SPRING LAKE PARK
ORDINANCE 505

AN ORDINANCE AMENDING CHAPTER 12.44 OF THE CITY CODE RELATING TO CONSTRUCTION SITE RUNOFF CONTROL

NOW THEREFORE, be it ordained by the Council of the Spring Lake Park, in the State of Minnesota, as follows:

SECTION 1: **AMENDMENT** "12.44.010 Intent" of the Spring Lake Park Municipal Code is hereby *amended* as follows:

A M E N D M E N T

12.44.010 ~~Intent~~Purpose

~~To promote the health, safety and general welfare of the citizens of Spring Lake Park, Minnesota by requiring proper storm water management practices for construction activity.~~ The purpose of this chapter is to promote, preserve and enhance natural resources and human health and safety within the city by protecting them from the adverse impacts of uncontrolled stormwater runoff during and after construction projects. This chapter sets requirements for stormwater conveyance systems and management practices within the city and regulates land disturbing or development activities that would have a negative and potentially irreversible impact on water quality. The requirements of this chapter apply to all construction activity as defined herein.

SECTION 2: **AMENDMENT** "12.44.020 Statutory Authority" of the Spring Lake Park Municipal Code is hereby *amended* as follows:

A M E N D M E N T

12.44.020 Statutory Authority

~~These regulations are adopted pursuant to M.S. § 462.351.~~M.S. Ch. 462 and M.S. Ch. 467, as they may be amended from time to time, authorizes the city to adopt land use regulations. In the event of any conflict between provisions of this chapter or other regulations adopted by the city, the State of Minnesota, or Federal authorities, watershed district or watershed management organization, the more restrictive standard shall prevail.

SECTION 3: **AMENDMENT** "12.44.030 Findings" of the Spring Lake Park Municipal Code is hereby *amended* as follows:

A M E N D M E N T

12.44.030 ~~Findings~~Definitions

~~The City of Spring Lake Park hereby finds that uncontrolled land disturbing activity at construction sites are subject to soil erosion and other pollutants which enter into receiving water bodies adversely affecting the public health, safety and general welfare by impacting water quality, creating nuisances and impairing other beneficial uses of environmental resources.~~For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. When inconsistent with the context, words used in the present tense include future tense, words in the plural number include the singular number and words in the singular number include the plural number The word "shall" is always mandatory and not merely directive.

ACTIVE KARST. A terrain having distinctive landforms and hydrology created primarily from the dissolution of soluble rocks within 50 feet of the land surface.

BEST MANAGEMENT PRACTICES (BMPs). The most effective and practicable means of erosion prevention and sediment control, and water quality management practices that are the most effective and practicable means of to control, prevent, and minimize degradation of surface water, including avoidance of impacts, construction-phasing, minimizing the length of time soil areas are exposed, prohibitions, pollution prevention through good housekeeping, and other management practices published by state or designated area-wide planning agencies.

COMMON PLAN OF DEVELOPMENT OR SALE. One proposed plan for a contiguous area where multiple separate and distinct land-disturbing activities may be taking place at different times, on different schedules, but under one proposed plan. One plan is broadly defined to include design, permit application, advertisement or physical demarcation indicating that land-disturbing activities may occur.

CONSTRUCTION ACTIVITY. Activities including clearing, grading, and excavating, that result in land disturbance of equal to or greater than one acre, including the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one acre. This includes a disturbance to the land that results in a change in the topography, existing soil cover, both vegetative and nonvegetative, or the existing soil topography that may result in accelerated stormwater runoff that may lead to soil erosion and movement of sediment. Construction activity does not include a disturbance to the land of less than five acres for the purpose of routine maintenance performed to maintain the original line and grade, hydraulic capacity, and original purpose of the facility. Routine maintenance does not include activities such as repairs,

replacement and other types of non-routine maintenance. Pavement rehabilitation that does not disturb the underlying soils (e.g., mill and overlay projects) is not construction activity.

DEWATERING. The removal of surface or ground water to dry and/or solidify a construction site to enable construction activity. Dewatering may require a Minnesota Department of Natural Resources (DNR) water appropriation permit and, if dewatering water is contaminated, discharge of such water may require an individual MPCA NPDES/SDS permit.

DNR CATCHMENT AREA. The Hydrologic Unit 08 areas delineated and digitized by the Minnesota DNR. The catchment areas are available for download at the Minnesota DNR Geospatial Commons website. DNR catchment areas may be locally corrected, in which case the local corrections may be used.

ENERGY DISSIPATION. Methods employed at pipe outlets to prevent erosion caused by the rapid discharge of water scouring soils.

EROSION PREVENTION. Measures employed to prevent erosion such as soil stabilization practices, permanent cover or construction phasing.

FULLY RECONSTRUCTED. Areas where impervious surfaces have been removed down to the underlying soils. Activities such as structure renovation, mill and overlay projects, and other pavement rehabilitation projects that do not expose the underlying soils beneath the structure, pavement, or activity are not considered fully reconstructed. Maintenance activities such as catch basin repair/replacement, utility repair/replacement, pipe repair/replacement, lighting, and pedestrian ramp improvements are not considered fully reconstructed.

GENERAL PERMIT. A permit issued under M.R. 7001.0210 to a category of owners and/or operators whose operations, emissions, activities, discharges, or facilities are the same or substantially similar.

GROUNDWATER. The water contained below the surface of the earth in the saturated zone including, without limitation, all waters whether under confined, unconfined, or perched conditions, in near surface unconsolidated sediment or regolith, or in rock formations deeper underground.

INFEASIBLE. Not technologically possible or not economically practicable and achievable in light of the best industry practices.

INITIATED IMMEDIATELY. Taking an action to commence soil stabilization as soon as practicable, but no later than the end of the workday, following the day when the land-disturbing activities temporarily or permanently ceased. If construction work on the site will be cease for 14 or more additional calendar days, or seven (7) calendar days on a project that is within one mile (aerial radius measurement) of, and flows to, one or more of the following: **IMPAIRED WATERS**, **OTHER SPECIAL WATERS, PROHIBITED WATERS,** and/or

RESTRICTED WATERS as defined), stabilization can be immediately initiated by 1) prepping the soil for vegetative or non-vegetative stabilization; or 2) applying mulch or other non-vegetative product to the exposed area; or 3) seeding or planting the exposed area: or 4) starting any of the activities in 1-3 on a portion of the area to be stabilized, but not on the entire area; or 5) finalizing arrangements to have stabilization product fully installed in compliance with the applicable deadline for completing stabilization.

IMPAIRED WATERS. A water with an USEPA approved TMDL for any of the impairments listed in this item, and waters identified as impaired under section 303 (d) of the federal Clean Water Act for phosphorus (nutrient eutrophication biological indicators), turbidity, TSS, dissolved oxygen or aquatic biota (fish bioassessment, aquatic plant bioassessment and aquatic macroinvertebrate bioassessment).

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, driveways, parking lots, and concrete, asphalt, or gravel roads. Bridges over surface waters are considered impervious surfaces. Recreational trails that are distinctly set apart from a roadway (i.e. not parallel) and intended for non-motorized recreational uses, are not considered impervious surfaces. Sidewalks that are parallel to a roadway (or generally following alongside a roadway) must still be included as impervious surfaces.

LINEAR PROJECT. Construction of new or fully reconstructed roads, trails, sidewalks, or rail lines that are not part of a common plan of development or sale. For example, roads being constructed concurrently with a new residential development are not considered linear projects because they are part of a **COMMON PLAN OF DEVELOPMENT OR SALE**.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4). A conveyance or system of conveyances including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains: 1) owned or operated by a state, city, town, county, district, association, or other public body, created by or pursuant to state law, having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under state law such as a sewer district, flood control district, or drainage district or similar entity, or an Indian tribe or an authorized Indian tribe organization, or a designated and approved management Agency under section 208 of the federal Clean Water Act, United States Code, title 33, section 1288, that discharges into waters of the state; 2) designed or used for collecting or conveying stormwater; 3) that is not a combined sewer; and 4) that is not part of a publicly owned treatment works as defined in 40 CFR 122.2. **MUNICIPAL SEPARATE STORM SEWER STSTEMS** do not include separate storm sewers in very discrete areas, such as individual buildings.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES). The program for issuing, modifying, revoking, reissuing, terminating, monitoring, and enforcing permits under the Clean Water Act, as amended (33 U.S.C. 1251 et seq. Section 1342 and 40 CFR parts 122, 123, 124 and 450).

NATURAL BUFFER. An area of undisturbed cover surrounding surface waters within which construction activities are restricted. **NATURAL BUFFER** includes the vegetation, exposed rock, or barren ground that exists prior to commencement of earth-disturbing activities.

NORMAL WETTER PERIMETER. The area of a conveyance, such as a ditch or channel, that is in contact with water during flow events that are expected to occur from a two-year, 24-hour storm event.

OTHER SPECIAL WATERS. Trout Lakes identified in M.R. 6264.0050, subp. 2. and Trout Streams listed in M.R. 6264.0050, subp. 4.

OWNER AND/OR OPERATOR. The persons, firm, governmental agency, or other entity on the application submitted and are responsible for compliance with the terms and conditions of this ordinance.

PERMANENT COVER. Surface types that will prevent soil failure under erosive conditions. Examples include: gravel, concrete, perennial cover, or other landscaped material that will permanently arrest soil erosion. Permanent cover consists of a uniform perennial vegetative cover (i.e., evenly distributed, without larger bare areas) with a density of 70 percent of the vegetative cover native to local undisturbed areas on all areas not covered by permanent structures, or equivalent permanent stabilization measures. Permanent cover does not include temporary BMPs such as wood fiber blanket, mulch, and rolled erosion control products.

PROJECT(S). All construction activity planned and/or conducted under this chapter. The project occurs on the site or sites as described in the site plan.

PUBLIC WATERS. All water basins and watercourses described in M.S. §103G.005, subp. 15.

PROHIBITED WATERS. Refers to the following waters: Boundary Waters Canoe Area Wilderness; Voyageurs National Park; Kettle River from the site of the former dam at Sandstone to its confluence with the Saint Croix River; Rum River from Ogechie Lake spillway to the northernmost confluence with Lake Onamia; Lake Superior North of latitude 47 degrees, 57 minutes, 13 seconds; Lake Superior East of Hat Point; Lake Superior South of the Minnesota-Ontario boundary; Lake Superior West of the Minnesota- Michigan boundary; Boot Lake, Anoka County; Kettle River in sections 15, 22, 23, T 41 N, R 20, Pine County; Pennington Bog, Beltrami County; Purvis Lake-Ober Foundation, Saint Louis County; waters within the borders of Itasca Wilderness Sanctuary, Clearwater County; Iron Springs Bog, Clearwater County; Wolsfeld Woods, Hennepin County; Green Water Lake, Becker County; Blackdog Preserve, Dakota County; Prairie Bush Clover, Jackson County; Black Lake Bog, Pine County; Pembina Trail Preserve, Polk County; and Falls Creek, Washington County.

RESTRICTED WATERS. Refers to the following waters: Lake Superior, except those

portions identified as **PROHIBITED WATERS**; the Mississippi River in those portions from Lake Itasca to the southerly boundary of Morrison County that are included in the Mississippi Headwaters Board comprehensive plan dated February 12, 1981; Saint Croix River, entire length; Cannon River from northern city limits of Faribault to its confluence with the Mississippi River; North Fork of the Crow River from Lake Koronis outlet to the Meeker-Wright county line; Kettle River from north Pine County line to the site of the former dam at Sandstone; Minnesota River from Lac que Parle dam to Redwood County State Aid Highway 11; Mississippi River from County State Aid Highway 7 bridge in Saint Cloud to northwestern city limits of Anoka; Rum River from State Highway 27 bridge in Onamia to Madison and Rice streets in Anoka; the Lake Trout Lakes identified in M.R. 7050.0335 including those inside the boundaries of the Boundary Waters Canoe Area Wilderness and Voyageurs National Park; and Calcareous Fens listed in M.R 7050.0335, subp. 1.

SEDIMENT CONTROL. Methods employed to prevent suspended sediment in stormwater from leaving the site (e.g. silt fences, compost logs and storm drain inlet protection).

STABILIZE, STABILIZED, OR STABILIZATION. The exposed ground surface has been covered by appropriate materials such as mulch, staked sod, riprap, erosion control blanket, mats or other material that prevents erosion from occurring. Grass seeding, agricultural crop seeding or other seeding alone is not stabilization. Mulch materials must achieve approximately 90 percent ground coverage (typically 2 ton/acre).

STORMWATER. Precipitation runoff, stormwater runoff, snowmelt runoff, and any other surface runoff and drainage.

STRUCTURAL STORMATER BMP. A stationary and permanent BMP that is designed, constructed, and operated to prevent or reduce the discharge of pollutants in stormwater.

SURFACE WATER(S). All streams, lakes, ponds, marshes, wetlands, reservoirs, springs, rivers, drainage systems, waterways, watercourses, and irrigation systems whether natural or artificial, public or private, except that surface waters do not include stormwater treatment systems.

WETLANDS. Those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Constructed wetlands designed for wastewater treatment are not waters of the state. Wetlands must have the following attributes: 1) a predominance of hydric soils; 2) b) inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in a saturated soil condition; and 3) under normal circumstances support a prevalence of such vegetation.

SECTION 4: **AMENDMENT** "12.44.040 Purpose" of the Spring Lake Park Municipal Code is hereby *amended* as follows:

A M E N D M E N T

12.44.040 ~~Purpose~~(Reserved)

~~The purpose of this chapter is to promote, preserve and enhance the natural resources within the City of Spring Lake Park and protect them from adverse effects occasioned by poorly sited development or incompatible activities by regulating land disturbing activities that would have an adverse and potentially irreversible impact on water quality; by minimizing conflicts and encouraging proper installation and maintenance of Best Management Practices (BMPs) for land disturbing activities, and by requiring detailed review standards and procedures for land disturbing activities proposed for such areas, thereby achieving a balance between development, redevelopment and protection of water quality.~~

SECTION 5: **AMENDMENT** "12.44.050 Definitions - Construction Site Runoff Control" of the Spring Lake Park Municipal Code is hereby *amended* as follows:

A M E N D M E N T

12.44.050 ~~Definitions - Construction Site Runoff Control~~(Reserved)

~~For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. When inconsistent with the context, words used in the present tense include future tense, words in the plural number include the singular number and words in the singular number include the plural number The word "shall is always mandatory and not merely directive. **APPLICANT**. Any person who wishes to obtain a building permit, zoning or subdivision approval. **BEST MANAGEMENT PRACTICE (BMP)**. Erosion and sediment control and water quality management practices that are the most effective and practicable means of controlling, preventing and minimizing the degradation of surface water, including construction-phasing, minimizing the length of time soil areas are exposed, prohibitions and other management practices published by state or designated area-wide planning agencies. **DETENTION FACILITY**. A permanent natural or man-made~~

~~structure, including wetlands, for the temporary storage of runoff which contains a permanent pool of water. **DISCHARGE**. The release, conveyance, channeling, runoff or drainage of storm water including snowmelt from a construction site. **EXPOSED SOIL AREAS**. All areas of a construction site where the vegetation (trees, shrubs, brush, grasses, and the like) or impervious surface has been removed, thus rendering the soil more prone to erosion. This includes topsoil stockpile areas, borrow areas and disposal areas within the construction site It does not include stockpiles or surcharge areas of gravel, concrete or bituminous. Once soil is exposed it is considered "exposed soil," until it meets the definition of **FINAL STABILIZATION**. **FINAL STABILIZATION**. Means that all soil-disturbing activities at the site have been completed and that a uniform perennial vegetative cover with a density of 70% of the cover for unpaved areas and areas not covered by permanent structures has been established, or equivalent permanent stabilization measures have been employed. Simply sowing grass is not considered **FINAL STABILIZATION**. **LAND DISTURBING OR DEVELOPMENT ACTIVITIES**. Any change of the land surface including removing vegetative cover, excavating, filling, grading and the construction of any structure. **PERSON**. Any individual, firm, corporation partnership, franchise, association or governmental entity. **PUBLIC WATERS**. Waters of the state as defined in M.S. § 103G.005, Subd. 15. **RETENTION FACILITY**. A permanent natural or man-made structure that provides for the storage of storm water runoff by means of a permanent pool of water. **SEDIMENT**. Solid matter carried by water, sewage, or other liquids. **STORM WATER POLLUTION PREVENTION PLAN (SWPPP)**. A joint storm water and erosion and sediment control plan containing the requirements of this chapter, that when implemented will decrease soil erosion on a parcel of land and off-site nonpomt pollution due to sedimentation. **STRUCTURE**. Anything manufactured, constructed or erected which is normally attached to or positioned on land, including portable structures earthen structures, roads, parking lots, paved storage areas, fences and retaining walls. **WATERS OF THE STATE.** As defined in M.S. § 115.01, Subd. 22 the term **WATERS OF THE STATE** means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies of accumulations of water, surface or underground natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof. **WETLANDS**. 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. For purposes of this definition, **WETLANDS** must have the following three attributes: Have a predominance of hydric soils; Are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and Under normal circumstances support a prevalence of such vegetation.~~

SECTION 6: **AMENDMENT** "12.44.060 Scope And Effect" of the Spring Lake Park Municipal Code is hereby *amended* as follows:

AMENDMENT

12.44.060 ~~Scope And Effect~~Permit Requirement and Proof of Coverage Under NPEDS/SES

~~A. *Applicability*. Every applicant for a building permit, subdivision approval, or a permit to allow land disturbing activities greater than or equal to one acre or part of a larger common plan or development greater or equal to one acre, must submit a Storm Water Pollution Prevention Plan (SWPPP) to the Zoning Administrator. No building permit, subdivision approval, or permit to allow land disturbing activities shall be issued until approval of the SWPPP or a waiver of the approval requirement has been obtained in strict conformance with the provisions of this chapter. The provisions of Paragraph B apply to all land, public or private.~~

~~B. *Exemptions*. The provisions of this chapter do not apply to:~~

~~1. Any part of a subdivision if a plat for the subdivision has been approved by the City Council on or before the effective date of this chapter;~~

~~2. A lot for which a building permit has been approved on or before the effective date of this chapter;~~

~~3. Installation of fences, signs, telephone and electric poles and other kinds of posts or poles;~~

~~4. Emergency work to protect life, limb or property; or~~

~~5. Tilling, planting or harvesting of agricultural, horticultural or forestry crops.~~

The owner and/or operator of construction activity must apply for coverage under the Minnesota Pollution Control Agency's (MPCA's) Construction Stormwater Permit (Permit No: MNR100001). A city permit will not be issued until coverage under the MPCA's Construction Stormwater Permit has been obtained by the owner and/or operator.

For certain construction activity, various other permits may also be required. The owner and/or operator of construction activity is responsible for obtaining any other required permits from the city and other State, Federal, or local governmental agencies having any authority over the work to be performed. Typically, such agencies may include, but are not limited to, the U.S. Army Corps of Engineers, the Minnesota Pollution Control Agency, the Minnesota Department of Natural Resources, the Minnesota Department of Transportation, and the State Historical Preservation Office.

SECTION 7: **AMENDMENT** "12.44.070 (Reserved)" of the Spring Lake Park Municipal Code is hereby *amended* as follows:

AMENDMENT

12.44.070 ~~(Reserved)~~Construction Site Stormwater Runoff Control

A. *Site plan review.*

1. The owner and/or operator of construction activity activity shall submit a copy of the site plan as part of the permit application for review and confirmation

that ordinance requirements have been met.

2. If the permit application is denied, and the owner and/or operator would like to proceed with the project, the owner and/or operator must revise the permit application, including the site plan, and resubmit.

3. Once a permit has been issued/approved, the site plan becomes an enforceable document and the owner and/or operator must comply with all requirements identified in the site plan. The owner and/or operator is also responsible for keeping the stormwater runoff control requirements identified in the site plan up to date.

B. *Site plan requirements*.

1. The site plan must include the following project information:
    a. Project name;
    b. Location of the project;
    c. Total acreage to be disturbed;
    d. Name(s) of the owner and/or operator responsible for the proposed construction activity; and
    e. Any additional information required by the City Engineer and/or Administrator, Clerk/Treasurer.
2. The site plan must include the location, type, and narrative of the following best management practices (BMPs) consistent with standards identified in Paragraph C (Best Management Practices (BMPs) Requirements).
    a. Down gradient sediment controls;
    b. Soil stabilization (temporary and permanent);
    c. Vehicle tracking;
    d. Inspection and maintenance schedules; and
    e. Other BMPs as applicable:
        (1) Areas that are not to be disturbed;
        (2) Phasing and stabilization BMPs for steep slopes;
        (3) Temporary or permanent ditches or swales being used to sediment containment systems;
        (4) Pipe outlet energy dissipation;
        (5) Buffer Zones including but not limited to:
            (A) A minimum of a 50-foot natural buffer;
            (B) A minimum of a 100-foot buffer zone from other special waters, prohibited waters and restricted waters, as defined.
        (6) Inlet protection BMPs;
        (7) Stockpile BMPs;
        (8) Dewatering and basin draining;
        (9) Temporary Sedimentation Basins consistent with standards identified in Paragraph D (Design Criteria for Temporary Sediment Basins);
        (10) Pollution Prevention Management BMPs; and
        (11) Permanent Stormwater Management BMPs.

C. *Best Management Practices (BMPs) requirements.*

1. Erosion Prevention Practices.
    a. All areas not to be disturbed must be delineated before work begins;
    b. All steep slopes must be identified in the site plan and disturbance of those steep slopes should be minimized. If steep slopes must be disturbed, techniques such as phasing and stabilization practices designed for steep slopes (e.g., slope draining and terracing) must be implemented;
    c. All exposed soil areas, including stockpiles must be stabilized;
        (1) Stabilization must be initiated immediately to limit soil erosion when construction activity has permanently or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days (or seven (7) calendar days on a project that is within one mile (aerial radius measurement) of, and flows to, one or more of the following: impaired waters, other special waters, prohibited waters, and/or restricted waters as defined);
        (2) Stabilization must be completed no later than 14 calendar days after the construction activity has ceased (or seven (7) calendar days on a project that is within one mile (aerial radius measurement) of, and flows to, one or more of the following: impaired waters, other special waters, prohibited waters, and/or restricted waters as defined);
        (3) Stabilization is not required on constructed base components of roads, parking lots and similar surfaces;
        (4) Stabilization is not required on temporary stockpiles without significant silt, clay or organic components (e.g., clean aggregate stockpiles, demolition concrete stockpiles, sand stockpiles) but permittees must provide sediment controls at the base of the stockpile.
    d. All exposed soil areas within 200 feet of the water's edge, and that drain to Public Waters that the Minnesota DNR has promulgated "work in water restrictions" during specified fish spawning time frames, must be stabilized within 24 hours during the restriction period;
    e. The normal wetted perimeter of the last 200 linear feet of temporary or permanent drainage ditches or swales that drain water from the site must be stabilized within 24 hours after connecting to a surface water or property edge;
    f. Stabilization of remaining portions of temporary or permanent ditches or swales must be completed within 14 calendar days (or seven (7) calendar days on a project that is within one mile (aerial radius measurement) of, and flows to, one or more of the following: impaired waters, other special waters, prohibited waters, and/or restricted waters as defined) after connecting to a surface water or

property edge and after construction in that portion of the ditch temporarily or permanently ceases;

g. Temporary or permanent ditches or swales being used as a sediment containment system during construction (with properly designed rock-ditch checks, bio rolls, silt dikes, etc.) do not need to be stabilized. Stabilization of these areas must be completed within 24 hours after their use as a sediment containment system ceases;

h. Mulch, hydro mulch, tackifier, polyacrylamide or similar erosion prevention practices must not be used within any portion of the normal wetted perimeter of a temporary or permanent drainage ditch or swale section with a continuous slope of greater than 2 percent. Examples of acceptable erosion prevention practices include blankets, poly, riprap, etc.;

i. Temporary or permanent energy dissipation must be provided at all pipe outlets within 24 hours after connection to a surface water or permanent stormwater treatment system; and

j. No more land can be disturbed (i.e., phasing) than can be effectively inspected and maintained in accordance with inspection and maintenance requirements.

2. Sediment Control Practices.

a. Sediment control BMPs must be established on all downgradient perimeters of the site and downgradient areas of the site that drain to any surface water, including curb and gutter systems;

b. Sediment control practices must be located upgradient of any buffer zones;

c. Sediment control practices must be installed before any upgradient land-disturbing activities begin and must be kept in place until permanent cover is established. Any sediment control made of soil must be temporarily or permanently stabilized within 24 hours;

d. If downgradient sediment controls are overloaded, based on frequent failure or excessive maintenance requirements, additional upgradient sediment control practices or redundant BMPs must be installed to eliminate the overloading. The site plan must be amended to identify these additional practices;

e. Temporary or permanent drainage ditches and sediment basins designed as part of a sediment containment system (e.g., ditches with rock-check dams) require sediment control practices only as appropriate for site conditions;

f. A floating silt curtain placed in the water is not a sediment control BMP to satisfy perimeter control in this part except when working on a shoreline or below the waterline. When applicable, after the construction activity (e.g., installation of rip rap along the shoreline) in that area is complete, upland perimeter control practices must

immediately be installed if exposed soils still drain to a surface water;

g. All sediment control practices adjusted or removed to accommodate short-term activities such as clearing or grubbing, or passage of vehicles, must be re-installed immediately after the short-term activity is completed. All sediment control practices must be re-installed before the next precipitation event even if the short- term activity is not complete;

h. All storm drain inlets must be protected using appropriate BMPs during construction until permanent cover has been established on all areas with potential for discharging to the inlet;

i. Inlet protection for a particular inlet may be removed if a specific safety concern (e.g. street flooding/freezing) is identified. The need for removal must be documented in the site plan;

j. Silt fence or other effective sediment controls must be provided at the base of stockpiles on the downgradient perimeter prior to the initiation of stockpiling;

k. All stockpiles must be located outside of natural buffers or surface waters, including stormwater conveyances such as curb and gutter systems unless there is a bypass in place for the stormwater;

l. Vehicle tracking BMPs must be located to minimize the track out of sediment from the construction site or onto paved roads within the site;

m. Street sweeping must be used in addition to vehicle tracking BMPs if vehicle tracking BMPs are not adequate to prevent sediment tracking onto the street;

n. Temporary sediment basins must be installed consistent with standards identified in Paragraph D (Design Criteria for Temporary Sediment Basins);

o. In any areas of the site where final vegetative stabilization will occur, vehicle and equipment use must be restricted to minimize soil compaction;

p. Topsoil must be preserved on the site;

q. Discharges from BMPs must be directed to vegetated areas unless infeasible;

r. A 50-foot natural buffer must be preserved or, if a buffer is infeasible on the site, redundant (double) perimeter sediment controls must be provided when a surface water is located within 50 feet of the project's earth disturbances and stormwater flows to the surface water;

    (1) Permittees must install perimeter sediment controls at least 5 feet apart unless limited by lack of available space;

    (2) Natural buffers are not required adjacent to road ditches, judicial ditches, county ditches, stormwater conveyance channels, storm drain inlets, and sediment basins;

    (3) If preserving the buffer is infeasible, the reasons must be

documented in the site plan;

(4) Sheet piling and other impermeable barriers installed in a manner that retains all Stormwater are considered redundant perimeter control.

s. An undisturbed buffer zone of not less than 100 linear feet must be included on a project that is within one mile (aerial radius measurement) of, and flows to other special waters, prohibited waters, and/or restricted waters as defined;

(1) The buffer zone must be maintained at all times, both during construction and as a permanent feature post construction, except where a water crossing or other encroachment is necessary to complete the project;

(2) If buffer encroachment is necessary, the circumstance, reasons, and restoration activities must be fully documented in the site plan;

(3) All potential water quality, scenic and other environmental impacts of the encroachments must be minimized by the use of additional or redundant (double) BMPs. Additional or redundant BMPs must be documented in the site plan.

t. Polymers, flocculants, or other sedimentation treatment chemicals must be used in accordance with accepted engineering practices, dosing specifications and sediment removal design specifications provided by the manufacturer or supplier.

u. Conventional erosion and sediment controls must be used prior to chemical addition and must direct treated stormwater to a sediment control system for filtration or settlement of the floc prior to discharge.

3. Dewatering and Basin Draining.

a. Turbid or sediment-laden waters related to dewatering or basin draining (e.g., pumped discharges, trench/ditch cuts for drainage) must be discharged to a sediment control (e.g. sediment trap or basin, filter bag) designed to prevent discharges with visual turbidity. To the extent feasible, use well-vegetated (e.g. grassy or wooded) upland area of the site to infiltrate dewatering water before discharge;

b. Receiving waters cannot be used as part of a treatment area;

c. Discharges from dewatering activities must be visually checked and photographed at the beginning and at least once every 24 hours of operation to ensure treatment has been obtained and nuisance conditions will not result from the discharge. Dewatering activities that only last for minutes, as opposed to hours and do not reach a surface water, do not require photographs or documentation;

d. If nuisance conditions result from the discharge, dewatering activities must immediately cease and corrective actions must occur before dewatering is resumed. Nuisance conditions include, but is not limited

to, a sediment plume in the receiving water or the discharge appears cloudy, or opaque, or has a visible contrast, or has a visible oil film, or causes aquatic habitat degradation that can be identified by an observer;

e. An oil-water separator or suitable filtration device (e.g., cartridge filters, absorbents pads) must be used prior to discharge of water containing oil or grease;

f. Water from dewatering or basin-draining activities must be discharged in a manner that does not cause erosion or scour in the immediate vicinity of discharge points;

g. Dewatering or basin-draining activities cannot cause inundation of wetlands that causes significant adverse impact to the wetland in the immediate vicinity of discharge points;

h. If filters with backwash water are used, all backwash must be hauled away for disposal, returned to the beginning of the treatment process, or incorporated into the site in a manner that does not cause erosion.

4. Inspection and Maintenance.

a. A trained person must inspect the entire construction site and areas adjacent to the site at least once every seven (7) days during active construction, or every three (3) calendar days on a project that is within one mile (aerial radius measurement) of, and flows to a "prohibited waters" as defined, and within 24 hours after a rainfall event greater than ½ inch in 24 hours;

b. All permanent stormwater treatment BMPs must be inspected and maintained;

c. All erosion prevention and sediment control BMPs and Pollution Prevention Management Measures must be inspected to ensure integrity and effectiveness;

d. All nonfunctional BMPs must be repaired, replaced, or supplemented with functional BMPs by the end of the next business day after discovery unless another time frame is specified below. Additional time, if field conditions prevent access to the area, may be taken;

e. Surface waters, including drainage ditches and conveyance systems, but not curb and gutter systems, must be inspected for evidence of erosion and sediment deposition;

(1) All deltas and sediment deposited in areas adjacent to the site and in surface waters, including drainage ways, catch basins, and other drainage systems must be removed;

(2) All areas where sediment removal resulted in exposed soils must be restabilized. Removal and stabilization must be completed within seven (7) calendar days of discovery unless precluded by legal, regulatory, or physical access constraints;

(3) All reasonable efforts to obtain access must be used;

(4) If precluded, removal and stabilization must take place within

seven (7) days of obtaining access; and

(5) Contact all local, regional, state and federal authorities and receive any applicable permits, prior to conducting any work in surface waters.

f. Construction site vehicle exit locations, streets and curb and gutter systems within and adjacent to the project must be inspected for sedimentation from erosion or tracked sediment from vehicles.

(1) Sediment must be removed from all paved surfaces within one (1) calendar day of discovery or, if applicable, within a shorter time to avoid a safety hazard to users of public streets;

g. Perimeter control devices must be repaired, replaced, or supplemented when they become nonfunctional or the sediment reaches ½ of the height of the device;

h. When the depth of sediment collected in temporary and permanent sedimentation basins reaches ½ the storage volume, the basins must be drained and sediment removed. This must occur within 72 hours of discovery;

i. At least one individual present on the site (or available to the project site in three (3) calendar days) must be trained in the job duties of overseeing the implementation of, revising and/or amending the site plans and performing inspections for the project;

j. Inspection schedules may be adjusted as follows:

(1) Inspections of areas with permanent cover can be reduced to once per month, even if construction activity continues on other portions of the site;

(2) Where sites have permanent cover on all exposed soil and no construction activity is occurring anywhere on the site, inspections can be reduced to once per month and, after 12 months, may be suspended completely until construction activity resumes. The city may require inspections to resume if conditions warrant;

(3) Where construction activity has been suspended due to frozen ground conditions, inspections may be suspended. Inspections must resume within 24 hours of runoff occurring, or upon resuming construction, whichever comes first; or

(4) Projects where a pollinator habitat or native prairie type vegetative cover are being established, inspections may be reduced to once per month if the site has temporary vegetation with a density of 70% uniform cover. If after 24 months no significant erosion problems are observed, inspections may be suspended completely until the termination requirements identified in Paragraph C,6 are met.

k. Inspections and maintenance activities must be recorded within 24

hours of being conducted and these records must be retained with the site plan. These records must include:

(1) Date and time of inspections;
(2) Name of person(s) conducting inspections;
(3) Accurate findings of inspections, including the specific location where corrective actions are needed;
(4) Corrective actions taken (including dates, times, and party completing maintenance activities);
(5) Date of all rainfall events greater than ½ inches in 24 hours, and the amount of rainfall for each event. Rainfall amounts must be obtained by either a properly maintained rain gauge installed onsite, a weather station that is within one (1) mile of the site's location, or a weather reporting system that provides site specific rainfall data from radar summaries;
(6) Photographs of dewatering activities;
(7) Observed discharges must be recorded, discharges should be photographed and the location of the discharge described (i.e., color, odor, settled or suspended solids, oil sheen, and other obvious indicators of pollutants); and
(8) Any amendments to the site plan proposed as a result of the inspection must be documented within seven (7) calendar days.

5. Pollution Prevention Management Measures.
   a. Construction and landscape materials must be placed under cover (e.g., plastic sheeting or temporary roofs) or protected by similarly effective means as designed to minimize contact with Stormwater;
   b. Products which are either not a source of contamination to Stormwater or designed to be exposed to Stormwater are not required to be covered or protected;
   c. Pesticides, herbicides, fertilizers and treatment chemicals must be placed under cover (e.g., plastic sheeting or temporary roofs) or protected by similarly effective means designed to minimize contact with Stormwater;
   d. Hazardous materials and toxic waste (including oil, diesel fuel, gasoline, hydraulic fluids, paint solvents, petroleum-based products, wood preservatives, additives, curing compounds, and acids) must be stored in sealed containers to prevent spills, leaks or other discharge;
   e. Hazardous materials must be stored and disposed of in accordance with M.R. Ch. 7045;
   f. Solid waste must be stored, collected, and disposed of in accordance with M.R. Ch. 7035;
   g. Portable toilets must be positioned so that they are secure and will not tip or be knocked over.
   h. Sanitary waste from the portable toilets must be properly disposed in

accordance with M.R. Ch. 7041;

i. Reasonable steps must be taken to prevent the discharge of spilled or leaked chemicals, including fuel, from any area where chemicals or fuel will be loaded or unloaded including the use of drip pans or absorbents unless infeasible;

(1) Adequate supplies must be available at all times to clean up discharged materials and an appropriate disposal method must be available for recovered spilled materials;

(2) Spills must be immediately reported and cleaned up as required by M.S. §115.061, using dry clean up measures where possible.

j. Limit vehicle exterior washing and equipment to a defined area of the site.

(1) Runoff from the washing area must be contained in a sediment basin or other similarly effective controls;

(2) Waste from the washing activity must be disposed of properly;

(3) Soaps, detergents, and solvents must be properly used and stored.

k. Liquid and solid wastes generated by washout operations (e.g. concrete, stucco, paint, form release oils, curing compounds and other construction materials) related to the construction activity must be contained and not contact the ground. A sign, indicating the location of a washout facility, must be installed.

6. Termination Conditions.

a. All construction activity must be completed and permanent cover must be installed over all areas;

(1) Permanent cover must consist of a uniform perennial vegetation with a density of 70 percent of its expected final growth;

(2) Vegetation is not required where the function of a specific area dictates no vegetation, such as impervious surfaces or the base of a sand filter.

b. Permanent stormwater treatment system must be cleaned of any accumulated sediment;

(1) The system must meet all applicable requirements and operate as designed.

c. Sediment must be removed from conveyance system(s);

d. Temporary synthetic erosion prevention and sediment control BMPs must be removed. BMPs designed to decompose on-site may be left in place;

e. For residential construction only, permit coverage may be terminated on individual lots if:

(1) The structure(s) are finished, permanent cover has been established, and the lot is sold to the homeowner; or

(2) The structure(s) are finished, the lot is sold to the homeowner, temporary erosion prevention perimeter controls are properly installed downgradient of any soils where permanent cover has not been established, and the homeowner is provided the MPCA's "Homeowner Fact Sheet".

f. For construction projects on agricultural land (e.g., pipelines across cropland), the disturbed land must be returned to its preconstruction agricultural use.

D. *Design criteria for temporary sediment basins.*

1. Where 10 or more acres of disturbed soil drain to a common location or where 5 or more acres of undisturbed soil drain to a common location on the project that is within one mile (aerial radius measurement) of an impaired waters, other special waters, prohibited waters, and/or restricted waters as defined, the applicant must provide a basin to provide treatment of the runoff before it leaves the construction site or enters surface waters.
2. Temporary sediment basins may be converted to a permanent basin after construction is complete.
3. Temporary basins may be removed when permanent cover has reduced the acreage of disturbed soils to less than 10 (or 5 when applicable) acres draining to a common location.
4. Must provide live storage for a calculated volume of runoff from a two (2) year, 24-hour storm from each acre drained to the basin, except that in no case shall the basin provide less than 1,800 cubic feet of live storage per acre drained to the basin.
5. Where the two (2)-year, 24-hour storm runoff amount is not calculated, the temporary sediment basin must provide 3,600 cubic feet of live storage per acre of the basins' drainage area.
6. Outlets must be designed to prevent short-circuiting and the discharge of floating debris.
7. The outlet structure must be designed to withdraw water from the surface to minimize the discharge of pollutants. The use of a surface withdrawal mechanism may be temporarily suspended during frozen conditions. The basin must include a stabilized emergency overflow to prevent failure of pond integrity.
8. Energy dissipation must be provided for the basin outlet within 24 hours after connection to a surface water.
9. Temporary sediment basins must be situated outside of surface waters and include a buffer zone not less than 100 linear feet from special waters.
10. The temporary basins must be constructed and made operational prior to disturbing 10 or more acres of soil draining to a common location.
11. Where a temporary sediment basin meeting the above requirements is infeasible, effective sediment controls such as smaller sediment basins, and/or

sediment traps, silt fences, vegetative buffer strips, or any appropriate combination of measures must be installed as dictated by individual site conditions, including all down-slope boundaries and side-slope boundaries. In determining whether installing a sediment basin is infeasible, the owner and/or operator(s) must consider public safety and may consider factors such as site, soils, slope, and available area on site. The determination of infeasibility must be documented in the site plan.

SECTION 8: **AMENDMENT** "12.44.080 (Reserved)" of the Spring Lake Park Municipal Code is hereby *amended* as follows:

A M E N D M E N T

12.44.080 ~~(Reserved)~~Post-Construction Stormwater Management

A. Submittal of Site Plans Consisting of Post Construction Plans.
   1. Site plans must be submitted for review and confirmation that ordinance requirements have been met, prior to start of construction activity.
   2. Site plans must consist of, at a minimum, the following items:
      a. All calculations for the permanent stormwater treatment system;
      b. The water quality volume that will be treated through volume reduction practices;
      c. Rationale and documentation supporting the location of any off-site permanent stormwater treatment projects;
      d. If applicable, the amount paid to the City for in lieu of off-site treatment under Paragraph B,7d; and
      e. All legal mechanisms related to SLPC 12.44.110.

B. Post Construction Stormwater Management BMPs must meet the following criteria:
   1. Designed with accepted engineering practices and in accordance with Paragraph D (Permanent Stormwater Management System Design Criteria).
   2. Designed so that discharges from the project during and after construction activities do not cause a violation of state water quality standards, including nuisance conditions, erosion in receiving channels or on downslope properties, or a significant adverse impact to wetlands caused by inundation or decrease of flow.
   3. Treat the water quality volume on any project where the sum of the new impervious surface and the fully reconstructed impervious surface equals one or more acres.
   4. For construction activity (excluding linear projects), water quality volume must be calculated as one (1) inch times the sum of the new and the fully reconstructed impervious surface.
   5. For linear projects, water quality volume must be calculated as the larger of one (1) inch times the new impervious surface or one-half (0.5) inch times the

sum of the new and the fully reconstructed impervious surface. Where the entire water quality volume cannot be treated within the existing right-of-way, a reasonable attempt to obtain additional right-of-way, easement, or other permission to treat the stormwater during the project planning process must be made. Volume reduction practices must be considered first, as described in Paragraph B,6. Volume reduction practices are not required if the practices cannot be provided cost effectively. If additional right-of-way, easements, or other permission cannot be obtained, the owner and/or operator of construction activity must maximize the treatment of the water quality volume prior to discharge from City's MS4.

6. Volume reduction practices (e.g., infiltration or other) to retain the water quality volume on-site must be considered first when designing the permanent stormwater treatment system. Wet sedimentation basins and filtration systems are not considered volume reduction practices. If infiltration is prohibited, as described in Paragraph D,1,n, other volume reduction practices, a wet sedimentation basin, or a filtration basin may be considered.
7. *Off-site Treatment.*
    a. For non-linear projects, where the water quality volume cannot cost effectively be treated on the site of the original construction activity, the remaining water quality volume must be addressed through off-site treatment and meet the following requirements (must be selected in the following order of preference):
        (1) Locations that yield benefits to the same receiving water that receives runoff from the original construction activity.
        (2) Locations within the same DNR catchment area as the original construction activity.
        (3) Locations in the next adjacent DNR catchment area upstream.
        (4) Locations anywhere within the City's jurisdiction.
    b. Off-site treatment projects must involve the creation of new structural stormwater BMPs or the retrofit of existing structural stormwater BMPs, or the use of a properly designed regional structural stormwater BMP. Routine maintenance of structural stormwater BMPs owned or operated by City cannot be used to meet this requirement.
    c. Off-site treatment projects must be completed no later than 24 months after the start of the original construction activity.
    d. The applicant may provide payment to the City in lieu of off-site treatment.

C. Long-term Maintenance.

1. The permit holder must enter into a long-term maintenance agreement with City that documents all responsibilities for long-term operation and maintenance of stormwater treatment practices that are not owned or operated by City. At a minimum, the long-term maintenance agreement must include provisions that:

a. Allow the City to conduct inspections of structural stormwater BMPs not owned or operated by City, perform necessary maintenance, and assess costs for those structural stormwater BMPs when the City determines the owner of that structural stormwater BMP has not ensured proper function;

b. Are designed to preserve the City's right to ensure maintenance responsibility, for structural stormwater BMPs not owned or operated by City, when those responsibilities are legally transferred to another party; and

c. Are designed to protect/preserve structural stormwater BMPs. If structural stormwater BMPs change, causing decreased effectiveness, new, repaired, or improved structural stormwater BMPs must be implemented to provide equivalent treatment to the original BMP.

D. Permanent Stormwater Management System Design Criteria.

1. *Infiltration system.*

a. Infiltration options include, but are not limited to: infiltration basins, infiltration trenches, rainwater gardens, bioretention areas without underdrains, swales with impermeable check dams, and natural depressions;

b. To determine if an infiltration system is suitable, either the MPCA's contamination screening checklist must be completed or an assessment must be conducted. The checklist or assessment must be documented in the site plan. For more information and to access the MPCA's "contamination screening checklist" see the Minnesota Stormwater Manual;

c. Must be designed such that pre-existing hydrologic conditions of wetlands in the vicinity are not impacted (e.g., inundation or breaching a perched water table supporting a wetland);

d. Must not be excavated to final grade, or within three (3) feet of final grade, until the contributing drainage area has been constructed and fully stabilized unless they provide rigorous erosion prevention and sediment controls (e.g., diversion berms) to keep sediment and runoff completely away from the infiltration area.

e. When excavating to within three (3) feet of final grade, the contractor must stake off and mark the area so heavy construction vehicles or equipment do not compact the soil in the infiltration area;

f. A pretreatment device such as a vegetated filter strip, forebay, or water quality inlet (e.g., grit chamber) to remove solids, floating materials, and oil and grease from the runoff, to the maximum extent practicable, must be used before the system routes stormwater to the infiltration system;

g. Designed to provide a water quality volume as described in Paragraph B,2, Paragraph B,3, Paragraph B,4 and Paragraph B,5;

h. Designed to discharge all stormwater (including stormwater in excess

of the water quality volume) routed to the system through the uppermost soil surface or engineered media surface within 48 hours. Additional flows that cannot infiltrate within 48 hours must bypass the system through a stabilized discharge point;

i. Must provide a means to visually verify the infiltration system is discharging through the soil surface or filter media surface within 48 hours or less;

j. Must provide at least one soil boring, test pit or infiltrometer test in the location of the infiltration practice for determining infiltration rates;

k. For design purposes, divide field measured infiltration rates by 2 as a safety factor or use soil-boring results with the infiltration rate chart in the Minnesota Stormwater Manual to determine design infiltration rates. When soil borings indicate type A soils, field measurements should be performed to verify the rate is not above 8.3 inches per hour;

l. Must employ appropriate on-site testing to ensure a minimum of three (3) feet of separation from the seasonally saturated soils (or from bedrock) and the bottom of the proposed infiltration system;

m. Must design a maintenance access, typically eight (8) feet wide;

n. Infiltration Systems are prohibited in the following areas:

(1) Areas that that receive runoff from vehicle fueling and maintenance areas;

(2) Areas where infiltrating stormwater may mobilize high levels of contaminants in soil or groundwater;

(3) Areas where soil infiltration rates are field measured at more than 8.3 inches per hour unless the soils are amended to slow the infiltration rate below 8.3 inches per hour;

(4) Areas with less than three (3) feet of separation distance from the bottom of the infiltration system to the elevation of the seasonally saturated soils or the top of bedrock;

(5) Areas of predominately Hydrologic Soil Group type D soils (clay);

(6) The following areas within a Drinking Water Supply Management Area (DWSMA) as defined in M.R. 4720.5100, subp. 13:

(A) In an Emergency Response Area (ERA) within a DWSMA classified as having high or very high vulnerability as defined by the Minnesota Department of Health; or

(B) In an ERA within a DWSMA classified as moderate vulnerability unless a higher level of engineering review sufficient to provide a functioning treatment system and to prevent adverse impacts to groundwater has been approved by the City; or

(C) Outside of an ERA within a DWSMA classified as

having high or very high vulnerability unless a higher level of engineering review sufficient to provide a functioning treatment system and to prevent adverse impacts to groundwater has been approved by the City.

(7) Areas within 1,000 feet upgradient or 100 feet downgradient of active karst features; and

(8) Areas that receive runoff from the following industrial facilities not authorized to infiltrate stormwater under the NPDES stormwater permit for industrial activities:

(A) Automobile salvage yards;

(B) Scrap recycling and waste recycling facilities;

(C) Hazardous waste treatment, storage or disposal facilities;

(D) Wood preserving facilities; or

(E) Air transportation facilities that conduct deicing activities.

2. *Filtration system.*

a. Filtration options include, but are not limited to: sand filters with underdrains, biofiltration areas, swales using underdrains with impermeable check dams and underground sand filters;

b. Must not install filter media until the contributing drainage area is constructed and fully stabilized unless they provide rigorous erosion prevention and sediment controls (e.g., diversion berms) to keep sediment and runoff completely away from the filtration area;

c. Designed to remove at least 80 percent of TSS;

d. Must use a pretreatment device such as a vegetated filter strip, small sedimentation basin, water quality inlet, forebay or hydrodynamic separator to remove settleable solids, floating materials, and oils and grease from the runoff to the maximum extent practicable, before runoff enters the filtration system;

e. Designed to provide a water quality volume as described in Paragraph B,3, Paragraph B,4 and Paragraph B,5;

f. Designed to discharge all stormwater (including stormwater in excess of the water quality volume) routed to the system through the uppermost soil surface or engineered media surface within 48 hours. Additional flows that the system cannot filter within 48 hours must bypass the system or discharge through an emergency overflow;

g. Designed to provide a means to visually verify the system is discharging through the soil surface or filter media within 48 hours;

h. Employ appropriate on-site testing to ensure a minimum of three (3) feet of separation between the seasonally saturated soils (or from bedrock) and the bottom of the proposed filtration system;

i. Construct with an impermeable liner when the system has less than

three (3) feet of separation between seasonally saturated soils or bedrock;

j. Designed with a maintenance access, typically eight (8) feet wide.

3. *Wet sedimentation basin.*

a. Permanent volume of 1,800 cubic feet of storage below the outlet pipe for each acre that drains to the basin;

b. Permanent volume must reach a minimum depth of at least three (3) feet and must have no depth greater than 10 feet;

c. Must be configured to minimize scour or resuspension of solids;

d. In addition to the permanent volume, the basin must provide the water quality volume as live storage. Water quality volume is described in Paragraph B,3, Paragraph B,4, and Paragraph B,5;

e. Water quality volume discharges at no more than 5.66 cubic feet per second (cfs) per acre of surface area of the basin;

f. Designed to prevent short-circuiting and the discharge of floating debris;

g. Basin outlets must have energy dissipation;

h. Must include a stabilized emergency overflow to accommodate storm events in excess of the basin's hydraulic design;

i. Must have a maintenance access, typically eight (8) feet wide, for the basin;

j. Must be located outside of surface waters and any buffer zones;

k. Permittees must design basins using an impermeable liner if located within active karst terrain.

4. *Regional wet sedimentation basins.*

a. When the entire water quality volume cannot be treated by volume reduction practices onsite, regional wet sedimentation basins can be used or created, provided they are constructed basins, not a natural wetland or water body.

b. The regional basin conforms to all requirements for a wet sedimentation basin as described in Paragraph D,3**.**

c. Must be large enough to account for the entire area that drains to the basin.

d. Waterways between the project and the regional basin must not be significantly degraded.

e. Written authorization from City or private entity that owns and maintains the regional basin.

SECTION 9: **AMENDMENT** "12.44.090 Minimum Construction Site Best Management Practices" of the Spring Lake Park Municipal Code is hereby *amended* as follows:

AMENDMENT

12.44.090 ~~Minimum Construction Site Best Management Practices~~(Reserved)

~~A. No SWPPP which fails to meet the standards contained in this section, or as described in the NPDES Construction Stormwater General Permit, shall be approved by the City Council or designated representative.~~

~~B. *Site dewatering*. Water pumped from the site shall be treated by temporary sedimentation basins, grit chambers, sand filters, upflow chambers, hydrocyclones, swirl concentrators or other appropriate BMPs for dewatering activities described in the NPDES Construction Stormwater General Permit. Water may not be discharged in a manner that causes nuisance conditions, erosion, scour, or flooding of the site or receiving channels or a wetland. All discharge points must be adequately protected from erosion and scour. The discharge must be dispersed over natural rock riprap, sand bags, plastic sheeting or other accepted energy dissipation measures. Adequate sedimentation control measures are required for discharge water that contains suspended solids.~~

~~C. *Construction site waste*. Management of solid and hazardous wastes on site shall meet the requirements of the NPDES Construction Stormwater General Permit.~~

~~1. *Solid waste and material disposal*. All waste, unused building material (including garbage debris, cleaning wastes, wastewater, toxic materials or hazardous materials), collected sediment, asphalt and concrete millings, floating debris, paper, plastic, fabric, construction and demolition debris and other wastes must be disposed of properly and must comply with MPCA disposal requirements.~~

~~2. *Hazardous materials*. Oil, gasoline, paint and any hazardous substances must be properly stored, including secondary containment, to prevent spill leaks or other discharge. Restricted access to storage areas must be provided to prevent vandalism. Storage and disposal of hazardous waste must be in compliance with MPCA regulations.~~

~~3. *Liquid Waste*. All other non-storm water discharges (concrete truck washout, vehicle washing, maintenance spills, and the like) conducted during the construction activity shall not be discharged to the municipal storm sewer, wetlands, natural drainageways or waters of the state.~~

~~4. *Sanitary facilities*. Adequate on-site sanitary facilities shall be provided in convenient location(s) for all persons who work on the site.~~

~~D. *Tracking*. Vehicle tracking of sediment onto paved surfaces must be removed by street sweeping as needed to prevent discharge of sediment-laden water from entering the city storm sewer system.~~

E. *Drain inlet protection*. All storm drain inlets shall be protected during construction with control measures approved by the City Engineer until final establishment has been accomplished or until approval from the city.

F. *Site runoff control*. Channelized runoff from adjacent areas passing through the site shall be diverted around disturbed areas, if practical. Diverted runoff shall be conveyed in a manner that will not erode the conveyance at receiving channels. All temporary or permanent drainage channels must be stabilized within 24 hours of being connected to a water of the state. Sediment control is required along channel edges to reduce sediment reaching the channel. This site shall include, as applicable, BMPs to minimize erosion described in the NPDES Construction Stormwater Permit.

G. *Site phasing*. All activities on the site shall be conducted in a logical sequence to minimize the area of base soil exposed at any one time.

H. *Soil stabilization*. All exposed soil left inactive for 14 or more days must have temporary or permanent stabilization year round.

I. *Temporary sediment basins*. For sites with more than ten acres disturbed at one time, or if a channel originates in the disturbed area one or more temporary or permanent sedimentation basins shall be constructed. Each sedimentation basin shall have a surface area of at least 1% of the area draining to the basin and at least three feet of depth and constructed in accordance with accepted design specifications. Sediment shall be removed to maintain a depth of three feet. The basin discharge rate shall also be sufficiently low as to not cause erosion, scour, or flooding along the discharge channel or the receiving water. The use and management of site temporary sediment basins shall meet the requirements of the NPDES Construction Stormwater General Permit C.

J. *Sediment control*. Silt fence or equivalent sediment control measures shall be placed along all side slopes and down slope sides of the site. If a channel or area of concentrated runoff passes through the site, silt fence shall be placed along the channel edges to reduce sediment reaching the channel. The use of silt fence or equivalent sediment control BMPs, as applicable, shall be used to minimize the discharge of sediment and other pollutants, as described in NPDES Construction Stormwater General Permit, and must include a maintenance and inspection schedule.

K. *Stockpile protection*. Any soil or dirt storage piles containing more than ten cubic yards of material should not be located with a downslide drainage length of less than 25 feet from the toe of the pile to a roadway or drainage channel. If remaining for more than seven days, they shall be temporarily stabilized by mulch, vegetation, tarps, or other means and enclosed by a silt fence or equivalent sediment control measures. Stockpiles which will be in existence for less than seven days shall be enclosed by silt fence or equivalent sediment control measure around the pile. In-street utility repair or construction soil or dirt storage piles located closer than 25 of a roadway or drainage channel must be covered with tarps or suitable alternative control, if exposed for more than seven days.

L. *Inspection and maintenance*. All stormwater management BMPs shall be inspected weekly or after every 1/2-inch rain event by the applicant. If sediment has reached 1/3 the capacity of the sediment control practice, appropriate maintenance or replacement of the BMP must be completed to ensure maximum effectiveness. All site inspections,

~~records of rainfall events and BMP maintenance shall comply with the requirements of the NPDES Construction Stormwater General Permit E.~~

SECTION 10: **AMENDMENT** "12.44.100 Completion Of Work" of the Spring Lake Park Municipal Code is hereby *amended* as follows:

A M E N D M E N T

12.44.100 ~~Completion Of Work~~(Reserved)

~~Work will be considered complete when all exposed soil areas have undergone final stabilization, as defined in SLPC 12.44.050; is constructed to finish grade, is in conformance with all permit conditions, including the NPDES Construction Stormwater General Permit, and is to the satisfaction of the city. The applicant or representative shall notify the city when the land disturbing operations are ready for final inspection. Final approval shall not be given until all work, including installation of all drainage facilities and their protective devices, and all erosion control measures, have been completed and final stabilization has occurred in accordance with this chapter.~~

SECTION 11: **AMENDMENT** "12.44.110 Enforcement Procedures" of the Spring Lake Park Municipal Code is hereby *amended* as follows:

A M E N D M E N T

12.44.110 Enforcement Procedures

A. *Right of entry*. The ~~applicant~~owner and/or operator ~~shall promptly~~must allow the city and its authorized representatives~~, upon presentation of identification,~~ to enter all properties at any reasonable time for the purposes of inspection, observation, measurement, sampling and testing pertinent to discharge to the MS4 as often as may be reasonably necessary to determine compliance. These activities include, but are not limited to, the following:
    1. ~~Enter upon the permitted site for the purpose of obtaining information, examination of records, c~~Conducting investigations, inspections or surveys;
    2. ~~Bring such equipment upon the permitted site as is necessary to conduct such surveys and investigations;~~
    3. Examine~~e~~ing and copying any ~~h~~books, papers, records, or memoranda pertaining to activities or records required to be kept under the terms and conditions of this permitted ~~site~~activity;
    4. Inspecting the ~~stormwater pollution control measures~~requirements of this ordinance; and

5. Sample~~e~~ing and monitoring any items or activities pertaining to ~~stormwater pollution control measures~~this Ordinance.

B. *Notification by city of failure of the SWPPP*. If upon inspection by the city or designated representative, the applicant fails to implement the erosion and sediment control practices outlined in the approved SWPPP or minimum BMP standards outlined in SLPC 12.44.090, the city will notify the applicant with a letter of failure which outlines the issues of noncompliance and a timeline for completion of any work to bring the site into compliance.

C. ~~*Failure to conduct corrective work.*~~*Violations, penalty, enforcement.* When a~~n applicant~~owner and/or operator fails to conform to any provision of this policy within the time stipulated, the city may take the following actions:

1. Issue a stop work order, withhold the scheduling of inspections, and/or the issuance of a certificate of occupancy;
2. Suspend or ~~R~~revoke any permit issued by the city to the ~~applicant~~owner and/or operator for the site in question or any other of the ~~applicant~~owner and/or operator's sites within the city's jurisdiction;
3. ~~Direct the correction of the deficiency by city forces or by a separate contract. The issuance of a permit constitutes a right-of-entry for the city or its contractor to enter upon the construction site for the purpose of correcting deficiencies in erosion or sediment control~~If circumstances exist such that noncompliance with this ordinance poses an immediate danger to the public health, safety and welfare, as determined by the city. The city may take emergency preventative action to correct the deficiency or hire an independent contractor to correct the deficiency. The issuance of a permit constitutes a right-of-entry for the city to enter upon the site for the purpose of correcting deficiencies; and
4. ~~All costs incurred by the city in correcting storm water pollution control deficiencies must be reimbursed by the applicant. If payment is not made within 30 days after costs are incurred by the city, the city may assess the remaining amount against the property. As a condition of the permit, the owner shall waive notice of any assessment hearing to be conducted by the city, concur that the benefit to the property exceeds the amount of the proposed assessment and waive all rights by virtue of M.S. § 429.081 to challenge the amount or validity of assessment~~Require reimbursement to city for all costs incurred in correcting storm water pollution control deficiencies. If payment is not made within the timeframe determined by the city after costs are incurred, then city may assess the remaining amount against the property. As a condition of the permit, the owner and/or operator shall waive notice of any assessment hearing to be conducted by city, agree that the benefit to the property exceeds the amount of the proposed assessment, and waive all rights by virtue of M.S. §429.081 to challenge the amount or validity of such assessment costs related to cleanup or corrective actions taken by the city.

~~D. *Action against the financial security*. If appropriate actions by the applicant have not been completed within seven days after notification by the city, the city may act against the financial security if any of the conditions listed below exist. The city shall~~

~~use funds from this security to finance any corrective or remedial work undertaken by the city or a contractor under contract to the city and to reimburse the city for all direct costs incurred in the process of remedial work including, but not limited to, staff time and attorney's fees.~~

1. ~~The applicant ceases land disturbing activities and/or filling and abandons the work site prior to completion of the city-approved grading plan.~~
2. ~~The applicant fails to conform to any city approved grading plan and/or the SWPPP as approved by the city, or related supplementary instructions.~~
3. ~~The techniques utilized under the SWPPP fail within one year of installation.~~
4. ~~The applicant fails to reimburse the city for corrective action taken.~~

E. ~~*Emergency action.* If circumstances exist such that noncompliance with this chapter poses an immediate danger to the public health, safety and welfare, as determined by the City Administrator, the city may take emergency preventative action. The city shall also take every reasonable action possible to contact and direct the applicant to take any necessary action. Any cost to the city may be recovered from the applicant's financial security.~~

SECTION 12: **EFFECTIVE DATE** This Ordinance shall be in full force and effect upon adoption and publication.

PASSED AND ADOPTED BY THE SPRING LAKE PARK COUNCIL _____.

	AYE	NAY	ABSENT	ABSTAIN
Councilmember Wendling	_____	_____	_____	_____
Councilmember Goodboe-Bisschoff	_____	_____	_____	_____
Councilmember Dircks	_____	_____	_____	_____
Councilmember Moran	_____	_____	_____	_____
Mayor Nelson	_____	_____	_____	_____

Presiding Officer

Attest

_____
Robert Nelson, Mayor, Spring Lake Park

_____
Daniel R. Buchholtz, Administrator, Clerk/Treasurer, Spring Lake Park