**Revised OPTION A Draft Performance Goal for Sites with Restrictions**

For sites with restrictions and when volume reduction BMPs cannot achieve the MIDS new development performance goal, the MIDS Flexible Treatment Performance Goal is to achieve **a stormwater volume reduction of .55 inches of runoff from impervious surfaces or to the maximum extent practicable or** 75% removal of the annual TP load.

1. First, the applicant shall comply with the stormwater volume reduction MIDS New Development Performance Goal of **.55 inches of runoff from impervious surfaces or** to the maximum extent practicable on site through volume reduction methods such as infiltration, reuse/harvesting, and evapotranspiration as feasible.
2. Secondary preference is to employ filtration followed by more common (rate control) BMPs to achieve this standard.

For instances where this is not feasible and prudent due to site constraints and regional treatment limitations or excessive costs (as determined by the local authority), then equivalent off-site mitigation (including banking or cash, as determined by local authority) can be used so as to protect the downstream water body that would receive the site runoff. Off-site compliance and banking credits shall be achieved in the following sequence:

(i) within the same direct tributary area; or
(ii) within the same MDNR catchment basin; or
(iii) within the next MDNR catchment upstream

This flexible treatment goal, in tandem with the MIDS New Development Performance Goal, is being proposed to satisfy prudent and feasible in the context of antidegradation applications for Minnesota Stormwater management.

**OPTION B (Antidegradation)**
**Draft Performance Goal for Sites with Restrictions**

For sites with restrictions and when MIDS BMPs cannot achieve the MIDS new development performance goal, the applicant shall provide an evaluation of alternatives that avoid and minimize net increases in loading or otherwise avoid and minimize degradation of receiving waters through prudent and feasible prevention, treatment or mitigation offsets. Where receiving waters are of high water quality and there are no prudent and feasible alternatives that would avoid net increases in loading or would otherwise avoid degradation, the applicant shall identify prudent and feasible alternatives that result in the least degradation to receiving waters.

[Bruce's Notes: there are a couple of options for review of this analysis. I do not have a resolution for public noticing of the conclusions at this point. Also, if water is impaired but no TMDL has been completed, cannot add to the loading/impairment. ]

Alternatives for evaluation must include, but are not limited to:

- practices that incorporate pollution prevention techniques;
- additional or enhanced treatment levels;
- reduction in the scale of the activity;
- discharge to alternative locations;
- mitigation offsets;
- recycle/reuse of pollutants and water;
- improved operation and maintenance of existing pollution prevention and treatment systems;
- seasonal or controlled discharge options to avoid adverse water quality impacts at critical conditions of the receiving waters;
- establishing buffer areas; and
- land application and infiltration to capture pollutants and reduce surface runoff.

The applicant shall provide a statement describing the design parameters, expected performance, construction, operation and maintenance costs, and reliability of:

- the alternative necessary to avoid net increase in loading; and
- where there are no prudent and feasible alternatives that would avoid net increases in loading, the alternative determined to be prudent and feasible which results in the least degradation. MPCA have to review?

The local authority shall make a preliminary determination of whether and to what extent water quality will be lowered based upon information presented. Where the proposed activity would result in the lowering of high water quality, the applicant must show how the activity by itself or in conjunction with other regulated activities will not impact existing and outstanding resource value waters.

**OPTION C (Limited Volume Control Option)**
**Draft Performance Goal for Sites with Restrictions**

For sites with restrictions and when BMPs cannot achieve the MIDS new development performance goal, the MIDS Flexible Treatment Performance Goal is to provide for stormwater volume runoff control to the greatest extent feasible, and at least 0.55 inches times the new impervious surfaces, and phosphorus control in an amount equivalent to that which would be achieved through volume control of 1.1 inch times the site's new impervious surfaces.

For instances where this is not feasible and prudent due to site constraints (e.g. contaminated sites) and regional treatment limitations or excessive costs (as determined by the local authority), then equivalent off-site mitigation (including banking or cash, as determined by local authority) can be used so as to protect the downstream water body that would receive the site runoff. Off-site compliance and banking credits shall be achieved in the following sequence:

(i) within the same MDNR catchment basin or the next MDNR catchment upstream .

This flexible treatment goal, in tandem with the MIDS New Development Performance Goal, is being proposed to satisfy prudent and feasible in the context of antidegradation applications for Minnesota Stormwater management.