



**Request for City Council Committee Action
From the Department of Public Works**

Date: April 19, 2011
To: Honorable Sandra Colvin Roy, Chair Transportation & Public Works Committee
Subject: **Reissued National Pollutant Discharge Elimination System (NPDES) Municipal Separate Stormwater Sewer (MS4) Permit**

Recommendation:
Receive and file

Previous Directives:

June 18, 2010:

- Adopt the Annual NPDES MS4 Report on 2010 Minneapolis Stormwater Management Program and 2009 Activities as the City's Stormwater Management Plan, pursuant to the City of Minneapolis National Pollutant Discharge Elimination System Municipal Separate Storm Sewer System Permit #MN0061018;
- Approve the written comments regarding the draft language for permit reissuance;
- Direct the proper City officers to submit said comments to the Minnesota Pollution Control Agency by the June 22, 2010 deadline, and
- Authorize Public Works to petition the MPCA for a contested case hearing regarding the terms of the permit.

Prepared by: Lois Eberhart, Water Resources Administrator, Surface Water & Sewers 673-3260
Lisa Cerney, P.E., Director of Surface Water & Sewers 673-3061

Approved by:

Steven A. Kotke, P. E., City Engineer, Director of Public Works

Presenters: Lois Eberhart, Water Resources Administrator, Surface Water & Sewers

Reviews

Permanent Review Committee (PRC):	Not applicable
Civil Rights Approval	Not applicable
Policy Review Group (PRG):	Not applicable

Financial Impact

Action is within current department budget

Community Impact

Neighborhood Notification: Minneapolis annually sends notices to all neighborhood organizations and other interested parties to inform them about accessing the Draft Annual Report, and advising them of the opportunity to provide comments at the public hearing or in writing.

City Goals: A Safe Place To Call Home -- quality of life; a healthy environment; the city's infrastructure will be well-maintained. Enriched Environment -- plentiful green spaces; lakes, rivers and the soil and air will be clean. A Premier Destination -- the country will see Minneapolis as a national treasure.

Comprehensive Plan: Consistent

Zoning Code: Not Applicable

Background/Supporting Information:

The Municipal Separate Storm Sewer System Permit (MS4 Permit) regulates stormwater runoff discharges from the storm drain system. The City and the Minneapolis Park & Recreation Board (MPRB) are co-permittees. The MS4 Permit is one of two distinct permits under the National Pollutant Discharge Elimination System (NPDES) program, created in 1990 by the United States Environmental Protection Agency (EPA) under the Clean Water Act to protect water quality through the regulating of discharges of pollutants to lakes, streams, wetlands and other surface waters. Under this program, specific permits are issued in an effort to regulate municipal, industrial, and construction activities. In Minnesota, these permits are issued by the Minnesota Pollution Control Agency (MPCA) under a delegation agreement with the EPA. The City's other NPDES permit is the Combined Sewer Overflow (CSO) Permit that regulates combined storm and wastewater discharges from the sanitary sewer system, and on which the City and the Metropolitan Council are co-permittees.

The system subject to the MS4 Permit consists of infrastructure for the collection, conveyance, treatment, storage, and discharge of stormwater in the City of Minneapolis, at a rate dependent upon precipitation and snow melt. Minneapolis is permitted under Federal requirements as a Phase 1 MS4 community, as a municipality with a population greater than 100,000. In June 2010 detailed comments on the City's draft MS4 Permit was submitted to the MPCA as well as a petition for a contested case hearing. Following additional meetings and revisions to draft Permit language, in December 2010 the contested case hearing request petitions were withdrawn.

The new MS4 Permit was issued to the City and the MPRB on January 21, 2011. The new Permit supersedes the previous permit which was issued on December 1, 2000. The MS4 Permit can be viewed at the following web site: <http://www.ci.minneapolis.mn.us/stormwater/programs-policy.asp>

The MS4 Permit requires the implementation of stormwater management activities that are designed to mitigate the pollution effects of urban stormwater runoff. A general summary of changes is that the new MS4 Permit includes (1) new requirements for addressing nondegradation of water quality and impaired waters, (2) revised requirements for monitoring and for illicit discharge detection and elimination, (3) re-organized and more specific and extensive requirements for existing categories such as construction site runoff control, stormwater management in new development and redevelopment, municipal operations, and public education and outreach, and (4) preparing an updated Stormwater Management Program (SWMP) to describe, guide, document and assess our permit-related activities. The City and the MPRB must submit the revised SWMP to the MPCA by July 20, 2011. The MPCA will hold a public comment permit on the SWMP, prior to processing it for approval. Thereafter (and as in the past) the City and the MPRB will report annually on SWMP activities, and may periodically modify the SWMP with input from a variety of sources. Examples

include technology and policy changes, regulatory requirements, collaboration with watershed management organizations, environmental groups and other water quality professionals, lessons learned from our projects, input from the Environmental Coordinating Team (ECT), concerns raised by residents and others, and responses to our website information.

The updating and reformatting of the SWMP is being led by Public Works. The work on the revised SWMP also includes participation by staff at the MPRB and in other City departments with roles and responsibilities related to the stormwater program, including Regulatory Services, CPED, Finance, and the offices of the City Coordinator and the City Attorney. The updated SWMP will be presented to the Transportation & Public Works Committee on July 12.