

8410.0100 IMPLEMENTATION PROGRAM.

Subpart 1. **Plan contents.** Each plan must describe an implementation program consisting of nonstructural, structural, and programmatic solutions to the problems, issues, and goals identified under parts 8410.0080 and 8410.0090. In developing its implementation program, the requirements in subparts 2 to 7 must be followed. Each plan should clearly define the responsibility of the watershed management organization and the local units of government in carrying out the implementation program and further define the organization's role when a local unit of government is considering a variance or fails to implement its water resource management responsibilities.

Subp. 2. **Regulatory controls.** In establishing required regulatory controls, items A to E must be considered.

A. Each plan must provide for the regulation of activities in wetlands and specify respective duties of the organization and local units of government. Each plan must describe local controls and procedures regarding carrying out the local government responsibilities under the Wetland Conservation Act of 1991, Laws 1991, chapter 354, and any rules adopted under it. Each plan must also define any other controls the organization has determined to be necessary to achieve its water management goals that may be more restrictive than those required by the Wetland Conservation Act of 1991, Laws 1991, chapter 354. The description must consider, where applicable, the following topics:

(1) the relationship of the organization, state agencies, local soil and water conservation districts, and affected counties, cities, and towns with respect to authority, administration, and coordination;

(2) designated repositories for required maps or inventories of wetlands;

(3) procedures related to enforcement;

(4) a description of local wetland banking programs and their relationship to a corresponding state program; and

(5) the methods and procedures to be used in determining replacement of wetland values in mitigation proposals.

B. The organization shall specify controls or programs to reduce erosion and sedimentation to receiving waters. In rural areas, agricultural crop land erosion may be controlled by implementing zoning ordinances consistent with part 6120.3300, subpart 7, and may include other water resources outside of designated shoreland areas as considered appropriate by the organization. Organizations affected by specific state laws requiring adoption of uniform countywide erosion and sediment control standards or programs must comply with those laws. Any other organization must either adopt by reference an existing set of erosion and sediment control guidelines or best management practices published by a county, a soil and water conservation district, the board, or the Pollution Control Agency,

or establish comparable erosion and sedimentation guidelines of its own for the purpose of administering erosion controls.

C. Each plan must specify controls that require all appropriate building permits, driveway permits, and grading permits to contain enforceable provisions to protect soil from erosion during and after construction, including sites for which approved erosion control plans are in place.

D. Each plan must identify member local units of government that have failed to adopt and administer a Department of Natural Resources approved shoreland and floodplain ordinance where mandated by state law. If the plan notes that flood damage has occurred outside of mapped floodplains or a potential for flooding exists adjacent to storm water facilities, the plan shall require the local unit of government to determine if additional local controls are necessary to address the situation.

E. If a plan notes the existence of certain land uses that could adversely affect the organization's ability to achieve its water quality goals, and these uses cannot be properly managed or regulated with existing controls, the uses constitute a public nuisance according to Minnesota Statutes, section 609.74. In those cases, the plan must provide for the adoption of local controls to define and abate the nuisances. For the purpose of this chapter, public nuisances may include any action, failure to act, or land use practice that would impair water quality if allowed to continue.

Subp. 3. **Storm water and drainage design performance standards.** Each plan must contain minimum standards and provide for appropriate controls for the design of new storm water conveyance, ponding, and treatment systems consistent with the overall goals of the organization plan and consistent with Minnesota Statutes, section 103B.3365, subdivision 4. Included will be performance standards that provide for:

A. the establishment of target in-lake nutrient concentrations and corresponding pollutant loadings for sediment and nutrients;

B. the establishment of maximum permissible runoff rates for selected design storms based on considerations such as existing and future flood levels and expected increases in runoff volume with respect to impacts on downstream channels and adjacent development;

C. the establishment of standards to reduce the impacts of flooding on natural resources and personal and real property;

D. the establishment of design criteria for storm water outlet structures to address floatable pollutants and to provide for access for maintenance and repair;

E. pond design methodology for nutrient entrapment consistent with the subwatershed goals; and

F. compliance with pollutant loading for specific subwatersheds consistent with local, regional, and statewide plans in consideration of Pollution Control Agency water quality standards.

Subp. 4. **Information program.** Each plan must provide for the publishing of at least one written communication per year identifying the representatives on the organization's board, current advisory committee members, how to contact the organization, its role in local water management, the goals and policies of the organization, when public meetings are held, how the organization is financed, where the plan can be viewed, and other information relative to the implementation of the plan. The communication may be accomplished through the publication of a newsletter, publication of all or a portion of an annual report, an article or news release submitted to a local newspaper widely distributed in the member communities, an attachment to a sewer or water bill, or other similar media format that annually reaches the general population.

Subp. 5. **Data collection programs.**

A. Each plan must establish water quality and quantity monitoring programs that are capable of producing accurate data to the extent necessary to determine whether the water quality and quantity goals of the organization are being achieved. The programs shall, at a minimum, include the location of sampling, the frequency of sampling, the proposed parameters to be measured, and the requirement of periodic analysis of the data.

B. Each plan should encourage all units of government collecting water quality and quantity management data to annually submit the data consistent with state compatibility guidelines to the organization and other appropriate state agencies for entry into public access data bases.

Subp. 6. **Management programs.** Each organization plan must assess or require local plans to assess the need for periodic maintenance of public works, facilities, and natural conveyance systems and specify any new programs or revisions to existing programs needed to accomplish its goals and objectives. Each plan must further identify which units of government or private parties are responsible for maintenance. Each plan must, at a minimum, assess or require local plans to assess:

A. the need and frequency for sweeping of public and private streets and parking lots;

B. the need and frequency for inspecting storm water outfalls, sumps, and ponds;

C. the adequacy of maintenance programs for storm water facilities and water level control structures owned by both organization members and nonmembers;

D. the condition of public ditches constructed under Minnesota Statutes, chapter 103D or 103E, if the organization has jurisdiction over these systems;

- E. the need to establish a water body management classification system to provide for water quality and quantity management based on a hierarchical basis;
- F. the need to establish local spill containment clean-up plans; and
- G. the need for other management programs as considered necessary.

All proposed management programs establishing a classification system for the management of water bodies shall be consistent with chapter 7050. If organization classifications are inconsistent, the organization shall petition the Pollution Control Agency to revise the classifications in chapter 7050.

Subp. 7. Potential structural solutions to problems.

A. Each plan that documents existing water management problems that cannot be resolved by preventative actions shall investigate the feasibility of implementing structural solutions that would remediate or resolve each problem.

B. For each structural solution proposed, each plan shall provide a cost estimate and a recommendation as to how it should be funded.

C. Each potential structural solution identified under this part shall be assigned priorities. In assigning priorities, consideration shall be given to regional and state plans in conjunction with the organization's goals, policies, and problems identified in parts 8410.0080 and 8410.0090.

Statutory Authority: *MS s 103B.101; 103B.211; 103B.231; 103B.227*

History: *17 SR 146*

Published Electronically: *October 13, 1997*