

Item	Date Received	Method Received	Name	Affiliation	Comment (Staff clarifications)	CCWD Response
1	6/3/2022	Email	Mark Hansen	City of Coon Rapids	<u>Overall</u> : The footer throughout the document says this is DRAFT #8, but the Title Sheet/Table of Contents says its DRAFT 9. Clarify which draft version this document is	The draft that was sent out was Draft 9, the footer did not get edited.
2	6/3/2022	Email	Mark Hansen	City of Coon Rapids	<u>Section 2.3</u> : How does the District determine tabling a permit versus approving with conditions? (Section referenced is now 2.8)	Staff will only recommend tabling an application if there is potential for substantial changes to the plan even though it is a complete application. This is not a common occurrence.
3	6/3/2022	Email	Mark Hansen	City of Coon Rapids	<u>Section 2.3</u> : Section 2.3.2 should include a list or examples or some language regarding what is considered by District staff and/or Engineer to be "significant material errors." Minor comments or omissions dealing with typical site erosion and sediment control items/BMPs should not lead an application to getting tabled. (Section referenced is now 2.8.2)	Minor comments or omissions like erosion and sediment control do not lead to staff recommending tabling an application. Language has been added to Section 2.8.2 to state "The required information is free of significant material errors or omissions such that a determination can be made regarding the application's compliance with the District rules." Significant errors and omissions that lead to an application being deemed incomplete would be information that is missing or incorrect to the point where Staff cannot determine if the project meets District rules without making assumptions.
4	6/3/2022	Email	Mark Hansen	City of Coon Rapids	<u>Section 2.3</u> : Depending on timing, is there an ability to cure an application containing an incomplete deficiency to maintain the project's permitting schedule, or is the permit schedule too restrictive to allow this to occur? (Section referenced is now 2.5)	As the permit review schedule is currently, staff does not have the time to allow incomplete projects to resubmit within the review period. However, the language under 2.5 regarding timing of applications and board meetings has changed to allow the flexibility for the review period schedule to be revised on an annual basis if needed.
3	6/3/2022	Email	Mark Hansen	City of Coon Rapids	<u>Section 2.6</u> : This section appears to give the District authority to inspect at any time. (Section referenced is now 2.11)	Per the District's MS4 General Permit, sites are inspected on a schedule according to their priority level. This is determined by the District's inspection policy, which is subject to MPCA audit. Moving forward, permittees will be provided with a general schedule of inspections up front.
	6/3/2022	Email	Mark Hansen	City of Coon Rapids	<u>Section 2.6</u> : It discusses what happens after a site inspection, but nothing on the front end. The District should provide notification in advance of site inspections. This will allow permittees the opportunity to pull together any information the District is looking for or will be looking at and will provide for a more productive inspection experience for both parties. Time spent on advance notifications should not reduce escrow monies that could be refunded to private permit applicants. (Section referenced is now 2.11)	Inspection notification procedures are part of the District's inspection policy. All real costs incurred by the District, including staff time, are charged against the applicant's fee deposit unless it is a public project. This is so that the District's taxpayers are not shouldering the financial burden of regulating private development from which they do not necessarily benefit.

4	6/3/2022	Email	Mark Hansen	City of Coon Rapids	<p><u>Section 3.2:</u> How will section 3.2 be interpreted if the project drains to multiple sub-watersheds and/or receiving bodies? A large project may be able to significantly treat areas that drain to a higher susceptible area and possible to a lesser degree for the lesser areas. Will the entire site be subject to the most restrictive requirements, or will it be broken down, managed, and interpreted separately?</p>	<p>For clarification, the District has replaced the table in section 3.2 with written applicability criteria. The following has been added to section 3.3.3 stormwater volume management, "If a project disturbs more than 50 percent of the site or reconstructs more than 50 percent of the existing impervious surface, these standards apply to all impervious surface on the site. Otherwise, the standards will only apply to new and reconstructed impervious surface." This applies to all projects other than public linear projects. A clarifier has also been added to the applicability criteria that states that stormwater applies to, "Land disturbing activities (not including public linear projects) creating 5,000 square feet or more of new or fully reconstructed impervious surface for non-residential or multifamily residential development, and any part of the disturbance is within one mile of and draining to an impaired water." So, if any part of the land disturbance is draining to an impaired water, the entire project is subject to stormwater requirements, but the impervious surfaces that are required to be treated depends on how much of the site is being disturbed/reconstructed.</p>
5	6/3/2022	Email	Mark Hansen	City of Coon Rapids	<p><u>Section 3.3.3.2.c:</u> Includes the wording soil "sits". This should be soil "pits".</p>	<p>Spelling error corrected.</p>
6	6/3/2022	Email	Mark Hansen	City of Coon Rapids	<p><u>Section 4.2.1:</u> Why are there be no erosion/sediment control requirements for agricultural land uses? If there are negative impacts occurring adjacent to impaired waters, why are property owners who are using their property for agricultural uses be exempt and allowed to continue use without attempting something?</p>	<p>Agriculture is an established use. Agricultural operations are subject to the permanent erosion and sediment control requirements of the buffer law M.S. 103F.48. An instance of excessive soil loss into a waterbody or conveyance system from a normal agricultural land use on which best management practices were not used would be considered an illicit discharge and prohibited under rule 9.</p>
7	6/3/2022	Email	Mark Hansen	City of Coon Rapids	<p><u>Section 8:</u> Verify if the Mississippi River and all lakes require buffers.</p>	<p>The Mississippi River is a public water and an impaired water, so buffers will be required. Lakes will depend on how they are classified.</p>
7	6/3/2022	Email	Mark Hansen	City of Coon Rapids	<p><u>Section 8:</u> Are buffer requirements only triggered when a property owner applies for a District permit, or will buffers be required under some other trigger?</p>	<p>Buffer requirements will only be triggered if a permit is required under another rule for an activity. The applicability criterion has been revised for clarity.</p>
	6/3/2022	Email	Mark Hansen	City of Coon Rapids	<p><u>Section 8:</u> Will an entire site be required to comply with the buffer rules, or only the portion of the site potentially being impacted?</p>	<p>Buffers will be required only for the waterbodies receiving runoff from the land disturbing activity. Buffers will be required on the portion of the waterbody that is on the project parcel or within the project area. To clarify, the applicability criteria has been revised to read, "Any land disturbing activity that requires a permit under any other District rule and any part of the disturbed area is adjacent to one of the following water resources..." The definition of "adjacent" has been revised to read, "Joined by a continuous surface connection with obvious down-slope direction of flow, or within the 100-year floodplain of the waterbody in question."</p>
	6/3/2022	Email	Mark Hansen	City of Coon Rapids	<p><u>Section 8:</u> Will this section include after-the-fact enforcement if it's discovered that a property owner performs a land disturbing activity without a District permit?</p>	<p>As with any other District rule, after-the-fact permits will be issued and standards will be enforced for a property that has undergone a project without a District permit if one would have been required. For the District to enforce the buffer rule specifically, there would need to be evidence that the project began after the updated rules were already in place.</p>

	6/3/2022	Email	Mark Hansen	City of Coon Rapids	<u>Section 8:</u> The City of Coon Rapids requests a list or map developed for each City in the District showing all applicable buffer requirement locations.	A map and/or list will be provided identifying waterbodies that are categorized under the applicability criteria.
	6/3/2022	Email	Mark Hansen	City of Coon Rapids	<u>Section 8:</u> The definition of "Buffer" shown on page 31 of 39 should be updated to include the text "Rivers".	The definition of "buffer" has been revised to replace "stream" with "watercourse".
8	6/3/2022	Email	Mark Hansen	City of Coon Rapids	<u>Definition of Fully Reconstructed Impervious Surface:</u> This definition should be expanded to include significant public utility replacements (watermain, sanitary/storm sewer).	Large scale public utility replacements offer an opportunity to provide treatment for otherwise untreated impervious that may not be reconstructed for long stretches of time. However, the District does assess how the existing impervious is already treated. Enough flexibility has been provided in the applicability and standards for public linear projects that this should not be overly burdensome.
	6/3/2022	Email	Mark Hansen	City of Coon Rapids	<u>Definition of Fully Reconstructed Impervious Surface:</u> The District should clarify how this definition applies to private site redevelopment projects that often include a combination a new and reconstructed impervious area but do have the opportunity typically to provide treatment on site for both areas.	The definition of fully reconstructed impervious surface is the same for both public and private projects. For private site redevelopment, all impervious on site will be required to be treated if 50% or more of the site is disturbed. If less than 50% of the site is disturbed, only the new and reconstructed impervious will require treatment.
9	6/8/2022	Email	Gary Nereson	CAC-Crooked Lake Area Association	Para. 1-3 Intent - Under 1 What does 'integrity and functionality' mean when referring to water? I think there should still be a reference to " water quality "	In addition to just water quality, integrity and functionality refers to the overall ecological processes associated with waterbodies such as nutrient cycling and providing habitat to support the food web. Reference to water quality has been added to provide additional detail as suggested.
10	6/8/2022	Email	Gary Nereson	CAC-Crooked Lake Area Association	2.2.2 Fees - Add something to the effect that applicant can receive a written maximum fee estimate. (Section referenced is now 2.7)	There is not a maximum fee. The District charges applicants for actual cost of review and inspections. If the costs exceed the original fees paid, the applicants are invoiced. It would be unwise to speculate on the overall cost of any given project because it may be interpreted by applicants as a fixed number.
11	6/8/2022	Email	Gary Nereson	CAC-Crooked Lake Area Association	3.3.4 b. "... maximum extent practicable as determined by the District. " (Section referenced is now 2.2)	Adding "as determined by the District" to all references of Maximum Extent Practicable would be redundant. Maximum extent practicable and how it is determined is explained in detail in section 2.2 and in the definitions.
12	6/8/2022	Email	Gary Nereson	CAC-Crooked Lake Area Association	7.4.1. "...section of the ditch or drainage system to be repaired.	Included addition as suggested.
13	6/23/2022	Email	Donna Bahls	CAC-Fridley	3.5.2 Maintenance plans when a municipal government will not be responsible of maintenance of stormwater infrastructure. How do we assure that these structures will be maintained for the long term. What if the responsible party goes bankrupt or otherwise disappears?	The maintenance agreements are recorded on the property and follow the title transfer in perpetuity, so the property owner will always be the responsible party.. If the property owner cannot be reached, the District can perform the maintenance and charge the property owner. If the property owner does not pay, the District can use enforcement measures such as criminal prosecution, injunction, or other appropriate action to compel payment.
14	6/23/2022	Email	Donna Bahls	CAC-Fridley	I saw several references to treating water or run off "to the maximum extent practicable". I understand why this is, but seems like a get out of jail free card. It really means that we are relying on CCWD staff judgement and expertise to meet the goals for water quality and quantity.	Maximum extent practicable is a technical process that applicants must go through to prove that they are meeting the standards to the greatest extent that site conditions allow. It would be unreasonable to require strict adherence to the rule regardless of any site conditions, particularly because the system is so dynamic. It is the function of the regulatory staff to use their judgement and expertise to administer the rules.

15	6/23/2022	Email	Donna Bahls	CAC-Fridley	10.0 Waivers and Variances: I have long held aversion to waivers and variances. If the physical characteristics of the site haven't changed since the property was purchased, a variance or waiver should not be granted.	It would be unreasonable to require strict adherence to the rule under all circumstances. It is not possible to write a set of rules to cover every possible situation, so allowing variances must be a possibility. If there were no provisions to allow for a variance under any circumstances, this could result in a regulatory taking and could lead to the District being required to compensate property owners for denial of the use of their property.
16	6/29/2022	Email	Michelle Pritchard	Anoka County Highway Dept.	1.3, Intent #5: Added a period (at the end of the sentence)	Punctuation error corrected.
17	6/29/2022	Email	Jorge Bernal	Anoka County Highway Dept.	2.1: Where can one find the activities for which a permit is required? If the previous section #4 is removed maybe this paragraph should point to the location where that information would be.	Each section has its own applicability criteria. The overall applicability section was removed to eliminate the redundancy and to clarify that all rules do not necessarily apply to every project. Instead of adding language to the rules, the District will provide guidance that will summarize the applicability sections for easy reference.
18	6/29/2022	Email	Michelle Pritchard	Anoka County Highway Dept.	2.5.1 #4 b: Should this follow the other modifications by referring to "permittee" rather than "you"? (section referenced is now 2.10)	Continuity error corrected. (Part d in the previous version was also moved to #4 because it was not intended to be part of the alphabetized list below what is now #5)
19	6/29/2022	Email	Jorge Bernal	Anoka County Highway Dept.	2.7.1, "The plan must show that the final design specifications match the approved project plans": This sounds confusing "final design specifications match the approved project plans" Is the intent that "the final constructed product, match..." if so, I would suggest to include "within acceptable tolerance" (Referenced section is now 2.12.1)	The suggested language is more clear; this has been changed. "Within acceptable tolerance" has also been added.
20	6/29/2022	Email	Jorge Bernal	Anoka County Highway Dept.	3.5.2: Does this cover the JPA between county and cities that would typically assign maintenance responsibilities for county constructed ponds?	Yes, if a stormwater management practice is going to be maintained by an MS4, the District does not require a recorded maintenance agreement.
21	6/29/2022	Email	Michelle Pritchard	Anoka County Highway Dept.	4.3 #4, "practical": I believe this should instead be "practicable".	This standard has been removed because it is covered in the other referenced documents. The erosion and sediment control plan standards have been have also be rearranged for clarity.
22	6/29/2022	Email	Michelle Pritchard	Anoka County Highway Dept.	5.2 #1: This is just a formatting comment, but if there's only one item, does it need to be numbered, or can it just be a paragraph?	It has been numbered to maintain consistency with the applicability sections of the other rules.
23	6/29/2022	Email	Michelle Pritchard	Anoka County Highway Dept.	5.4 #5, "wetlands": Just 'wetland' (no plural)	Spelling error corrected.
24	6/29/2022	Email	Michelle Pritchard	Anoka County Highway Dept.	6.3 #3: Added a comma (after "(upstream or downstream of the project)")	Punctuation error corrected.
25	6/29/2022	Email	Michelle Pritchard	Anoka County	6.3 #4, "2 foot": Feet?	Spelling error corrected.

				Highway Dept.		
26	6/29/2022	Email	Michelle Pritchard	Anoka County Highway Dept.	7.1 #8: Take out "To" (first word of the sentence)	Continuity error corrected.
27	6/29/2022	Email	Michelle Pritchard	Anoka County Highway Dept.	7.2 #3, final sentence: How would extending a culvert be affected by this statement?	Hydraulic capacity would remain very similar with a small extension so it would be unlikely to require a permit. However, the District wants to avoid excessive lengthening of pipes without understanding the change in capacity or impacts to aquatic organism passage. Permit determination will depend on existing and proposed conditions evaluated on a site by site basis.
28	6/29/2022	Email	Michelle Pritchard	Anoka County Highway Dept.	7.4 #1 c: Added a period (at the end of the sentence)	Punctuation error corrected.
29	6/29/2022	Email	Michelle Pritchard	Anoka County Highway Dept.	7.4 #2 e., "above and below": upstream and downstream of?	Corrected.
30	6/29/2022	Email	Michelle Pritchard	Anoka County Highway Dept.	8.1 #5, "Riparian": Should this be capitalized? (it isn't in #3)	Error corrected.
31	6/29/2022	Email	Michelle Pritchard	Anoka County Highway Dept.	12.3: Added a period (at the end of the sentence)	Punctuation error corrected.
32	6/29/2022	Email	Michelle Pritchard	Anoka County Highway Dept.	Appendix A, Ordinary High Water Level: Capitalize "The" (first word of the definition)	Error corrected.
33	6/29/2022	Email	Michelle Pritchard	Anoka County Highway Dept.	Appendix A, Public Waters: Added a period (at the end of the sentence)	Punctuation error corrected.
34	6/29/2022	Email	Michelle Pritchard	Anoka County Highway Dept.	Appendix A, Recharge: Added a period (at the end of the sentence)	Punctuation error corrected.
35	6/29/2022	Email	Michelle Pritchard	Anoka County Highway Dept.	Appendix A, Stream Order, in between "and/or seeps." and "The approach": Again just a formatting comment - consistency in spacing; some of this document has two spaces after a sentence, while other portions only have one.	Spacing inconsistency corrected throughout the entire document.
36	6/29/2022	Email	Michelle Pritchard	Anoka County Highway Dept.	Appendix D, "Scrub-carrs": Should this be "Shrub-Carrs"?	Error corrected.

37	6/30/2022	Email	Sam Paske and Maureen Hoffman	Met Council	Overall, the proposed rules are consistent with Council policies and the Council's Water Resources Policy Plan. However, we are concerned that the draft rules no longer contain any Groundwater Policy. The Council's 2040 Water Resources Policy Plan takes an integrated or "One Water" water management approach. This means it addresses water as it moves from water supply, through wastewater systems and into surface waters. The ultimate goal of integrated water management is sustainable, high-quality water in the region. It recognizes that groundwater and surface water are not separate but instead interact and impact both quality and quantity. We recommend that the Watershed District includes rules specific to groundwater protection. While a number of rules provide protection and benefit to groundwater, we believe groundwater is a high value resource that should have its own section within the Watershed District's rule.	The groundwater section was from the previous rules because it caused confusion due to the redundancy and broad applicability. A new section (section 1.4) has been added that summarizes the groundwater standards that are within other sections of the rule.
38	6/30/2022	Email	Sam Paske and Maureen Hoffman	Met Council	We appreciate that the new formatting and revisions have provided clarity to help communities and developers successfully navigate the permitting process, while also providing some flexibility if site conditions do not allow certain requirements to be met.	Thank you.
39	6/30/2022	Email	David Krugler/Tom Collins	RFC Engineering on behalf of City of Ham Lake	<u>2.7.1:</u> Unclear whether this specifies that as-builts of stormwater ponds/infiltration basins are required, which would likely require winter surveying thru the ice to determine pond bottom elevations. If so, will there be any guidance on minimum survey spacing requirements to show that the pond as-builts are in general compliance with the approved plans? (Referenced section is now 2.12.1)	This section specifies that as-builts of stormwater ponds and infiltration basins are required by stating that "All applicants are required to submit actual "as built" plans for any stormwater management practices...located on site after final construction is completed." This does include pond bottoms, which can be surveyed a number of ways. The District currently has guidance that states "If topography information provided is not adequate to determine that basins were constructed per plan, you will be asked to provide the calculated as-built volumes of the basins below outlet."
40	6/30/2022	Email	David Krugler/Tom Collins	RFC Engineering on behalf of City of Ham Lake	<u>3.2:</u> An additional requirement is for disturbance "adjacent to lakes, watercourses or wetlands". Clarification is needed on what the definition is of "adjacent". Are the additional requirements triggered if any portion of the property is adjacent to a lake, watercourse or wetland, or only if the proposed disturbance is within certain proximity to the lake, watercourse or wetland?	This applicability criteria for stormwater has been removed. The intention was to disallow several small additions of impervious surface on the same parcel over time to add up to a large percentage of impervious without stormwater treatment. The District has modified 3.2.1 to read, "Land disturbing activities (not including public linear projects) creating 10,000 sf or more of new or reconstructed impervious surface. This threshold is cumulative of all impervious surface created or reconstructed through single or multiple phases or connected actions on a single parcel or contiguous parcels of land under common ownership, development, or use," which covers the intent of the previous criteria. The table in this section has also been removed and replaced with plain text, which should provide clarifications on the intent of the additional requirement column.
41	6/30/2022	Email	David Krugler/Tom Collins	RFC Engineering on behalf of City of Ham Lake	<u>3.3.1.2:</u> District Soil Amendment Guidelines are referenced. Are these guidelines available thru the online CCWD Technical Resources Library?	Soil amendment guidelines will be made available on the District website and by request from staff after the updated rules go into effect.

42	6/30/2022	Email	David Krugler/Tom Collins	RFC Engineering on behalf of City of Ham Lake	<p><u>3.3.2.1:</u> Requirement if that for projects that may impact Drainage-Sensitive Use Areas, the post-development 100-year peak flow rate shall not exceed predevelopment 25-year peak flow rate. This language is in the current 2009 Rules. Will this requirement be waived if the CCWD determines that there are no concerns with the runoff increase from the site. A recent prior example would be Permit Application 22-041. Can an updated map be provided to outline the areas of concern, as well as a separate shade of "areas of impact".</p>	<p>Compared to the current 2009 rules, the language was changed from "within" drainage sensitive use areas to "may impact" drainage sensitive use areas to provide clarification on when the standard applies. The requirement will not apply if CCWD determines that the drainage sensitive use area will not be impacted. The District will periodically update the Drainage Sensitive Use Area map. The District evaluates the area of impact on a case by case basis because drainage patterns are constantly changing as the area develops, so a map of the areas of impact would be infeasible. The District can provide site specific guidance on impacts to drainage sensitive uses in a pre-application meeting or preliminary review.</p>
43	6/30/2022	Email	David Krugler/Tom Collins	RFC Engineering on behalf of City of Ham Lake	<p><u>3.3.4 - Phosphorus treatment:</u> There is a concern with smaller projects that would not feasibly be able to meet this requirement. Case in point, a property is looking to install a building and some parking, but the County is requiring they reconstruct a shoulder on the County Highway to increase structural capacity of the shoulder for a proposed deceleration lane/turn lane. The amount of reconstructed impervious of the shoulder exceeds the amount of impervious of the improvements proposed on the parcel. There should be a "phosphorous removal" quantity or percentage that can be used as an alternate to a flat "impervious" area only. The County would typically not allow any treatment within the right-of-way. This was discussed in an email to Mr. Matthiesen, but did not receive a response.</p>	<p>If the turn lane needs to be reconstructed in order to develop the site (particularly if it would require that for any use the property is zoned for), then it is part of the project and therefore needs to meet the standards to the maximum extent practicable. The applicant can also apply for a variance if they believe that adherence to the rule causes undue hardship. It is more effective to allow flexibility for the exceptions than to lower or modify the standard to encompass all possible projects.</p>
44	6/30/2022	Email	David Krugler/Tom Collins	RFC Engineering on behalf of City of Ham Lake	<p><u>3.3.5:</u> The storm bounce for moderately susceptible, slightly susceptible and least susceptible wetlands is 0.5-foot, 1-foot to limitless respectively. Concerned with additional wetland bounce to any wetland that is not contained within the boundaries of a proposed development. Any off-site wetland bounce can impact adjacent properties and structures separation from 100-year events</p>	<p>A wetland does not need to be on the property for the contributing discharge to be subject to the bounce standards; the standard applies to direct discharges from the site into any wetland, on or off site. Since these standards will require applicants to include wetlands in their modeling, the District will be reviewing impacts to adjacent properties. If the modeling shows issues, the District can impose additional requirements for wetland bounce per 3.3.3.1.e.</p>
45	6/30/2022	Email	David Krugler/Tom Collins	RFC Engineering on behalf of City of Ham Lake	<p><u>3.3.5:</u> Easement dedication is based on the pre-development wetland boundary along with the applicable buffer. Storm bounce can result in an enlarging wetland boundary and easement that may no longer contain the wetland and a reduced buffer from the post-development wetland boundary.</p>	<p>With the bounce and inundation standards presented and increased modeling requirements, this should not happen. With the exception of least susceptible wetlands, the bounce limits and allowable inundation periods should keep it below the point where that bounce converts non-wetland areas to wetland. It should be noted that in large storm events, any wetland may exceed its boundary for some amount of time. Least susceptible wetlands are typically constructed, and therefore usually have artificial means of controlling the water elevation.</p>
46	6/30/2022	Email	David Krugler/Tom Collins	RFC Engineering on behalf of City of Ham Lake	<p><u>3.3.5:</u> The duration of the storm that allows the above bounce should be defined. Is this a 100-year storm?</p>	<p>Storm durations for the bounce requirements are the 2 & 10 year storm events, clarification has been added. The District has also clarified that the inundation standards for the 10-year event includes all larger design storms.</p>

47	6/30/2022	Email	David Krugler/Tom Collins	RFC Engineering on behalf of City of Ham Lake	<u>3.3.5:</u> Unclear how the discharge rate from a slightly susceptible and least susceptible wetlands can be at the existing rate or less when considering the storm bounce allowance	A project can result in a lower discharge rate, but still produce more volume over the entire storm event.
48	6/30/2022	Email	David Krugler/Tom Collins	RFC Engineering on behalf of City of Ham Lake	<u>3.3.5:</u> Unclear why the discharge rate is more restrictive for slightly susceptible and least susceptible wetlands than highly susceptible and moderately susceptible wetlands	The discharge rate is not more restrictive for slightly and least susceptible wetlands. The intent of adding "or less" from the source document indicates the ability to lower the discharge rate such that it would allow for the rehabilitation or restoration of degraded wetlands. In some cases, it may be useful to intentionally modify the hydroperiod in order to drown or otherwise control invasive plant species and increase the quality of the wetland.
49	6/30/2022	Email	David Krugler/Tom Collins	RFC Engineering on behalf of City of Ham Lake	<u>3.3.5:</u> Appendix A should include the definition of inundation	The chart has been updated to specify "Inundation Period" and the definition of Inundation Period has been added to Appendix A.
50	6/30/2022	Email	David Krugler/Tom Collins	RFC Engineering on behalf of City of Ham Lake	<u>3.3.6:</u> Correct that landlocked basins have to have sufficient dead storage volume for back-to-back 100-year events, or should this be live storage?	Since this depends on what type of stormwater management practice is proposed, the word "dead" has been removed to just read "...sufficient storage volume..."
51	6/30/2022	Email	David Krugler/Tom Collins	RFC Engineering on behalf of City of Ham Lake	<u>3.4.3:</u> Specifies that the number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soil types present at the location of the control measure. It is difficult to quantify the boring requirements based on this language.	This has been modified to read, "The number and location of required soil borings or soil pits shall be determined based on MPCA guidance, also provided in Appendix E." Appendix E has been added to the rules document with a table showing the number of borings or pits per square feet of surface area.
52	6/30/2022	Email	David Krugler/Tom Collins	RFC Engineering on behalf of City of Ham Lake	<u>3.4.4:</u> 3.5.2. excludes municipal public works activities from submitting a Maintenance Agreement and references 3.4.4. Unclear whether standard municipal public works activity or any projects that result in stormwater treatment facilities being contained within drainage and utility easements are exempt from submitting a Maintenance Plan. Suggest adding to the language that this information must be submitted unless maintained by a City maintenance MS4 for all stormwater practices and associated structures.	Language has been added to section 3.4.4 to read, "A maintenance plan must be submitted for all stormwater practices and associated structures required under these rules, and subject to a Maintenance Agreement per section 3.5.2, to ensure their continued function."
53	6/30/2022	Email	David Krugler/Tom Collins	RFC Engineering on behalf of City of Ham Lake	<u>4.2.1.2:</u> Would a garden fit the definition of existing nursery or agricultural operation? What if a 101 sf garden is proposed? Need to obtain a permit?	No, a garden would likely not meet the definition of nursery or agricultural operations, but it depends on the situation. However, the applicability criteria under section 4.2 has been revised to be 5,000 square feet of disturbance or greater within 50 feet of a waterbody, or 10,000 square feet of disturbance or greater within 300 feet of a waterbody. It is unlikely that a typical vegetable garden would meet these parameters.

54	6/30/2022	Email	David Krugler/Tom Collins	RFC Engineering on behalf of City of Ham Lake	4.4.2: Correct that a permit application is required prior to clearing and grubbing? That has not been required in the past.	Correct. The definition of Land Disturbing Activity, which has not significantly changed from the current 2009 rules, includes the substantial removal of vegetation. The land is susceptible to erosion as soon as whatever cover was stabilizing it is removed and erosion and sediment control measures need to be installed before that work takes place. In the case where it is difficult to clear trees with erosion control installed, it may be removed temporarily but needs to be replaced immediately upon completion of the clearing. If this has not been required in the past, it was due to a misinterpretation of the rule or misunderstanding of clearing and grubbing.
55	6/30/2022	Email	David Krugler/Tom Collins	RFC Engineering on behalf of City of Ham Lake	5.3.1: Section 3.3.5 includes pretreatment prior to discharge to wetlands?	Thank you for catching this oversight; the District neglected to include this in section 3.3.5. This language has been added and "pretreatment" in both sections has been revised to "treatment" to avoid confusion.
56	6/30/2022	Email	David Krugler/Tom Collins	RFC Engineering on behalf of City of Ham Lake	5.4.2: No need to include "for this part of Minnesota".	This sentence has been revised to read, "Wetland delineations must be performed during the growing season." The definition of growing season has also been added to Appendix A.
57	6/30/2022	Email	David Krugler/Tom Collins	RFC Engineering on behalf of City of Ham Lake	6.2.1: Should the reference to 100-year flood elevation be revised to floodplain?	This has been revised in 6.2.1. The definition of "100-year flood elevation" in Appendix A was moved to be the definition of "floodplain" and "100-year flood elevation" was removed.
58	6/30/2022	Email	David Krugler/Tom Collins	RFC Engineering on behalf of City of Ham Lake	6.2.2: The referenced to FEMA floodplain should be revised to FEMA Flood Zone A. There are many examples where the FEMA Flood Zone A designation is above the floodplain elevation, sometimes by several feet. Per this section, correct that a permit application will be required for areas where the Zone A designation is unrealistic based on floodplain analysis?	The reference to FEMA floodplain has been removed. If a project includes FEMA floodplain, but not District floodplain, it would not trigger the District's floodplain rule.

59	6/30/2022	Email	David Krugler/Tom Collins	RFC Engineering on behalf of City of Ham Lake	<p><u>6.3.4:</u> Unclear on what this section is specifying for low floor separation. 6.0 is the floodplain portion of the rules, but 6.3.4 references the "100-year flood profile". Is this section specifying that low floor separation is to be 2-feet above the floodplain elevation? The City of Ham Lake requires one-foot of separation from unsuitable soils: "Unsuitable Soils - Soils which, in the opinion of the City Engineer, supported by factual data, are not suitable as foundation or subsurface material for any given intended usage. Soils may be suitable for one purpose, but unsuitable for other purposes. Wherever there is a specific reference to a particular soil characteristic, including, without limitation, the term "mottled soils", in any State or County regulation, statute, ordinance or rule which, by law, supersedes any municipal legislation to the contrary, the State or County criteria shall be the determining factor in what constitutes unsuitable soils. Absent any such State or County pre-emption, the City Engineer shall consider all available data in making a determination of what constitutes unsuitable soils in any given situation. As a part of the City Engineer's evaluation, the City Engineer may require the party advancing a particular description of unsuitable soils to document that party's position through the usage of competent Geotechnical Engineering studies, at the expense of that party." One foot of separation from unsuitable soils has been a City requirement for the 28 years that I have been working with the City of Ham Lake and I am not aware of any low floor elevations that have been approved during my duration with the City of Ham Lake that have been impacted by a storm event. If 6.3.4 is specifying a 2-foot separation from calculated 100-year high water levels rather than floodplain elevation, then the City of Ham Lake is 100% opposed to a higher separation requirement than current City requirements. This was brought up by Dave Krugler in several meetings without being address in any significant manner.</p>	<p>6.3.4 has been modified to replace "100-year flood profile" with "floodplain." Additionally, section 3.3.7 has been added to the stormwater section that reads, "New development including buildings and habitable structures and stormwater management practices shall be constructed so that the lowest basement floor elevations are at least 2 feet above the 100-year high water level and 1 foot above the emergency overflow." The District acknowledges that the City of Ham Lake is opposed to this requirement and has acknowledged this in the meetings during which it was discussed. However, the District feels that this is an important change to make to the District rules considering the amount of development within the District and the overall precipitation trends. This is an opportunity to protect structures well into the future based on changing conditions in both land use and precipitation.</p>
60	6/30/2022	Email	David Krugler/Tom Collins	RFC Engineering on behalf of City of Ham Lake	<p><u>6.3.5:</u> Unclear how the stipulation to no increase in the elevation of the 100-year flood profile (floodplain elevation?) is related to the possible limitless storm bounce allowance for wetlands, which are likely defined as floodplain, per 3.3.5.</p>	<p>6.3.5 has been revised to refer to the "floodplain" instead of the "100-year flood profile." The storm bounce requirements are for the 2-and 10-year storm events. This has been clarified.</p>
61	6/30/2022	Email	David Krugler/Tom Collins	RFC Engineering on behalf of City of Ham Lake	<p><u>6.3.7:</u> Correct that floodplain fill of between 1 square foot and 49 square feet, that is related to a building, would require compensatory storage?</p>	<p>The previous iteration specified floodplain fill that is a building, not related to a building, and the intent was that a building would not be allowed to be floodplain fill because the low floor requirement needs to be met. Upon further consideration, the District has removed references to buildings as the definition includes non-habitable buildings as well which may not need to meet the low floor requirements.</p>
62	6/30/2022	Email	David Krugler/Tom Collins	RFC Engineering on behalf of City of Ham Lake	<p><u>6.4.4:</u> Unclear on the submittal requirement for the existing 100-year flood elevation. Isn't this the CCWD computed floodplain elevation?</p>	<p>This would be needed for a no-rise analysis if required. This has been revised to read, "Determination by a registered professional engineer of the floodplain elevation before and after the proposed activity, if required."</p>

63	6/30/2022	Email	David Krugler/Tom Collins	RFC Engineering on behalf of City of Ham Lake	<u>7.2.1 and 7.2.1</u> : "Major watercourse" should be defined in Appendix A.	The definition for Major Watercourse has been added to Appendix A.
64	6/30/2022	Email	David Krugler/Tom Collins	RFC Engineering on behalf of City of Ham Lake	<u>7.3.8</u> : Should "ditch" be revised to "ditch and waterway"?	This has been added, but the term "watercourse" has been used to maintain consistency within the document.
65	6/30/2022	Email	David Krugler/Tom Collins	RFC Engineering on behalf of City of Ham Lake	<u>8.3</u> : The state only requires a 16.5-foot of buffer along ditches. The original CCWD rule was 15/25 feet. If homes are considered treated after a length of vegetation equal to the impervious length is provided and all other paved surfaces are treated, is a buffer strip still required? Ham Lake is impaired with Mercury; will any area contributing to Ham Lake be required to have a buffer? The City would be against this rule change without some case study. The new rule is also unclear if the City will be required to maintain an easement within this buffer area to be able to "enforce" this requirement. This was discussed on the January and a case study due to previous comments and education with current City board members would be required. None has been provided.	The original CCWD rule was not a requirement, it was a recommendation. Since the new rule is a requirement, the widths have been modified to match the State requirements in some instances, including the 16.5 ft buffers on public ditches. Yes, buffers will still be required because there are more benefits than just purely water quality. Ham lake is a public water, so the 50ft average buffer already applies per State law. There is no language indicating that the City will be required to maintain an easement for the buffer area. The District can enforce its Rules without having an easement over the area and the maintenance of the buffer area will be the responsibility of the property owner, not the City. This was addressed at previous meetings in which this was discussed.
66	6/30/2022	Email	David Krugler/Tom Collins	RFC Engineering on behalf of City of Ham Lake	<u>8.3.2</u> : Unclear where "Other" Waters is defined under 103F.48.	These waters were identified by the Anoka Conservation District in compliance with 103F.48 Subd. 4. A map of these waters will be made available.
67	6/30/2022	Email	David Krugler/Tom Collins	RFC Engineering on behalf of City of Ham Lake	<u>8.3.2</u> : Do the minimum and average buffer widths meet the requirements of subpart 3 of 103F.48?	Yes, they do.
68	6/30/2022	Email	David Krugler/Tom Collins	RFC Engineering on behalf of City of Ham Lake	<u>8.3.6</u> : Very few lots in Ham Lake have "wetland frontage" of only 200 feet, since the minimum lot frontage is 200 feet. I like the monumentation at each property line. Would rather see maximum spacing of 300 feet to save a lot of signage.	200 ft is the general standard for buffer signage requirements because of how much the buffer can vary over its extent. If there is too much space between buffer signs, it is much more likely that the buffer will be encroached upon by property owners unknowingly.
69	6/30/2022	Email	David Krugler/Tom Collins	RFC Engineering on behalf of City of Ham Lake	<u>Appendix A</u> : Should the definition of floodplain be revised to the CCWD computed 100-year flood elevation?	This has been revised.

70	6/30/2022	Email	David Krugler/Tom Collins	RFC Engineering on behalf of City of Ham Lake	<p><u>Appendix A:</u> Unclear on the Fully Reconstructed Impervious Surface definition. How will it be determined with plan submittal that the underlying soil is subgrade material versus native soil? What if there is reconstruction project that has fill sections that leave a half inch of existing aggregate base. Those can be excluded from the fully reconstruct requirements, or is this a project-by-project definition or percentage of reconstructed area?</p>	<p>The definition of fully reconstructed impervious surface has been modified to specify removal of "subbase" instead of "subgrade" for clarification. The differentiation will be made by reviewing the typical road sections submitted with the construction plans. If there is a reconstruction project that leaves a half inch of aggregate base in some sections, those sections will not be considered fully reconstructed and would not be included in any stormwater calculations where fully reconstructed impervious is referenced.</p>
71	6/30/2022	Email	David Krugler/Tom Collins	RFC Engineering on behalf of City of Ham Lake	<p>Current Rules included policies for Groundwater and Wildlife. Unclear why proposed Rules do not include for Groundwater or Wildlife.</p>	<p>The District removed the groundwater section from the previous rules because it caused confusion due to the redundancy and broad applicability. A new section has been added that summarizes the groundwater standards that are within other sections of the rule. The wildlife section was removed because the DNR has jurisdiction over the regulation of Threatened and Endangered species. The District's authority to regulate T&E species comes from the Wetland Conservation Act in that the District has been given the authority to administer the State rule. Since WCA is incorporated into the Wetland section, the wildlife section is not needed.</p>