

SMALL UTILITY STORMWATER COMPLIANCE
LETTER OF UNDERSTANDING

Sample #1 - BUILDER.
Utility Company or Utility Subcontractor / Builder

I. Small utility parties disturbing land surfaces

(Select one of the following paragraphs)

_____ (*utility company*) will be installing underground utility lines at _____ Project ("Project" {*common name of development*}) and disturbing land surface areas that have been protected with best management practices necessary to address erosion and sediment prevention and control as required by the Minnesota Pollution Control Agency and / or the local governments having permitting and enforcement authority relating to stormwater management.

OR

_____ (*utility subcontractor*) will be installing underground utility lines at _____ Project ("Project" {*common name of development*}) on behalf of _____ (*utility company*) and disturbing land surface areas that have been protected with best management practices necessary to address erosion and sediment prevention and control as required by the Minnesota Pollution Control Agency and / or the local governments having permitting and enforcement authority relating to stormwater management where the Project is located.

II. Location of construction activity & permit coverage

Construction activity is currently being performed at _____ (*location of lot*) with in the Project by _____ ("Builder") and / or _____, the current owner or operator, under the terms of Minnesota's General Permit Authorization to Discharge Stormwater Associated with Construction Activity under the National Pollutant Discharge Elimination System (NPDES) / State Disposal System (SDS) permit program and the site's Stormwater Pollution Prevention Plan (SWPPP).

III. Installation of utility service lines

_____ (*utility company / utility subcontractor*) agrees to review the site's SWPPP and take appropriate measures to protect the site's BMPs from destruction or from otherwise rendering the BMPs ineffective when conducting its land disturbing activities in the installation of underground utilities.

(Select one of the following paragraphs)

_____ (*utility company / utility subcontractor*) agrees to:

- (a) abide by the requirements of the SWPPP and BMP documents as required and / or approved by the MPCA and / or local governments,
- (b) repair and restore to their preexisting condition the land surface areas disturbed by its installation activities,
- (c) promptly and periodically clean all paved surfaces of soil and other debris deposited there in whole or in part due to its installation activities, and
- (d) indemnify the Developer, Builder or current site owner or operator from any loss, cost or claim arising from the obligations set forth in this sentence.

OR

At project sites that require permit coverage where the utility company or utility subcontractor is not the site owner or operator, the utility company or utility subcontractor must either:

- (a) comply with the provisions of the SWPPP for the project OR
- (b) develop their own plan covering the utility's activities in the project when purpose of the utility's activities are for the installation of utility service lines, including but not limited to, residential electric and gas lines, telephone lines, and cable lines.

If the utility company or utility subcontractor damages or renders ineffective the BMPs for the site, the utility company must repair or replace such BMPs within seven days (or sooner if within an outstanding resource value water (ORVW) or impaired water) of completion of each phase of utility installation on the site.

(utility company / utility subcontractor)

By: _____
Title: _____
Date: _____

(building company)

By: _____
Title: _____
Date: _____

Sample #1 - DEVELOPER
Utility Company or Utility Subcontractor / Developer

I. Small utility parties disturbing land surfaces

(Select one of the following paragraphs)

_____ (*utility company*) will be installing underground utility lines at _____ Project ("Project" {*common name of development*}) and disturbing land surface areas that have been protected with best management practices necessary to address erosion and sediment prevention and control as required by the Minnesota Pollution Control Agency and / or the local governments having permitting and enforcement authority relating to stormwater management.

OR

_____ (*utility subcontractor*) will be installing underground utility lines at _____ Project ("Project" {*common name of development*}) on behalf of _____ (*utility company*) and disturbing land surface areas that have been protected with best management practices necessary to address erosion and sediment prevention and control as required by the Minnesota Pollution Control Agency and / or the local governments having permitting and enforcement authority relating to stormwater management where the Project is located.

II. Location of activity & permit coverage

Site development work is currently being performed for the Project by its developer ("Developer") _____ and / or _____, the current owner or operator, under the terms of Minnesota's General Permit Authorization to Discharge Stormwater Associated with Construction Activity under the National Pollutant Discharge Elimination System (NPDES) / State Disposal System (SDS) permit program and the site's Stormwater Pollution Prevention Plan (SWPPP).

III. Installation of utility service lines

_____ (*utility company / utility subcontractor*) agrees to review the site's SWPPP and take appropriate measures to protect the site's BMPs from destruction or from otherwise rendering the BMPs ineffective when conducting its land disturbing activities in the installation of underground utilities.

(Select one of the following paragraphs)

_____ (*utility company / utility subcontractor*) agrees to:

- (a)** abide by the requirements of the SWPPP and BMP documents as required and / or approved by the MPCA and / or local governments,
- (b)** repair and restore to their preexisting condition the land surface areas disturbed by its installation activities,
- (c)** promptly and periodically clean all paved surfaces of soil and other debris deposited there in whole or in part due to its installation activities, and
- (d)** indemnify the Developer, Builder or current site owner or operator from any loss, cost or claim arising from the obligations set forth in this sentence.

OR

At project sites that require permit coverage where the utility company or utility subcontractor is not the site owner or operator, the utility company or utility subcontractor must either:

- (c) comply with the provisions of the SWPPP for the project OR
- (d) develop their own plan covering the utility's activities in the project when purpose of the utility's activities are for the installation of utility service lines, including but not limited to, residential electric and gas lines, telephone lines, and cable lines.

If the utility company or utility subcontractor damages or renders ineffective the BMPs for the site, the utility company must repair or replace such BMPs within seven days (or sooner if within an outstanding resource value water (ORVW) or impaired water) of completion of each phase of utility installation on the site.

(utility company / utility subcontractor)

By: _____
Title: _____
Date: _____

(development company)

By: _____
Title: _____
Date: _____