



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: August 1, 2013

EXPIRATION DATE: July 31, 2018

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: *John Linc Stine* Date *May 22, 2013*
John Linc 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
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Minnesota Pollution Control Agency
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PART I. AUTHORIZATION UNDER THIS PERMIT

A. Eligibility

To be eligible for authorization to discharge **stormwater** under this permit, the applicant must be an **owner** and/or **operator (owner/operator)** of a **small MS4** and meet one or more of the criteria requiring permit issuance as 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 firefighting 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. § 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. 7001.
3. The **Commissioner** shall provide public notice with the opportunity for a 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. 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. The **Commissioner** may designate additional **small MS4s** for coverage under this permit in accordance with Minn. R. 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** 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 become an enforceable part of this permit upon approval by the **Commissioner**. Modifications to the **SWPPP** document that are required or allowed by this permit (see Part III.G) shall also become enforceable provisions. 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)**, into which the applicant has entered, 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 2 (**existing permittee** applicants), or Table 3 (**new permittee** applicants).

3. A description of existing Enforcement Response Procedures (ERPs) the applicant has developed and implemented that satisfy the requirements of Part III.B.1. 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 2 (**existing permittee** applicants), or Table 3 (**new 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 2 (**existing permittee** applicants), or Table 3 (**new 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** identified in Part II.D.5.a, including as appropriate, the 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. Name(s) of individual(s) or position titles responsible for implementing and/or coordinating each component of the MCM.
6. For each **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** project name(s)
 - b. Numeric **WLA(s)**, including units
 - c. Type of **WLA** (i.e., categorical or individual)
 - d. **Pollutant(s) of concern**
 - e. Applicable flow data specific to each **applicable WLA**
 - f. For each **applicable WLA** not met at the time of application, a compliance schedule is required. Compliance schedules can be developed to include multiple **WLAs** associated with a **TMDL** project and shall include:
 - (1) Interim milestones, expressed as **BMPs** or progress toward implementation of **BMPs** to be achieved during the term of this permit
 - (2) Dates for implementation of interim milestones
 - (3) Strategies for continued **BMP** implementation beyond the term of this permit
 - (4) Target dates the **applicable WLA(s)** will be achieved

- g. For each **applicable WLA** the **permittee** is reasonably confident is being met at the time of application, the **permittee** must provide the following documentation:
- (1) Implemented **BMPs** used to meet each **applicable WLA**
 - (2) A narrative describing the **permittee's** strategy for long-term continuation of meeting each **applicable WLA**.
7. For the requirements of Part III.F, **Alum or Ferric Chloride Phosphorus Treatment Systems**, if applicable, the applicant shall submit the following:
- a. **Geographic coordinates** of the system
 - b. Name(s) of individual(s) or position titles responsible for the operation of the system
 - c. Information listed in Part III.F.3.a(1)-(6), if the system is constructed at the time the application is submitted to the **Agency**
 - d. Indicate if the system complies with the requirements of Part III.F
 - e. If applicable, for each Part III.F requirement that the applicant's system does not comply with at the time of application, describe tasks and corresponding schedules necessary to bring the system into compliance in accordance with the schedule in Appendix A, Table 2 (**existing permittee** applicants), or Table 3 (**new 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.

If the **permittee** enters into a partnership for purposes of meeting **SWPPP** requirements, the **permittee** maintains legal responsibility for compliance with this permit.

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. **New permittees** shall develop, implement, and enforce their **SWPPP** in accordance with the schedule in Appendix A, Table 3. 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 to enforce and compel compliance with the Regulatory Mechanism(s) developed and implemented by the **permittee** in accordance with Part III.A.
2. 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. Date(s) and location(s) of the observed violation(s)
 - c. Description of the violation(s), including reference(s) to relevant Regulatory Mechanism(s)
 - d. Corrective action(s) (including completion schedule) issued by the **permittee**
 - e. Date(s) and type(s) of enforcement used to compel compliance (e.g., written notice, citation, stop work order, withholding of local authorizations, etc.)
 - f. Referrals to other regulatory organizations (if any)
 - g. Date(s) violation(s) 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 collect **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 revise their current program, as necessary, and continue to implement, a public education program to distribute educational materials or equivalent outreach that informs the public of the impact **stormwater** discharges have on water bodies and that includes actions citizens, businesses, and other local organizations can take to **reduce** the discharge of pollutants to **stormwater**. The program shall also include:

- a. Distribution of educational materials or equivalent outreach focused on:
 - (1) Specifically selected **stormwater**-related issue(s) of high priority to the **permittee** to be emphasized during this permit term (e.g., specific **TMDL** reduction targets, changing local business practices, promoting adoption of residential **BMPs**, lake

improvements through lake associations, responsible management of pet waste, household chemicals, yard waste, deicing materials, etc.)

(2) **Illicit discharge** recognition and reporting **illicit discharges** to the **permittee**

b. An implementation plan that consists of the following:

- (1) Target audience(s), including measurable goals for each audience
- (2) Responsible **Person(s)** in charge of overall plan implementation
- (3) Specific activities and schedules to reach measurable goals for each target audience
- (4) A description of any coordination with and/or use of other **stormwater** education and outreach programs being conducted by other entities, if applicable
- (5) Annual evaluation to measure the extent to which measurable goals for each target audience are attained

c. Documentation of the following information:

- (1) A description of any specific **stormwater**-related issues identified by the **permittee** under Part III.D.1.a(1)
- (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(5)
- (4) Activities held, including dates, to reach measurable 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 revise their current program, as necessary, and continue to implement, a Public Participation/Involvement program to solicit public input on the **SWPPP**. The **permittee** shall:

- (1) Provide a minimum of one (1) opportunity annually for the public to provide input on the adequacy of the **SWPPP**. 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., Regulatory Mechanism(s), etc.) for public review, upon request. All public data requests are subject to the Minnesota Government Data Practices Act, Minn. Stat. § 13.
- (3) Consider public input, oral and written, submitted by the public to the **permittee**, regarding the **SWPPP**.

b. Document the following information:

- (1) All relevant written input submitted by **persons** regarding the **SWPPP**
- (2) All responses from the **permittee** to written input received regarding the **SWPPP**, including any modifications made to the **SWPPP** as a result of the written input received

- (3) Date(s) and location(s) of events held for purposes of compliance with this requirement
- (4) Notices provided to the public of any events scheduled to meet 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 revise their current program as necessary, and continue to implement and enforce, a program to detect and eliminate **illicit discharges** into the **small MS4**. The IDDE program shall consist of the following:

- a. Map of the **small MS4** as required by Part III.C.1.
- b. 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. Incorporation of **illicit discharge** detection into all inspection and maintenance activities conducted under Part III.D.6.e and f. Where feasible, **illicit discharge** inspections shall be conducted during dry-weather conditions (e.g., periods of 72 or more hours of no precipitation).
- d. Detecting and tracking the source of **illicit discharges** using visual inspections. The **permittee** may also include the use of mobile cameras, collecting and analyzing water samples, and/or other detailed inspection procedures that may be effective investigative tools.
- e. Training of all field staff, in accordance with the requirements of Part III.D.6.g(2), in **illicit discharge** recognition (including conditions which could cause **illicit discharges**), and reporting **illicit discharges** for further investigation.
- f. Identification of priority areas likely to have **illicit discharges**, including at a minimum, evaluating land uses associated with business/industrial activities, areas where **illicit discharges** have been identified 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 conduct additional **illicit discharge** inspections in those areas identified as having a higher likelihood for **illicit discharges**.
- g. For timely response to known, suspected, and reported **illicit discharges**:
 - (1) Procedures for investigating, locating, and eliminating the source of **illicit discharges**.
 - (2) 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.
 - (3) When the source of the **illicit discharge** is found, ERPs required by Part III.B (if necessary) to eliminate the **illicit discharge** and require any needed corrective action(s).

h. Documentation of the following information:

- (1) Date(s) and location(s) of IDDE inspections conducted in accordance with Part III.D.3.c and f
- (2) Reports of alleged **illicit discharges** received, including date(s) of the report(s), and any follow-up action(s) taken by the **permittee**
- (3) Date(s) of discovery of all **illicit discharges**
- (4) Identification of **outfalls**, or other areas, where **illicit discharges** have been discovered
- (5) Sources (including a description and the responsible party) of **illicit discharges** (if known)
- (6) Action(s) taken by the **permittee**, including date(s), to address discovered **illicit discharges**

4. Construction Site **Stormwater** Runoff Control

New permittees shall develop, implement, and enforce, and **existing permittees** shall revise their current program, as necessary, and continue to 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 the start of **construction activity**. Site plans must be kept up-to-date by the owners and operators of **construction activity** with regard to **stormwater** runoff controls. The Regulatory Mechanism(s) must require that site plans incorporate the following erosion and sediment controls and waste controls as described in the above referenced permit:

- (1) **BMPs** to minimize erosion
- (2) **BMPs** to minimize the discharge of sediment and other pollutants
- (3) **BMPs** for dewatering activities
- (4) Site inspections and records of rainfall events
- (5) **BMP** maintenance
- (6) Management of solid and hazardous wastes on each project site
- (7) Final stabilization upon the completion of **construction activity**, including the use of perennial vegetative cover on all exposed soils or other equivalent means
- (8) Criteria for the use of temporary sediment basins

b. Site plan review

The program shall include written procedures for site plan reviews conducted by the **permittee** prior to the start of **construction activity**, to ensure compliance with requirements of the Regulatory Mechanism(s). 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 written procedures for receipt and consideration of reports of noncompliance or other **stormwater** related information on **construction activity** submitted by the public to the **permittee**.

d. Site inspections

The program shall include written procedures for conducting site inspections, to determine compliance with the **permittee's** Regulatory Mechanism(s). The written procedures 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 site inspections will be conducted
- (3) Identify name(s) of individual(s) or position titles 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. Documentation of the following information:

- (1) For each site plan review – The project name, location, total acreage to be disturbed, owner and operator of the proposed **construction activity**, and any **stormwater** related comments and supporting documentation used by the **permittee** to determine project approval or denial.
- (2) For each site inspection - Inspection checklists or other written means used to document site inspections

5. Post-Construction **Stormwater** Management

New permittees shall develop, implement, and enforce, and **existing permittees** shall revise their current program, as necessary, and continue to implement and enforce, a Post-Construction **Stormwater** Management program that prevents or **reduces water pollution** after **construction activity** is completed, 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) A requirement that owners and/or operators of **construction activity** submit site plans with post-construction **stormwater** management **BMPs** to the **permittee** for review and approval, prior to start of **construction activity**

(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 areas:

- a) Where industrial facilities are not authorized to infiltrate industrial **stormwater** under an **NPDES/SDS** Industrial **Stormwater** Permit issued by the **Agency**
 - b) Where vehicle fueling and maintenance occur
 - c) 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) 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, without higher engineering review, sufficient to provide a functioning treatment system and prevent adverse impacts to groundwater, when the infiltration device will be constructed in areas:
- a) With predominately Hydrologic Soil Group D (clay) soils
 - b) Within 1,000 feet up-gradient, or 100 feet down-gradient of **active karst** features
 - c) Within a Drinking Water Supply Management Area (DWSMA) as defined in Minn. R. 4720.5100, subp. 13
 - d) Where soil infiltration rates are more than 8.3 inches per hour
- 3) For 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). 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

There may be 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 **permittee's** 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 requirements are met:

- (a) Mitigation project areas are selected in the following order of preference:
 - 1) Locations that yield benefits to the same **receiving water** that receives runoff from the original **construction activity**
 - 2) Locations within the same Department of Natural Resource (**DNR**) **catchment area** as the original **construction activity**
 - 3) Locations in the next adjacent **DNR catchment area** up-stream
 - 4) Locations anywhere within the **permittee's** jurisdiction
- (b) Mitigation projects must involve the creation of new **structural stormwater BMPs** or the retrofit of existing **structural stormwater BMPs**, or the use of a properly designed regional **structural stormwater BMP**.
- (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 is 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 mechanism(s) 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, that are directly connected to the **permittee's MS4**, and that are in the **permittee's** jurisdiction. The legal mechanism shall include provisions that, at a minimum:

- (a) Allow 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) Include 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) Include 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 written procedures for site plan reviews conducted by the **permittee** prior to the start of **construction activity**, to ensure compliance with requirements of the Regulatory Mechanism(s).

c. Documentation of the following information:

- (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 name(s) of all responsible parties involved

6. Pollution Prevention/Good Housekeeping For Municipal Operations

New permittees shall develop and implement, and **existing permittees** shall revise their current program, as necessary, and continue to 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:

a. Facilities Inventory

The **permittee** shall develop and maintain an inventory of **permittee** owned/operated facilities that contribute pollutants to **stormwater** discharges. Facilities to be inventoried 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, pesticide storage, public parking lots, public golf courses; public swimming pools, public works yards, recycling, salt storage, vehicle storage and maintenance (e.g., fueling and washing) yards, and materials storage yards.

b. Development and Implementation of **BMPs** for inventoried facilities and municipal operations

Considering the source of pollutants and sensitivity of **receiving waters** (e.g., Outstanding Resource Value Waters (ORVWs), **impaired waters**, trout streams, etc.), the **permittee** shall develop and implement **BMPs** that prevent or **reduce** pollutants in **stormwater** discharges from the **small MS4** and from:

- (1) All inventoried facilities that discharge to the **MS4**, and
- (2) The following municipal operations that may contribute pollutants to **stormwater** discharges, where applicable:
 - (a) Waste disposal and storage, including dumpsters
 - (b) Management of temporary and permanent stockpiles of materials such as street sweepings, snow, deicing materials (e.g., salt), sand and sediment removal piles
 - (c) Vehicle fueling, washing 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
 - (k) Application of herbicides, pesticides, and fertilizers
 - (l) Cold-weather operations, including plowing or other snow removal practices, sand use, and application of deicing compounds

c. Development and implementation of **BMPs** for **MS4** discharges that may affect Source Water Protection Areas (Minn. R. 4720.5100-4720.5590)

The **permittee** shall incorporate **BMPs** into the **SWPPP** to protect any of the following drinking water sources that the **MS4** discharge may affect, and the **permittee** shall include the map of these sources with the **SWPPP** if they have been mapped:

- (1) Wells and source waters for DWSMAs identified as vulnerable under Minn. R. 4720.5205, 4720.5210, and 4720.5330
- (2) Source water protection areas for surface intakes identified in the source water assessments conducted by or for the Minnesota Department of Health (MDH) under the federal Safe Drinking Water Act, U.S.C. §§ 300j – 13

d. Pond Assessment Procedures and Schedule

The **permittee** shall develop procedures and a schedule 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**.

e. Inspections

- (1) Unless inspection frequency is adjusted as described below, the **permittee** shall conduct annual inspections of **structural stormwater BMPs** (excluding **stormwater** ponds which are under a separate schedule below) to determine structural integrity, proper function and maintenance needs.

Inspections of **structural stormwater BMPs** shall be conducted annually unless the **permittee** determines if either of the following conditions apply: 1) Complaints received or patterns of maintenance indicate a greater frequency is necessary, or 2) 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 *general stormwater permit for small MS4s No.MNR040000*, effective June 1, 2006, provided that documentation requirements in Part III.D.6.h(2) are satisfied.

- (2) 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.
- (3) The **permittee** shall conduct quarterly inspections of stockpiles, and storage and material handling areas as inventoried in Part III.D.6.a, to determine maintenance needs and proper function of **BMPs**.

f. Maintenance

Based on inspection findings, the **permittee** shall determine if repair, replacement, or maintenance measures are necessary in order to ensure the structural integrity, proper function, and treatment effectiveness of **structural stormwater BMPs**. Necessary maintenance shall be completed as soon as possible to prevent or **reduce** the discharge of pollutants to **stormwater**.

g. 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 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:

- (1) Address the importance of protecting water quality
- (2) Cover the requirements of the permit relevant to the job duties of the employee
- (3) 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

h. Documentation of the following information:

- (1) Date(s) and description of findings of all inspections conducted in accordance with Part III.D.6.e
- (2) Any adjustments to inspection frequency as authorized under Part III.D.6.e(1)
- (3) A description of maintenance conducted, including dates, as a result of inspection findings
- (4) Pond sediment excavation and removal activities, including:
 - (a) The unique ID number (consistent with that required in Part III.C.2.a) of each **stormwater** pond from which sediment is removed
 - (b) The volume (e.g., cubic yards) of sediment removed from each **stormwater** pond
 - (c) Results from any testing of sediment from each removal activity
 - (d) Location(s) of final disposal of sediment from each **stormwater** pond
- (5) Employee **stormwater** management training events, including a list of topics covered, names of employees in attendance, and date 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 **BMPs** included in the compliance schedule at application constitute a discharge requirement for the **permittee**. The **permittee** shall demonstrate continuing progress toward meeting each discharge requirement, on a form provided by the **Commissioner**, by submitting the following:

1. An assessment of progress toward meeting each discharge requirement, including a list of all **BMPs** being applied to achieve each **applicable WLA**. For each **structural stormwater BMP**, the **permittee** shall provide a unique identification (ID) number and **geographic coordinate**. If the listed **structural stormwater BMP** is also inventoried as required by Part III.C.2, the same ID number shall be used.
2. A list of all **BMPs** the **permittee** submitted at the time of application in the **SWPPP** document compliance schedule(s) and the stage of implementation for each **BMP**, including any **BMPs** specifically identified for the **small MS4** in the **TMDL** report that the **permittee** plans to implement
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. Alum or Ferric Chloride Phosphorus Treatment Systems

If the **permittee** uses an **alum or ferric chloride phosphorus treatment system**, 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) In-lake phosphorus treatment activities are not authorized under this permit.

b. Treatment System Design

- (1) The treatment system shall be constructed in a manner that diverts the **stormwater** flow to be treated from the main conveyance system.
- (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 During Operation

- a. A designated **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 2.5 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 laboratory certified by the MDH and/or the MPCA, and:
 - (1) Sample preservation and test procedures for the analysis of pollutants shall conform to 40 CFR Part 136 and Minn. R. 7041.3200.
 - (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 During Operation

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
	Flow	Flow	Mgd	Daily
Alum or Ferric Chloride 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
	Flow	Flow	Mgd	Daily

e. In the following situations, the **permittee** shall perform corrective action(s) 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) Date(s) of operation
- (2) Chemical(s) used for treatment
- (3) Gallons of water treated
- (4) Gallons of alum or ferric chloride treatment used
- (5) Calculated pounds of phosphorus removed
- (6) Any performance issues and the corrective action(s), including the date(s) when corrective action(s) were 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

(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

The following site-specific procedures shall be developed and a copy kept on-site:

- 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. 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. 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 a. or b. below, and the **Commissioner** is notified of the modification in the Annual Report for the year the modification is made.
 - 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**.

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. Information required in Part III.E, to demonstrate progress in meeting **applicable WLAs**
5. Information required to be recorded or documented in Part III
6. A statement that the **permittee** is relying on a partnership(s) with another regulated **Small MS4(s)** to satisfy one or more permit requirements (if applicable), and what agreements the **permittee** has entered into in support of this effort

C. Record Keeping

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

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.

APPENDIX A

SCHEDULES

Table 1
 Application Submittal Schedule for Existing permittees

Group 1 Within 90 days after permit effective date		
Alexandria, City	Glencoe, City	Oak Grove, City
Andover, City	Grand Rapids, City	Orono, City
Anoka Technical College	Greenwood, City	Ramsey, City
Arden Hills, City	Hibbing, City	Sartell, City
Birchwood Village, City	Hilltop, City	South St Paul, City
Cambridge, City	Inver Hills Community College	St Bonifacius, City
Centerville, City	Little Falls, City	St Cloud Technical College
Chaska, City	Long Lake, City	St Louis County
Dakota County Technical College	Maple Plain, City	St Paul Park, City
Detroit Lakes, City	Minnetonka Beach, City	Waite Park, City
Excelsior, City	Monticello, City	Woodland, City
	Northland Comm & Technical College	
Group 2 Within 120 days after permit effective date		
Anoka, City	Hutchinson, City	Nowthen, City
Anoka-Ramsey Community College	La Crescent, City	Proctor, City
Baxter, City	Lake Superior College - Duluth	Red Wing, City
Brainerd, City	Landfall, City	Shakopee, City
Buffalo, City	Lauderdale, City	South Washington WD
Champlin, City	Litchfield, City	Spring Park, City
Clay County	Mendota, City	St Joseph, City
Coon Creek WD	Midway Township	St Michael, City
Dayton, City	MN State Comm and Tech College-Moorhead	Stearns County
Dilworth, City	Moorhead, City	Tonka Bay, City
East Grand Forks, City	Mounds View, City	West St Paul, City
Elk River, City	North Oaks, City	Willernie, City
Elko New Market, City		Winona, City
Fridley, City		
Group 3 Within 150 days after permit effective date		
Albert Lea, City	Hennepin Technical College Eden Prairie	Owatonna, City
Anoka County	Hermantown, City	Pine Springs, City
Apple Valley, City	Hopkins, City	Plymouth, City
Austin, City	Houston County	Prior Lake, City
Bemidji, City	Hugo, City	Prior Lake-Spring Lake WSD
Benton County	Independence, City	Ramsey County Public Works
Big Lake, City	Inver Grove Heights, City	Ramsey-Washington Metro WD
Big Lake Township	Jackson Township	Redwood Falls, City
Blaine, City	La Crescent Township	Rice Creek WD
Bloomington, City	Laketown Township	Rice Lake Township
Brockway Township	Lakeville, City	Richfield, City

Brooklyn Center, City	Lake Elmo, City	Robbinsdale, City
Brooklyn Park, City	Le Sauk Township	Rochester, City
Burnsville, City	Lexington, City	Rochester Community & Tech College
Capitol Region WD	Lilydale, City	Rochester Township
Carver, City	Lino Lakes, City	Rosemount, City
Carver County	Little Canada, City	Roseville, City
Cascade Township	Loretto, City	Sauk Rapids, City
Century College	Louisville Township	Sauk Rapids Township
Chanhassen, City	Mahtomedi, City	Savage, City
Circle Pines, City	Mankato, City	Osseo, City
Cloquet, City	Maplewood, City	Otsego, City
Columbia Heights, City	Maple Grove, City	Scott County
Coon Rapids, City	Marion Township	Sherburne County
Corcoran, City	Marshall, City	Shoreview, City
Cottage Grove, City	Medicine Lake, City	Shorewood, City
Credit River Township	Medina, City	Spring Lake Park, City
Crystal, City	Mendota Heights, City	Spring Lake, Township
Dakota County	Metropolitan State University	Saint Paul College
Deephaven, City	Minden Township	St Anthony Village, City
Dellwood, City	Minnehaha Creek WD	St Cloud, City
Duluth, City	Minnesota Correctional-Lino Lakes	St Cloud State University
Duluth Township	Minnesota Correctional-St Cloud	St Joseph Township
Eagan, City	Minnetonka, City	St Louis Park, City
East Bethel, City	Minnetrissa, City	St Peter, City
Eden Prairie, City	MNDOT Metro District	Stillwater, City
Edina, City	MNDOT Outstate District	Sunfish Lake, City
Empire Township	MN State University-Moorhead	U of M-Duluth
Fairmont, City	Montevideo, City	U of M-Twin Cities Campus
Falcon Heights, City	Mound, City	Vadnais Heights, City
Faribault, City	Mpls Community/Technical College	Valley Branch WD
Farmington, City	New Brighton, City	Victoria, City
Federal Medical Center	New Hope, City	Waconia, City
Fergus Falls, City	New Ulm, City	Waseca, City
Forest Lake, City	Newport City	Washington County
Gem Lake, City	Normandale Community College	Watab Township
Golden Valley, City	North Branch, City	Wayzata, City
Grant, City	North Hennepin Community College	West Lakeland Township
Ham Lake, City	North Mankato, City	White Bear Lake, City
Hastings, City	North St Paul, City	White Bear Township
Haven Township	Northfield, City	Willmar, City
Haverhill Township	Oakdale, City	Woodbury, City
Hennepin County	Olmsted County	Worthington, City
Hennepin Technical College Brooklyn Pk		

Table 2
Existing Permittees – Schedule of Permit Requirements

<i>Permit Requirement</i>	<i>Schedule</i>
PART II. APPLICATION REQUIREMENTS <ul style="list-style-type: none"> • <i>Submit Part 2 of the permit application with the SWPPP document completed in accordance with Part II.D.</i> 	<ul style="list-style-type: none"> • See Table 1 above.
PART III. STORMWATER POLLUTION PREVENTION PROGRAM (SWPPP) <ul style="list-style-type: none"> • <i>Complete revisions to incorporate requirements of Part III.A-F into current SWPPP.</i> <p><u>Part III.C Mapping and Inventory</u> Part III.C.2 Inventory</p> <ul style="list-style-type: none"> • <i>Complete and submit inventory in accordance with Part III.C.2.</i> <p><u>Part III.D.6 Pollution Prevention/Good Housekeeping For Municipal Operations</u> Part III.D.6.e Inspections</p> <ul style="list-style-type: none"> • <i>Conduct inspections.</i> <p><u>Part III.E Impaired Waters and TMDLs (if applicable)</u></p> <ul style="list-style-type: none"> • <i>Submit all information required by Part III.E.</i> <p><u>Part III.F. Alum or Ferric Chloride Phosphorus Treatment Systems (if applicable)</u></p> <ul style="list-style-type: none"> • <i>Meet requirements for treatment systems under Part III.F.</i> 	<ul style="list-style-type: none"> • 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.e(1) and (2)), Quarterly (Part III.D.6.e(3)). • 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 <u>Part IV.A Annual SWPPP Assessment</u> <ul style="list-style-type: none"> • <i>Conduct assessment of the SWPPP.</i> <p><u>Part IV.B Annual Reporting</u> <ul style="list-style-type: none"> • <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.

Table 3
New Permittees – Schedule of Permit Requirements

<i>Permit Requirement</i>	<i>Schedule</i>
PART II. APPLICATION REQUIREMENTS <ul style="list-style-type: none"> • <i>Submit Part 1, and Part 2 of the permit application with the proposed SWPPP document as required by Part II.D.</i> 	<ul style="list-style-type: none"> • 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) <ul style="list-style-type: none"> • <i>Complete all requirements of Part III.A-F.</i> <p><u>Part III.A Regulatory Mechanism(s)</u> Illicit Discharge Detection and Elimination (see Part III.D.3)</p>	<ul style="list-style-type: none"> • 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.

<ul style="list-style-type: none"> • <i>Develop, implement, and enforce Regulatory Mechanism.</i> <p>Construction Site Stormwater Runoff Control (see Part III.D.4)</p> <ul style="list-style-type: none"> • <i>Develop, implement, and enforce Regulatory Mechanism.</i> <p>Post-Construction Stormwater Management (see Part III.D.5)</p> <ul style="list-style-type: none"> • <i>Develop, implement, and enforce Regulatory Mechanism.</i> <p><u>Part III.B Enforcement Response Procedures (ERPs)</u></p> <ul style="list-style-type: none"> • <i>Develop and implement written ERPs for the Regulatory Mechanism(s) required under Part III.A.</i> <p><u>Part III.C Mapping and Inventory</u></p> <p>Part III.C.1 Mapping</p> <ul style="list-style-type: none"> • <i>Develop a storm sewer system map.</i> <p><u>Part III.C.2 Inventory</u></p> <ul style="list-style-type: none"> • <i>Complete and submit inventory in accordance with Part III.C.2.</i> <p><u>Part III.D Minimum Control Measures</u></p> <p><u>Part III.D.4 Construction Site Stormwater Runoff Control</u></p> <ul style="list-style-type: none"> • <i>Develop, implement, and enforce a Construction Site Stormwater Runoff Control program.</i> <p><u>Part III.D.5 Post-Construction Stormwater Management</u></p> <ul style="list-style-type: none"> • <i>Develop, implement, and enforce a Post-Construction Stormwater Management program.</i> <p><u>Part III.D.6 Pollution Prevention/Good Housekeeping for Municipal Operations</u></p> <p>Part III.D.6.e Inspections</p> <ul style="list-style-type: none"> • <i>Conduct inspections.</i> <p><u>Part III.E Impaired Waters and TMDLs (if applicable)</u></p> <ul style="list-style-type: none"> • <i>Submit all information required by Part III.E.</i> <p><u>Part III.F. Alum or Ferric Chloride Phosphorus Treatment Systems (if applicable)</u></p> <ul style="list-style-type: none"> • <i>Meet requirements for treatment systems under Part III.F.</i> 	<ul style="list-style-type: none"> • Within 12 months of the date permit coverage is extended. • Within six (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 six (6) 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.e(1) and (2)), Quarterly (Part III.D.6.e(3)). • With each Annual Report required in Part IV.B. • Within 12 months of the date permit coverage is extended.
<p>PART IV. ANNUAL SWPPP ASSESSMENT, ANNUAL REPORTING AND RECORD KEEPING</p> <p><u>Part IV.A Annual SWPPP Assessment</u></p> <ul style="list-style-type: none"> • <i>Conduct assessment of the SWPPP.</i> <p><u>Part IV.B Annual Reporting</u></p> <ul style="list-style-type: none"> • <i>Submit an Annual Report.</i> 	<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 alum or ferric chloride additive, 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 Hydrologic Unit 08 areas delineated and digitized by the Minnesota DNR. The catchment areas are available for download at the Minnesota DNR Data Deli website. **DNR catchment areas** may be locally corrected, in which case the local corrections may be used.
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. (Minn. R. 7001.0010, subp.4.)
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. For polygon features, 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 or restores natural hydrology by infiltrating, evapotranspiring, or harvesting and using stormwater. On a regional scale, green infrastructure is the preservation or 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 that allows a certain flow of water through, but diverts any higher flows away. **High flow bypasses** are generally used for **BMPs** that can only treat a designed amount of flow and that 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 stormwater except discharges pursuant to a NPDES permit (other than the **NPDES** permit for discharges from the **municipal separate storm sewer**) and discharges resulting from firefighting 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. 7090.0080, 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. **“Operator”** means the **person** with primary operational control and legal responsibility for the **municipal separate storm sewer system**. (Minn. R. 7090.0080, subp.10.)
- 24. **“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 that connect segments of the same stream or water systems (e.g., when a conveyance temporarily leaves an **MS4** at a road crossing).
- 25. **“Owner”** means the **person** that owns the **municipal separate storm sewer system**. (Minn. R. 7090.0080, subp.11.)
- 26. **“Permittee”** means a **person** or **persons**, that signs the permit application submitted to the **Agency** and is responsible for compliance with the terms and conditions of this permit.
- 27. **“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.(Minn. Stat. § 115.01, subd. 10.)
- 28. **“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**, culverts, and road sub-grade drain **pipes**.
- 29. **“Pollutant of Concern”** means a pollutant specifically identified in a USEPA-approved **TMDL** report as causing a water quality impairment.

30. **“Receiving Water”** means any lake, river, stream or **wetland** that receives **stormwater** discharges from an **MS4**.
31. **“Redevelopment”** means any **construction activity** where, prior to the start of construction, the areas to be disturbed have 15 percent or more of impervious surface(s).
32. **“Reduce”** means **reduce** to the **Maximum Extent Practicable (MEP)** unless otherwise defined in the context in which it is used.
33. **“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.
34. **“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)).
35. **“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.
36. **“Stormwater”** means **stormwater** runoff, snow melt runoff, and surface runoff and drainage. (Minn. R. 7090.0080, subp.12.)
37. **“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.

38. **“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**.
39. **“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**.
40. **“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)
41. **“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 40 CFR § 130.7, or an assessment and remediation plan developed and approved according to Minn. R. [7052.0200](#), subp. 1.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)
42. **“Water pollution”** means (a) the discharge of any pollutant into any waters of the state or the contamination of any waters of the state so as to create a nuisance or render such waters unclean, or noxious, or impure so as to be actually or potentially harmful or detrimental or injurious to public health, safety or welfare, to domestic, agricultural, commercial, industrial, recreational or other legitimate uses, or to livestock, animals, birds, fish or other aquatic life; or (b) the alteration made or induced by human activity of the chemical, physical, biological, or radiological integrity of waters of the state. (Minn. Stat. § 115.01, subd. 13)
43. **“Water Quality Standards”** means those provisions contained in Minn. R. 7050 and 7052.
44. **“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.)
45. **“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
- DWSMA – Drinking Water Supply Management Area
- ERPs– Enforcement Response Procedures
- IDDE - Illicit Discharge Detection and Elimination
- MCM – Minimum Control Measure
- MDH – Minnesota Department of Health
- MEP – Maximum Extent Practicable
- MS4 - Municipal Separate Storm Sewer System
- NPDES - National Pollutant Discharge Elimination System
- ORVW - Outstanding Resource Value Water
- SDS – State Disposal System
- TMDL - Total Maximum Daily Load
- TP – Total Phosphorus
- TSS - Total Suspended Solids
- USEPA - United States Environmental Protection Agency
- WLA – Waste Load Allocation