

<u>Key Issue</u>	<u>What’s needed for stormwater this permit</u>	<u>Issue and Concepts</u>
<p>Impaired Waters – with approved TMDL & WLA</p>	<p>Need to be able to determine if MS4s are in compliance with their WLAs.</p> <p>CWA/EPA – NPDES permit is mechanism to comply with the TMDL WLA.</p>	<p>1. Need to define the process or method that will be used to meet the WLA. Currently no mechanism in place to determine compliance with the TMDL WLA. MS4s review their SWPPP to make sure it meets the TMDL WLA; this process is not described. Need a process that is easy to use and review.</p> <p><u>Concepts:</u> <i>TMDL is written as a reduction (e.g. percent in loading or reduction in pounds). MS4s implement BMPs and take credit toward the reduction (credit means BMPs count towards reduction; not a number, future – credits in MIDS and other guidance). Need to define what BMPs qualify toward reducing load in WLA.</i> <i>What process?</i> <i>For each TMDL WLA:</i></p> <ul style="list-style-type: none"> • <i>Identify baseline load defined in TMDL.</i> • <i>Identify BMPs that can be applied to WLA.</i> • <i>Estimate reduction in pollutant loading from existing BMPs applied to WLA, identify method to determine reduction.</i> • <i>Identify current load (baseline load-load reduction from existing BMPs), compare w/ WLA.</i> • <i>If current load greater than WLA, identify BMPs to implement and schedule</i> <ul style="list-style-type: none"> • <i>Menu of BMPs in permit?</i> • <i>Menu of additional BMPs in guidance (e.g. fact sheet on WLA reduction)?</i> • <i>Identified BMPs align with TMDL implementation.</i> <p><u>Other Concepts being used or considered by others:</u> <i>Individual permits that are modified each time a TMDL is completed.</i> <i>General permit that includes prescriptive list of BMPs considered to meet WLA (e.g. the CSW permit).</i> <i>Enforce WLA as an allowable discharge (e.g. 5 lbs P/day).</i> <i>Effluent limits.</i></p>

	Measured implementation.	<p>2. Need a reporting requirement. Currently no reporting requirement. Need to know that annual (steady) progress is being made to achieve the TMDL WLA.</p> <p><u>Concepts:</u> <i>Modify SWPPP as appropriate if assigned WLA.</i> <i>What timeframe?</i></p> <ul style="list-style-type: none"> • 18 months (current) • 12 months (calendar year) • With annual report <p><i>Report on progress toward meeting TMDL goal; by date XXX:</i></p> <ul style="list-style-type: none"> • Plan - how to achieve TMDL WLA; what BMPs, activity • Range of numbers for reduction in pollutant loading (e.g. street sweeping, ponds- Stormwater Manual) • MPCA review/approves
	Measured implementation.	<p>3. TMDL may allow for multiple permit cycles – compliance schedule. Need a compliance schedule if the WLA is not achieved within current permit cycle. Compliance means making reasonable progress toward achieving WLA.</p> <p><u>Concepts:</u> <i>Compliance schedule should show steady progress toward meeting TMDL goal.</i></p> <ul style="list-style-type: none"> • Compliance schedule in SWPPP • Elements included? • Schedule consistent with timelines in TMDL Report.
Impaired Waters – without approved TMDL & no WLA	Federal regulations require that a permittee not cause or contribute to an impaired water for which there is not an approved TMDL.	<p>1. Water listed as impaired and should not be further degraded; however, without the TMDL, the details of a loading reductions needed to achieve the water quality standard are not known.</p> <p><u>Concepts:</u> <i>Anti-degradation may apply to new redevelopment situations, P2 activities for existing conditions.</i></p>

		<p><i>Start to implement common BMPs not yet utilized for part of the MS4 (e.g. areas with little or no stormwater treatment that amount to direct untreated discharge).</i></p>
<p>Impaired Waters - “discharge to”</p>	<p>Need ability to comply with complicated federal regulations for impaired waters with clear, easy to follow requirements for permittees.</p>	<p>1. Need to define the waters that must be addressed under this provision (i.e. what impaired waters do you “discharge to”), and identify a set of parameters that allows permittees to easily understand when additional protection is needed.</p> <p><u>Concepts:</u> <i>For impaired waters with an approved TMDL and WLA, the TMDL will define whether an MS4 discharges to the impaired water body.</i></p> <p><i>For impaired waters without an approved TMDL, anti-degradation may be sufficient.</i></p> <p><i>Remain consistent with the other stormwater permits (CSW ISW); what’s needed for MS4s.</i></p> <p><i>If discharge point within one mile of, and flows to an impaired water, implement additional BMPs to reduce loading (consistent with CSW, ISW permit). One mile:</i></p> <ul style="list-style-type: none"> • <i>Within one mile of the boundary of the MS4 jurisdiction?</i> • <i>Within one mile of the discharge point within the MS4 jurisdiction?</i> <p><i>Additional BMPs:</i></p> <ul style="list-style-type: none"> • <i>Menu of additional BMPs in permit?</i> • <i>Menu of additional BMPs in guidance (e.g. fact sheet on WLA reduction)?</i>
<p>MS4 Work Group – 3/3/2010 meeting notes *</p>		<ul style="list-style-type: none"> • Advance main concept of defining process or method used to meet WLA. • Need to demonstrate progress in meeting WLA; credits in MIDS will not be ready for this permit - need to balance. • Retain 18 month timeframe to modify SWPPP after TMDL WLA approved; due to one year allowance to do an implementation plan. • Submit single report on SWPPP modification, implementation, and progress toward meeting WLA in the Annual Report. Report period for TMDL is calendar year prior to Annual Report date of June. • Reference to EPA memo on complying with TMDL WLA during permit cycle, including framework for compliance schedules in the SWPPP. • Need flexibility; permit should not preclude adaptive management. • Need clarity, without approved TMDL, what is anti-deg; new or expanded discharge,

		<p>existing or new load.</p> <ul style="list-style-type: none"> • Be clear in permit on requirements that apply to portion of MS4 in drainage area that drains to impaired water/TMDL. • Do not need to define “discharge to” for impaired waters - but we need to make sure that MS4s up stream are not listed or notified if one mile is used; would apply to special waters, ORVWs. Question was raised- should it be event size based rather than distance (i.e. Does it discharge in a 5 year storm?) • MS4s would like to keep existing language on pre-TMDL, cause or contribute difficult to deal with. • Expressed concern about categorical WLAs and how they would be managed. • MPCA must commit resources to implementation and maintenance of a credit system (e.g. the Stormwater Manual would have to be updated regularly). • Concerns about whether the credit approach applies to anything other than P. We felt it also applies to TSS. For some pollutants, such as chloride, temperature, and bacteria, may write BMPs into guidance or permit. • In general, the stakeholders seemed okay with a credit approach and waiting for the numbers. • Asked about linkage to Implementation Plan, trouble with the word “align” (see above). • MNDOT concerned about resource issues since they have so many TMDL WLAs.
--	--	---

<u>Key Issue</u>	<u>What’s needed for stormwater this permit</u>	<u>Issue and Concepts</u>
<p>Mapping your system</p>	<p>Need to know where water pollutants flow.</p> <p>Understand how system functions.</p> <p>Consistent with pond inventory.</p> <p>Broader application than mapping illicit discharge – over time:</p> <ul style="list-style-type: none"> · Tool for modeling (credit system) · Electronic GIS form · Standardized, interconnected maps 	<p>Stormwater maps are essential for applying a credit system or conducting other water quality modeling in urban areas. Maps aid in identifying and prioritizing BMPs. Maps can be used with pollutant loading models, such as those used in developing TMDLs. A three step process is envisioned for mapping:</p> <ul style="list-style-type: none"> · Map individual stormwater systems, including identifying all structures and flow within the connected system. · Applying maps to modeling within individual MS4s · Linking maps to NHD (expecting MPCA would do this); aids MPCA in implementing its watershed approach. <p>1. Not all features are currently mapped.</p> <p>Pipes less than 24 inches diameter, and other features, are missing and create gaps in complete understanding of stormwater system. Need consistency in what is to be included in mapping to be a useful tool for stormwater management (beyond minimum requirements in the existing permit).</p> <p><u>Concepts:</u></p> <p><i>Comprehensive systems map.</i></p> <p><i>Map the following features:</i></p> <ul style="list-style-type: none"> · <i>All conveyances (pipes and channels, including ditches)</i> · <i>All structural devices (both treatment and other devices)</i> · <i>All constructed points, such as ponds and rain gardens</i> · <i>All natural water bodies (much is already mapped in NHD)</i> <p><i>Collect information on important attributes of the above features, such as outfalls, pond dimensions, etc.</i></p> <p><i>Mapping component is separated out rather than included under MCM 3.</i></p> <ul style="list-style-type: none"> · <i>Some MS4s are already separating out mapping piece for asset management and maintenance.</i>

	Need to know where water pollutants flow.	<p>2. The permit does not require maps to show direction and connectivity. Difficult to track flow of water and pollutants in the stormwater system.</p> <p><u>Concepts:</u> <i>Item #1 would address this issue.</i></p>
	Measured implementation.	<p>3. The permit must adjust the schedule for completing the mapping (original due date was 6/30/2008). Timelines needed to track progress toward completing system mapping. Dates would be established by the Commissioner for new MS4s.</p> <p><u>Concepts:</u> <i>Schedule for completing map. Identify what to accomplish during this permit cycle; how much can get done, what's reasonable. What schedule, what timeframe?</i></p> <ul style="list-style-type: none"> · Phased? · Prioritized? <ul style="list-style-type: none"> · Identify high priority areas (e.g. hotspots, impaired waters/TMDLs; map these first. · Entire jurisdiction within 5 years of permit effective date?
MS4 Work Group – 3/3/2010 meeting summary		<ul style="list-style-type: none"> · MPCA needs to be clear and identify what is the purpose (application goals) for mapping. · Not clear that mapping is needed for applying a credit system; need to determine this before advancing mapping concepts. · If additional mapping needed to make application for credit – why map entire system now? · Map based vs. spreadsheet based data management. · Mapping conducted for MS4 non-deg reports; identify what's missing. · Suggested 2 phased system: <ul style="list-style-type: none"> · Permit requirements – this permit use map to understand system. · Map for credits later - additional requirements as identified in TMDL for tributary area to TMDL. · Determine what we can do incrementally now in the permit.

		<ul style="list-style-type: none"> · Define ponds. Current permit will have to link mapping requirements with pond inventory requirements. · MS4s view on mapping depends somewhat on current level of mapping; consider the cost of conversion from one type of software to another (e.g. CAD to GIS). (Expecting MPCA would do this, see above). · Some like universal standards, especially for MS4s just starting to map. · Consider the merits and timing of a statewide platform for mapping. · Potential reasons for mapping: <ul style="list-style-type: none"> · EPA requirement · Credit system · Varies by MS4 – some map more than others · To aid in BMP selection and evaluation · Pond inventory · Provide MS4s a list of everything that could be mapped and have MS4s identify what is doable, including potential timeframe.
--	--	--

<u>Key Issue</u>	<u>What’s needed for stormwater this permit</u>	<u>Issue and Concepts</u>
<p>Education MCM</p>	<p>Clear requirements, reduce redundancy.</p>	<p>1. Need to fix the “circular” nature of the existing permit MCM requirements for education (i.e. “education program on education”)</p> <p><u>Concepts:</u> <i>One comprehensive stormwater public education/outreach program in the SWPPP, instead of education/outreach program for each MCM.</i></p> <ul style="list-style-type: none"> • Consolidate education MCMs and clarify BMPs. • Focus education /outreach on local stormwater issues; develop education for 3(?) issues that are related to some prioritized goals for your community over the permit cycle. • Program designed to target certain % of community (i.e. targeted audience.). • Incorporate P2 into education. • Document education message is working (i.e. evaluate, assess effectiveness). <p><i>Incorporate employee education & training into existing MCM where applicable (e.g. inspection component of MCM 6).</i></p> <ul style="list-style-type: none"> • Educate and train employees; staff has overall knowledge of stormwater with specific training linked to job duties (e.g. CSW permit training requirements). • Incorporate P2 into education. <p>Suggested guidance: EPA’s <i>Getting In Step: A Guide to Effective Outreach in Your Watershed</i> (www.epa.gov/watertrain/gettinginstep/).</p>
<p>MS4 Work Group – 3/3/2010 meeting summary</p>		<ul style="list-style-type: none"> • Advance concept of one comprehensive stormwater public education/outreach program in the SWPPP. • Education program focuses on prioritized local stormwater issues, activities taking place in the MS4 and stage/density of development of MS4. • Education program directed to 3 groups: <ul style="list-style-type: none"> • General public • MS4 employees • Target audiences (e.g. consultants, developers, restaurants...)

		<ul style="list-style-type: none"> · Discussed including MS4 employee training as part of education program. · Advance combining MCM 1 & 2 (public education/outreach, public participation). · Preserve flexibility; allow for enough flexibility for MS4s to prioritize education opportunities as they arise. · Recognize that educational opportunities exist at many times that cannot be predicted in advance,; therefore, there should be the capability to somehow “count” these activities. · Preserve the BMP summary sheet format; fewer and less redundant summary sheets would be needed with one comprehensive education program. · Options for annual meeting/accepting public input.
<p>SWPPPs & coordination with local water plans</p>	<p>Need coordinated schedule for SWPPP/water plans; align content & reduce redundancy.</p>	<p>Track with EQB Coordinated Planning effort underway.</p> <p>1. Attempt to align timing of water plan and SWPPP development.</p> <p>Include/incorporate elements of water plans in SWPPPs.</p> <p>Post-construction and long term stormwater goals - allows for elements of comprehensive plan/water plan documents to be submitted as part of SWPPP.</p>

<u>Key Issue</u>	<u>What’s needed for stormwater this permit</u>	<u>Issue and Concepts</u>
<p>Anti-degradation</p>	<p>Need to make anti-degradation determination for all MS4s.</p> <p>Need to identify appropriate increment to aim for – 2011 “bridge permit” is stepping stone to MIDS and 2012 federal rule.</p>	<p>How much can we do without pre-empting MIDS, 2012 federal rule? Identify appropriate increment to aim for, set measurable goals.</p> <p>1. Applies to all MS4s. Concepts: <i>Identify in permit - what anti-degradation means to MS4s (i.e. policy statement). Identify what is needed (i.e. submitted to MPCA) to make determination.</i></p> <ul style="list-style-type: none"> • <i>Uniformity plus flexibility.</i> • <i>Submit ordinance (or other regulatory mechanism) that will be used to establish pre/post volume control.</i> • <i>Develop volume reduction strategy with target goals for new development and redevelopment – need to ensure no increase in pollutant loading.</i> • <i>Establish minimum performance standard (interim approach).</i> <ul style="list-style-type: none"> • <i>New development and re-development only?</i> • <i>One performance standard rather than different approaches from all MS4s?</i> • <i>Use 1 or more performance standards based on site geology (e.g. sensitive to water bodies, eco-region)?</i> • <i>Follow CSW permit?</i> <ul style="list-style-type: none"> • <i>½ inch runoff from new impervious, 1 inch for special/impaired waters.</i> • <i>Applies to what project size – greater than 1 acre or other?</i> • <i>Applies to entire project area, entire impervious area, newly created impervious area?</i> • <i>May not be achievable in all areas.</i> • <i>Do all that can be done on site, then do mitigation as close as possible to site.</i> • <i>Wetland concerns? Are we risking degrading wetlands and, in turn, other receiving water bodies with excess infiltration?</i> • <i>Define baseline for standard. Determine what predevelopment means?</i>
<p>MS4 Work Group – 3/17/2010 meeting</p>		<p>Dale provided background on current anti-degradation process with Phase I MS4s. Anti-degradation determination to be made before issuing permit coverage. The cities provided information for the Agency to make the determination, reviewing monitoring data. MPCA</p>

<p>notes</p>		<p>looked at water quality trends from 1988, used all data that was relevant including; secchi disks, nutrient monitoring, etc.</p> <ul style="list-style-type: none"> · Consider rate control before volume control. · Infiltration is aligned with volume; not always an option. · A standard is two permit cycles out, by 2016 we'll have new rules, this is an interim measure in 2011. · MPCA stated that volume reduction strategy includes, but is not limited to structural infiltration BMPs. · Comment volume not a pollutant (this issue kept coming up). Seemed that some stakeholders questioned the validity of using a specific volume control standard as a surrogate for pollutant loadings. With this, they recommended exercising caution about making the standard more stringent than it needed to be without having the data to support doing this. This in turn could lead to anti-backsliding problems. · Focusing on development and redevelopment is not cost efficient; shift to retrofit and maintenance of existing system. · Need full system management. · Understand the cost of whatever you're proposing. · Need a definition of redevelopment. · Options discussed: <ul style="list-style-type: none"> · Simplified volume reduction strategy with acknowledgement approach does not get us where we need to be this permit cycle. · Full system management approach; MS4 develops and submits to MPCA. · Concern that we are trying to do too much too soon with this permit; focus on education and proving what works (e.g. demonstration project – city, not developer project). · A question about consistency with other permits was raised, specifically the industrial permit. · What are MS4s requirements related to the new CSW ELG rule? Will not be addressed in this MS4 permit cycle; will need to comply with rule when next CSW permit is issued 2013. · Acknowledge the planning element in the MS4 permit; do not want so many reports to submit, coordinate with water plans. · Is there an incentive system that can be applied upfront in the permitting process to encourage MS4s to meet water quality goals? (e.g. Met Council imposes penalties for
---------------------	--	--

		<p>inflow).</p> <ul style="list-style-type: none"> · Some expressed the need for more MPCA enforcement. · Need uniformity and flexibility; allow MS4s to do what they believe is most cost effective and works. · Permit should have goals; let MS4s decide how to meet goals. Goals are not enforceable. · Along with performance standard, enable MS4s to take into account outcome based measures, whatever it is – trends analysis. Incentivize MS4s to start collecting that trend data. Provide MS4s a way to demonstrate compliance. · Comment that some MS4s need a more prescriptive permit with specific requirements, in order to convince (elected officials, municipal departments....) of the importance of stormwater management and to convey stormwater needs. Stated preference for prescriptive regulation because it offers buy-in to city councils (can go to council and say we must do this.) · Need more technical assistance, and communication between MS4s and the Agency. · Options discussed: <ul style="list-style-type: none"> · Follow/meet watershed district standards/rules. Identify process. (If watershed district has standards in place, MS4 has option to follow.) · Follow/meet CSW permit (in MS4’s ordinance and SWPPP.) · Would need to verify watershed districts are meeting anti-degradation. Follow “best” watershed districts that are active. · Suggested tabulating various watershed district requirements, including any assessments of how well they are working. · 3 Potential approaches: <ol style="list-style-type: none"> 1) Active watershed district – MS4, in ordinance, applies to entire jurisdiction, described in SWPPP. Adopt watershed district standards for volume control; what about other standards for P, TSS....? 2) Full system management approach – MS4 develops framework that meets goal, MPCA reviews. 3) WQ standard package adopted by MS4. · Is trading allowed for outside the MS4? Yes, could be allowed for outside the MS4 jurisdiction within the same watershed.
--	--	---

<u>Key Issue</u>	<u>What’s needed for stormwater this permit</u>	<u>Issue and Concepts</u>
<p>Post construction, P2, BMP operation & maintenance</p>	<p>Need measurable goals for post-construction, and to achieve TMDL WLAs.</p> <p>Need to identify appropriate increment to aim for – 2011 “bridge permit” is stepping stone to MIDS and 2012 federal rule.</p>	<p>How much can we do without pre-empting MIDS, 2012 federal rule? Identify appropriate increment to aim for. Measurable goals vs. being prescriptive. Must be consistent with anti-degradation.</p> <p>1. Attempt to maintain pre-development runoff.</p> <p><u>Concepts:</u> <i>Develop volume reduction strategy for new development and re-development (like 30 select MS4s).</i> <i>Performance standard:</i></p> <ul style="list-style-type: none"> • <i>Quantity (e.g. 1” minimum)? Follow what is currently used by WDs, will go further once MIDS and 2012 rule done.</i> • <i>Impervious (%)?</i> • <i>Pre-development?</i> <p><i>Focus on determining what part of post-construction is treated vs. non-treated</i></p> <ul style="list-style-type: none"> • <i>Knowing where BMPs are (links to mapping concepts)</i> • <i>BMPs – inspect & maintain</i> • <i>BMP Assessment for treatment effectiveness</i> • <i>BMP maintenance plan (structural BMPs); who, how</i> <p><i>Whole system needs to work together; relates to TMDL load reduction.</i></p> <ul style="list-style-type: none"> • <i>Consolidate inspection & maintenance requirements for post-construction under MCM5 (i.e move from MCM 6- P2/good housekeeping)?</i> <p><i>Should post-construction apply equally to new development and re-development? (future – trading/credits, MIDS)</i></p>
<p>MS4 Work Group – 3/17/2010 meeting</p>		<ul style="list-style-type: none"> • What if the construction permit standards were applied universally? In general, stakeholders seemed okay with following the CSW permit standard for post-construction,

<p>notes</p>		<p>recognizing that some watershed district standards are higher.</p> <ul style="list-style-type: none"> · Need to have flexibility for redevelopment. · Determine what is meant by redevelopment – need some type of threshold; one acre threshold that currently exists, trading/credit (MS4 determines for less than one acre), significance test. · Concerns about promoting sprawl by making the redevelopment standard too stringent. · Link maintenance to life of BMP? Look at entire system, most efficient to do maintenance based on average design life of the system. · Maintenance plan should show priorities. · Would need to identify service area for ponds - what scale? What level to monitor at? Should be language in the permit so there is no confusion. · Would be useful to have a pond performance calculator. · Definition of outfalls important. See existing permit. · Where MS4 discharges to receiving water, meet water quality standards for water body. · Need to keep plans in order to assess BMP effectiveness; what they were designed for, and as built? · How accurate does information have to be in order to determine assessment; this process needs to be determined. · Accommodate asset management, system changes over time. · Do not consolidate inspection and maintenance requirements for post-construction (MCM 5 & 6).
---------------------	--	---

<u>Key Issue</u>	<u>What's needed for stormwater this permit</u>	<u>Issue and Concepts</u>
<p>Construction stormwater erosion & sediment control</p>	<p>Need clear permit expectations and ESC program elements, define local roles.</p> <p>Need minimum set of requirements for ordinance (based on CSW Permit Part IV)</p> <p>Owner/operator needs onsite documentation of inspections.</p> <p>Need viable local enforcement component; MS4 makes reasonable documented effort.</p>	<p>1. Permit needs clear expectations and measures for ESC program. Need clear requirements. Need to define roles. Local program requirements should be at least as stringent as the CSW permit.</p> <p><u>Concepts:</u> <u>Define roles</u></p> <ul style="list-style-type: none"> • <i>MS4s must implement and enforce a local CSW program which meets permit requirements:</i> <ul style="list-style-type: none"> • <i>For development and redevelopment the MS4 project planning and approval process must ensure compliance with NPDES CSW requirements pertaining to impaired waters to comply with 40 CFR 122i not cause or contribute to an impairment,</i> • <i>MS4 must do site inspections and may request MPCA assistance to enforce the CSW permit requirements (see roles); MPCA may also inspect NPDES CSW sites as follow-up to complaints or on a random basis.. MS4s must comply with the CSW NPDES permit for their projects.</i> • <i>Coordinate/partner on inspections (reality that there are limited resources for MS4s and MPCA), focus efforts, prioritize inspections:</i> <ul style="list-style-type: none"> • <i>MS4s – should the primary role be for (focus on) residential development, commercial, retail, big box? MS4s must have some type of enforcement mechanism (e.g. stop-work authority)</i> • <i>Potential partner options- watershed districts, soil and water conservation districts, outsourcing to private entity.</i> • <i>MPCA – should the primary role (focus area) be to follow-up on complaints and cover inspections for roadway/linear projects; state and county, municipal projects? MPCA responsible for inspection and enforcement on primary focus area; MS4s do inspections on their primary focus area, MPCA does enforcement on sites with significant environmental damage?</i> • <i>Complaints – MPCA inspector contacts MS4 prior to inspection of non-linear</i>

		<p><i>projects; inspect together if possible?</i></p> <p><u>Inspection frequency</u> <i>Identify specifics in plan – process: Know size and location of all open CSW site permits. Inspect what sites and how often?</i></p> <ul style="list-style-type: none"> · <i>Is inspection frequency a function of site size, proximity to special waters, etc...?How prescriptive; what is minimum?</i> <ul style="list-style-type: none"> · <i>All sites over size (X)?</i> · <i>All sites within one mile of impaired water?</i> · <i>All sites inspected one time per CSW season?</i> · <i>Which phase of construction is most important? Pre-construction, initial disturbance (after vegetation is stripped), during, following (NOT, post-construction)</i> <ul style="list-style-type: none"> · <i>Local inspector on site within (x) days of initial land disturbance?</i> <p><u>Site plan review</u> <i>Procedures for plan review and approval prior to construction.</i></p> <ul style="list-style-type: none"> · <i>Define plan review, MS4 has written procedures, provide data in annual report.</i> <p><u>Inspection/enforcement program</u> <i>Site inspections and ability to do enforcement.</i></p> <ul style="list-style-type: none"> · <i>MS4 develops own enforcement mechanisms (e.g. ordinance or stop work order)</i> · <i>Clarify MS4 site inspection procedures and documentation (e.g. fill out a checklist for owner/operator)</i> · <i>Contact MPCA when:</i> <ul style="list-style-type: none"> · <i>Significant environmental damage occurs; guidance on what is significant environmental damage? MS4 has policy/procedure in place.</i> · <i>Significant noncompliance; provide MPCA with documented inspections and written notification to site owner/operator</i> <p><u>Training</u></p> <ul style="list-style-type: none"> · <i>For field staff and plan reviewers.</i> · <i>At minimum, same level of training as CSW permit (i.e. commensurate with job duties).</i> · <i>At minimum for in-house (municipal) projects SWPPP design.</i>
--	--	---

		<ul style="list-style-type: none"> • <i>Annual refresher training?</i> <p><i>MS4s conduct a meeting or provide information to developers on requirements specific to their MS4 regarding erosion prevention and sediment control.</i></p>
Construction stormwater erosion & sediment control		<p>2. List ESC components that are required.</p> <p><u>Concepts:</u></p> <p><u>ESC Requirements</u></p> <ul style="list-style-type: none"> • <i>Specific requirement for CSW operator to have SWPPP developed prior to starting work.</i> • <i>ESC ordinance – at least as stringent as state NPDES CSW permit on key components (e.g. temporary and permanent controls, daily cover, dewatering, inspections, and impaired waters).</i> • <i>ESC is incorporated into site plan approval process.</i> • <i>How to link consistency with construction stormwater permit to MCM4:</i> <ul style="list-style-type: none"> • <i>Reference most critical components in current CSW permit (Part IV, Construction Activity Requirements) in MS4 permit?</i> • <i>List pertinent pieces of Part IV, Construction Activity Requirements, in MS4 permit?</i>
MS4 Work Group – 4/6/2010 meeting notes		<ul style="list-style-type: none"> • <i>Some MS4s see defining roles as trying to make the local program fill the lack of state resources.</i> • <i>Is there federal rule language that defines the local requirements must be as stringent as the CSW permit?</i> <p><i>Permitting authorities are required to develop NPDES permits to regulate stormwater discharges associated with construction activity; municipalities are required to develop programs to address construction site runoff within their boundaries. All of these discharges are subject to NPDES permitting requirements (CWA 402(p)).</i></p> <ul style="list-style-type: none"> • <i>What is the federal language on how the roles are already defined?</i> <p><i>See Federal Register, Vol. 64, December 8, 1999; state’s role for NPDES MS4 Program begins at page 68744, municipal role begins at page 68748.</i></p> <ul style="list-style-type: none"> • <i>Can QLP replace the JPA program?</i> <p><i>No. The JPA or Joint Partnership Agreement was a state stormwater inspection partnership project with local inspectors for construction stormwater. A QLP or</i></p>

		<p><i>qualifying local program is a federal program applicable to state NPDES permits. The federal stormwater regulations (40 CFR § 122.44(s)) provide authority for NPDES authorities to recognize Phase I and II MS4 construction programs that meet or exceed a state’s construction program (or EPA program in authorized states). When a local sediment and erosion control program meets the requirements in 122.44(s), the state may incorporate that program by reference in its construction stormwater permit. The local program is then a qualifying program and construction site operators’ compliance with the local requirements constitutes compliance with state NPDES CSW permit requirements. (The MPCA would need to promulgate rules to establish QLP criteria and process.) The QLP concept for MS4s can be found at 40 CFR § 122.34(c). See also Federal Register, Vol. 64, December 8, 1999, page 68747.)</i></p> <ul style="list-style-type: none"> · LGUs can partner to reduce overlap (e.g. city, watershed district). · Permit language should define collaboration currently going on between MS4 inspections. · What are LGUs enforcing - CSW permit or their local ordinances? · Some MS4s don’t want to be associated with the CSW permit at all. · Discussed whether there should be a construction stormwater performance standard in the permit (i.e. no erosion/sediment leaves the site), instead of elements of the CSW permit. A performance standard is enforceable. · Referencing the CSW permit could work if the MS4 has a developer’s agreement as the regulatory mechanism. · Discussion of planning approval process as a regulatory tool option. · Many MS4s just adopted an ordinance (required under current permit) which is a big process; could get people “excited” if they have to redo it for additional requirements. · Guidance should be used to define MPCA’s role, not the permit. · Dual permit fees (for developers?) are another source of overlap frustration. <p><u>Inspections:</u></p> <ul style="list-style-type: none"> · MPCA reviews SWPPP for MS4 road project prior to inspection; problem of MPCA inspecting for items other than the SWPPP. Site conditions change; SWPPP updates needed. · If minimum standards are set for frequency of inspections, what about idle sites? · MS4s do not expect MPCA to inspect MS4 projects; complaint driven only. · Identify/define the collaborative inspection process between MS4s (e.g. cities, watershed districts); suggestion to do this in BMP summary sheet.
--	--	---

		<ul style="list-style-type: none"> · Discussed elements of an Inspection Program; what would be included (e.g. some level of inspection frequency, prioritization based on some factor such as size, location, proximity to special or impaired waters, contractor performance...) · Are there written parameters that MPCA could come up with for inspections of these items (frequency, timing, priority, etc.) that constitutes a “good inspection program”? Guidance needs to include inspection checklist, list of items. The ordinance references the MPCA inspection checklist. · Inspection/enforcement – provide more guidance on when to contact MPCA and what specific documentation would be needed for MS4 handoff of enforcement action to MPCA. Look at JPA checklist for guidance. · MNDOT doesn’t have an ordinance so they have to follow all requirements of the CSW permit and are inspected for all requirements of the CSW permit. · Post inspection forms on the web to pressure builders into compliance? (e.g. MPCA website “What’s in my Neighborhood”) · On the concept of coordinating inspections and primary roles (focus area) for MS4s and MPCA, there was general agreement that MS4s should focus efforts, prioritize inspections based on risk and resources (e.g. impaired & special waters); not important to focus inspections on the type of construction (residential, commercial, etc.). · For townships, MEP is an excuse not to do anything. Need a tool, put it in the budget, it will get done. Write permit language that would be more descriptive (qualitative vs. quantifying items). · To assist townships, small MS4s, etc., propose a minimum floor, with an OR option of identifying equivalency. · Identify outcome, provide options for getting there. · Possible approaches: 1) set bare minimum requirements, but could be open to enforcement if not followed; 2) permit language with descriptions of elements needed; 3) minimum requirements OR describe your program. · Inspections by some MS4s are based on pre-construction plan submittal. <p><u>Training:</u></p> <ul style="list-style-type: none"> · Training/training requirements are needed for on-site personnel, not the office staff. · Training for MS4s – be specific about who needs to be trained. Inspectors, plan reviewers, MS4 program manager (i.e. person who signs MS4 permit application)? · Suggestion for guidance on what level of training is adequate.
--	--	--

		<ul style="list-style-type: none"> · For site plan review and CIP project construction plan review, identify what is the process and who conducts. · Discussed certification. Require certification for meeting “best professional judgment”? Training/certification becomes a requirement upon a failed audit, annual report result, or other (i.e. demonstrate that you can implement an effective program and permit – opt out of certification)? · Does BATC have recertification process? State Department of Commerce licensing applies to builders but not contractors? · Discussed elements of a Training Program; concept similar to inspection program where permit would identify elements to be included in the program. · MS4 would not submit with their SWPPP; but indicate that a program is available. · Suggestion was made for separate submittal documents for MS4 program elements (e.g. inspection program, training program...) that contain a description of the program, to provide more flexibility, remove liability, by separating out from SWPPP. Option not well received; don’t create new documents. · Need clarification between MS4s MCM 4 requirements and MPCA CSW permit; provide in guidance, fact sheet. · Separate CSW permit requirements in the MS4 permit OR make clear. <p><u>ESC Requirements:</u></p> <ul style="list-style-type: none"> · Is there a CSW program at the local level for sites less than one acre? Optional though many MS4s have in ordinance. · Please do not consider developing MS4 ESC requirements which duplicate those already expressed in the CSW permit. The relationship between MS4 MCM 4 and the CSW permit is already confusing to many, and we do not wish to further confound the relationship. · In the next permit, the narrative (or guidance document) should more plainly discuss the goal for the MS4 inspection program. At the same time, this might help clarify roles. Is the goal for MS4s to replicate the CGP inspection requirements? Probably not... Is the goal for MS4s to have a more comprehensive awareness of how much construction activity is occurring in their jurisdiction, the status of the construction activity, and the receiving waters potentially impacted? Possibly...
MS4 Work Group – 4/6/2010 meeting		The work group ran short of time and this issue was not discussed. An additional meeting will be scheduled for the “ one size does not fit all ” issue.

notes		The following comment was submitted prior to the meeting from a work group member who was unable to attend: “The University would not favor a "co-permittee/partnerships” type of permit; we would prefer to have a permit with specific requirements relevant to the general group of universities/colleges.”
--------------	--	--

DRAFT 4/5/2010

<u>Key Issue</u>	<u>What’s needed for stormwater this permit</u>	<u>Issue and Concepts</u>
One size does not fit all	Options for MS4 partnerships, sharing of resources.	<p>1. Co-permittee, partnerships in the permit</p> <p><u>Concepts:</u></p> <ul style="list-style-type: none"> · <i>Share responsibilities for meeting the minimum measures with other municipalities or MS4s.</i> · <i>Under existing structure of urbanized area (counties & MNDOT only regulated within UA).</i> · <i>Identify what MCMs apply in UA (e.g. 1,3,6), outside of UA, rural (e.g. 5,6)</i> · <i>What does “shared responsibilities” mean?</i> · <i>Establishing partnerships and communication among permittees so responsibilities are clear, defined, outlined.</i> · <i>Responsible for all or some MCMs?</i> · <i>Establish payments in lieu of requirements.</i> · <i>Establish reporting responsibilities; annual report signed by both permittees.</i> · <i>Does not mean permittee hands over all responsibilities to other permittee.</i> <p><u>Pros & Cons</u></p> <ul style="list-style-type: none"> · <i>Sharing of expenses, helps to address resource issue.</i> · <i>If MCM relies on an ordinance, can’t be applied in another jurisdiction.</i> · <i>Potential enforcement issues; MOU needed?</i> · <i>TMDL WLA Responsibilities (e.g. WLAs can be written for portions of a township that do not have urban land use). To date, for WLA assigned to townships – some based on annexation plans, some WLA include an entire township.</i>

		<p><u>Other Options:</u> <i>Keep individual MS4s, establish specific requirements for each relevant to sector/category.</i></p> <ul style="list-style-type: none"> · <i>Non-trationals with taxing authority (watershed districts, counties)</i> · <i>Non-trationals without taxing authority (MNDOT, colleges, correctional facilities)</i> · <i>Large cities (>10,000)</i> · <i>Small Cities (<10,000)</i> <p>OR</p> <ul style="list-style-type: none"> · <i>Watershed Districts</i> · <i>Counties</i> · <i>Townships</i> · <i>Cities</i> · <i>MNDOT</i> · <i>Colleges, universities, correctional facilities</i>
<p>One size does not fit all</p>		<p>2. Issue specific “one size does not fit all”</p> <p><u>Concepts:</u></p> <ul style="list-style-type: none"> · <i>Target requirements to urbanized area; connect implementation of certain requirements to relevant physical conditions rather than being a blanket requirement; criteria driving requirement could be population or other criteria (e.g. density, impervious cover...)?</i> · <i>Consider reducing complexity of some permit requirements (e.g. mapping) for certain MS4s including some townships and nontraditionals.</i>
<p>MS4 Work Group – 4/23/2010 video conference meeting notes</p>		<p>Co-permittee, partnerships/sharing responsibilities:</p> <ul style="list-style-type: none"> · <i>Maintain flexibility – partnerships change for varying reasons (e.g. changes in funding); allow for opting out of partnership activities if needed.</i> · <i>Partnerships work as long as there is flexibility; partnering is good if it works for all.</i> · <i>Co-permittee option – challenge in arranging co-permittee legal agreements, sorting out who’s going to do what. Could take much time, and might be more labor intensive than complying individually.</i>

		<ul style="list-style-type: none"> · Scope of regulations is difficult; some townships MS4 is ditches and right-of-way. · Seems county/townships may provide better partnership opportunities; there are already natural agreements in planning and zoning between counties and townships. · Sharing responsibilities/partnering with other townships would be good but would never work because of the scope; Rochester area has multiple township MS4s in the county. · Need a permit that allows townships to state how they operate and manage their stormwater. Identify township uses, way they govern, partner with other townships. Townships operate under the county, not the city, so who you partner with is key. · Some townships have their own planning and zoning and the county doesn't, so that wouldn't work (e.g. St Louis County). · Should all townships in the county be regulated MS4s? Concern how TMDLs are going to affect unregulated townships; imbalance exists between permitted/non-permitted. · Need the option for all in region/area to create-submit one annual report (e.g. St. Louis County - Midway township has 3 blocks in UA). · Parts of townships are mainly rural; parts of permit and report requirements don't apply. · If townships with a small UA can't be excluded, co-permittee would be better. · Education and IDDE MCMs are more cumbersome for townships; challenge is an expansive education program, BMP sheets. IDDE program doesn't work in townships · Watershed districts, education institutions (U of M) are better partner options; or rely on non-permitted entities. · Create a more effective working tool for townships that allows us to do what we already do better. We have an engineer and a road crew that are out all the time but how do we make it better? · Do not want to get bogged down with more paperwork, can happen with partnerships. · The permit is overkill; how to comply with good water management. <p>Other options - sector specific requirements:</p> <ul style="list-style-type: none"> · Planning and zoning authority are key criteria to base requirements on, differentiate by who has P&Z authority instead of type of MS4. Base on lot size, annexation
--	--	--

		<p>process; rural residential can be minimum lot size of 3 acres.</p> <ul style="list-style-type: none"> · Townships are not the same, so can't define by category; need flexibility. · Acknowledge that some cities are rural cities and operate like a township, but be careful with population, population density works better. · Acknowledge that MCMs can't be removed (federal rule); though could eliminate those "non-applicable" BMPs. Need flexibility for MCMs. · Discussed permit integration and feasibility of a one permit program; some combination of the MS4 & CSW, MS4 & MNG49? · County public works does MS4 planning, zoning, and maintenance; should be a way to eliminate duplicative permits between MS4 and construction stormwater similar to sand and gravel permit eliminates need for industrial stormwater permit. Could SWPPP include post-construction option for MS4 permit to cover construction permit, or have them under one permit just for MS4 projects? · Some overlap for MS4s with industrial stormwater. Address industrial stormwater requirements in MCM 6 since municipalities are already required to inspect municipal facilities. OK, as long as the industrial permit requirements aren't brought into MCM 6. · Industrial stormwater requirements don't apply to many townships, so allow flexibility (e.g. in Laketown Township, annexation must occur prior to development; township does not have authority for addressing industrial, commercial, residential development). · No industrial or commercial facilities located in many townships translates to minimum IDDE effort needed, although some septic systems. <p>Issue Specific:</p> <ul style="list-style-type: none"> · Target requirements based on criteria. Target requirements to UA. · Need planning and zoning as criteria; though doesn't apply to all (e.g. no P&Z by Washington County, St. Louis County). · Illicit discharges are dealt with locally. Limit mapping to UA, scale back IDDE for small townships/cities; scale back on BMPs that don't apply. · Apply MCM 6 to UA only (e.g. street sweeping program in UA makes sense), other MCMs to jurisdictional boundaries. · If UA only, how would future development fall under requirements? Counter intuitive to program goals to only include UA at time of permit issuance; may miss
--	--	---

		<p>new development.</p> <ul style="list-style-type: none"> · Hard to define UA; with 2010 census, we're losing population, hard to plan ahead. · Planning for growth is not an issue for townships. · Criteria based on population density vs. population more realistic for townships. · Impervious cover as criteria is challenging for small, rural MS4s. · Applicability requirements for one size? · Program has made public and LGUs more aware of stormwater issues; matter of resources. · Permit should address water quality issues for resources you are trying to protect; different geographical areas of the state; tailor requirements by water resource. · Impaired waters report requirements hard for townships; do not have expertise, resources or time. Feeling is that if townships, other MS4s upstream are not regulated, why bother? · Overlapping issues and controls – townships must comply with county water plans and standards. · Township Cooperative Planning Association works well (Rochester area). · Enforcement through ordinances should be handled by MS4s. Ordinances work as controls of LGU; for many, planning & zoning tool is the only enforcement mechanism. · Could ordinances replace some permit requirements? · Expand ordinances to cover future development and maintenance? Enforce ordinance and if noncompliant, charge for any cleanup measure from their property tax. Hard to enforce some of the BMPs because it costs more than it's worth. · Enforcement is costly for townships.
<p>MS4 Work Group – 4/29/2010 meeting notes</p>		<p>Co-permittee, partnerships/sharing responsibilities:</p> <ul style="list-style-type: none"> · Townships have limited resources and staff; have to rely on county (reference their ordinance) already for permit requirements when they don't have land use authority. Partnering among township, city, county with same UA would work. · U of M doesn't apply for City of Minneapolis permits and maintenance exists within own jurisdiction, results in fine line for partnerships. · Less restrictive requirements for townships? Mapping requirements, inspecting MCM 5 BMPs, pond-dredging aren't practical for townships. These items are hired out for

		<p>this permit, otherwise wouldn't be done. Mapping should be for UA only.</p> <ul style="list-style-type: none"> · MS4s with open ditches, road ditches as only conveyance need to be looked at; why are they included? Any unmanaged ground can be a pollution problem; considering every road ditch is ridiculous. · Extensive partnering is in place already (e.g. partnering on MCMs 1 & 4, construction inspections). Advance partnering concept, tie to MCM requirements. · Need to negotiate SWPPP that works for all partners (e.g. a customized SWPPP). · Value in partnering with SWCD, watershed districts on education MCM for coordinated message from all (i.e. county, city, township). · Co-permittee option could work for county/township(s) or watershed district/MS4(s) where maintenance is done by cities; watershed district do most everything else. Discussed watershed based permitting; would be an individual permit for a watershed district and regulated MS4s within the district plus potentially other sources (industrial, commercial...) within the watershed. · Partnering is a really good idea, not necessary to go to co-permittee. · Partnering great idea as long as both partners agree to it. Continue to look at other options because if partnerships aren't aligning, then co-permittee option is needed to bring partnerships together. · Look at partnering opportunities vs. legality of co-permittee option. Gather data on what partnering is currently occurring; then use education and outreach to give the MS4s the message on partnering. Design guidance or templates for scenarios that MS4s could use; sample partnership agreements, model SWPPPs. <p>Other options - sector specific requirements:</p> <ul style="list-style-type: none"> · Number of outfalls decreasing due to annexation; use number of outfalls as criteria? · Number of ponds, infiltration basins to be inspected is burdensome for townships. · IDDE – define, clarify what it means. · Proposed MS4 “basic education” work shop (every other year) for those new to the process or weren't involved in the initial MS4 permit process. Public officials, city council positions turnover; need MS4 education on basic things - definitions of outfalls, how everything is supposed to work. Target audience guidance, fact sheets, Q & A is needed (e.g. for public works). · Limit requirements for conveyances to UA for townships. UA or area served by conveyance system?
--	--	---

		<ul style="list-style-type: none"> · Joint Planning Area Agreement provides for orderly annexation agreements (St. Cloud area). Differentiate whether townships are part of an annexation agreement. · Joint powers agreements are cumbersome. · 2/3 of Spring Lake Township and all of Credit River Township are designated permanent rural residential (lot size of 2.5 acres) through Scott County comprehensive plan out to 2030, won't be any new development. Should have something for this situation that says if the county has ESC and septic regulations that comply with state rules, then that's all the township has to do for MS4 permit (or they're out of the program entirely). · Many small cities in the metro area; what is true land and system like? Differentiate small cities from larger cities. · No municipal operations (e.g. sand and salt). · Provide a standard for UA; if density in UA is less than (x), then lesser requirements of (xx) apply for permit term. · Would be open to meeting an impervious cover % if it meant alleviating some requirements. · Could number of staff be criteria? <p>Issue Specific: What MCMs are most troublesome to implement?</p> <ul style="list-style-type: none"> · Enforcement of CSW ordinance at sub-division level, private development is limited; no staff and knowledge base (Clay County) · Post-construction is confusing, most happens pre-construction; difficult for MS4s to understand. · Ordinances – staff not there to enforce, no land use authority. Nontraditionals need something other than ordinance. Enforcement is through procedure when you own the land (U of M). · Municipal operations do not always apply. · Education at county level is not effective. · The public meeting requirement is not useful.
--	--	--

* The meeting notes were intended to capture the main point or concept the commenter made. Many comments were received in the form of a question; the meeting purpose was not to try and answer questions raised but to use the time to gather comments and input from stakeholders.