PRIOR LAKE-SPRING LAKE WATERSHED DISTRICT

RULES

Board Approved: May 10, 2022

Effective Date: June 1, 2022

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CERTIFICATION OF RULES

I, Frank Boyles, Secretary of the Prior Lake-Spring Lake Watershed District Board of Managers, certify that the attached is a true and correct copy of the Rules of the Prior Lake-Spring Lake Watershed District having been properly adopted by the Board of Managers of the Prior Lake-Spring Lake Watershed District.

Frank Boyles, Secretary

Date 6/8/2022

POLICY STATEMENT

The Prior Lake-Spring Lake Watershed District (the District) is a political subdivision of the state under the Minnesota Watershed Act, and a watershed management organization as defined in the Metropolitan Surface Water Management Act. These Acts provide the District with power to accomplish its statutory purpose - the conservation, protection, and management of water resources within the boundaries of the District through sound scientific principles.

The District has adopted a water resources management plan pursuant to the Acts. These Rules implement the plan's principles and objectives.

Land alteration and utilization can affect the rate and volume and degrade the quality of surface water runoff within the District. Sedimentation from ongoing erosion and construction activities will reduce hydraulic capacity of waterbodies and degrade water quality. Water quality problems already exist in many waterbodies in the District.

Activities that increase the rate or volume of stormwater runoff will aggravate existing flooding problems and contribute to new ones. Activities that degrade runoff quality will cause quality problems in receiving water. Activities that fill floodplain or wetland areas will reduce flood storage and hydraulic capacity of waterbodies and will degrade water quality by eliminating the filtering capacity of such areas.

These Rules protect the public health, welfare and natural resources of the District by regulating the improvement or alteration of land and waters within the District to reduce the severity and frequency of high water, to preserve floodplain and wetland storage capacity, to improve the chemical and physical quality of surface waters, to reduce sedimentation, to preserve the hydraulic and navigational capacities of waterbodies, to promote and preserve natural infiltration areas, and to preserve natural shoreline features. In addition to protecting natural resources, these Rules are intended to minimize future public expenditures on problems caused by the improvement or alteration of land and waters.

RELATIONSHIP WITH MUNICIPALITIES AND COUNTY

The District recognizes that the control and determination of appropriate land use is the responsibility of the municipalities and the county. The District will review permit applications involving land subdivision before preliminary approval is received from the municipality or county so that District requirements will be considered in the review process.

The District intends to be active in the regulatory process to ensure that water resources are managed in accordance with its goals and policies. The District will require permits for developments and improvements in the watershed that meet the thresholds specified in the Rules. Municipalities will have the option of assuming a more active role within the permitting process after adoption of local water management plans approved by the District and implementation of local ordinances consistent with the approved plan. The District welcomes the execution of Memorandums of Agreement (MOA) with all its municipalities to define the purpose and roles of each organization for local water planning and regulation. With execution of an MOA, the District will continue to review and permit projects sponsored or undertaken by municipalities and other governmental units and will require security from the contractor in accordance with these Rules for governmental projects which have an impact on water resources of the District. These projects include but are not limited to, land development, road, trail, and utility construction. In addition, the District will review and offer comments to the municipality for projects undertaken by the private sector. In the interim, however, the District will direct the permitting process.

The District desires to provide technical advice to the municipalities and the county in the preparation of local stormwater management plans and the review of projects that may affect water resources prior to investment of significant public or private funds.

RULE A - DEFINITIONS

For the purposes of these Rules, unless the context otherwise requires, the following words and terms shall have the meanings set forth below. References in these Rules to specific sections of the Minnesota Statutes or Rules include amendments, revisions, or recodifications of such sections. The words "shall" and "must" are mandatory; the word "may" is permissive.

Agricultural Activity - the use of land for the production of agronomic, horticultural, or silvicultural crops, including nursery stock, sod, fruits, vegetables, flowers, cover crops, grains, Christmas trees, and grazing.

Alteration or Alter - when used in connection with public waters or wetlands, any activity that will change or diminish the course, current or cross-section of public waters or wetlands.

Applicant - any person or political subdivision that applies to the District for a permit under these Rules.

Atlas 14 - the Precipitation Frequency Estimates released by the National Weather Service (NWS) Hydrometeorological Studies Design Center. Volume 8, released in 2013, provides precipitation frequency estimates for many Midwestern states including Minnesota. Precipitation Frequency Estimates may be obtained from NOAA's NWS Precipitation Frequency Data Server.

Best Management Practices or BMPs - techniques proven to be effective in controlling runoff, erosion and sedimentation including those documented in Protecting Water Quality in Urban Areas (MPCA, 2000); Minnesota Urban Small Sites BMP Manual (Metropolitan Council 2001); and Minnesota Stormwater Manual (MPCA, 2014): as such documents may be amended, revised, or supplemented.

Basic Management Class Wetland – any wetland not classified as a Natural Areas, Hydrology or Restoration/Enhancement Class Wetland.

Buffer Strip - an area of natural, unmaintained, vegetated ground cover abutting or surrounding a watercourse or wetland.

Compensatory Storage - excavated volume of material below the floodplain elevation required to offset floodplain fill.

Compliance Agreement - an agreement required pursuant to Paragraph 6 of Rule B to assure compliance with these Rules.

Critical duration flood event - means the 100-year precipitation or snow melt event with a duration resulting in the maximum 100-year return period water surface elevation. For purposes of these rules, the critical duration flood event is either the 100-year, 24-hour rainfall event as found in NOAA Atlas 14 or the ten-day snow melt event assumed to be 7.2 inches of runoff occurring on frozen ground (CN=100); note however that other durations (e.g., 6-hour) may result in higher water surface elevations.

Dead Storage - the permanent pool volume of a water basin, or the volume below the runout elevation of a water basin.

Detention Basin - any natural or manmade depression for the temporary storage of runoff.

Development - the construction of any structure on or the subdivision of land.

Directly Connected Impervious Surface – an impervious surface that is hydraulically connected to a conveyance system (i.e., streets, curb and gutter, catch basins, storm drains, etc.) without flowing over pervious areas.

Drain or Drainage - any method for removing or diverting water from waterbodies, including excavation of an open ditch, installation of subsurface drainage tile, filling, diking, or pumping.

Emergency Overflow (EOF) – means a high-capacity weir, spillway, or natural overflow placed at or above the 100-year storage elevation waterbody or detention basin. It must not be prone to clogging and stabilized such that flow of water does not cause erosion at the waterbody, pond, or downstream.

Erosion - the wearing away of the ground surface as a result of wind, flowing water, ice movement or land disturbing activities.

Erosion and Sediment Control Plan - a plan of BMPs or equivalent measures designed to control runoff and erosion and to retain or control sediment on land during the period of land disturbing activities in accordance with the standards set forth in Rule E.

Excavation - the artificial removal of soil or other earth material.

FEMA (Federal Emergency Management Agency) – an agency of the United States Department of Homeland Security (DHS). The agency's primary purpose is to coordinate the response to a disaster that has occurred in the United States and that overwhelms the resources of local and state authorities.

Fill - the deposit of soil or other earth material by artificial means.

Flood Insurance Study (FIS) - A compilation and presentation of flood risk data for specific watercourses, lakes, and coastal flood hazard areas within a community that is approved by FEMA.

Floodplain - the area adjacent to a waterbody that is inundated during a 100-year flood.

High Value Resource Area (HVRA) – that portion of the District that contributes runoff to Spring, Upper and Lower Prior Lakes, exclusive of landlocked areas.

Hydrology Management Class Wetland – any wetland scoring “high” or “exceptional” for the MnRAM functions of Downstream Water Quality or Groundwater Interaction.

Impervious Surface - a constructed hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development. Examples include rooftops, sidewalks, driveways, parking lots, and concrete, asphalt, or gravel roads. Bridges over surface waters are considered impervious surfaces. Solar panels are considered impervious surface..

Land Disturbance or Land Disturbing Activity - an activity that changes or alters the existing ground cover (vegetative or non-vegetative) and/or the existing soil topography. Land disturbing activity includes, but is not limited to, development, redevelopment, public linear projects, clearing, grading, filling, excavation and borrow pits. The following are among those that do not constitute land disturbance: mill, reclamation and overlay of impervious surface; routine vegetation management activity such as the clearing of cattails from ditches; and the use of land for new or continuing agricultural activity, home gardens, or landscaping adjacent to existing structures. The

use of land for agricultural activities shall not constitute a land disturbing activity under these Rules.

Landlocked Basin - a basin other than Prior Lake that is one acre or more in size and does not have a natural outlet at or below the 100-year flood elevation as determined by the 100-year, 10- day runoff event.

Low Floor - the finished surface of the lowest floor of a structure.

Municipal Separate Storm Sewer System (MS4) – is a conveyance or system of conveyances that is: owned by a state, city, town, village, or other public entity that discharges to waters of the U.S., designed or used to collect or convey stormwater.

Mill, reclamation and overlay - the removal of the top layer(s) of an impervious surface (e.g., roadway, parking lot, sport court) by mechanical means, followed by the placement of a new layer of impervious surface, without disturbance of the underlying native soil.

Native Vegetation - Plant species that are indigenous to Minnesota or that expand the range into Minnesota without being intentionally or unintentionally introduced by human activity and that are classified as native in the Minnesota Plant Database, Minnesota Department of Natural Resources, St. Paul, 2002.

Natural Areas Management Class Wetland – any wetland scoring "high" or "exceptional" for the MnRAM functions of Vegetative Structure/Integrity or Wildlife Habitat Structure.

New development – any development that does not meet the definition of redevelopment.

NURP Standard - the design criteria developed pursuant to the Nationwide Urban Runoff Program (U.S. EPA, 1983) and published by the Minnesota Pollution Control Agency in Protecting Water Quality in Urban Areas 1991" (sections 4.1-4 through 4.1-7), as may be amended.

Ordinary High Water Level or OHW - the boundary of waterbodies and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

Owner - the owner of a parcel of land or the purchaser under a contract for deed.

Parcel - a parcel of land designated by plat, metes and bounds, registered land survey, auditors subdivision or other accepted means and separated from other parcels or portions by its designation.

Permanent cover - surface types that will prevent soil failure under erosive conditions. Examples include: gravel, asphalt, concrete, rip rap, roof tops, perennial vegetative cover, or other landscaped material that will permanently arrest soil erosion. To constitute permanent cover, perennial vegetative cover must be evenly distributed with little to no bare soil. Permanent cover does not include temporary erosion control practices.

Permittee - the person or political subdivision in whose name a permit is issued pursuant to these Rules.

Pre-development condition - the condition at the site prior to the proposed activity that serves as the baseline against which to measure impacts of the proposed activity for compliance with stormwater management requirements.

Person - any individual, trustee, partnership, unincorporated association, limited liability company or corporation.

Political Subdivision - a municipality, county, or other political division, agency, or subdivision of the state.

Prior Lake Outlet Channel - a watercourse improved and maintained by the District to provide an outlet for Prior Lake.

Public Linear Project - a project in which a public agency is a permittee and that involves a roadway, sidewalk, trail, or linear utility not part of a development pursuant to subdivision.

Public Health and General Welfare - are defined in Minnesota Statutes, section 103D.011, subdivisions 23 and 24.

Public Waters - any waters as defined in Minnesota Statutes, section 103G.005, subdivision 15.

Public Waters Wetland - any wetland as defined in Minnesota Statutes, section 103G.005, subdivision 15a.

Reconstructed Impervious Surface - area where impervious surface is removed down to the underlying native soil and the underlying native soil, as distinguished from roadway subgrade material, is disturbed. The following are among those that do not constitute impervious surface reconstruction: structure renovation; impervious surface mill, reclamation and overlay; and minor maintenance activities such as catch basin and pipe repair/replacement with same hydraulic capacity.

Redevelopment - any land disturbing activity where, prior to the start of disturbance, the areas to be disturbed have 15 percent or more of impervious surface.

Restoration/Enhancement Management Class Wetland – any wetland or basin lacking wetland hydrology as a result of prior alteration ranked as high priority for restoration per the District's Comprehensive Wetland Plan dated April 2012, or as amended.

Runoff - rainfall, snowmelt or irrigation water flowing over the ground surface.

Sediment - soil or other surficial material transported by surface water as a product of erosion.

Sedimentation - the process or action of depositing sediment.

Shoreland Protection Zone - land located within a floodplain, within 1,000 feet of the OHW of a public water or public waters wetland, or within 300 feet of a river, stream or the Prior Lake outlet channel.

Standard - a preferred or desired level of quantity, quality, or value.

Stormwater Management Plan - a plan for the permanent management and control of runoff prepared and implemented in accordance with the standards set forth in Rule D.

Structure - anything manufactured, constructed, or erected which is normally attached to or positioned on land, including buildings, portable structures, earthen structures, water and storage systems, drainage facilities and parking lots.

Subdivision or Subdivide - the separation of a parcel of land into 2 or more parcels.

Water basin - an enclosed natural depression with definable banks capable of containing water that may be partly filled with public waters.

Waterbody - all water basins, watercourses and wetlands as defined in these Rules.

Watercourse - any natural or improved stream, river, creek, ditch (including Scott County Ditch 13), channel or other waterway.

Water Resources Management Plan - the watershed management plan for the District adopted and implemented in accordance with Minnesota Statutes, section 103B.231.

Watershed - a region draining to a specific watercourse or water basin.

Wetland - any wetland as defined in Minnesota Statutes, section 103G.005, subdivision 19; and any public waters wetland as defined in Minnesota Statutes, section 103G.005, subdivision 15a.

Wetland Conservation Act or WCA - the Minnesota Wetland Conservation Act of 1991.

RULE B - PROCEDURAL REQUIREMENTS

1. APPLICATION REQUIRED. Any person, or political subdivision, undertaking an activity for which a permit is required by these Rules shall first submit to the District for review a permit application, design data, plans, specifications, and such other information and exhibits as may be required by these Rules. Permit applications shall be signed by the owner, or the owner's authorized agent, except for activities of a political subdivision which may be signed by either the owner or the general contractor.
2. FORMS. Permit applications shall be submitted on forms provided by the District. Forms are available at the District office or District website at plslwd.org.
3. ACTION BY MANAGERS. The managers shall approve or deny within 60 days after receipt of an application containing all required information, exhibits and fees, and complete under Minnesota Statues, Section 15.99. Failure of the managers to deny an application within 60 days is approval of the application. If the mangers deny an application, they must state in writing the reasons for the denial at the time they deny the application. If the District receives an application not containing all required information, exhibits and fees, the 60-day limit starts over if the District sends notice within 15 business days after receipt of the application telling the applicant what information is missing. If a state or federal law or court order requires a process to occur before the managers act on an application, or if an application requires prior approval of a state or federal agency, the deadline for the managers to approve or deny is extended to 60 days after completion of the required process or the required prior approval is granted. The managers may extend the initial 60-day period by providing written notice of the extension to the applicant. The notice shall state the reasons and anticipated length of the extension and may not exceed 60 days unless approved by the applicant. To the extent inconsistent with these Rules, the provisions of Minnesota Statutes, Section 15.99, shall apply.
4. CONFORMITY WITH SUBDIVISION PLAN. The managers will consider permit applications for subdivisions before preliminary approval is received from the municipality or county. The District shall furnish a copy of the approved permit to the municipality or county. The preliminary and final subdivision approval obtained from the municipality and county shall be consistent with the conditions of the permit approved by the District. The applicant shall furnish to the District copies of the resolutions granting preliminary and final subdivision approval within 30 days after adoption by the municipality or county.
5. SUBMITTAL. A complete permit application with all required information and exhibits shall be filed with the District at least 21 calendar days prior to the scheduled meeting date of the managers. Late or incomplete submittals will be scheduled to a subsequent meeting date.
6. CONDITIONS. A permit may be approved subject to reasonable conditions to assure compliance with these Rules. The conditions may include a requirement that the permittee and owner, including any mortgagee, enter into an agreement with and in form acceptable to the District to (a) specify responsibility for the construction and future maintenance of approved structures, (b) document other continuing obligations of the permittee or owner, (c) grant reasonable access to the proper authorities for inspection, monitoring and enforcement purposes, (d) affirm that the District or other political subdivisions can require or perform necessary repairs or reconstruction of such structures, (e) require indemnification of the District for claims arising from issuance of the permit or construction and use of the approved structures, and (f) reimburse the reasonable

costs incurred to enforce the agreement. Permits and agreements may be filed for record to provide notice of the conditions and continuing obligations.

7. ISSUANCE OF PERMITS. The managers will issue a permit only after the applicant has satisfied all requirements of these Rules, paid all required fees, and submitted to the District any required security. Work must be performed under an active permit. If a permit approval requires conditions to be met before the permit will issue, those conditions must be met within one hundred twenty (120) days of approval, or the Board approval expires and the applicant must reapply for a permit application with all associated fees. All activity under the permit shall be done in accordance with the approved plans and specifications, one set of which shall be kept on the site of the activity at all times while the authorized work is in progress.
8. VALIDITY. Issuance of a permit based on plans, specifications or other data shall not prevent the District from thereafter requiring the correction of errors in the approved plans, specifications, and data, or from preventing any activity being carried on thereunder in violation of these Rules.
9. TERM AND EXPIRATION. A permit is valid for a period of 2-years. However, a permit shall expire and become null and void if the approved activity is not commenced within 180 days after approval by the managers, or if the approved activity is suspended or abandoned at any time after the activity is commenced for a period of 180 days. Before the activity can recommence, the permit must be renewed. An application for renewal of a permit must be in writing and state the reasons for the renewal. Any plan changes and required fees must be included with the application. There must be no unpaid fees or other outstanding violations of the permit being renewed. The managers shall consider the application for renewal on the basis of the Rules in effect on the date the application is considered.

   Any permittee may apply for an extension of time to commence the approved activity under an unexpired permit when the permittee is unable to commence the activity within the time required by these Rules. An application for an extension of a permit must be in writing and state the reasons for the extension. Any plan changes and required fees must be included with the application. There must be no unpaid fees or other outstanding violations of the permit being extended. The application must be received by the District at least 30 days prior to the permit's expiration. The managers shall consider the application for an extension on the basis of the Rules in effect on the date the application is considered. The managers may extend the time for commencing the approved activity for a period not exceeding 180 days upon finding that circumstances beyond the control of the permittee have prevented action from being taken. No permit may be extended more than once.
10. MODIFICATIONS. The permittee shall not modify the approved activity or plans and specifications on file with the District without the prior approval of the managers.
11. INSPECTION AND MONITORING. After issuance of a permit, the District may perform such field inspections and monitoring of the approved activity as the District deems necessary to determine compliance with the conditions of the permit and these Rules. Any portion of the activity not in compliance shall be promptly corrected no later than 14 days after written notice of probable violation, sooner if identified in the notice. In applying for a permit, the applicant consents to entry upon the land for field inspections and monitoring, or for performing any work necessary to bring the activity into compliance. The cost of the District for field inspections and monitoring, including services of consultants, shall be payable by the permittee as provided in Paragraph 4 of Rule K.

12. SUSPENSION OR REVOCATION. The District may suspend or revoke a permit issued under these Rules wherever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any provision of these Rules, or if the preliminary and final subdivision approval received from the municipality or county is not consistent with the conditions of the permit.
13. CERTIFICATION OF COMPLETION. The District will certify completion of an activity for which a permit has been issued under these Rules and authorize the release of any required security upon inspection and submittal of information verifying completion of the activity in accordance with the approved plans and conditions of the permit. Copies of documents, with evidence of recording where appropriate, that establish easements or provide for maintenance of structures required by the permit shall be filed with the District before completion can be certified and any security released. All temporary erosion and sediment controls practices (such as silt fence) must be removed following approval of the certificate of completion and before security release. No activity may be certified as complete if there are any unpaid fees or other outstanding permit violations. If the District fails to make a determination as to compliance of an activity with the conditions of the permit within 60 days after submittal of the foregoing information verifying completion, the activity shall be deemed complete, and any surety shall thereupon be released.
14. PERMIT TRANSFERS. Transfer of a permit without a plan change may be administratively approved upon receipt of a permit application from the transferee with the applicable fees and any required surety. Transfer of a permit with plan changes shall be processed as a new permit application under these Rules. No permit may be transferred if there are any unpaid fees or other outstanding permit violations unless the District, in its discretion, agrees to the transferree's assumption of outstanding obligations. Permit transfer does not extend the permit term. Property transfer does not release the original permittee from liability under the permit, absent a permit transfer.
15. OTHER PERMITS. The applicant shall secure all environmental permits and approvals required by other governmental entities, and promptly provide the District with copies of such permits and approvals after issuance.
16. ADMINISTRATION OF RULES. The District Administrator shall administer and enforce these Rules under the direction and control of, and subject to the powers expressly reserved to, the managers.
17. SEVERABILITY. If any provision of these Rules is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of these Rules shall not be affected thereby.

RULE C - GENERAL STANDARDS

1. POLICY. It is the policy of the managers to protect the water resources of the District by requiring that all activities within the District comply with minimum standards for the protection of water quality and the environment.

2. REGULATION.

   (a) All land disturbing activities, whether requiring a permit under these Rules or otherwise, shall be undertaken in conformance with best management practices and in compliance with the standards and criteria in these Rules.

   (b) No person shall conduct land disturbing activities without protecting adjacent property and waterbodies from erosion, sedimentation, flooding or other damage.

   (c) Land disturbing activities shall be planned and conducted to minimize the extent of disturbed area, runoff velocities and erosion potential, and to reduce and delay runoff volumes. Erosion and runoff controls, consistent with best management practices, shall be properly installed before commencing land disturbing activities, and sufficient to retain sediment on-site. Erosion and runoff controls shall be regularly inspected and maintained. Disturbed area within 100 feet of a waterbody, storm sewer inlet or road shall be stabilized if work within the area ceases or will be suspended for more than 7 days on slopes greater than 3:1, or 14 days on slopes ranging from 3:1 to 10:1, or 21 days for flatter slopes. Vegetation shall be installed over the disturbed areas promptly if the land disturbing activity ceases or is suspended, and upon completion.

   (d) When possible, existing natural watercourses and vegetated soil surfaces shall be used to convey, store, filter and retain runoff before discharge into public waters or a stormwater conveyance system.

   (e) When possible, runoff from roof gutter systems shall discharge onto lawns or other pervious surfaces to promote infiltration.

   (f) Use of fertilizer and pesticides in the shoreland protection zone shall be done so as to minimize runoff into public waters by the use of earth material, vegetation, or both.

   (g) When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used. Preference shall be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and man-made materials and facilities.

   (h) Whenever the District determines that any land disturbing activity has become a hazard to any person, or endangers the property of another, adversely affects water quality or any waterbody, increases flooding, or otherwise violates these Rules, the owner of the land upon which the land disturbing activity is located, or other person or agent in control of such land, upon receipt of written notice from the District, shall within the time period specified therein repair or eliminate such condition. The owner of the land upon which a land disturbing activity is located shall be responsible for the cleanup and any damages from sediment that has eroded from such land. The District may require the owner to obtain a permit under these Rules before undertaking any repairs or restoration.

RULE D - STORMWATER MANAGEMENT

1. POLICY. It is the policy of the managers to:

   (a) Preserve natural infiltration, groundwater recharge and subsurface flows that support groundwater dependent resources including lakes, streams, channels, wetlands, plant communities and drinking water supplies.

   (b) Preserve existing water storage capacity within wetlands and landlocked basins in the watershed to minimize the frequency and severity of high water.

   (c) Minimize the amount of directly connected impervious surface created by development and redevelopment, preserve the infiltration capacity of soil, and incorporate infiltration practices into the design where feasible.

   (d) Limit off-site stormwater runoff volume to prevent down-gradient flooding and impacts to waters within the District.

   (e) Require management of stormwater runoff to limit nutrient and sediment concentrations conveyed to ground and surface waters and promote water quality.

   (f) Require that peak runoff rates for new development and redevelopment not exceed pre-development conditions and the capacity of downstream conveyance facilities.

   (g) Control runoff rates by the use of regional or on-site detention or infiltration facilities where feasible.

   (h) Review stormwater management structures based on the critical duration flood event.

   (i) Promote the use of natural waterbodies for storing treated stormwater runoff.

2. REGULATION. An approved stormwater management permit is required before land disturbing activity or the development or redevelopment of land that meets any of the following criteria, unless specifically exempted by Paragraph 8. The District encourages applicants to consult the District at the concept stage.

   (a) New development or redevelopment in incorporated areas and in unincorporated shoreland protection zones of a High Value Resource Area (HVRA) that results in a net increase of 3,500 square feet or more of impervious surface and includes more than 10,000 square feet of land disturbing activity. See Rule D Appendix D.1 for a map of the HVRA.

   (b) A public linear project in incorporated areas and in unincorporated shoreland protection zones of a HVRA that creates 10,000 square feet or more of new or reconstructed impervious surface.

   (c) New development, redevelopment, or a public linear project outside of a HVRA that creates one (1) acre or more of new or reconstructed impervious surface.

   (d) New development or redevelopment of a parcel riparian to a public water that increases from existing conditions the percent of impervious surface and requires a variance from the local shoreland ordinance for the percent impervious surface limit for the property.

3. CRITERIA. Stormwater management plans shall comply with the following criteria:

(a) Peak Runoff Rates. Peak runoff rates for the developed condition shall not exceed pre-development peak runoff rates at each point of site discharge for the 2- year, 10-year and 100-year critical duration flood event. Runoff rates at a particular point of discharge may increase if there is adequate conveyance capacity and this increase is offset by a decrease at another point of discharge to the same waterbody. Runoff rates may also be required to be restricted to less than the pre-development rates when necessary due to the capacity of downgradient stormwater conveyance structures and features. Runoff rates shall be calculated in accordance with Paragraph 3(g).

(b) Stormwater Volume. Volume must be managed as follows:

(i) New Development: The volume equal to 1.0 inches of runoff from impervious surfaces must be captured and treated. This volume is calculated as follows:

Required Treatment Volume (ft3) = Entire Site Impervious Surface (ft2) x 1.0 (in) ÷ Volume Conversion Factor ÷12 (in/ft)

(ii) Redevelopment: The volume equal to 1.0 inches of runoff from impervious surface must be captured and treated. This volume is calculated as follows:

1. If the project will disturb more than 50 percent of the site or reconstruct more than 50 percent of existing impervious surface:

Required Treatment Volume (ft3) = Entire Site Impervious Surface (ft2) x 1.0 (in) ÷ Volume Conversion Factor ÷12 (in/ft)

2. If the project will disturb 50 percent or less of the site and reconstruct 50 percent or less of the existing impervious surface:

Required Treatment Volume (ft3) = Area of New and Reconstructed Impervious Surface (ft2) x 1.0 (in) ÷ Volume Conversion Factor ÷12 (in/ft)

(iii) Public Linear: The volume equal to either 0.5 inches of runoff from all new and reconstructed impervious surfaces, or 1.0 inches of runoff from the net increase in impervious area, whichever greater, must be captured and treated. This volume is calculated as follows:

Required Treatment Volume (ft3) = Area of New and Reconstructed Impervious Surface (ft2) x 0.5 (in) ÷ Volume Conversion Factor ÷12 (in/ft), or

Required Treatment Volume (ft3) = Net increase in Impervious Surface (ft2) x 1.0 (in) ÷ Volume Conversion Factor ÷12 (in/ft)

(c) Infiltration Feasibility. The volume control criteria must be met, to the extent feasible, by one or more volume reduction practices including infiltration, rainwater harvest and reuse, canopy interception and evapotranspiration, and other practices included in the MIDS calculator and the Minnesota Stormwater Manual. In assessing feasibility, the applicant must consider site design that allows the siting of effective volume reduction practices. If volume reduction is claimed infeasible, the applicant must document the basis for infeasibility. Volume reduction relying on infiltration may be deemed infeasible if it is not possible to meet the design standards stipulated by the MPCA Construction General Permit, Minnesota Stormwater Manual or Minnesota Department of Health guidance.

(d) Alternative Compliance for Volume Control. If the stormwater volume control criteria is not fully met by a volume reduction practice, alternative management practices must be considered onsite to comply or partially comply with the criteria. The volume conversion factors for alternative management practices are as follows:

Table D.3.1 Volume Conversion Factors for Properly Designed Practices		
BMP	**BMP Design Variation**	**Volume Conversion Factor***
Infiltration **	Infiltration Feature	1.00
Water Reuse **	Irrigation	1.00
Enhanced Filtration	Iron or other additive	0.70
Biofiltration	Underdrain	0.65
Stormwater Wetlands	Pond/Wetland	0.55
Stormwater Ponds ***	Multiple Pond	0.60
	Wet Pond	0.50
Source: Adapted from the Minnesota Stormwater Manual, MPCA.		
* Refer to MPCA Stormwater Manual for additional information on practice performance. Volume conversion factors shown reflect comparative average annual total phosphorus percentage removal efficiencies to compare water quality treatment among various practices.		
** These BMPs reduce runoff volume.		
*** Stormwater ponds must also provide dead storage for runoff from the 2.5-inch event.		

For alternative management practices not found in Table D.3.1, or to deviate from a volume conversion factor found in Table D.3.1, the applicant may submit a volume conversion factor, expressed as annual percentage removal efficiency, with supporting technical data, for District approval.

(e) Water Quality. The following additional water quality standards apply:

(i) For New Development only, one or more stormwater management practices listed in Table D.3.1 shall be sized (without the conversion factor) to treat the volume of stormwater runoff that the developed site will generate for the 2-year, 24-hour precipitation event. Alternatively, water quality modeling may be provided demonstrating that the proposed stormwater management practices result in a reduction of at least 60% of total Phosphorus and 90% of total suspended solids. Note the volume managed under 3(b)(i) counts towards this standard.

(ii) For any impervious surface subject to regulation under Paragraph 3(b), total suspended solids in runoff that is not captured by a practice under Paragraph 3(d) must be reduced to the maximum extent practicable. Compliance with this criterion

may be achieved, for example, by incorporation of practices such as a SAFL Baffle®, sump manholes, or filter strips and vegetated swale along rural section roadways.

(f) Wetland Bounce and Inundation Period. A project must remain within the limits stated below for bounce in water level and duration of inundation, for a 24-hour precipitation event for each specified return period and for the downgradient wetland. The analysis must use NOAA Atlas 14 precipitation depths.

Wetland Susceptibility Class	Permitted Storm Bounce	Inundation Period for Two-Year event	Inundation Period for 10-Year or Greater Event
Highly susceptible	Existing	Existing	Existing
Moderately susceptible	Existing plus 0.5 feet	Existing plus 1 day	Existing plus 7 days
Slightly susceptible	Existing plus 1.0 feet	Existing plus 2 days	Existing plus 14 days
Least susceptible	No limit	Existing plus 7 days	Existing plus 21 days

* Adapted from "Stormwater and Wetlands Planning and Evaluation Guidelines for Addressing Potential Impacts of Urban Stormwater and Snowmelt Runoff on Wetlands," (Minnesota Stormwater Advisory Group, June 1997). Wetland susceptibility classification is determined based on wetland type:

- Highly susceptible wetland types include: sedge meadows, bogs, coniferous bogs, open bogs, calcareous fens, low prairies, coniferous swamps, lowland hardwood forests, and seasonally flooded basins.
- Moderately susceptible wetland types include: shrub-carrs, alder thickets, fresh (wet) meadows, and shallow & deep marshes.
- Slightly susceptible wetland types include: floodplain forests and fresh wet meadows or shallow marches dominated by cattail giant reed, reed canary grass or purple loosestrife.
- Least susceptible wetland includes severely degraded wetlands. Examples of this condition include cultivated hydric soils, dredge/fill disposal sites and some gravel pits.

(g) Calculating Off-Site Stormwater Flow. This paragraph governs calculation of site discharge under Paragraphs 3(a), 3(e) and 3(f). To calculate discharge, Soil Conservation Service TR-20 method shall be used. For New Development, the following curve numbers will be used for the pre-development condition:

Hydrologic Soil Group	Curve Number
A	30
B	55
C	71
D	77

For Redevelopment and Public Linear projects, curve numbers from NRCS Technical Release #55 (TR-55) representative of existing conditions, including impervious surfaces, may be used for the pre-development condition.

For all projects, a distributed curve number approach must be used to calculate flows; i.e., runoff from directly connected impervious surfaces must be modeled separately from pervious areas. For solar farm projects, the solar panel surface area may be composited with pervious areas.

To determine curve numbers for the post-development condition, the Hydrologic Soil Group (HSG) of areas within the construction limits must be lowered one classification for HSG B (to HSG C) and one-half classification for HSG A (to midway between HSG A and HSG B) to account for the impacts of grading on soil structure, unless the project specifications incorporate soil amendment or other method approved by the District to restore soil structure. This requirement only applies to that part of a site that has not been disturbed, tilled, or compacted prior to the proposed project.

(h) Wetland and Landlocked Basin Storage. Fill within wetland and landlocked basin floodplain is prohibited unless compensatory floodplain storage volume is provided within the floodplain of the same water body, and within the permit term. If offsetting storage volume will be provided off-site, it shall be created before any floodplain filling by the applicant will be allowed. This criterion does not apply to the floodplain of Prior Lake.

(i) Infiltration Feature Design Considerations. Design of infiltration features shall:

(i) Include a minimum of one soil boring at the location of any proposed infiltration facility is required. Multiple borings may be needed dependent on the size of the infiltration practice and the variability of the geologic materials on the site. Soil borings shall include detailed information on depth to water table, if applicable, and extend at least 5 feet below the bottom of the proposed infiltration facility. Grain size analysis, either alone or in conjunction with a hydrometer analysis shall be used to verify the ASTM classification of the soil material controlling the rate of infiltration (the least permeable within 5 feet of the bottom of the proposed practice) at each proposed practice. The following table summarizes the soil lab analysis required for borings related to infiltration practices.

Lab Test	**Description**	**When Required**
Grain Size Analysis	Provides a distribution of particle size greater than 75μm (sand size which correlates to the No. 200 sieve)	Always
Hydrometer Analysis	Provides a distribution of particle size less than 75μm (silt and clay sized particles)	Sample has greater than 10% fines as identified in the field or by lab test AND all soils classified as silty sand or SM.

(ii) Select soil infiltration rates based on the appropriate HSG classification and associated infiltration rates of the Minnesota Stormwater Manual – Design Infiltration

Rate table. Notwithstanding, permeameter testing, via a method approved in advance by the District, may be used to determine the design infiltration rate.

(iii) Be capable of infiltrating the required volume within 48 hours for surface and subsurface BMPs.

(iv) Include pretreatment of stormwater runoff to remove solids before discharge to infiltration areas to maintain the long-term viability of the infiltration areas. A pretreatment device such as a vegetated filter strip, small sedimentation basin, or water quality inlet (e.g., grit chamber) must be included in the design and sized according to MPCA Stormwater Manual guidance.

(j) Landlocked Basin Outlets. Landlocked basins may be provided with outlets that:

(i) Retain a hydrologic regime complying with Rules F and G;

(ii) Provide sufficient dead storage to retain back-to-back 100-year, 24-hour rainfalls and runoff above the highest anticipated groundwater elevation and prevent damage to property adjacent to the basin; and

(iii) Do not create adverse downstream flooding or water quality conditions, or materially affect stability of downstream water courses.

(k) Retention Pond Design Criteria. Permanent sedimentation and water quality ponds shall:

(i) Be consistent with NURP criteria and best management practices;

(ii) Have permanent wet pool with dead storage of at least the runoff from a 2.5-inch storm event;

(iii) Have a normal water elevation above the OHW of adjacent waterbodies;

(iv) Have an outlet skimmer to prevent migration of floatables and oils for at least the one-year storm event; and

(v) Have an identified overflow spillway sufficiently stabilized to convey the 100-year critical duration flood event.

(l) Flood Elevation Freeboard. All new residential, commercial, industrial, and other habitable or non-habitable structures, and all stormwater basins, must be constructed so that the lowest floor and lowest entry elevations of structures comply with the following:

	Regional Elevations*		**Local Detention Basins & Wetlands**		**Infiltration Basins**			**Rain Gardens**
Elevation	100-yr	EOF	100-yr	EOF	Bottom	100-yr	EOF	EOF
Low Floor Freeboard	2-ft	1-ft	0-ft	NA	0-ft	NA	NA	NA
Low Entry Freeboard	NA	NA	2-ft	1-ft	NA	2-ft	1-ft	0.5-ft

Within a landlocked basin, lowest floor elevations must be at least one foot above the surveyed basin overflow elevation. Where an outlet structure is proposed below the overflow elevation of a landlocked basin, the lowest floor elevations must be a minimum of three feet above the high water level of the 100-year, ten-day runoff event or back-to-back

100-year, 24-hour rainfalls, whichever is higher. Aerial photos, vegetation, soils, and topography will be used to derive a "normal" starting water elevation for the basin.

* Regional elevations are as established by FEMA or District SWMM model results in absence of a FEMA FIS elevation.

(m) Off-Site Stormwater Management. One or more of the applicable criteria of Paragraph 3 may be met by use of an off-site stormwater management practice upgradient of downstream receiving waters, provided there are no local rate, volume, water elevation or water quality impacts. An applicant must document permission to use available capacity of the practice and that it is in maintained condition, and the practice must be subject to a maintenance obligation under Paragraph 5. The practice must provide volume reduction to the same extent as would be feasible on the site.

(n) Local Stormwater Management Plan. A unit of government may prepare a plan by which regional stormwater management facilities may be constructed in anticipation of, or concurrent with, land disturbing activity within the jurisdiction of that unit of government. On finding that the criteria of this Rule D are met, the District will approve or approve with conditions. Thereafter, the plan will apply to subsequent applications for permits according to its terms.

(o) Volume Control Credits. Volume control provided in excess of the volume control criteria may be banked for use on another project. Excess banked volume control amounts shall not exceed the volume of two inches over the impervious surfaces of the drainage area to the BMP or the volume provided within the BMP, whichever is less.

To the extent an applicant has not met the volume control criteria by application of paragraphs 3(b), 3(c), 3(d), 3(m) and 3(n) the applicant may utilize District approved volume credits. If approved volume credits are not available, and if the applicant is a Public Road Authority, the District will establish debits that the applicant must meet by implementing future volume control measures, as approved by the District. Measures must be located within the same drainage area or subwatershed and cannot serve to meet an independent District-imposed regulatory requirement. The application must describe how debits will be met within a reasonable time specified by the District and the applicant must report to the District annually on the status of outstanding debits. The obligation will be formalized in a writing signed by the applicant. Regardless, total suspended solids in runoff from regulated impervious surface must be reduced onsite to the maximum extent practicable.

Transfer of banked volume credits between applicants is allowed. Applicants shall submit a letter to the District outlining the conditions of the transfer and confirming the volume of the transfer. The District must review and approve all credit transfers.

(p) Public Linear Project Cost Cap. For public linear projects, one or more of the applicable criteria of Paragraph 3 may be met by use of a public linear project cost cap where costs specific to satisfying the volume control criteria shall not exceed a cost cap which will be established in consultation with municipal partners and approved by the Board from time to time. The cap shall apply to costs directly associated with the design, testing, land acquisition, and construction of the volume reduction BMPs only. Unit costs for project components shall be developed by the applicant and approved by the District Engineer to

determine the cost of the volume reduction BMPs. The District may contribute the amount above the cap in order to meet the volume reduction criteria or it may allow the applicant to partially comply with the standards when the cap is met.

(q) Stormwater Impact Fund. If it is demonstrated that volume control is not feasible onsite and credits are not available, the applicant shall pay into the District's Stormwater Impact Fund to cover the cost of implementing equivalent volume reduction elsewhere in the watershed. The required amount to contribute to the Stormwater Impact Fund will be established in consultation with municipal partners and approved by the Board from time to time.

(i) Funds contributed from a local government unit shall be spent within that local government unit's jurisdiction to the extent possible.

(ii) Funds shall be allocated to volume reduction projects by the District according to the Stormwater Impact Fund Implementation Plan as approved by the District Board.

(r) Obligation to Ensure Performance. To find that the criteria of this rule have been met, the District shall require as-built drawings for all stormwater management practices within 60 days of substantial completion of construction. The District may also impose additional requirements as a specific condition of approval. The District may require monitoring or performance evaluation as a condition of approving a stormwater management practice that has not been adequately demonstrated in the proposed application.

4. EXHIBITS. The following are to be prepared and certified by a professional engineer registered in the State of Minnesota, registered land surveyor, or other appropriate professional, and submitted to the District with the application for stormwater management permit. All submittals shall be in electronic format. Exhibits for flowage and drainage easements and covenants shall be submitted as shapefiles.

(a) Property lines and delineation of lands under ownership of the applicant.

(b) Delineation of the subwatershed contributing runoff from off-site, proposed and existing subwatersheds on-site, emergency overflows and watercourses.

(c) Proposed and existing stormwater facilities location, alignment, and elevation.

(d) Delineation of existing on-site wetland, shoreland, drain tiling and floodplain areas.

(e) For applications proposing infiltration as a stormwater management practice, identification, description, permeability, and approximate delineation of site soils in both existing and proposed as-developed condition. Soil boring and lab analysis is required in accordance with Paragraph 3(i).

(f) Existing and proposed ordinary high and 100-year water elevations on-site.

(g) Existing and proposed site contour elevations at 2-foot intervals, referenced to NAVD, 1988 datum.

(h) Construction plans and specifications of all proposed stormwater management facilities, including design details for outlet controls.

(i) A maintenance schedule for all proposed facilities that will not be maintained by an MS4.

(j) Runoff volume and rate analysis for the 2-year, 10-year, and 100-year critical storm events, existing and proposed.

(k) All hydrologic, water quality and hydraulic computations made in designing the proposed stormwater management facilities.

(l) Narrative addressing incorporation of infiltration BMPs.

(m) Delineation of any ponding, flowage or drainage easements, or other property interests, to be dedicated for stormwater management purposes.

(n) Documentation as to the status of a National Pollutant Discharge Elimination System stormwater permit for the project from the Minnesota Pollution Control Agency, with the Storm Water Pollution Prevention Plan (SWPPP) being provided when it becomes available.

5. MAINTENANCE. The applicant, and all successors in title, is responsible to maintain in perpetuity all stormwater management facilities used to meet the criteria of Section 3. Unless the Board specifies otherwise, as a condition of permit issuance, the permittee must submit a maintenance instrument specifying the methods, schedule, and responsible parties for maintenance for District review and, after District approval, provide for the instrument to be recorded or registered on the property title. In place of a recorded instrument, a public permittee may execute with the District a maintenance agreement that achieves the same purposes as an instrument on the title and provides that such an instrument will be recorded or registered if the public land is conveyed into private ownership. The District will make standard maintenance instruments and agreements available for permittee use.

6. EASEMENTS. The applicant shall establish in form acceptable to the District temporary and perpetual easements for ponding, flowage, and drainage purposes over hydrologic features such as waterbodies and stormwater basins. The easements shall include the right of reasonable access for inspection, monitoring, maintenance, and enforcement purposes.

7. COVENANTS. The District may require that the land be subjected to restrictive covenants or a conservation easement, in form acceptable to the District, to prevent the future expansion of impervious surface and the loss of infiltration capacity.

8. EXCEPTIONS. No permit or stormwater management plan shall be required under this Rule for the following land disturbing activities:

(a) Minor land disturbing activities such as home gardens, repairs, and maintenance work.

(b) Construction, installation, and maintenance of individual sewage treatment systems.

(c) Construction, installation and maintenance of public utility lines or individual service connections.

(d) Linear trails no more than 10 feet wide, bordered downgradient by vegetated soil or filter strip at least 5 feet wide. If some but not all of a trail meets this criteria only those portions not meeting this criteria are subject to this rule.

(e) The reconstructed impervious surface of a road that will remain rural-section that is bordered downgradient by vegetated open space or a vegetated filter strip with a minimum width of 5 feet with a slope less than 2 percent is exempt from the requirements of Paragraph 3(b)(iii).

Note – a ditch bottom with perennial grasses may satisfy the width requirement and the slope criteria of this exception does not apply to adjacent driveways.

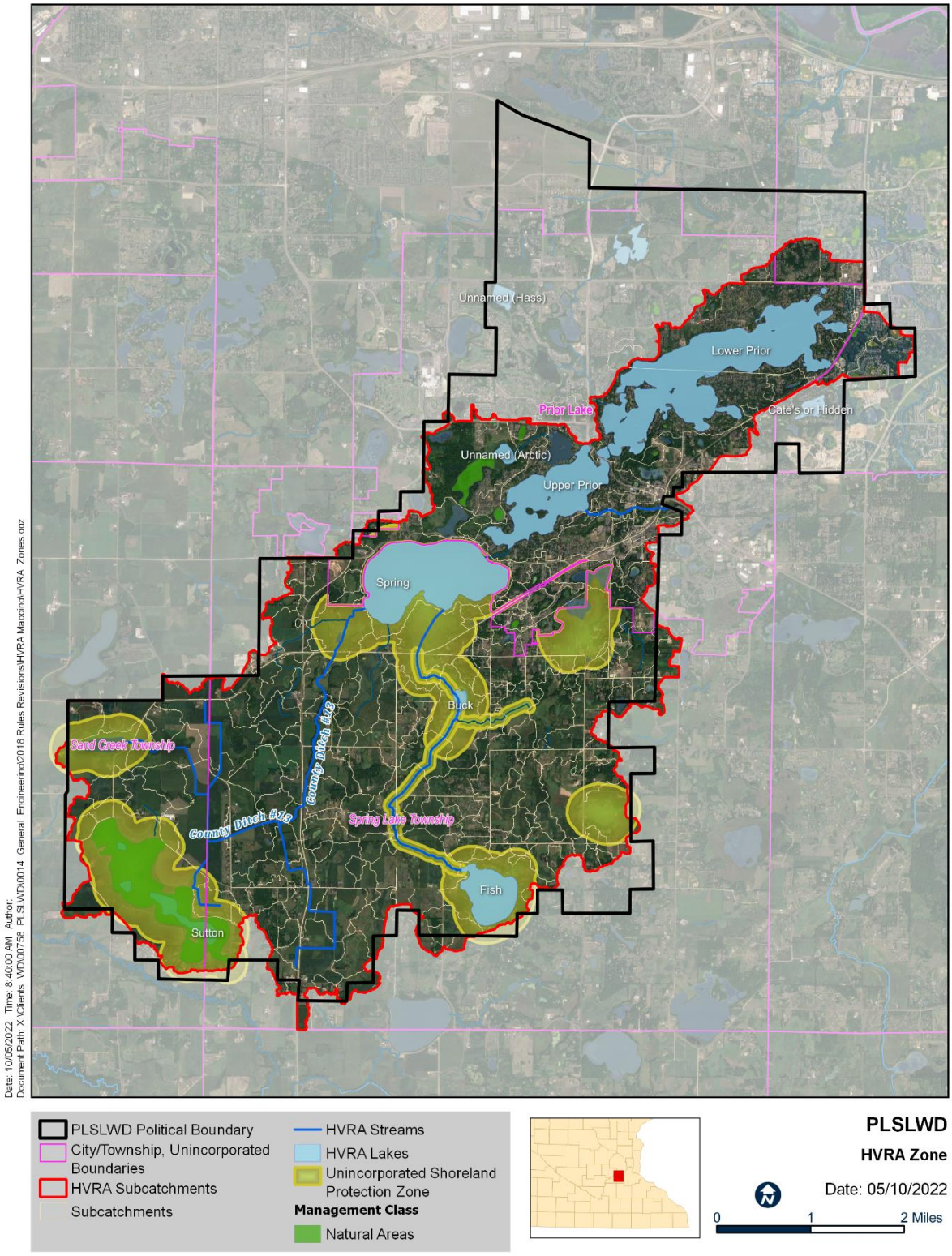
(f) Construction of any structure on an individual parcel in a subdivision with a stormwater management plan approved by the District, so long as the land disturbing activity complies with the approved plan.

(g) Land zoned as RR-1 (Rural Residential Reserve District) developed in conformance with County requirements.

(h) Installation of any fence, sign, telephone or electric poles, or other kinds of posts or poles.

(i) All land disturbing activities not required by this Rule to obtain a permit or have an approved stormwater management plan shall nevertheless be conducted in full compliance with Rule C.

APPENDIX D.1 – High Value Resource Area (HVRA)



RULE E - EROSION AND SEDIMENT CONTROL

1. POLICY. It is the policy of the managers to require the preparation and implementation of erosion and sediment control plans to control runoff and erosion and to retain or control sediment on land during land disturbing activities.

2. REGULATION. No person or political subdivision shall commence a land disturbing activity of more than 10,000 square feet, unless specifically exempted by Paragraph 10 below, without first obtaining a permit from the District that incorporates and approves an erosion and sediment control plan for the activity.

3. CRITERIA. Erosion and sediment control plans shall comply with the following criteria:

   (a) The plan must be prepared by a qualified individual showing proposed methods of retaining waterborne sediments on site during the period of construction and showing how the site will be restored, covered, or revegetated after construction, including a timetable for completion.

   (b) Natural site topography and soil conditions shall be used to control runoff and reduce erosion and sedimentation during construction and after completion of the land disturbing activity.

   (c) Erosion and sediment control measures shall be consistent with the standards of the General Permit Authorization to Discharge Stormwater Associated With Construction Activity Under the National Pollutant Discharge Elimination System/State Disposal System Permit Program, Permit MN R100001 (NPDES General Construction Permit), issued by the Minnesota Pollution Control Agency, except where more specific requirements apply, including:

      (i) Phasing to minimize disturbed areas subject to erosion at any one time.

      (ii) Implementation of BMPs to minimize the discharge of sediment and other pollutants. Redundant BMPs are required adjacent to all waterbodies, spaced a minimum of 5 feet apart except where conditions are limiting.

      (iii) All turbid or sediment-laden waters related to dewatering must be discharged to a temporary sediment basin on the project site unless infeasible. Permittees must provide appropriate Best Management Practices (BMPs) to water discharged to a surface water such that the discharge does not adversely affect the receiving water or downstream properties. Permittees must continuously monitor discharge to any surface water to ensure adequate treatment has been achieved. Discharge points must be adequately protected from erosion and scour through accepted energy dissipation methods.

      (iv) Use of temporary sediment basins are required where 10 or more acres of disturbed soil drain to a common location, or where 5 or more acres of disturbed soil are located within one mile of and discharge to a special or impaired water. Basin design and construction must comply with NPDES General Permit requirements.

      (v) Proper storage and disposal of all construction site projects, materials or wastes.

      (vi) Site inspections and records of rainfall events.

      (vii) Proper maintenance of all BMPs.

(viii) Management of solid and hazardous wastes on each project site.

(ix) Final stabilization upon completion of the construction activity.

(x) Provisions for the use of temporary sediment basins to control runoff and provide treatment during construction, when applicable.

(xi) Identification of wetland types and locations as identified in wetland delineation, as applicable.

(xii) Include contact information for the District's permit staff.

(d) The plan will specify measures for indefinite stabilization of exposed soil and stockpiled earth and erodible materials in the event that site work is suspended. These measures will be implemented within 7 days of a request by the District, unless, on the basis of permittee's written response and official inspection, the District finds that the site is active and actively managed under the erosion and sediment control plan. The District may set a later deadline for implementation if site conditions warrant.

(e) Requirement of site stabilization no later than November 15th of any given calendar year for exposed soil areas where construction activities have ceased and are not expected to continue until after frozen ground conditions.

(f) All erosion and sediment controls shall be installed before commencing the land disturbing activity, and shall not be removed without District approval or until the District has issued a certificate of completion pursuant to Paragraph 13 of Rule B.

(g) Use of erosion control blanket shall be limited to 'bio-netting' or 'natural netting' types, and specifically not products containing plastic mesh netting or other plastic components.

4. EXHIBITS. The following are to be prepared and certified by a professional engineer registered in the State of Minnesota, registered land surveyor, or other appropriate professional, and submitted to the District with the application for stormwater management permit. All submittals shall be in electronic format.

(a) An existing and proposed topographic map showing contours on and adjacent to the land, property lines, all hydrologic features, the proposed land disturbing activities, and the locations of all runoff, erosion and sediment controls and soil stabilization measures.

(b) Plans and specifications for all proposed runoff, erosion and sediment controls, dewatering methods, and temporary and permanent soil stabilization measures.

(c) Detailed schedules for implementation of the land disturbing activity, the erosion and sediment controls, and soil stabilization measures.

(d) Detailed description of the methods to be employed for monitoring, maintaining, and removing the erosion and sediment controls, and soil stabilization measures.

(e) Contact information for the person(s) responsible for erosion and sediment control inspection and maintenance.

(f) Soil borings if requested by the District.

(g) For projects over one acre of disturbed area, documentation that the permittee has applied for the NPDES General Construction Permit from the Minnesota Pollution Control Agency

(MPCA) shall be submitted, in addition to the Stormwater Pollution Prevention Plan (SWPPP) prepared for the NPDES Permit.

(h) Other project site-specific submittal requirements as may be required by the District.

5. CONSTRUCTION ACTIVITY REQUIREMENTS. Any activity subject to a permit under this Rule must conform to the standards of the NPDES General Construction Permit, as amended, regarding construction site erosion and sediment control.

6. INSPECTION. The permittee shall be responsible for inspection of all erosion and sediment control measures until final soil stabilization is achieved.

7. MAINTENANCE. The permittee shall be responsible for proper operation and maintenance of all erosion and sediment controls, and soil stabilization measures, in conformance with Best Management Practices, the Minnesota Stormwater Manual and the requirements of the NPDES General Construction Permit, as amended. The permittee shall, at a minimum, inspect and maintain all erosion and sediment controls and soil stabilization measures daily during construction, weekly thereafter until vegetative cover is established, and after every rainfall event exceeding 0.5 inches. Inspection and maintenance schedule should follow time requirements outlined in the District's Permit Handbook, Log of Activities – Erosion & Sediment Control (Form 6).

8. VEGETATION ESTABLISHMENT. The permittee shall prepare soils, sod, seed and/or otherwise stabilize the permit project areas according to the approved plans submitted with the permit application unless other written approval has been received by the District for an alternate vegetation establishment plan. After initial vegetative establishment efforts lasting no longer than one year the site shall contain little or no bare soil and shall exhibit a dominance of established permanent cover. If vegetation establishment does not meet this standard, the area must be prepped and reseeded, and covered with blanket, mulch or straw as recommended by the District. Erosion control blanket is required on all seeded areas with a slope greater than or equal to 3:1, unless otherwise approved by the District in writing.

9. SECURITY. Any bond or other security required in accordance with Rule L shall be maintained until final soil stabilization and removal of erosion and sediment controls, and the payment of all fees and other amounts due the District.

10. EXCEPTIONS. No permit or erosion control plan shall be required under this Rule for the following land disturbing activities:

    (a) Construction, installation, and maintenance of individual sewage treatment systems.

    (b) Construction, installation and maintenance of public utility lines or individual service connections unless the activity disturbs more than 10,000 square feet.

    (c) Construction of any structure on an individual parcel in a subdivision with an erosion and sediment control plan approved by the District, so long as any land disturbing activity complies with the approved plan.

    (d) Installation of any fence, sign, telephone or electric poles, or other kinds of posts or poles.

    (e) Emergency activity necessary to protect life or prevent substantial harm to persons or property.

(f) All land disturbing activities not required by this Rule to obtain a permit or have an approved erosion and sediment control plan shall nevertheless be conducted in full compliance with Rule C. All drainage alterations not required by this Rule to obtain a permit shall nevertheless be conducted in full compliance with Rule C.

RULE F - FLOODPLAIN ALTERATION

1. POLICY. It is the policy of the managers to:

   (a) Preserve existing water storage capacity below the 100-year critical duration flood elevation on all waterbodies in the District to minimize the frequency and severity of high water.

   (b) Minimize development in the floodplain which will unduly restrict flood flows or aggravate known high water problems. Require compensatory storage for unavoidable floodplain fill.

2. REGULATION. No person or political subdivision shall alter or fill land below the 100-year critical duration flood elevation of any public waters, public waters wetland or other wetland without first obtaining a permit from the District.

3. CRITERIA.

   (a) Floodplain alteration or filling shall not cause a net decrease in flood storage capacity below the projected 100-year critical duration flood elevation unless it is shown that the proposed alteration or filling, together with the alteration or filling of all other land on the affected reach of the waterbody to the same degree of encroachment as proposed by the applicant, will not cause high water, or aggravate flooding on other land and will not unduly restrict flood flows.

   (b) All new structures shall be constructed with the low floor at a minimum of two feet above the 100-year critical duration flood elevation.

   (c) A land disturbing activity within a floodplain may require a District permit under Rules D and E.

   (d) An activity that alters or fills a wetland within a floodplain may require a permit under Rule G.

4. EXHIBITS. The following are to be prepared and certified by a professional engineer registered in the State of Minnesota, registered land surveyor, or other appropriate professional, and submitted to the District with the application for stormwater management permit. All submittals shall be in electronic format.

   (a) Site plan showing boundary lines, delineation and existing elevation contours of the work area, ordinary high water level, and 100-year critical duration flood elevation. All elevations shall be referenced to NAVD, 1988 datum.

   (b) Grading plan showing any proposed elevation changes.

   (c) Preliminary plat of any proposed subdivision.

   (d) Determination by a registered professional engineer of the 100-year critical duration flood elevation before and after the proposed activity.

   (e) Computation of the change in flood storage capacity as a result of the proposed alteration or fill.

   (f) Erosion control and sediment plan which complies with Rule E.

   (g) Soil boring results if available.

5. EXCEPTIONS. If a municipality or county has adopted a floodplain ordinance which prescribes an allowable degree of floodplain encroachment, the applicable ordinance shall govern the allowable degree of encroachment and no permit will be required under this Rule.

RULE G - WETLAND ALTERATION

1. POLICY. It is the policy of the managers to:
   (a) Achieve no net loss in the quantity, quality, and biological diversity of wetlands in the District.
   (b) Increase the quantity, quality, and biological diversity of wetlands in the District by restoring or enhancing diminished or drained wetlands.
   (c) Avoid direct or indirect impacts from activities that destroy or diminish the quantity, quality and biological diversity of District wetlands as determined using the Minnesota Routine Assessment Method (MnRAM) for Evaluating Wetland Functions Version 3.4, or subsequent version.
   (d) Replace affected wetlands where avoidance is not feasible and prudent.
2. REGULATION. Where the District is the local government unit responsible to administer the Minnesota Wetland Conservation Act (WCA), it will do so in accordance with WCA statutes and rules.
3. CRITERIA.
   (a) Any drainage, filling, excavation, or other alteration of a wetland shall be conducted in compliance with Minnesota Statutes, section 103G.245, the Wetland Conservation Act, and regulations adopted thereunder.
   (b) A land disturbing activity within a wetland may require a District permit under Rules D and E.
   (c) An activity within a wetland that alters or fills a floodplain may require a District permit under Rule F.

RULE H - BRIDGE AND CULVERT CROSSINGS

1. POLICY. It is the policy of the managers to regulate crossings of watercourses for driveways, roads, and utilities to maintain channel profile stability and conveyance capacity.
2. REGULATION. No person or political subdivision shall construct, improve, repair, or alter a driveway, road or utility across the Prior Lake outlet channel or a watercourse with a tributary area in excess of 100 acres without first obtaining a permit from the District.
3. CRITERIA. Crossings shall:
   (a) Retain adequate hydraulic capacity, which for any crossing over the Prior Lake outlet channel shall be based on the hydraulic model for the outlet channel.
   (b) Retain adequate navigational capacity.
   (c) Not adversely affect water quality.
   (d) Represent the "minimal impact" solution to a specific need with respect to all reasonable alternatives.
   (e) Allow for future erosion, scour, and sedimentation considerations.
4. EXHIBITS. The following are to be prepared and certified by a professional engineer registered in the State of Minnesota, registered land surveyor, or other appropriate professional, and submitted to the District with the application for stormwater management permit. All submittals shall be in electronic format.
   (a) Construction plans and specifications.
   (b) Analysis prepared by a registered professional engineer showing the effect of the project on hydraulic capacity and water quality.
   (c) An erosion and sediment control plan which complies with Rule E.
5. MAINTENANCE.
   (a) The maintenance, reconstruction and stabilization of any public crossing shall be the responsibility of the political subdivision with jurisdiction over the crossing.
   (b) The maintenance, reconstruction and stabilization of any private crossing shall be the responsibility of the owner of the crossing.
   (c) If a crossing over the Prior Lake outlet channel is determined by the District to be causing significant erosion of the outlet channel cross-section or profile, the District may order the owner of the crossing to make necessary repairs or modifications to the crossing and outlet channel. If the owner of the crossing fails to make the necessary repairs or modifications, the District, after notice and hearing before the managers, may repair, modify, or remove the crossing or repair or modify the outlet channel. The District will seek reimbursement for the cost it incurs for such work in the same manner as fees under Rule K.
   (d) As a condition to the approval of a permit under this rule, the District may require the applicant and owner to enter into a compliance agreement with the District.

RULE I - DRAINAGE ALTERATIONS

1. POLICY. It is the policy of the managers that surface water may be drained only in a manner which does not unreasonably burden upstream or downstream land.
2. REGULATION. No person or political subdivision shall artificially drain surface water, nor obstruct or redirect the natural flow of runoff where the drainage area exceeds 50 acres, so as to affect a drainage system established under Minnesota Statutes, Chapter 103E, or the public health and general welfare of the District, without first obtaining a permit from the District.
3. CRITERIA. The applicant for a drainage alteration shall:
   (a) Describe the overall environmental impact of the proposed drainage alteration and demonstrate that:
      (i) There is a reasonable necessity for such drainage alteration;
      (ii) Reasonable care has been taken to avoid unnecessary injury to upstream and downstream land;
      (iii) The utility or benefit accruing to the land on which the drainage will be altered reasonably outweighs the gravity of the harm resulting to the land receiving the burden; and
      (iv) The drainage alteration is being accomplished by reasonably improving and aiding the normal and natural system of drainage according to its reasonable carrying capacity, or in the absence of a practicable natural drain, a reasonable and feasible artificial drainage system is being adopted.
   (b) Provide a hydraulic design which complies with Rules F and G, and if the alteration involves a landlocked basin, the alteration must comply with Rule D.3(j) for outlets from landlocked basins.
   (c) Provide a stable channel and outfall.
   (d) Obtain a permit under Rules D and E if the drainage alteration is part of a land disturbing activity or a development or redevelopment of land.
4. EXHIBITS. The following are to be prepared and certified by a professional engineer registered in the State of Minnesota, registered land surveyor, or other appropriate professional, and submitted to the District with the application for stormwater management permit. All submittals shall be in electronic format.
   (a) Map showing location of proposed alteration and tributary area.
   (b) Existing and proposed cross sections and profile of affected drainage area.
   (c) Description of bridges or culverts required.
   (d) Narrative and calculations verifying compliance with Paragraph 3(a) and 3(b) above.
5. EXCEPTIONS.
   (a) No permit shall be required under this Rule for the alteration of drainage in connection with the use of land for agricultural activities.

(b) The managers may waive the requirement of Paragraph 4(d) above if the applicant submits easements or other documentation in a form acceptable to the District evidencing the consent of the owner of any burdened land to the proposed alteration. Such easements or other documentation shall be filed for record and evidence thereof submitted to the District.

(c) All drainage alterations not required by this Rule to obtain a permit shall nevertheless be conducted in full compliance with Rule C.

RULE J - BUFFER STRIPS

1. POLICY. Natural vegetation around watercourses and wetlands is integral to maintaining the water quality and ecological functions these resources provide. Vegetative buffers reduce the impact of surrounding development and land use on watercourse and wetland functions by stabilizing soil to prevent erosion, filtering sediment from runoff, and moderating water level fluctuations during storms. Buffers provide essential habitat for wildlife. Requiring buffers recognizes that watercourse and wetland quality and function are related to the surrounding upland.

2. REGULATION. For any parcel created or redeveloped after August 12, 2003, a buffer strip shall be maintained around the perimeter of all watercourses and wetlands. The buffer strip provisions of this Rule shall not apply to any parcel of record as of the date of this Rule until such parcel is subdivided or redeveloped. The District does, however, strongly encourage the use of buffer strips on all parcels in the District.

3. GENERAL PROVISIONS.

   (a) This Rule shall apply to all lands containing watercourses or wetlands and lands within the buffer strips required by this Rule. Watercourses and wetlands shall be subject to the requirements established herein and other applicable federal, state, and local ordinances and regulations.

   (b) This Rule does not apply to any wetland with a surface area equal to or less than the area of wetland impact allowed without replacement as de minimis under the Wetland Conservation Act.

   (c) An applicant shall determine whether any watercourse or wetland exists on land or within the applicable buffer strip on adjacent land, and shall delineate the boundary for any wetland on the land. An applicant shall not be required to delineate wetlands on adjacent property but must review available information to estimate the wetland boundary.

   (d) Documentation identifying the presence of any watercourse or wetland on the applicant's land, including wetland delineation and buffer strip vegetation evaluation, must be provided to the District with a permit application.

   (e) Wetland and buffer strip identifications and delineations shall be prepared in accordance with state and federal regulations.

4. STANDARDS. The following standards apply to all lands that contain or abut a watercourse or wetland:

   (a) Best management practices shall be followed to avoid erosion and sedimentation during land disturbing activities.

   (b) When a buffer strip is required the applicant shall, as a condition to issuance of a permit:

      (i) Submit to the District for its approval a conservation easement for protection of approved buffer strips. The easement shall describe the boundaries of the watercourse or wetland and buffer strips, identify the monuments and monument locations, and prohibit any of the alterations set forth in Paragraph 5(f) below and the removal of the buffer strip monuments within the buffer strip or the watercourse or wetland;

(ii) File the approved conservation easement for record and submit evidence thereof to the District; and

(iii) Install the wetland monumentation required by Paragraph 7 below.

(c) All open areas within the buffer strip shall be seeded or planted in accordance with Paragraph 8 below. All seeding or planting shall be completed prior to removal of any erosion and sediment control measures. If construction is completed after the end of the growing season, erosion and sediment control measures shall be left in place and all disturbed areas shall be mulched for protection over the winter season.

5. CRITERIA.

(a) Buffers on wetlands, as measured from the delineated edge of the wetland, shall comply with the following minimums and averages:

Management Class	Minimum Width [ft]	Average Width [ft]
Natural Areas Wetland	50	75
Hydrology Wetland	25	50
Restoration/Enhancement & Basic Wetland	15	30

(b) Buffer strips on watercourses shall be a minimum of 15 feet wide with an average width of 30 feet, measured from the ordinary high water level of the watercourse.

(c) Buffer strips shall apply whether or not the watercourse or wetland is on the same parcel as a proposed development.

(d) Buffer areas of specific concern, including locations with significant flow accumulation, must be at least the average buffer width.

(e) Buffer strip vegetation shall be established and maintained in accordance with Paragraph 8 below. Buffer strips shall be identified within each parcel by permanent monumentation in accordance with Paragraph 7 below.

(f) Subject to Paragraph 5(g) below, alterations including building, storage, paving, mowing, plowing, introduction of noxious vegetation, cutting, dredging, filling, mining, dumping, grazing livestock, agricultural production, yard waste disposal or fertilizer application, are prohibited within any buffer strip. Noxious vegetation, such as European buckthorn, purple loosestrife, and reed canary grass, may be removed as long as the buffer strip is maintained to the standards required by the District. Alterations would not include plantings that enhance the natural vegetation or selective clearing or pruning of trees or vegetation that are dead, diseased or pose similar hazards.

(g) The following activities shall be permitted within any buffer strip, and shall not constitute prohibited alterations under Paragraph 5(f) above:

(i) Use and maintenance of a single, unimproved access strip through the buffer, not more than 5 feet in width in incorporated areas and 20 feet in width in

unincorporated areas, and maintained only by means of mowing, for recreational access to the watercourse or wetland and the exercise of riparian rights;

(ii) Placement, maintenance, repair or replacement of utility and drainage systems that exist on creation of the buffer strip or are required to comply with any subdivision approval or building permit obtained from the municipality or county, so long as any adverse impacts of utility or drainage systems on the function of the buffer strip have been avoided or minimized to the extent possible; and

(iii) Construction, maintenance, repair, reconstruction, or replacement of existing and future public roads crossing the buffer strip, so long as any adverse impacts of the road on the function of the buffer strip have been avoided or minimized to the extent possible.

6. ALTERNATE BUFFER STRIPS.

(a) Because of unique physical characteristics of a specific parcel, narrower buffer strips may be necessary to allow a reasonable use of the parcel; and in combination with other best management practices may provide equivalent water quality treatment performance. The District may choose to permit an alternative buffer width if any one or more of the following conditions is met:

(i) The proposed activity, development or redevelopment of land will not increase runoff volumes for the 5-year critical storm event, not including the 10-day snow melt event, that is discharged to the watercourse or wetland; or

(ii) The applicant demonstrates that a combination of best management practices to be incorporated with the proposed activity, development or redevelopment of land will provide storm water quality treatment performance equivalent to the average-width buffer required by Paragraphs 5(a) or (b); or

(iii) The dominant wetland type, as determined by methods acceptable under the Minnesota Wetland Conservation Act, is a low-quality Type 1 or 2 Wet Meadow, where low quality is defined as having a highly impacted vegetative community such that reed canary grass comprises more than 40 percent cover, and/or European buckthorn, if present, comprises greater than 30 percent cover, and/or vegetation was frequently (at least three of the past five years) removed by cropping.

(b) The use of alternative buffer strips will be evaluated as part of the review of a stormwater management plan under Rule D. Where alternative buffer strip standards are approved, the width of the buffer strips shall be established by the managers based on a minimum width of 15 feet. Alternative buffer strips must be in keeping with the spirit and intent of this Rule. The District may require maintenance agreements, restrictive covenants, or easements, in form acceptable to the District, to cover best management practices used to justify the alternative standard, to assure maintenance in perpetuity and that best management practices continue to function as originally designed.

7. MONUMENTATION. A monument shall be required at each parcel line where it crosses a buffer strip and at each point where the bearing of the buffer strip boundary line changes. Monuments shall have a maximum spacing of 200 feet along the edge of the buffer strip. Additional monuments shall be placed as necessary to accurately define the edge of the

buffer strip. A monument shall consist of a post and a buffer strip sign. The signs shall be obtained from the District and include warnings about disturbing or developing the buffer strip. The signs shall be 5-inch wide x 7-inch vertical, have a brown field with white lettering, and shall be securely mounted on a U-channel post to a minimum height of 4 feet above grade.

8. VEGETATION ESTABLISHMENT.

(a) Where acceptable natural vegetation exists in buffer strip areas, the retention of such vegetation in an undisturbed state is required unless an applicant receives approval to replace such vegetation. A buffer strip has acceptable natural vegetation if it:

(i) Has a continuous, dense layer of perennial native grasses and forbs that has been uncultivated or unbroken for at least 5 consecutive years; or

(ii) Has an overstory of trees and/or shrubs that has been uncultivated or unbroken for at least 5 consecutive years; or

(iii) Contains a mixture of communities described in Subparagraphs 8(a)(i) and (ii).

(b) Notwithstanding the performance standards set forth in Paragraph 8(a), the managers may determine existing buffer strip vegetation to be unacceptable if:

(i) It is composed of undesirable plant species including but not limited to common buckthorn, purple loosestrife, leafy spurge, or noxious weeds; or

(ii) It has topography that tends to channelize the flow of runoff; or

(iii) For some other reason it is unlikely to retain nutrients and sediment.

(c) Where buffer strips are not vegetated or have been cultivated or otherwise disturbed within 5 years of the permit application, such areas shall be replanted and maintained. The buffer strip plantings must be identified on the permit application. The buffer strip landscaping shall comply with the following standards:

(i) Buffer strips shall be planted with a native seed mix approved by MnDOT, NRCS or SWCD, with the exception of a one-time planting with an annual nurse or cover crop such as oats or rye in addition to the native seed mix.

(ii) The seed mix shall be broadcast according to MnDOT, NRCS or SWCD specifications of the selected mix. The annual nurse or cover crop shall be applied at a minimum rate of 30 pounds per acre. The MnDOT or NRCS seed mix selected for permanent cover shall be appropriate for soil site conditions and free of invasive species. MnDOT, NRCS or SWCD approved mixtures appropriate for specific soil and moisture conditions can be used to meet these requirements.

(iii) Native shrubs may be substituted for native grasses and forbs. All substitutions and density of plantings must be approved by the District. Shrubs shall be distributed so as to provide a natural appearance and shall not be planted in rows.

(iv) Any groundcover or shrub plantings installed within the buffer strip are independent of any landscaping required elsewhere by the municipality or county.

(v) Grasses and forbs shall be seeded or planted by a qualified contractor. The method of application shall be approved by the District prior to planting or seeding.

(vi) No fertilizer shall be used in establishing new buffer strips, except on highly disturbed sites when necessary to establish acceptable buffer strip vegetation and then limited to amounts indicated by an accredited soil testing laboratory.

(vii) All seeded areas shall be mulched immediately with clean straw at a rate of 1.5 tons per acre. Mulch shall be anchored with a disk or tackifier.

(viii) Buffer strips (both natural and created) shall be protected by erosion and sediment control measures during construction in accordance with Rule E. The erosion and sediment control measures shall remain in place until the buffer strip vegetation is established.

(d) Buffer strip vegetation shall be established and maintained in accordance with the requirements found in this Paragraph 8 based on an Establishment Plan submitted by the applicant and approved by the District prior to permit issuance and meeting the following requirements:

(i) Establishment plans must extend for the period beginning at the time of planting and extending two full years from completion of initial planting and mulching operations.

(ii) Establishment plans must include an irrigation or watering plan for the period beginning at the time of planting and extending one full year from completion of initial planting and mulching operations.

(iii) Establishment plans must include replacement of any buffer strip vegetation that does not survive during the two year period extending from the completion of the initial planting and mulching operations. Establishment maintenance and watering of replaced buffer strip vegetation shall extend one full year from completion of replacement planting and mulching operations.

(iv) The owner shall be responsible for reseeding and/or replanting if the buffer strip vegetation does not survive at any time through human intervention or activities.

(v) Establishment plans must include a schedule for weeding throughout the duration of the plan.

(vi) Establishment plans must be accompanied by an escrow account for the term of the establishment plan. At the end of the term of the establishment plan the balance of the account shall be returned to the permittee, less the amount required to complete the establishment of acceptable natural vegetation (if any).

9. COMPLETION. The following conditions must be met before the District will issue a Certificate of Completion and release buffer strip escrow:

(a) Buffer strip vegetation must be successfully established per Paragraph 8.

(b) Monumentation must be installed per Paragraph 7.

RULE K - FEES

1. POLICY. The managers find that it is in the public interest to require applicants to pay the cost of administering and reviewing permit applications and inspecting approved activities to assure compliance with these Rules, rather than using the District's annual administrative levy for such purposes.
2. APPLICATION. Each application for the issuance, transfer, or renewal of a permit under these Rules shall be accompanied by an application fee of $10.00 to defray the cost of recording and processing the application.
3. REVIEW. An applicant for the issuance, transfer, or renewal of a permit under these Rules shall pay a review fee equal to the actual cost of the District for the review and analysis of the proposed activity, including services of engineering, legal and other consultants. The District may require a deposit based on a good faith estimate of the cost to review an application at the time of filing. The review fee shall be payable upon issuance of an invoice after consideration of the application by the managers. No permit may be issued until the review fee has been paid.
4. INSPECTION. A permittee shall pay a field inspection fee equal to the actual cost of the District for field inspections and subsequent monitoring of the permitted activity, including services of engineering, legal and other consultants. The District may require a deposit based on a good faith estimate of the cost to inspect and monitor a proposed activity at the time the application is filed. Additional field inspection fees shall be payable within 10 days after issuance of an invoice if continued inspection and monitoring of an activity is required. A permit may be revoked, or a certificate of completion withheld, if the field inspection fee is not fully paid.
5. FAILURE TO OBTAIN PERMIT. Any person or political subdivision performing any activity for which a permit is required under these Rules without having first obtained a permit from the District, shall apply for and obtain a permit immediately and shall pay, in addition to such fines, court costs or other amounts as may be payable by law as a result of such violation, a field inspection fee equal to the actual cost of the District for field inspections, monitoring and investigation of such activity, including services of engineering, legal and other consultants. The field inspection fee shall be payable within 10 days after issuance of a statement by the District. No permit shall be issued for the activity if there are any unpaid field inspection fees or other outstanding violations of these Rules.
6. RECOVERY. The fees provided for in these Rules may be recovered by the District in any legal proceeding authorized by law.
7. AGENCIES EXEMPT. The fees in Paragraphs 2, 3, 4 and 5 above shall not be charged to the federal government, the state, or a political subdivision.

RULE L - SECURITY

1. POLICY. It is the policy of the managers to protect and conserve water resources by requiring a bond or other security to assure compliance with these Rules.
2. REQUIREMENT. The managers may require a deposit of cash, a performance bond, an irrevocable letter of credit or other security with the District as a condition to the issuance of a permit under these Rules.
3. AMOUNT. The amount of the security shall be set by the managers as the amount the managers deem necessary to cover the following potential liabilities to the District:
   (a) Post permit field inspection, monitoring and related fees authorized under Minnesota Statutes, section 103D.345;
   (b) The cost of maintaining and implementing erosion and sediment control required by the permit;
   (c) The cost of completing buffer strip landscaping in accordance with Paragraph 8(c) of Rule J; and
   (d) The cost of remedying damage resulting from noncompliance with the permit or these Rules or for which the permittee is otherwise responsible.
4. FORM AND CONDITIONS.
   (a) A performance bond or letter of credit must be in a form acceptable to the District and from a bank or surety licensed to do business in Minnesota.
   (b) The security shall be in favor of the District and conditioned upon the applicant's performance of the authorized activity in compliance with the permit and applicable laws, including these Rules, and the payment when due of any fees or other charges authorized or required by the permit, and these Rules.
   (c) The security shall be issued for a minimum term of one year. Security with a shorter term may be deposited with the District provided it is replaced at least 30 days before its expiration.
   (d) The District shall be authorized to make a claim or draw against the security after any default by the permittee under the permit or these Rules, or if the permittee fails to replace any security at least 30 days before its expiration.
5. POLITICAL SUBDIVISIONS. The general contractor for activities of a political subdivision shall provide any security required by the permit and these Rules.
6. RELEASE. Any security may be released by the District pursuant to Paragraph 13 of Rule B.

RULE M - VARIANCES

1. WHEN AUTHORIZED. The managers may grant variances from the literal provisions of these Rules. A variance shall only be granted when in harmony with the general purpose and intent of the Rules in cases where strict enforcement of the Rules will cause undue hardship, and when the terms of the variance are consistent with the District's water resources management plan and Minnesota Statutes, chapter 103D.
2. HARDSHIP. "Hardship" as used in connection with the granting of a variance means the land in question cannot be put to a reasonable use if used under the conditions allowed by these Rules; the plight of the applicant is due to circumstances unique to the land and not created by the applicant; and the variance, if granted, will not adversely affect the essential character of the locality and other adjacent land. Economic considerations alone shall not constitute a hardship if a reasonable use for the land exists under the terms of these Rules. Conditions may be imposed in the granting of a variance to ensure compliance and to protect adjacent land and the public health and general welfare of the District.
3. PROCEDURE. An application for a variance shall describe the practical difficulty or particular hardship claimed as the basis for the variance. The application shall be accompanied with such surveys, plans, data, and other information as may be required by the managers to consider the application.
4. TERM. A variance is valid for the term of the permit.
5. VIOLATION: A violation of any condition imposed in the granting of a variance shall be a violation of these Rules and the variance may be subject to termination.

RULE N - APPEALS

1. INTERESTED PARTY. For the purposes of this Rule N, "interested party" means a person or political subdivision with an interest in the pending subject matter.
2. APPEALS. An interested party may appeal a rule, permit decision or order made by the managers by a declaratory judgment action brought under Minnesota Statutes, Chapter 555.
3. PROCEDURES. The decision on appeal must be based on the record made in the proceeding before the managers. An appeal of a permit decision or order must be filed within 30 days of the managers' decision.

RULE O - ENFORCEMENT

1. MISDEMEANOR. A violation of these Rules, a stipulation agreement made, or permit or order issued by the managers pursuant to these Rules, is a misdemeanor subject to a penalty as provided by law.
2. ACTIONS. The District may exercise all powers conferred upon it by Minnesota Statutes, Chapter 103D, in enforcing these Rules, or a stipulation agreement made, or permit or order issued by the managers under these Rules, including criminal prosecution, injunction, or an action to compel performance, restoration or abatement, or other appropriate action.
3. ADMINISTRATIVE ORDER. The District may issue a cease-and-desist order when it finds that a proposed or initiated activity or project presents a serious threat of flooding, erosion, sedimentation, an adverse effect upon water quality, or otherwise violates these Rules.
4. ATTORNEYS' FEES AND COSTS. In any civil action arising from or related to these Rules, an order or a stipulation agreement made, or a permit issued or denied by the managers under these Rules, the court may award the prevailing party reasonable attorneys' fees and costs.

RULE P - ILLICIT DISCHARGE

1. POLICY. It is the policy of the managers to prohibit illicit discharges to the Prior Lake Outlet Channel.

2. DEFINITIONS: For the purposes of this Rule P, unless the context otherwise requires, the following words and terms shall have the meanings set forth below. Words and terms not defined in this Rule shall have the meanings set forth in Rule A.

   Illicit Connection – an illicit connection is defined as either of the following:

   1. Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the MS4 system, including, but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the system and any connections to the system from indoor drains and sinks, regardless of whether said drain or connection has been previously allowed, permitted, or approved by political subdivision.
   2. Any drain or conveyance connected from a commercial or industrial land use to the MS4 system that has not been documented in plans, maps, or equivalent records and approved by a political subdivision.

   Illicit Discharge – any discharge to the MS4 that is not composed entirely of stormwater except discharges pursuant to a NPDES permit (other than NPDES permit for discharges from the municipal separate storm sewer) and discharges resulting from firefighting activities.

   Non-Stormwater Discharge – any discharge to the MS4 system that is not composed entirely of stormwater.

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

   Stormwater – means stormwater runoff, snow melt runoff, and surface runoff and drainage (Minn. R. 7090.0080, subp.12.).

3. REGULATION.

   (a) No person or political subdivision shall throw, drain, or otherwise discharge, cause, or allow others under its control to throw, drain, or otherwise discharge into the Prior Lake Outlet Channel any pollutants or waters containing any pollutants, other than stormwater, unless specifically exempted by Paragraph 9 below.

   (b) The construction, use, maintenance, or continued existence of illicit connections to the Prior Lake Outlet Channel is prohibited.

(i) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law, rule, or practices applicable or prevailing at the time of connection.

(ii) A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the Prior Lake Outlet Channel or allows such a connection to continue.

(iii) Improper connections in violation of this ordinance must be disconnected and redirected, if necessary, to an approved onsite wastewater management system or the sanitary sewer system.

(iv) Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm sewer system, shall be located by the owner or occupant of that property upon receipt of written notice of violation from the District requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be determined, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to the District.

4. SUSPENSION OF MS4 ACCESS. The District may, without prior notice, suspend MS4 discharge access when such suspension is necessary:

   (a) Suspension due to Illicit Discharges in Emergency Situations. The District may, without prior notice, suspend MS4 discharge access when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the District's MS4 or Waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the District may take such steps as deemed necessary to prevent or minimize damage to the District's MS4 or Waters of the United States, or to minimize danger to persons or the environment.

   (b) Suspension due to the Detection of Illicit Discharge. Any person discharging to the District's MS4 in violation of this Rule may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The District may issue an administrative order or pursue other enforcement action as provided in the District's Rule O to compel performance, restoration, abatement, and other appropriate action.

5. MONITORING OF DISCHARGES. This section applies to all facilities that have stormwater discharges associated with industrial activity, including construction activity.

   (a) Access to Facilities. The District shall gain consent or obtain a search warrant to enter buildings subject to regulation under this Rule to determine compliance with this Rule. The discharger shall make the necessary arrangements to allow access to representatives of the District.

   (b) Access to Records. The District may examine and copy records that must be kept under the conditions of an NPDES Permit to discharge stormwater or that concern the performance of any duties as defined by state or federal stormwater laws.

(c) If the District has been refused access to any part of the premises from which stormwater is discharged, then the District may seek issuance of a search warrant from any court of competent jurisdiction.

6. WATERCOURSE PROTECTION. Every person owning property, through which a watercourse passes, shall keep, and maintain that part of the watercourse within the property free of trash, debris, and other obstacles that originate from the property owners use or activity on the property that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

7. NOTIFICATION OF SPILLS. It is the duty of every person to notify the District immediately of the discharge, accidental or otherwise, of any substance or material under its control which, if not recovered, may cause pollution of the Prior Lake Outlet Channel, and the responsible person shall recover as rapidly and as thoroughly as possible such substance or material and take immediately such other action as may be reasonably possible to minimize or abate pollution.

8. ENFORCEMENT. In addition to pursuing enforcement actions as provided in the District's Rule O, the District may utilize the following measures to enforce the provisions of this rule:

   (a) Notice of Violation. Whenever the District finds that a person has violated a prohibition or failed to meet a requirement of this Rule, the District may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

      (i) If the activity has been performed without an applicable District permit, that a permit be applied for and obtained immediately;

      (ii) The performance of monitoring, analysis and/or reporting;

      (iii) The elimination of illicit connections or discharges;

      (iv) That violating discharges, practices or operations will cease and desist;

      (v) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;

      (vi) Payment of District costs of administrative and remediation;

      (vii) The implementation of source control or treatment BMPs.

   (b) Enforcement Measures. If a violation is not corrected pursuant to the Notice of Violation and subsequent District order, the District may seek enforcement of the Rule requirements and/or order through criminal prosecution, injunction, action to compel performance, restoration, abatement, and other appropriate action. The District may avail itself of any and all measures necessary to abate the violation and/or restore the property.

9. EXCEPTIONS. The following materials may be discharged to the Prior Lake Outlet Channel operated by the District:

   (a) Stormwater from a Municipal Separate Storm Sewer System connected to the Prior Lake Outlet Channel operated by the District, as specified in the Joint Powers Agreement / Memorandum of Agreement that governs the operation of the Prior Lake Outlet Channel.

(b) Discharges from public waters, including Prior Lake, Pike Lake, and Dean Wetland.

(c) The following minor discharges:

(i) Water line flushing

(ii) Landscape irrigation

(iii) Diverted stream flows

(iv) Rising ground waters

(v) Uncontaminated ground water infiltration

(vi) Uncontaminated pumped ground water

(vii) Discharges from potable water sources

(viii) Foundation drains

(ix) Air conditioning condensation

(x) Irrigation water

(xi) Springs

(xii) Water from crawl space pumps

(xiii) Footing drains

(xiv) Lawn watering

(xv) Individual residential car washing

(xvi) Flows from riparian habitats and wetlands

(xvii) Dechlorinated swimming pool discharges

(xviii) Street wash water

(d) Discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the United States Environmental Protection Agency (EPA), provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that a permit has been received from the District under all applicable rules.

(e) Discharges or flow from firefighting, and other discharges specified in writing by the Prior Lake Watershed District as being necessary to protect public health and safety.

(f) Dye testing is an allowable discharge but requires a verbal notification to the District prior to the time of the test.