



Minnesota Pollution Control Agency

AUTHORIZATION TO DISCHARGE STORMWATER UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM/STATE DISPOSAL SYSTEM PERMIT PROGRAM

PERMITTEE: City of Minneapolis and the Minneapolis Park and Recreation Board, hereinafter the "Permittee"

RECEIVING WATERS: Water bodies within and adjacent to the City of Minneapolis

CITY OR TOWNSHIP: City of Minneapolis

COUNTY: Hennepin

ISSUANCE DATE:

EXPIRATION DATE:

In compliance with the provisions of the Clean Water Act, as amended (33 U.S.C. § 1251, et seq.; hereinafter, the "Act"), 40 CFR parts 122, 123, and 124, as amended; Minnesota Statutes chapters 115 and 116, as amended; and Minnesota Rules chapter 7001.

This permit establishes conditions for discharging stormwater and for specific other related discharges to waters of the state.

This permit is a reissuance of an existing permit that was issued on December 1, 2000. This reissued permit is effective on the issuance date identified above and supersedes the previous permit.

This permit and the authorization to discharge shall expire approximately five years from the date of final issuance. The Permittee is not authorized to discharge after the above date of expiration. In order to receive authorization to discharge beyond the above date of expiration, the Permittee shall submit such information and forms as required to the Minnesota Pollution Control Agency (MPCA) no later than 180 days prior to the above date of expiration pursuant to Minn. R. 7001.0040.

Signature: _____

Dale Thompson, Supervisor
Municipal Stormwater Unit
Stormwater Section
Municipal Division

For The Minnesota Pollution Control Agency

If you have questions on this permit, including the specific permit requirements, permit reporting or permit compliance status, please contact.

Minnesota Pollution Control Agency
MS4 Stormwater Program
520 Lafayette Road North
St. Paul, MN 55155-4194
Telephone 651-757-2119 or 1-800-657-3804

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DESCRIPTION

The Municipal Separate Storm Sewer System (MS4) consists of storm sewer system and treatment works for the collection, conveyance, treatment, storage, and discharge of stormwater owned or operated by the city of Minneapolis or the Minneapolis Park and Recreation Board.

The discharge consists of stormwater at a rate dependent upon precipitation and snow melt. All sanitary wastes in the affected area are conveyed by the municipal sanitary sewer or combined sewer system and their discharge is not authorized by this permit.

PART I. PERMIT GOALS

The primary goal of this permit is to restore and maintain the chemical, physical, and biological integrity of waters of the state through management and treatment of urban stormwater runoff. This is accomplished by management of **Municipal Separate Storm Sewer Systems** through a Stormwater Management Program. The purpose is to maintain water quality standards where there is compliance, and help bring waters that do not meet water quality standards into compliance. It should be noted that when there is a discharge to waters with respect to which there are limitations on coverage (see Part II.B), there may be more stringent requirements to which the Permittee is subject that may require a separate National Pollutant Discharge Elimination System (NPDES) permit for those discharges

Comment [A1]: Add "the" before Municipal, and change "Systems" to "System". This is an individual permit for one system.

PART II. COVERAGE UNDER THIS PERMIT

A. Authorization

This permit, including appendices, authorizes discharges of stormwater from **Large Municipal Separate Storm Sewer Systems** as defined in 40 CFR § 122.26(b)(4) and described in the Permittee's Stormwater Management Program in accordance with the requirements of this permit. This permit does not exempt or otherwise preclude the Permittee from complying with the requirements of Watershed Districts, Watershed Management Organizations, the County, or any other local, state, or federal rules and regulations.

Comment [A2]: Add "a" before Large, and change "Systems" to "System".

B. Limitations on Coverage

1. This permit does not authorize discharges other than stormwater. Non-stormwater discharges may include: combined sewer overflow, noncontact cooling water, sewage, wash water, scrubber water, spills, oil, hazardous substances, fill, commercial equipment and/or vehicle cleaning and maintenance wastewaters. A separate NPDES permit may be required for these discharges.
2. This permit does not authorize the discharge of stormwater when a separate NPDES permit is required for these activities. For example, while stormwater from construction activity may be discharged from a municipal separate storm sewer system with authorized stormwater discharges, this permit does not replace or satisfy any other permits required for those discharges.
3. **This permit does not authorize the discharge of stormwater from any other entity located in the drainage area or outside the drainage area. Only discharges by the Permittee to the portions of the storm sewer system that are under its operational control are authorized by this permit.**
4. This permit does not allow new or expanded discharges unless the Permittee is in compliance with the requirements of Minn. R. ch. 7050.
5. This permit does not authorize the following discharges unless the requirements of Appendix C are met:

Comment [A3]: What does this mean for Phase II MS4 entities (MnDOT, Hennepin County, the University of Minnesota, and neighboring municipalities) who have stormwater that discharges into the Minneapolis MS4? Minneapolis does not have the authority to regulate Phase II MS4 entities. This permit should recognize that limitation.

- a. Discharges into wetlands as defined in Minn. R. 7050.0186.
- b. Discharges requiring environmental review as provided by Minn. Stat. ch. 116D and 42 U.S.C. §§ 4321 – 4370f.
- c. Discharges affecting threatened or endangered species or their habitat.
- d. Discharges affecting historic or archeological sites.
- e. Discharges affecting source water protection areas as provided by (Minn. R. 4720.5100 – 4720.5590).

6. This permit does not authorize stormwater discharges from any portion of any municipal facility where stormwater discharge is authorized under an individual NPDES/SDS permit or other industry-specific general NPDES/SDS permit.

Comment [A4]: For clarity, change this sentence to read, "This permit . . . under an individual NPDES/SDS Industrial Stormwater Permit or other . . .". This sentence is confusing, because this IS an individual NPDES/SDS permit.

C. Obtaining Authorization

- 1. The Permittee shall submit, within 90 days of the permit issuance date, a revised Stormwater Management Program that meets the requirements of Part V including a revised stormwater monitoring and assessment program as required under Part V.C.7.
- 2. In accordance with the procedures of this permit and the requirements of Minn. R. ch. 7001, the MPCA shall provide public notice with the opportunity for hearing on the Commissioner’s determination of intent to approve or deny the revised Stormwater Management Program. The MPCA will provide public and MPCA comments to the Permittee. The Permittee will have the opportunity to respond to the comments prior to the MPCA making a final determination.
- 3. The Commissioner will make a final determination on the revised Stormwater Management Program in accordance with Minn. R. ch. 7001.
- 4. Upon approval by the Commissioner, the Permittee is authorized to discharge stormwater from the Permittee’s municipal separate storm sewer system under the terms and conditions of this permit and the revised Stormwater Management Program.

Comment [A5]: This is an unreasonable timeline for the complexity of our system. A minimum of six months will be needed to transition from the current Stormwater Management Program format to the new. The changes in categorization and level of detail are considerable. Because the permit will have been issued, and (as stated in Part V.A.) the existing Stormwater Management Program will stay in effect until the revised Stormwater Management Program is approved, there is no downside for spending six to nine months to prepare a clear and comprehensive Stormwater Management Program in the format, produced with real participation by all affected departments.

Comment [A6]: This should simply say, "that meets the requirements of this Permit" instead of "that meets the requirements of Part V [etc.]" so that nothing in other parts of the Permit is overlooked.

**PART III
PERMIT APPLICATION REQUIREMENTS**

A. Application for Permit Reissuance

- 1. The Permittee shall submit an application for reissuance at least 180 days before permit expiration. (Minn. R. 7001.0040, subp.3)
- 2. If the Permittee has submitted a timely application for permit reissuance, the Permittee may continue to conduct the activities authorized by this permit, in

Comment [A7]: Change to "Next Application for Permit Reissuance", and then "At least 180 days before permit expiration, the Permittee shall submit an application for reissuance." Most people reading this draft assume this section pertains to the current requirements being fulfilled in year 2010. Please clarify that Part III pertains to the NEXT permit cycle – i.e., five years after reissuance based on THIS draft permit (or approximately year 2015). As written this is not clear.

compliance with the requirements of this permit, until the MPCA takes final action on the application, unless the MPCA determines one of the following:

- a. The Permittee is not in substantial compliance with the requirements of this permit, or with a stipulation agreement or compliance schedule designed to bring the Permittee into compliance with this permit.
 - b. The MPCA, as a result of an action or failure to act by the Permittee, has been unable to take final action on the application on or before the expiration date of the permit.
 - c. The Permittee has submitted an application with major deficiencies or has failed to properly supplement the application in a timely manner after being informed of deficiencies. (Minn. R. 7001.0160)
3. If the Permittee does not intend to continue activities authorized by this permit after the expiration date of this permit, the Permittee shall notify the MPCA at least 180 days before the permit expiration.

B. Signature

The Application shall be signed in accordance with application forms provided by the Commissioner and shall include the following information:

1. The street address, county, and the owner or person with operational control of the municipal separate storm sewer system for which the application is submitted; and
2. The name, address, and telephone number of the person responsible for overall permit compliance.

C. Stormwater Management Program

The Permittee shall submit with an application for reissuance, a revised Stormwater Management Program including:

1. The Best Management Practices (BMPs) that the Permittee will implement for each of the stormwater Minimum Control Measures at Part V.C of this permit;
2. The measurable BMP-specific goals for each of the BMPs, including, as appropriate, the months and years in which the Permittee will undertake required actions, including interim milestones and the frequency of the action, in narrative or numeric form, as appropriate;
3. The identity of the person(s) responsible for implementing and/or coordinating each component of the Stormwater Management Program. This should be the person the MPCA contacts for the particular component; it may be the overall coordinator or other individual; and

Comment [A8]: Delete all of Section C. We assume that each subsequent Permit will have new or modified requirements, and thus the Stormwater Management Program would be revised and submitted after permit requirements are available.

- 4. A revised monitoring and assessment program to meet requirements of Part V.C.7 of this permit.

D. Anti-degradation

The Permittee shall submit with an application for reissuance, data and information requested by the Commissioner for an anti-degradation assessment of impacts from stormwater runoff in accordance with Minnesota Rules.

Comment [A9]: Include the process for this in the permit.

E. Where to Submit

Applications signed in accordance with Part III.B of this permit are to be submitted to the Commissioner at the following address:

MS4 Stormwater Program
 MPCA
 520 Lafayette Road North
 St. Paul, MN 55155-4194

F. Application Record Retention

The applicant shall retain copies of the permit application, all data and information used by the applicant to complete the application, and any additional information requested by the Commissioner during the review of the application, for a period of at least three years beyond the date of permit expiration. This period is automatically extended during the course of an unresolved enforcement action regarding the municipal separate storm sewer system or as requested by the Commissioner.

PART IV. RIGHTS AND RESPONSIBILITIES

A. Permit Modifications to Protect Water Quality

The Commissioner may modify this permit or issue other permits, in accordance with Minn. R. 7001, to include more stringent effluent limitations, or permit requirements that modify, or are in addition to, the Minimum Control Measures in Part V.C of this permit, or both. These modifications may be based on the Commissioner’s determination that such limitations are needed to protect water quality.

B. Storm Sewer System Management

The management of the municipal separate storm sewer system shall be in compliance with the Clean Water Act and with the terms and conditions of this permit. The Permittee shall manage, operate, and maintain the storm sewer system and areas drained by the storm sewer system in a manner to reduce the discharge of pollutants to the Maximum Extent Practicable (MEP). The management may consist of a combination of BMPs, education, other control techniques, system design and engineering methods, and such other provisions as the Permittee and/or MPCA determine as appropriate.

Comment [A10]: Add, "that are within the Permittee's control"

Comment [A11]: Delete "and/or MPCA", and change "determine" to "determines". This is consistent with Part V.B., second sentence, and Part V.C., second sentence. The MPCA would not unilaterally determine that a technique, method or other provision is appropriate.

DRAFT permit language from MPCA.

DRAFT comments for discussion by T&PW on June 8, 2010, and MPRB on June 16, 2010

C. Watershed-Based Permit

Watershed-based NPDES permitting is a process that emphasizes addressing all stressors within a hydrologically-defined drainage basin, rather than addressing individual pollutant sources within an area defined by a jurisdictional boundary on a discharge-by-discharge basis. The MPCA and the Permittee agree that watershed-based permitting is potentially a more effective means of regulating water quality-impacting activities. In the context of this permit, more effective regulation means improved water quality and less duplication and conflict in water quality regulation. Based on this agreement, the Permittee may submit, and the MPCA will consider, an application to amend this permit prior to the expiration of this permit.

D. Joint Permittees

1. The following entities are Joint Permittees under this permit. The titles "Joint Permittee" and "Permittee" shall be considered to be same and both refer to these entities and are use interchangeably:
 - a. City of Minneapolis
 - b. Minneapolis Parks and Recreation Board
2. Each Joint Permittee is individually liable for:
 - a. permit compliance for the discharges from portions of the storm sewer system of which it is the owner and/or operator; and
 - b. storm water management for discharges from portions of the storm sewer system of which it is the owner and/or operator.
3. The Joint Permittees are jointly and severally liable for:
 - a. compliance with Annual Reporting requirements;
 - b. ensuring funding for representative monitoring according to established agreements;
 - c. ensuring implementation of any system-wide management program elements;
 - d. compliance on portions of the storm sewer system where operation, maintenance, or other authority has been transferred from one Joint Permittee to another in accordance with legally binding interagency agreements; and
 - e. compliance on portions of the storm sewer system where the Joint Permittees jointly own or operate the system.
4. The Joint Permittees shall enter into an agreement to define their individual responsibilities for meeting the requirements and conditions of this permit (Agreement).

Comment [A12]: "Park" is singular in this agency's name.

Comment [A13]: At the end of Part IV D.r., add, "Alternatively, the Joint Permittees can define their individual responsibilities for meeting the requirements and conditions of this permit in the Stormwater Management Program, the due date of which is addressed in Part II. C.1." The Joint Permittees prefer this approach as it would achieve the same assurances and may be more expedient.

DRAFT permit language from MPCA.

DRAFT comments for discussion by T&PW on June 8, 2010, and MPRB on June 16, 2010

As part of the Agreement, the Joint Permittees shall define their individual responsibilities to assure that the operation, maintenance, monitoring, and management of this permit are completed. The Agreement shall include, but not be limited to the following items:

- a. a designation of an Authorized Representative to serve as the coordinator of the Joint Permittees;
 - b. a delineation of responsibilities to assure all parts of the Storm Water Management Program are implemented and managed according to the conditions of this permit; and
 - c. a delineation of responsibilities for submittal of the Annual Report.
5. A copy of the Agreement shall be submitted to the Commissioner within one hundred-eighty (180) days of the date of issuance of this permit. Any changes to the Agreement shall be submitted to the Commissioner within thirty (30) days of the final execution of the changes.

PART V. STORMWATER MANAGEMENT PROGRAM

A. Stormwater Management Program

The Permittee shall develop, implement, and enforce (except as specified below) a Stormwater Management Program designed to reduce the discharge of pollutants from the municipal separate storm sewer system to the Maximum Extent Practicable (MEP), to protect water quality and to satisfy the appropriate water quality requirements of the Clean Water Act and the conditions of this permit. The Stormwater Management Program is an enforceable part of the permit.

The Stormwater Management Program shall be the document that describes in detail all activities and aspects of the Stormwater Management Program, including long-term goals (that may extend beyond the permit period), BMP-specific goals, priorities, strategies, monitoring, record keeping and reporting. The Stormwater Management Program shall cover at least the term of the permit and be based on an adaptive management system by which the Permittee continuously monitors, analyzes and adjusts the Stormwater Management Program to achieve pollutant reductions to the MEP. The Stormwater Management Program shall consist of the Minimum Control Measures (described in Part V.C.1 to 8 of this permit) and shall conform with the requirements of Part V.B to V.G of this permit.

Upon their approval by the Commissioner, modifications to the Stormwater Management Program are an enforceable part of the permit and shall be implemented as specified in the permit and in the Commissioner’s approval letter. Prior to approval by the Commissioner of the revised Stormwater Management Program, the Permittee shall continue to operate in accordance with the Permittee’s current Stormwater Management Program. The Permittee shall, upon the receipt of notice of the Commissioner’s approval of the revised Stormwater Management Program, commence operation under the revised Stormwater Management Program. Modifications to the Stormwater Management Program may be made through the Annual

Comment [A14]: We request the following re-ordering of Part V, for clarity.

Follow Part V.A., "Stormwater Management Program", with "Modifications to the Stormwater Management Program" as Part V.B. Then, follow with the six standard "Minimum Control Measures" as Part V.C., "Monitoring and Assessment" as Part V.D., "Section 303(d) Listings and Total Maximum Daily Loads (TMDLs) Implementation Plans" as Part V.E., "Pilot Programs for Stormwater Management" as Part V.F., "Coordination and Cooperation with Other Governmental Entities" as Part V.G., and "Annual Report" as Part V.H. Then for clarity, all information about annual reporting should be grouped together in one place (Part VI).

Comment [A15]: The meaning of this parenthetical phrase is unclear. Please be more specific.

Comment [A16]: This sentence should read, "The Stormwater Management Program shall conform to the requirements of Part V of this permit." Delete the rest of this sentence.

Report, required under Part V.F of this permit, in compliance with Part V.D. 3, 4 and 5 of this permit. Modifications to the Stormwater Management Program shall be implemented as specified in the Annual Report and in the Commissioner’s approval letter.

The Annual Report shall discuss progress toward achieving the long-term and BMP-specific goals of the Stormwater Management Program and shall modify as necessary the priorities, strategies, and monitoring of the Stormwater Management Program to achieve the long-term and BMP-specific goals. The Annual Report shall conform to the requirements of Parts V.F and VI.D of this permit.

B. Minimum Control Measure General Requirements

The Permittee shall manage, operate, and maintain its storm sewer system and areas that the Permittee controls that discharge to the storm sewer system in a manner to reduce the discharge of pollutants to the MEP. Each Minimum Control Measure shall consist of a combination of BMPs, including: system design and engineering methods; education; operation; maintenance; control techniques; a schedule for installation and/or implementation of planned BMPs; and such other provisions as the Permittee determines to be appropriate. The Minimum Control Measures shall meet the minimum requirements of this permit. In the development of Minimum Control Measures for the Stormwater Management Program, the Permittee shall consider the sources of pollutants, the potentially polluting activities being conducted in the watershed, and the sensitivity of the receiving waters.

Comment [A17]: Consistent with Comment A14, for clarity have the "General Requirements" precede the list of Mimum Control Measures, all as Part V.C.

Comment [A18]: Delete this sentence, it is confusing and is not needed.

Comment [A19]: The phrase "in the watershed" should be changed to "in areas that the Permittee controls that discharge to the storm sewer system".

For each Minimum Control Measure, the Stormwater Management Program shall include:

1. identification of potential sources and pollutants targeted for reduction;
2. a description of the BMPs for each Minimum Control Measure;
3. identification of staff needed to conduct BMP activities and the responsible department in charge;
4. identification of resources dedicated to implementation of the Minimum Control Measure;
5. an estimated annual budget for the permit term;
6. measurable, BMP-specific goals that will be used to determine the success or benefits of the BMPs;
7. schedules and protocol for monitoring, recordkeeping and reporting;
8. an implementation schedule for new or revised BMPs; and
9. a detailed description of any agreement between the Permittee and partner(s) to implement the Minimum Control Measure describing the rights, roles, and responsibilities of each party to the agreement.

Comment [A20]: It is understood that this means "number of staff".

Comment [A21]: It is understood that this means "financial resources". Possibly numbers 3, 4 and 5 should be combined.

Comment [A22]: Add, "or copy"

C. Minimum Control Measures

The Minimum Control Measures listed below must be included in the Stormwater Management Program. The Permittee shall define appropriate BMPs for these Minimum Control Measures and measurable BMP-specific goals for each BMP.

Comment [A23]: Consistent with Comments A14 and A17, for clarity have the "General Requirements" precede the list of the six standard Mimum Control Measures (numbers 1 through 6 below), all as Part V.C.

1. Public education and outreach on stormwater impacts. The Permittee shall select and implement a program of appropriate BMPs and measurable BMP-specific goals for this Minimum Control Measure. At a minimum, the Permittee shall:
 - a. implement a multilingual program to educate the residents, businesses, and industrial facilities that reside or do business within the Permittee’s jurisdiction. The program shall consist of multiple efforts and communication methods to educate the target audiences about the impacts of stormwater discharges on water bodies and the steps that can be taken to reduce pollutants in stormwater runoff.
 - b. implement a public education program that addresses each Minimum Control Measure. The Permittee may focus on one Minimum Control Measure or combination of Minimum Control Measures each year for the entire calendar year on a rotating annual basis. The Permittee shall address:
 - 1) Public participation;
 - 2) Illicit discharge detection and elimination;
 - 3) Construction site stormwater runoff control;
 - 4) Post-construction stormwater management in new development and redevelopment;
 - 5) Pollution prevention and good housekeeping for municipal operations;
 - 6) Monitoring and assessment; and
 - 7) TMDL.
 - c. identify for each Minimum Control Measure:
 - 1) the audience or audiences involved;
 - 2) specific educational goals for each audience. The education-specific goal shall be stated in terms of increased awareness, increased understanding, acquired skills, and/or desired changes in behavior;
 - 3) activities used to reach educational goals for each audience;
 - 4) activity implementation plans, including responsible department in charge, entities responsible for given activities, and schedules; and
 - 5) performance measures that can be used to determine success in reaching education-specific goals;
 - d. describe how the education program is coordinated with, and makes effective use of, other stormwater education programs being conducted in the area by other entities, if the Permittee relies upon another entity for some of its education and outreach

Comment [A24]: To avoid confusion, include "Public education and outreach" as #1 in the list for 1.b., so that the list matches up with the standard 6 Minimum Control Measures.

Comment [A25]: Remove "Monitoring and Assessment" and "TMDL" from this list. This list should stick to the standard six Minimum Control Measures.

(Monitoring and Assessment and TMDLs are not similar to the Minimum Control Measure categories, they are more in the category of BMPs themselves, and the terms of Part V.C.1. [e.g., desired changes in behavior] are not appropriate for "Monitoring and Assessment" and "TMDLs".)

Minimum Control Measure. The Permittee may use education programs developed and administered by other entities, as appropriate for the municipal separate storm sewer system, including, but not limited to: community groups, nonprofit organizations, lake conservation districts, soil and water conservation districts, watershed districts, watershed management organizations, school districts, University of Minnesota Extension, and county, regional, state, and federal government. The Permittee shall list formal agreements or partnerships and describe the functions performed by the other entity(ies) for the Permittee.

- e. implement a program to inform and educate:
 - 1) the public and affected industries, regarding the prohibition, proper management and impacts of the introduction of non-stormwater discharges into the storm sewer system including, but not limited to, chemicals, motor vehicle fluids and fluids associated with the mobile power wash industry and other toxic materials.
 - 2) the public and commercial applicators and distributors of pesticides and fertilizers, regarding the proper application of pesticides and fertilizers with an emphasis on working with the Minnesota Department of Agriculture and retail centers to aid compliance with fertilizer restrictions, soil phosphorus testing and public information efforts;
 - 3) the public, regarding the proper management of pet waste and the beneficial onsite reuse of leaves and grass clippings.

If another governmental entity has implemented an education program in a portion of the jurisdiction, the Permittee may work with that entity to share resources and expand the program to all portions of the municipal separate storm sewer system.
- f. hold at least one public meeting per year addressing the Stormwater Management Program and the Annual Report. A summary of the public input and/or testimony received at the meeting and the Permittee’s response to it shall be included in the Annual Report. The Permittee shall hold the public meeting prior to submittal to the Commissioner of the Annual Report required in Part V.F. The meeting and meeting notice shall meet the following requirements:
 - 1) Location. The public informational meeting shall be held in the general vicinity of the municipal separate storm sewer system which is the subject of the permit. Otherwise, the public informational meeting shall be held in a place that is generally convenient to persons expected to attend the meeting.
 - 2) Notice. The Permittee shall prepare and publish a notice of the public informational meeting. Publication of the notice shall be at least 30 days prior to the meeting. The notice shall contain a reference to the Stormwater Management Program and Annual Report; proposed changes to the monitoring and assessment and/or TMDL Minimum Control Measures (as appropriate); the date, time, and location of the public informational meeting; a concise description of the manner in which the public informational meeting will be conducted; and information about where a copy of the Stormwater Management Program and Annual Report is available for public review.
 - 3) Distribution of notice. The Permittee shall publish the notice in a newspaper of general circulation in the general vicinity of the municipal separate storm sewer system, and shall make a copy of the notice available to the Agency, the

Comment [A26]: The word "chemicals" in this context is much too broad. It is not reasonable for us to educate the public and industries on all chemicals.

Comment [A27]: Again, the phrase "other toxic materials" is too broad. It is also noted that the City of Minneapolis has been preempted from regulating in this area by Minnesota Statutes, Sections 18B.02 and 18C.110. Therefore all the City can do is inform and educate, whereas only the state has the power to regulate in this area and is doing so on only a very limited basis.

Comment [A28]: This sentence could be deleted. At the very least, delete the word "governmental" so as to include other entities as listed in Part V.C.1.d., and consider combining with Part V.C.1.d.

Comment [A29]: Move this to the applicable section of Part VI, so that all annual reporting requirements are grouped in one place.

Comment [A30]: The phrase "proposed changes to the monitoring and assessment and/or TMDL Minimum Control Measures" should be changed to "proposed changes to Minimum Control Measures, monitoring and assessment, and/or TMDL progress and activities"

appropriate county officials, all governmental entities that have jurisdiction over activities that directly or indirectly relate to stormwater management in the drainage area, and all other persons who have requested that they be informed of public meetings for the Stormwater Management Program and Annual Report.

4) Joint meetings. The Permittee may consolidate two or more matters, issues, or related groups of issues to meet the requirements of this part. These public meetings may be part of a larger public meeting, such as a city council meeting, provided that adequate public notice and opportunity to participate is provided.

2. Public participation, public involvement. The Permittee shall select and implement a program of appropriate BMPs and measurable BMP-specific goals for this Minimum Control Measure. At a minimum, the Permittee shall:

- a. comply with applicable public notice requirements of Part V.C.1.f.2 and 3 when implementing the provisions of the Stormwater Management Program;
- b. get public input on the adequacy of the Stormwater Management Program, including input from the public meeting described in Part V.C.1.f, each year prior to submittal of the Annual Report to the Commissioner. The Permittee:
 - 1) shall afford interested persons a reasonable opportunity to make oral statements concerning the Stormwater Management Program;
 - 2) shall consider relevant written materials that interested persons submit concerning the Stormwater Management Program; and
 - 3) may establish procedures and processes for each speaker's presentation, require speakers with similar views to select a spokesperson, specify the timing and format of written materials or make similar rules to help ensure an opportunity for full and fair consideration of all views;
- c. consider the public input, oral and written, to the Stormwater Management Program and shall make appropriate adjustments; and
- d. include a formal resolution from the Permittee's governing body adopting the Annual Report and the Stormwater Management Program with the Annual Report.

3. Illicit discharge detection and elimination. The Permittee shall develop, implement and enforce a program to detect and eliminate illicit discharges as defined in 40 CFR § 122.26(b)(2). The Permittee shall take all reasonable steps to minimize any adverse impact to waters of the state resulting from all unauthorized discharges, random, frequent or infrequent, accidental or otherwise, of nutrients, oil, toxic pollutants or other hazardous substances consistent with Minn. Stat. § 115.061 and 40 CFR Parts 110 and 116. This requirement is not limited to discharges through temporary or permanent connections to the storm sewer system. The Permittee shall also select and implement a program of appropriate BMPs and measurable BMP-specific goals for this Minimum Control Measure. At a minimum, the Permittee shall:

Comment [A31]: The state should be properly staffed to inspect and enforce its permit programs. Instead it is pushing more requirements to the City.

Comment [A32]: This should state, "shall implement and enforce its program, and as necessary continue to develop its program,.". We have a program in place already, that is in compliance with the permit.

Comment [A33]: Change "all reasonable steps" to "steps to the maximum extent practicable" as this is the applicable standard.

Comment [A34]: The intent of this sentence is unclear. The MS4 Permit coverage is applicable to the conveyance system and the land, within our control, that drains to it. Discharges that are outside our conveyance system are outside the scope of this permit.

a. develop within three years of the effective date of this permit, if not already completed, an electronic inventory and map of the storm sewer system showing the location of:

- 1) ponds, streams, lakes and wetlands that are part of the system;
- 2) structural pollution control devices (e.g., grit chambers, separators, etc.) that are part of the system. The inventory shall include:
 - i. the size of the area tributary to it,
 - ii. the land use types and distributions,
 - iii. the design capacity of the structure or size of the structure, and
 - iv. catch basins with sumps.

Catch basins and other storm drain inlets without sumps do not have to be identified in the inventory;
- 3) all pipes and conveyances in the Permittee's system;
- 4) outfalls, including discharges from the system to other municipal separate storm sewer systems, or waters and wetlands that are not part of the system (where the Permittee does not have operational control); structures that primarily discharge stormwater into groundwater and all other points of discharge from the system that are outlets, not diffuse flow areas. The inventory shall also include:
 - i. outfall identification number,
 - ii. size of outfall pipe,
 - iii. size of the drainage area,
 - iv. land use types in drainage area and their distribution,
 - v. percent of area that is impervious surfaces, and
 - vi. the number and type of structural controls in the drainage area; and
- 5) inflows from other municipal separate storm sewer systems.

b. effectively prohibit, through ordinance or other regulatory mechanism and appropriate enforcement procedures, the introduction of non-stormwater discharges into the storm sewer system including, but not limited to, chemicals, motor vehicle fluids and fluids associated with the mobile power wash industry.

c. develop and implement:

- 1) processes to:
 - i. receive, track and investigate complaints of illegal discharges;
 - ii. mitigate and eliminate illegal discharges;
 - iii. enforce violations of prohibitions on illegal discharges; and
 - iv. report activities to address illegal discharges in the Annual Report required under V.F illegal discharges
- 2) processes to educate the public, municipal employees, business and industry regarding illegal discharges and improper disposal of waste, including:
 - i. identification
 - ii. associated hazards,
 - iii. reporting,
 - iv. prevention,
 - v. containment, and
 - vi. response to spills that may discharge into the municipal separate storm sewer;

Comment [A35]: We request combining 1) and 2), as follows: "1) all surface waters, and all structural pollution control devices."

Stormwater ponds, stormwater wetlands ARE structural pollution control devices. It would be wise to include a definition for structural pollution control devices in the definitions section.

Comment [A36]: Add "where applicable and feasible"

Comment [A37]: Add "where available".

Comment [A38]: Catch basins with sumps are also structural pollution control devices, and are therefore already included above.

Comment [A39]: This is understood to not include curb and gutter.

Comment [A40]: Spelling.

Comment [A41]: This is understood to not include lawn or green space unless specifically designed for stormwater infiltration purposes. This is also understood to not include private rain gardens, dry wells and other infiltration devices for which records have not been provided to the city.

Comment [A42]: add, "to the maximum extent practicable",

Although the City has appropriate ordinances and enforcement procedures in place, limitations on the City's ability to EFFECTIVELY prohibit non-stormwater discharges include but are not limited to 1.) the sheer magnitude of inlets to the stormwater drainage system that number over 30,000, and 2.) lack of authority to exercise regulatory control over a variety of discharges, for example, motor vehicle emissions.

Comment [A43]: Change "develop and implement" to "implement, and as necessary continue to develop"

Comment [A44]: We understand this to mean clean up spills in accordance with our procedures.

- 3) procedures to implement both temporary and permanent structural controls to ensure against ongoing prohibited discharges for circumstances where potential discharges are likely to remain (e.g., power washing);
 - 4) procedure to limit infiltration of seepage from municipal sanitary sewers to municipal separate storm sewer systems where necessary
- d. shall develop and implement a field screening program to detect and address non-stormwater discharges, including illegal dumping, to the system. The Permittee shall inspect the entire drainage area under the control of the Permittee at least once over the five-year term of this permit for evidence of illegal discharges. The program shall be a continuous operation without significant time lapses between inspections. The program shall include:
- 1) a description of procedures to be followed to prioritize and investigate portions of the municipal separate storm sewer system that indicate a reasonable potential for containing illicit discharges or other sources of non-stormwater. The Permittee shall prioritize investigations based on the results of the field screen, the presence of potential sources of non-stormwater discharges in the geographic area drained by that portion of the municipal separate storm sewer system and other appropriate information;
 - 2) areas or locations to be evaluated;
 - 3) a schedule for the field screening activities; and
 - 4) notification of the Department of Public Safety Duty Officer of discharges, accidental or otherwise, of any substance or material which, if not recovered, may cause pollution of waters of the state.
- The program may be developed in conjunction with the control structure inspection program required by Part V.C.6.b.4 of this permit as well as during routine maintenance activities performed in areas included in the Permittee's jurisdiction. Reports of illicit discharges shall be investigated.

Comment [A45]: Delete C.3). Power washing is already covered under Part V.C.3.b. Neither the meaning of this item, nor is the relationship of 'power washing' to it, is understood.

Comment [A46]: Change "develop and implement" to "implement, and as necessary continue to develop,"

Comment [A47]: Change "entire drainage area" to "system"

Comment [A48]: Change "developed" to "implemented", as the program is already developed and in place.

- e. maintain an education program for its staff regarding the duty to notify the Department of Public Safety Duty Officer as required in this permit and the notification protocol for maintenance staff of other departments' staff for response and containment of materials;
- f. implement the following measures for hazardous waste and other industrial facilities:
- 1) develop and maintain an inventory of industrial, commercial, or institutional facilities that discharge to storm sewer system in accordance with the following:
 - i. The inventory of known industrial, commercial, or institutional facilities that discharge any flow other than stormwater to the municipal separate storm sewer system shall include the name, location, discharge location to the municipal separate storm sewer system, the receiving water, discharge description, and any permits issued for the discharge. The MPCA will provide a list of permitted facilities to the city upon request.
 - ii. The inventory of "stormwater hotspots" shall include any land use or activity that may generate a higher concentration of hydrocarbons, trace metals, or toxicants than are found in typical stormwater runoff. The inventory shall, to the extent possible, use industrial/commercial stormwater risk factors (e.g.,

Comment [A49]: Change "develop and maintain" to "maintain, and continue to develop",

Comment [A50]: It is understood that the inventory pertains to hazardous waste and other industrial facilities (as indicated by the Part V.C.3.f subject heading. (Otherwise highways and other major transportation categories would all fit this description.)

Cross and Duke, 2008) and input from Hennepin County Environmental Services and Minneapolis Inspections Departments to identify hot spots. The inventory shall include the discharge location to the municipal separate storm sewer system, the receiving water, discharge description, and any permits issued for the discharge.

- 2) develop and implement a program to identify municipal solid waste, hazardous waste and other industrial sources of pollutants and to monitor pollutants in runoff from operating or closed municipal landfills or other treatment, storage or disposal facilities for municipal waste; hazardous waste treatment, disposal and recovery facilities; industrial facilities that are subject to section 313 of Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA), 42 U.S.C. chapter 116; and industrial facilities that the Permittee determines are contributing a substantial pollutant loading to the municipal separate storm sewer system; and
 - 3) identify priorities and procedures for inspections and establishing and implementing control measures for such discharges.
- g. identify each of the following non-stormwater discharges or flows (i.e., illicit discharges) in the Stormwater Management Program as a significant or insignificant contributor of pollutants:
- 1) water line flushing;
 - 2) landscape irrigation;
 - 3) diverted stream flows;
 - 4) rising ground waters;
 - 5) uncontaminated ground water infiltration (as defined at 40 CFR § 35.2005(b)(20));
 - 6) uncontaminated pumped ground water;
 - 7) discharges from potable water sources;
 - 8) foundation drains;
 - 9) air conditioning condensation;
 - 10) irrigation water;
 - 11) springs;
 - 12) water from crawl space pumps;
 - 13) footing drains;
 - 14) lawn watering;
 - 15) individual residential car washing;
 - 16) flows from riparian habitats and wetlands;
 - 17) dechlorinated swimming pool discharges;
 - 18) street wash water discharges; and
 - 19) flows from emergency fire fighting activities.

Comment [A51]: This is a new requirement. These are all regulated activities that have agencies (primarily MPCA) already responsible for monitoring, inspection and control. It is beyond the resources of the city's stormwater program to provide effective monitoring, inspection and control.

If the Permittee determines that any of the preceding categories is an insignificant contributor of pollutants, the Permittee shall identify the category as such in the Stormwater Management Program and explain why the category is an insignificant contributor of pollutants. If the Permittee determines that any of the preceding categories is a significant contributor of pollutants, the Permittee shall identify the category as such and develop, implement, and enforce a program to reduce pollutants from the category in the Stormwater Management Program

Comment [A52]: Delete this sentence. The MS4 is responsible for addressing discharges if identified as significant, not defending a negative conclusion.

Comment [A53]: Change from "develop, implement, and enforce" to "implement and enforce, and as necessary continue to develop, ". Our program is already in place and in compliance with the existing permit.

4. Construction site stormwater runoff control. The Permittee shall develop, implement, and enforce a program to reduce pollutants in any stormwater runoff to the municipal separate storm sewer system from construction activities (public and private) within the Permittee's jurisdiction that result in a land disturbance of greater than or equal to one acre. Controls on stormwater discharges from construction activity disturbing less than one acre shall be included in the program, if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more. The Permittee shall select and implement a program of appropriate BMPs and measurable BMP-specific goals for this Minimum Control Measure. At a minimum, the Permittee shall establish and maintain:
- a. an ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under law;
 - b. requirements for construction site operators to implement appropriate erosion and sediment control BMPs including installation, inspection and maintenance of the BMPs;
 - c. requirements for construction site operators to control (i.e., properly dispose of, reuse or recycle) wastes at the construction site, such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste, that may cause adverse impacts to water quality;
 - d. procedures for evaluating the adequacy of erosion and sediment control in site plan review and site inspections including:
 - i. consideration of potential water quality impacts;
 - ii. a determination of the need for a Construction Stormwater Permit from the MPCA and, if a Construction Stormwater Permit from the MPCA is required, verification that the permit is obtained;
 - iii. documentation of plan review and decisions;
 - iv. the scope of the inspections;
 - iv. frequency of the inspections;
 - vi. standardized inspection checklist;
 - vii. documentation of inspections;
 - viii. site-specific checklist or other procedures to ensure construction activity proceeds in accordance with approved plans;
 - ix. follow-up and enforcement procedures; and
 - x. identifying priorities for inspections taking into consideration: the nature of the construction activity, topography, soils characteristics, and the water quality of any receiving water(s).
 - e. procedures for receipt and consideration of complaints, reports of noncompliance or other information on construction-related issues submitted by the public.
5. Post-construction storm water management in new development and redevelopment for all projects, public or private. The Permittee shall utilize a comprehensive planning process to develop, implement, and enforce a program to address stormwater runoff from

Comment [A54]: Change from "develop, implement, and enforce" to "continue to implement and enforce, and as necessary continue to develop, its". The city's program has been in place since 1996.

Comment [A55]: Delete the word "all". The next sentence provides a threshold, therefore not "all" projects are subject to this measure.

Comment [A56]: Change "utilize a comprehensive planning process to develop, implement, and enforce a" to "continue to implement and enforce, and as necessary continue to develop, its". The program has been in place since 1999.

new development and redevelopment projects within the jurisdiction that disturb greater than or equal to one acre, including projects that disturb less than one acre that are part of a larger common plan of development or sale that disturbs greater than or equal to one acre, that discharge into the municipal separate storm sewer system. The program shall adopt appropriate local controls that would prevent or reduce water quality impacts. The Permittee shall also select and implement a program of appropriate BMPs and measurable BMP-specific goals for this Minimum Control Measure. At a minimum, the Permittee shall:

- a. develop and submit to the Commissioner for approval within twelve months of permit issuance a plan to reduce stormwater runoff volume associated with new development and redevelopment projects. The Permittee shall implement the plan upon approval. The plan may include strategies which incorporate the principals of low impact design, better site design or similar design standards in addition to a combination of other structural and/or non-structural BMPs appropriate for the community. The plan shall include a framework for determination of the feasibility of on-site stormwater volume reduction based on site characteristics and BMP design features including but not limited to:
 - 1) efforts to minimize and disconnect impervious cover;
 - 2) managing stormwater quantity and quality as close to the source as possible;
 - 3) site soils;
 - 4) depth of ground water table;
 - 5) sources of pollution;
 - 6) available space for BMPs;
 - 7) depth of bedrock;
 - 8) karst features; and
 - 9) installation, operation and maintenance costs;

For projects where it is determined that adequate stormwater volume reductions cannot be achieved on-site, a stormwater volume reduction crediting system must be developed to achieve the required reductions at another site outside of the project area and within the Permittee's jurisdiction. When possible, offsite stormwater volume reductions shall be achieved in the same drainage area or sub-watershed as the project site.
- b. include a process for the review of impacts to the design capacity of existing structural BMPs when proposals increase the drainage area, loading and/or stormwater volume to the BMPs by 5 percent or more compared to the original design capacity. Inspection, maintenance, and reporting requirements must be included for structural BMPs to ensure that they will continue to provide pollutant removal as designed;
- c. develop, implement and enforce an ordinance, performance standard or other regulatory mechanism including sanctions to ensure compliance to reduce post-construction runoff and pollutant loading from new development and redevelopment projects to the extent allowable under law;

Comment [A57]: change "adopt" to "include", as controls have already been adopted.

Comment [A58]: Delete the draft language in this section, and replace with "implement and enforce, and as necessary continue to develop, the stormwater management requirements for development and redevelopment in order to reduce stormwater runoff volume associated with new development and redevelopment projects." Our program that has been in place since 1999 already effects some reduction of stormwater volume associated with new development and redevelopment. We can however add a step to quantify the volume reduction results of our program to the revised Stormwater Management Program to be submitted under Part II.C.1. As listed in a.3) through a.9), and in the proposed a.10) and a.11), there are some circumstances where the most common method of reducing runoff – by way of infiltration into the soil – is infeasible or problematic.

Comment [A59]: Replace "plan" with "program".

Comment [A60]: Should be "principles".

Comment [A61]: Replace "plan" with "program".

Comment [A62]: Add as #10 "potential for damage to structures", and add as #11 "potential for conflict with other regulatory situations" (e.g., SuperFund law)

Comment [A63]: Delete this paragraph. The Permittee should be in a position to propose such a crediting system, or not propose. This should not be a permit requirement.

Comment [A64]: Delete "by 5 percent or more". We need to review impacts whether the change is 5% or 105%.

Comment [A65]: This sentence should be deleted. It is already stated in Part V.C.5.d.

Comment [A66]: Delete this section. It is redundant with Part V.C.5. and Part V.C.5.a. Our program already addresses this.

If something like this language were to be used, move "to the extent allowable under the law" to follow directly after the word "sanctions".

d. ensure adequate long-term operation and maintenance of all BMPs owned by the Permittee or installed as a result of these requirements through inspection and reporting requirements;

Comment [A67]: Add "maintenance, "

e. establish BMP design requirements for new storm sewers and additions or modifications to existing storm sewers to reliably and effectively capture floatables and other runoff debris consistent with reliable and efficient conveyance of stormwater. Designs may include either inlet or outlet control measures, or other BMPs; and

Comment [A68]: Replace highlighted section with, "establish BMP design requirements for new storm sewer projects and existing storm sewer addition or modification projects, consistent with reliable and efficient conveyance of stormwater, for: 1) reduction of runoff volume; 2) reduction of water quality impacts on the receiving water(s); and 3) retrofitting existing devices to provide additional pollutant removal from stormwater discharges.

f. evaluate potential of street renewal and redevelopment projects for:
1) reduction of runoff volume;
2) reduction of water quality impacts on the receiving water(s); and
3) retrofitting existing devices to provide additional pollutant removal from stormwater discharges.

6. Pollution prevention and good housekeeping at municipal operations. The Permittee shall select and implement a program of appropriate BMPs and measurable BMP-specific goals for this Minimum Control Measure. At a minimum, the Permittee shall:

(This brings Part V.C.5.e. more in line with Part V.C.5.f.)

Comment [A69]: Consider moving Part V.C.5.e. and V.C.5.f. to Part V.C.6, instead of Part V.C.5.

a. develop and implement an operation and maintenance program that includes a training component and has the ultimate goal of preventing or reducing pollutant runoff from municipal operations. Training and training materials that are available from the United States Environmental Protection Agency (USEPA), MPCA, University of Minnesota, state and regional agencies, or other organizations may be used or modified as appropriate for the community. The program shall include employee training to prevent and reduce stormwater pollution from activities such as park and open space maintenance, public street maintenance and deicing, fleet and building maintenance, new construction and land disturbances, and stormwater system maintenance.

Comment [A70]: Replace "develop and implement an" with "implement, and as necessary continue to develop, its"

b. also:

1) operate and maintain the municipal separate storm sewer system in a manner so as to reduce the discharge of pollutants to the MEP pursuant to Minn. R. 7001.0150, subp. 3(F). Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures required to insure compliance with the conditions of this permit.

Adequate staff includes training and certification of staff critical to the operation and maintenance of structural BMPs.

2) dispose of solids, floatables, dredgings, or other pollutants resulting from the control and/or treatment of stormwater, in such a manner so as to prevent any pollutant from such materials from entering waters of the state. The Permittee, in disposing of such materials, shall comply with all applicable statutes and rules.

3) assess at least annually all structural controls, such as sediment basins, ponds, trap manholes, grit chambers, sumps, floatable skimmers and traps, separators, and

Comment [A71]: This sentence should be deleted. Adequacy of training is already included in second sentence. The term "certification" without specific standards or programs is meaningless. It is already implied that if certification is needed, then "operator staffing and training" would not be adequate without it.

other small settling or filtering devices. All structural controls shall be assessed, where appropriate, using methods detailed in "Assessment of Stormwater Best Management Practices," which is available at

<http://stormwater.safll.umn.edu/content/stormwater-assessment-and-maintenance-0>.

To the extent feasible, the Permittee shall work with the Metropolitan Mosquito Control District to identify BMP maintenance issues;

Comment [A72]: Include publication date. Additionally, this web link needs to be updated

- 4) inspect, at minimum, twenty percent of the municipal separate storm sewer system outfalls each year on a rotating basis. If additional erosion protection is necessary, the protection project shall be completed during the same year as the inspection or a schedule for completion shall be submitted in the Annual Report. Results of outlet inspections shall be reported in the Annual Report and include the dates of inspection and the date of completion of any additional erosion protection projects.

Comment [A73]: Please make this a separate item.

- 5) inspect for discharges, or the potential for discharges, all exposed stockpile, storage, and material handling areas. Inspections shall be daily when material is being actively handled, used or disturbed on a daily basis and at least monthly when material is not being actively handled, used or disturbed. Areas with stockpiles that are not covered shall incorporate controls, such as perimeter controls, to prevent material from entering the municipal separate storm sewer system.

Comment [A74]: Move to applicable annual reporting section in Part VI.

- 6) develop and implement a plan and schedule for preventative maintenance for the municipal separate storm sewer system's facilities and equipment. In addition to preventative maintenance, the Permittee shall, based on the Permittee's inspection, determine if repair, replacement, or maintenance measures are necessary for proper operation and to prevent environmental impacts such as erosion. The necessary measures shall be completed as soon as possible, usually during the same year as the inspection. When repair, replacement, or maintenance must be delayed, the Permittee shall prioritize the needed repair, replacement or maintenance and report in the Annual Report:

Comment [A75]: Revise the sentence to read, "Controls, such as perimeter controls, shall be used where stockpiles are not covered, to prevent . . ."

- i. facility or equipment subject to the repair, replacement or maintenance;
- ii. reasons for delaying the needed repairs, replacement or maintenance; and
- iii. the schedule for completion of the repair, replacement or maintenance .

- 7) keep records and report in the Annual Report the results of structural BMP inspections, assessments, maintenance, and repair activities including: date, antecedent weather conditions, sediment storage and capacity remaining, and any maintenance and/or repairs performed or recommended. Keep records of, and report in the Annual Report, the nature and quantity of removed substances and categorize the removed substances by structural controls and types of substances (e.g., leaves, sediment, etc.).

Comment [A76]: Combine this section with Part V.C.6.b.3).

- c. operate and maintain public streets, roads, and highways within its jurisdiction in a manner so as to reduce the discharge of pollutants to the MEP. The Permittee shall, at a minimum:

- 1) maintain public streets, roads and highways under its jurisdiction in a manner so as to reduce the discharge of pollutants;

Comment [A77]: Delete this section, as it repeats the previous sentence.

- 2) operate a program of street sweeping in which all streets are swept at least two times per year, once in the spring and once in the fall;
 - 3) use methods to reduce the runoff of deicing materials, chemicals, and sand applied to roadways under its jurisdiction, consistent with traffic safety;
 - 4) store deicing materials, chemicals, and sand in such a manner as to prevent uncontrolled runoff and discharge of these materials; and
 - 5) record, and report in the Annual Report for the previous calendar year:
 - i. the quantity of material removed during street sweeping - seasonal sweepings to remove sand in the spring and leaves in the fall shall be itemized;
 - ii. the quantity of deicing materials, chemicals, and sand applied to roadways; and
 - iii. the location and description of all deicing materials storage facilities.
- d. develop, implement, and enforce a program to identify and control significant sources of sediment within the jurisdiction.
- e. implement the following flood control measures:
- 1) ensure that any flood control projects the Permittee undertakes are designed to minimize the impacts on the water quality of the receiving water. When repairs, improvements, or changes are planned for existing flood control devices, the Permittee shall also evaluate the feasibility of retrofitting the existing devices to provide additional pollutant removal from stormwater discharges; and
 - 2) provide a list of existing flood control detention facilities that are primarily intended for volume control. The Permittee shall also report in each Annual Report the number, type and schedule of flood control projects planned and describe the pollutant removal capabilities associated with each project.

Comment [A78]: Move this section to applicable Annual Reporting requirements section.

Comment [A79]: It is unclear what "significant sources of sediment" means in this context: Please be more specific.

Additionally, change "develop, implement and enforce" to "Implement and enforce, as continue to develop as necessary, a program . . ."

Comment [A80]: The term "rate control" should be used here, rather than "volume control".

Comment [A81]: Move this section to the applicable Annual Reporting section.

7. Monitoring and assessment. A goal of the monitoring and assessment requirement is to leverage monitoring resources, advance standardized monitoring and assessment methods, and share data with partnering agencies.

a. The Permittee shall to the extent feasible, develop and implement a cooperative monitoring, analysis and reporting effort between the Permittee and:

- 1) adjacent municipalities;
- 2) Metropolitan Council Environmental Services;
- 3) Mississippi Watershed Management Organization;
- 4) Shingle Creek Watershed Management Commission;
- 5) Bassett Creek Water Management Commission;
- 6) Minnehaha Creek Watershed District;
- 7) Hennepin County Environmental Services; and
- 8) Metropolitan Mosquito Control District.

The Permittee shall make reasonable efforts to employ the same monitoring protocols and load calculation methodologies among cooperating agencies. Significant operational differences shall be noted in the Annual Report required under Part V.F of this permit.

Comment [A82]: This section should be re-numbered V.D., as described in comment A14. Additionally, we suggest that changing "Monitoring and Assessment" to Monitoring and Analysis" throughout the permit would be more descriptive.

Comment [A83]: The term "partnering agencies" is not accurate in the context of this Permit. An appropriate term throughout section V.7. is "other agencies that carry out monitoring and assessment activities."

Comment [A84]: What is the basis for this "goal" as relates to the MS4? Is it appropriate to use a permit to promote a state goal?

Comment [A85]: Change "between" to "among"

Comment [A86]: Follow Part V.C.7.a.8) with the following, moving it from Part V.C.7.e.: "The Permittee shall compile, maintain and share with cooperating agencies a comprehensive list of monitoring that is occurring, or proposed to occur, within the Permittee's jurisdiction.

Comment [A87]: The Permittee does not have authority over the other listed participants. The Permittee can only (a) facilitate a cooperative effort for purposes of efficiency and effectiveness, and (b) request their participation. It is noted that a multi-agency Minneapolis Water Quality Monitoring Task Force (about 2003 to 2007) previously considered opportunities for more uniformity, and concluded that there are circumstances wherein different protocols and methodologies are needed. This should be a responsibility of the state.

Comment [A88]: Move this language to the applicable annual reporting section.

Comment [A89]: Re-order the Monitoring and Assessment section as follows, for clarity:

- a)Cooperative effort (now section a.)
- b)Permittee's required monitoring number of sites (now section e.), methods (now section f.), QAPP (now section b.) and analysis (now section c.)
- Delete what is now section d.)
- Move annual reporting requirements (now sections c. and g.) to applicable annual reporting section in Part VI.

b. The quality assurance project plan for lab and field methods and procedures shall comply with the following USEPA requirements and guidance:

- 1) EPA Requirement for Quality Assurance Project Plans (EPA QA/R-5) (EPA/240/B-01/003); and
- 2) EPA Guidance for Quality Assurance Project Plans EPA QA/G-5 (EPA/600/R98/018).

The Permittee shall utilize Minnesota Department of Health-certified laboratory(s).

The Permittee shall utilize standard assessment methods such as detailed in "Assessment of Stormwater Best Management Practices," which can be accessed at <http://stormwater.safl.umn.edu/content/stormwater-assessment-and-maintenance-0>, to provide reasonably accurate estimates of storm sewer flows.

Comment [A90]: The Permittee does not have authority over the other listed participants. 7.b. is interpreted to apply only to methods and procedures carried out directly by the Permittee.

c.

The Permittee shall provide an analysis of the monitoring and sampling results as part of the Annual Report required under Part V.F of this permit. The purposes of the analysis include:

- 1) characterizing pollutant event mean concentrations;
- 2) estimating total annual pollutant load to bodies of water;
- 3) estimating total annual volume to bodies of water;
- 4) estimate effectiveness of stormwater system management devices and practices; and
- 5) calibrating stormwater models.

Comment [A91]: Please specify document publication date. Please specify particular section as to providing reasonably accurate estimates of storm sewer flows.

Comment [A92]: As stated in comment A89, move 7.c. to the end of 7.b. (after QAPP).

Comment [A93]: Move this section to the applicable annual reporting section in Part VI.

d. The monitoring and assessment program shall be in accordance with the requirements set forth in the monitoring and assessment program in effect on the date of issuance of this permit until a revised stormwater monitoring and assessment program submitted by the Permittee pursuant to section Part II.C.1 of this permit is approved by the Commissioner. Subsequent annual monitoring and assessment programs will be published in the Annual Report subject to the approval of the Commissioner when the Annual Report is approved.

Comment [A94]: Delete this section. This section is unnecessary because the first sentence is covered by Part V.A. (Stormwater Management Program), and the second sentence is covered by Part V.D. (Modifications to Stormwater Management Program) 5.b.

e.
The Permittee shall compile, maintain and share with partnering agencies a comprehensive list of monitoring that is occurring, or proposed to occur, within the Permittee's jurisdiction. The Permittee shall monitor water quality as described in Part V.C.7 of this permit at at least ten of those sites. Monitoring of some sites may rotate for cost-effective resource use, however the Permittee shall make reasonable efforts to collect data from the same station in at least two consecutive years. The Permittee shall consider safety, backwatering effects and access in the choice and location of monitoring stations.

Comment [A95]: Move this section to the beginning of 7.b.

Comment [A96]: Change "partnering agencies" to "cooperating agencies". The Permittee does not have authority over the other listed agencies, and the MPCA is not making similar requirements of them.

Comment [A97]: Delete this sentence here, and move it to Part V.C.7.a. as described in Comment A89.

Comment [A98]: Change to, "The Permittee shall monitor water quality site types as submitted in the Stormwater Management Plan and approved by the Commissioner."

It is noted that ten required monitoring sites is an arbitrarily chosen number, up from four required sites in the existing permit. The sites currently being monitored – four required sites chosen by the Permittee as representative of different land uses, along with optional monitoring sites to track effectiveness of management devices and practices as elected annually by the Permittee (generally two to three per year) and one recently added elective site to monitor Minnehaha Creek flow as it enters Minneapolis, are sufficient for the needs of the MS4. The Permittee has no reason to increase the number of monitoring sites. The MPCA has given the only reason for the increase as desiring to ramp up activities from one permit cycle to the next. When financial resources are unduly committed to monitoring, analysis and reporting, it takes away financial resources from water quality improvement implementation.

The monitored sites shall be chosen based on the following prioritization:

- 1) monitoring the largest outfall(s) to the Mississippi River (based on flow and pollutant loading);
- 2) monitoring representative areas of the Permittee's jurisdiction;
- 3) tracking effectiveness of stormwater system management devices and practices; and
- 4) determining flow from other jurisdictions.

f.

or those sites described in Part V.C.7.e.1 and 2:

- 1) over the non-ice time period (approximately March through November), continuous flow dataloggers will be employed to record continuous flows. The Permittee shall obtain flow-paced and grab samples for parameters listed in Table 1 for selected 0.1-inch or greater storm events, using reasonable efforts to:
 - i. monitor large loading events; and
 - ii. monitor at least ten storm events annually.
- 2) during the typical ice period (approximately December to March), winter thaw grab sampling will be performed on at least two occasions.

g. The Permittee shall submit, as part of the Annual Report required under Part V.F of this permit, a brief narrative description of monitoring results including relevant Excel spreadsheet with table(s) and graphics, which includes:

- 1) the date and duration of the storm events sampled;
- 2) rainfall estimates of the storm event which generated the sampled discharge;
- 3) the duration between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event; and
- 4) a tabular summary for website publication for informational purposes.

Comment [A99]: Delete e.1.) from the list, because a) the EPA has provided guidance (and the Permittee concurs) that an MS4's monitoring efforts need to focus on those scales and sites that will provide concrete information the Permittee can use for ongoing adaptive management –e.g., sites of such a scale that the Permittee can discern practices that have led to water quality improvement, and should be continued and possibly increased in use, vs. practices that have not led to water quality improvement and should be considered for discontinuation or diminishment; and b) monitoring of the largest outfalls is already being carried out by another agency, the Mississippi Water Management Organization.

Comment [A100]: Move this section to 7.b., before the QAPP language.

Table 1

Monitoring Parameters

Parameter	Limit	Units	Effective Period	Limit Type	Sample Type	Frequency	Notes
BOD, Carbonaceous 5-Day (20 Deg C)	Monitor Only	mg/L	Mar-Nov	Single Value	Grab	1 x Month	2
Chloride, Total	Monitor Only	mg/L	Mar-Nov	Single Value	Composite	1 x Month	2
Copper, Total (as Cu)	Monitor Only	ug/L	Mar-Nov	Single Value	Composite	1 x Month	2
E. coli or Membrane Filter 44.5C	Monitor Only	#100ml	Mar-Nov	Single Value	Grab	1 x Qtrly	1
Flow	Monitor Only	MG or cf	Mar-Nov	Calendar Month Total	Measurement	1 x Day	2
Flow	Monitor Only	mgd or cfs	Mar-Nov	Continuous Daily (Ave.)	Measurement	1 x Day	2
Hardness, Carbonate (as CaCo3)	Monitor Only	mg/L	Mar-Nov	Single Value	Composite	1 x Qtrly	2
Lead, Total (as Pb)	Monitor Only	ug/L	Mar-Nov	Single Value	Composite	1 x Month	2
Nitrite Plus Nitrate, Total (as N)	Monitor Only	mg/L	Mar-Nov	Single Value	Composite	1 x Month	2
Nitrogen, Ammonia, Un-ionized (as N)	Monitor Only	mg/L	Mar-Nov	Single Value	Composite	1 x Month	2
Nitrogen, Kjeldahl, Total	Monitor Only	mg/L	Mar-Nov	Single Value	Composite	1 x Month	2
pH	Monitor Only	SU	Mar-Nov	Single Value	Grab	1 x Qtrly	2
Phosphorus, Total Dissolved	Monitor Only	mg/L	Mar-Nov	Single Value	Composite	1 x Month	2
Phosphorus, Total (as P)	Monitor Only	mg/L	Mar-Nov	Single Value	Composite	1 x Month	2
Precipitation	Monitor Only	in	Jan-Dec	Single Value	Measurement	1 x Day	2
Solids, Total Dissolved (TDS)	Monitor Only	mg/L	Mar-Nov	Single Value	Composite	1 x Month	2
Solids, Total Suspended (TSS)	Monitor Only	mg/L	Mar-Nov	Single Value	Composite	1 x Month	2
Sulfate	Monitor Only	mg/L	Jan-Dec	Single Value	Composite	1 x Qtrly	2
Volatile Suspended Solids (VSS)	Monitor Only	mg/L	Mar-Nov	Single Value	Composite	1 x Month	2
Zinc, Total (as Zn)	Monitor Only	ug/L	Mar-Nov	Single Value	Composite	1 x Month	2

Comment [A101]: The table should be moved to the Stormwater Management Plan, instead of appearing in the permit.

Notes:

- 1 -- Samples shall be collected no less than seven days after a precipitation event.
- 2 -- The Jan-March samples shall grab samples from snow melt events; storm event samples during ice free conditions shall be flow paced.

8. Section 303(d) listings and Total Maximum Daily Loads (TMDLs) Implementation Plans. If the Permittee discharges to a water of the state that appears on the current USEPA-approved list of impaired waters under Section 303(d) of the Clean Water Act, the Permittee shall select and implement a program of appropriate BMPs and measurable BMP-specific goals including schedules to meet the TMDL timeframes for this Minimum Control Measure. At a minimum, the Permittee shall:

- a. for those water bodies that do not have a USEPA-approved TMDL with an established Wasteload Allocation (WLA) for municipal stormwater, estimate the municipal separate storm sewer system's current loading(s) to the impaired water body of the pollutant(s) of impairment. See Table 2 for the association of pollutant(s) of impairment to impairment listing(s).
- b. for those water bodies that have been assigned a categorical or individual WLA in a USEPA-approved TMDL(s), review the adequacy of the Stormwater Management Program to meet the TMDL's WLA set for municipal stormwater. This review shall include:
 - 1) identification of the watershed(s) that discharge(s) to the impaired water body;
 - 2) identification of all outfalls and discharges to the impaired water body;
 - 3) calculation of the municipal separate storm sewer system's loading(s) of pollutant(s) of impairment to the impaired water body. If the categorical TMDL does not establish a target load for the municipal separate storm sewer system, the Permittee shall use information from the TMDL, such as model estimates of loading, to derive a target load;

Comment [A102]: This section should be re-numbered V.D., as described in comment A14.

Comment [A103]: Delete "Implementation Plans". The intended linkage is to TMDL WLAs, not TMDL Implementation Plans.

Per M. Trojan (MPCA) memo, it is MPCA's responsibility to ensure the permit is written in a manner that can effectively implement and determine compliance that is consistent with TMDL WLAs (M. Trojan, MPCA.)

Comment [A104]: Delete "for this Minimum Control Measure." As noted in earlier comments, using the term "Minimum Control Measure" for other than the six standard measures the nation recognizes for this term is problematic.

Comment [A105]: Delete Part V.C.8.a. This is what the TMDL study is supposed to accomplish. Placing this burden on the Permittee, outside the processes to conduct the TMDL study and obtain MPCA and EPA approval, is not appropriate.

Comment [A106]: Replace "the Permittee shall use information from the TMDL, such as model estimates of loading" with "the Permittee shall use information from the TMDL such as model estimates of loading, or another documented process, to derive a target load". Using models or methods for a single city that were developed for a larger-scale TMDL may be an infeasible or improper method to derive a target load. A great deal of flexibility is needed here.

Comment [A107]: Is determining a target individual waste load allocation a reasonable permit requirement in the case of a categorical waste load allocation?

- 4) an assessment of existing BMPs and their effectiveness in meeting the TMDL's WLA; and
- 5) an assessment of additional BMPs to be implemented to meet the WLA.

The review shall be completed and, if needed, the Stormwater Management Program shall be modified within 18 months after the TMDL WLA is approved.

- c. estimate the municipal separate storm sewer system's loadings of the pollutants of impairment to the impaired water body and compare that loading to the Permittee's WLA for that impaired water body. The results of the comparison(s) shall be included in the Annual Report required in Part V.F of this permit.
- d. modify the Stormwater Management Program, as appropriate, to meet the WLA including the estimated timeframe to complete implementation of additional BMPs necessary to meet the WLA if the Permittee is not meeting and is not making reasonable progress toward meeting the WLA. The estimated timeframe for implementation of additional BMPs needed to meet the WLA shall include scheduled actions in future permit cycles, if all additional BMPs and/or control measures cannot feasibly be implemented in the current permit cycle.
- e. estimate loading(s) to an impaired water. The Permittee shall use method(s) estimating the loading(s) that is (are) consistent with the method(s) used in the TMDL to estimate loads or method(s) approved by the Commissioner.

Comment [A108]: For clarity, number this as b.5). Following "an assessment . . . meeting the TMDL's WLA, add, "Within three years, develop computer models (such as P8) or develop a different system to track reductions in pollutant loading, using the electronic inventory and map of the system developed under Part V.C.3.a.

Comment [A109]: For clarity, number this as b.6).

Comment [A110]: For clarity, number this as b.4).

Comment [A111]: Delete first sentence, as it repeats 8.b.3) through 8.b.4).

Comment [A112]: Move the reference to the Annual Report to the applicable section in Part VI, so that all Annual Report requirements are grouped together, for ease in meeting and auditing Permit requirements.

Comment [A113]: For clarity, number this as b.7).

Comment [A114]: Delete this section. 8.e. duplicates 8.a. (that pertains to water bodies that do not have an approved TMDL) and 8.b. (that pertains to water bodies that do.)

Table 2

Impairment	Pollutant of Impairment ¹				
	BOD, Carbonaceous 05 Day (20 Deg C)	Chloride, Total	E. coli or Membrane Filter 44.5C	Phosphorus, Total (as P)	Solids, Total Suspended (TSS)
Aquatic Macroinvertebrate Bioassessments					X
Aquatic Plant Bioassessments					X
Chloride		X			
Fecal Coliform			X		
Fish Bioassessments					X
Nutrient/Eutrophication Biological Indicators				X	
Oxygen, Dissolved	X			X	
Turbidity					X

Notes:

1 – For purposes of this permit, the Permittee needs to calculate the loadings of only those pollutant(s) of impairment associated with the impairment listing(s) as indicated in Table 2.

D. Modifications to the Stormwater Management Program. The Stormwater Management Program may be modified by the Agency and/or the Permittee as established below.

Comment [A115]: This section should be re-numbered V.G. as described above.

1. The Commissioner may require the Permittee to modify the Stormwater Management Program as needed, and may consider the following factors:
 - a. Discharges from the storm sewer system are impacting the quality of receiving waters;
 - b. More stringent requirements are necessary to comply with new state or federal regulations; or
 - c. Additional conditions are deemed necessary to comply with the goals and requirements of the Clean Water Act or water quality standards.
2. Modifications required for the Stormwater Management Program by the Commissioner shall be requested in writing, setting forth schedules for compliance, and offering the Permittee the opportunity to propose alternative Stormwater Management Program modifications to meet the objectives of the requested modification.
3. The Permittee may modify the Stormwater Management Program in accordance with the following:
 - a. The Permittee’s request to the Commissioner shall:
 - 1) be in writing;
 - 2) identify the permit part (e.g. Part V.D.4 or 5) under which the request is being made;

- 3) describe the requested program modification;
 - 4) discuss alternatives to the requested program modification;
 - 5) include schedules for compliance; and
 - 6) assure compliance with all requirements of this permit and all other applicable requirements of Minnesota and federal statutes and regulations.
- b. Modifications that the Permittee wishes to make to the Stormwater Management Program, other than modifications under Parts V.D.4 and 5 below, must be approved by the Commissioner in accordance with the procedures of Minn. R. ch. 7001.
 - c. Modifications that the Permittee wishes to make to the Stormwater Management Program under Part V.D.5 below must be approved by the Commissioner in writing prior to modifying the Stormwater Management Program.
4. The Stormwater Management Program may be modified by the Permittee without prior approval of the Commissioner, provided the modification is in accordance with the following:
- a. The Permittee proposes to add one or more BMP(s) and eliminate none from the Stormwater Management Program; or
 - b. A less effective BMP identified in the Stormwater Management Program is replaced with a more effective BMP. The alternate BMP shall address the same, or similar, concerns as the ineffective or failed BMP; and
 - c. The Commissioner and public are notified of the modification in the Annual Report for the year the modification is made. If a less effective BMP is replaced with a more effective BMP, the Permittee shall include in the notification a discussion of circumstance(s) and reason(s) for the replacement of the BMP.
5. Upon written approval of the Commissioner, the Permittee may modify the Stormwater Management Program to implement:
- a. BMPs needed to make reasonable progress toward meeting one or more assigned WLA(s) as required under Part V.C.8.d of this permit, or
 - b. changes to the Stormwater Management Program's monitoring and assessment program in accordance with Part V.C.7 of this permit, _____
provided the proposed modifications are included in the Annual Report required under Part V.F of this permit and the public is provided prior notification and opportunity for comment through the Annual Report public notice and meeting required under Part V.C.1.f of this permit. _____

Comment [A116]: Delete 5.b. This situation is already covered under Part V.D.3.

Comment [A117]: This language is probably unnecessary in the situation of required modification to the Stormwater Management Plan within 18 months because of a TMDL WLA.

E. Pilot Programs for Stormwater Management

Comment [A118]: This section should be re-numbered Part V.E. as described above.

1. Alternative stormwater management requirements may be implemented on a pilot project basis in a portion of the drainage area. Pilot programs may be considered in compliance with the management requirements despite their limited scope. The Permittee shall consider for implementation within the entire drainage area, all pilot programs that the Permittee and Commissioner determined to be successful.
2. Proposals to implement alternative stormwater management requirements as pilot projects in only a portion of the drainage area must be submitted to the MPCA for approval prior to initiation. Proposals shall include a description of the activities to be completed, the pollutants that will be targeted, and a schedule of completion and performance measures that will be used to determine the effectiveness of the project.
3. Upon completion of a pilot project, an analysis of the project shall be included in the Annual Report. The analysis shall include a description of the project, determination of the effectiveness of the project, a cost/benefit analysis for broader implementation, and a schedule for implementation within the drainage area if the project is determined to be an effective BMP.

F. Annual Report

Comment [A119]: This section should be re-numbered Part V.H. as described in comment A14.

The Permittee shall submit an Annual Report. In accordance with the Reporting Requirements of Part VI.D of this permit, each Annual Report shall describe and discuss the implementation of the Stormwater Management Program for the previous calendar year. The Permittee shall hold a public meeting to discuss the Stormwater Management Program and Annual Report in accordance with the requirements of Part V.C.1.f of this permit.

G. Coordination and Cooperation with other Governmental Entities

Comment [A120]: This section should be re-numbered Part V.F. as described in comment A14.

The Permittee shall cooperate with other city, county, state and local governmental entities in the overall stormwater management efforts in the drainage area. Examples of other governmental entities and activities which may directly or indirectly relate to stormwater management include the local fire departments, county household hazardous waste collection, Watershed Management Districts, Watershed Management Organizations, the Metropolitan Council, or the Department of Natural Resources. The Permittee shall report the ongoing coordinated activities and status of cooperative efforts in each Annual Report.

Comment [A121]: The general statement listed currently under V.F., "Annual Report" should be moved here, as explained above.

Comment [A122]: Move all of the requirements listed in Part VI.A., SWMP Assessment, to Part VI.D., Annual Reporting. It is confusing to list separately (1) an "Assessment" (along with its requirements) and state that it is to be included in the Annual Report, and (2) an "Annual Report" (along with its requirements). The requirements listed here under "Assessment" should simply be moved to the "Annual Report" section. (The term "assessment" can still be used as a device for the annual report, but it should not be listed as a separate deliverable.)

PART VI. STORMWATER MANAGEMENT PROGRAM ASSESSMENT, REPORTING AND OTHER SUBMITTALS

A. SWMP Assessment

The Permittee shall complete an annual assessment of its Stormwater Management Program based on results of information collected and analyzed during the reporting period, including

DRAFT permit language from MPCA.

DRAFT comments for discussion by T&PW on June 8, 2010, and MPRB on June 16, 2010

monitoring, structural BMP assessments, inspection findings, and public input received. The purpose of the Stormwater Management Program assessment is to provide information for improving performance (reduced pollutant loading and runoff volumes) and to optimize associated planning and design, construction, operation, and maintenance of the municipal separate storm sewer system.

The Permittee shall identify numeric goals for objectives defined in Part VI.A.3 below, which will be employed by the Permittee to quantify performance. The Permittee shall select and implement measurable BMP-specific goals for the assessment program. If another governmental entity has implemented a stormwater assessment program in a portion of the jurisdiction, the Permittee is encouraged to work with that entity to share resources.

Comment [A123]: Change "numeric goals" to "measurable goals". This is consistent with other draft permit language and with standard practice.

The annual assessment of the Stormwater Management Program shall include:

1. an overall evaluation of the nature and extent of the Permittee's cooperation with other city, county, state and local governmental entities in the overall stormwater management efforts in the drainage area, including the extent to which cooperative monitoring has occurred between agencies listed in Part V.C.7.a of this permit. The evaluation required under part V.G. of this permit shall consist of successes, impediments realized, and how future efforts could be facilitated so as to reduce costs minimize expenses, improve quality and avoid duplication.

Comment [A124]: As requested in comment A14, this paragraph would move to the "Annual Report" section, and would easily be combined with language for "Coordination With Other Governmental Entities"

2. a brief description of monitoring and assessment data, including supporting information with relevant Excel spreadsheet with table(s) and graphics, which includes: the date and duration of the storm events sampled, rainfall estimates of the storm event which generated the sampled discharge, and the duration between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event. The assessment shall also include estimates of annual and seasonal pollutant loads for parameters listed in Table 1, from the cumulative discharges to waters of the state from each identified municipal outfall along with a statement of annual estimated runoff volumes and associated flow-weighted mean concentration for each municipal outfall. The calculation shall be made for all of the pollutants listed in Table 1. This assessment shall also include descriptions of the calculation method(s) used, including identification of software, and calibration of any model employed. Electronic copies of modeling and spreadsheets shall be included in the Annual Report. A brief analysis of uncertainty associated with loading estimates for unmonitored portions of the municipal separate storm sewer system shall also be included. The assessment shall also include an estimate of baseflows to the stormwater system that may aid in identification of illicit discharges and comparison with St. Paul stormwater monitoring data.

Comment [A125]: As requested in comment A14, this section should move to Part VI.D., Annual Reporting. With language in Part V.C.8. that should move to Part VI.D., with this language in Part VI.A., and with language already in Part VI.D., there is much duplication, and a need to consolidate and differentiate the "program" requirements (which belong in Section V.) and the "annual reporting" requirements (which belong in Section VI., under annual reporting for monitoring and assessment). Furthermore, Table 1 should not be in the permit but rather should be in the Stormwater Management Program, along with the methodology particulars.

Comment [A126]: It is not clear what is meant, it is not known how we would do this, or what resources would be required. If the intent is to compare modeled flows to actual flows to estimate illicit flows, there is no assurance whatsoever that the conclusion could be made that the differences are attributable to illicit flows.

Comment [A127]: Comparison with St. Paul data is outside the scope of this MS4 permit.

The presentation of all required information shall be organized by outfall watershed to the Mississippi River beginning from the north and progressing downstream with tabulations organized by appropriate discharge to (1) the east bank of the Mississippi River and (2) the west bank of the Mississippi River. The Permittee shall:

- a. identify each Mississippi River discharge location, its drainage area, land areas by use, and impervious cover, and identify any upstream contributing areas that extend beyond the Permittee's municipal boundaries; and
- b. identify watersheds and storm sewer flow networks for:
 - 1) Shingle Creek;
 - 2) Bassett Creek; and
 - 3) Minnehaha Creek.

For each of these three creeks, the Permittee shall define the total drainage area, land areas by use, impervious cover, and upstream contributing areas that extend beyond the Permittee's municipal boundaries.

The Permittee shall incorporate water quality trend data for Bassett, Shingle, and Minnehaha Creeks and Minneapolis lakes as stormwater system performance indicators.

- 3. An analysis of the Stormwater Management Program's effectiveness through implementation of the following:
 - a. the Permittee's program to inform and educate the public about the beneficial onsite reuse of leaves and grass clippings and proper use of lawn and garden fertilizers and pesticides, proper management of pet wastes and prevention of dumping oil and other chemicals in storm sewers, as required under Parts V.C.1.e and V.C.3.b;
 - b. the Permittee's leaf and grass clipping collection and management system;
 - c. the Permittee's street sweeping, including an assessment of the effectiveness of conventional and high efficiency sweepers;
 - d. the Permittee's program for detection and elimination of illicit discharges to the storm sewer;
 - e. the Permittee's program of operation and maintenance of structural BMPs;
 - f. the Permittee's identification of "hotspots;" and
 - g. the Permittee's post-construction stormwater management in new development and redevelopment including:
 - 1) results, efforts and barriers to reduce stormwater runoff volume; and
 - 2) results, efforts and barriers to runoff volume and rate reductions for street projects.
- 4. An analysis of the appropriateness and performance of the Permittee's stormwater management techniques and BMPs in reducing runoff volumes and pollutant loading to waters of the state. This should include consideration of weather variability including

Comment [A128]: New requirement, the benefit to the MS4 for understanding and improving its practices is not understood.

Comment [A129]: Add, "within the Permittee's jurisdiction".

Comment [A130]: It is understood that we will only be responsible for identifying that there are such upstream contributing areas, based on available information.

Comment [A131]: Add, "lying in the Permittee's jurisdiction" after the word "networks".

Comment [A132]: Re-state this section to match A. (Mississippi River), as follows: "For each of these three creeks, the Permittee shall identify each discharge location, its drainage area within the Permittee's jurisdiction, land areas by use, and impervious cover. Identify if there are any upstream contributing areas that extend beyond the Permittee's municipal boundaries, based on available information".

It is understood that we will only be responsible for indicating that there are such upstream contributing areas, based on available information. We should not be responsible for this, only that there are such areas based on available information.

Comment [A133]: Add, ", if this information is available".

extreme events, extended dry periods, extended wet periods, and storm intensities that may affect stormwater system performance.

5. An analysis of completed pilot project(s) undertaken under Part V.E of this permit. The analysis shall include a determination of the effectiveness of the project, a cost/benefit analysis for broader implementation, and a schedule for implementation within the rest of the drainage area if the project is determined to be an effective BMP.
6. An analysis of the overall effectiveness of the Stormwater Management Program in achieving the long-term goals.
7. A fiscal analysis of the budget implementing the Stormwater Management Program that includes, but shall not be limited to, the expenditures for the previous fiscal year, the budget for the current fiscal year, the source of funds, and an estimated annual budget for the next five years. The analysis shall include the capital, operation, maintenance and staff resource costs of each item in the program.

For individual programs, a cost/benefit analysis shall be completed. The analysis shall include a determination of the cost-per-unit reduction in pollutants removed, cost per acre, cost per person, or other cost per unit appropriate to describe the program activity.

Comment [A134]: Restate this sentence as, "For individual programs, a cost/benefit analysis shall be completed within three years." This is a very substantial and worthwhile requirement.

The assessment completed under Part IV.A of this permit shall be submitted with the Annual Report required under Part V.F of this permit.

B. Recordkeeping.

The Permittee shall keep records required by the NPDES permit for at least three years beyond the term of this permit, including all records of the exact place, date and time of any inspection, sample, measurement, analysis, or assessment; the name of each person who performed the sample collection, measurement, analysis, calculation or assessment; the analytical technique, procedures and methods used; the results of the analysis or assessment; and any calculations, original recordings from automatic monitoring instruments, and laboratory sheets. The Permittee shall extend these record retention periods upon request of the MPCA and/or during the course of an unresolved audit or enforcement action (Minn. R. 7001.0150, subp. 2(C)).

C. Public Availability

The Permittee shall make its records, including the Stormwater Management Program, available to the public at reasonable times during regular business hours (see 40 CFR § 122.7 for confidentiality provision). The Permittee may assess a reasonable charge for copying. The Permittee may require a member of the public to provide advance notice.

Except for data determined to be confidential according to Minn. Stat. § 116.075, subd. 2, all reports required by this permit shall be available for public inspection at the MPCA St. Paul office. Monitoring or effluent data shall not be considered confidential. Confidential material shall be submitted according to Minn. R. 7000.1300.

D. Annual Reporting

The Permittee shall submit each year the Annual Report required under Part V.F on the schedule under VI.E of this permit. The report shall communicate in detail the following:

1. The status of the Permittee's compliance with conditions of this permit and the current Commissioner-approved Stormwater Management Program.
2. Minimum Control Measures.
 - a. General Reporting. The Annual Report shall include a discussion of the status of implementation of the Minimum Control Measures of the Stormwater Management Program. For each of the Minimum Control Measures, the discussion shall include, but not be limited to:
 - 1) a comparison of the Permittee's accomplishments in the preceding year to the long-term and BMP-specific goals set in the previous year's Annual Report;
 - 2) proposed long-term and BMP-specific goals for the following year;
 - 3) operation and maintenance activities;
 - 4) performance;
 - 5) effectiveness;
 - 6) inspections;
 - 7) enforcement activities;
 - 8) public education activities for each program; and
 - 9) change in identified BMPs or measurable BMP-specific goals.
 - b. Minimum Control Measure Specific Reporting. The Permittee shall report the annual results of performance measures established in the Stormwater Management Program for each Minimum Control Measure including, but not limited to, the following:
 - 1) public education and outreach on stormwater impacts:
 - i. copies of educational materials and/or links to websites with descriptions of the education activities, and the quantity of material distributed and the number of visits by the public to education Web sites;
 - ii. a summary of the outreach and education activities regarding Minimum Control Measure education required under Part V.C.1.b of this permit; and
 - iii. if the Permittee relied upon other entities for some, or all, of its education program, a summary of education program activities conducted by those other entities.
 - 2) public participation, public involvement:
 - i. a summary of the oral and written public input on the Stormwater Management Program required under Part V.C.1.f and V.C.2.b and the Permittee's response to it; and
 - ii. a formal resolution from the Permittee's governing body adopting the Annual Report and the Stormwater Management Program as required under Part V.C.2.d
 - 3) illicit discharge detection and elimination:

- i. the status of the electronic storm sewer system inventory and map required under Part V.C.3.a of this permit if not completed. If completed, the date of the last update to the inventory and map;
 - ii. the number of spills and unauthorized discharges that occurred and the Permittee's response to the spills;
 - iii. the number of illicit discharge screening activities conducted in the previous calendar year, results of those activities, and the Permittee's responses to identified illicit discharges; and
 - iv. update the inventory of municipal solid waste hazardous waste and other industrial facilities with information required under Part V.C.3.f.1 of this permit;
- 4) construction site stormwater runoff control:
- i. the number of construction site plans reviewed and approved;
 - ii. the number of public complaints received and the responses to those complaints; and
 - iii. the number of site inspections completed and a summary of inspection findings.
- 5) pollution prevention and good housekeeping for municipal operations:
- i. as required under Part V.C.6.b.4 of this permit, the results of all outlet inspections including the dates of inspection and the date, or scheduled date, of completion of additional erosion protection;
 - ii. the reasons for delaying needed repairs or maintenance of municipal separate storm sewer system facilities including the identification of the facility of facility component and a schedule for completion as required under Part V.C.6.b.6 of this permit;
 - iii. as required under Part V.C.6.b.7 of this permit, the results of structural BMP inspections, assessments, maintenance, and repair activities including:
 - a) date;
 - b) antecedent weather conditions;
 - c) sediment storage capacity and percent capacity remaining;
 - d) maintenance and/or repairs performed or recommended including completion date; and
 - e) the quantity and categories (by structural controls, types of substances and, when possible, seasons) of removed substances;
 - iv. as required in Part V.C.6.c.5 of this permit, the quantity of material removed by street sweeping. Seasonal sweepings for spring sand and fall leaves shall be itemized as part of the total quantity;
 - v. as required in Part V.C.6.c.5 of this permit, the quantity of deicing materials, chemicals, and sand applied to roadways under its jurisdiction. The location and description of all storage facilities shall be identified in the Annual Report;
 - vi. the number, type, and schedule of flood control projects planned, in addition to a description of the pollutant removal capabilities associated with each project as required in Part V.C.6.e.2 of this permit;
- 6) monitoring and assessment:
- i. proposed Stormwater Management Program modifications to substitute sources of monitoring and assessment data including a discussion of how the

Comment [A135]: "Post-construction storm water management in new development and redevelopment for projects, public or private" was overlooked in this list, and should be #5. "Pollution prevention and good housekeeping for municipal operations" should be #6.

Comment [A136]: Replace the word "outlet" with the word "outfall".

Comment [A137]: Re-number this section as Part VI.D.3.

data will be utilized to demonstrate compliance with this permit and how it will characterize the nature of stormwater discharges;

- ii. the public and local water authority comments on the proposed Stormwater Management Program modifications to substitute sources of monitoring and assessment data, with a Record of Decision on the comments;
- iii. any request by the Permittee for proposed substitution of alternative sources of monitoring and assessment data as established in Part V.C.7 of this permit; and
- iv. any significant operational differences in monitoring and monitoring protocols as established in Part V.C.7.e of this permit;

Comment [A138]: It is understood that this refers to public comments for each Annual Report, that would include proposed modifications to the Stormwater Management Program.

7) Section 303(d) listings and Total Maximum Daily Load (TMDL) Implementation Plans;

Comment [A139]: Delete the words "Implementation Plans"

- i. as required under Part V.C.8.c of this permit, the results of the comparison(s) of estimated pollutant loading(s) to each impaired water body in the Permittee's jurisdiction and the municipal separate storm sewer system's WLA for that impaired water body; and
- ii. changes to, or addition, of BMPs to the municipal separate storm sewer system to reduce loading of pollutants of impairment to impaired waters.

3. In addition to the compliance status and Minimum Control Measure reporting requirements, the Permittee shall include the following in the Annual Report:

- a. a discussion of changes made to the Stormwater Management Programs in the previous calendar year and proposed changes to the Stormwater Management Program in accordance with Part V.D.4 of this permit. The discussion shall include a description of why the changes were/are needed. When feasible, this discussion shall include qualitative and/or quantitative data demonstrating the effectiveness of the program elements or identifying impacts on the receiving waters.
- b. a discussion of proposed changes to the Stormwater Management Program under Parts V.D.5 of this permit. The discussion shall include a description of why the changes are needed. Subject to approval by the Commissioner, any changes to meet the WLA or change monitoring sites may be requested.
- c. a report of the results of the annual assessment of the Stormwater Management Program required under Part VI.A of this permit.

Comment [A140]: As noted in previous comments, the annual assessment (Part VI.A. and annual reporting (Part VI.D.) sections should be combined.

E. Reporting and Other Submittals.

The Permittee shall submit to the Commissioner:

- 1. the Annual Report required under Part V.F of this permit, by June 30, for each year of the permit term;
- 2. the revised Stormwater Management Program required under Part II.C.1 of this permit, within 90 days of permit issuance; and
- 3. the plan to reduce stormwater runoff volume required under Part V.C.5.a of this permit, within 12 months of permit issuance.

Comment [A141]: Please see comment A5.

Comment [A142]: Delete this item. Please see comment A58.

The plan and reports shall be submitted to:

DRAFT permit language from MPCA.

DRAFT comments for discussion by T&PW on June 8, 2010, and MPRB on June 16, 2010

Supervisor, Municipal Stormwater Unit
MS4 Stormwater Program
MPCA
520 Lafayette Road North
St. Paul, MN 55155-4194

PART VII. APPENDIX A: STANDARD CONDITIONS

- A. The Agency's issuance of a permit does not release the Permittee from any liability, penalty, or duty imposed by Minnesota or federal statutes or rules or local ordinances, except the obligation to obtain the permit.
- B. The Agency's issuance of a permit does not prevent the future adoption by the Agency of pollution control rules, standards, or orders more stringent than those now in existence and does not prevent the enforcement of these rules, standards, or orders against the Permittee.
- C. The permit does not convey a property right or an exclusive privilege.
- D. The Agency's issuance of a permit does not obligate the Agency to enforce local laws, rules, or plans beyond those authorized by Minnesota statutes.
- E. The Permittee shall perform the actions or conduct the activity authorized by the permit in accordance with the plans and specifications approved by the Agency and in compliance with the conditions of the permit.
- F. The Permittee shall at all times properly operate and maintain the facilities and systems of treatment and control and the appurtenances related to them which are installed or used by the Permittee to achieve compliance with the conditions of the permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. The Permittee shall install and maintain appropriate backup or auxiliary facilities if they are necessary to achieve compliance with the conditions of the permit and, for all permits other than hazardous waste facility permits, if these backup or auxiliary facilities are technically and economically feasible.
- G. The Permittee may not knowingly make a false or misleading statement, representation, or certification in a record, report, plan, or other document required to be submitted to the Agency or to the Commissioner by the permit. The Permittee shall immediately upon discovery report to the Commissioner an error or omission in these records, reports, plans, or other documents.
- H. The Permittee shall, when requested by the Commissioner, submit within a reasonable time the information and reports that are relevant to the control of pollution regarding the

construction, modification, or operation of the facility covered by the permit or regarding the conduct of the activity covered by the permit.

- I. When authorized by Minn. Stat. §§ 115.04, 115B.17, subd. 4, and 116.091, and upon presentation of proper credentials, the Agency, or an authorized employee or agent of the Agency, shall be allowed by the Permittee to enter at reasonable times upon the property of the Permittee to examine and copy books, papers, records, or memoranda pertaining to the construction, modification, or operation of the facility covered by the permit or pertaining to the activity covered by the permit; and to conduct surveys and investigations, including sampling or monitoring, pertaining to the construction, modification, or operation of the facility covered by the permit or pertaining to the activity covered by the permit.
- J. If the Permittee discovers, through any means, including notification by the Agency, that noncompliance with a condition of the permit has occurred, the Permittee shall take all reasonable steps to minimize the adverse impacts on human health, public drinking water supplies, or the environment resulting from the noncompliance.
- K. If the Permittee discovers that noncompliance with a condition of the permit has occurred which could endanger human health, public drinking water supplies, or the environment, the Permittee shall, within 24 hours of the discovery of the noncompliance, orally notify the Commissioner. Within five days of the discovery of the noncompliance, the Permittee shall submit to the Commissioner a written description of the noncompliance; the cause of the noncompliance; the exact dates of the period of the noncompliance; if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
- L. The Permittee shall report noncompliance with the permit not reported under item K as a part of the next report which the Permittee is required to submit under this permit. If no reports are required within 30 days of the discovery of the noncompliance, the Permittee shall submit the information listed in item K within 30 days of the discovery of the noncompliance.
- M. The Permittee shall give advance notice to the Commissioner as soon as possible of planned physical alterations or additions to the permitted facility or activity that may result in noncompliance with a Minnesota or federal pollution control statute or rule or a condition of the permit.
- N. The permit is not transferable to any person without the express written approval of the Agency after compliance with the requirements of Minn. R. 7001.0190. A person to whom the permit has been transferred shall comply with the conditions of the permit.
- O. The permit authorizes the Permittee to perform the activities described in the permit under the conditions of the permit. In issuing the permit, the state and Agency assume no responsibility for damage to persons, property, or the environment caused by the activities

of the Permittee in the conduct of its actions, including those activities authorized, directed, or undertaken under the permit. To the extent the state and Agency may be liable for the activities of its employees, that liability is explicitly limited to that provided in the Tort Claims Act, Minn. Stat. § 3.736.

- P. This permit incorporates by reference the applicable portions of 40 CFR §§ 122.41 and 122.42(c) and (d), and Minn. R. 7001.1090, which are enforceable parts of this permit.
- Q. The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby.

PART VIII. APPENDIX B: DEFINITIONS

- A. “Agency” or “Agency members” means the Commissioner and the eight persons appointed to the Minnesota Pollution Control Agency, pursuant to Minn. Stat. § 116.02, subd. 1.
- B. “Best Management Practices” or “BMP” means:
 - 1) schedules of activities;
 - 2) prohibitions of practices;
 - 3) maintenance procedures; and
 - 4) other management practices to prevent or reduce the pollution of waters of the state.
BMPs also include:
 - 5) treatment requirements;
 - 6) operating procedures, and
 - 7) practices to control:
 - i. plant site runoff;
 - ii spillage or leaks,
 - iii sludge or waste disposal, or
 - iv. drainage from raw material storage.
- C. “Commissioner” means the Commissioner of the Minnesota Pollution Control Agency or the Commissioner's designee.
- D. “Common plan of development or sale” means a contiguous area where multiple separate and distinct construction activities are planned to occur at different times on different schedules under one plan, e.g., a housing development of five one-quarter-acre lots (40 CFR § 122.26(b)(15)(i)).
- E. “Discharge” means “Discharge of a pollutant” as defined in Minn. R. 7001.1020, subp 12.
- F. “EPA” or “USEPA” means the U.S. Environmental Protection Agency.
- G. “Expanded discharge” means a discharge that changes in volume, quality, location, or any other manner after January 1, 1988 or the effective date an outstanding resource value water

was designated as described in Minn. R. 7050.0460 and 7050.0470, such that an increased loading of one or more pollutants results. In determining whether an increased loading of one or more pollutants would result from the proposed change in the discharge, the Agency shall compare the loading that would result from the proposed discharge with the loading allowed by the Agency as of January 1, 1988, or the effective date of outstanding resource value water designation. This definition does not apply to the discharge of bioaccumulative chemicals of concern, as defined in Minn. R. 7052.0010, subp. 4, to outstanding resource value waters in the Lake Superior Basin. For purposes of Minn. R. 7050.0180, an expanded discharge of a bioaccumulative chemical of concern to an outstanding resource value water in the Lake Superior Basin is defined in Minn. R. 7052.0010, subp. 18.

- H. “Long-term goals” means those goals established in the Permittee’s Stormwater Management Program to be accomplished by the municipal separate storm sewer system. These goals may have various time frame and durations including durations greater than one NPDES permit cycle. For example, Long-term goals may include, but are not limited to, compliance with all TMDLs by January 1, 2025, fifty percent reduction of the annual frequency of street flooding by January 1, 2015; and/or reduction of impervious cover by two percent within two years of the effective date of the Stormwater Management Program.
- I. “Maximum Extent Practicable” or “MEP” is the statutory standard (33 U.S.C. § 1342(p)(3)(B)(iii)) that establishes the level of pollutant reductions that an Owner or Operator of regulated municipal separate storm sewer systems must achieve. The USEPA has intentionally not provided a precise definition of MEP to allow maximum flexibility in municipal separate storm sewer system permitting. The pollutant reductions that represent MEP may be different for each municipal separate storm sewer system, given the unique local hydrologic and geologic concerns that may exist and the differing possible pollutant control strategies. Therefore, the Permittee will determine appropriate BMPs to satisfy each of the Minimum Control Measures through an evaluative process. The USEPA envisions application of the MEP standard as an iterative process.
- J. “MPCA” means the Minnesota Pollution Control Agency.
- K. “MS4” means a municipal separate storm sewer system.
- L. “Municipal separate storm sewer system” means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that is:
 - 1. owned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management Agency under section 208 of the CWA ((33 U.S.C. § 1288) that discharges to waters of the United States;
 - 2. designed or used for collecting or conveying stormwater;

- 3. not a combined sewer; and
- 4. not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR § 122.2.
- M. "New development" means construction activities that create new impervious surface.
- N. "New discharge" means, for all waters that are not outstanding resource value waters, a discharge that was not in existence before January 1, 1988. For outstanding resource value waters new discharge means a discharge that was not in existence on the effective date the outstanding resource value water was designated as described in Minn. R. 7050.0460 and 7050.0470.
- O. "Newspaper" means a publication containing news of general interest (in the vicinity of the municipal separate storm sewer system). Newspaper can include other publications if the distribution includes the general population of potentially interested parties.
- P. "Other regulatory mechanism" means any legally enforceable document, such as a contract or other agreement that has penalties such as withholding payments, fines, or other measures to prevent noncompliance.
- Q. "Operator" means the person with primary operational control and legal responsibility for the municipal separate storm sewer system.
- R. "Outfall" means the point where a municipal separate storm sewer system discharges from a pipe, ditch, or other discrete conveyance to waters of the state, or other municipal separate storm sewer systems. It does not include diffuse runoff or conveyances which connect segments of the same stream or other water systems.
- S. "Owner" means the person that owns the municipal separate storm sewer system.
- T. "Person" means the state or any agency or institution thereof, any municipality, governmental subdivision, public or private corporation, individual, partnership, or other entity, including, but not limited to, association, commission, or any interstate body, and includes any officer or governing or managing body of any municipality, governmental subdivision, or public or private corporation, or other entity.
- U. "Physical alteration" means the dredging, filling, draining, or permanent inundating of a wetland. Restoring a degraded wetland by reestablishing its hydrology is not a physical alteration.
- V. "Redevelopment" refers to alterations of a property that change the "footprint" of a site or building in such a way that results in the disturbance of equal to or greater than one acre of land. The term is not intended to include activities, such as exterior remodeling, which would not be expected to cause adverse stormwater quality impacts and offer no new opportunity for stormwater controls.

Comment [A143]: Please use EPA definition distributed to May 21 MIDS working group. Thus replace this definition with the following: "Development that occurs on land where generally no or minimal structures and other impervious surfaces, such as buildings, parking lots, and roads exist and includes agricultural, forested and open/barren land."

Comment [A144]: Please use EPA definition distributed to May 21 MIDS working group. Thus replace this definition with the following: "Redevelopment" refers to development activities at a site with existing structures or impervious surfaces. Redevelopment does not include projects that are solely remodeling or alterations to the interior of a structure" Preferable to also retain last clause ("which would not be expected to cause adverse stormwater quality impacts and offer n new opportunity for stormwater controls.")

- W. "Reduce" means reduce to the "Maximum Extent Practicable" unless otherwise defined in the context in which it is used.
- X. "Stormwater" means stormwater runoff, snowmelt runoff, surface runoff, and drainage.
- Y. "Total Maximum Daily Load" or "TMDL" is the process established by the USEPA for the allocation of pollutant loads, including stormwater, to a particular water body or reach of a water body.
- Z. "Waters of the state" means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.
- AA. "Wetlands" are those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Constructed wetlands designed for wastewater treatment are not waters of the state. Wetlands shall have the following attributes:
1. a predominance of hydric soils;
 2. inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in a saturated soil condition; and
 3. under normal circumstances, support a prevalence of such vegetation.

Comment [A145]: Add new term "Structural Pollution Control Devices" and its definition "[suggested definition yet to come]"

PART IX. APPENDIX C: LIMITATIONS ON COVERAGE

This part describes more stringent requirements for discharges that meet the specified criteria. Whenever two or more requirements, restrictions, or prohibitions apply, the requirements for both or all shall be met. Whenever two or more requirements, restrictions, or prohibitions conflict; the more restrictive conditions are applicable.

Contents of Appendix C:

- A. Discharges to Wetlands (Minn. R. 7050.0130(F)).
 - B. Discharges Requiring Environmental Review.
 - C. Discharges Affecting Threatened or Endangered Species or their habitat.
 - D. Discharges Affecting Historic or Archeological sites
 - E. Discharges Affecting Source Water Protection Areas.
- A. Discharges to Wetlands (*Minn. R. 7050.0130(F); also Minn. R. 7050.0186*). This permit does not authorize physical alterations to wetlands, or other discharge adversely affecting wetlands, if the alteration will have a significant adverse impact to the designated uses of a wetland. Any physical alterations to wetlands that will cause a potential for a significant adverse impact to a designated use must be implemented in accordance with the avoidance, minimization and mitigation requirements of Minn. R. 7050.0186 and other applicable rules.
 - B. Discharges Requiring Environmental Review (*Minn. Stat. ch. 116D, and 42 U.S.C. §§ 4321 – 4370(f)*). This permit does not replace or satisfy any environmental review requirements, including those under the Minnesota Environmental Policy Act (Minn. Stat. ch. 116D), the National Environmental Policy Act (42 U.S.C. §§ 4321 – 4370(f)), and rules implementing those laws. Any environmental review required by law, including preparation of environmental review documents such as environmental assessment worksheets, environmental impact statements, or environmental assessments, must be completed in accordance with those requirements.
 - C. Discharges Affecting Threatened or Endangered Species. This permit does not replace or satisfy any review requirements for Threatened or Endangered Species, from discharges whose direct, indirect, interrelated, interconnected, or independent impacts would jeopardize a listed Threatened or Endangered Species or adversely modify a designated critical habitat. For any project resulting in a discharge having the potential to adversely impact Threatened or Endangered species, or their critical habitat, The Permittee shall conduct the required review and coordination with appropriate agencies in accordance with those requirements.
 - D. Discharges Affecting Historic or Archeological Sites. This permit does not replace or satisfy any review requirements for Historic or Archeological Sites from discharges which adversely affect properties listed or eligible for listing in the National Register of Historic Places or adversely affecting known or discovered archeological sites. For any project resulting in a

Comment [A146]: , add the following sentence: This includes NRHP listed/eligible properties, state designated properties, and locally designated properties. To determine whether a property is locally designated, refer to <http://www.ci.minneapolis.mn.us/hpc/landmarks>."

Comment [A147]: Remove both instances of the word "adversely" from section IX.D. Any discharges to historic/archaeological properties must be reviewed in compliance with local, state, and federal laws. It is through the process of these reviews that a determination about effect is made; it is not something the applicant decides beforehand.

discharge having the potential to adversely impact Historic or Archeological Sites, including significant anthropological sites and any burial sites, the Permittee must conduct the required review and coordination with the Minnesota State Historic Preservation Officer or other appropriate agencies in accordance with those requirements.

Comment [A148]: For locally designated properties, applicants must submit a Certificate of No Change or a Certificate of Appropriateness application. Applications are found at <http://www.ci.minneapolis.mn.us/hpc/forms.asp>

- E. Discharges Affecting Source Water Protection Areas (*Minn. R. 4720.5100 – 4720.5590*). The Permittee shall incorporate BMPs into the Permittee’s Stormwater Management Program to protect any of the following drinking water sources that the municipal separate storm sewer system discharge may affect, and the Permittee shall include the map of these sources with the Stormwater Management Program if they have been mapped:
1. wells and source waters for drinking water supply management areas identified as vulnerable under Minn. R. 4720.5205, 4720.5210, and 4720.5330; and
 2. source water protection areas for surface intakes identified in the source water assessments conducted by or for the Minnesota Department of Health under the federal Safe Drinking Water Act (42 U.S.C. § 300j-13).