

**CITY OF LEXINGTON
COUNTY OF ANOKA
STATE OF MINNESOTA**

ORDINANCE 15-08

**AN ORDINANCE AMENDING CHAPTER 13, STORM
WATER MANAGEMENT REGULATIONS, SECTION
13.30, SUBDIVISION 6, SITE EROSION CONTROL
AND SUBDIVISION 8, DESIGN STANDARDS**

The City Council of Lexington does hereby ordain as follows:

CHAPTER 13, SECTION 13.30 APPROVAL STANDARDS, SUBD. 6. SITE EROSION CONTROL is hereby amended as follows:

- E. Construction inspection and testing. All land disturbing activities shall be subject to inspection by the city. Inspection of land disturbance operations and special testing shall be performed by the applicant as set forth in this chapter.
- F. Inspector. The inspector acting on behalf of the applicant shall be a qualified person who shall demonstrate his competence, to the satisfaction of the city, for inspection of the particular type of land disturbing activity, testing procedure or operation requiring inspection.

Duties and responsibilities of the inspector.

- 1) The inspector shall observe the work assigned for conformance with the reviewed design drawings and specifications.
- 2) All discrepancies shall be brought to the immediate attention of the contractor for correction, then, if uncorrected, to the proper design authority and to the city.
- 3) The inspector shall submit inspection reports stating whether the work or test requiring inspection was in conformance with the reviewed plans and specifications. The inspection reports shall be furnished to the city and other designated persons as required in the approved land disturbance plan.
- 4) Periodic inspection. Some inspections may be made on a periodic basis and satisfy the requirements of continuous inspection, provided this periodic scheduled inspection is performed as outlined in the land disturbance plans and specifications and approved by the city.

- G. Storm water pollution prevention plan items shall be inspected as required by this manual. At a minimum, these inspections shall be done weekly by the applicant and within 24 hours after every rainfall event 0.5 inches or greater in 24 hours. Inspection reports shall include, at a minimum, date and time of inspection, name of person conducting inspection, findings of inspection including any recommended corrective actions, corrective actions taken since previous inspection, and the date and amount of rainfall

CHAPTER 13, SECTION 13.30 APPROVAL STANDARDS, SUBD. 8. DESIGN STANDARDS is hereby amended as follows:

- I. Stormwater Management shall require the use of any combination of BMPs, with highest preference given to Green Infrastructure techniques and practices (e.g., infiltration, evapotranspiration, reuse/harvesting, conservation design, urban forestry, green roofs, etc.), necessary to meet the following conditions on the site of a construction activity to the Maximum Extent Practicable (MEP).

For new development projects - no net increase from pre-project conditions (on an annual average basis) of:

- Stormwater discharge Volume
- Stormwater discharges of Total Suspended Solids (TSS)
- Stormwater discharges of Total Phosphorus (TP)

For redevelopment projects - a net reduction from pre-project conditions (on an annual average basis) of:

- Stormwater discharge Volume
- Stormwater discharges of TSS
- Stormwater discharges of TP

1) New Development Sites:

- (a) Retain a runoff volume equal to one inch times the area of the proposed increase of impervious surfaces on-site.
- (b) Design and construct stormwater management practices that manage rainfall on-site, and prevent the off-site discharge of the precipitation from the first one inch of runoff from the new impervious surfaces created by the project. Discharge volume reduction can be achieved by engineered infiltration, canopy interception, soil amendments, evaporation, rainfall harvesting, and/or evapotranspiration and any combination of the aforementioned practices. This first one inch of rainfall must be 100% managed with no discharge to surface water.

- (c) Where re-use of stormwater is implemented, such as use with an irrigation system, volumes captured shall be given equal credit toward the volume reduction requirement by the City . All re-use measures must be fully documented in the post-construction stormwater management program maintained by the City.

2) Redevelopment Sites:

- (a) For redevelopment projects, the MS4 Permit requires a net reduction in the amount of TP, TSS and stormwater runoff volume (unless precluded by one of the prohibitions or restrictions listed below) leaving the site as compared with pre-project conditions. Most redevelopment projects contain both impervious and pervious land cover. Impervious cover types include pavement, buildings, gravel, stockpiles and other types of highly impacted cover in which the native hydrology has been greatly altered. The MS4 Permit defines any site with less than 15% of existing impervious surfaces prior to the commencement of construction activity as new development and the new development treatment conditions would apply as if the site had no impervious surfaces prior to construction. The percentage of impervious cover is calculated by dividing the area of the existing impervious cover by the limits of disturbance of the construction activities, not by the size of the property itself.
- (b) For redevelopment projects (those with more than 15% impervious surface prior to construction) where the project proposer intends to add more impervious surfaces, the new development treatment requirements must be applied to the net increase of impervious surfaces. Additional treatment must also be included to reduce the volume (unless precluded by the limits or exceptions listed below), TP and TSS loads from the existing impervious surfaces.
- (c) Stormwater management prohibitions and restrictions. An applicant shall install or construct, on or for the proposed land disturbing or development activity, all stormwater management facilities necessary to manage increased runoff so that the two-year, ten-year, and 100-year storm peak discharge rates existing before the proposed development shall not be increased and accelerated channel erosion will not occur as a result of the proposed land disturbing or development activity. An applicant may also make an in-kind or monetary contribution to the development and maintenance of community stormwater management facilities designed to serve multiple land disturbing and development activities undertaken by one or more persons, including the applicant.
- (d) A key component of maintaining the volume of stormwater leaving a site is practices that allow infiltration to groundwater. For most sites, meeting the volume reduction requirement will require the use of infiltration. However,

there can often be physical site constraints that limit the effectiveness of an infiltration system or site conditions in which stormwater infiltration must be prohibited. If construction activity is proposed on a site that meets one of the prohibitions or restrictions listed below, runoff from the limiting areas may be excluded from meeting the full volume reduction component of the MS4 permit. However the full treatment standard for TSS and TP must still be met on-site or mitigated for off-site.

- 3) Infiltration prohibitions. The use of infiltration as a stormwater treatment method is prohibited as follows:
- Where industrial facilities are not authorized to infiltrate industrial stormwater under an NPDES/SDS Industrial Stormwater Permit issued by the Agency.
 - Where vehicle fueling and maintenance occur.
 - 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.
 - Where high levels of contaminants in soil or groundwater will be mobilized by the infiltrating stormwater.
- 4) Infiltration restrictions. The City shall restrict the use of infiltration techniques without a detailed engineering review, to prevent adverse impacts to groundwater, when the infiltration device will receive discharges from, or be constructed in the following:
- Areas of predominately Hydrologic Soil Group D (clay) soils.
 - Areas within 1,000 feet up-gradient or within 100 feet down-gradient of active karst features.
 - Areas within a Drinking Water Supply Management Area (DWSMA) as defined in Minn. R.4720.5100, subp. 13.
 - Areas where soil infiltration rates are more than 8.3 inches per hour.

The restrictions above do not preclude proposers of construction activity from infiltrating stormwater. Rather, the restrictions simply require that a higher level of design and review is needed. There may be opportunities to infiltrate in these areas and not impact groundwater or experience a system failure because of one of the site restrictions.

Exception for meeting the volume control standard. A lesser volume reduction requirement than required if the project meets one of the prohibitions or restrictions listed above and if the owner or operator of the construction activity implements to the Maximum Extent Practicable (MEP) other volume reduction techniques such as evapotranspiration, reuse/harvesting, conservation design, green roofs, etc . on site. If other volume reduction techniques are not used, documentation must be provided on why that decision was made and maintained on file at the City.

- 5) Mitigation provisions. Mitigation provisions are allowed when owners and operators of a construction activity cannot meet the TSS and/or TP reduction requirements on the site of the original construction activity. The mitigation provisions of the Regulatory Mechanism(s) shall ensure that any stormwater discharges of TSS or TP not addressed on the site of the original construction activity are addressed through mitigation and, at a minimum, shall ensure the following mitigation requirements are met.
- 6) 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 original construction activity.
 - (b) Locations within the same Department of Natural Resource (DNR) catchment area as the original construction activity.
 - (c) Locations in the next adjacent DNR catchment area up-stream.
 - (d) Locations anywhere within the permittee's jurisdiction.

Mitigation projects must involve the creation of new structural stormwater BMPs or the retrofit of existing structural stormwater BMPs, or the use of a properly designed regional structural stormwater BMP.

Routine maintenance of structural stormwater BMPs already required by this permit cannot be used to meet mitigation requirements.

Mitigation projects shall be completed within 24 months after the start of the original construction activity.

The permittee shall determine, and document, who is responsible for long-term maintenance on all mitigation projects.


If the permittee receives payment from the owner and/or operator of a construction activity for mitigation purposes in lieu of the owner or operator of that construction activity meeting the conditions for post-construction

stormwater management. The permittee shall apply any such payment received to a public stormwater project.

The permittee must identify priority areas within the various watersheds of its jurisdiction where mitigation projects could occur. If the owner of a construction activity cannot meet the TSS and TP requirements because of site limitations, they may either perform a mitigation project or make an in- lieu-of payment to the City to apply to a mitigation project at a later time.


This Ordinance shall be in full force and effect from and after its adoption and publication as required by law.

PASSED by the City Council of the City of Lexington this 21st day of May, 2015.



Mayor

ATTEST:



City Administrator