



**APPENDIX D**  
**METROPOLITAN COUNCIL LWP REQUIREMENTS**



## Local Water Management Plans

### Background

In the Twin Cities Metropolitan Area, all cities and townships are covered by one or more watershed management organization (WMO). WMOs are required to prepare plans to address watershed management issues (see Minn. Stat. Sec. 103B.201). Cities and townships are required to prepare local water management plans that are consistent with all applicable WMO plans (see Minn. Stat. 103B.235). In addition, Phase I and II NPDES MS4 permit communities are required to prepare storm water pollution prevention plans (SWPPPs). Some MS4 communities are listed as nondegradation communities and required to provide information in their SWPPP related to nondegradation. With the multitude of planning requirements, there is a need to coordinate and consolidate all of these different planning documents. Comprehensive local water management plans (plans that address all of the water management planning requirements out there) are crucial in helping the region meet its goal of no adverse impact on area waterbodies.

In 1995, the Metropolitan Land Planning Act was amended to require that each city and township's comprehensive plan include a local water management plan. Local water management plans need to be consistent with the requirements in Minnesota Statutes 103B and in the Metropolitan Land Planning Act. Local water management plans are reviewed by the Metropolitan Council (Council) as part of the local comprehensive planning process prior to their approval by the WMO and adoption by the city or township. Local water management plans are crucial in helping the region meet the challenge of cost-effective management of water quality and quantity.

### Local Water Plan Requirements

Minnesota Rules Chapter 8410 (Metropolitan Area Local Water Management), requires the local water management plans to address the specific elements. In the Council's 2030 Regional Development Framework, the Council adopted a water management goal for the region, "the quality of water leaving the metropolitan area is as good as the water quality entering the metropolitan area, and in compliance with federal and state regulations." To meet this goal, the Council has linked the control of pollution from point and nonpoint sources. The 2030 Water Resources Management Policy Plan states that if a community does not have a local water management plan as part of its 2008 comprehensive plan update, the comprehensive plan will be found incomplete for review. If the community has a plan that does not meet Council requirements for local water management plans, the Council will likely find the plan to have an impact on our system, thus requiring a plan modification. The following list is an expansion of the requirements under Chapter 8410. The list is intended to clarify, through additional detail, what communities should do to ensure that their local



water management plan is consistent with the Council's 2030 Water Resources Management Policy Plan.

1. Purpose of plan
2. Water resource management related agreements
3. Executive summary
4. Land and water resources inventory (For this requirement and others that follow, communities are encouraged to use as much of the WMO plan as they can. The community should be aware that not all WMO plans will contain the level of detail needed for the community and in those instances, the community will need to provide additional information).
5. Establishment of policies and goals
  - A. All communities need a strong policy statement to show that they are committed to a goal of no adverse impact (nondegradation) for area water resources.
  - B. All communities need goals for their lakes consistent with Watershed Management Organization plan goals.
  - C. The Council's *2030 Regional Development Framework* classified communities as urban planning areas (developing and developed areas) and rural planning areas (rural centers, agricultural, diversified rural and rural residential areas). Communities classified as developed or developing and MS4 communities in the rural planning area need to include actions that show the community is committed to the goal of no adverse impact or nondegradation goal for area water resources. Actions should include:
    - i. Adopting erosion and sediment control ordinances that are consistent with NPDES Construction Storm water permit and MS4 permit requirements
    - ii. Preparing wetland management plans (refer to 8G for more details of what should be in a wetland management plan)
    - iii. Adopting ordinances that control peak runoff (Suggested guidance - Minnesota Storm water Manual)
    - iv. Adopting best management practices for development that will result in TSS and TP reductions of 80% and 50% respectively
    - v. Adopting best management practices for redevelopment that will result in TSS and TP reductions (Suggested guidance - Minnesota Storm water Manual)
    - vi. Including funding mechanisms that support implementation and enforcement
  - D. Developing and developed communities that are a Phase I or Phase II NPDES MS4 permit community need to integrate their Storm water Pollution Prevention Plan policies and goals into their local water management plan, in accordance with MPCA requirements and schedules.
  - E. Developed and developing communities listed as nondegradation communities as part of their NPDES MS4 permit need to revise their Storm water Pollution Prevention Plan to include the required information for nondegradation. Nondegradation policies and goals should be summarized or integrated into their local water management plans.



- F. Rural planning area (rural centers, agricultural, diversified rural and rural residential) communities need to include actions that show the community is committed to the goal of no adverse impact (nondegradation goal) for area water resources. Actions should include:
- i. Adopting erosion and sediment control ordinances that are consistent with NPDES Construction Storm water permit and MS4 permit requirements where applicable
  - ii. Preparing wetland management plans (refer to 8G for more details of what should be in a wetland management plan)
  - iii. Adopting ordinances that control peak runoff
  - iv. Including funding mechanisms that support implementation and enforcement
6. Assessment of problems and corrective actions for problems identified
- A. All communities need to assess the water quality and quantity related problems in their community, prioritize the problems and include actions to adequately solve the problems that were identified.
  - B. All communities must acknowledge and list any impaired waters within their jurisdiction as shown on the current MPCA 303d Impaired Waters list. A TMDL is a calculation that determines the allowable pollutant load that can be discharged into the impaired water such that the water is not impaired. A community that discharges water to an impaired waterbody within or adjacent to the community, needs to explain how and if it intends to be involved with the development of the Total Maximum Daily Load (TMDL) study.
    - i. If a TMDL study is not completed, the city should identify the priority it places on addressing impaired waters and how the city intends to participate in the development or implementation of TMDL studies.
    - ii. If the city is not directly involved in the TMDL study, the city should show how it intends to implement the study findings once the study is completed by the responsible party.
    - iii. If a TMDL study is completed for the impaired water, the community needs to include an implementation strategy including funding mechanisms that will allow them to carry out the TMDL requirements.

More information on the MPCA's TMDL program can be found on the MPCA's web site at <http://www.pca.state.mn.us/water/tmdl/index.html>.
7. Financial considerations
- A. All communities need to include a 5-year CIP that includes funds to solve the problems identified in number 6 above.
  - B. All communities need to include funding in their CIP or operating budget for ongoing maintenance of their storm water infrastructure.
8. Implementation priorities and program
- A. Developed, developing and any MS4 communities in the rural planning area need to provide information on how they intend to manage storm water:
    - i. Include an erosion and sediment control ordinance consistent with NPDES Construction Storm water permit and MS4 permit requirements



- ii. Identify ways to control runoff rates (suggested guidance - Minnesota Storm water Manual) so that land-altering activities do not increase peak storm water flow from the site for a 24-hour precipitation event with a return frequency of 1 or 2, 10, and 100 years.
  - iii. Require criteria for wet detention basin minimum pollutant removal efficiency to protect and improve storm water runoff quality. Best management practices for development and redevelopment should result in TSS and TP reductions (suggested guidance - Minnesota Storm water Manual).
  - iv. Require infiltration of the first ½ inch of runoff from the impervious areas created by new projects where there are A and B soils. Use of infiltration techniques is prohibited in some potential storm water hotspot areas, e.g. vehicle fueling areas (suggested guidance - Minnesota Storm water Manual).
  - v. Recommend adding a soil amendment and requiring soil ripping 1 ½- 2 feet after mass grading is complete for all soil types.
  - vi. Require infiltration in wellhead protection areas to be based on the community's wellhead protection plan and at the discretion of the local government.
  - vii. Require pretreatment of storm water prior to discharge into all lakes and streams.
- B. Rural planning area communities, excluding MS4 communities, need to provide information on how they intend to manage storm water:
- i. Include an erosion and sediment control ordinance consistent with NPDES Construction Storm water permit requirements
  - ii. Identify ways to control runoff rates so that land-altering activities do not increase peak storm water flow from the site for a 24-hour precipitation event with a return frequency of 1 or 2 years
  - iii. Require criteria for wet detention basin minimum pollutant removal efficiency to protect and improve storm water runoff quality for areas where development is occurring. Best management practices for redevelopment (suggested guidance - Minnesota Storm water Manual) should result in TSS and TP reductions.
- C. All communities with designated trout streams must identify actions in their plan to address the thermal pollution effects from development.
- D. All communities with special waters, such as outstanding resource value waters, need to meet state requirements for development near these waters (see Appendix A part B.1-8 of the Minnesota Construction General Permit for a list of these waters and Appendix A part C.1-5 for specific requirements).
- E. All communities need to consider the use of storm water practices that promote infiltration/filtration and decrease impervious areas (better site design and integrated storm water management), where practical.
- F. All communities need to include information on the types of best management practices to be used to improve storm water quality and quantity and the maintenance schedule for the best management practices.
- G. All communities need to include a wetland management plan or a process and timeline to prepare a plan. At a minimum, the wetland management plan should incorporate a function and value assessment for wetlands. Other items to address in the plan include the pretreatment of storm water prior to discharge into all wetland types, and the use of



- native vegetation as buffers for high quality wetlands. Buffers should be consistent with the functions and values identified in the plan.
- H. Developed and developing communities that are a Phase II NPDES MS4 permit community need to include information on how the community is meeting the permit conditions for required Storm water Pollution Prevention Plans:
- i. Public education and outreach
  - ii. Public participation/involvement
  - iii. Illicit discharge detection and elimination
  - iv. Construction site runoff control
  - v. Post-construction runoff control
  - vi. Pollution prevention/good housekeeping.
  - vii. Activities planned to be undertaken along with numerical goals, strategies, and timelines
  - viii. Funding source for the various required activities.
- I. Developed and developing communities which are required to revise their Storm water Pollution Prevention Plan to include the required nondegradation information as part of their NPDES MS4 permit need to summarize or integrate the nondegradation information into the local water management plan.
9. Amendment procedures
- A. Each local plan must include year the plan extends to and establishes the process by which amendments may be made.