



**DRAFT RULES &  
REGULATIONS**

**DRAFT DATE:  
AUGUST 2010**

**PUBLIC HEARING:  
AUGUST 24TH ~ 8:30 P.M.  
GLENCOE CITY HALL**

# BUFFALO CREEK WATERSHED DISTRICT ADMINISTRATIVE RULES

Needs to be  
Formatted once  
the language is  
agreed upon!

## SECTION 1: HISTORY, ORGANIZATIONAL STRUCTURE, AND MISSION STATEMENT

**1.01** The Buffalo Creek Watershed District (BCWD) maintains an official website that always has the District's most current rules, regulations, and permit information including all of the necessary application forms. The BCWD's website is located at:

[www.bcwatershed.org](http://www.bcwatershed.org)

**1.02** BCWD was established under the order of the Minnesota Water Resources Board (now known as the Minnesota Board of Water and Soil Resources) on January 30, 1969. The District developed its first Overall Plan, in accordance with Minnesota Statutes, Section 112.46, which was adopted on February 8, 1974. The Plan provided the District with a basis for making decisions on the management of its water resources until the Plan was revised in 1991. The District's current overall plan was adopted in 2004 and was written to cover a 10-year time-frame, with a 5-year implementation schedule.

**1.03** The organizational structure of the District remains unchanged since its formation. Map 1 in Appendix A contains a map of the District's legal boundary. The District spans approximately 422 square miles within parts of five counties: Renville (55%), McLeod (38%), Sibley (4%), Kandiyohi (2%), and Carver (1%) Counties. Renville and McLeod County's Board of Commissioners each appoint two BCWD Board Managers while Sibley County's Board appoints one District manager. Each manager is required to be a resident of the District. Each manager is also prohibited from being a public official of the county, State or Federal government, except they may also serve as a Soil and Water Conservation District Supervisor. Managers serve three-year terms, which are renewable upon approval of their respective County Board of Commissioners.

**1.04** The BCWD was formed with the Mission to: 1) help alleviate water problems, 2) enhance the living conditions of the area and 3) maintain or improve the economic well being of the residents of the District. The District has in the past and will continue to strive towards the realization of this Mission by:

- ✓ Coordinating activities and issues between the public, interest groups, and governmental agencies;
- ✓ Providing technical and financial assistance, when feasible, towards important water-related issues and projects within the District;
- ✓ Collecting, analyzing, and reporting data on the quality and quantity of water resources throughout the District.

**SECTION 2:  
PURPOSE OF THE DISTRICT'S  
RULES AND REGULATIONS**

- 2.01** The District is required by Minnesota Chapter Statutes 103D to maintain administrative rules and the District's Overall Plan identifies several areas where rules are necessary to successfully achieve the District's statutory purposes. These areas include, but are not limited to: agricultural drainage; erosion and sediment control; storm water management; and reducing other sources of pollution and problems that affect both water quality and quantity. The District's rules are intended to fill gaps in existing federal, state, and local regulations and are not intended to duplicate existing regulations.
- 2.02** Buffalo Creek Watershed District has enacted these rules to carry out the purposes for which the District was created under Minnesota Statutes Chapter 103D and to implement the policies of the District's Overall Plan. Specifically, the District's Rules and Regulations have the following objectives:
- A. To implement the purpose for which the Watershed District was created.
  - B. To carry out the policies contained in the District's Overall Plan and Policy Manual.<sup>1</sup>
  - C. To coordinate the District's activities with other governmental agencies.
  - D. To ensure that the water resource is considered, protected and preserved during the urbanization and development of the District.
  - E. To ensure that future regional water management needs are considered in the development of individual subdivisions, farms and all local water management plans.
  - F. To protect public health, safety and general welfare.
- 2.03** In addition to the listed Objectives, the District's Rules and Regulations also maintain the following standards:
- A. To aid the Board of Managers in their review process.
  - B. To inform the District's staff of the criteria on which they should base their review and recommendation.
  - C. To inform permit applicants of the criteria which their proposed project will be reviewed.
  - D. To provide guidelines for the implementation of the District's Overall Plan.

---

<sup>1</sup> The Buffalo Creek Watershed District Policy Manual is currently being developed.

- 2.04** It is the intention of the Board of Managers that no person shall be deprived or divested of any preciously established beneficial use or right, by any rule or regulation of the District, without due process of the law, and that all rules and regulations for the District shall be construed according to said intention.
- A. It shall be the function of the Board of Managers to exercise control over proposed improvements only to the extent necessary to protect the waters of the Watershed District from unreasonable impacts which are inconsistent with the policies contained in the ~~Water Management~~ Overall Plan, Policy Manual, and these rules and regulations.
  - B. The Board of Managers shall review permit applications filed with the Minnesota DNR, pursuant to Minnesota Statutes 1990, Chapter 103G.001, that may impact water management decisions in the District as well as other development plans and proposed improvements. The Board of Managers desire to become informed of improvements and land development proposals during the early planning stages. The application shall be the primary vehicle for submission of proposed improvements to the Board of Managers.
  - C. The Board of Managers will submit to the applicant their comments, recommendations, requirements and all other District actions regarding the proposed improvements.
  - D. The Board of Managers will coordinate their review with the applicant and, when appropriate, the applicant will coordinate with the County, Municipal, MN/DNR, MPCA and all other appropriate governmental agencies.
- 2.05** Appendix B contains a list of definitions, acronyms, and terminology used throughout these rules and regulations. If a definition, acronym, and/or terminology is not defined, the common usage of the definition, acronym, and/or terminology shall prevail.

**SECTION 3:  
ADOPTION, AMENDMENT,  
AND VALIDITY OF RULES**

- 3.01** All rules adopted by the District shall have the force and effect of law. If for any reason a section or subdivision of these rules should be held invalid, such decision shall not affect the validity of the remaining rules.
- 3.02** The following procedures shall apply to rule adoption and rule amendments:
- A. Any District property owner, Manager, or the District Administrator may propose rules or amendments to the Board. A copy of the proposed rules or amendments shall

be submitted to each Manger, along with a statement justifying the proposed rule or amendment.

- B. At the Board's discretion, depending on the potential impact of the proposed rule, District staff may be directed to conduct stakeholder meetings to solicit input from persons and political subdivisions likely to be affected by the proposed rule.
- C. In accordance with Minnesota Chapter Statutes 103D, the District shall submit the proposed rules to the Board of Soil and Water Resources and transportation authorities within the District for comments 45 days before the Managers vote to adopt the proposed rules.
- D. Before adopting any proposed rules or amendments, the Board shall hold a public hearing on them. The time, date, and location of the public hearing shall be determined by the District's Board of Managers. They shall give notice of the public hearing by publication in a legal newspaper of general circulation in each county with territory in the District.
- E. The Mangers shall adopt or reject the proposed rules or amendments based on a majority vote of the Managers. After public hearing, a majority vote of the Mangers, and upon being signed by the District's President and Secretary, the proposed rules or amendments are deemed adopted.
- F. The adopted rules or amendments shall become effective and have the full affect and force of law after publication in a legal newspaper of general circulation in each county having territory in the District.
- G. A copy of adopted rules or amendments shall be forwarded to each of the following persons: the County Auditor and the County Commissioners of each county having territory in the District; every Township Board Clerk, City Clerk, and Regional Development Commission Chairman within the District; the Board of Soil and Water Resources; the Commissioner of the Minnesota Department of Natural Resources Board; the Executive Director of the Minnesota Pollution Control Agency; the Commissioner of the Minnesota Department of Health, SWCD, all Zoning and Planning Boards in the district, the Administrator of the Minnesota Environmental Quality Board, and other entities that the Board deems appropriate.

**SECTION 4:  
THE DISTRICT'S PERMITTING PROCESS**

**5.00 Work that requires a permit from the District may not be undertaken until a permit is issued.**

**5.01** Any permit required by these rules will be issued in accordance with the procedural process of this Section and all applications are subject to the following requirements:

- A. Prior to the submission of any application, the applicant must be familiar with the District's rules, application requirements, and the standards for the approval of an application. The applicant is encouraged to contact and/or meet with the District Staff if necessary. A copy of the District's current Rules, permit requirements, and application forms are maintained on the District's official website at:

[www.bcwatershed.org](http://www.bcwatershed.org)

- B. **All applications for a District permit must be submitted on the application form as shown in Appendix C.**
- C. All applications must be accompanied by a fee according to the District's current fee schedule.<sup>2</sup>
- D. Any application that requires Board review must be submitted, and deemed complete, 10 business days prior to the next regularly scheduled Board Meeting in order to be on the agenda. If an application is deemed to be incomplete, a written letter will be sent outlining what additional information is required.
- E. Drawings or plans are required to be submitted with every permit application. The drawings or plans are not required to be prepared by an engineer, but they must adequately depict the information required by the District's application form.
- F. An initial site inspection, in-progress site inspections, final site inspection, and post-project monitoring inspections may be required as part of the approval of a permit application. A site inspection fee is charged to the applicant for each required site inspection. The fee shall be equal to the District's actual costs as outlined in the District's Fee Schedule.

**5.02 Staff and/or Administrative Review.** It is administratively difficult for the Board to review every District permit application. As a result, District Staff shall review all applications and make recommendations for approval or denial, including proposed conditions.

---

<sup>2</sup> The District's current fee schedule is available online at [www.bcwatershed.org](http://www.bcwatershed.org)

- A. Staff may work with consultants on the administrative review of a permit.
- B. Staff may add conditions to the approval of a permit to address site-specific or activity-specific concerns.
- C. If a permit meets the administrative approval requirements but the District Administrator determines that administrative approval is inappropriate due to an unusual circumstance, the permit application shall be brought before the Board for approval.
- D. All administratively approved permits shall be deemed issued when signed by the District Administrator and all conditions of the permit have been satisfied.
- E. The District Administrator shall provide reports to the Board of all administratively approved permits.
- F. District Staff may not deny a permit. District Staff must instead bring the permit application before the Board with a recommendation to deny the permit application including proposed written reasons for denial.

**5.05 Temporary permit approvals** may be approved by any Board Member in rare circumstances, such as during an emergency or critical situation. These temporary approvals require a full permit at the next scheduled Board meeting and may require additional conditions as necessary.

**5.06 Board Approval.** The Board shall review the Staff recommendations for all permit applications that are not administratively approved.

- A. The Board shall review permit applications at regularly scheduled meetings.
- B. The applicant or a representative of the applicant must be present at the meeting to answer questions about the permit application. If no one is present and additional information on the permit is requested by the Board, a letter will be written to the applicant outlining what additional information is required. This may ultimately delay the Board's final decision on the permit until all of the information required for the application is available.
- C. The Board may add reasonable conditions to the approval of a permit to address site-specific or activity-specific concerns.
- D. All Board approved permits shall be deemed issued when signed by the Board and all conditions of the permit have been satisfied.
- E. If the District denies an application, written reasons for the denial will be provided.

**5.06 Conditions.** A permit may be approved subject to reasonable conditions necessary to ensure compliance with the requirements and intent of these rules. All conditions of the permit must be satisfied before the permit is deemed to be issued and the applicant can begin work.

- A. In conformance with Subdivision 1.f. of this Section, in-progress site inspections, a final site inspection, and post-project monitoring inspections may be required at any time to ensure that the applicant has complied with the conditions of the permit. Applicants are responsible for all inspection fees for such site inspections, which must be paid as a condition of any permit.
- B. The requirements of any other permit (NPDES permit, wetland permit, public water permit, etc) required for the proposed activity are incorporated into the District permit. A violation of other required permits is a violation of the District permit.
- C. By requesting and receiving a District permit, an applicant affirmatively grants the District a right of entry onto the applicant's property for the purpose of performing site inspections.
- D. A performance surety may be required as outlined in Section 5.08.
- E. The Board of Managers may charge a fee for field inspections, if one is required. This fee will vary from permit to permit based upon actual costs, a per diem, or the District's current fee schedule.
- F. The Board of Managers will also charge for after-the-fact permits. The fee for after-the-fact permits shall be up to \$1,000 plus all other expenses incurred by the Watershed District. All cost incurred shall be paid before the permit is issued.
- G. If conditions of the permit have not been met, the District has the authority to fix the situation at the applicant's expense.

**5.07 Deadlines for Action.** The District will seek to approve or deny a permit application within 60 days after receipt of a complete application and full payment of fees.

- A. An application that requires a site inspection is not deemed complete until a site inspection is completed by District Staff. When weather, or other uncontrollable natural conditions, makes a site inspection temporarily impossible, then the timeline under this Section and Minnesota Statute 15.99 is tolled until conditions allow for the site inspection. Within 15 business days of receiving an application, the District will notify the applicant if the application is incomplete. Within 15 days, the District will also notify the applicant if the application requires a site inspection and is therefore incomplete until the site inspection is performed.

- B. The District will comply with Minnesota Statutes Section 15.99 where it is applicable. Failure to meet an approval deadline shall not authorize any activity for which a permit cannot be granted because the activity is unlawful under applicable law.
- C. If a state or federal law or court order requires a process to occur before the District acts on an application, or if an application requires prior approval of a state or federal agency, any applicable deadline for the District to approve or deny is extended to 60 days after completion of the required process or the required prior approval is granted.
- D. The District may extend any applicable initial 60-day period to 120 days by providing written notice of the extension to the applicant.

**5.08 Performance Surety.** In accordance with Minnesota Statute 103D.345 Subd. 4, the Board may require a performance surety, such as a bond or an irrevocable letter of credit, to secure performance of permit conditions and compliance with District rules. The federal government, state, and political subdivisions are exempt from the requirements of this subdivision.

- A. When a permit is conditionally approved upon the applicant providing a performance surety, the surety must be provided to the District before the permit is deemed to be issued and the applicant can begin work.
- B. When the Board requires a performance surety, it shall be for an amount sufficient to cover the potential costs to cure that may result from a violation of the permit. The District Engineer shall assist in determining this amount.
- C. The performance surety must be in a form acceptable to the District and from a surety company licensed to do business in Minnesota.
- D. The performance surety must be in favor of the District and conditioned on the applicant's compliance with the terms of the permit. The performance surety must allow the District to claim the performance surety if the conditions are not met.
- E. The District will release the performance surety in writing after all work is completed in compliance with the permit and District rules. The District, in writing, may release a portion of the surety if the entire surety, in the District's sole discretion, is no longer necessary to secure compliance with the permit and District rules.

**5.09 Applicant Agreement.** When a permit is conditionally approved upon, the applicant entering into an agreement with the District, the agreement must be executed before the permit is deemed to be issued and the applicant can begin work. The Board may require that an applicant and owner, including any mortgagee, enter into an agreement with the District, to specify responsibility for the construction and future maintenance of approved structures; document other continuing obligations of the applicant or owner; grant reasonable access to the proper authorities for inspection, monitoring and enforcement purposes; affirm that the

District or other political subdivisions can require or perform necessary repairs or reconstruction of such structures; require indemnification of the District for claims arising from issuance of the permit or construction and use of the approved structures; and reimburse the reasonable costs incurred to enforce the agreement. Permits and agreements may be filed for record to provide notice of the conditions and continuing obligations.

- 5.10 Assignment and Transfer of Permits.** An assignment or transfer of a permit without a change in the approved plans may be approved by the District Administrator. No assignment or transfer of a permit is allowed where the approved plans are changed. A change in the approved plans requires a new permit application. No assignment or transfer, regardless of whether the assignment or transfer is approved by the District Administrator, shall relieve the original applicant from liability under the permit.
- 5.11 Expiration of Permits.** Permits are valid for 12 months. Permit extensions may be granted by the District Administrator or the Board, whoever approved the original permit. Extension requests must be made in writing at least 30 days before the expiration of the permit. Additional conditions may be added to the permit when an extension is requested.
- 5.12 Appeal.** Any person adversely affected by the approval or denial of a permit by the District may appeal the District's decision in accordance with the appellate procedure provided by Minnesota Statutes Sections 103D.537 and 103D.539.
- 5.13 Exemption.** The Board of Managers may hear requests for an exemption from the literal provisions of these rules in the rare circumstances where strict enforcement would cause undue hardship because of conditions unique to the property under consideration. The Board of Managers may grant an exemption in the rare circumstances where it is demonstrated that such action will be consistent with the spirit and intent of these rules. Such a request must be addressed to the Board of Managers as part of a permit application. In order to grant an exemption, the Board must find that the request meets ALL of the following four standards:
- A. Special conditions apply to the applicant's property that do not apply generally to other property within the District;
  - B. Because of the unique conditions of the property involved, undue hardship to the applicant will result, as distinguished from mere inconvenience, if the strict letter of the rules is carried out. Economic considerations alone shall not constitute undue hardship if any reasonable use of the property exists under the terms of the District's rules;

- C. The proposed activity for which the exemption is sought will not adversely affect the public health, safety, welfare; will not create extraordinary public expense; and will not adversely affect water quality, water control, or drainage in the District; and
- D. The intent of the District's rules is met.

An exemption expires when the permit it is associated with expires. A violation of any condition for a permit where an exemption has been granted shall automatically terminate the exemption.

**SECTION 5:  
BUFFALO CREEK  
WATERSHED DISTRICT PERMITS**

**5.01 Required Permits.** Permits are required for ~~any~~ the following water related projects in the Watershed District. Each major heading is further described in Subsections 5.03 through 5.06.

**A. Surface Water** (refer to Section 5.03)

Surface Water as defined in Appendix B includes all forms of surface water (i.e., lakes, streams, rivers, wetlands, etc.) and drainage systems!

1. Stream, Creek, and River Projects
2. Dams and/or Dikes
3. Bridge and/or Crossings
4. Culvert Repairs or Replacement
5. Clean Outs
6. Water Discharge
7. Wetland development, modification, and/or restoration
8. Ponding and/or berming
9. Any other projects potentially negatively affecting till, drainage, and/or surface water resources
10. Any project proposed to impact more than one subwatershed must demonstrate how the proposed project may impact the subwatersheds

**B. Drainage Systems** (refer to Section 5.04)

In addition to the provision listed in Section 5:03, drainage systems have the following additional permit requirements:

11. Tiling of 8” or larger **or** any size tile where an easement is required (i.e., for projects affecting adjacent landowner’s property)
12. New ditch systems, extensions, or repairs
13. Private ditch systems repairs (if they outlet into public waters)
14. Any new or replacement outlet

**C. Land Use & Development** (please refer to Section 5.05)

15. Any land use alterations that could affect the quality and quantity of the District’s water resources
16. Any underground construction, including but not limited to storm sewers, gas lines, pipelines, manure holding basins, underground storage, etc. Not to include basements, foundations, and/or septic systems.
17. Roadway improvements
18. Any construction crossing (over, through, or underground) which could negatively affect a waterbody.

19. Platting of property to ensure the proper stormwater retention and drainage.

**D. Erosion Control** (please refer to Section 5.06)

**E. Stormwater Management** (please refer to Section 5.07)

**F. Notification Only**

No permit is required on the following projects if the District is properly notified prior to the projects commencing.

20. Wastewater Lagoons

21. Feedlots

**5.02 Exemption for Existing Regulation.** The District does not intend to duplicate the regulations of other political subdivisions where other political subdivisions have regulations that are equally as stringent or more stringent than the District's regulations. The District intends to enter into agreements with political subdivisions that have regulations that are equally as stringent or more stringent than the District's regulations that allow for the exemption of regulation by the District. All agreements that allow for the exemption of District rules when other political subdivisions have sufficient existing regulations shall contain the following terms:

A. The political subdivision must agree to enforce its regulations.

B. The agreement must terminate if the political subdivision amends its regulations in a way that causes them to be less stringent than the District's rules.

C. The agreement must be amended and signed by the District and the political subdivision when the District amends its rules.

D. The political subdivision must provide the District with notice of all permits issued within the watershed by the political subdivision subject to the agreement.

### 5.03 Surface Water

The District has a vested interest in ensuring that all projects potentially affecting surface water resources are properly implemented through the District's permitting process. The following projects are specially identified as needing a District permit:

1. Any project potentially affecting, crossing, or involving a stream, creek, and/or river throughout the District.
2. Any project involving a dam and/or dike.
3. Any bridge construction, repair and/or crossing
4. Any culvert repair or replacement project.
5. Any surface water clean out, including drainage systems.
6. Any project involving discharging water into a surface water resource.
7. Wetland development, modification, and/or restoration.
8. Any ponding and/or berming resulting in potentially holding water.
9. Any other projects potentially negatively affecting till, drainage, and/or surface water resources.

### 5.04 Drainage Systems

The Every person shall use their land reasonably in disposing of surface water . Surface water shall not be artificially removed from upper land to and across lower land without adequate provision being made on the lower land for its passage, nor shall the natural flow of surface water be obstructed so as to cause an overflow onto the property of others. The District will enforce and comply with the drainage laws under Minnesota's State Statutes.

District intends to preserve drainage capacity, prevent flooding, and improve water quality by regulating certain agricultural drainage facilities within the watershed. A District permit is required before the following new or expanded drainage facilities may be constructed or improved by any person:

- A. Any new or expanded open public or private ditch.
- B. Any new or expanded drain tile system six inches (8") or greater in diameter.
- C. Any new or improved outlets or inlets into an existing drainage system. The primary concern is to manage the volume of water directly entering into the drainage system.
- D. The repair or replacement of existing private drainage facilities, so long as the replacement is not an expansion, is exempt from this Section, but may be subject to Section 6 of these rules.

**Standards.** A drainage facility permit application under this Section must meet the following standards:

- A. Demonstrate that downstream capacity exists for the additional water discharged by the drainage facility;
- B. Provide and maintain stable outfall that minimizes erosion and sedimentation in accordance with the MPCA guidance documents;
- C. Design and maintain drain tile system intakes in a way that minimizes the introduction of sediments to the drainage facility;
- D. Demonstrate that the drainage facility complies with all federal, state and local wetland regulations; and
- E. A site drawing with the location of all drainage facilities must be submitted with the permit application. Where the exact location of drain tiles is unknown, an approximate location is sufficient.
- F. All new and improved outlets into existing legal or natural drainageways shall be constructed in such design which will not cause a deterioration of the channel or impede the flow of water.

## **5.05 Land Use and Development**

The District has a vested interest in ensuring that all land use and development projects potentially affecting surface or groundwater resources are properly implemented through the District's permitting process. The following projects are specially identified as needing a District permit:

1. Any land use alterations that could affect the quality and quantity of the District's water resources
2. Any underground construction, including but not limited to storm sewers, gas lines, pipelines, manure holding basins, underground storage, etc. Not to include basements, foundations, and/or septic systems.
3. Roadway improvements
4. Any construction crossing (over, through, or underground) which could negatively affect a waterbody.
5. Platting of property to ensure the proper stormwater retention and drainage.

## **5.06 Erosion Control**

The District intends to prevent erosion and sedimentation into surface waters within the watershed by regulating land disturbing activities. The District requires that erosion control

measures be in place for all land disturbing activities above specific thresholds. The erosion control measures must minimize erosion and sedimentation to the greatest extent possible.

A District permit is required for any person or political subdivision undertaking a land disturbing activity that is (a) greater than 200 square feet in area; **AND** (b) within 300 feet of any waterbody or wetland.

**Agricultural Exemption.** The ordinary agricultural practices of cultivating and planting, performed as part of an ongoing farming operation, are exempt from this Section.

**Standards.** An erosion and sediment control plan must be submitted and approved before a permit may be issued. The plan must minimize erosion and sedimentation to the greatest extent possible. The plan must include the following standards:

- A. Each landowner and operator is expected to apply the proper land use practices to minimize runoff and soil erosion from sloping land.
- B. Sloping land abutting drainageways, lakes, ponds, or reservoirs shall be used in such manner so as to provide reasonable control of sediment. A permit is required from the Managers to till any area covered with permanent grass within 200 feet of the low water mark of drainageways and within 200 feet of the normal high water mark of lakes, ponds, or reservoirs.
- C. The project must be phased to the greatest extent possible to minimize the area of disturbed land at any given time;
- D. Site specific topography and soil conditions must be specifically addressed;
- E. BMPs must be utilized in a manner consistent with MPCA guidance documents; and
- F. A site plan must be submitted with the permit application.

## **5.07 Stormwater Management**

The District intends to manage storm water runoff within the watershed to promote infiltration, encourage pretreatment, and minimize peak flows after storm events and spring snow melt.

**Permit Required for Certain Development and Redevelopment.** A District permit is required for any development or redevelopment of the following properties:

- A. The development or redevelopment of property resulting in the creation of more than one acre of new impervious surface;

- B. The development of any new resort or PUD;
- C. The expansion or replacement of a structure at an existing resort;
- D. The redevelopment of a parcel that currently exceeds impervious surface limits imposed by Minnesota Rules Chapter 6120 or by any political subdivision within the watershed.

**Standard.** A storm water permit application under this Section must meet the following standards:

- A. Runoff rates for the proposed development or redevelopment of a property shall not exceed existing runoff rates for the 2-year, 10-year, and 100-year critical storm events. The runoff rate for the property after development or redevelopment must not exceed the runoff rate in existence prior to the proposed development or redevelopment.
- B. All development or redevelopment of property shall treat 0.5 inch of runoff from all newly created or redeveloped impervious surface on the property such that implemented storm water BMPs, consistent with MPCA guidance documents, achieve removal of 90 percent of total suspended solids and 50 percent of total phosphorus prior to any runoff leaving the property.
- C. A site plan must be submitted with the permit application in accordance with Appendix A. The applicant must submit runoff calculations for 2-year, 10-year, and 100-year critical storm events. The applicant must also submit water quality calculations demonstrating that the total suspended solids and phosphorus standards will be met.

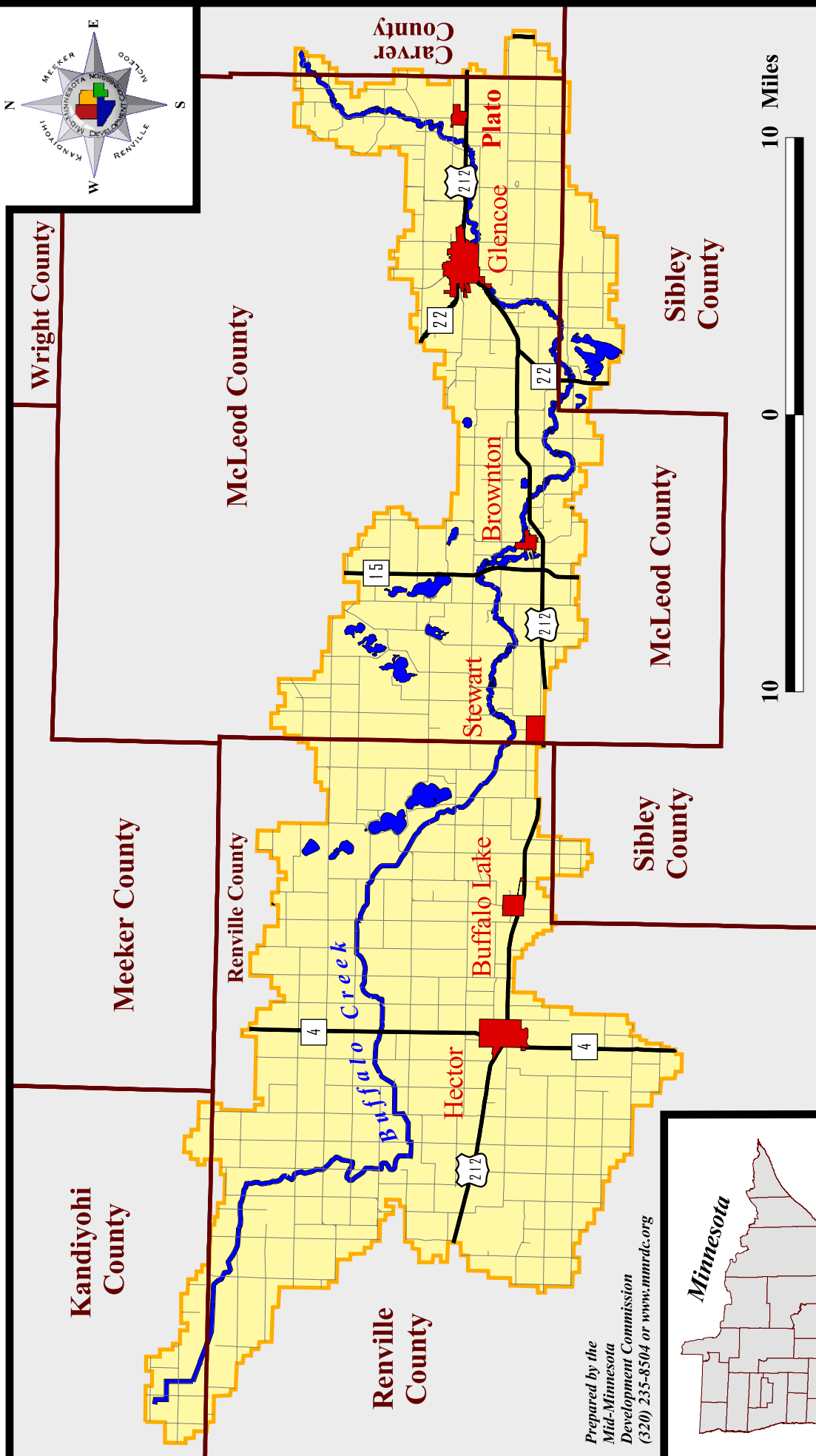
## **SECTION 6: ENFORCEMENT**

- 5.01 Violation is a Misdemeanor.** A violation of a District rule, or a permit issued under District rules, is a misdemeanor subject to the maximum penalty provide by Minnesota law.
- 5.02 Court Action.** The District may exercise all powers conferred upon it by Minnesota Statutes Chapter 103D in enforcing these rules, including criminal prosecution, injunction, or an action to compel performance, restoration, or abatement.
- 5.03 Administrative Order.** The District may enforce its rules by issuing a cease and desist order when it finds that an activity violates any rule of the District or permit issued by the District.
- 5.04 Order to Show Cause.** The Board may require a person or political subdivision in violation of a District rule or permit to appear at a District meeting to show cause why the violation should be allowed to continue.
- 5.05 Future Permits.** No future permit shall be issued to any person or political subdivision in violation of a District rule or a previously issued District permit until the violation has been remedied to the sole satisfaction of the District.
- 5.06** The Board of Managers will also charge for after-the-fact permits. The fee for after-the-fact permits shall be ~~\$100.00~~ up to \$1,000 plus all other expenses incurred by the Watershed District. All cost incurred shall be paid before the permit is issued.

**APPENDIX A:**

**BCWD MAP**

Map 1A: Buffalo Creek Watershed District Location



**Watershed District**

- Watershed District
- Municipality
- County
- Lake

**Major Roads**

- 212 U.S. Highway 212
- 4 State Highway 4
- 15 State Highway 15
- 22 State Highway 22

**Major Cities** ..... **2000 Census**

Hector.....	1,166
Buffalo Lake...	768
Stewart.....	564
Brownwton.....	807
Glencoe.....	5,453
Plato.....	336

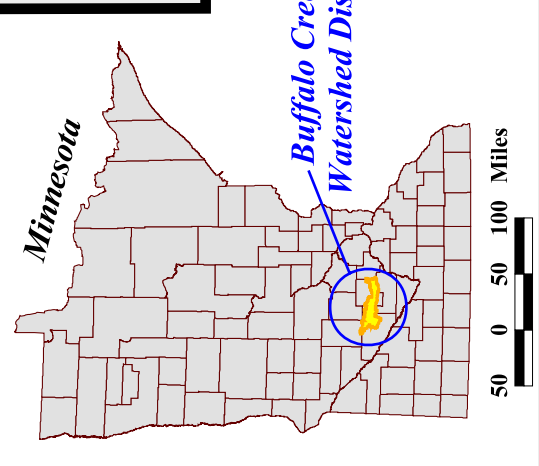
**Watershed District**

- Buffalo Creek
- Major Road
- Minor Road

**Approximate Size**

Total Area = 422.1 Square Miles  
 East/West Length = 51 Miles  
 North/South Length = 19 Miles

Prepared by the  
Mid-Minnesota  
Development Commission  
(320) 235-8504 or [www.mnmdc.org](http://www.mnmdc.org)



## APPENDIX B:

### DEFINITIONS, ACRONYMS, AND TERMINOLOGY

#### **(Previous Section 4)**

#### **Underlined words were added to this section**

For the purpose of these rules, unless a different meaning clearly appears from the context, certain terms are defined as follows (if a phrase, acronym, and/or terminology is not defined, the common usage of the phrase, acronym, and/or terminology shall prevail. Definitions found in Minnesota's State Statutes, State Rules and Regulations, and the Webster-Merriam Dictionary may be consulted if necessary):

**Alterations to Land:** including, but not limited to, grading, excavation, fill or movement of soil or vegetative material.

**BMPs (Best Management Practices):** practices to prevent or reduce the pollution of waterbodies and wetlands, including schedules of activities, prohibitions of practices, and other management practices.

**Board:** the District's Board of Managers.

**Board of Managers:** the District's Board of Managers.

**Board Meeting:** the District Board of Managers meeting held on the first Tuesday of each month at the District Office.

**BWSR:** stands for the Minnesota Board of Water and Soil Resources and is the State's soil conservation agency. The 20-member board consists of representatives of local and state government agencies and citizens.

**CROW:** The Crow River Organization of Water (CROW) was formed in 1999 as a result of heightened interest in the Crow River. A Joint Powers Agreement has been signed between all ten of the Counties with land in the Crow River Watershed. The CROW Joint Powers Board is made up of one representative from each of the County Boards who signed the agreement. The Counties involved in the CROW Joint Powers include Carver, Hennepin, Kandiyohi, McLeod, Meeker, Pope, Renville, Sibley, Stearns and Wright.

**Detention System:** a structure or facility which collects and stores runoff on a temporary basis with a subsequent gradual release of stormwater at a controlled rate. A detention basin by retain some water.

**Discharge:** the disposal, conveyance, channeling of runoff or drainage of water or material, including, but not limited to, surface water, drainage facilities, stormwater, and snow melt.

**District:** the Buffalo Creek Watershed District.

**Drainage Facilities:** open ditches and drain tile systems collectively.

**Drain Tile System:** any privately owned underground conduit used to conduct the flow of water in order to drain agricultural lands.

**Erosion:** the wearing away of soil by rainfall, surface water runoff, wind, or ice-movement.

**Fill:** soils, sand, gravel, clay, or any other natural material which is moved from one place to another and placed on land or in water.

**FSA:** stands for the Farm Service Agency, responsible for the implementation of U.S farm policy. The organizational structure of FSA is laid out by Congress and overseen by the secretary of agriculture. The FSA administrator reports to an undersecretary of agriculture for Farm and Foreign Agricultural Services (FFAS).

**Groundwater Recharge Area:** an area in which surface water accumulates and conveyed to groundwater aquifers.

**Impervious Surface:** a surface that is compacted or covered with a layer of material that is resistant to the infiltration of water, including, but not limited to, compacted sand, gravel, or clay and streets, sidewalks, parking lots, and structures.

**Land Disturbing Activity:** any disturbance to the ground surface that may result in soil erosion from water or wind and the movement of sediments into or upon waterbodies or wetlands within the watershed. Land-disturbing activity includes but is not limited to the demolition of a structure or surface, soil stripping, clearing, grubbing, grading, excavating, filling and the storage of soil or earth materials. This includes a disturbance to the land that results in a change in the topography, existing soil cover, or vegetation that may result in accelerated storm water runoff which may lead to soil erosion and movement of sediment. The term does not include normal farming practices as part of an ongoing farming operation.

**Lateral:** any constructed waterway or drain which conveys water to a public ditch.

**Managers:** the Board of Managers of the Buffalo Creek Watershed District. Please refer to Section 1.03 of the District's Rules for more information.

**MAWD:** The Minnesota Association of Watershed Districts (MAWD) represents 45 watershed districts in the state. The watershed districts are partners in water protection and management.

**MPCA:** the Minnesota Pollution Control Agency.

**NRCS:** Since 1935, the Natural Resources Conservation Service (originally called the Soil Conservation Service) has provided leadership in a partnership effort to help America's private land owners and managers conserve their soil, water, and other natural resources.

**On-Site:** within the contiguous confines of a commonly owned land and/or parcel.

**Open Ditch:** any privately owned open channel used to conduct the flow of water in order to drain agricultural lands.

**Ordinary High Water (OHW)** – the boundary of public waters and wetlands which is an elevation delineating the highest water level which has been maintained for a sufficient period of time. Commonly it is the point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the OHW is the elevation of the top of the bank of the channel.

**Person:** any individual, partnership, company, corporation, but does not include any political subdivision.

**Point Discharge:** discharge from a specific outlet, such as a storm sewer, pipe, culvert, or ditch.

**Political subdivision:** any city, township, county, school district, or political subdivision of the State of Minnesota.

**PUD (Planned Unit Development):** a type of development characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, usually involving clustering of these units or sites to provide areas of common open space, density increases, and a mix of structure types, land uses, and form of ownership.

**Redevelopment:** any change in use of a property or permanent physical change to a property that alters the drainage pattern of the property or causes an increase in pollutants in storm water runoff from the property.

**Resort:** a building or group of buildings located adjacent to any waterbody for purposes of providing convenient access to the waterbody, and held out to the public to be a place where sleeping accommodations are furnished to the public, primarily to those seeking recreation.

**Retaining Wall:** a structure or facility which accumulates a specified amount of stormwater or runoff.

**Runoff:** water, including nutrients, pollutants and sediments carried by water, discharged from a land surface.

**Sediment:** mineral or organic particulate matter what has been carried from its point of origin by water or wind.

**Shoreland (Shoreland District or Shoreland Zone):** land located within 1,000 feet of the ordinary high water mark of a protected water (lake) or 300 feet from a river or stream. These areas are often identified in the various county zoning ordinances.

**Storm Sewer:** a system installed for the specific purpose of transporting water from one location to another. Normally made of pipe material, but may also include reaches of flumes, spillways, or open channels.

**Stormwater:** normally refers to precipitation runoff and/or snow melt runoff, but may also include any other surface runoff and/or drainage that varies according to precipitation levels.

**Surface Water:** any water formation that is found above ground (as opposed to underground). Surface water includes but is not limited to lakes, rivers, streams, ditches, wetlands, ponds, etc.

**TMDL:** A Total Maximum Daily Load (TMDL) is a regulatory term in the U.S. Clean Water Act (CWA), describing a value of the maximum amount of a pollutant that a body of water can receive while still meeting water quality standards. Alternatively, TMDL is an allocation of that water pollutant deemed acceptable to the subject receiving waters.

**Vegetation:** normally refers to naturally occurring brush, shrubs, grass, or trees, but may also refer to preferred vegetation based upon a prescribed Best Management Practice (BMP).

**Waterbody:** any body of water including lakes, rivers, streams, watercourses, or water basins.

**Watercourse:** channel having definable bends and banks capable of conducting confined runoff from adjacent lands (except during periods of flooding). A watercourse may be perennial or intermittent, natural (i.e. stream), or man-made (i.e. ditch).

**Watershed:** means the boundaries of Buffalo Creek Watershed District (see the District Map found in Appendix A).

**Wetland:** lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water and where hydric soils and hydrophytic vegetation are present under normal circumstances. This definition includes public waters wetlands as designated by the Minnesota Department of Natural Resources and wetlands under the jurisdiction of the Wetland Conservation Act.

**APPENDIX C:**  
**BCWD PERMIT FORMS**

[Home](#)   
 [Location](#)   
 [Overall Plan](#)   
 [MTG Minutes](#)   
 [Coming Acts](#)   
 [Forms](#)   
 [Projects](#)  
[Contact Us](#)   
[Links](#)

## Buffalo Creek Watershed District

### Permit Form

[Click here to download a printable Permit Application Form.](#)

The Permit Application Form is required before any work is done.

[Click here to download a printable Completion Report Form.](#)

It is important to return the Completion Report Form to the Watershed District Managers to let them know that the work is completed.

**Adobe Acrobat Reader is required to view this form.**

**The following fee schedule is subject to individual review of each project by the Board of Managers:**

Simple Tile Line, Street and Utilities Permit (No site visit required)	\$ 00.00
Permit Requiring Site Review by: Board of Managers	\$ 75.00
/Manager Watershed District's Engineer	\$ 250.00/Visit
Permit for Land Development:	
Less than 10 lots	\$1,000.00
10 lots -- 49 lots	\$1,500.00
50 lots -- 99 lots	\$1,750.00
100 lots or more	\$2,250.00
Site Drainage Plan	\$1,000.00
Bridge and/or Culvert Replacement	\$ 500.00
Permit Extension Request (without any change in the Permit Application)	\$ 00.00
After the Fact Permit, plus the above fee requirements	\$1,000.00

NOTE: Any extraordinary expenses (inspection, engineering, legal, etc.) associated with processing the above permits will require the Permittee to set up an escrow account that the Watershed District will draw from to cover the Watershed District's expenses.

[Home](#) | 
 [Location](#) | 
 [Overall Plan](#) | 
 [MTG Minutes](#) | 
 [Coming Acts](#) | 
 [Forms](#) | 
 [Projects](#) | 
 [Contact Us](#) | 
 [Links](#)

## APPLICATION FOR PERMIT

TO: BUFFALO CREEK WATERSHED DISTRICT                      PERMIT NO. \_\_\_\_\_

Applicant \_\_\_\_\_  
(Print or Type)

Address \_\_\_\_\_

Telephone Number ( ) \_\_\_\_\_ - \_\_\_\_\_                      Email Address \_\_\_\_\_

Cell Phone Number ( ) \_\_\_\_\_ - \_\_\_\_\_

Applicant proposes to do the following work:

- |   |  |
|---|--|
| <input type="checkbox"/> Clean Existing Ditch                                 | <input type="checkbox"/> Install Erosion Control Structure |
| <input type="checkbox"/> Construct New Ditch                                  | <input type="checkbox"/> Install Tile                      |
| <input type="checkbox"/> Build Water Retention Area                           | <input type="checkbox"/> Repair Shoreline                  |
| <input type="checkbox"/> Abandon and Fill an Existing Ditch<br>or Waterway    | <input type="checkbox"/> Install Culvert                   |
| <input type="checkbox"/> Abandon Existing Tile and Replace<br>With a New Tile |  |
| <input type="checkbox"/> Other _____  |  |

The proposed construction is necessary because:

- |  |  |
|--|--|
| <input type="checkbox"/> Flooding Occurs   | <input type="checkbox"/> Poor Drainage             |
| <input type="checkbox"/> Control Runoff    | <input type="checkbox"/> Ditch Filled with Silt    |
| <input type="checkbox"/> Excessive Erosion | <input type="checkbox"/> Present Design Inadequate |
| <input type="checkbox"/> Other _____       |  |

If a ditch is to be constructed or cleaned; a culvert is to be installed; a tile is to be installed, provide how many acres will it drain and percent of grade? \_\_\_\_\_ %

I intend to begin construction on/or about \_\_\_\_\_

The work is to be done in \_\_\_\_\_ TWP, TWP \_\_\_\_\_ North, Range \_\_\_\_\_ West,  
Section \_\_\_\_\_



## COMPLETION REPORT

**TO: BUFFALO CREEK WATERSHED DISTRICT**  
**P.O. Box 55**  
**Glencoe, MN 55336**

**PERMIT NO.** \_\_\_\_\_

I hereby give notice that I completed the work in the County of \_\_\_\_\_, Township \_\_\_\_\_, Section \_\_\_\_\_ for which the above numbered Permit was granted to me by the Board of Managers on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Name \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_