

Technical Advisory Committee Recommendations on District Rules for the Capitol Region and Ramsey-Washington Metro Watershed Districts

District Staff responses in red bold.

Volume Reduction Standard

1. The Committee recognized that there are many options for the volume reduction standard and determined there were three options to consider. The TAC members that indicated they were in support of an option are as indicated:
 - a. 1.0" Volume Reduction Standard with a \$20,000 Cost Cap for Public Road Projects
 - i. Maplewood
 - ii. Roseville
 - iii. Falcon Heights
 - iv. MnDOT
 - v. Washington County
 - vi. Washington Conservation District
 - vii. Met Council
 - b. 0.5" Volume Reduction Standard with a \$20,000 Cost Cap for Public Road Projects
 - i. St. Paul
 - ii. Woodbury
 - iii. Little Canada
 - iv. Vadnais Heights
 - v. Port Authority
 - vi. Ramsey County
 - c. 0.5" Volume Reduction Standard for Public Road Projects and a 1.0" Volume Reduction Standard for All Other Projects.

RESPONSE: District staff has presented evidence that indicated one inch is the appropriate amount to require for volume reduction based on rainfall frequency and pollutant removal effectiveness. Staff has addressed the main concern of the TAC with public road projects through the alternative compliance/cap on costs sections. Staff recommends the volume reduction standard to be set at one inch of runoff from the impervious surfaces of a project site. (See Rule C – 3(c))

Alternative Compliance / Cap on Costs

1. The Committee agreed with the Subcommittee recommendation of a cap on costs for public road projects at \$20,000 per acre of impervious surfaces within the project area. That cap should include all costs including engineering, testing, and land acquisition. The justification for special consideration for public road projects is as follows:
 - a. Costs are a significant concern for public road projects, especially in a time of limited budgets.
 - b. Linear road projects are considered the cheap impervious surfaces and therefore the increased cost of volume reduction can be quite large in comparison to the total project cost
 - c. With a long planning process and complex project budgets, it is important to have a relatively static cost for compliance for budgeting purposes.
 - d. Linear road projects have limitations in the space available for volume reduction BMPs.
 - e. Linear road projects share the right-of-way space with many public utilities that all have the right to be located in that area.
 - f. Linear road projects many times have established corridors with limited right-of-way.
 - g. Linear road projects involve many stakeholders and residents.
 - h. Linear road projects have a large acreage of impervious surfaces to be treated with the volume reduction standard.

RESPONSE: Staff agrees that a cap on costs for volume reduction is justified for public linear/road projects and would also recommend the cap be set at \$20,000 per acre of impervious surfaces of a project site. (See Rule C – 3(c) (3))

2. The Committee recommends the Districts adopt an Alternative Compliance procedure as discussed during the TAC process with the addition of some guidance materials, such as certain site condition mapping and a menu of volume reduction techniques with quantitative relationships defined.

RESPONSE: Staff has revised the draft rule to include an alternative compliance sequencing procedure in the Rule (See Rule C – 3 (c) (2)). The items requested will be included in the guidance document when completed.

3. The Committee recommends the Districts develop a banking procedure for volume reduction credits.

RESPONSE: Staff has revised the draft rule to include banking of volume reduction credits (See Rule C – 3 (c) (2) (ii))

4. The Committee recommends that the Stormwater Impact Fee be set at \$20,000 per acre of impervious surfaces.

RESPONSE: Staff has revised the draft rule to allow applicants to make payment to a Stormwater Impact Fund when they cannot fully meet the volume reduction requirements. The Board will set the payment amount by resolution annually. District staff recommends the contribution amount be set to \$40,000 per acre of impervious surfaces of a project site. Staff also recommends that the contributing amount be prorated to deduct any partial compliance with the volume reduction standard. (See Rule C – 3 (c) (2) (iii))

5. The Committee recommends that money collected through the Stormwater Impact Fee from a local government unit be prioritized to be spent within that LGU's jurisdiction.

RESPONSE: Staff has revised the draft rule to include a statement that money contributed to the Stormwater Impact Fund by a local government unit be spent within that LGUs jurisdiction to the extent possible. (See Rule C – 3 (c) (2) (iii))

Maintenance / Longevity

1. The Committee recommends that one Memorandum of Agreement with the District cover all public projects within that LGU's jurisdiction. Each private project would need to have a separate maintenance agreement with the District.

RESPONSE: Staff has revised the draft rule to include this language. (See Rule C – 3 (c) (e))

2. The Committee recommends a sample maintenance agreement be included with the guidance materials.

RESPONSE: The guidance material will include a maintenance agreement template.

3. The Committee recommends the Districts work cooperatively with other entities in developing techniques and procedures for addressing and handling hazardous waste spills that drain into infiltration BMPs. The Districts should fund the equipment, guidance, staff, planning, and training to deal with these situations.

RESPONSE: No change in the rule was made for this recommendation. Districts will be required to play their role in addressing hazardous waste spills as it currently does when necessary. The district can not

and will not assume responsibility for BMPs that they do not own, have control of and maintain. The alternative compliance section lists potential stormwater hotspots (PSHs), where infiltration will be discouraged.

4. The Districts should assume some responsibility for the performance and safety of infiltration BMPs that are installed under this permit. Specifically, the Districts should:
 - a. Commit to funding and implementing the replacement or abandonment of any infiltration BMPs that fail to meet performance standards within a specified length of time from construction.
 - b. Commit to funding and implementing the clean up and replacement or abandonment of any infiltration BMPs that become sources of groundwater contamination in the course of their normal operation.

RESPONSE: The district can not and will not assume responsibility for BMPs that they do not own, have control of, and maintain. If properly designed, constructed and maintained infiltration BMPs have little impact on the quality of groundwater.

5. The Committee recommends the Districts monitor the effectiveness of volume reduction BMPs and should reconvene the TAC to evaluate the efficiencies and effectiveness of the BMPs.

RESPONSE: District staff agrees. The District will be tracking the installation of stormwater management BMPs and visually monitoring them for their effectiveness. Best management practices are always evolving and further discussions with the TAC will educate everyone on what is working and what is not.

6. The Committee recommends the Districts formally adopt the “recommended” and “highly recommended” practices and design standards of the Minnesota Stormwater Manual as the standards for infiltration systems designed and installed under their permits. The Districts should also adopt the “Process for Evaluating Storm Water Infiltration Projects” from the MDH publication “Evaluating Proposed Storm Water Infiltration Projects in Vulnerable Wellhead Protection Areas” as the standard for infiltration systems designed and installed under their permits. The Districts should adopt a review checklist and guidance materials to assure that all infiltration BMPs proposed under their permits meet these standards.

RESPONSE: The Districts have encouraged the TAC to consult the Minnesota Stormwater Manual for information on practices and design standards. Staff has also revised the draft rules to specifically require adherence to the MDH guidance. It should be noted that at this time that guidance from the MDH is in draft form, the district believed that it will be adopted by the MDH before final distribution of District rules. (See Rule C – 3 (c) (1) (vi))

Definitions, Ambiguities, Process, and Miscellaneous

1. The Committee recommends the following items be better defined in a revised rule:
 - a. Surety Requirements
For discussion with the Board. (See Rule B – 14)
 - b. Definition of when a permit is required from the Districts.
Revised definitions of development and land disturbance address this concern. (See Rule A)
 - c. Length of time a permit is valid for
The draft rules were revised to read the permit will expire if the activity is not commenced within one year of approval or the activity is suspended or abandoned for a year. (See Rule B – 7)
 - d. Signature requirements for permits and a transfer process to contractor if necessary

The draft rule was revised to read that the permit application may be signed by either the political subdivision or the contractor. (See Rule B – 1) A transfer of permit provision was also added to the rule. (See Rule B – 12)

e. Definition of floodplain

The definition of floodplain has not changed but staff has adjusted the flood control rule to help clarify the questions of the TAC. (See Rule D – 3 (a))

f. Level of subwatershed analysis to prevent over-treatment

Staff suggests addressing this concern during the project review process.

g. Process for implementing rules for projects with completed Feasibility Studies.

No changes were made to the rule to address this recommendation. Staff recommends dealing with this on a case by case basis as implementation of the rules begins.

2. The Committee recommends the Districts prepare BMP design standards for the guidance material.

RESPONSE: Staff intends on including a number of options for volume reduction techniques but does not intend for the list to be all inclusive. The Minnesota Stormwater Manual will be referenced for design guidance.

3. The Committee recommends the Districts state an acceptable upper threshold for the percentage of project submittals that require variances.

RESPONSE: The Districts will continually be evaluating the effectiveness and feasibility of implementation of the rules and will determine if recommendations should be made to the Board on changes to the rules. With the addition of the alternative compliance section of Rule C, District staff does not anticipate a large number of variances will be requested.

4. The Committee recommends the Districts establish a review board, comprised of an equal number of individuals from the regulated parties and the regulatory authority, to resolve a disagreement when an impasse is reached between the Districts and a party seeking a permit for a construction project. The submitting party could bring a dispute to this board only after a certain number of attempts to adjust the project design had been made or a certain amount of time had passed after an initial submittal.

RESPONSE: The District Board of Managers will review and decide all permit applications and variance requests that are submitted to the District. Appeals may always be made to the Board or to the Board of Water and Soil Resources.