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JAN 25 2010
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January 21, 2010

Draft Rule Review
Sauk River Watershed District
524 4th Street South
Sauk Centre, MN 56378

Re: Review of Draft Rules dated November 24, 2009.
File

To Whom it May Concern:

We appreciate the opportunity to comment on the latest version of the draft rules for the Sauk River Watershed District. In anticipation of the stakeholder meeting on January 26th, 2010 we have prepared the following comments on the draft rules. As a company, we have projects currently permitted by the District and we anticipate additional projects to be permitted by the District in the years to come.

I have arranged our comments/questions/suggestions by Section below. We ask that the District give consideration to the following:

General Comments

1. How are existing permits addressed/handled?
2. How are permits terminated?
3. How are subdivision registrations addressed/handled?
4. How are "approved plans" revised?
5. Because the District requires Construction Plans and Specifications for some of the permits, the permits will not be applied for until plans and specs are complete and final.

Section 5

1. Subd. 1.e. – The District states "drawings or plans are not required to be prepared by an engineer," however, some of the items the District is requiring will need to be prepared by a licensed engineer per MN Statute Chapter 326.
2. Subd. 1.f. – What triggers a site inspection? Also, it is stated in the SONAR that the inspection fee will be based on a schedule to be included in the permit application form. We request to see this schedule.



3. Subd. 2.b. – Is there a cap on the amount the District can charge for their consultant's technical analysis? Also, will a schedule be provided as there will be for Subd. 1.f. above?
4. Subd. 2.c. – If the applicant does not deem the District Administrator's conditions added to the approval as reasonable, what are the applicant's options?
5. Subd. 3.b. – Does the applicant or a representative need to be present for a permit renewal as well?
6. Subd. 4.c. – I am unsure what exactly this condition means to the applicant. Does it mean that an applicant will be subjected to two fines if something happens? Isn't this Double Jeopardy? Also, this reads as if this would apply to even a building permit.
7. Subd. 5.c. – Minnesota Statutes Section 15.99 Subd. 2(a) requires the District to approve or deny a permit within 60-days or the permit is approved. If the District feels the permitted activity is unlawful the District should extend the review time appropriately.
8. Subd. 6.a. – Will the District add language that sureties/bonds/letters-of-credit/etc. can be held by one level of government, yet apply to multi-levels. For example, some cities and counties also require these items, and usually for more than just the storm water improvements. Will the District add language to allow these other, and often larger, LOCs to suffice?
9. Subd. 8. – How are plans "approved"?
10. Subd. 8. - Plans change often, and the SWPPP is a "living breathing document". How is this addressed in this Subdivision? Example: If the project is underway and a revision is needed, how will the District address the change? How do we modify "approved plans"?
11. Subd. 9. – Some projects are phased over 10-years. Yearly renewals for a development like this will likely result in missed renewals. How would this be handled? Could there be a no time limit option for projects which are guaranteed to last multiple years?
12. Subd. 9. – Please elaborate on "additional conditions". Would the District please give examples?

Section 7

1. Subd. 3. – There is no mention of land-locked basins here, however there is in Appendix A. Which is correct?

Section 8

1. Subd. 1. – Please add the word "downstream" prior to "erosion and sediment control measures" in the section sentence. On large projects, the plans will often show all the BMPs needed for the entire site even though the site is phased and the current work does not impact the area a half mile away. Adding the word "downstream" still requires the

BMPs to be installed before specific work starts but still allows for BMPs to be installed as needed.

2. Subd. 4. – There is no mention of dewatering plans and specs here, however they are required in Appendix A. Which is correct? Also, the contractor usually furnishes these items as they will determine the best way to accomplish the dewatering with the equipment they have. This means we would need to complete plans and specs, then bid, and then actually award the project prior to submitting the District's permit. This creates havoc with timing and scheduling.
3. Subd. 4. – It is not mentioned here, however Appendix A states that the applicant shall provide documentation that they have "applied for a NPDES" permit. There is a discrepancy between the 7-day lead time of the NPDES permit and the 60-120-day lead time of the SRWD permit. We request that the District address this.

Section 9

1. The first sentence in the SONAR regarding this Section states that this Section is because of agricultural land. "Agricultural" is not mentioned in the actual Section until approximately half way through. We request that the Section be clearly marked it is for agricultural land.
2. Subd. 3. – Without the above clarification, it is difficult to determine if a residential or commercial project would trigger any of these.
3. Subd. 4.a. – How far downstream will the study need to show? The cost of modeling multiple downstream channels and structures would be very expensive and goes against the SONAR's claim of "These standards are reasonable because they can be implemented with minimal cost..."

Please contact me if you have any questions.

Sincerely,

WESTWOOD PROFESSIONAL SERVICES



William R. Huston, PE
Project Manager

CC: Jane DeAustin, CMBA