



Anoka County
MINNESOTA

Respectful, Innovative, Fiscally Responsible

ANOKA COUNTY TRANSPORTATION DIVISION

1440 BUNKER LAKE BLVD NW

ANDOVER, MN 55304

763-324-3176

highwaypermits@anokacountymn.gov

PERMIT NUMBER

23-537

RIGHT OF WAY

COMMERCIAL ACCESS

CSAH 22

APPLICATION FOR PERMIT FOR INSTALLATION OF UTILITIES OR PLACING OBSTRUCTIONS ON THE COUNTY HIGHWAY SYSTEM
ALL APPLICANTS MUST BE REGISTERED PRIOR TO PERMIT APPROVAL

APPLICANT NAME [Sherco Construction Inc](#)

CONTACT PERSON [THOMAS CARLISLE](#)

ADDRESS [79 North Lake Street](#)

CITY [Forest Lake](#)

PHONE NUMBER [651-462-1817](#)

EMAIL tom.carlisle@shercohomebuilders.com

COMPANY OR INDIVIDUAL PERFORMING WORK [Sherco Construction Inc](#)

CONTACT PERSON [THOMAS CARLISLE](#)

EMAIL tom.carlisle@shercohomebuilders.com

PERMIT WORK TO START [09/20/2023](#)

[PERMITS 23-520 & 23-521](#)

PERMIT WORK TO BE COMPLETED [03/31/2024](#)

DURATION OF JOB [6 days](#)

ARE YOU BEING ASKED TO RELOCATE DUE TO A COUNTY PROJECT? [No](#)

ANOKA COUNTY PROJECT NUMBER

WORK SITE ADDRESS [CSAH 22- CLIFF'S PETERSON RIDGE LOTS 1 & 3 BLOCK 1](#)

CITY [Linwood](#)

METHOD OF INSTALLATION/CONSTRUCTION [construct driveway haul fill in](#)

NATURE OF WORK [TWO RESIDENTIAL NEW CONSTRUCTION HOME SITES - WE ARE PUTTING IN BITUMINOUS DRIVEWAYS - CULVERTS](#)

[Per approved plan on file at ACHD.](#)

SURFACE TO BE DISTURBED

SITE PLAN

IF THE ROADWAY IS ENCROACHED, YOU MUST ATTACH A TRAFFIC CONTROL PLAN AND/OR REFERENCE THE MOST CURRENT VERSION OF THE MN TEMPORARY TRAFFIC CONTROL FIELD MANUAL (3+ DAYS REQUIRES PLANS TO BE SIGNED BY A LICENSED PE).

DITCH/BLVD



[Layout 8, if shoulder is encroached.](#)

GRAVEL

BITUMINOUS

CONCRETE

NONE

IS SIGNING AND STRIPING REQUIRED? [No](#)

DEPTH FROM SURFACE [MN](#)

(60" minimum under county roads)

SIZE AND KIND OF PIPE/CABLE [15in](#)

NUMBER OF EXCAVATIONS [2](#)

SIZE OF EXCAVATIONS [2x40](#)

(Length, width, and depth)

LOCATION OF EXCAVATIONS

(Specific written descriptions of excavations - to be protected at all times and backfilled when unattended and/or overnight)

[per the plat surveyor has staked](#)

[South of 20310, west side of CSAH 22 - Viking Blvd NE.](#)

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GENERAL INFORMATION

One permit must be approved for each county road on which work will be performed prior to any work within the right of way by any utility/contractor. Emergency conditions which threaten the safety of the public and require immediate repair are exceptions to this rule. Under those circumstances, the utility/contractor is permitted to begin and/or complete the necessary repairs. The Anoka County Transportation Division (ACTD) shall be notified of emergency repairs as soon as feasible and a written permit is to be completed within two business days of occurrence.

A license-permit bond is generally required of the contractor as part of the registration process, the amount of which will be determined by the nature of the utility work.

A sketch or drawing shall accompany each permit application which will show the location of the proposed work/utility with reference to the county highway center line and right of way line. A complete set of plans is required for all sewer/water projects.

It shall be the responsibility of the applicant to determine which of the special conditions apply to each permit.

ACTD reserves the right to revoke any utility permit and halt work, if, upon inspection of any job site, the special conditions are not met, and/or a hazard exists for the applicant or public safety is threatened. **The failure to comply with the terms and conditions of any applicable Federal, State, Regional, and local laws, rules and regulations, including any provision of Anoka County's Right-of-Way Ordinance shall be cause for immediate revocation of a permit.**

The applicant shall notify ACTD immediately upon completion of project so that the ACTD can inspect the site to determine if restoration has been satisfactorily completed.

The undersigned hereby accepts the terms and conditions of this permit and the regulations of Anoka County, and agrees to fully comply therewith to the satisfaction of the ACTD. The county of Anoka, its officials, employees, and agents, shall be held harmless, by the applicant/permittee, from any demands, claims, lawsuits, or damages relating to the work described in this permit.

APPLICANT'S SIGNATURE

DocuSigned by:

Thomas A Carlisle

F33836146B494B7...

DATE 9/13/2023

AUTHORIZATION OF PERMIT

In consideration of the applicant's agreement to comply in all respects with the regulations of the ACTD covering such operations, permission is hereby granted for the work to be done as described in the above application. Said work to be done in accordance with the general conditions listed above and the special conditions required as hereby stated. It is expressly understood that this permit is conditioned upon replacement or restoration of the county highway and its right of way to their original or to a satisfactory condition. It is further understood that this permit is issued subject to the approval of local city or township authorities having joint supervision over said street or highway.

APPROVED BY:

DocuSigned by:

Susan Burgmeier

05E91FE15CD44EE...

TITLE: Traffic Technician

DATE

9/20/2023

NOT VALID UNLESS SIGNED BY ANOKA COUNTY

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SPECIAL CONDITIONS

TRAFFIC CONTROL

- 1) Detours
 - a) Detailed detour layouts shall be submitted to the traffic engineer for approval.
 - b) No detours shall be permitted without prior approval of the Anoka county traffic engineer.
 - c) A ten day notice must be given prior to the installation of any detour.
 - d) It shall be the responsibility of the applicant to notify Anoka county central communications, local government bodies, and any affected bus companies ten days prior to any road closures/detours.
 - e) Immediately upon completion of work and/or detours, all posts, barricades, and signs shall be removed from the right of way.
- 2) Traffic control devices
 - a) All traffic control devices, barricades, flashers, etc., shall be furnished by the applicant and shall be in accordance with the most recent edition of the Minnesota manual on uniform traffic control devices and temporary traffic control zone layouts – field manual of the same manual.

CONSTRUCTION REQUIREMENTS

- 1) Open cutting of bituminous or concrete surfaced roads will be allowed only at the discretion of the county engineer.
- 2) Neither supplies nor excavation materials shall be placed on the bituminous or concrete surface at any time.
- 3) No trenches will be allowed to remain open overnight.
- 4) Materials removed from the trench shall be used as backfill insofar as they are suitable. All backfill material shall conform to MNDOT specifications for compaction. The use of heavy equipment on top of trench, slapping with backhoe bucket and/or back casting to achieve compaction is prohibited. Any additional material required to back fill to the original grade shall be furnished by the applicant at no expense to the ACTD. All the base and surface courses damaged during construction operations shall be restored to a condition equal to or better than before operations began. The applicant shall be responsible for and restore any settlement.
- 5) All culverts, ditches, shoulders, and backslopes shall be restored to their original condition unless otherwise directed by the ACTD. Shoulders which have been previously constructed or reconstructed with special materials shall be replaced in kind. Restoration of signs, guardrails, guard posts, etc., are the sole responsibility of the applicant and shall be restored to their original condition.
- 6) All roadway maintenance required within the limits of the utility project that is related to the applicant's activities shall be the sole responsibility of the applicant for one year after completion of the project. Upon completion of the restoration work, the applicant shall request a final inspection by the ACTD. The ACTD's approved completion date shall be the starting date of the applicant's one-year responsibility.

HORIZONTAL BORING AND JACKING

- 1) All hard surface roadways shall be jacked or bored.
- 2) All crossings of Anoka County maintained roadbeds, shall be made by boring inside a casing or carrier pipe, or by jacking unless otherwise directed by the Anoka County Engineer. The auger shall lead the casing or carrier pipe by at least six inches whenever possible and never lead the carrier pipe by more than one inch.
- 3) The use of pneumatic devices to facilitate the roadbed crossings will be allowed in most cases with prior approval. In the event approval is not granted and applicant uses a pneumatic device to cross a roadbed and encounters an obstruction and/or unstable subbase material which makes forward or reverse motion of pneumatic device impossible, said pneumatic device then becomes part of the roadway subbase and permission to excavate to retrieve device will not be granted.
- 4) If a pneumatic device is used for the work permitted herein, the installation must be kept to a minimum of four feet below the surface of the roadway if the pneumatic device is less than two inches in diameter, and a minimum of five feet below the surface of the roadway if the pneumatic device is two inches in diameter or larger.

BITUMINOUS RESTORATION

- 1) The locations and dimensions of all openings to be made in the bituminous surface shall be approved by the ACTD prior to any cutting or any surface opening operations.
- 2) All openings in bituminous surfaces shall be cut in a straight line with the sides smooth and vertical. No ragged edges will be permitted. Cutting shall be done with a concrete saw.
- 3) All necessary dust control operations shall be carried out by the applicant at no expense to Anoka County.
- 4) The minimum requirement for subgrade replacement shall be the upper twelve inches of material and shall meet MNDOT specifications for class five placed in six inch layers compacted to one hundred percent of optimum density.
- 5) All manhole casings, gate valves, and other utility structures shall be set one quarter inch below the top of the finished surface.
- 6) Bituminous tack coat materials and application thereof shall conform to MNDOT specification 2357.
- 7) All bituminous surfacing shall be replaced as practicable after the base construction. All bituminous surfacing shall be machine laid. Any exceptions must be approved by the ACTD. Bituminous surfacing shall be replaced to original pavement depth or to a minimum of six inches of bituminous mixture (2360), whichever is greater. Bituminous mixtures must be placed in lifts not exceeding three inches in thickness for base and binder courses and not exceeding two inches for the wear course.
- 8) All surface restoration regardless of size shall conform to existing grades.
- 9) Any unnecessary or negligent damage to bituminous surface in conjunction with the installation and/or repair of a utility shall be cut out and replaced in kind as directed by the ACTD.

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CONCRETE RESTORATION

- 1) Curb and gutter, sidewalks, and driveways shall be restored in accordance with MNDOT specifications 2531 and 2521.

UTILITY LINES

- 1) There shall be only a single pole line on the county right of way on either side of the center line thereof.
- 2) Exact locations of longitudinal installations on county highways shall be located as directed by the ACTD.

SECTION CORNER MONUMENTS

- 1) Utility locations shall not interfere with the location of any section, quarter, witness, or right of way monuments. For assistance in locations, contact the Anoka County Surveyor's Office.
- 2) The applicant shall be responsible for replacement of any existing property irons disturbed during construction.
- 3) The applicant shall notify the Anoka County Surveyor's Office three working days in advance of any anticipated disturbance of any section, quarter, witness, or right of way monuments.
- 4) Any monument disturbed during the course of construction, shall be reset by the Anoka County Surveyor's Office at the expense of the applicant.

ATTACHING TO BRIDGES/STRUCTURES

- 1) No utility is permitted to be hung from, or otherwise attached to, any bridge or structure without having detailed plans approved by the Anoka County Engineer. These plans are to show approaches to the structure, method of installation, type, and dimension of housing for the utility.

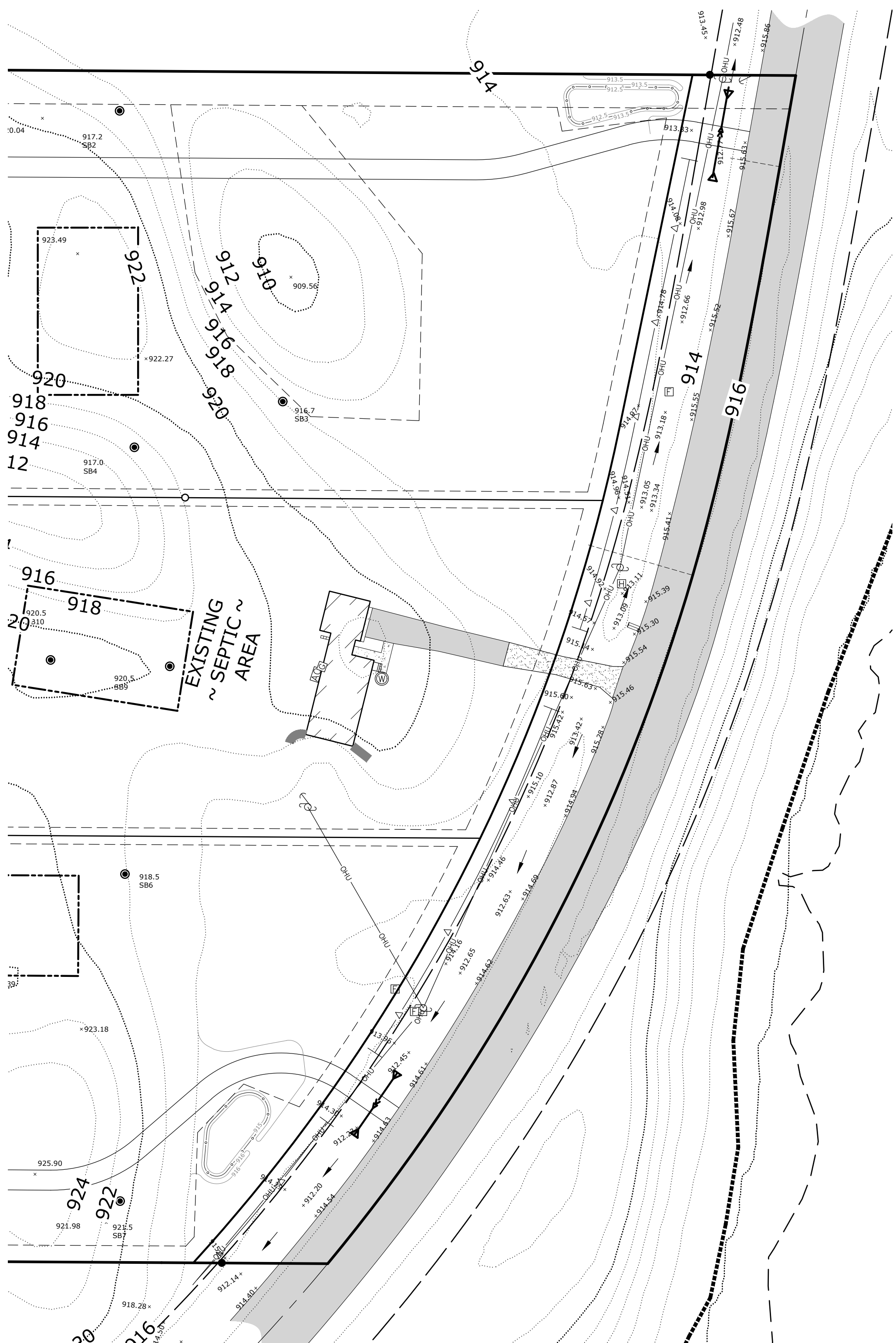
ADDITIONAL PROVISIONS

- 1) All subcontractors, installers, and crew shall possess a copy of all documents in relation to the approved permit prior to the commencement of work and be kept on site. This includes, but it not limited to the following:
 - a) Approved permit
 - b) Any/all traffic control plans and/or layouts
- 2) Shall notify Andrea Schmid at 763-324-3128 or andrea.schmid@anokacountymn.gov
 - a) At least 36 hours prior to the commencement of work
 - b) When there is any change to traffic control set up (ex: stage 1 to stage 2)
 - c) When work is complete - including restorations
- 3) No work during inclement weather or when plows are out in any capacity
- 4) All traffic control shall be in accordance with the most current version of the MnDOT Temporary Traffic Control Field Manual
- 5) Pits/excavations are to be protected at all times and then backfilled when unattended and/or overnight

INITIAL ^{DS} tal



No additional comments.

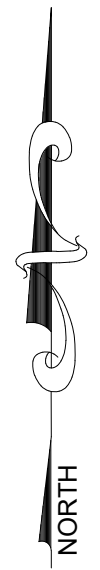
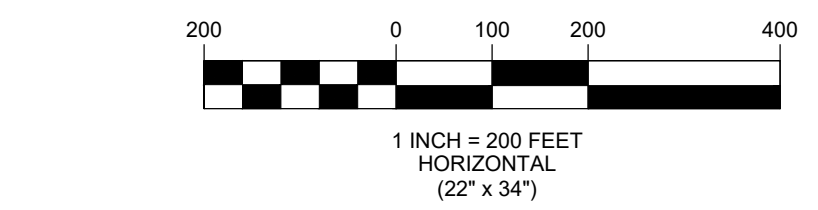


EBIT & DITCH SHOTS
SCALE = 1:50 (THIS DETAIL ONLY)



RAIN GARDEN
N.T.S.

** ALLEVIATE ANY COMPACTED SOILS (BY USING A PRIMARY TILLING OPERATION SUCH AS A CHISEL PLOW, RIPPER OR SUBSOILER) TO A DEPTH NECESSARY TO ALLEVIATE COMPACTION (MIN. 18")



GENERAL NOTES

1. THE INFORMATION SHOWN ON THESE DRAWINGS CONCERNING TYPE AND LOCATION OF EXISTING UTILITIES IS NOT GUARANTEED TO BE ACCURATE OR ALL INCLUSIVE. THE CONTRACTOR IS RESPONSIBLE FOR MAKING HIS OWN DETERMINATION AS TO TYPE AND LOCATION OF UTILITIES AS NECESSARY TO AVOID DAMAGE TO THESE UTILITIES.
2. CALL "811" AT LEAST 48 HOURS PRIOR TO ANY EXCAVATIONS FOR EXISTING UTILITIES LOCATIONS.
3. THE CONTRACTOR SHALL FIELD VERIFY SIZE, ELEVATION, AND LOCATION OF EXISTING UTILITIES AND NOTIFY ENGINEER OF ANY DISCREPANCIES PRIOR TO THE START OF INSTALLATIONS.
4. ALL WORK SHALL BE PERFORMED DURING TOWNSHIP APPROVED WORKING HOURS.
5. STORAGE OF MATERIALS OR EQUIPMENT SHALL NOT BE ALLOWED ON PUBLIC STREETS OR WITHIN PUBLIC RIGHT-OF-WAY.
6. NOTIFY TOWNSHIP A MINIMUM OF 48 HOURS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION.
7. ALL ELECTRIC, TELEPHONE, AND GAS EXTENSIONS INCLUDING SERVICE LINES SHALL BE CONSTRUCTED TO THE APPROPRIATE UTILITY COMPANY SPECIFICATIONS. ALL UTILITY DISCONNECTIONS SHALL BE COORDINATED WITH THE APPROPRIATE UTILITY COMPANY.
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING, MAINTAINING TRAFFIC CONTROL, SUCH AS BARRICADES, WARNING SIGNS, DIRECTIONAL SIGNS, FLAGMEN AND LIGHTS, AS NECESSARY TO CONTROL THE MOVEMENT OF TRAFFIC.

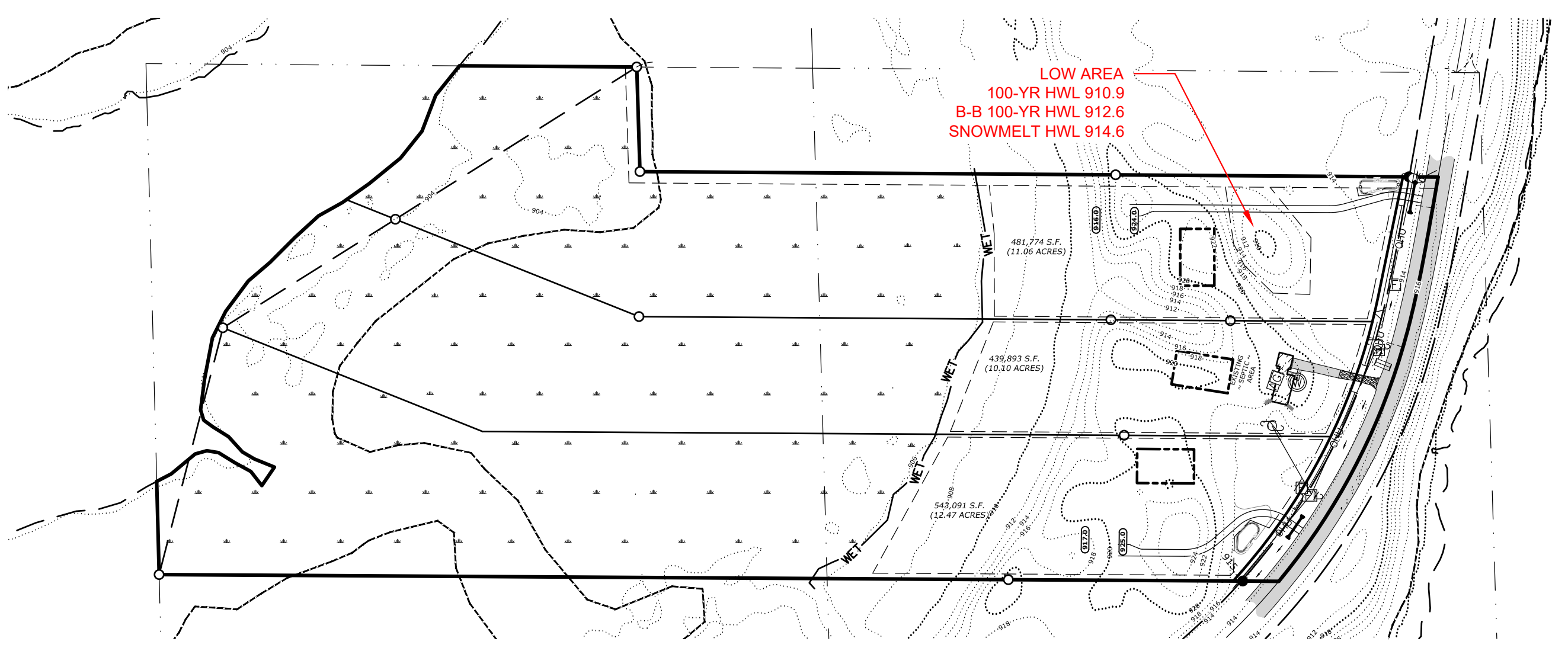
NOTES

1. MARK-OFF BASIN AREA (E.G. FENCING, SILT FENCE, ETC.) TO PREVENT CONSTRUCTION TRAFFIC FROM ENTERING BASIN AREA.
2. USE LOW-IMPACT, EARTH MOVING EQUIPMENT (WIDE TRACK OR MARSH TRACK EQUIPMENT, OR LIGHT-EQUIPMENT WITH TURF-TYPE TIRES) WITHIN BASIN.
3. PROTECT BASIN FROM RUN-OFF DURING CONSTRUCTION ACTIVITIES.
4. DO NOT EXCAVATE BASIN TO FINAL GRADE UNTIL UPSTREAM DRAINAGE AREAS HAVE BEEN STABILIZED.
5. REMOVE ANY TOPSOIL AND/OR UNSUITABLE SOILS WITHIN INFILTRATION BASIN FOOTPRINT. ANY SEDIMENT THAT IS WASHED INTO THE BASIN SHALL BE REMOVED.
6. NO MINING OF SANDY SOILS ALLOWED IN BASIN AREA.
7. EXCAVATE BASIN TO FINAL GRADE ONLY UPON STABILIZATION OF CONTRIBUTING DRAINAGE AREAS. ALLEVIATE ANY COMPACTED SOILS DUE TO FINAL GRADING OPERATIONS PRIOR TO SEEDING.
8. BOTTOM OF BASIN SHALL BE GRADED FLAT WITH NO DIPS OR SWALES.

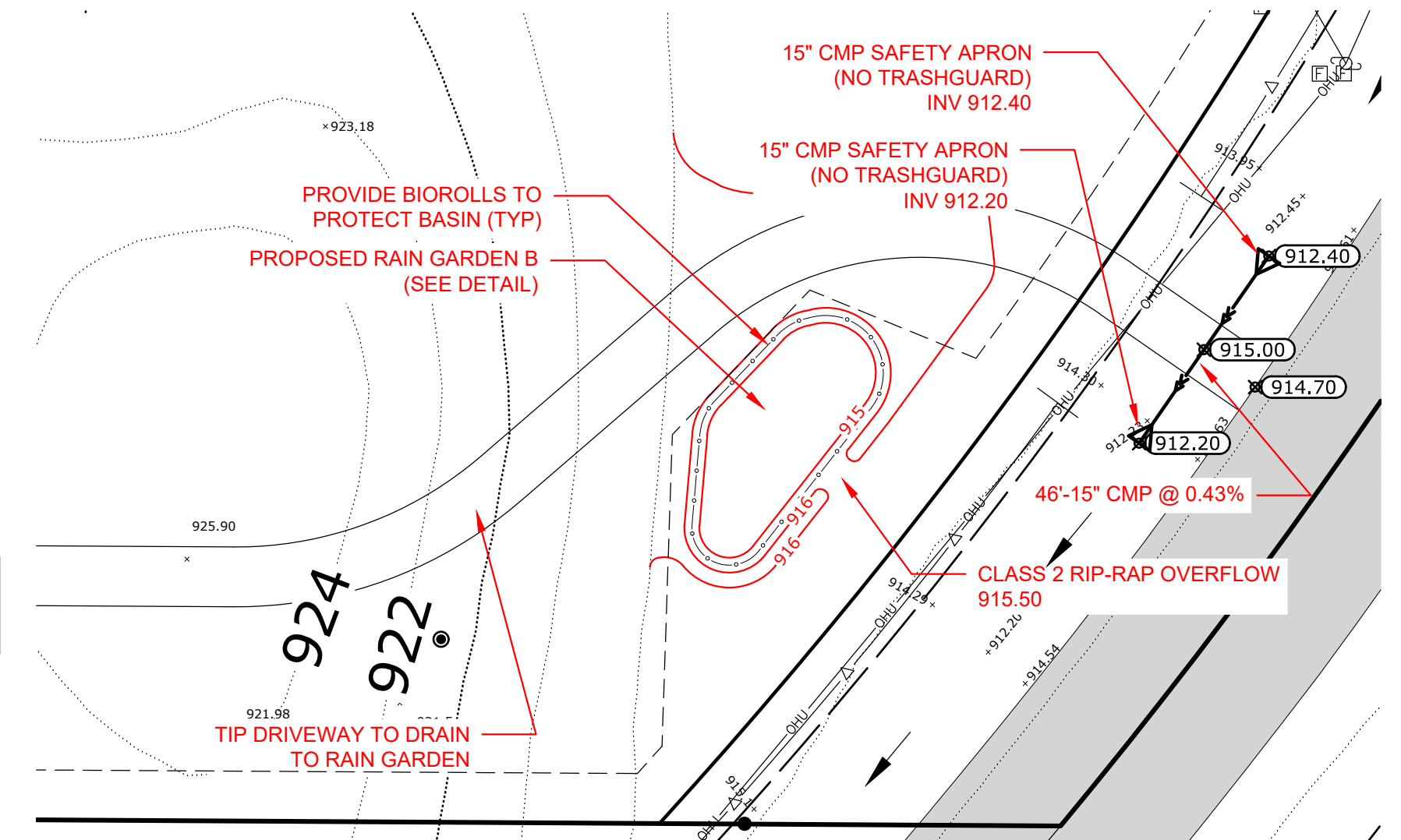
PROVIDE NATIVE SEED MIX (E.G. MNDOT 33-261 @ 35 LBS/AC) ALONG BASIN BOTTOM

3" SHREDDED HARDWOOD MULCH

** IN-SITU SOILS

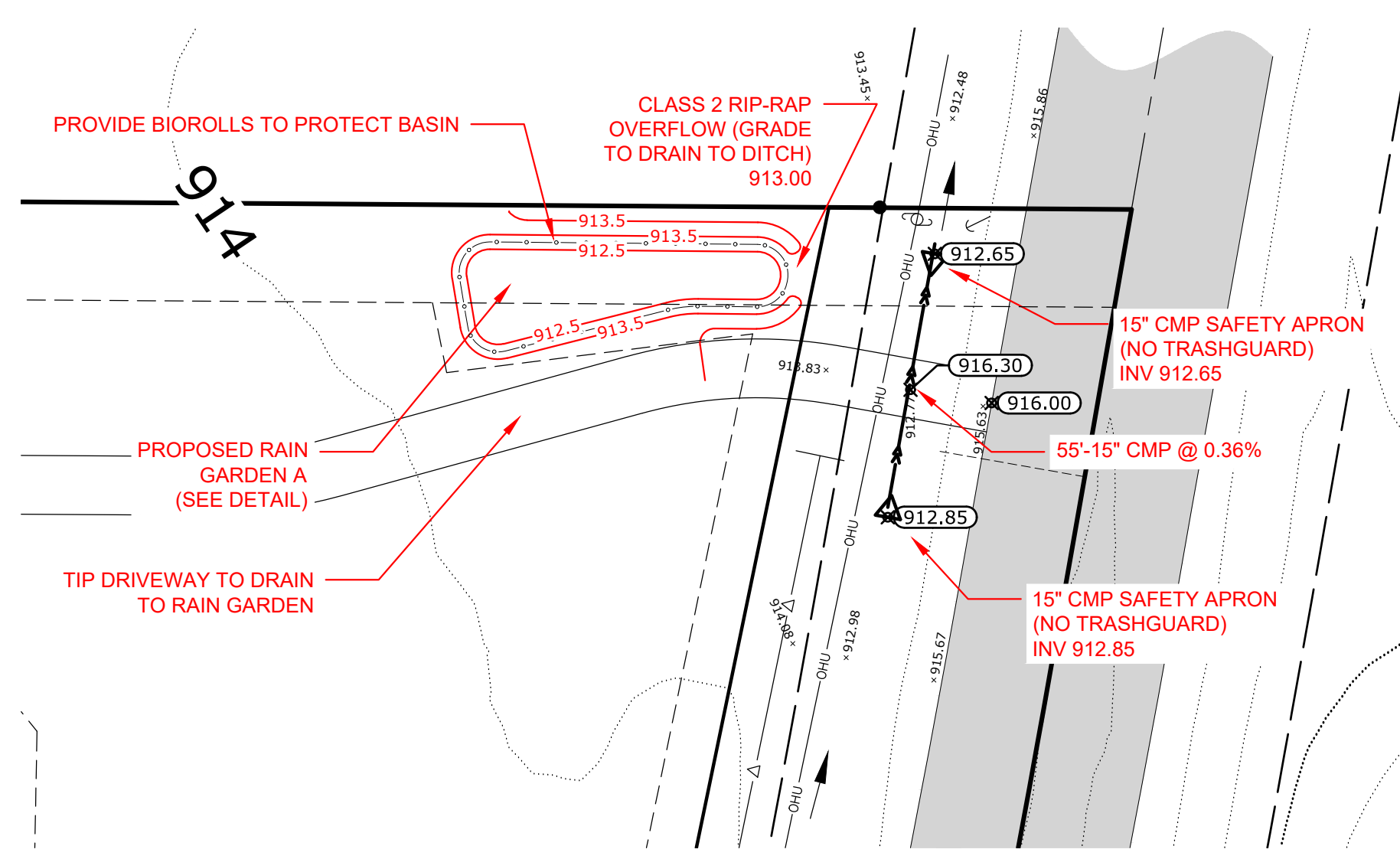
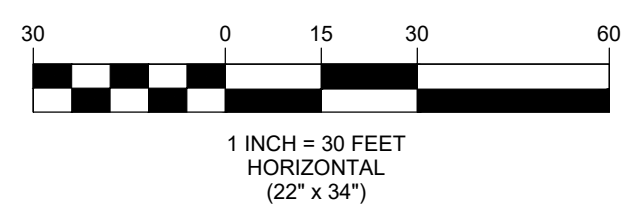


NOTE: ALL FUTURE DRIVEWAYS REQUIRE ANOKA COUNTY APPROVAL PRIOR TO INSTALLATION



NOTES:

1. 6:1 SIDE SLOPES REQUIRED OFF OF DRIVEWAYS WHEN IN COUNTY RIGHT-OF-WAY
2. ANY DISTURBED AREAS IN COUNTY RIGHT-OF-WAY TO BE RESTORED WITH SEED AND MULCH USING SEED TYPE 25-141 (DITCHES) AND 25-131 (BOULEVARD) AND TYPE 1 MULCH, DISC ANCHORED



SHEET C1.1

PLOWE ENGINEERING, INC.
6776 LAKE DRIVE
LINO LAKES, MN 55014
PHONE: (651) 361-8210
FAX: (651) 361-8701

SITE PLANNING & ENGINEERING

DRAWN BY:	AG
JOB NO.:	23-2085
CHECK BY:	CYP
DATE:	06/02/23

NO.	DATE	DESCRIPTION
1	6-28-23	PRELIMINARY PLAT REVIEW
2		
3		
4		
5		
6		
7		
8		

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

Adam Winkel
ADAM WINKEL
License No. 43863
Date: 06-28-2023

CLIFFS PETERSON RIDGE
LINWOOD TOWNSHIP, MN
STORMWATER MANAGEMENT PLAN
PREPARED FOR: SHERCO CONSTRUCTION

4.2. PERMITTEES MUST SUBMIT A NOT WITHIN 30 DAYS AFTER ALL TERMINATION CONDITIONS LISTED IN SECTION 13 ARE COMPLETE. [MINN. R. 7090]

4.3. PERMITTEES MUST SUBMIT A NOT WITHIN 30 DAYS AFTER SELLING OR OTHERWISE LEGALLY TRANSFERRING THE ENTIRE SITE, INCLUDING PERMIT RESPONSIBILITY FOR ROADS (E.G., STREET SWEEPING) AND STORMWATER INFRASTRUCTURE.

4.4. PERMITTEES MAY TERMINATE PERMIT COVERAGE PRIOR TO COMPLETION OF ALL CONSTRUCTION ACTIVITY IF THEY MEET ALL OF THE FOLLOWING CONDITIONS:

- A. CONSTRUCTION ACTIVITY HAS CEASED FOR AT LEAST 90 DAYS; AND
B. AT LEAST 90 PERCENT (BY AREA) OF ALL ORIGINALLY PROPOSED CONSTRUCTION ACTIVITY HAS BEEN COMPLETED AND PERMANENT COVER HAS BEEN ESTABLISHED ON THOSE AREAS; AND
C. ON AREAS WHERE CONSTRUCTION ACTIVITY IS NOT COMPLETE, PERMANENT COVER HAS BEEN ESTABLISHED; AND
D. THE SITE COMPLIES WITH ITEM 13.3 THROUGH 13.7.

AFTER PERMIT COVERAGE IS TERMINATED UNDER THIS ITEM, ANY SUBSEQUENT DEVELOPMENT ON THE REMAINING PORTIONS OF THE SITE WILL BE SUBJECT TO THE SUBSEQUENT DEVELOPMENT PERMIT OR AS PART OF THE REMAINING COMMUNITY PLAN OF DEVELOPMENT OR SALE WILL RESULT IN LAND DISTURBING ACTIVITIES OF ONE (1) OR MORE ACRES IN SIZE. [MINN. R. 7090]

4.5. PERMITTEES MAY TERMINATE COVERAGE UPON MPCA APPROVAL AFTER SUBMITTING INFORMATION DOCUMENTING THE OWNER CANCELED THE PROJECT. [MINN. R. 7090]

6.1. SWPPP AMENDMENTS. [MINN. R. 7090]

6.2. ONE OF THE INDIVIDUALS DESCRIBED IN ITEM 21.2.A OR ITEM 21.2.B OR ANOTHER QUALIFIED INDIVIDUAL MUST COMPLETE ALL SWPPP ACTIONS INVOLVING THE USE OF A LESS STRINGENT BMP TO CORRECT THE DEFICIENCY AND JUSTIFICATION DESCRIBING HOW THE REPLACEMENT BMP IS EFFECTIVE FOR THE SITE CHARACTERISTICS. [MINN. R. 7090]

6.3. PERMITTEES MUST AMEND THE SWPPP TO INCLUDE ADDITIONAL OR MODIFIED BMPs AS NECESSARY TO CORRECT PROBLEMS IDENTIFIED OR ADDRESS SITUATIONS WHENEVER THERE IS A CHANGE IN DESIGN, CONSTRUCTION, OPERATION, MAINTENANCE, WEATHER OR SEASONAL CONDITIONS HAVING A SIGNIFICANT EFFECT ON THE DISCHARGE OF POLLUTANTS TO SURFACE WATERS OR GROUNDWATER. [MINN. R. 7090]

6.4. PERMITTEES MUST AMEND THE SWPPP TO INCLUDE ADDITIONAL OR MODIFIED BMPs AS NECESSARY TO CORRECT PROBLEMS IDENTIFIED OR ADDRESS SITUATIONS WHENEVER INSPECTIONS OR INVESTIGATIONS BY THE SITE OWNER OR OPERATOR, USEPA OR MPCA OFFICIALS INDICATE THE SWPPP IS NOT EFFECTIVE IN ELIMINATING OR SIGNIFICANTLY MINIMIZING THE DISCHARGE OF POLLUTANTS TO SURFACE WATERS OR GROUNDWATER OR THE DISCHARGES ARE CAUSING WATER QUALITY STANDARD EXCEEDANCES (E.G., NUISANCE CONDITIONS AS DEFINED IN MINN. R. 7050.0210, SUBP. 2) OR THE SWPPP IS NOT CONSISTENT WITH THE OBJECTIVES OF A USEPA APPROVED TMDL. [MINN. R. 7050.0210]

7.1. BMP SELECTION AND INSTALLATION. [MINN. R. 7090]

7.2. PERMITTEES MUST SELECT, INSTALL, AND MAINTAIN THE BMPs IDENTIFIED IN THE SWPPP AND IN THIS PERMIT IN AN APPROPRIATE AND FUNCTIONAL MANNER AND IN ACCORDANCE WITH RELEVANT MANUFACTURER SPECIFICATIONS AND ACCEPTED ENGINEERING PRACTICES. [MINN. R. 7090]

8.1. EROSION PREVENTION PRACTICES. [MINN. R. 7090]

8.2. BEFORE WORK BEGINS, PERMITTEES MUST DELINEATE THE LOCATION OF AREAS NOT TO BE DISTURBED. [MINN. R. 7090]

8.3. PERMITTEES MUST MINIMIZE THE NEED FOR DISTURBANCE OF PORTIONS OF THE PROJECT WITH STEEP SLOPES. WHEN STEEP SLOPES MUST BE DISTURBED, USE TECHNIQUES SUCH AS PHASING AND STABILIZATION PRACTICES DESIGNED FOR STEEP SLOPES (E.G., SLOPE DRAINING AND TERRACING). [MINN. R. 7090]

8.4. PERMITTEES MUST STABILIZE ALL EXPOSED SOIL AREAS, INCLUDING STOCKPILES. STABILIZATION MUST BE INITIATED IMMEDIATELY TO LIMIT SOIL EROSION WHEN CONSTRUCTION ACTIVITY HAS PERMANENTLY OR TEMPORARILY CEASED ON ANY PORTION OF THE SITE AND WILL NOT RESUME FOR A PERIOD EXCEEDING 14 CALENDAR DAYS. STABILIZATION MUST BE COMPLETED NO LATER THAN 14 CALENDAR DAYS AFTER THE CONSTRUCTION ACTIVITY HAS CEASED. STABILIZATION IS NOT REQUIRED ON CONSTRUCTED BASE COMPONENTS OF ROADS, PARKING LOTS AND SIMILAR SURFACES. STABILIZATION IS NOT REQUIRED ON TEMPORARY STOCKPILES WITHOUT SIGNIFICANT SILT, CLAY OR ORGANIC COMPONENTS (E.G., CLEAN AGGREGATE STOCKPILES, DEMOLITION CONCRETE STOCKPILES, SAND STOCKPILES) BUT PERMITTEES MUST PROVIDE SEDIMENT CONTROL AT THE BASE OF SUCH STOCKPILES. [MINN. R. 7090]

8.5. FOR PUBLIC WATERS THAT THE MINNESOTA DNR HAS PROMULGATED WORK IN WATER RESTRICTIONS' DURING SPECIFIED FISH SPAWNING TIME FRAMES, PERMITTEES MUST COMPLETE STABILIZATION OF ALL EXPOSED SOIL AREAS WITHIN 200 FEET OF THE WATER'S EDGE, AND THAT DRAIN TO THESE WATERS, WITHIN 24 HOURS DURING THE RESTRICTION PERIOD. [MINN. R. 7090]

8.6. PERMITTEES MUST STABILIZE THE NORMAL WETTED PERIMETER OF THE LAST 200 LINEAR FEET OF TEMPORARY OR PERMANENT DRAINAGE DITCHES OR SWALES THAT DRAIN WATER FROM THE SITE WITHIN 24 HOURS AFTER CONNECTING TO A SURFACE WATER OR PROPERTY EDGE. PERMITTEES MUST COMPLETE STABILIZATION OF REMAINING PORTIONS OF TEMPORARY OR PERMANENT DITCHES OR SWALES WITHIN 14 CALENDAR DAYS AFTER CONNECTING TO A SURFACE WATER OR PROPERTY EDGE AND CONSTRUCTION IN THAT PORTION OF THE DITCH TEMPORARILY OR PERMANENTLY CEASES. [MINN. R. 7090]

8.7. TEMPORARY OR PERMANENT DITCHES OR SWALES BEING USED AS A SEDIMENT CONTAINMENT SYSTEM DURING CONSTRUCTION (WITH PROPERLY DESIGNED ROCK-DITCH CHECKS, BIO ROLLERS, SILT DIKES, ETC.) DO NOT NEED TO BE STABILIZED. PERMITTEES MUST STABILIZE THESE AREAS WITHIN 24 HOURS AFTER USING AS A SEDIMENT CONTAINMENT SYSTEM CEASES. [MINN. R. 7090]

8.8. PERMITTEES MUST NOT USE MULCH, HYDROMULCH, TACKIFIER, POLYACRYLAMIDE OR SIMILAR EROSION PREVENTION PRACTICES WITHIN ANY PORTION OF THE NORMAL WETTED PERIMETER OF A TEMPORARY OR PERMANENT DRAINAGE DITCH OR SWALE SECTION WITH A SLOPE OF GREATER THAN 2 PERCENT. [MINN. R. 7090]

8.9. PERMITTEES MUST PROVIDE TEMPORARY OR PERMANENT ENERGY DISSIPATION AT ALL PIPE OUTLETS WITHIN 24 HOURS AFTER CONNECTION TO A SURFACE WATER OR PERMANENT STORMWATER TREATMENT SYSTEM. [MINN. R. 7090]

8.10. PERMITTEES MUST NOT DISTURB MORE LAND (E.I., PHASING) THAN CAN BE EFFECTIVELY INSPECTED AND MAINTAINED IN ACCORDANCE WITH SECTION 11. [MINN. R. 7090]

9.1. SEDIMENT CONTROL PRACTICES. [MINN. R. 7090]

9.2. PERMITTEES MUST ESTABLISH SEDIMENT CONTROL BMPs ON ALL DOWNGRADIENT PERIMETERS OF THE SITE AND DOWNGRADIENT AREAS OF THE SITE THAT DRAIN TO ANY SURFACE WATER, INCLUDING CURB AND GUTTER SYSTEMS. PERMITTEES MUST LOCATE SEDIMENT CONTROL PRACTICES UPGRADIENT OF ANY BUFFER ZONES. PERMITTEES MUST INSTALL SEDIMENT CONTROL PRACTICES BEFORE ANY UPGRADE LAND-DISTURBING ACTIVITIES BEGIN AND MUST KEEP THE SEDIMENT CONTROL PRACTICES IN PLACE UNTIL THEY ESTABLISH PERMANENT COVER. [MINN. R. 7090]

9.3. IF DOWNGRADIENT SEDIMENT CONTROLS ARE OVERLOADED, BASED ON FREQUENT FAILURE OR EXCESSIVE MAINTENANCE REQUIREMENTS, PERMITTEES MUST INSTALL ADDITIONAL UPGRADEMENT SEDIMENT CONTROL PRACTICES OR REDUNDANT BMPs TO ELIMINATE THE OVERLOADING AND AMEND THE SWPPP TO IDENTIFY THESE ADDITIONAL PRACTICES AS REQUIRED IN ITEM 6.3. [MINN. R. 7090]

9.4. TEMPORARY OR PERMANENT DRAINAGE DITCHES AND SEDIMENT BASINS DESIGNED AS PART OF A SEDIMENT CONTAINMENT SYSTEM (E.G., DITCHES WITH ROCK-CHECK DAMS) REQUIRE SEDIMENT CONTROL PRACTICES ONLY AS APPROPRIATE FOR SITE CONDITIONS. [MINN. R. 7090]

9.5. A FLOATING SILT CURTAIN PLACED IN THE WATER IS NOT A SEDIMENT CONTROL BMP TO Satisfy ITEM 9.2 EXCEPT WHEN WORKING ON A SHORELINE OR BELOW THE WATERLINE. IMMEDIATELY AFTER THE SHORT TERM CONSTRUCTION ACTIVITY (E.G., INSTALLATION OF RIP RAP ALONG THE SHORELINE) IN THAT AREA IS COMPLETE, PERMITTEES MUST INSTALL AN UPLAND PERIMETER CONTROL PRACTICE IF EXPOSED SOILS STILL DRAIN TO A SURFACE WATER. [MINN. R. 7090]

9.6. PERMITTEES MUST RE-INSTALL ALL SEDIMENT CONTROL PRACTICES ADJUSTED OR REMOVED TO ACCOMMODATE SHORT-TERM ACTIVITIES SUCH AS CLEARING OR GRUBBING, OR PASSAGE OF VEHICLES, IMMEDIATELY AFTER THE SHORT-TERM ACTIVITY IS COMPLETED. PERMITTEES MUST RE-INSTALL SEDIMENT CONTROL PRACTICES BEFORE THE NEXT PRECIPITATION EVENT EVEN IF THE SHORT-TERM ACTIVITY IS NOT COMPLETE. [MINN. R. 7090]

9.7. PERMITTEES MUST PROTECT ALL STORM DRAIN INLETS USING APPROPRIATE BMPs DURING CONSTRUCTION UNTIL THEY ESTABLISH PERMANENT COVER ON ALL AREAS WITH POTENTIAL FOR DISCHARGING TO THE INLET. [MINN. R. 7090]

9.8. PERMITTEES MAY REMOVE INLET PROTECTION FOR A PARTICULAR INLET IF A SPECIFIC SAFETY CONCERN (E.G. STREET FLOODING/FREEZING) IS IDENTIFIED BY THE PERMITTEE OR THE JURISDICTIONAL AUTHORITY (E.G., CITY/COUNTY/TOWNSHIP/MINNESOTA DEPARTMENT OF TRANSPORTATION ENGINEER). PERMITTEES MUST DOCUMENT THE NEED FOR REMOVAL IN THE SWPPP. [MINN. R. 7090]

9.9. PERMITTEES MUST PROVIDE SILT FENCE OR OTHER EFFECTIVE SEDIMENT CONTROLS AT THE BASE OF STOCKPILES ON THE DOWNGRADIENT PERIMETER. [MINN. R. 7090]

9.10. PERMITTEES MUST LOCATE STOCKPILES OUTSIDE OF NATURAL BUFFERS OR SURFACE WATERS, INCLUDING STORMWATER CONVEYANCES SUCH AS CURB AND GUTTER SYSTEMS UNLESS THERE IS A BYPASS IN PLACE FOR THE STORMWATER. [MINN. R. 7090]

9.11. PERMITTEES MUST INSTALL A VEHICLE TRACKING BMP TO MINIMIZE THE TRACK OUT OF SEDIMENT FROM THE CONSTRUCTION SITE OR ONTO PAVED ROADS WITHIN THE SITE. [MINN. R. 7090]

9.12. PERMITTEES MUST USE STREET SWEEPING IF VEHICLE TRACKING BMPs ARE NOT ADEQUATE TO PREVENT SEDIMENT TRACKING ONTO THE STREET. [MINN. R. 7090]

9.13. PERMITTEES MUST INSTALL TEMPORARY SEDIMENT BASINS AS REQUIRED IN SECTION 14. [MINN. R. 7090]

9.14. IN ANY AREAS OF THE SITE WHERE FINAL VEGETATIVE STABILIZATION WILL OCCUR, PERMITTEES MUST RESTRICT VEHICLE AND EQUIPMENT USE TO MINIMIZE SOIL COMPACTION. [MINN. R. 7090]

9.15. PERMITTEES MUST PRESERVE TOPSOIL ON THE SITE, UNLESS INFEASIBLE. [MINN. R. 7090]

9.16. PERMITTEES MUST DIRECT DISCHARGES FROM BMPs TO VEGETATED AREAS UNLESS INFEASIBLE. [MINN. R. 7090]

9.17. PERMITTEES MUST PRESERVE A 50 FOOT NATURAL BUFFER OR, IF A BUFFER IS INFEASIBLE ON THE SITE, PROVIDE REDUNDANT (DOUBLE) PERIMETER SEDIMENT CONTROLS WHEN A SURFACE WATER IS LOCATED WITHIN 50 FEET OF THE PROJECT'S EARTHWORKS AND STORMWATER SYSTEMS. PERMITTEES MUST INSTALL PERIMETER SEDIMENT CONTROLS AT LEAST 5 FEET APART UNLESS LIMITED BY LACK OF AVAILABLE SPACE. NATURAL BUFFERS ARE NOT REQUIRED ADJACENT TO ROAD DITCHES, JUDICIAL DITCHES, COUNTY DITCHES, STORMWATER CONVEYANCE CHANNELS, STORM DRAIN INLETS, AND SEDIMENT BASINS. IF PRESERVING THE BUFFER IS INFEASIBLE, PERMITTEES MUST DOCUMENT THE REASONS IN THE SWPPP. SHEET PILING IS A REDUNDANT PERIMETER CONTROL IF INSTALLED IN A MANNER THAT RETAINS ALL STORMWATER. [MINN. R. 7090]

9.18. PERMITTEES MUST USE POLYMERS, FLOCCULANTS, OR OTHER SEDIMENTATION TREATMENT CHEMICALS IN ACCORDANCE WITH ACCEPTED ENGINEERING PRACTICES, DOSING SPECIFICATIONS AND SEDIMENT REMOVAL DESIGN SPECIFICATIONS PROVIDED BY THE MANUFACTURER OR SUPPLIER. THE PERMITTEES MUST USE CONVENTIONAL EROSION AND SEDIMENT CONTROL TREATMENT SYSTEMS TO TREAT STORMWATER DISCHARGED TO A SEDIMENT CONTROL SYSTEM FOR FILTRATION OR SETTLEMENT OF THE FLOC PRIOR TO DISCHARGE. [MINN. R. 7090]

10.1. DEWATERING AND BASIN DRAINING. [MINN. R. 7090]

10.2. PERMITTEES MUST DISCHARGE TURBID OR SEDIMENT-LADEN WATERS RELATED TO DEWATERING OR BASIN DRAINING (E.G., PUMPEE DISCHARGES, TRENCH/DITCH CUTS FOR DRAINAGE) TO A TEMPORARY OR PERMANENT SEDIMENT BASIN OR ENTERS SURFACE WATERS. PERMITTEES MAY DEWATER TO SURFACE WATERS IF THEY VISUALLY CHECK TO ENSURE ADEQUATE TREATMENT HAS BEEN OBTAINED AND NUISANCE CONDITIONS (SEE MINN. R. 7050.0210, SUBP. 2) WILL NOT RESULT FROM THE DISCHARGE. IF PERMITTEES CANNOT DISCHARGE THE WATER TO A SEDIMENTATION BASIN PRIOR TO ENTERING A SURFACE WATER, PERMITTEES MUST TREAT IT WITH APPROPRIATE BMPs SUCH THAT THE DISCHARGE DOES NOT ADVERSELY AFFECT THE SURFACE WATER OR GROUNDWATER. [MINN. R. 7050.0210]

10.3. IF PERMITTEES MUST DISCHARGE WATER CONTAINING OIL OR GREASE, THEY MUST USE AN OIL-WATER SEPARATOR OR SUITABLE FILTRATION DEVICE (E.G., CARTRIDGE FILTERS, ABSORBENTS PADS) PRIOR TO DISCHARGE. [MINN. R. 7090]

10.4. PERMITTEES MUST DISCHARGE ALL WATER FROM DEWATERING OR BASIN-DRAINING ACTIVITIES IN A MANNER THAT DOES NOT CAUSE EROSION OR SCOUR IN THE IMMEDIATE VICINITY OF DISCHARGE POINTS OR INUNDATION OF WETLANDS IN THE IMMEDIATE VICINITY OF DISCHARGE POINTS THAT CAUSES SIGNIFICANT ADVERSE IMPACT TO THE WETLAND. [MINN. R. 7090]

10.5. IF PERMITTEES USE FILTERS WITH BACKWASH WATER, THEY MUST HAUL THE BACKWASH WATER AWAY FOR DISPOSAL, RETURN THE BACKWASH WATER TO THE BEGINNING OF THE TREATMENT PROCESS, OR INCORPORATE THE BACKWASH WATER INTO THE SITE IN A MANNER THAT DOES NOT CAUSE EROSION. [MINN. R. 7090]

11.1. INSPECTIONS AND MAINTENANCE. [MINN. R. 7090]

11.2. PERMITTEES MUST ENSURE A TRAINED PERSON, AS IDENTIFIED IN ITEM 21.2.B, WILL INSPECT THE ENTIRE CONSTRUCTION SITE AT LEAST ONCE EVERY SEVEN (7) DAYS DURING ACTIVE CONSTRUCTION AND WITHIN 24 HOURS AFTER A RAINFALL EVENT GREATER THAN 1/2 INCH IN 24 HOURS. [MINN. R. 7090]

11.3. PERMITTEES MUST INSPECT AND MAINTAIN ALL PERMANENT STORMWATER TREATMENT BMPs. [MINN. R. 7090]

11.4. PERMITTEES MUST INSPECT ALL EROSION PREVENTION AND SEDIMENT CONTROL BMPs AND POLLUTION PREVENTION MANAGEMENT MEASURES TO ENSURE INTEGRITY AND EFFECTIVENESS. PERMITTEES MUST REPAIR, REPLACE OR SUPPLEMENT ALL NONFUNCTIONAL BMPs WITH FUNCTIONAL BMPs BY THE END OF THE NEXT BUSINESS DAY AFTER DISCOVERY UNLESS ANOTHER TIME FRAME IS SPECIFIED IN ITEM 11.5 OR 11.6. PERMITTEES MAY TAKE ADDITIONAL TIME IF FIELD CONDITIONS PREVENT ACCESS TO THE AREA. [MINN. R. 7090]

11.5. DURING EACH INSPECTION, PERMITTEES MUST INSPECT SURFACE WATERS, INCLUDING DRAINAGE DITCHES AND CONVEYANCE SYSTEMS BUT NOT CURB AND GUTTER SYSTEMS, FOR EVIDENCE OF EROSION AND SEDIMENT DEPOSITION. PERMITTEES MUST REMOVE ALL DISCHARGE AND SEDIMENT DEPOSITION INCLUDING DRAINAGE WAYS, CATCH BASINS, AND OTHER DRAINAGE SYSTEMS AND RESTABILIZE THE AREAS WHERE SEDIMENT REMOVAL RESULTS IN EXPOSED SOIL. PERMITTEES MUST COMPLETE REMOVAL AND STABILIZATION WITHIN SEVEN (7) CALENDAR DAYS OF DISCOVERY UNLESS PRECLUDED BY LEGAL, REGULATORY, OR PHYSICAL ACCESS CONSTRAINTS. PERMITTEES MUST USE ALL REASONABLE EFFORTS TO OBTAIN ACCESS. IF PRECLUDED, REMOVAL AND STABILIZATION MUST TAKE PLACE WITHIN SEVEN (7) DAYS OF OBTAINING ACCESS. PERMITTEES ARE RESPONSIBLE FOR CONTACTING ALL LOCAL, REGIONAL, STATE AND FEDERAL AUTHORITIES AND RECEIVING ANY APPLICABLE PERMITS, PRIOR TO CONDUCTING ANY WORK IN SURFACE WATERS. [MINN. R. 7090]

11.6. PERMITTEES MUST INSPECT CONSTRUCTION SITE VEHICLE EXIT LOCATIONS, STREETS AND CURB AND GUTTER SYSTEMS WITHIN AND ADJACENT TO THE PROJECT PERIMETER FROM EROSION OR TRACKED SEDIMENT FROM VEHICLES. PERMITTEES MUST REMOVE SEDIMENT FROM ALL PAVED SURFACES WITHIN ONE (1) CALENDAR DAY OF DISCOVERY OR, IF APPLICABLE, WITHIN A SHORTER TIME TO AVOID A SAFETY HAZARD TO USERS OF PUBLIC STREETS. [MINN. R. 7090]

11.7. PERMITTEES MUST REPAIR, REPLACE OR SUPPLEMENT ALL PERIMETER CONTROL DEVICES WHEN THEY BECOME NONFUNCTIONAL. ON THE SEDIMENT REACHES 1/2 OF THE HEIGHT OF THE DEVICE. [MINN. R. 7090]

11.8. PERMITTEES MUST OBTAIN TEMPORARY AND PERMANENT SEDIMENTATION PERMITS AND REMOVE THE SEDIMENT WHEN THE DEPTH OF SEDIMENT COLLECTED IN THE BASIN REACHES 1/2 THE STORAGE VOLUME. [MINN. R. 7090]

11.9. PERMITTEES MUST ENSURE THAT AT LEAST ONE INDIVIDUAL PRESENT ON THE SITE (OR AVAILABLE TO THE PROJECT SITE IN THREE (3) CALENDAR DAYS) IS TRAINED IN THE JOB DUTIES DESCRIBED IN ITEM 21.2.B. [MINN. R. 7090]

11.10. PERMITTEES MAY ADJUST THE INSPECTION SCHEDULE DESCRIBED IN ITEM 11.2 AS FOLLOWS:

- A. INSPECTIONS OF AREAS WITH PERMANENT COVER CAN BE REDUCED TO ONCE PER MONTH, EVEN IF CONSTRUCTION ACTIVITY CONTINUES ON OTHER PORTIONS OF THE SITE; OR
B. WHERE SITES HAVE PERMANENT COVER ON ALL EXPOSED SOIL AND NO CONSTRUCTION ACTIVITY IS OCCURRING ANYWHERE ON THE SITE, INSPECTIONS CAN BE REDUCED TO ONCE PER MONTH AND, AFTER 12 MONTHS, MAY BE SUSPENDED COMPLETELY UNTIL CONSTRUCTION ACTIVITY RESUMES. THE MPCA MAY REQUIRE INSPECTIONS TO RESUME IF CONDITIONS WARRANT; OR
C. WHERE CONSTRUCTION ACTIVITY HAS BEEN SUSPENDED DUE TO FROZEN GROUND CONDITIONS, INSPECTIONS MAY BE SUSPENDED. INSPECTIONS MUST RESUME WITHIN 24 HOURS OF RUNOFF OCCURRING, OR UPON RESUMING CONSTRUCTION, WHICHEVER COMES FIRST. [MINN. R. 7090]

11.11. PERMITTEES MUST RECORD ALL INSPECTIONS AND MAINTENANCE ACTIVITIES WITHIN 24 HOURS OF BEING CONDUCTED AND THESE RECORDS MUST BE RETAINED WITH THE SWPPP. THESE RECORDS MUST INCLUDE:

- A. DATE AND TIME OF INSPECTIONS; AND
B. NAME OF PERSONS CONDUCTING INSPECTIONS; AND
C. A CURATE FINDINGS OF INSPECTIONS, INCLUDING THE SPECIFIC LOCATION WHERE CORRECTIVE ACTIONS ARE NEEDED; AND
D. CORRECTIVE ACTIONS TAKEN (INCLUDING DATES, TIMES, AND PARTY COMPLETING MAINTENANCE ACTIVITIES); AND
E. DATE OF ALL RAINFALL EVENTS GREATER THAN 1/2 INCHES IN 24 HOURS, AND THE AMOUNT OF RAINFALL FOR EACH EVENT AND THE LOCATION OF THE WEATHER STATION. IF A WEATHER STATION IS NOT INSTALLED ON-SITE, A WEATHER STATION THAT IS WITHIN ONE (1) MILE OF YOUR LOCATION, OR A WEATHER REPORTING SYSTEM THAT PROVIDES SITE SPECIFIC RAINFALL DATA FROM RADAR SUMMARIES; AND
F. IF PERMITTEES OBSERVE A DISCHARGE DURING THE INSPECTION, THEY MUST RECORD AND SHOULD PHOTOGRAPH AND DESCRIBE THE LOCATION OF THE DISCHARGE (I.E., COLOR, ODOR, SETTLED OR SUSPENDED SOLIDS, OIL SHEEN, AND OTHER OBVIOUS INDICATORS OF POLLUTANTS); AND
G. ANY AMENDMENTS TO THE SWPPP PROPOSED AS A RESULT OF THE INSPECTION MUST BE DOCUMENTED AS REQUIRED IN SECTION 6 WITHIN SEVEN (7) CALENDAR DAYS. [MINN. R. 7090]

12.1. POLLUTION PREVENTION MANAGEMENT MEASURES. [MINN. R. 7090]

12.2. PERMITTEES MUST PLACE BUILDING PRODUCTS AND LANDSCAPE MATERIALS UNDER COVER (E.G., PLASTIC SHEETING OR TEMPORARY ROOFS) OR PROTECT THEM BY SIMILARLY EFFECTIVE MEANS DESIGNED TO MINIMIZE CONTACT WITH STORMWATER. PERMITTEES ARE NOT REQUIRED TO COVER OR PROTECT PRODUCTS WHICH ARE EITHER NOT A SOURCE OF CONTAMINATION TO STORMWATER OR ARE DESIGNED TO BE EXPOSED TO STORMWATER. [MINN. R. 7090]

12.3. PERMITTEES MUST PLACE PESTICIDES, FERTILIZERS AND TREATMENT CHEMICALS UNDER COVER (E.G., PLASTIC SHEETING OR TEMPORARY ROOFS) OR PROTECT THEM BY SIMILARLY EFFECTIVE MEANS DESIGNED TO MINIMIZE CONTACT WITH STORMWATER. [MINN. R. 7090]

12.4. PERMITTEES MUST STORE HAZARDOUS MATERIALS AND TOXIC WASTE, (INCLUDING OIL, DIESEL FUEL, GASOLINE, HYDRAULIC FLUIDS, PAINT SOLVENTS, PETROLEUM-BASED PRODUCTS, WOOD PRESERVATIVES, ADDITIVES, CURING AGENTS, AND ADHESIVES) IN SEALED CONTAINERS AND STORE THEM IN COMPLIANCE WITH MINN. R. CH. 7045 INCLUDING SECONDARY CONTAINMENT AS APPLICABLE. [MINN. R. 7090]

12.5. PERMITTEES MUST PROPERLY STORE, COLLECT AND DISPOSE SOLID WASTE IN COMPLIANCE WITH MINN. R. CH. 7035. [MINN. R. 7035]

12.6. PERMITTEES MUST POSITION PORTABLE TOILETS SO THEY ARE SECURE AND WILL NOT TIP OR BE KNOCKED OVER. PERMITTEES MUST PROPERLY DISPOSE SANITARY WASTE IN ACCORDANCE WITH MINN. R. CH. 7041. [MINN. R. 7041]

12.7. PERMITTEES MUST TAKE REASONABLE STEPS TO PREVENT THE DISCHARGE OF SPILLED OR LEAKED CHEMICALS, INCLUDING FUEL, FROM ANY AREA WHERE CHEMICALS OR FUEL WILL BE LOADED OR UNLOADED INCLUDING THE USE OF DRIP PANS OR ABSORBENTS UNLESS INFEASIBLE. PERMITTEES MUST ENSURE ADEQUATE SUPPLIES ARE AVAILABLE AT ALL TIMES TO CLEAN UP DISCHARGED MATERIALS AND THAT AN APPROPRIATE DISPOSAL METHOD IS AVAILABLE FOR RECOVERED SPILLED MATERIALS. PERMITTEES MUST REPORT AND CLEAN UP SPILLS IMMEDIATELY AS REQUIRED BY MINN. STAT. 115.061, USING DRY CLEAN UP METHODS WHERE POSSIBLE. [MINN. STAT. 115.061]

12.8. PERMITTEES MUST LIMIT VEHICLE EXTERIOR WASHING AND EQUIPMENT TO A DEFINED AREA OF THE SITE. PERMITTEES MUST CONTAIN RUNOFF FROM THE WASHING AREA IN A SEDIMENT BASIN OR OTHER SIMILARLY EFFECTIVE CONTROLS AND MUST DISPOSE WASTE FROM THE WASHING ACTIVITY PROPERLY. PERMITTEES MUST PROPERLY USE AND STORE SOAPS, DETERGENTS, OR SOLVENTS. [MINN. R. 7090]

12.9. PERMITTEES MUST PROVIDE EFFECTIVE CONTAINMENT FOR ALL LIQUID AND SOLID WASTES GENERATED BY WASHOUT OPERATIONS (E.G., CONCRETE, STUCCO, PAINT, FORM RELEASE OILS, CURING COMPOUNDS AND OTHER CONSTRUCTION MATERIALS) RELATED TO THE CONSTRUCTION ACTIVITY. PERMITTEES MUST PREVENT LIQUID AND SOLID WASHOUT WASTES FROM CONTACTING THE GROUND AND MUST DESIGN THE CONTAINMENT SO IT DOES NOT RESULT IN RUNOFF FROM THE WASHOUT OPERATIONS OR AREAS. PERMITTEES MUST PROPERLY DISPOSE LIQUID AND SOLID WASTES IN COMPLIANCE WITH MPCA RULES. PERMITTEES MUST INSTALL A SIGN INDICATING THE LOCATION OF THE WASHOUT FACILITY. [MINN. R. 7035, MINN. R. 7090]

13.1. PERMIT TERMINATION CONDITIONS. [MINN. R. 7090]

13.2. PERMITTEES MUST COMPLETE ALL CONSTRUCTION ACTIVITY AND MUST INSTALL PERMANENT COVER OVER ALL AREAS PRIOR TO SUBMITTING THE SWPPP. THE SWPPP MUST CONSIST OF A UNIFORM PERMANENT VEGETATION WITH A DENSITY OF 70 PERCENT OF ITS EXPECTED FINAL GROWTH. VEGETATION IS NOT REQUIRED WHERE THE FUNCTION OF A SPECIFIC AREA DICTATES NO VEGETATION, SUCH AS IMPERVIOUS SURFACES OR THE BASE OF A SAND FILTER. [MINN. R. 7090]

13.3. PERMITTEES MUST CLEAN THE PERMANENT STORMWATER TREATMENT SYSTEM OF ANY ACCUMULATED SEDIMENT AND MUST ENSURE THE SYSTEM MEETS ALL APPLICABLE REQUIREMENTS IN SECTION 15 THROUGH 19 AND IS OPERATING AS DESIGNED. [MINN. R. 7090]

13.4. PERMITTEES MUST REMOVE ALL SEDIMENT FROM CONVEYANCE SYSTEMS PRIOR TO SUBMITTING THE NOT. [MINN. R. 7090]

13.5. PERMITTEES MUST REMOVE ALL TEMPORARY SYNTHETIC EROSION PREVENTION AND SEDIMENT CONTROL BMPs PRIOR TO SUBMITTING THE NOT. PERMITTEES MAY LEAVE BMPs DESIGNED TO DECOMPOSE ON-SITE IN PLACE. [MINN. R. 7090]

13.6. FOR RESIDENTIAL CONSTRUCTION ONLY, PERMIT COVERAGE TERMINATES ON INDIVIDUAL LOTS IF THE STRUCTURES ARE FINISHED AND TEMPORARY EROSION PREVENTION AND DOWNGRADIENT PERIMETER CONTROL IS COMPLETE, THE RESIDENCE SELLS TO THE HOMEOWNER, AND THE PERMITTEE DISTRIBUTES THE MPCA'S "HOMEOWNER FACT SHEET" TO THE HOMEOWNER. [MINN. R. 7090]

13.7. FOR CONSTRUCTION PROJECTS ON AGRICULTURAL LAND (E.G., PIPELINES ACROSS CROPLAND), PERMITTEES MUST RETURN THE DISTURBED LAND TO ITS PRECONSTRUCTION AGRICULTURAL USE PRIOR TO SUBMITTING THE NOT. [MINN. R. 7090]

14.1. TEMPORARY SEDIMENT BASINS. [MINN. R. 7090]

14.2. WHERE TEN (10) OR MORE ACRES OF DISTURBED SOIL DRAIN TO A COMMON LOCATION, PERMITTEES MUST PROVIDE A TEMPORARY SEDIMENT BASIN TO PROVIDE TREATMENT OF THE RUNOFF BEFORE IT LEAVES THE CONSTRUCTION SITE OR ENTERS SURFACE WATERS. PERMITTEES MAY CONVERT A TEMPORARY SEDIMENT BASIN TO A PERMANENT BASIN AFTER CONSTRUCTION IS COMPLETE. THE TEMPORARY BASIN IS NO LONGER REQUIRED WHEN PERMANENT COVER HAS REDUCED THE ACREAGE OF DISTURBED SOIL TO LESS THAN TEN (10) ACRES DRAINING TO A COMMON LOCATION. [MINN. R. 7090]

14.3. THE TEMPORARY BASIN MUST PROVIDE LIVE STORAGE FOR A CALCULATED VOLUME OF RUNOFF FROM A TWO (2)-YEAR, 24-HOUR STORM FROM EACH ACRE DRAINED TO THE BASIN OR 1,800 CUBIC FEET OF LIVE STORAGE PER ACRE DRAINED, WHICHEVER IS GREATER. [MINN. R. 7090]

14.4. WHERE PERMITTEES HAVE NOT CALCULATED THE TWO (2)-YEAR, 24-HOUR STORM RUNOFF AMOUNT, THE TEMPORARY BASIN MUST PROVIDE 3,600 CUBIC FEET OF LIVE STORAGE PER ACRE OF THE BASIN'S DRAINAGE AREA. [MINN. R. 7090]

14.5. PERMITTEES MUST DESIGN BASIN OUTLETS TO PREVENT SHORT-CIRCUITING AND THE DISCHARGE OF FLOATING DEBRIS. [MINN. R. 7090]

14.6. PERMITTEES MUST DESIGN THE OUTLET STRUCTURE TO WITHDRAW WATER FROM THE SURFACE TO MINIMIZE THE DISCHARGE OF POLLUTANTS. PERMITTEES MAY TEMPORARILY SUSPEND THE USE OF A SURFACE WITHDRAWAL MECHANISM DURING FROZEN CONDITIONS. THE BASIN MUST INCLUDE A STABILIZED EMERGENCY OVERFLOW TO PREVENT FAILURE OF POND INLET INTEGRITY. [MINN. R. 7090]

14.7. PERMITTEES MUST PROVIDE ENERGY DISSIPATION FOR THE BASIN OUTLET WITHIN 24 HOURS AFTER CONNECTION TO A SURFACE WATER. [MINN. R. 7090]

14.8. PERMITTEES MUST LOCATE TEMPORARY BASINS OUTSIDE OF SURFACE WATERS AND ANY BUFFER ZONE REQUIRED IN ITEM 23.11. [MINN. R. 7090]

14.9. PERMITTEES MUST CONSTRUCT THE TEMPORARY BASINS PRIOR TO DISTURBING 10 OR MORE ACRES OF SOIL DRAINING TO A COMMON LOCATION. [MINN. R. 7090]

14.10. WHERE A TEMPORARY SEDIMENT BASIN MEETING THE REQUIREMENTS OF ITEM 14.3 THROUGH 14.9 IS INFEASIBLE, PERMITTEES MUST INSTALL EFFECTIVE SEDIMENT CONTROLS SUCH AS SMALLER SEDIMENT BASINS AND/OR SEDIMENT TRAPS, SILT FENCES, OR OTHER BUFFER STRIPS TO PROVIDE CONVEYANCE OF RUNOFF TO A COMMON LOCATION UNDER INDIVIDUAL SITE CONDITIONS. IN DETERMINING WHETHER INSTALLING A SEDIMENT BASIN IS INFEASIBLE, PERMITTEES MUST CONSIDER PUBLIC SAFETY AND MAY CONSIDER FACTORS SUCH AS SITE SLOPE, SOLE, AND AVAILABLE AREA ON-SITE. PERMITTEES MUST DOCUMENT THIS DETERMINATION OF INFEASIBILITY IN THE SWPPP. [MINN. R. 7090]

15.1. PERMANENT STORMWATER TREATMENT SYSTEM. [MINN. R. 7090]

15.2. PERMITTEES MUST DESIGN THE PROJECT SO ALL STORMWATER DISCHARGED FROM THE PROJECT DURING AND AFTER CONSTRUCTION ACTIVITIES DOES NOT CAUSE A VIOLATION OF STATE WATER QUALITY STANDARDS, INCLUDING NUISANCE CONDITIONS, EROSION IN RECEIVING CHANNELS OR ON DOWNSLOPE PROPERTIES, OR A SIGNIFICANT ADVERSE IMPACT TO WETLANDS, INUNDATION OR DECREASED FLOW. [MINN. R. 7090]

15.3. PERMITTEES MUST DESIGN AND CONSTRUCT A PERMANENT STORMWATER TREATMENT SYSTEM TO TREAT THE WATER QUALITY VOLUME IF THE PROJECT'S ULTIMATE DEVELOPMENT REPLACES VEGETATION AND/OR OTHER PVIOUS SURFACES CREATING A NET INCREASE OF ONE (1) OR MORE ACRES OF CUMULATIVE IMPERVIOUS SURFACE. [MINN. R. 7090]

15.4. PERMITTEES MUST CALCULATE THE WATER QUALITY VOLUME AS ONE (1) INCH TIMES THE NET INCREASE OF IMPERVIOUS SURFACES CREATED BY THE PROJECT. [MINN. R. 7090]

15.5. PERMITTEES MUST FIRST CONSIDER VOLUME REDUCTION PRACTICES ON-SITE (E.G., INFILTRATION OR OTHER) WHEN DESIGNING THE PERMANENT STORMWATER TREATMENT SYSTEM. THIS PERMIT PROHIBITS INFILTRATION AS DESCRIBED IN ITEM 16.14 THROUGH ITEM 16.21. PERMITTEES MAY CONSIDER A WET SEDIMENTATION BASIN, FILTRATION BASIN OR REGIONAL POND. THIS PERMIT DOES NOT CONSIDER WET SEDIMENTATION BASINS AND FILTRATION SYSTEMS TO BE VOLUME REDUCTION PRACTICES. [MINN. R. 7090]

15.6. FOR PROJECTS WHERE THE FULL VOLUME REDUCTION REQUIREMENT CANNOT BE MET ON-SITE, (E.G., THE SITE HAS INFILTRATION PROHIBITIONS), PERMITTEES MUST DOCUMENT THE REASONS IN THE SWPPP. [MINN. R. 7090]

15.7. PERMITTEES MUST DISCHARGE THE WATER QUALITY VOLUME TO A PERMANENT STORMWATER TREATMENT SYSTEM PRIOR TO DISCHARGE TO A SURFACE WATER OR FOR PURPOSES OF THIS PERMIT, TO AN IN-PLACE MADE-DRAINAGE DRAINAGE SYSTEMS THAT CONVEY STORMWATER TO A PERMANENT STORMWATER TREATMENT SYSTEM. [MINN. R. 7090]

15.8. WHERE THE PROXIMITY TO BEDROCK PRECLUDES THE INSTALLATION OF ANY OF THE PERMANENT STORMWATER TREATMENT PRACTICES REQUIRED BY SECTIONS 15 THROUGH 19, PERMITTEES MUST INSTALL OTHER TREATMENT SUCH AS GRASED SWALES, SMALLER PONDS, OR GRIT CHAMBERS, PRIOR TO THE DISCHARGE OF STORMWATER TO SURFACE WATERS. [MINN. R. 7090]

15.9. FOR LINEAR PROJECTS WHERE PERMITTEES CANNOT TREAT THE ENTIRE WATER QUALITY VOLUME WITHIN THE EXISTING RIGHT-OF-WAY, PERMITTEES MUST MAKE A REASONABLE ATTEMPT TO OBTAIN ADDITIONAL RIGHT-OF-WAY, EASEMENT OR OTHER PERMISSION FOR STORMWATER TREATMENT DURING THE PROJECT PLANNING PROCESS. DOCUMENTATION OF THESE ATTEMPTS MUST BE IN THE SWPPP. PERMITTEES MUST STILL CONSIDER VOLUME REDUCTION PRACTICES FIRST AS DESCRIBED IN ITEM 16.14 THROUGH ITEM 16.21. PERMITTEES MAY CONSIDER AN ADDITIONAL RIGHT-OF-WAY, EASEMENT OR OTHER PERMISSION, THEY MUST MAXIMIZE THE TREATMENT OF THE WATER QUALITY VOLUME PRIOR TO DISCHARGE TO SURFACE WATERS. [MINN. R. 7090]

16.1. INFILTRATION SYSTEMS. [MINN. R. 7090]

16.2. INFILTRATION OPTIONS INCLUDE, BUT ARE NOT LIMITED TO: INFILTRATION BASINS, INFILTRATION TRENCHES, RAINWATER GARDENS, BIOTREATMENT AREAS WITHOUT UNDERDRAINS, SWALES WITH IMPERMEABLE CHECK DAMS, AND NATURAL DEPRESSIONS. IF PERMITTEES UTILIZE AN INFILTRATION SYSTEM TO MEET THE REQUIREMENTS OF THIS PERMIT, THEY MUST INCORPORATE THE DESIGN PARAMETERS IN ITEM 16.3 THROUGH ITEM 16.21. PERMITTEES MUST FOLLOW THE INFILTRATION PROHIBITION IN ITEM 16.14 ANYTIME AN INFILTRATION SYSTEM IS DESIGNED, INCLUDING THOSE NOT REQUIRED BY THIS PERMIT. [MINN. R. 7090]

16.3. PERMITTEES MUST DESIGN INFILTRATION SYSTEMS SUCH THAT PRE-EXISTING HYDROLOGIC CONDITIONS OF WETLANDS IN THE VICINITY ARE NOT IMPACTED (E.G., INUNDATION OR BREACHING A PERCHED WATER TABLE SUPPORTING A WETLAND). [MINN. R. 7090]

16.4. PERMITTEES MUST NOT EXCAVATE INFILTRATION SYSTEMS TO FINAL GRADE, OR WITHIN THREE (

PROJECT TITLE
CLIFFS PETERSON RIDGE

PROJECT LOCATION
20410 VIKING BLVD NE
LINWOOD TOWNSHIP, MN 55092
ANOKA COUNTY

LATITUDE: 45.33968
LONGITUDE: -93.13677

DEVELOPER
SHERO CONSTRUCTION
79 LAKE ST N
FOREST LAKE, MN 55025

CONTACT NAME: THOMAS A. CARLISLE
CONTACT PHONE: 651-888-4137
CONTACT E-MAIL: Tom.Carlisle@sherohomebuilders.com

GENERAL CONTRACTOR
TBD

NARRATIVE - PERMANENT STORMWATER TREATMENT SYSTEMS
PERMANENT STORMWATER MANAGEMENT FEATURES WILL INCLUDE TWO (2) RAIN GARDENS. ALSO SEE "STORMWATER DRAINAGE REPORT" FOR FURTHER DISCUSSION.

SITE IMPERVIOUS AREAS

	BEFORE CONSTRUCTION	AFTER CONSTRUCTION
TOTAL SITE AREA	34.74 ACRES	
TOTAL ESTIMATED IMPERVIOUS	0.11 ACRES	0.48 ACRES
TOTAL ESTIMATED PERVIOUS	34.63 ACRES	34.26 ACRES

TOTAL DISTURBED AREA
~1.2 ACRES

SITE MAP W/ EXISTING AND FINAL GRADES AND DESIGN CALCULATIONS
SEE "STORMWATER DRAINAGE REPORT" FOR EXISTING AND PROPOSED AREA MAPS, DENOTING DRAINAGE AREA BOUNDARIES, DIRECTIONS OF FLOW, AND DISCHARGE POINTS WHERE STORMWATER LEAVES THE SITE.

RECEIVING WATERS WITHIN ONE MILE

NAME OF WATER BODY	TYPE OF WATER BODY	SPECIAL WATER	IMPAIRED WATER
UNNAMED WETLAND	WETLAND	NO	NO
LINWOOD LAKE	LAKE	NO	YES
COON LAKE	LAKE	NO	YES
RICE LAKE	LAKE	NO	NO
BOOT LAKE SNA	LAKE	NO	YES

BUFFER TO SURFACE WATER
 YES NO N/A
IF THE SITE DRAINS TO A SURFACE WATER, IS A 50-FT NATURAL BUFFER ADJACENT TO THE SURFACE WATER PRESERVED?
NOTE: NATURAL BUFFERS ARE NOT REQUIRED ADJACENT TO ROAD DITCHES, JUDICIAL DITCHES, COUNTY DITCHES, STORMWATER CONVEYANCE CHANNELS, STORM DRAIN INLETS, AND SEDIMENT BASINS.
A) A 50-FT NATURAL BUFFER IS PROVIDED TO THE ON-SITE WETLAND.

TEMPORARY SEDIMENTATION BASINS
 YES NO N/A
IF TEN (10) OR MORE ACRES OF DISTURBED SOIL DRAIN TO A COMMON LOCATION, IS A TEMPORARY SEDIMENT BASIN PROVIDED FOR TREATMENT OF THE RUNOFF BEFORE IT LEAVES THE CONSTRUCTION SITE OR ENTERS SURFACE WATERS?
A) BECAUSE THIS SITE IS WITHIN ONE MILE OF AN IMPAIRED WATER, THIS REQUIREMENT BECOMES FIVE (5) MILES. SITE DISTURBANCE WILL BE WELL BELOW THE 5-ACRE THRESHOLD.

INFILTRATION FEASIBILITY
 YES NO N/A
ARE THERE ANY INFILTRATION RESTRICTIONS FOR THE SITE (SEE 16.14 THROUGH 16.21)?
A) THE SITE HAS ZIMMERMAN FINE SANDS IN UPLANDS, WHICH ARE WELL DRAINING HSG A SOILS.

ADDITIONAL STORMWATER MITIGATION MEASURES
 YES NO
ARE THERE ANY STORMWATER MITIGATION MEASURES PER:
• ENVIRONMENTAL REVIEW DOCUMENT?
• ENDANGERED SPECIES REVIEW?
• ARCHAEOLOGICAL REVIEW?
• OTHER LOCAL, STATE OR FEDERAL REVIEW?
IF YES TO ANY OF THE ABOVE, DESCRIBE THE MITIGATION MEASURES. FOR PURPOSES OF THIS PERMIT, MITIGATION MEASURES MEANS ACTIONS NECESSARY TO AVOID, MINIMIZE, OR MITIGATE FOR IMPACTS RELATED TO EROSION PREVENTION, SEDIMENT CONTROL, THE PERMANENT STORMWATER TREATMENT SYSTEM, POLLUTION PREVENTION MANAGEMENT MEASURES AND DISCHARGES ASSOCIATED WITH THE PROJECT'S CONSTRUCTION ACTIVITY. [MINN. R. 7090]

DOCUMENTATION OF TRAINED INDIVIDUALS

A. INDIVIDUAL WHO PREPARED THE SWPPP:
ADAM GINKEL
PLOWE ENGINEERING, INC.
6776 LAKE DRIVE
LINO LAKES MN 55014
(651) 361-8234
adam@plowe.com

B. INDIVIDUAL(S) OVERSEEING IMPLEMENTATION OF, REVISING AND/OR AMENDING THE SWPPP AND INDIVIDUALS PERFORMING INSPECTIONS FOR THE PROJECT. ONE OF THESE INDIVIDUALS MUST BE AVAILABLE FOR AN ONSITE INSPECTION WITHIN 72 HOURS UPON REQUEST BY THE MPCA. [MINN. R. 7090]

CONTACT NAME: _____
CONTACT PHONE: _____
CONTACT E-MAIL: _____

C. INDIVIDUAL(S) PERFORMING OR SUPERVISING THE INSTALLATION, MAINTENANCE AND REPAIR OF BMPS. [MINN. R. 7090]

CONTACT NAME: _____
CONTACT PHONE: _____
CONTACT E-MAIL: _____

LONG TERM OPERATION AND MAINTENANCE OF PERMANENT STORMWATER FACILITIES
THE PROPOSED STORMWATER MANAGEMENT FEATURES FOR THIS SITE ARE RAIN GARDENS. THESE WILL BE PRIVATE AND MAINTAINED BY THE FUTURE PROPERTY OWNERS.

REVEGETATION SPECIFICATIONS

ITEM	MNDOT SPECIFICATION	NOTES
SOD		3878
SEED **		3876
* FOR TURF ESTABLISHMENT		
COMMERCIAL TURF	MNDOT MIX 25-131 (220 LBS/ACRE)	
RESIDENTIAL TURF	MNDOT MIX 25-131 (120 LBS/ACRE)	
TEMPORARY		
FALL COVER	MNDOT MIX 21-112 (100 LBS/ACRE)	
SPRING/SUMMER	MNDOT MIX 21-111 (100 LBS/ACRE)	
SOIL-BUILDING COVER	MNDOT MIX 21-113 (110 LBS/ACRE)	
1-2 YEARS COVER	MNDOT MIX 22-111 (30.5 LBS/ACRE)	
2-5 YEARS COVER	MNDOT MIX 22-112 (40 LBS/ACRE)	
MULCH	3882 (TYPE 1 - DISC ANCHORED)	
HYDROMULCH	3884	
FERTILIZER	3881	
WOOD FIBER BLANKET	3885 (CATEGORY 2)	

* MOW A MINIMUM OF:
RESIDENTIAL TURF - ONCE PER 2 WEEKS
COMMERCIAL TURF - ONCE PER 4 WEEKS
** SEEDED AREAS SHALL BE EITHER MULCHED OR COVERED BY FIBROUS BLANKETS TO PROTECT SEEDS AND LIMIT EROSION.

QUANTITIES - ESTIMATED QUANTITIES FOR EROSION AND SEDIMENT CONTROL MEASURES

TYPE	QTY	UNIT
SILT FENCE		LINEAR FEET
BIO-ROLLS		EACH
RIP-RAP W. GEO-FABRIC		CUBIC YARDS
CATCH BASIN INLET PROTECTION		EACH
STABILIZED (SODDED) OVERFLOW		EACH
EROSION CONTROL BLANKET		SQUARE YARDS
SEED & MULCH (GENERAL)		ACRE
ROCK CONSTRUCTION ENTRANCE		EACH
EXIST. GRAVEL DRIVE TO BE USED AS ROCK ENTRANCE		

NARRATIVE - TIMING FOR INSTALLATION OF EROSION AND SEDIMENT CONTROL MEASURES

- A COPY OF THE APPROVED EROSION AND SEDIMENT CONTROL PLAN AND SWPPP MUST BE AVAILABLE ON THE PROJECT SITE AT ALL TIMES.
- CONTRACTOR SHALL INSTALL SILT FENCE AS SHOWN ON PLAN.
2.1. ADDITIONAL SILT FENCE MAY BE NECESSARY IF LOCAL CONDITIONS REQUIRE.
2.2. THE CONTRACTOR SHALL MAINTAIN SILT FENCE, INCLUDING THE REMOVAL OF ACCUMULATED SEDIMENT, THROUGH COMPLETION OF BUILDING CONSTRUCTION.
- SILT FENCE SHALL REMAIN IN-PLACE UNTIL SITE HAS BEEN STABILIZED.
- CONTRACTOR SHALL INSTALL A ROCK CONSTRUCTION ENTRANCE AT ALL LOCATIONS WHERE CONSTRUCTION TRAFFIC WILL ENTER/EXIT SITE.
- CONTRACTOR TO INSTALL TREE PROTECTION FENCING AS APPLICABLE.
CONTRACTOR SHALL PERFORM SITE GRADING ON AN AREA-BY-AREA BASIS TO MINIMIZE UNSTABILIZED AREAS.
5.1. CONTRACTOR MUST IMMEDIATELY INITIATE STABILIZATION OF EXPOSED SOIL AREAS, AS DESCRIBED IN ITEM 8.4 OF THE PERMIT, AND COMPLETE THE STABILIZATION WITHIN SEVEN (7) CALENDAR DAYS AFTER THE CONSTRUCTION ACTIVITY IN THAT PORTION OF THE SITE TEMPORARILY OR PERMANENTLY CEASES.
5.2. CONTRACTOR TO PROVIDE TEMPORARY SEDIMENTATION BASINS AS REQUIRED IN SECTION 14.1 THROUGH 14.10.
- CONTRACTOR TO SHALL PAY SPECIAL ATTENTION TO ADJACENT PROPERTY LINES TO ENSURE THE EROSION CONTROL PRACTICES INPLACE IN THOSE AREAS PREVENT MIGRATION OF SEDIMENT ONTO ADJACENT PROPERTIES.
- ALL EROSION AND SEDIMENT CONTROL MEASURES SHOWN ON THE PLANS OR IMPLEMENTED IN THE FIELD SHALL BE IN ACCORDANCE WITH THE CITY/TOWNSHIP AND NPDES PHASE II PERMIT REQUIREMENTS.
- CONTRACTOR TO PROVIDE ADDITIONAL SILT FENCE, BIOROLLS, EROSION CONTROL BLANKET, OR OTHER APPROVED EQUAL FOR ANY SLOPES THAT APPEAR TO BE FAILING.
- CONTRACTOR TO STABILIZE SOIL STOCKPILES; STABILIZATION SHALL BE INITIATED IMMEDIATELY.
- CONTRACTOR SHALL FINAL GRADE SWALE AREAS UPON STABILIZATION OF UPSTREAM AREAS.
- CONTRACTOR SHALL BE RESPONSIBLE TO SWEEP/SCRAPE ADJACENT STREETS WHEN MATERIALS OR DEBRIS HAVE WASHED/FLOWED ONTO ADJACENT STREETS OR AS DIRECTED BY CITY/TOWNSHIP
- COORDINATE SMALL UTILITIES INSTALLATIONS (GAS, PHONE, ELECTRIC, CABLE, FIBEROPTIC, ETC.) AFTER PAVEMENT INSTALLATION.

ORWW - SNA: BOOT LAKE SNA
THE BOOT LAKE SNA IS AN ORWW OWNED BY MN DNR FISH & WILDLIFE (SCIENTIFIC AND NATURAL AREAS)

IMPAIRED LAKES: COON
ASSESSMENT UNIT: 02-0042-00
APPROVED TMDL PLAN FOR MERCURY IN FISH
ADDITIONAL IMPAIRMENTS: NOTE
NEW IMPAIRMENTS: NONE

NPDES DEFINITIONS

"BEST MANAGEMENT PRACTICES (BMPs)" MEANS THE MOST EFFECTIVE AND PRACTICABLE MEANS OF EROSION PREVENTION AND SEDIMENT CONTROL, AND WATER QUALITY MANAGEMENT PRACTICES THAT ARE THE MOST EFFECTIVE AND PRACTICABLE MEANS OF TO CONTROL, PREVENT, AND MINIMIZE DEGRADATION OF SURFACE WATER, INCLUDING AVOIDANCE OF IMPACTS, CONSTRUCTION PHASING, MINIMIZING THE LENGTH OF TIME SOIL AREAS ARE EXPOSED, PROHIBITIONS, POLLUTION PREVENTION THROUGH GOOD HOUSEKEEPING, AND OTHER MANAGEMENT PRACTICES PUBLISHED BY STATE OR DESIGNATED AREA-WIDE PLANNING AGENCIES. [MINN. R. 7090]

"CONSTRUCTION ACTIVITY" MEANS ACTIVITIES INCLUDING CLEARING, GRADING, AND EXCAVATING, THAT RESULT IN LAND DISTURBANCE OF EQUAL TO OR GREATER THAN ONE ACRE, INCLUDING THE DISTURBANCE OF LESS THAN ONE ACRE OF TOTAL LAND AREA THAT IS PART OF A LARGER COMMON PLAN OF DEVELOPMENT OR SALE IF THE LARGER COMMON PLAN WILL ULTIMATELY DISTURB EQUAL TO OR GREATER THAN ONE ACRE. THIS INCLUDES A DISTURBANCE TO THE LAND THAT RESULTS IN A CHANGE IN THE TOPOGRAPHY, EXISTING SOIL COVER, BOTH VEGETATIVE AND NONVEGETATIVE, OR THE EXISTING SOIL TOPOGRAPHY THAT MAY RESULT IN ACCELERATED STORMWATER RUNOFF THAT MAY LEAD TO SOIL EROSION AND MOVEMENT OF SEDIMENT. CONSTRUCTION ACTIVITY DOES NOT INCLUDE A DISTURBANCE TO THE LAND OF LESS THAN FIVE ACRES FOR THE PURPOSE OF ROUTINE MAINTENANCE PERFORMED TO MAINTAIN THE ORIGINAL LINE AND GRADE, HYDRAULIC CAPACITY, AND ORIGINAL PURPOSE OF THE FACILITY. ROUTINE MAINTENANCE DOES NOT INCLUDE ACTIVITIES SUCH AS REPAIRS, REPLACEMENT AND OTHER TYPES OF NON-ROUTINE MAINTENANCE. PAVEMENT REHABILITATION THAT DOES NOT DISTURB THE UNDERLYING SOILS (E.G., MILL AND OVERLAY PROJECTS) IS NOT CONSTRUCTION ACTIVITY. [MINN. R. 7090]

"DEWATERING" MEANS THE REMOVAL OF SURFACE OR GROUND WATER TO DRY AND/OR SOLIDIFY A CONSTRUCTION SITE TO ENABLE CONSTRUCTION ACTIVITY. DEWATERING MAY REQUIRE A MINNESOTA DEPARTMENT OF NATURAL RESOURCES WATER APPROPRIATION PERMIT AND, IF DEWATERING WATER IS CONTAMINATED, DISCHARGE OF SUCH WATER MAY REQUIRE AN INDIVIDUAL MPCA NPDES/SDS PERMIT. [MINN. R. 7090]

"EROSION PREVENTION" MEANS MEASURES EMPLOYED TO PREVENT EROSION SUCH AS SOIL STABILIZATION PRACTICES, PERMANENT COVER OR CONSTRUCTION PHASING. [MINN. R. 7090]

"GENERAL CONTRACTOR" MEANS THE PARTY WHO SIGNS THE CONSTRUCTION CONTRACT WITH THE OWNER TO CONSTRUCT THE ENTIRE PROJECT DESCRIBED IN THE FINAL PLANS AND SPECIFICATIONS, WHERE THE CONSTRUCTION PROJECT INVOLVES MORE THAN ONE CONTRACTOR. THE GENERAL CONTRACTOR IS THE PARTY RESPONSIBLE FOR MANAGING THE ENTIRE PROJECT ON BEHALF OF THE OWNER. IN SOME CASES, THE OWNER IS THE GENERAL CONTRACTOR. IN THESE CASES, THE OWNER SIGNS THE PERMIT APPLICATION AS THE OPERATOR AND BECOMES THE SOLE PERMITTEE. [MINN. R. 7090]

"GROUNDWATER" MEANS THE WATER CONTAINED BELOW THE SURFACE OF THE EARTH IN THE SATURATED ZONE INCLUDING, WITHOUT LIMITATION, ALL WATERS WHETHER UNDER CONFINED, UNCONFINED, OR PERCHED CONDITIONS, IN NEAR SURFACE UNCONSOLIDATED SEDIMENT OR REGOLITH, OR IN ROCK FORMATIONS DEEPER UNDERGROUND. [MINN. R. 7090]

"HOMEOWNER FACT SHEET" MEANS AN MPCA FACT SHEET AVAILABLE ON THE MPCA CONSTRUCTION STORMWATER WEBSITE FOR PERMITTEES TO GIVE TO HOMEOWNERS AT THE TIME OF SALE. [MINN. R. 7090]

"INFEASIBLE" MEANS NOT TECHNOLOGICALLY POSSIBLE OR NOT ECONOMICALLY PRACTICABLE AND ACHIEVABLE IN LIGHT OF THE BEST INDUSTRY PRACTICES. [MINN. R. 7090]

"INITIATED IMMEDIATELY" MEANS TAKING AN ACTION TO COMMENCE SOIL STABILIZATION AS SOON AS PRACTICABLE, BUT NO LATER THAN THE END OF THE WORK DAY, FOLLOWING THE DAY WHEN THE LAND-DISTURBING ACTIVITIES TEMPORARILY OR PERMANENTLY CEASE, IF THE PERMITTEES KNOW THAT CONSTRUCTION WORK ON THAT PORTION OF THE SITE WILL BE TEMPORARILY CEASED FOR 14 OR MORE ADDITIONAL CALENDAR DAYS OR 7 CALENDAR DAYS WHERE ITEM 23.9 APPLIES. PERMITTEES CAN INITIATE STABILIZATION BY:
A. PREPPING THE SOIL FOR VEGETATIVE OR NON-VEGETATIVE STABILIZATION; OR
B. APPLYING MULCH OR OTHER NON-VEGETATIVE PRODUCT TO THE EXPOSED SOIL AREA; OR
C. SEEDING OR PLANTING THE EXPOSED AREA; OR
D. STARTING ANY OF THE ACTIVITIES IN A - C ON A PORTION OF THE AREA TO BE STABILIZED, BUT NOT ON THE ENTIRE AREA; OR
E. FINALIZING ARRANGEMENTS TO HAVE STABILIZATION PRODUCT FULLY INSTALLED IN COMPLIANCE WITH THE APPLICABLE DEADLINE FOR COMPLETING STABILIZATION. [MINN. R. 7090]

"IMPERVIOUS SURFACE" MEANS A CONSTRUCTED HARD SURFACE THAT EITHER PREVENTS OR RETARDS THE ENTRY OF WATER INTO THE SOIL AND CAUSES WATER TO RUN OFF THE SURFACE IN GREATER QUANTITIES AND AT AN INCREASED RATE OF FLOW THAN PRIOR TO DEVELOPMENT. EXAMPLES INCLUDE ROOFTOPS, SIDEWALKS, DRIVEWAYS, PARKING LOTS, AND CONCRETE, ASPHALT, OR GRAVEL ROADS. BRIDGES OVER SURFACE WATERS ARE CONSIDERED IMPERVIOUS SURFACES. [MINN. R. 7090]

"NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)" MEANS THE PROGRAM FOR ISSUING, MODIFYING, REVOKING, REISSUING, TERMINATING, MONITORING, AND ENFORCING PERMITS UNDER THE CLEAN WATER ACT, AS AMENDED (33 U.S.C. 1251 ET SEQ. SECTION 1342 AND 40 CFR PARTS 122, 123, 124 AND 450). [MINN. R. 7090]

"NATURAL BUFFER" MEANS AN AREA OF UNDISTURBED COVER SURROUNDING SURFACE WATERS WITHIN WHICH CONSTRUCTION ACTIVITIES ARE RESTRICTED. NATURAL BUFFER INCLUDES THE VEGETATION, EXPOSED ROCK, OR BARREN GROUND THAT EXISTS PRIOR TO COMMENCEMENT OF EARTH-DISTURBING ACTIVITIES. [MINN. R. 7090]

"NOTICE OF TERMINATION (NOT)" MEANS THE FORM (ELECTRONIC OR PAPER) REQUIRED FOR TERMINATING COVERAGE UNDER THE CONSTRUCTION GENERAL PERMIT. [MINN. R. 7090]

"OPERATOR" MEANS THE PERSON (USUALLY THE GENERAL CONTRACTOR), FIRM, GOVERNMENTAL AGENCY, OR OTHER ENTITY DESIGNATED BY THE OWNER WHO HAS DAY TO DAY OPERATIONAL CONTROL AND/OR THE ABILITY TO MODIFY PROJECT PLANS AND SPECIFICATIONS RELATED TO THE SWPPP. THE PERMIT APPLICATION MUST LIST THE OPERATOR AS A PERMITTEE. SUBCONTRACTORS HIRED BY AND UNDER SUPERVISION OF THE GENERAL CONTRACTOR ARE NOT OPERATORS. [MINN. R. 7090]

"OWNER" MEANS THE PERSON, FIRM, GOVERNMENTAL AGENCY, OR OTHER ENTITY POSSESSING THE TITLE OF THE LAND ON WHICH THE CONSTRUCTION ACTIVITIES WILL OCCUR OR, IF THE CONSTRUCTION ACTIVITY IS FOR A LEASE, EASEMENT, OR MINERAL RIGHTS LICENSE HOLDER, THE PARTY OR INDIVIDUAL IDENTIFIED AS THE LEASE, EASEMENT OR MINERAL RIGHTS LICENSE HOLDER, OR THE CONTRACTING GOVERNMENT AGENCY RESPONSIBLE FOR THE CONSTRUCTION ACTIVITY. [MINN. R. 7090]

"PERMANENT COVER" MEANS SURFACE TYPES THAT WILL PREVENT SOIL FAILURE UNDER EROSION CONDITIONS. EXAMPLES INCLUDE: GRAVEL, CONCRETE, PERENNIAL COVER, OR OTHER LANDSCAPED MATERIAL THAT WILL PERMANENTLY ARREST SOIL EROSION. PERMITTEES MUST ESTABLISH A UNIFORM PERENNIAL VEGETATIVE COVER (I.E., EVENLY DISTRIBUTED, WITHOUT LARGE BARE AREAS) WITH A DENSITY OF 70 PERCENT OF THE NATIVE BACKGROUND VEGETATIVE COVER ON ALL AREAS NOT COVERED BY PERMANENT STRUCTURES, OR EQUIVALENT PERMANENT STABILIZATION MEASURES. PERMANENT COVER DOES NOT INCLUDE TEMPORARY BMPs SUCH AS WOOD FIBER BLANKET, MULCH, AND ROLLED EROSION CONTROL PRODUCTS. [MINN. R. 7090]

"PERMITTEES" MEANS THE PERSONS, FIRM, GOVERNMENTAL AGENCY, OR OTHER ENTITY IDENTIFIED AS THE OWNER AND OPERATOR ON THE APPLICATION SUBMITTED TO THE MPCA AND ARE RESPONSIBLE FOR COMPLIANCE WITH THE TERMS AND CONDITIONS OF THIS PERMIT. [MINN. R. 7090]

"PROJECT(S)" MEANS ALL CONSTRUCTION ACTIVITY PLANNED AND/OR CONDUCTED UNDER A PARTICULAR PERMIT. THE PROJECT OCCURS ON THE SITE OR SITES DESCRIBED IN THE PERMIT APPLICATION, THE SWPPP AND IN THE ASSOCIATED PLANS, SPECIFICATIONS AND CONTRACT DOCUMENTS. [MINN. R. 7090]

"PUBLIC WATERS" MEANS ALL WATER BASINS AND WATERCOURSES DESCRIBED IN MINN. STAT. SECT. 103G.005 SUBP. 15. [MINN. R. 7090]

"SEDIMENT CONTROL" MEANS METHODS EMPLOYED TO PREVENT SUSPENDED SEDIMENT IN STORMWATER FROM LEAVING THE SITE (E.G. SILT FENCES, COMPOST LOGS AND STORM DRAIN INLET PROTECTION). [MINN. R. 7090]

"STABILIZE", "STABILIZED", "STABILIZATION" MEANS THE EXPOSED GROUND SURFACE HAS BEEN COVERED BY APPROPRIATE MATERIALS SUCH AS MULCH, STAKED SOD, RIP-RAP, EROSION CONTROL BLANKET, MATS OR OTHER MATERIAL THAT PREVENTS EROSION FROM OCCURRING, GRASS SEEDING, AGRICULTURAL CROP SEEDING OR OTHER SEEDING ALONE IS NOT STABILIZATION. MULCH MATERIALS MUST ACHIEVE APPROXIMATELY 90 PERCENT GROUND COVERAGE (TYPICALLY 2 TON/ACRE). [MINN. R. 7090]

"STORMWATER" MEANS PRECIPITATION RUNOFF, STORMWATER RUNOFF, SNOWMELT RUNOFF, AND ANY OTHER SURFACE RUNOFF AND DRAINAGE. [MINN. R. 7090]

"STEEP SLOPES" MEANS SLOPES THAT ARE 1:3 (V:H) (33.3 PERCENT) OR STEEPER IN GRADE. [MINN. R. 7090]

"STORM WATER POLLUTION PREVENTION PLAN (SWPPP)" MEANS A PLAN FOR STORMWATER DISCHARGE THAT INCLUDES ALL REQUIRED CONTENT UNDER IN SECTION 5 THAT DESCRIBES THE EROSION PREVENTION, SEDIMENT CONTROL AND WASTE CONTROL BMPs AND PERMANENT STORMWATER TREATMENT SYSTEMS. [MINN. R. 7090]

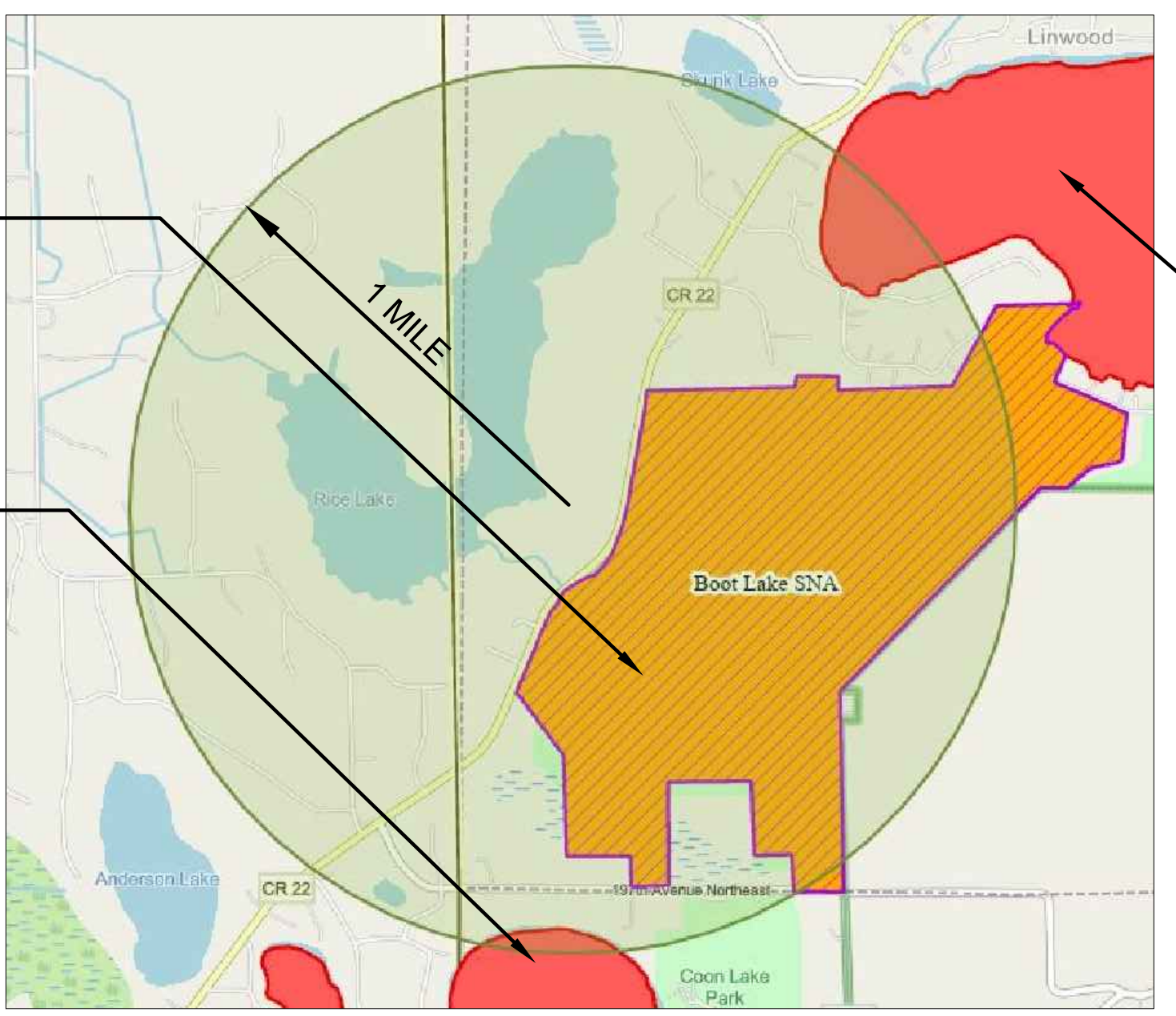
"SURFACE WATER OR WATERS" MEANS ALL STREAMS, LAKES, PONDS, MARSHES, WETLANDS, RESERVOIRS, SPRINGS, RIVERS, DRAINAGE SYSTEMS, WATERWAYS, WATERCOURSES, AND IRRIGATION SYSTEMS WHETHER NATURAL OR ARTIFICIAL, PUBLIC OR PRIVATE, EXCEPT THAT SURFACE WATERS DO NOT INCLUDE STORMWATER TREATMENT SYSTEMS CONSTRUCTED FROM UPLAND. THIS PERMIT DOES NOT CONSIDER STORMWATER TREATMENT SYSTEMS CONSTRUCTED IN WETLANDS AND MITIGATED IN ACCORDANCE WITH SECTION 22 AS SURFACE WATERS. [MINN. R. 7090]

"WATERS OF THE STATE" (AS DEFINED IN MINN. STAT. SECT. 115.01, SUBP. 22) MEANS ALL STREAMS, LAKES, PONDS, MARSHES, WATERCOURSES, WATERWAYS, WELLS, SPRINGS, RESERVOIRS, AQUIFERS, IRRIGATION SYSTEMS, DRAINAGE SYSTEMS AND ALL OTHER BODIES OR ACCUMULATIONS OF WATER, SURFACE OR UNDERGROUND, NATURAL OR ARTIFICIAL, PUBLIC OR PRIVATE, WHICH ARE CONTAINED WITHIN, FLOW THROUGH, OR BORDER UPON THE STATE OR ANY PORTION THEREOF. [MINN. STAT. 115.01, SUBP. 22]

"WATER QUALITY VOLUME" MEANS ONE (1) INCH OF RUNOFF FROM THE NET INCREASE IN IMPERVIOUS SURFACES CREATED BY THE PROJECT (CALCULATED AS AN INSTANTANEOUS VOLUME). [MINN. R. 7090]

"WETLANDS" (AS DEFINED IN MINN. R. 7050.0186, SUBP. 1A.B.) MEANS THOSE AREAS THAT ARE INUNDATED OR SATURATED BY SURFACE WATER OR GROUNDWATER AT A FREQUENCY AND DURATION SUFFICIENT TO SUPPORT, AND UNDER NORMAL CIRCUMSTANCES DO SUPPORT, A PREVALENCE OF VEGETATION TYPICALLY ADAPTED FOR LIFE IN SATURATED SOIL CONDITIONS. WETLANDS GENERALLY INCLUDE SWAMPS, MARSHES, BOGS, AND SIMILAR AREAS. CONSTRUCTED WETLANDS DESIGNED FOR WASTEWATER TREATMENT ARE NOT WATERS OF THE STATE. WETLANDS MUST HAVE THE FOLLOWING ATTRIBUTES:
1. A PREDOMINANCE OF HYDRIC SOILS; AND
2. INUNDATED OR SATURATED BY SURFACE WATER OR GROUNDWATER AT A FREQUENCY AND DURATION SUFFICIENT TO SUPPORT A PREVALENCE OF HYDROPHYTIC VEGETATION TYPICALLY ADAPTED FOR LIFE IN A SATURATED SOIL CONDITION; AND
3. UNDER NORMAL CIRCUMSTANCES SUPPORT A PREVALENCE OF SUCH VEGETATION. [MINN. R. 7050.0186, SUBP. 1A.B.]

MAP OF SURFACE WATERS



IMPAIRED LAKES: LINWOOD
ASSESSMENT UNIT: 02-0026-00
APPROVED TMDL PLAN FOR: NUTRIENTS; NUTRIENTS
ADDITIONAL IMPAIRMENTS: NONE
NEW IMPAIRMENTS: NONE

PLowe ENGINEERING, INC.
6776 LAKE DRIVE
LINO LAKES, MN 55014
PHONE: (651) 361-8210
FAX: (651) 361-1970

SITE PLANNING & ENGINEERING

DRAWN BY: AG
JOB NO.: 23-2085
CHECK BY: CHTP
DATE: 06/23

NO.	DATE	DESCRIPTION
1		
2		
3		
4		
5		
6		
7		
8		

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

Adam Ginkel
ADAM GINKEL
License No. 43863
Date: 06.28.2023

CLIFFS PETERSON RIDGE
LINWOOD TOWNSHIP, MN
SWPPP

PREPARED FOR: SHERO CONSTRUCTION



Anoka County

TRANSPORTATION DIVISION

Respectful, Innovative, Fiscally Responsible

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Fleet

Joe MacPherson, P.E.
Chief Officer, Transportation, County Engineer

Jerry Auge, P.E.
Department Director, Assistant County Engineer

EXCAVATOR AND OPERATOR NOTICE

This notice is for all excavators and operators applying for permits involving excavations - your obligations to comply with Minnesota State Statutes 216D are attached to this notice.

This notice is a requirement of State Statute 216D.02; Notice to Excavators and Operators.

Our Passion Is Your Safe Way Home

1440 Bunker Lake Boulevard N.W. ▲ Andover, MN 55304-4005
Office: 763-324-3100 ▲ Fax: 763-324-3020 ▲ www.anokacounty.us/highway

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216D.03 NOTIFICATION CENTER.

Subdivision 1. **Participation.** An operator shall participate in and share in the costs of one statewide notification center operated by a vendor selected under subdivision 2.

Subd. 2. **Establishment of notification center; rules.** (a) The notification center services must be provided by a nonprofit corporation approved in writing by the commissioner. The nonprofit corporation must be governed by a board of directors of up to 20 members, one of whom is the director of the Office of Pipeline Safety. The other board members must represent and be elected by operators, excavators, and other persons eligible to participate in the center. In deciding to approve a nonprofit corporation, the commissioner shall consider whether it meets the requirements of this paragraph and whether it demonstrates that it has the ability to contract for and implement the notification center service.

(b) The commissioner shall adopt rules:

(1) establishing a notification process and competitive bidding procedure for selecting a vendor to provide the notification service;

(2) governing the operating procedures and technology needed for a statewide notification center; and

(3) setting forth the method for assessing the cost of the service among operators.

(c) The commissioner shall select a vendor to provide the notification center service. The commissioner may advertise for bids as provided in section 16C.06, subdivisions 1 and 2, and base the selection of a vendor on best value as provided in section 16C.06, subdivision 6. The commissioner shall select and contract with the vendor to provide the notification center service, but all costs of the center must be paid by the operators. The commissioner may at any time appoint a task force to advise on the renewal of the contract or any other matter involving the center's operations.

(d) An operator may submit a bid and be selected to contract to provide the notification center service under paragraph (a) or (c). The commissioner shall annually review the services provided by the nonprofit corporation approved under paragraph (a) or the vendor selected under paragraph (c).

Subd. 3. **Cooperation with local government.** In establishing operating procedures and technology for the statewide notification center, the board of directors or the commissioner must work in cooperation with the League of Minnesota Cities, the Association of Minnesota Counties, and the Township Officers' Association. The purpose of this cooperation is to maximize the participation of local governmental units that issue permits for activities involving excavation to assure that excavators receive notice of and comply with the requirements of sections 216D.01 to 216D.07.

Subd. 4. **Notice to local government.** The notification center shall provide local governmental units with a master list, by county, of the operators in the county who are participants in the notification center, and the telephone number and mailing address of the notification center.

History: 1987 c 353 s 9; 1997 c 187 art 1 s 15; 1998 c 386 art 2 s 69

216D.04 EXCAVATION; LAND SURVEY.

Subdivision 1. **Notice required; contents.** (a) Except in an emergency, an excavator shall and a land surveyor may contact the notification center and provide notice at least 48 hours, excluding Saturdays, Sundays, and holidays and not more than 14 calendar days before beginning any excavation or boundary survey. An excavation or boundary survey begins, for purposes of this requirement, the first time excavation or a boundary survey occurs in an area that was not previously identified by the excavator or land surveyor in the notice.

(b) The notice may be oral or written, and must contain the following information:

- (1) the name of the individual providing the notice;
- (2) the precise location of the proposed area of excavation or survey;
- (3) the name, address, and telephone number of the individual or individual's company;
- (4) the field telephone number, if one is available;
- (5) the type and extent of the activity;
- (6) whether or not the discharge of explosives is anticipated;
- (7) the date and time when the excavation or survey is to commence; and
- (8) the estimated duration of the activity.

Subd. 1a. **Plans for excavation.** (a) Any person, prior to soliciting bids or entering into a contract for excavation, shall provide a proposed notice to the notification center to obtain from the affected operators of underground facilities the type, size, and general location of underground facilities. Affected operators shall provide the information within 15 working days. An operator who provides information to a person who is not a unit of government may indicate any portions of the information which are proprietary and may require the person to provide appropriate confidentiality protection. The information obtained from affected operators must be submitted on the final drawing used for the bid or contract and must depict the utility quality level of that information. This information must be updated not more than 90 days before completion of the final drawing used for the bid or contract.

(b) This subdivision does not apply to bids and contracts for:

- (1) routine maintenance of underground facilities or installation, maintenance, or repair of service lines;
- (2) excavation for operators of underground facilities performed on a unit of work or similar basis; or
- (3) excavation for home construction and projects by home owners.

(c) A person required by this section to show existing underground facilities on its drawings shall conduct one or more preliminary design meetings during the design phase to communicate the project design and coordinate utility relocation. Affected facility operators shall attend these meetings or make other arrangements to provide information.

(d) A person required by this section to show existing underground facilities on its drawings shall conduct one or more preconstruction meetings to communicate the project design and coordinate utility relocation. Affected facility operators and contractors shall attend these meetings or make other arrangements to provide information.

(e) This subdivision does not affect the obligation to provide a notice of excavation as required under subdivision 1.

Subd. 2. Duties of notification center; regarding notice. The notification center shall assign an inquiry identification number to each notice and retain a record of all notices received for at least six years. The center shall immediately transmit the information contained in a notice to every operator that has an underground facility in the area of the proposed excavation or boundary survey.

Subd. 3. Locating underground facility; operator. (a) Prior to the excavation start time on the notice, an operator shall locate and mark or otherwise provide the approximate horizontal location of the underground facilities of the operator and provide readily available information regarding the operator's abandoned and out-of-service underground facilities as shown on maps, drawings, diagrams, or other records used in the operator's normal course of business, without cost to the excavator. The excavator shall determine the precise location of the underground facility, without damage, before excavating within two feet of the marked location of the underground facility.

(b) Within 96 hours or the time specified in the notice, whichever is later, after receiving a notice for boundary survey from the notification center, excluding Saturdays, Sundays, and holidays, unless otherwise agreed to between the land surveyor and operator, an operator shall locate and mark or otherwise provide the approximate horizontal location of the underground facilities of the operator, without cost to the land surveyor.

(c) For the purpose of this section, the approximate horizontal location of the underground facilities is a strip of land two feet on either side of the underground facilities.

(d) Markers used to designate the approximate location of underground facilities must follow the current color code standard used by the American Public Works Association.

(e) If the operator cannot complete marking of the excavation or boundary survey area before the excavation or boundary survey start time stated in the notice, the operator shall promptly contact the excavator or land surveyor.

(f) After December 31, 1998, operators shall maintain maps, drawings, diagrams, or other records of any underground facility abandoned or out-of-service after December 31, 1998.

(g) An operator or other person providing information pursuant to this subdivision is not responsible to any person, for any costs, claims, or damages for information provided in good faith regarding abandoned, out-of-service, or private or customer-owned underground facilities.

Subd. 4. Locating underground facility; excavator or land surveyor. (a) The excavator or land surveyor shall determine the precise location of the underground facility, without damage, before excavating within two feet on either side of the marked location of the underground facility.

(b) If the excavator or land surveyor cancels the excavation or boundary survey, the excavator or land surveyor shall cancel the notice through the notification center.

(c) The notice is valid for 14 calendar days from the start time stated on the notice. If the activity will continue after the expiration time, then the person responsible for the activity shall serve an additional notice at least 48 hours, excluding Saturdays, Sundays, and holidays, before the expiration time of the original notice, unless the excavator makes arrangements with the operators affected to periodically verify or refresh the marks, in which case the notice is valid for six months from the start time stated on the notice.

(d) The excavator is responsible for reasonably protecting and preserving the marks until no longer required for proper and safe excavation near the underground facility. If the excavator has reason to believe the marks are obliterated, obscured, missing, or incorrect, the excavator shall notify the facility operator or notification center in order to have an operator verify or refresh the marks.

History: *1987 c 353 s 10; 1992 c 493 s 5; 1993 c 341 art 1 s 21; 1997 c 196 s 1; 1998 c 348 s 1-3; 2004 c 163 s 2-6*

216D.05 PRECAUTIONS TO AVOID DAMAGE.

An excavator shall:

- (1) plan the excavation to avoid damage to and minimize interference with underground facilities in and near the construction area;
- (2) use white markings for proposed excavations except where it can be shown that it is not practical;
- (3) maintain a clearance between an underground facility and the cutting edge or point of any mechanized equipment, considering the known limit of control of the cutting edge or point to avoid damage to the facility;
- (4) provide support for underground facilities in and near the construction area, including during backfill operations, to protect the facilities; and
- (5) conduct the excavation in a careful and prudent manner.

History: *1987 c 353 s 11; 1998 c 348 s 4; 2004 c 163 s 7*

216D.06 DAMAGE TO FACILITY.

Subdivision 1. **Notice; repair.** (a) If any damage occurs to an underground facility or its protective covering, the excavator shall notify the operator promptly. When the operator receives a damage notice, the operator shall promptly dispatch personnel to the damage area to investigate. If the damage results in the escape of any flammable, toxic, or corrosive gas or liquid or endangers life, health, or property, the excavator responsible shall immediately notify the operator and the 911 public safety answering point, as defined in section 403.02, subdivision 19, and take immediate action to protect the public and property. The excavator shall also attempt to minimize the hazard until arrival of the operator's personnel or until emergency responders have arrived and completed their assessment. The 911 public safety answering point shall maintain a response plan for notifications generated by this section.

(b) An excavator shall delay backfilling in the immediate area of the damaged underground facilities until the damage has been investigated by the operator, unless the operator authorizes otherwise. The repair of damage must be performed by the operator or by qualified personnel authorized by the operator.

(c) An excavator who knowingly damages an underground facility, and who does not notify the operator as soon as reasonably possible or who backfills in violation of paragraph (b), is guilty of a misdemeanor.

Subd. 2. **Cost reimbursement.** (a) If an excavator damages an underground facility, the excavator shall reimburse the operator for the cost of necessary repairs, and for a pipeline the cost of the product that was being carried in the pipeline and was lost as a direct result of the damage.

(b) Reimbursement is not required if the damage to the underground facility was caused by the sole negligence of the operator or the operator failed to comply with section 216D.04, subdivision 3.

Subd. 3. **Prima facie evidence of negligence.** It is prima facie evidence of the excavator's negligence in a civil court action if damage to the underground facilities of an operator resulted from excavation, and the excavator failed to give an excavation notice under section 216D.04 or provide support as required by section 216D.05.

History: 1987 c 353 s 12; 1999 c 43 s 1

216D.07 EFFECT ON LOCAL ORDINANCES.

(a) Sections 216D.01 to 216D.07 do not affect or impair local ordinances, charters, or other provisions of law requiring permits to be obtained before excavating.

(b) A person with a permit for excavation from the state or a public agency is subject to sections 216D.01 to 216D.07. The state or public agency that issued a permit for excavation is not liable for the actions of an excavator who fails to comply with sections 216D.01 to 216D.07.

History: *1987 c 353 s 13*

CHAPTER 7560
OFFICE OF PIPELINE SAFETY
EXCAVATION NOTICE SYSTEM

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7560.0100 DEFINITIONS.

Subpart 1. **Scope.** The terms used in this chapter have the meanings given them. Terms not defined in this part have the meanings given them in Minnesota Statutes, section 216D.01.

Subp. 1a. **Abandoned facility.** "Abandoned facility" means an underground facility that is no longer in service and is physically disconnected from a portion of the operating facility that is in use or still carries service. An abandoned facility has been deemed abandoned by the operator.

Subp. 2. **Director.** "Director" means the director of the Office of Pipeline Safety of the Minnesota Department of Public Safety.

Subp. 3. **Good cause to believe.** "Good cause to believe" means grounds put forth in good faith that are not arbitrary, irrational, unreasonable, or irrelevant and that are based on at least one of the following sources:

- A. information from a person;
- B. facts supplied by the notification center defined in Minnesota Statutes, section 216D.01, subdivision 8;
- C. facts of which the director or an agent of the director has personal knowledge; and
- D. information provided by excavators or operators.

Subp. 4. **Locate.** "Locate" means an operator's markings of an underground facility.

Subp. 5. [Renumbered as subp 8]

Subp. 5a. [Renumbered as subp 9]

Subp. 6. [Renumbered as subp 11]

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Subp. 7. **Meet.** When used as a noun in this chapter, "meet" refers to a meeting at the site of proposed excavation requested at the time of notice by the excavator with all affected underground facility operators to further clarify the precise geographic location of excavation, schedule locating, propose future contacts, and share other information concerning the excavation and facilities.

Subp. 8. **Office.** "Office" means the Office of Pipeline Safety of the Minnesota Department of Public Safety.

Subp. 9. **Out-of-service facility.** "Out-of-service facility" means an underground facility that is no longer maintained and is not intended for future use, but has not been deemed abandoned. An out-of-service facility may still be connected to a portion of the operating facility that is in use or still carries service.

Subp. 10. **Public right-of-way.** "Public right-of-way" means the area on, below, or above a public roadway, highway, street, cartway, bicycle lane, and sidewalk in which a government unit has an interest, including other rights-of-way dedicated for travel purposes and utility easements of government units.

Subp. 11. **Remuneration.** "Remuneration" means direct or indirect compensation or consideration paid to the person or the person's agent, employer, employee, subcontractor, or contractor. A person who excavates as part of the person's duties as an employee, employer, agent, subcontractor, or contractor is considered to be acting for remuneration.

Subp. 12. **Service lateral.** "Service lateral" means an underground facility that is used to transmit, distribute, or furnish gas, electricity, communications, or water from a common source to an end-use customer. A service lateral is also an underground facility that is used in the removal of wastewater from a customer's premises.

Statutory Authority: *MS s 14.06; 216D.08; 299F.56; 299F.60; 299F.641; 299J.04*

History: *16 SR 135; 24 SR 448; 29 SR 1503*

Published Electronically: *July 20, 2005*

7560.0125 ABANDONED AND OUT-OF-SERVICE FACILITIES.

Subpart 1. **Duty of operators to provide readily available information.** Operators shall provide readily available information, as shown on maps, drawings, diagrams, or other records used in the normal course of business, on the approximate location of abandoned and out-of-service facilities to an excavator by the excavation date and time noted on the excavation or location notice unless otherwise agreed between the excavator and the operator. An operator fulfills an obligation to provide information on these facilities by doing one or more of the following:

- A. locating and marking the approximate location of the facility according to the current color code standard used by the American Public Works Association, as required in Minnesota Statutes, section 216D.04, subdivision 3, with an abandoned or out-of-service facility identified by an uppercase A surrounded by a circle;
- B. providing informational flags at the area of proposed excavation;
- C. communicating information verbally; or
- D. providing copies of maps, diagrams, or records.

Subp. 2. **Duty to notify operator.** An excavator shall notify the operator:

A. before moving, removing, or otherwise altering a facility that is thought to be abandoned or out of service; or

B. if damage to the facility occurs, pursuant to Minnesota Statutes, section 216D.01, subdivision 2.

Subp. 3. **Verification of abandoned or out-of-service facility.** Upon receipt of notification by an excavator pursuant to subpart 2, an operator shall verify that an underground facility is abandoned or out of service, by either reference to installation records, testing, or other comparable standard of verification, before an excavator is allowed to move, remove, or otherwise alter an underground facility.

Subp. 4. **Liability.** An operator providing information pursuant to Minnesota Statutes, section 216D.04, subdivision 3, is not responsible to any person for any costs, claims, or damages for information provided in good faith regarding abandoned and out-of-service underground facilities.

Statutory Authority: *MS s 14.06; 216D.08; 299J.04; 299F.60*

History: *24 SR 448*

Published Electronically: *July 20, 2005*

7560.0150 PUBLIC RIGHT-OF-WAY MAPPING AND INSTALLATION.

Subpart 1. **Duty of operator to map.** After December 31, 2005, an operator shall maintain a map, a diagram, a drawing, or geospatial information regarding the location of its underground facility within a public right-of-way installed after that date.

Subp. 2. **Duty to install locating wire.** After December 31, 2005, an operator shall install a locating wire or have an equally effective means of marking the location of each nonconductive underground facility within a public right-of-way installed after that date. This requirement does not apply when making minor repairs to an existing nonconductive facility. As applied to this chapter, "minor repairs" means repairs to or partial replacement of portions of existing service laterals located within a public right-of-way for purposes of routine maintenance and upkeep.

Statutory Authority: *MS s 299J.04*

History: *29 SR 1503*

Published Electronically: *July 20, 2005*

7560.0200 [Repealed, 24 SR 448]

Published Electronically: *July 20, 2005*

7560.0225 EXCAVATOR RESPONSIBILITIES REGARDING A LOCATE.

Subpart 1. [Repealed, 29 SR 1503]

Subp. 2. **Responsibility to protect and preserve.** The excavator is responsible for reasonably protecting and preserving a locate until no longer required for proper and safe excavation near the underground facility. If the excavator has reason to believe a locate is obliterated, obscured, missing, or incorrect, the excavator shall notify the facility operator or notification center in order to have an operator verify, refresh, or re-mark the locate.

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Subp. 3. **Use of locate.** A locate is valid for 14 days from the excavation commencement time stated on the excavation or location notice, unless the excavator has made previous arrangements with the operators affected to periodically verify, refresh, or re-mark the locate.

Statutory Authority: *MS s 14.06; 216D.08; 299J.04; 299F.60*

History: *24 SR 448; 29 SR 1503*

Published Electronically: *July 20, 2005*

7560.0250 LOCATE STANDARDS.

Subpart 1. **Facility locate.** Unless otherwise agreed to between the excavator and operator, an operator shall locate an underground facility using stakes, flags, paint, or other suitable materials in varying combinations dependent upon the surface. The locate must be in sufficient detail to clearly identify the approximate route of the underground facility. The locate must also include:

- A. name, abbreviation, or logo of the operator when more than one operator listed on the notice uses the same color markings;
- B. width of the underground facility if it is greater than eight inches; and
- C. number of underground facilities if greater than one.

Subp. 2. **Operator duties in no conflict situation.** After December 31, 2005, an operator who receives notice and determines that an underground facility is not in conflict with the proposed excavation shall complete one or more of the following:

- A. mark the area "NO" followed by the operator's name, abbreviation, or logo in the color code of the underground facility not in conflict;
- B. place a clear plastic flag at the area that:
 - (1) states "N/C" or "NO CONFLICT" in lettering matching the color code of the underground facility that is not in conflict; and
 - (2) includes the operator's name, abbreviation, or logo, the date, a contact telephone number, and the ticket number; or
- C. contact the notification center through procedures required by the notification center and indicate that there are no underground facilities in conflict with the proposed excavation and that no markings or flags were left at the proposed excavation site.

Subp. 3. **Placement of flags or markings.** If using N/C (no conflict) flags or markings pursuant to subpart 2, an operator shall place the flags or markings in a location that can be readily observed by an excavator. When an area of proposed excavation is delineated by the use of white markings, an operator shall place the N/C flags or markings within, or as near as practicable to, the delineated area.

Subp. 4. **Duties of notification center.** After December 31, 2005, the notification center shall make the information received under subpart 2 available to the excavator before the start date and time on the notice. The notification center may fulfill this requirement by making the information accessible through one or more Internet addresses, by transmitting the information to a continuously working facsimile machine maintained by the excavator, or by other methodology developed by the notification center. The notification center shall make available the information received by operators pursuant to this section through

an electronic means. The notification center is not required by this subpart to contact an excavator verbally via telephone.

Statutory Authority: *MS s 299J.04*

History: *29 SR 1503*

Published Electronically: *July 20, 2005*

7560.0300 OPERATOR PARTICIPATES AND SHARES COSTS.

An operator shall participate in and share the costs of the one call excavation notice system by:

- A. submitting the information required by the notification center to allow the center to notify the operator of excavation activity;
- B. updating the information provided to the notification center on a timely basis;
- C. installing and paying for equipment reasonably requested by the notification center to facilitate receipt of notice of excavation from the center;
- D. paying the costs charged by the notification center on a timely basis; and
- E. receiving and responding to excavation notices, including emergency notices, as required by Minnesota Statutes, chapter 216D.

Statutory Authority: *MS s 14.06; 216D.08; 299F.56; 299F.641*

History: *16 SR 135*

Published Electronically: *July 20, 2005*

7560.0325 EMERGENCY EXCAVATION NOTICES.

Subpart 1. **Duty of excavator to provide notice.** An excavator shall provide notice to the notification center before commencing an emergency excavation, unless subpart 2 applies. All emergency notices, regardless whether made prior to excavation, must be verbal or in a manner accepted by the notification center. In addition to the information required by the notification center, the notice must also contain:

- A. a description of the situation requiring the emergency excavation;
- B. the precise location of the proposed area of the emergency excavation;
- C. at least one continuously staffed telephone number where the excavator can be contacted by the operator throughout the emergency; and
- D. the excavation start date and time if the need for excavation is not immediate.

Subp. 2. **Excavating before notice.** If an emergency is such that providing notice or waiting for an operator would result in an undue risk to life, health, or significant loss of property, the excavator may excavate without providing prior notice or waiting for an operator to mark an underground facility. In this situation, the excavator shall provide notice as soon as practicable and take all reasonable precautions to avoid or minimize damage. Excavation prior to notice under this subpart does not relieve an excavator from any responsibility for damage to an underground facility pursuant to Minnesota Statutes, section 216D.06.

Subp. 3. **Emergency notice requesting immediate response.** Upon receiving an emergency excavation notice requesting an immediate response, an operator shall:

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A. attempt to contact the excavator within one hour at the telephone number provided in subpart 1, item C, to provide any information concerning facilities at or near the area of excavation including an anticipated response time; and

B. locate and mark the underground facility within three hours of notice unless:

- (1) otherwise agreed between the parties;
- (2) the operator notifies the excavator that not locating does not present an immediate danger to life or health, or a significant loss of property; or
- (3) there is an event or situation that cannot be reasonably anticipated or controlled by the operator.

Subp. 4. **Emergency notice requesting scheduled response.** Upon receiving an emergency excavation notice that does not require an immediate response, and before the scheduled excavation start date and time, an operator shall:

A. locate and mark the underground facility, unless otherwise agreed between the parties; or

B. notify the excavator at the telephone number provided in subpart 1, item C, that there is not an underground facility within the area of proposed excavation.

For purposes of this subpart, a requested start time of three hours or less from the time notice is provided to the center is considered an emergency notice requesting immediate response under subpart 3.

Statutory Authority: *MS s 299J.04*

History: *29 SR 1503*

Published Electronically: *July 20, 2005*

7560.0350 EXCAVATION NOTICE REQUESTING MEET.

Subpart 1. **Excavator duties.** When requesting a meet through the notification center, an excavator must provide at least one contact name and telephone number to assist in facilitating the meet. An excavator shall contact the notification center to cancel or reschedule the meet and the notification center shall relay this information to the affected operators. When a meet is requested, an excavator's notice must include the entire geographic area of the proposed excavation and the specific location of the meet. This part does not relieve an excavator from the duty to provide a precise geographic location of the proposed area of excavation, or to use white markings except where it can be shown that to do so is not practical.

Subp. 2. **Operator duties.** When a meet is requested, an affected operator shall make a reasonable effort to attend the meet at the proposed date and time, or contact the excavator before the meet and reschedule for a mutually agreed date and time.

Subp. 3. **Excavation start date and time.** When a meet is requested, the meet date and time must be at least 48 hours after notice is provided, excluding Saturdays, Sundays, and holidays, and the excavation start date and time must be at least 24 hours after the proposed meet date and time specified on the notice, excluding Saturdays, Sundays, and holidays. This subpart does not apply if these matters are provided for in a written agreement with all affected operators.

Subp. 4. **Meet request documentation.** An excavator shall maintain written documentation of each meet with an underground facility operator or representative. This documentation must be kept for the duration of the excavation conducted under the notice. The documentation must include:

- A. the date and time of each meet;
- B. the names, company affiliations, and contact information of the attendees of each meet;
- C. a diagram, sketch, or description of the precise excavation locations, dates, and times; and
- D. the agreed schedule of any future meets or communications.

Statutory Authority: *MS s 299J.04*

History: *29 SR 1503*

Published Electronically: *July 20, 2005*

7560.0375 LOCATING A SERVICE LATERAL.

Subpart 1. **Operator duties.** Unless otherwise agreed, an underground facility operator shall locate a service lateral before the start date and time on the notice and in accordance with items A through C:

A. An operator of a natural gas, propane, or electric facility shall locate a service lateral up to the meter or the connection to a customer's underground facility, whichever is closer to the end-use customer. If the meter or connection to the customer's underground facility is within a public right-of-way, at a minimum the operator shall locate that portion of the service lateral within the public right-of-way up to the point where the service lateral first leaves the public right-of-way.

B. An operator of a communication facility shall locate a service lateral up to the entry of the first building. If the service lateral does not enter a building, the operator shall locate up to the utilization equipment, fence, or wall that surrounds the equipment.

C. After December 31, 2005, an operator of a sewage or water facility, at a minimum, shall locate that portion of the service lateral within a public right-of-way installed after that date up to the point where the service lateral first leaves the public right-of-way. The operator shall either locate or provide information as shown on maps, drawings, diagrams, or other records, on the location of a sewer or water service lateral installed before January 1, 2006. If no information is available on a sewer or water service lateral installed before January 1, 2006, then notifying the excavator that no information exists fulfills the requirements of this section.

Subp. 2. **Exception.** An operator is not required to locate a service lateral of a customer who currently participates in the statewide notification system, provided the customer and operator mutually agree that the customer will assume locate responsibilities. The agreement must be in writing.

Statutory Authority: *MS s 299J.04*

History: *29 SR 1503*

Published Electronically: *July 20, 2005*

7560.0400 CITATIONS.

Subpart 1. **Notice of violation.** The office shall issue a notice of probable violation when the office has good cause to believe a violation of Minnesota Statutes, sections 216D.01 to 216D.09 or this chapter has occurred.

Subp. 2. **Contents of notice of violation.** A notice of violation must include:

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- A. a statement of the statute or rule allegedly violated by the person and a description of the evidence on which the allegation is based;
- B. notice of response options available to the person cited;
- C. notice that the person has 30 days in which to respond;
- D. notice that failure to respond within 30 days precludes administrative review under this chapter; and
- E. if a civil penalty is proposed, the amount of the proposed civil penalty and the maximum civil penalty applicable under law.

Subp. 3. **Receipt of notice.** The notice of violation is deemed received three days after mailing to the person's last known address.

Statutory Authority: *MS s 14.06; 216D.08; 299F.56; 299F.60; 299F.641; 299J.04*

History: *16 SR 135; 24 SR 448*

Published Electronically: *July 20, 2005*

7560.0500 RESPONSE OPTIONS.

The person shall respond to the notice of violation in the following way:

- A. When the notice contains a proposed compliance order, the person shall:
 - (1) agree to the proposed compliance order;
 - (2) request the execution of a consent order;
 - (3) object to the proposed compliance order and submit written explanations, information, or other materials in answer to the allegations in the notice; or
 - (4) request the office to initiate a hearing under Minnesota Statutes, sections 14.50 to 14.69.
- B. When the notice contains a proposed civil penalty, the person shall:
 - (1) pay the penalty and close the case;
 - (2) submit an offer in compromise of the proposed civil penalty;
 - (3) submit a written explanation, information, or other material in answer to the allegations or in mitigation of the proposed civil penalty; or
 - (4) request the office to initiate a hearing under Minnesota Statutes, sections 14.50 to 14.69.
- C. Failure to respond in writing within 30 days precludes administrative review under this chapter. A final order will be issued and penalties will be forwarded for collection.

Statutory Authority: *MS s 14.06; 216D.08; 299F.56; 299F.60; 299F.641; 299J.04*

History: *16 SR 135; 24 SR 448*

Published Electronically: *July 20, 2005*

7560.0600 DIRECTOR REVIEW.

If the person objects to the proposed civil penalty or compliance order and submits written explanations, information, or other materials in response to a notice of violation, within the time specified in part 7560.0500, the director shall review the submissions and determine whether to negotiate further, to change or withdraw the notice of violation, or to initiate a hearing under Minnesota Statutes, sections 14.50 to 14.69.

Statutory Authority: *MS s 14.06; 216D.08; 299F.56; 299F.60; 299F.641; 299J.04*

History: *16 SR 135; 24 SR 448*

Published Electronically: *July 20, 2005*

7560.0700 CONSENT ORDER.

An executed consent order must contain:

- A. an admission by the person of the jurisdictional facts;
- B. a waiver of further procedural steps and the right to seek judicial or administrative review or otherwise challenge or contest the validity of the consent order; and
- C. an agreement that the notice of violation may be used to construe the terms of the consent order.

Statutory Authority: *MS s 14.06; 216D.08; 299F.56; 299F.641*

History: *16 SR 135*

Published Electronically: *July 20, 2005*

7560.0800 CIVIL PENALTIES.

Subpart 1. **Proceedings against excavators.** When the office has good cause to believe that an excavator is engaging or has engaged in conduct that violates Minnesota Statutes, section 216D.04, subdivision 1, 2, or 3; 216D.05, clause (1), (2), (3), or (4); or 216D.06, subdivision 1, or a rule adopted under Minnesota Statutes, section 216D.08, subdivision 4, the office, if appropriate, shall negotiate a civil penalty under Minnesota Statutes, section 216D.08, subdivision 2. A penalty imposed under Minnesota Statutes, section 216D.08, is subject to the contested case and judicial review provisions of Minnesota Statutes, chapter 14. An operator who engages or has engaged in excavation that violates Minnesota Statutes, chapter 216D, is subject to the proceedings specified in subpart 2 and is subject to the penalties specified in subpart 4, item B or C.

Subp. 2. **Proceedings against underground facility operators.** The office may negotiate a civil penalty under item A or B.

A. When the office has good cause to believe that an underground facility operator, other than an operator set forth in item B, is engaging or has engaged in conduct that violates Minnesota Statutes, sections 216D.01 to 216D.07, or a rule adopted under Minnesota Statutes, section 216D.08, subdivision 4, the office, if appropriate, shall negotiate a civil penalty under Minnesota Statutes, section 216D.08, subdivision 2. A penalty imposed under Minnesota Statutes, section 216D.08, is subject to the contested case and judicial review provisions of Minnesota Statutes, chapter 14.

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B. When the office has good cause to believe that an operator who engages in the transportation of gas or hazardous liquids or who owns or operates a gas or hazardous liquid pipeline facility is engaging or has engaged in conduct that violates Minnesota Statutes, sections 299F.56 to 299F.641, or a rule adopted under Minnesota Statutes, section 299F.60, subdivision 5, the office, if appropriate, shall negotiate a civil penalty under Minnesota Statutes, section 299F.60, subdivision 2. A penalty imposed under Minnesota Statutes, section 299F.60, is subject to the contested case and judicial review provisions of Minnesota Statutes, chapter 14.

Subp. 3. **Assessment considerations.** In assessing a civil penalty under this part, the office shall consider the following factors:

- A. the nature, circumstances, and gravity of the violation;
- B. the degree of the person's culpability;
- C. the person's history of previous offenses;
- D. the person's ability to pay;
- E. good faith on the part of the person in attempting to remedy the cause of the violation;
- F. the effect of the penalty on the person's ability to continue in business; and
- G. past reports of damage to an underground facility by a person.

Subp. 4. **Maximum penalties.** For the purposes of this part, penalties imposed under this part must not exceed the limits in items A to C.

A. Penalties imposed against excavators must not exceed \$1,000 for each violation per day of violation.

B. Penalties imposed against underground facility operators, other than an operator set forth in item C, must not exceed \$1,000 for each violation per day of violation.

C. Penalties imposed against an operator who engages in the transportation of gas or hazardous liquids or who owns or operates a gas or hazardous liquid pipeline facility must not exceed \$10,000 for each violation for each day that the violation persists, except that the maximum civil penalty must not exceed \$500,000 for a related series of violations.

Subp. 5. **Payment procedure.** The person shall pay a civil penalty that has been proposed, assessed, or compromised by submitting to the office a check or money order in the correct amount, payable to the commissioner of public safety.

Statutory Authority: *MS s 14.06; 216D.08; 299F.56; 299F.60; 299F.641; 299J.04*

History: *16 SR 135; 24 SR 448*

Published Electronically: *July 20, 2005*

Certificate Of Completion

Envelope Id: 5CB0775E53DE4A3F9FE8D716EA13F683	Status: Completed
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Thomas A Carlisle
 tom.carlisle@shercohomebuilders.com
 Security Level:
 DocuSign.email
 ID: 1
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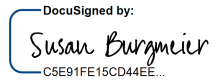
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Susan Burgmeier
 Susan.Burgmeier@co.anoka.mn.us
 Associate Traffic Technician
 Anoka County
 Signing Group: Highway Permits
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In Person Signer Events	Signature	Timestamp
Editor Delivery Events	Status	Timestamp
Agent Delivery Events	Status	Timestamp
Intermediary Delivery Events	Status	Timestamp
Certified Delivery Events	Status	Timestamp
Carbon Copy Events	Status	Timestamp
Witness Events	Signature	Timestamp
Notary Events	Signature	Timestamp

Envelope Summary Events	Status	Timestamps
Envelope Sent	Hashed/Encrypted	9/12/2023 3:42:05 PM
Envelope Updated	Security Checked	9/13/2023 9:03:33 AM
Certified Delivered	Security Checked	9/18/2023 1:56:27 PM
Envelope Updated	Security Checked	9/20/2023 6:23:53 AM
Signing Complete	Security Checked	9/20/2023 6:23:53 AM
Completed	Security Checked	9/20/2023 6:23:53 AM

Payment Events	Status	Timestamps
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Phone: (763)-324-4110

Address: Anoka County Government Center
Attn: Information Technology, #300
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Anoka, MN 55303

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