

Notes for MS4 Stakeholder Meeting 2/4/04

Status of Program to Date

- Brief discussion of the status of the current MS4 program and MPCAs capacity to handle additional permittees.
- New nondegradation requirements in revised permit will increase time needed for review of application and SWPPPs.
- Estimated 20-40 additional permittees is MPCA capacity.

Designation Criteria

Population Density 1000/sq mile

- Mistake on Hibbing land area? No
- Approximately 10 cities on list of 30 possible discretionary MS4s do not meet both population and density criteria.
- Density a limiting factor not additional.
- Data on just a subset like with in a UA, annex a lot of land and get out of requirement?
- EPA requirement to apply criteria to MS4s population 10,000 or 1,000 density? Both (see 40 CFR 123.35(b)(2))

Growth rate

- Difficult to select a growth rate that is applicable statewide and reasonable; mergers, acquisitions, and differences in rate over 10 years. Difficulty in trying to find a simple rule for complex issue, group agrees.
- Growth rate data available for counties, but not city.
- Can demographer do? What municipalities, at what scale, cost, and timeframe?

Impervious surface

- Satellite imagery available, from which data can be derived, could be extrapolated out to future.
- Concerns about timeframe for availability of data, 3 months to 1.5 years? U of M ready and if state system for contracting easy then quick, or could take longer, 1.5 years is worst case and includes contract time. Use master contract? No, sole source for U of M, or need to do RFP.
- Wait on impervious data for rule on designation? Use several criteria, not just growth or impervious surface.

Special Waters

- List of possible discretionary MS4s near impaired or special waters, all except Albert Lea. Why not Albert Lea? List based on type of impairment.

- Not considering those water bodies impaired before even getting to the city. Fairness issue for upstream cities. MS4s have higher reduction levels due to being permitted. Petition process in future?
- Addresses fairness issue, should use list of cities near impaired ...
- Discretion needs to happen during TMDL, when being done with load allocation. TMDL impaired water reaches, ORVWs are different.
- Special waters designation should not be criteria? No – a separate consideration, not a sub-list of population.

Criteria Discussion

- Add all lists together, get 69 and more than PCA can handle.
- Capacity argument vs. who SHOULD be in is a concern. Can't base program on budget, number of permits.
- Need to draw the line somewhere. What is EPA minimum?
- Raise the bar until hit the point where staff can review. Protect resource then adjust FTE. Legislative funding? Yes, includes monitoring, education, partnering.
- Don't wait on the rule, write rule and when get data apply.
- Annexation trends in state? Yes, growing trend, growth areas. Large scale annexation of rural areas are for planning purposes. Need to get stormwater in those plans.
- Suggested criteria over 10,000, do not base on density, do not include projected? Can change later if density requirement needed? Current rule draft. Option of later for impaired waters if we think we need to add a city in later after rule written? Cities or include counties? If 10,000 only designation criteria, what about ORVWs?
- Percent impervious surface not a good argument for criteria, arbitrary, how would it work?
- Blue book says X% impervious cover causes damage – see Schueler study.
- Schueler study applies % impervious on a watershed level. Watersheds have yet to be permitted. Apply % over what land area?
- Cities, in excess of 5000, and impervious above 'y' then permitted. Need to be careful if annexation but never build for 'y' impervious. 10000 OR impervious? With annexation reach 10000, and small but dense, impervious captures, vacation towns caught too. Capture vacation areas with the 'OR' population/impervious. 10000 OR 1000 density OR impervious, no ands. No, 10000 are separate and automatic.

Suggested designation criteria written on board:

10K pop (automatic); 5K pop and 1000 pop density or % imperv.

A recommendation was made for drafting rule language based on these suggested criteria - MPCA will follow-up. Janette offered to draft language for ORVWs.

Partial MS4 Discussion

- Mandatory MS4s with portion of municipality located outside UA - MPCA has asked those cities to include entire MS4 in SWPPP.
- How to address requirements for certain partial MS4s that are primarily rural or slow growth?
How to capture growth areas but not rural areas?
- Link to zoning, if zoned agricultural, then don't do anything, but if change in zoning then area is in.
- Link to land use and/or comprehensive plan.
- Handle requirements in permit not in rule? Yes, say what areas are in, not what's out, so permitted area changes over time. Maybe better in permit vs rule.

And, lastly for the record – Because we captured the comment “Mankato wants out” in the meeting notes for the 1/6/04 stakeholder meeting, it’s only fair that we capture the comment “Mankato wants in!” stated at today’s meeting!