**CITY OF ST. FRANCIS**

**ST. FRANCIS, MN**

**ANOKA COUNTY**

**ORDINANCE 314**

**AN ORDINANCE AMENDING CHAPTER 10, DIVISION 8, SECTION 10-82-04. STORMWATER POLLUTION PREVENTION FOR LARGE SITES – 2nd READING**

THE CITY COUNCIL OF THE CITY OF ST. FRANCIS, ANOKA COUNTY, MINNESOTA, ORDAINS:

Changes in the following sections are denoted with and underline for new text or ~~strikethrough~~ for ~~deleted language~~.

Section 1. Code Amended. That Chapter 10, Section 10-82-04 shall hereby be amended to read as follows:

~~3. Infiltration prohibited. Infiltration shall be prohibited if one or more of the following circumstances are present:~~

~~a. The site is required to obtain a NPDES/SDS Industrial Stormwater Permit and the permit prohibits infiltration;~~

~~b. Where vehicle fueling and maintenance occur;~~

~~c. Less than three (3) feet of separation is present from the bottom of the infiltration practice to the elevation of the seasonally saturated soils or top of bedrock;~~

~~d. Where high levels of contaminants in the soil or groundwater will be mobilized by infiltrating stormwater;~~

~~e. e. Where the soil infiltration rates are more than 8.3 inches per hour unless soils are amended to slow the infiltration rate below 8.3 inches per hour;~~

~~f. f. In soils of predominately Hydrologic Soil Group D (clay) soils.~~

~~4. Infiltration restricted. Higher engineering review shall be required when the infiltration device will be constructed in areas:~~

~~a. Within a Drinking Water Supply Management Area (DWSMA) as defined in Minn R. 4720.5100, subp. 13;~~

~~b. Other areas as determined by the City Engineer.~~

3. Infiltration systems must be prohibited when the system would be constructed in areas:

a. that receive discharges from vehicle fueling and maintenance areas, regardless of the amount of new and fully reconstructed impervious surface;

b. where high levels of contaminants in soil or groundwater may be mobilized by the infiltrating stormwater. To make this determination, the owners and/or operators of construction activity must complete the MPCA's site screening assessment checklist, which is available in the Minnesota Stormwater Manual, or conduct their own assessment. The assessment must be retained with the site plans;

c. where soil infiltration rates are more than 8.3 inches per hour unless soils are amended to slow the infiltration rate below 8.3 inches per hour;

d. with less than three (3) feet of separation distance from the bottom of the infiltration system to the elevation of the seasonally saturated soils or the top of bedrock;

e. of predominately Hydrologic Soil Group D (clay) soils;

f. in an Emergency Response Area (ERA) within a Drinking Water Supply Management Area (DWSMA) as defined in Minn. R. 4720.5100, Subp. 13, classified as high or very high vulnerability as defined by the Minnesota Department of Health;

g. in an ERA within a DWSMA classified as moderate vulnerability unless the permittee performs or approves a higher level of engineering review sufficient to provide a functioning treatment system and to prevent adverse impacts to groundwater;

h. outside of an ERA within a DWSMA classified as high or very high vulnerability unless the permittee performs or approves a higher level of engineering review sufficient to provide a functioning treatment system and to prevent adverse impacts to groundwater;

i. within 1,000 feet up-gradient or 100 feet down gradient of active karst features; or

j. that receive stormwater runoff from these types of entities regulated under NPDES for industrial stormwater: automobile salvage yards; scrap recycling and waste recycling facilities; hazardous waste treatment, storage, or disposal facilities; or air transportation facilities that conduct deicing activities.

~~5.~~4. For projects where site constraints limit the ability to provide the required control practices within the project boundary; the project shall provide for downstream improvements for that portion that cannot be treated within the project boundaries. Such projects may include:

a. Linear projects where reasonable effort has been made to obtain sufficient right-of-way to install required control practices and said efforts have been unsuccessful;

b. Sites where infiltration is prohibited;

c. Other locations as determined by the City.

~~6.~~5. Sequencing. Projects that cannot fully meet the stormwater requirements of this Part must demonstrate the site constraints through a sequencing analysis subject to review and approval of the City Engineer. Prior to consideration of off-site mitigation, the applicant must demonstrate on-site treatment to the maximum extent practicable given the site constraints.

~~7.~~6. Projects that have made reasonable effort but have been unable to fully meet volume, total suspended solids and total phosphorus requirements within the project limits may, upon authorization by the City, utilize the following methods to meet that portion not met onsite:

a. Provide treatment that yields the same benefits in an offsite location to the same receiving water that receives runoff from the project site. If this is not feasible then;

b. Provide treatment that yields the same benefits in an offsite location within the same Minnesota Department of Natural Resources catchment area as the project site. If this is not feasible then;

c. Provide treatment that yields the same benefits in an offsite location within an adjacent Minnesota Department of Natural Resources catchment area up-stream of the project site. If this is not feasible then;

d. Provide treatment that yields the same benefits at a site approved by the City.

e. Offsite mitigation authorized by the City shall be completed within 24-months of the beginning of construction on the permitted site.

~~8.~~7. Applicants shall provide documentation showing compliance with the rate and quality requirements of this Part. Acceptable documentation shall be:

a. For Rate and Volume. Calculations shall be by a methodology listed in the Minnesota Pollution Control Agency's publication, "The Minnesota Stormwater Manual" or other method approved by the City.

b. For total suspended solids and total phosphorus: Calculations shall be done using the Minimal Impact Design Standards (MIDS) Calculator available on the MPCA website, P8 or other method approved by the City.

c. Prepared and certified by a Professional Engineer.

Section 2. Effective Date. This Ordinance shall take effect thirty days after publication.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF ST. FRANCIS THIS 15th DAY OF MAY, 2023.

APPROVED:

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Steven D. Feldman, Mayor

ATTEST:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Jennifer Wida, City Clerk

(seal)