

Table 1. Advantages and disadvantages of options for linear project standards from February 8, 2023 memo to Commission

Option #	Description	Advantages	Disadvantages	Comments ¹
1	Remove the triggers and water quality and rate control standards for linear projects from the BCWMC’s Requirements document, but leave in place the triggers and erosion and sediment 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 (a move in the right direction). This would also mean no BCWMC reviews of linear projects for water quality and rate control.	<ul style="list-style-type: none"> No overlapping regulatory requirements for water quality treatment and runoff rate. Streamlined process for applicants. 	<ul style="list-style-type: none"> Vague language in MS4 permit means no required 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 	
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). May pose challenges for cities in multiple watersheds, if they each have different linear standards. 	BCWMC standards include flexible treatment options (FTOs).
3	Adopt the MPCA’s 2020 MS4 permit standards for linear projects. Due to the vague 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"> Provides guidance and level of consistency between cities for BCWMC project reviews. May result in cities and other MS4 permit holders installing more water quality BMPs compared to years before guidance adopted. 	<ul style="list-style-type: none"> Overlapping regulatory requirements for water quality treatment and runoff rate. 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 project reviews for BCWMC Engineer. More costly project reviews (which could be offset by updating the fee structure). May 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.
4	Same as option 3, but add a minimum standard to the BCWMC requirements for linear projects, which could be the BCWMC’s existing standards or could be something different.	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. 	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.	Same as option 4	<ul style="list-style-type: none"> Overlapping regulatory requirements for water quality treatment and runoff rate. Cities may have difficulty meeting this requirement, even with FTOs in place. 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.

¹ For all options, cities and other MS4 permit holders are required to meet the MS4 permit requirements for linear standards.