



Minnesota Pollution Control Agency

**GENERAL PERMIT
AUTHORIZATION TO DISCHARGE STORMWATER
ASSOCIATED WITH SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS
UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION
SYSTEM/STATE DISPOSAL SYSTEM (NPDES/SDS) PERMIT PROGRAM**

EFFECTIVE DATE:

EXPIRATION DATE:

In compliance with the provisions of the federal Clean Water Act, as amended, (33 U.S.C. 1251 et seq); 40 CFR Parts 122, 123, and 124, as amended; Minnesota Statutes Chapters 115 and 116, as amended; and Minnesota Rules Chapter 7001 and 7090.

This permit establishes conditions for discharging **stormwater** and specific other related discharges to **waters of the state of Minnesota (State)**. This permit is required for discharges that are from **small Municipal Separate Storm Sewer Systems (small MS4)**, as defined in this permit.

~~Upon approval by the Commissioner,~~ applicants who submit a complete application in accordance with the requirements of **Part II of this permit, and that receive written notification of permit coverage from the Commissioner,** are authorized to discharge **stormwater** from **small MS4s** under the terms and conditions of this permit.

This permit shall become effective on the date identified above, and supersedes the previous general permit MNR040000, with an expiration date of May 31, 2011.

Signature: _____ Date _____

~~John Stine~~**Paul Aasen**
Commissioner
Minnesota Pollution Control Agency

If you have questions on this permit, including the specific permit requirements, permit reporting or permit compliance status, please contact the appropriate **Minnesota Pollution Control Agency** offices.

**Municipal Stormwater Program
Municipal Division
Minnesota Pollution Control Agency
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St. Paul, MN 55155-4194
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PART I. AUTHORIZATION UNDER THIS PERMIT

A. Eligibility

To be eligible for authorization to discharge **stormwater** under this permit, the applicant must be an **owner** and/or **operator** (owner/operator) of a **small MS4** and meet one or more of the criteria requiring permit issuance as applicability criteria specified in Minn. R. 7090.1010.

1. Authorized Stormwater Discharges

This permit authorizes **stormwater** discharges from **small MS4s** as defined in 40 CFR § 122.26(b)(16).

2. Authorized Non-Stormwater Discharges

~~The following categories of non-stormwater discharges or flows are is permit authorized ds the following non-stormwater discharges under this permit to enter the permittee's a small MS4 only if the permittee does not identify them as provided the permittee of that small MS4 has conducted an assessment and found the discharges not to be significant contributors of pollutants (i.e., illicit discharges), in which case the discharges or flows shall be addressed in the permittee's SWPPP: to that small MS4:~~ water line flushing, landscape irrigation, diverted stream flows, rising groundwaters, uncontaminated groundwater infiltration (as defined at 40 CFR § 35.2005(b)(20)), uncontaminated pumped groundwater, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and **wetlands**, dechlorinated swimming pool discharges, street wash water, and discharges or flows from fire fighting activities.

B. Limitations on Authorization

The following discharges or activities are not authorized by this permit:

1. ~~Non-stormwater discharges, except those described authorized in Part I.A.2. Non-stormwater discharges that are not authorized to be discharged to a small MS4 regulated by this permit include, but are not limited to: combined sewer overflow, noncontact cooling water, sewage, wash water, scrubber water, spills (as defined in Minn. Stat. § 115.061), oil, hazardous substances, fill, commercial equipment/vehicle cleaning and maintenance wastewaters.~~
2. ~~Discharges of stormwater to the small MS4 from activities requiring a separate NPDES/SDS permit, when those activities (e.g., construction activity as defined in 40 CFR § 122.26(b)(14)(x) and (b)(15), and industrial activity as defined in 40 CFR 3.2. § 122.26(b)(14)(i) (xi)) are owned and/or operated by the small MS4 authorized under this permit.~~ This permit does not replace or satisfy any other permitting requirements.

- 4.3. Discharges of **stormwater** to the **small MS4** from any other entity located in the drainage area or outside the drainage area. Only the **permittee's small MS4** and the portions of the storm sewer system that are under the **permittee's** operational control are authorized by this permit.
- 5.4. This permit does not replace or satisfy any environmental review requirements, including those under the Minnesota Environmental Policy Act (Minn. Stat. ch. 116D), or the National Environmental Policy Act (42 U.S.C. §§ 4321 - 4370 f).
- 6.5. This permit does not replace or satisfy any review requirements for endangered or threatened species, from new or expanded discharges that adversely impact or contribute to adverse impacts on a listed endangered or threatened species, or adversely modify a designated critical habitat.
- 7.6. This permit does not replace or satisfy any review requirements for historic places or archeological sites, from new or expanded discharges which adversely affect properties listed or eligible for listing in the National Register of Historic Places or affecting known or discovered archeological sites.
- 8.7. Prohibited discharges pursuant to Minn. R. 7050.0180, subp. 3, 4, and 5.
- ~~9. Discharges of a pollutant of concern to an impaired water—
When a United States Environmental Protection Agency (USEPA)-approved Total Maximum Daily Load (TMDL) report includes a Waste Load Allocation (WLA) of zero for the pollutant of concern for the Small MS4 or
For which a TMDL report assigns a USEPA-approved WLA to the small MS4 for a pollutant of concern, unless the permittee complies with all terms and conditions of this permit, and Appendix A~~
- ~~10. Discharges from the activity of chemically treating stormwater within a small MS4 to remove phosphorus, unless the permittee complies with Appendix B.~~

C. Permit Authorization

In order for an applicant to be authorized to discharge **stormwater** from a **small MS4** under this permit:

1. The applicant shall submit a ~~complete~~ application to discharge stormwater for coverage under this permit in accordance with Part II.
2. The **Commissioner** shall review the permit application for completeness and compliance with this permit.
 - a. If an application is determined to be incomplete, the **Commissioner** will notify the applicant in writing, indicate why the application is incomplete, and request that the applicant resubmit the application.

- b. If an application is determined to be complete, the **Commissioner** shall make a preliminary determination as to whether the permit should be issued or denied in accordance with Minn. R. ch. 7001.
3. The **Commissioner** shall provide public notice with the opportunity for hearing on the preliminary determination.

~~4. The applicant shall receive written notification from the Agency indicating that permit coverage has been granted or denied.~~

~~5.4. Upon receipt of written notification of final approval of the application by from the Commissioner, the applicant is are authorized to discharge stormwater from their small MS4s under the terms and conditions of this permit, and shall receive written notification from the Commissioner indicating permit coverage has been granted.~~

D. Transfer of Ownership or Control

Where the ownership or significant operational control of the **small MS4** changes, after the submittal of an application, under Part II, the new ~~owner-of-/operator~~ must submit a new application in accordance with Part II.

E. Issuance of Individual Permits

1. The ~~permit applicant-owner/operator~~ may request an individual permit in accordance with Minn. R. 7001.0210, subp.6, for authorization to discharge **stormwater** associated with a **small MS4**.
2. The ~~Commissioner~~Agency may require an individual permit for the ~~permit~~ applicant or ~~permittee~~ covered by a general permit, in accordance with Minn. R. 7001.0210, subp. 6.

F. Rights and Responsibilities

1. The **Commissioner** may modify this permit or issue other permits, in accordance with Minn. R. ch. 7001, to include more stringent effluent limitations or permit requirements that modify or are in addition to the ~~MCMs~~minimum Control Measures in Part III. ~~DE~~ of this permit, or both. These modifications may be based on the **Commissioner's** determination that such modifications are needed to protect water quality.
2. Additional **small MS4s** may be designated for coverage under this permit in accordance with Minn. R. ch. 7090. The ~~owner-and/of-operator~~ of a **small MS4** that is designated for coverage must comply with the permit requirements by the dates specified in the **Commissioner's** designation ~~determination~~ documents.

PART II. APPLICATION REQUIREMENTS ~~AND SCHEDULE~~

A. Application for Reauthorization

If a permit has been issued by the **Agency** and the **permittee** holding the permit desires to continue the permitted activity beyond the expiration date of the permit, the **permittee** shall submit a written application for permit reissuance at least 180 days before the expiration date of the existing permit. (Minn. R. 7001.0040, subp.3).

B. New Permittee Applicants

To become a **new permittee** authorized to discharge **stormwater** under this permit, the **owner/operator** of a **small MS4** shall submit an application, on a form provided by the Commissioner, in accordance with meet the schedule in Appendix A, Table 3, and the following requirements, in accordance with the schedule provided in the written notification from the Agency indicating that permit coverage is required:

1. Submit Part 1 of the permit application (includes the permit application fee).
2. Submit Part 2 of the permit application, with the **Stormwater Pollution Prevention Management Program (SWMP) summary document** completed in accordance with Part II. DC of this permit.

C. Existing Permittee's Applicants

All **existing permittee's** seeking to continue discharging **stormwater** associated with a **small MS4** after the **effective date** of this permit shall submit Part 2 of the permit application, within the timeframes outlined in Table 1, on a (form provided by the Commissioner), in accordance with the schedule in Appendix A, Table 1, with the SWMP/SWPPP summary document completed in accordance with Part II. DC of this permit, in accordance with the schedule in Table 1, below. **NOTE: Existing permittee's** were required to submit Part 1 of the permit application prior to the expiration date (May 31, 2011) of the Agency's small MS4 general permit No.MNR040000, effective June 1, 2006, (see Part II.A above) issued March 3, 2006.

D. **Stormwater Management Pollution Prevention Program (SWMP) Summary Documents** Requirements

All applicants ~~New permittee's and existing permittee's~~ shall submit a description summary of each SWMP/SWPPP document component with Part 2 of the application form listed below when seeking coverage under this permit. The **SWMP/SWPPP document summary** shall be submitted on a form provided by the **Commissioner** and shall include , at a minimum, the following:

1. Partnerships: A description summary of any partnerships with another regulated small MS4(s) the applicant permittee has entered into in order to satisfy one or more requirements of this permit.

~~2.—A description of all Regulatory Mechanism(s) (e.g., contract language, an ordinance, permits, standards, etc) the applicant has developed, implemented, and enforced that satisfies the requirements of each program specified under permittee uses, or plans to use, to comply with Part III.D.3, 4, and 5, of this permit. The This description summary shall include the the following information:~~

~~3.2. The type(s) of Regulatory Mechanism(s) the permittee has chosen to comply with each part above (e.g., ordinance, policy, permit, etc.) the applicant has in place at the time of application that will be used to satisfy the requirements. If the Regulatory Mechanism(s) has not been developed at the time of application (e.g., new permittee applicants), or revised to meet new requirements of this permit (e.g., existing permittee applicants); the applicant shall describe tasks and corresponding schedules necessary to satisfy the permit requirements in accordance with the schedule in Appendix A, Table 3 (new permittee applicants), or Table 2 (existing permittee applicants), or plans to enter into, in accordance with Part III.A of this permit. The summary shall include:~~

~~The names of organizations with which the permittee has entered into a partnership~~

~~The start and end dates of all partnership agreements and~~

~~The specific activities or requirements of the permit for which each partner has agreed to be responsible~~

~~for this permit, the permittee shall indicate the current status of development and include a schedule for completion in Part II.C.2.b, below.~~

~~A schedule for incorporating the terms and conditions outlined in Part III.E.3, 4, and 5 into a Regulatory Mechanism(s) if not already completed at the time of application~~

~~4.3. Enforcement Response Procedures (ERP): A description of summary that describes the permittee's ERP as it pertains to the requirements existing of Part III.C of this permit. The permittee shall clearly describe all portions of an ERP_s that applicants have developed and implemented that satisfy the requirements of Part III.B. is already complete at the time of application. If the applicant permittee has not yet developed an ERP_s (e.g., new permittee applicants), or existing ERPs must be updated to satisfy new requirements, at the time of application, the description summary must include tasks and corresponding schedules necessary to satisfy the permit requirements in accordance with the schedule in Appendix A, Table 3 (new permittee applicants), or Table 2 (existing permittee applicants).~~

~~a.—A list of main tasks to be completed in order to complete the ERP and~~

~~b.—A schedule for completion of the ERP~~

~~5.4. Map and Inventory: A description summary that describesof the status of the applicant's permittee's storm sewer system map and inventory as required by Part III.CD of this permit. The description summary must indicate whether each requirement of Part III.C.1, is satisfied stated in Part III.D is up to date "complete" or "not, and for Part III.C.2, is complete, at the time of application complete". For each requirement of Part III.C that is not satisfied at the time of application, the applicant shall include tasks and corresponding schedules necessary to satisfy the mapping and inventory requirements in accordance with the schedule in Appendix A, Table 3 (new permittee applicants), or Table 2 (existing permittee applicants). that is designated "not complete", the permittee shall include:~~

- ~~a.—A list of main tasks to be completed in order to complete the requirement and~~
- ~~b.—A schedule for completion of the requirement~~

~~6.5. A summary of the following information for each Minimum Control Measure (MCM) outlined in Part III.D.E:~~

- ~~a. The **Best Management Practices (BMPs)** the applicant permittee will implement, or has implemented, for each Minimum Control Measure~~
- ~~b. The measurable goals for each of the **BMPs**, including as appropriate, the target implementation schedule (months and years) in which the applicant permittee will undertake required actions, including interim milestones and the frequency of the action, in narrative or numeric form, as appropriate. This includes schedules and procedures for an assessment process, required by Part III.E.6 for all constructed ponds and constructed wetlands.~~
- ~~c. For **BMPs** to be implemented at a future date, the target implementation schedule estimated timeline(s) (months, years) in which the applicant permittee will implement each **BMP**, and~~
- ~~d. Names of individual(s) or position titles of those responsible for implementing and/or coordinating each component of the Minimum Control Measure~~

~~6. For each **TMDL** with an applicable WLA approved prior to the effective date of this permit, the applicant shall submit the following information as part of the SWPPP document:~~

- ~~a. TMDL name and pollutant(s) of concern.~~
- ~~b. Description of applicable WLA.~~
- ~~c. For each applicable WLA that will not be achieved during the permit term, a compliance schedule must accompany the application outlining how the applicant plans to comply with the applicable WLA, including timelines, interim milestones, and an end date.~~
- ~~d. Description of the actions that will take place over the permit term to achieve each applicable WLA or to make progress toward interim milestones as described in a compliance schedule.~~

~~7. For the requirements of Part III.F, Chemical Treatment of Stormwater for Phosphorus Removal, if applicable, the applicant shall submit the following information as part of the SWPPP document:~~

- ~~a. Geographic coordinates of the alum or ferric chloride phosphorus treatment system.~~
- ~~b. Names of individual(s) or position titles of those responsible for the operation of the treatment system.~~
- ~~c. Provide the information listed in Part III.F.3.a(1)-(7), if the system is operational at the time the application is submitted to the **Agency**.~~
- ~~d. Indicate if the chemical treatment system complies with the requirements of Part III.F.~~

a-e. If applicable, for each Part III.F requirement the applicant's chemical treatment system does not comply with at the time of application, the applicant shall describe tasks and corresponding schedules necessary to bring the chemical treatment system into compliance in accordance with the schedule in Appendix A, Table 3 (new permittee applicants), or Table 2 (existing permittee applicants).

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PART III. STORMWATER ~~POLLUTION PREVENTION MANAGEMENT~~ PROGRAM (SW~~PPMP~~)

The permittee shall develop, implement, and enforce a ~~SWMPSWPPP~~ designed to reduce the discharge of pollutants from the small MS4 to the Maximum Extent Practicable (MEP), to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act. ~~The SWMP is an enforceable part of this permit and any modifications made to the SWMP shall also become enforceable provisions of this permit.~~

~~The permittee is authorized under this permit to enter into partnerships with other governmental entities for purposes of meeting their SWPPP requirements. If the permittee enters into a partnership with another governmental entity, the permittee maintains legal responsibility for compliance with this permit.~~

~~New permittee-s shall develop, implement, and enforce their SWPPP in accordance with the schedule in Appendix A, Table 3. complete all requirements of Part III.A-E within the schedule provided by the Commissioner at the time of authorization to discharge stormwater under this permit. Unless a different schedule is specified below for a specific component of the SWMP, Existing permittee-s shall complete revisions their SWPPP developed under the Agency's small MS4 general permit No.MNR040000 that was effective June, 1, 2006, to meet the requirements of this permit in accordance with the schedule in Appendix A, Table 2. to incorporate requirements of Part III.A-E into an existing SWMP within 12 months after the permit effective date. The permittee's SWPPP shall consist of the following:~~

~~A.—Partnerships~~

~~The permittee is authorized under this permit to enter into partnerships with other entities on the design, implementation, and enforcement of one or more requirements of this permit. If the permittee enters into a partnership with another entity to meet one or more permit requirements, the permittee maintains legal responsibility for compliance with all terms and conditions of this permit. If the permittee chooses to partner with another entity, the permittee shall document as part of the SWMP the following:~~

- ~~1.— Name of all entities with which agreements have been made~~
- ~~2.— Start and end dates of all agreement~~
- ~~3.— Specific details of all agreements, including permit requirements all partners have agreed to meet under the agreement~~

~~B-A. Regulatory Mechanism(s)~~

~~To the extent allowable under State, Tribal or local law, the permittee shall develop, implement, and enforce a Regulatory Mechanism(s) to meet the terms and conditions of Part III.D.3, 4, and 5. A Regulatory Mechanism(s) for the purposes of this permit may consist of contract language, an ordinance, permits, standards, or any other mechanism, that will be enforced by the permittee. An existing permittee shall continue implementation and enforcement of any existing Regulatory Mechanism(s) until the permittee has completed revisions to incorporate the requirements of this permit.~~

~~C.B.~~ Enforcement Response Procedures (ERPs)

1. The permittee shall develop and implement a written ~~ERP~~ Enforcement Response Procedure (ERP) that describes the strategies the permittee will implement to enforce and compel compliance with the Regulatory Mechanism(s) developed by the permittee in accordance with Part III.A. The ERPs shall describe procedures and circumstances for the implementation of the following types of enforcement tools, including ~~the time frames for~~ escalation of enforcement ~~measures for continuing violators~~:
 - ~~a. Verbal Warnings – Verbal warnings must specify the nature of the violation and may include verbal corrective actions.~~
 - ~~b.a. Written Notices – Written notices must cite the specific violation(s) and the Regulatory Mechanism(s) violated, and must include corrective actions with and a schedule for completion with deadlines.~~
 - ~~c.b. Escalated Enforcement Measures – The permittee shall develop and have available employ at least two different enforcement tools of the (e.g., correction orders, financial assurance mechanisms, contract provisions, etc.) enforcement tools below, to escalate enforcement responses where necessary to address persistent non-compliance, repeat violations, or occurrences of environmental harm:~~
 - ~~(1) Citations (with fines)~~
 - ~~(2) Stop work orders~~
 - ~~(3) Withholding of plan approvals~~
 - ~~(4) Withholding of funds received through bonding~~
 - ~~(5) Withholding other authorizations (e.g., certificate of occupancy)~~
 - ~~(6) Other measures – The permittee may use other measures allowed under local legal authorities.~~
2. All enforcement conducted by the permittee pursuant to the ERPs shall be documented. Documentation shall include, at a minimum, the following:
 - a. Name of ~~the Person responsible for~~ owner or operator violating the terms and conditions of the permittee's Regulatory Mechanism(s).
 - b. Dates and locations of ~~the~~ observed violation(s).
 - c. Description of ~~the~~ violation(s), including citations to Regulatory Mechanism(s).
 - d. Corrective actions (including ~~a~~ schedule for completion) issued by the permittee.
 - e. Date(s) and type(s) of enforcement used to compel compliance (e.g., ~~verbal warning~~, written notices, citation, stop work order, withholding of local authorizations, etc.).
 - f. Referrals to other regulatory organizations (if any). ~~and~~
 - g. Date the non-compliance was resolved.

~~D.C.~~ Mapping and Inventory

1. Mapping

New permittee's shall develop, and existing permittee's shall update, a storm sewer system map that depicts the following:

- a. ~~The permittee's entire sSmall MS4 as a goal, but at a minimum, all Any-pipes 12 inches or greater in diameter, -ditches, and swales, including stormwater flow direction in those pipes, that are part of the permittee's small MS4~~
- b. ~~All eOutfalls, including and areas that drain to those outfalls. Each mapped outfall shall be assigned a unique identification (ID) number assigned by the permittee, and include an associated geographic latitude/longitude coordinate.~~
- ~~b.c. Structural stormwater BMPs that are part of the permittee's small MS4.~~
- e.d. ~~All receiving waters, streams, lakes, and wetlands, including the name of the water body, within the permittee's jurisdiction that receive stormwater discharges from the small MS4~~
- d. ~~All grit chambers, sumps, floatable skimmers and traps, separators, and other small treatment BMPs that are part of the permittee's small MS4~~
- e. ~~All infiltration, filtration, and bio-retention BMPs that are part of the permittee's small MS4 and~~
- f. ~~All constructed ponds and constructed wetlands that are inventoried as required by Part III.D.2, below~~

2. Inventory (2009 Minnesota Session Law, Ch. 172, Sec. 28).

- a. The permittee shall complete an inventory of:
 - (1) All ponds within the permittee's jurisdiction that are constructed and operated for purposes of water quality treatment, stormwater detention, and flood control, and that are used for the collection of stormwater via constructed conveyances. Stormwater ponds do not include areas of temporary ponding, such as ponds that exist only during a construction project or short-term accumulations of water in road ditches.
 - (2) All wetlands and lakes, within the permittee's jurisdiction, that collects stormwater via constructed conveyances.
- b. The permittee shall complete and submit the inventory to the Agency on a form provided by the Commissioner. Each feature inventoried shall include the following information:
 - (1) A unique identification (ID) number assigned by the permittee
 - (2) A geographic coordinate
 - (3) Type of feature (e.g., pond, wetland, or lake). This may be determined by using best professional judgment.

~~The permittee shall complete an inventory of all constructed ponds and constructed wetlands within the permittee's jurisdiction that collect stormwater via constructed conveyances. (NOTE: For purposes of this requirement, a stormwater pond is a treatment pond constructed and operated for water quality treatment, stormwater~~

detention, and flood control. ~~Stormwater ponds do not include areas of temporary ponding, such as ponds that exist only during a construction project or short-term accumulations of water in road ditches). (2009 Minnesota Session Law, Ch. 172, Sec. 28).~~

~~New permittee's shall complete the inventory according to the schedule provided in the written notification from the Agency indicating that permit coverage is required. Existing permittee's shall submit the inventory, on a form provided by the Commissioner, no later than 30 days after the effective date of this permit. For assistance in completing this inventory, the permittee may refer to the Agency's guidance document titled "MS4 Stormwater Pond Inventory Guidance". Each feature inventoried, for purposes of meeting this requirement, shall include the following information:~~

- ~~a. A unique identification (ID) number assigned by the permittee~~
- ~~b. Geographic coordinates (e.g., latitude/longitude) of the estimated center of the feature~~
- ~~c. Type (e.g., constructed pond, constructed wetland)~~
- ~~d. The year (if known) the feature began collecting stormwater via a constructed conveyance~~
- ~~e. Water surface area expressed in acres, at the normal water level as established by the outlet. In the case of dry ponds, surface area of the bottom of the pond expressed in acres~~
- ~~f. Ownership (e.g., name of city, county, township, watershed district, private, State, unknown, etc.)~~
- ~~g. Maintenance authority (e.g., name of city, county, township, watershed district, private, State, unknown, etc.)~~
- ~~h. Function(s) (e.g., water quality, rate control, flood control, infiltration/volume control, no control, unknown, or other as determined by the small MS4), and~~
- ~~i. Number of inlets and outlets~~

E.D. Minimum Control Measures (MCMs)

The permittee shall incorporate the following six ~~Minimum Control Measures~~ into the ~~SWMPSWPPP~~. The permittee shall document as part of the ~~SWMPSWPPP~~, a description of BMPs used for each ~~Minimum Control Measure~~, the responsible ~~Person(s)~~ and department(s) in charge, an implementation schedule, and measurable goals that will be used to determine the success of each BMP. ~~Existing permittee's shall continue implementation of Minimum Control Measures required under their existing permit until revisions are complete to incorporate requirements of this permit.~~

1. Public Education and Outreach

New permittees shall develop and implement, and existing permittees shall continue to develop and implement The ~~permittee~~ shall design and implement an

~~effective~~ public education and outreach program that ~~informs the public of the impact stormwater discharges have on water bodies and includes actions that citizens, businesses, and other local organizations can take to reduce the discharge of pollutants to stormwater.~~ identifies at least three (3) priority areas that will be emphasized for education and outreach during this permit term, based on current or upcoming ~~stormwater~~ related issues. The program ~~shall include~~ must also be designed to:

a. ~~Distribution of educational materials and/or equivalent outreach focused on:~~ Identify the following for each priority area selected:

- ~~(1) At least three (3) high priority stormwater-related issues to be emphasized for education and outreach during this permit term (e.g., specific TMDL reduction targets, changing local business practices, promoting adoption of residential BMPs, lake improvements through lake associations, etc.).~~ The target audience(s) involved
- ~~(2) How to reduce pollution in stormwater discharges through proper management and disposal of pet waste, household chemicals, yard waste, and deicing materials.~~
- ~~(1)(3) Illicit discharge recognition and reporting illicit discharges to the permittee.~~
- ~~(2) Educational goals for each audience (e.g., increased awareness, increased understanding, acquired skills, desired behavior change, etc.)~~
- ~~(3) Activities or actions that will take place to reach each educational goal for each audience~~
- ~~(4) Activity implementation plans, including responsible department in charge, entities responsible for given activities, and schedules and~~
- ~~(5) Performance measures with clearly defined baselines that will be used to assess success in reaching the established educational goals~~

b. ~~A program implementation plan that consists of the following:~~

- ~~(1) Target audience(s).~~
- ~~(2) Measurable educational goals.~~
- ~~(3) Responsible department(s) in charge of overall plan implementation.~~
- ~~(4) Specific activities to be implemented to reach the measurable educational goals.~~
- ~~(5) Entities responsible for implementation of each specific activity.~~
- ~~(6) Activity implementation schedules.~~
- ~~(7) A description of any coordination with and/or use of other stormwater education programs being conducted in the area by other entities, if applicable.~~
- ~~(2)(8) An annual evaluation component to measure the extent to which the established measurable educational goals are attained.~~

c. ~~Public Education and Outreach program documentation~~

The permittee shall document the following information as part of this program:

- (1) A description of the three (3) high priority stormwater-related issues the permittee will emphasize for education and outreach during this permit term.
 - (2) All information required under Part III.D.1.b.
 - (3) Any modifications made to the program as a result of the annual evaluation under Part III.D.1.b.(8)
 - (4) Activities held, including dates, to reach measurable educational goals.
 - (4)(5) Quantities and descriptions of educational materials distributed, including dates distributed.
- ~~c. Increase public awareness of the impact stormwater discharges have on water bodies~~
- ~~d. Include actions that citizens, businesses, and other local organizations can take to reduce the contamination of stormwater~~
- ~~e. Involve the distribution of educational materials to the community and/or conduct equivalent outreach activities focused on:~~
- ~~(1) Impacts of uncontrolled stormwater discharges to the small MS4~~
 - ~~(2) How to reduce pollution in stormwater discharges through proper management and disposal of pet waste, household chemicals, yard waste and deicing materials~~
 - ~~(3) Prevention and elimination of illicit discharges and how illicit discharges can be reported to the permittee~~
- ~~f. Have a mechanism to evaluate behavior change in the community resulting from the implementation of the education program~~
- ~~g. Describe how the education program is coordinated with, and makes effective use of, other stormwater education programs being conducted in the area by other entities.~~

2. Public Participation/Involvement

- a. New permittees shall develop and implement, and existing permittees shall continue to develop and implement ~~The permittee shall develop and implement, or continue to develop and implement,~~ a Public Participation/Involvement program to solicit public input ~~and opinion~~ on the ~~adequacy of the SWMP~~ SWPPP. For purposes of meeting this requirement, the permittee shall:
- (1) Provide a minimum of one (1) opportunity annually ~~ies~~ for the public to participate in the on-going development, implementation and review of the SWPPP. ~~Development (does not include the development of the SWPPP document submitted with the application;), implementation includes (only those implementation activities appropriate for public participation), and review of the SWMP.~~ Public meetings can be conducted to satisfy this ~~permit~~ requirement provided appropriate local public notice requirements

are followed and opportunity to review, participate and comment on the SWMPSWPPP is provided.

- (2) Provide access to a copy of the SWMPSWPPP document summary, Annual Reports, and other documentation that supports or describes the SWMPSWPPP (e.g., Standard Operating Procedures (SOPs), Regulatory Mechanism(s), etc.) for public review, upon request. (All public data requests are subject to the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13.)
- (3) Develop and implement Standard Operating Procedures (SOPs) for the receipt and consideration of public input, both oral and written, submitted by the public to the permittee, regarding the SWMPSWPPP.

b. Public Participation/Involvement program documentation

The permittee shall document the following information as part of this program:

- (1) All relevant input (e.g., written input correspondence) submitted by interested persons regarding the permittee's SWMPSWPPP.
- (2) All responses from the permittee to written input and/or oral comments received, including any modifications made to the SWPPP as a result of the written input received.
- (3) Date and location of events held for purposes of compliance with this requirement.
- (4) Notices provided to the public of any events scheduled as a result of this requirement, including any electronic correspondence (e.g., website, e-mail distribution lists, notices, etc.).

3. Illicit Discharge Detection and Elimination (IDDE)

New permittees shall develop, implement, and enforce, and existing permittees shall continue to develop, implement, and enforce ~~The permittee shall develop, implement, and enforce a~~ program to detect and eliminate illicit discharges into the small MS4. The IDDE program shall consist of the following:

- a. A map of the small MS4 as required by Part III.C.1.
- b. A Regulatory Mechanism(s) that effectively prohibits non-stormwater discharges into the small MS4, except those non-stormwater discharges authorized under Part I.B.1.
- c. Standard Operating Procedures (SOPs) for conducting on-going inspections, including dry-weather (e.g., periods of 72 or more hours of no precipitation) field inspections/screening, for purposes of detecting and eliminating illicit discharges. These SOPs shall, at a minimum, consist of the following:
 - (1) Procedures that incorporate the detection of illicit discharge detections into all inspection and maintenance activities conducted under Part III.D.6.c(3) and (54). Where feasible, illicit discharge inspections shall be conducted during dry-weather conditions. Outfall prioritization. The permittee shall

prioritize ~~outfalls~~ to be inspected for ~~illicit discharges~~ based on, at a minimum, the following factors:

- ~~(a) Size of the drainage area~~
- ~~(b) Population density of the drainage area~~
- ~~(c) Traffic density of the drainage area~~
- ~~(d) Age of potential sources (e.g., existing infrastructure, industry, buildings, etc.) of **illicit discharges** in the drainage area and~~
- ~~(e) Land use types within the drainage area~~

~~(2) Procedures for detecting and tracking the source of **illicit discharges**. Procedures shall include visual inspections, and when necessary, the use of mobile cameras, collecting and analyzing water samples, and/or other detailed inspection procedures. Using the ~~outfall~~ prioritization, the ~~permittee~~ shall develop a schedule for conducting visual observations and assessments of ~~outfalls~~ within the ~~permittee's~~ jurisdiction to determine if there is flow during periods of dry weather. Flow during periods of dry weather indicates the potential for an **illicit discharge** and shall be investigated to determine the source of the discharge. If flow is observed, the ~~permittee~~ shall document any of the following discharge characteristics: color, odor, turbidity, oil sheen, surface scum, and any other characteristics indicating the potential presence of **non-stormwater discharges** or illegal dumping.~~

~~(3) Training of all field staff, in accordance with the ~~require~~requirements of ~~ed~~ training in Part III.D.6.c(6), in **illicit discharge** recognition (including conditions which could cause **illicit discharges**), and reporting **illicit discharges** for further investigation.~~

~~(2)(4) Procedures for locating priority areas likely to have **illicit discharges**, including at a minimum, evaluating land uses associated with business/industrial activities, areas where complaints have been registered in the past, and areas with storage of large quantities of **significant materials** that could result in an **illicit discharge**. Based on this evaluation, the ~~permittee~~ shall implement additional **illicit discharge** inspections in those areas identified as having a higher likelihood for **illicit discharges**.~~

~~(3)(5) Procedures for responding to known, suspected, and reported **illicit discharges** that are reported from ~~outfalls~~ or other areas. The ~~permittee~~ shall include, at a minimum, the following as part of the response SOPs:~~

- ~~(a) EProcedures, including expedited response times, for investigating, and locating, and ~~the~~eliminating the source of ~~potential~~ **illicit discharges** within the drainage area of which the **illicit discharge** was detected~~
- (b) Procedures for responding to spills, including emergency response procedures to prevent spills from entering the **small MS4**. The procedures shall also include the immediate notification of the Minnesota Department of Public Safety Duty Officer at 1-800-422-0798

(toll free) or 651-649-5451 (metro area), if the source of the **illicit discharge** is a spill or leak as defined in Minn. Stat. § 115.061, ~~and~~

- (c) ~~When if~~ the source of the **illicit discharge** is found, the **permittee** shall use the ~~Enforcement Response Procedures (ERPs)~~ required by Part III.B (if necessary) to eliminate the **illicit discharge** and require any needed corrective actions.

d. IDDE ~~p~~Program ~~d~~Documentation

The **permittee** shall document the following information as part of this program:

- (1) Records describing ~~the times and locations where the IDDE inspections screening was are~~ conducted in accordance with Part III.D.3.c.
- (2) Complaints of **illicit discharges** received, including dates of the complaints, and any follow-up actions taken by the **permittee**.
- (3) Dates of discovery ~~and elimination~~ of all **illicit discharges**.
- (4) Identification of **outfalls**, or other areas, ~~from where~~ **illicit discharges** have been discovered.
- (5) The source (including a description and the responsible party) of all **illicit discharges** (if known). ~~and~~
- (6) Actions taken by the **permittee**, ~~including the dates action was taken, to address eliminate~~ all discovered **illicit discharges**.

4. Construction Site **Stormwater** Runoff Control

~~New permittees shall develop, implement, and enforce, and existing permittees shall continue to develop, implement, and enforce. The permittee shall develop, sign, implement, and enforce a n effective~~ Construction Site **Stormwater** Runoff Control program that **reduces** pollutants in **stormwater** runoff to the **small MS4** from **construction activity** with a land disturbance of greater than or equal to one acre, including projects less than one acre that are part of a larger **common plan of development or sale**, that occurs within the **permittee's** jurisdiction. The program shall incorporate the following components:

a. Regulatory Mechanism(s)

A Regulatory Mechanism(s) that establishes requirements for erosion and sediment controls and waste controls that is at least as stringent as the **Agency's general permit to Discharge Stormwater Associated with Construction Activity - No. MN R100001** (as of the **effective date of this the permittee is authorized to discharge stormwater under this permit**). ~~The permittee's Regulatory Mechanism(s) shall require that owners and operators of construction activity develop site plans that must be submitted to the permittee for review and approval, prior to project initiation. Site plans must incorporate the following erosion and sediment controls and waste controls as described in the Agency's above referenced permit for construction activity. At a~~

minimum, the ~~permittee's~~ Regulatory Mechanism(s) shall establish the following:

- (1) ~~Requirements for owners and operators of construction activity to use BMPs to minimize erosion that owners and operators of construction activity submit site plans to the permittee for review and approval, prior to project initiation~~
- ~~(1)(2) Requirements for owners and operators of construction activity to use sediment control BMP's to minimize the discharge of sediment.~~
- ~~(2)(3) Requirements and criteria under which owners and operators of construction activity may conduct dewatering activities. Requirements that owners and operators of construction activity incorporate into site plans, appropriate erosion and sediment control BMPs that, at a minimum:~~
 - ~~(a) Control stormwater discharge volume and velocity within the site to reduce soil erosion~~
 - ~~(b) Control stormwater discharges, including both peak flow rates and total stormwater volume, to reduce erosion at outlets and to reduce downstream channel and streambank erosion~~
 - ~~(c) Reduce the amount of soil exposed during construction activity~~
 - ~~(d) Reduce the disturbance of steep slopes~~
 - ~~(e) Includes time frames for stabilizing soils~~
 - ~~(f) Reduce discharges of sediment from the site. The design, implementation and maintenance of erosion and sediment control BMPs must be based on precipitation (i.e. amount, frequency, intensity, and duration), and soil characteristics (i.e. soil particle size) on site.~~
 - ~~(g) Include maintaining natural buffers around surface waters, direct stormwater to vegetated areas to increase sediment removal and maximize stormwater infiltration~~
- ~~(3)(4) Requirements for owners and operators of construction activity to conduct regular inspections, document each inspection, and keep records of all rainfall amounts, until the project is complete.~~
- ~~(4) Requirements and criteria under which owners and operators of construction activity may conduct dewatering activities~~
- (5) Requirements and criteria for BMP maintenance to be conducted by owners and operators of construction activity.
- (6) Requirements for owners and operators of construction activity to properly manage solid wastes and hazardous wastes on each project site. and
- (7) Requirements for owners and operators of construction activity to establish final stabilization perennial vegetative cover on all exposed soils upon the completion of construction activity, including the use of perennial vegetative cover on all exposed soils.
- ~~(7)(8) Requirements and criteria for the use of temporary sediment basins.~~

b. Site plan review

The program shall include ~~Standard Operating Procedures (SOPs)~~, including a checklist, for site plan reviews conducted by the **permittee** prior to start of the project, to ensure compliance with requirements of the Regulatory Mechanism(s) in Parts III. ~~DE.4 and 5.a~~. The site plan review procedures shall include notification to owners and operators proposing also verify the intent of owners and operators of each construction activity of the need to apply for and obtain coverage under the **Agency's general permit to Discharge Stormwater Associated with Construction Activity** No.MN R100001.

c. Public input

The program shall include SOPs for receipt and consideration of reports of noncompliance or other information on construction activity related issues submitted by the public to the **permittee**, ~~regarding proposed construction activities.~~

d. Site ~~i~~ inspections

The **permittee** shall develop SOPs for site inspections, conducted by the **permittee**, to determine compliance with the **permittee's** Regulatory Mechanism(s). The SOPs shall:

- (1) Include procedures for identifying priority sites for inspection. Prioritization can be based on such parameters as topography, soil characteristics, and type of receiving water(s), receiving discharges stage of construction, compliance history, weather conditions, or other local characteristics and issues.
- (2) Identify frequency at which the **permittee** will conduct site inspections, ~~for each level of priority~~
- (3) Identify names of individual(s) or position titles of those persons within the permittee's organization that is responsible for conducting site inspections, ~~and~~
- (4) Include a checklist or other written means to document be used when conducting site inspections when determining compliance.

e. ~~Enforcement Response Procedures (ERPs)~~ required by Part III. ~~BC~~ of this permit

f. Construction Site **Stormwater** Runoff Control program documentation

The **permittee** shall document the following information as part of this program:

- (1) For each site plan review – The project name, location, owner and operator of the proposed construction activity, and any comments and supporting documentation used by the **permittee** to determine project approval or denial, ~~and~~
- (2) All inspection checklists generated from each site inspection conducted by the **permittee**.

5. Post-Construction Stormwater Management

New permittees shall develop, implement, and enforce, and existing permittees shall continue to develop, implement, and enforce ~~The permittee shall design, implement, and enforce a n effective~~ Post-Construction Stormwater Management program that reduces water quality impacts from construction activity related to new development and redevelopment projects with land disturbance of greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, within the permittee's jurisdiction and that discharge to the permittee's small MS4. The program shall consist, at a minimum, of the following:

a. A Regulatory Mechanism(s) that incorporates:

(1) Site plan review

The permittee shall incorporate into the Regulatory Mechanism(s) requirements that owners and/or operators of construction activity submit site plans to the permittee for review and approval, prior to start of the project initiation.

(1)(2) Standards/Conditions for Post-Construction Stormwater Management

The permittee shall develop and implement a Post-Construction Stormwater Management program standards that requires the use of any combination of ~~stormwater~~ BMPs, with highest preference given to Green Infrastructure techniques and practices (e.g., infiltration, evapotranspiration, reuse/harvesting, conservation design, urban forestry, green roofs, etc.), necessary to meet the following conditions standards on the site of a construction activity to the MEP:

(a) For new development projects – no net increase from pre-project conditions (on an annual average basis) of:

- 1) Stormwater discharge Volume, unless precluded by the stormwater management limitations outlined in Part III. ~~DE.5.a(32)~~(a).
- 2) Stormwater discharges of Total Suspended Solids (TSS) and
- 3) Stormwater discharges of Total Phosphorus (TP).

(b) For redevelopment projects – a net reduction from pre-project conditions (on an annual average basis) of:

- 1) Stormwater discharge Volume, unless precluded by the stormwater management limitations outlined in Part III. ~~DE.5.a(32)~~(a).
- 2) Stormwater discharges of ~~Total Suspended Solids (TSS)~~ and
- 3) Stormwater discharges of ~~Total P_hosphorus~~

~~(c) For new development or redevelopment projects, a reduction or matching of peak flow rates from the existing 1, 2, 10 and 100 year, 24-hour, storm events on the site of each construction activity~~

~~(2)(3)~~ Stormwater management limitations and exceptions

(a) Limitations

1) The permittee's Regulatory Mechanism(s) shall at a minimum, prohibit the use of infiltration techniques to achieve the standards outlined conditions for post-construction stormwater management in Part III.D.5.a(2) when the infiltration structural stormwater BMP device will receive discharges from, or be constructed in:

- a) Areas where industrial facilities are not authorized to infiltrate industrial stormwater under an NPDES Industrial Stormwater Permit issued by the Agency.
- b) Areas where vehicle fueling and maintenance occur.
- c) Areas with less than three (3) feet of separation distance from the bottom of the infiltration system to the elevation of the seasonally saturated soils or the top of bedrock.
- d) Areas where high levels of contaminants in soil or groundwater contaminants (as defined by the Agency) exist in the soil in areas in the soil will be mobilized by the through which infiltrating stormwater will occur

2) The permittee's Regulatory Mechanism(s) shall restrict the use of infiltration techniques to achieve the conditions for post-construction stormwater management standards outlined in Part III.D.5.a(2), sufficient to provide a functioning treatment system and prevent adverse impacts to groundwater, when the infiltration device will be constructed in:

- a) Areas of predominately Hydrologic Soil Group D (clay) soils.
- b) Areas within 1,000 feet up-gradient, or 100 feet down-gradient of active karst features.
- c) Areas within a Drinking Water Supply Management Area (DWSMA) as defined in Minn. R. 4720.5100, subp. 13.
- d) Areas where soil infiltration rates are more than 8.3 inches per hour.

3) For work on linear projects where the lack of right-of-way precludes the installation of volume control practices that meet the conditions for post-construction stormwater management in Part III.D.5.a(2), the permittee's Regulatory Mechanism(s) may allow exceptions as described in Part III.D.5.a(3)(b), below. The permittee's Regulatory

Mechanism(s) shall ensure that a reasonable attempt be made to obtain right-of-way during the project planning process.

- (b) Exceptions for stormwater discharge meeting the volume control standard

The permittee's Regulatory Mechanism(s) may allow for a lesser volume control standard on the site of the original **construction activity** than that outlined in Part III. DE.5.a(2)(a) and (b) only under the following circumstances:

- 1) The owner and/or operator of a **construction activity** is precluded from infiltrating **stormwater** through a designed system due to any of the infiltration related limitations described above, and
- 2) The owner and/or operator of the **construction activity** implements, to the MEP, volume reduction techniques, other than infiltration, (e.g., evapotranspiration, reuse/harvesting, conservation design, green roofs, etc.) on the site of the original **construction activity** that reduces stormwater discharge volume, but may not meet the conditions for post-construction stormwater management volume standards found in Part III. DE.5.a(21)(a) or (b).

(3)(4) Mitigation provisions

Mitigation provisions for circumstances where the permittee or other owners and operators of a **construction activity** cannot cost effectively meet the conditions for post-construction stormwater management for TSS and/or TPHosphorus standards of in Part III. DE.5.a(21)(a) or (b) on the site of the original **construction activity**. For this purpose, the permittee shall identify or may require owners or operators of a construction activity to identify, priority locations where mitigation projects can be completed. The mitigation provisions of the Regulatory Mechanism(s) shall ensure that any **stormwater** discharges of TSS and/or TPHosphorus not addressed on the site of the original **construction activity** are addressed through mitigation and, at a minimum, shall ensure the following mitigation requirements are met:

- (a) Mitigation may be implemented at a location separate from the original **construction activity**, but must be within the same Department of Natural Resource (DNR) DNR catchment area or the next adjacent DNR catchment area up-stream. The DNR catchment areas may be locally corrected, in which case the local corrections may be used. The highest preference for mitigation projects must be given to locations that drainage area and yield benefits to the same receiving water that receives runoff from the original construction activity.
- (b) Mitigation projects must involve the creation of new structural stormwater treatment BMPs or the retrofit of existing structural stormwater BMPs.

- (c) Routine maintenance of **structural stormwater** BMPs already required by this permit cannot be used to meet mitigation requirements of this Part.
- (d) Mitigation projects shall be completed within ~~24~~12 months after the ~~start initiation~~ of the original **construction activity**.
- (e) The **permittee** shall determine, and document, who will be responsible for long-term maintenance on all mitigation projects of this Part.
- (f) If the **permittee** receives payment from the owner and/or operator of a **construction activity** for mitigation purposes in lieu of the owner or operator of that **construction activity** meeting the conditions for post-construction stormwater management in provision of Part III.DE.5.a(21)(a) or (b), the **permittee** shall apply any such payment ~~in lieu funds~~ received to a public **stormwater** project, and all projects must be in compliance with ~~the provisions of Part III.DE.5.a(43)(a)-(e)~~.

(4)(5) Long-term maintenance of structural stormwater BMPs

The **permittee's** Regulatory Mechanism(s) shall provide Provisions for the establishment of ~~maintenance agreements (including easements) or other~~ legal mechanisms between the **permittee** and owners or operators responsible for the long-term maintenance of **structural stormwater** BMPs not owned or operated by the **permittee**, that have been implemented to meet the conditions for post-construction stormwater management standards specified in Part III.DE.5.a(21). This only includes structural stormwater BMPs constructed after the effective date of this permit and that are directly connected to the permittee's MS4. The ~~maintenance agreement or other~~ legal mechanism shall include provisions that, at a minimum:

- (a) Allows the **permittee** to conduct inspections of **structural stormwater** BMPs not owned or operated by the **permittee**, perform necessary maintenance, and assess costs for those **structural stormwater** BMPs when the **permittee** determines that the owner and/or operator of that **structural stormwater** BMP has not conducted maintenance ~~adequate to meet the goals of this permit~~
- (b) Includes conditions that are designed to will preserve the **permittee's** right to ensure maintenance responsibility, for **structural stormwater** BMPs not owned or operated by the **permittee**, when those responsibilities are legally transferred to another party.
- (c) Includes conditions that are designed to will protect/preserve **structural stormwater** BMPs and site features that are implemented to comply with Part III.DE.5.a(21). If site configurations or **structural stormwater** BMPs change, causing decreased **structural stormwater** BMP effectiveness, new or improved **structural stormwater** BMPs must be implemented to ensure the conditions for post-construction stormwater management in Part III.DE.5.a(21) performance standards continue to be met.

b. Site plan review

The program shall include SOPs, including a checklist, for site plan reviews conducted by the permittee to ensure compliance with requirements of the Regulatory Mechanism(s) in Part III.DE.5.a.

c. Post-Construction Stormwater Management program documentation

The permittee shall document the following information as part of this program:

- (1) Any supporting documentation used by the permittee to determine compliance with Part III.~~DE.54.a.(1)(a) and (b)~~, including the project: name, location, ~~of the owner and/~~operator ~~and location of the construction activity~~, any checklists used for conducting site plan reviews, and any calculations used to determine compliance ~~with volume, TSS, and TP, phosphorus or rate standards~~
- (2) All supporting documentation associated with mitigation projects authorized by the permittee.
- (3) Payments ~~in lieu funds~~ received and used/tilized in accordance with Part III.D.5.a(~~43~~)(f).
- (4) All ~~maintenance agreements or other~~ legal mechanisms drafted in accordance with Part III.~~DE.5.a(54)~~, including date(s) of the agreement(s) and names of all responsible parties involved.

6. Pollution Prevention/Good Housekeeping For Municipal Operations

~~New permittee's~~ shall develop and implement, ~~and existing permittee's~~ shall continue to develop and implement, an operations and maintenance program that designed to prevent or reduces the discharge of pollutants from ~~permittee owned and/or~~ operated facilities and operations to the small MS4. The operations and maintenance program shall include, at a minimum, the following components:

a. Facilities Inventory

The permittee shall develop and maintain an electronic inventory of permittee owned/operated facilities that may include, but is not limited to: composting; equipment storage and maintenance; hazardous waste disposal; hazardous waste handling and transfer; landfills; solid waste handling and transfer; parks and open space; pesticide storage; public parking lots; public golf courses; public swimming pools; public works yards; recycling; salt storage; street repair and maintenance sites; vehicle storage and maintenance yards; materials storage yards.

b. ~~Development sign~~ and Implementation of BMPs

~~Where any facility or operation contributes pollutants to stormwater runoff, the permittee shall, to the MEP, design and implement BMPs that eliminate~~

~~exposure of stormwater to potential pollutants. Where exposure cannot be eliminated,~~ the permittee shall develop and implement BMPs that divert, treat, infiltrate, reuse, contain, or otherwise reduce pollutants in stormwater discharges from the small MS4 and from all inventoried facilities that discharge to the MS4. The permittee shall base the ~~development sign~~ and implementation of BMPs on the following factors:

- (1) Typical urban pollutants and stormwater runoff characteristics that may adversely affect downstream receiving waters that include, but ~~are may not be~~ limited to: sediment, nutrients, metals, hydrocarbons (e.g., benzene, toluene, ethylbenzene and xylene), pesticides, chlorides, thermal impacts, ~~excessive stormwater~~ volume and rate, trash, and bacteria.
- (2) Sources of pollutants. ~~and~~
- (3) Sensitivity of receiving waters ~~receiving stormwater discharges~~ (e.g., outstanding resource value waters (ORVWs), impaired waters, trout streams, etc.).

c. Standard Operating Procedures (SOPs) for:

- (1) Pollution Prevention/Good Housekeeping.

~~Facilities and operations that are owned and/or operated by t~~ The permittee shall develop and implement SOPs for municipal operations and that may contribute pollutants to stormwater. The SOPs shall include BMPs that prevent or reduce the discharge of pollutants to stormwater from the following municipal operations, where applicable: ~~be managed and kept sufficiently clean to reduce the discharge of pollutants. The SOPs shall include schedules (where appropriate) and address, at a minimum, the following:~~

- (a) Waste disposal and storage, including Areas where dumpsters, or other trash containers are located
- (b) Temporary and permanent stockpiles of materials such as street sweepings, snow,
- (c)(b) Areas where deicing materials (e.g., salt), street sweepings, snow, or other materials are stored and sediment removal piles.
- (d) Areas where loading or un-loading of potential pollutants occur
- (e)(c) Areas where vehicle fueling and maintenance occurs
- (f)(d) Routine street and parking lot sweeping.
- (g)(e) Emergency response, including The use and implementation of spill prevention plans. (where applicable)
- (h)(f) The proper cleaning of maintenance equipment, building exteriors, dumpsters, trash containers and the disposal of associated waste and wastewater.
- (i)(g) The proper use, storage, and disposal of significant materials, chemicals (including pesticides and fertilizers)

- ~~(j)(h) Operations involving landscaping, park, and lawn maintenance, to ensure practices (e.g., management of lawn clippings and other vegetation) are protective of water quality~~
- ~~(i) Road maintenance, including operations (e.g., pothole repair, road shoulder maintenance, pavement marking, sealing, and repaving.~~
- ~~(k)(j) Right-of-way maintenance, including mowing, herbicide and pesticide application.)~~
- ~~(k)(k) Cold weather operations, including plowing or other snow removal practices, sand using, and application of deicing compounds, and maintenance of snow disposal areas.~~

(2) ~~Pond Assessment Schedule and Procedures of Constructed Ponds and Constructed Wetlands~~

The permittee shall ~~complete the development of~~ an assessment process (including a schedule and procedures ~~for conducting assessments~~) for ~~the~~ purposes of determining the ~~TSS and TP~~ treatment effectiveness of all ~~permittee owned and/or operated constructed ponds constructed and used for the collection and treatment of stormwater.~~ The schedule (which may exceed this permit term) shall be based on measureable goals and priorities established by the ~~permittee~~. The pond assessment process shall take into account the following: ~~and constructed wetlands required to be inventoried in accordance with Part III.D.2. The permittee shall prioritize the completion of individual assessments based on an evaluation of the environmental importance of the BMP to the protection of receiving waters. The schedule and procedures which the permittee intends to utilize for conducting assessments shall be outlined in the SWMPSWPPP summary (Part II.C) required to be submitted to the Agency upon application for authorization under this permit.~~

~~The assessment process shall include procedures that incorporate the following data collection components:~~

- ~~(a) Calculation of the stormwater volume flowing to the BMP based on factors within the watershed including the watershed area and percentage of impervious cover within the watershed, soil types, and land use~~
- ~~(b) Actual BMP volumes including both the permanent storage volume and temporary water quality storage volume.~~
- ~~(b)(c) Short-circuiting (i.e., flow path between the inlet and outlet does not allow the detention time necessary to adequately treat stormwater), based on the BMP geometry and inlet, outlet (invert), and overflow spillway elevations~~
- ~~(c) Whether the inlets and outlets of the BMP are pipes or an open channel and the diameters of any pipes~~
- ~~(d) The flow path of stormwater through the BMP related to the distance and position of the inlet(s) and outlet(s)~~

- ~~(e)(d) _____ Pre-treatment **structural stormwater BMPs** Whether there is a (e.g., fore-bays, sediment basin, or stilling basins, etc.) at the inlet to the **BMP**~~
- ~~(f) Type of design (e.g., The percentage of the permanent pool surface area which is covered by aquatic vegetation~~
- ~~(g)(e) _____ Whether the **BMP** is a single or multi-cell, etc.) ple pond/**wetland** design~~
- ~~(h) Whether the **BMP** intersects the local ground water table~~

(3) ~~Inspections and Maintenance~~

- ~~(a) Unless Inspection frequency is adjusted under the conditions of Part III.D.6.c(4), the permittee shall conduct annual inspections of **structural stormwater BMPs** (excluding stormwater ponds which are under a separate schedule below) to determine structural integrity, effectiveness, proper function and maintenance needs.~~
- ~~(b) Prior to the expiration date of this permit, the permittee shall conduct at least one inspection of all ponds and **outfalls** (excluding underground **outfalls**) in order to determine structural integrity, proper function, and maintenance needs.~~
- ~~(a)(c) The permittee shall conduct quarterly inspections of stockpile areas, and storage and material handling areas as inventoried in Part III.D.6.a, to determine maintenance needs and effectiveness of SOPs.s~~

(4) ~~Annual Inspection and Maintenance-Frequency Adjustments (if applicable)~~

~~Inspections of **structural stormwater BMPs** shall be conducted annually unless the permittee determines either of the following conditions applies: If patterns of maintenance become apparent after two years of inspections conducted in accordance with the requirements above, the permittee may adjust the frequency of inspections as follows:~~

- ~~(a) Complaints received or patterns of maintenance indicate a greater frequency is necessary, or If maintenance or sediment removal is required as a result of each of the first two annual or quarterly inspections, the frequency of inspections shall be increased as needed to prevent carry-over or washout of pollutants from **BMPs** or stored materials, to **reduce** the discharge of pollutants to **stormwater**.~~
- ~~(b) If maintenance or sediment removal is not required after completion of the first as a result of the first two annual inspections; in which case the or quarterly inspections, the permittee may be authorized to reduce the frequency of inspections to once every two (2) years. However, **existing permittees** are authorized under this permit to continue using inspection frequency adjustments, previously determined under the **Agency's small MS4 general permit No. MNR040000, permit that was effective June 1, 2006** permit, provided that documentation requirements in Part III.D.6.d(1)(b) of this permit are satisfied, and every other quarter, respectively.~~

~~(5) The permittee shall conduct inspections of structural stormwater management facilities to determine structural integrity, effectiveness, proper function and maintenance needs. Unless the permittee has determined that Part III.E.6.b.(2)(c) applies, the permittee shall perform:~~

- ~~1) A minimum of one annual inspection of:~~
- ~~2) —~~
 - ~~a) Ditches and swales as mapped in accordance with Part III.D.1.a.~~
 - ~~b) Small stormwater treatment BMPs mapped in accordance with Part III.D.1.d~~
 - ~~c) Infiltration, filtration, and bio-retention BMPs mapped in accordance with Part III.D.1.e~~
 - ~~d) All flow control structures that are part of the permittee's small MS4~~
 - ~~e) A sufficient number of constructed ponds and constructed wetlands (as inventoried in accordance with Part III.D.2) such that each device is inspected at least once during the permit term and~~
 - ~~f) A sufficient number of outfalls such that each outfall is inspected at least once during the permit term. These inspections may be combined with the outfall inspection requirements of Part III.E.3 (illicit discharge detection).~~
 - ~~g) —~~
- ~~3) A minimum of one quarterly inspection of:~~
- ~~4) —~~
 - ~~a) All stockpile areas (e.g., de-icing materials, street sweepings, snow, etc.), that are owned and/or operated by the permittee~~
 - ~~b) All storage and material handling areas that are owned and/or operated by the permittee~~

~~(6)(5) Maintenance~~

The permittee shall ensure the structural integrity, proper function, and treatment effectiveness of structural stormwater BMPs management facilities required to be inspected in accordance with Part III.D.6.c(3)(a) and (b), by developing and implementing SOPs (e.g., thresholds, rating systems, or other measurable standards) under which maintenance and repair must be conducted in order to reduce the discharge of pollutants to stormwater. The ~~permittee's~~ SOPs shall address:

- (a) Routine maintenance (e.g., vegetation management, debris or trash removal, sediment removal, etc.), including management and disposal of sediment and waste removed from structural stormwater BMPs. Routine maintenance SOPs must also include proper disposal of all waste removed from the small MS4, specifically addressing proper disposal methods of sediment removed from all sediment-capturing BMPs. Sediment removed from the small MS4 shall be managed

- consistent with "Managing Dredged Materials in the State of Minnesota" guidance published by the Agency
- (b) Non-routine maintenance (e.g., emergency repairs due to structural failure, etc.).

~~(7)~~(6) Employee Training

The permittee shall develop and implement a **stormwater management** training program commensurate with for employee's job duties as they relate to the permittee's SWPPP, including reporting and assessment activities, whose job function is related to compliance with this permit. The program shall include a schedule that establishes training at least annually and shall include recurring training for employees as needed to address changes in procedures, techniques, or requirements. The permittee may use training materials that are available from the USEPA, state and regional agencies, or other organizations as appropriate to meet this requirement. The employee At a minimum, required elements of the training program shall curriculum include:

- (a) Address the importance of protecting General stormwater education, including the importance of water quality.
- ~~(b) Cover the requirements of the permit relevant to the job-specific duties of the employee, including training on applicable SOPs. The requirements of this permit, with emphasis on the permittee's:~~
- ~~(c) Regulatory Mechanism(s) and associated Enforcement Response Procedures (ERPs)~~
- ~~Illicit Discharge Detection and Elimination program, including the Standard Operating Procedures (SOPs)~~
- ~~Construction Site Stormwater Runoff Control program, including all associated SOPs~~
- ~~Post Construction Stormwater Management program and~~
- ~~(d) Pollution Prevention/Good Housekeeping for Municipal Operations program, including SOPs developed for facilities and for conducting inspections and maintenance of the small MS4~~
- ~~(e)(b)~~
- ~~(f)(c) Include a schedule that establishes initial training for new and/or seasonal employees, and recurring training intervals for existing employees to address changes in procedures, practices, techniques, or requirements. Selecting and installing appropriate BMPs, including Green Infrastructure techniques and practices~~

d. Operation and Maintenance Program Documentation

The permittee shall document the following information as part of this program:

- (1) Inspections~~Sediment dredging activities, including:~~

- ~~(a) Dates and description of findings of all inspections conducted in accordance with Part III.D.6.c(3).~~
- ~~(a) Any adjustments to inspection frequency as authorized under Part III.D.6.c(4). The unique ID number (consistent with that required by Part III.D.2) of each constructed pond or constructed wetland from which sediment was dredged~~
- ~~(b) The date the dredging activity occurred and the volume (e.g., cubic yards) of sediment removed~~
- ~~Laboratory methods and results from any testing of sediment from each dredging activity and~~
- ~~(c)(b) Methods used, and locations of, final disposal of sediment from each constructed pond or constructed wetland~~

(2) ~~Inspection and maintenance activities, including:~~

- ~~(a) A description of maintenance conducted, including dates, as a result of inspection findings.~~
- ~~(b) Pond sediment excavation and removal activities, including:~~
 - ~~1) The unique ID number (consistent with that required in Part III.C.2.a) of each stormwater pond from which sediment is removed.~~
 - ~~2) The date the sediment removal dredging activity occurred and the volume (e.g., cubic yards) of sediment removed.~~
 - ~~3) Laboratory methods and results from any testing of sediment from each removal activity.~~
 - ~~4) Methods used, and locations of, final disposal of sediment from each stormwater pond.~~
 - ~~3) Facilities inspected, including dates and a description of findings, and~~

~~A description of any maintenance conducted, including dates, as a result of inspection findings~~

- ~~(3) Employee stormwater management training events, including a list of topics covered and, dates of each event, and number of attendees for each event~~

E. ~~Requirements for Discharges To An Impaired Waters for Which a With a USEPA-Approved USEPA-Approved Total Maximum Daily Load (TMDL That Includes An Applicable WLA.) Includes a Waste Load Allocation (WLA)~~

~~For each applicable WLA if the small MS4 discharges to an impaired water for which a US EPA-approved TMDL prior to the effective date of this permit, the applicable WLA, includes a WLA(s) for that small MS4, the WLA is a discharge requirement for the permittee. The permittee shall demonstrate continuing progress toward meeting each applicable that WLA, on a The permittee shall complete a form provided by the Commissioner, by submitting the following: in accordance with the following schedules and documentation requirements.~~

1. ~~A Schedules~~

- a. ~~For each applicable WLA approved prior to the permittee's authorization to discharge stormwater under this permit, the permittee shall comply with Part B of this Appendix no later than 12 months after the permittee is authorized to discharge stormwater under this permit.~~
- b. ~~For each applicable WLA approved after the permittee is authorized to discharge stormwater under this permit, the permittee shall comply with Part B of this Appendix no later than 12 months after approval of the WLA.~~

~~2.1. Documentation—The permittee shall list of all existing BMPs to be applied to each applicable WLA. The list shall also include any BMPs specifically outlined for the small MS4 in the TMDL report. For each listed BMP, the permittee shall:~~

- a. ~~Clearly link the listed BMPs with a specific pollutant of concern.~~
- b. ~~Provide a unique identification (ID) number and geographic coordinate for each structural stormwater BMP that is listed. If the listed BMP is also inventoried as required by Part III.C.2, depicted on the storm sewer system map required by Part III.D, the same ID number shall be used.~~

~~3.2. A list of all activities the permittee expects will lead to a reduction in pollutant(s) of concern loadings as required by each applicable WLA, including any BMPs specifically identified for the small MS4 in the TMDL report that the permittee plans to implement. For each activity, the permittee shall:~~

- a. ~~Clearly link the listed activity with a specific pollutant of concern, and~~
- b. ~~Indicate the stage of completion for each activity.~~

~~4.3. During the required Annual Assessment in Part IV.A, An up-dated the estimated of the cumulative reductions in loading achieved for each pollutant of concern associated with each an applicable WLA.~~

~~5.4. During each Annual Assessment conducted in accordance with Part IV.A, An up-dated a narrative that describings any adaptive management strategies used (including projected dates) for making progress toward achieving meeting each applicable WLA.~~

F. ~~Requirements for~~ Chemical Treatment of Stormwater for Phosphorus Removal

If the activity of chemically treating stormwater to remove phosphorus occurs within the permittee's small MS4, the permittee shall comply with the following:

1. Minimum Requirements of an Alum or Ferric Chloride Phosphorus Chemical Treatment System
 - a. Limitations

- (1) The **permittee** shall use the treatment system for the treatment of **pPhosphorus in stormwater**. **Non-stormwater discharges** shall not be treated by this system.
- (2) The treatment system must be contained within the conveyances and **structural stormwater** BMPs of a **small MS4**. The utilized conveyances and **structural stormwater** BMPs shall not include any **receiving waters streams, lakes, wetlands, or non-constructed ponds**.
- (3) **Phosphorus** Treatment systems utilizing chemicals other than **aAlum or fFerric cChloride** must receive written approval from the **Agency**.
- ~~(3)~~(4) One-time in-lake phosphorus treatment activities are not authorized under this permit.

b. Treatment System Design

- (1) The treatment system shall be **Off-Line**.
- (2) A **High Flow Bypass** shall be part of the inlet design.
- (3) A flocculent storage/settling area shall be incorporated into the design, and adequate maintenance access must be provided (minimum of 8 **feet**, wide) for the removal of accumulated sediment

NOTE: For assistance and guidance on system design and maintenance, the permittee can refer to the following publications on the Agency's website: "The Minnesota Stormwater Manual" and/or "Managing Dredged Materials in the State of Minnesota".

2. Monitoring

- a. During operation, a designated responsible **Pperson** shall perform visual monitoring of the treatment system for proper performance at least once every seven (7) days, and within 24 hours after a rainfall event greater than 0.5 inches in 24 hours. Following visual monitoring which occurs within 24 hours after a rainfall event, the next visual monitoring must be conducted within seven (7) days after that **rainfall event**.
- b. Three benchmark monitoring stations shall be established. Table B-1 shall be used for the parameters, units of measure, and frequency of measurement for each station.
- c. Samples shall be collected as **gGrab sSamples** or flow-weighted 24-hour **cComposite sSamples**.
- d. Each sample, excluding pH samples, must be analyzed by a certified laboratory, and:
 - (1) The samples shall be preserved according to laboratory instructions and shipped to a laboratory within the laboratory's specified holding times.
 - (2) Detection limits for dissolved phosphorus, dissolved aluminum, and dissolved iron shall be a minimum of 6 micrograms per liter ($\mu\text{g/L}$), 10 $\mu\text{g/L}$, and 20 $\mu\text{g/L}$, respectively.
 - (3) pH must be measured within 15 minutes of sample collection using calibrated and maintained equipment.

Table B-1: Monitoring Parameters

Station	Alum Parameters	Ferric Parameters	Units	Frequency
Upstream- Background	Total Phosphorus	Total Phosphorus	mg/L	1 x week
	Dissolved Phosphorus	Dissolved Phosphorus	mg/L	1 x week
	Total Aluminum	Total Iron	mg/L	1 x month
	Dissolved Aluminum	Dissolved Iron	mg/L	1 x week
	pH	pH	SU	1 x week
	Total Suspended Solids	Total Suspended Solids	mg/L	1 x week
	Flow	Flow	mgd	Daily
Chemical Feed	Alum	Ferric	gallons	Daily total dosed in gallons.
Discharge from Treatment	Total Phosphorus	Total Phosphorus	mg/L	1 x week
	Dissolved Phosphorus	Dissolved Phosphorus	mg/L	1 x week
	Total Aluminum	Total Iron	mg/L	1 x month
	Dissolved Aluminum	Dissolved Iron	mg/L	1 x week
	pH	pH	SU	1 x week
	Total Suspended Solids	Total Suspended Solids	mg/L	1 x week
	Flow	Flow	mgd	Daily

e. In the following situations, the **permittee** shall perform corrective actions and immediately notify the Minnesota Department of Public Safety Duty Officer at 1-800-422-0798 (toll free) or 651-649-5451 (metro area):

- (1) The pH of the discharged water is not within the range of 6.0 and 9.0.
- (2) Any indications of toxicity or measurements exceeding **water quality standards**.
- (3) A spill, as defined in Minn. Stat. § 115.01, subd. 13, of **aAlum** or **fFerric cChloride**.

3. Reporting & Recordkeeping

a. Annual Reporting

The **permittee** shall submit the following information with the Annual Report **required by** in Part IV.B. **of the permit**. The Annual Report must include a month-by-month summary of:

- (1) Dates of operation.
- (2) Chemical(s) used for treatment.
- (3) Gallons of water treated.

- (4) Gallons of chemical treatment used.
- (5) Calculated pounds of phosphorus removed.
- (6) Calculated pounds of TSS removed.
- (7) Any performance issues and the corrective actions taken.

b. On-Site Recordkeeping

A record of the following design parameters shall be kept on-site:

- (1) Site-specific jar testing conducted using typical and representative water samples in accordance with ASTM D2035-08 (2003).
- (2) Baseline concentrations of the following parameters in the influent and receiving waters:
 - (a) Aluminum or Iron.
 - (b) Phosphorus.
 - (c) ~~Total Suspended Solids~~
- (3) The following system parameters and how each was determined:
 - (a) Flocculent settling velocity.
 - (b) Minimum required retention time.
 - (c) Rate of diversion of stormwater into the system.
 - (d) The flow rate from the discharge of the outlet structure.
 - (e) Range of expected dosing rates.

4. Treatment System Management

Site-specific ~~Standard Operating Procedures (SOPs)~~ shall be developed and a copy kept on-site. The SOPs shall include the following:

- a. Procedures for the installation, operation and maintenance of all pumps, generators, control systems, and other equipment.
- b. Specific parameters for determining when the solids must be removed from the system and how the solids will be handled and disposed of.
- c. Procedures for cleaning up and/or containing a spill of each chemical stored on-site.

G. Stormwater ~~Pollution Prevention Management~~ Program (SW~~PPMP~~) Modification

1. The Commissioner may require the permittee to modify the ~~SWMPSWPPP~~ as needed, in accordance with the procedures of Minn. R. ch. 7001, and may consider the following factors:
 - a. Discharges from the ~~small MS4 storm sewer system~~ are impacting the quality of ~~receiving waters~~ receiving the discharges.
 - b. More stringent requirements are necessary to comply with state or federal regulations.

- c. Additional conditions are deemed necessary to comply with the goals and applicable requirements of the Clean Water Act and protect ~~or~~ water quality. standards
2. Modifications that the **permittee** chooses to make to the SWMP/SWPPP document developed under Part II.D, other than modifications authorized in Part III.G.H.F.3 below, must be approved by the **Commissioner** in accordance with the procedures of Minn. R. ch. 7001. All requests must be in writing, setting forth schedules for compliance. The request must discuss alternative program modifications, assure compliance with requirements of the permit, and meet other applicable laws.
3. The SWMP/SWPPP document may only be modified by the **permittee** without prior approval of the **Commissioner**, provided it is in accordance with the following:
 - a. A **BMP** is added, and none subtracted, from the SWMP/SWPPP document.
 - b. A less effective **BMP** identified in the SWMP/SWPPP document is replaced with a more effective **BMP**. The alternate **BMP** shall address the same, or similar, concerns as the ineffective or failed **BMP**. and
 - c. The **Commissioner** is notified of the modification in the Annual Report for the year the modification is made.

PART IV. ANNUAL SWPPP ASSESSMENT, ANNUAL REPORTING, AND RECORD KEEPING

A. Annual SWPPP Assessment

The permittee shall conduct an Annual Assessment of their Stormwater Pollution Prevention Management Program (SWPPMP) to determine program compliance, the appropriateness of BMPs, and progress towards achieving the measurable goals identified in their SWMPSWPPP document, summary completed in accordance with Part II.C. The Annual SWPPP Assessment shall be performed prior to completion of each Annual Report, required by Part IV.B.

B. Annual Reporting

The permittee shall submit an Annual Report to the Agency by June 30th of each calendar year. The Annual Report shall cover the portion of the previous calendar year during which that the permittee was authorized to discharge stormwater under this permit. The Annual Reporting shall be submitted to the Agency, on a form provided by the Commissioner, that will at a minimum, consist of the following:

- ~~6.~~ A general summary of the Annual Assessment conducted in accordance with Part IV.A. The summary shall include:
 1. The status of compliance with permit terms and conditions, including an assessment of the appropriateness of BMPs identified by the permittee and progress towards achieving the identified measurable goals for each of the Minimum Control Measures in Part III.D.1-6. The assessment must be based on results of information collected and analyzed, including monitoring (if any), inspection findings, and public input received during the reporting period.
 2. The stormwater activities the permittee plans to undertake during the next reporting cycle.
 3. A change in any identified BMPs or measurable goals for any of the Minimum Control Measures in Part III.D.1-6.
 4. The information required in Part III.E, to demonstrate progress in meeting applicable WLAs.
 - ~~3.5.~~ The information required in Part III.F.3.a, for the chemical treatment of stormwater for phosphorus removal.
 - ~~4.6.~~ A statement that the permittee is relying on another entity to satisfy some one or more permit requirements (if applicable), and what agreements the permittee has entered into in support of this effort.

Partnerships

Program Development Period for existing permittee's and new permittee's:

Year 1 Annual Report—The permittee shall report on the status of development of any partnerships being implemented under the provisions of Part III.A.

Program Implementation Period for existing permittee's and new permittee's:

~~Year 2 Annual Report~~— At a minimum, the ~~permittee~~ shall report the items required in Part III.A (1-3) for any partnerships the ~~permittee~~ has entered into and shall detail any activities undertaken by the ~~permittee's~~ partner(s) to fulfill specific permit requirements as outlined in any agreements for the reporting year.

~~Years 3-5 Annual Reports~~— At a minimum, the ~~permittee~~ shall report on any revisions to existing partnerships including the items in Part III.A. (1-3), and shall detail any activities undertaken by the ~~permittee's~~ partner(s) to fulfill specific permit requirements as outlined in any agreements for the reporting year.

Regulatory Mechanism(s)

~~Program Development Period for existing permittee's and new permittee's:~~

~~Year 1 Annual Report~~— At a minimum, the ~~permittee~~ shall report on the status of development of any Regulatory Mechanism(s) (~~new permittee's~~), or revisions to any Regulatory Mechanism(s) (~~existing permittee's~~) under development, to meet the terms and conditions of Part III.E.3, 4, and 5 including interim milestones.

~~Program Implementation Period for existing permittee's and new permittee's:~~

~~Year 2 Annual Report~~— At a minimum, the ~~permittee~~ shall submit to the ~~Agency~~ the Regulatory Mechanism(s) (~~new permittee's~~) or revisions to any Regulatory Mechanism(s) (~~existing permittee's~~) developed to meet the terms and conditions of Part III.B.

~~Years 3-5 Annual Report~~— At a minimum, the ~~permittee~~ shall report on revisions to any Regulatory Mechanism(s) required under Part III.B.

Enforcement Response Procedures (ERPs)

~~Program Development Period for existing permittee's and new permittee's:~~

~~Year 1 Annual Report~~— At a minimum, the ~~permittee~~ shall report on the status of development of the ERPs, including the status of any partnerships under development to meet the permit conditions in Part III.C.

~~Existing permittee's~~ shall report on any enforcement actions taken under the ~~permittee's~~ existing enforcement procedures and Regulatory Mechanism(s) as required by Part III.B.

~~Program Implementation Period for existing permittee's and new permittee's:~~

~~Years 2-5 Annual Report~~— At a minimum, the ~~permittee~~ shall report on the completed ERPs as required by Part III.C, including:

The number of completed enforcement actions taken during the reporting year as documented in accordance with Part III.C.2. and,

A description of any unresolved non-compliance documented by the ~~permittee~~

Any corrective actions issued for resolving the non-compliance and

~~A description of any escalated enforcement cases taken by the permittee~~

~~Mapping And Inventory~~

~~**Program Development Period** for existing permittee's and new permittee's:~~

~~Year 1 Annual Report— At a minimum, the permittee shall report on the status of the development of (new permittee's), or updates to (existing permittee's), the storm sewer system map.~~

~~**Program Implementation Period** for existing permittee's and new permittee's:~~

~~Years 2-5 Annual Report— At a minimum, the permittee shall report on updates to the storm sewer system map developed in accordance with Part III.D.1.~~

~~Year 3 Annual Report (for new permittee's only)— The permittee shall submit to the Agency the inventory completed in accordance with Part III.D.2.~~

~~Public Education And Outreach~~

~~**Program Development Period** for existing permittee's and new permittee's:~~

~~Year 1 Annual Report— At a minimum, the permittee shall report on the status of the development of (new permittee's), or up-dates to (existing permittee's), the education and outreach program.~~

~~Existing permittee's shall also report any outreach conducted, including activities held and educational materials distributed for the reporting year.~~

~~**Program Implementation Period** for existing permittee's and new permittee's:~~

~~Year 2 Annual Report— At a minimum, the permittee shall report on the following for the reporting year:~~

~~All performance measures developed by the permittee with defined baselines that will be used to assess success in reaching established educational goals
The priority areas that will be emphasized for education and outreach during the permit term, including the information outlined in Part III.E.1
Activities held to reach educational goals and
Educational materials distributed~~

~~Years 3-5 Annual Report— At a minimum, the permittee shall report on the following for the reporting year:~~

~~A description of any community behavior changes observed by the permittee, or partner, as a result of the mechanism developed in accordance with Part III.E.1.e. of the permit
Activities held during the reporting year to reach educational goals
Educational materials distributed and~~

~~Any revisions to the education and outreach program, including priority areas and performance measures~~

~~Public Participation/Involvement~~

~~Program Development and Implementation Periods for existing permittee's and new permittee's:~~

~~Years 1-5 Annual Report—At a minimum, permittee's shall report on the following items for the reporting year:~~

~~The annual public meeting or public input session held including the date, time, location and number of attendees~~

~~Location where a copy of the SWMPS/WPPP summary was made available for public review~~

~~Any input received from the public~~

~~Any record of decision documented by the permittee~~

~~Illicit Discharge Detection and Elimination (IDDE):~~

~~Program Development Period for existing permittee's and new permittee's:~~

~~Year 1 Annual Report—At a minimum, the permittee shall report on the status of the illicit discharge detection and elimination program, including interim milestones for development of the following components of the IDDE program:~~

~~Standard Operating Procedures (SOPs) for:~~

~~Dry weather field screening~~

~~Responses to suspected illicit discharges~~

~~Outfall prioritization~~

~~A schedule for conducting visual observations and assessments of outfalls~~

~~Any Regulatory Mechanism(s) and Enforcement Response Procedures~~

~~Program Implementation Period for existing permittee's and new permittee's:~~

~~Year 2 Annual Report—At a minimum, the permittee shall report on the following completed components of the IDDE program for the reporting year:~~

~~Standard Operating Procedures (SOPs) for:~~

~~Dry weather field screening~~

~~Responses to suspected illicit discharges~~

~~Outfall prioritization~~

~~A schedule for conducting visual observations and assessments of outfalls~~

~~Any outfalls screened for illicit discharges~~

~~The number of illicit discharges discovered~~

~~Any actions taken by the permittee to eliminate illicit discharges discovered including any enforcement actions taken under the permittee's Regulatory Mechanism(s) and Enforcement Response Procedures~~

~~Any IDDE training conducted, including number of staff trained and topics covered~~

~~_____ Years 3-5 Annual Report - At a minimum, the permittee shall report on the following for the reporting year:~~

~~**Outfalls** screened for **illicit discharges**~~

~~The number of **illicit discharges** discovered~~

~~Any IDDE training conducted, including number of staff trained and topics covered~~

~~Any actions taken by the permittee to eliminate **illicit discharges** discovered over the reporting year including any enforcement actions taken under the permittee's Enforcement Response Procedures~~

~~Any revisions to the IDDE program~~

~~Construction Site **Stormwater** Runoff Control~~

~~**Program Development Period** for **existing permittee's** and **new permittee's**:~~

~~Year 1 Annual Report - At a minimum, the permittee shall report on the status of development of Standard Operating Procedures (SOPs) required under the Construction Site **Stormwater** Runoff Control program including the following:~~

~~Site plan review~~

~~Public input~~

~~Construction site inspections~~

~~_____ **Existing permittee's** shall also report on the following components of an existing program:~~

~~The number of inspections conducted~~

~~Frequency of inspections~~

~~Number of site plan reviews~~

~~Staff training conducted~~

~~Any enforcement actions taken under the permittee's existing Enforcement Response Procedures and Regulatory Mechanism(s)~~

~~**Program Implementation Period** for **existing permittee's** and **new permittee's**:~~

~~Years 2-5 Annual Report - At a minimum, the permittee shall report on the following for the reporting year:~~

~~The number of active construction sites within the permittee's jurisdiction~~

~~The number of inspections conducted~~

~~Frequency of inspections~~

~~Number of site plan reviews~~

Any enforcement actions taken under the ~~permittee's~~ Regulatory Mechanism(s) and Enforcement Response Procedures

Post-Construction ~~Stormwater~~ Management

~~Program Development Period for existing permittee's and new permittee's:~~

~~Year 1 Annual Report~~— At a minimum, the ~~permittee~~ shall report on the status of development of the Post-Construction ~~Stormwater~~ Management Program including the Regulatory Mechanism(s) and Enforcement Response Procedures.

~~Program Implementation Period for existing permittee's and new permittee's:~~

~~Years 2-5 Annual Report~~— At a minimum, the ~~permittee~~ shall report on the following for the reporting year:

~~Development and implementation of mitigation procedures as outlined in Part III.E.5.a.(3)
Any maintenance agreements developed in accordance with Part III.E.5.a.(4)~~

~~Pollution Prevention/Good Housekeeping For Municipal Operations~~

~~Program Development Period for existing permittee's and new permittee's:~~

~~Year 1 Annual Report~~— At a minimum, the ~~permittee~~ shall report on the status of development of the following:

~~Standard Operating Procedures (SOPs)
Design and Implementation of BMPs
Employee Training
Assessments of Constructed Ponds and Constructed Wetlands~~

~~Existing permittee's~~ shall report on the following components of the ~~permittee's~~ existing operation and maintenance program for the reporting year:

~~Inspections conducted
Any maintenance activity
Employee training activities~~

~~Program Implementation Period for existing permittee's and new permittee's:~~

~~Years 2-5 Annual Report~~— At a minimum the ~~permittee~~ shall report on the following for the reporting year:

~~Inspections conducted as required by Part III.E.6.2.a.
Maintenance conducted as required by Part III.E.6.2.b. including projected maintenance for the next year budgeted during the reporting period
Employee training activities
Any sediment dredging activities documented in accordance with Part III.E.6.b.5.a.~~

~~Procedures, schedules, and activities conducted under assessments as outlined in Part III.E.6.b.3~~

~~If the permittee is required to comply with Appendix A, the permittee shall submit the form required by Appendix A, completed, with each Annual Report.~~

~~If the permittee is required to comply with Appendix B, the permittee shall submit with each Annual Report, the information outlined in Part C of Appendix B~~

C. Record Keeping Requirements

1. The permittee shall keep records required by the NPDES permit for at least three (3) years beyond the term of this permit. The permittee shall submit records to the Commissioner only if specifically asked to do so.
2. The permittee shall make records, including components of the ~~SWMPSWPPP~~, available to the public at reasonable times during regular business hours (see 40 CFR § 122.7 for confidentiality provision).
3. The permittee shall retain copies of the permit application, all documentation necessary to comply with ~~Stormwater Pollution Prevention Management Program (SWPPMP)~~ requirements, all data and information used by the permittee to complete the application process, and any information developed as a requirement of this permit or as requested by the Commissioner, for a period of at least three (3) years beyond the date of permit expiration. This period is automatically extended during the course of an unresolved enforcement action regarding the small MS4 or as requested by the Commissioner.

D. Where to Submit

The permittee shall use an electronic submittal process, when provided by the Agency, when submitting information required by this permit. When submitting information electronically is not possible, the permittee may use the following mailing address:

Minnesota Pollution Control Agency (MPCA)
Attn: WQ Submittals Center
520 Lafayette Road North
St. Paul, MN 55155-4194

PART V. GENERAL ~~CONDITIONS~~PROVISIONS

- A. The **Agency's** issuance of a permit does not release the **permittee** from any liability, penalty, or duty imposed by Minnesota or federal statutes or rules or local ordinances, except the obligation to obtain the permit. (Minn. R. 7001.0150, subp.3, item A)
- B. The **Agency's** issuance of a permit does not prevent the future adoption by the **Agency** of pollution control rules, standards, or orders more stringent than those now in existence and does not prevent the enforcement of these rules, standards, or orders against the **permittee**. (Minn. R. 7001.0150, subp.3, item B)
- C. The permit does not convey a property right or an exclusive privilege. (Minn. R. 7001.0150, subp. 3, item C)
- D. The **Agency's** issuance of a permit does not obligate the **Agency** to enforce local laws, rules, or plans beyond that authorized by Minnesota statutes. (Minn. R. 7001.0150, subp.3, item D)
- E. The **permittee** shall perform the actions or conduct the activity authorized by the permit in accordance with the plans and specifications approved by the **Agency** and in compliance with the conditions of the permit. (Minn. R. 7001.0150, subp. 3, item E)
- F. The **permittee** shall at all times properly operate and maintain the facilities and systems of treatment and control and the appurtenances related to them which are installed or used by the **permittee** to achieve compliance with the conditions of the permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. The **permittee** shall install and maintain appropriate backup or auxiliary facilities if they are necessary to achieve compliance with the conditions of the permit and, for all permits other than hazardous waste facility permits, if these backup or auxiliary facilities are technically and economically feasible. (Minn. R. 7001.0150. subp. 3, item F.)
- G. The **permittee** may not knowingly make a false or misleading statement, representation, or certification in a record, report, plan, or other document required to be submitted to the **Agency** or to the **Commissioner** by the permit. The **permittee** shall immediately upon discovery report to the **Commissioner** an error or omission in these records, reports, plans, or other documents. (Minn. Stat. Sec. 609.671; Minn. R. 7001.0150, subp.3, item G.; and Minn. R. 7001.1090, subp. 1, items G and H)
- H. The **permittee** shall, when requested by the **Commissioner**, submit within a reasonable time the information and reports that are relevant to the control of pollution regarding the construction, modification, or operation of the facility covered by the permit or regarding the conduct of the activity covered by the permit. (Minn. R. 7001.0150, subp. 3, item H)
- I. When authorized by Minn. Stat. §§ 115.04; 115B.17, subd. 4; and 116.091, and upon presentation of proper credentials, the **Agency**, or an authorized employee or agent of

- the **Agency**, shall be allowed by the **permittee** to enter at reasonable times upon the property of the **permittee** to examine and copy books, papers, records, or memoranda pertaining to the construction, modification, or operation of the facility covered by the permit or pertaining to the activity covered by the permit; and to conduct surveys and investigations, including sampling or monitoring, pertaining to the construction, modification, or operation of the facility covered by the permit or pertaining to the activity covered by the permit. (Minn. R. 7001.0150, subp.3, item I)
- J. If the **permittee** discovers, through any means, including notification by the **Agency**, that noncompliance with a condition of the permit has occurred, the **permittee** shall take all reasonable steps to minimize the adverse impacts on human health, public drinking water supplies, or the environment resulting from the noncompliance. (Minn. R. 7001.0150, subp.3, item J)
- K. If the **permittee** discovers that noncompliance with a condition of the permit has occurred which could endanger human health, public drinking water supplies, or the environment, the **permittee** shall, within 24 hours of the discovery of the noncompliance, orally notify the **Commissioner**. Within five days of the discovery of the noncompliance, the **permittee** shall submit to the **Commissioner** a written description of the noncompliance; the cause of the noncompliance; the exact dates of the period of the noncompliance; if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. (Minn. R. 7001.0150, subp.3, item K)
- L. The **permittee** shall report noncompliance with the permit not reported under item K as a part of the next report, which the **permittee** is required to submit under this permit. If no reports are required within 30 days of the discovery of the noncompliance, the **permittee** shall submit the information listed in item K within 30 days of the discovery of the noncompliance. (Minn. R. 7001.0150, subp.3, item L)
- M. The **permittee** shall give advance notice to the **Commissioner** as soon as possible of planned physical alterations or additions to the permitted facility (**MS4**) or activity that may result in noncompliance with a Minnesota or federal pollution control statute or rule or a condition of the permit. (Minn. R. 7001.0150, subp. 3, item M)
- N. The permit is not transferable to any **Pperson** without the express written approval of the **Agency** after compliance with the requirements of Minn. R. 7001.0190. A **Pperson** to whom the permit has been transferred shall comply with the conditions of the permit. (Minn. R. 7001.0150, subp.3, item N)
- O. The permit authorizes the **permittee** to perform the activities described in the permit under the conditions of the permit. In issuing the permit, the state and **Agency** assume no responsibility for damage to **Ppersons**, property, or the environment caused by the activities of the **permittee** in the conduct of its actions, including those activities authorized, directed, or undertaken under the permit. To the extent the state and **Agency** may be liable for the activities of its employees, that liability is explicitly limited to that provided in the Tort Claims Act, Minn. Stat. § 3.736. (Minn. R. 7001.0150, subp. 3, item O)

- P. This permit incorporates by reference the applicable portions of 40 CFR §§ 122.41 and 122.42 parts (c) and (d), and Minn. R. 7001.1090, which are enforceable parts of this permit.

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APPENDIX A

~~REQUIRED~~-SCHEDULES

Table 1
 Application Submittal Schedule for Existing Permittee's

Group 1 Within 90 days after permit effective date	Group 2 Within 120 days after permit effective date	Group 3 Within 150 days after permit effective date
Albert Lea, City	Anoka, City	Anoka County
Alexandria, City	Anoka-Ramsey Community College	Apple Valley, City
Andover, City	Austin, City	Bemidji, City
Anoka Technical College	Baxter, City	Big Lake, City
Arden Hills, City	Big Lake Township	Blaine, City
Benton County	Bloomington, City	Brockway Township
Birchwood Village, City	Brainerd, City	Brooklyn Center, City
Brooklyn Park, City	Buffalo, City	Burnsville, City
Cambridge, City	Carver, City	Carver County
Capitol Region WD	Century College	Chanhassen, City
Cascade Township	Champlin, City	Circle Pines, City
Centerville, City	Clay County	Cloquet, City
Chaska, City	Coon Creek WD	Coon Rapids, City
Columbia Heights, City	Corcoran, City	Cottage Grove, City
Credit River Township	Crystal, City	Dakota County
Dakota County Technical College	Dayton, City	Deephaven, City
Dellwood, City	Dilworth, City	Duluth, City
Detroit Lakes, City	Eagan, City	Eden Prairie, City
Duluth Township	East Grand Forks, City	Empire Township
East Bethel, City	Elk River, City	Falcon Heights, City
Edina, City	Elko New Market, City	Faribault, City
Excelsior, City	Fairmont, City	Fergus Falls, City
Farmington, City	Forest Lake, City	Gem Lake, City
Federal Medical Center	Fridley, City	Grant, City
Glencoe, City	Golden Valley, City	Ham Lake, City
Grand Rapids, City	Hastings, City	Haverhill Township
Greenwood, City	Haven Township	Hennepin Technical College Eden Prairie
Hennepin County	Hennepin Technical College Brooklyn Pk	Hermantown, City
Hibbing, City	Hopkins, City	Houston County
Hilltop, City	Hutchinson, City	Independence, City
Hugo, City	Jackson Township	La Crescent Township
Inver Grove Heights, City	La Crescent, City	Lake Elmo, City
Inver Hills Community College	Lake Superior College - Duluth	Le Sauk Township
Laketown Township	Landfall, City	Lexington, City
Lakeville, City	Lauderdale, City	Lilydale, City
Lino Lakes, City	Litchfield, City	Little Canada, City
Little Falls, City	Loretto, City	Louisville Township

Group 1 Within 90 days after permit effective date	Group 2 Within 120 days after permit effective date	Group 3 Within 150 days after permit effective date
Long Lake, City	Mankato, City	Maple Grove, City
Mahtomedi, City	Marion Township	Medicine Lake, City
Maple Plain, City	Marshall, City	Mendota Heights, City
Maplewood, City	Mendota, City	Metropolitan State University
Medina, City	Midway Township	Minden Township
Minnesota Correctional-St Cloud	Minnehaha Creek WD	Minnesota Correctional-Lino Lakes
Minnetonka Beach, City	Minnetonka, City	Minnetrista, City
MNDOT Metro District	MN State Comm and Tech College-Moorhead	MN State University-Moorhead
MNDOT Outstate District	Montevideo, City	Mound, City
Monticello, City	Moorhead, City	Mpls Community/Technical College
New Brighton, City	Mounds View, City	Newport City
New Ulm, City	New Hope, City	North Branch, City
North Hennepin Community College	Normandale Community College	North Mankato, City
Northfield, City	North Oaks, City	North St Paul, City
Northland Comm & Technical College	Nowthen, City	Olmsted County
Oak Grove, City	Oakdale, City	Otsego, City
Orono, City	Osseo, City	Owatonna, City
Pine Springs, City	Prior Lake, City	Prior Lake-Spring Lake WSD
Plymouth, City	Proctor, City	Ramsey-Washington Metro WD
Ramsey, City	Ramsey County Public Works	Redwood Falls, City
Rice Creek WD	Red Wing, City	Rice Lake Township
Richfield, City	Robbinsdale, City	Rochester, City
Rochester Township	Rochester Community & Tech College	Rosemount, City
Sartell, City	Roseville, City	Sauk Rapids Township
Scott County	Sauk Rapids, City	Savage, City
Sherburne County	Shakopee, City	Shoreview, City
Shorewood, City	South Washington WD	Spring Lake Park, City
South St Paul, City	Spring Park, City	St Anthony Village, City
Spring Lake Township	St Cloud, City	St Cloud State University
St Bonifacius, City	St Joseph, City	St Joseph Township
St Cloud Technical College	St Louis Park, City	St Paul Community & Technical College
St Louis County	St Michael, City	Sunfish Lake, City
St Paul Park, City	Stearns County	U of M-Duluth
St Peter, City	Stillwater, City	U of M-Twin Cities Campus
Vadnais Heights, City	Tonka Bay, City	Victoria, City
Waconia, City	Valley Branch WD	Wayzata, City
Waite Park, City	Washington County	White Bear Lake, City
Waseca, City	Watab Township	Willmar, City
West Lakeland Township	West St Paul, City	Woodbury, City
White Bear Township	Willernie, City	Worthington, City
Woodland, City	Winona, City	

Table 2
Existing Permittees – Schedule of Permit Requirements

<u>Permit Requirement</u>	<u>Schedule</u>
<u>PART II. APPLICATION REQUIREMENTS AND SCHEDULE</u> <ul style="list-style-type: none"> <u>Submit Part 2 of the permit application with the SWPPP document completed in accordance with Part II.D.</u> 	<ul style="list-style-type: none"> <u>See Table 1 above.</u>
<u>PART III. STORMWATER POLLUTION PREVENTION PROGRAM (SWPPP)</u> <ul style="list-style-type: none"> <u>Complete revisions to incorporate requirements of Part III.A-F into current SWPPP.</u> <p><u>Part III.C Mapping and Inventory</u> <u>Part III.C.2 Inventory</u></p> <ul style="list-style-type: none"> <u>Complete and submit inventory in accordance with Part III.C.2.</u> <p><u>Part III.D.6 Pollution Prevention/Good Housekeeping For Municipal Operations</u> <u>Part III.D.6.c(3)(a) and (c) Inspections</u></p> <ul style="list-style-type: none"> <u>Conduct inspections.</u> <p><u>Part III.E Impaired Waters and TMDLs (if applicable)</u></p> <ul style="list-style-type: none"> <u>Submit all information required by Part III.E.</u> <p><u>Part III.F. Chemical Treatment of Stormwater for Phosphorus Removal</u></p> <ul style="list-style-type: none"> <u>If applicable, meet requirements for treatment systems under Part III.F.</u> 	<ul style="list-style-type: none"> <u>Within 12 months of the date permit coverage is extended, unless other timelines have been specifically established in this permit and identified below.</u> <u>Within 12 months of the date permit coverage is extended.</u> <u>Annually (Part III.D.6.c(3)(a)), Quarterly (Part III.D.6(3)(c)).</u> <u>With each Annual Report required in Part IV.B.</u> <u>Within 12 months of the date permit coverage is extended.</u>
<u>PART IV. ANNUAL SWPPP ASSESSMENT, ANNUAL REPORTING AND RECORD KEEPING</u> <p><u>Part IV.A Annual Assessment</u></p> <ul style="list-style-type: none"> <u>Conduct assessment of the SWPPP.</u> <p><u>Part IV.B Annual Reporting</u></p> <ul style="list-style-type: none"> <u>Submit an Annual Report</u> 	<ul style="list-style-type: none"> <u>Annually and prior to completion of each Annual Report.</u> <u>By June 30th of each calendar year.</u>

Table 3
New Permittees – Schedule of Permit Requirements

<u>Permit Requirement</u>	<u>Schedule</u>
<u>PART II. APPLICATION REQUIREMENTS AND SCHEDULE</u> <ul style="list-style-type: none"> <u>Submit Part 1, and Part 2 of the permit application with the proposed SWPPP document as required by Part II.D.</u> 	<ul style="list-style-type: none"> <u>Within 18 months of written notification from the Commissioner that the MS4 meets the criteria in Minn. R. 7090.1010, Subpart 1.A. or B. and permit coverage is required.</u>
<u>PART III. STORMWATER POLLUTION PREVENTION PROGRAM (SWPPP)</u> <ul style="list-style-type: none"> <u>Complete all requirements of Part III.A-F.</u> 	<ul style="list-style-type: none"> <u>Within 36 months of the date permit coverage is extended, unless other timelines have been specifically established in this permit and identified below; or</u> <u>Within timelines established by the Commissioner under Part I.F.2.</u>

<p><u>Part III.A Regulatory Mechanism(s)</u> <u>Illicit Discharge Detection and Elimination</u> (see Part III.D.3) · <u>Develop, implement, and enforce Regulatory Mechanism.</u></p> <p><u>Construction Site Stormwater Runoff Control</u> (see Part III.D.4) · <u>Develop, implement, and enforce Regulatory Mechanism.</u></p> <p><u>Post-Construction Stormwater Management</u> (see Part III.D.5) · <u>Develop, implement, and enforce Regulatory Mechanism.</u></p> <p><u>Part III.B Enforcement Response Procedures (ERPs)</u> · <u>Develop and implement written ERPs for the Regulatory Mechanism(s) required under Part III.A.</u></p> <p><u>Part III.C Mapping and Inventory</u> <u>Part III.C.1 Mapping</u> · <u>Develop a storm sewer system map.</u></p> <p><u>Part III.C.2 Inventory</u> · <u>Complete and submit inventory in accordance with Part III.C.2.</u></p> <p><u>Part III.D Minimum Control Measures</u> <u>Part III.D.4 Construction Site Stormwater Runoff Control</u> · <u>Develop, implement, and enforce a Construction Site Stormwater Runoff Control program.</u></p> <p><u>Part III.D.5 Post-Construction Stormwater Management</u> · <u>Develop, implement, and enforce a Post-Construction Stormwater Management program.</u></p> <p><u>Part III.D.6 Pollution Prevention/Good Housekeeping for Municipal Operations</u> <u>Part III.D.6.c(3)(a) and (b) Inspections</u> · <u>Conduct inspections.</u></p> <p><u>Part III.E Impaired Waters and TMDLs (if applicable)</u> · <u>Submit all information required by Part III.E, to the Agency</u></p> <p><u>Part III.F. Chemical Treatment of Stormwater for Phosphorus Removal</u> · <u>If applicable, meet requirements for treatment systems under Part III.F.</u></p>	<p>· <u>Within 12 months of the date permit coverage is extended.</u></p> <p>· <u>Within 6 months of the date permit coverage is extended.</u></p> <p>· <u>Within 24 months of the date permit coverage is extended.</u></p> <p>· <u>Within 24 months of the date permit coverage is extended.</u></p> <p>· <u>Within 24 months of the date permit coverage is extended.</u></p> <p>· <u>Within 24 months of the date permit coverage is extended.</u></p> <p>· <u>Within six months of the date permit coverage is extended. See Part III.A Regulatory Mechanism(s).</u></p> <p>· <u>Within 24 months of the date permit coverage is extended. See Part III.A Regulatory Mechanism(s).</u></p> <p>· <u>Annually (Part III.D.6.c(3)(a)), Quarterly (Part III.D.6(3)(c)).</u></p> <p>· <u>With each Annual Report required in Part IV.B.</u></p> <p>· <u>Within 12 months of the date permit coverage is extended.</u></p>
<p><u>PART IV. ANNUAL ASSESSMENT, ANNUAL REPORTING AND RECORD KEEPING</u> <u>Part IV.A Annual Assessment</u> · <u>Conduct assessment of the SWPPP.</u></p>	<p>· <u>Annually and prior to completion of each Annual Report.</u></p>

Part IV.B Annual Report
• Submit an Annual Report.

• By June 30th of each calendar year.

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APPENDIX **BC**

DEFINITIONS AND ABBREVIATIONS

The definitions in this Part are for purposes of this permit only.

1. "Active Karst" means geographic areas underlain by carbonate bedrock (or other forms of bedrock that can erode or dissolve) with less than 50 feet of sediment cover.
2. "Agency" means the Minnesota Pollution Control Agency or MPCA. (Minn. Stat. § 116.36, subd. 2.)
3. "Alum or Ferric Chloride Phosphorus Treatment System" means the diversion of flowing stormwater from a MS4, removal of phosphorus through the use a continuous feed of chemical additive (e.g., alum or ferric chloride), flocculation, and the return of the treated stormwater back into a MS4 or receiving water.
4. "Applicable WLA" – means a **Waste Load Allocation** assigned to the permittee and approved by the USEPA.
5. "Best Management Practices" or "**BMPs**" means practices to prevent or reduce the pollution of the **Waters of the State**, including schedules of activities, prohibitions of practices, and other management practices, and also includes treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge, or waste disposal or drainage from raw material storage. (Minn. R. 7001.1020, subp.5.)
6. "Commissioner" means the **Commissioner** of the Minnesota Pollution Control Agency or the **Commissioner's** designee. (Minn. Stat. § 116.36, subd. 3.)
7. "Common Plan of Development or Sale" means a contiguous area where multiple separate and distinct land disturbing activities may be taking place at different times, on different schedules, but under one proposed plan. One plan is broadly defined to include design, permit application, advertisement or physical demarcation indicating that land-disturbing activities may occur.
8. "Construction Activity" includes **construction activity** as defined in 40 CFR § 122.26(b)(14)(x) and **small construction activity** as defined in 40 CFR § 122.26(b)(15). This includes a disturbance to the land that results in a change in the topography, existing soil cover (both vegetative and non-vegetative), or the existing soil topography that may result in accelerated **stormwater** runoff, leading to soil erosion and movement of sediment into **surface waters** or drainage systems. Examples of **construction activity** may include clearing, grading, filling, and excavating. **Construction activity** includes the disturbance of less than one acre of total land area that is a part of a larger **common plan of development or sale** if the larger common plan will ultimately disturb one (1) acre or more.
9. "DNR Catchment Area" means the smallest delineated and digitized drainage area mapped by the Minnesota DNR. The catchment areas are available for download at the Minnesota DNR Data Deli website.

10. **“Effective Date”** means the date, located on the front cover of this permit, on which this permit shall become effective.
11. **“Existing Permittee”** means an **Owner/Operator** of a **small MS4** that has been authorized to discharge **stormwater** under a previously issued **general permit** for **small MS4s** in the State of Minnesota.
12. **“General permit”** means a permit issued under Minn. R. 7001.0210 to a category of **permittees** whose operations, emissions, activities, discharges, or facilities are the same or substantially similar.
13. **“Geographic Coordinate”** ~~for purposes of this permit means the point location of a~~ stormwater feature expressed by X, Y coordinates of a standard Cartesian coordinate system (i.e. latitude/longitude) that can be readily converted to Universal Transverse Mercator (UTM), Zone 15N in the NAD83 datum. The geographic coordinate will typically define the approximate center of a stormwater feature.
14. **“Green Infrastructure”** means a ~~wide n~~ array of practices ~~products at multiple scales that manage wet weather and that maintains and restores natural hydrology by infiltrating, evapotranspiring, and harvesting and using stormwater. On a regional scale, green infrastructure is the preservation and restoration of natural landscape features, such as forests, floodplains and wetlands, coupled with policies such as infill and redevelopment that reduce overall imperviousness in a watershed. On the local scale, green infrastructure consists of site and neighborhood-specific practices, such as bioretention, trees, green roofs, permeable pavements and cisterns, technologies, and practices that use natural systems— or engineered systems that mimic natural processes— to enhance overall environmental quality and provide utility services. As a general principal, Green Infrastructure techniques use soils and vegetation to infiltrate, evapotranspirate, and/or recycle stormwater runoff. When used as components of a stormwater management system, Green Infrastructure practices such as green roofs, porous pavement, rain gardens, and vegetated swales can produce a variety of environmental benefits. In addition to effectively retaining and infiltrating rainfall, these technologies can simultaneously help filter air pollutants, reduce energy demands, mitigate urban heat islands, and sequester carbon while also providing communities with aesthetic and natural resource benefits.~~
15. **“High Flow Bypass”** means a function of an inlet device which allows a certain flow of water through, but diverts any higher flows away. They are generally used for **BMPs** which can only treat a designed amount of flow and which would be negatively affected by higher flows.
16. **“Illicit Discharge”** means any discharge to a **municipal separate storm sewer** that is not composed entirely of storm water except discharges pursuant to a NPDES permit (other than the **NPDES** permit for discharges from the **municipal separate storm sewer**) and discharges resulting from fire fighting activities. (40 CFR § 122.26(b)(2))
17. **“Impaired Water”** means waters identified as impaired by the **Agency**, and approved by the USEPA, pursuant to section 303(d) of the Clean Water Act (33 U.S.C. § 303(d)).

18. **“Maximum Extent Practicable”** or **“MEP”** means the statutory standard (33 U.S.C. § 1342(p)(3)(B)(iii)) that establishes the level of pollutant reductions that an **Owner** or **Operator** of **Regulated MS4s** must achieve. The USEPA has intentionally not provided a precise definition of **MEP** to allow maximum flexibility in **MS4** permitting. The pollutant reductions that represent **MEP** may be different for each **small MS4**, given the unique local hydrologic and geologic concerns that may exist and the differing possible pollutant control strategies. Therefore, each **permittee** will determine appropriate **BMPs** to satisfy each of the six Minimum Control Measures (MCMs) through an evaluative process. The USEPA envisions application of the **MEP** standard as an iterative process.
19. **“Municipal separate storm sewer system”** or **“MS4”** means a conveyance or system of conveyances including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains:
- owned or operated by a state, city, town, county, district, association, or other public body, created by or pursuant to state law, having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under state law such as a sewer district, flood control district, or drainage district or similar entity, or an Indian tribe or an authorized Indian tribe organization, or a designated and approved management **Agency** under section 208 of the federal Clean Water Act, United States Code, title 33, section 1288, that discharges into **waters of the state**;
 - designed or used for collecting or conveying stormwater;
 - that is not a combined sewer; and
 - that is not part of a publicly owned treatment works as defined in 40 CFR § 122.2.

Municipal separate storm sewer systems do not include separate storm sewers in very discrete areas, such as individual buildings. (Minn. R. 7090.0800, subp. 8).

20. **“New development” means all construction activity that is not defined as redevelopment.**
21. **“New Permittee”** means an **Owner/Operator** of a **small MS4** that has not been authorized to discharge **stormwater** under a previously issued General **Stormwater** Permit for **small MS4s** in the State of Minnesota and that applies for, and obtains coverage under this permit.
22. **“Non-Stormwater Discharge”** means any discharge not composed entirely of **stormwater**.
23. **“Off-Line”** means a system that has been constructed in a manner that separates it from the watershed and prevents it from accepting **stormwater** flow that would negatively affect the treatment capacity of the system and from discharging improperly treated **stormwater** from the system.
24. **“Operator”** means the **Person** with primary operational control and legal responsibility for the **Municipal Separate Storm Sewer System**.

25. **“Outfall”** means the point source where a ~~mMunicipal sSeparate sStorm sSewer sSystem~~ discharges ~~from a pipe, ditch, or other discrete conveyance to a receiving waters, or the stormwater discharge permanently leaves the permittee’s MS4. o other Municipal Separate Storm Sewer Systems.~~ It does not include diffuse runoff or conveyances which connect segments of the same stream or water systems (e.g., when a conveyance temporarily leaves an MS4 at a road crossing).
26. **“Owner”** means the **Person** that owns the **municipal separate storm sewer system**.
27. **“Permittee”** means a **Person** or **Persons**, firm, or governmental **Agency** or other institution that signs the permit application submitted to the **Agency** and is responsible for compliance with the terms and conditions of this permit.
28. **“Person”** means the state or any **Agency** or institution thereof, any municipality, governmental subdivision, public or private corporation, individual, partnership, or other entity, including, but not limited to, association, commission or any interstate body, and includes any officer or governing or managing body of any municipality, governmental subdivision, or public or private corporation, or other entity.
29. **“Pipe”** means a closed manmade conveyance device used to transport stormwater from location to location. The definition of pipe does not include foundation drain pipes, irrigation pipes, land drain tile pipes, and road sub-grade drain pipes.
30. **“Pollutant of Concern”** means a pollutant specifically identified in a USEPA-approved **Total Maximum Daily Load (TMDL)** report as causing a water quality impairment.
31. **“Program Development Period”** means the period after the ~~permittee~~ is authorized to discharge ~~stormwater~~ under this permit when the ~~permittee~~ designs or develops activities, **BMPs**, tasks or other measures to include in the **Stormwater Pollution Prevention Management Program (SWPPMP)**.
32. **“Program Implementation Period”** means the period after the design or development of the **Stormwater Pollution Prevention Management Program (SWPPMP)** when the ~~permittee~~ implements the **SWMPSWPPP**.
- 33.31. **“Receiving Water”** means any lake, river, stream or wetland that receives stormwater discharges from an MS4.
- 34.32. **“Record of Decision”** means a record of the comments received by the **permittee** from members of the public and the **permittee’s** response to comments where such record is required in this permit.
- 35.33. **“Redevelopment”** means any construction activity where, prior to the start of construction, the areas to be disturbed has 15 percent or more of impervious surface(s).
- 36.34. **“Reduce”** means **reduce** to the **Maximum Extent Practicable (MEP)** unless otherwise defined in the context in which it is used.

37.35. **“Saturated Soil”** means the highest seasonal elevation in the soil that is in a reduced chemical state because of soil voids being filled with water. **Saturated soil** is evidenced by the presence of redoximorphic features or other information.

38.36. **“Significant Materials”** includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under Section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); any chemical the facility is required to report pursuant to Section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA); fertilizers; pesticides; and waste products such as ashes, slag, and sludge that have the potential to be released with stormwater discharges. When determining whether a material is significant, the physical and chemical characteristics of the material should be considered (e.g. the material’s solubility, transportability, and toxicity characteristics) to determine the material’s pollution potential. (40 CFR 122.26(b)(12).

39.37. **“Small Municipal Separate Storm Sewer System”** or **“small MS4”**, means all separate storm sewers that are:

1. Owned or operated by the United States, a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management Agency under section 208 of the CWA that discharges to waters of the United States.
2. Not defined as “large” or “medium” Municipal Separate Storm Sewer Systems pursuant to 40 CFR §122.26 paragraphs (b)(4) and (b)(7) or designated under paragraph (a)(1)(v).
3. This term includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas, such as individual buildings.

40.38. **“Stormwater”** means stormwater runoff, snow melt runoff, and surface runoff and drainage. (Minn. R. 7090.0080, subp.12.)

41.39. **“Stormwater flow direction”** means the direction of predominant flow within a pipe. Flow direction can be discerned if pipe elevations can be displayed on the storm sewer system map.

42.40. **“Stormwater Pollution Prevention Management Program”** or **“SWPPMP”** means a comprehensive program developed by the permittee to manage and reduce the discharge of pollutants in stormwater to and from the small MS4.

43.41. “Structural Stormwater BMP” means a stationary and permanent BMP that is designed, constructed and operated to prevent or reduce the discharge of pollutants in stormwater.

44.42. “Total Maximum Daily Load” or “TMDL” means the sum of the individual Waste Load Allocations for point sources and load allocations for nonpoint sources and natural background, as more fully defined in 40 CFR § 130.2, paragraph (i). A TMDL sets and allocates the maximum amount of a pollutant that may be introduced into a water of the state and still assure attainment and maintenance of water quality standards. (Minn. R. 7052.0010 subp. 42)

45.43. “Waste Load Allocation” or “WLA” means the portion of a receiving water's loading capacity that is allocated to one of its existing or future point sources of pollution, as more fully defined in Code of Federal Regulations, title 40, section 130.2, paragraph (h). In the absence of a TMDL approved by USEPA under CFR § 130.7, or an assessment and remediation plan developed and approved according to part 7052.0200, subpart 1, item C, a WLA is the allocation for an individual point source that ensures that the level of water quality to be achieved by the point source is derived from and complies with all applicable water quality standards and criteria. (Minn. R. 7052.0010 subp. 45)

46.44. “Water Quality Standards” means those provisions contained in Minn. R. 7050 and 7052.

47.45. “Waters of the State” means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof. (Minn. Stat. § 115.01, subd. 22.)

48.46. “Wetlands” are those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Constructed Wetlands designed for wastewater treatment are not Waters of the State. Wetlands must have the following attributes:

1. A predominance of hydric soils;
2. Inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in a saturated soil condition; and
3. Under normal circumstances support a prevalence of such vegetation. (Minn. R. 7050.0186, subp. 1a.B.).

ABBREVIATIONS AND ACRONYMS

- BMP - Best Management Practice
- CFR – Code of Federal Regulations

- CWA – Clean Water Act or the Federal Water Pollution Control Act, 33 U.S.C. §1251 *et seq*)
- DNR – Department of Natural Resources
- ~~EPA – U. S. Environmental Protection Agency~~
- ERPs– Enforcement Response Procedures
- IDDE - Illicit Discharge Detection and Elimination
- MEP – Maximum Extent Practicable
- MS4 - Municipal Separate Storm Sewer System
- NPDES - National Pollutant Discharge Elimination System
- SDS – State Disposal System
- SOP – Standard Operating Procedure
- TMDL - Total Maximum Daily Load
- TSS - Total Suspended Solids
- USEPA - United States Environmental Protection Agency
- WLA – Waste Load Allocation

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