

## ORDINANCE 22-077

Introduced by Councilor Baker

### AN ORDINANCE OF THE CITY OF ALBERT LEA, MINNESOTA AMENDING ARTICLE X CHAPTER 50 - CONSTRUCTION AND PERMANENT STORMWATER MANAGEMENT

#### THE CITY COUNCIL OF THE CITY OF ALBERT LEA ORDAINS:

##### **Sec. 50.1038. Permanent stormwater management requirements.**

This section establishes the requirements for permanent stormwater management for all sites discharging stormwater runoff to the city's MS4 (storm sewer system) and not meeting an exemption or limitation. The SWPPP document shall detail the design of post-construction stormwater management BMPs that will satisfy the following requirements:

(1) *Stormwater treatment requirements.*

- a. Owners of construction activity must treat the water quality on any project where the sum of the new impervious surface and the fully reconstructed impervious surface equals one or more inches.
- b. For Construction activity (excluding linear projects), the water quality volume must be calculated as one (1) inch times the sum of the new and the fully reconstructed impervious surface.
- c. For linear projects, the water quality volume must be calculated as larger of one (1) inch times the new impervious surface or one-half (0.5) inch times the sum of the new and the fully reconstructed impervious surface. Where the entire water quality volume cannot be treated within the existing right-of-way, a reasonable attempt to obtain additional right-of-way, easement, or other permission to treat the stormwater during the project planning process must be made. Volume reduction practices must be considered first, as described in item 20.8 of Minnesota Pollution Control Agency NPDES Permit MNR040000. Volume reduction practices are not required if the practices cannot be provided cost effectively. If additional right-of-way, easements, or other permission cannot be obtained, owners of construction activity must maximize the treatment of the water quality volume prior to discharge from the MS4.
- d. Projects not discharging stormwater runoff to the MS4 of the city that replace vegetation and/or other pervious surfaces with one (1) or more acres of cumulative impervious surface shall retain on-site one (1) inch of runoff from the new impervious surfaces (water quality volume) created by the project. This shall be provided using infiltration or other volume reducing practices when infiltration is not prohibited by a MPCA stormwater permit. If any of the water quality volume cannot be retained on-site, the remaining water quality volume shall be treated by

a wet sedimentation basin, filtration system, regional pond, or equivalent methods prior to the discharge of stormwater from the site.

1. All infiltration systems shall incorporate the following:
  - (i) Infiltration systems shall include pretreatment to remove settleable solids, floating materials, and oils and grease from the runoff to the maximum extent practicable before runoff reaches the infiltration areas. Filtration should remove eighty (80) percent of total suspended solids. Infiltration systems shall not adversely affect the hydrology of adjacent wetlands.
  - (ii) Infiltration systems shall not be excavated to final grade until the contributing drainage area has been constructed and fully stabilized unless rigorous erosion prevention and sediment controls are provided.
  - (iii) Infiltration systems shall infiltrate and/or filter the water quality volume within forty-eight (48) hours and have a stabilized discharge channel to discharge any overflows.
  - (iv) Infiltration systems shall provide three (3) feet of separation from seasonally saturated soils from the bottom of the infiltration system.
2. All wet sedimentation basins shall incorporate the following:
  - (i) Permanent volume of one thousand eight hundred (1,800) cubic feet of storage below the outlet pipe for each acre that drains to the basin. The basin's permanent volume must reach a minimum depth of at least three (3) feet and must have no depth greater than ten (10) feet. The basin shall be configured to avoid scour and short circuiting.
  - (ii) Live storage shall be provided for the water quality volume (or the portion remaining after prior volume reduction achieved on-site) from the new impervious surfaces created by the project.
  - (iii) Discharge rate shall be limited to five and sixty-six hundredths (5.66) cubic feet per second per acre of the surface of the pond.
  - (iv) Ponds shall include a stabilized emergency overflow to accommodate storm events in access of the basin's hydraulic design.
  - (v) Basins shall include a ten (10) foot-wide safety bench not steeper than ten to one (10:1) (V:H) or include other safety accommodations.
3. Regional ponds will be reviewed by the city and may be allowed by special approval of the city. If approved, regional ponds may serve multiple parcels and must be designed to the same standards as on-site permanent stormwater management BMPs.

(2) *Stormwater management limitations and exceptions.*

a. *Limitations.*

1. The use of infiltration techniques to achieve the conditions for post-construction stormwater management stated above is prohibited when the infiltration structural stormwater BMP will receive discharges from, or be constructed in areas:

- (i) That receive discharges from vehicle fueling and maintenance areas, regardless of the amount of new and fully reconstructed impervious surface.
- (ii) Where high levels of contaminants in soil or groundwater may be mobilized by the infiltrating stormwater. To make this determination, the owners and/or operators of construction activity must complete the Agency's site screening assessment checklist, which is available in the Minnesota Stormwater Manual, or conduct their own assessment. The assessment must be retained with the site plans.
- (iii) Where soil infiltration rates are more than 8.3 inches per hour unless soils are amended to slow the infiltration rate below 8.3 inches per hour.
- (iv) 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.
- (iv) Of predominately Hydrologic Soil Group D (clay) soils.
- (v) In an Emergency Response Area (ERA) within a Drinking Water Supply Management Area (DWSMA) as defined in Minn. R. 4720.5100, Subp. 13, classified as high or very high vulnerability as defined by the Minnesota Department of Health.
- (vii) In an ERA within a DWSMA classified as moderate vulnerability unless the permittee performs or approves a higher level of engineering review sufficient to provide a functioning treatment system and to prevent adverse impacts to groundwater.
- (viii) Outside of an ERA within a DWSMA classified as high or very high vulnerability unless the permittee performs or approves a higher level of engineering review sufficient to provide a functioning treatment system and to prevent adverse impacts to groundwater.
- (ix) Within 1,000 feet up-gradient or 100 feet down gradient of active karst features.
- (x) That receive stormwater runoff from these types of entities regulated under NPDES for industrial stormwater: automobile salvage yards; scrap recycling and waste recycling facilities; hazardous waste treatment, storage, or disposal facilities; or air transportation facilities that conduct deicing activities.

(3) *Mitigation provisions.*

- a. There may be circumstances where the project cannot feasibly or cost effectively meet the conditions for post-construction stormwater management for TSS and/or TP as required by this section on the site of the original construction activity. For this purpose, the city will evaluate proposals submitted by the applicant and at the applicant's expense that detail projects located off-site from the original construction site that can be used to mitigate the stormwater pollution resulting from development or redevelopment on the original construction site. Authorization to mitigate stormwater pollution resulting from development or redevelopment shall be at the

discretion of the city. The following criteria shall be used to prioritize mitigation sites starting with the highest priority site:

1. Locations that yield benefits to the same receiving water that receives runoff from the original construction activity.
  2. Locations within the same department of natural resource (DNR) catchment area as the original construction activity.
  3. Locations in the next adjacent DNR catchment area upstream.
  4. Locations anywhere within the permittee's jurisdiction.
- b. 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.
  - c. Routine maintenance of structural stormwater BMPs already required by this permit cannot be used to meet mitigation requirements of this section.
  - d. Mitigation projects shall be completed within twenty-four (24) months after the start of the original construction activity.
  - e. The responsible party for long-term maintenance on all mitigation projects proposed by the applicant will be subject to the approval of the city.
  - f. If the city agrees to receive payment in lieu of the project meeting the conditions for post-construction stormwater management, the city will apply the funds to a public stormwater project that meets the same requirements of the needs at the mitigated project. The amount of the payment shall be negotiated between the city and the owner of the project. The amount of the payment should be approximately equal to the costs to construct the post-construction stormwater management BMPs on the site of the original project if site conditions allowed.
- (4) *Long-term maintenance of structural stormwater BMPs.* Long-term operation and maintenance of all structural stormwater BMPs shall be assigned to the owner of the parcel where the BMP is located. Owners who assign operation and maintenance tasks to other parties are still responsible for the proper function and condition of the BMPs on their parcels. Owners of structural stormwater BMPs installed after the effective date of this article shall:
- a. Allow the city to conduct inspections of structural stormwater BMPs not owned or operated by the city, perform necessary maintenance, and assess costs for those structural stormwater BMPs when the city determines that the owner and/or operator of that structural stormwater BMP has not conducted maintenance.
  - b. The city reserves the right to ensure maintenance responsibilities are legally transferred to another party when parcels are transferred to other owners.
  - c. The city may deny future permit requests that alter or eliminate structural stormwater BMPs and site features that are implemented to comply with parts of this article if stormwater treatment effectiveness will be sacrificed. All structural stormwater BMPs shall be preserved, protected, and maintained unless being replaced or expanded with the written approval of the city.

## **Sec. 50.1060 Chloride and Salt Storage**

### *Applicability*

The following sections apply to all indoor and outdoor bulk deicer storage facilities (temporary and permanent) including salt piles, salt bag storage, sand piles and other storage of deicing materials. Bulk storage, as regulated by this chapter, is defined as storage of any material used for deicing and/or traction during winter conditions that is more than five tons in solid form (or 1,000 gallons in liquid form).

### *General Requirements*

(1) Indoor operations for the storage of deicing materials must be provided wherever possible in order to prevent such materials from being affected by rain, snow and melt water. (2) All salt, sand and other deicing materials stored outdoors must be covered at all times.

(a) When not using a permanent roof, a waterproof impermeable, flexible cover must be placed over all storage piles to protect against precipitation and surface water runoff. The cover must prevent runoff and leachate from being generated by the outdoor storage piles. The cover must be secured to prevent removal by wind or other storm events. Piles must be formed in a conical shape and covered as necessary to prevent leaching.

(b) Any roof leaks, tears or damage should be temporarily repaired during winter to reduce the entrance of precipitation. Permanent repairs must be completed prior to the next winter season.

### *Facility Siting*

(1) The facility must be in close proximity to the area in which the deicing materials are to be used, if practical.

(2) Each facility must be located outside of floodplains and 50ft from lakes, rivers, streams, ditches, storm drains, manholes, catch basins, wetlands and any other areas likely to absorb runoff. A facility must not be located in close proximity to surface water features, water supplies, wells or drywells.

(3) The facility must be located on impermeable surfaces.

(4) The property slope must be away from the facility's salt, deicer, and sand storage area.

(5) Salt vulnerable/intolerant natural areas should be avoided as storage facilities to the extent possible. Where they cannot be avoided, specific measures should be instituted to protect vulnerable areas. [Salt vulnerable/intolerable natural areas include, but are not limited to:

(a) Areas with salt sensitive vegetation

(b) Areas serving as a source of drinking water (surface water and ground water)

(c) Areas with bodies of water with low dilution, low volume or salt sensitive species

(d) Areas associated with ground water recharge zones or shallow water table with medium to high permeable soils

### *Snow Piles*

Snow piles must be located downslope from salt and deicer storage areas to prevent the snow melt from flowing through storage areas and carrying material to the nearest drainage system or waterway.

*Transfer of Materials*

- (1) Practices must be implemented in order to reduce exposure (e.g., sweeping, diversions, and/or containment) when transferring salt or other deicing material.

That the motion for the adoption of the foregoing ordinance was duly seconded by Councilor Rasmussen, and upon a vote being taken thereon, the following voted in favor thereof: Councilors Murray, Baker, Howland, Olson, Rasmussen, and Mayor Rasmussen, Jr.

And, the following voted against the same: None. Councilor Brooks was absent.

Introduced the first time on this 11<sup>th</sup> day of July, 2022

Introduced the second time on this 25<sup>th</sup> day of July, 2022

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Mayor Vern Rasmussen, Jr.

Filed and attested this 26<sup>th</sup> day of July, 2022

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Secretary of the Council