

Table 1. Advantages and disadvantages of options for linear project standards, from February 8, 2023 memo to Commission with TAC input (March 1 and March 29, 2023 meetings) and updated to include addition of new recommended option (revised based on TAC input from December 18, 2024 meeting).

For all options, cities and other MS4 permit holders are required to meet the MS4 permit requirements for linear standards. May result in cities and other MS4 permit holders installing more water quality BMPs compared to projects constructed before 2020 MS4 permit adoption.

Option #	Description	Advantages	Disadvantages	Comments
1	Remove the triggers and water quality standards for linear projects from the BCWMC's Requirements document, but leave in place the triggers and erosion and sediment control and rate control standards for linear projects. In this scenario, the cities and other MS4 permit holders would need to meet the MPCA's 2020 MS4 permit requirements, which should mean implementation of more water quality improvement measures on linear projects than occurred before the new MS4 permit. This would also mean no BCWMC reviews of linear projects for water quality.	<ul style="list-style-type: none"> No overlapping regulatory requirements for water quality treatment and runoff rate. Assists cities in multiple watersheds by reducing overlapping regulation Streamlined and faster process for cities and other applicants. Potential to allow cities to spend more time and money on other stormwater management improvements Provides some clarity and consistency for all cities Acknowledges that site conditions and other factors vary among cities 	<ul style="list-style-type: none"> Flexible language in MS4 permit means <u>no required</u> minimum amount of water quality treatment provided by linear projects. Potential inconsistencies among city requirements and processes related to water quality treatment and rate control for linear projects 	Functions like other state-mandated regulations that are implemented and enforced through local programs (e.g., the MN Wetland Conservation Act). However, the MS4 Permit also requires reapplying for permit every 5-7 years, audits resulting in fines and other consequences, and potential for third-party lawsuits if requirements are not followed.
2	Do nothing— leave the BCWMC's current triggers and water quality and rate control standards for linear projects in place. As in option 1 above, the cities and other MS4 permit holders would need to meet the MS4 permit requirements, but applicants would also need to meet the BCWMC requirements when linear projects trigger the requirements.	<ul style="list-style-type: none"> Familiar – BCWMC and the cities know how this works. Provides a “minimum” standard that applicants must meet when projects trigger BCWMC standards. 	<ul style="list-style-type: none"> Very few projects trigger the BCWMC standards (only one project since 2017). Some overlap of regulatory requirements for water quality treatment and runoff rate, plus slightly different standards (e.g., capture and retain 1.1 inches versus 1.0 inches of runoff). Likely to pose challenges for cities in multiple watersheds, if they each have different linear standards. Would lengthen permitting timeline as compared to Option #1 	Functions like other state-mandated regulations that are implemented and enforced through local programs (e.g., the MN Wetland Conservation Act). BCWMC standards include flexible treatment options (FTOs) – these would remain in place.
3	Adopt the MPCA's 2020 MS4 permit standards for linear projects. Due to the flexible language in the MS4 permit, for this option we recommend that the Commission add guidance to their requirements to help define currently nebulous terms and add a level of fairness and unambiguity to the BCWMC project reviews. If such guidance tools or documents are not developed by others, such as the Minnesota Cities Stormwater Coalition, then the BCWMC could consider developing tools specifically for BCWMC. Guidance tools could be checklists, worksheets, or forms for use by cities (and other applicants) to ensure consistent implementation and documentation.	<ul style="list-style-type: none"> Keeps BCWMC rules updated and consistent with state requirements Provides guidance and level of consistency between cities for BCWMC project reviews. Provides cities with additional resources to help achieve MS4 and BCWMC compliance Also regulates state, county, and other entities proposing linear projects 	<ul style="list-style-type: none"> Overlapping regulatory requirements for water quality treatment. Requires guidance tools for project reviews. BCWMC may need to prepare or revise guidance tools, depending on what tools are developed by others. More complicated and time consuming, project reviews for BCWMC Engineer. More costly project reviews for the BCWMC and member cities. Point of diminishing returns Likely to pose challenges for cities in multiple watersheds, if they each have different linear standards. 	Assume BCWMC's flexible treatment options (FTOs), or something similar, remain in place.

Option #	Description	Advantages	Disadvantages	Comments
4	Same as option 3, plus add a minimum standard to the BCWMC requirements for linear projects, which could be the BCWMC's existing standards or could be something different. Could consider having higher standards in targeted watersheds. Triggers for this option would be the triggers in the MS4 permit.	Same as option 3, plus: <ul style="list-style-type: none"> Provides a "minimum" standard that applicants must meet when projects trigger BCWMC standards. 	Same as option 3, plus: <ul style="list-style-type: none"> Cities may have difficulty meeting this requirement, even with FTOs in place, which could result in them not constructing projects. 	Assume BCWMC's flexible treatment options (FTOs), or something similar, remain in place.
5	Adopt linear project standards that are completely different from MS4 standards that strike a balance between the former (2015) and current BCWMC standards. Could consider having higher standards in targeted watersheds.	Same as option 4	<ul style="list-style-type: none"> Overlapping regulatory requirements for water quality treatment. Cities may have difficulty meeting this requirement, even with FTOs in place, which could result in them not constructing projects. May pose challenges for cities in multiple watersheds, if they each have different linear standards 	Assume flexible treatment options (FTOs), or something similar, remain in place.
NEW 6 Recommended Option	Change trigger from one (1) or more acres of net new impervious surface to triggers based on the new/fully reconstructed impervious area. The requirements would vary based on the amount of new/fully reconstructed impervious area: Trigger 1: Less than one (1) acre of new/fully reconstructed impervious area: <u>Commission Administrative Review:</u> <ul style="list-style-type: none"> Requirements <ul style="list-style-type: none"> Meet BCMWC erosion and sediment control standards for projects that result in one (1) or more acres of land disturbance 	<ul style="list-style-type: none"> The proposed trigger covers projects that don't trigger the 2020 MS4 General Stormwater Permit requirement The BCWMC erosion and sediment control trigger is the current trigger for linear projects, so it's familiar – BCWMC and the cities know how this works. 		
	Trigger 2: More than one (1) acre, but less than five (5) acres of new/fully reconstructed impervious area: <u>Commission Administrative Review:</u> <ul style="list-style-type: none"> Requirements <ul style="list-style-type: none"> Meet BCWMC erosion control and rate control requirements. Rate control requirement: <i>"...linear projects...must manage stormwater runoff such that peak flow rates leaving the site are equal to or less than the existing rate leaving the site for the 2-, 10-, and 100-year events."</i> Recognizing that linear projects can present challenges to meeting rate control requirements at the project scale, project proposers can follow an alternative rate control standard where they must show that proposed rate increases do not negatively impact downstream local water resource values (e.g., wetland functions and values), exceed the capacity of downstream conveyance systems, contribute to downstream local flooding, or increase flooding in the downstream BCWMC trunk system (i.e., meet "no rise" requirement) if the trunk system is the first downstream conveyance or water body. 	<ul style="list-style-type: none"> The proposed trigger for rate control is stricter than the current trigger for rate control, which is one (1) or more acres of net new impervious surface The trigger and the "City Permitting" requirement for volume control are the same as the 2020 MS4 General Stormwater Permit requirement The MS4 permit's infiltration prohibitions and recognition of treatment constraints. The BCWMC flexible treatment options are familiar to the cities. The linear project review checklist or other documentation would provide guidance and level of consistency between cities for meeting BCWMC requirements. The BCWMC would need to develop minimum requirements for cities to include in "other documentation." BCWMC will BCWMC will be better informed about linear projects. 	<ul style="list-style-type: none"> Some overlapping regulatory requirements for water quality treatment. Requires development of a linear project review checklist. BCWMC may need to prepare or revise checklist, depending on what is developed by others. Requires new reporting by member cities to the BCWMC. 	Assume BCWMC's flexible treatment options (FTOs), MPCA's MS4 permit infiltration prohibitions and recognition of treatment constraints or something similar, remain in place.

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Option #	Description	Advantages	Disadvantages	Comments
	<p><u>City Permitting:</u></p> <ul style="list-style-type: none"> • Requirements <ul style="list-style-type: none"> ○ Capture and retain the larger of 1 inch of runoff off the net increase in impervious area – or 0.5 inches off the new/fully reconstructed impervious area ○ Follow BCWMC flexible treatment options MS4 permit requirements if volume reduction is not feasible or not allowed ○ Complete BCWMC linear project review checklist (to be developed) or other documentation and include in annual reporting back to BCWMC at the end of each year. The BCWMC would need to develop minimum requirements for cities to include in “other documentation.” 			
	<p>Trigger 3: Five (5) or more acres of new/fully reconstructed impervious area:</p> <p><u>Commission Board Review:</u></p> <ul style="list-style-type: none"> • Requirements <ul style="list-style-type: none"> ○ Meet BCWMC erosion control and rate control requirements ○ Capture and retain the larger of 1 inch of runoff off the net increase in impervious area – or 0.5 inches off the new/fully reconstructed impervious area ○ Follow BCWMC flexible treatment options if volume reduction is not feasible or not allowed. ○ Complete BCWMC linear project review checklist and include with application submittal. 	<ul style="list-style-type: none"> • Provides a “minimum” standard that applicants must meet when projects trigger BCWMC standards. • The requirement for volume control is the same as the 2020 MS4 General Stormwater Permit requirement • The BCWMC flexible treatment options are familiar to the cities. • More projects will meet this new trigger and result in more treatment. For example, in reviewing the 47 linear projects since 2017, this new trigger would have resulted in 6-10 (or 21% of) projects meeting the trigger and needing to follow this standard, compared to 1 (or 2.1% of) project under the current standards/trigger. 	<ul style="list-style-type: none"> • The volume control requirement is less stringent than the BCWMC’s current requirement of 1.1 inches off the net new impervious surface • Some overlapping regulatory requirements for water quality treatment. • Requires development of a linear project review checklist. • More complicated and time-consuming project reviews for the BCWMC Engineer. • More costly project reviews for the BCWMC and member cities. • Cities may have difficulty meeting this requirement, even with FTOs in place, which could result in them not constructing projects. 	<p>Assume BCWMC’s flexible treatment options (FTOs), or something similar, remain in place.</p> <p>Current trigger for review of a linear project at a Commission Board meeting is 5 or more acres of land disturbance.</p>