



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 (CWA), 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**. This permit is required for discharges that are from **small Municipal Separate Storm Sewer Systems (small MS4)**, as defined in this permit.

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
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
520 Lafayette Road North
St. Paul, MN 55155-4194
Telephone: 651-296-6300 or toll free in Minnesota: 800-657-3864**

Boldfaced terms are defined in "Definitions" in Appendix B, Page 38

Table of Contents

PART I. AUTHORIZATION UNDER THIS PERMIT 3

- A. Eligibility 3
- B. Limitations on Authorization 3
- C. Permit Authorization 4
- D. Transfer of Ownership or Control 4
- E. Issuance of Individual Permits 4
- F. Rights and Responsibilities 5

PART II. APPLICATION REQUIREMENTS 6

- A. Application for Reauthorization 6
- B. **New Permittee Applicants** 6
- C. **Existing Permittee Applicants** 6
- D. **Stormwater Pollution Prevention Program (SWPPP) Document** 6

PART III. STORMWATER POLLUTION PREVENTION PROGRAM (SWPPP) 9

- A. Regulatory Mechanism(s) 9
- B. Enforcement Response Procedures (ERPs) 9
- C. Mapping and Inventory 10
- D. Minimum Control Measures (MCMs) 11
 - 1. Public Education and Outreach 11
 - 2. Public Participation/Involvement 12
 - 3. **Illicit Discharge** Detection and Elimination 13
 - 4. Construction Site **Stormwater** Runoff Control 14
 - 5. Post-Construction **Stormwater** Management 16
 - 6. Pollution Prevention/Good Housekeeping For Municipal Operations 20
- E. Discharges To **Impaired Waters** With A United States Environmental Protection Agency (USEPA)-Approved **Total Maximum Daily Load (TMDL)** That Includes An **Applicable Waste Load Allocation (WLA)** 24
- F. Chemical Treatment Of **Stormwater** For Phosphorus Removal 24
- G. **SWPPP** Modification 27

PART IV. ANNUAL **SWPPP** ASSESSMENTS, ANNUAL REPORTING AND RECORD KEEPING 29

- A. Annual **SWPPP** Assessments 29
- B. Annual Reporting 29
- C. Record Keeping 29
- D. Where to Submit 30

PART V. GENERAL CONDITIONS 31

APPENDIX A: SCHEDULES 34

APPENDIX B: DEFINITIONS AND ABBREVIATIONS 38

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 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 authorized under this permit to enter the **permittee's small MS4** only if the **permittee** does not identify them as significant contributors of pollutants (i.e., **illicit discharges**), in which case the discharges or flows shall be addressed in the **permittee's SWPPP**: 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 authorized in Part I.A.2.
2. Discharges of **stormwater** to the **small MS4** from activities requiring a separate NPDES/SDS permit. This permit does not replace or satisfy any other permitting requirements.
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.
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).
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.

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.
7. Prohibited discharges pursuant to Minn. R. 7050.0180, subp. 3, 4, and 5.

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** 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. Upon receipt of written notification of final approval of the application from the **Commissioner**, the applicant is authorized to discharge **stormwater** from the **small MS4** under the terms and conditions of this **permit**.

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/operator** must submit a new application in accordance with Part II.

E. Issuance of Individual Permits

1. The permit applicant 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** 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 in Part III.D 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/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.

PART II. APPLICATION REQUIREMENTS

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 the schedule in Appendix A, Table 3, and the following requirements:

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 Program (SWPPP)** document completed in accordance with Part II.D.

C. Existing Permittee Applicants

All **existing permittees** 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, on a form provided by the **Commissioner**, in accordance with the schedule in Appendix A, Table 1, with the **SWPPP** document completed in accordance with Part II.D. **NOTE: Existing permittees** 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).

D. Stormwater Pollution Prevention Program (SWPPP) Document

All applicants shall submit a **SWPPP** document with Part 2 of the application form when seeking coverage under this permit. The **SWPPP** document shall be submitted on a form provided by the **Commissioner** and shall include the following:

1. A description of partnerships with another regulated **small MS4(s)** the applicant 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 Part III.D.3, 4, and 5. The description shall include the type(s) of Regulatory Mechanism(s) the applicant has in place at the time of application that will be used to satisfy the requirements. If the Regulatory Mechanism(s) have 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).

3. A description of existing Enforcement Response Procedures (ERPs) that applicants have developed and implemented that satisfy the requirements of Part III.B. If the applicant has not yet developed ERPs (e.g., **new permittee** applicants), or existing ERPs must be updated to satisfy new requirements, the description 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).
4. A description of the status of the applicant's storm sewer system map and inventory as required by Part III.C. The description must indicate whether each requirement of Part III.C.1, is satisfied, and for Part III.C.2, is complete, at the time of application. 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).
5. For each Minimum Control Measure (MCM) outlined in Part III.D:
 - a. The **Best Management Practices (BMPs)** the applicant will implement, or has implemented, for each MCM.
 - b. The measurable goals for each of the **BMPs**, including as appropriate, the target implementation schedule (months and years) in which the applicant will undertake required actions, including interim milestones and the frequency of the action, in narrative or numeric form, as appropriate.
 - c. For **BMPs** to be implemented at a future date, the target implementation schedule (months, years) in which the applicant will implement each **BMP**.
 - d. Names of individual(s) or position titles of those responsible for implementing and/or coordinating each component of the MCM.
6. For each **TMDL** with an **applicable Waste Load Allocation (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
 - 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**).

PART III. STORMWATER POLLUTION PREVENTION PROGRAM (SWPPP)

The **permittee** shall develop, implement, and enforce a **SWPPP** 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 **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 permittees shall develop, implement, and enforce their **SWPPP** in accordance with the schedule in Appendix A, Table 3. **Existing permittees** shall revise 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. The **permittee's SWPPP** shall consist of the following:

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**.

B. Enforcement Response Procedures (ERPs)

1. The **permittee** shall develop and implement written ERPs that describe 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 escalated enforcement measures:

- a. Written Notices – Written notices must cite the specific violation(s) and the Regulatory Mechanism(s) violated, and must include corrective actions with a schedule for completion.
- b. Escalated Enforcement Measures – The **permittee** shall develop and have available at least two different enforcement tools (e.g., correction orders, financial assurance mechanisms, contract provisions, etc.) to address persistent non-compliance, repeat violations, or occurrences of environmental harm.

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 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., written notices, citation, stop work order, withholding of local authorizations, etc.)
- f. Referrals to other regulatory organizations (if any)
- g. Date the non-compliance was resolved

C. Mapping and Inventory

1. Mapping

New permittees shall develop, and **existing permittees** shall update, a storm sewer system map that depicts the following:

- a. The **permittee's** entire **small MS4** as a goal, but at a minimum, all **pipes** 12 inches or greater in diameter, including **stormwater flow direction** in those **pipes**
- b. **Outfalls**, including a unique identification (ID) number assigned by the **permittee**, and an associated **geographic coordinate**
- c. **Structural stormwater BMPs** that are part of the **permittee's small MS4**
- d. All receiving waters

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.

D. Minimum Control Measures (MCMs)

The **permittee** shall incorporate the following six MCMs into the **SWPPP**. The **permittee** shall document as part of the **SWPPP**, a description of **BMPs** used for each MCM, the responsible **person(s)** and department(s) in charge, an implementation schedule, and measureable goals that will be used to determine the success of each **BMP**.

1. Public Education and Outreach

New permittees shall develop and implement, and **existing permittees** shall continue to develop and implement a 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**. The program shall include:

- a. Distribution of educational materials and/or equivalent outreach focused on:
 - (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.)
 - (2) How to **reduce** pollution in **stormwater** discharges through proper management and disposal of pet waste, household chemicals, yard waste, and deicing materials
 - (3) **Illicit discharge** recognition and reporting **illicit discharges** to the **permittee**
- 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
 - (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
- (5) Quantities and descriptions of educational materials distributed, including dates distributed

2. Public Participation/Involvement

- a. **New permittees** shall develop and implement, and **existing permittees** shall continue to develop and implement a Public Participation/Involvement program to solicit public input on the **SWPPP**. For purposes of meeting this requirement, the **permittee** shall:

- (1) Provide a minimum of one (1) opportunity annually 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 activities appropriate for public participation. Public meetings can be conducted to satisfy this requirement provided appropriate local public notice requirements are followed and opportunity to review and comment on the **SWPPP** is provided.
- (2) Provide access to the **SWPPP** document, Annual Reports, and other documentation that supports or describes the **SWPPP** (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 SOPs for the receipt and consideration of public input, both oral and written, submitted by the public to the **permittee**, regarding the **SWPPP**.

- b. Public Participation/Involvement program documentation

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

- (1) All relevant written input submitted by interested **persons** regarding the **SWPPP**
- (2) All responses from the **permittee** to written input 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 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. SOPs for conducting on-going inspections, including dry-weather (e.g., periods of 72 or more hours of no precipitation) field inspections, for purposes of detecting and eliminating **illicit discharges**. These SOPs shall, at a minimum, consist of the following:
 - (1) Procedures that incorporate **illicit discharge** detection into all inspection and maintenance activities conducted under Part III.D.6.c(3) and (5). Where feasible, **illicit discharge** inspections shall be conducted during dry-weather conditions.
 - (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.
 - (3) Training of all field staff, in accordance with the requirements of Part III.D.6.c(6), in **illicit discharge** recognition (including conditions which could cause **illicit discharges**), and reporting **illicit discharges** for further investigation.
 - (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**.
 - (5) Procedures for responding to known, suspected, and reported **illicit discharges**. The **permittee** shall include, at a minimum, the following as part of the response SOPs:
 - (a) Expedited response times, for investigating, locating, and eliminating the source of **illicit discharges**.
 - (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.

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

d. IDDE program documentation

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

- (1) Records describing the time and location where the IDDE inspection was 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 of all **illicit discharges**.
- (4) Identification of **outfalls**, or other areas, where **illicit discharges** have been discovered.
- (5) The source (including a description and the responsible party) of all **illicit discharges** (if known).
- (6) Actions taken by the **permittee**, including the dates action was taken, to address 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 a 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 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 above referenced permit:

- (1) Requirements for owners and operators of **construction activity** to use **BMPs** to minimize erosion.
- (2) Requirements for owners and operators of **construction activity** to use sediment control **BMPs** to minimize the discharge of sediment.
- (3) Requirements and criteria under which owners and operators of **construction activity** may conduct dewatering activities.
- (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.
- (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.
- (7) Requirements for owners and operators of **construction activity** to establish final stabilization upon the completion of **construction activity**, including the use of perennial vegetative cover on all exposed soils.
- (8) Requirements and criteria for the use of temporary sediment basins.

b. Site plan review

The program shall include 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 Part III.D.4.a. The site plan review procedure shall include notification to owners and operators proposing **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** submitted by the public to the **permittee**.

d. Site 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, type of **receiving water(s)**, stage of construction, compliance history, weather conditions, or other local characteristics and issues.
- (2) Identify frequency at which the **permittee** will conduct site inspections.
- (3) Identify names of individual(s) or position titles of those responsible for conducting site inspections.

- (4) Include a checklist or other written means to document site inspections when determining compliance.
- e. ERPs required by Part III.B 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.
- (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 a 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.

(2) Conditions for Post-Construction **Stormwater** Management

The **permittee** shall develop and implement a Post-Construction **Stormwater** Management program that requires the use of any combination of **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 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 in Part III.D.5.a(3)(a).
 - 2) **Stormwater** discharges of Total Suspended Solids (TSS).
 - 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 in Part III.D.5.a(3)(a).
 - 2) **Stormwater** discharges of TSS.
 - 3) **Stormwater** discharges of TP.

- (3) **Stormwater** management limitations and exceptions
 - (a) Limitations
 - 1) The **permittee's** Regulatory Mechanism(s) shall prohibit the use of infiltration techniques to achieve the conditions for post-construction **stormwater** management in Part III.D.5.a(2) when the infiltration **structural stormwater BMP** 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 will be mobilized by the infiltrating **stormwater**.
 - 2) The **permittee's** Regulatory Mechanism(s) shall restrict the use of infiltration techniques to achieve the conditions for post-construction **stormwater** management 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 volume

The **permittee's** Regulatory Mechanism(s) may allow for lesser volume control on the site of the original **construction activity** than that in Part III.D.5.a(2) 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 in Part III.D.5.a(2).

(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 TP in Part III.D.5.a(2) 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, 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 TP 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) **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 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 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 months after the start 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 Part III.D.5.a(2), the **permittee** shall apply any such payment received to a public **stormwater** project, and all projects must be in compliance with Part III.D.5.a(4)(a)-(e).
- (5) Long-term maintenance of **structural stormwater BMPs**

The **permittee's** Regulatory Mechanism(s) shall provide for the establishment of 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 in Part III.D.5.a(2). 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 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.
- (b) Includes conditions that are designed to 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 protect/preserve **structural stormwater BMPs** and site features that are implemented to comply with Part III.D.5.a(2). 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.D.5.a(2) 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.D.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.D.5.a, including the project name, location, owner and operator of the **construction activity**, any checklists used for conducting site plan reviews, and any calculations used to determine compliance.
- (2) All supporting documentation associated with mitigation projects authorized by the **permittee**.
- (3) Payments received and used in accordance with Part III.D.5.a(4)(f).
- (4) All legal mechanisms drafted in accordance with Part III.D.5.a(5), including date(s) of the agreement(s) and names of all responsible parties involved.

6. Pollution Prevention/Good Housekeeping For Municipal Operations

New permittees shall develop and implement, and **existing permittees** shall continue to develop and implement, an operations and maintenance program that prevents or **reduces** the discharge of pollutants from **permittee** owned/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 and Implementation of **BMPs**

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 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 not limited to: sediment, nutrients, metals, hydrocarbons (e.g., benzene, toluene, ethylbenzene and xylene), pesticides, chlorides, thermal impacts, **stormwater** volume and rate, trash, and bacteria.
- (2) Sources of pollutants.
- (3) Sensitivity of **receiving waters** (e.g., outstanding resource value waters (ORVWs), **impaired waters**, trout streams, etc.).

c. Standard Operating Procedures (SOPs) for:

(1) Pollution Prevention/Good Housekeeping

The **permittee** shall develop and implement SOPs for municipal operations 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:

- (a) Waste disposal and storage, including dumpsters
- (b) Temporary and permanent stockpiles of materials such as street sweepings, snow, deicing materials (e.g., salt), sand and sediment removal piles
- (c) Vehicle fueling and maintenance
- (d) Routine street and parking lot sweeping
- (e) Emergency response, including spill prevention plans
- (f) Cleaning of maintenance equipment, building exteriors, dumpsters, and the disposal of associated waste and wastewater
- (g) Use, storage, and disposal of **significant materials**
- (h) Landscaping, park, and lawn maintenance
- (i) Road maintenance, including pothole repair, road shoulder maintenance, pavement marking, sealing, and repaving
- (j) Right-of-way maintenance, including mowing, herbicide and pesticide application
- (k) Cold weather operations, including plowing or other snow removal practices, sand use, application of deicing compounds, and maintenance of snow disposal areas

(2) Pond Assessment Schedule and Procedures

The **permittee** shall develop an assessment process (including a schedule and procedures) for the purpose of determining the TSS and TP treatment effectiveness of all **permittee** owned/operated 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:

- (a) Watershed area and percentage of impervious cover within the watershed
- (b) Permanent storage volume and temporary water quality storage volume
- (c) Short-circuiting (i.e., flow path between the inlet and outlet does not allow the detention time necessary to adequately treat **stormwater**)
- (d) Pre-treatment **structural stormwater BMPs** (e.g., fore-bays, sediment basin, or stilling basins, etc.)
- (e) Type of design (e.g., single or multi-cell, etc.)

(3) Inspections

- (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.
- (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.

(4) Annual Inspection Frequency Adjustments (if applicable)

Inspections of **structural stormwater BMPs** shall be conducted annually unless the **permittee** determines either of the following conditions applies:

- (a) Complaints received or patterns of maintenance indicate a greater frequency is necessary, or
- (b) Maintenance or sediment removal is not required after completion of the first two annual inspections; in which case the **permittee** may 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**, effective June 1, 2006, provided that documentation requirements in Part III.D.6.d(1)(b) are satisfied.

(5) Maintenance

The **permittee** shall ensure the structural integrity, proper function, and treatment effectiveness of **structural stormwater BMPs** 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 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**.
- (b) Non-routine maintenance (e.g., emergency repairs due to structural failure, etc.).

(6) Employee Training

The **permittee** shall develop and implement a **stormwater** management training program commensurate with employee's job-duties as they relate to the **permittee's SWPPP**, including reporting and assessment activities. The **permittee** may use training materials that are available from the United States Environmental Protection Agency (USEPA), state and regional agencies, or other organizations as appropriate to meet this requirement. The employee training program shall:

- (a) Address the importance of protecting water quality
- (b) Cover the requirements of the permit relevant to the job-specific duties of the employee, including training on applicable SOPs
- (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

d. Operation and Maintenance Program Documentation

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

(1) Inspections

- (a) Dates and description of findings of all inspections conducted in accordance with Part III.D.6.c(3)
- (b) Any adjustments to inspection frequency as authorized under Part III.D.6.c(4)

(2) Maintenance

- (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 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) Employee **stormwater** management training events, including a list of topics covered and dates of each event

E. Discharges to **Impaired Waters** with a USEPA-Approved TMDL that Includes an **Applicable WLA**

For each **applicable WLA** approved prior to the **effective date** of this permit, the **applicable WLA** is a discharge requirement for the **permittee**. The **permittee** shall demonstrate continuing progress toward meeting each **applicable WLA**, on a form provided by the **Commissioner**, by submitting the following:

1. A list of all existing **BMPs** to be applied to each **applicable WLA**. 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, the same ID number shall be used.
2. A list of all activities the **permittee** expects will lead to a reduction in **pollutant(s) of concern** 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**
 - b. Indicate the stage of completion for each activity
3. An up-dated estimate of the cumulative reductions in loading achieved for each **pollutant of concern** associated with each **applicable WLA**.
4. An up-dated narrative describing any adaptive management strategies used (including projected dates) for making progress toward achieving each **applicable WLA**

F. 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 Treatment System
 - a. Limitations

- (1) The **permittee** shall use the treatment system for the treatment of phosphorus 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**.
- (3) Phosphorus treatment systems utilizing chemicals other than alum or ferric chloride must receive written approval from the **Agency**.
- (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

2. Monitoring

- a. During operation, a designated responsible **person** 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 grab samples or flow-weighted 24-hour composite samples.
- 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 alum or ferric chloride

3. Reporting and Recordkeeping

a. Annual Reporting

The **permittee** shall submit the following information with the Annual Report in Part IV.B. 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) TSS.
- (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 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 Program (SWPPP) Modification

1. The **Commissioner** may require the **permittee** to modify the **SWPPP** as needed, in accordance with the procedures of Minn. R. ch. 7001, and may consider the following factors:
 - a. Discharges from the **small MS4** are impacting the quality of **receiving waters**.
 - 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 water quality.
2. Modifications that the **permittee** chooses to make to the **SWPPP** document developed under Part II.D, other than modifications authorized in Part III.G.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 **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 **SWPPP** document.
 - b. A less effective **BMP** identified in the **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**.
 - c. The **Commissioner** is notified of the modification in the Annual Report for the year the modification is made.

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

A. Annual **SWPPP** Assessment

The **permittee** shall conduct an Annual Assessment of their **SWPPP** to determine program compliance, the appropriateness of **BMPs**, and progress towards achieving the measurable goals identified in their **SWPPP** document. The Annual **SWPPP** Assessment shall be performed prior to completion of each Annual Report.

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 the **permittee** was authorized to discharge **stormwater** under this permit. The Annual Report shall be submitted to the **Agency**, on a form provided by the **Commissioner**, that will at a minimum, consist of the following:

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 MCMs 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 MCMs in Part III.D.1-6
4. The information required in Part III.E, to demonstrate progress in meeting **applicable WLAs**.
5. The information required in Part III.F.3.a, for the chemical treatment of **stormwater** for phosphorus removal
6. A statement that the **permittee** is relying on another entity to satisfy permit requirements (if applicable), and what agreements the **permittee** has entered into in support of this effort

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 **SWPPP**, 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 **SWPPP** 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

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PART V. GENERAL CONDITIONS

- 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. § 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 **person** without the express written approval of the **Agency** after compliance with the requirements of Minn. R. 7001.0190. A **person** 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 **persons**, 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.

DRAFT

APPENDIX A

SCHEDULES

Table 1
Application Submittal Schedule for Existing permittees

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	Chanhausen, 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

<i>Permit Requirement</i>	<i>Schedule</i>
PART II. APPLICATION REQUIREMENTS AND SCHEDULE • <i>Submit Part 2 of the permit application with the SWPPP document completed in accordance with Part II.D.</i>	• See Table 1 above.
PART III. STORMWATER POLLUTION PREVENTION PROGRAM (SWPPP) • <i>Complete revisions to incorporate requirements of Part III.A-F into current SWPPP.</i> <u>Part III.C Mapping and Inventory</u> Part III.C.2 Inventory • <i>Complete and submit inventory in accordance with Part III.C.2.</i> <u>Part III.D.6 Pollution Prevention/Good Housekeeping For Municipal Operations</u> Part III.D.6.c(3)(a) and (c) Inspections • <i>Conduct inspections.</i> <u>Part III.E Impaired Waters and TMDLs (if applicable)</u> • <i>Submit all information required by Part III.E.</i> <u>Part III.F. Chemical Treatment of Stormwater for Phosphorus Removal</u> • <i>If applicable, meet requirements for treatment systems under Part III.F.</i>	• Within 12 months of the date permit coverage is extended, unless other timelines have been specifically established in this permit and identified below. • Within 12 months of the date permit coverage is extended. • Annually (Part III.D.6.c(3)(a)), Quarterly (Part III.D.6(3)(c)). • With each Annual Report required in Part IV.B. • Within 12 months of the date permit coverage is extended.
PART IV. ANNUAL SWPPP ASSESSMENT, ANNUAL REPORTING AND RECORD KEEPING Part IV.A Annual Assessment • <i>Conduct assessment of the SWPPP.</i> Part IV.B Annual Reporting • <i>Submit an Annual Report</i>	• Annually and prior to completion of each Annual Report. • By June 30 th of each calendar year.

Table 3
 New Permittees – Schedule of Permit Requirements

<i>Permit Requirement</i>	<i>Schedule</i>
PART II. APPLICATION REQUIREMENTS AND SCHEDULE • <i>Submit Part 1, and Part 2 of the permit application with the proposed SWPPP document as required by Part II.D.</i>	• 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.
PART III. STORMWATER POLLUTION PREVENTION PROGRAM (SWPPP) • <i>Complete all requirements of Part III.A-F.</i> <u>Part III.A Regulatory Mechanism(s)</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 • Within timelines established by the Commissioner under Part I.F.2.

<p>Illicit Discharge Detection and Elimination (see Part III.D.3) • <i>Develop, implement, and enforce Regulatory Mechanism.</i></p> <p>Construction Site Stormwater Runoff Control (see Part III.D.4) • <i>Develop, implement, and enforce Regulatory Mechanism.</i></p> <p>Post-Construction Stormwater Management (see Part III.D.5) • <i>Develop, implement, and enforce Regulatory Mechanism.</i></p> <p><u>Part III.B Enforcement Response Procedures (ERPs)</u> • <i>Develop and implement written ERPs for the Regulatory Mechanism(s) required under Part III.A.</i></p> <p><u>Part III.C Mapping and Inventory</u> Part III.C.1 Mapping • <i>Develop a storm sewer system map.</i></p> <p>Part III.C.2 Inventory • <i>Complete and submit inventory in accordance with Part III.C.2.</i></p> <p><u>Part III.D Minimum Control Measures</u> Part III.D.4 Construction Site Stormwater Runoff Control • <i>Develop, implement, and enforce a Construction Site Stormwater Runoff Control program.</i></p> <p>Part III.D.5 Post-Construction Stormwater Management • <i>Develop, implement, and enforce a Post-Construction Stormwater Management program.</i></p> <p>Part III.D.6 Pollution Prevention/Good Housekeeping for Municipal Operations Part III.D.6.c(3)(a) and (b) Inspections • <i>Conduct inspections.</i></p> <p><u>Part III.E Impaired Waters and TMDLs (if applicable)</u> • <i>Submit all information required by Part III.E, to the Agency</i></p> <p><u>Part III.F. Chemical Treatment of Stormwater for Phosphorus Removal</u> • <i>If applicable, meet requirements for treatment systems under Part III.F.</i></p>	<ul style="list-style-type: none"> • Within 12 months of the date permit coverage is extended. • Within 6 months of the date permit coverage is extended. • Within 24 months of the date permit coverage is extended. • Within 24 months of the date permit coverage is extended. • Within 24 months of the date permit coverage is extended. • Within 24 months of the date permit coverage is extended. • Within 24 months of the date permit coverage is extended. • Within six months of the date permit coverage is extended. See Part III.A Regulatory Mechanism(s). • Within 24 months of the date permit coverage is extended. See Part III.A Regulatory Mechanism(s). • Annually (Part III.D.6.c(3)(a)), Quarterly (Part III.D.6(3)(c)). • With each Annual Report required in Part IV.B. • Within 12 months of the date permit coverage is extended.
<p>PART IV. ANNUAL ASSESSMENT, ANNUAL REPORTING AND RECORD KEEPING Part IV.A Annual Assessment • <i>Conduct assessment of the SWPPP.</i></p> <p>Part IV.B Annual Report • <i>Submit an Annual Report.</i></p>	<ul style="list-style-type: none"> • Annually and prior to completion of each Annual Report. • By June 30th of each calendar year.

APPENDIX B

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"** 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 array of practices 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.
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:
- 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 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 **municipal separate storm sewer system** discharges to a **receiving water**, or the **stormwater** discharge permanently leaves the **permittee’s MS4**. 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 TMDL report as causing a water quality impairment.
31. **"Receiving Water"** means any lake, river, stream or **wetland** that receives **stormwater** discharges from an **MS4**.
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.
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).
34. **"Reduce"** means **reduce** to the **Maximum Extent Practicable (MEP)** unless otherwise defined in the context in which it is used.
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.
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)).
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.
38. "**Stormwater**" means **stormwater** runoff, snow melt runoff, and surface runoff and drainage. (Minn. R. 7090.0080, subp.12.)
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.
40. "**Stormwater Pollution Prevention Program**" or "**SWPPP**" means a comprehensive program developed by the **permittee** to manage and **reduce** the discharge of pollutants in **stormwater** to and from the **small MS4**.
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**.
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)
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)
44. "**Water Quality Standards**" means those provisions contained in Minn. R. 7050 and 7052.

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.)
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
- 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