

PRWD Rule Revision Board Workshop #4

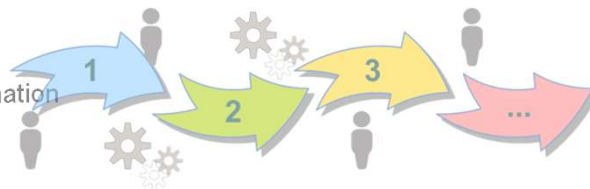
Permitting Process & Procedures



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Rule Making is a Process

- **When we work the process we**
 - Stay focused
 - Systemically address each item
 - Provide important background information
 - Make informed decisions
 - Work towards consensus
- **We're not starting from scratch**
 - This will be a refinement and clarification process
 - We will revisit and either edit or reaffirm as needed



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What is the Process?



BWSR Rule Making Handbook

Statutory Requirements

Facilitated by following a Roadmap

1. Review District Goals & Purpose
2. Establish Baseline Knowledge
3. Clarify/Update Rule Language and Criteria
4. Coordination With Other Agencies
5. Establish Procedures/Workflows
6. Stakeholder Review of Proposed Updates
7. Complete Review and Comment Period



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Rule Content - Current



1. Introduction
2. Policy
3. Definitions
4. Water Quality Protection and Enhancement
5. Governmental Responsibilities
6. Ditch Authority
7. Enforcement Powers of Board of Managers
8. Adoption or Amendment
9. Effective Date

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Rule Content - Revised



1. Introduction – Only minor changes as needed
2. Policy – Recommend minor changes to the extent of jurisdiction
3. Definitions – Update as needed
4. Water Quality Protection and Enhancement – the heavy lifting, more to come
5. Governmental Responsibilities – Recommend updates with legal counsel
6. Ditch Authority – Recommend updates to timelines
7. Enforcement Powers of Board of Managers – Revisions here and in Chapter 4 based on legal counsel recommendations
8. Adoption or Amendment – no change
9. Effective Date – update with new dates

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Chapter 4



- 4.10 Thresholds for Permits – previously discussed
- 4.11 Approval of Permits – previously discussed
- 4.12 Permit Application Requirements – recommend providing more detail, next slides
- 4.13 Fees – no change
- 4.14 Sureties – propose to remove, with changes to enforcement
- 4.2 Upgrade of Existing Stormwater Discharges
- 4.3 Maintenance of Stormwater Treatment Devices

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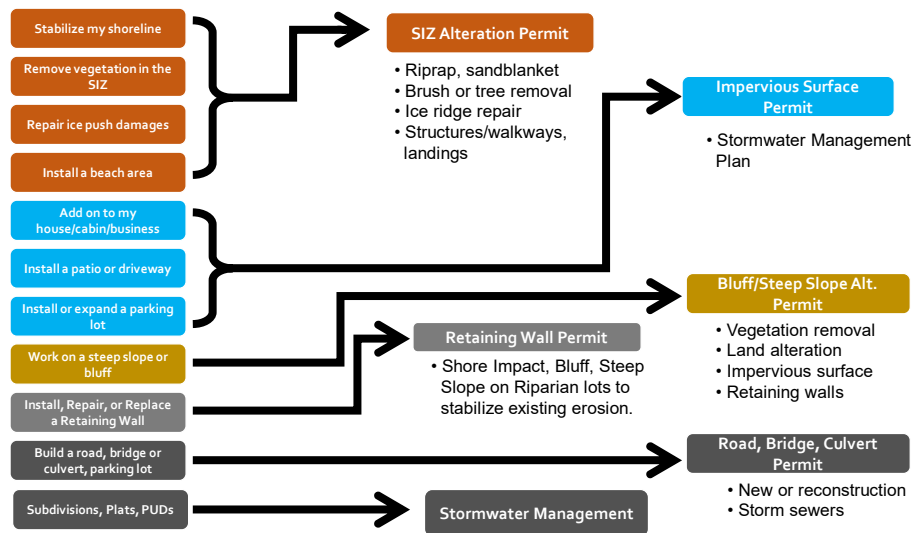
4.12 Permit Application Requirements



- Keep existing language
- Add clarification of what submittals are required for various permitted activities (identified in application, add to Rule)
 - Type of figure (sketch w/ landmark vs. scaled drawings)
 - Narrative (simple description vs. drainage narrative)
 - Approval from others (DNR, County, City, etc.)
 - Calculations (worksheet vs. model)
 - Some of this is tied into


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Actions for a Permit



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Permitting Process




OK, they've "read the rules" and applied...

...now what?

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Permitting Process

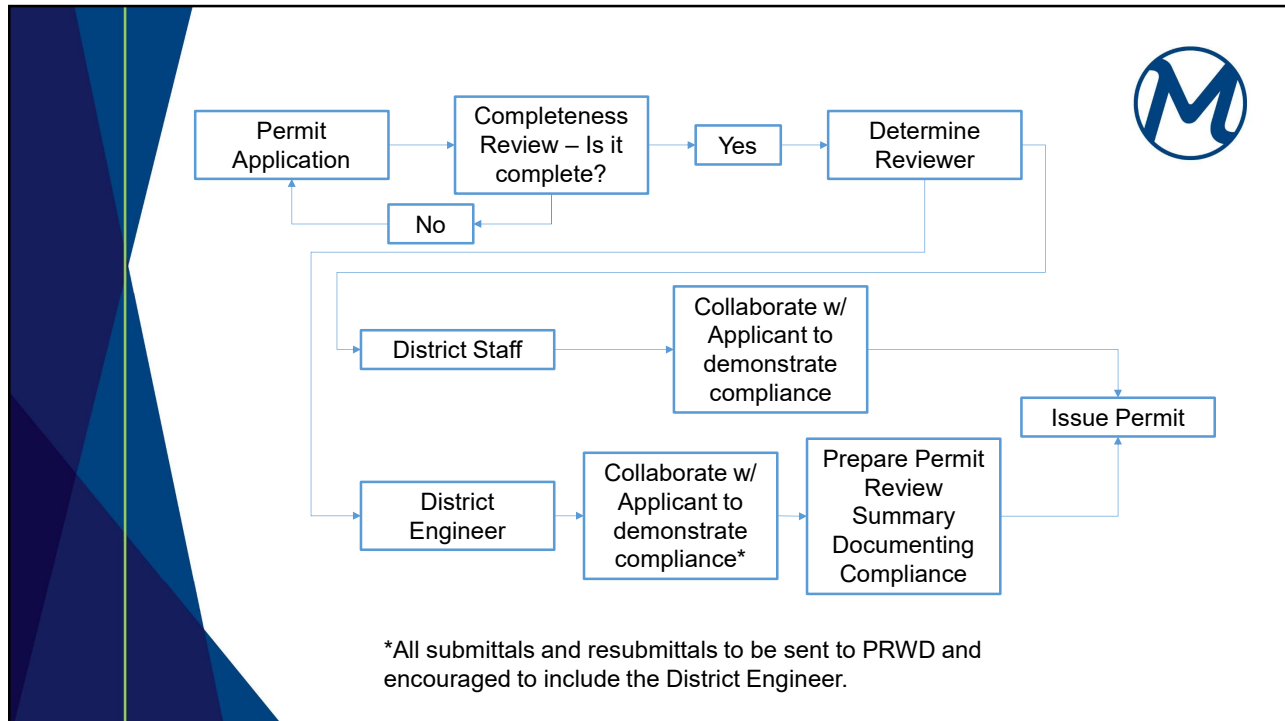


OK, they've ~~"read the rules"~~ and applied...

~~...now what?~~

(In all reality most applicants contact the staff and talk through the whole process and what is needed)

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Enforcement

- Surety - Current
- Violation Record – recommended by legal counsel

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Recommended



Matter of Enforcement. In the event of a violation, or potential violation, of a District Rule, permit, order or stipulation, or a provision of Minn. Stat. Chapters 103D or 103E, the District may take action to prevent, correct, or remedy the violation or any harm to water resources resulting from it. Enforcement action includes but is not limited to, injunction, action to compel performance, abatement, or restoration, and prosecution as a criminal misdemeanor in accordance with Minn. Stat. §§ 103D.545 and 103D.551.

Investigation of Noncompliance. The District's authorized representatives may enter and inspect property in the District to determine the existence of a violation or potential violation as described in the preceding section.

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Recommended



Preliminary Administrative Compliance Order. The District may issue a preliminary administrative compliance order without notice or hearing when it finds a violation or potential violation, and that the violation or potential violation presents a threat to the public health, welfare, and safety, or an adverse effect on water resources. A preliminary administrative compliance order may require that the landowner or responsible contractor cease the land-disturbing activity; apply for an after-the-fact permit; and take corrective or restorative action. A preliminary administrative compliance order is not effective for more than ten (10) days. District staff are authorized to issue preliminary administrative compliance orders.

Board Hearing – Administrative Compliance Order. After due notice and a hearing at which evidence may be presented, the Board shall make findings. If the Board finds a violation, it may issue an administrative compliance order that may require the landowner or responsible contractor to cease land-disturbing activity; apply for an after-the-fact permit; take corrective or restorative action; reimburse the District for costs under Minn. Stat. § 103D.545, subd. 2; and/or be subject to any other remedy within the District's authority. An administrative compliance order may supersede a preliminary administrative compliance order or may be issued without a prior preliminary administrative compliance order.

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Recommended



Liability for Enforcement Costs. To the extent provided for by Minn. Stat. § 103D.545, subd. 2, a landowner, responsible contractor, or equipment operator is liable for investigation and response costs incurred by the District under the Rules, including but not limited to the costs to inspect and monitor compliance, engineering and other technical analyses costs, legal fees and costs, and administrative expenses.

Contractor Liability. Any individual, firm, corporation, partnership, association, or other legal entity contracting to perform work subject to one (1) or more projects will be responsible to ascertain that the necessary permit has been obtained and that the work complies with the permit, the Rules, regulations, statutes, and any applicable District orders or stipulations. A contractor that, itself or through a subcontractor, engages in an activity constituting a violation or potential violation is not a responsible contractor for purposes of the Rules.

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