



Minnesota Pollution Control Agency

FACT SHEET

FOR THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM/STATE DISPOSAL SYSTEM (NPDES/SDS) GENERAL PERMIT FOR SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4s)

PERMIT NO. MNR040000

The NPDES/SDS General Permit for small Municipal Separate Storm Sewer Systems (MS4s) Permit is being reissued by the Minnesota Pollution Control Agency (MPCA). The draft NPDES/SDS General Permit to regulate the discharge of stormwater from regulated small MS4s into waters of the state of Minnesota includes modifications.

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

I. FACILITY DESCRIPTION

A Municipal Separate Storm Sewer System (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:

a. 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.

b. designed or used for collecting or conveying stormwater

c. that is not a combined sewer and

d. that is not part of a publicly owned treatment works as defined in Code of Federal Regulations, title 40, section 122.2. (40 CFR 122.26 [b][8], and Minn. R. 7090.0080, subp. 8.) Municipal Separate Storm Sewer Systems do not include separate storm sewers in very discrete areas, such as individual buildings.

A. Permittees

Owners and operators of small MS4s (as defined in 40 CFR § 122.26[b][16]), that serve a population of less than 100,000 that discharge stormwater into the waters of the state of Minnesota and are located within the boundaries of a Federal Bureau of Census-delineated "urbanized area." As currently defined, this "urbanized area" is partially defined as a land area

comprising one or more places ("central place") and the adjacent densely settled surrounding area ("urban fringe") that together have a residential population of at least 1,000 people per square mile. Permittees include highway departments, universities, hospitals, and any other public operator of a storm sewer system that is located fully or partially within an urbanized area.

Permittees also include owners and operators of any small MS4 that is designated for permit coverage in accordance with Minn. R. ch. 7090. The 7090 rules designated small MS4s located outside of the urbanized area; these include municipalities with a population of at least 10,000 and greater, and municipalities with a population of 5,000 and greater that discharge or have the potential to discharge to outstanding resource value waters, or a trout lake or trout stream, or a water listed as impaired. The 7090 rules also designated MS4s located partially within an urbanized area. Permit coverage is now required for the portion of the MS4 located outside of the urbanized area. The 7090 rules also establish criteria that can be applied to designate future MS4s under a designation and the petition process identified in the rule. These parties would also be affected by the proposed permit; if they are designated they would be required to comply with the permit.

Approximately 235 small MS4s are currently regulated under the general permit for small MS4s.

B. Facility name

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

C. Location of permitted facility

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

II. CRITERIA FOR ISSUING A GENERAL PERMIT:

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

A. Same or substantially similar type of operation

Regulated small MS4s use similar operational systems to collect, convey, and discharge stormwater to waters of the state. Small MS4 operations throughout the state use a similar system of road ditches, street curbs and storm drains, catch basins, natural channels, and pipe drainage systems to catch and convey stormwater.

B. Similar waste streams

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

C. Same effluent limitations

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

D. Require same or similar monitoring

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

E. Discharges more appropriately regulated under a general permit

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

III. QUANTITATIVE DESCRIPTION OF DISCHARGE

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

IV. BASIS FOR DRAFT PERMIT TERMS AND CONDITIONS

This general permit is based on requirements of the federal Clean Water Act, as amended; 40 CFR pt. 122, 123, and 124, as amended; Minn. Stat. ch. 115 and 116, as amended; and Minn. R. ch. 7001 and Minn. R. ch. 7090.

V. APPLICABILITY OF CHAPTER 116D

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

VI. PRELIMINARY DETERMINATION

The MPCA Commissioner's determination that the permit should be issued is preliminary.

VII. PROCEDURES FOR REACHING A FINAL DECISION ON THE DRAFT PERMIT

In addition to the June 21, 2012, public informational meeting identified below, there are three formal procedures for public participation in the MPCA's consideration of the permit reissuance. Interested persons may: (1) submit written comments on the draft permit; (2) request that the MPCA hold a contested case hearing; and/or (3) submit a petition to the Commissioner requesting that the MPCA Citizens' Board consider the permit matter.

Public comment period begins: May 21, 2012

Public comment period ends: July 23, 2012

Interested persons are invited to submit written comments on the draft permit. Any comments received before 4:30 p.m. on the last day of the comment period will be considered before the draft permit is finalized.

Persons who submitted comments under the prior public notice and comment period are not required to re-comment on this revised permit but may do so if they desire. The MPCA will consider

all comments submitted to be part of the public record. The MPCA received a contested case hearing request during the prior public comment period. The MPCA will consider that contested case hearing request following the close of this public comment period, to the extent that the requestor does not modify or withdraw that request as the result of changes made to the MS4 General Permit as published today.

Persons who submit comments or petitions to the MPCA must state the following:

1. a statement of the person's interest in the draft permit,
2. the action they wish the MPCA to take, including specific references to sections of the draft permit that they believe should be changed, and
3. the reasons supporting their position stated with sufficient specificity as to allow the Commissioner to investigate the merits of their position.

Public information meeting:

The MPCA will host a public information meeting to discuss the draft MS4 permit. The meeting will be held on **Thursday, June 21, 2012**, at the MPCA St. Paul office located at 520 Lafayette Road North, St. Paul, Minnesota 55155. The meeting will be held from 1:00 p.m. to 4:00 p.m. or until all attendees have had an opportunity participate, whichever occurs first.

Access to the MPCA St. Paul office is controlled and to attend a meeting you will be asked to sign in at the security desk and provide photo identification, such as a Minnesota driver's license. The public information meeting will also be webcast; the link to the webcast will be provided on the MPCA webpage at: <http://www.pca.state.mn.us/mvri3cd>. Please note that the webcast is not interactive; you will be able to view the meeting only. The meeting will not be rescheduled in the event that the webcast video and/or audio stream fails.

Procedures for requesting a contested case hearing:

Any person may submit a petition for a contested case hearing before the end of the public comment period. A contested case hearing is a formal evidentiary hearing before an administrative law judge.

In accordance with Minn. R. 7001.1900, the MPCA will grant a petition to hold a contested case hearing if it finds that: (1) there is a material issue of fact in dispute concerning the draft permit; (2) the MPCA has the jurisdiction to make a determination on the disputed material issue of fact; and (3) there is a reasonable basis underlying the disputed material issue of fact or facts such that the holding of the contested case hearing would allow the introduction of information that would aid the MPCA in resolving the disputed facts in making a final decision on the draft permit. A material issue of fact means a fact question, as distinguished from a policy question, whose resolution could have a direct bearing on a final MPCA decision. A petition for a contested case hearing must include the following information: (1) a statement of reasons or proposed findings supporting the MPCA decision to hold a contested case hearing according to the criteria in Minn. R. 7000.1900, as discussed above; and (2) a statement of the issues proposed to be addressed by a contested case hearing and the specific relief requested or resolution of the matter. To the extent known, your petition may also include a proposed list of witnesses to be presented at the hearing, a

proposed list of publications, references or studies to be introduced at the hearing, and an estimate of time required for you to present the matter at hearing.

Other procedures by which the public may participate in the MPCA's consideration of the permit application:

Any person may request that the permit be considered by the MPCA Citizens' Board prior to final permit action, in accordance with Minn. Stat. § 116.02, subd. 6, and Minn. R. 7000.0650. The public is entitled, and welcome, to participate in the activities of the MPCA Citizens' Board (Board) and MPCA staff.

The decision whether to issue the permit and, if so, under what terms, will be presented to the MPCA Board for a decision if: (1) the Commissioner grants the petition requesting the matter be presented to the MPCA Board: (2) an MPCA Board member requests to hear the matter prior to the time the Commissioner makes a final decision on the permit: or (3) a request for a contested case is received. Because there is a pending contested case hearing, this matter will likely be heard at the MPCA Board unless the request is withdrawn before the MPCA Board meeting at which the matter will be heard.

Name, address, and telephone number of contact person for more information:

Comments on the draft permit must be received **in writing** during the public comment period identified above. Comments, petitions, and/or requests should be mailed or e-mailed to:

Duane Duncanson
Minnesota Pollution Control Agency
Municipal Division
520 Lafayette Road North
St. Paul, Minnesota 55155-4194
Phone: 651-757-2323 or 800-657-3864 (outside the metro area)
E-mail: duane.duncanson@state.mn.us

All written comments, requests, and petitions received during the public comment period will be considered in the final decisions regarding the permit. The MPCA may revise the draft permit to reflect any comments received during the public comment period. If the MPCA does not receive any written comments, requests, or petitions during the public comment period, the Commissioner or other MPCA staff as authorized by the Commissioner will make the final decision concerning the draft permit.