



Minnesota Pollution Control Agency

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

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

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

CITY OR TOWNSHIP: City of Minneapolis

COUNTY: Hennepin

ISSUANCE DATE: January 21, 2011

EFFECTIVE DATE: January 21, 2011

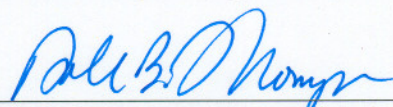
EXPIRATION DATE: January 21, 2016

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

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

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

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

Signature: 

Dale Thompson, Supervisor
Municipal Stormwater Unit
Stormwater Section
Municipal Division

For The Minnesota Pollution Control Agency

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

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

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DESCRIPTION

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

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

PART I. PERMIT GOALS

The primary goal of this permit is to restore and maintain the chemical, physical, and biological integrity of waters of the state through management and treatment of urban stormwater runoff. This is accomplished by management of the Municipal Separate Storm Sewer System through a Stormwater Management Program. The purpose is to maintain water quality where there is compliance, and help restore waters where there is noncompliance. It should be noted that when there is a discharge to waters with respect to which there are limitations on coverage (see Part II.B), there may be more stringent requirements to which the Permittee is subject that may require a separate National Pollutant Discharge Elimination System (NPDES) permit for those discharges.

PART II. COVERAGE UNDER THIS PERMIT

A. Authorization

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

B. Limitations on Coverage

1. This permit does not authorize discharges other than stormwater. Non-stormwater discharges may include: combined sewer overflow, noncontact cooling water, sewage, wash water, scrubber water, spills, oil, hazardous substances, fill, commercial equipment and/or vehicle cleaning and maintenance wastewaters. A separate NPDES permit may be required for these discharges.
2. This permit does not authorize the discharge of stormwater when a separate NPDES permit is required for these activities. For example, while stormwater from construction activity may be discharged from a municipal separate storm sewer system with authorized stormwater discharges, this permit does not replace or satisfy any other permits required for those discharges.
3. This permit authorizes only discharges by the Permittee from the portions of the storm sewer system that are under its operational control.
4. This permit does not allow new or expanded discharges unless the Permittee is in compliance with the requirements of Minn. R. ch. 7050.
5. This permit does not authorize the following discharges unless the requirements of Appendix C are met:
 - a. Discharges into wetlands as defined in Minn. R. 7050.0186.

- b. Discharges requiring environmental review as provided by Minn. Stat. ch. 116D and 42 U.S.C. §§ 4321 – 4370f.
 - c. Discharges affecting threatened or endangered species or their habitat.
 - d. Discharges affecting historic or archeological sites.
 - e. Discharges affecting source water protection areas as provided by (Minn. R. 4720.5100 – 4720.5590).
6. This permit does not authorize stormwater discharges from any municipal facility where stormwater discharge is authorized under another individual NPDES/SDS permit or other industry-specific general NPDES/SDS permit.

C. Obtaining Authorization

- 1. The Permittee shall submit, within 180 days of the permit issuance date, a revised Stormwater Management Program, including a revised stormwater monitoring and analysis program as required under Part V.C.7 that meets the requirements of this permit.
- 2. In accordance with the procedures of this permit and the requirements of Minn. R. ch. 7001, the MPCA shall provide public notice with the opportunity for hearing on the Commissioner’s determination of intent to approve or deny the revised Stormwater Management Program. The MPCA will provide public and MPCA comments to the Permittee. The Permittee will have the opportunity to respond to the comments prior to the MPCA making a final determination.
- 3. The Commissioner will make a final determination on the revised Stormwater Management Program in accordance with Minn. R. ch. 7001.
- 4. Upon approval by the Commissioner, the Permittee is authorized to discharge stormwater from the Permittee’s municipal separate storm sewer system under the terms and conditions of this permit and the revised Stormwater Management Program.

PART III. PERMIT APPLICATION REQUIREMENTS

A. Application for Permit Reissuance

- 1. The Permittee shall submit an application for reissuance at least 180 days before permit expiration. (Minn. R. 7001.0040, subp.3)
- 2. If the Permittee has submitted a timely application for permit reissuance, the Permittee may continue to conduct the activities authorized by this permit, in compliance with the requirements of this permit, until the MPCA takes final action on the application, unless the MPCA determines one of the following:

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

B. Signature

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

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

C. Stormwater Management Program

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

1. The Best Management Practices (BMPs) that the Permittee will implement for each of the stormwater Minimum Control Measures at Part V.C of this permit;
2. Specific measurable goals for each of the Minimum Control Measures, including, as appropriate, the months and years in which the Permittee will undertake required actions, including interim milestones and the frequency of the action, in narrative or numeric form, as appropriate;
3. The identity of the person(s) responsible for implementing and/or coordinating each component of the Stormwater Management Program. This should be the person the MPCA contacts for the particular component; it may be the overall coordinator or other individual; and
4. A revised monitoring and analysis program to meet requirements of Part V.C.7 of this permit.

D. Anti-degradation

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

E. Where to Submit

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

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

F. Application Record Retention

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

PART IV. RIGHTS AND RESPONSIBILITIES

A. Permit Modifications to Protect Water Quality

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

B. Storm Sewer System Management

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

C. Watershed-Based Permit

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

D. Joint Permittees

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

this permit are completed. The Agreement shall include, but not be limited to the following items:

- a. a designation of an Authorized Representative to serve as the coordinator of the Joint Permittees;
- b. a delineation of responsibilities to assure all parts of the Storm Water Management Program are implemented and managed according to the conditions of this permit; and
- c. a delineation of responsibilities for submittal of the Annual Report.

Alternatively, the Joint Permittees can define their individual responsibilities for meeting the requirements and conditions of this permit in the Stormwater Management Program.

5. A copy of the Agreement shall be submitted to the Commissioner within one hundred-eighty (180) days of the date of issuance of this permit. Any changes to the Agreement shall be submitted to the Commissioner within thirty (30) days of the final execution of the changes.

PART V. STORMWATER MANAGEMENT PROGRAM

A. Stormwater Management Program

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

The Stormwater Management Program shall be the document that describes in detail all activities related to the Permittees program for the management of stormwater in its jurisdiction in accordance with this permit and the appropriate water quality requirements of the Clean Water Act, including long-term goals (that may extend beyond the permit period), Minimum Control Measure-specific goals, priorities, strategies, monitoring, record keeping and reporting. The Stormwater Management Program shall cover at least the term of the permit and be based on an adaptive management system by which the Permittee continuously monitors, analyzes and adjusts the Stormwater Management Program to achieve pollutant reductions to the MEP. The Stormwater Management Program shall include the Minimum Control Measures (described in Part V.C.1 to 8 of this permit) and shall conform with the requirements of Part V.B to V.F of this permit.

Upon their approval by the Commissioner, modifications to the Stormwater Management Program are an enforceable part of the permit and shall be implemented as specified in the permit and in the Commissioner's approval letter. Prior to approval by the Commissioner of the revised Stormwater Management Program, the Permittee shall continue to operate in accordance

with this permit and the Permittee's current Stormwater Management Program. The Permittee shall, upon the receipt of notice of the Commissioner's approval of the revised Stormwater Management Program, commence operation under the revised Stormwater Management Program. Modifications to the Stormwater Management Program may be made through the Annual Report, required under Part V.E of this permit, in compliance with Part V.D. 3, 4 and 5 of this permit. Modifications to the Stormwater Management Program shall be implemented as specified in the Annual Report and in the Commissioner's approval letter.

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

B. Minimum Control Measure General Requirements

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

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

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

C. Minimum Control Measures

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

1. Public education and outreach on stormwater impacts. The Permittee shall select and implement a program of appropriate BMPs and measurable Minimum Control Measure-specific goals for this Minimum Control Measure taking into account known water quality impairments, community concerns, and baseline awareness levels of constituents. At a minimum, the Permittee shall:
 - a. implement a multilingual program to educate the residents, businesses, and industrial facilities that reside or do business within the Permittee's jurisdiction to raise the level of understanding and awareness of stormwater issues. The program shall consist of multiple efforts and communication methods to educate the target audiences about the impacts of stormwater discharges on water bodies including known impairments and the steps that can be taken to reduce pollutants in stormwater runoff.
 - b. implement a public education program that addresses each Minimum Control Measure. The Permittee may focus on one Minimum Control Measure or combination of Minimum Control Measures each year for the entire calendar year on a rotating annual basis. The Permittee shall address:
 - 1) Public participation;
 - 2) Illicit discharge detection and elimination;
 - 3) Construction site stormwater runoff control;
 - 4) Post-construction stormwater management;
 - 5) Pollution prevention and good housekeeping for municipal operations;
 - 6) Monitoring and analysis; and
 - 7) TMDL.
 - c. identify for each Minimum Control Measure:
 - 1) the audience or audiences involved;
 - 2) specific educational goals for each audience. The education-specific goal shall be stated in terms of increased awareness, increased understanding, acquired skills, and/or desired changes in behavior;
 - 3) activities used to reach educational goals for each audience;
 - 4) activity implementation plans, including responsible department in charge, entities responsible for given activities, and schedules; and
 - 5) performance measures that can be used to determine success in reaching education-specific goals (e.g. surveys, interviews, other measures of changes in awareness, understanding, and behavior);
 - d. describe how the education program is coordinated with, and makes effective use of, other stormwater education programs being conducted in the area by other entities, if the Permittee relies upon another entity for some of its education and outreach Minimum Control Measure. The Permittee may use education programs developed and administered by other entities, as appropriate for the municipal separate storm sewer system, including, but not limited to: community groups, nonprofit

organizations, lake conservation districts, soil and water conservation districts, watershed districts, watershed management organizations, school districts, University of Minnesota Extension, and county, regional, state, and federal government. The Permittee shall list formal agreements or partnerships and describe the functions performed by the other entity(ies) for the Permittee.

- e. implement a program to inform and educate:
 - 1) the public and affected industries, regarding the prohibition, proper management and impacts of the introduction of non-stormwater discharges into the storm sewer system.
 - 2) the public and commercial applicators and distributors of pesticides and fertilizers, regarding the proper application of pesticides and fertilizers with an emphasis on working with the Minnesota Department of Agriculture and retail centers to aid compliance with fertilizer restrictions, soil phosphorus testing and public information efforts;
 - 3) the public, regarding the proper management of pet waste and the beneficial onsite reuse of leaves and grass clippings.

If another entity has implemented an education program in a portion of the jurisdiction, the Permittee may work with that entity to share resources and expand the program to all portions of the municipal separate storm sewer system.

- f. hold at least one public meeting per year addressing the Stormwater Management Program and the Annual Report. A summary of the public input and/or testimony received at the meeting and the Permittee's response to it shall be included in the Annual Report. The Permittee shall hold the public meeting prior to submittal to the Commissioner of the Annual Report required in Part V.E. The meeting and meeting notice shall meet the following requirements:
 - 1) Location. The public informational meeting shall be held in the general vicinity of the municipal separate storm sewer system which is the subject of the permit. Otherwise, the public informational meeting shall be held in a place that is generally convenient to persons expected to attend the meeting.
 - 2) Notice. The Permittee shall prepare and publish a notice of the public informational meeting. Publication of the notice shall be at least 30 days prior to the meeting. The notice shall contain a reference to the Stormwater Management Program and Annual Report; proposed modifications to the monitoring and analysis and/or TMDL Minimum Control Measures (as appropriate); the date, time, and location of the public informational meeting; a concise description of the manner in which the public informational meeting will be conducted; and information about where a copy of the Stormwater Management Program and Annual Report is available for public review.
 - 3) Distribution of notice. The Permittee shall publish the notice in a newspaper of general circulation in the general vicinity of the municipal separate storm sewer system, and shall make a copy of the notice available to the Commissioner, the appropriate county officials, all governmental entities that have jurisdiction over activities that directly or indirectly relate to stormwater management in the drainage area, and all other persons who have requested that they be informed of public meetings for the Stormwater Management Program and Annual Report.

- 4) Joint meetings. The Permittee may consolidate two or more matters, issues, or related groups of issues to meet the requirements of this part. These public meetings may be part of a larger public meeting, such as a city council meeting, provided that adequate public notice and opportunity to participate is provided.
2. Public participation, public involvement. The Permittee shall select and implement a program of appropriate BMPs and measurable Minimum Control Measure-specific goals for public participation and public involvement. The Permittee shall implement and, as necessary, continue to develop its public participation and public involvement effort in order to effectively communicate with their constituents regarding stormwater management. At a minimum, the Permittee shall:
 - a. make available to the public on the Permittee's website stormwater related public documents including:
 - 1) current MS4 permit
 - 2) current Stormwater Management Program
 - 3) current Annual Report
 - 4) current monitoring report
 - 5) other plans and reports required under this permit
 - b. comply with applicable public notice requirements of Part V.C.1.f.2 and 3 when implementing the provisions of the Stormwater Management Program;
 - c. get public input on the adequacy of the Stormwater Management Program, including input from the public meeting described in Part V.C.1.f, each year prior to submittal of the Annual Report to the Commissioner. The Permittee:
 - 1) shall afford interested persons a reasonable opportunity to make oral statements concerning the Stormwater Management Program; and
 - 2) shall consider relevant written materials that interested persons submit concerning the Stormwater Management Program;
 - d. consider the public input, oral and written, to the Stormwater Management Program and shall make appropriate adjustments; and
 - e. include a formal resolution from the Permittee's governing body adopting the Annual Report and the Stormwater Management Program with the Annual Report.
3. Illicit discharge detection and elimination. The Permittee shall implement and enforce its program, and as necessary continue to develop its program to detect and eliminate illicit discharges as defined in 40 CFR § 122.26(b)(2). To the MEP, the Permittee shall minimize any adverse impact to waters of the state resulting from all unauthorized discharges, random, frequent or infrequent, accidental or otherwise, of pathogens, nutrients, oil, toxic pollutants or other hazardous substances consistent with Minn. Stat. § 115.061 and 40 CFR Parts 110 and 116. This requirement applies to discharges to the storm sewer system within the Permittee's jurisdiction including physical connections and discharges through catch basins and similar points of access to the MS4. The Permittee shall also select and implement a program of appropriate BMPs and

measurable Minimum Control Measure-specific goals for this Minimum Control Measure. At a minimum, the Permittee shall:

- a. develop within three years of the effective date of this permit, if not already completed, an electronic inventory and map of the storm sewer system showing the location of:
 - 1) ponds, streams, lakes and wetlands that are part of the system;
 - 2) structural pollution control devices (e.g., grit chambers, separators, etc.) that are part of the system. The inventory shall include:
 - i. the size of the area tributary to it,
 - ii. the land use types and distributions,
 - iii. the design capacity of the structure where available, estimated capacity if design capacity is unavailable, or size of the structure, and
 - iv. catch basins with sumps.
Catch basins and other storm drain inlets without sumps do not have to be identified in the inventory;
 - 3) all pipes (catch basin lead pipes shall be added as opportunities arise), ditches and swales in the Permittee's system;
 - 4) Permittee-owned facilities and associated structural pollution control devices
 - 5) outfalls, including discharges from the system to other municipal separate storm sewer system or waters and wetlands that are not part of the system (where the Permittee does not have operational control); structures that primarily discharge stormwater into groundwater and all other points of discharge from the system that are outlets, not diffuse flow areas. The inventory shall also include:
 - i. outfall identification number,
 - ii. size of outfall pipe,
 - iii. size of the drainage area,
 - iv. land use types in drainage area and their distribution,
 - v. percent of area that is impervious surfaces, and
 - vi. the number and type of structural pollution control devices in the drainage area; and
 - 6) inflows from other municipal separate storm sewer system.
- b. effectively prohibit, through ordinance or other regulatory mechanism and appropriate enforcement procedures, the introduction of non-stormwater discharges into the storm sewer system.
- c. develop and, as necessary continue to develop, and implement:
 - 1) processes to:
 - i. receive, track and investigate complaints of illicit discharges including responsiveness goals for responding to, and elimination of, illicit discharges;
 - ii. identify the source of the illicit discharges;
 - iii. enforce violations of prohibitions on illicit discharges; and
 - iv. report activities to identify, track, investigate and eliminate illicit discharges in the Annual Report required under V.E.
 - 2) processes to educate the public, municipal employees, business and industry regarding illicit discharges and improper disposal of waste, including:

- i. identification of illicit discharges to catch basins, ditches, swales and structural pollution control devices,
 - ii. identification of illicit connections,
 - iii. associated hazards,
 - iv. reporting,
 - v. prevention,
 - vi. containment, and
 - vii. response to spills that may discharge into the municipal separate storm sewer;
- 3) procedures to promote, publicize, and facilitate public reporting of illicit discharges or water quality impacts associated with discharges into or from MS4s through a central contact point, including phone numbers for complaints and spill reporting, and publicize to both internal permittee staff and the public.
 - 4) procedures to implement both temporary and permanent structural pollution control devices to ensure against ongoing prohibited discharges for circumstances where potential discharges are likely to remain (e.g., power washing, cement cutting and lawn maintenance),
 - 5) procedures to limit infiltration of seepage from municipal sanitary sewers to municipal separate storm sewer system;
- d. shall develop, and as necessary continue to develop, and implement a dry weather field screening program to detect and eliminate non-stormwater discharges, including illegal dumping, to the system. The Permittee shall inspect each outfall at least once over the five-year term of this permit for evidence of illicit discharges. The program shall be a continuous operation without significant time lapses between inspections. The program shall include:
- 1) a description of procedures to be followed to prioritize and investigate portions of the municipal separate storm sewer system that indicate a reasonable potential for containing illicit discharges or other sources of non-stormwater. The Permittee shall prioritize investigations based on the results of the field screen, the presence of potential sources of non-stormwater discharges in the geographic area drained by that portion of the municipal separate storm sewer system, history, land use, sanitary sewer system, proximity to sensitive waters and other appropriate information;
 - 2) areas or locations to be evaluated;
 - 3) a schedule for the field screening activities;
 - 4) pollutants of interest;
 - 5) evaluation procedures including non-sampling evaluation (e.g. visual observations, odors, etc.)
 - 6) sampling procedures;
 - 7) record keeping; and
 - 8) notification of the Department of Public Safety Duty Officer as required in Minn. Stat. sect. 115.061.

The program may be implemented in conjunction with the control structure inspection program required by Part V.C.6.b.4 of this permit as well as during routine maintenance activities performed in areas included in the Permittee's jurisdiction. Reports of illicit discharges shall be investigated.

- e. maintain an education program for its staff regarding the duty to notify the Department of Public Safety Duty Officer as required in this permit and the notification protocol for maintenance staff of other departments' staff for response and containment of materials;
- f. implement the following measures for hazardous waste and other industrial facilities:
 - 1) maintain and continue to develop an inventory of industrial, commercial, or institutional facilities that discharge any flow other than stormwater to the municipal separate storm sewer system. The inventory shall include the name, location, discharge location to the municipal separate storm sewer system, the receiving water, discharge description, and any permits issued for the discharge. The MPCA will provide a list of permitted facilities to the city upon request.
 - 2) a program that identifies industrial facilities that the Permittee determines are contributing a substantial pollutant loading to the municipal storm sewer system including:
 - i. Stormwater hotspots, to the extent possible, using industrial/commercial stormwater risk factors and input from Hennepin County Environmental Services and Minneapolis Inspections Departments to identify these stormwater hotspots and establish priorities;
 - ii. 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.
 - 3) a program that describes procedures for addressing industrial facilities that the Permittee determines are contributing a substantial pollutant loading to the municipal storm sewer system including: inspecting the facilities, monitoring the facilities' illicit discharges and implementing control measures for such illicit discharges associated with the stormwater hotspots and priority industrial facilities identified in part V.C.3.f.2 to be implemented during the term of the permit, including the submission of quantitative data on the following constituents: any pollutants limited in effluent guidelines subcategories, where applicable; any pollutant listed in an existing NPDES permit for a facility; oil and grease, COD, pH, BOD₅, TSS, total phosphorus, total Kjeldahl nitrogen, nitrate plus nitrite nitrogen, and any information on discharges required under 40 CFR 122.21(g)(7) (iii) and (iv).
- g. the following non-storm water discharges or flows shall be addressed where such discharges are identified by the Permittee as a significant contributor of pollutants
 - 1) water line flushing;
 - 2) landscape irrigation;
 - 3) diverted stream flows;
 - 4) rising ground waters;
 - 5) uncontaminated ground water infiltration (as defined at 40 CFR § 35.2005(b)(20));
 - 6) uncontaminated pumped ground water;
 - 7) discharges from potable water sources;
 - 8) foundation drains;
 - 9) air conditioning condensation;
 - 10) irrigation water;

- 11) springs;
- 12) water from crawl space pumps;
- 13) footing drains;
- 14) lawn watering;
- 15) individual residential car washing;
- 16) flows from riparian habitats and wetlands;
- 17) dechlorinated swimming pool discharges;
- 18) street wash water discharges; and
- 19) flows from fire fighting activities.

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

4. Construction site stormwater runoff control. The Permittee shall develop, and as necessary continue to develop, implement, and enforce a program to reduce pollutants in stormwater runoff to the municipal separate storm sewer system from construction activities (public and private) within the Permittee's jurisdiction that result in a land disturbance of greater than or equal to one acre. Controls on stormwater discharges from construction activity disturbing less than one acre shall be included in the program, if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more. The Permittee shall select and implement a program of appropriate BMPs and measurable Minimum Control Measure-specific goals for this Minimum Control Measure. At a minimum, the Permittee shall establish and maintain:
 - a. an ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under law. The ordinance or other regulatory mechanism shall require the owners or operators of all construction activity to implement and maintain BMPs that, at a minimum, provide a level of erosion and sediment control equivalent to that required by Minnesota's NPDES General Stormwater Permit for Construction Activity;
 - b. requirements for construction site operators to implement appropriate erosion and sediment control BMPs including installation, inspection and maintenance of the BMPs;
 - c. requirements for construction site operators to control (i.e., properly dispose of, reuse or recycle) wastes at the construction site, such as discarded building materials, concrete truck washout, construction-site chemicals, litter, and sanitary waste, that may cause adverse impacts to water quality;
 - d. requirements for stabilization of stockpiles and disturbed areas including requirements for timeliness and duration of stabilization controls;
 - e. requirements for site dewatering including a prohibition on discharge of water unless appropriately treated;

- f. standardized written procedures for evaluating the adequacy of erosion and sediment control in site plan review and site inspections by the Permittee including:
 - 1) consideration of potential water quality impacts;
 - 2) a determination of the need for a Construction Stormwater Permit from the MPCA and, if a Construction Stormwater Permit from the MPCA is required, verification that the permit is obtained;
 - 3) documentation of plan review and decisions;
 - 4) the scope of the inspections;
 - 5) frequency of the inspections;
 - 6) standardized inspection checklist;
 - 7) documentation of inspections;
 - 8) site-specific checklist or other procedures to ensure construction activity proceeds in accordance with approved plans;
 - 9) follow-up and enforcement procedures;
 - 10) identifying priorities for inspections taking into consideration: the nature of the construction activity, topography, soils characteristics, and the water quality of any receiving water(s); and
 - 11) a database of construction sites to track site plan review, construction progress and erosion and sediment control compliance.

- g. procedures to promote, publicize and facilitate public reporting of construction-related erosion and sedimentation issues through mechanisms such as the website, phone and email and for receipt and consideration of complaints, reports of noncompliance or other information on construction-related issues submitted by the public.

- h. adequate training for all staff whose job duties are related to implementing the construction stormwater program, including permitting, plan review, construction site inspections, and enforcement. The training may be conducted by the permittee or a qualified third party. The training shall address the job-specific duties of staff and include, at a minimum:
 - 1) for Erosion and Sediment Control/Stormwater Inspectors, proper control measure selection, installation, implementation, and maintenance, as well as administrative requirements such as inspection reporting/tracking and use of the permittee's enforcement responses; and
 - 2) for other Construction Inspectors on general stormwater issues, basic control measure implementation information, and procedures for notifying the appropriate personnel of noncompliance.
 - 3) for Plan Reviewers regarding control measure selection, design standards, and review procedures.

- 5. Post-construction storm water management for public or private projects. The Permittee shall utilize a comprehensive planning process to develop, and as necessary continue to develop, implement, and enforce a program to address stormwater runoff from project areas within the jurisdiction that disturb greater than or equal to one acre, including projects that disturb less than one acre that are part of a larger common plan of development or sale that disturbs greater than or equal to one acre, that discharge into the municipal separate storm sewer system. The program shall include appropriate local

controls that would prevent or reduce water quality impacts. The Permittee shall also select and implement a program of appropriate BMPs and measurable Minimum Control Measure-specific goals for this Minimum Control Measure. At a minimum, the Permittee shall:

- a. develop and submit to the Commissioner for approval within 36 months of permit issuance a plan to reduce stormwater runoff volume associated with post-construction storm water management. The Permittee shall implement the plan upon approval. The plan may include strategies which incorporate the principals of low impact design, better site design or similar design standards in addition to a combination of other BMPs appropriate for the community. The plan shall include a framework for determination of the feasibility of on-site stormwater volume reduction based on site characteristics and BMP design features including but not limited to:
 - 1) efforts to minimize and disconnect impervious cover;
 - 2) managing stormwater quantity and quality as close to the source as possible;
 - 3) site soils;
 - 4) depth of ground water table;
 - 5) sources of pollution;
 - 6) available space for BMPs;
 - 7) depth of bedrock;
 - 8) karst features;
 - 9) site soil contamination; and
 - 10) installation, operation and maintenance costs;For projects where it is determined that adequate stormwater volume reductions cannot be achieved on-site, a stormwater volume reduction crediting system must be developed to achieve the required reductions at another site outside of the project area and within the Permittee's jurisdiction. When possible, offsite stormwater volume reductions shall be achieved in the same drainage area or sub-watershed as the project site.
- b. include a process for the review of impacts to the design capacity of existing structural pollution control devices when proposals increase the drainage area, loading and/or stormwater volume to the BMPs compared to the original design capacity;
- c. develop, implement and enforce an ordinance, performance standard or other regulatory mechanism, including sanctions, to reduce post-construction runoff and pollutant loading from project areas;
- d. implement procedures for maintenance, inspection, record keeping and reporting sufficient to ensure proper and adequate long-term operation and maintenance of all BMPs owned by the Permittee. The Permittee shall also develop, implement and enforce an ordinance or other mechanism, such as agreements with the owners of privately owned BMPs that were installed as a result of the Permittee's requirements, for maintenance, inspection, record keeping and reporting. The Permittee shall maintain a list of privately owned BMPs for which the Permittee established such agreements;

- e. establish BMP design requirements for new storm sewer projects and existing storm sewer addition or modification projects, consistent with reliable and efficient conveyance of stormwater, for:
 - 1) reduction of runoff volume;
 - 2) reduction of water quality impacts on the receiving water(s); and
 - 3) retrofitting existing devices to provide additional pollutant removal from stormwater discharges.Designs may include either inlet or outlet control measures, or other BMPs; and

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

- 6. Pollution prevention and good housekeeping at municipal operations. The Permittee shall select and implement a program of appropriate BMPs and measurable Minimum Control Measure-specific goals for this Minimum Control Measure. At a minimum, the Permittee shall:
 - a. develop, and as necessary continue to develop, and implement an operation and maintenance program that includes a training component and has the ultimate goal of preventing or reducing pollutant runoff from municipal operations. The program shall include written standard operating procedures for preventing pollution in municipal operations (e.g. street sweeper operation, procedures for lawn maintenance, fertilizer and pesticide usage, equipment cleaning, and vehicle maintenance). Training and training materials that are available from the United States Environmental Protection Agency (USEPA), MPCA, University of Minnesota, state and regional agencies, or other organizations may be used or modified as appropriate for the community. The program shall include employee training to prevent and reduce stormwater pollution from activities such as park and open space maintenance, public street maintenance and deicing, fleet and building maintenance, new construction and land disturbances, and stormwater system maintenance.

 - b. also:
 - 1) operate and maintain the municipal separate storm sewer system in a manner so as to reduce the discharge of pollutants to the MEP pursuant to Minn. R. 7001.0150, subp. 3(F). Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures required to insure compliance with the conditions of this permit. Provide training for staff critical to the operation and maintenance of structural pollution control devices.
 - 2) dewater and dispose of solids, floatables, dredgings, or other pollutants resulting from the control and/or treatment of stormwater, in such a manner so as to prevent any pollutant from such materials from entering waters of the state. The Permittee, in disposing of such materials, shall comply with all applicable statutes and rules.

- 3) assess at least annually all structural pollution control devices, such as trap manholes, grit chambers, sumps, floatable skimmers and traps, separators, and other small settling or filtering devices. All structural pollution control devices shall be assessed, where appropriate, using methods detailed in “Gulliver, J.S., A.J. Erickson, and P.T. Weiss (editors). 2010. *Stormwater Treatment: Assessment and Maintenance.*” University of Minnesota, St. Anthony Falls Laboratory. Minneapolis, MN. <http://stormwaterbook.safl.umn.edu/>;
- 4) inspect, at minimum, twenty percent of the municipal separate storm sewer system outfalls, sediment basins and ponds for structural and functional integrity each year on a rotating basis. If additional erosion protection is necessary, the protection project shall be completed during the same year as the inspection or a schedule for completion shall be submitted in the Annual Report. Results of outlet inspections shall be reported in the Annual Report and include the dates of inspection and the date of completion of any additional erosion protection projects.
- 5) inspect for discharges, or the potential for discharges, all exposed stockpile, storage, and material handling areas. Inspections shall be weekly when material is being actively handled, used or disturbed on a daily basis and at least monthly when material is not being actively handled, used or disturbed. Incorporate controls, such as perimeter controls, at stockpiles that are not covered, to prevent material from entering the municipal separate storm sewer system.
- 6) develop and as necessary continue to develop and implement a plan and schedule for preventative maintenance for the municipal separate storm sewer system’s components and structural control pollution control devices. In addition to preventative maintenance, the Permittee shall, based on the Permittee’s inspection, determine if repair, replacement, or maintenance measures are necessary for proper operation and to prevent environmental impacts such as erosion. The necessary measures shall be completed as soon as possible, usually during the same year as the inspection. When repair, replacement, or maintenance must be delayed, the Permittee shall prioritize the needed repair, replacement or maintenance and report in the Annual Report:
 - i. municipal separate storm sewer system’s components and structural pollution control devices subject to the repair, replacement or maintenance;
 - ii. reasons for delaying the needed repairs, replacement or maintenance; and
 - iii. the schedule for completion of the repair, replacement or maintenance.
- 7) keep records and report in the Annual Report the results of structural pollution control device inspections, assessments, maintenance, and repair activities including: date, antecedent weather conditions, sediment storage and capacity remaining, and any maintenance and/or repairs performed or recommended. Keep records of, and report in the Annual Report, the nature and quantity of removed substances and categorize the removed substances by structural pollution control devices and types of substances (e.g., leaves, sediment, etc.).
- 8) To the extent feasible, the Permittee shall work with the Metropolitan Mosquito Control District to identify BMP maintenance issues

- c. operate and maintain the Permittee's parking lots and the Permittee's streets, roads, and highways within its jurisdiction in a manner so as to reduce the discharge of pollutants to the MEP. The Permittee shall, at a minimum:
 - 1) develop, and as necessary continue to develop and implement a program and schedule to maintain and sweep public parking lots, streets, roads and highways under its jurisdiction including prioritizing areas based on land use, trash and stormwater pollutant levels generated;
 - 2) operate an effective program of street sweeping in which all streets are swept at least two times per year, once in the spring and once in the fall and higher priority areas swept more frequently;
 - 3) use methods to reduce the runoff of deicing materials, chemicals, and sand applied to roadways under its jurisdiction, consistent with traffic safety;
 - 4) store deicing materials, chemicals, and sand in such a manner as to prevent uncontrolled runoff and discharge of these materials; and
 - 5) record, and report in the Annual Report for the previous calendar year:
 - i. the quantity of material removed during street sweeping - seasonal sweepings to remove sand in the spring and leaves in the fall shall be itemized;
 - ii. the quantity of deicing materials, chemicals, and sand applied to roadways; and
 - iii. the location and description of all deicing materials storage facilities.
- d. develop, and as necessary continue to develop, implement, and enforce a program to identify and control significant sources of sediment within the jurisdiction.
- e. implement the following flood control measures:
 - 1) ensure that any flood control projects the Permittee undertakes are designed to minimize the impacts on the water quality of the receiving water. When repairs, improvements, or changes are planned for existing flood control devices, the Permittee shall also evaluate the feasibility of retrofitting the existing devices to provide additional pollutant removal from stormwater discharges; and
 - 2) provide a list of existing flood control detention facilities that are primarily intended for volume control. The Permittee shall also report in each Annual Report the number, type and schedule of flood control projects planned and describe the pollutant removal capabilities associated with each project.
- f. for constructed storm water ponds and wetlands or natural ponds used for the collection of stormwater as required by Chapter 172, Sec. 28 of the 2009 Session Laws:
 - 1) within 12 months of the issuance date of this permit, submit to the Commissioner the Stage 1 inventory information; and
 - 2) update the Permittee's Stormwater Management Program's maintenance BMPs to incorporate treating or cleaning up contaminated sediments in storm water ponds and wetlands or natural ponds used for the collection of stormwater in accordance with "Managing Dredged Materials In the State of Minnesota," Minnesota Pollution Control Agency, June 2009. The stormwater Management Program shall be update with the first Annual Report after submission of the Stage 1 inventory required under V.C.6.g.1.

7. Monitoring and analysis. A goal of the monitoring and analysis requirement is to quantify stormwater volumes and loads from the MS4 and assist in the assessment of effectiveness of the stormwater management program.
- a. The Permittee shall to the extent feasible, develop, and as necessary continue to develop, and implement a cooperative monitoring, analysis and reporting effort with partners including:
- 1) adjacent municipalities;
 - 2) Metropolitan Council Environmental Services;
 - 3) Mississippi Watershed Management Organization;
 - 4) Shingle Creek Watershed Management Commission;
 - 5) Bassett Creek Water Management Commission;
 - 6) Minnehaha Creek Watershed District;
 - 7) Hennepin County Environmental Services; and
 - 8) Metropolitan Mosquito Control District.
- The Permittee shall compile, maintain and share with partnering agencies a list of monitoring that is occurring within the Permittee's jurisdiction. The Permittee shall make reasonable efforts to standardized methods for monitoring protocols and load calculation methodologies among cooperating agencies. It is acknowledged that there may be different monitoring approaches and goals among partnering local groups. Substantial issues and differences between partnering efforts shall be noted in the Annual Report required under Part V.E. of this permit.
- b. The quality assurance project plan for lab and field methods and procedures shall comply with the following USEPA requirements and guidance or receive approval from the MPCA for variations from these protocols:
- 1) EPA Requirement for Quality Assurance Project Plans (EPA QA/R-5) (EPA/240/B-01/003); and
 - 2) EPA Guidance for Quality Assurance Project Plans EPA QA/G-5 (EPA/600/R98/018).
- The Permittee shall utilize Minnesota Department of Health-certified laboratory(s). The Permittee shall utilize standard assessment methods such as detailed in "Gulliver, J.S., A.J. Erickson, and P.T. Weiss (editors). 2010. *Stormwater Treatment: Assessment and Maintenance.*" University of Minnesota, St. Anthony Falls Laboratory. Minneapolis, MN. <http://stormwaterbook.saf1.umn.edu/>.
- c. The Permittee shall provide an analysis of the monitoring and sampling results as part of the Annual Report required under Part V.E. of this permit.
- 1) The purposes of the analysis include:
 - i characterizing pollutant event mean concentrations;
 - ii estimating total annual pollutant load to bodies of water;
 - iii estimating total annual volume to bodies of water;
 - iv estimate effectiveness of stormwater system management devices and practices; and
 - v calibrating and verifying stormwater models.
 - 2) The Permittee shall submit, as part of the Annual Report required under Part V.E of this permit, a brief narrative description of the Permittee's monitoring results including relevant Excel spreadsheet with data tabulations, statistics, summary

table(s) and graphics, by sampling site with receiving water location description including:

- i continuous flow data;
 - ii sample analytical data identified as storm composite or grab with corresponding flows and storm events periods;
 - iii 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 (greater than 0.10-inch rainfall) storm event;
 - iv loading calculations: estimated annual and seasonal loads (total phosphorus, chloride, total suspended solids, volatile suspended solids, inorganic suspended solids by difference (TSS – VSS = ISS), total Kjeldahl nitrogen, and nitrate + nitrite nitrogen for the continuous monitoring stations;
 - v summary information for each site including drainage area, and estimated annual total discharge volume, storm event discharge volume, runoff yield (inches/year), analyte flow weighted mean concentrations and analyte annual mean concentrations; and
 - vi map showing monitoring locations and receiving water bodies.
- d. The Permittee shall monitor water quality as described in Part V.C.7 of this permit at a minimum of ten sites. Monitoring of some sites may rotate for cost-effective resource use, however the Permittee shall make reasonable efforts to collect data from the same station in at least two consecutive years. The Permittee shall consider safety, backwatering effects and access in the choice and location of monitoring stations and monitoring activities. The monitored sites shall be chosen based on the following prioritization:
- 1) determining and improving effectiveness of the municipal separate storm sewer system and BMPs through adaptive management;
 - 2) monitoring the largest outfall(s) to the Mississippi River;
 - 3) monitoring of representative management areas to be defined by the Permittee; and
 - 4) determining upstream jurisdiction's contributions.
- e. The Permittee shall, for those sites described in Part V.C.7.d.2 and 3, choose 5 sites that:
- 1) employ data loggers to record continuous flows over the non-ice time period (approximately March through November);
 - 2) obtain flow-paced and grab samples for total phosphorus, chloride, total suspended solids, volatile suspended solids, inorganic suspended solids by difference (TSS – VSS = ISS), total Kjeldahl nitrogen, and nitrate + nitrite nitrogen for selected 0.10-inch or greater storm events, using reasonable efforts to:
 - i. monitor to characterize stormwater over a range of storm events and seasons; and
 - ii. monitor at least ten storm events annually.
 - 3) perform grab sampling during the typical ice period winter thaw (approximately December to March) on at least two occasions.

- f. For those sites described in Part V.C.7.e, the Permittee shall obtain, to the extent practicable (taking into consideration weather and safety), 15 samples per year over seasons and flows for loading calculation purposes monitor in accordance with the parameters established in Table 1. Instantaneous flows will be estimated at the time grab samples obtained.

Table 1
Monitoring Parameters

Parameter	Sample Type	Frequency	Notes
BOD, Carbonaceous 5-Day (20 Deg C)	Composite or Grab	Quarterly	
Chloride, Total	Composite or Grab	As noted for loading calculations (Part V.C.7.f)	
Copper, Total (as Cu)	Composite or Grab	Monthly	
E. coli	Grab	Quarterly	
Flow	Measurement		
Hardness, Carbonate (as CaCo3)	Composite or Grab	Monthly	
Lead, Total (as Pb)	Composite or Grab	Monthly	
Nitrite Plus Nitrate, Total (as N)	Composite	As noted for loading calculations (Part V.C.7.f)	
Nitrogen, Ammonia, Un-ionized (as N)	Composite	Quarterly	
Nitrogen, Kjeldahl, Total	Composite	As noted for loading calculations (Part V.C.7.f)	
pH	Composite or Grab	Quarterly	
Phosphorus, Total Dissolved or Ortho	Composite	Quarterly	
Phosphorus, Total (as P)	Composite	As noted for loading calculations (Part V.C.7.f)	
Precipitation	Measurement	1 x Day	1
Solids, Total Dissolved (TDS)	Composite	Quarterly	
Solids, Total Suspended (TSS)	Composite	As noted for loading calculations (Part V.C.7.f)	
Sulfate	Composite or Grab	2 x Year	
Volatile Suspended Solids (VSS)	Composite	As noted for loading calculations (Part V.C.7.f)	
Zinc, Total (as Zn)	Composite or Grab	Monthly	

Notes:

1 Existing precipitation monitoring location to be defined by the Permittee such as Minneapolis-St. Paul International Airport.

8. Section 303(d) listings. If the Permittee has one or more Wasteload Allocations (WLAs) in a USEPA-approved TMDL, the Permittee shall select and implement a program of appropriate BMPs and measurable Minimum Control Measure-specific goals including schedules to meet the timeframes for the WLAs. At a minimum, the Permittee shall:
- a. review the adequacy of the Stormwater Management Program to meet the TMDL’s WLA set for municipal stormwater. This review shall include:
 - 1) identification of the watershed(s) that discharge(s) to the impaired water body;
 - 2) identification of all outfalls and discharges to the impaired water body;
 - 3) calculation of the municipal separate storm sewer system’s loading(s) of pollutant(s) of impairment to the impaired water body;

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

By June 30 of each calendar year, the permittee shall complete a review and, if needed, the Stormwater Management Program shall be modified demonstrating progress made or planned for all US-EPA approved WLAs assigned to the permittee prior to June 30 of the previous calendar year.

- b. compare the estimate of the municipal separate storm sewer system's loadings from Part V.C.8.a of this permit to the Permittee's WLA for that impaired water body. The Permittee shall use method(s) for estimating the loading(s) that is (are) consistent with the method(s) used in the TMDL to estimate loads or methods approved by the Commissioner. The results of the comparison(s) shall be included in the Annual Report required in Part V.E of this permit.
- c. modify the Stormwater Management Program, as appropriate, to meet the WLA including the estimated timeframe to complete implementation of additional BMPs necessary to meet the WLA if the Permittee is not meeting and is not making reasonable progress toward meeting the WLA. The estimated timeframe for implementation of additional BMPs needed to meet the WLA shall include scheduled actions in future permit cycles, if all additional BMPs and/or control measures cannot feasibly be implemented in the current permit cycle.

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

1. The Commissioner may require the Permittee to modify the Stormwater Management Program as needed, and may consider the following factors:
 - a. Discharges from the storm sewer system are impacting the quality of receiving waters;
 - b. More stringent requirements are necessary to comply with new state or federal regulations; or
 - c. Additional conditions are deemed necessary to comply with requirements of the Clean Water Act or to protect or restore water quality.
2. Modifications required for the Stormwater Management Program by the Commissioner shall be requested in writing, setting forth schedules for compliance, and offering the Permittee the opportunity to propose alternative Stormwater Management Program modifications to meet the objectives of the requested modification.
3. The Permittee may modify the Stormwater Management Program in accordance with the following:
 - a. The Permittee's request to the Commissioner shall:

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

E. Annual Report

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

F. Coordination and Cooperation with other Entities

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

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

A. SWMP Assessment

The Permittee shall complete an annual assessment of its Stormwater Management Program based on results of information collected and analyzed during the reporting period, including monitoring, structural pollution control device assessments, inspection findings, and public input received. The purpose of the Stormwater Management Program assessment is to provide information for improving performance (including but not limited to reduced pollutant loading and runoff volumes) and to optimize associated planning and design, construction, operation, and maintenance of the municipal separate storm sewer system.

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

The annual assessment of the Stormwater Management Program shall include:

1. an overall evaluation of the nature and extent of the Permittee's cooperation with other city, county, state and local governmental and non-governmental entities in the overall stormwater management efforts in the drainage area, including the extent to which cooperative monitoring has occurred between agencies listed in Part V.C.7.a of this permit. The evaluation required under Part V.F. of this permit shall consist of successes, impediments realized, and how future efforts could be facilitated so as to reduce costs minimize expenses, improve cooperation, quality and avoid duplication.
2. a description of monitoring and analysis data, including supporting information with relevant Excel spreadsheet with table(s) and graphics, which includes: the date and duration of the storm events sampled, rainfall estimates of the storm event which

generated the sampled discharge, and the duration between the storm event sampled and the end of the previous measurable (greater than 0.10 inch rainfall) storm event (estimated build-up and wash-off events). The assessment shall also include estimates of annual and seasonal pollutant loads for parameters listed in Table 1, from the cumulative discharges to waters of the state from each identified municipal outfall along with a statement of annual estimated runoff volumes and associated flow-weighted mean concentration for each municipal outfall. The calculation shall be made for all of the pollutants listed in Table 1. This assessment shall also include descriptions of the calculation method(s) used, including identification of software, and calibration of any model employed. Electronic copies of modeling and spreadsheets shall be included in the Annual Report. An analysis of uncertainty associated with loading estimates for unmonitored portions of the municipal separate storm sewer system shall also be included.

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

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

For each of these creeks, the Permittee shall, based on available information, identify each discharge location, its drainage area within the Permittee's jurisdiction, land areas by use, and impervious cover. Identify if there are any upstream contributing areas that extend beyond the Permittee's municipal boundaries, based on available information.

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

3. An analysis of the Stormwater Management Program's effectiveness through implementation of the following:
 - a. the Permittee's program to inform and educate the public about the beneficial onsite reuse of leaves and grass clippings and proper use of lawn and garden fertilizers and pesticides, proper management of pet wastes and prevention of non-stormwater discharges into the storm sewer system, as required under Parts V.C.1.e and V.C.3.b;
 - b. the Permittee's leaf and grass clipping collection and management system;

- c. the Permittee's street sweeping, including an assessment of the effectiveness of conventional and high efficiency sweepers;
 - d. the Permittee's program for detection and elimination of illicit discharges to the storm sewer;
 - e. the Permittee's program of operation and maintenance of structural pollution control devices;
 - f. the Permittee's identification of stormwater hotspots as required under Parts V.C.3.f.2.i and V.C.3.f.3; and
 - g. the Permittee's post-construction stormwater management including:
 - 1) results, efforts and barriers to reduce stormwater runoff volume; and
 - 2). results, efforts and barriers to runoff volume and rate reductions for street projects.
4. An analysis of the appropriateness and performance of the Permittee's stormwater management techniques and BMPs in reducing runoff volumes and pollutant loading to waters of the state. This should include consideration of weather variability including extreme events, extended dry periods, extended wet periods, and storm intensities that may affect stormwater system performance.
 5. An analysis of the overall effectiveness of the Stormwater Management Program in achieving the long-term goals.
 6. A fiscal analysis of the budget implementing the Stormwater Management Program that includes, but shall not be limited to, the expenditures for the previous fiscal year, the budget for the current fiscal year, the source of funds, and an estimated annual budget for the next five years. The analysis shall include the capital, operation, maintenance and staff resource costs of each item in the program.

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

B. Recordkeeping.

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

C. Public Availability

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

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

D. Annual Reporting

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

1. The status of the Permittee's compliance with conditions of this permit and the current Commissioner-approved Stormwater Management Program.
2. Minimum Control Measures.
 - a. General Reporting. The Annual Report shall include a discussion of the status of implementation of the Minimum Control Measures of the Stormwater Management Program. For each of the Minimum Control Measures, the discussion shall include, but not be limited to:
 - 1) a comparison of the Permittee's accomplishments in the preceding year to the long-term and Minimum Control Measure-specific goals set in the previous year's Annual Report;
 - 2) proposed long-term and Minimum Control Measure-specific goals for the following year;
 - 3) operation and maintenance activities;
 - 4) performance;
 - 5) effectiveness;
 - 6) inspections;
 - 7) enforcement activities;
 - 8) public education activities for each program; and
 - 9) change in identified BMPs or measurable Minimum Control Measure-specific goals.
 - b. Minimum Control Measure Specific Reporting. The Permittee shall report the annual results of performance measures established in the Stormwater Management Program for each Minimum Control Measure including, but not limited to, the following:
 - 1) public education and outreach on stormwater impacts:
 - i. copies of educational materials and/or links to websites with descriptions of the education activities, and the quantity of material distributed and the number of visits by the public to education websites;
 - ii. a summary of the outreach and education activities regarding Minimum Control Measure education required under Part V.C.1.b of this permit; and

- iii. if the Permittee relied upon other entities for some, or all, of its education program, a summary of education program activities conducted by those other entities.
- 2) public participation, public involvement:
 - i. a summary of the oral and written public input on the Stormwater Management Program required under Part V.C.1.f and V.C.2.c and the Permittee's response to it; and
 - ii. a formal resolution from the Permittee's governing body adopting the Annual Report and the Stormwater Management Program as required under Part V.C.2.e
 - 3) illicit discharge detection and elimination:
 - i. the status of the electronic storm sewer system inventory and map required under Part V.C.3.a of this permit if not completed. If completed, the date of the last update to the inventory and map;
 - ii. the number of spills and unauthorized discharges that occurred and the Permittee's response to the spills including the time from discovery to responding and the time to elimination of the illicit discharges;
 - iii. the number and description of illicit discharge screening activities conducted in the previous calendar year, results of those activities, and the Permittee's responses to identified illicit discharges; and
 - iv. update the inventory of hazardous waste and other industrial facilities with information required under Part V.C.3.f.1 of this permit;
 - 4) construction site stormwater runoff control:
 - i. the number of construction site plans reviewed and approved;
 - ii. the number of public complaints received and the responses to those complaints; and
 - iii. the number of site inspections completed and a summary of inspection findings.
 - 5) pollution prevention and good housekeeping for municipal operations:
 - i. as required under Part V.C.6.b.4 of this permit, the results of all outfall inspections including the dates of inspection and the date, or scheduled date, of completion of additional erosion protection;
 - ii. the reasons for delaying needed repairs or maintenance of municipal separate storm sewer system facilities including the identification of the facility or facility component and a schedule for completion as required under Part V.C.6.b.6 of this permit;
 - iii. as required under Part V.C.6.b.7 of this permit, the results of structural pollution control device inspections, assessments, maintenance, and repair activities including:
 - a) date;
 - b) antecedent weather conditions;
 - c) sediment storage capacity and percent capacity remaining;
 - d) maintenance and/or repairs performed or recommended including completion date; and
 - e) the quantity and categories (by structural pollution control devices, types of substances and, when possible, seasons) of removed substances;

- iv. as required in Part V.C.6.c.5 of this permit, the quantity of material removed by street sweeping. Seasonal sweepings for spring sand and fall leaves shall be itemized as part of the total quantity;
 - v. as required in Part V.C.6.c.5 of this permit, the quantity of deicing materials, chemicals, and sand applied to roadways under its jurisdiction. The location and description of all storage facilities shall be identified in the Annual Report; and
 - vi. the number, type, and schedule of flood control projects planned, in addition to a description of the pollutant removal capabilities associated with each project as required in Part V.C.6.e.2 of this permit;
- 6) monitoring and analysis:
- i. proposed Stormwater Management Program 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;
 - ii. the public and local watershed district or watershed management organization comments on the proposed Stormwater Management Program modifications to substitute sources of monitoring and analysis data, with a Record of Decision on the comments;
 - iii. any request by the Permittee for proposed substitution of alternative sources of monitoring and analysis data as established in Part V.C.7 of this permit; and
 - iv. any significant operational differences in monitoring and monitoring protocols as established in Part V.C.7.d of this permit; and
 - v. the results of the monitoring and sampling data analysis established in Parts V.C.7.c and f of this permit;
- 7) Section 303(d) listings:
- i. as required under Part V.C.8.c of this permit, the results of the comparison(s) of estimated pollutant loading(s) to each impaired water body in the Permittee's jurisdiction and the municipal separate storm sewer system's Waste Load Allocation (WLA) for that impaired water body; and
 - ii. changes to, or addition, of BMPs to the municipal separate storm sewer system to reduce loading of pollutants or impairment to impaired waters.
3. In addition to the compliance status and Minimum Control Measure reporting requirements, the Permittee shall include the following in the Annual Report:
- a. a discussion of modifications made to the Stormwater Management Programs in the previous calendar year and proposed modifications to the Stormwater Management Program in accordance with Part V.D.4 of this permit. The discussion shall include a description of why the modifications were/are needed. When feasible, this discussion shall include qualitative and/or quantitative data demonstrating the effectiveness of the program elements or identifying impacts on the receiving waters.
 - b. a discussion of proposed modifications to the Stormwater Management Program under Parts V.D.5 of this permit. The discussion shall include a description of why the modifications are needed. Subject to approval by the Commissioner, any modifications to meet the WLA or change monitoring sites may be requested.

- c. a report of the results of the annual assessment of the Stormwater Management Program required under Part VI.A of this permit.

E. Reporting and Other Submittals.

The Permittee shall submit to the Commissioner:

1. the Annual Report required under Part V.E of this permit, by June 30, for each year of the permit term;
2. the revised Stormwater Management Program required under Part II.C.1 of this permit including a revised stormwater monitoring and analysis program, within 180 days of permit issuance; and
3. the plan to reduce stormwater runoff volume required under Part V.C.5.a of this permit, within 36 months of permit issuance.
4. the Stage 1 Inventory information required under Part V.C.6.g.1 of this Permit within 12 months of permit issuance.

The plan and reports shall be submitted to:

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

PART VII. APPENDIX A: STANDARD CONDITIONS

- A. The Agency's issuance of a permit does not release the Permittee from any liability, penalty, or duty imposed by Minnesota or federal statutes or rules or local ordinances, except the obligation to obtain the permit.
- B. The Agency's issuance of a permit does not prevent the future adoption by the Agency of pollution control rules, standards, or orders more stringent than those now in existence and does not prevent the enforcement of these rules, standards, or orders against the Permittee.
- C. The permit does not convey a property right or an exclusive privilege.
- D. The Agency's issuance of a permit does not obligate the Agency to enforce local laws, rules, or plans beyond those authorized by Minnesota statutes.

- E. The Permittee shall perform the actions or conduct the activity authorized by the permit in accordance with the plans and specifications approved by the Agency and in compliance with the conditions of the permit.
- F. The Permittee shall at all times properly operate and maintain the facilities and systems of treatment and control and the appurtenances related to them which are installed or used by the Permittee to achieve compliance with the conditions of the permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. The Permittee shall install and maintain appropriate backup or auxiliary facilities if they are necessary to achieve compliance with the conditions of the permit and, for all permits other than hazardous waste facility permits, if these backup or auxiliary facilities are technically and economically feasible.
- G. The Permittee may not knowingly make a false or misleading statement, representation, or certification in a record, report, plan, or other document required to be submitted to the Agency or to the Commissioner by the permit. The Permittee shall immediately upon discovery report to the Commissioner an error or omission in these records, reports, plans, or other documents.
- H. The Permittee shall, when requested by the Commissioner, submit within a reasonable time the information and reports that are relevant to the control of pollution regarding the construction, modification, or operation of the facility covered by the permit or regarding the conduct of the activity covered by the permit.
- I. When authorized by Minn. Stat. §§ 115.04, 115B.17, subd. 4, and 116.091, and upon presentation of proper credentials, the Agency, or an authorized employee or agent of the Agency, shall be allowed by the Permittee to enter at reasonable times upon the property of the Permittee to examine and copy books, papers, records, or memoranda pertaining to the construction, modification, or operation of the facility covered by the permit or pertaining to the activity covered by the permit; and to conduct surveys and investigations, including sampling or monitoring, pertaining to the construction, modification, or operation of the facility covered by the permit or pertaining to the activity covered by the permit.
- J. If the Permittee discovers, through any means, including notification by the Agency, that noncompliance with a condition of the permit has occurred, the Permittee shall take all reasonable steps to minimize the adverse impacts on human health, public drinking water supplies, or the environment resulting from the noncompliance.
- K. If the Permittee discovers that noncompliance with a condition of the permit has occurred which could endanger human health, public drinking water supplies, or the environment, the Permittee shall, within 24 hours of the discovery of the noncompliance, orally notify the Commissioner. Within five days of the discovery of the noncompliance, the Permittee shall submit to the Commissioner a written description of the noncompliance; the cause of the noncompliance; the exact dates of the period of the noncompliance; if the noncompliance

has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

- L. The Permittee shall report noncompliance with the permit not reported under item K as a part of the next report which the Permittee is required to submit under this permit. If no reports are required within 30 days of the discovery of the noncompliance, the Permittee shall submit the information listed in item K within 30 days of the discovery of the noncompliance.
- M. The Permittee shall give advance notice to the Commissioner as soon as possible of planned physical alterations or additions to the permitted facility or activity that may result in noncompliance with a Minnesota or federal pollution control statute or rule or a condition of the permit.
- N. The permit is not transferable to any person without the express written approval of the Agency after compliance with the requirements of Minn. R. 7001.0190. A person to whom the permit has been transferred shall comply with the conditions of the permit.
- O. The permit authorizes the Permittee to perform the activities described in the permit under the conditions of the permit. In issuing the permit, the state and Agency assume no responsibility for damage to persons, property, or the environment caused by the activities of the Permittee in the conduct of its actions, including those activities authorized, directed, or undertaken under the permit. To the extent the state and Agency may be liable for the activities of its employees, that liability is explicitly limited to that provided in the Tort Claims Act, Minn. Stat. § 3.736.
- P. This permit incorporates by reference the applicable portions of 40 CFR §§ 122.41 and 122.42(c) and (d), and Minn. R. 7001.1090, which are enforceable parts of this permit.
- Q. The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby.

PART VIII. APPENDIX B: DEFINITIONS

- A. “Agency” or “Agency members” means the Commissioner and the eight persons appointed to the Minnesota Pollution Control Agency, pursuant to Minn. Stat. § 116.02, subd. 1.
- B. “Best Management Practices” or “BMP” means:
 - 1. schedules of activities;
 - 2. prohibitions of practices;
 - 3. maintenance procedures; and

4. other management practices to prevent or reduce the pollution of waters of the state.
BMPs also include:
 5. treatment requirements;
 6. operating procedures, and
 7. practices to control:
 - a. plant site runoff;
 - b. spillage or leaks,
 - c. sludge or waste disposal, or
 - d. drainage from raw material storage.
- C. “Commissioner” means the Commissioner of the Minnesota Pollution Control Agency or the Commissioner's designee.
- D. “Common plan of development or sale” means a contiguous area where multiple separate and distinct construction activities are planned to occur at different times on different schedules under one plan, e.g., a housing development of five one-quarter-acre lots (40 CFR § 122.26(b)(15)(i)).
- E. “Discharge” means “Discharge of a pollutant” as defined in Minn. R. 7001.1020, subp 12.
- F. “EPA” or “USEPA” means the U.S. Environmental Protection Agency.
- G. “Expanded discharge” means a discharge that changes in volume, quality, location, or any other manner after January 1, 1988 or the effective date an outstanding resource value water was designated as described in Minn. R. 7050.0460 and 7050.0470, such that an increased loading of one or more pollutants results. In determining whether an increased loading of one or more pollutants would result from the proposed change in the discharge, the Agency shall compare the loading that would result from the proposed discharge with the loading allowed by the Agency as of January 1, 1988, or the effective date of outstanding resource value water designation. This definition does not apply to the discharge of bioaccumulative chemicals of concern, as defined in Minn. R. 7052.0010, subp. 4, to outstanding resource value waters in the Lake Superior Basin. For purposes of Minn. R. 7050.0180, an expanded discharge of a bioaccumulative chemical of concern to an outstanding resource value water in the Lake Superior Basin is defined in Minn. R. 7052.0010, subp. 18.
- H. “Long-term goals” means those goals established in the Permittee’s Stormwater Management Program to be accomplished by the municipal separate storm sewer system. These goals may have various time frame and durations including durations greater than one NPDES permit cycle. For example, Long-term goals may include, but are not limited to, compliance with all TMDLs by January 1, 2025, fifty percent reduction of the annual frequency of street

flooding by January 1, 2015; and/or reduction of impervious cover by two percent within two years of the effective date of the Stormwater Management Program.

- I. “Maximum Extent Practicable” or “MEP” is the statutory standard (33 U.S.C. § 1342(p)(3)(B)(iii)) that establishes the level of pollutant reductions that an Owner or Operator of regulated municipal separate storm sewer system must achieve. The USEPA has intentionally not provided a precise definition of MEP to allow maximum flexibility in municipal separate storm sewer system permitting. The pollutant reductions that represent MEP may be different for each municipal separate storm sewer system, given the unique local hydrologic and geologic concerns that may exist and the differing possible pollutant control strategies. Therefore, the Permittee will determine appropriate BMPs to satisfy each of the Minimum Control Measures through an evaluative process. The USEPA envisions application of the MEP standard as an iterative process.
- J. “MPCA” means the Minnesota Pollution Control Agency.
- K. “MS4” means a municipal separate storm sewer system.
- L. “Municipal separate storm sewer system” means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that is:
 - 1. owned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management Agency under section 208 of the CWA ((33 U.S.C. § 1288) that discharges to waters of the United States;
 - 2. designed or used for collecting or conveying stormwater;
 - 3. not a combined sewer; and
 - 4. not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR § 122.2.
- M. “New discharge” means, for all waters that are not outstanding resource value waters, a discharge that was not in existence before January 1, 1988. For outstanding resource value waters new discharge means a discharge that was not in existence on the effective date the outstanding resource value water was designated as described in Minn. R. 7050.0460 and 7050.0470.
- N. “Newspaper” means a publication containing news of general interest (in the vicinity of the municipal separate storm sewer system). Newspaper can include other publications if the distribution includes the general population of potentially interested parties.

- O. “Other regulatory mechanism” means any legally enforceable document, such as a contract or other agreement that has penalties such as withholding payments, fines, or other measures to prevent noncompliance.
- P. “Operator” means the person with primary operational control and legal responsibility for the municipal separate storm sewer system.
- Q. “Outfall” means the point where a municipal separate storm sewer system discharges from a pipe, ditch, or other discrete conveyance to waters of the state, or other municipal separate storm sewer system. It does not include diffuse runoff or conveyances which connect segments of the same stream or other water systems.
- R. “Owner” means the person that owns the municipal separate storm sewer system.
- S. “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.
- T. “Physical alteration” means the dredging, filling, draining, or permanent inundating of a wetland. Restoring a degraded wetland by reestablishing its hydrology is not a physical alteration.
- U. “Reduce” means reduce to the “Maximum Extent Practicable” unless otherwise defined in the context in which it is used.
- V. “Stormwater” means stormwater runoff, snowmelt runoff, surface runoff, and drainage.
- W. “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.
- X. “Structural Pollution Control Device” for purposes of this permit means any stationary, permanent, facility or apparatus that is intended to manage and/or treat stormwater runoff.
- Y. “Total Maximum Daily Load” or “TMDL” is the process established by the USEPA for the allocation of pollutant loads, including stormwater, to a particular water body or reach of a water body.
- Z. “Waters of the state” means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.
- AA. “Wetlands” are those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

Wetlands generally include swamps, marshes, bogs, and similar areas. Constructed wetlands designed for wastewater treatment are not waters of the state. Wetlands shall have the following attributes:

1. a predominance of hydric soils;
2. inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in a saturated soil condition; and
3. under normal circumstances, support a prevalence of such vegetation.

PART IX. APPENDIX C: LIMITATIONS ON COVERAGE

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

Contents of Appendix C:

- A. Discharges to Wetlands (Minn. R. 7050.0130(F)).
 - B. Discharges Requiring Environmental Review.
 - C. Discharges Affecting Threatened or Endangered Species or their habitat.
 - D. Discharges Affecting Historic or Archeological sites.
 - E. Discharges Affecting Source Water Protection Areas.
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- A. Discharges to Wetlands (*Minn. R. 7050.0130(F); also Minn. R. 7050.0186*). This permit does not authorize physical alterations to wetlands, or other discharge adversely affecting wetlands, if the alteration will have a significant adverse impact to the designated uses of a wetland. Any physical alterations to wetlands that will cause a potential for a significant adverse impact to a designated use must be implemented in accordance with the avoidance, minimization and mitigation requirements of Minn. R. 7050.0186 and other applicable rules.
 - B. Discharges Requiring Environmental Review (*Minn. Stat. ch. 116D, and 42 U.S.C. §§ 4321 – 4370(f)*). This permit does not replace or satisfy any environmental review requirements, including those under the Minnesota Environmental Policy Act (Minn. Stat. ch. 116D), the National Environmental Policy Act (42 U.S.C. §§ 4321 – 4370(f)), and rules implementing those laws. Any environmental review required by law, including preparation of environmental review documents such as environmental assessment worksheets, environmental impact statements, or environmental assessments, must be completed in accordance with those requirements.

- C. Discharges Affecting Threatened or Endangered Species. This permit does not replace or satisfy any review requirements for Threatened or Endangered Species, from discharges whose direct, indirect, interrelated, interconnected, or independent impacts would jeopardize a listed Threatened or Endangered Species or adversely modify a designated critical habitat. For any project resulting in a discharge having the potential to adversely impact Threatened or Endangered species, or their critical habitat, The Permittee shall conduct the required review and coordination with appropriate agencies in accordance with those requirements.
- D. Discharges Affecting Historic or Archeological Sites. This permit does not replace or satisfy any review requirements for Historic or Archeological Sites from discharges which affect properties listed or eligible for listing in the National Register of Historic Places or affecting known or discovered archeological sites. For any project resulting in a discharge having the potential to adversely impact Historic or Archeological Sites, including significant anthropological sites and any burial sites, the Permittee must conduct the required review and coordination with the Minnesota State Historic Preservation Officer or other appropriate federal, state and local agencies in accordance with those requirements.
- E. Discharges Affecting Source Water Protection Areas (*Minn. R. 4720.5100 – 4720.5590*). The Permittee shall incorporate BMPs into the Permittee’s Stormwater Management Program to protect any of the following drinking water sources that the municipal separate storm sewer system discharge may affect, and the Permittee shall include the map of these sources with the Stormwater Management Program if they have been mapped:
1. wells and source waters for drinking water supply management areas identified as vulnerable under Minn. R. 4720.5205, 4720.5210, and 4720.5330; and
 2. source water protection areas for surface intakes identified in the source water assessments conducted by or for the Minnesota Department of Health under the federal Safe Drinking Water Act (42 U.S.C. § 300j-13).