

# **The New MS4 Permit: What You Need to Know**

**Randy Neprash, PE**

**Minnesota Cities Stormwater Coalition &  
Stantec**

*Annual Meeting of the  
City Engineer Association of Minnesota  
January 30, 2014*



**Minnesota Cities Stormwater Coalition**

Municipal stormwater professionals  
working together for clean water.



# We have a new MS4 General Permit

---

---

## The permit reissuance process was tough

- The MPCA took a very formalized approach
- No stakeholder involvement beyond the concept phase
- No discussion of draft permit language
- Three versions of the draft permit
- Two public notice periods
- More than 2½ years to complete
- MCSC seriously considered a lawsuit against the MPCA
- Even less stakeholder engagement for the new Industrial Permit



Minnesota Cities Stormwater Coalition

Municipal stormwater professionals  
working together for clean water.



# Elements of the New MS4 Permit

---

## SWPPP & SWPPP Document

- Two different & separate things
- SWPPP Doc Form was due with the Permit Application Form – due dates are past now
- SWPPP Doc is “enforceable”
- Most SWPPP revisions due 12 months after permit coverage is extended
- MPCA is currently reviewing the SWPPP Docs and putting them on state-wide public notice

# Elements of the New MS4 Permit

---

---

## Pond inventory & assessment

- **Inventory**
  - Constructed ponds – for stormwater treatment
  - Wetlands & lakes that receive stormwater via the MS4 conveyance system – pipes & ditches
- **Assessment**
  - ***“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.”***



Minnesota Cities Stormwater Coalition

Municipal stormwater professionals  
working together for clean water.



# Elements of the New MS4 Permit

---

---

## Local construction program

- **Regulatory mechanism at least as stringent as the State Construction Permit (ESC)**
- **Site plan review & site inspections**
- **Written Enforcement Response Procedures (ERPs)**
- **Written procedures & checklists**

# Elements of the New MS4 Permit

---

---

## Post-Construction Stormwater Management

- **New volume control standards**
  - **New development**  
no net increase from pre-project
  - **Redevelopment**  
net reduction from pre-project
- **Infiltration limits & restrictions**
- **Exceptions & mitigation provisions**

# Elements of the New MS4 Permit

---

---

## Post-Construction Stormwater Management

- **Long-term maintenance of structural stormwater BMPs**
  - Publicly-owned & privately-owned
  - Legal mechanism – including MS4 performing maintenance when it is determined that the owner is not
  - Protect & preserve BMP effectiveness
- **ERPs and written procedures**

# Elements of the New MS4 Permit

---

---

## Pollution Prevention/Good Housekeeping

- Facilities inventory
- *“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.”*



Minnesota Cities Stormwater Coalition

Municipal stormwater professionals  
working together for clean water.



Stantec



# Elements of the New MS4 Permit

---

---

**Develop & implement BMPs that prevent or reduce pollution for all inventoried facilities & municipal operations (*see next slide*) that may contribute pollutants**

- ***Waste disposal and storage, including dumpsters***
- ***Management of temporary and permanent stockpiles of materials such as street sweepings, snow, deicing materials (e.g., salt), sand and sediment removal piles***
- ***Vehicle fueling, washing and maintenance***
- ***Routine street and parking lot sweeping***
- ***Emergency response, including spill prevention plans***
- ***Cleaning of maintenance equipment, building exteriors, dumpsters, and the disposal of associated waste and wastewater***
- ***Use, storage, and disposal of significant materials***
- ***Landscaping, park, and lawn maintenance***
- ***Road maintenance, including pothole repair, road shoulder maintenance, pavement marking, sealing, and repaving***
- ***Right-of-way maintenance, including mowing***
- ***Application of herbicides, pesticides, and fertilizers***
- ***Cold-weather operations, including plowing or other snow removal practices, sand use, and application of deicing compounds***



**Minnesota Cities Stormwater Coalition**

Municipal stormwater professionals  
working together for clean water.



# Elements of the New MS4 Permit

---

---

## TMDL information - with SWPPP Doc Form

- Pieces of information provided by MPCA
- *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:*
  - *Interim milestones, expressed as BMPs or progress toward implementation of BMPs to be achieved during the term of this permit*
  - *Dates for implementation of interim milestones*
  - *Strategies for continued BMP implementation beyond the term of this permit*
  - *Target dates the applicable WLA(s) will be achieved*



Minnesota Cities Stormwater Coalition

Municipal stormwater professionals  
working together for clean water.



# Elements of the New MS4 Permit

---

---

- *For each applicable WLA the permittee is reasonably confident is being met at the time of application, the permittee must provide the following documentation:*
  - Implemented BMPs used to meet each applicable WLA*
  - A narrative describing the permittee's strategy for long-term continuation of meeting each applicable WLA.*

# Elements of the New MS4 Permit

---

---

TMDL information - with each Annual Report

- *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:*



Minnesota Cities Stormwater Coalition

Municipal stormwater professionals  
working together for clean water.



Stantec

# Elements of the New MS4 Permit

---

---

- *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.*



Minnesota Cities Stormwater Coalition

Municipal stormwater professionals  
working together for clean water.



Stantec

# Elements of the New MS4 Permit

---

---

- *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*
- *An up-dated estimate of the cumulative reductions in loading achieved for each pollutant of concern associated with each applicable WLA*
- *An up-dated narrative describing any adaptive management strategies used (including projected dates) for making progress toward achieving each applicable WLA*



# MCSC Response

---

---

Develop SWPPP revision materials for our member cities – now is a good time to join MCSC

- 5 committees
  - MCM 3 - IDDE
  - MCM 4 - Construction Sites
  - MCM 5 - Post-Construction
  - MCM 6 - Municipal Good Housekeeping
  - TMDL Response
- 39 participants (1/29/14)



Minnesota Cities Stormwater Coalition

Municipal stormwater professionals  
working together for clean water.



Stantec



---

---

# Questions?



**Minnesota Cities Stormwater Coalition**

Municipal stormwater professionals  
working together for clean water.



**Stantec**