

8410.0105 IMPLEMENTATION ACTIONS.

Subpart 1. **Requirements.** Each plan shall contain prioritized implementation actions through the year the plan extends to that consists of administrative processes and programs to address the goals defined under part 8410.0080 and that is consistent with the principles of part 8410.0045, subpart 1, item A. The programs described in subparts 2 to 6 must be included in each plan unless the plan sufficiently justifies that a program or program element is not needed. Each plan shall include a procedure to evaluate progress for the implementation actions at a minimum of every two years according to part 8410.0150, subpart 3, item E. Each plan shall:

A. include a table that briefly describes each component of the implementation actions, the schedule, estimated cost, and funding sources for each component including annual budget totals;

B. clearly define the responsibilities of the organization, the local government units, and other entities for carrying out the implementation actions;

C. define the organization's process for evaluating implementation of local water plans and procedures to address a local government unit failing to implement its local water plan or parts of its local water plan; and

D. include a procedure to establish an advisory committee, committees, or other means of public and technical participation acceptable to the board, for the purpose of making recommendations on a ten-year plan amendment.

Subp. 2. **Capital improvement program.** Each plan must consider the feasibility of implementing structural solutions for attaining the goals defined under part 8410.0080 that cannot be resolved by nonstructural, preventative actions. Each plan must include a table for a capital improvement program that identifies structural and nonstructural alternatives that would lessen capital expenditures and sets forth, by year, details of each contemplated capital improvement that includes the need, schedule, estimated cost, and funding source. The information may be combined with subpart 1, item A. In assigning priorities, consideration must be given to federal, state, regional, local, and private partners and regional and state plans.

Subp. 3. **Operation and maintenance programs.** The plan must define who is responsible for inspection, operation, and maintenance of stormwater infrastructure, public works, facilities, and natural and artificial watercourses and specify any new programs or revisions to existing programs needed to accomplish the goals defined under part 8410.0080.

Subp. 4. **Information and education program.** Each plan must provide for an information and education program in consideration of the goals defined under part 8410.0080. The program must, at a minimum, include the purpose, targeted audiences, and actions. An annual communication must be distributed to residents of the organization in compliance with Minnesota Statutes, section 103B.227, subdivision 4.

Subp. 5. **Data collection programs.** Each plan must address whether established water quality, water quantity, and other monitoring programs implemented by the organization and others are capable of producing an accurate evaluation of the progress being made toward the goals defined under part 8410.0080. The programs shall, at a minimum, include the location of sampling, the

frequency of sampling, the proposed parameters to be measured, and the requirement of periodic analysis of the data. Each organization must annually submit the collected data that has been quality-controlled and quality-assured to the appropriate state agency.

Subp. 6. **Regulatory program.** Controls or performance standards must be described in the plan, although an organization's rules in place at the time of plan approval may be referenced instead. The plan must specifically describe how the organization's controls will be implemented in coordination with local official controls. The plan must clearly distinguish between the responsibilities of the organization and the affected local government units relative to controls established according to this subpart. The enforcement process for violations of controls of the organization must be defined. Controls must take effect within two years of plan adoption by the organization. The plan must include an assessment of existing controls within the organization's jurisdiction and address any deficiencies or redundancies related to attaining the goals defined under part 8410.0080. If a plan notes the existence of certain land uses that could adversely affect the organization's ability to achieve the goals defined under part 8410.0080, the organization must provide written notification to that unit of government specifying the issue. The following items must be considered in developing a regulatory program:

A. standards or controls that may be more restrictive than those required by the Wetland Conservation Act determined to be necessary to achieve the goals defined under part 8410.0080. Local wetland management controls must include maps or inventories of wetlands, existing comprehensive wetland protection and management plans, descriptions of existing local wetland banking programs, and procedures used in determining replacement of wetland functions and values for evaluating wetland replacement proposals;

B. standards or controls for managing stormwater runoff must, at a minimum, address:

- (1) erosion and sediment transport to receiving waters;
- (2) nutrient loading and concentration; and
- (3) maximum permissible runoff rates and volumes;

C. standards or controls to address flood impacts; and

D. management programs establishing a classification system for the management of water bodies must be consistent with chapter 7050. If the organization classifications are inconsistent, the organization must petition the Pollution Control Agency to revise the classifications in chapter 7050.

Subp. 7. **Incentive programs.** The plan must define, for cost share or grant programs, if any, the general purpose, scope, time period, amount of funds, funding source, general eligibility criteria for disbursing funds, and a clear link to the goals the program addresses.

Subp. 8. Waters restoration and protection program.

A. A plan may implement a restoration and protection program for waters that are impaired or need to be protected. The program may involve monitoring, assessment, and water quality restoration and protection actions.

B. An organization may take the lead on developing a total maximum daily load (TMDL) or a TMDL implementation plan as a third party under Minnesota Statutes, section 114D.25, subdivision 5. The TMDL or TMDL implementation plan must be developed in coordination with, and provided to, the Pollution Control Agency for review and approval.

C. An organization may take the lead on developing a watershed restoration and protection strategy as described in Minnesota Statutes, section 114D.15, by entering into an agreement with the Pollution Control Agency.

D. An organization may submit a request as a third party for a Category 4b determination to the Pollution Control Agency as allowed under the federal Clean Water Act, section 303(d).

E. An organization may possess other authorities in addition to those listed in items A to D.

Subp. 9. Local water plans.

A. An organization plan must specify to what degree the organization plan may be adopted by reference by a local government unit for all or part of its local water plan. Upon request of a local government unit, an organization must provide a list to the local government unit and the plan review agencies of local water plan revisions necessary for compliance with the organization plan. A local water plan may serve as a stormwater pollution prevention program if it is approved by the Pollution Control Agency and it complies with the requirements of any applicable national pollutant discharge elimination system/state disposal system stormwater permit.

B. A plan must include a schedule for implementation of local water plans that requires all local water plans to be adopted not more than two years before the local comprehensive plan is due. A plan must not deviate from the schedule. Extensions of local comprehensive plan due dates do not alter the schedule. Organizations may extend all or portions of local water plans to align with the local comprehensive plan schedule during the initial three years of transition to the amended rule. Notwithstanding local water plan schedules in previously approved plans, all local water plans must be adopted according to this subpart after December 31, 2016.

Statutory Authority: *MS s 103B.211; 103B.227; 103B.231; 103B.235; 103B.239*

History: *40 SR 6*

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