take to make a ruling on a permit. CRWD anticipates being involved very early in permitted public projects so that permits can be obtained by the municipalities in a timely fashion. This was discussed during the TAC process.                | None             |
| 31 | Bruce Elder<br>City of St. Paul<br>Public Works<br>Department        | The Department of Public Works believes that it is appropriate that linear projects be addressed in a different way than those that are private property. The space available to them is limited and the costs are fully born by their customers and the taxpayers.  | The TAC recommended a cap on costs for public road projects to limit the financial liability for those projects.   | See Rule C.3.c.3 |
| 32 | Bruce Elder<br>City of St. Paul<br>Public Works<br>Department        | The Department would also have concerns on the maintenance the devices and the ponds and believe that the Department needs to be clear on how rain gardens and underground storage facilities are going to be maintained over time and how those costs would be born.  | A Technical Advisory Committee was convened to address concerns from the municipalities. The applicant will be responsible for maintenance of BMPs.  | None             |
| 33 | Duane Schwartz<br>City of Roseville<br>Department of<br>Public Works | Said he would like to echo the comments that Mr. Elder brought forward, in terms of establishment of a type of a technical advisory committee.   | A Technical Advisory Committee was convened to address concerns from the municipalities.   | None             |
| 34 | Duane Schwartz<br>City of Roseville<br>Department of<br>Public Works | Some of the concerns that the Roseville Public Works Department has in terms of implementation of the new rules relate to some of their own projects that have limited right-of-way, crowding of utilities, those sorts of things and this just puts another demand on existing right-of-way and also concerned about costs.   | The TAC recommended a cap on costs for public road projects to limit the financial liability for those projects, because of the unique situations of road projects.  | See Rule C.3.c.3 |
| 35 | Duane Schwartz<br>City of Roseville<br>Department of<br>Public Works | Some of those concerns were costs and through the technical advisory committee he would hope that we could better define how some of these things can be done or some of the alternatives that might be developed if we can't achieve compliance on certain projects to the full intent of the rules.  | A Technical Advisory Committee was convened to address concerns from the municipalities. The TAC recommended an Alternative Compliance Process for sites that can't achieve the volume control criteria.   | See Rule C.3.c.2 |
| 36 | Heather<br>Worthington City of<br>Falcon Heights                     | Said she would like to take the opportunity to restate their support for the goals of the Capitol Region Watershed District.   | No response needed   | None             |

| #  | Commenter  | Comment   | CRWD Response  | Rule change      |
|----|--|---|--|------------------|
| 37 | Heather Worthington City of Falcon Heights                   | She stated that the City would ask that the watershed district establish a technical advisory committee and allow all of the affected municipalities to have a seat on that committee in addition to Ramsey County and any other affected right-of-way owners. Ms. Worthington said that the committee should be an ongoing committee that would meet and advise the Capitol Region Watershed Board on technical issues and on the rule making process itself as it evolves over time, which she assumed it would.  | A Technical Advisory Committee was convened to address concerns from the municipalities.   | None             |
| 38 | Randy Neprash Civil Engineer for a Private Consulting Firm   | He would congratulate the watershed district on gaining the full undivided attention of municipalities within your jurisdiction and would urge the watershed district, to work together in a partnership. The one other element that Mr. Neprash conveyed is that he has had repeated examples where delays in time that seem significant at a certain point have proved at a later date to be trivial compared to the positive results of taking a step back and putting more time and energy into foundational work and partnerships instead of trying to move ahead.   | A Technical Advisory Committee was convened to address concerns from the municipalities.   | None             |
| 39 | Les Everett Resident of CRWD & Staff at U of M               | He explained that Lake Pepin is downstream on the Mississippi is declared an impaired water. There is currently a four to five year project to develop a total maximum daily load for that project, which will restrict the amount of sediment and the amount of phosphorus that goes into the Lake Pepin. This is something we also have to keep on the radar screen that is out a ways and something that we can't get ready for in five minutes. It is something that needs to be planned ahead of time. He explained that Lake Pepin is downstream on the Mississippi is declared an impaired water. There is currently a four to five year project to develop a total maximum daily load for that project, which will restrict the amount of sediment and the amount of phosphorus that goes into the Lake Pepin. This is something we also have to keep on the radar screen that is out a ways and something that we can't get ready for in five minutes. It is something that needs to be planned ahead of time. | No response needed   | None             |
| 40 | Steve Woods Minnesota Board of Water & Soil Resources        | Mr. Woods stated that making durable rules is an intricate process and that is normal, especially when you are raising the bar. He would encourage the watershed district to not be too timetable oriented, however, the it sounds like the CRWD Managers are recommending to not have an open-ended timetable, which is very wise. Mr. Woods encouraged the Board on the review and comment capacity to soften the original timetable but keep a timetable in place.   | A Technical Advisory Committee was convened to address concerns from the municipalities.   | None             |
| 41 | Steve Woods Minnesota Board of Water & Soil Resources        | Mr. Woods noted that a lot of regulation is coming out and is evolving out of the Pollution Control Agency. They are an important entity to get to the table for a technical advisory committee because what we have thought of as common practice over the last five years is changing so rapidly.   | A Technical Advisory Committee was convened to address concerns from the municipalities. MPCA staff were attended all TAC meetings.  | None             |
| 42 | Robert Sandquist City of St. Paul Department of Public Works | We have a number of concerns regarding the adoption of these rules. We request an extension of the comment period in order to be able to work together with the District to facilitate the adoption of these rules.   | The comment period was extended until Dec. 15, 2005. An additional comment period will be given after the Boards authorize the revised draft rule for distribution.  | None             |
| 43 | Robert Sandquist City of St. Paul Department of Public Works | We request that in regards to street paving projects, implementation of the rules begin with the 2007 projects. The 2006 projects are currently in the final stages of design. Due to the timing of the District's rule implementation process, it is unreasonable for the District to expect these projects to meet rules.   | Adoption and implementation of the Rules will occur in the Fall of 2006  | None             |
| 44 | Robert Sandquist City of St. Paul Department of Public Works | The rules would have very significant impacts on street paving projects. Finding room for these water quality measures and paying for them are major issues.  | The TAC discussed the volume control rule and roads at length. The TAC recommended a cap on costs for public road projects to limit the financial liability for those projects, because of the unique situations of road projects. | See Rule C.3.c.3 |
| 45 | Robert Sandquist City of St. Paul Department of Public Works | If these rules are adopted in the proposed format, the City of St. Paul is faced with significant additional costs and the likelihood that we can not comply. Impact to the cost of RSVP projects, which are only 25% assess, could force the City to greatly reduce the number of miles of streets that would be paved in the upcoming years. We feel that the actual impact to projects costs is up to a 25% versus increase. the impact of this cost does not include the burden of future maintenance.  | CRWD believes that the proposed standards are feasible and financially reasonable. The TAC discussed these concerns and a cap on costs for public road projects is being proposed.   | See Rule C.3.c.3 |

| #  | Commenter   | Comment  | CRWD Response   | Rule change      |
|----|---|--|---|------------------|
| 46 | Robert Sandquist<br>City of St. Paul<br>Department of<br>Public Works | These rules place upon the City an additional unfunded mandate at a time when municipalities are facing reductions in local government aid as well as shrinking state and county funding for road projects. The City requests that funding be available from the CRWD to assist municipalities in incorporating these practices into their road reconstruction projects. If communities are directed to spend millions of dollars in the coming years, the District should demonstrate the benefit to local waters and the estimated reduction in suspended solids, phosphorus and other pollutants. | CRWD believes that the proposed standards are feasible and financially reasonable. The TAC discussed these concerns. CRWD would only contribute to compliance with the volume control rule on road projects if the cap was exceeded.  | See Rule C.3.c.3 |
| 47 | Robert Sandquist<br>City of St. Paul<br>Department of<br>Public Works | In 2006, infiltration trenches will be constructed in the boulevards along Arlington and Nebraska as a part of the Arlington Pascal RSVP project. It should be noted that none of these trenches have yet been constructed and in some cases the depth to permeable soils may make them impractical. Your presentation at the information meeting indicated that the rain gardens and infiltration trenches on this project exceeded the rule requirements. We do not see how this is possible. Our review shows that the rule requirements are not met for this project area.                       | Based on changes to the trenches after the project was bid, the storage volume was reduced and the rain gardens and trenches did not meet the volume reduction standard. This was discussed at length with the TAC.   | None             |
| 48 | Robert Sandquist<br>City of St. Paul<br>Department of<br>Public Works | We also have concerns about the future maintenance of these devices. It appears that at some point the infiltration trenches would need to be dug up and replaced. Other concerns include the planting of boulevard trees, sealing of utilities and the need to rebuild and seal the sanitary services to prevent infiltration.  | The TAC discussed maintenance and longevity of the infiltration trench BMP  | None             |
| 49 | Robert Sandquist<br>City of St. Paul<br>Department of<br>Public Works | On Arlington/Pascal catch basins with sumps were used as pre-treatment to the infiltration trenches. Will these be considered adequate for use on future road projects?  | In most cases yes.  | None             |
| 50 | Robert Sandquist<br>City of St. Paul<br>Department of<br>Public Works | We request that linear projects be addressed separately from development projects in the rules.  | The same standard will be used. The unique situation of a road project will be addressed through a cost cap.  | See Rule C.3.c.3 |
| 51 | Robert Sandquist<br>City of St. Paul<br>Department of<br>Public Works | Similar to the commercial and residential sites, we would like to see a paving project used as an example by the various consultants in order to see how the proposed rules would be met.  | The TAC looked at and discussed the Arlington-Pascal Project and the Ramsey Cty Rd C project.   | None             |
| 52 | Robert Sandquist<br>City of St. Paul<br>Department of<br>Public Works | Would the City be allowed to create larger infiltration ponds in the City in lieu of addressing individual project infiltration requirements?  | Only if onsite treatment was not feasible.  | See Rule C.3.c.2 |
| 53 | Robert Sandquist<br>City of St. Paul<br>Department of<br>Public Works | The period of time that the CRWD has specified for review and approval of projects needs to be shortened. The District is requiring projects to have municipal approval before applying for the District approval. The timeline then requires submittal 21 days prior to a Board meeting and a 60 day review period. Once a set of plans is complete, we advertise for 3 weeks and start construction on street projects for 6 weeks. This is a significant amount of time in our short construction season.   | The rules do not require a sixty day review period but must act on a complete application in 60 days as stated in MS15.99. For public road projects CRWD anticipates being involved early in the process so that the permit can be issued in a timely fashion. This concept was discussed with the TAC. | None             |
| 54 | Andrea Vento<br>Friends of the Parks<br>& Trails                      | We believe that overall the rules are excellent and should go a long way in protecting the quality of water with the Storm-Water Management rules; Flooding protection, Wetland Management and Erosion Control regulations.  | No response needed  | None             |

| #  | Commenter  | Comment   | CRWD Response  | Rule change      |
|----|--|---|--|------------------|
| 55 | Andrea Vento<br>Friends of the Parks<br>& Trails       | This appears to refer to the University of Minnesota research farmlands. We see no reason to exempt the University from these rules, but believe the University should be the leader in applying the rules to demonstrate the best way to managing surface water.   | Simple tillage of the soil would constitute land disturbance and require a erosion control permit. CRWD does not intend to require a permit for such an activity and will exempt those activities. | None             |
| 56 | Andrea Vento<br>Friends of the Parks<br>& Trails       | Floodplain filling should not be allowed for any development.   | An absolute prohibition of any floodplain filling would be unrealistic   | None             |
| 57 | Andrea Vento<br>Friends of the Parks<br>& Trails       | We want to ensure garages are 2 feet above the 100-year flood.  | Specific rule sections have been drafted to deal with freeboard requirements for parking structures  | See Rule D.3.b.3 |
| 58 | Andrea Vento<br>Friends of the Parks<br>& Trails       | These are not the best erosion control measures. Natural vegetation, erosion control matting, etc. should be encouraged.  | The district intends to require the best erosion control methods at all times. However, they will not be explicitly listed in the Rules.   | None             |
| 59 | David MacMillan<br>Assistant Ramsey<br>County Attorney | In Rule B, Section 9, prescribes permit fees of \$500 for erosion control permits under Rule F; \$1,500 for erosion control permits in Rule C, D, or E; and \$500.00 for Trout brook Interceptor fees. These fees exceed the \$10.00 fee that is the statutory maximum you can charge for a fee. See Minn. Stat. §103D.345, subd. 1. These fees appear to be general fees that are not necessarily related to the <u>actual costs</u> for field inspections the district will incur for reviewing and monitoring a project. Since there appears to be no statutory basis for these fees, it is doubtful they could survive a legal challenge. It is highly recommended that the fee section be modified to conform to statutory requirements. | The fee section will be changed to conform to statutory requirements. Permit processing fees will be based on the average amount needed to review and enforce permits.                             | See Rule B.13    |
| 60 | David MacMillan<br>Assistant Ramsey<br>County Attorney | These fees are, it appears, intended to defray the CRWD's investigation, analysis and monitoring costs. As such, the CRWD may require these payments, provided they are based on the actual cost to the CRWD. Since it seems that actual costs would vary from project to project, a flat fee can be set only if any excess is refunded to the applicant. Of course, an applicant can also be required to reimburse the CRWD if the flat fee is not sufficient to cover actual costs.   | The fee section will be changed to conform to statutory requirements.  | See Rule B.13    |
| 61 | David MacMillan<br>Assistant Ramsey<br>County Attorney | In order for the CRWD to effectively enact rules, it need only comply with Minn. Stat. §103D. The rulemaking requirements of the Minnesota Administrative Procedures Act, Minn. Stat. Chapter 14, do not apply to watershed districts.  | No response needed   | None             |
| 62 | David MacMillan<br>Assistant Ramsey<br>County Attorney | With the exception of the proposed permit fee, which will be discussed below, the rules as drafted are will within the statutory authority of Minn. Stat. §103D.  | No response needed   | None             |
| 63 | David MacMillan<br>Assistant Ramsey<br>County Attorney | If the CRWD complies with all notice and hearing requirements, including the 45-day requirements mentioned above, it may establish any effective date it wishes. However, the rules will not become effective until post enactment requirements, such as publication, filing with the County Recorder, and notice to municipalities, has occurred. The effective date should be set far enough in the future from the date enacted to enable compliance with those post enactment requirements.   | The Rules will include an enactment date, set far enough in future so that post adoption requirements are met.   | None             |
| 64 | David MacMillan<br>Assistant Ramsey<br>County Attorney | I agree that it is better practice to state in the rules relevant timelines and fees. In fact, it is mandatory that the fee schedule be part of the rules.  | Further evaluation determined the fees could be adopted outside of the Rules via Resolution.   | None             |
| 65 | David MacMillan<br>Assistant Ramsey<br>County Attorney | You are limited to a \$10.00 application fee. Other fees must be based on actual cost, and a flat fee would not work.   | The fee section will be changed to conform to statutory requirements.  | None             |

| #  | Commenter  | Comment   | CRWD Response  | Rule change  |
|----|--|---|--|--------------|
| 66 | David MacMillan<br>Assistant Ramsey<br>County Attorney                         | I am unaware of a statute that prohibits sureties up to \$5,000.00.   | No response needed   | None         |
| 67 | David MacMillan<br>Assistant Ramsey<br>County Attorney                         | The watershed district may not keep uncollected cash sureties. They must either be applied to your actual costs in the permit process, or, if they exceed actual costs, refunded to the permittee. Any funds for which you cannot find the permittee become unclaimed funds under Minn. Stat. Chapter 345. Eventually, if you cannot find the rightful owner, the funds must be forwarded to the state for further disposition.   | All unreturnable sureties will be forwarded to the state for further disposition   | None         |
| 68 | David MacMillan<br>Assistant Ramsey<br>County Attorney                         | You cannot charge "double" application fees for after the fact applications.  | Double application fees for after-the-fact applications will not be in the Rules.  | None         |
| 69 | David MacMillan<br>Assistant Ramsey<br>County Attorney                         | The variance section is adequate.   | No response needed   | None         |
| 70 | David MacMillan<br>Assistant Ramsey<br>County Attorney                         | In Rule B(4) you require the Board to act within 60 days of receipt of a completed application. While Minn. Stat. §103D does not have a "60 day" rule, in Minnesota certain actions by municipal bodies must be made within 60 days of application, or the application is deemed approved. These actions include subdivision approvals (see Minn. Stat. §462.358), plat approvals (Minn. Stat. §505), and a general "catch all" request relating to zoning, septic systems, or the expansion of the Metropolitan Urban Service Area (MUSA) (see Minn. Stat. §15.99). Since arguably your rules and permits are <u>related</u> to "zoning," a 60-day rule might be admissible. It is not clear, however, that your rules and permits are such that they are "related" to zoning in a sense that would require compliance with the 60-day rule. | The Rules will require the district to act within 60 days of receipt of a complete application.                            | See Rule B.4 |
| 71 | Craig Moody<br>University of<br>Minnesota<br>Environment of<br>Health & Safety | It is not clear from the proposed rules whether it is the District's intention to regular the University. Because the rules do not specifically mention the University, we assume that such regulation is not the District's intention. See, Winberg v. University of Minnesota, 499 N.W.2d 799 (Minn. 1993). Thus, for sake of clarity, we suggest that the rules should specifically exclude the University from their scope.   | The Rules will not apply to the University of MN   | None         |
| 72 | Craig Moody<br>University of<br>Minnesota<br>Environment of<br>Health & Safety | However, even if it is the District's intention to apply its rules to the University, we doubt that it has the legal authority to do so. Chapter 103D of the Minnesota Statues does not specifically authorize regulation of the University, and, while section 103D,335 generally authorizes cooperation with subdivisions or agencies of the state, it does not appear to authorize their regulation. See, City of Minneapolis Commission of Civil Rights v. University of Minnesota, 356 N.W.2d 841 (Minn. App. 1984). Moreover, the University is clearly not a "local governmental unit," as that term is defined and used in the Metropolitan Surface Water Management Act. See, Minn Stat. 103B.205, subd. 7 and 473.852.  | The Rules will not apply to the University of MN   | None         |
| 73 | Susan Jane Cheney<br>(Dist 10<br>Environment<br>Committee)                     | The District 10 Como Community Council Environment Committee strongly supports the Capitol Region Watershed District in its effort to adopt strong and enforceable rules that would require all development and construction projects of one acre or larger to receive permits from the CRWD that ensure that they comply with technical standards for stormwater retention and treatment, as proposed in draft rules currently under review.   | No response needed   | None         |
| 74 | Susan Jane Cheney<br>(Dist 10<br>Environment<br>Committee)                     | The Draft Rules currently under review indicate that the CRWD is ready to implement the original petition's recommendation.   | No response needed   | None         |
| 75 | Susan Jane Cheney<br>(Dist 10<br>Environment<br>Committee)                     | Our primary reservation regards rules that grant exceptions to most development less than 1 acre in size for all land uses, as specified in Rule C: Storm-water Management Plans, #5 and in Rule F: Erosion Control Plans, #5. We are particularly concerned that these exception clauses will provide loop-holes for non-compliance in the case of phased projects, and we advocate revision to close the potential loopholes.   | Developments under 1 acre in size will not be regulated under the Rules, unless the development triggers Rule D or Rule E. | None         |

| #  | Commenter  | Comment   | CRWD Response  | Rule change      |
|----|--|---|--|------------------|
| 76 | Susan Jane Cheney<br>(Dist 10<br>Environment<br>Committee)     | Our Committee is represented on the CRWD Citizen's Advisory Committee and we understand that the CAC has recommended some changes in the wording of the Rules to eliminate ambiguity and increase clarity; we defer the to CAC's semantic expertise in this regard.   | See CAC comments below   | None             |
| 77 | Susan Jane Cheney<br>(Dist 10<br>Environment<br>Committee)     | We are aware that the involved municipalities and other governmental bodies that will be affected by the Rules have requested representation on a permanent Technical Advisory Committee. We favor this suggestion only if such a committee remains advisory in nature and is not empowered to obstruct the basic functioning of the CRWD review and permitting process as proposed in the Rules.   | A Technical Advisory Committee was convened to address concerns from the municipalities.   | None             |
| 78 | Susan Jane Cheney<br>(Dist 10<br>Environment<br>Committee)     | We support the Board's decision at the November 16 public hearing to extend the comment period to December 15, but encourage the Board to maintain its resolve to implement formal rules no later than February 2006. The opportunity to review several major projects that are being planned outside of District 10 but within the CRWD should not be missed because of unnecessary delay. While some technical standards may be difficult to achieve in some circumstances, the variance process provides for addressing those cases.   | A Technical Advisory Committee was convened to address concerns from the municipalities. The TAC process provided valuable input to improve the Rules.   | None             |
| 79 | Susan Jane Cheney<br>(Dist 10<br>Environment<br>Committee)     | The Rules must be seen in the larger context of the need to reduce pollutant loads to water bodies listed by state and federal agencies as "impaired waters", including sections of the Mississippi River that are currently listed as impaired for aquatic life due to turbidity and for aquatic recreation due to excess nutrients. The Minnesota Pollution Control Agency and other state and federal agencies are likely to require our cities to implement stricter standards as conditions for NPDES permits in the future. Rigorous CRWD rules will help address those requirements.   | No response needed   | None             |
| 80 | Bill Moore<br>Metropolitan<br>Council                          | The Council's 2030 Water Resources Management Policy Plan includes a goal for nondegradation of area water resources; "the water quality leaving the metropolitan area is as good as the water quality entering the metropolitan area, and in compliance with federal and state regulations." Reducing nonpoint source pollution through proactive water management will go a long way toward reaching this goal. Nonpoint source pollution reduction must come from actions taken in the developing and developed areas of the region. Therefore, Council Staff is highly supportive of the direction that the District is taking with the draft rules.  | No response needed   | None             |
| 81 | Bill Moore<br>Metropolitan<br>Council                          | The draft rules contains design criteria consistent with the criteria being developed by the State through its new Minnesota Stormwater Manual and its NPDES Phase I and II permit programs. Staff believe that draft rules, when implemented, will help maintain and improve the water quality of the water resources in the District.   | No response needed   | None             |
| 82 | Terry Noonan<br>Ramsey County<br>Department of<br>Public Works | County arterial road construction projects differ significantly from general development projects. Road projects are linear and are completed within the road right of way, whose dimensions were determined many years ago as urban areas were platted. Road corridors provide multiple public uses, including bike and walking paths, snow storage, signing, lighting, trees and parking. Utilities and storm sewer structures are often located underground in the boulevard area. The stability of the road depends on the sub grade materials and underlying soils. Increases in traffic volume and safety considerations may require the addition of traffic lanes or turn lanes within the right of way and in some cases increased right of way area. Road rights of way dimensions were simply not created with the then unknown future public use of infiltrating storm water or improving water quality. | Through the TAC process, a cap on costs for the volume reduction standard for road projects was recommended and will be included in Rule C. This provision should address the unique circumstances of road projects. | See Rule C.3.c.3 |
| 83 | Terry Noonan<br>Ramsey County<br>Department of<br>Public Works | General development of the type included in the District's Phase I and Phase II Rulemaking Studies involves designing the intended use and infiltration or water quality requirements to fit the available space. There are multiple design choices that impact what BMPs will work and these design choices have a direct effect on the cost of meeting the requirements. This type of flexibility is not available in many situations within a road corridor. Recommended change in draft rules: Road construction projects differ from general development projects due to their linear nature and the potential conflicts from the many public uses within existing road rights of way. CRWD should provide draft rules for road construction projects.   | Through the TAC process, a cap on costs for the volume reduction standard for road projects was recommended and will be included in Rule C. This provision should address the unique circumstances of road projects. | See Rule C.3.c.3 |
| 84 | Terry Noonan<br>Ramsey County<br>Department of<br>Public Works | The proposed infiltration rule volume of one inch from all impervious surfaces is not practical for road projects from both design and implementation perspectives. Treating all impervious areas is simply not feasible in a linear road corridor.   | Through the TAC process, a cap on costs for the volume reduction standard for road projects was recommended and will be included in Rule C. This provision should address the unique circumstances of road projects. | See Rule C.3.c.3 |

| #  | Commenter  | Comment  | CRWD Response  | Rule change      |
|----|--|--|--|------------------|
| 85 | Terry Noonan<br>Ramsey County<br>Department of<br>Public Works | Road sections with storm sewers and curb and gutter are designed with catch basins placed at intervals based on road elevation changes and the water flow path along the gutter. Once storm water enters a catch basin the options for infiltration BMPs are limited to underground structures or a gravity outlet to a surface infiltration basin. Surface infiltration areas may not be feasible at road stations that match the road elevation and gutter flow path requirements, and available right of way, of the project. Underground infiltration structures may not be feasible within the project termini downstream of storm water collection catch basin location due to conflicts with utilities or other factors. How are the untreated areas handled with respect to the rules? | Flexibility will be allowed to overtreat some areas of the project site and under treat others areas. The volume rule will be applied much like the more common rate control rule/ordinance that have existed for some time.   | None             |
| 86 | Terry Noonan<br>Ramsey County<br>Department of<br>Public Works | The proposed infiltration volume is nearly 3 times greater than the existing Rice Creek Watershed District (RCWD) infiltration criterion and 20% greater than the RCWD proposed street infiltration rule of 0.8 inch. The County has had experience with the existing RCWD rule in several road projects in recent years and, in practice, the infiltration criterion has been difficult to meet.  | Through the TAC process, a cap on costs for the volume reduction standard for road projects was recommended and will be included in Rule C. This provision should address the unique circumstances of road projects.   | See Rule C.3.c.3 |
| 87 | Terry Noonan<br>Ramsey County<br>Department of<br>Public Works | Recommended change in draft rules: Impervious sections of the road project corridor that cannot be connected to an effective infiltration area or infiltration structure due to conflicts with other uses and lack of available space in the right of way should be excluded from the infiltration volume requirement. The infiltration volume requirement should be reduced in this circumstance. The proposed rule should clearly describe the variance procedures and requirements for this situation.  | Through the TAC process, a cap on costs for the volume reduction standard for road projects was recommended and will be included in Rule C. This provision should address the unique circumstances of road projects. There is also an alternative compliance section for the volume reduction portion of Rule C to address site specific situations that make infiltration difficult/impossible. | See Rule C.3.c.3 |
| 88 | Terry Noonan<br>Ramsey County<br>Department of<br>Public Works | The proposed infiltration rule volume of one inch from all impervious surfaces is too large. The proposed infiltration rule is based on the Metro Region precipitation depth to annual precipitation volume relationship to achieve significant estimated pollutant removal efficiency. There is no question that infiltration of smaller storm events will reduce pollutant loading, but the question of what is the appropriate criterion remains. A problem exists in calculating the infiltration volume requirement based on a design precipitation depth (a static calculation method) and then assessing the performance of the proposed BMPs in terms of infiltrated water volume and pollutant removal by means of hydrologic and water quality models.                               | Through the TAC process, the district brought forth its justification for the volume reduction standard. The method of calculating the required and provided volume reduction was intentional simplistic and allows the applicant more flexibility.  | None             |
| 89 | Terry Noonan<br>Ramsey County<br>Department of<br>Public Works | The proposed infiltration rule includes both new and old impervious areas within the project area and does not distinguish between directly connected impervious surfaces. Vegetated boulevard areas provide effective infiltration areas for small rain events. Impervious areas such as sidewalks or paths separated from the road surface by a vegetated boulevard, or other impervious surfaces not directly connected, should be excluded from the infiltration criterion.  | Only disturbed areas of impervious will be subject to the volume reduction portion of Rule C. Rule C will apply to non-connected impervious surfaces as well as directly connected.  | None             |
| 90 | Terry Noonan<br>Ramsey County<br>Department of<br>Public Works | Recommended change in draft rules: Reduce the infiltration volume criterion for road projects to 0.5 inch over the impervious area of the project. This infiltration volume criterion provides a significant reduction in pollutant loading (probably more than 80% TSS removal) based on modeling using annual average precipitation and various infiltration BMPs and is a significant increase over the existing RCWD infiltration criterion, that has proved, in itself, very challenging to meet. The criterion should include only directly connected impervious areas.  | The volume reduction standard in Rule C for all development/projects will be 1". Through the TAC process, a cap on costs for the volume reduction standard for road projects was recommended and will be included in Rule C. This provision should address the unique circumstances of road projects.  | See Rule C.3.c.3 |
| 91 | Terry Noonan<br>Ramsey County<br>Department of<br>Public Works | The cost of implementing road projects will be significantly increased by the proposed infiltration volume criterion.  | Through the TAC process, a cap on costs for the volume reduction standard for road projects was recommended and will be included in Rule C. This provision should address the unique circumstances of road projects.   | See Rule C.3.c.3 |

| #   | Commenter  | Comment   | CRWD Response  | Rule change      |
|-----|--|---|--|------------------|
| 92  | Terry Noonan<br>Ramsey County<br>Department of<br>Public Works | The SONAR prepared by CRWD provides cost estimates for only the three general development projects included in the Phase II Rulemaking Study. Increased costs for these projects to meet the proposed CRWD criteria ranged from 0.13% to 0.68%, which does not reflect the capital cost for road projects. As discussed above, all of the general development projects have increased flexibility in identifying cost-effective BMPs for infiltration due to the amount of space available and their ability to adjust the proposed use of the sites. | Through the TAC process, a cap on costs for the volume reduction standard for road projects was recommended and will be included in Rule C. This provision should address the unique circumstances of road projects. | See Rule C.3.c.3 |
| 93  | Terry Noonan<br>Ramsey County<br>Department of<br>Public Works | Based on cost information from the Arlington-Pascal infiltration trenches project and the County Road C phase 2 project, which includes two infiltration basins, infiltration trenches appear to be on the order of 3-4 times (or more) expensive than infiltration basins or rain gardens, excluding land costs.   | The TAC agreed that compliance with the volume reduction criteria on a road project could range from \$20,000 to \$38,000 per acre of impervious depending on the BMPs used.   | None             |
| 94  | Terry Noonan<br>Ramsey County<br>Department of<br>Public Works | For a road project with 5 acres impervious area (about one mile of 40-foot wide road), the cost to meet the criterion using only infiltration basins is estimated at \$48,000; using only infiltration trenches, about \$190,000.   | The TAC agreed that compliance with the volume reduction criteria on a road project could range from \$20,000 to \$38,000 per acre of impervious depending on the BMPs used.   | None             |
| 95  | Terry Noonan<br>Ramsey County<br>Department of<br>Public Works | Recommended change in draft rules: The probable cost of meeting the proposed CRWD infiltration volume rule for road construction projects is high. Reduce the required infiltration volume criterion to 0.5 inch and exclude project sub areas that are not suitable for implementation of infiltration BMPs due to one of several potential conflicts.   | Through the TAC process, a cap on costs for the volume reduction standard for road projects was recommended and will be included in Rule C. This provision should address the unique circumstances of road projects. | See Rule C.3.c.3 |
| 96  | Terry Noonan<br>Ramsey County<br>Department of<br>Public Works | The impact of the proposed CRWD rules will affect multiple operations throughout the County Public Works organization.  | No response needed   | None             |
| 97  | Terry Noonan<br>Ramsey County<br>Department of<br>Public Works | Increased maintenance activities that may result from implementing the proposed rule include weed and plant management for bioinfiltration basins and regular cleaning of sumps or other pretreatment devices. Maintenance staff will require additional training and potentially more staff will be needed. Maintenance staff costs will increase. Probable additional capital costs to the County include a vacuum assisted pump.   | As with all infrastructure that is built, there will be regular maintenance needed on the BMPs that are installed.   | None             |
| 98  | Terry Noonan<br>Ramsey County<br>Department of<br>Public Works | The combination of increased training, new equipment, and possibly adding staff will require a period of transition until full implementation of the proposed rules can be achieved. Increased project capital costs resulting from implementation of the proposed rules may significantly impact the timing and funding of County road projects.   | Through the TAC process, a cap on costs for the volume reduction standard for road projects was recommended and will be included in Rule C. This provision should address the unique circumstances of road projects. | See Rule C.3.c.3 |
| 99  | Terry Noonan<br>Ramsey County<br>Department of<br>Public Works | CRWD has proposed rules to meet goals contained within their watershed management plan. The District utilizes ad valorem taxation to fund its programs. The District is responsible for all design and construction costs related to the infiltration components of the City of St. Paul's Arlington-Pascal Street project.   | No response needed   | None             |
| 100 | Terry Noonan<br>Ramsey County<br>Department of<br>Public Works | Recommended change in draft rules: The proposed rules represent a new approach to storm water management and should be phased in over a period of 2 years and re-evaluated after 5 years to fully assess impacts and identify necessary revisions. CRWD should provide funding for public road authorities to fulfill the infiltration criterion.   | The rules will be adopted and implemented in the Fall of 2006  | None             |

| #   | Commenter  | Comment  | CRWD Response   | Rule change |
|-----|--|--|---|-------------|
| 101 | Terry Noonan<br>Ramsey County<br>Department of<br>Public Works       | The proposed District infiltration criterion should be applicable to specific areas and not be applied District-wide. Public agencies have made previous capital investments in some areas of the District for storm water conveyance systems, rate control and water quality basins, infiltration basins or other BMPs based on the planned future development for the tributary area. Application of the proposed CRWD infiltration criterion in subwatersheds that have in-place effective rate and water quality controls is duplicative to some degree and wasteful of limited public funds.  | The volume reduction standard in Rule C will apply district wide. The standard could be achieved through a regional facility.   | None        |
| 102 | Terry Noonan<br>Ramsey County<br>Department of<br>Public Works       | The District has completed strategic management plans for Como Lake and Lake McCarrons and is beginning the planning process for Loeb Lake. These plans have identified relationships between subwatershed pollutant loading and lake water quality and have established targets for nutrient reduction. The draft District rules should emphasize meeting these identified target levels for pollutant loading.   | No response needed  | None        |
| 103 | Terry Noonan<br>Ramsey County<br>Department of<br>Public Works       | The District will soon assume responsibility for the Trout Brook Storm Sewer System. Hydraulic modeling of Trout Brook indicates that the pipe surcharges in certain reaches for very large precipitation events. Application of the draft infiltration criterion would reduce storm water volume but the District has not provided information that supports a reduction in Trout Brook surcharging for large events.   | The district can provide information on the reduction in surcharging as the result of volume reduction. It will not be in the adopted Rule.   | None        |
| 104 | Terry Noonan<br>Ramsey County<br>Department of<br>Public Works       | The draft CRWD rules do not provide information on the expected impact on Mississippi River water quality including the existing targets or criterion that must be met.  | The Rules will not included information on the impact on Mississippi River water quality  | None        |
| 105 | Terry Noonan<br>Ramsey County<br>Department of<br>Public Works       | Recommended change in draft rules: The proposed CRWD rules should be applied to areas in which a specific benefit or pollutant target has been identified through lake strategic planning, storm sewer hydraulic modeling or to meet specific criterion for the Mississippi River established by the state or other authority. Areas of the District with existing BMPs providing effective rate and water quality control should be excluded from the rules.  | The volume reduction standard in Rule C will apply district wide. Ultimately, the entire district drains to an impaired water (Mississippi River). Volume reduction is the best way to achieve meaningful load reductions to impaired waters. | None        |
| 106 | Terry Noonan<br>Ramsey County<br>Department of<br>Public Works       | Recommended change in draft rules: CRWD should convene a technical advisory group consisting of all affected local agencies, and MnDOT as a road authority within the District, to evaluate and fully discuss the proposed rules criteria prior to adoption by the District Board of Managers.   | A Technical Advisory Committee was convened to address concerns from the municipalities.  | None        |
| 107 | Jennifer Winkelman<br>Resident & Water<br>Resource Specialist        | To protect our water resources including the structure and function of the remaining floodplain and wetlands, the City of Saint Paul is in great need of additional expertise in identifying adequate standards and tracking compliance. The Watershed District's proposed rules should help fill this void.   | No response needed  | None        |
| 108 | Jennifer Winkelman<br>Resident & Water<br>Resource Specialist        | Lastly, I appreciate the Watershed District's efforts to formulate rules consistent with those of other watershed organizations operating within the City of Saint Paul.   | No response needed  | None        |
| 109 | John Hensel<br>Metro & Service<br>Delivery Unit<br>Watershed Section | Pursuant to Section 303(d) of the federal Clean Water Act, Minnesota is required to prepare a list of waterbodies not meeting established water quality standards. Those waterbodies included on the 303(d) list must then have a total maximum daily load (TMDL) prepared. <b>Como Lake</b> and the <b>Mississippi River</b> are included on the final 303(d) list of impaired waters. The Districts proposed Rules will be a significant tool in addressing the Districts impaired waters, and the MPCA looks forward to partnering with the District and its member cities to address these impairments.  | No response needed  | None        |
| 110 | John Hensel<br>Metro & Service<br>Delivery Unit<br>Watershed Section | We encourage the District to consider requiring more scientifically based peak flow rate controls. Protection of the downstream channel integrity is the goal and flows sustained at or near the 2 year storm levels can be very erosive depending on the channel shape. To begin addressing this, we encourage the District to begin collecting stream flows and developing rating curves for all of your open water channels of small, medium, and larger scales. Continuous stage recording of these systems and periodic measurement of water quality parameters will then allow the District to develop flow and load duration curves on these systems. | All significant drainage "channels" are storm sewers. Reduced peak rates will help prolong the life of these pipes. Monitoring is conducted by the District   | None        |

| #   | Commenter  | Comment   | CRWD Response  | Rule change |
|-----|--|---|--|-------------|
| 111 | John Hensel<br>Metro & Service<br>Delivery Unit<br>Watershed Section | We also recommend that physical channel measurements be collected at each of the stream gage sites. As this data is collected over time, it will possible to develop Regional Curves for various channel sizes in the District. The District will then be able to more accurately assess the condition and threats to your stream channels. This will allow the District to tailor Stormwater requirements which will protect those stream channels.  | See response above   | None        |
| 112 | John Hensel<br>MPCA  | Because fecal coliform bacteria levels can be very high in Stormwater we encourage the District to take into consideration the prevention, removal and/or treatment of bacteria in your Stormwater permitting efforts. This will be important in developing the Mississippi River fecal coliform TMDL .   | There will not be a specific fecal coliform standard in Rule C. However, volume reduction standard will reduce the bacteria loading to the receiving waters of the District. | None        |
| 113 | John Hensel<br>MPCA  | For the subwatersheds contributing Stormwater to Como Lake, the prevention, removal and/or treatment of phosphorus will become an important part of developing the TMDL for this system.  | No response needed   | None        |
| 114 | John Hensel<br>MPCA  | Will the District seek to manage types 1 and 2 wetlands?  | Rule E will apply to all wetlands of the district.   | None        |
| 115 | City of St. Paul Staff   | We expect that, in some cases, issues can be resolved quickly. In other cases, the issues address broad concerns. These items will require extensive discussion with the TAC and participation by multiple City departments and decision-makers. We anticipate that at least six months will be needed for the TAC to make substantive progress in resolving the issues.  | A Technical Advisory Committee was convened to address concerns from the municipalities.   | None        |
| 116 | City of St. Paul Staff   | In all cases, it is our strongly held belief that these issues must be addressed and significant progress toward resolution must be achieved before the proposed rules can be successfully implemented. Please know that it is our intent to work diligently toward those ends. We urge the watershed to delay the implementation of the draft rules until the TAC can achieve a meaningful measure of progress.  | A Technical Advisory Committee was convened to address concerns from the municipalities.   | None        |
| 117 | City of St. Paul Staff   | Since the CRWD Board meeting, The CRWD and Ramsey Washington Metro Watershed District (RWMWD) staff have suggested a joint TAC with participation from both watersheds and many of the cities within their jurisdictions. We support this concept and look forward to productive discussions.   | A Technical Advisory Committee was convened to address concerns from the municipalities.   | None        |
| 118 | City of St. Paul Staff   | In light of the scheduled end of the comment period on the draft rules on December 15, we ask that the watershed respond quickly with a statement that they are willing to: 1) establish a joint TAC with the CRWD and RWMWD; 2) schedule a meeting to work out the details regarding the make-up and meeting schedule of the TAC; and 3) discuss and work toward resolution of the issues listed below, and delay the implementation of the draft rules until the TAC can achieve a meaningful measure of progress.  | A Technical Advisory Committee was convened to address concerns from the municipalities.   | None        |
| 119 | City of St. Paul Staff   | Improving Study Data - There are a number of questions that have become apparent upon review of the study information provided by the CRWD and comments made by CRWD staff. Many of these questions are related to cost information and conclusions about Best Management Practices (BMPs) performance related to the Arlington-Pascal RSVP project. The TAC should review, discuss, and agree on appropriate information presented in support of the new rules.  | A Technical Advisory Committee was convened to address concerns from the municipalities.   | None        |
| 120 | City of St. Paul Staff   | Coordination with Existing City Ordinances, Planning Documents, WCA Authority, Building Permitting and Inspection Programs, Zoning, Plan Review, etc. - There appear to be numerous examples where elements of the draft rules overlap with existing City ordinances, planning documents, Wetland Conservation Act (WCA) authority, building permitting & inspection programs, zoning, plan review and other programs. There should be an effort to coordinate the rules with these existing programs to avoid conflicts and identify opportunities for synergy. To proceed without this coordination would be unfair to the regulated parties and a waste of public resources. The TAC should be an ideal forum for this coordination. | A Technical Advisory Committee was convened to address concerns from the municipalities.   | None        |
| 121 | City of St. Paul Staff   | Coordination with Existing Project Development Process - The City has processes and schedules for the development of public construction projects. These processes include design, bidding, contract preparation and construction. These processes involve many people and multiple City departments. They are designed to maximize the time for construction in a limited construction season. The new CRWD rules will have an affect on these processes. Discussions should occur to minimize the negative affects of the new rules on these processes. The schedule for implementation of the new rules should be coordinated with these processes to minimize the negative affects.   | A Technical Advisory Committee was convened to address concerns from the municipalities.   | None        |

| #   | Commenter              | Comment  | CRWD Response  | Rule change    |
|-----|------------------------|--|--|----------------|
| 122 | City of St. Paul Staff | It is inappropriate for the CRWD to state its intent to assume Local Government Unit (LGU) status for the administration of WCA in a formal, public document when that intent may be in direct conflict with the intent of one or more of the cities within its jurisdiction. There are a limited number of cities within the jurisdiction of the CRWD. The watershed should check with each city, discuss and determine each city's intent regarding WCA administration, and write a statement in the rules that is based on the cities' intentions. The TAC should be an appropriate forum for this discussion.  | A Technical Advisory Committee was convened to address concerns from the municipalities. The Watershed Districts have proposed a process whereby the districts assume LGU status for WCA administration for all of St. Paul, as District Rules are more restrictive. | None           |
| 123 | City of St. Paul Staff | Review & Decision-making Process - When a regulatory body assumes the responsibility of issuing binding permits for development and redevelopment projects, it must also assume the responsibility for timely and prompt review of and response to permit applications. Cities currently operate under strict rules regarding the time allowed for consideration of applications and the results if those rules are not followed. The draft rules should adopt similar rules with schedules and procedures that match other permit review processes administered by cities.  | Rule B has been revised.   | See Rule B.3,4 |
| 124 | City of St. Paul Staff | The relationship between the schedules set forth in Rule B. Sections 3 and 4 is unclear and confusing.   | Rule B has been revised.   | See Rule B.3,4 |
| 125 | City of St. Paul Staff | At the City level, the review and issuance of permits is typically a staff function. The CRWD Board should not be involved in the regular review and approval of permit applications. Board involvement will slow the application process significantly. The rules should be sufficiently clear and detailed that the staff can handle most permit applications. Variances should be rare.   | The Board of Managers will issue/approve all watershed district permits  | None           |
| 126 | City of St. Paul Staff | Clarity, Ambiguity and Conflicts - Review by City staff has identified many places in the draft rules where terms are unclear, provisions are ambiguous, and elements conflict within the document. These issues should be listed, discussed, and resolved by the TAC.   | A Technical Advisory Committee was convened to address concerns from the municipalities.   | None           |
| 127 | City of St. Paul Staff | Issues Related to Surface Water Management for Urban Settings<br>Justification for the 1" Runoff Reduction Design Criteria - The Statement of Need And Reasonableness (SONAR) does not specifically address the justification for the 1" runoff reduction design criteria in the draft rules. This should be corrected. In particular, information should be provided to explain why this design criterion is more stringent than the design criteria of most other current watershed district rules and guidelines. In light of the fact that the CRWD has virtually no streams and very few wetlands, it is essential that the SONAR provide the justification for volume control.   | The SONAR will be revised to include justification for the 1" criteria, which was reviewed and discussed by the TAC at length.   | None           |
| 128 | City of St. Paul Staff | The proposed volume control addresses runoff from relatively small storms. Uncontrolled runoff from such storms has negligible impact on lakes and sizeable rivers. Almost all of the runoff within St. Paul is discharged to lakes or the Mississippi River. The volume control achieved by the proposed measures will have virtually no impact on these receiving waters. In light of this fact, it is essential that the SONAR provide the justification for volume control.  | The SONAR will be revised to include justification for the 1" criteria, which was reviewed and discussed by the TAC at length.   | None           |
| 129 | City of St. Paul Staff | The TAC should assist with the preparation and review of these revisions to the SONAR. The TAC should also participate in a discussion about the appropriateness of the 1" runoff reduction design criteria.   | The SONAR will be revised to include justification for the 1" criteria, which was reviewed and discussed by the TAC at length.   | None           |
| 130 | City of St. Paul Staff | Impact on Development and Redevelopment - Fostering new development and redevelopment with the core metropolitan areas is already a challenge. It can be predicted that the imposition of new watershed rules and additional permitting requirements and cost will have a negative impact on development and redevelopment. While the CRWD's SONAR addresses cost and feasibility, it does not address these predictable negative impacts. There is no indication, in the rules or the SONAR, that the fact that most large redevelopment projects in St. Paul occur only with significant public subsidies was considered during the development of the draft rules. The TAC, with the participation of City staff and private developers, should consider these impacts. | A Technical Advisory Committee was convened to address concerns from the municipalities. As discussed during the TAC process, the Districts feel the cost of compliance with the rules is reasonable.  | None           |

| #   | Commenter              | Comment  | CRWD Response  | Rule change      |
|-----|------------------------|--|--|------------------|
| 131 | City of St. Paul Staff | Rules for Street and Road Projects - Linear projects ( including the construction and reconstruction of roads and streets) present unique challenges in stormwater management. Significant regularity problems arise when stormwater regulations designed for typical development and redevelopment projects are imposed on linear projects. The experience of the MPCA and MnDOT with the NPDES Construction Activities Permit is an excellent example of this. Rules specifically designed for linear projects should be drafted. These rules should be developed by the TAC, with the participation of City staff.  | Through the TAC process, a cap on costs for the volume reduction standard for road projects was recommended and will be included in Rule C. This provision should address the unique circumstances of road projects.                                 | See Rule C.3.c.3 |
| 132 | City of St. Paul Staff | Aesthetics in Dense Urban Development - The City has considerable experience with new development and redevelopment, projects in areas where only a small percentage of the space on the its is available for landscaping. On such projects, it appears that all of the green space will need to be used to meet the infiltration and volume control requirements of the new rules. Based on the SONAR, it does not appear that the implications of this fact were considered in the development of the new rules. Many traditional elements of landscape design, such as large shade trees may become almost impossible to implement on dense urban sites. Over time, this could result in a significant change to the appearance of St. Paul | The Rules do not require the utilization of green space for stormwater management.   | None             |
| 133 | City of St. Paul Staff | Boulevard Trees - The City has a tradition of tree-lined residential streets and has also done significant tree planting on commercial streets. On typical city blocks the proposed infiltration trenches conflict with the City's tree planting program. the Arlington-Pascal demonstration project, although only partially constructed at this point, was possible because there were some curved streets with wide boulevard planting strips and the CRWD augmented the budget to move trees around.   | The Rules do not necessarily conflict with boulevard trees.  | None             |
| 134 | City of St. Paul Staff | Stormwater BMP's and Parks - Stormwater BMP's, such as ponds and infiltration measures, will often be significant features in parks where they are constructed. In passive parks they may increase the park's amenity. In neighborhood rec centers, they may take away field space and become mudholes and safety hazards. The TAC should work to identify and resolve the appropriate concerns and opportunities.   | A Technical Advisory Committee was convened to address concerns from the municipalities. As discussed during the TAC process, the Districts feel the cost of compliance with the rules is reasonable.  | None             |
| 135 | City of St. Paul Staff | Wetland Rules - The draft rules include criteria for wetland management that are among the most rigorous and stringent in Minnesota. The implications of these criteria should be discussed and reviewed thoroughly before the draft rules are implemented. The TAC, with the participation of City staff, should be the forum for this review.  | The district has worked with City staff to determine the most efficient way to implement the Rule E and the Wetland Conservation Act.  | None             |
| 136 | City of St. Paul Staff | Mosquito Control - With a large number of proposed small stormwater detention structures and the public's concern about mosquitoes and West Nile virus, the Metropolitan Mosquito Control District (MMCD) should be invited to participate in the Technical Advisory Committee and assist in reviewing the draft rules. MMCD's involvement will minimize unintended consequences and allay the fears of the general public.  | Rule C requires that stormwater BMPs be design consistent with the guidance provided in the State of MN stormwater manual. The design guidance for volume reduction BMPs does not allow for standing water long enough for mosquito larvae to hatch. | None             |
| 137 | City of St. Paul Staff | Pretreatment to Remove Solids - The draft rules require pretreatment to remove solids before discharging to infiltration areas, but no design standards are provided. This means that the designers and permittees have no benchmark to use in preparing the design or permit application. This is not acceptable and should be discussed and resolved at the TAC.   | The State of MN stormwater manual provides specific BMP guidance.  | None             |
| 138 | City of St. Paul Staff | Trout Brook Interceptor - Proposed Rule G covers connections to the Trout Brook Interceptor. There is no mention of the Trout Brook Interceptor in the SONAR. If there are to be new rules restricting new and existing connections to the interceptor, the need and reasonableness of these rules should be included in the SONAR. These should be based on quantitative data and information. The TAC should assist with the preparation and review of these revisions to the SONAR.   | The SONAR will be revised to include Rule G, Trout Brook Interceptor   | None             |
| 139 | City of St. Paul Staff | The terms used in this section of the proposed rules are unclear. Through discussions at the TAC, ambiguous elements of this section can be more clearly defined.  | Ambiguous sections of the Rules have been revised.   | None             |

| #   | Commenter              | Comment   | CRWD Response  | Rule change      |
|-----|------------------------|---|--|------------------|
| 140 | City of St. Paul Staff | Floodplain Management - The City has specific responsibilities, as a participating member of the National Flood Insurance Program, to ensure that development in the flood plain complies with FEMA flood plain requirements. The proposed rules on flood plain management will have significant impacts on the ability of the City to regulate land uses along the river and comply with Federal and State flood protection requirements. These provisions should be carefully coordinated with the City's responsibilities and interests before the draft rules are implemented.  | The district does not believe adoption of Rule D will impact the City's ability to regulate land uses along the river or comply with Federal and State flood protection requirements.                                | None             |
| 141 | City of St. Paul Staff | Issues Related to Costs, Unfunded Mandates, and Maintenance Feasibility and Cost of Infiltration and Volume Control for Road Projects - The projects cited in the SONAR for the new rules did not include any linear projects. This is a serious flaw in the study that must be addressed. as indicated above, linear projects present unique and significant challenges in stormwater management. Specific issues related to new rules are implemented.  | Through the TAC process, a cap on costs for the volume reduction standard for road projects was recommended and will be included in Rule C. This provision should address the unique circumstances of road projects. | See Rule C.3.c.3 |
| 142 | City of St. Paul Staff | City staff must participate in the study, so that aspects of federal and state funding and assessment procedures can be factored into the consideration of the implications of new rules.   | The Rules will not address how an applicant funds the project  | None             |
| 143 | City of St. Paul Staff | Feasibility and Cost of Infiltration and Volume Control for Other Public Projects - The projects cited in the SONAR for the new rules did not include any public projects. This is a flaw that should be addressed. Public projects, such as parks and public buildings, present unique design and funding challenges. Specific issues related to public construction projects should be addressed before the new rules are implemented. the TAC should address these issues.   | The Rules will not address how an applicant funds the project. The District believes the cost to comply with the rules is reasonable.  | None             |
| 144 | City of St. Paul Staff | Cost and Responsibility for Long-Term Maintenance and Performance Monitoring of Infiltration BMP's - The SONAR does not address the cost and responsibility for the long-term maintenance and performance monitoring of stormwater infiltration BMP's. This is a serious flaw in the study that must be addressed. Monitoring the performance of infiltration BMP's will be essential in determining whether they continue to function properly over time. the cost of proper long-term inspection, maintenance and performance monitoring of these BMP's will exceed the capital cost of building them. this cost must be included in the SONAR for the new rules. The TAC should address these issues. There should be a thorough discussion about which organizations should be responsible for the long-term maintenance and performance monitoring of infiltration BMP's.                          | The applicant will be responsible for the long-term maintenance and operation of permitted BMPs. Performance monitoring will not be required.  | None             |
| 145 | City of St. Paul Staff | It is always disturbing to see unfunded mandates imposed on cities by other governmental entities. It is particularly troubling when the mandate is imposed by another entity at the local level.   | No response needed   | None             |
| 146 | City of St. Paul Staff | The CRWD was given both significant water quality responsibilities and taxing authority by State statute. It is inappropriate for the CRWD to meet its responsibilities by imposing unfunded mandates on cities in its jurisdiction. Instead, a broad discussion regarding cost sharing and other responsibilities should be conducted before the draft rules are implemented. Options to consider should include have the watershed; 1) fund a significant portion of the capital costs of water quality measures and BMP's on public projects; 2) handle public education and participation related to the design, implementation, and maintenance of water quality measures and BMP's on public projects; and 3) assume responsibility for the long-term maintenance and performance of water quality measures and BMP's on public projects. The TAC is the appropriate forum for these discussions. | Through the TAC process, a cap on costs for the volume reduction standard for road projects was recommended and will be included in Rule C. This provision should address the unique circumstances of road projects. | See Rule C.3.c.3 |
| 147 | City of St. Paul Staff | The draft rules call for the submittal of a maintenance agreement to be approved by the CRWD. These agreements are to include methods, schedule, and responsible parties for maintenance. For public projects, a Memorandum of Agreement or an approved Local Water Management Plan is required. No guidance or standards for these requirements are provided. this leaves the permitted with no target for preparing these elements of their permit submittals. It also leaves all distraction in the hands of the CRWD. The TAC, with participation of City staff, should assist with the preparation and review of guidance and standards for maintenance agreements.  | A maintenance agreement template will be included in the guidance documents for applicants use. It will not be included in the Rule.   | None             |

| #   | Commenter                                   | Comment   | CRWD Response  | Rule change      |
|-----|---|---|--|------------------|
| 148 | City of St. Paul Staff                      | Responsibility for the Performance of Infiltration BMP's - Infiltration BMP's are relatively new elements of stormwater management. Their limited track record is almost entirely based on applications in suburban settings. In Minnesota, there is very little history to support their successful implementation in highly urban settings. When requiring a type of BMP that is not "tried & true", the regulating agency should bear most of the responsibility for the successful performance of the BMP's after installation. There appears to be no provision, in the draft rules, for the CRWD to should this responsibility. On the contrary, the rules appear to shift that burden entirely to the permittees. This is not acceptable and should be discussed and resolved at the TAC. Greater use of pilot and demonstration projects may be appropriate.                                      | The owner of the permitted BMPs will assume all responsibility for the BMP. The district can not and will not assume responsibility.                 | None             |
| 149 | City of St. Paul Staff                      | Issues Related to Roles and Implementation Procedures - Frequency of Variances and Procedures for Assuring Fairness - Because of the challenging and broad standards set forth in the draft rules, it is expected that a significant percentage or proposed projects will require variances from the watershed district. Under most regulatory programs, variances are rare occurrences, in part, because they raise serious complications in their application. When a project is considered for a variance, the design standards are no longer strictly applied and there are no clear reference points for the designer's work. The decision-making authority rests solely with the watershed district. Resolving design questions raised during the variance process can be very time-consuming and delay projects.   | An alternative compliance section has been added to the volume reduction section of Rule C. The district envisions variances as an infrequent event. | See Rule C.3.c.2 |
| 150 | City of St. Paul Staff                      | These are significant potential problems. The TAC could serve in resolving these problems in several ways, including; 1) the TAC could assist in revising the draft rules so that the rules clearly address a range of foreseeable conditions (such as variable soil and bedrock conditions) and provide design standards that can be applied without going to the variance process; 2) there should be an agreed target percentage for the number of projects that require variances. if that percentage is exceeded, there should be a set procedure to address the problem; 3) The TAC could serve as a review and/or appeal body to assure the regulated parties that their interests are protected and that their variance requests are addressed in a fair and timely manner; and 4) provide for appeals to some authority other than the watershed district board that made the original decision. | The Board of Managers will issue/approve all watershed district permits and grant any/all variances.   | None             |
| 151 | City of St. Paul Staff                      | Banking of Trading Water Quality Credits - CRWD staff has indicated that approaches to addressing projects that cannot meet the standards in the draft rules will include having the permittee: 1) build water quality BMP's at locations outside the project area; and 2) contribute funds for the construction of water quality BMP's outside the project area by other entities. If this is the case, guidelines for these alternatives should be written in conjunction with the draft rules. The TAC should assist with the preparation and review of these guidelines.  | As discussed at the TAC meetings, a banking section has been added to the volume reduction section of Rule C.  | None             |
| 152 | City of St. Paul Staff                      | Performance Surety - It appears that there is no exception written in the raft rules for not requiring a performance surety from a governmental agency constructing a public project. It is unusual and perhaps inappropriate for one governmental agency to require a performance surety of another governmental agency. in the interest of streamlining the process and minimizing the burden on permitted parties, methods of coordinating the surety requirements of the City and the CRWD should be explored. The TAC should address these issues related to the performance surety.   | The district will not require sureties if the applicant is a public entity. The resolution setting fees and sureties includes this.                  | None             |
| 153 | John Gryzbek<br>Climb the Wind<br>Institute | Climb the Wind Institute, an advocacy for social, economic, and environmental issues, supports the proposed draft Capitol Region Watershed District rules. The permitting process embodied within the CRWD rules is reasonable and necessary to preserve, enhance and protect our limited valuable natural resources.   | No response needed   | None             |
| 154 | John Gryzbek<br>Climb the Wind<br>Institute | contrary to the concerns of others, the permitting process will not impeded development or redevelopment presently being experienced within Saint Paul. The rules and permits seek to make such promoters of development responsible partners in minimizing impacts on our water quality.   | No response needed   | None             |
| 155 | John Gryzbek<br>Climb the Wind<br>Institute | it would be disingenuous to state that there would not be some added costs to both private and public projects. But the costs are minimal. The costs are minimal because of the potential negative impacts to the regions' water quality and the extreme high costs of rectifying today's wrongs in the future. the environmental economic burden is not to be postponed to future generations with because of the unwise decisions of the present when they can be prevented or minimized through a reasonable permitting and rule process.  | No response needed   | None             |

| #   | Commenter   | Comment   | CRWD Response  | Rule change   |
|-----|---|---|--|---------------|
| 156 | John Gryzbek<br>Climb the Wind<br>Institute         | Representatives of private or public entities may be concerned with required surety bonds on project. The question is why should they be concerned? It is presumed work will proceed pursuant to the rules and regulations governing a particular project. the surety bond is to hold the private or public developer accountable for failing to follow requirements under the rules and regulations seeking to protect our waters. the CRWD rules and permitting process should be embraced as another independent expert entity overseeing what other governmental entities have failed to do or refuse to do; enforce the law or enforce provisions of permits.  | No response needed   | None          |
| 157 | John Gryzbek<br>Climb the Wind<br>Institute         | Furthermore, the rules are necessarily stringent in recognition of the loss of the environment's ability to naturally control or cleanse our waters. Thus, because the city's urban growth in areas formerly plighted, and rebirth to other areas vacated and forgotten, the City and developers alike must be held to higher standards to compensate for past transgressions against our water quality.  | No response needed   | None          |
| 158 | John Gryzbek<br>Climb the Wind<br>Institute         | In addition, maintaining the status quo or meeting current minimum standards does not and will not achieve the requirements to enhance the water quality of our lakes, streams, and the mother of all rivers, the Mississippi River. The costs and possible project delays now are pale to the costs of degradation to our waters.  | No response needed   | None          |
| 159 | John Gryzbek<br>Climb the Wind<br>Institute         | The rules and permitting process present the framework to rethink and re-educate a stale approach to water quality and flood control protections. It requires innovation to control and filter stormwater. It requires diminishing the quantity and quality of excuses to circumvent flood control and water quality concerns. It requires raising the morality of economic interests to be inclusive in the minimization of negative impacts to the environment.   | No response needed   | None          |
| 160 | John Gryzbek<br>Climb the Wind<br>Institute         | The proposed CRWD rules and permitting process recognizes Saint Paul's obligation not to cause additional possibilities of flooding or water quality degradation to all people who reside in Saint Paul, but equally important, to the millions of citizens living downstream of the Mississippi River.   | No response needed   | None          |
| 161 | Brian Tourtelotte<br>St. Paul Parks &<br>Recreation | Rule A. Definitions - Floodplain - the definition proposed expands the traditional definition from the area near an existing water body or waterway inundated in a high-water event to include any "natural or man-made water basin". The reason for expansion of definition is not supported, and may create implementation issues with provisions of Rule C, D, and F. It also could create enforcement issues which affect more than 1,000 sq. ft., but do not fall within a traditionally defined floodplain.   | Rule D has been revised.   | See Rule A, D |
| 162 | Brian Tourtelotte<br>St. Paul Parks &<br>Recreation | Rule B: Permit Procedural Requirements - Application Required- Experience with the Ramsey-Washington Metro Watershed District leads us to work closely with them during the design stages of the project, and to make application for permit prior to other applicable permits. those permits, reviews, and variances must all be in order prior to issuance of final plans and specifications for bidding and contracting. typically, the application to the Watershed District precedes bidding by 90 days or more; therefore the requirement of signature of the selected contractor on the application is unreasonable.   | Rule B has been revised to require a signature of the owner OR the owners assigned representative.   | See Rule B.1  |
| 163 | Brian Tourtelotte<br>St. Paul Parks &<br>Recreation | Permit Term - Permit term of 18 months may be unnecessarily restrictive. As indicated in the previous discussion, permitting and reviewing of project typically requires 60 - 90 days, and public bidding and contract issuance requires approximately 60 days. given the effect of winter on scheduling, any project requiring any more than 6 months construction period will likely require an extension beyond the 18 month permit. the City Site Plan Review, ordinance variances, and conditional use permits provide 24 month construction allowance as the normal governmental permit period.   | Rule B has been revised to be less restrictive on the timing of construction. The permit will expire if the approved activity has not commenced within a year of approval or if the activity is suspended or abandoned for one year. | See Rule B.7  |
| 164 | Brian Tourtelotte<br>St. Paul Parks &<br>Recreation | Rule C: Storm-Water Management Plans - Policy - Requiring infiltration to achieve volume control as indicated herein will subject the site owner to liability related to both quantity and quality of water being introduced to subsurface soils. The most predictable siting for an infiltration facility will be near the lowest point in the site which, in most urban situations, will be near a property line. There is likelihood that, if a building is near the infiltration facility, water problems could be experienced in lower levels of the building, subjecting both the owner and probably the District to liability. There have also been scientific studies done of fens and seeps which are currently being overtaken by invasive plants due to lawn fertilizer in the water, which can be traced to lawn fertilizer in the watershed; those studies suggest the proper course is a watershed level course of fertilizer infiltration control. Infiltration increase will introduce larger amounts of pollutants to the ground water, and eventually well water stratum. | The volume reduction BMPs will be required to meet the design standards in the State of MN Stormwater Manual and as such will limit the impact to groundwater.   | None          |

| #   | Commenter  | Comment   | CRWD Response  | Rule change    |
|-----|--|---|--|----------------|
| 165 | Brian Tourtelotte<br>St. Paul Parks & Recreation | Design Criteria for Stormwater Management Plan - (5th bullet point) Creation of budget, staff and equipment required to perform long-term maintenance, through in house or contracted services, is not possible within the bonded or metro/state/federal grant funding mechanisms which support public development projects, and may only be established within a public agency when supported by political entities (mayor and city council).  | The Rules will not address how the applicant funds the project or the long-term maintenance of the BMPs.   | None           |
| 166 | Brian Tourtelotte<br>St. Paul Parks & Recreation | Required Exhibits - One additional piece of information necessary might be on-site wells, if any, which must be avoided with storm water flows.   | A site survey would identify wells   | None           |
| 167 | Brian Tourtelotte<br>St. Paul Parks & Recreation | Exceptions - With the expanded definition of "floodplain", the definitive minimum size of virtually all permitted work will be 1,000 sq. ft., since nearly all sites contain many "basins" which will hold water during a 100-year event. As a result, intelligent designers will design their projects to avoid any on-site retention except in areas least likely to have future grade adjustments. Thus, the District will be promoting limitation of low-impact development principles for dispersion of infiltration.  | Rule D has been revised.   | See Rule A, D  |
| 168 | Brian Tourtelotte<br>St. Paul Parks & Recreation | Rule F. Erosion Control Plans - Design Criteria For Erosion Control Plans - The newest manual from the MPCA is called "Minnesota Stormwater Manual" which was released Dec. 2. this manual is intended to be the definitive work to replace the older manual referenced in the proposed rules. it is available on-line, and probably soon in printed format.  | MPCA has indicated the MN Stormwater Manual should not be references for erosion control. The referenced manual will remain the same.  | None           |
| 169 | Brian Tourtelotte<br>St. Paul Parks & Recreation | Required Exhibits - Item (f) requires documentation of application for NPDES permit. Timing of the NPDES is a minimum of 14 days before construction, with the contractor as co-permittee. However, the requirement here is to submit as part of the District application the permit, signed by the co-permittee. as previously noted, the application to the District must be completed such that permitting is accomplished prior to bidding documents completion, which in public projects is approximately 120-150 days prior to construction contract issuance. Logistically, this requirement is not possible to meet at the time of application to the District.   | If the application for the NPDES permit is not able to be applied for before the WD permit application is submitted to the District, the receipt of that would be required before the permit is actually issued. | None           |
| 170 | Beth Nevendorf<br>MnDOT                          | Rule A: Definitions - Floodplains: Mn/DOT is unsure if these are FEMA floodplains or Watershed District designated floodplain areas. Please be more specific in your definition.  | Rule D has been revised.   | See Rule A, D  |
| 171 | Beth Nevendorf<br>MnDOT                          | Rule B: Permit Procedural Requirements - Item #1 requests the selected contractor's signature on the permit application, which for Mn/DOT is shortly before construction work begins. Mn/DOT cannot obtain the contractor signature on the permit application and meet the timeframes the District has suggested. A two step process similar to the MPCA's NPDES permit application process would be reasonable and would be based on Mn/DOT keeping the District informed as the project is developing. Mn/DOT would submit the permit before our bid letting (without the contractors' signature). Once the project is let and the contractor is on-board, the permit would be signed by the contractor and sent to the District. | Rule B has been revised to require a signature of the owner OR the owners assigned representative.   | See Rule B.1   |
| 172 | Beth Nevendorf<br>MnDOT                          | Item #6 says permits are valid for 18-months. MN/DOT has construction projects that last 3 years. Mn/DOT would prefer a longer timeframe on its' permits.   | Rule B has been revised to be less restrictive on the timing of construction.  | See Rule B.7   |
| 173 | Beth Nevendorf<br>MnDOT                          | Item #10, the surety requirement should come from the contractor, not the governmental unit or provide exemption for governmental unit (the same as in the fee section).  | The district will not require sureties if the applicant is a public entity. The resolution setting fees and sureties includes this.  | None           |
| 174 | Beth Nevendorf<br>MnDOT                          | Rule C: Storm-Water Management Plans - Item #1 Bullet #1, "Stable conveyance of flow" ambiguous, please clarify.  | This is a policy statement. Section 3 of Rule C: Criteria has specific standards which must be complied with.  | None           |
| 175 | Beth Nevendorf<br>MnDOT                          | Item #1 Bullet #2, Does this refer to preserving existing runoff rates? "A level that will not cause the degradation of water resources" is too vague, please clarify.  | This is a policy statement. Section 3 of Rule C: Criteria has specific standards which must be complied with.  | None           |
| 176 | Beth Nevendorf<br>MnDOT                          | Item #3 Bullet #2, It is unclear what the benchmark is, from what base are the volumes to be reduced? Is this new impervious? Please clarify.   | The volume reduction section of Rule C has been revised and clarified.   | See Rule C.3.c |
| 177 | Beth Nevendorf<br>MnDOT                          | Item #3 Bullet #5 - Mn/DOT will need to put together a MOA with the District to cover all work done by Mn/DOT within the District. Mn/DOT would prefer to have one MOA that covers all projects rather than a number of individual ones.  | This will be acceptable.   | None           |

| #   | Commenter                                      | Comment   | CRWD Response  | Rule change  |
|-----|--|---|--|--------------|
| 178 | Beth Nevendorf<br>MnDOT                        | Rule E: Wetland Management: Item #3, Can bank credits be used if on-site replacement is not available? If so, what are the criteria?  | The district would require that the replacement occur within the District.   | None         |
| 179 | Beth Nevendorf<br>MnDOT                        | Item #3, point #1, can the deminimis be more than zero for governmental units? Say 400 sq. ft.? Mn/DOT often times needs to extend our culverts out of the clear zone (hazard free zone for drivers) and we do the majority of this work with our Mill and Overlay projects that typically don't disturb the subbase (i.e. we don't disturb more than 1 acre).  | The deminimis size will remain zero. CRWD would like to develop a general permit for MNDOT for maintenance activities in the district. | None         |
| 180 | Beth Nevendorf<br>MnDOT                        | Item #3, point #4, It is not clear to Mn/DOT what types of water quality problems in your District would be solved by elimination of all non-temporary WCA incidental exemptions. For example, it has been our experience that use of the incidental wetland exemption allows us to perform our maintenance functions in a timely manner without environmental degradation. Mn/DOT would prefer to have incidental exemptions allowed for governmental units. Beaver dams, blockage of culverts and other actions other than creating wetlands are incidental exemptions. Mn/DOT very frequently has blocked culverts that need fixing to prevent damage to the road and to upstream areas. or are the beaver dams and blocked culverts considered temporary impact exemptions? Please clarify. | The elimination of non-temporary WCA exemptions is largely a wetland protection rule and not a water quality improvement rule.         | None         |
| 181 | Beth Nevendorf<br>MnDOT                        | Item #4, Mn/DOT is the LGU for WCA on Mn/DOT projects. Please add this statement or add that State agencies are their own LGU's on their projects.  | Rule E has been revised accordingly.   | See Rule E.4 |
| 182 | Beth Nevendorf<br>MnDOT                        | Rule G: Connection to Trout Brook: The existing Trout Brook Interceptor is on Mn/DOT R/W and carries some Mn/DOT water. Mn/DOT is aware that the District has a project in the works to improve the interceptor and move it off of Mn/DOT R/W. It is very likely that your project to improve the interceptor will happen before our project to improve I-35E. Mn/DOT would prefer to continue to connect to the old interceptor until I-35E is upgraded. Mn/DOT would also prefer to retain the option of putting our existing water into the new interceptor at some point in time.   | Rule G will apply to new physical connections to the Trout Brook Interceptor.  | None         |
| 183 | Amy Middleton<br>Lower Phalen Creek<br>Project | We are strongly supportive of the Capitol Region Watershed District (CRWD) adopting these rules and enforcing them to protect our watershed. As the Lower Phalen Creek Project has tried to improve the water quality of our watershed, it has become extremely clear that regulatory and associated enforcement mechanisms are needed if any water quality improvements are to be realized in St. Paul.  | No response needed   | None         |
| 184 | Amy Middleton<br>Lower Phalen Creek<br>Project | Though these draft rules focus on land disturbances of one acre or more, we also encourage the District to look for development and re-development installation opportunities on sites that are smaller than one acre. We have also recommended that St. Paul's Local Surface Water Management Plan target water quality impacts that are occurring on smaller than one acre parcels. A seamless approach might be to have the District enforce protection measures on one acre or more, while St. Paul focuses enforcement on parcels that are smaller than one acre.  | Developments under 1 acre in size will not be regulated under the Rules, unless the development triggers Rule D and E.                 | None         |
| 185 | Amy Middleton<br>Lower Phalen Creek<br>Project | We fully support the provisions for protecting and enhancing existing wetlands. However, while the Watershed Rules call for a <u>no-net</u> loss of wetlands, we feel that given the scarcity of wetlands in St. Paul, the District should adopt a <u>no loss</u> of wetlands rule. We strongly feel that the few remaining wetlands must be preserved.   | Not allowing any loss for any reason is overly restrictive. The current language of no-net loss will remain.                           | None         |
| 186 | Amy Middleton<br>Lower Phalen Creek<br>Project | We support the language identifying wetland restoration and creation opportunities and would urge the District to aggressively pursue these projects. The district can most affect this portion of the Rules by providing technical and financial support for wetland restoration projects.   | Wetland restoration and creation promoted by the district outside of its rules and permitting authority.                               | None         |
| 187 | Amy Middleton<br>Lower Phalen Creek<br>Project | We support the use and enforcement of Best Management Practices (BMPs) in development projects and would add language to include re-development projects. In the Phalen Creek watershed, we are finding that the most opportunities for infiltration come during the re-development/remodeling phase.   | The definition of development includes what is commonly thought of as "redevelopment".   | None         |
| 188 | Citizen's Advisory<br>Committee                | The CAC supports adoption of the Draft Rules and recommends adoption of the Rules with the modifications as recommended by the CAC.   | No response needed   | None         |
| 189 | Citizen's Advisory<br>Committee                | The CAC recommends to the Board that CRWD and RWMWD coordinate a Joint Technical Advisory Committee to be created no later than January, 15, 2006 and final report from the Committee be submitted to the CRWD Board no later than March 15, 2006.  | A Technical Advisory Committee was convened to address concerns from the municipalities.   | None         |

| #   | Commenter                                  | Comment  | CRWD Response  | Rule change      |
|-----|--|--|--|------------------|
| 190 | Citizen's Advisory Committee               | <b>SONAR</b> Clarification of the statement about the Memorandums of Understanding to indicate that staff attempted to obtain one with the City of St. Paul but was unsuccessful.  | The SONAR has been revised   | None             |
| 191 | Citizen's Advisory Committee               | Change wording in table comparing CRWD goals from "our goal is a 60% reduction in water quality" to "our goal is a 60% reduction in phosphorus."   | The SONAR has been revised   | None             |
| 192 | Citizen's Advisory Committee               | Eliminate confusing last statement and replace with description of the steps that the District will take to adopt rules with an anticipated timeline and not tie them into some future date.   | The SONAR has been revised   | None             |
| 193 | Citizen's Advisory Committee               | <b>Introduction</b> Cite Minnesota Statutes 103B and 103D in the first paragraph to clarify watershed district authority. The content of the fourth paragraph should be included as part of the introduction to this section.                              | No change made   | None             |
| 194 | Citizen's Advisory Committee               | List points in fifth paragraph as bullets for clarity and impact.  | No change made   | None             |
| 195 | Citizen's Advisory Committee               | Clarify reference at bottom of first page about responsibility of municipalities for land use control and zoning to emphasize watershed district's responsibilities for storm water management.  | No change made   | None             |
| 196 | Citizen's Advisory Committee               | <b>Rule A. Definitions</b> Phased Project. Tighten up this section so that whether it is phased developments or common developments, an applicant will know when a permit is needed.   | The definition section of the Rule has been revised.   | See Rule A       |
| 197 | Citizen's Advisory Committee               | Flood Plain. Provide clarification of the definition of a flood plain to reference either a FEMA analysis or other approved studies.   | The definition of floodplain has been revised.   | See Rule A       |
| 198 | Citizen's Advisory Committee               | Wetland Conservation Act. Include a definition of the Wetland Conservation Act (WCA)   | The definition section of the Rule has been revised.   | See Rule A       |
| 199 | Citizen's Advisory Committee               | <b>Rule B. The Permit Procedural Requirements</b> Combine B.7 and B.8 and reword the permit assignment to read "a permittee may assign or transfer a District permit to another party only upon consent by the Board of Managers."                         | Rule B.7 and B.8 will remain separate sections   | None             |
| 200 | Citizen's Advisory Committee               | Remove fees and surety amounts from rules to allow for easier amendments and clarify under what conditions the District would release a surety.  | This has been done   | See Rule B.13,14 |
| 201 | Citizen's Advisory Committee               | <b>Rule C. Stormwater Management</b> Add a statement in C.5. (c) clarifying the exemption to say "provided the land has a District approved conservation plan or other approved stormwater management plan."   | No change made   | None             |
| 202 | Citizen's Advisory Committee               | <b>Rule D - Flooding</b> The second bullet should read "oppose new residential development within the flood plain."  | No change made   | None             |
| 203 | Citizen's Advisory Committee               | The third bullet should read "discourage flood plain development. Only allow flood plain development in a manner that is compatible in a dynamic nature of the flood plains."  | No change made   | None             |
| 204 | Citizen's Advisory Committee               | <b>Rule E. Wetland Management</b> Define words such as "deminimus, flexibility, sequencing, public value credits, and compensatory storage exactly as defined in the Wetlands Conservation Act and then list those definitions under Rule A. Definitions." | The definition section of the Rule has been revised.   | See Rule A       |
| 205 | Citizen's Advisory Committee               | <b>Rule F. Erosion Control</b> Clarify the exceptions so that it is clear when a permit is needed.   | No response needed   | None             |
| 206 | Citizen's Advisory Committee               | <b>Rule G. Connections to Trout Brook</b> The title should read "Trout Brook Interceptor" as a title to this section.  | The rule has been revised to include illicit discharge as required by MPCA.  | None             |
| 207 | Citizen's Advisory Committee               | <b>Rule H. Enforcement</b> Add a fine as discussed earlier.  | Fines are not allowable.   | None             |
| 208 | Citizen's Advisory Committee               | <b>Rule I. Variances</b> Develop a process or procedures to apply for variance which would also include a schedule.  | This process and procedure will not be included in the Rule  | None             |
| 209 | Heather Worthington City of Falcon Heights | How much will the cost of street reconstruction projects increase due to the rulemaking?   | Through the TAC process, a cap on costs for the volume reduction standard for road projects was recommended and will be included in Rule C. This provision should address the unique circumstances of road projects. | See Rule C.3.c.3 |

| #   | Commenter                                  | Comment   | CRWD Response  | Rule change      |
|-----|--|---|--|------------------|
| 210 | Heather Worthington City of Falcon Heights | How much will the additional maintenance and future reconstruction of these facilities cost the City and impact the residents?  | Through the TAC process, a cap on costs for the volume reduction standard for road projects was recommended and will be included in Rule C. This provision should address the unique circumstances of road projects. | See Rule C.3.c.3 |
| 211 | Heather Worthington City of Falcon Heights | How effective are the proposed infiltration practices in linear applications (road projects)?   | This information was provided and discussed during the TAC process.  | None             |
| 212 | Heather Worthington City of Falcon Heights | With limited right-of-way, already crowded with utilities, where can we find the room to install infiltration trenches? Do these trenches take precedence over existing utilities in the right-of-way? What about street trees and pathways in the boulevards?  | Through the TAC process, a cap on costs for the volume reduction standard for road projects was recommended and will be included in Rule C. This provision should address the unique circumstances of road projects. | See Rule C.3.c.3 |
| 213 | Heather Worthington City of Falcon Heights | Why are the proposed CRWD standards much higher than the existing state and national standards under which the City currently operates? Is it true that these standards will be the highest in Minnesota?   | This information was provided and discussed during the TAC process.  | None             |
| 214 | Heather Worthington City of Falcon Heights | If the new rules go into effect in January 2006 as proposed by the CRWD, will the District deny permits for Roselawn reconstruction project that has been under development since June 2005, with bidding anticipated during the winter?  | No   | None             |
| 215 | Heather Worthington City of Falcon Heights | How much will the cost of private development on properties larger than one acre increase?  | This information was provided and discussed during the TAC process.  | None             |
| 216 | Heather Worthington City of Falcon Heights | Can the CRWD supply additional information regarding the effectiveness of the proposed engineering solutions to meet the storm water infiltration rules?  | This information was provided and discussed during the TAC process.  | None             |
| 217 | Heather Worthington City of Falcon Heights | What about the timeliness of reviews and approval of permits? CRWD has indicated that they will adhere to the 60 day rule for review; however, they will not review a project until it has been approved by the City Council. This could be disastrous for City street reconstruction projects. once the plans have been approved by the council, we advertise for 3 weeks and usually start construction in an additional 3 weeks. the timeline would delay our projects start date by at least an additional 6 weeks. | The applicant will be able to obtain a permit without municipal approval. The Rule has been revised accordingly.   | See Rule B.5     |
| 218 | Heather Worthington City of Falcon Heights | For zoning review, the state statute is 60 days for review by the granting authority - in this case, the City. Will the CRWD's process for review be concurrent, or will it be in addition to the City's process? How will extensions be handled for this, and where does the liability lie for violation of the statute?   | The applicant is responsible for the timing of all permits needed for the project.   | None             |
| 219 | Heather Worthington City of Falcon Heights | How will storm water volume be controlled where infiltration does not occur because of the clay-based soils that occur in a many areas of Falcon Heights?   | An alternative compliance section has been added to the volume reduction section of Rule C.  | See Rule C.3.c.2 |
| 220 | Heather Worthington City of Falcon Heights | Has a cost benefit analysis been performed by CRWD to determine the relationship between water quality improvements in the Mississippi River and the public and private costs incurred by the City and property owners in the city?   | A formal cost benefit analysis has not been completed. However, incorporating stormwater BMPs into development and redevelopment projects is the most cost effective way to construct them.                          | None             |

| #   | Commenter   | Comment   | CRWD Response  | Rule change      |
|-----|---|---|--|------------------|
| 221 | Heather Worthington City of Falcon Heights                  | What is the legal authority for the district to require a permit for development in Falcon Heights? Mn. Stat. 103D.335 subd. 23 provides that a metro watershed district may only regulate development under the limited circumstance stated in Mn. Stat. 103B.211 subd.1. Those circumstances are that the local jurisdiction does not have an approved watershed plan or is seeking a variance. Falcon Heights has an approved watershed plan and has not sought any variances. | CRWD has the legal authority to adopt and implement rules.   | None             |
| 223 | Heather Worthington City of Falcon Heights                  | Why is the definition of "subdivision" broader than the state law definition, Mn. Stat. 462.352 subd. 12? The city lacks the authority to regulate subdivisions other than as defined in state law.   | Section A of the Rules have been revised.  | None             |
| 224 | Heather Worthington City of Falcon Heights                  | Why don't the draft rules recognize the exemptions recognized under the Wetlands Conservation Act (W.C.A)?  | So few wetlands remain in CRWD that no exemptions will be offered. Those are exemptions from getting a permit.   | None             |
| 225 | Heather Worthington City of Falcon Heights                  | Why is a storm water management plan required for even the most modest development such as adding a deck or home addition?  | Rule C only applies developments 1 acre and greater.   | None             |
| 226 | Heather Worthington City of Falcon Heights                  | City Council believes the new deadline for comment on the proposed rules of December 15, 2005, by the CRWD does not provide sufficient time for the City and other affected jurisdictions to submit meaningful comments regarding any technical, engineering, or cost benefit analysis of the draft rules and technical standards.  | A Technical Advisory Committee was convened to address concerns from the municipalities.   | None             |
| 227 | Heather Worthington City of Falcon Heights                  | City of Falcon Heights respectfully requests the CRWD to delay adopting any rules and standards until such time as the CRWD establishes a technical advisory committee comprised of representation from all jurisdictions with the District for the purpose of reviewing the draft rules and finding mutually acceptable rules and standards that will facilitate the needs of both the CRWD, the City of Falcon Heights and other jurisdictions within the CRWD.                 | A Technical Advisory Committee was convened to address concerns from the municipalities.   | None             |
| 228 | Duane Schwartz City of Roseville Department of Public Works | Please let us know when the Board will be considering the comments received on the proposed rules. We would like to be present to offer any clarification necessary of our concerns at that time.   | No response needed   | None             |
| 229 | Duane Schwartz City of Roseville Department of Public Works | How much will the cost of street reconstruction projects increase?  | This information was provided and discussed during the TAC process.  | None             |
| 230 | Duane Schwartz City of Roseville Department of Public Works | How much will the additional maintenance and future reconstruction of these facilities cost the City and impact the residents?  | This information was provided and discussed during the TAC process.  | None             |
| 231 | Duane Schwartz City of Roseville Department of Public Works | How effective are the proposed infiltration practices in linear applications (road projects)?   | This information was provided and discussed during the TAC process.  | None             |
| 232 | Duane Schwartz City of Roseville Department of Public Works | With limited right-of-way, already crowded with utilities, where can we find the room to install infiltration trenches? Do these trenches take precedence over existing utilities in the right-of-way? What about street trees and pathways in the boulevards?  | Through the TAC process, a cap on costs for the volume reduction standard for road projects was recommended and will be included in Rule C. This provision should address the unique circumstances of road projects. | See Rule C.3.c.3 |

| #   | Commenter  | Comment   | CRWD Response   | Rule change      |
|-----|--|---|---|------------------|
| 233 | Duane Schwartz<br>City of Roseville<br>Department of<br>Public Works | Why are the proposed CRWD standards much higher than the existing state and national standards under which the City currently operates? Is it true that these standards will be the highest in Minnesota?   | The proposed standards although aggressive are comparable to others throughout the nation.  | None             |
| 234 | Duane Schwartz<br>City of Roseville<br>Department of<br>Public Works | The new rules go into effect in January 2006 as proposed by the CRWD, will the District deny permits for Roselawn reconstruction project that has been under development since June 2005, with bidding anticipated during the winter?   | Rule adoption is anticipated for Fall of 2006.  | None             |
| 235 | Duane Schwartz<br>City of Roseville<br>Department of<br>Public Works | How much will the cost of private development on properties larger than one acre increase?  | This information was provided and discussed during the TAC process.   | None             |
| 236 | Duane Schwartz<br>City of Roseville<br>Department of<br>Public Works | Can the CRWD supply additional information regarding the effectiveness of the proposed engineering solutions to meet the storm water infiltration rules?  | This information was provided and discussed during the TAC process.   | None             |
| 237 | Duane Schwartz<br>City of Roseville<br>Department of<br>Public Works | What about the timeliness of reviews and approval of permits? CRWD has indicated that they will adhere to the 60 day rule for review; however, they will not review a project until it has been approved by the City Council. This could be disastrous for City street reconstruction projects. Once the plans have been approved by the council, we advertise for 3 weeks and usually start construction in an additional 3 weeks. the timeline would delay our projects start date by at least an additional 6 weeks. | The applicant will be able to obtain a permit without municipal approval. The Rule has been revised accordingly.  | See Rule B.5     |
| 238 | Duane Schwartz<br>City of Roseville<br>Department of<br>Public Works | How will storm water volume be controlled where infiltration does not occur because of the clay-based soils that occur in a majority of Roseville?  | An alternative compliance section has been added to the volume reduction section of Rule C.   | See Rule C.3.c.2 |
| 239 | Duane Schwartz<br>City of Roseville<br>Department of<br>Public Works | Has a cost benefit analysis been performed by CRWD to determine the relationship between water quality improvements in the Mississippi River and the public and private costs incurred by the City and property owners in the city?   | A formal cost benefit analysis has not been completed. However, incorporating stormwater BMPs into development and redevelopment projects is the most cost effective way to construct them. | None             |
| 240 | Duane Schwartz<br>City of Roseville<br>Department of<br>Public Works | City Council believes the new deadline for comment on the proposed rules of December 15, 2005, by the CRWD does not provide sufficient time for the City and other affected jurisdictions to submit meaningful comments regarding any technical, engineering, or cost benefit analysis of the draft rules and technical standards;  | A Technical Advisory Committee was convened to address concerns from the municipalities. MPCA staff were attended all TAC meetings.   | None             |
| 241 | Duane Schwartz<br>City of Roseville<br>Department of<br>Public Works | City of Roseville respectfully requests the CRWD to delay adopting any rules and standards until such time as the CRWD establishes a technical advisory committee comprised of representation from all jurisdictions with the District for the purpose of reviewing the draft rules and finding mutually acceptable rules and standards that will facilitate the needs of both the CRWD, the City of Roseville and other jurisdictions within the CRWD.   | A Technical Advisory Committee was convened to address concerns from the municipalities. MPCA staff were attended all TAC meetings.   | None             |
| 242 | Charles Dersheid<br>St. Paul Port<br>Authority                       | Your storm water management plan permit fee of \$1,500 will likely add one more cost item to the list of potential development impediments to economic development in St. Paul and the east metro area  | No response needed  | None             |
| 243 | Charles Dersheid<br>St. Paul Port<br>Authority                       | ...it is not clear if the City of St. Paul requirements of the maximum 100 year peak discharge of 1.64 cubic feet per second per acre must also be met.   | Compliance with the Rules do not constitute compliance with other applicable rules/ordinances/requirements.   | None             |

| #   | Commenter  | Comment   | CRWD Response   | Rule change      |
|-----|--|---|---|------------------|
| 244 | Charles Dersheid<br>St. Paul Port<br>Authority                   | Performance Surety:....This provision is expensive and very unnecessary. We suggest the CRWD require all documentation be prepared and signed by a registered civil engineer. The engineer of record can certify the constructed storm water facility meets the intent of the design and the contractor constructing the storm water facility need only obtain a performance bond. This is the norm in the industry. Additionally, if the CRWD Board should try to obtain money from a surety company, it may find itself in significant legal process.   | Sureties will not be required from applicants who are public entities. This is reflected in the resolution for fees and sureties.   | None             |
| 245 | Charles Dersheid<br>St. Paul Port<br>Authority                   | The provision that the developments must reduce runoff volumes in the amount equivalent to an inch of runoff will impact Port Authority brownfield developments. This provision requires infiltration, and in some of our development sites infiltration is specifically not allowed. Many of our sites have been remediated through the encapsulation process below the ponds, and allowing infiltration would contaminate the groundwater below. Additionally, Rice Creek Watershed District, the MPCA, and the WI DNR all advise against any infiltration in Type C and D soils.   | An alternative compliance section has been added to the volume reduction section of Rule C.   | See Rule C.3.c.2 |
| 246 | Charles Dersheid<br>St. Paul Port<br>Authority                   | We calculated the required storm water modifications that would be necessary on specific Port Authority site to meet your new draft rules. We found if the site was sandy Type A soils our pond area would not change from our current design standards. However, our pond area would have to be 1.44 times greater for Type B soils; 3.56 times larger for Type C soils; and 12.46 times larger for Type D soils. This would render many sites uneconomical to develop resulting in blighted sites not being redeveloped and job creation being minimized.   | The rules do not require compliance via the construction of a pond.   | None             |
| 247 | Charles Dersheid<br>St. Paul Port<br>Authority                   | We suggest CRWD define best management practices that will accomplish the proposed 90% sediment removal requirement under various site conditions. If a developer incorporates your specified practices, the development would automatically meet this 90% sediment removal requirement. No testing need be done and no additional money need be spent. For the benefit of all concerned, we request you consider streamlining the CRWD process and expenses, while still being able to attain your goals.  | The revised rules require simplified calculations and modeling to show compliance.  | None             |
| 248 | Charles Dersheid<br>St. Paul Port<br>Authority                   | Under Rule C-%, consider adding two more exemptions: (d) " Rule C and its requirements for volume reduction will not apply to brownfield development projects where infiltration may adversely affect groundwater," and, (e) " Rule C and its requirements will not apply for areas with C and D soil types.  | An alternative compliance section has been added to the volume reduction section of Rule C.   | See Rule C.3.c.2 |
| 249 | Randy Neprash<br>Bonestroo, Rosene,<br>Anderlik, &<br>Associates | There is a body of evidence indicating that infiltration BMPs have a high rate of failure for a wide variety of reasons. Please see the Supporting Citations below for some examples of these materials. In addition, basic common sense would lead one to believe that siltation and clogging, in inaccessible locations in many cases, would inevitably diminish the capacity of all infiltration BMPs over time.   | If properly designed, constructed and maintained infiltration BMPs should perform well in the long term.  | None             |
| 250 | Randy Neprash<br>Bonestroo, Rosene,<br>Anderlik, &<br>Associates | In light of this, one must question the wisdom of establishing a permitting regime that depends largely upon infiltration as the principle technique to achieve volume control and water quality improvement.   | The rule does not compel infiltration to achieve the volume reduction standard. The applicant has the discretion to choose the method to achieve the standard.  | None             |
| 251 | Randy Neprash<br>Bonestroo, Rosene,<br>Anderlik, &<br>Associates | Is there a body of studies and evidence that indicates that the rate of failure of infiltration BMPs will not be unacceptably high? If yes, please cite the studies and other evidence. If no, is it wise to proceed with a permitting regime that depends largely upon infiltration as the principle technique to achieve volume control and water quality improvement?  | The rule does not compel infiltration to achieve the volume reduction standard. The applicant has the discretion to choose the method to achieve the standard. Infiltration has been a proven technique throughout the country as an effective way to deal with stormwater. | None             |
| 252 | Randy Neprash<br>Bonestroo, Rosene,<br>Anderlik, &<br>Associates | Instead of proceeding with a permitting regime that depends largely upon infiltration BMPs across the entire jurisdiction of the Watershed District, would it be more prudent to implement a series of pilot and demonstration projects to prove the effectiveness of these BMPs over time? If not, why not? If such pilot and demonstration projects have already been built, do they have sufficient time and history to draw accurate conclusions about their performance over a long period of time? If yes, please list the projects and the period of time they have been in place and performance data has been collected. What is an appropriate length of time for a demonstration project to show the performance of infiltration BMPs over time? | Infiltration has been a proven technique throughout the country as an effective way to deal with stormwater.  | None             |

| #   | Commenter  | Comment  | CRWD Response  | Rule change      |
|-----|--|--|--|------------------|
| 253 | Randy Neprash<br>Bonestroo, Rosene,<br>Anderlik, &<br>Associates | If infiltration BMPs must be "cleaned" thoroughly and reinvigorated periodically, this will be a significant cost. Is the Watershed District prepared to fund this significant maintenance expense? If not, why not? If not, what is the rationale for imposing this cost on another local governmental entity for public projects?  | Adequate pretreatment can reduce the required annual maintenance. The responsibility of the maintenance is the responsibility of the applicant.      | None             |
| 254 | Randy Neprash<br>Bonestroo, Rosene,<br>Anderlik, &<br>Associates | If the effectiveness of infiltration BMPs is expected to diminish over time, will the Watershed District monitor performance over time? If not, why not? Will the Watershed District shoulder the responsibility for replacement or major adjustments to the BMPs if they fail? If not, why not?   | The Watershed District will monitor many BMPs both permitted and non-permitted to attempt to improve on the design and operation.                    | None             |
| 255 | Randy Neprash<br>Bonestroo, Rosene,<br>Anderlik, &<br>Associates | Is the Watershed District willing to indemnify permittees if other stormwater components are built using smaller sizes based on the capacity of the infiltration BMPs, the capacity of the infiltration BMPs is reduced over time, and flooding is the result? If not, why not? What is the CRWD's position on reducing the sizes of the other stormwater components based on the capacity of infiltration BMPs?                         | The district can not and will not be responsible for BMPs they do not own or maintain.   | None             |
| 256 | Randy Neprash<br>Bonestroo, Rosene,<br>Anderlik, &<br>Associates | The interaction between infiltration structures and groundwater contamination is inadequately understood. Please see the Supporting Citations below. In working to use infiltration BMPs to meet the Watershed District Rules requirements, permittees may create significant groundwater problems.  | If properly designed, constructed and maintained infiltration BMPs have little impact on the quality of groundwater..                                | None             |
| 257 | Randy Neprash<br>Bonestroo, Rosene,<br>Anderlik, &<br>Associates | Is there sufficient understanding of the interaction between infiltration structures and groundwater contamination to support a permitting regime that depends upon infiltration as the principle technique to achieve volume control and water quality improvement? If yes, please cite the supporting evidence and studies?  | If properly designed, constructed and maintained infiltration BMPs have little impact on the quality of groundwater..                                | None             |
| 258 | Randy Neprash<br>Bonestroo, Rosene,<br>Anderlik, &<br>Associates | There is a body of evidence and published guidance to support the concept that infiltration is an inappropriate technique at locations that may be potential stormwater hotspots (PSHs) because of concerns about groundwater contamination. Please see the recent Minnesota Stormwater Manual, for example. There are many of these PSHs within the jurisdiction of the CRWD. Should the rules address this situation? If not, why not? | PSHs have been addressed in the revised Rule C.  | See Rule C.3.c.2 |
| 259 | Randy Neprash<br>Bonestroo, Rosene,<br>Anderlik, &<br>Associates | Is the Watershed District willing to indemnify permittees if infiltration BMPs are installed as per the CRWD's standards and rule requirements and groundwater contamination is the result? If not, why not?   | The district can not and will not be responsible for BMPs they do not own or maintain.   | None             |
| 260 | Randy Neprash<br>Bonestroo, Rosene,<br>Anderlik, &<br>Associates | What percentage of permit submittals does CRWD expect to be able to meet the letter of the standards set forth in the proposed rules? What percentage will need to be covered under variance? Will there be another alternative review and permitting procedure?   | An alternative compliance section has been added to the volume reduction section of Rule C. The district envisions variances as an infrequent event. | See Rule C.3.c.2 |
| 261 | Randy Neprash<br>Bonestroo, Rosene,<br>Anderlik, &<br>Associates | Is the CRWD will to set a limit on the percentage of submittals that are permitted using processes that are outside the design standards set forth in the proposed rules? If not, why not? If yes, what percentage of projects would be considered appropriate? At what percentage would CRWD consider changes to the rules or the review processes?   | An alternative compliance section has been added to the volume reduction section of Rule C. The district envisions variances as an infrequent event. | See Rule C.3.c.2 |
| 262 | Randy Neprash<br>Bonestroo, Rosene,<br>Anderlik, &<br>Associates | Does the CRWD recognize the problems inherent in having permits granted through processes that are outside the design standards set forth in the proposed rules? If not, why not? If yes, does the CRWD have suggestions or proposals for protecting the interests of the regulated parties?   | An alternative compliance section has been added to the volume reduction section of Rule C. The district envisions variances as an infrequent event. | See Rule C.3.c.2 |
| 263 | Randy Neprash<br>Bonestroo, Rosene,<br>Anderlik, &<br>Associates | If the percentage of projects that will need to reviewed outside the design standards set forth in the proposed rules is expected to be "high", does the CRWD recognize this as an arbitrary and capricious exercise of their permitting authority? If not, why not? If yes, does the CRWD have suggestions or proposals for resolving this problem?   | An alternative compliance section has been added to the volume reduction section of Rule C. The district envisions variances as an infrequent event. | See Rule C.3.c.2 |

| #   | Commenter | Comment | CRWD Response | Rule change |
|-----|-----------|---------|---------------|-------------|
| ### |           |         |               |             |