

# MIDDLE FORK CROW RIVER WATERSHED DISTRICT

## ADMINISTRATIVE RULES

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### SECTION 1. INTRODUCTION, PURPOSES, AND GENERAL POLICY GOALS

Middle Fork Crow River Watershed District (District) has enacted these rules to carry out the purposes for which the District was created under Minnesota Statutes Chapter 103D and to implement the policies of the Board of Managers (Board). Certain terms have been given specific meanings which can be found in Section 3 of these rules.

The District's statutory purposes are to protect water quality and quantity within the watershed. As required by Minnesota Statutes Chapter 103D and in compliance with Minnesota Statutes Chapter 103B.801, the District has adopted a comprehensive watershed management plan ("watershed management plan") that was developed as a part of the One Watershed, One Plan program. The watershed management plan identifies certain issues that are central to the District's overarching purposes. Specifically, the District is concerned about protecting and improving surface water quality; protecting groundwater quality; maintaining adequate surface and groundwater supplies for all users; protecting and restoring critical areas; promoting wise land use management; expanding knowledge and understanding of the watershed; engaging residents in water resource management; and providing effective and efficient administration of the District. The District's watershed management plan identifies objectives and initiatives necessary to address these issues.

The District is required by Minnesota Chapter Statutes 103D to promulgate administrative rules. The District's watershed management plan identifies several areas where District rules are necessary to effectuate the District's statutory purposes. These areas are erosion and sediment control and stormwater management. The District's rules are intended to fill gaps in existing federal, state, and local regulations. The District's rules are not intended to duplicate existing regulations.

### SECTION 2. ADOPTION AND AMENDMENT OF RULES.

**Subd. 1. Procedure for Adopting and Amending Rules.** The following procedures shall apply to rule adoption and rule amendments:

- a. Any District property owner, Board Member, or the District Administrator may propose rules or amendments to the Board. A copy of the proposed rules or amendments shall be submitted to each Board Member.

- b. At the Board's discretion, depending on the potential impact of the proposed rule, District staff may be directed to conduct stakeholder meetings to solicit input from persons and political subdivisions likely to be affected by the proposed rule or amendment.
- c. In accordance with Minnesota Chapter Statutes 103D, the District shall submit the proposed rules or amendments to the Board of Soil and Water Resources and transportation authorities within the District for comments 45 days before the Board vote to adopt the proposed rules.
- d. Before adopting any proposed rules or amendments, the Board shall hold a public hearing on them. The time, date, and location of the public hearing shall be determined by the Board; and they shall give notice of the public hearing by publication in a legal newspaper of general circulation in each county with territory in the District.
- e. The Managers shall adopt or reject the proposed rules or amendments based on a majority vote of the Board. After public hearing, a majority vote of the Board, and upon being signed by the District's President and Secretary, the proposed rules or amendments are deemed adopted.
- f. The adopted rules or amendments shall become effective and have the full affect and force of law after publication in a legal newspaper of general circulation in each county having territory in the District.
- g. A copy of adopted rules or amendments shall be forwarded to each of the following persons: the County Auditor and the County Commissioners of each county having jurisdiction in the District; every Township Board Clerk, City Clerk, and Regional Development Commission Chairman within the District; the Director of the Board of Water and Soil Resources; the Commissioner of the Minnesota Department of Natural Resources; the Commissioner of the Minnesota Pollution Control Agency; the Commissioner of the Minnesota Department of Health, Soil and Water Conservation Districts, all Zoning and Planning Boards in the district, the Chairman of the Minnesota Environmental Quality Board, all public transportation authorities within the District and other entities that the Board deems appropriate.

**Subd. 2. Validity.** All rules adopted and amended by the District shall have the force and effect of law. If for any reason a section or subdivision of these rules should be held invalid, such decision shall not affect the validity of the remaining rules. These rules shall conform to Minnesota Law and if inconsistent therewith, Minnesota Law shall govern.

### **SECTION 3. DEFINITIONS**

For the purpose of these rules, unless a different meaning clearly appears from the context, certain terms are defined as follows:

**BMPs (Best Management Practices):** practices to prevent or reduce the pollution of waterbodies and wetlands, including schedules of activities, prohibitions of practices, and other management practices.

**Board:** the District Board of Managers.

**Board Meeting:** the District Board of Managers regular meeting typically held once a month at the District Office or a special meeting as may be called from time to time.

**District:** the Middle Fork Crow River Watershed District.

**Impervious Surface:** means 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, patios, driveways, parking lots, storage areas, and concrete, asphalt, or gravel roads.

**Land Disturbing Activity:** any disturbance to the ground surface that may result in soil erosion from water or wind and the movement of sediments into or upon waterbodies or wetlands within the watershed. Land-disturbing activity includes but is not limited to the demolition of a structure or surface, soil stripping, clearing, grubbing, grading, excavating, filling, the storage of soil or earth materials, and the removal or replacement of impervious surfaces other than public roadways. This includes a disturbance to the land that results in a change in the topography, existing soil cover, or vegetation that may result in accelerated stormwater runoff which may lead to soil erosion and movement of sediment. The term does not include normal farming practices as part of an ongoing farming operation.

**MPCA:** the Minnesota Pollution Control Agency.

**New Development:** any development that results in the conversion of land that is currently prairie, agriculture, forest, or meadow and has less than 15 percent impervious surface. Land that was previously developed, but now razed and vacant, will not be considered new development

**Open Ditch:** any privately-owned open channel used to conduct the flow of water in order to drain agricultural lands.

**Ordinary High Water Mark:** means the boundary of waterbodies and wetlands, 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.

**Person:** any individual, partnership, company, corporation, but does not include any political subdivision.

**Political subdivision:** any city, township, county, school district, or political subdivision of the State of Minnesota.

**PUD (Planned Unit Development):** a type of development characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, usually involving clustering of these units or sites to provide areas of common open space, density increases, and a mix of structure types, land uses, and form of ownership.

**Redevelopment:** any change in use of a property or permanent physical change to a property that alters the drainage pattern of the property or causes an increase in pollutants in stormwater runoff from the property.

**Shoreland:** means land located within the shore impact zone as defined in Minnesota Rule 6120.2500.

**Waterbody:** any body of water including lakes, rivers, streams, watercourses, or water basins.

**Watershed:** means the boundaries of Middle Fork Crow River Watershed District. See map in Appendix.

**Wetland:** lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water and where hydric soils and hydrophytic vegetation are present under normal circumstances. This definition includes public waters wetlands (Chapter 6115) as designated by the Minnesota Department of Natural Resources and wetlands under the jurisdiction of the Wetland Conservation Act (Chapter 8420).

#### **SECTION 4. PERMIT PROCESS**

Any permit required by these rules will be issued in accordance with the procedural process of this Section. Work that requires a permit from the District may not be undertaken until a permit is issued.

Obtaining a District permit does not relieve an applicant from the responsibility of obtaining all other required federal, state, and local permits.

**Subd. 1. Application.** All applications for a District permit are subject to the following requirements:

- a. Prior to the submission of any application, applicants are encouraged to contact District Staff for a scoping meeting. While not a requirement, a scoping meeting - conducted in-person or over the telephone - can serve to ensure that the applicant is aware of the scope of the District's rules, the application requirements, and the standards for the approval of an application.
- b. All applications for a District permit must be submitted on the application form as shown in Appendix A.
- c. All applications must be accompanied by a fee of \$10 to cover the administrative costs of processing the permit. No permit fee shall be charged to the federal government, the State, or a political subdivision.
- d. All applications must be accompanied by an initial inspection fee to cover the cost of application review, site investigation and engineering prior to permit issuance. As a condition of permit issuance, an applicant may be required to file an additional inspection fee to cover field and compliance inspections during project implementation. The District will charge applicants an inspection fee in accordance with a schedule that will be maintained and revised from time to time by resolution of the Board of Managers to ensure that inspection fees cover the District's actual costs of reviewing, administering and enforcing permits and the actual costs related to field inspections of permitted projects, such as investigation of the area affected by the proposed activity, analysis of the proposed activity, services of a consultant, and any required subsequent monitoring of the proposed activity. Costs of monitoring an activity authorized by permit may be charged and collected as necessary after permit issuance. The fee schedule may be obtained from the District office or the District's website at [www.mfcrow.org](http://www.mfcrow.org). A permit applicant must submit the required fee to the District at the time it submits the relevant permit application. The fee provided by this rule will not be charged to any agency of the United States or any governmental unit or political subdivision of the State of Minnesota.
- e. Any application that requires Board review under Subd. 9 of this Section must be submitted, and deemed complete, 10 business days prior to the next regularly scheduled Board Meeting in order to be on the agenda.
- f. Drawings or plans are required to be submitted with every permit application. The drawings or plans are not required to be prepared by an engineer, but they must adequately depict the information required by the application form in Appendix A.

**Subd. 2. Administrative Review and Approval.** It is administratively burdensome for the Board to review every District permit application. Therefore, the District Administrator shall review all applications and make recommendations for approval or denial, including proposed conditions. Certain permit applications may be reviewed and approved administratively by the District Administrator.

- a. The following permit applications may be approved administratively:
  - i. Erosion control permit applications under Section 9 that involve the disturbance of less than 20,000 square feet of land where no erosion control regulations apply.
- b. The District Administrator may work with consultants on the administrative review of a permit.
- c. If a permit meets the administrative approval requirements but the District Administrator determines that administrative approval is inappropriate due to an unusual circumstance, the permit application shall be brought before the Board for approval.

- d. All administratively approved permits shall be deemed issued when signed by the District Administrator and all conditions of the permit have been satisfied.
- e. The District Administrator shall provide reports to the Board of all administratively approved permits.
- f. District Staff may not deny a permit. District Staff must instead bring the permit application before the Board with a recommendation to deny the permit application including proposed written reasons for denial.

**Subd. 3. Board Approval.** The Board shall review the Staff recommendations for all permit applications that are not administratively approved.

- a. The Board shall review permit applications at regularly scheduled meetings.
- b. The applicant or a representative of the applicant must be present at the meeting to answer questions about the permit application.
- c. The Board may add reasonable conditions to the approval of a permit to address site-specific or activity-specific concerns.
- d. All Board approved permits shall be deemed issued when signed by the Board and all conditions of the permit have been satisfied.
- e. If the District denies an application, written reasons for the denial will be provided.

**Subd. 4. Conditions.** A permit may be approved subject to reasonable conditions necessary to ensure compliance with the requirements and intent of these rules. All conditions of the permit, to the extent possible, must be satisfied before the permit is deemed to be issued and the applicant can begin work.

- a. In conformance with Subdivision 1.d. of this Section, in-progress site inspections, a final site inspection, and post-project monitoring inspections may be required at any time to ensure that the applicant has complied with the conditions of the permit. Applicants are responsible for the cost of all site inspections, which must be paid as a condition of any permit. A permit may be conditioned to require an applicant to maintain positive inspection fee balance consistent with the District's fee schedule.
- b. The requirements of any other permit required for the proposed activity are incorporated into the District permit. A violation of other required permits is a violation of the District permit.
- c. By requesting and receiving a District permit, an applicant affirmatively grants the District a right of entry onto the applicant's property for the purpose of performing required site inspections.

**Subd. 5. Deadlines for Action.** The District will seek to approve or deny a permit application within 60 days after receipt of a complete application and full payment of fees.

- a. An application that requires a site inspection is not deemed complete until a site inspection is completed by District Staff. When weather, or other uncontrollable natural conditions, makes a site inspection temporarily impossible, then the timeline under this Section and Minnesota Statute 15.99 is tolled until conditions allow for the site inspection. Within 10 business days of receiving an application, the District will notify the applicant if the application is incomplete. Within 10 days, the District will also notify the applicant if the application requires a site inspection and is therefore incomplete until the site inspection is performed.
- b. The District will comply with Minnesota Statutes Section 15.99 where it is applicable. Failure to meet an approval deadline shall not authorize any activity for which a permit cannot be granted because the activity is unlawful under applicable law.
- c. If a state or federal law or court order requires a process to occur before the District acts on an application, or if an application requires prior approval of a state or federal agency, any

applicable deadline for the District to approve or deny is extended to 60 days after completion of the required process or the required prior approval is granted.

- d. The District may extend any applicable initial 60-day period to 120 days by providing written notice of the extension to the applicant.

**Subd. 6. Performance Surety.** In accordance with Minnesota Statute 103D.345 Subd. 4, the Board may require a performance surety, such as a bond or an irrevocable letter of credit, to secure performance of permit conditions and compliance with District rules. The federal government, state, and political subdivisions are exempt from the requirements of this subdivision.

- a. When the Board requires a performance surety, it shall be for an amount sufficient to cover the potential costs to restore that may result from a violation of the permit. The District Engineer shall assist in determining this amount.
- b. The performance surety must be in a form acceptable to the District and from a surety company licensed to do business in Minnesota.
- c. The performance surety must be in favor of the District and conditioned on the applicant's compliance with the terms of the permit. The performance surety must allow the District to claim the performance surety if the conditions are not met.
- d. The District will release the performance surety in writing after all work is completed in compliance with the permit and District rules. The District, in writing, may release a portion of the surety if the entire surety, in the District's sole discretion, is no longer necessary to secure compliance with the permit and District rules.
- e. When a permit is conditionally approved upon the applicant providing a performance surety, the surety must be provided to the District before the permit is deemed to be issued and the applicant can begin work.

**Subd. 7. Applicant Agreement.** The Board may require that an applicant and owner, including any mortgagee, enter into an agreement with the District. The agreement must specify responsibility for the construction and future maintenance of approved structures; document other continuing obligations of the applicant or owner; and grant reasonable access to the proper authorities for inspection, monitoring and enforcement purposes. The agreement must require the applicant to affirm that the District or other political subdivisions can require or perform necessary repairs or reconstruction of such structures; require indemnification of the District for claims arising from issuance of the permit or construction and use of the approved structures; and require reimbursement of 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. When a permit is conditionally approved upon the applicant entering into an agreement with the District, the agreement must be executed before the permit is deemed to be issued and the applicant can begin work.

**Subd. 8. Assignment and Transfer of District Permits.** An assignment or transfer of a District permit without a change in the approved plans may be approved by the District Administrator. No assignment or transfer of a District permit is allowed where the approved plans are changed. Changes to approved plans require approval by the District Administrator. The District Administrator may determine that significant changes require Board approval. No assignment or transfer, regardless of whether the assignment or transfer is approved by the District Administrator, shall relieve the original applicant from liability under the District permit.

**Subd. 9. Expiration of District Permits.** District permits are valid for 18 months from the date of issue. Permit extensions may be granted by the District Administrator or the Board, whoever approved the

original permit. Extension requests must be made in writing at least 30 days before the expiration of the permit. Additional conditions may be added to the permit when an extension is requested.

**Subd. 10. Appeal.** Any person adversely affected by the approval or denial of a permit by the District may appeal the District's decision in accordance with the appellate procedure provided by Minnesota Statutes Sections 103D.537 and 103D.539.

**Subd. 11. Special Meetings.** The applicant may request a special meeting of the Board to expedite a permit application. If the request is granted, the applicant is responsible for paying all costs associated with the special meeting, including but not limited to per diems, notice costs, and consultant fees.

**Subd. 12. Exemption.** The Board may hear requests for an exemption from the literal provisions of these rules in the rare circumstances where strict enforcement would cause undue hardship because of conditions unique to the property under consideration. The Board may grant an exemption in the rare circumstances where it is demonstrated that such action will be consistent with the spirit and intent of these rules. Such a request must be addressed to the Board as part of a permit application. In order to grant an exemption, the Board must find that the request meets ALL of the following four standards:

- a. Special conditions apply to the applicant's property that do not apply generally to other property within the District;
- b. Because of the unique conditions of the property involved, undue hardship to the applicant will result, as distinguished from mere inconvenience, if the strict letter of the rules is carried out. Economic considerations alone shall not constitute undue hardship if any reasonable use of the property exists under the terms of the District's rules;
- c. The proposed activity for which the exemption is sought will not adversely affect the public health, safety, welfare; will not create extraordinary public expense; and will not adversely affect water quality, water control, or drainage in the District; and
- d. The intent of the District's rules is met.

An exemption expires when the permit it is associated with expires. A violation of any condition for a permit where an exemption has been granted shall automatically terminate the exemption.

## **SECTION 5. WATERSHED NOTICE**

**Subd. 1. Purpose.** The District must focus its regulatory efforts due to limited resources. Other political subdivisions within the watershed regulate activities relevant to water quality and water quantity in the watershed. Where these other regulated activities are outside of the scope of the District's rules, the District requires notice and, if applicable an opportunity to comment in the permitting process for these other regulated activities.

**Subd. 2. Applicable Review Processes and Permits.** This Section applies to the following review processes and permits issued within the watershed:

- a. Any review required under the Minnesota Environmental Protection Act (Minnesota Statutes Chapter 116D and corresponding Minnesota Rules Chapter 4410), or other environmental review required by Minnesota law.
- b. NPDES permits, any pollution discharge permits required under Minnesota Statutes Chapter 115, Minnesota Rules Chapter 7070, or other state law.
- c. Wetland applications under Minnesota Statutes Chapter 103G and Minnesota Rules Chapter 8420, U.S. Army Corp of Engineers permits under Sections 404 or 401 of the federal Clean Water Act.

- d. Public waters permits required under Minnesota Statutes Chapter 103G and Minnesota Rules Chapter 6115.
- e. Approval of any nutrient management plan related to land application as required by state law or by any political subdivision within the watershed.
- f. Approval of any application for a PUD within the watershed.
- g. Approval of any application for shoreland development within the watershed including variance requests, conditional use permit requests, or other permit requests.
- h. Notice of public ditch clean outs, maintenance, expansion, improvements and redetermination of benefits (Minnesota Statutes 103E).

**Subd. 3. Notice.** Political subdivisions within the watershed shall provide the District, as soon as practical, with a copy of environmental review documents and permit applications listed in Subd. 2 of this Section. The political subdivision shall also provide the date and time of any public hearings related to the environmental review or permit application.

**Subd. 4. Comment.** The District Administrator will provide the political subdivision, as soon as practical, with comments on behalf of the District.

**Subd. 5. Copy for District Files.** A copy of the documents provided by the political subdivision will be maintained in the District's files.

## **SECTION 6. ENFORCEMENT**

**Subd. 1. Violation is a Misdemeanor.** A violation of a District rule, or a permit issued under District rules, is a misdemeanor subject to the maximum penalty provide by Minnesota law.

**Subd. 2. Court Action.** The District may exercise all powers conferred upon it by Minnesota Statutes Chapter 103D in enforcing these rules, including criminal prosecution, injunction, or an action to compel performance, restoration, or abatement.

**Subd. 3. Administrative Order.** The District may enforce its rules by issuing a cease and desist order when it finds that an activity violates any rule of the District or permit issued by the District.

**Subd. 4. Order to Show Cause.** The Board may require a person or political subdivision in violation of a District rule or permit to appear at a District meeting to show cause why the violation should be allowed to continue.

**Subd. 5. Future Permits.** No future permit shall be issued to any person or political subdivision in violation of a District rule or a previously issued District permit until the violation has been remedied to the sole satisfaction of the District.

## **SECTION 7. EXEMPTION FOR EXISTING REGULATION**

**Subd. 1. Purpose.** The District does not intend to duplicate the regulations of other political subdivisions where other political subdivisions have regulations that are equally as stringent or more stringent than the District's regulations. The District intends to enter into agreements with political subdivisions that have regulations that are equally as stringent or more stringent than the District's regulations that allow for the exemption of regulation by the District.

**Subd. 2. Agreement to Regulate and Enforce.** All agreements that allow for the exemption of District rules when other political subdivisions have sufficient existing regulations shall contain the following terms:

- a. The political subdivision must agree to enforce its regulations.
- b. The agreement must terminate if the political subdivision amends its regulations in a way that causes them to be less stringent than the District's rules.
- c. The agreement must be amended and signed by the District and the political subdivision when the District amends its rules.
- d. The political subdivision must provide the District with notice of all permits issued within the watershed by the political subdivision subject to the agreement.

## **SECTION 8. AFTER THE FACT PERMIT POLICY**

In accordance with the Middle Fork Crow River Watershed District Administrative Rules, permits are required for several developmental activities within the Middle Fork Crow River Watershed District (District). Any work requiring a permit that is performed without a permit is subject to enforcement and restoration under Minnesota statutes chapter 103D. The District may grant an "after-the-fact" Permit in certain situations. The work sought to be permitted by an "after-the-fact" Permit must have been capable of receiving a Permit prior to performance of the work or must be capable of correction to meet the intent or performance standards of these Rules. Because an "after-the-fact" permit will require increased investigation of the conditions of the unauthorized work, an increased inspection fee may be required prior to processing the after-the-fact permit.

The following sets forth the policy on how the District will handle after-the-fact permits.

1. A notice of violation letter will be sent by certified mail to the landowner describing the situation that warrants a District-issued permit. The letter will instruct the landowner to stabilize the work site, cease all work and file an application for an after-the-fact within two weeks of the date of the notice. If an after-the-fact permit application is received within the two weeks, the After the Fact permit fee will be waived. All applicable application fees will be required as specified within the MFCRWD PERMIT FEE and PERFORMANCE SURETY SCHEDULE.
2. If a timely after-the-fact permit application is received, the district shall inspect the site. If, after inspection, the unauthorized work is found to be in compliance with these Rules or the performance standards herein, the after-the-fact permit shall issue without further cost to the applicant. If, after inspection, the unauthorized work is found to not be in compliance with these Rules or the performance standards herein, further inspection and permit processing may be required, including additional inspection fees. An after-the-fact permit may require correction work and be subject to additional conditions.
3. If no timely after-the-fact permit application is received, a second notice of violation letter will be sent requesting that the landowner appear at the next regular meeting of the Board of Managers to show cause why the Board should not issue an order requiring correction of the work or other enforcement remedies authorized by statutes sections 103D.545 and 103D.551.
4. Following the show cause hearing, if the Board determines that the work is in violation of these Rules and if no after-the-fact permit application is received by the hearing date, the matter will be turned over to the District's legal counsel to pursue enforcement.

5. An after-the-fact-permit may be required after emergency work. If the work is deemed an emergency and otherwise performed compliance with these Rules or the performance standards herein, the after-the-fact permit shall issue without cost to the applicant. If the work is deemed an emergency but not otherwise performed compliance with these Rules or the performance standards herein, the after-the-fact permit shall issue without any increased cost to the applicant over that required for a before-the-fact permit. If the work is not deemed an emergency, the standard after-the-fact permit requirements will apply. In all cases, an after-the-fact permit may include conditions to correct any damage caused by the emergency work.
6. If the work does not qualify for a Permit, no “after-the-fact” Permit shall be issued, and corrective actions may be sought pursuant to statutes sections 103D.545 and 103D.551.
7. Before considering an after-the-fact Permit application, the District may require that the property be returned to the condition that existed before the unpermitted work was performed.

## **SECTION 9. RULES**

### **A. STORMWATER RULE**

**Subd. 1. Purpose.** The District intends to manage stormwater runoff within the watershed to protect surface water and groundwater resources, promote infiltration, encourage pretreatment, and minimize peak flows after storm events.

**Subd. 2. A District permit is required if an NPDES/SDS permit for construction activity is triggered.** The owners or operators are required to submit a Notice of Intent to the District for projects that require permitting under the MPCA’s NPDES/SDS program, a link to which is available on the District’s website ([www.mfcrow.org](http://www.mfcrow.org)).

**Subd. 3. Notice of Intent.** A Notice of Intent form must be submitted to the District a minimum of seven (7) days prior to the commencement of construction activities. District staff may request a copy of the stormwater pollution protection plan (SWPPP – required under the NPDES/SDS general permit) and/or demonstration of compliance with the NPDES/SDS general permit (including design specifications, performance goals, credit calculations, , and other pertinent information) at their discretion.

### **B. EROSION CONTROL RULE**

**Subd. 1. Purpose.** The District intends to prevent erosion and sedimentation into surface waters within the watershed by regulating land disturbing activities. The District requires that erosion control measures be in place for all land disturbing activities above specific thresholds. The erosion control measures must minimize erosion and sedimentation to the greatest extent practicable.

**Subd. 2. Compliance with Erosion Control Requirements of Other Regulatory Entities.** The District has adopted the erosion control provisions of all regulatory entities within the District boundary, including the cities and counties. Where erosion control regulations from another regulatory entity exist, a District permit is not required under this provision. Rather, owners or operators are required to submit a

Notice of Intent to the District for projects that require compliance with another entity's erosion control regulations.

**Subd. 3. Notice of Intent.** A District Notice of Intent must be submitted to the District a minimum of seven (7) days prior to the commencement of construction activities. District staff may request a copy of any erosion control plans at their discretion.

**Subd. 4. Permit and Plan Required for Land Disturbing Activity Where No Erosion Control Regulations Apply.** A District permit is required for any person or political subdivision undertaking a land disturbing activity that is greater than 300 square feet within 300 feet of the ordinary high water mark or a stormwater conveyance system (curb and gutter), IF the activity occurs in an area in which no other Erosion Control regulations apply.

**Subd. 5. Agricultural Exemption.** The ordinary agricultural practices of cultivating and planting, or activities required as part of an agricultural conservation program, performed as part of an ongoing farming operation, are exempt from this Section.

**Subd. 6. Standards.** For activities taking place in an area in which no Erosion Control regulations apply, and which meet the conditions outlined in Subd. 4 above, an erosion and sediment control plan must be submitted and approved before a permit may be issued. The plan must minimize erosion and sedimentation to the greatest extent practicable. The plan must include the following standards:

- a. The project must be phased to the greatest extent possible to minimize the area of disturbed land at any given time;
- b. Site specific topography and soil conditions must be specifically addressed; and
- c. BMPs must be utilized in a manner consistent with MPCA guidance documents such as the Minnesota Stormwater Manual as amended.

## **Appendix A**

### **Permit Application Form**

## **Appendix B**

### **Map of District boundaries**