

TMDL requirements in the MS4 and Construction Stormwater Permits

TMDL Language in the NPDES MS4 General Water Permit

Effective Date: June 1, 2006

Expiration Date: May 31, 2011

Part IV. D. – Section 303(d) listings and Total Maximum Daily Load (TMDL):

If your MS4 discharges to a Water of the State that appears on the current USEPA approved list of impaired waters under Section 303(d) of the Clean Water Act (33 U.S.C. § 303 (d)), You must review whether changes may be warranted in your Storm Water Pollution Prevention Program to Reduce the impact of your discharge. If a USEPA-approved TMDL(s) has been developed, You must review the adequacy of your Storm Water Pollution Prevention Program to meet the TMDL's Waste Load Allocation set for Storm Water sources. If the Storm Water Pollution Prevention Program is not meeting the applicable requirements, schedules and objectives of the TMDL, You must modify your Storm Water Pollution Prevention Program, as appropriate.

TMDL Language in the NPDES Construction Storm Water Permit

Issuance Date: August 1, 2003

Expiration Date: August 1, 2008

- **Part I.B.7 – limitations of coverage – this permit does not cover the following activities:**
 7. Discharges to waters for which there is a total maximum daily load (TMDL) allocation for sediment and parameters associated with sediment transport are not eligible for coverage under this permit unless the Permittee(s) develop and certify a SWPPP that is consistent with the assumptions, allocations and requirements in the approved TMDL. To be eligible for coverage under this general permit, Permittee(s) must incorporate into their SWPPP any conditions applicable to their discharges necessary for consistency with the assumptions, allocations and requirements of the TMDL within any timeframes established in the TMDL. The SWPPP must include the provisions in Part III.A.7. If a specific numeric wasteload allocation has been established that would apply to the project's discharges, the Permittee(s) must incorporate that allocation into its SWPPP and implement necessary steps to meet that allocation.

- **Part III.A.4.d – Part III.A is Storm Water Pollution Prevention Plan Requirements**
 4. The Permittee(s) must amend the SWPPP as necessary to include additional requirements, such as additional or modified BMPs, designed to correct problems identified or address situations whenever:
 - d. At any time after permit coverage is effective, the MPCA may determine that the project's storm water discharges may cause, have reasonable potential to cause, or contribute to non-

attainment of any applicable water quality standard, or that the SWPPP does not incorporate the requirements in Part III.A.7 related to an approved Total Maximum Daily Load (TMDL) implementation plan that contains construction storm water related requirements. If MPCA makes such determination(s) or any of the determinations in Parts III.A.4.a.-4.c., MPCA will notify the Permittees in writing. In response, the Permittees must develop a supplemental BMP action plan or appropriate SWPPP amendments describing SWPPP modifications to address the identified concerns and submit information requested by MPCA, which may include an individual permit application. If MPCA's written notification requires a response, failure to respond within the specified timeframe constitutes a permit violation.

- Part III.A.7
 7. If runoff from the site discharges to an impaired water which has an approved TMDL implementation plan containing requirements for construction storm water discharges, the Permittee must include the following in the SWPPP:
 - a. identify the receiving water and the areas of the site discharging to it; and
 - b. BMPs that are appropriate for the site and sufficient to comply with all applicable requirements of the TMDL implementation plan.