



February 4, 2010

RE: Sauk River Watershed District  
Rules

Ms. Holly Kovarik  
Administrator  
Sauk River Watershed District  
524 4<sup>th</sup> Street South  
Sauk Centre, MN 56378

Dear Holly:

Several engineers from our office attended the Public Hearing on January 26, 2010, regarding the proposed rules. As we often times represent municipalities within the district on a technical level, we have some concerns with the proposed rules that may affect cities, and ultimately, future municipal improvements.

In the economic times we are facing and the current challenges of infrastructure financing, we have to be especially cognizant of any costs that additional regulations may impose. Please do not misunderstand our intentions, as we fully understand and agree with SRWD goals to improve water quality within the district. In a unique fashion, the rules need to equitably balance between providing improved water quality within the district without adding additional time and expense to infrastructure improvements that are important to the municipalities and region.

Therefore, we reviewed the proposed rules and offer the following comments:

### SECTION 3 – DEFINITIONS

- Redevelopment
  - Does a project count as redevelopment if the use is not changing, the drainage pattern is not changing in any significant way (i.e. catch basins may be added/moved but all runoff still flows to the same system and same end points), and the project does not create any new impervious surface?
  - What if the same project creates some new impervious, but it is less than the 1 acre threshold?
  - Are City street reconstruction projects exempt from the permit?
  - Future staff revisions could have a dramatic effect on the enforcement / interpretation of this particular rule. Further definition of this rule, perhaps with the inclusion of numerical standards, should be considered.
- Water Course - Does the SRWD define a water course similar to how the MPCA defines a water of the state? Further definition for proximity to a water course should be provided.


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We would like to thank the SRWD for listening to the stakeholders and addressing the concerns of the District in an open manner. We are happy to offer our technical assistance and look forward to a positive working relationship with the SRWD staff and Board.

If you have any questions or comments please do not hesitate to call me at 320.229.4378, by email at [rjenniges@sehinc.com](mailto:rjenniges@sehinc.com), or contact any of our engineers.

Respectfully Submitted,

SHORT ELLIOTT HENDRICKSON INC.



Randy Jennings, PE  
Associate

rbj/djg

c: David Blommel, SEH  
Bob Klien, SEH  
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Mike Kotila, SEH

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#### SECTION 5 – PERMIT REQUIREMENTS

- Subd.2b – Will there be a fee schedule or a cap on how much technical consultation can be assessed to the applicant?
  - *The District may assess the reasonable costs of such technical analysis to the applicant.* This statement seems vague. The applicant should know the ultimate permit cost prior to submitting the permit.
- Subd.2c – It may be appropriate to better define “reasonable conditions”?
- Subd.3c – What defines “unusual circumstances” to justify the Board required approval? Can this be better defined?
- Subd.8 – Does any change in approved plans, no matter how small, require a new permit application? If not, is there a set of guidelines that determines when a change is significant enough to require a new application or review?
- Subd.9 – What kind of additional conditions can the District impose after 12 months? After a project has been under construction for 1 year, it would be unreasonable to add conditions that would require additional design, construction change orders, modifications to proposed special assessments, or significant time to address on the part of the applicant. The permit conditions should be set at the time the permit is approved so the applicant can effectively plan to meet those requirements.
- Subd.10b – It seems unclear exactly how significant the undue hardship needs to be. As an example, when the rules would add \$50,000 to an otherwise \$100,000 project, would the economic considerations be significant enough to warrant an exemption?
  - Who makes the final determination of whether a project warrants an exemption? Is there an appeal process?

#### SECTION 7 – STORMWATER

- Subd.3a – Further description of the 7.2” snow melt should be provided.
- Subd.3b – What software will be accepted for providing these calculations?
- Subd.3c – Where site soils make it possible to infiltrate runoff, but doing so would be against the local wellhead protection plan, would the infiltration condition be removed?

#### SECTION 8 – EROSION CONTROL

- Subd.2 – The 200 square foot disturbance threshold for a permit seems unreasonable and will add further costs to the project.
- Subd.4g – A copy of the MPCA NPDES General Construction Permit application, as well as the contact information for the responsible contractor, will not be available at the time the applicant applies for a District permit. That information is generally not available until shortly before construction begins. Project specifications generally require awarding of a contract in less than the 60 day review period required by the Watershed. Restrictions pushing back award dates will potentially increase project costs and cause serious project delays. We request revising the required information (specifically contractor information) and review the 60 day review period timeline.

