Minnesota Pollution Control Agency

The TMDL Stakeholder Process for Permitted MS4 Stormwater

wq-strm7-83a

Stormwater Module 3b
Minnesota Pollution Control Agency

Training Goals

Understand

- why stakeholders should get involved early in the TMDL process;
- how to identify stakeholders early in the process; and
- what stakeholder involvement entails

Acronyms

- TMDL: total maximum daily load
- MS4: municipal separate storm sewer system
- WLA: wasteload allocation
- LA: load allocation
- NPDES: National Pollutant Discharge Elimination System
- SWPPP: stormwater pollution prevention plan (construction) or stormwater pollution prevention program (municipal)
- BMP: best management practice
- WMO: Watershed Management Organization
- SAC: Stakeholder Advisory Group
- TAC: Technical Advisory Group

Why Should MS4 Stakeholders Get Involved in the TMDL Process?

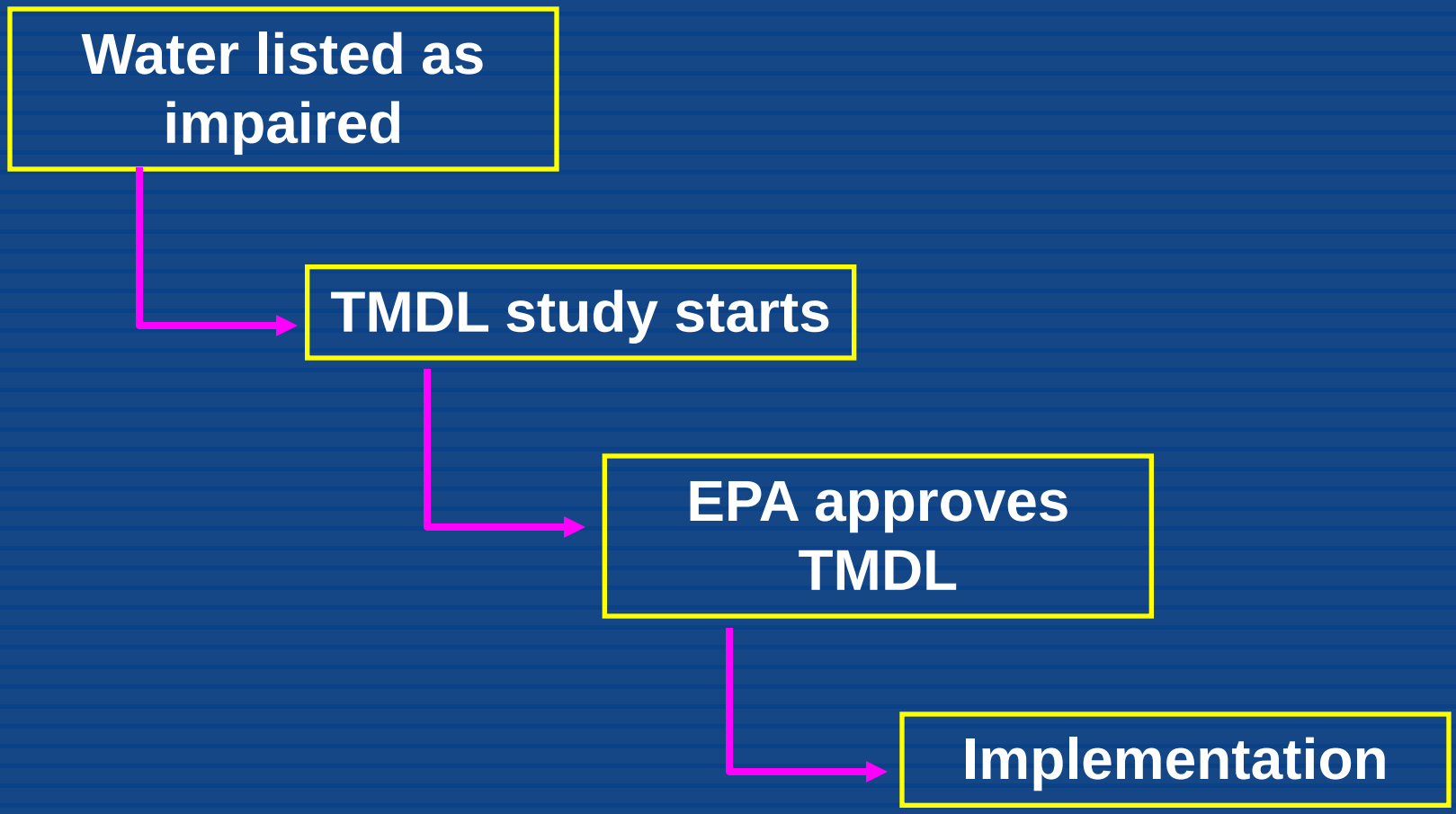
- To become informed about the TMDL process
- To contribute to the TMDL
- To contribute to the TMDL Implementation Plan

- **These three together result in meaningful TMDLs and Implementation Plans that guide the permit process**

How to Identify Stakeholders Early in the TMDL Process

- Who will lead and develop the TMDL?
- Which MS4s are in the watershed?
- Are the MS4s represented by consultants?
- Are there other state agencies involved in the development of the TMDL?
- Are there special interest groups active in the watershed?
- Private citizens

Stakeholder Involvement is Focused on a Four Step Process



Stage 1 – Water listed as impaired

- Goals
  - MS4s identify impaired waters to which they discharge
  - MS4s become informed about Impaired Water process
  - MS4s begin developing strategies

- Stakeholder and MPCA activities
  - MPCA sends notifies MS4s that a new Impaired Water list is completed
  - MPCA offers training and outreach on Impaired Water and TMDL process
  - MS4 completes Impaired Water Review Process

Stage 2: TMDL Study Starts

- Goals
  - Get MS4s involved in TMDL process
  - Develop appropriate WLAs
  - Develop meaningful Implementation Plans

- Stakeholder and MPCA activities
  - Notification process (MPCA letter to MS4s)
  - Develop communication strategy
  - Stakeholders involved, possibly lead TMDL
  - MPCA provides assistance as needed on technical and policy issues

Points in TMDL Process Where Communication Should Occur

- TMDL Work Plan submittal
- Model selection and development
- Setting the WLA
- Draft TMDL completed
- Submittal of TMDL to EPA
- Implementation Plan started

The Stakeholder Process Varies with Type of TMDL

- Small, urban watershed
- Small, mixed land use watershed with significant urban component
- Large mixed land use watershed with significant urban component
- Large watershed with minor urban component

Small, Urban Watershed

- SAC includes all MS4s
- TAC formed
- Focus on model specificity, BMP selection
- MPCA role is primarily support and ensuring linkage with the permit

- Examples
  - Shingle Creek Chloride TMDL
  - Kohlman Lakes: Excess Nutrients

Small Watershed, Mixed Land Use with Significant Urban

- SAC includes all MS4s
- TAC formed
- Focus on model specificity, broader BMP strategies than with all urban watershed
- Derive appropriate WLA
- Is future growth an issue?
- MPCA role is primarily support, ensuring linkage with the permit, support on policy issues

- Examples
  - Minnehaha Creek Watershed TMDLs
  - Lake Independence TMDL for Excess Nutrients

Large Watershed, Mixed Land Use, Significant Urban

- Significant means MS4 WLA will be more than 5% of TMDL
- Form independent MS4 SAC and TAC
- One or two members from MS4 SAC serve on TMDL SAC
- Focus on broad management strategies
- MPCA role is to help form MS4 SAC, help guide the SAC, provide assistance as needed

- Examples:
  - MN River Low DO TMDL
  - Probably Crow River TMDLs

Large Watershed, Mixed Land Use, Small Urban Contribution

- Small contribution means MS4 WLA will be less than 3% of TMDL
- Form independent MS4 SAC and TAC
- Focus on derivation of the WLA and broad management strategies
- MPCA role is to help form MS4 SAC, help guide the SAC, provide assistance as needed

- Examples
  - Lake Pepin TMDLs
  - MN River turbidity TMDL

Stage 3: EPA approves TMDL

- Goals
  - MS4 understands permit requirement
  - MS4 understands TMDL
  - Develop Implementation strategy

- Stakeholder and MPCA activities
  - MPCA sends notification letter
  - Individual meetings to discuss the TMDL and implications for the SWPPP
  - Stakeholders become involved in development of the TMDL Implementation Plan
  - MS4s update SWPPPs

Stage 4: Implementation

- Goal
  - MS4s implement BMPs using an adaptive management approach over multiple permit cycles
- Stakeholder and MPCA activities
  - MS4s may continue to meet as a group and discuss strategies and progress toward TMDL
  - MS4s may work together to implement BMPs
  - MPCA provides assistance as needed
  - MPCA reviews SWPPPs and Annual Reports to track progress toward meeting the TMDL

Example 1 – Shingle Creek Chloride TMDL

- Small urban watershed
- Watershed Commission (not permitted) led TMDL
- Ten permitted MS4s participated on the SAC
- SAC met four times during TMDL
- Implementation Plan developed by SAC concurrent with TMDL
- Implementation Plan includes broad management strategies, general timelines, and roles of each entity

- Possible Improvements
  - More specific BMPs and BMP information
  - TMDL could provide individual WLAs rather than the categorical WLA provided in the TMDL

Example 2: Lake Independence Excess Nutrient TMDL

- Small Watershed, Mixed Land Use with Urban
- Led by Three Rivers Park District (not permitted)
- Five permitted MS4s involved in TMDL
- Citizen groups active in TMDL process
- Two at-large meetings and additional meetings involving MS4s
- Implementation Plan developed concurrent with TMDL and included specific BMPs and costs

- Possible Improvement – Language in Implementation Plan could have better described how the implementation plan can be applied to the permit

Example 3: Kalamazoo River (Michigan) TMDL

- Large watershed, mixed land use with urban
- State led
- Diverse SAC including MS4s
- MS4 sub-group formed
- Implementation group formed that developed implementation strategies concurrent with TMDL
- Communication strategy developed by SAC

Example 4: Lake Pepin TMDLs

- Large Watershed with minor urban component
- SAC, Science Advisory Group, and Watershed groups formed
- SAC meets frequently to discuss broad issues
- Multiple communication strategies
- Heavy focus on model

- Possible Improvements:
  - Form a separate MS4 sub-group
  - Begin discussions of MS4 WLA earlier in process
  - Develop Implementation Plan concurrent with TMDL

Summary

- Four stage stakeholder process
- Separate goals and activities for each stage
- Encourage early involvement of MS4s
- Develop Implementation Plans concurrent with TMDL
- Stakeholder involvement varies with TMDL scope.
  - Issues include model approaches, BMP information, setting appropriate WLAs, policy issues
  - Type of stakeholder group(s) varies with TMDL