

SECTION I: COMPLETE & RETURN PAGES 1&2 ALONG WITH SITE SKETCH

<p>CITY OF PROCTOR 100 Pionk Drive Proctor, MN 55810 Phone: (218) 624-3641</p>	<p>Grading/Excavation/Fill Permit Application</p>
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See City of Proctor Ordinance 05-22 Revised August 8th, 2022. *The entire permit must be completed in full or it will be returned to applicant. Certificates of Insurance and Surety Bonds must be on file with the City if working within City R/W. Additional permits may be required for any work in the St. Louis County or MNDOT*

Site Location

Site Address:	Date:	
Lot:	Plat & Parcel:	
Nature of Project:		
Est. Start Date:	Est Completion Date:	
Gopher 1 Ticket Number/Date (or attached ticket copy):		

Owner / Contractor

Property Owner's Name:	Email:	Telephone No.
Address:	City	State Zip
Contractor's Name:	Email:	Telephone No.
Address:	City	State Zip

City Use Only

Street Foreman Approval:	Date:
City Administrator Approval:	Date:
Permit Number:	Permit Fee:

Building and Grading Permit Checklist must be attached and completed as related to this specific project and all related fees must be paid before issuance of permit.



SEE REVERSE SIDE FOR FEE SCHEDULE AND ADDITIONAL REQUIREMENTS. Attach the Erosion and Sediment Control Plan to this application page.

MS4 Statement of Compliance (not for permanent stormwater management)

The property owner and the contractor conducting work on the site are responsible for all the construction activities that occur on the site. By signing this permit both parties are required to install and maintain all erosion and sediment control BMPs to ensure that sediment, soil, and debris does not leave the construction site. This includes but is not limited to tracking of soil /mud onto public streets and roadways from vehicles leaving the site, soil eroding from the site onto roadways or drainage ditches or onto neighboring property. If sediment, soil/mud and/or debris leaves the site, both parties are responsible for the immediate clean up and all costs and fines associated with it. Both parties are also responsible for the total restoration of vegetation on the site (seed/mulch, sod, gardens...) after construction disturbance is substantially complete, and only after vegetation has been established with vigorous growth can BMPs be cleaned and removed.

	/	/
Property Owner	Telephone #	Date
	/	/
Contractor	Telephone #	Date

GRADING/EXCAVATION/FILL PERMIT FEES

Disturbed Area 	Any disturbance less than 1 acre	1 acre or more
Requirement 		
Grading/Excavation/Fill Permit	Yes	Yes
Stormwater Pollution Prevention Plan (SWPPP)	No	Yes
Construction Site Stormwater Runoff Controls	Yes	Yes
Post-Construction Stormwater Management Requirements	No	Yes
MPCA Construction Stormwater Permit	No	Yes
FEE	\$35	City of Proctor: \$35 Additional fee with MPCA

Notes: Disturbed area includes all land disturbance and construction activity, including land area that is part of a larger common plan of development or sale. Where deemed necessary by the City of Proctor to safeguard persons, protect property, and prevent degradation to the environment in the City of Proctor, requirements may be enforced for disturbed areas with less than above identified amount.

The City of Proctor Grading/Excavation/Fill Plan Guidelines

Each application shall include:

1. Application form and fee.
2. Project name.
3. Project narrative describing type of work and proposed disturbance.
4. Address of the proposed land disturbing activities.
5. Total acres to be disturbed. **Check here if disturbed area is less than one acre.**
6. Name, address, and contact information of the owner and/or developer of the site.
7. Name and contact information of consulting firm retained by applicant, if applicable.
8. Stormwater Pollution Prevention Plan (SWPPP) if required, meeting the requirements set forth in the City of Proctor Stormwater Management Design Standards.
9. Details, plans, specifications, calculations, and any other documentation needed to verifying compliance with this ordinance and the City of Proctor Stormwater Management Design Standards.
10. Private Stormwater BMP Maintenance Agreement, if applicable.
11. Drawing: Must include these items on the drawing:
 - a. **Always** clearly show the site grading/disturbance limits.
Also, show pre- and post-development drainage arrows.
 - b. **Clearly show** estimated land contours (hand drawn is acceptable for small projects).
 - c. **Show** any/all creeks, ditches, wetlands, or other sensitive areas within 200 feet of your site.
 - d. **Clearly show** the amount and placement of silt fence, hay bales, construction entrance, etc.
 - e. **Clearly show** washed rock construction entrance. [Minimum: 12' W x 50' L x 6" deep] OR show mud mat reusable mat - 8' x 45' minimum.
 - f. **Show** and label streets and adjacent properties.
Show catch basins/inlets.
Clearly show all protective measures for those areas where sediment could migrate. Protect your neighbor's property from your construction activity and potential erosion and sediment.

SECTION II: KEEP FOR YOUR RECORDS

MINNESOTA STATUTES 216D.03 to 216D.07

216D.03 NOTIFICATION CENTER.

Subdivision 1. **Participation.** An operator shall participate in and share in the costs of one statewide notification center operated by a vendor selected under subdivision 2.

Subd. 2. **Establishment of notification center; rules.** (a) The notification center services must be provided by a nonprofit corporation approved in writing by the commissioner. The nonprofit corporation must be governed by a board of directors of up to 20 members, one of whom is the director of the Office of Pipeline Safety. The other board members must represent and be elected by operators, excavators, and other persons eligible to participate in the center. In deciding to approve a nonprofit corporation, the commissioner shall consider whether it meets the requirements of this paragraph and whether it demonstrates that it has the ability to contract for and implement the notification center service.

(b) The commissioner shall adopt rules:

(1) establishing a notification process and competitive bidding procedure for selecting a vendor to provide the notification service;

(2) governing the operating procedures and technology needed for a statewide notification center; and

(3) setting forth the method for assessing the cost of the service among operators.

(c) The commissioner shall select a vendor to provide the notification center service. The commissioner may advertise for bids as provided in section 16C.06, subdivisions 1 and 2, and base the selection of a vendor on best value as provided in section 16C.06, subdivision 6. The commissioner shall select and contract with the vendor to provide the notification center service, but all costs of the center must be paid by the operators. The commissioner may at any time appoint a task force to advise on the renewal of the contract or any other matter involving the center's operations.

(d) An operator may submit a bid and be selected to contract to provide the notification center service under paragraph (a) or (c). The commissioner shall annually review the services provided by the nonprofit corporation approved under paragraph (a) or the vendor selected under paragraph (c).

Subd. 3. **Cooperation with local government.** In establishing operating procedures and technology for the statewide notification center, the board of directors or the commissioner must work in cooperation with the League of Minnesota Cities, the Association of Minnesota Counties, and the Township Officers' Association. The purpose of this cooperation is to maximize the participation of local governmental units that issue permits for activities involving excavation to assure that excavators receive notice of and comply with the requirements of sections 216D.01 to 216D.07.

Subd. 4. **Notice to local government.** The notification center shall provide local governmental units with a master list, by county, of the operators in the county who are participants in the notification center, and the telephone number and mailing address of the notification center.

History: 1987 c 353 s 9; 1997 c 187 art 1 s 15; 1998 c 386 art 2 s 69

216D.04 EXCAVATION; LAND SURVEY.

Subdivision 1. **Notice required; contents.** (a) Except in an emergency, an excavator shall and a land surveyor may contact the notification center and provide notice at least 48 hours, excluding Saturdays, Sundays, and holidays and not more than 14 calendar days before beginning any excavation or boundary survey. An excavation or boundary survey begins, for purposes of this requirement, the first time excavation or a boundary survey occurs in an area that was not previously identified by the excavator or land surveyor in the notice.

(b) The notice may be oral or written, and must contain the following information:

- (1) the name of the individual providing the notice;
- (2) the precise location of the proposed area of excavation or survey;
- (3) the name, address, and telephone number of the individual or individual's company;
- (4) the field telephone number, if one is available;
- (5) the type and extent of the activity;
- (6) whether or not the discharge of explosives is anticipated;
- (7) the date and time when the excavation or survey is to commence; and
- (8) the estimated duration of the activity.

Subd. 1a. **Plans for excavation.** (a) Any person, prior to soliciting bids or entering into a contract for excavation, shall provide a proposed notice to the notification center to obtain from the affected operators of underground facilities the type, size, and general location of underground facilities. Affected operators shall provide the information within 15 working days. An operator who provides information to a person who is not a unit of government may indicate any portions of the information which are proprietary and may require the person to provide appropriate confidentiality protection. The information obtained from affected operators must be submitted on the final drawing used for the bid or contract and must depict the utility quality level of that information. This information must be updated not more than 90 days before completion of the final drawing used for the bid or contract.

(b) This subdivision does not apply to bids and contracts for:

- (1) routine maintenance of underground facilities or installation, maintenance, or repair of service lines;
- (2) excavation for operators of underground facilities performed on a unit of work or similar basis; or
- (3) excavation for home construction and projects by home owners.

(c) A person required by this section to show existing underground facilities on its drawings shall conduct one or more preliminary design meetings during the design phase to communicate the project design and coordinate utility relocation. Affected facility operators shall attend these meetings or make other arrangements to provide information.

(d) A person required by this section to show existing underground facilities on its drawings shall conduct one or more preconstruction meetings to communicate the project design and coordinate utility re- location. Affected facility operators and contractors shall attend these meetings or make other arrangements to provide information.

(e) This subdivision does not affect the obligation to provide a notice of excavation as required under subdivision 1.

Subd. 2. **Duties of notification center; regarding notice.** The notification center shall assign an inquiry identification number to each notice and retain a record of all notices received for at least six years. The center shall immediately transmit the information contained in a notice to every operator that has an un- derground facility in the area of the proposed excavation or boundary survey.

Subd. 3. **Locating underground facility; operator.** (a) Prior to the excavation start time on the notice, an operator shall locate and mark or otherwise provide the approximate horizontal location of the underground facilities of the operator and provide readily available information regarding the operator's abandoned and out-of-service underground facilities as shown on maps, drawings, diagrams, or other records used in the operator's normal course of business, without cost to the excavator. The excavator shall determine the precise location of the underground facility, without damage, before excavating within two feet of the marked location of the underground facility.

(b) Within 96 hours or the time specified in the notice, whichever is later, after receiving a notice for boundary survey from the notification center, excluding Saturdays, Sundays, and holidays, unless otherwise agreed to between the land surveyor and operator, an operator shall locate and mark or otherwise provide the approximate horizontal location of the underground facilities of the operator, without cost to the land surveyor.

(c) For the purpose of this section, the approximate horizontal location of the underground facilities is

(d) a strip of land two feet on either side of the underground facilities.

(e) Markers used to designate the approximate location of underground facilities must follow the current color code standard used by the American Public Works Association.

(f) If the operator cannot complete marking of the excavation or boundary survey area before the excavation or boundary survey start time stated in the notice, the operator shall promptly contact the excavator or land surveyor.

(g) After December 31, 1998, operators shall maintain maps, drawings, diagrams, or other records of any underground facility abandoned or out-of-service after December 31, 1998.

(h) An operator or other person providing information pursuant to this subdivision is not responsible to any person, for any costs, claims, or damages for information provided in good faith regarding abandoned, out-of-service, or private or customer-owned underground facilities.

Subd. 4. Locating underground facility; excavator or land surveyor. (a) The excavator or land surveyor shall determine the precise location of the underground facility, without damage, before excavating within two feet on either side of the marked location of the underground facility.

(b) If the excavator or land surveyor cancels the excavation or boundary survey, the excavator or land surveyor shall cancel the notice through the notification center.

(c) The notice is valid for 14 calendar days from the start time stated on the notice. If the activity will continue after the expiration time, then the person responsible for the activity shall serve an additional notice at least 48 hours, excluding Saturdays, Sundays, and holidays, before the expiration time of the original notice, unless the excavator makes arrangements with the operators affected to periodically verify or refresh the marks, in which case the notice is valid for six months from the start time stated on the notice.

(d) The excavator is responsible for reasonably protecting and preserving the marks until no longer required for proper and safe excavation near the underground facility. If the excavator has reason to believe the marks are obliterated, obscured, missing, or incorrect, the excavator shall notify the facility operator or notification center in order to have an operator verify or refresh the marks.

History: 1987 c353 sJO, 1992c493s5, 1993 c341art1s21; 1997 c196 s1; 1998 c348 s1-3; 2004 c]63 s 2-6

216D.05 PRECAUTIONS TO AVOID DAMAGE.

An excavator shall:

(1) plan the excavation to avoid damage to and minimize interference with underground facilities in and near the construction area;

(2) use white markings for proposed excavations except where it can be shown that it is not practical;

(3) maintain a clearance between an underground facility and the cutting edge or point of any mechanized equipment, considering the known limit of control of the cutting edge or point to avoid damage to the facility;

(4) provide support for underground facilities in and near the construction area, including during backfill operations, to protect the facilities; and

(5) conduct the excavation in a careful and prudent manner.

History: 1987 c 353 s 11; 1998 c 348 s 4; 2004 c 163 s 7

216D.06 DAMAGE TO FACILITY.

Subdivision 1. **Notice; repair.** (a) If any damage occurs to an underground facility or its protective covering, the excavator shall notify the operator promptly. When the operator receives a damage notice, the operator shall promptly dispatch personnel to the damage area to investigate. If the damage results in the escape of any flammable, toxic, or corrosive gas or liquid or endangers life, health, or property, the excavator responsible shall immediately notify the operator and the 911 public safety answering point, as defined in section 403.02, subdivision 19, and take immediate action to protect the public and property. The excavator shall also attempt to minimize the hazard until arrival of the operator's personnel or until emergency responders have arrived and completed their assessment. The 911 public safety answering point shall maintain a response plan for notifications generated by this section.

(b) An excavator shall delay backfilling in the immediate area of the damaged underground facilities until the damage has been investigated by the operator, unless the operator authorizes otherwise. The repair of damage must be performed by the operator or by qualified personnel authorized by the operator.

(c) An excavator who knowingly damages an underground facility, and who does not notify the operator as soon as reasonably possible or who backfills in violation of paragraph (b), is guilty of a misdemeanor.

Subd. 2. **Cost reimbursement.** (a) If an excavator damages an underground facility, the excavator shall reimburse the operator for the cost of necessary repairs, and for a pipeline the cost of the product that was being carried in the pipeline and was lost as a direct result of the damage.

(b) Reimbursement is not required if the damage to the underground facility was caused by the sole negligence of the operator or the operator failed to comply with section 216D.04, subdivision 3.

Subd. 3. **Prima facie evidence of negligence.** It is prima facie evidence of the excavator's negligence in a civil court action if damage to the underground facilities of an operator resulted from excavation, and the excavator failed to give an excavation notice under section 216D.04 or provide support as required by section 216D.05. **History:** 1987 c 353 s 12; 1999 c 43 s 1

216D.07 EFFECT ON LOCAL ORDINANCES.

(a) Sections 216D.01 to 216D.07 do not affect or impair local ordinances, charters, or other provisions of law requiring permits to be obtained before excavating.

(b) A person with a permit for excavation from the state or a public agency is subject to sections 216D.01 to 216D.07. The state or public agency that issued a permit for excavation is not liable for the actions of an excavator who fails to comply with sections 216D.01 to 216D.07.

History: 1987 c 353 s 13