



**FACT SHEET
FOR THE NATIONAL POLLUTANT DISCHARGE
ELIMINATION SYSTEM/ STATE DISPOSAL SYSTEM
(NPDES/SDS)**

**General Permit for
Municipal Separate Storm Sewer Systems (MS4s)**

PERMIT NO. MNR040000

Regarding a draft NPDES/SDS General Permit, responding to a May 2003 Minnesota Court of Appeals ruling, to authorize discharge of storm water from regulated small municipal separate storm sewer systems (MS4s) into waters of the state of Minnesota. In response to the Court of Appeals ruling the general permit has been changed primarily to incorporate: 1) statewide public noticing of all Storm Water Pollution Prevention Programs; 2) nondegradation requirements for storm water management; and 3) federal language to “reduce” pollutants.

The permit may be downloaded from the MPCA web site at:
<http://www.pca.state.mn.us/water/stormwater/stormwater-ms4.html> or you may request that a copy be mailed to you by calling Teresa Blydenburgh at (651) 297-8363.

This fact sheet has been prepared according to Minn. R. 7001.0100, subp. 3. This fact sheet has been prepared in order to document the decisions that were made in the determination of the limitations and conditions of this permit.

Permittees:

Owners and operators of small MS4s within the state of Minnesota that discharge storm water into the waters of the state and are located within the boundaries of a Federal Bureau of Census-delineated “urbanized area” based on the latest decennial census. This “urbanized area” is partially defined as a land area comprising one or more places (“central place”) and the adjacent densely settled surrounding area (“urban fringe”) that together have a residential population of at least 1,000 people per square mile. Permittees include highway departments, universities, hospitals, and any other public operator of a storm sewer system that is located full or partially within an urbanized area. Permittees also include owners and operators of any small MS4 within the state of Minnesota that is designated for permit coverage in accordance with Minn. R. ch. 7090.

Facility Name:

Any small MS4 located in Minnesota that meets the eligibility requirements of this permit.

Receiving Water:

Waters of the State.

I. FACILITY DESCRIPTION:

Small MS4s, as defined in 40 CFR § 122.26(b)(16), serve a population of less than 100,000 based on the latest decennial census. There are three types of small MS4s.

Mandatory MS4s

Small MS4s within the state of Minnesota that discharge storm water into the waters of the state and are located within the boundaries of a Federal Bureau of Census-delineated “urbanized area” based on the latest decennial census. This “urbanized area” is partially defined as a land area comprising one or more places (“central places”) and the adjacent densely settled surrounding area (“urban fringe”) that together have a residential population of at least 50,000 and a density of at least 1,000 people per square mile. This definition will also include highway departments, universities, hospitals, and any other public operator of a storm sewer system that is located fully or partially within an urbanized area.

Designated MS4s

Small MS4s within the state of Minnesota that are designated for permit coverage in accordance with Minn. R. ch. 7090. The 7090 rules designated small MS4s located outside of the urbanized area; these include municipalities with a population of at least 10,000 or more, and municipalities with a population of at least 5,000 that discharge or have the potential to discharge to an outstanding resource value water, or a trout lake or trout stream, or a water listed as impaired. The 7090 rules also designated MS4s located partially within an urbanized area; permit coverage is now required for the portion of the MS4 located outside of the urbanized area.

Petition MS4s

The 7090 rules established criteria that can be applied to designate future MS4s under a designation and petition process identified in the rule. These parties would also be affected by the proposed permit; if they are designated they would be required to comply with the permit.

II. LOCATION OF PERMITTED FACILITY AND/OR ACTIVITY:

Any small MS4 located in Minnesota that meets the eligibility requirements of this permit, as stated above.

III. CRITERIA FOR ISSUING A GENERAL PERMIT:

General permits are regulated under 40 CFR 122.28 and Minn. R. 7001.0210. The following criteria must be applied in developing a general permit:

- **Same or substantially similar type of operation**

Regulated small MS4s use similar operational systems to collect, convey, and discharge storm water to waters of the State. Small municipal separate storm water operations throughout the State use a similar system of road ditches, street curbs and storm drains, catch basins, natural channels, and pipe drainage systems to catch and convey storm water.

- **Similar waste streams**

Small MS4s have similar potential waste streams, including sediment, petroleum products, metals, salts, pesticides, nutrients and litter.

- **Same effluent limitations**

The limitations established in the permit will be the same for all facilities that apply for and obtain coverage under this general permit.

- **Require same or similar monitoring**

The monitoring conditions established in the permit are the same for all facilities that apply for and obtain coverage under this general permit.

- **Discharges more appropriately regulated under a general permit**

This general permit was developed to cover storm water discharges from a large number of small MS4s within the state of Minnesota. This general permitting process requires the MPCA to public notice the permit once, which will expedite the permit issuance process and also maintain more consistent requirements between permittees across the state.

IV. QUANTITATIVE DESCRIPTION OF DISCHARGE:

The quantities of storm water discharges/pollutants are variable and dependent on the population, development practices, and industrial/residential entities within the small MS4. Fluctuating rainfall and snow levels will also significantly affect discharge quantities. The permit will address these differences by requiring compliance with the six minimum control measures that must be included in the permittees Storm Water Pollution Prevention Program, and other permit requirements, while allowing each permittee to choose a range of best management practices suited to the discharge quantities of their systems.

V. BASIS FOR DRAFT PERMIT CONDITIONS:

This general permit is based on requirements of the Federal Clean Water Act, as amended; 40 CFR 122, 123, and 124, as amended; Minn. Stat. ch. 115 and 116, as

amended; and Minn. R. ch. 7001 and Minn. R. ch 7090. This general permit is also based on the May 2003 Minnesota Court of Appeals ruling that required the MPCA to: 1) statewide public notice all Storm Water Pollution Prevention Programs; 2) address nondegradation requirements for storm water management; and 3) follow federal language to “reduce” pollutants.

VI. APPLICABILITY OF CHAPTER 116D:

The permit will be issued if the MPCA determines, after notice and opportunity for hearing, that the permittees will, with respect to the facility or activity to be permitted, comply or undertake a schedule of compliance to achieve compliance with all applicable state and federal pollution control statutes and rules administered by the MPCA and the conditions of the permit, and that all applicable requirements of Minn. Stat. ch. 115 and 116, 116D and the rules promulgated thereunder have been fulfilled.

VII. PRELIMINARY DETERMINATION:

The MPCA Commissioner has determined that the draft permit should be issued, subject to the requirements and general conditions contained therein, and that the permit meets the requirements of Minnesota Rules stated in V.

VIII. PROCEDURES FOR REACHING A FINAL DECISION ON THE DRAFT PERMIT:

Public Comment Period

A public comment period was established starting on February 28, 2005, and continuing through March 30, 2005. The MPCA extended the public comment period to April 15, 2005, to provide additional time for public comment and input on the draft permit. A copy of the public notice for the NPDES/SDS General Permit was published in the State Register February 28, 2005. A copy of the public notice was also posted on the MPCA Web site at: <http://www.pca.state.mn.us>.

Public Informational Meetings

The MPCA held two public informational meetings; in West St. Paul on March 7, 2005, and at the MPCA offices in Brainerd, Detroit Lakes, Duluth, Marshall, Rochester, St. Paul, and Willmar on March 8, 2005, utilizing video conferencing technology. The public notice contained notification of the public informational meetings on the draft permit.

Procedures for Requesting a Contested Case Hearing

Procedures for requesting a contested case hearing are specified in Minn. R. 7001.0130.

Nature of the Two Procedures

A public informational meeting is designed to clarify and resolve issues concerning the preliminary determination to issue a permit, or the terms of the draft permit. A contested case hearing is designed to determine whether a material issue of fact or of the application of facts to law related to the preliminary determination or the terms of the draft permit, in areas under the MPCA's jurisdiction, and having a reasonable basis underlying issues of fact or law, should change the preliminary determination of issuance, or the terms of the permit.

Other Procedures by Which the Public May Participate in the MPCA's Consideration of the Permit Application

The public may request, during the public comment period, that the draft permit be presented to the MPCA Citizens' Board for final decision. The public may participate in the activities of the MPCA Citizens' Board as provided in Minn. R. 7000.0650. The decision whether to issue the permit and, if so, under what terms, will be presented to the MPCA board for decision if: 1) the Commissioner grants the petition requesting the matter be presented to the Board; 2) a MPCA Board member requests to hear the matter prior to the time the Commissioner makes a final decision on the permit; or 3) a request for a contested case hearing is pending.

Name, Address, and Telephone Number of Contact Person for More Information

Louis Flynn
Municipal Division
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155-4194
(651) 296-6575
1-800-657-3864 (outside the metro area)