

Ordinance No. 679

An ordinance to amend Cambridge City Code Title XV: Land Usage, Chapter 152 Stormwater Management

The purpose of this amendment is to amend Chapter 152 Stormwater Management, clarify certain sections, and add regulations for stormwater pollution control for less than one acre.

THE CITY OF CAMBRIDGE DOES ORDAIN that Chapter 152 is hereby amended as follows:

CHAPTER 152: STORMWATER MANAGEMENT

Section	Page
152.01 Short title	24
152.02 Purpose and scope	24
152.03 Definitions	24
<u>152.04 Stormwater Pollution Control for Less Than One Acre</u>	<u>27</u>
<u>152.0405 Stormwater Pollution Control Plan for Greater Than or Equal to One Acre or Common Plan of Development or Sale</u>	<u>2730</u>
152.0506 Review	3436
<u>152.07 Variance</u>	<u>36</u>
<u>152.0608 Modification of plan</u>	<u>3436152.07</u>
<u>Financial securities</u>	<u>34</u>
152.0809 Failure of the Stormwater Pollution Control Plan	3536
152.0910 Enforcement	3637
152.110 Right of entry and inspection	3637
152.124 Abrogation and greater restrictions	3637
152.132 Other statutes, rules and ordinances	3637

§ 152.01 SHORT TITLE.

This chapter shall be known as the “Cambridge Stormwater Management” chapter, and may be cited as such and will be referred to herein as “this chapter.”

§ 152.02 PURPOSE AND SCOPE.

(A) The purpose of this chapter is to control or reduce stormwater pollution, including nutrients, along with soil erosion and sedimentation within the city and to protect sensitive receiving waters. It establishes standards and specifications for conservation practices and planning activities, that minimize stormwater pollution, soil erosion and sedimentation. It is the stated purpose of these efforts to minimize degradation of the downstream lakes and the Rum River, including a stated goal of no net increase in phosphorus loading to these lakes.

(B) Except where a variance is granted, any person, firm, sole proprietorship, partnership, corporation, state agency, or political subdivision proposing a construction activity that will disturb less than one acre of land within the city shall abide by the stormwater pollution control measures for less than one acre and requirements set forth in this chapter. No land shall be disturbed until

Stormwater Pollution Control measures are implemented and conform to the standards set forth herein.

§ 152.03 DEFINITIONS.

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Applicant. Any person or group that applies for a building permit, subdivision approval, or a permit to allow land disturbing activities. ***Applicant*** also means that person's agents, employees, and others acting under this person's or group's direction. The term ***Applicant*** also refers to the permit holder or holders and the permit holder's agents, employees, and others acting under this person's or group's direction.

Best Management Practices (BMPS). 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 on certain activities, and other management practices published by state or designated area-wide planning agencies. (Examples of BMP's can be found in the MPCA's Minnesota Stormwater Manual).

Buffer. A protective vegetated zone located adjacent to a natural resource, such as a water of the state, that is subject to direct or indirect human alteration. ~~Such a~~ buffer strip is an integral part of protecting an aquatic ecosystem through trapping sheet erosion, filtering pollutants, reducing channel erosion and providing adjacent habitat. The buffer begins at the "ordinary high water mark" for wetlands and the top of the bank of the channel for rivers and streams. This start point corresponds to the Minnesota Department of Natural Resources' definition of a "shoreline" in Minn. Rules, part 6115.0030. Therefore, a stream with a width of 30 feet between banks and 100 foot buffer strips has a total protected width of 230 feet.

Common Plan of Development or Sale. 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.

Erosion Control. Refers to methods employed to prevent erosion. Examples include soil stabilization practices, horizontal slope grading, temporary or permanent cover, and construction phasing.

Exposed Soil Areas. All areas of the construction site where the vegetation (trees, shrubs, brush, grasses, etc.) 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 temporary stockpiles or surcharge areas of clean sand, gravel, concrete or bituminous, which have less stringent protection. 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 (evenly distributed, e.g., without large bare areas) perennial vegetative cover with a

density of 75% 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 seed is not considered final stabilization. Where agricultural land is involved, such as when pipelines are built on crop or range land, final stabilization constitutes returning the land to its preconstruction- agricultural -use. -(Examples- of -vegetative -cover- practices -can- be -found in the current version of the Minnesota Department of Transportation's publication, "Supplemental Specifications to the (year of the latest update) Standard Specifications for Construction").

Impaired Waters. A body of water is considered "impaired" if it fails to meet one or more water quality standards, as defined by the Minnesota Pollution Control Agency.

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 existed prior to development or redevelopment. Examples include rooftops, sidewalks, patios, driveways, parking lots, storage areas, and concrete, asphalt, or gravel roads.

Land Disturbance Activity. Any land change that may result in soil erosion from water or wind and the movement of sediments into or upon waters or lands within this government's jurisdiction, including construction, clearing and grubbing, grading, excavating, transporting and filling of land. Within the context of this chapter, land disturbance activity does not mean:

- (1) Minor land disturbance activities such as home gardens and an individual's home landscaping, repairs, and maintenance work.
- (2) Additions or modifications to existing single family structures that result in creating under 5,000 square feet of exposed soil or impervious surface, ~~and/or is part of a larger common development plan.~~
- (3) Construction, installation, and maintenance of fences, signs, posts, poles, and electric, telephone, cable television, utility lines or individual service connections to these utilities, that results in creating under 5,000 square feet of exposed soil or impervious surface.
- (4) Tilling, planting, or harvesting of agricultural, horticultural, or silvicultural (forestry) crops.
- (5) Emergency work to protect life, limb, or property and emergency repairs, unless the land disturbing activity would have otherwise required an approved erosion and sediment control plan, except for the emergency. If such a plan would have been required, then the disturbed land area shall be shaped and stabilized in accordance with the city's requirements as soon as possible.

National Pollutant Discharge Elimination System (NPDES)/State Disposal System (SDS). The programs for issuing, modifying, revoking, reissuing, terminating, monitoring, and enforcing permits under the Clean Water Act (33 U.S.C. § 1251 et seq.) and M.S. § 115.03, as it may be amended from time to time, and any subsequent amendments thereto.

Stabilize, Stabilized, 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, agricultural crop or other seeding alone is not stabilization. Mulch materials must achieve approximately 90 percent ground coverage (typically 2 ton/acre).

Stormwater. Water meeting the definition of Minn. Rules, part 7077.0105, subpart 41b (*Stormwater* means precipitation runoff, stormwater runoff, snow melt runoff, and any other surface runoff and drainage.”) or The Code of Federal Regulations (CFR) under 40 CFR 122.26 [b][13], (Stormwater means stormwater runoff, snow melt runoff and surface and drainage). Stormwater does not include construction site dewatering.

Stormwater Pollution Control Measures. A set of measures for disturbed land involving temporary and/or permanent structures that, when implemented, will decrease soil erosion on a parcel of land and off-site nonpoint pollution.

Stormwater Pollution Control Plan. ~~A joint stormwater and erosion and sediment control plan that is a~~ A document containing the requirements of § 152.0405, and involving temporary or permanent structures that, when implemented, will decrease soil erosion on a parcel of land and off-site nonpoint pollution. It involves both temporary and permanent controls.

Waters of The State. As defined in M.S. § 115.01, Subd. 22, as it may be amended from time to time.

Wetland. As defined in Minn. Rules, part 7050.0130, subpart F, (“wetlands” are those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that 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) 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.

§ 152.04 STORMWATER POLLUTION CONTROL FOR LESS THAN ONE ACRE.

Every applicant for a building permit, subdivision approval, or a permit to allow land disturbing activities of less than one acre, but not part of a Common Plan of Development or Sale, must abide by the stormwater pollution control measures and regulations listed below. No land disturbing activities shall commence until stormwater pollution control measures are properly installed. At a minimum these pollution abatement control practices must conform to, and if applicable be designed in accordance with, those in the current version of the Minnesota Pollution Control Agency’s Minnesota Stormwater Manual.

(A) *Stormwater pollution control measures.* The following minimum control measures are

required where bare soil is exposed. Where additional control measures are needed, they will be specified at the discretion of the city.

(1) The Applicant must properly install sediment control measures before the construction activity begins. Such structures may be adjusted during dry weather to accommodate short term activities, such as those allowing the passage of very large vehicles. As soon as this activity is finished or before the next runoff event, the erosion and sediment control structures must be returned to the configuration specified by the city BMPs for sediment control.

(2) The Applicant must divert channeled runoff around disturbed areas and protect the channel.

(3) If a stormwater control measure involves directing some or all of the site's runoff to adjacent property, the owner shall obtain from adjacent property owners any necessary easements or other property interests concerning the flowing of such water.

(4) The Applicant must schedule the site's activities to lessen their impact on erosion and sediment creation, so as to minimize the amount of exposed soil.

(5) A stormwater BMP shall be required to hold all sheet flow runoff generated at an individual site, until it can either infiltrate or seep through the BMP.

(6) Soil stockpiles must be stabilized no later than 14 calendar days after construction activity has temporarily or permanently ceased, and cannot be placed in surface water, including stormwater conveyances such as curb and gutter systems, or conduits and ditches.

(7) Temporary rock construction entrances or other effective BMPs are required wherever vehicles enter and exit a site.

(8) Streets must be cleaned and swept whenever tracking of sediments occurs and before sites are left idle for weekends and holidays. A regular sweeping schedule may be required by the city.

(9) Water (impacted by the construction activity) removed from the site by pumping must be treated by temporary sedimentation basins, geotextile or chemical filters, grit chambers, sand filters, up-flow chambers, hydrocyclones, swirl concentrators or other appropriate stormwater control measures. Such water shall not be discharged in a manner that causes erosion or flooding of the site; receiving channels, adjacent property or a wetland.

(10) All storm drain inlets must be protected during construction until control measures are in place.

(11) Existing water bodies and wetlands shall have temporary erosion control devices installed around their respective perimeters to protect them from sediment deposits created by a construction activity.

(B) Temporary sediment basins. The City may require a temporary sediment basin be installed where appropriate, in areas with steep slopes or highly erodible soils.

(C) Permanent stormwater controls. If an Applicant chooses to implement an unrequired stormwater facility, the owner should follow MPCA's Minnesota Stormwater Manual guidelines.

(D) Building Elevations. Where buildings are proposed adjacent to wetlands, lakes, detention or retention basins, or other water bodies, the lowest floor elevation of the adjacent structures shall be set to the greater of the following:

(a) Four feet above the higher of the groundwater level or the normal water level of the adjacent water body.

(b) Two feet above the Base Flood Elevation (BFE) established in a Flood Insurance Study or where no BFE exists, two feet above the high water level resulting from the 100-year, 24-hour duration, AMC-2 (design storm);

(c) One foot above the emergency overflow elevation if the overflow elevation is above the design storm elevation, and the overflow elevation plus one foot is less than the elevations in (a) and (b).

(d) The elevation based on applicable shoreland and/or floodplain zoning.

(e) The building or structure shall be a horizontal distance of at least 15 feet from the nearest location of the BFE.

(f) All low building openings shall be 1.5 feet above the emergency overflow elevation.

(E) Additional controls for Rum River. If a construction activity is within 1 mile of the Rum River, or discharges directly to the Rum River, the following controls apply in addition to those listed in divisions (A) through (D).

(1) All exposed soil areas with a slope of 3:1 or steeper that have a continuous positive slope to the Rum River must have a temporary erosion protection or permanent cover within seven days after the area is no longer actively being worked.

(2) An undisturbed buffer zone of not less than 100 linear feet from the Rum River (not including tributaries) shall be maintained at all times. Exceptions from this requirement for the areas, such as water crossings or limited water access, may be allowed if the owner fully documents the circumstances and reasons the buffer encroachment is necessary.

(F) Additional controls – Impaired Waters. If a construction activity is within 1 mile of an impaired water, the following controls apply in addition to those listed in divisions (A) through (E).

(1) All exposed soil areas with a slope of 3:1 or steeper that have a continuous positive slope to one of the lakes listed above must have a temporary erosion protection or permanent cover within seven days after the area is no longer actively being worked.

(G) Inspection and maintenance of the Stormwater Pollution Control Measures.

(1) Inspections may be performed by city staff to observe that erosion and sediment control measures are properly installed. Construction stop orders may be issued by the city until erosion and sediment control measures are corrected.

(2) It shall be the responsibility of the applicant to obtain any necessary easements or other property interests to allow access to the stormwater management facilities for inspection and maintenance purposes.

(3) All stormwater pollution control management facilities must be designed to minimize the need of maintenance, to provide easy vehicle and personnel access for maintenance purposes and to be structurally sound.

§ 152.0405 STORMWATER POLLUTION CONTROL PLAN FOR SITES GREATER THAN OR EQUAL TO ONE ACRE OR COMMON PLAN OF DEVELOPMENT OR SALE.

Every applicant for a building permit, subdivision approval, or a permit to allow land disturbing activities of one acre or more, or is part of a Common Plan of Development or Sale, must submit a Stormwater Pollution Control Plan to the City Engineer that contains the items listed below. No building permit, subdivision approval, or authorization to commence land disturbing activities shall be issued until the city approves this plan. At a minimum these pollution abatement control practices must conform to, and if applicable be designed in accordance with, those in the current version of the Minnesota Pollution Control Agency's Minnesota Stormwater Manual.

(A) Requirements of the Stormwater Pollution Control Plan. The plan shall contain:

(1) The name and address of the owner and applicant, if different than the owner.

(2) The location of the activity.

(3) Project description: the nature and purpose of the land disturbing activity and the amount of grading, utilities, and building construction involved.

(4) Phasing of construction: time frames and schedules for the project's various aspects.

(5) A map(s) of the existing site conditions: existing topography, property information, steep slopes (greater than 3:1), existing drainage systems/patterns, type of soils, waterways, wetlands, vegetative cover, 100-year flood plain boundaries, if present, locations of existing and future buffer strips and labeling the portions of the site that drain to downstream lakes, rivers and/or streams.

(6) A site construction plan that includes the location of the proposed land disturbing activities, stockpile locations, erosion and sediment control plan, construction schedule, and the plan for the maintenance and inspections of the stormwater pollution control measures. The Stormwater Pollution Control Plan's measures, the limit of disturbed surface and the location of buffer areas shall be marked on the approved grading plan, and identified with

flags, stakes, signs etc. on the development site before work begins. At a minimum, such inspections shall be done weekly by either the permittee, or the permittee's designated representative, and within 24 hours after every storm or snow melt event large enough to result in runoff from the site (approximately 0.25 inches or more in 24 hours). At a minimum, these inspections shall be done during active construction.

(7) Identification of adjacent areas: neighboring streams, lakes, residential areas, roads and the like, that might be affected by the land disturbing activity.

(8) Designation of the site's areas that have the potential for serious erosion problems.

(9) Erosion and sediment control measures: the methods that will be used to control erosion and sedimentation on the site, both during and after the construction process.

(10) Permanent stabilization: how the site will be stabilized after construction is completed, including specifications, time frames or schedules and a narrative plan for the removal of temporary sediment and erosion control measures at the end of the project.

(11) Hydrologic models and design methodologies used for determining runoff characteristics and analyzing stormwater management structures must be approved by the city engineer. Plans, specifications and computations for stormwater management facilities submitted for review must be sealed and signed by a registered professional engineer. All computations must appear in the plans submitted for review, unless otherwise approved by the City Engineer.

(12) ~~This~~The plan should address stormwater discharging to special as well as impaired waters and what special actions/BMPs that will be employed.

(13) ~~This~~The plan shall identify methods and discharge routes for dewatering activities

(14) ~~This~~The plan shall include provisions for site inspections and maintaining records of rainfall events by the site contractor.

(15) ~~This~~The plan shall provide for BMP maintenance.

(16) ~~This~~The plan shall identify how solid and hazardous wastes on the project site will be managed.

(17) ~~This~~The plan shall provide for final stabilization upon the completion of construction activity, including the use of perennial vegetative cover on all exposed soils or other equivalent means.

(B) *Stormwater pollution control measures.* ~~These~~The following minimum control measures are required where bare soil is exposed. Where additional control measures are needed, they will be specified at the discretion of the city.

(1) The applicant must properly install sediment control measures before the construction activity begins. Such structures may be adjusted during dry weather to

accommodate short term activities, such as those allowing the passage of very large vehicles. As soon as this activity is finished or before the next runoff event, the erosion and sediment control structures must be returned to the configuration specified by the city.

(2) The applicant must divert channeled runoff around disturbed areas and protect the channel.

(3) If a stormwater management plan involves directing some or all of the site's runoff to adjacent property, the applicant shall obtain from adjacent property owners any necessary easements or other property interests concerning the flowing of such water.

(4) The applicant must schedule the site's activities to lessen their impact on erosion and sediment creation, so as to minimize the amount of exposed soil.

(5) Silt fence shall be required to hold all sheet flow runoff generated at an individual site, until it can either infiltrate or seep through silt fence's pores.

(6) ~~Temporary soils~~ Soil stockpiles must ~~have silt fence or other effective sediment controls~~ be stabilized no later than 14 calendar days after construction activity has temporarily or permanently ceased, and cannot be placed in surface water, including stormwater conveyances such as curb and gutter systems, or conduits and ditches.

(7) Temporary rock (or other suitable material) construction entrances are required wherever vehicles enter and exit a site.

(8) Streets must be cleaned and swept whenever tracking of sediments occurs and before sites are left idle for weekends and holidays. A regular sweeping schedule shall be established.

(9) Water (impacted by the construction activity) removed from the site by pumping must be treated by temporary sedimentation basins, geotextile or chemical filters, grit chambers, sand filters, up-flow chambers, hydrocyclones, swirl concentrators or other appropriate controls. Such water shall not be discharged in a manner that causes erosion or flooding of the site; receiving channels, adjacent property or a wetland.

(10) All storm drain inlets must be protected during construction until control measures are in place with either silt fence or an equivalent.

(11) Existing water bodies and wetlands shall have temporary erosion control devices installed around their respective perimeters to protect them from sediment deposits created by a construction activity.

(C) *Temporary sediment basins.* For common drainage locations that serve an area of ten or more acres disturbed at one time, and that drain to a discernable pond, a sediment basin must be provided prior to the runoff leaving the construction site or entering waters of the state. In addition to this requirement, the applicant is encouraged, and may be required by the city, to install temporary sediment basins where appropriate in areas with steep slopes or highly erodible soils even if less than ten acres drains to one area.

(D) *Permanent stormwater controls.*

(1) The following volume control standards shall be met as described below for all construction activities:

a. All new development projects that ~~disturb one or more acres of land or create one or more acres of new impervious surface~~ shall retain, on-site, a runoff volume equivalent equal to 1 inch of runoff depth over from the proposed increase of impervious surfaces.

b. ~~All redevelopment projects that disturb one or more acres of land shall retain, on-site, a runoff volume equivalent equal to 1/4 inch of runoff depth from all redeveloped impervious surfaces. Newly added impervious surfaces on a redevelopment project must meet the new development standard of 1 inch.~~

~~e.~~ b. Green Infrastructure techniques and practices (including, but not limited to, infiltration, evapotranspiration, reuse/harvesting, conservation design, urban forestry, green roofs), shall be given preference in meeting the volume control requirements.

~~d.~~ c. For linear projects, a reasonable attempt must be made to obtain right-of-way during the project planning process for volume control practices. For linear projects where the lack of right-of-way precludes the installation of volume control practices, exceptions, as described in this Code, 152.0405.D.(10), can be applied.

(2) The wet sediment basin must abide by the Construction Stormwater Permit and the MPCA's Minnesota Stormwater Manual ~~have a permanent volume of 1,800 cubic feet of storage below the outlet pipe for each acre that drains to the basin. The basin's permanent volume must reach a minimum depth of at least three feet and must have no depth greater than ten feet. The basin must be configured such that scour or resuspension of solids is minimized. The city encourages the use of multiple treatment cells or basins with a total volume as indicated above, so as to maximize treatment by sedimentation, facilitate maintenance (at primary cells), and general promotion of plug flow behavior (keep inlets away from outlets, installation of baffles and the like).~~

(3) Basin outlets shall be designed according to the Construction Stormwater Permit and the MPCA's Minnesota Stormwater Manual ~~such that the water quality volume is discharged at no more than 5.66 cubic feet per second (cfs) per acre of surface area of the pond.~~

(4) Release rates from stormwater treatment basins shall not increase over the predevelopment (existing conditions) storm discharge rates for the 24-hour duration two-year, ten-year and 100-year rainfall events. Calculations that were made for the design of such items as sediment basins, rate control structures, wet detention basin volumes, diversions, waterways, infiltration zones and other selected BMPs shall be included with the submittal.

(5) An emergency overflow shall be provided that meets the elevation criteria in division (C)(6) below.

(6) Where buildings are proposed adjacent to wetlands, lakes, detention or retention basins, or other water bodies, the lowest floor elevation of the adjacent structures shall be set to the greater of the following:

(a) Four feet above the higher of the groundwater level or the normal water level of the adjacent water body.

(b) Two feet above the Base Flood Elevation (BFE) established in a Flood Insurance Study or where no BFE exists, two feet above the high water level resulting from the 100-year, 24-hour duration, AMC-2 (design storm);

(c) One foot above the emergency overflow elevation if the overflow elevation is above the design storm elevation, and the overflow elevation plus one foot is less than the elevations in divisions ~~(6)(a)~~ and ~~(6)(b)~~.

(d) The elevation based on applicable shoreland and/or floodplain zoning.

(e) The building or structure shall be a horizontal distance of at least 15 feet from the nearest location of the BFE.

(f) All low building openings shall be 1.5 feet above the emergency overflow elevation.

(7) Where feasible, wet retention basins shall have a 10:1 vegetative bench at the normal water level.

(8) At a minimum these facilities must conform to the most current technology as reflected in the current version of the MPCA's Minnesota Stormwater Manual.

(9) Permanent stormwater pollution controls shall be designed by a professional engineer licensed in the State of Minnesota.

(10) Stormwater management limitations and exceptions will be followed as stated in the Construction Stormwater Permit

~~(A) Limitations~~

~~a. Infiltration techniques are prohibited in the following:~~

~~i. Where industrial facilities are not authorized to infiltrate industrial stormwater under an NPDES/SDS Industrial Stormwater Permit issued by the Agency~~

~~ii. Where vehicle fueling and maintenance occur~~

~~iii. 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.~~

~~iv. Where high levels of contaminants in soil or groundwater will be mobilized by the infiltrating stormwater.~~

~~b. Infiltration techniques are restricted in the following areas to prevent adverse impacts to groundwater:~~

~~i. With predominately Hydrologic Soil Group D (clay) soils.~~

~~ii. Within 1,000 feet up gradient, or 100 feet down gradient of active karst features.~~

~~iii. Within a Drinking Water Supply Management Area (DWSMA) as defined in Minn. R. 4720.5100, subp. 13.~~

~~iv. Where soil infiltration rates are more than 8.3 inches per hour.~~

~~c. For linear projects where the lack of right of way precludes the installation of volume control practices a reasonable attempt by made to obtain right of way during the project planning process.~~

~~(B) Exceptions for stormwater discharge volume. The City may allow a lesser volume control on the site of the original construction activity than required above under the following circumstances:~~

~~a. The owner and/or operator of a construction activity is precluded from infiltrating stormwater through a designed system due to any of the infiltration related limitations described above, and~~

~~b. The owner and/or operator of the construction activity implements volume reduction techniques, other than infiltration, (e.g. evapotranspiration, reuse/harvesting, conservation design, etc.) on the site, but may not meet the full volume control requirements for the site.~~

(11) Mitigation provisions. If the ~~owner/operator~~ Applicant cannot cost effectively meet the conditions for post-construction stormwater management the City may require ~~them~~ the Applicant to identify locations where mitigation projects can be completed. Mitigation project areas are selected in the following order of preference:

(A) Locations that yield benefits to the same receiving water that receives runoff from the site.

(B) Locations within the same DNR catchment area as the site.

(C) Locations in the next adjacent DNR catchment area up-stream.

(D) Locations anywhere with the permittee's jurisdiction.

(12) Long-term maintenance of structural stormwater BMPs

(A) The ~~owner~~ Applicant shall allow the City to conduct inspections of structural stormwater BMPs, perform necessary maintenance, and assess costs for those structural stormwater BMPs when the City determines that the owner and/or operator of that structural stormwater BMP has not conducted maintenance.

(B) If site configurations or structural stormwater BMPs change, causing decreased structural stormwater BMP effectiveness, new or improved structural stormwater BMPs must be implemented to ensure the conditions for post-construction stormwater management are maintained as originally approved.

(E) *Additional controls ~~for Rum River~~*. If a construction activity is within ~~2,000 feet~~ 1 mile of the Rum River, or discharges directly to the Rum River, ~~the following controls shall be applied~~ in accordance with the Construction Stormwater Permit, in addition to those listed in divisions (A) through (D).

~~(1) All exposed soil areas with a slope of 3:1 or steeper that have a continuous positive slope to the Rum River must have a temporary erosion protection or permanent cover within seven days after the area is no longer actively being worked.~~

~~(2) Temporary sediment basins described in division (C) must be used for common drainage locations that serve an area with five or more acres disturbed at one time.~~

~~(3) The water quality volume that must be treated by the project's permanent storm water pollution controls described in division (D) shall be one inch of runoff from the new impervious surfaces created by the project.~~

~~(4) An undisturbed buffer zone of not less than 100 linear feet from the Rum River (not including tributaries) shall be maintained at all times. Exceptions from this requirement for the areas, such as water crossings or limited water access, may be allowed if the applicant fully documents in the SWPCP the circumstances and reasons the buffer encroachment is necessary.~~

(F) *Additional controls – ~~Skogman-Fannie-Florence watershed~~ Impaired Waters*. If a construction activity is within ~~the Skogman, Fannie, Florence chain of lakes watershed~~ 1 mile of an impaired water, the following controls apply, as well as controls stated in the Construction Stormwater Permit, in addition to those listed in divisions (A) through ~~(D)~~ (E).

~~(1) All exposed soil areas with a slope of 3:1 or steeper that have a continuous positive slope to one of the lakes listed above must have a temporary erosion protection or permanent cover within seven days after the area is no longer actively being worked.~~

~~(2) Temporary sediment basins described in division (C) must be used for common drainage locations that serve an area with five or more acres disturbed at one time.~~

~~(3) The water quality volume that must be treated by the project's permanent storm water pollution controls described in division (D) shall be one inch of runoff from the new impervious surfaces created by the project.~~

(41) *Water quality treatment requirements.*

(a) Projects shall not result in an increase in loading of total phosphorus (TP) to the receiving water. Defendable computations shall be submitted that demonstrate no increase in TP loading on an annual basis as compared to existing site conditions, using standard techniques and generally accepted assessment practices, including available lake and ecoregional studies and models. Assessment techniques and resulting computations must be approved by the City Engineer.

(b) Site runoff volume for the first one inch of runoff shall be infiltrated, or otherwise retained without discharge from the site. Where soil permeability is not suitable for stormwater infiltration techniques, additional design considerations to enhance the infiltration rate and/or other measures shall be employed as required by the City Engineer. Such measures should include grass swales or similar techniques, that use evaporation/transpiration or other approaches to achieve the same goal. Soil not suitable for stormwater infiltration techniques may include soils with permeability values less than Group B soils (less than 2.5 inches per hour) as defined by the U.S. Department of Agriculture's Natural Resources Conservation Service (NRCS) or soils where a high water table is present.

(c) Stormwater controls using infiltration shall provide protection against silt plugging, such as settling basins and manhole silt sumps.

(d) The applicant shall consider incorporating the use of natural topography and land cover such as natural swales and depressions as they exist before development to the degree that they can accommodate the additional flow of treated (e.g., settled) water without compromising the integrity or quality of the receiving water.

(G) *Inspection and maintenance of the Stormwater Pollution Control Plan's measures.*

~~(1) The applicant must inspect the construction site within 24 hours after a rainfall event where the total rainfall is greater than 0.25 inches in 24 hours.~~

(21) Inspections may be performed by city staff to observe that erosion and sediment control measures are properly installed and maintained in accordance with the SWPCP. Construction stop orders may be issued by the city until erosion and sediment control measures are corrected in accordance with the SWPCP.

(32) It shall be the responsibility of the applicant to obtain any necessary easements or other property interests to allow access to the stormwater management facilities for inspection and maintenance purposes.

(43) All stormwater pollution control management facilities must be designed to minimize the need of maintenance, to provide easy vehicle and personnel access for maintenance purposes and to be structurally sound.

§ 152.05-06 REVIEW.

The city shall review the stormwater pollution control plan, of § 152.05, and approve or disapprove in accordance with M.S. § 15.99, as it may be amended from time to time.

§ 152.07 VARIANCE

An applicant may seek a variance from the requirements of either section § 152.04 or § 152.05, as applicable, by submitting a written request to the City Engineer. The City Engineer, or his or her designee, shall have the sole discretion to determine if a variance to the requirements of the pertinent section will be allowed. All decisions of the City Engineer involving requests for variances under section § 152.04 shall be final. Decisions of the City Engineer involving requests for variances under section § 152.05 may be appealed to the City Council.

§ 152.06–08 MODIFICATION OF PLAN.

An approved stormwater pollution control plan, in accordance with § 152.05, may be modified upon submission of a written request for modification to the city, and after written approval by the city. The City Engineer may require additional reports and data to be submitted with the request.

§ 152.07 FINANCIAL SECURITIES.

~~The city requires financial security in the amount of \$3,000 per acre up to a maximum of \$30,000 for the performance of the work described in the approved storm water pollution control plan and any related remedial work. This security must be provided to the city prior to commencing the project.~~

~~(A) — *Action against the financial security.* 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 retained by the city and to reimburse the city for all direct cost incurred in the process of remedial work including, but not limited to, staff time, engineering fees and attorney’s fees.~~

~~(1) — The applicant ceases construction activities and/or filling and abandons the work site prior to completion of the storm water pollution control plan.~~

~~(2) — The applicant fails to conform to the storm water pollution control plan as approved by the city, or to related supplementary instructions.~~

~~(3) — The techniques utilized under the storm water pollution control plan fail within one year of installation.~~

~~(4) — The applicant fails to reimburse the city for corrective action taken under ' 152.08.~~

~~(5) — Emergency action is taken under ' 152.08(B).~~

~~(B) — *Returning the financial security.* Any unspent amount of the financial security deposited with the city for faithful performance of the storm water pollution control plan and any storm water and pollution control plan related remedial work must be released not more than one full year after the completion of the installation of all such measures and the establishment of final stabilization.~~

§ 152.08–09 FAILURE OF THE STORMWATER POLLUTION CONTROL MEASURES PLAN.

(A) *Notification by the city.* The city shall notify the applicant, property owner, contractor, or other property designee, when the city is going to act against ~~the financial securities violations.~~ The initial contact will be to the party or parties listed on the Stormwater Pollution Control Plan as contacts, or for sites less than one acre, the property owner appropriate property designee. Except during an emergency action, 48 hours after notification by the city, the city at its discretion may begin corrective work. If after making a good faith effort to notify the responsible party or parties, the city has been unable to establish contact, the city may proceed with corrective work. If violations are not corrected, and the City must act to correct violations, the city will bill the party or parties listed on the Stormwater Pollution Control Plan as contacts, or the owner of the property appropriate property designee. Enforcement will follow the guidelines set in Chapter 38 of the city code.

(B) *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, the city may take emergency preventive 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~~ will be billed directly to the party or parties listed on the stormwater Pollution Control Plan as contacts, or for sites less than one acre, the property owner designee.

(C) *Failure to do corrective work.* When an applicant fails to conform to any provision of § 152.04 or § 152.05 within the time stipulated, the city may take the following actions:

- (1) Withhold the scheduling of inspections and/or the issuance of a Certificate of Occupancy.
- (2) Revoke any permit issued by the city to the applicant, or property designee, for the site in question or any other of the applicant's, or owner's property designee's, sites within the city's jurisdiction.
- (3) Direct the correction of the deficiency by city forces or by a separate contract.
- (4) ~~The applicant~~ City must be reimbursed for all costs incurred ~~by the city~~ in correcting stormwater pollution control deficiencies. ~~If p~~ Payments is not must be made within 30 days after the city incurs costs, ~~payment will be made from the applicant's financial securities as described in this section.~~
- (5) ~~If payments are not made within 30 days after the city incurs costs~~ there is an insufficient amount, in the applicant's financial securities as described in this section, to cover the costs incurred by the city, then the ~~the applicant shall reimburse the city or the city may assess the remaining amount against the property.~~

§ 152.09–10 ENFORCEMENT.

The city shall be responsible for enforcing this chapter. Any person, firm, or corporation failing to comply with or violating any of these regulations, shall be deemed guilty of a misdemeanor and be subject to a fine or imprisonment or both. All land use and building permits will be suspended until the applicant has violation is corrected the violation. Each day that a separate violation exists shall constitute a separate offense.

§ 152.10-11 RIGHT OF ENTRY AND INSPECTION.

The applicant City, and its authorized representatives, shall be allowed to allow the city and its authorized representatives, upon presentation of credentials to:

- (A) Enter upon the permitted site for the purpose of obtaining information, examining records, conducting investigations or surveys or for the purpose of correcting deficiencies in stormwater pollution control.
- (B) Bring such equipment upon the permitted site as is necessary.
- (C) Examine and copy any books, papers, records, or memoranda pertaining to activities or records required to be kept under the terms and conditions of this permitted site.
- (D) Inspect the stormwater pollution control measures.
- (E) Sample and monitor any items or activities pertaining to stormwater pollution control measures.

§ 152.11-12 ABROGATION AND GREATER RESTRICTIONS.

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter imposes greater restrictions, the provisions of this chapter shall prevail.

§ 152.12-13 OTHER STATUTES, RULES AND ORDINANCES.

The applicant shall comply with all federal and state statutes and local ordinances including the current version of the Minnesota Pollution Control Agency's, General Permit Authorization to Discharge Stormwater Associated with Construction Activity under the NPDES/SDS permit program and the requirements of a Watershed Management Organization, if applicable.

This ordinance shall be in full force and effect from and after its passage and publication according to law.

Adopted by the Cambridge City Council this 1st day of October, 2018.

Marlys A. Palmer, Mayor

ATTEST:

Lynda J. Woulfe, City Administrator

Date of Publication: October 10, 2018

Summary Ordinance for Publication

The City Council of the City of Cambridge adopted Ordinance 679 amending Title XV Land Use, Chapter 152 Stormwater Management which establishes standards and specifications for conservation practices and planning activities, that minimize stormwater pollution, soil erosion and sedimentation. The complete ordinance is available for public inspection at the office of the City Administrator, 300 3rd Ave NE, Cambridge, Minnesota.

ATTEST:

Lynda J. Woulfe, City Administrator

Date of Publication: October 10, 2018