

**National Pollutant Discharge Elimination System/State Disposal System
Municipal Separate Storm Sewer System (MS4)
MN0061018**

Permittee: City of Minneapolis and the Minneapolis Park and Recreation Board

Issuance date: December 12, 2023

Expiration date: December 11, 2028

The state of Minnesota, on behalf of its citizens through the Minnesota Pollution Control Agency (MPCA), authorizes the permittee to operate a large municipal separate storm sewer system (MS4) and to discharge from the large MS4 to receiving waters, in accordance with the requirements of this permit.

The goal of this permit is to reduce pollutant levels in point source discharges and protect water quality in accordance with the U.S. Clean Water Act, Minnesota statutes and rules, and federal laws and regulations.

This permit is effective on the issuance date identified above. This permit expires at midnight on the expiration date identified above.

Signature: *Duane Duncanson*

for the Minnesota Pollution Control Agency

This document has been electronically signed.

Duane Duncanson
Supervisor
Municipal Stormwater Unit
Municipal Division

If you have questions about this permit, including specific permit requirements, permit reporting, or permit compliance status, please contact the MPCA at:

Municipal Stormwater Program
Municipal Division
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155-4194
Telephone: 651-296-6300 or toll free in Minnesota: 800-657-3864

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1. Permit requirements

1.1	Eligibility. [Minn. R. 7090]
1.2	To be eligible for authorization to discharge stormwater under this permit, the applicant must be an owner and/or operator (owner/operator) of a large municipal separate storm sewer system (MS4) as defined in 40 C.F.R. 122.26(b)(4). [40 CFR 122.26(b)(4)]
2.1	Authorized Stormwater Discharges. [Minn. R. 7090]
2.2	This permit authorizes stormwater discharges from the MS4. [Minn. R. 7090]
3.1	Authorized Non-Stormwater Discharges. [Minn. R. 7090]
3.2	The following categories of non-stormwater discharges or flows are authorized under this permit to enter the permittee's MS4 only if the permittee does not identify them as significant contributors of pollutants (i.e., illicit discharges), in which case the discharges or flows must be addressed in the permittee's Stormwater Management Program (SWMP): water line flushing, landscape irrigation, diverted stream flows, rising groundwaters, uncontaminated groundwater infiltration (as defined at 40 C.F.R. 35.2005(b)(20)), uncontaminated pumped groundwater, discharges from potable water sources, foundation drains, air conditioning condensation, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, street wash water, and discharges of flows from firefighting activities. [Minn. R. 7090]
4.1	Limitations on Authorization. [Minn. R. 7090]
4.2	<p>The following discharges or activities are not authorized by this permit:</p> <ol style="list-style-type: none"> non-stormwater discharges, except those authorized by the permittee in item 3.2; discharges of stormwater to the MS4 from activities requiring a separate National Pollutant Discharge Elimination System (NPDES)/State Disposal System (SDS) permit. This permit does not replace or satisfy any other permitting requirements; this permit does not replace or satisfy any environmental review requirements, including those under the Minnesota Environmental Policy Act (Minn. Stat. ch. 116D), or the National Environmental Policy Act (42 U.S.C. 4321 et seq.); this permit does not replace or satisfy any review requirements for endangered or threatened species, from new discharges that adversely impact or contribute to adverse impacts on a listed endangered or threatened species, or adversely modify a designated critical habitat; this permit does not replace or satisfy any review requirements for historic places or archeological sites, from new discharges which adversely affect properties listed or eligible for listing in the National Register of Historic Places or affecting known or discovered archeological sites; and this permit does not authorize discharges to wetlands unless the permittee is in compliance with the requirements of Minn. R. 7050.0186. <p>Only the permittee's MS4 and the portions of the storm sewer system under the permittee's operational control are authorized by this permit. [Minn. R. 7090]</p>
5.1	Permit Authorization. [Minn. R. 7001]
5.2	For an applicant to be authorized to discharge stormwater from a large MS4 under this permit the Commissioner will communicate to the permittee as to whether this permit should be issued or denied in accordance with Minn. R. ch. 7001. Upon receipt of written notification from the Commissioner of permit coverage, the permittee is authorized to discharge stormwater from the large MS4 under the terms and conditions of this permit. [Minn. R. 7001]
6.1	Rights and Responsibilities. [Minn. R. 7001, Minn. R. 7090]
6.2	The Commissioner may modify this permit or issue other permits, in accordance with Minn. R. ch. 7001, to include more stringent effluent limitations or permit requirements that modify or are in addition to Sections 15 through 27 of this permit, or both. These modifications may be based on the Commissioner's determination that such modifications are needed to protect water quality. [Minn. R. 7001]

6.3	The permittee must manage, operate, and maintain the storm sewer system and areas drained by the storm sewer system within the permittee's jurisdiction to reduce the discharge of pollutants to the Maximum Extent Practicable (MEP). Management may consist of a combination of Best Management Practices (BMPs), education, other control techniques, system design and engineering methods, and such other provisions as the permittee and/or Commissioner determine to be appropriate. [Minn. R. 7090]
7.1	Joint Permittees. [Minn. R. 7090]
7.2	The following entities are joint permittees under this permit. The titles "joint permittee" and "permittee" are considered the same and are used interchangeably: a. City of Minneapolis by and through its City Council; and b. City of Minneapolis by and through its Minneapolis Park and Recreation Board. [Minn. R. 7090]
7.3	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. stormwater management for discharges from portions of the storm sewer system of which it is the owner and/or operator. [Minn. R. 7090]
7.4	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. [Minn. R. 7090]
7.5	The joint permittees must enter into an agreement to define their individual responsibilities for meeting the requirements and conditions of this permit (Agreement). As part of the Agreement, the joint permittees must define their individual responsibilities to assure the operation, maintenance, monitoring, and management of the SWMP to comply with this permit. This Agreement must become part of the SWMP and must include, but not be limited to the following: 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 SWMP are implemented and managed according to the conditions of this permit; and c. a delineation of responsibilities for submittal of the annual report. [Minn. R. 7090]
8.1	Application for Permit Reissuance. [Minn. R. 7001, Minn. R. 7090]
8.2	The permittee must submit an application for permit reissuance: Due by 180 days prior to permit expiration. [Minn. R. 7001.0040, subp. 3]
8.3	If the permittee has submitted a timely application for permit reissuance, the permittee must continue to conduct the activities authorized by this permit, in compliance with the requirements of this permit, until the Agency takes final action on the application, unless the Agency 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 Agency, 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; or 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]
8.4	The permittee must submit with an application for permit reissuance a revised SWMP. [Minn. R. 7090]
8.5	The permittee's application for permit reissuance must include Sections 9 through 11, as applicable. [Minn. R. 7090]

9.1	Application Requirements for Discharges to Impaired Waters with a U.S. Environmental Protection Agency (EPA)-Approved Total Maximum Daily Load (TMDL) that includes an Applicable Waste Load Allocation (WLA). [Minn. R. 7090]
9.2	For each applicable WLA approved prior to the submittal of the application for permit reissuance, the permittee must submit the information required in this Section, in a manner determined by the Agency, with an application for permit reissuance. [Minn. R. 7090]
9.3	<p>The permittee must submit a compliance schedule for each applicable WLA not being met for oxygen demand, nitrate, total suspended solids (TSS), and total phosphorus (TP). The permittee may develop a compliance schedule to include multiple WLAs. The permittee's compliance schedule must include the following information:</p> <ul style="list-style-type: none"> a. proposed BMPs or progress toward implementation of BMPs to be achieved during the permit term; b. the year each BMP is expected to be implemented; c. a target year the applicable WLA(s) will be achieved; and d. if the permittee has an applicable WLA for TSS or TP, a cumulative estimate of TSS and TP load reductions (in pounds) to be achieved during the permit term and the Agency-approved method used to determine the estimate. <p>Agency-approved methods include "Program for Predicting Polluting Particle Passage thru Pits, Puddles, and Ponds (P8) Urban Catchment Model", "Source Loading and Management Model for Windows (WinSLAMM)", "Minimal Impact Design Standards (MIDS) calculator", "Minnesota Pollution Control Agency (MPCA) simple estimator tool", or any other method that receives Agency-approval. [Minn. R. 7090]</p>
9.4	<p>For each applicable WLA where a reduction in pollutant loading is required for bacteria or chloride, the permittee must provide a description of any existing BMPs the permittee has developed and implemented to satisfy the requirements of items 26.8 through 26.11, including:</p> <ul style="list-style-type: none"> a. the BMPs the permittee has implemented for each required component at the time of application; b. the status of each required component; and c. name(s) of individual(s), position title(s), or department/division/section responsible for implementing and/or coordinating each required component. [Minn. R. 7090]
9.5	<p>If the permittee is claiming to meet an applicable WLA where a reduction in pollutant loading is required for oxygen demand, nitrate, TSS, or TP, the permittee must provide documentation to demonstrate the applicable WLA is being met. At a minimum, the permittee must provide the following information:</p> <ul style="list-style-type: none"> a. a list of all structural stormwater BMPs implemented to achieve the applicable WLA, including the BMP type (e.g., constructed basin, infiltrator, filter, swale or strip, etc.), location in geographic coordinates, owner, and year implemented; and b. documentation using an Agency-approved method, which demonstrates the estimated reductions of oxygen demand (or its surrogate pollutants), nitrate, TSS, or TP from BMPs meet the MS4 WLA reductions included in the TMDL report, if that information is available (e.g., percent reduction or pounds reduced); or c. documentation using an Agency-approved method, which demonstrates the permittee's existing load meets the WLA. [Minn. R. 7090]
10.1	Application Requirements for Alum or Ferric Chloride Phosphorus Treatment Systems. [Minn. R. 7090]
10.2	<p>For the requirements of Section 27, alum or ferric chloride phosphorus treatment systems, if applicable, the permittee must submit the following information:</p> <ul style="list-style-type: none"> a. location of the system in geographic coordinates; b. name(s) of individual(s), position title(s), or department/division/section responsible for the operation of the system; c. information described in item 27.11, if the system is constructed at the time the permittee submits the application to the Agency; and d. indicate if the system complies with the requirements in Section 27. [Minn. R. 7090]

11.1	Antidegradation Assessment. [Minn. R. 7050.0290, subp. 2]
11.2	The permittee must submit with an application for permit reissuance, data and information requested by the Commissioner for an anti-degradation assessment of impacts from stormwater runoff in accordance with Minn. R. 7050.0290, subp. 2. [Minn. R. 7050.0290, subp. 2]
12.1	Submitting the Application for Permit Reissuance. [Minn. R. 7090]
12.2	The permittee must use an electronic submittal process, when provided by the Agency, for submitting an application for permit reissuance developed in accordance with Sections 8 through 11 of this permit. When electronic application submittal is not possible, the permittee must use the following mailing address: Supervisor, Municipal Stormwater Unit Minnesota Pollution Control Agency 520 Lafayette Road North St. Paul, Minnesota 55155-4194. [Minn. R. 7090]
13.1	Application for Permit Reissuance Record Retention. [Minn. R. 7001.0080]
13.2	The applicant must retain copies of the application for permit reissuance, 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 from the date the application is signed. This period is automatically extended during the course of an unresolved enforcement action regarding the MS4 or as requested by the Commissioner. [Minn. R. 7001.0080]
14.1	Stormwater Management Program (SWMP). [Minn. R. 7090]
14.2	The permittee must continue to develop, implement, and enforce a SWMP designed to reduce the discharge of pollutants from the MS4 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 SWMP is an enforceable part of this permit. [Minn. R. 7090]
14.3	The SWMP must utilize an adaptive management strategy by which the permittee monitors, analyzes, and adjusts the SWMP to achieve pollutant reductions to the MEP. The SWMP must consist of Sections 15 through 27. The permittee may modify the SWMP as described in Section 28. [Minn. R. 7090]
15.1	Minimum Control Measures (MCMs). [Minn. R. 7090]
15.2	The permittee must incorporate the following MCMs into the SWMP. The permittee must define appropriate BMPs and measurable goals for each MCM. [Minn. R. 7090]
16.1	MCM 1: Public Education and Outreach. [Minn. R. 7090]
16.2	The permittee must revise their current program, as necessary, and continue to implement a public education program to distribute educational materials or equivalent outreach that informs the public of the impact stormwater discharges have on waterbodies and that includes actions citizens, developers, businesses, elected officials, policy makers, and other local organizations can take to reduce the discharge of pollutants to stormwater. The permittee must incorporate the requirements of this Section into their program. [Minn. R. 7090]
16.3	At least once throughout the permit term, the permittee must: <ul style="list-style-type: none"> a. implement a multi-lingual program for residents and businesses to increase the level of awareness about stormwater runoff impacts to receiving waters. This program must utilize a variety of communication tools and methods to reach the target audiences and inform them of strategies to reduce pollutants in stormwater runoff; b. educate the public, businesses, and commercial applicators on the proper application of pesticides, herbicides, and fertilizers and the benefits of retaining grass clippings and leaf litter on lawn surfaces; c. educate developers and contractors on construction site and post-construction stormwater management BMP design, construction, and maintenance methods; and d. educate the public about impaired waters within the jurisdiction and the TMDLs developed to address the impairments. [Minn. R. 7090]

16.4	<p>At least once each calendar year, the permittee must conduct communication and outreach to inform the public, businesses, and industry on the following:</p> <ul style="list-style-type: none"> a. identifying illicit discharges and illicit connections to the MS4; b. hazards associated with illicit discharges and illicit connections to the MS4; c. reporting illicit discharges and illicit connections to the permittee; d. preventing illicit discharges and illicit connections to the MS4; and e. containment and response to illicit discharges and spills that may discharge to the MS4. [Minn. R. 7090]
16.5	<p>At least once each calendar year, the permittee must distribute educational materials or equivalent outreach to the public, businesses, commercial applicators, commercial facilities, and institutions, focused on the following:</p> <ul style="list-style-type: none"> a. impacts of deicing salt use on receiving waters; b. methods to reduce deicing salt use; and c. proper storage of salt or other deicing materials. [Minn. R. 7090]
16.6	<p>At least once throughout the permit term, the permittee must distribute educational materials or equivalent outreach to the public focused on pet waste. The educational materials or equivalent outreach must include information on the following:</p> <ul style="list-style-type: none"> a. impacts of pet waste on receiving waters; b. proper pet waste disposal; and c. any existing permittee regulatory mechanism(s) for pet waste. [Minn. R. 7090]
16.7	<p>The permittee must develop and implement an education and outreach plan that consists of the following:</p> <ul style="list-style-type: none"> a. specific activities and schedules to meet the requirements in items 16.3 through 16.6; b. target audiences for each activity; c. measurable goals for each activity and target audience. Measurable goals must be stated in terms of increased awareness, increased understanding, acquired skills, and/or desired changes in behavior; d. a description of coordination with other stormwater education and outreach programs being implemented by other organizations, if applicable. Include a list of formal agreements or partnerships describing the roles performed by the other organizations on behalf of the permittee; e. an annual evaluation to measure the extent to which measurable goals for each activity and target audience are attained; and f. the name or title of the municipal staff responsible for plan implementation. [Minn. R. 7090]
16.8	<p>The permittee must document the following information:</p> <ul style="list-style-type: none"> a. all information required under the permittee's education and outreach plan in item 16.7; b. activities held, including dates, to reach measurable goals described in item 16.7.c; c. quantities and descriptions of educational materials distributed, including dates distributed; d. estimated audience (e.g., number of participants, viewers, readers, listeners, etc.) for each completed education and outreach activity; and e. any modifications made to the program as a result of the annual evaluation in item 16.7.e. [Minn. R. 7090]
17.1	<p>MCM 2: Public Participation and Involvement. [Minn. R. 7090]</p>
17.2	<p>The permittee must revise their current program, as necessary, and continue to implement a public participation and involvement program to solicit public input on the SWMP and involve the public in activities that improve or protect water quality. The permittee must incorporate the requirements of this Section into their program. [Minn. R. 7090]</p>
17.3	<p>The permittee must hold at least one public meeting per year for the public to provide input on the adequacy of the SWMP and the annual report. The permittee must hold the public meeting prior to the submittal of the annual report to the Commissioner. The meeting and notice must meet the requirements in items 17.4 through 17.6. [Minn. R. 7090]</p>
17.4	<p>The public meeting must be held within the jurisdiction of the permittee. [Minn. R. 7090]</p>

17.5	<p>The permittee must prepare and publish a notice of the public meeting at least 30 days before the meeting. The notice of the public meeting must include the following information:</p> <ul style="list-style-type: none"> a. a reference to the SWMP, the annual report, and the proposed modifications to the SWMP; b. the date, time, and location of the public meeting; and c. a description of the manner in which the public meeting will be conducted and information about where a copy of the SWMP and annual report are available for public review. [Minn. R. 7090]
17.6	<p>The permittee must publish the notice in a newspaper or similar publication of general circulation in the vicinity of the permittee's jurisdiction. A copy of the notice must be made available to the following:</p> <ul style="list-style-type: none"> a. the Agency Commissioner; b. appropriate county officials; c. any governmental entities that have jurisdiction over activities that directly or indirectly relate to stormwater management in the permittee's jurisdiction; and d. all other persons who have requested that they be informed of public meetings regarding the SWMP and annual report. [Minn. R. 7090]
17.7	<p>The permittee must provide access to the following stormwater-related public documents on the permittee's website:</p> <ul style="list-style-type: none"> a. current Phase I MS4 individual permit; b. current SWMP; c. current annual report; and d. current stormwater runoff monitoring and analysis report. [Minn. R. 7090]
17.8	<p>The permittee must collect public input on the adequacy of the SWMP, including input from the public meeting. The permittee must provide the public a reasonable opportunity to make oral statements concerning the SWMP. [Minn. R. 7090]</p>
17.9	<p>The permittee must consider the public input received on the SWMP and make appropriate adjustments. [Minn. R. 7090]</p>
17.10	<p>The permittee must include a formal resolution from the permittee's governing body adopting the annual report and the SWMP with the annual report. [Minn. R. 7090]</p>
17.11	<p>Each calendar year, the permittee must provide multiple public involvement activities that include a pollution prevention or water quality theme (e.g., rain barrel distribution event, rain garden workshop, cleanup event, storm drain stenciling, volunteer water quality monitoring, adopt a storm drain program, household hazardous waste collection day, etc.). [Minn. R. 7090]</p>
17.12	<p>The permittee must document the following information:</p> <ul style="list-style-type: none"> a. all relevant written input submitted by persons regarding the SWMP; b. all responses from the permittee to written input received regarding the SWMP, including any modifications made to the SWMP as a result of the written input received; c. date(s), location(s), and estimate number of participants at events held for purposes of compliance with item 17.3; d. notices provided to the public of any events scheduled to meet item 17.3, including any electronic correspondence (e.g., website, e-mail distribution lists, notices, etc.); and e. date(s), location(s), description of activities, and estimated number of participants at events held for the purpose of compliance with item 17.11. [Minn. R. 7090]
18.1	<p>MCM 3: Illicit Discharge Detection and Elimination (IDDE). [Minn. R. 7090]</p>
18.2	<p>The permittee must revise their current program, as necessary, and continue to implement and enforce a program to detect and eliminate illicit discharges into the MS4. The permittee must incorporate the requirements of this Section into their program. [Minn. R. 7090]</p>
18.3	<p>The permittee must update an electronic inventory and map of the storm sewer system which identifies the features and data elements in items 18.4 through 18.10. [Minn. R. 7090]</p>
18.4	<p>The permittee's inventory and map must identify all receiving waters. [Minn. R. 7090]</p>

18.5	The permittee's inventory and map must identify structural stormwater BMPs (except catch basins and storm drain inlets without sumps), including: <ul style="list-style-type: none"> a. the size of the subwatershed area draining to the structural stormwater BMP; and b. the design capacity, estimated design capacity, or size of the structural stormwater BMP. [Minn. R. 7090]
18.6	The permittee's inventory and map must identify land use types. [Minn. R. 7090]
18.7	The permittee's inventory and map must identify all pipes, ditches, and swales, including stormwater flow direction. Catch basin lead pipes must be added, when applicable. [Minn. R. 7090]
18.8	The permittee's inventory and map must identify permittee-owned facilities. [Minn. R. 7090]
18.9	The permittee's inventory and map must identify outfalls, including: <ul style="list-style-type: none"> a. outfall identification number; b. geographic coordinate of outfall location; c. size of outfall pipe; d. size of the subwatershed area draining to each outfall; e. percent of impervious surfaces in the subwatershed area draining to each outfall; and f. the number and type of structural stormwater BMPs in the subwatershed area that drains to each outfall. [Minn. R. 7090]
18.10	The permittee's inventory and map must identify stormwater inflows from other MS4s. [Minn. R. 7090]
18.11	To the extent allowable under state or local law, the permittee must continue to develop, implement, and enforce a regulatory mechanism(s) and appropriate enforcement responses procedures (ERPs), that effectively prohibits illicit discharges into the permittee's MS4. The regulatory mechanism(s) must also include items 18.12 and 18.13. [Minn. R. 7090]
18.12	The permittee's regulatory mechanism(s) must require owners or custodians of pets to remove and properly dispose of feces on permittee-owned land areas. [Minn. R. 7090]
18.13	The permittee's regulatory mechanism(s) must require proper salt storage at commercial, institutional, and non-NPDES permitted industrial facilities. At a minimum, the regulatory mechanism(s) must require the following: <ul style="list-style-type: none"> a. designated salt storage areas must be covered or indoors; b. designated salt storage areas must be located on an impervious surface; and c. implementation of practices to reduce exposure when transferring material in designated salt storage areas (e.g., sweeping, diversions, and/or containment). [Minn. R. 7090]
18.14	The permittee must maintain written enforcement response procedures (ERPs) to compel compliance with the permittee's regulatory mechanism(s) required in this Section. At a minimum, the written ERPs must include: <ul style="list-style-type: none"> a. a description of enforcement tools available to the permittee and guidelines for the use of each tool; b. timeframes to complete corrective actions; and c. name(s) of individual(s), position title(s), or department/division/section responsible for conducting enforcement. [Minn. R. 7090]
18.15	The permittee must continue to develop and implement the following processes and procedures: <ul style="list-style-type: none"> a. receive, track, and investigate complaints of illicit discharges including goals for responding to and eliminating illicit discharges; b. identify the source of the illicit discharges; c. enforce violations of prohibitions on illicit discharges; and d. limit infiltration of seepage from municipal sanitary sewers to the MS4. [Minn. R. 7090]
18.16	The permittee must continue to develop and implement a dry weather field screening program to detect and eliminate illicit discharges (except non-stormwater discharges as identified in item 3.2), including illegal dumping, to the MS4. The dry weather field screening may be implemented in conjunction with the outfall inspection and monitoring programs required in item 21.10 as well as during routine maintenance activities performed in areas included in the permittee's jurisdiction. The permittee's field screening program must include items 18.17 through 18.25. [Minn. R. 7090]

18.17	The permittee must maintain written procedures that describe how the permittee will prioritize and investigate portions of the MS4 where there is a reasonable potential to contain illicit discharges or other sources of illicit discharges. The permittee must prioritize investigations based on the results of field screening, the presence of potential sources of illicit discharges in the geographic area drained by that portion of the MS4, history, land use, sanitary sewer system, proximity to sensitive waters, and other appropriate information. [Minn. R. 7090]
18.18	The permittee's field screening program must identify areas or locations to be evaluated. [Minn. R. 7090]
18.19	The permittee must maintain a schedule for the field screening activities. [Minn. R. 7090]
18.20	The permittee's field screening program must identify pollutants of interest. [Minn. R. 7090]
18.21	The permittee must develop and implement evaluation procedures including non-sampling evaluation (e.g., visual observations, odors, etc.). [Minn. R. 7090]
18.22	The permittee must develop and implement sampling procedures. [Minn. R. 7090]
18.23	The permittee must maintain records of field screening activities to detect and eliminate illicit discharges. [Minn. R. 7090]
18.24	Upon discovery of an illicit discharge, the permittee must immediately notify the Department of Public Safety Duty Officer if the source of the illicit discharge is a spill or leak as defined in Minn. Stat. 115.061. [Minn. R. 7090]
18.25	The permittee must implement ERPs when the permittee discovers an illicit discharge and identifies the responsible party. [Minn. R. 7090]
18.26	The permittee must implement a training program for appropriate municipal staff regarding illicit discharges. The permittee must incorporate items 18.27 and 18.28 into their program. [Minn. R. 7090]
18.27	At least once each calendar year, the permittee must train appropriate municipal staff on the following: <ul style="list-style-type: none"> a. identifying illicit discharges and illicit connections to the MS4; b. hazards associated with illicit discharges and illicit connections to the MS4; c. reporting illicit discharges and illicit connections to appropriate municipal staff; d. preventing illicit discharges and illicit connections to the MS4; and e. containment and response to illicit discharges and spills that may discharge to the MS4. [Minn. R. 7090]
18.28	At least once each calendar year, the permittee must train municipal staff to notify the Department of Public Safety Duty Officer as required in item 18.24 and cover the internal procedures for appropriate municipal staff to respond and contain illicit discharges and spills. In addition, the permittee must ensure municipal staff responsible for conducting enforcement are knowledgeable about the permittee's ERPs in item 18.14. [Minn. R. 7090]
18.29	The permittee must maintain written procedures to promote, publicize, and facilitate public reporting of illicit discharges or water quality impacts associated with illicit discharges. [Minn. R. 7090]
18.30	The permittee must maintain a central contact, including a phone number for complaints and spill reporting. [Minn. R. 7090]
18.31	The permittee must develop, implement, and enforce an inspection and regulatory oversight program to monitor and control pollutants from industrial, commercial, and institutional facilities that discharge to the permittee's MS4. The program must incorporate the measures described in items 18.32 through 18.37. [Minn. R. 7090]
18.32	Within 36 months of the issuance date of this permit, the permittee must develop, implement, and enforce a regulatory mechanism(s) that provides legal authority for the permittee to inspect, require implementation of appropriate BMPs, and conduct enforcement at industrial, commercial, and institutional facilities to address non-stormwater discharges to the permittee's MS4. [Minn. R. 7090]
18.33	The permittee must maintain a written or mapped inventory of industrial, commercial, and institutional facilities that discharge any flow other than stormwater to the permittee's MS4. The inventory must include the following information for each facility: <ul style="list-style-type: none"> a. name; b. location; c. discharge location to the permittee's MS4; d. the receiving water; e. discharge description (such as Standard Industrial Classification codes) which best identifies the activity or pollutant sources (e.g., outdoor process/manufacturing areas, outdoor material storage areas, outdoor waste storage and

	<p>disposal areas, outdoor vehicle and equipment storage and maintenance areas, outdoor wash areas, outdoor drainage from indoor areas, and outdoor fueling, washing, etc.);</p> <p>f. any NPDES permit issued for the discharge (the Agency will provide a list of permitted facilities to the permittee upon request); and</p> <p>g. inspection priority categorization as required in item 18.36 (i.e., high-priority, medium-priority, or low-priority). [Minn. R. 7090]</p>
18.34	<p>The permittee must develop written procedures to review and update the inventory required in item 18.33, including modifying the inspection priority categorization as the permittee discovers new information (e.g., based on complaints, inspection findings, changes to a facility, etc.). When the permittee changes the inspection priority categorization for a facility, the permittee must document the date and reason for the change. [Minn. R. 7090]</p>
18.35	<p>The permittee must develop written procedures to prioritize industrial, commercial, and institutional facilities for inspection. Based on the inventory required in item 18.33, the permittee must evaluate and categorize each facility as high-priority, medium-priority, or low-priority. Except for facilities that have obtained a No Exposure Exclusion as described in the Agency’s most current Industrial Stormwater General Permit (MNR050000), the permittee must categorize municipal landfills, 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), and industrial facilities that are contributing a substantial pollutant loading to the permittee’s MS4 as high-priority. The permittee must consider the following factors when categorizing the remaining facilities:</p> <p>a. stormwater hotspots, to the extent possible, using industrial/commercial stormwater risk factors and input from Hennepin County Environmental Services and Minneapolis Inspections Departments;</p> <p>b. proximity to impaired waters; and</p> <p>c. the permittee’s compliance and enforcement history with the facility. [Minn. R. 7090]</p>
18.36	<p>The permittee must maintain written procedures to identify the permittee’s inspection frequency for each priority categorization (i.e., high-priority, medium-priority, or low-priority) with high-priority facilities receiving more frequent inspections. At a minimum, the permittee must inspect high-priority facilities each calendar year. [Minn. R. 7090]</p>
18.37	<p>Within 36 months of the issuance date of this permit, the permittee must develop and implement a program to inspect industrial, commercial, and institutional facilities included in the permittee’s inventory as required in item 18.33. Each inspection conducted by the permittee must include:</p> <p>a. evaluation of BMPs implemented and maintained to control pollutant sources;</p> <p>b. visual observations for evidence of illicit discharges (including conditions which could cause illicit discharges) and illicit connections; and</p> <p>c. written documentation of the inspection, including date of the inspection, facility name, and location. [Minn. R. 7090]</p>
18.38	<p>The permittee must maintain documentation of the following information:</p> <p>a. date(s) and location(s) of illicit discharge inspections conducted;</p> <p>b. reports of alleged illicit discharges received, including date(s) of the report(s), and any follow-up action(s) taken by the permittee;</p> <p>c. date(s) of discovery of all illicit discharges;</p> <p>d. identification of outfalls, or other areas, where illicit discharges have been discovered;</p> <p>e. sources (including a description and the responsible party) of illicit discharges (if known); and</p> <p>f. action(s) taken by the permittee, including date(s), to address discovered illicit discharges. [Minn. R. 7090]</p>
18.39	<p>For each training in items 18.26 through 18.28, the permittee must document:</p> <p>a. general subject matter covered;</p> <p>b. names and departments of employees in attendance; and</p> <p>c. date of each event. [Minn. R. 7090]</p>
18.40	<p>The permittee must document any enforcement conducted pursuant to the ERPs in this Section, including verbal warnings. At a minimum, the permittee must document the following:</p> <p>a. name of the person responsible for violating the terms and conditions of the permittee’s regulatory mechanism(s);</p> <p>b. date(s) and location(s) of the observed violation(s);</p> <p>c. description of the violation(s);</p> <p>d. corrective action(s) (including completion schedule) issued by the permittee;</p>

	<ul style="list-style-type: none"> e. date(s) and type(s) of enforcement used to compel compliance (e.g., verbal warning, written notice, citation, stop work order, withholding of local authorizations, etc.); f. referrals to other regulatory organizations (if any); and g. date(s) violation(s) resolved. [Minn. R. 7090]
19.1	MCM 4: Construction Site Stormwater Runoff Control. [Minn. R. 7090]
19.2	The permittee must revise their current program, as necessary, and continue to implement and enforce a construction site stormwater runoff control program. The program must address construction activity with a land disturbance of greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, within the permittee's jurisdiction and discharges to the permittee's MS4. The permittee must incorporate the requirements of this Section into their program. [Minn. R. 7090]
19.3	To the extent allowable under state or local law, the permittee must develop, implement, and enforce a regulatory mechanism(s) that establishes requirements for erosion, sediment, and waste controls that is at least as stringent as the Agency's most current Construction Stormwater General Permit (MNR100001), herein referred to as the CSW Permit. [Minn. R. 7090]
19.4	When the CSW Permit is reissued, the permittee must revise their regulatory mechanism(s), if necessary, within six (6) months of the issuance date of that permit, to be at least as stringent as the requirements for erosion, sediment, and waste controls described in the CSW Permit. [Minn. R. 7090]
19.5	<p>The permittee's regulatory mechanism(s) must require that owners and operators of construction activity develop site plans that must be submitted to the permittee for review and confirmation that regulatory mechanism(s) requirements have been met, prior to the start of construction activity. The regulatory mechanism(s) must require the owners and operators of construction activity to keep site plans up-to-date with regard to stormwater runoff controls. The regulatory mechanism(s) must require that site plans incorporate the following erosion, sediment, and waste controls that are at least as stringent as described in the CSW Permit:</p> <ul style="list-style-type: none"> a. erosion prevention practices; b. sediment control practices; c. dewatering and basin draining; d. inspection and maintenance; e. pollution prevention management measures; f. temporary sediment basins; and g. termination conditions. [Minn. R. 7090]
19.6	<p>The permittee must implement written procedures for site plan reviews conducted by the permittee prior to the start of all construction activity, to ensure compliance with requirements of the regulatory mechanism(s). At a minimum, the procedures must include:</p> <ul style="list-style-type: none"> a. written notification to owners and operators proposing construction activity, including projects less than one acre that are part of a larger common plan of development or sale, of the need to apply for and obtain coverage under the CSW Permit; and b. use of a written checklist, consistent with the requirements of the regulatory mechanism(s), to document the adequacy of each site plan required in item 19.5. [Minn. R. 7090]
19.7	The permittee must provide the opportunity for the public to report non-compliant erosion, sediment, and waste controls within the permittee's jurisdiction. The permittee must provide various methods to the public for reporting noncompliant erosion, sediment, and waste controls, including website application, phone calls, and/or email communication. [Minn. R. 7090]
19.8	The permittee must implement an inspection program that includes written procedures for conducting site inspections to determine compliance with the permittee's regulatory mechanism(s). The inspection program must also meet the requirements in items 19.9 and 19.10. [Minn. R. 7090]
19.9	<p>The permittee must maintain written procedures for identifying high-priority and low-priority sites for inspection. At a minimum, the written procedures must include:</p> <ul style="list-style-type: none"> a. a detailed explanation describing how sites will be categorized as either high-priority or low-priority; b. a frequency at which the permittee will conduct inspections for high-priority sites; c. a frequency at which the permittee will conduct inspections for low-priority sites; and

	d. name(s) of individual(s), position title(s), or department/division/section responsible for conducting site inspections. [Minn. R. 7090]
19.10	<p>The permittee must implement a written checklist to document each site inspection when determining compliance with the permittee's regulatory mechanism(s). At a minimum, the checklist must include the permittee's inspection findings on the following areas, as applicable to each site:</p> <ul style="list-style-type: none"> a. stabilization of exposed soils (including stockpiles); b. stabilization of ditch and swale bottoms; c. sediment control BMPs on all downgradient perimeters of the project and upgradient of buffer zones; d. storm drain inlet protection; e. energy dissipation at pipe outlets; f. vehicle tracking BMPs; g. preservation of a 50 foot natural buffer or redundant sediment controls where stormwater flows to a surface water within 50 feet of disturbed soils; h. owner/operator of construction activity self-inspection records; i. containment for all liquid and solid wastes generated by washout operations (e.g., concrete, stucco, paint, form release oils, curing compounds, and other construction materials); and j. BMPs maintained and functional. [Minn. R. 7090]
19.11	<p>The permittee must maintain written enforcement response procedures (ERPs) to compel compliance with the permittee's regulatory mechanism(s) in item 19.3. At a minimum, the written ERPs must include:</p> <ul style="list-style-type: none"> a. a description of enforcement tools available to the permittee and guidelines for the use of each tool; and b. name(s) of individual(s), position title(s), or department/division/section responsible for conducting enforcement. [Minn. R. 7090]
19.12	The permittee must maintain a database of construction sites subject to the permittee's regulatory mechanism(s) to track site plan review, construction progress, and erosion, sediment, and waste control compliance. [Minn. R. 7090]
19.13	The permittee must ensure that staff receive training commensurate with their responsibilities as they relate to the permittee's construction site stormwater runoff control program. The permittee must ensure that previously trained individuals attend a refresher-training every three (3) calendar years following the initial training. The permittee must ensure trainings address the job-specific duties for the position titles or municipal staff identified in items 19.14 through 19.17. [Minn. R. 7090]
19.14	<p>The permittee must ensure erosion and sediment control/stormwater inspectors receive training on the following:</p> <ul style="list-style-type: none"> a. erosion, sediment, and waste control requirements in the CSW Permit; b. compliant and noncompliant erosion, sediment, and waste control BMPs at construction sites; c. appropriate BMP selection, installation, and maintenance practices; and d. erosion, sediment, and waste control inspection documentation and use of enforcement response procedures. [Minn. R. 7090]
19.15	<p>The permittee must ensure other construction inspectors receive training on the following:</p> <ul style="list-style-type: none"> a. erosion, sediment, and waste control BMPs for construction sites; and b. procedures for notifying the appropriate permittee staff of noncompliance. [Minn. R. 7090]
19.16	<p>The permittee must ensure construction site plan reviewers receive training on the following:</p> <ul style="list-style-type: none"> a. erosion, sediment, and waste control BMPs required in the CSW Permit; and b. other erosion and sediment control design standards. [Minn. R. 7090]
19.17	The permittee must ensure staff involved in conducting enforcement are knowledgeable about the permittee's ERPs in item 19.11. [Minn. R. 7090]

19.18	<p>For each site plan review conducted by the permittee, the permittee must document the following:</p> <ol style="list-style-type: none"> project name; location; total acreage to be disturbed; owner and operator of the proposed construction activity; proof of notification to obtain coverage under the CSW Permit, as required in item 19.6, or proof of coverage under the CSW Permit; and any stormwater related comments and supporting completed checklist, as required in item 19.6, used by the permittee to determine project approval or denial. [Minn. R. 7090]
19.19	<p>For each training in items 19.13 through 19.17, the permittee must document:</p> <ol style="list-style-type: none"> general subject matter covered; names and departments of employees in attendance; and date of each event. [Minn. R. 7090]
19.20	<p>The permittee must document any enforcement conducted pursuant to the ERPs in this Section, including verbal warnings. At a minimum, the permittee must document the following:</p> <ol style="list-style-type: none"> name of the person responsible for violating the terms and conditions of the permittee's regulatory mechanism(s); date(s) and location(s) of the observed violation(s); description of the violation(s); corrective action(s) (including completion schedule) issued by the permittee; date(s) and type(s) of enforcement used to compel compliance; referrals to other regulatory organizations (if any); and date(s) violation(s) resolved. [Minn. R. 7090]
20.1	<p>MCM 5: Post-Construction Stormwater Management. [Minn. R. 7090]</p>
20.2	<p>The permittee must revise their current program, as necessary, and continue to implement and enforce a post-construction stormwater management program that prevents or reduces water pollution after construction activity is completed. The program must address construction activity with land disturbance of greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, within the permittee's jurisdiction and that discharge to the permittee's MS4. The permittee must incorporate the requirements of this Section into their program. [Minn. R. 7090]</p>
20.3	<p>To the extent allowable under state or local law, the permittee must develop, implement, and enforce a regulatory mechanism(s) that incorporates items 20.4 through 20.15. [Minn. R. 7090]</p>
20.4	<p>The permittee's regulatory mechanism(s) must require owners of construction activity to submit site plans with post-construction stormwater management BMPs designed with accepted engineering practices to the permittee for review and confirmation that regulatory mechanism(s) requirements have been met, prior to start of construction activity. [Minn. R. 7090]</p>
20.5	<p>The permittee's regulatory mechanism(s) must require owners of construction activity to treat the water quality volume on any project where the sum of the new impervious surface and the fully reconstructed impervious surface equals one or more acres. [Minn. R. 7090]</p>
20.6	<p>For construction activity (excluding linear projects), the water quality volume must be calculated as one (1) inch times the sum of the new and the fully reconstructed impervious surface. [Minn. R. 7090]</p>
20.7	<p>For linear projects, the water quality volume must be calculated as the larger of one (1) inch times the new impervious surface or one-half (0.5) inch times the sum of the new and the fully reconstructed impervious surface. Where the entire water quality volume cannot be treated within the existing right-of-way, a reasonable attempt to obtain additional right-of-way, easement, or other permission to treat the stormwater during the project planning process must be made. Volume reduction practices must be considered first, as described in item 20.8. Volume reduction practices are not required if the practices cannot be provided cost effectively. If additional right-of-way, easements, or other permission cannot be obtained, owners of construction activity must maximize the treatment of the water quality volume prior to discharge from the MS4. [Minn. R. 7090]</p>

20.8	Volume reduction practices (e.g., infiltration or other) to retain the water quality volume on-site must be considered first when designing the permanent stormwater treatment system. This permit does not consider wet sedimentation basins and filtration systems to be volume reduction practices. If this permit prohibits infiltration as described in item 20.9, other volume reduction practices, a wet sedimentation basin, or filtration basin may be considered. [Minn. R. 7090]
20.9	<p>Infiltration systems must be prohibited when the system would be constructed in areas:</p> <ol style="list-style-type: none"> a. that receive discharges from vehicle fueling and maintenance areas, regardless of the amount of new and fully reconstructed impervious surface; b. where high levels of contaminants in soil or groundwater may be mobilized by the infiltrating stormwater. To make this determination, the owners and/or operators of construction activity must complete the Agency's site screening assessment checklist, which is available in the Minnesota Stormwater Manual, or conduct their own assessment. The assessment must be retained with the site plans; c. where soil infiltration rates are more than 8.3 inches per hour unless soils are amended to slow the infiltration rate below 8.3 inches per hour; d. with less than three (3) feet of separation distance from the bottom of the infiltration system to the elevation of the seasonally saturated soils or the top of bedrock; e. of predominately Hydrologic Soil Group D (clay) soils; f. in an Emergency Response Area (ERA) within a Drinking Water Supply Management Area (DWSMA) as defined in Minn. R. 4720.5100, subp. 13, classified as high or very high vulnerability as defined by the Minnesota Department of Health; g. in an ERA within a DWSMA classified as moderate vulnerability unless the permittee performs or approves a higher level of engineering review sufficient to provide a functioning treatment system and to prevent adverse impacts to groundwater; h. outside of an ERA within a DWSMA classified as high or very high vulnerability unless the permittee performs or approves a higher level of engineering review sufficient to provide a functioning treatment system and to prevent adverse impacts to groundwater; i. within 1,000 feet up-gradient or 100 feet down-gradient of active karst features; or j. that receive stormwater runoff from these types of entities regulated under NPDES for industrial stormwater: automobile salvage yards; scrap recycling and waste recycling facilities; hazardous waste treatment, storage, or disposal facilities; wood preserving facilities (Standard Industrial Classification Code 2491); or air transportation facilities that conduct deicing activities. <p>See "higher level of engineering review" in the Minnesota Stormwater Manual for more information. [Minn. R. 7090]</p>
20.10	For non-linear projects, where the water quality volume cannot cost effectively be treated on the site of the original construction activity, the permittee must identify, or may require owners of the construction activity to identify, locations where off-site treatment projects can be completed. If the entire water quality volume is not addressed on the site of the original construction activity, the remaining water quality volume must be addressed through off-site treatment and, at a minimum, ensure the requirements of items 20.11 through 20.14 are met. [Minn. R. 7090]
20.11	<p>The permittee must ensure off-site treatment project areas are selected in the following order of preference:</p> <ol style="list-style-type: none"> a. locations that yield benefits to the same receiving water that receives runoff from the original construction activity; b. locations within the same Department of Natural Resource (DNR) catchment area as the original construction activity; c. locations in the next adjacent DNR catchment area up-stream; or d. locations anywhere within the permittee's jurisdiction. [Minn. R. 7090]
20.12	Off-site treatment projects must involve the creation of new structural stormwater BMPs or the retrofit of existing structural stormwater BMPs, or the use of a properly designed regional structural stormwater BMP. Routine maintenance of structural stormwater BMPs already required by this permit cannot be used to meet this requirement. [Minn. R. 7090]
20.13	Off-site treatment projects must be completed no later than 24 months after the start of the original construction activity. If the permittee determines more time is needed to complete the treatment project, the permittee must provide the reason(s) and schedule(s) for completing the project in the annual report. [Minn. R. 7090]
20.14	If the permittee receives payment from the owner of a construction activity for off-site treatment, the permittee must apply any such payment received to a public stormwater project, and all projects must comply with the requirements in items 20.11 through 20.13. [Minn. R. 7090]
20.15	The permittee's regulatory mechanism(s) must include the establishment of a legal mechanism(s) for structural

	<p>stormwater BMPs not owned or operated by the permittee, that have been constructed to meet the requirements in this Section. The legal mechanism(s) must include provisions that, at a minimum:</p> <ol style="list-style-type: none"> allow the permittee to conduct inspections of structural stormwater BMPs not owned or operated by the permittee, perform necessary maintenance, and assess costs for those structural stormwater BMPs when the permittee determines the owner of that structural stormwater BMP has not ensured proper function; are designed to preserve the permittee's right to ensure maintenance responsibility, for structural stormwater BMPs not owned or operated by the permittee, when those responsibilities are legally transferred to another party; and are designed to protect/preserve structural stormwater BMPs. If structural stormwater BMPs change, causing decreased effectiveness, new, repaired, or improved structural stormwater BMPs must be implemented to provide equivalent treatment to the original BMP. [Minn. R. 7090]
20.16	<p>The permittee must maintain a written or mapped inventory of structural stormwater BMPs not owned or operated by the permittee that meet all of the following criteria:</p> <ol style="list-style-type: none"> the structural stormwater BMP is covered by a legal mechanism(s) for the long-term maintenance, as required in item 20.15; and the structural stormwater BMP was implemented on or after January 21, 2011. [Minn. R. 7090]
20.17	<p>The permittee must implement written procedures for site plan reviews conducted by the permittee prior to the start of construction activity, to ensure compliance with requirements of the permittee's regulatory mechanism(s). [Minn. R. 7090]</p>
20.18	<p>The permittee must ensure that individuals receive training commensurate with their responsibilities as they relate to the permittee's Post-Construction Stormwater Management program. Individuals includes, but is not limited to, individuals responsible for conducting site plan reviews and/or enforcement. The permittee must ensure that previously trained individuals attend a refresher-training every three (3) calendar years following the initial training. [Minn. R. 7090]</p>
20.19	<p>The permittee must maintain written enforcement response procedures (ERPs) to compel compliance with the permittee's regulatory mechanism(s) required in this Section. At a minimum, the written ERPs must include:</p> <ol style="list-style-type: none"> a description of enforcement tools available to the permittee and guidelines for the use of each tool; and name(s) of individual(s), position title(s), or department/division/section responsible for conducting enforcement. [Minn. R. 7090]
20.20	<p>For each site plan review conducted by the permittee, the permittee must document the following:</p> <ol style="list-style-type: none"> supporting documentation used to determine compliance with this Section, including any calculations for the permanent stormwater treatment system; the water quality volume that will be treated through volume reduction practices (e.g., infiltration or other) compared to the total water quality volume required to be treated; documentation associated with off-site treatment projects authorized by the permittee, including rationale to support the location of permanent stormwater treatment projects in accordance with items 20.10 and 20.11; payments received and used in accordance with item 20.14; and all legal mechanisms drafted in accordance with item 20.15, including date(s) of the agreement(s) and name(s) of all responsible parties involved. [Minn. R. 7090]
20.21	<p>For each training in item 20.18, the permittee must document:</p> <ol style="list-style-type: none"> general subject matter covered; names and departments of employees in attendance; and date of each event. [Minn. R. 7090]
20.22	<p>The permittee must document any enforcement conducted pursuant to the ERPs in this Section, including verbal warnings. At a minimum, the permittee must document the following:</p> <ol style="list-style-type: none"> name of the person responsible for violating the terms and conditions of the permittee's regulatory mechanism(s); date(s) and location(s) of the observed violation(s); description of the violation(s); corrective action(s) (including completion schedule) issued by the permittee; date(s) and type(s) of enforcement used to compel compliance; referrals to other regulatory organizations (if any); and

	g. date(s) violation(s) resolved. [Minn. R. 7090]
21.1	MCM 6: Pollution Prevention and Good Housekeeping for Municipal Operations. [Minn. R. 7090]
21.2	The permittee must revise their current program, as necessary, and continue to implement an operations and maintenance program that prevents or reduces the discharge of pollutants to the MS4 from permittee owned/operated facilities and operations. The program must include written standard operating procedures for preventing pollution during municipal operations (e.g., street sweeper operation, procedures for lawn maintenance, fertilizer and pesticide usage, equipment cleaning, and vehicle maintenance). The permittee must incorporate the requirements of this Section into their program. [Minn. R. 7090]
21.3	The permittee must maintain a written or mapped inventory of permittee owned/operated facilities that contribute pollutants to stormwater discharges. The permittee must implement BMPs that prevent or reduce pollutants in stormwater discharges from all inventoried facilities. Facilities to be inventoried may include, but is not limited to: <ul style="list-style-type: none"> a. composting; b. equipment storage and maintenance; c. hazardous waste disposal; d. hazardous waste handling and transfer; e. landfills; f. solid waste handling and transfer; g. parks; h. pesticide storage; i. public parking lots; j. public golf courses; k. public swimming pools; l. public works yards; m. recycling; n. salt storage; o. snow storage; p. vehicle storage and maintenance (e.g., fueling and washing) yards; and q. materials storage yards. [Minn. R. 7090]
21.4	The permittee must implement BMPs that prevent or reduce pollutants in stormwater discharges from the following municipal operations that may contribute pollutants to stormwater discharges, where applicable: <ul style="list-style-type: none"> a. waste disposal and storage, including dumpsters; b. municipal landfills, hazardous waste treatment, disposal and recovery facilities and industrial facilities that are subject to section 313 of Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA); c. management of temporary and permanent stockpiles of materials such as street sweepings, snow, sand and sediment removal piles (e.g., effective sediment controls at the base of stockpiles on the downgradient perimeter); d. vehicle fueling, washing, and maintenance; e. routine street and parking lot sweeping; f. emergency response; g. cleaning of maintenance equipment, building exteriors, dumpsters, and the disposal of associated waste and wastewater; h. use, storage, and disposal of significant materials; i. landscaping, park, and lawn maintenance; j. road maintenance, including pothole repair, road shoulder maintenance, pavement marking, sealing, and repaving; k. right-of-way maintenance, including mowing; and l. application of herbicides, pesticides, and fertilizers. [Minn. R. 7090]

21.5	<p>The permittee must implement the following BMPs at permittee owned/operated salt storage areas:</p> <ol style="list-style-type: none"> a. cover or store salt indoors; b. store salt on an impervious surface; and c. implement practices to reduce exposure when transferring material from salt storage areas (e.g., sweeping, diversions, and/or containment). [Minn. R. 7090]
21.6	<p>The permittee must implement a written snow and ice management policy for individuals that perform winter maintenance activities for the permittee. The policy must establish practices and procedures for snow and ice control operations (e.g., plowing or other snow removal practices, sand use, and application of deicing compounds). [Minn. R. 7090]</p>
21.7	<p>Each calendar year, the permittee must ensure all individuals that perform winter maintenance activities for the permittee receive training that includes:</p> <ol style="list-style-type: none"> a. the importance of protecting water quality; b. BMPs to minimize the use of deicers (e.g., proper calibration of equipment and benefits of pretreatment, pre-wetting, and anti-icing); and c. tools and resources to assist in winter maintenance (e.g., deicing application rate guidelines, calibration charts, Smart Salting Assessment Tool). <p>The permittee may use training materials from the Agency's Smart Salting training or other organizations to meet this requirement. [Minn. R. 7090]</p>
21.8	<p>The permittee must maintain written procedures for the purpose of determining the TSS and TP treatment effectiveness of all permittee owned/operated ponds constructed and used for the collection and treatment of stormwater. [Minn. R. 7090]</p>
21.9	<p>The permittee must inspect structural stormwater BMPs (excluding stormwater ponds, which are under a separate schedule below) each calendar year to determine structural integrity, proper function, and maintenance needs unless the permittee determines either of the following conditions apply:</p> <ol style="list-style-type: none"> a. complaints received or patterns of maintenance indicate a greater frequency is necessary; or b. maintenance or sediment removal is not required after completion of the first two calendar year inspections; in which case the permittee may reduce the frequency of inspections to once every two (2) calendar years. [Minn. R. 7090]
21.10	<p>The permittee must inspect, at a minimum, twenty (20) percent of the MS4 outfalls and ponds each year on a rotating basis to determine structural integrity, proper function, and maintenance needs. [Minn. R. 7090]</p>
21.11	<p>The permittee must inspect all stockpile, storage, and material handling areas that contribute pollutants to stormwater as follows:</p> <ol style="list-style-type: none"> a. weekly inspections when material is being actively handled, used, or disturbed on daily basis; and b. monthly inspections when material is not being actively handled, used, or disturbed. The permittee must install perimeter controls at stockpiles that are not covered to prevent material from discharging to the MS4. [Minn. R. 7090]
21.12	<p>Based on inspection findings, the permittee must determine if repair, replacement, or maintenance measures are necessary to ensure the structural integrity, proper function, and treatment effectiveness of structural stormwater BMPs. The permittee must complete necessary maintenance as soon as possible to prevent or reduce the discharge of pollutants to the MS4. If the permittee determines necessary maintenance cannot be completed within one year of discovery, the permittee must document a plan(s) for completing the maintenance. When repair, replacement, or maintenance must be delayed, the permittee must prioritize the needed repair, replacement, or maintenance and implement the following:</p> <ol style="list-style-type: none"> a. preventive maintenance for the MS4 components and structural stormwater BMPs; and b. dewater and dispose of solids, floatables, dredgings, or other pollutants resulting from the control and/or treatment of stormwater to prevent any pollutant from such materials from entering receiving waters. The permittee, in disposing of such materials, must comply with all applicable statutes and rules. [Minn. R. 7090]

21.13	<p>The permittee must operate and maintain the permittee's parking lots, streets, roads, and highways to reduce the discharge of pollutants to the MEP. The permittee must, at a minimum:</p> <ol style="list-style-type: none"> sweep public parking lots, streets, roads, and highways under its jurisdiction including prioritizing areas based on land use, trash, and stormwater pollutant levels generated; and sweep streets at least two (2) times per year, once in the spring and once in the fall and sweep higher priority areas more frequently. [Minn. R. 7090]
21.14	<p>The permittee must ensure that any flood control improvement 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 must evaluate the feasibility of retrofitting the existing devices to provide volume reduction and pollutant removal from stormwater discharges. [Minn. R. 7090]</p>
21.15	<p>The permittee must document and maintain an inventory of flood control detention facilities that provide rate control of stormwater discharges. [Minn. R. 7090]</p>
21.16	<p>The permittee must maintain a retrofit plan to evaluate the ability to implement structural stormwater BMPs in areas of the permittee's jurisdiction that currently do not have stormwater runoff treatment or where existing structural stormwater BMPs could be enhanced to improve pollutant removal capability. At a minimum, the retrofit plan must include a discussion of the following:</p> <ol style="list-style-type: none"> retrofits on lands the permittee owns, including public parcels of land or public right-of-way areas for implementation of structural stormwater BMPs; and strategies to encourage privately owned parcels to install stormwater retrofits to reduce and/or treat stormwater runoff from privately owned impervious surfaces. [Minn. R. 7090]
21.17	<p>The permittee must implement a stormwater management training program commensurate with employees' job duties as they relate to the permittee's SWMP. The training program must:</p> <ol style="list-style-type: none"> address the importance of protecting water quality; cover the requirements of this permit relevant to the job duties of the employee not already addressed in Sections 18, 19, and 20, and item 21.7; and include a schedule that establishes initial training for employees, including new and seasonal employees, and recurring training intervals to address changes in procedures, practices, techniques, or requirements. [Minn. R. 7090]
21.18	<p>The permittee must maintain documentation of the following information:</p> <ol style="list-style-type: none"> date(s) and description of findings, including whether or not an illicit discharge is detected, for inspections of structural stormwater BMPs, ponds, and outfalls conducted in accordance with this Section; any adjustments to inspection frequency as authorized in item 21.9; date(s) and a description of maintenance conducted as a result of inspection findings, including whether or not an illicit discharge is detected; plan(s) for maintenance of structural stormwater BMPs and outfalls as required in item 21.12; and employee stormwater management training events, including a list of topics covered, names and departments of employees in attendance, and date of each event. [Minn. R. 7090]
21.19	<p>The permittee must document pond sediment excavation and removal activities, including:</p> <ol style="list-style-type: none"> a unique ID number and geographic coordinates of each stormwater pond from which sediment is removed; the volume (e.g., cubic yards) of sediment removed from each stormwater pond; results from any testing of sediment from each removal activity; and location(s) of final disposal of sediment from each stormwater pond. [Minn. R. 7090]
22.1	<p>Integrated Infrastructure Management Program. [Minn. R. 7090]</p>
22.2	<p>The permittee owns and operates a historically interconnected sanitary sewer system and storm sewer system. There are seven (7) controlled structures identified in the system that are capable of releases of untreated wastewater. The structures are located on Metropolitan Council's interceptors and are capable of discharging directly to the Mississippi River. The controlled structures are at the following locations in Minneapolis:</p> <ol style="list-style-type: none"> Minnehaha Pkwy & 39th Ave South; East 38th Street & 26th Ave South;

	<ul style="list-style-type: none"> c. Southwest Meters - West River Parkway between 28th Street East & Dorman Ave; d. Northwest Meters - West River Parkway between 28th Street East & Dorman Ave; e. Eastside Meters - East River Terrace & Emerald Street Southeast; f. East 26th Street & Seabury Ave; and g. Portland Ave South & Washington. [Minn. R. 7090]
22.3	The permittee must continue to develop and implement an integrated infrastructure management program to maximize public investments to minimize risk to human health and the environment, to prevent loss of life, personal injury, or severe property damage, and to minimize releases and improve water quality. Requirements of the program include items 22.4 through 22.17. [Minn. R. 7090]
22.4	The following applicable federal and state laws are incorporated by reference in this program, are applicable to the permittee, and are enforceable parts of this program: 40 C.F.R. pt. 136; Minn. R. chs. 7001, 7050, and 7053; and Minn. Stat. chs. 115 and 116. [Minn. R. 7090]
22.5	Whether or not this program includes effluent limitations for toxic pollutants, the permittee must not discharge a toxic pollutant except according to 40 C.F.R. pt. 400 to 460 and Minn. R. chs. 7050, 7052, 7053, and any other applicable Agency rules. [Minn. R. 7090]
22.6	The permittee's discharge must not cause nuisance conditions including, but not limited to floating solids, scum and visible oil film, acutely toxic conditions to aquatic life, or other adverse impact on the receiving water. [Minn. R. 7090]
22.7	The permittee must regulate the users of its wastewater treatment facility to prevent the introduction of pollutants or materials that may result in the inhibition or disruption of the conveyance system, treatment facility or processes, or disposal system that would contribute to the violation of the conditions of this program under this Section of the permit or any federal, state, or local law or regulation. [Minn. R. 7090]
22.8	If the permittee monitors more frequently than required on the Release Report outlined in item 22.16, the results and the frequency of monitoring must be submitted with the Release Report. [Minn. R. 7090]
22.9	A laboratory certified by the Minnesota Department of Health and/or registered by the Agency must conduct analyses required by this program. Analyses of dissolved oxygen, pH, temperature, specific conductance, and total residual oxidants (chlorine, bromine) do not need to be completed by a certified laboratory but must comply with manufacturers specifications for equipment calibration and use. [Minn. R. 7090]
22.10	Sample preservation and test procedures for the analysis of pollutants must conform to 40 C.F.R. pt. 136 and Minn. R. 7041.3200. [Minn. R. 7041.3200, Minn. R. 7090]
22.11	Flow meters, pumps, flumes, lift stations, or other flow monitoring equipment used for purposes of determining compliance with this program must be checked and/or calibrated for accuracy at least twice annually. [Minn. R. 7090]
22.12	<p>The permittee must keep the records required by this program for at least three years, including any calculations, original recordings from automatic monitoring instruments, and laboratory sheets. The permittee must extend these record retention periods upon request of the Agency. The permittee must maintain records for each sample and measurement. The records must include the following information:</p> <ul style="list-style-type: none"> a. the exact place, date, and time of the sample or measurement; b. the date of analysis; c. the name of the person who performed the sample collection, measurement, analysis, or calculation; d. the analytical techniques, procedures and methods used; and e. the results of the analysis. [Minn. R. 7090]
22.13	Noncompliance with a term or condition of this program subjects the permittee to penalties provided by federal and state law set forth in section 309 of the Clean Water Act; United States Code, Title 33, section 1319, as amended; and in Minn. Stat. 115.071 and 116.072, including monetary penalties, imprisonment, or both. [Minn. R. 7090]
22.14	It shall not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this program. [Minn. R. 7090]

22.15	<p>Upon discovery of a release, the permittee must:</p> <ol style="list-style-type: none"> take all reasonable steps to immediately end the release; in concert with Metropolitan Council Environmental Services, notify the Minnesota Department of Public Safety Duty Officer at 800-422-0798 or 651-649-5451 (metro area) immediately upon discovery of the release. You may contact the Agency during business hours at 800-657-3864 or 651-296-6300 (metro area); and recover as rapidly and as thoroughly as possible all substances and materials released or immediately take other action as may be reasonably possible to minimize or abate pollution to waters of the state or potential impacts to human health caused thereby. If the released materials or substances cannot be immediately or completely recovered, the permittee must contact the Agency. If directed by the Agency, the permittee must consult with other local, state, or federal agencies (such as the Minnesota Department of Natural Resources and/or the Wetland Conservation Act authority) for implementation of additional clean-up or remediation activities in wetland or other sensitive areas. [Minn. R. 7090]
22.16	<p>Upon discovery of a release, the permittee must:</p> <ol style="list-style-type: none"> collect representative samples of the release. The permittee must sample the release for parameters of concern immediately following discovery of the release. The permittee may contact the Agency during business hours to discuss the sampling parameters and protocol. In addition, fecal coliform bacteria samples must be collected where it is determined by the permittee that the release contains or may contain sewage. If the release cannot be immediately stopped, the permittee must consult with Agency regarding additional sampling requirements. Samples must be collected at least, but not limited to, two times per week for as long as the release continues; and submit the sampling results on the Release Report (wq-wwtp7-20a) located on the Agency's website (https://www.pca.state.mn.us). The Release Report must be submitted to the Agency within 30 days. [Minn. R. 7090]
22.17	<p>The Agency may modify or revoke and reissue this program under this Section of the permit pursuant to Minn. R. 7001.0170. The Agency may revoke without reissuance this program under this Section of the permit pursuant to Minn. R. 7001.0180. [Minn. R. 7001.0170, Minn. R. 7001.0180]</p>
23.1	<p>Lake Hiawatha Trash Reduction Program. [Minn. R. 7090]</p>
23.2	<p>The permittee must develop and implement a trash reduction program focused on the long-term reduction of discharges of trash into Lake Hiawatha. The permittee must incorporate the requirements of this Section into their program. [Minn. R. 7090]</p>
23.3	<p>The permittee must develop and implement a written trash reduction plan to reduce the discharges of trash into Lake Hiawatha. The plan must be submitted to the Agency for review and confirmation that the requirements in item 23.4 have been addressed. The permittee must submit the plan : Due by 60 days after permit issuance. [Minn. R. 7090]</p>
23.4	<p>The permittee's trash reduction plan must incorporate the following:</p> <ol style="list-style-type: none"> identification of types of trash, suspected sources, and outfall hotspots into Lake Hiawatha; an inventory of existing BMPs that prevent or reduce discharges of trash to Lake Hiawatha; identification of new BMPs the permittee will implement over this permit term that will prevent or reduce discharges of trash to Lake Hiawatha; a description of the BMP that meets the requirements in item 23.6, including the design specifications and types of trash the BMP is designed to capture; a schedule for the implementation of new BMPs during this permit term; a schedule for the inspection and maintenance of the BMP required in item 23.6; a schedule and procedure, including identification of priority areas required in item 23.7, for periodic shoreline cleanup events and visual monitoring around outfall hotspots; and name(s) of individual(s), position title(s), or department/division/section responsible for the implementation of the trash reduction plan. [Minn. R. 7090]
23.5	<p>Each calendar year, the permittee must evaluate the trash reduction plan required in item 23.4, including the extent to which schedules are being met, implemented BMP effectiveness, and determine if any modifications are necessary to more effectively reduce the discharges of trash into Lake Hiawatha. [Minn. R. 7090]</p>

<p>23.6</p>	<p>The permittee must implement and maintain a structural BMP to capture trash at the 43rd Street outfall which discharges into Lake Hiawatha. If the permittee chooses to implement a proprietary device to fulfill this requirement, the permittee must install, operate, and maintain the device in accordance with the manufacturer's specifications. At a minimum, the permittee must:</p> <ul style="list-style-type: none"> a. complete initial installation of the BMP during calendar year 2023; b. each year following initial installation, ensure the BMP is safely implemented and functioning as designed following spring ice out until autumn when lake freezing conditions can be reasonably anticipated. At a minimum, the BMP must be implemented and functioning as designed from May 1 through November 1 of each year, unless the permittee notifies the Agency and receives written approval for an alternative schedule (e.g., the permittee may consider water temperatures, air temperatures, and weather conditions to account for safety of individuals responsible for installation or removal of the BMP); c. if the permittee discovers the BMP is not functioning as designed, the permittee must repair, replace, or supplement the nonfunctional BMP with a functional BMP no later than 15 business days after discovery, unless the permittee notifies the Agency and receives written approval for an alternative schedule; d. ensure adequate maintenance access for the BMP; and e. ensure proper disposal of all material captured by the BMP. [Minn. R. 7090]
<p>23.7</p>	<p>The permittee must conduct supplemental cleanup events to collect trash along the shoreline of Lake Hiawatha in priority areas identified by the permittee. At a minimum, the permittee must conduct cleanup events at least once during each of the following timeframes (four total):</p> <ul style="list-style-type: none"> a. April through May; b. June through July; c. August through September; and d. October through November. [Minn. R. 7090]
<p>23.8</p>	<p>The permittee must document the following as it pertains to the trash reduction plan:</p> <ul style="list-style-type: none"> a. the status of new BMPs identified in item 23.4, including date(s) of implementation; b. dates and a description of findings from visual monitoring conducted around outfall hotspots; c. dates and description of inspection findings (e.g., dated photos) on the structural BMP installed to meet item 23.6; d. dates and descriptions of maintenance performed on the structural BMP installed to meet item 23.6, including an estimated breakdown of the types of trash removed and an estimate of the total amount of trash (in pounds) collected from the BMP; e. for each cleanup event required in item 23.7, an estimate of the total amount of trash (in pounds) collected; f. each calendar year, a cumulative estimate of the total amount of trash (in pounds) collected from all structural stormwater BMPs located upgradient of Lake Hiawatha and identified in the trash reduction plan; and g. any modifications to the trash reduction plan and justification for those modifications. [Minn. R. 7090]
<p>24.1</p>	<p>Stormwater Runoff Monitoring and Analysis. [Minn. R. 7090]</p>
<p>24.2</p>	<p>The goal of stormwater runoff monitoring and analysis is to quantify stormwater volumes and pollutant loads from the MS4 and to provide information on the effectiveness of the SWMP. The permittee must continue to develop and implement a monitoring and analysis program and incorporate the requirements of this Section into their program. [Minn. R. 7090]</p>
<p>24.3</p>	<p>The quality assurance project plan for lab and field methods and procedures must comply with the following EPA requirements and guidance or receive approval from the Agency for variations from these protocols:</p> <ul style="list-style-type: none"> a. EPA Requirement for Quality Assurance Project Plans (EPA QA/R-5) (EPA/240/B-01/003); b. EPA Guidance for Quality Assurance Project Plans (EPA QA/G-5) (EPA/600/R98/018); and c. The permittee must utilize Minnesota Department of Health-certified laboratory(s). [Minn. R. 7090]
<p>24.4</p>	<p>The permittee must monitor water quality at a minimum of six (6) sites. Each calendar year, the permittee must select sites to monitor for the following calendar year. Sites may be changed, or rotated, for cost-effective resource use, however reasonable effort must be made to monitor for at least two consecutive years at a site. In choice and location of stations and monitoring activities, the permittee must consider safety, backwatering effects, and access. The monitoring of selected sites must include:</p>

	<ul style="list-style-type: none"> a. a determination of BMP effectiveness through adaptive management (highest priority); b. representative land use management sites selected by the permittee (second priority); and c. a determination of contributions from upstream jurisdictions (third priority). [Minn. R. 7090]
24.5	The permittee must implement its monitoring and analysis program in accordance with Table 1 in Appendix A of this permit. [Minn. R. 7090]
25.1	Additional Requirements of the SWMP. [Minn. R. 7090]
25.2	<p>The permittee's SWMP must include the following for each Section from Sections 16 through 24:</p> <ul style="list-style-type: none"> a. identification of the sources of pollutants targeted for reduction and the sensitivity of the receiving waters; b. a description of and the scope of the BMPs for each Section; c. identification of staff and financial resources, including estimated annual budgets, for the permit term dedicated to implementation of the Section; d. measurable goals for each Section that will be used to determine the success and/or benefits of the Section; e. schedules and a protocol for monitoring, recordkeeping, and reporting; f. an implementation schedule for new or revised BMPs; and g. a detailed description or copy of any agreement between the permittee and partner(s) to implement the Section describing the rights, roles, and responsibilities of each party to the agreement. [Minn. R. 7090]
26.1	Discharges to Impaired Waters with an EPA-Approved TMDL that Includes an Applicable WLA. [Minn. R. 7090]
26.2	The permittee must select and implement a program of appropriate BMPs and measurable goals to make progress towards meeting applicable WLAs. The permittee must incorporate the requirements of this Section into their program. [Minn. R. 7090]
26.3	If necessary, for each applicable WLA assigned to the permittee and approved by the EPA after the final application for permit reissuance submittal and prior to the issuance date of this permit, herein referred to as a new applicable WLA, the permittee must submit the information required in items 26.4 through 26.6. The permittee must submit this information to the Agency for review and confirmation the requirements have been addressed: Due by 150 days after the issuance date of this permit. Once confirmed by the Agency, the submittal will become an enforceable part of the SWMP. [Minn. R. 7090]
26.4	<p>On a form provided by the Agency, the permittee must provide the following:</p> <ul style="list-style-type: none"> a. TMDL project name(s); b. numeric WLA(s), including units; c. type of WLA (i.e., categorical or individual); d. pollutant(s) of concern; and e. applicable flow data specific to each new applicable WLA. [Minn. R. 7090]
26.5	<p>For each new applicable WLA for oxygen demand, TSS, or TP not being met by the permittee, the permittee must provide a compliance schedule. Compliance schedules can be developed to include multiple WLAs. On a form provided by the Agency, the permittee must provide the following:</p> <ul style="list-style-type: none"> a. interim milestones, expressed as BMPs or progress toward implementation of BMPs, to be achieved during the term of this permit; b. dates for implementation of interim milestones; c. strategies for continued BMP implementation beyond the term of this permit; and d. target dates the new applicable WLA(s) will be achieved. [Minn. R. 7090]
26.6	<p>For each new applicable WLA for oxygen demand, TSS, or TP the permittee is reasonably confident is being met, on a form provided by the Agency, the permittee must provide the following documentation:</p> <ul style="list-style-type: none"> a. implemented BMPs used to meet each new applicable WLA; and b. a narrative describing the permittee's strategy for long-term continuation of meeting each new applicable WLA. [Minn. R. 7090]

26.7	<p>For any applicable WLAs not being met for oxygen demand, TSS, or TP, the permittee must provide a summary of the permittee's progress toward achieving those applicable WLAs with the annual report. The summary must include the following information:</p> <ul style="list-style-type: none"> a. a list of all BMPs applied towards achieving applicable WLAs for oxygen demand, TSS, and TP; b. the implementation status of BMPs included in the compliance schedule at the time of final application submittal; and c. an updated estimate of cumulative TSS and TP load reductions. [Minn. R. 7090]
26.8	<p>The permittee must maintain a written or mapped inventory of potential areas and sources of concern for bacteria (e.g., dense populations of waterfowl or other bird, dog parks). [Minn. R. 7090]</p>
26.9	<p>The permittee must maintain a written plan to prioritize reduction activities to address the areas and sources of concern identified in the inventory in item 26.8. The written plan must include BMPs the permittee will implement over the permit term, which may include, but is not limited to:</p> <ul style="list-style-type: none"> a. water quality monitoring to determine areas of high bacteria loading; b. installation of pet waste pick-up bags in parks and open spaces; c. elimination of over-spray irrigation that may occur at permittee owned areas; d. removal of organic matter via street sweeping; e. implementation of infiltration structural stormwater BMPs; or f. management of areas that attract dense populations of waterfowl (e.g., riparian plantings). [Minn. R. 7090]
26.10	<p>The permittee must document the amount of deicer applied each winter maintenance season to all permittee owned/operated surfaces. [Minn. R. 7090]</p>
26.11	<p>Each calendar year, the permittee must conduct an assessment of the permittee's winter maintenance operations to reduce the amount of deicing salt applied to permittee owned/operated surfaces and determine current and future opportunities to improve BMPs. The permittee may use the Agency's Smart Salting Assessment Tool or other available resources and methods to complete this assessment. The permittee must document the assessment. The assessment may include, but is not limited to:</p> <ul style="list-style-type: none"> a. operational changes such as pre-wetting, pre-treating the salt stockpile, increasing plowing prior to deicing, monitoring of road surface temperature, etc.; b. implementation of new or modified equipment providing pre-wetting, or other capability for minimizing salt use; c. regular calibration of equipment; d. optimizing mechanical removal to reduce use of deicers; or e. designation of no salt and/or low salt zones. [Minn. R. 7090]
27.1	<p>Alum or Ferric Chloride Phosphorus Treatment Systems. [Minn. R. 7090]</p>
27.2	<p>If the permittee uses an alum or ferric chloride phosphorus treatment system, the permittee must comply with the requirements of this Section. [Minn. R. 7090]</p>
27.3	<p>The permittee's alum or ferric chloride phosphorus treatment system must comply with the following:</p> <ul style="list-style-type: none"> a. the permittee must use the treatment system for the treatment of phosphorus in stormwater. Non-stormwater discharges must not be treated by this system; b. the treatment system must be contained within the conveyances and structural stormwater BMPs of the MS4. The utilized conveyances and structural stormwater BMPs must not include any receiving waters; c. phosphorus treatment systems utilizing chemicals other than alum or ferric chloride must receive written approval from the Agency; and d. in-lake phosphorus treatment activities are not authorized under this permit. [Minn. R. 7090]
27.4	<p>The permittee's alum or ferric chloride phosphorus treatment system must meet the following design parameters:</p> <ul style="list-style-type: none"> a. the treatment system must be constructed in a manner that diverts the stormwater flow to be treated from the main conveyance system; b. a high flow bypass must be part of the inlet design; and c. a flocculant storage/settling area must be incorporated into the design, and adequate maintenance access must be provided (minimum of 8 feet wide) for the removal of accumulated sediment. [Minn. R. 7090]
27.5	<p>A designated person must perform visual monitoring of the treatment system for proper performance at least once every</p>

	seven (7) days, and within 24 hours after a rainfall event greater than 2.5 inches in 24 hours. Following visual monitoring which occurs within 24 hours after a rainfall event, the next visual monitoring must be conducted within seven (7) days after that rainfall event. [Minn. R. 7090]
27.6	Three (3) benchmark monitoring stations must be established. Table 2 in Appendix A must be used for the parameters, units of measure, and frequency of measurement for each station. [Minn. R. 7090]
27.7	Samples must be collected as grab samples or flow-weighted 24-hour composite samples. [Minn. R. 7090]
27.8	Each sample, excluding pH samples, must be analyzed by a laboratory certified by the Minnesota Department of Health and/or the Agency, and: <ul style="list-style-type: none"> a. sample preservation and test procedures for the analysis of pollutants must conform to 40 C.F.R. pt. 136 and Minn. R. 7041.3200; b. detection limits for dissolved phosphorus, dissolved aluminum, and dissolved iron must be a minimum of 6 micrograms per liter, 10 micrograms per liter, and 20 micrograms per liter, respectively; and c. pH must be measured within 15 minutes of sample collection using calibrated and maintained equipment. [Minn. R. 7090]
27.9	In the following situations, the permittee must perform corrective action(s) and immediately notify the Minnesota Department of Public Safety Duty Officer at 800-422-0798 (toll free) or 651-649-5451 (Metro area): <ul style="list-style-type: none"> a. the pH of the discharged water is not within the range of 6.0 and 9.0; b. any indications of toxicity or measurements exceeding water quality standards which could endanger human health, public drinking water supplies, or the environment; or c. a spill or discharge or alteration resulting in water pollution as defined in Minn. Stat. 115.01, subd. 13, of alum or ferric chloride. <p>If item b is applicable, the permittee must also report the non-compliance to the Commissioner as required in item 32.12. [Minn. R. 7001.0150, subp. 3(K), Minn. R. 7090]</p>
27.10	If the permittee discovers indications of toxicity or measurements exceeding water quality standards that the permittee determines does not endanger human health, public drinking water supplies, or the environment, the permittee must report the non-compliance to the Commissioner as required in item 32.13. [Minn. R. 7001.0150, subp. 3(L), Minn. R. 7090]
27.11	The permittee must submit the following information with the annual report. The annual report must include a month-by-month summary of: <ul style="list-style-type: none"> a. date(s) of operation; b. chemical(s) used for treatment; c. gallons of water treated; d. gallons of alum or ferric chloride treatment used; e. calculated pounds of phosphorus removed; and f. any performance issues and the corrective action(s), including the date(s) when corrective action(s) were taken. [Minn. R. 7090]
27.12	A record of the design parameters in items 27.13 through 27.15 must be kept on-site. [Minn. R. 7090]
27.13	Site-specific jar testing conducted using typical and representative water samples in accordance with the most current approved version of ASTM D2035. [Minn. R. 7090]
27.14	Baseline concentrations of the following parameters in the influent and receiving waters: <ul style="list-style-type: none"> a. aluminum or iron; and b. phosphorus. [Minn. R. 7090]

27.15	<p>The following system parameters and how each was determined:</p> <ol style="list-style-type: none"> a. flocculant settling velocity; b. minimum required retention time; c. rate of diversion of stormwater into the system; d. the flow rate from the discharge of the outlet structure; and e. range of expected dosing rates. [Minn. R. 7090]
27.16	<p>The following site-specific procedures must be developed and a copy kept on-site:</p> <ol style="list-style-type: none"> a. procedures for the installation, operation and maintenance of all pumps, generators, control systems, and other equipment; b. specific parameters for determining when the solids must be removed from the system and how the solids will be handled and disposed of; and c. procedures for cleaning up and/or containing a spill of each chemical stored on-site. [Minn. R. 7090]
28.1	<p>Stormwater Management Program (SWMP) Modification. [Minn. R. 7090]</p>
28.2	<p>The Commissioner may require the permittee to modify the SWMP as needed, in accordance with the procedures of Minn. R. ch. 7001, and must consider the following factors:</p> <ol style="list-style-type: none"> a. discharges from the MS4 are impacting the quality of receiving waters; b. more stringent requirements are necessary to comply with state or federal regulations; and c. additional conditions are deemed necessary to comply with the goals and applicable requirements of the Clean Water Act and protect water quality. [Minn. R. 7090]
28.3	<p>Modifications required by the Commissioner for the SWMP must be requested in writing, setting forth schedules for compliance, and offering the permittee the opportunity to propose alternative SWMP modifications to meet the objectives of the requested modification. [Minn. R. 7090]</p>
28.4	<p>Modifications that the permittee chooses to make to the SWMP must be approved by the Commissioner in accordance with the procedures of Minn. R. ch. 7001. All requests must be in writing, setting forth schedules for compliance. The request must discuss alternative program modifications, ensure compliance with requirements of the permit, and meet other applicable laws. [Minn. R. 7090]</p>
28.5	<p>The SWMP may be modified by the permittee without prior approval of the Commissioner, provided the modification is in accordance with the following:</p> <ol style="list-style-type: none"> a. the permittee adds one or more BMP(s) and none subtracted from the SWMP; b. a less effective BMP identified in the SWMP is replaced with a more effective BMP. The alternate BMP must address the same, or similar, concerns as the ineffective or failed BMP; or 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 must include an explanation of circumstance(s) and reason(s) for the replacement of the BMP. [Minn. R. 7090]
28.6	<p>The permittee must include proposed modifications in the annual report and notify the public (with an opportunity to provide comment) through the annual report public notice and meeting required in Section 17. Upon written approval of the Commissioner, the permittee may modify the SWMP to implement:</p> <ol style="list-style-type: none"> a. BMPs needed to make reasonable progress toward meeting one or more applicable WLA(s); and b. modifications to the stormwater runoff monitoring and analysis program in accordance with Section 24. [Minn. R. 7090]
29.1	<p>SWMP Assessment, Updates, Reporting, and Other Submittals. [Minn. R. 7090]</p>
29.2	<p>The permittee must complete an annual assessment of the SWMP based on information collected and analyzed during the reporting period, including activities implemented in Sections 16 through 24. The purpose of the annual SWMP assessment is to provide information for improving performance, including but not limited to reducing pollutant loading and runoff volumes, and to optimize associated planning and design, construction, operation, and maintenance of the MS4. The annual SWMP assessment must be submitted to the Agency with each annual report and must include the following:</p>

	<ul style="list-style-type: none"> a. an analysis of the performance and effectiveness of BMPs in reducing stormwater runoff volumes and pollutant loading to receiving waters; b. an analysis of the effectiveness of the SWMP in achieving permit compliance, measurable goals, and other long-term goals; and c. a fiscal analysis of the budget utilized for implementing the SWMP including an evaluation of the resources used to implement the MCMs required by the permit. The analysis must include the capital, operation, maintenance, and staff resource costs for implementing the SWMP. [Minn. R. 7090]
29.3	The permittee must complete revisions to incorporate requirements of Sections 15 through 27 into the current SWMP within 12 months of the issuance date of this permit, unless other timelines have been specifically established in this permit. [Minn. R. 7090]
29.4	The permittee must keep records required by the NPDES/SDS MS4 permit for at least three (3) years beyond the term of this permit. The permittee must retain copies of the SWMP, all documentation necessary to comply with the permit, all data and information used by the permittee to develop the SWMP, and any information developed as a requirement of this permit or as requested by the Commissioner, for a period of at least three (3) years beyond the date of permit expiration. The permittee must extend these record retention periods upon request of the Commissioner and/or during the course of an unresolved enforcement action. [Minn. R. 7001.0150, subp. 2(C)]
29.5	The permittee must make its records, including the SWMP, available to the public at reasonable times during regular business hours (see 40 C.F.R. 122.7 for confidentiality provision). [Minn. R. 7090]
29.6	Except for data determined to be confidential according to Minn. Stat. 116.075, subd. 2, all documents, plans, and reports required by this permit must be available for inspection by the Agency upon request. Stormwater runoff monitoring or effluent data must not be considered confidential. Confidential material must be submitted according to Minn. R. 7000.1300. [Minn. R. 7000.1300, Minn. R. 7090]
30.1	Annual Reporting. [Minn. R. 7090]
30.2	<p>The permittee must submit an annual report: Due annually, by the 30th of June. The annual report must cover the portion of the previous calendar year during which the permittee was authorized to discharge stormwater under this permit. The permittee's annual report must be submitted to the Agency, in a manner determined by the Agency, that includes but is not limited to:</p> <ul style="list-style-type: none"> a. the status of compliance with permit terms and conditions, including an assessment of the appropriateness of BMPs identified by the permittee and progress towards achieving measurable requirements of each of the MCMs. The assessment must be based on results of information collected and analyzed, including monitoring, inspection findings, and public input received during the reporting period; b. the stormwater activities the permittee plans to undertake during the next reporting period; c. changes made to the SWMP during the reporting period; d. information required in items 30.3 through 30.29; and e. any partnerships or activities coordinated with other local governments or organizations to assist with implementing the SWMP and any agreements related to this effort. [Minn. R. 7090]
30.3	<p>The permittee must provide the following as it pertains to the public education and outreach program required in Section 16:</p> <ul style="list-style-type: none"> a. quantities and descriptions of educational materials distributed and the number of visits by the public to stormwater education websites; b. a summary of the education and outreach activities held including dates of events; c. any modifications made to the program as a result of the annual evaluation as described in item 16.7.e; and d. if the permittee relied upon other organizations for some, or all, of its education and outreach program, include a summary of activities conducted by those other organizations. [Minn. R. 7090]

30.4	<p>The permittee must provide the following as it pertains to the public participation and involvement program required in Section 17:</p> <ul style="list-style-type: none"> a. a summary of the written public input received on the SWMP and the permittee's response to the input as described in Section 17; b. any modifications made to the SWMP because of the input received during the public meeting; c. the date and location of the public meeting as described in item 17.3; and d. a formal resolution from the permittee's governing body adopting the annual report and the SWMP as required in item 17.10. [Minn. R. 7090]
30.5	<p>The permittee must provide the following as it pertains to the IDDE program required in Section 18:</p> <ul style="list-style-type: none"> a. the status of the regulatory mechanisms required in Section 18; b. a description and the date of the most recent update to the electronic storm sewer system inventory and map completed during the reporting year; c. the number of spills and illicit discharges that occurred and a description of the response, containment, and cleanup of the spills and illicit discharges; d. the number of illicit discharge inspections and/or screening activities completed during the reporting year and a description of the response, investigation, and enforcement response procedures utilized to eliminate the illicit discharges; e. reports of alleged illicit discharges received, including date(s) of the report(s), and a description of the response, investigation, and enforcement response procedures utilized to eliminate the illicit discharge(s); f. sources of illicit discharges, including a description and the responsible party if known; g. identification of outfalls or other areas where illicit discharges have been discovered and a description of the response, investigation, and enforcement response procedures utilized to eliminate the illicit discharge(s); and h. a description of the training activities, implemented during the reporting year, to train municipal staff about reporting, responding to, and eliminating illicit discharges. [Minn. R. 7090]
30.6	<p>The permittee must provide the following as it pertains to the inspection and regulatory oversight program to monitor and control pollutants from industrial, commercial, and institutional facilities required in items 18.31 through 18.37:</p> <ul style="list-style-type: none"> a. the status of the inventory required in item 18.33; and b. the number of facility inspections completed and a summary of inspection findings. [Minn. R. 7090]
30.7	<p>The permittee must provide the following as it pertains to the construction site stormwater runoff control program required in Section 19:</p> <ul style="list-style-type: none"> a. the status of the regulatory mechanism(s) required in item 19.3; b. the number of construction site plans reviewed and confirmed to meet regulatory mechanism(s) requirements; c. the number of construction stormwater complaints received and a summary of responses to those complaints; d. the number of site inspections completed and a summary of inspection findings; e. the number of violations of the permittee regulatory mechanism(s) for construction site stormwater runoff control and the types of enforcement response procedures utilized; and f. the title of the construction stormwater training attended by permittee staff. [Minn. R. 7090]
30.8	<p>The permittee must provide the following as it pertains to the post-construction stormwater management program required in Section 20:</p> <ul style="list-style-type: none"> a. the status of the regulatory mechanism(s) required in item 20.3; b. the number construction activity projects required to meet the terms of the permittee regulatory mechanism(s); c. the number and type of structural stormwater BMPs implemented to meet the terms of the permittee regulatory mechanism(s), including the number of structural stormwater BMP long-term maintenance agreements executed during the reporting year; and d. the number construction activity projects requiring mitigation (i.e., off-site stormwater treatment), including an explanation of why mitigation was required, the types of structural stormwater BMPs, and the expected dates of implementation. [Minn. R. 7090]

30.9	The permittee must provide information as it pertains to the operations and maintenance program required in Section 21. At a minimum, the permittee must include in the annual report the information described in items 30.10 through 30.14. [Minn. R. 7090]
30.10	The permittee must provide a description of permittee facilities and municipal operations that contribute pollutants to stormwater discharges and the BMPs implemented to prevent polluted runoff from discharging to the MS4. [Minn. R. 7090]
30.11	The permittee must provide a brief description of all outfall inspection findings including any improvement projects completed at the outfall locations. [Minn. R. 7090]
30.12	The permittee must provide a list of the MS4 components or facilities that need to be replaced, repaired, or maintained and a schedule for completing the replacement, repair, or maintenance activity. [Minn. R. 7090]
30.13	The permittee must provide the results of structural stormwater BMP inspections, assessments, maintenance, and repair activities including: <ul style="list-style-type: none"> a. date; b. estimation of sediment storage capacity and percent capacity remaining; c. the date of maintenance and/or repairs completed; d. the dates and quantity of removed substances from structural stormwater BMPs; e. the quantity of material removed by street sweeping (seasonal sweepings for spring sand and fall leaves must be itemized as part of the total quantity); f. the quantity of deicing materials, chemicals, and sand applied to roadways. The location and description of all storage facilities for sand, deicing materials, and anti-icing solution used during winter maintenance activities; and g. the number, type, and schedule of flood control improvement projects completed, including a description of the pollutant removal capabilities associated with each project. [Minn. R. 7090]
30.14	The permittee must provide information about stormwater management training events, including: <ul style="list-style-type: none"> a. title and topic of training; b. date of training; and c. names and departments of employees in attendance. [Minn. R. 7090]
30.15	The permittee must provide the information as it pertains to their integrated infrastructure management program required in Section 22. At a minimum, the permittee must include in the annual report the previous calendar year efforts to minimize inflow and infiltration, including but not limited to the information described in items 30.16 through 30.21. [Minn. R. 7090]
30.16	The permittee must provide a description of any release events from the sanitary or combined sewer system, including: <ul style="list-style-type: none"> a. outfall location; b. duration and volume; and c. a summary of any sampling activities and monitoring results associated with the release. [Minn. R. 7090]
30.17	The permittee must provide a summary of studies, investigations, and monitoring activities initiated to identify sources of inflow and infiltration. [Minn. R. 7090]
30.18	The permittee must provide an updated inventory of all identified areas of inflow to the sanitary sewer system, including: <ul style="list-style-type: none"> a. location and sewer shed of individually identified combined sewer areas; b. catch basins, roof leaders, and other storm water inlets connected to the combined sewer; c. sewer service area in acres for the locations identified in items a and b directly above; d. MCES Regulator identification number and geographic coordinates; e. MCES and Minneapolis outfall locations and geographic coordinates; and f. total area of each Minneapolis sewer shed tributary to an outfall and the percent of combined sewer area in that sewer shed. [Minn. R. 7090]
30.19	The permittee must provide a map and summary of projects completed in the past year to minimize inflow and infiltration, including but not limited to sewer separation projects, lined sewer pipes, manhole lining and repairs, and rainleader disconnections. [Minn. R. 7090]
30.20	The permittee must provide a description of collaborative arrangements with external partners to minimize releases and

	improve water quality. [Minn. R. 7090]
30.21	The permittee must provide a description of the annual expenditures on items 30.16 through 30.20. [Minn. R. 7090]
30.22	The permittee must provide a summary of the trash reduction program required in Section 23, including the information required to be documented in item 23.8. [Minn. R. 7090]
30.23	The permittee must provide information as it pertains to their stormwater runoff monitoring and analysis program required in Section 24. At a minimum, the permittee must include in the annual report the previous calendar year efforts to minimize inflow and infiltration, including but not limited to the information described in items 30.24 through 30.27. [Minn. R. 7090]
30.24	The permittee must provide any proposed SWMP modifications to substitute sources of monitoring and analysis data including a discussion of how the data will be utilized to demonstrate compliance with this permit and how it will characterize the nature of stormwater discharges. [Minn. R. 7090]
30.25	The permittee must provide any significant operational differences in monitoring and monitoring protocols as established in Section 24. [Minn. R. 7090]
30.26	The permittee must provide the results of the monitoring and sampling data analysis collected by the permittee, or any other entity on behalf of the permittee, including: <ul style="list-style-type: none"> a. estimated pollutant event mean concentrations; b. estimated total annual pollutant load to receiving water(s); c. estimated total annual volume to receiving water(s); d. estimated effectiveness (e.g., removal efficiency, load reduction, etc.) of structural stormwater BMPs; and e. calibration and verification of stormwater models. [Minn. R. 7090]
30.27	The permittee must provide a brief narrative description of the monitoring results collected by the permittee, or any other entity on behalf of the permittee, including data with tabulations, statistics, summary tables and graphics, by monitoring site with receiving water location description, including: <ul style="list-style-type: none"> a. continuous flow data; b. sample analytical data identified as storm composite or grab with corresponding flows and storm event periods; c. estimate of storm event rainfall which generated the sampled discharge including approximate duration between the storm event sampled and the end of the previous measurable storm event (greater than 0.10 inch rainfall); d. loading calculations: estimated annual and seasonal loads (total phosphorus, chloride, total suspended solids, volatile suspended solids, inorganic suspended solids by difference (TSS - VSS = ISS), and total nitrogen for the continuous monitoring stations; e. summary information for each site including drainage area and estimated annual total discharge volume, storm event discharge volume, storm event discharge values that were used to calculate event-scale pollutant loads, runoff yield (inches/year), analyte flow weighted mean concentrations and analyte annual mean concentrations; and f. a map showing receiving waters and representative land use management site locations as described in item 24.4. [Minn. R. 7090]
30.28	The permittee must provide an assessment of progress toward achieving applicable WLAs, including a summary of implementation activities and BMPs to meet the requirements in Section 26. [Minn. R. 7090]
30.29	If the permittee uses an alum or ferric chloride phosphorus treatment system that meets the conditions and design parameters described in Section 27, the permittee must submit the information required in item 27.11. [Minn. R. 7090]
31.1	Where to Submit. [Minn. R. 7090]
31.2	The permittee must use an electronic submittal process, when provided by the Agency, for submitting information required by this permit. When submitting information electronically is not possible, the permittee must use the following mailing address: <p>Supervisor, Municipal Stormwater Unit Minnesota Pollution Control Agency 520 Lafayette Road North St. Paul, Minnesota 55155-4194. [Minn. R. 7090]</p>
32.1	General Conditions. [Minn. R. 7090]
32.2	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. [Minn. R. 7001.0150, subp. 3(A)]
32.3	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. [Minn. R. 7001.0150, subp. 3(B)]
32.4	The permit does not convey a property right or an exclusive privilege. [Minn. R. 7001.0150, subp. 3(C)]
32.5	The Agency's issuance of a permit does not obligate the Agency to enforce local laws, rules or plans beyond that authorized by Minnesota statutes. [Minn. R. 7001.0150, subp. 3(D)]
32.6	The permittee must 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. [Minn. R. 7001.0150, subp. 3(E)]
32.7	The permittee must 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 must 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. [Minn. R. 7001.0150, subp. 3(F)]
32.8	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 must immediately upon discovery report to the Commissioner an error or omission in these records, reports, plans, or other documents. [Minn. R. 7001.0150, subp. 3(G), Minn. R. 7001.1090, subp. 1(G), Minn. R. 7001.1090, subp. 1(H), Minn. Stat. 609.671]
32.9	The permittee must, 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. [Minn. R. 7001.0150, subp. 3(H)]
32.10	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, must 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 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. [Minn. R. 7001.0150, subp. 3(I)]
32.11	If the permittee discovers, through any means, including notification by the Agency, that noncompliance with a condition of the permit has occurred, the permittee must take all reasonable steps to minimize the adverse impacts on human health, public drinking water supplies, or the environment resulting from the noncompliance. [Minn. R. 7001.0150, subp. 3(J)]
32.12	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 must, within 24 hours of the discovery of the noncompliance, orally notify the Commissioner. Within five days of the discovery of the noncompliance, the permittee must 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. [Minn. R. 7001.0150, subp. 3(K)]
32.13	The permittee must report noncompliance with the permit not reported under item 32.12 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 must submit the information listed in item 32.12 within 30 days of the discovery of the noncompliance. [Minn. R. 7001.0150, subp. 3(L)]

32.14	The permittee must give advance notice to the Commissioner as soon as possible of planned physical alterations or additions to the permitted facility (MS4) or activity that may result in noncompliance with a Minnesota or federal pollution control statute or rule or a condition of the permit. [Minn. R. 7001.0150, subp. 3(M)]
32.15	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 must comply with the conditions of the permit. [Minn. R. 7001.0150, subp. 3(N)]
32.16	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. [Minn. R. 7001.0150, subp. 3(O)]
32.17	This permit incorporates by reference the applicable portions of 40 C.F.R. 122.41 and 40 C.F.R. 122.42(c) and (d), and Minn. R. 7001.1090, which are enforceable parts of this permit. [Minn. R. 7090]
32.18	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. [Minn. R. 7090]
33.1	Definitions. [Minn. R. 7090]
33.2	"Active karst" means geographic areas underlain by carbonate bedrock (or other forms of bedrock that can erode or dissolve) with less than 50 feet of sediment cover. [Minn. R. 7090]
33.3	"Agency" means Minnesota Pollution Control Agency. [Minn. Stat. 116.36, subd. 2]
33.4	"Alum or Ferric Chloride Phosphorus Treatment System" means the diversion of flowing stormwater from a MS4, removal of phosphorus through the use a continuous feed of alum or ferric chloride additive, flocculation, and the return of the treated stormwater back into a MS4 or receiving water. [Minn. R. 7090]
33.5	"Applicable WLA" means a Waste Load Allocation assigned to the permittee and approved by the EPA prior to the issuance date of the permit. [Minn. R. 7090]
33.6	"Best Management Practice" or "BMP" means practices to prevent or reduce the pollution of the waters of the state, including schedules of activities, prohibitions of practices, and other management practices, and also includes treatment requirements, operating procedures and practices to control plan site runoff, spillage or leaks, sludge, or waste disposal or drainage from raw material storage. [Minn. R. 7001.1020, subp. 5]
33.7	"Commissioner" means the Commissioner of the Minnesota Pollution Control Agency or the Commissioner's designee. [Minn. Stat. 116.36, subd. 3]
33.8	"Common plan of development or sale" means one proposed plan for a contiguous area where multiple separate and distinct land disturbing activities may be taking place at different times, on different schedules, but under one proposed plan. One plan is broadly defined to include design, permit application, advertisement or physical demarcation indicating that land-disturbing activities may occur. [Minn. R. 7090]
33.9	"Construction Activity" means activities including clearing, grading, and excavating, that result in land disturbance of equal to or greater than one acre, including the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one acre. This includes a disturbance to the land that results in a change in the topography, existing soil cover, both vegetative and nonvegetative, or the existing soil topography that may result in accelerated stormwater runoff that may lead to soil erosion and movement of sediment. Construction activity does not include a disturbance to the land of less than five acres for the purpose of routine maintenance performed to maintain the original line and grade, hydraulic capacity, and original purpose of the facility. Routine maintenance does not include activities such as repairs, replacement and other types of non-routine maintenance. Pavement rehabilitation that does not disturb the underlying soils (e.g., mill and overlay projects) is not construction activity. [Minn. R. 7090]
33.10	"DNR catchment area" means the Hydrologic Unit 08 areas delineated and digitized by the Minnesota DNR. The catchment areas are available for download at the Minnesota DNR Geospatial Commons website. DNR catchment areas may be locally corrected, in which case the local corrections may be used. [Minn. R. 7090]
33.11	"Fully reconstructed" means areas where impervious surfaces have been removed down to the underlying soils. Activities

	such as structure renovation, mill and overlay projects, and other pavement rehabilitation projects that do not expose the underlying soils beneath the structure, pavement, or activity are not considered fully reconstructed. Maintenance activities such as catch basin repair/replacement, utility repair/replacement, pipe repair/replacement, lighting, and pedestrian ramp improvements are not considered fully reconstructed. [Minn. R. 7090]
33.12	"Geographic coordinates" means the point location of a stormwater feature expressed by X, Y coordinates of a standard Cartesian coordinate system (i.e. latitude/longitude) that can be readily converted to Universal Transverse Mercator (UTM), Zone 15N in the NAD83 datum. For polygon features, the geographic coordinates will typically define the approximate center of a stormwater feature. [Minn. R. 7090]
33.13	"Illicit discharge" means any discharge to a municipal separate storm sewer that is not composed entirely of stormwater except discharges pursuant to a NPDES permit (other than the NPDES permit for discharges from the municipal separate storm sewer) and discharges resulting from firefighting activities. [40 CFR 122.26(b)(2)]
33.14	"Impaired water" means waters identified as impaired by the Agency, and approved by the EPA, pursuant to section 303(d) of the Clean Water Act (33 U.S.C. 1313(d)). [Minn. R. 7090]
33.15	"Impervious Surface" means a constructed hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development. Examples include rooftops, driveways, parking lots, and concrete, asphalt, or gravel roads. Bridges over surface waters are impervious surfaces. Recreational trails that are distinctly set apart from a roadway (i.e., not parallel) and intended for non-motorized recreational uses, are not considered impervious surfaces. Sidewalks that are parallel to a roadway (or generally following alongside a roadway) must still be included as impervious surfaces. [Minn. R. 7090]
33.16	"Large municipal separate storm sewer system" or "Large MS4" means all municipal separate storm sewers that are located in an incorporated place with a population of 250,000 or more owned or operated by the United States, 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 Clean Water Act that discharges to waters of the United States. [Minn. R. 7090]
33.17	"Linear project" means construction of new or fully reconstructed roads, trails, sidewalks, or rail lines that are not part of a common plan of development or sale. For example, roads being constructed concurrently with a new residential development are not considered linear projects because they are part of a common plan of development or sale. [Minn. R. 7090]
33.18	"Long-term goals" means those goals established in the permittee's SWMP to be accomplished by implementing the NPDES Phase I MS4 Permit. These goals may have various timeframes and durations including durations longer than one NPDES Phase I MS4 permit cycle. [Minn. R. 7090]
33.19	"Maximum Extent Practicable" or "MEP" means 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 a regulated MS4s must achieve. The EPA has intentionally not provided a precise definition of MEP to allow maximum flexibility in MS4 permitting. The pollutant reductions that represent MEP may be different for each MS4, given the unique local hydrologic and geologic concerns that may exist and the differing pollutant control strategies. Therefore, the permittee will determine appropriate BMPs to satisfy each of the MCMs through an evaluative process. The EPA envisions application of the MEP standard as an iterative process. [Minn. R. 7090]
33.20	"Municipal separate storm sewer system" or "MS4" 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: <ul style="list-style-type: none"> a. 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 federal Clean Water Act, United States Code, Title 33, section 1288, that discharges into waters of the state; b. designed or used for collecting or conveying stormwater; c. that is not a combined sewer; and d. that is not part of a publicly owned treatment works as defined at 40 C.F.R. 122.2.

	Municipal separate storm sewer systems do not include separate storm sewers in very discrete areas, such as individual buildings. [Minn. R. 7090.0080, subp. 8]
33.21	"New applicable WLA" means a Waste Load Allocation assigned to the permittee and approved by the EPA after the final application for permit reissuance submittal and prior to the issuance date of this permit. [Minn. R. 7090]
33.22	"Non-stormwater discharge" means any discharge not composed entirely of stormwater. [Minn. R. 7090]
33.23	"Operator" means the person with primary operational control and legal responsibility for the municipal separate storm sewer system. [Minn. R. 7090.0080, subp. 10]
33.24	"Outfall" means the point source where a municipal separate storm sewer system discharges to a receiving water, or the stormwater discharge permanently leaves the permittee's MS4. It does not include diffuse runoff or conveyances which connect segments of the same stream or water systems (e.g., when a conveyance temporarily leaves a MS4 at a road crossing). [Minn. R. 7090]
33.25	"Owner" means the person that owns the municipal separate storm sewer system. [Minn. R. 7090.0080, subp. 11]
33.26	"Permittee" means a person or persons, that signs the permit application submitted to the Agency and is responsible for compliance with the terms and conditions of this permit. [Minn. R. 7090]
33.27	"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. [Minn. Stat. 115.01, subd. 10]
33.28	"Pipe" means a closed human-made conveyance device used to transport stormwater from location to location. The definition of pipe does not include foundation drain pipes, irrigation pipes, land drain tile pipes, culverts, and road sub-grade drain pipes. [Minn. R. 7090]
33.29	"Receiving water" means any lake, river, stream, or wetland that receives stormwater discharges from a MS4. [Minn. R. 7090]
33.30	"Reduce" means reduce to the Maximum Extent Practicable (MEP) unless otherwise defined in the context in which it is used. [Minn. R. 7090]
33.31	"Regulatory mechanism" means contract language, an ordinance, permits, standards, or any other mechanism, that will be enforced by the permittee. [Minn. R. 7090]
33.32	"Seasonally saturated soil" means the highest seasonal elevation in the soil that is in a reduced chemical state because of soil voids being filled with water causing anaerobic conditions. Seasonally saturated soil is evident by the presence of redoximorphic features or other information determined by scientifically established methods or empirical field measurements. [Minn. R. 7090]
33.33	"Section" includes all item numbers of the same whole number. For example, "Section 5" of the permit refers to items 5.1 through 5.2. As a second example, when "this Section" is used in item 16.2, it refers to all item numbers in Section 16 (i.e., items 16.1 through 16.8). [Minn. R. 7090]
33.34	"Significant materials" includes, but is not limited to: raw materials, fuels, materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); any chemical the facility is required to report pursuant to section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA); fertilizers, pesticides, and waste products such as ashes, slag, and sludge that have the potential to be released with stormwater discharges. When determining whether a material is significant, the physical and chemical characteristics of the material should be considered (e.g., the material's solubility, transportability, and toxicity characteristics) to determine the material's pollution potential. [40 CFR 122.26(b)(12)]
33.35	"Stormwater" means stormwater runoff, snowmelt runoff, surface runoff, and drainage. [Minn. R. 7090.0080, subp. 12]
33.36	"Stormwater hotspot" means any land use or activity that may generate a higher concentration of hydrocarbons, trace metals, or toxic pollutants than are found in typical stormwater runoff. [Minn. R. 7090]
33.37	"Stormwater Management Program" or "SWMP" means a comprehensive program developed by the permittee to manage and reduce the discharge of pollutants in stormwater to and from the medium or large MS4. [Minn. R. 7090]
33.38	"Structural stormwater BMP" means a stationary and permanent BMP that is designed, constructed and operated to prevent or reduce the discharge of pollutants in stormwater. [Minn. R. 7090]

33.39	"Total Maximum Daily Load" or "TMDL" means the sum of the individual Waste Load Allocations for point sources and load allocations for nonpoint sources and natural background, as more fully defined in 40 C.F.R. 130.2(i). A TMDL sets and allocates the maximum amount of a pollutant that may be introduced into a water of the state and still assure attainment and maintenance of water quality standards. [Minn. R. 7052.0010, subp. 42]
33.40	"Waste Load Allocation" or "WLA" means the portion of a receiving water's loading capacity that is allocated to one of its existing or future point sources of pollution, as more fully defined in 40 C.F.R. 130.2(h). In the absence of a TMDL approved by EPA under 40 C.F.R. 130.7, or an assessment and remediation plan developed and approved according to Minn. R. 7052.0200, subp. 1(C), a WLA is the allocation for an individual point source that ensures that the level of water quality to be achieved by the point source is derived from and complies with all applicable water quality standards and criteria. [Minn. R. 7052.0010, subp. 45]
33.41	<p>"Water pollution" means:</p> <ol style="list-style-type: none"> a. the discharge of any pollutants into any waters of the state or the contamination of any waters of the state so as to create a nuisance or renders such waters unclean, or noxious, or impure so as to be actually or potentially harmful or detrimental or injurious to public health, safety or welfare, to domestic, agricultural, commercial, industrial, recreational or other legitimate uses, or to livestock, animals, birds, fish, or other aquatic life; or b. the alteration made or induced by human activity of the chemical, physical, biological, or radiological integrity of waters of the state. [Minn. Stat. 115.01, subd. 13(b)]
33.42	"Water quality standards" mean those provisions contained in Minn. R. chs. 7050 and 7052. [Minn. R. 7090]
33.43	<p>"Water Quality Volume" means either:</p> <ol style="list-style-type: none"> a. for construction activity (excluding linear projects), one (1) inch of runoff from the sum of the new and fully reconstructed impervious surfaces created by the project (calculated as an instantaneous volume); or b. for linear projects, the greater of one (1) inch of runoff from the new impervious surface or one-half (0.5) inch of runoff from the sum of the new and fully reconstructed impervious surfaces created by the project (calculated as an instantaneous volume). [Minn. R. 7090]
33.44	"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. [Minn. Stat. 115.01, subd. 22]
33.45	<p>"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 must have the following attributes:</p> <ol style="list-style-type: none"> a. a predominance of hydric soils; b. 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 c. under normal circumstances, support a prevalence of such vegetation. [Minn. R. 7050.0186, subp. 1a(B)]

2. Appendix A.

Table 1: Monitoring and analysis

Analytical data for samples			Sites 1-6 Monitored by the permittee (Types 1, 2, 3)							
Parameter	Sample Type	Frequency (Note 2)	Site 1	Site 2	Site 3	Site 4	Site 5	Site 6		
Chloride, Total	Flow-paced composite samples over non-ice time period (approx. March through November)	10 samples/year, select from events 0.10 inch or greater over range of seasons and events	X	X	X	X	X	X		
Copper, Total (as Cu)			X	X	X	X	X	X		
Lead, Total (as Pb)			X	X	X	X	X	X		
Zinc, Total (as Zn)			X	X	X	X	X	X		
Hardness, Carbonate (as CaCo3)			X	X	X	X	X	X		
Nitrate + Nitrite, Total (as N)			X	X	X	X	X	X		
Nitrogen, Total			X	X	X	X	X	X		
Phosphorus, Total (as P)			X	X	X	X	X	X		
Solids, Total Suspended (TSS)			X	X	X	X	X	X		
Solids, Volatile Suspended (VSS)			X	X	X	X	X	X		
Solids, Inorganic Suspended by difference (TSS-VSS=ISS)			Grab samples at least two times during typical winter thaw (approx. December to March)		X	X	X	X	X	X
Carbon, Organic Dissolved					X	X	X	X	X	X
Chemical Oxygen Demand (COD)	X	X			X	X	X	X		
Phosphorus, Total Dissolved or Ortho	X	X			X	X	X	X		
Solids, Total Dissolved (TDS)			X	X	X	X	X	X		
Flow	Measurement	Continuous during period when flow-paced composite samples are collected as required for other parameters in this table Point-estimated when grab samples are collected as required for other parameters in this table	X	X	X	X	X	X		
Precipitation	Measurement, at 3800 Bryant Avenue South location	Daily	N/A	N/A	N/A	N/A	N/A	N/A		
Oil and grease	Grab	Quarterly (spring, summer, fall, winter)	X	X	X	X	X	X		
Escherichia coli (E. coli)			X	X	X	X	X	X		
pH (Note 1)	Grab, measured by multi-parameter probe	Quarterly (spring, summer, fall, winter)	X	X	X	X	X	X		

Note 1: Field analysis.

Note 2: Taking into consideration weather and safety.

X: Monitoring of parameter is applicable

N/A: Not applicable

Type 1. To determine and improve system/BMP effectiveness through adaptive management (highest priority).

Type 2. Representative land use management sites selected by the permittee (second priority).

Type 3. To determine contributions from upstream jurisdictions (third priority).

Table 2: Monitoring parameters during operation

Station	Alum parameters	Ferric parameters	Units	Frequency
Upstream-background	Total Phosphorus	Total Phosphorus	mg/L	1 x week
	Dissolved Phosphorus	Dissolved Phosphorus	mg/L	1 x week
	Total Aluminum	Total Iron	mg/L	1 x month
	Dissolved Aluminum	Dissolved Iron	mg/L	1 x week
	pH	pH	SU	1 x week
	Flow	Flow	Mgd	Daily
Alum or Ferric Chloride Feed	Alum	Ferric	Gallons	Daily total dosed in gallons
Discharge from treatment	Total Phosphorus	Total Phosphorus	mg/L	1 x week
	Dissolved Phosphorus	Dissolved Phosphorus	mg/L	1 x week
	Total Aluminum	Total Iron	mg/L	1 x month
	Dissolved Aluminum	Dissolved Iron	mg/L	1 x week
	pH	pH	SU	1 x week
	Flow	Flow	Mgd	Daily