

Surface Water Management Plan: Appendix M2

Stormwater Management Requirements

1. Purpose

The purpose of Appendix M2 is to provide the regulatory mechanism and guidelines for stormwater management within the City of St. Louis Park. All are encouraged to use the most current version of the Minnesota Stormwater Manual for additional guidance.

2. Authority

This appendix complements the City of St. Louis Park Code of Ordinances Chapter 12 – Environment and Public Health, adopted pursuant to Minnesota Statutes (Chapters 103B, 115, 116, and 473) and Minnesota Administrative Rules (Chapters 7050, 7090, and 8410).

3. Applicability

Appendix M2 establishes requirements for all new development and redevelopment construction projects that result in at least one of the following:

- a) Land disturbance of at least one acre
- b) Land disturbance that is part of a common plan of development or sale that ultimately will disturb more than one acre
- c) Any project that proposes 10,000 square feet of impervious surfaces, either new or reconstructed

For areas within the Bassett Creek Watershed Management Commission (BCWMC), please refer to the [BCWMC Requirements](#) for additional conditions.

4. Exemptions

The following are exempt from stormwater management requirements:

- a) Mill and overlay of pavements and projects that do not disturb the underlying soils
- b) Construction of single-family homes (SFH); however, SFH developments are encouraged to comply with these requirements

5. Stormwater Management Plan Approval Requirement

No person shall disturb land for new or redevelopment projects, as prescribed above in Section 3 (Applicability), without having first obtained approval of the stormwater management plan (Plan) in conformation with this appendix from the city's engineering department.

The Plan must do the following:

- Detail runoff and associated water quality impacts resulting from the project and how they will be managed
- Indicate whether stormwater will be managed on-site or off-site
- Provide the general location and type of practices that will be implemented
- Entail the prevention of all stormwaters discharged from the site, during and after construction activities, from violating state water quality standards, including nuisance conditions, erosion in receiving channels or on downslope properties, and a significant adverse impact to wetlands caused by inundation or decreased flow
- Comply with the National Pollutant Discharge Elimination System, Construction Stormwater General, and Municipal Separate Storm Sewer System permits; Minnehaha Creek Watershed District, BCWMC, or any other regulatory agency with jurisdiction in the city; the erosion and sediment control guidelines outlined in Appendix M1; and, if applicable, the city's conditional use permit, adhering to the most stringent applicable requirements
- Obtain the signature of a Minnesota-licensed professional engineer (PE) in good standing, who will verify that the design of all stormwater management practices meets the submittal requirements of the city's Environment and Public Health Code

Plan Design Standards

See the Design Checklist and other city requirements for prescribed plan inclusions.

a) Water quality standards

Water quality shall meet the standard requirements for phosphorus and total suspended solids, specified below. To meet the city's water quality standards, the water quality volume must be calculated as the sum of the new and fully reconstructed impervious surface area created by the project, multiplied by one inch.

The water quality volume must be directed to a permanent stormwater treatment system prior to discharge into surface water.

The stormwater treatment system must be designed so that the water quality volume will discharge through the soil surface or filter media in 48 hours or less. Additional flow that cannot be infiltrated or filtered in 48 hours should be routed to bypass the system through a stabilized discharge point.

a. Phosphorus control

1. New development projects must result in no net increase in phosphorus loading from existing conditions, on an annual average basis.
2. Redevelopment projects must result in a net new reduction in the phosphorus loading from existing conditions, on an annual average basis.

b. Total suspended solids

1. New development projects must result in no net increase in total suspended solids loading from existing conditions, on an annual average basis.
2. Redevelopment projects must result in a net reduction in total suspended solids loading from existing conditions, on an annual average basis.

b) Rate control

The Plan must incorporate a site design that will provide on-site facilities for post-construction conditions to ensure that the discharge rate from the 6-inch, 24-hour rainfall event is no greater than the existing discharge rate from a 4.2-inch, 24-hour rainfall event.

c) Volume control

- a. New development projects subject to this appendix will result in no net increase of stormwater discharge, on an annual average basis, unless prohibited by stormwater management limitations.
- b. Redevelopment projects subject to this appendix will result in a net reduction of stormwater discharge volume, on an annual average basis, unless prohibited by the stormwater management limitations.
- c. Linear projects subject to this appendix that create one or more acres of net new impervious surfaces shall capture and retain onsite 1.0 inches of runoff from the net new impervious surfaces.

See the BMP infiltration guidance for alternative volume reduction practices and more information.

d) Operations and Maintenance (O&M) Plan

The Plan shall include an O&M Plan that defines the maintenance regimen, including the type and interval of inspection and maintenance and party responsible for conducting such inspection and maintenance; identifies and protects the design, capacity, and functionality of on-site and off-site stormwater management systems; specifies the methods, schedule, and responsible parties for maintenance; provides for the maintenance in perpetuity of the system; and contains at a minimum the requirements in the city's standard maintenance declaration. All BMPs must be designed for maintenance access and properly maintained in perpetuity to ensure they continue to function as designed.

The plan will be recorded on the deed in a form acceptable to the city. A public entity assuming the maintenance obligation may do so by filing with the city a document signed by an official with authority.

The Plan will be recorded on the deed in a form acceptable to the city. The public entity assuming the maintenance obligation may do so by submitting a document signed by an official with authority to the city.

e) Responsibility During Construction/Completion

- i. Inspection of BMPs—the applicant shall notify the city's engineering department prior to construction of the stormwater management BMP to allow for inspection of the BMP
- ii. Construction/completion final report and certification—the applicant shall submit a final report to validate compliance with the approved Plan. The final report should include a final maintenance declaration, an as-built grading plan as defined in the city's erosion and sediment control plan requirements and design guidelines (section 02050 standard specifications) and notice from the city engineering department certifying that the BMPs function as designed.

f) Responsibility Following Construction/Completion

- i. Duration—an approved Plan shall remain in effect unless cancellation is approved by the city's engineering department. All site areas used for the purpose of reducing pollutants and nutrients, for managing peak flow rates, and for maximizing infiltration shall be preserved and maintained for those uses, including areas required for maintenance and inspection.
- ii. Annual site registration—the responsible party of a BMP installed under this appendix shall register it annually with the city's engineering department.
- iii. Inspection of BMPs—all BMPs are subject to inspection by the city's engineering department. If a representative from the city's engineering department deems that BMPs are not functioning satisfactorily, a notice of noncompliance may be issued, and procedures must be followed as described below.

- iv. Operation and maintenance of BMPs—the entirety of the BMPs required under this ordinance shall be maintained and kept in operating condition by the owner at levels outlined in the approved Plan. Any failure to maintain a BMP and keep it in operating condition adequate to meet the water quality, rate control, and volume control requirements under this ordinance may result in the city engineer issuing remedial action.

g) Inspections, Remedial Actions, and Compliance Procedures

The city engineering department will carry out routine inspections for compliance with the provisions of the O&M Plan. In the event of noncompliance, the following remedial actions, penalties, or assessments may be applied:

- i. Tier 1. Written notice—if the city engineering department identifies noncompliance with Chapter 12 – Environmental and Public Health and this appendix, a representative from the city engineering department shall issue a Tier 1 written notice to the responsible party of the BMP, specifying each item or instance of noncompliance with this appendix or the O&M Plan. The BMP shall be subject to reinspection by the city engineering department within the time outline in the written notice.
- ii. Tier 2. Second written notice and escalation—if noncompliance is still identified after the time outline in the Tier 1 written notice, the city engineering department shall issue a Tier 2 written notice to the responsible party of the BMP. Within 30 days of issuance of a Tier 2 written notice, the responsible party must submit to the city engineering department for review and acceptance a plan outlining corrective procedures for compliance with this appendix or the O&M Plan, including time frames to complete such procedures.
- iii. Tier 3. Written notice, citations, and civil fines—any responsible party that has received a Tier 2 written notice and is not compliant with this appendix or the O&M Plan requirements and compliance procedures may receive a Tier 3 written notice and may be subject to administrative enforcement pursuant to Chapter 1 General Provisions Sec. 1–13 General penalty and Sec. 1–14. Administrative penalties or any other appropriate and available enforcement provided by law. Administrative citations may be issued for Tier 3 noncompliance or to continuing violators.
- iv. Tier 4. Performing necessary maintenance and assessing cost—in addition to all other rights and remedies the city may have at law or in equity, the city engineering department shall retain the right to reject defective or incomplete work. Representatives from the city engineering department are authorized to remedy any such deficiency and to determine the cost. Any cost incurred by the city to remedy deficiency may be charged to the owner of the BMP(s) for such defective or incomplete work. If said charges are not paid within 90 days after a bill of charges has been mailed to the owner, the city council shall levy the amount as a special assessment upon and against the property benefited in the manner provided by law

for other assessments.

Any person, firm, corporation, or agency acting as property owner, responsible party, or otherwise, who fails to comply with the provisions of Chapter 12 and this appendix, shall be charged with a misdemeanor.