



Municipal Separate Storm Sewer System (MS4) General Permit Reissuance Process and Requirements

January 2012

The MS4 General Permit regulates the discharge of stormwater into lakes, rivers, streams, and wetlands in Minnesota.

Potential for Environmental Harm, Public Health and Economic Impacts

The goal of the MS4 General Permit is to protect and improve water quality in Minnesota's surface waters through the management and treatment of urban stormwater runoff. Urban stormwater runoff frequently contains litter, oil, chemicals, toxic metals, bacteria, sediment, and excess nutrients, such as nitrogen and phosphorous. Polluted stormwater contributes to swimming-beach closings, fish-eating advisories, excess algae growth, and poor water clarity in urban water resources, especially lakes. Poorly managed urban stormwater can contribute to neighborhood flooding, drastically alter the natural flow and infiltration of water, scour stream banks, and harm or eliminate aquatic organisms and ecosystems.

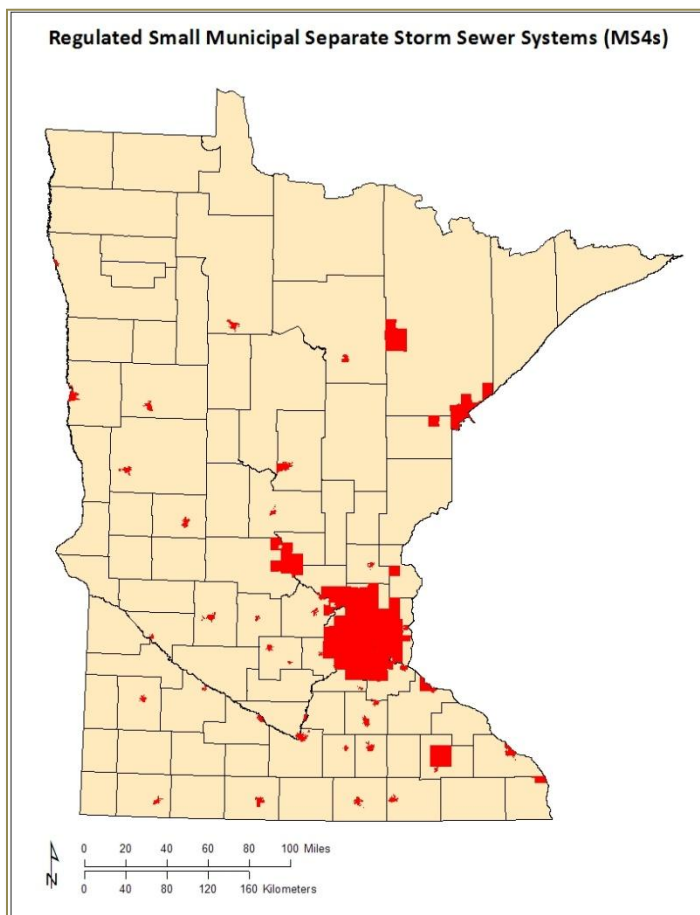
Federal Requirements

Under the Federal Clean Water Act, the Minnesota Pollution Control Agency (MPCA) is required to issue National Pollutant Discharge Elimination System (NPDES) permits to regulate stormwater discharges from conveyances such as MS4s and certain other stormwater systems (33 U.S.C. § 1342 (p)). MPCA was delegated by the Environmental Protection Agency (EPA) in 1974 to administer the NPDES program. The state stormwater permit rules are found in Minnesota Rules, Chapter 7090.

In general, MS4s are publicly owned or operated stormwater infrastructure, used solely for stormwater, and which are not part of a publicly owned wastewater treatment system. Examples of stormwater infrastructure include curbs, culverts, stormwater ponds, and storm sewer pipes.

The MS4 General Permit

- Regulates approximately 235 small MS4s in urbanized areas – these include counties, cities, townships, watershed districts, transportation departments, public universities and colleges, and correctional facilities. (Minneapolis/St. Paul MS4s are regulated under individual NPDES stormwater permits.)
- Is a best management practice (BMP) based permit.
- Requires a Stormwater Management Program (SWMP) – 40 Code of Federal Regulations (CFR) § 122.34(d)(i)
SWMP requirements include BMPs for the following six minimum control measures – 40 CFR § 122.34(b)
 - Public outreach/education
 - Public involvement/participation
 - Illicit discharge detection/elimination
 - Construction site runoff control
 - Post construction stormwater management
 - Pollution prevention/good housekeeping for municipal operations



Permit Development and Process

MPCA staff solicited and obtained stakeholder and work group input in drafting the permit. Staff also considered EPA guidance, existing state and federal regulations, and regional and national benchmarks. *NOTE: A federal stormwater rulemaking is underway; changes at that level are expected to influence the next permit cycle (2017) in Minnesota.*

MS4 General Permit reissuance process through 2011

- Initial stakeholder input: January 2010 – 2011
- MPCA drafts permit: May 2010 – April 2011
- Original public notice comment period on the draft permit: May 31 – July 15, 2011
- Public information meetings on draft permit: June 14 and 16, 2011
- Extended public notice comment period: August 8 – 29, 2011
- MPCA reviews all comments/hearing requests received; identifies main issues: August - November 2011
- Meeting with League of Minnesota Cities and Minnesota Cities Stormwater Coalition to hear the cities concerns and identified issues regarding the draft permit: August 17, 2011
- Large group meetings with MS4 permittees on potential revisions to the draft permit based on main issues identified in their comments: December 8 and 14, 2011
- Meeting with Minnesota Department of Transportation to hear their concerns and identify issues regarding the draft permit: December 19, 2011

Economic Concerns

MPCA received feedback from cities and other permittees stating that the costs to implement a stormwater management program are substantial. Addressing the issue of cost is a priority. The overarching strategy for reissuance of the MS4 General Permit is to balance sensitivity to the current economic climate with federal and state legal requirements and environmental and public health needs. The MPCA will continue to work with MS4 permittees to finalize the MS4 General Permit and find effective solutions that help reduce costs while meeting state and federal requirements established to ensure protection of the state's valuable water resources.

Specifically, staff are reviewing how permit requirements could be simplified and implementation timelines could be adjusted to help alleviate costs. For example, at the December 2011 stakeholder meetings, the MPCA proposed permit concepts to:

- 1) Eliminate certain mapping requirements
- 2) Narrow the scope of pond inventory requirements to better align with session law (2009 Minnesota Session Law, Ch. 172. Sec. 28)
- 3) Narrow the focus and clarify timeframes for the pond assessment procedure and schedule
- 4) Revise certain construction and post-construction requirements for added clarity and more flexibility
- 5) Narrow the scope of documentation requirements for partnerships (*Partnerships are optional.)

Stakeholder input on these proposed concepts will be reviewed and considered when drafting permit language.

Timeline and Next Steps

MPCA staff members are developing revised permit language. Interested parties will be invited to comment on the proposed revisions, including suggesting specific permit language, during a public notice period expected in spring 2012. Updates on permit process and progress will be communicated to MS4 permittees and other stormwater contacts via e-mail and through the Municipal Stormwater webpage available at <http://www.pca.state.mn.us/aj0ra7a>.

