

Item 7b.**Sunfish Lake Engineer's Report for June 4, 2019**

By: Jeff Sandberg, PE
City Engineer

Date: May 29, 2019

1. Engineering Activities Undertaken in the Month of May.

The following Engineer's Report reflects the Engineering activities undertaken this past month.

A. Consider Comment Letter Prepared by Staff to the MPCA with regard to Proposed Changes to the MS4 Permitting Requirements (See Attachments).

B. Sunfish Lake Outlet. Staff has opened the lake outlet to full-flow capacity.

2. Building and Site Reviews in the Month of May.

A. 2150 Charlton Road. Staff completed review of a re-submittal for work at 2150 Charlton Road. It is anticipated that this proposal will be on the agenda at the June Planning Commission Meeting for approval.

B. 1 Sunfish Lane. Staff completed review of a re-submittal for work at 1 Sunfish Lane. It is anticipated that this proposal will be on the agenda at the June Planning Commission Meeting.

C. 270 Salem Church Road. Staff reviewed and recommended approval of a major building and site submittal for 270 Salem Church Road. It is anticipated that this proposal will be on the agenda at the June Planning Commission Meeting.

3. Public Works Activities Undertaken in the Month of May.

A. Fire Marker Signs Installation Update. Our contractor continues to work to replace all fire markers in the city. The majority of the work has been completed; we believe the work will be finished over the next few weeks.

B. Charlton Road Regrading. Our contractor completed smoothing and grading of Charlton Road. Staff will continue to monitor the need for road maintenance.

C. Consider maintenance of Grieve Glen, Salem Church Road, and 60th Street. (See Attachments).

4. Anticipated Engineering/Public Works Activities for the Month of June.

A. 2020-2024 CIP Update. We will continue to work on the draft of the 2020-2024 CIP for the City Council to be reviewed at the future City Council meetings.

B. Charlton Road Construction Project. Staff will continue to work with the contractor and residents to prepare for the upcoming improvement project. The work is not anticipated to start until after the 4th of July.

A preconstruction meeting with the contractor and the utility companies will take place at least two weeks before the start of construction, but that meeting has not yet been scheduled.

Staff will also likely schedule a neighborhood meeting shortly before the start of construction, and will send an informational letter to residents about construction timing and how they can go about coordinating driveway improvements.

No other Engineering/Public Works activities are anticipated for the month of June.

The above constitutes the Engineering Report for the City of Sunfish Lake for June 4, 2019.

Respectfully submitted,

WSB

A handwritten signature in black ink, appearing to read "Jeffry S. Sandberg". The signature is fluid and cursive, with a long horizontal stroke at the end.

Jeffry S. Sandberg, PE
City Engineer

Memorandum

To: WSB MS4 & Municipal Clients

From: WSB Environmental Compliance Group
WSB Water Resources Group

Date: May 24, 2019

Re: Pre-Public Notice Opportunity for Draft MS4 General Permit

On May 7, 2019, the Minnesota Pollution Control Agency (MPCA) released a draft Municipal Separate Storm Sewer System (MS4) General Permit, initiating the reissuance process for the MS4 General Permit. With the release of the draft MS4 General Permit, the MPCA has opened an informal pre-public notice opportunity, and the MPCA will review and consider all comments received from May 7, 2019 through June 6, 2019.

This memo summarizes the proposed MS4 General Permit updates and concludes with next steps.

I. Major Changes

One of the most significant updates is the change for volume control on linear and redevelopment projects from treating the “net increase” in impervious to treating “all new and/or reconstructed” impervious surfaces. The proposed language for post-construction stormwater management is similar to the Minimal Impact Design Standards (MIDS) that were introduced in 2013. There are communities and watersheds around the metro that have adopted MIDS since it was introduced; however, several communities have not adopted MIDS and/or may not be part of a watershed district.

To summarize the potential impacts for communities within the seven-county metro, Figure 1. Proposed MS4 Linear Requirements vs. Existing Watershed Requirements (**Attachment 1**) overlays MS4 communities with local watershed requirements based on MIDS (or more stringent standards) to identify areas where changes may impact communities based on the proposed MS4 linear requirements. Figure 2. Proposed MS4 Redevelopment Requirements vs. Existing Watershed Requirements (**Attachment 2**) overlays MS4 communities with local watershed requirements based on MIDS (or more stringent standards) to identify areas where changes may impact communities based on the proposed MS4 redevelopment requirements. Of note, the proposed changes for redevelopment and linear projects will be a major change for all other communities statewide.

Other major proposed changes include increased responses to Total Maximum Daily Loads (TMDLs) for chloride, bacteria, and temperature. All permittees must provide regulatory oversight and additional education and outreach efforts on pet waste and deicers to residents, businesses, and staff to promote proper storage, use, or disposal. For permittees with an applicable Waste Load Allocation (WLA) for bacteria, the Permit specifies mapping and best management practices (BMPs) for potential areas and sources of bacteria.

II. Additional Changes

A copy of the draft MS4 General Permit (**Attachment 3**) is provided in the attachments. The sections highlighted in yellow are proposed changes from the 2013-2018 MS4 General Permit.

Like the NPDES Construction Stormwater (CSW) Permit, the MS4 Permit changed from a narrative to a table format, resembling a legal document. In addition, listed below is a high-level summary of the proposed changes to the MS4 General Permit:

1. Each minimum control measure (MCM) has an annual evaluation requirement. The draft language requires permittees to conduct an annual assessment of each MCM to evaluate program compliance, including the effectiveness of the components of the SWPPP and the status of achieving measurable requirements. Measurable requirements are activities that must be documented or tracked as applicable to the MCM. The annual assessment must be performed prior to completion of each annual report and any modifications made to the program as a result of the annual assessment must be documented. [Items 16.9, 17.8, 18.19, 19.17, 20.23, & 21.19]
2. Requirement to provide specific education and outreach on salt use and pet waste. [Items 16.6 & 16.7]
3. Each Permittee must provide a minimum of one public involvement activity that includes a pollution prevention or water quality theme (this is separate from the annual opportunity for the public to provide input on the SWPPP). [Item 17.6]
4. Through the Permittee's regulatory mechanisms for illicit discharge detection and elimination, require owners or custodians of pets to remove and properly dispose of feces on both private property and public space. [Item 18.5]
5. Through the permittee's regulatory mechanism(s), require proper salt storage at commercial, institutional, and non-NPDES permitted industrial facilities. Meet the requirements of item 18.6.a.-c. [Item 18.6]
6. MCM 3, 4, 5, and 6 have specific staff training requirements and 3-year refresher training requirements, as applicable. [Items 18.8., 19.2, 20.18, & 21.7]
7. New explicit high priority illicit discharge area inspection requirement (annual). [Item 18.10]
8. For permittees with an applicable Waste Load Allocation (WLA) for bacteria:
 - a. Maintain a written or mapped inventory of potential areas and sources of bacteria [Item 18.14]; and,
 - b. Maintain a written plan to prioritize reduction activities to address the areas and sources identified in the inventory for item 18.14. [Item 18.15]
9. When the NPDES CSW Permit is reissued, permittees must revise their regulatory mechanism(s), if necessary, within six months of the issuance date of that permit to be at least as stringent as the NPDES CSW permit. [Item 19.4]

10. Detailed documentation of plan reviews for construction site runoff control and post-construction stormwater management using a designated checklist. [Items 19.6, 19.9, & 20.20]

11. Post-construction stormwater management requirements:

- a. For construction activity (excluding linear projects), the water quality volume must be calculated as one (1) inch times the sum of the new and the fully reconstructed impervious surface. [Item 20.6]
- b. For linear projects, the water quality volume must be calculated as the larger of one (1) inch times the new impervious surface or one-half (0.5) inch times the sum of the new and the fully reconstructed impervious surface. Where the entire water quality volume cannot be treated within the existing right-of-way, a reasonable attempt to obtain additional right-of-way, easement, or other permission to treat the stormwater during the project planning process must be made.

Volume reduction practices must be considered first, as described in item 20.8. If additional right-of-way, easements, or other permission cannot be obtained, owners of construction activity must maximize the treatment of the water quality volume prior to discharge from the MS4. At a minimum, owners of construction activity must provide a net reduction from pre-project conditions (on an annual average basis) of Total Suspended Solids (TSS) and Total Phosphorus (TP) utilizing any methods of stormwater treatment. [Item 20.7]

- c. Infiltration systems must be prohibited when the system would be constructed in the areas identified in 20.10.a.-j. [Item 20.10]
- d. For non-linear projects, where the water quality volume cannot cost effectively be treated on the site of the original construction activity, the permittee must identify, or may require owners of the construction activity to identify, locations where off-site treatment projects can be completed. If the entire water quality volume is not addressed on the site of the original construction activity, the remaining water quality volume must be addressed through off-site treatment and, at a minimum, ensure the requirements of items 20.12 through 20.16 are met. Items 20.12 through 20.16 were existing requirements in the 2013-2018 MS4 Permit. [Item 20.11]

12. Implement BMPs for permittee-owned and operated salt storage areas and implement a written snow and ice management policy for staff that perform winter maintenance activities. [Item 21.5 & 21.6]

13. For permittees with an applicable Waste Load Allocation (WLA) for chloride:

- a. The permittee must document the amount of deicer applied per salting event to all permittee owned/operated surfaces [Item 2.18]; and,
- b. Each calendar year the permittee must assess the permittee's winter maintenance operations to reduce the amount of deicing salt applied to permittee owned/operated surfaces and determine current and future opportunities to improve BMPs. The assessment must be documented and include items 21.9.a.-e. [Item 21.9]

14. If the permittee has an applicable WLA for temperature that includes a reduction greater than zero percent, the permittee must maintain a written plan that identifies specific activities the permittee will implement to reduce thermal loading during the permit term, including items 21.10.a-d. [Item 21.10]
15. Permittees must inspect 20% of their ponds and outfalls each calendar year. [Item 21.14]
16. Necessary maintenance must be completed within one year of discovery, unless the permittee determines maintenance is not practicable. When the permittee determines maintenance cannot be completed within one year of discovery, the permittee must provide the reason(s) and schedule(s) for completing the maintenance in the annual report. [Item 21.15]

III. Why These Changes?

Unmanaged and urban-related sources of stormwater discharges continue to impact various receiving waters resulting in water quality impairments for rivers, streams, lakes, and other waterbodies. Permitted MS4s are mandated to reduce the discharge of pollutants from its MS4 to the maximum extent practicable (MEP) and to meet the requirements of the Clean Water Act, as appropriate. Permit requirements for meeting the minimum standards are adapted on an ongoing basis to address current conditions and the effectiveness of the BMPs with the goal of attaining water quality standards.

In addition, the proposed changes in the draft MS4 General Permit are intended to be consistent with the NPDES Stormwater Final MS4 General Permit Remand Rule, which stems from a remand of the Phase II stormwater regulations by the U.S. Court of Appeals for the Ninth Circuit. The final rule stresses that permit requirements must be expressed in “clear, specific, and measurable” terms, which may include narrative, numeric, or other types of requirements (e.g., implementation of specific tasks or BMPs).

IV. Next Steps

As you review the proposed changes, consider how the new rules may affect your current program. Think about how and when your MS4 may implement these changes. Also, consider if these changes might impact your stormwater utility fee.

The MPCA is seeking comments during the pre-public notice period until June 6, 2019. If you would like assistance developing a comment letter to submit community-specific concerns or comments to the MPCA, please contact one of the following WSB staff directly:

Bill Alms	balms@wsbeng.com
Earth Evans	eevans@wsbeng.com
Meghan Litsey	mlitsey@wsbeng.com
Heather Nelson	hnelson@wsbeng.com
Jake Newhall	jnewhall@wsbeng.com

Should you have any questions or wish to discuss the draft MS4 General Permit further, please don't hesitate to contact our staff in the Environmental Compliance Group or Water Resources Group directly.

Attachments

- Attachment 1 Figure 1. Proposed MS4 Linear Requirements vs. Existing Watershed Requirements
- Attachment 2 Figure 2. Proposed MS4 Redevelopment Requirements vs. Existing Watershed Requirements
- Attachment 3 Draft MS4 General Permit

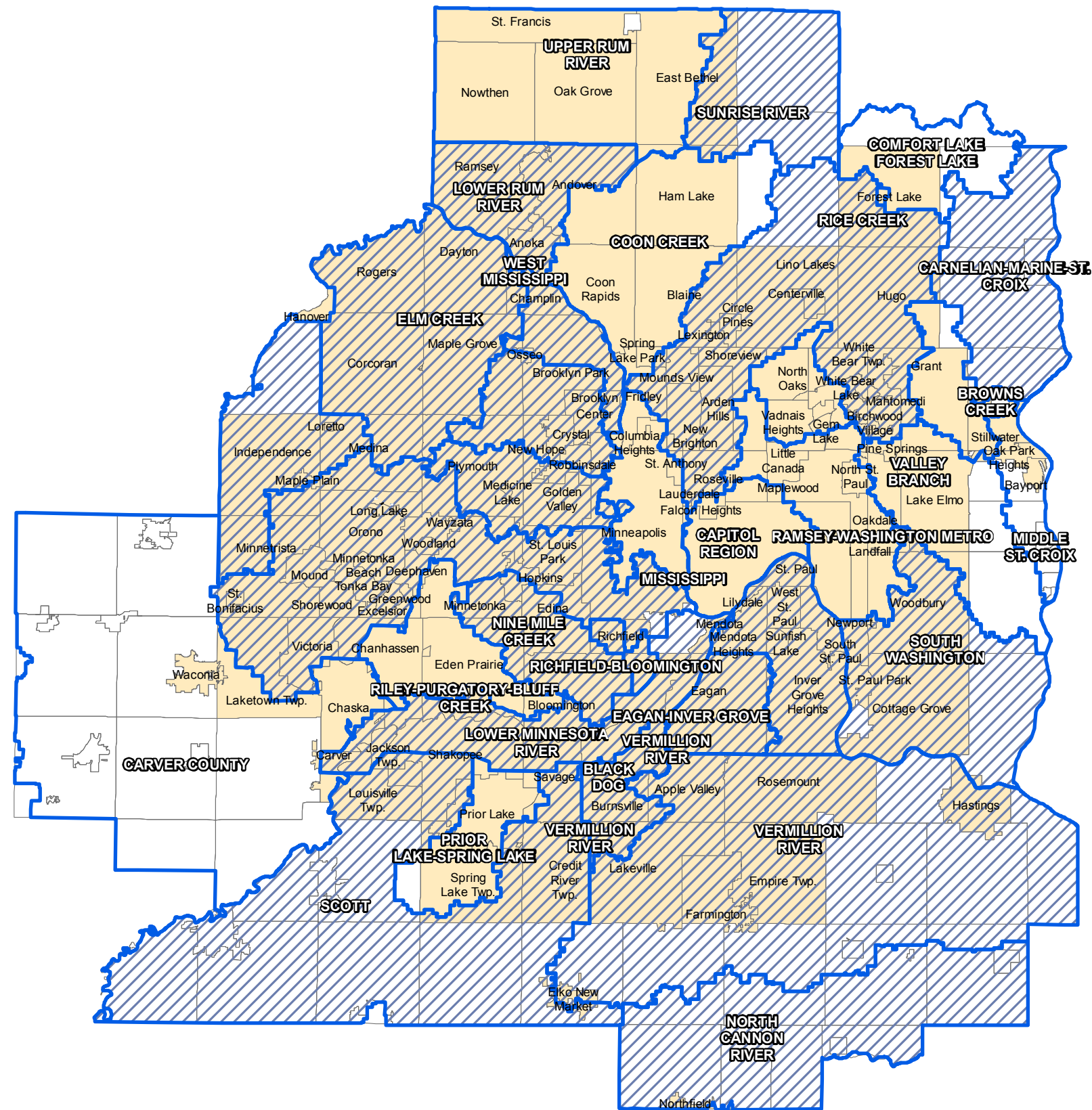
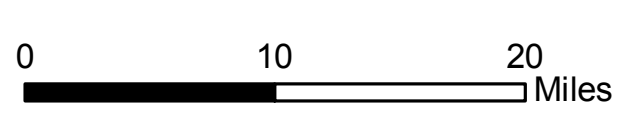


Figure 1:
Proposed MS4 Linear Requirements vs.
Existing Watershed Requirements

 Little to No Change  MS4 Communities
 Major Change

*Note: The new MS4 permit will be a major change for all other communities statewide.



1.1	Eligibility. [Minn. R. 7090]
1.2	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 Municipal Separate Storm Sewer System (MS4) and meet one or more of the criteria requiring permit issuance as specified in Minn. R. 7090.1010. [Minn. R. 7090.1010]
2.1	Authorized Stormwater Discharges. [Minn. R. 7090]
2.2	This permit authorizes stormwater discharges from small MS4s as defined in 40 CFR 122.26(b)(16). [40 CFR 122.26(b)(16), Minn. R. 7090]
3.1	Authorized Non-Stormwater Discharges. [Minn. R. 7090]
3.2	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 must be addressed in the permittee's Stormwater Pollution Prevention Program (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. [Minn. R. 7090]
4.1	Limitations on Authorization. [Minn. R. 7090]
4.2	The following discharges or activities are not authorized by this permit: a. non-stormwater discharges, except those authorized by the permittee in item 3.2; b. 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; c. 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; d. 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 et seq.); e. 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; f. 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; and g. discharges to prohibited outstanding resource value waters pursuant to Minn. R. 7050.0335, Subp. 3. [Minn. R. 7090, Minn. R. 7050.0335, Subp. 3, Minn. Stat. 116D, 42 U.S.C. 4321 et seq.]
5.1	Permit Authorization. [Minn. R. 7001]
5.2	In order for an applicant to be authorized to discharge stormwater from a small MS4 under this permit, the applicant must submit a complete application in accordance with Sections 9 through 12. [Minn. R. 7001]

5.3	The Commissioner will review the permit application for completeness and compliance with this permit. After review, the Commissioner will do one of the following: 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; or b. if an application is determined to be complete, the Commissioner will make a preliminary determination as to whether the permit should be issued or denied in accordance with Minn. R. 7001. [Minn. R. 7001]
5.4	The Commissioner will provide public notice with the opportunity for a hearing on the preliminary determination. [Minn. R. 7001]
5.5	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. [Minn. R. 7001]
6.1	Transfer of Ownership or Control. [Minn. R. 7001, 7090.0080]
6.2	Where the ownership or significant operational control of the small MS4 changes after the submittal of an application in Sections 9 through 12, the new owner/operator must submit a new application in accordance with Sections 9 through 12.
7.1	Issuance of Individual Permits. [Minn. R. 7001]
7.2	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. [Minn. R. 7001.0210, Subp. 6]
7.3	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. [Minn. R. 7001.0210, Subp. 6]
8.1	Rights and Responsibilities. [Minn. R. 7001, Minn. R. 7090]
8.2	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 Minimum Control Measures of this permit, or both. These modifications may be based on the Commissioner's determination that such modifications are needed to protect water quality. [Minn. R. 7001]
8.3	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. [Minn. R. 7090]
9.1	Application for Reauthorization. [Minn. R. 7001]
9.2	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 must 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]
10.1	New Permittee Applicants. [Minn. R. 7090]
10.2	To become a new permittee authorized to discharge stormwater under this permit, the owner/operator of a small MS4 must submit an application, on a form provided by the Commissioner, in accordance with the schedule in Appendix B, Table 4, and the following requirements: a. submit Part 1 of the permit application (includes the permit application fee); and b. submit Part 2 of the permit application, also known as the Stormwater Pollution Prevention Program (SWPPP) document, in accordance with item 12.2. [Minn. R. 7090]
11.1	Existing Permittee Applicants. [Minn. R. 7090]

11.2	All existing permittees seeking to continue discharging stormwater associated with a small MS4 after the effective date of this permit must submit Part 2 of the permit application, on a form provided by the Commissioner, in accordance with item 12.2. NOTE: Existing permittees were required to submit Part 1 of the permit application prior to the expiration date (July 31, 2018) of the Agency's small MS4 general permit No.MNR040000, effective August 1, 2013. [Minn. R. 7090]
12.1	Stormwater Pollution Prevention Program (SWPPP) Document. [Minn. R. 7090]
12.2	All applicants must submit a SWPPP document (i.e., Part 2 of the application form) when seeking coverage under this permit. The SWPPP document will 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 Section 23) will also become enforceable provisions. The SWPPP document must be submitted on a form provided by the Commissioner. [Minn. R. 7090]
13.1	Stormwater Pollution Prevention Program (SWPPP). [Minn. R. 7090]
13.2	The permittee must 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 applicable water quality requirements of the Clean Water Act. [Minn. R. 7090]
13.3	If the permittee enters into a partnership for purposes of meeting SWPPP requirements, the permittee maintains legal responsibility for compliance with this permit. [Minn. R. 7090]
13.4	Existing permittees must revise their SWPPP developed under the Agency's small MS4 general permit No.MNR040000 that was effective August 1, 2013, to meet the requirements of this permit in accordance with the schedule in Appendix B, Table 3. New permittees must develop, implement, and enforce their SWPPP in accordance with the schedule in Appendix B, Table 4. The permittee's SWPPP must consist of Sections 14 through 21, and if applicable, Section 22. [Minn. R. 7090]
14.1	Mapping. [Minn. R. 7090]
14.2	New permittees must develop, and existing permittees must update, as necessary, a storm sewer system map that depicts the following: a. the permittee's entire 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 Best Management Practices (BMPs) that are part of the permittee's MS4; d. structural stormwater BMPs not owned or operated by the permittee, which include an executed legal mechanism(s) between the permittee and owners responsible for the long-term maintenance, as required in item 20.16; and e. all receiving waters. [Minn. R. 7090]
15.1	Minimum Control Measures (MCMs). [Minn. R. 7090.1040]
15.2	The permittee must incorporate the following six MCMs into the SWPPP. [Minn. R. 7090.1040]

16.1	MCM 1: Public Education and Outreach. [Minn. R. 7090]
16.2	New permittees must develop and implement, and existing permittees must 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 waterbodies and that includes actions citizens, businesses, and other local organizations can take to reduce the discharge of pollutants to stormwater. The permittee may use existing materials if they are appropriate for the message the permittee chooses to deliver, or the permittee may develop its own educational materials. The permittee may partner with other MS4 permittees, community groups, watershed management organizations, or other groups to implement its education and outreach program. The permittee must incorporate Section 16 requirements into their program. [Minn. R. 7090]
16.3	During the permit term, the permittee must distribute educational materials or equivalent outreach focused on at least two (2) specifically selected stormwater-related issues of high priority to the permittee (e.g., specific Total Maximum Daily Load (TMDL) reduction targets, changing local business practices, promoting adoption of residential BMPs, lake improvements through lake associations, household chemicals, yard waste, etc.). The topics must be different from those described in items 16.4 through 16.7. [Minn. R. 7090]
16.4	At least once each calendar year, the permittee must distribute educational materials or equivalent outreach focused on illicit discharge recognition and reporting illicit discharges to the permittee. [Minn. R. 7090]
16.5	At least once each calendar year, the permittee must distribute educational materials or equivalent outreach focused on the following: a. impacts of deicing salt use on receiving waters; and b. methods to reduce deicing salt use. [Minn. R. 7090]
16.6	For businesses, commercial facilities, and institutions, the permittee must implement an education and outreach program focused on communicating appropriate deicing salt use (e.g., direct mailing, phone calls, and/or meetings). The permittee must maintain a written or mapped inventory of businesses, commercial facilities, and institutions that the permittee will target for education and outreach over the permit term. At a frequency defined by the permittee's education and outreach plan in item 16.8, the permittee must distribute educational materials or equivalent outreach to these audiences, which must include information on the following: a. environmental impacts of deicing salt use; b. BMPs that reduce the use of deicing salt; c. proper storage of salt or other deicing materials; and d. training opportunities to improve winter maintenance activities. [Minn. R. 7090]
16.7	At least once each calendar year, the permittee must distribute educational materials or equivalent outreach focused on pet waste to residents. The educational materials or equivalent outreach must include information on the following: a. the impacts of pet waste on water quality; b. proper management of pet waste; and c. any existing permittee regulatory mechanism(s) regarding pet waste. [Minn. R. 7090]

16.8	The permittee must develop and implement an education and outreach plan that consists of the following: a. target audience(s) (e.g., residents, businesses, and local organizations; extra consideration should be given to low-income residents, people of color, and non-native English speaking residents. A resource for identifying these areas is available at: http://arcg.is/nHTyn); b. name or position title of responsible person(s) for overall plan implementation; c. specific activities and schedules to reach each target audience; and d. a description of any coordination with and/or use of stormwater education and outreach programs implemented by other entities, if applicable. [Minn. R. 7090]
16.9	The permittee must document the following information: a. a description of all specific stormwater-related issues identified by the permittee in item 16.3; b. all information required under the permittee's education and outreach plan in item 16.5; c. activities held, including dates, to reach measurable requirements in Section 16; d. quantities and descriptions of educational materials distributed, including dates distributed; and e. estimated audience (e.g., number of participants, viewers, readers, listeners, etc.) for each completed education and outreach activity. [Minn. R. 7090]
16.10	The permittee must conduct an annual assessment of the public education program to evaluate program compliance, including the effectiveness of the components of the SWPPP and the status of achieving the measurable requirements in Section 16. Measurable requirements are activities that must be documented or tracked as applicable to the MCM (e.g., education and outreach efforts, implementation of written plans, trainings, site plan reviews, inspections, enforcement, etc.). The annual assessment must be performed prior to completion of each annual report and any modifications made to the program as a result of the annual assessment must be documented. [Minn. R. 7090]
17.1	MCM 2: Public Participation/Involvement. [Minn. R. 7090]
17.2	New permittees must develop and implement, and existing permittees must revise their current program, as necessary, and continue to implement, a Public Participation/Involvement program to solicit public input on the SWPPP and involve the public in activities that improve or protect water quality. The permittee must incorporate Section 17 requirements into their program. [Minn. R. 7090]
17.3	Each calendar year, the permittee must provide a minimum of one (1) opportunity for the public to provide input on the adequacy of the SWPPP. The permittee may conduct a public meeting(s) to satisfy this requirement, provided appropriate local public notice requirements are followed and the public is given the opportunity to review and comment on the SWPPP. [Minn. R. 7090]
17.4	The permittee must 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. [Minn. Stat. 13]
17.5	The permittee must consider oral and written input regarding the SWPPP submitted by the public to the permittee. [Minn. R. 7090]
17.6	Each calendar year, the permittee must provide a minimum of one (1) public involvement activity that includes a pollution prevention or water quality theme (e.g., rain barrel distribution event, rain garden workshop, cleanup event, storm drain stenciling, volunteer water quality monitoring, adopt a storm drain program, household hazardous waste collection day, etc.). [Minn. R. 7090]

17.7	The permittee must document the following information: a. all relevant written input submitted by persons regarding the SWPPP; b. 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; c. date(s), location(s), and estimated number of participants at events held for purposes of compliance with item 17.3; d. notices provided to the public of any events scheduled to meet item 17.3, including any electronic correspondence (e.g., website, e-mail distribution lists, notices, etc.); and e. date(s), location(s), description of activities, and estimated number of participants at events held for the purpose of compliance with item 17.6. [Minn. R. 7090]
17.8	The permittee must conduct an annual assessment of the Public Participation/Involvement program to evaluate program compliance, including the effectiveness of the components of the SWPPP and the status of achieving the measurable requirements in Section 17. Measurable requirements are activities that must be documented or tracked as applicable to the MCM (e.g., education and outreach efforts, implementation of written plans, trainings, site plan reviews, inspections, enforcement, etc.). The annual assessment must be performed prior to completion of each annual report and any modifications made to the program as a result of the annual assessment must be documented. [Minn. R. 7090]

18.1	MCM 3: Illicit Discharge Detection and Elimination (IDDE). [Minn. R. 7090]
18.2	New permittees must develop, implement, and enforce, and existing permittees must revise their current program as necessary, and continue to implement and enforce, a program to detect and eliminate illicit discharges into the MS4. The permittee must incorporate Section 18 requirements into their program. [Minn. R. 7090]
18.3	The permittee must maintain a map of the permittee's MS4, as required in Section 14. [Minn. R. 7090]
18.4	To the extent allowable under state or local law, the permittee must develop, implement, and enforce a regulatory mechanism(s) that prohibits non-stormwater discharges into the permittee's MS4, except those non-stormwater discharges authorized in item 3.2. 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. The regulatory mechanism(s) must also include items 18.5 and 18.6, as applicable. [Minn. R. 7090]
18.5	For cities, townships, and counties, the permittee's regulatory mechanism(s) must require owners or custodians of pets to remove and properly dispose of feces on both private property and public space. [Minn. R. 7090]
18.6	The permittee's regulatory mechanism(s) must require proper salt storage at commercial, institutional, and non-NPDES permitted industrial facilities. At a minimum, the regulatory mechanism(s) must require the following: a. designated salt storage areas must be covered or indoors; b. designated salt storage areas must be located on an impervious surface; and c. implementation of practices to reduce exposure when transferring material in designated salt storage areas (e.g., sweeping, diversions, and/or containment). [Minn. R. 7090]
18.7	The permittee must incorporate illicit discharge detection into all inspection and maintenance activities conducted in items 21.12, 21.13, and 21.14. Where feasible, illicit discharge inspections must be conducted during dry-weather conditions (e.g., periods of 72 or more hours of no precipitation). [Minn. R. 7090]
18.8	The permittee must implement a training program that includes the following: a. training all field staff in illicit discharge recognition (including conditions which could cause illicit discharges), and reporting illicit discharges for further investigation. Field staff includes, but is not limited to, police, fire department, public works, and parks staff. Each calendar year following the initial training, the permittee must provide a refresher training to all field staff on illicit discharge recognition and reporting. Training for this specific requirement may include, but is not limited to, videos, in-person presentations, webinars, and/or training documents; and b. Ensure that staff receive training commensurate with their job duties as they relate to the permittee's IDDE program. Staff includes, but is not limited to, individuals responsible for investigating, locating, or eliminating illicit discharges, and/or enforcement. The permittee must ensure that previously trained staff attend a refresher-training event every three (3) calendar years following the initial training. [Minn. R. 7090]
18.9	The permittee must maintain a written or mapped inventory of priority areas the permittee identifies as having a higher likelihood for illicit discharges. At a minimum, the inventory must include the following: a. areas where business/industrial activities have a high potential to result in an illicit discharge; b. areas where illicit discharges have been identified in the past and continues to be a risk; and c. non-NPDES regulated areas with storage of large quantities of significant materials that could result in an illicit discharge. [Minn. R. 7090]
18.10	The permittee must conduct illicit discharge inspections at least once each calendar year in areas identified in item 18.9. [Minn. R. 7090]

18.11	The permittee must implement written procedures for investigating, locating, and eliminating the source of illicit discharges. At a minimum, the written procedures must include: a. a timeframe in which the permittee will investigate a reported illicit discharge; b. use of visual inspections to detect and track the source of an illicit discharge; c. tools available to the permittee to investigate and locate an illicit discharge (e.g., mobile cameras, collecting and analyzing water samples, smoke testing, dye testing, etc.); d. cleanup methods available to the permittee to remove an illicit discharge or spill; and e. name or position title of responsible person(s) for investigating, locating, and eliminating an illicit discharge. [Minn. R. 7090]
18.12	The permittee must implement written procedures for responding to spills, including emergency response procedures to prevent spills from entering the MS4. The written procedures must 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. [Minn. R. 7090]
18.13	The permittee must maintain written enforcement response procedures (ERPs) to compel compliance with the permittee's regulatory mechanism(s) in Section 18. At a minimum, the written ERPs must include: a. a description of enforcement tools available to the permittee and guidelines for the use of each tool; b. timeframes to complete corrective actions; and c. name or position title of responsible person(s) for conducting enforcement. [Minn. R. 7090]
18.14	If the permittee has an applicable Waste Load Allocation (WLA) for bacteria, the permittee must maintain a written or mapped inventory of potential areas and sources of bacteria (e.g., dense populations of waterfowl or other bird, dog parks). [Minn. R. 7090]
18.15	If the permittee has an applicable WLA for bacteria, the permittee must maintain a written plan to prioritize reduction activities to address the areas and sources identified in the inventory in item 18.14. The written plan must include BMPs the permittee will implement over the permit term, which may include, but is not limited to: a. water quality monitoring to determine areas of high bacteria loading; b. installation of pet waste pick-up bags in parks and open spaces; c. elimination of over-spray irrigation that may occur at permittee owned/operated areas; d. removal of organic matter accumulated in gutters via street sweeping; e. implementation of infiltration structural stormwater BMPs; and/or f. management of areas that attract dense populations of waterfowl (e.g., riparian plantings). [Minn. R. 7090]
18.16	The permittee must document the following information: a. date(s) and location(s) of IDDE inspections conducted in accordance with items 18.7 and 18.10; b. reports of alleged illicit discharges received, including date(s) of the report(s), and any follow-up action(s) taken by the permittee; c. date(s) of discovery of all illicit discharges; d. identification of outfalls, or other areas, where illicit discharges have been discovered; e. sources (including a description and the responsible party) of illicit discharges (if known); f. action(s) taken by the permittee, including date(s), to address discovered illicit discharges; and g. any modifications made to the program as a result of the annual evaluation in item 18.19 [Minn. R. 7090]

18.17	For each training attended by staff in item 18.8, the permittee must document: a. a list of topics covered; b. names and position titles of employees in attendance; and c. date of each event. [Minn. R. 7090]
18.18	Enforcement conducted by the permittee pursuant to the ERPs in item 18.13 must be documented, including verbal warnings. At a minimum, the permittee must document 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); d. corrective action(s) (including completion schedule) issued by the permittee; e. referrals to other regulatory organizations (if any); and f. date(s) violation(s) resolved. [Minn. R. 7090]
18.19	The permittee must conduct an annual assessment of the IDDE program to evaluate program compliance, including the effectiveness of the components of the SWPPP and the status of achieving the measurable requirements in Section 18. Measurable requirements are activities that must be documented or tracked as applicable to the MCM (e.g., education and outreach efforts, implementation of written plans, trainings, site plan reviews, inspections, enforcement, etc.). The annual assessment must be performed prior to completion of each annual report and any modifications made to the program as a result of the annual assessment must be documented. [Minn. R. 7090]
19.1	MCM 4: Construction Site Stormwater Runoff Control. [Minn. R. 7090]
19.2	New permittees must develop, implement, and enforce, and existing permittees must revise their current program, as necessary, and continue to implement and enforce, a Construction Site Stormwater Runoff Control program. The program must address 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, within the permittee's jurisdiction and that discharge to the permittee's MS4. The permittee must incorporate Section 19 requirements into their program. [Minn. R. 7090]
19.3	To the extent allowable under state or local law, the permittee must develop, implement, and enforce a regulatory mechanism(s) that establishes requirements for erosion, sediment, and waste controls that is at least as stringent as the Agency's most current Construction Stormwater General Permit (MNR100001), herein referred to as the CSW Permit. 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. [Minn. R. 7090]
19.4	When the CSW Permit is reissued, the permittee must revise their regulatory mechanism(s), if necessary, within six months of the issuance date of that permit, to be at least as stringent as the requirements for erosion, sediment, and waste controls described in the CSW Permit. [Minn. R. 7090]

19.5	The permittee's regulatory mechanism(s) must 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, sediment, and waste controls that are at least as stringent as described in the CSW Permit: a. erosion prevention practices; b. sediment control practices; c. dewatering and basin draining; d. inspection and maintenance; e. pollution prevention management measures; f. temporary sediment basins; and g. termination conditions. [Minn. R. 7090]
19.6	The permittee must implement written procedures for site plan reviews conducted by the permittee prior to the start of all construction activity, to ensure compliance with requirements of the regulatory mechanism(s). At a minimum, the procedures must include: a. written notification to owners and operators proposing construction activity, including projects less than one acre that are part of a larger common plan of development or sale, of the need to apply for and obtain coverage under the CSW Permit; and b. use of a written checklist, consistent with the requirements of the regulatory mechanism(s), to document the adequacy of each site plan required in item 19.5. [Minn. R. 7090]
19.7	The permittee must maintain a written or mapped inventory of active construction activity within the permittee's jurisdiction and that discharge to the permittee's MS4.
19.8	The permittee must implement an inspection program that includes written procedures for conducting site inspections, to determine compliance with the permittee's regulatory mechanism(s). The inspection program must also meet the requirements in items 19.9 and 19.10. [Minn. R. 7090]
19.9	The permittee must maintain written procedures for identifying high-priority and low-priority sites for inspection. At a minimum, the written procedures must include: a. a detailed explanation describing how sites will be categorized as either high-priority or low-priority; b. a frequency at which the permittee will conduct inspections for high-priority sites; c. a frequency at which the permittee will conduct inspections for low-priority sites; and d. the name(s) of individual(s) or position title(s) responsible for conducting site inspections. [Minn. R. 7090]

19.10	The permittee must implement a written checklist to document each site inspection when determining compliance with the permittee's regulatory mechanism(s). At a minimum, the checklist must include the permittee's inspection findings on the following areas, as applicable to each site: a. stabilization of exposed soils (including stockpiles); b. stabilization of ditch and swale bottoms; c. sediment control BMPs on all downgradient perimeters of the project and upgradient of buffer zones; d. storm drain inlet protection; e. energy dissipation at pipe outlets; f. vehicle tracking BMPs; g. preservation of a 50 foot natural buffer or redundant sediment controls where stormwater flows to a surface water within 50 feet of disturbed soils; h. owner/operator of construction activity self-inspection records; i. containment for all liquid and solid wastes generated by washout operations (e.g., concrete, stucco, paint, form release oils, curing compounds, and other construction materials); and j. BMPs maintained and functional. [Minn. R. 7090]
19.11	The permittee must implement 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. [Minn. R. 7090]
19.12	The permittee must ensure that staff receive training commensurate with their job duties as they relate to the permittee's Construction Site Stormwater Runoff Control program. Staff includes, but is not limited to, individuals responsible for conducting site plan reviews, site inspections, and/or enforcement. The permittee must ensure that previously trained staff attend a refresher-training event every three (3) calendar years following the initial training. [Minn. R. 7090]
19.13	The permittee must maintain written enforcement response procedures (ERPs) to compel compliance with the permittee's regulatory mechanism(s) in item 19.5. At a minimum, the written ERPs must include: a. a description of enforcement tools available to the permittee and guidelines for the use of each tool; and b. name or position title of responsible person(s) for conducting enforcement. [Minn. R. 7090]
19.14	For each site plan review conducted by the permittee, the permittee must document the following: a. project name; b. location; c. total acreage to be disturbed; d. owner and operator of the proposed construction activity; e. proof of notification to obtain coverage under the CSW Permit, as required in item 19.6, or proof of coverage under the CSW Permit; and f. any stormwater related comments and supporting completed checklist, as required in item 19.6, used by the permittee to determine project approval or denial. [Minn. R. 7090]
19.15	For each training attended by staff in item 19.12, the permittee must document: a. a list of topics covered; b. names and position titles of employees in attendance; and c. date of each event. [Minn. R. 7090]

19.16	Enforcement conducted by the permittee pursuant to the ERPs in item 19.13 must be documented, including verbal warnings. At a minimum, the permittee must document the following: - name of the person responsible for violating the terms and conditions of the permittee's regulatory mechanism(s); - date(s) and location(s) of the observed violation(s); - description of the violation(s); - corrective action(s) (including completion schedule) issued by the permittee; - referrals to other regulatory organizations (if any); and - date(s) violation(s) resolved. [Minn. R. 7090]
19.17	The permittee must conduct an annual assessment of the Construction Site Stormwater Runoff Control program to evaluate program compliance, including the effectiveness of the components of the SWPPP and the status of achieving the measurable requirements in Section 19. Measurable requirements are activities that must be documented or tracked as applicable to the MCM (e.g., education and outreach efforts, implementation of written plans, trainings, site plan reviews, inspections, enforcement, etc.). The annual assessment must be performed prior to completion of each annual report and any modifications made to the program as a result of the annual assessment must be documented. [Minn. R. 7090]
20.1	MCM 5: Post-Construction Stormwater Management. [Minn. R. 7090]
20.2	New permittees must develop, implement, and enforce, and existing permittees must 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. The program must address construction activity 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 MS4. The permittee must incorporate Section 20 requirements into their program. [Minn. R. 7090]
20.3	To the extent allowable under state or local law, the permittee must develop, implement, and enforce a regulatory mechanism(s) that incorporates items 20.4 through 20.16. 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. [Minn. R. 7090]
20.4	The permittee's regulatory mechanism(s) must require owners of construction activity to submit site plans with postconstruction stormwater management BMPs designed with accepted engineering practices to the permittee for review and approval, prior to start of construction activity. [Minn. R. 7090]
20.5	The permittee's regulatory mechanism(s) must require owners of construction activity to treat the water quality volume on any project where the sum of the new impervious surface and the fully reconstructed impervious surface equals one or more acres. [Minn. R. 7090]
20.6	For construction activity (excluding linear projects), the water quality volume must be calculated as one (1) inch times the sum of the new and the fully reconstructed impervious surface. [Minn. R. 7090]
20.7	For linear projects, the water quality volume must be calculated as the larger of one (1) inch times the new impervious surface or one-half (0.5) inch times the sum of the new and the fully reconstructed impervious surface. Where the entire water quality volume cannot be treated within the existing right-of-way, a reasonable attempt to obtain additional right-of-way, easement, or other permission to treat the stormwater during the project planning process must be made. Volume reduction practices must be considered first, as described in item 20.8. If additional right-of-way, easements, or other permission cannot be obtained, owners of construction activity must maximize the treatment of the water quality volume prior to discharge from the MS4. At a minimum, owners of construction activity must

	provide a net reduction from pre-project conditions (on an annual average basis) of Total Suspended Solids (TSS) and Total Phosphorus (TP) utilizing any methods of stormwater treatment. [Minn. R. 7090]
20.8	Volume reduction practices (e.g., infiltration or other) to retain the water quality volume on-site must be considered first when designing the permanent stormwater treatment system. If this permit prohibits infiltration as described in item 20.10, a wet sedimentation basin, filtration basin, or regional pond may be considered. This permit does not consider wet sedimentation basins and filtration systems to be volume reduction practices. [Minn. R. 7090]
20.9	Where the proximity to bedrock precludes the treatment of the entire water quality volume, other treatment practices such as grass swales, smaller ponds, or grit chambers must be installed prior to the discharge of stormwater from the MS4. [Minn. R. 7090]
20.10	Infiltration systems must be prohibited when the system would be constructed in areas: a. that receive discharges from vehicle fueling and maintenance areas, regardless of the amount of new and fully reconstructed impervious surface; b. where high levels of contaminants in soil or groundwater may be mobilized by the infiltrating stormwater. To make this determination, the owners and/or operators of construction activity must complete the Agency's site screening assessment checklist, which is available in the Minnesota Stormwater Manual, or conduct their own assessment. The assessment must be retained with the site plans; c. where soil infiltration rates are more than 8.3 inches per hour unless soils are amended to slow the infiltration rate below 8.3 inches per hour; d. 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. e. of predominately Hydrologic Soil Group D (clay) soils; f. in an Emergency Response Area (ERA) within a Drinking Water Supply Management Area (DWSMA) as defined in Minn. R. 4720.5100, Subp. 13, classified as high or very high vulnerability as defined by the Minnesota Department of Health; g. in an ERA within a DWSMA classified as moderate vulnerability unless the permittee performs or approves a higher level of engineering review sufficient to provide a functioning treatment system and to prevent adverse impacts to groundwater; h. outside of an ERA within a DWSMA classified as high or very high vulnerability unless the permittee performs or approves a higher level of engineering review sufficient to provide a functioning treatment system and to prevent adverse impacts to groundwater; i. within 1,000 feet up-gradient or 100 feet down gradient of active karst features; or j. that receive stormwater runoff from entities regulated under NPDES for industrial stormwater: automobile salvage yards; scrap recycling and waste recycling facilities; hazardous waste treatment, storage, or disposal facilities; or air transportation facilities that conduct deicing activities. See "higher level of engineering review" in the Minnesota Stormwater Manual for more information. [Minn. R. 7090]
20.11	For non-linear projects, where the water quality volume cannot cost effectively be treated on the site of the original construction activity, the permittee must identify, or may require owners of the construction activity to identify, locations where off-site treatment projects can be completed. If the entire water quality volume is not addressed on the site of the original construction activity, the remaining water quality volume must be addressed through off-site treatment and, at a minimum, ensure the requirements of items 20.12 through 20.16 are met. [Minn. R. 7090]

20.12	The permittee must ensure off-site treatment project areas are selected in the following order of preference: a. locations that yield benefits to the same receiving water that receives runoff from the original construction activity; b. locations within the same Department of Natural Resource (DNR) catchment area as the original construction activity; c. c. locations in the next adjacent DNR catchment area up-stream; or d. locations anywhere within the permittee's jurisdiction. [Minn. R. 7090]
20.13	Off-site treatment 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. Routine maintenance of structural stormwater BMPs already required by this permit cannot be used to meet this requirement. [Minn. R. 7090]
20.14	Off-site treatment projects must be completed within 24 months after the start of the original construction activity. [Minn. R. 7090]
20.15	If the permittee receives payment from the owner of a construction activity for off-site treatment, the permittee must apply any such payment received to a public stormwater project, and all projects must comply with the requirements in items 20.12 through 20.14. [Minn. R. 7090]
20.16	The permittee's regulatory mechanism(s) must include the establishment of legal mechanism(s) between the permittee and owners of structural stormwater BMPs not owned or operated by the permittee, that have been constructed to meet the requirements in Section 20. The legal mechanism(s) must 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 of that structural stormwater BMP has not ensured proper function; b. 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; and c. are designed to protect/preserve structural stormwater BMPs. If structural stormwater BMPs change, causing decreased effectiveness, new or improved structural stormwater BMPs must be implemented to provide equivalent treatment to the original BMP. [Minn. R. 7090]
20.17	The permittee must implement written procedures for site plan reviews conducted by the permittee prior to the start of construction activity, to ensure compliance with requirements of the permittee's regulatory mechanism(s). [Minn. R. 7090]
20.18	The permittee must ensure that staff receive training commensurate with their job duties as they relate to the permittee's Post-Construction Stormwater Management program. Staff includes, but is not limited to, individuals responsible for conducting site plan reviews and/or enforcement. The permittee must ensure that previously trained staff attend a refresher-training event every three (3) calendar years following the initial training. [Minn. R. 7090]
20.19	The permittee must maintain written enforcement response procedures (ERPs) to compel compliance with the permittee's regulatory mechanism(s) required in Section 20. At a minimum, the written ERPs must include: a. a description of enforcement tools available to the permittee and guidelines for the use of each tool; and b. name or position title of responsible person(s) for conducting enforcement. [Minn. R. 7090]

20.20	For each site plan review conducted by the permittee, the permittee must document the following: a. supporting documentation used to determine compliance with Section 20 of this permit, including any calculations for the permanent stormwater treatment system; b. the water quality volume that will be treated through volume reduction practices (e.g., infiltration or other) compared to the total water quality volume required to be treated, expressed as a percentage; c. documentation associated with off-site treatment projects authorized by the permittee, including rationale to support the location of permanent treatment in accordance with items 20.11 and 20.12; d. payments received and used in accordance with item 20.15; and e. all legal mechanisms drafted in accordance with item 20.16, including date(s) of the agreement(s) and name(s) of all responsible parties involved. [Minn. R. 7090]
20.21	For each training attended by staff in item 20.18, the permittee must document: a. a list of topics covered; b. names and position titles of employees in attendance; and c. date of each event. [Minn. R. 7090]
20.22	Enforcement conducted by the permittee pursuant to the ERPs in item 20.19 must be documented, including verbal warnings. At a minimum, the permittee must document 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); d. corrective action(s) (including completion schedule) issued by the permittee; e. referrals to other regulatory organizations (if any); and f. date(s) violation(s) resolved. [Minn. R. 7090]
20.23	The permittee must conduct an annual assessment of the Post-Construction Stormwater Management program to evaluate program compliance, including the effectiveness of the components of the SWPPP and the status of achieving the measurable requirements in Section 20. Measurable requirements are activities that must be documented or tracked as applicable to the MCM (e.g., education and outreach efforts, implementation of written plans, trainings, site plan reviews, inspections, enforcement, etc.). The annual assessment must be performed prior to completion of each annual report and any modifications made to the program as a result of the annual assessment must be documented. [Minn. R. 7090]
21.1	MCM 6: Pollution Prevention/Good Housekeeping For Municipal Operations. [Minn. R. 7090]
21.2	New permittees must develop and implement, and existing permittees must revise their current program, as necessary, and continue to implement, an operations and maintenance program that prevents or reduces the discharge of pollutants to the MS4 from permittee owned/operated facilities and operations. The permittee must incorporate Section 21 requirements into their program. [Minn. R. 7090]
21.3	The permittee must maintain a written or mapped inventory of permittee owned/operated facilities that contribute pollutants to stormwater discharges. The permittee must implement BMPs that prevent or reduce pollutants in stormwater discharges from all inventoried facilities. Facilities to be inventoried may include, but is not limited to: a. composting; b. equipment storage and maintenance;

	c. hazardous waste disposal; d. hazardous waste handling and transfer; e. landfills; f. solid waste handling and transfer; g. parks; h. pesticide storage; i. public parking lots; j. public golf courses; k. public swimming pools; l. public works yards; m. recycling; n. salt storage; o. snow storage; p. vehicle storage and maintenance (e.g., fueling and washing) yards; and q. materials storage yards. [Minn. R. 7090]
21.4	The permittee must implement BMPs that prevent or reduce pollutants in stormwater discharges from 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, sand and sediment removal piles (e.g., effective sediment controls at the base of stockpiles on the downgradient perimeter); 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; and k. application of herbicides, pesticides, and fertilizers. [Minn. R. 7090]
21.5	The permittee must implement the following BMPs at permittee owned/operated salt storage areas: a. cover or store the salt indoors; b. store salt on an impervious surface; and c. implement practices to reduce exposure when transferring material from salt storage areas (e.g., sweeping, diversions, and/or containment). [Minn. R. 7090]
21.6	The permittee must implement a written snow and ice management policy for staff that perform winter maintenance activities. The policy must establish practices and procedures for snow and ice control operations (e.g., plowing or other snow removal practices, sand use, and application of deicing compounds). [Minn. R. 7090]

21.7	Each calendar year, the permittee must train all staff that perform winter maintenance activities. The permittee may use training materials from the Agency's Smart Salting Training or other organizations to meet this requirement. The employee training program must include: a. the importance of protecting water quality; b. BMPs to minimize the use of deicers (e.g., proper calibration of equipment and benefits of pretreatment, pre-wetting, and anti-icing); and c. tools and resources to assist in winter maintenance (e.g., deicing application rate guidelines, calibration charts, Smart Salting Assessment Tool). [Minn. R. 7090]
21.8	If the permittee has an applicable WLA for chloride, the permittee must document the amount of deicer applied per salting event to all permittee owned/operated surfaces. [Minn. R. 7090]
21.9	If the permittee has an applicable WLA for chloride, each calendar year the permittee must conduct an assessment of the permittee's winter maintenance operations to reduce the amount of deicing salt applied to permittee owned/operated surfaces and determine current and future opportunities to improve BMPs. The permittee may use the Agency's Smart Salting Assessment Tool or other available resources and methods to complete this assessment. The assessment must be documented and may include, but is not limited to: a. operational changes such as pre-wetting, pre-treating the salt stockpile, increasing plowing prior to deicing, monitoring of road surface temperature, etc.; b. implementation of new or modified equipment providing pre-wetting, or other capability for minimizing salt use; c. regular calibration of equipment; d. optimizing mechanical removal to reduce use of deicers; and e. designation of no salt and/or low salt zones. [Minn. R. 7090]
21.10	If the permittee has an applicable WLA for temperature that includes a reduction greater than zero percent (i.e., City of Duluth, City of Hermantown, City of Rice Lake, MnDOT Outstate, St. Louis County, University of Minnesota – Duluth, Lake Superior College, and City of Stillwater), the permittee must maintain a written plan that identifies specific activities the permittee will implement to reduce thermal loading during the permit term. The written plan may include, but is not limited to: a. implementation of infiltration BMPs such as bioinfiltration practices; b. disconnection and/or reduction of impervious surfaces; c. retrofitting existing structural stormwater BMPs; and d. improvement of riparian vegetation. [Minn. R. 7090]
21.11	The permittee must maintain written procedures for the purpose of determining the TSS and TP treatment effectiveness of all permittee owned/operated ponds constructed and used for the collection and treatment of stormwater. [Minn. R. 7090]
21.12	Unless inspection frequency is adjusted as described in item 21.13, the permittee must inspect structural stormwater BMPs (excluding stormwater ponds, which are under a separate schedule below) each calendar year to determine structural integrity, proper function, and maintenance needs. [Minn. R. 7090]
21.13	The permittee must inspect structural stormwater BMPs each calendar year unless the permittee determines either of the following conditions apply: a. complaints received or patterns of maintenance indicate a greater frequency is necessary; or b. maintenance or sediment removal is not required after completion of the first two calendar year inspections; in which case the permittee may reduce the frequency of inspections to once every two (2) calendar years. [Minn. R. 7090]

21.14	The permittee must inspect, at a minimum, 20 percent of all ponds and outfalls (excluding underground outfalls) each calendar year on a rotating basis in order to determine structural integrity, proper function, and maintenance needs. [Minn. R. 7090]
21.15	Based on inspection findings, the permittee must determine if repair, replacement, or maintenance measures are necessary in order to ensure the following: - structural integrity, proper function, and treatment effectiveness of structural stormwater BMPs; and - structural integrity and proper function of outfalls. Necessary maintenance must be completed within one year of discovery, unless the permittee determines maintenance is not practicable. When the permittee determines maintenance cannot be completed within one year of discovery, the permittee must provide the reason(s) and schedule(s) for completing the maintenance in the annual report. [Minn. R. 7090]
21.16	The permittee must 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 must: - address the importance of protecting water quality; - cover the requirements of the permit relevant to the job duties of the employee not already addressed in items 18.8, 19.12, 20.18, and 21.7; and - 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. [Minn. R. 7090]
21.17	The permittee must document the following information associated with the operations and maintenance program: - date(s) and description of findings, including whether or not an illicit discharge is present, for all inspections conducted in accordance with items 21.12, 21.13, and 21.14; - any adjustments to inspection frequency as authorized in item 21.13; - a description of maintenance conducted, including dates, as a result of inspection findings; and - employee stormwater management training events, including a list of topics covered, names and position titles of employees in attendance, and date of each event. [Minn. R. 7090]
21.18	The permittee must document pond sediment excavation and removal activities, including: - a unique ID number and geographic coordinate of each stormwater pond from which sediment is removed; - the volume (e.g., cubic yards) of sediment removed from each stormwater pond; - results from any testing of sediment from each removal activity; and - location(s) of final disposal of sediment from each stormwater pond. [Minn. R. 7090]
21.19	The permittee must conduct an annual assessment of the operations and maintenance program to evaluate program compliance, including the effectiveness of the components of the SWPPP and the status of achieving the measurable requirements in Section 21. Measurable requirements are activities that must be documented or tracked as applicable to the MCM (e.g., education and outreach efforts, implementation of written plans, trainings, site plan reviews, inspections, enforcement, etc.). The annual assessment must be performed prior to completion of each annual report and any modifications made to the program as a result of the annual assessment must be documented. [Minn. R. 7090]

22.1	Alum or Ferric Chloride Phosphorus Treatment Systems. [Minn. R. 7090]
22.2	If the permittee uses an alum or ferric chloride phosphorus treatment system, the permittee must comply with Section 22 requirements. [Minn. R. 7090]
22.3	The permittee's alum or ferric chloride phosphorus treatment system must comply with the following: a. the permittee must use the treatment system for the treatment of phosphorus in stormwater. Non-stormwater discharges must not be treated by this system; b. the treatment system must be contained within the conveyances and structural stormwater BMPs of the MS4. The utilized conveyances and structural stormwater BMPs must not include any receiving waters; c. phosphorus treatment systems utilizing chemicals other than alum or ferric chloride must receive written approval from the Agency; and d. in-lake phosphorus treatment activities are not authorized under this permit. [Minn. R. 7090]
22.4	The permittee's alum or ferric chloride phosphorus treatment system must meet the following design parameters: a. the treatment system must be constructed in a manner that diverts the stormwater flow to be treated from the main conveyance system; b. a high flow bypass must be part of the inlet design; and c. a flocculent storage/settling area must be incorporated into the design, and adequate maintenance access must be provided (minimum of 8 feet wide) for the removal of accumulated sediment. [Minn. R. 7090]
22.5	A designated person must 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. [Minn. R. 7090]
22.6	Three benchmark monitoring stations must be established. Table 1 in Appendix A must be used for the parameters, units of measure, and frequency of measurement for each station. [Minn. R. 7090]
22.7	Samples must be collected as grab samples or flow-weighted 24-hour composite samples. [Minn. R. 7090]
22.8	Each sample, excluding pH samples, must be analyzed by a laboratory certified by the Minnesota Department of Health and/or the Agency, and: a. sample preservation and test procedures for the analysis of pollutants must conform to 40 CFR Part 136 and Minn. R. 7041.3200; b. detection limits for dissolved phosphorus, dissolved aluminum, and dissolved iron must be a minimum of 6 micrograms per liter ($\mu\text{g/L}$), 10 $\mu\text{g/L}$, and 20 $\mu\text{g/L}$, respectively; and c. pH must be measured within 15 minutes of sample collection using calibrated and maintained equipment. [Minn. R. 7090]
22.9	In the following situations, the permittee must 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): a. the pH of the discharged water is not within the range of 6.0 and 9.0; b. any indications of toxicity or measurements exceeding water quality standards; or c. a spill or discharge or alteration resulting in water pollution as defined in Minn. Stat. 115.01, subd. 13, of alum or ferric chloride. [Minn. R. 7090]

22.10	The permittee must submit the following information with the annual report required in item 24.3. The annual report must include a month-by-month summary of: a. date(s) of operation; b. chemical(s) used for treatment; c. gallons of water treated; d. gallons of alum or ferric chloride treatment used; e. calculated pounds of phosphorus removed; and f. any performance issues and the corrective action(s), including the date(s) when corrective action(s) were taken. [Minn. R. 7090]
22.11	A record of the design parameters in items 22.12 through 22.14 must be kept on-site. [Minn. R. 7090]
22.12	Site-specific jar testing conducted using typical and representative water samples in accordance with the most current approved version of ASTM D2035. [Minn. R. 7090]
22.13	Baseline concentrations of the following parameters in the influent and receiving waters: a. aluminum or iron; and b. phosphorus. [Minn. R. 7090]
22.14	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; and e. range of expected dosing rates. [Minn. R. 7090]
22.15	The following site-specific procedures must 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; and c. procedures for cleaning up and/or containing a spill of each chemical stored on-site. [Minn. R. 7090]
23.1	Stormwater Pollution Prevention Program (SWPPP) Modification. [Minn. R. 7090]
23.2	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 MS4 are impacting the quality of receiving waters; b. more stringent requirements are necessary to comply with state or federal regulations; and c. additional conditions are deemed necessary to comply with the goals and applicable requirements of the Clean Water Act and protect water quality. [Minn. R. 7090]
23.3	Modifications that the permittee chooses to make to the SWPPP other than modifications authorized in item 23.4, 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. [Minn. R. 7090]
23.4	The permittee's SWPPP may only be modified by the permittee without prior approval of the Commissioner provided the Commissioner is notified of the modification in the annual report for the year the modification is made and the modification falls under one of the following categories: a. a BMP is added, and none subtracted, from the SWPPP; or b. a less effective BMP is replaced with a more effective BMP. The alternate BMP shall address the same, or similar, concerns as the ineffective or failed BMP. [Minn. R. 7090]
24.1	Annual Assessment, Annual Reporting, and Recordkeeping. [Minn. R. 7090]
24.2	The permittee must conduct an annual assessment to evaluate compliance with the terms and conditions of this permit, including the effectiveness of the components of the SWPPP and the status of achieving the measurable requirements in this permit. Measurable requirements are activities that must be documented or tracked (e.g., education and outreach efforts, implementation of written plans, trainings, site plan reviews, inspections, enforcement, etc.). The annual assessment must be performed prior to completion of each annual report and any modifications made to the SWPPP as a result of the annual assessment must be documented. [Minn. R. 7090]
24.3	The permittee must submit an annual report to the Agency by June 30th of each calendar year. The annual report must 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: a. 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 measurable requirements of each of the MCMs. 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; b. the stormwater activities the permittee plans to undertake during the next reporting cycle; c. a change in any identified BMPs for any of the MCMs; d. a summary of the permittee's progress in achieving applicable WLAs for dissolved oxygen or oxygen demand, nitrate, TSS, and TP. The summary must include a list of all BMPs applied towards achieving applicable WLAs for dissolved oxygen or oxygen demand, nitrate, TSS, and TP, the implementation status of BMPs included in the compliance schedule at the time of final application submittal, and an updated estimate of cumulative TSS and TP load reductions; e. information required to be recorded or documented in Sections 13 through 23; and f. 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. [Minn. R. 7090]
24.4	The permittee must 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). [Minn. R. 7090]
24.5	The permittee must 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. [Minn. R. 7001.0080, Minn. R. 7090]

24.6	The permittee must, when requested by the Commissioner, submit within seven days 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, Minn. R. 7090]
24.7	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: Supervisor, Municipal Stormwater Unit Minnesota Pollution Control Agency 520 Lafayette Road North St. Paul, Minnesota 55155-4194 [Minn. R. 7090]
25.1	General Conditions. [Minn. R. 7090]
25.2	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]
25.3	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]
25.4	The permit does not convey a property right or an exclusive privilege. [Minn. R. 7001.0150, Subp. 3, item C]
25.5	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]
25.6	The permittee must 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]
25.7	The permittee must 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 must 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]
25.8	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 must 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]
25.9	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, must 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 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]

25.10	If the permittee discovers, through any means, including notification by the Agency, that noncompliance with a condition of the permit has occurred, the permittee must 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]
25.11	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 must, within 24 hours of the discovery of the noncompliance, orally notify the Commissioner. Within five days of the discovery of the noncompliance, the permittee must 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]
25.12	The permittee must report noncompliance with the permit not reported under item 25.11 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 must submit the information listed in item 25.11 within 30 days of the discovery of the noncompliance. [Minn. R. 7001.0150, Subp. 3, item L, Minn. R. 7090]
25.13	The permittee must 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]
25.14	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 must comply with the conditions of the permit. [Minn. R. 7001.0150, Subp. 3, item N]
25.15	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]
25.16	This permit incorporates by reference the applicable portions of 40 CFR 122.41 and 122.42(c) and (d), and Minn. R. 7001.1090, which are enforceable parts of this permit. [Minn. R. 7090]
25.17	The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby. [Minn. R. 7090]
26.1	Definitions. [Minn. R. 7090]
26.2	“Active karst” means a terrain having distinctive landforms and hydrology created primarily from the dissolution of soluble rocks within 50 feet of the land surface. [Minn. R. 7090]
26.3	“Agency” means the Minnesota Pollution Control Agency or MPCA. [Minn. Stat. 116.36, subd. 2]
26.4	“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. [Minn. R. 7090]
26.5	“Applicable WLA” means a Waste Load Allocation assigned to the permittee and approved by the USEPA prior to the effective date of this permit. [Minn. R. 7090]

26.6	"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]
26.7	"Commissioner" means the Commissioner of the Minnesota Pollution Control Agency or the Commissioner's designee. [Minn. Stat. 116.36, subd. 3]
26.8	"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. [Minn. R. 7090]
26.9	"Construction Activity" means activities including clearing, grading, and excavating, that result in land disturbance of equal to or greater than one acre, including the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one acre. This includes a disturbance to the land that results in a change in the topography, existing soil cover, both vegetative and nonvegetative, or the existing soil topography that may result in accelerated stormwater runoff that may lead to soil erosion and movement of sediment. Construction activity does not include a disturbance to the land of less than five acres for the purpose of routine maintenance performed to maintain the original line and grade, hydraulic capacity, and original purpose of the facility. Routine maintenance does not include activities such as repairs, replacement and other types of non-routine maintenance. Pavement rehabilitation that does not disturb the underlying soils (e.g., mill and overlay projects) is not construction activity. [Minn. R. 7090]
26.10	"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 Geospatial Commons website. DNR catchment areas may be locally corrected, in which case the local corrections may be used. [Minn. R. 7090]
26.11	"Effective Date" means the date, located on the front cover of this permit, on which this permit shall become effective. [Minn. R. 7090]
26.12	"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. [Minn. R. 7090]
26.13	"Fully reconstructed" means areas where impervious surfaces have been removed down to the underlying soils. Activities such as structure renovation, mill and overlay projects, and other pavement rehabilitation projects that do not expose the underlying soils beneath the structure, pavement, or activity are not considered fully reconstructed.

	Maintenance activities such as catch basin and pipe repair/replacement, lighting, and pedestrian ramp improvements are not considered fully reconstructed. [Minn. R. 7090]
26.14	“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]
26.15	“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. [Minn. R. 7090]
26.16	“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. [Minn. R. 7090]
26.17	“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)]
26.18	“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)). [Minn. R. 7090]
26.19	“Linear project” means construction of new or fully reconstructed roads, trails, sidewalks, or rail lines that are not part of a common plan of development or sale. For example, roads being constructed concurrently with a new residential development are not considered linear projects because they are part of a common plan of development or sale.
26.20	“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. [Minn. R. 7090]
26.21	“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]
26.22	“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. [Minn. R. 7090]

26.23	"Non-Stormwater Discharge" means any discharge not composed entirely of stormwater. [Minn. R. 7090]
26.24	"Operator" means the person with primary operational control and legal responsibility for the municipal separate storm sewer system. [Minn. R. 7090.0080, Subp. 10]
26.25	"Outfall" means the point source where a municipal separate storm sewer system discharges to a receiving water, or the stormwater discharge permanently leaves the permittee's MS4. It does not include diffuse runoff or conveyances that connect segments of the same stream or water systems (e.g., when a conveyance temporarily leaves an MS4 at a road crossing). [Minn. R. 7090]
26.26	"Owner" means the person that owns the municipal separate storm sewer system. [Minn. R. 7090.0080, Subp. 11]
26.27	"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. [Minn. R. 7090]
26.28	"Person" means the state or any Agency or institution thereof, any municipality, governmental subdivision, public or private corporation, individual, partnership, or other entity, including, but not limited to, association, commission or any interstate body, and includes any officer or governing or managing body of any municipality, governmental subdivision, or public or private corporation, or other entity. [Minn. Stat. 115.01, subd. 10]
26.29	"Pipe" means a closed manmade conveyance device used to transport stormwater from location to location. The definition of pipe does not include foundation drain pipes, irrigation pipes, land drain tile pipes, culverts, and road subgrade drain pipes. [Minn. R. 7090]
26.30	"Pollutant of Concern" means a pollutant specifically identified in a USEPA-approved TMDL report as causing a water quality impairment. [Minn. R. 7090]
26.31	"Receiving Water" means any lake, river, stream or wetland that receives stormwater discharges from an MS4. [Minn. R. 7090]
26.32	"Reduce" means reduce to the Maximum Extent Practicable (MEP) unless otherwise defined in the context in which it is used. [Minn. R. 7090]
26.33	"Seasonally Saturated Soil" means the highest seasonal elevation in the soil in a reduced chemical state because of soil voids filled with water causing anaerobic conditions. Seasonally saturated soil is evidenced by the presence of redoximorphic features or other information determined by scientifically established methods or empirical field measurements. [Minn. R. 7090]
26.34	"Section" includes all item numbers of the same whole number. For example, "Section 5" of the permit refers to items 5.1 through 5.5. [Minn. R. 7090]
26.35	"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)]

26.36	“Small Municipal Separate Storm Sewer System” or “small MS4”, means all separate storm sewers that are: a. 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. b. 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). c. 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. [Minn. R. 7090]
26.37	“Stormwater” means stormwater runoff, snow melt runoff, and surface runoff and drainage. [Minn. R. 7090.0080, Subp. 12]
26.38	“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. [Minn. R. 7090]
26.39	“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. [Minn. R. 7090]
26.40	“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. [Minn. R. 7090]
26.41	“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]
26.42	“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]
26.43	“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]
26.44	“Water Quality Standards” means those provisions contained in Minn. R. 7050 and 7052. [Minn. R. 7090]
26.45	“Waters of the State” means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof. [Minn. Stat. 115.01, subd. 22]

26.46	“Wetlands” (as defined in Minn. R. 7050.0186, Subp. 1a.B.) means 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: a. a predominance of hydric soils; b. 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 c. under normal circumstances support a prevalence of such vegetation. [Minn. R. 7050.0186, Subp. 1a.B.]
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APPENDIX A

Alum or Ferric Chloride Phosphorus Treatment Systems

Table 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

APPENDIX B

Schedules

Table 2:
Application submittal schedule for existing permittees

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Group 1

Within 90 days after permit effective date

Albert Lea, City	Inver Hills Community College	Oak Grove, City
Alexandria, City	Jackson Township	Pine Springs, City
Anoka-Ramsey Community College	La Crescent, City	Prior Lake-Spring Lake WD
Arden Hills, City	La Crescent Township	Proctor, City
Baxter, City	Lake Superior College	Red Wing, City
Bemidji, City	Landfall, City	Redwood Falls, City
Birchwood Village, City	Lauderdale, City	Rice Lake Township
Brainerd, City	Le Sauk Township	Saint Paul College
Brockway Township	Lilydale, City	Sartell, City
Carver, City	Little Falls, City	Sauk Rapids, City
Century College	Louisville Township	Sauk Rapids Township
Clay County	Medicine Lake, City	South Washington WD
Cloquet, City	Mendota, City	St Cloud State University
Deephaven, City	Metropolitan State University	St Cloud Technical College
Detroit Lakes, City	Midway Township	St Joseph, City
Dilworth, City	Minnesota Correctional-Lino Lakes	St Joseph Township
East Grand Forks, City	Minnesota Correctional-St Cloud	St Louis County
Excelsior, City	Minnetonka Beach, City	St Paul Park, City
Fergus Falls, City	MN State Comm/Tech College-Moorhead	St Peter, City
Grand Rapids, City	MN State University-Moorhead	Stearns County
Greenwood, City	Montevideo, City	Tonka Bay, City
Hennepin Technical College Brooklyn Pk	Mounds View, City	U of M-Duluth
Hennepin Technical College Eden Prairie	Mpls Community/Technical College	U of M-Twin Cities Campus
Hermantown, City	Newport, City	Waite Park, City
Hilltop, City	Normandale Community College	Willernie, City
Houston County	Nowthen, City	Woodland, City

Group 2

Within 120 days after permit effective date

Andover, City	Hastings, City	Ramsey, City
Anoka, City	Hibbing, City	Ramsey-Washington Metro WD
Benton County	Hopkins, City	Rice Creek WD
Big Lake, City	Hutchinson, City	Richfield, City
Big Lake Township	Lake Elmo, City	Rosemount, City
Cambridge, City	Lexington, City	Roseville, City
Capitol Region WD	Little Canada, City	Savage, City
Champlin, City	Long Lake, City	Shakopee, City
Chaska, City	Mahtomedi, City	Sherburne County
Circle Pines, City	Maple Plain, City	Shorewood, City

Columbia Heights, City	Marshall, City	South St Paul, City
Cottage Grove, City	Mendota Heights, City	Spring Lake Park, City
Credit River Township	Minden Township	Spring Lake Township
Dellwood, City	Monticello, City	Spring Park, City
Duluth Township	Moorhead, City	St Anthony Village, City
East Bethel, City	New Brighton, City	St Bonifacius, City
Elk River, City	New Ulm, City	St Louis Park, City
Elko New Market, City	North Branch, City	Stillwater, City
Fairmont, City	North Hennepin Community College	Sunfish Lake, City
Falcon Heights, City	North Mankato, City	Vadnais Heights, City
Faribault, City	North Oaks, City	Valley Branch WD
Farmington, City	North St Paul, City	Watab Township
Fridley, City	Oakdale, City	Wayzata, City
Gem Lake, City	Osseo, City	West Lakeland Township
Glencoe, City	Otsego, City	West St Paul, City
Grant, City	Prior Lake, City	Winona, City

Group 3

Within 150 days after permit effective date

Albertville, City	Ham Lake, City	Oak Park Heights, City
Anoka County	Hanover, City	Olmsted County
Apple Valley, City	Haverhill Township	Orono, City
Austin, City	Hennepin County	Owatonna, City
Bayport, City	Hugo, City	Plymouth, City
Blaine, City	Independence, City	Ramsey County
Bloomington, City	Inver Grove Heights, City	Robbinsdale, City
Blue Earth County	Isanti, City	Rochester, City
Brooklyn Center, City	Lake City, City	Rochester Community & Tech College
Brooklyn Park, City	Laketown Township	Rochester Township
Buffalo, City	Lakeville, City	Rogers, City
Buffalo-Red River WD	Lino Lakes, City	Scott County
Burnsville, City	Litchfield, City	Shoreview, City
Carver County	Loretto, City	Skyline, City
Cascade Township	Mankato, City	South Bend Township
Centerville, City	Mankato Township	St Augusta, City
Chanhassen, City	Maple Grove, City	St Cloud, City
Coon Creek WD	Maplewood, City	St Francis, City
Coon Rapids, City	Marion Township	St Michael, City
Corcoran, City	Medina, City	Thomson Township
Crystal, City	Minnehaha Creek WD	VA Medical Center-St Cloud
Dakota County	Minnesota Correctional Facility-Stillwater	Victoria, City
Dayton, City	Minnesota State University-Mankato	Waconia, City
Duluth, City	Minnetonka, City	Waseca, City
Eagan, City	Minnetrissa, City	Washington County
Eagle Lake, City	MNDOT Metro District	White Bear Lake, City
Eden Prairie, City	MNDOT Outstate District	White Bear Township

Edina, City	Morris, City	Willmar, City
Empire Township	Mound, City	Woodbury, City
Forest Lake, City	New Hope, City	Worthington, City
Golden Valley, City	Northfield, City	Wyoming, City

Table 3:
Existing Permittees - Schedule of Permit Requirements

Permit requirement	Schedule
Section 12. SWPPP Document ☐ <i>Submit the SWPPP document completed in accordance with Section 12.</i>	☐ See Table 2 above.
Section 13. Stormwater Pollution Prevention Program (SWPPP) • <i>Complete revisions to incorporate requirements of Sections 14 - 22 into current SWPPP.</i>	• Within 12 months of the date permit coverage is extended, unless other timelines have been specifically established in this permit and identified below.
Section 21. Pollution prevention/good housekeeping for municipal operations • <i>Conduct structural stormwater BMP inspections.</i>	• Each calendar year (items 21.13 and 21.14).
Section 24. Annual SWPPP assessment, annual reporting and record keeping Item 24.2. Annual SWPPP assessment • <i>Conduct assessment of the SWPPP.</i>	• Prior to completion of each annual report.
Items 24.3 and 24.4. Annual reporting • <i>On a form provided by the Commissioner, submit an annual report.</i>	• By June 30th of each calendar year.

Table 4:
New Permittees – Schedule of Permit Requirements

Permit requirement	Schedule
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Section 10. New Permittee Applicants ☐ <i>Submit Part 1 and Part 2 of the permit application as required by Section 12.</i>	☐ Within 18 months of written notification from the Commissioner that the MS4 meets the criteria in Minn. R. 7090.1010, Subpart 1.A. or B. and permit coverage is required.
Section 13. Stormwater Pollution Prevention Program (SWPPP) ☐ <i>Complete all requirements of Sections 14 - 22.</i>	☐ Within 36 months of the date permit coverage is extended, unless other timelines have been
Section 14. Mapping • <i>Develop a storm sewer system map.</i> Section 18. Illicit Discharge Detection and Elimination • <i>Develop, implement, and enforce an Illicit Discharge Detection and Elimination program.</i> Section 19. Construction Site Stormwater Runoff Control • <i>Develop, implement, and enforce a Construction Site Stormwater Runoff Control program.</i> Section 20. Post-Construction Stormwater Management • <i>Develop, implement, and enforce a Post-Construction Stormwater Management program.</i> Section 21. Pollution prevention/good housekeeping for municipal operations • <i>Conduct structural stormwater BMP inspections.</i> Section 22. Alum or Ferric Chloride Phosphorus Treatment Systems (if applicable) • <i>Meet requirements for treatment systems under Section 22.</i>	specifically established in this permit and identified below; or • Within timelines established by the Commissioner in item 8.3. • Within 24 months of the date permit coverage is extended. • 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. • Each calendar year (items 21.13 and 21.14). • Within 12 months of the date permit coverage is extended.

Section 24. Annual SWPPP assessment, annual reporting and record keeping

Item 24.2. Annual SWPPP assessment

- *Conduct assessment of the SWPPP.*

Items 24.3 and 24.4. Annual reporting

- *On a form provided by the Commissioner, submit an annual Report.*

- Prior to completion of each annual report.

- By June 30th of each calendar year.
-

DRAFT



May 29, 2019

Minnesota Pollution Control Agency
501 Lafayette Road
St. Paul, MN 55155

Re: City of Sunfish Lake – Formal Comments on Proposed MS4 Permit Changes

To Whom This May Concern:

On behalf of the City of Sunfish Lake, an MS4 community, we offer the following comments on the current proposed draft of the MS4 Permit Requirements:

Items 16.1 through 16.10 MCM 1: Public Education and Outreach.

COMMENT: The city feels the education/ outreach requirements are arduous and cost-prohibitive. As a small city without commercial uses, storm sewer infrastructure, and a funding mechanism for the educational materials required to meet the proposed requirements, the education requirements as written are not feasible for cities like Sunfish Lake.

Item 17.6, Each calendar year, the permittee must provide a minimum of one (1) public involvement activity that includes a pollution prevention or water quality theme.

COMMENT: The city feels this is an arduous and cost-prohibitive requirement. As a small city, the city does not have the resources to sponsor an annual event to meet this requirement.

Item 18.8, The permittee must implement a training program.

COMMENT: The city feels this is an arduous and cost-prohibitive requirement. As a small city, the city does not have the resources to develop a training program for all field staff (police, fire department, public works, and parks staff).

Item 19.4, When the CSW Permit is reissued, the permittee must revise their regulatory mechanisms, if necessary, within six months of the issuance date of that permit, to be at least as stringent as the requirements for erosion, sediment, and waste controls described in the CSW Permit.

COMMENT: The city feels this is an arduous and cost-prohibitive requirement. As a small city, the city does not have the resources to revise our regulatory mechanisms within 6 months.

Item 20.7, For linear projects, the water quality volume must be calculated as the larger of one-(1) inch times the new impervious surface or one-half (0.5) inch times the sum of the new and the fully reconstructed impervious surface.

COMMENT: The city feels this is an arduous and cost-prohibitive requirement. The city does not have adequate road right-of-way in many situations, so placement of water quality volume BMP's will not be feasible in most situations.

Thank you for providing the city of Sunfish Lake the opportunity to comment on the proposed MS4 permit language. We appreciate your consideration of our input.

Sincerely,

City of Sunfish Lake

WSB

Daniel O'Leary
Mayor

Jeffry S. Sandberg, PE
Sunfish Lake City Engineer

ITEM 7b. 3C ATTACHMENT



Memorandum

To: *Honorable Mayor and City Council Members
City of Sunfish Lake*

From: *Jeff Sandberg, PE
City Engineer*

Date: *June 4, 2019*

Re: *2019 Roadway Spot Repairs*

In July of last year, staff presented the 2018 Pavement Condition Report (PCR) and the results of the Grieve Glen Coring Analysis. After consideration of the available options, the City Council directed staff to have Grieve Glen repaired at a cost of \$13,600. This was intended to last 2-3 years until a full depth reconstruction could be completed on the road (2018 estimated cost was \$115,000).

This spring, staff performed a site visit to Grieve Glen Lane to evaluate how the repairs held up over the winter. It was noted that the repairs held up fairly well, however, some of the areas that were deemed acceptable last year and not repaired have now deteriorated. Staff has also received complaints from at least 1 area resident about the condition of Grieve Glen. Staff did also visit the other public roads in Sunfish Lake and observed other areas that may be in need of spot treatments.

Staff requested that Pine Bend Paving, Inc. (contractor who has performed road maintenance on past projects, including on Grieve Glen Lane) perform a review of the public roads of the city and make a recommendation on spot repairs. The following quote was received from Pine Bend Paving:

Grieve Glen: \$2,550
Salem Church Road (West end): \$425
55th Street West: \$1,275
60th Street: \$3,750

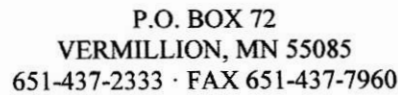
Staff has sent the quote for 60th Street to the city of IGH for consideration of a cost split if the Sunfish Lake City Council approves moving forward and if there is agreement from both cities to share that cost. I have also initiated discussions with the IGH City Engineer on a long-term fix to 60th Street.

Staff does not recommend the expenditure for 55th Street West, as there is only one property that will benefit and it is the understanding of staff that the property is not occupied. A discussion on the long-term plan for this road will be recommended at a later date.

In the 5-Year Capital Improvement Plan, staff is currently proposing a full depth reconstruction of Grieve Glen take place in 2020. Up to 80% of the cost of that project can be assessed to benefitting properties.

Staff recommends the expenditures for Grieve Glen, Salem Church Road, and 60th Street (only if IGH agrees to split ½) for a total cost of \$4,850.

The cost of maintenance as outlined above would come out of the city's General Street Maintenance fund. The 2020 CIP will address the funding options for the long-term repair of Grieve Glen Road (Full-Depth Reclamation project), as well as other recommended roadway improvements.



	DATE OF PROPOSAL		PROPOSED COMPLETION DATE
	5-15-2019		Spring 2019
	JOB NAME		
	Sunfish Lake Pothole Fills		
	JOB LOCATION		
	Various		

ITEM	DESCRIPTION OR SPECIFICATION	QUANTITY	PRICE	AMOUNT
Pothole Repairs:"Throw Ins"	Clean potholed areas and fill with asphalt materials/roll			
Grieve Glen / Salem Church Road / 55 th St W		10 Ton		\$ 4,250.00
60 th Street – Small holes		5 Ton	Add	\$ 1,750.00
Frost Boil Area- Cut,Exc. and 4" patch		40 SY	Add	\$ 2,000.00
All work as per applicable MDOT specs.				
PBP is a UNION company celebrating its 46 th year				
PBP manufactures its own asphalt hot mix and aggregates				

TOTAL AMOUNT	\$
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1. THE TOTAL CONTRACT AMOUNT SHALL BE PAID WITHIN 30 DAYS AFTER THE DATE OF CONTRACTOR'S INVOICE. ANY AMOUNT UNPAID AFTER THE 30-DAY PERIOD SHALL BEAR INTEREST CHARGES OF 18% PER ANNUM UNTIL PAYMENT IS MADE IN FULL BY THE OWNER.
2. THIS CONTRACT SHALL BE COMPLETED WITH REASONABLE PROMPTNESS BY THE CONTRACTOR, BUT THE CONTRACTOR SHALL NOT BE RESPONSIBLE FOR DELAYS OR FAILURE TO COMPLETION CAUSED BY WEATHER, UNFAVORABLE TO CARRYING OUT THE WORK INVOLVED, FIRE, EXPLOSION, FAILURE OF EQUIPMENT, STRIKES, DIFFERENCES WITH WORKMEN, COMPLIANCE WITH ORDERS OF A GOVERNMENTAL AGENCY, INTERRUPTION IN DELIVERY OF MATERIALS, OR FROM ANY CAUSE BEYOND HIS REASONABLE CONTROL.
3. THE CONTRACT PRICE DOES NOT INCLUDE ANY TAXES EXCEPT AS STATED, AND ANY TAX IMPOSED BY GOVERNMENTAL AUTHORITY WHICH EFFECTS THE CONTRACT PRICE SHALL BE IN ADDITION THERETO.
4. THIS CONTRACT CONTAINS THE ENTIRE AGREEMENT BETWEEN THE PARTIES. THERE ARE NO ORAL PROMISES, AGREEMENTS, OR WARRANTIES AFFECTING IT. ANY ALTERATION OR DEVIATION FROM THE ABOVE QUANTITIES AND SPECIFICATIONS OR OTHER CHANGE IN THE CONTRACT MUST BE IN WRITING AND EXECUTED BY AUTHORITY REPRESENTATIVES OF THE PARTIES.
5. ANY PERSON OR COMPANY SUPPLYING LABOR OR MATERIALS FOR THIS IMPROVEMENT TO YOUR PROPERTY MAY FILE A LIEN AGAINST YOUR PROPERTY, IF THAT PERSON OR COMPANY IS NOT PAID FOR THE CONTRIBUTIONS. UNDER MINNESOTA STATE LAW, YOU HAVE THE RIGHT TO PAY PERSONS WHO SUPPLIED LABOR OR MATERIALS FOR THIS IMPROVEMENT DIRECTLY AND DEDUCT THIS AMOUNT FROM OUR CONTRACT PRICE, OR WITHHOLD THE AMOUNTS DUE FROM US UNTIL 120 DAYS AFTER COMPLETION OF THE IMPROVEMENT UNLESS WE GIVE YOU A LIEN WAIVER SIGNED BY PERSONS WHO SUPPLIED ANY LABOR OR MATERIAL FOR THE IMPROVEMENT AND WHO GAVE YOU TIMELY NOTICE.

ACCEPTED FOR OWNER

DATE _____