

Notes for Utility Stakeholder Meeting 11/18/03

Common themes:

- What can we do to help all parties comply?
- Common plan of development – clarity and notification.
- Utility specific BMPs.
- Training/education needed.

- Discussed deleting the reference to utility “service” lines. This terminology follows federal regulations.
- Discussed deleting the reference to “residential and commercial”. Do not want to accidentally exclude future potential regulated parties by limiting rule language to include only residential and commercial utility service lines (i.e. EPA postponed Phase II storm water permit deadline for construction activity of one to five acres associated with oil and gas industry). Address exclusion issue in SONAR.
- Existing problem - How to find a SWPPP? How does a utility know that a SWPPP exists? How does a utility know if they are discharging to a special water?
- Regulated parties need a choice – obtain permit coverage or follow SWPPP for project site.
- For < 1 acre projects on common plan of development site, if first on site, what’s required?
- Performance specifications in rule vs. permit coverage.
- SDS portion of construction general storm water permit, utility installation, and groundwater protection.
- Request for additional rule language under item C to address consequences if contractor is not compliant with rule – accountability issue. Site enforcement statute (Minn. Stat. § 115.03) in rule - do we/can we explicitly state in rule or do we need to address in SONAR? Need to check with AG on this.
- Revise item C.4. to more closely follow the inspection/maintenance requirements in the construction general storm water permit (Part IV.E.4.)
- Give contractor a measure to determine if a permit is required - methodology to calculate area of disturbance (i.e. slope, trench width, season, discharge to special water).
- Define disturbance – necessary prior to completion of rule.
- Current permit options are general and individual permits – what about an annual permit to cover similar activities over a one year period?
- Timing issue – need to address when activity occurs on a common plan of development, on a project site < 1 acre, prior to permit coverage for the site.
- When no permit or plan exists: de-minimus, BMP manual for utilities?
- How do you determine if your project is part of a common plan of development? Ask – Why are you doing project? Education and guidance needed.

Items on the table:

- Keith's proposed alternative language
- Specifying conditions of "disturbance" / performance specs (e.g. linear feet impact specs)
- Resting "what if"
- Consequences/enforceability (e.g. 7 days vs. immediate)
- Training

Suggested rule language:

- Project sites > 1 acre
 - Obtain permit coverage, OR
 - Follow SWPPP for the site

- Project sites < 1 acre on a common plan of development
 - Obtain permit coverage, OR
 - Follow rule requirements - currently identified in item C.1-4 (*i.e. if you follow the specific requirements in the rule, then no permit application required*).
 - Need future guidance (i.e. utility BMP plan, fact sheet) to supplement rule – MPCA or utility?
 - Meet Appendix A requirements, if applicable.
 - Need EPA buy-in.