



Minnesota
Pollution
Control
Agency

The TMDL Stakeholder Process for Permitted MS4 Stormwater



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Stormwater Module 3b
Minnesota Pollution Control Agency

Training Goals

Understand

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

Acronyms

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

Why Should MS4 Stakeholders Get Involved in the TMDL Process?

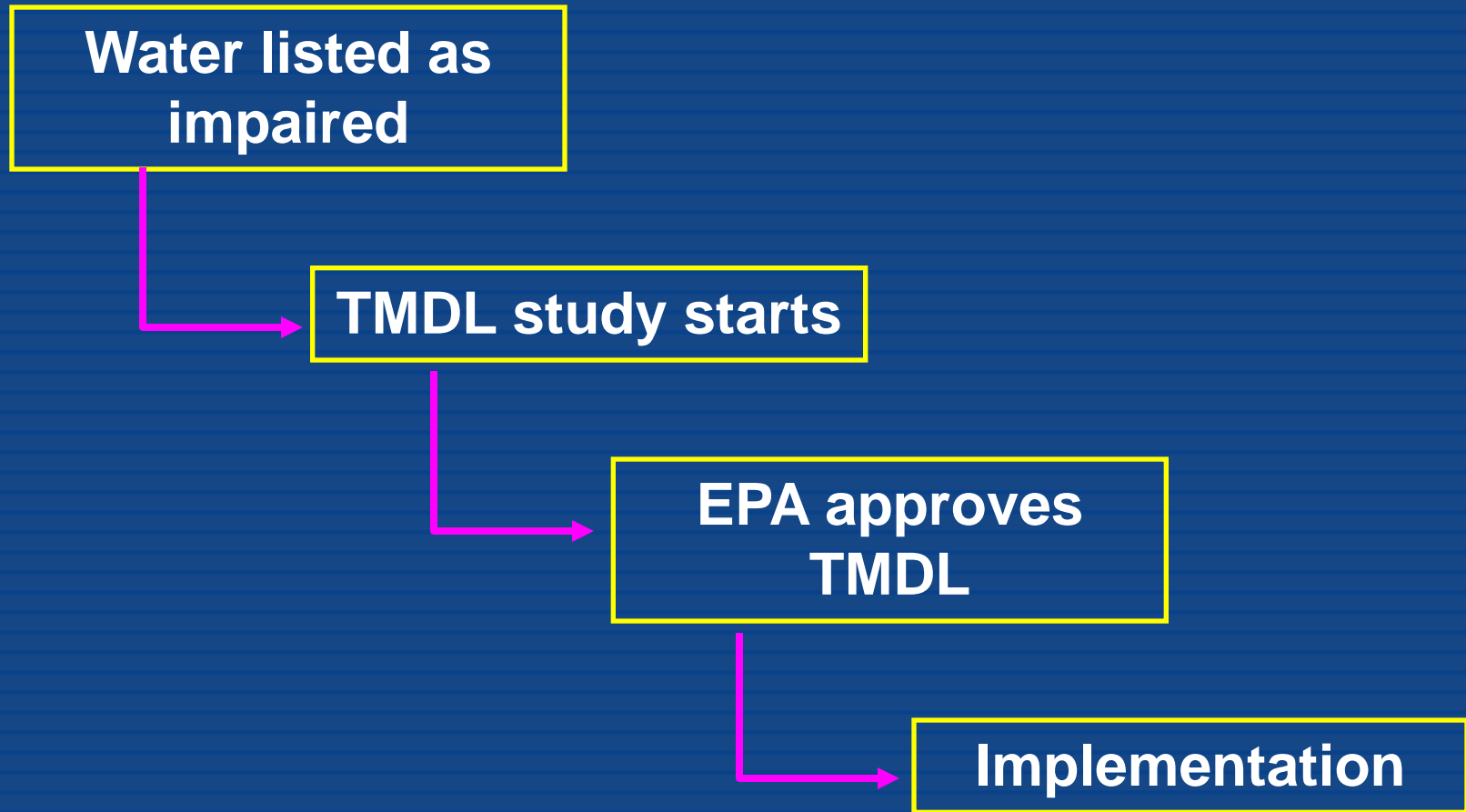
- ✧ To become informed about the TMDL process
- ✧ To contribute to the TMDL
- ✧ To contribute to the TMDL Implementation Plan

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

How to Identify Stakeholders Early in the TMDL Process

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

Stakeholder Involvement is Focused on a Four Step Process



Stage 1 - Water listed as impaired

❏ Goals

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

❏ Stakeholder and MPCA activities

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

Stage 2: TMDL Study Starts

✧ Goals

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

✧ Stakeholder and MPCA activities

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

Points in TMDL Process Where Communication Should Occur

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

The Stakeholder Process Varies with Type of TMDL

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

Small, Urban Watershed

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

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

Small Watershed, Mixed Land Use with Significant Urban

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

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

Large Watershed, Mixed Land Use, Significant Urban

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

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

Large Watershed, Mixed Land Use, Small Urban Contribution

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

- ✧ Examples
 - ✧ Lake Pepin TMDLs
 - ✧ MN River turbidity TMDL

Stage 3: EPA approves TMDL

✧ Goals

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

✧ Stakeholder and MPCA activities

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

Stage 4: Implementation

✧ Goal

- ✧ MS4s implement BMPs using an adaptive management approach over multiple permit cycles

✧ Stakeholder and MPCA activities

- ✧ MS4s may continue to meet as a group and discuss strategies and progress toward TMDL
- ✧ MS4s may work together to implement BMPs
- ✧ MPCA provides assistance as needed
- ✧ MPCA reviews SWPPPs and Annual Reports to track progress toward meeting the TMDL

Example 1 - Shingle Creek Chloride TMDL

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

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

Example 2: Lake Independence Excess Nutrient TMDL

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

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

Example 3: Kalamazoo River (Michigan) TMDL

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

Example 4: Lake Pepin TMDLs

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

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

Summary

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