Item 5F

Sunfish Lake Engineer's Report for November 10, 2026

By: **Justin Messner, PE**
City Engineer

Date: **November 4, 2026**

This Engineer's Report summarizes the engineering activities during the month of October.

1. **Engineering Activities Undertaken in the Month of October**
   A. Staff received the final invoice and project closeout documents for the 2026 Reclamation Project shown in Attachment 1A.
   B. Staff were notified that the MPCA is accepting public comments on the draft MS4 permit through **November 19, 2026**. See Attachment 1B for a memo on the Public Notice Opportunity and review of the major changes.
   C. Staff constructed a website to explore how stormwater moves through the City of Sunfish Lake, what it can carry with it, how it's managed, and how it ultimately affects our lakes and rivers. This helps to satisfy requirements of the MS4 permit and is located on the City's website under the "Environment" tab and is located on the lefthand side under "Stormwater ArcGIS StoryMap."

2. **Public Works Activities Undertaken in the Month of October**
   A. None.

3. **Building and Site Reviews in the Month of October**
   A. Staff conducted reviews for the following properties this past month:
      a. 5 Sunfish Lane – Staff have reviewed and approved the latest submittal for this property for Major Site Plan.

4. **Anticipated Engineering/Public Works Activities for the Month of November**
   A. No activities are planned for the month of November.

The above constitutes the Engineer's Report for the City of Sunfish Lake for November 10, 2026.

Respectfully submitted,

Justin Messner, PE
City Engineer

178 E 9TH STREET | SUITE 200 | SAINT PAUL, MN | 55101 | 651.286.8450 | WSBENG.COM

ATTACHMENT 1A

Invoice

Corrective Asphalt Materials, LLC
Maltene Replacement Technology Experts
Reliable, Efficient Asphalt Preservation
Phone # 618-254-3855 Fax: 618-254-2200
www.cammidwest.com

Invoice: 26137MN
Invoice Date: 9/30/2026
Due Date: 10/30/2026
Project: 26137MN REC NP MN
P.O. Number:

Bill To:
City of Sunfish Lake
PO Box 18281
West St Paul, MN 55118

Description	Amount
Furnish & Apply Reclamite to 13,896 Square Yards per Contract Specifications	20,149.20
Sales Tax	0.00

Thank you for your business!

Remit Payment to:
300 Daniel Boone Trail
South Roxana, IL 62087

Total	$20,149.20
Payments/Credits	$0.00
Balance Due	$20,149.20

Mike Edge

From: MN Revenue e-Services <eservices.mdor@state.mn.us>
Sent: Wednesday, October 7, 2026 8:19 AM
To: Mike Edge
Subject: Your Recent Contractor Affidavit Request

This email is an automated notification and is unable to receive replies.

Contractor Affidavit Submitted

Thank you, your Contractor Affidavit has been approved.

Confirmation Summary

Confirmation Number:	1-440-801-296
Submitted Date and Time:	7-Oct-2026 8:18:28 AM
Legal Name:	MIKE MCPHILLIPS INC
Federal Employer ID:	41-0957439
User Who Submitted:	medge2012
Type of Request Submitted:	Contractor Affidavit

Affidavit Summary

Affidavit Number:	**687960064**
Minnesota ID:	7465682
Project Owner:	CITY OF SUNFISH LAKE
Project Number:	26137MN
Project Begin Date:	16-Sep-2026
Project End Date:	16-Sep-2026
Project Location:	SUNFISH LAKE RECLAMITE PROJECT
Project Amount:	$702.00
Subcontractors:	No Subcontractors

Important Messages

A copy of this page must be provided to the contractor or government agency that hired you.

Contact Us

If you need further assistance, contact our Withholding Tax Division at 651-282-9999, (toll-free) 800-657-3594, or (email) withholding.tax@state.mn.us. Business hours are Monday through Friday 8:00 a.m. to 4:30 p.m. Central Time.

How to View and Print this Request

You can see copies of your requests by going into your History.

This message and any attachments are solely for the intended recipient and may contain nonpublic / private data. If you are not the intended recipient, any disclosure, copying, use, or distribution of the information included in this message and any attachments is prohibited. If you have received this communication in error, please notify us and immediately and permanently delete this message and any attachments. Thank you.

Contractor Affidavit Submitted

Thank you, your Contractor Affidavit has been approved.

Confirmation Summary

Confirmation Number:	0-408-326-672
Submitted Date and Time:	7-Oct-2026 8:36:24 AM
Legal Name:	CORRECTIVE ASPHALT MATERIALS LLC
Federal Employer ID:	37-1359575
User Who Submitted:	CAMMIDWEST
Type of Request Submitted:	Contractor Affidavit

Affidavit Summary

Affidavit Number:	**1493266432**
Minnesota ID:	2229744
Project Owner:	CITY OF SUNFISH LAKE
Project Number:	26137MN
Project Begin Date:	15-Sep-2026
Project End Date:	16-Sep-2026
Project Location:	SUNFISH LAKE RECLAMITE PROJECT
Project Amount:	$20,149.20

Subcontractor Summary

Name	ID	Affidavit Number
MIKE MCPHILLIPS	7465682	687960064

Important Messages

A copy of this page must be provided to the contractor or government agency that hired you.

Contact Us

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Please print this page for your records using the print or save functionality built into your browser.

ATTACHMENT 1B

Memorandum

To: WSB MS4 & Municipal Clients

From: WSB Environmental Compliance Group
WSB Water Resources Group

Date: October 19, 2026

Re: Public Notice Opportunity for October 2026 Draft MS4 General Permit

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On October 19, 2026, the Minnesota Pollution Control Agency (MPCA) released the 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 a formal public notice opportunity, and the MPCA will review and consider all comments received from October 19, 2026, and extended through November 19, 2026. Please note that this release is a ***FORMAL*** draft. The updates to this formal October 2026 Draft Permit is based upon the previously released December 2025 informal Draft Permit.

This memo summarizes the proposed MS4 General Permit updates from the December 2025 draft AND the October 2026 draft release with October 2026 updates noted in RED. All other sections will be noted as NO CHANGE from the December 2025 Permit release. This memo also concludes with next steps.

I. Major Changes

1. The requirements of PFAS:

One of the most significant updates is a new prohibition on the sale, distribution, or use of **Class B firefighting foam containing PFAS** (polyfluoroalkyl substances), in accordance with Minn. Stat. 325F.072. These prohibitions apply unless the foam is used at an airport or as otherwise specifically authorized under Minn. Stat. 325F.072, subdivisions 3(c) and 3a.

a. If your airport uses PFAS-containing Class B foam, you must comply with all requirements in Minn. Stat. 325F.072, subdivisions 3(c) and 3a. [Item 18.15]
b. The October 2026 Draft Permit includes a non-substantial language update, changing the reference from "as defined in" to "in accordance with," except for uses authorized under Minn. Stat. 325F.072.

This change means PFAS-containing foam is generally banned for municipalities, businesses, and fire departments, **except for authorized airport use, which is tightly regulated under Minnesota state law**. [Item 18.15] - NO CHANGE

The proposed permit also expands the PFAS pesticide evaluation requirements in Section 21.13. Under the updated October 2026 Draft Permit, permittees must evaluate any outdoor pesticides used that contain **one or more active ingredients** meeting the definition of PFAS in Minn. Stat. 18B.01, subd. 15(c). The revised language provides additional detail on how this evaluation must be conducted. Specifically, permittees must consider all pesticides applied directly by the permittee, **as well as pesticides applied**

on the permittee's behalf by contractors or other parties. The evaluation must account for all pesticides applied and expected to be applied **during the 12-month period beginning on the effective date of permit coverage**. Additionally, the Draft Permit now relocates the list of PFAS-containing pesticide active ingredients to a new Appendix D within the Permit. [Item 21.13] – October 2026 Update

The proposed permit requires permittees to evaluate whether suitable alternative products without added PFAS are available and to document each PFAS-containing pesticide used. The October 2026 Draft Permit further clarifies these requirements and modifies the documentation expectations. [Items 21.14 & 21.15] – October 2026 Update

Item 21.14: Within 12 months of obtaining permit coverage, the permittee must certify completion of the PFAS pesticide evaluation required under Item 21.13. For each PFAS-containing pesticide product identified, the permittee must **document the product name and active ingredient**. Documentation requirements for the product purpose, application location, and estimated annual quantity applied has been removed. – October 2026 Update

Item 21.15: The Draft Permit provides additional detail regarding the evaluation of alternative products. **Before the expiration of permit coverage**, permittees must evaluate whether alternative products are available that do not contain one or more active ingredients meeting the permit's PFAS definition. If a PFAS-containing pesticide is replaced with an alternative product, the permittee must document the required information specified in the permit regarding the replacement and alternative evaluation process. – October 2026 Update

2. The Water Quality Trading Program (If Applicable) [Items 23.1-23.11]**:**

As currently drafted, the proposed permit does not directly define the terms "credits", "trade plan", or "trade project". - NO CHANGE

The addition of an **optional opt-in** to the MPCA's Water Quality Trading Program is a major change to the permit language. The permittee **may** develop and implement a Water Quality Trading Program **to help meet applicable Waste Load Allocation(s)** (WLAs). This program must follow all requirements in Section 23 of the permit. The October 2026 Draft Permit expands this section by providing examples of eligible projects, including restoration of eroding streambanks and lakeshores, agricultural stormwater controls, and cattle exclusion practices. In addition, the permit now explicitly states that, **to be eligible for pollutant reduction credits** under the general permit, a permittee's water quality trading program must comply with all requirements in Section 23 [Item 23.2] – October 2026 Update

In accordance with Minn. Sta. 115.03, sub. 10, **the permittee may acquire, use, and trade pollutant reduction credits** (no longer just to meet appliable WLA or future WLA). These credits must be generated from voluntary actions, not activities already required by law, are meant to supplement, not replace, any existing General Permit requirements and must comply with all relevant federal, state, and local laws. [Item 23.3] – October 2026 Update

Before starting any trade project, the permittee must develop a trading plan in accordance with the Agency's water quality trading guidance and submit the plan to the Agency for approval via email (WQtrading.PCA@state.mn.us). [Item 23.4] - NO CHANGE

The permittee may use pollutant reduction credits for TMDL compliance under the permit if all of the conditions of **timing, location, and pollutant type** are met. [Item 23.5] – October 2026

a. The October 2026 Draft Permit states that credits are generated for **any pollutant type**, instead of being limited to point source water quality pollutants.

The permittee must prepare and submit a preliminary trade plan to the Agency for review and approval at least 90 days before the desired approval date (unless the Agency specifies otherwise). The Agency may extend the review period if the plan is missing required information or is incomplete. The preliminary trading plan must include an **impaired water overview, pollutants for trading, credit estimate, a project description, site conditions and benefits, an implementation schedule, a maintenance schedule, a weather event procedure, a contingency Plan, and any extra details** the Agency requests to ensure the project meets pollutant reduction goals. [Items 23.6 & 23.7] – October 2026

a. Item 23.7: The October 2026 Draft Permit adds a new subsection (j) requiring submission of all legal agreements between the permittee and trading partner(s). These agreements must document the scale, scope, and conditions of the trading project, including applicable BMP specifications, agreement duration, site access provisions for inspection and maintenance, payment arrangements, and other project-specific requirements.

Once the Agency approves the preliminary trade plan, it becomes the final trade plan. The permittee must incorporate the final trade plan into the SWPPP. Any changes to the trade plan must also be approved by the Agency. If the permittee discovered that the BMP is no longer functional, within five (5) days of discovery, the permittee must notify the agency at (WQtrading.PCA@state.mn.us) and include **the date the problem was discovered and when the BMP likely stopped functioning, a description of the BMP that is no longer functioning and why it is no longer functioning, what has been done and what will be done to fix or replace the BMP, and the timeframe for any necessary repairs or replacement**. [Items 23.8 & 23.9] – October 2026

a. Item 23.8: The October 2026 Draft Permit adds a new requirement that permittees must submit any outstanding items identified in the approved trade plan to the Agency before a trading project becomes eligible to generate pollutant reduction credits. This includes, but is not limited to, all signed legal agreements between the permittee and trading partner(s).

If a trade project is discontinued or is underperforming consistently, credit generation may be altered or no longer authorized under the permit. For performing trade projects, the permittee must inspect the trade project(s) **annually** or more frequently, if identified in the final trade plan. On an annual basis, the permittee must summarize the inspection results in a written trade project progress report. **This progress report must be submitted with the annual report** and include documentation. [Items 23.10 & 23.11] - NO CHANGE

II. Additional Changes

A copy of the draft October 2026 MS4 General Permit (**Attachment 1**) is provided in the attachments. The sections annotated in blue are proposed changes from the draft December 2025 MS4 General Permit. Listed below is a high-level summary of the proposed changes to the MS4 General Permit:

1. For **authorized non-stormwater discharges**, the draft language requires permittees to identify **if** any authorized non-stormwater discharges, including lawn watering, residential car washing, emergency firefighting activities, etc. **is** a significant contributor of pollutants. The permittee must then to address these discharges within the Stormwater Pollution Prevention Program (SWPPP) by requiring BMPs before this discharge enters the MS4 system. [Item 3.1] - NO CHANGE

2. For **authorized non-stormwater discharges**, each permittee *may* consider **volume, temperature, suspended solids, pH, and concentration of any chemical additives** in the authorized non-stormwater discharge. [Item 3.2] – October 2026
    a. Item 3.2: The October 2026 Draft Permit removes the standalone requirement for permittees to evaluate factors such as discharge volume, temperature, suspended solids, pH, and chemical additives prior to authorizing a non-stormwater discharge. Instead, these factors are now listed as examples of pollutant characteristics the permittee may consider when determining whether a non-stormwater discharge is a significant contributor of pollutants.

3. The October 2026 Draft Permit clarifies that permit coverage does not replace any federal, state, or local historic preservation review requirements. The updated language requires permittees to comply with the National Historic Preservation Act and coordinate with the Minnesota State Historic Preservation Officer regarding potential impacts to historic properties, archaeological sites, significant anthropological sites, and burial sites associated with new or expanded discharges. [Item 4.2e] – October 2026

4. The October 2026 Draft Permit adds a new section establishing minimum NOI content requirements. The NOI must now include permittee identification information, designated MS4 contact information, owner/operator information, and the receiving waters that directly receive stormwater discharges from the MS4. The Draft Permit also replaces references to an "application" with "Notice of Intent (NOI)" throughout Items 9.1 and 9.2. [Items 9.1-9.3] – October 2026

5. The October 2026 Draft Permit removes references to Part 1 and Part 2 permit applications for both new and existing permittees and replaces those requirements with submission of a Notice of Intent (NOI). The NOI is now interpreted to be the mechanism through which permittees apply for and obtain coverage under the

General Permit. [Item 9.1-12.2] – October 2026

6. For applicable Waste Load Allocations (WLAs), a compliance schedule for nitrate is no longer required. Additionally, the compliance schedule for WLAs must also include the reasons for the change in the target year if the target year is different from the target year identified. [Item 12.8] – NO CHANGE

7. A WLA for nitrate is no longer required. For the applicable WLAs, the permittee must provide the estimated TSS and/or TP load reduction (in pounds/year) and a unique BMP identification (ID) number assigned by the permittee. The applicant must also provide documentation using *Agency-approved methods*[1]. [Item 12.10] – October 2026
    a. The October 2026 Draft Permit adds a requirement for MS4 permittees with oxygen demand, TSS, or TP WLAs to provide information related to receiving waters, outfalls, and structural stormwater BMP monitoring. The required information must be collected and reported in accordance with the Minnesota Stormwater Manual.

8. Maps must show the permittee's **owned/operated** storm sewer system, outfalls, and structural stormwater BMPs. [Item 14.2] – NO CHANGE

9. Public education and outreach can be done through in-person or electronic communication**. Identifying and reporting common construction site issues to the permittee** can be one of the two (2) high priority stormwater-related issues that is distributed annually. Education and outreach plans need to be in a **written** format. [Items 16.2, 16.3, 16.7, & 16.8] – NO CHANGE

10. The annual opportunity for the public to review and provide comments on the SWPPP can be done through **a public meeting (in-person or virtual) or other electronic means (e.g., website or other social media platform)**. [Item 17.3] – NO CHANGE

11. The permittee must conduct **annual** illicit discharge inspections of areas noted and/or mapped to be priority areas for having higher likelihood for illicit discharges. [Items 18.10 and 18.11] – NO CHANGE

12. The permittee's written procedures for investigating, locating, and eliminating the source of illicit discharges must include the **removal and cleanup of the illicit discharge**. [Item 18.12] – NO CHANGE

13. Written procedures for receipt and consideration of construction activity complaints must include a **timeframe** in which the permittee will investigate complaints, and the name(s) of individual(s) or position title(s) **responsible for investigating the complaints**. [Item 19.8] – NO CHANGE

[1] Program for Predicting Polluting Particle Passage thru Pits, Puddles, and Ponds (P8) Urban Catchment Model", "Source Loading and Management Model for Windows (WinSLAMM)", "Minimal Impact Design Standards (MIDS) calculator", "Minnesota Pollution Control Agency (MPCA) simple estimator tool", "Soil and Water Assessment Tool (SWAT)", or any other method that receives Agency-approval

14. Post-construction stormwater management requirements:
    a. Infiltration systems must also be prohibited within 1,000 ft and active karst areas is prohibited unless a higher level of engineering review demonstrates that the system will provide effective treatment and will not adversely affect groundwater. [Item 20.9.i-j] – October 2026

    b. Infiltration systems must also be prohibited when the system would be constructed in areas that receive stormwater runoff from entities regulated under the **NPDES Stormwater Permit for industrial activity and wood preserving facilities**. [Item 20.9.k] – NO CHANGE

    c. Permittees must establish **legal agreements** with owners of **structural stormwater BMPs they do not own or operate**. These agreements must allow the permittee to **inspect and maintain BMPs** when necessary, recover costs if owners fail to maintain them, and preserve maintenance responsibilities when ownership of the structural stormwater BMPs changes.

       This legal agreement must also ensure that any changes or modifications to the structural stormwater BMP that **decreases the effectiveness** of the BMP be improved, repaired, or replaced with a new BMP to provide equivalent treatment to the original BMP. [Item 20.14] – NO CHANGE

    d. If the permittee receives payment from the owner of a construction site for off-site stormwater treatment, those funds must be used for a public stormwater project. [Item 20.15] – NO CHANGE

    e. For each site plan review conducted, the permittee must document all legal mechanisms/agreements drafted and all payments received and used in accordance with Item 20.14 and 20.15. [Items 20.20.d-e.] – NO CHANGE

15. The October 2026 Draft Permit clarifies that permittees may meet the salt training requirement through an in-house training program, the MPCA's Smart Salting training, or training provided by other organizations. [Item 21.7] – October 2026

16. Permittees must ensure individuals received training tailored to their responsibilities within the municipal operations and maintenance program. This includes staff who implement and maintain BMPs at permittee owned/operated facilities, as well as those who inspect and maintain structural stormwater BMPs, ponds, and outfalls. Additionally, all previously trained individuals must receive refresher training every three (3) years. There are no longer specific training content the training program must include. [Item 21.12] – NO CHANGE

17. For permittees with an applicable Waste Load Allocation (WLA) for **oxygen demand, TSS, or TP** (nitrate is no longer included on this list):
    a. The permittee must provide a progress summary for achieving those applicable WLA within the annual report. [Item 22.3] – October 2026
        1. The October 2026 Draft Permit adds a reporting requirement that progress reports include the associated TMDL project name(s) and pollutant(s).

    b. For the completed summary, the permittee must estimate the annual load reduction (in pounds/year) for TSS and/or TP for each structural stormwater Best Management Practice (BMP) using an *Agency-approved method*[2]. [Item 22.4] – NO CHANGE

    c. Before the annual report, the permittee must assigned each BMP with an estimated TSS and/or TP load reduction towards one (1) of the following categories:
        1. **Redevelopment Project** – BMP was implemented to meet MCM 5 requirements.

        2. **Voluntary Project** – BMP was implemented to treat stormwater from an existing developed area, not for MCM 5 compliance.

        3. **Enhancement Project** – BMP existed before the TMDL baseline year but was improved during or after that year.

        4. **Other** – BMP does not fit the above categories. [Item 22.5] – NO CHANGE

    d. Before submitting the annual report, for each BMP with an estimated TSS ad/or TP load reduction, the permittee must document the owner of the BMP, the method used to determine the estimated load reduction, the information used to determine the estimated load reduction (e.g., modeling or calculator inputs) and justification for reporting the BMP towards achieving the applicable WLA using one of the categories in Item 22.5. [Item 22.6] – NO CHANGE

18. For permittees with an applicable Waste Load Allocation (WLA) for **bacteria**:
    a. Each BMP implemented as part of the permittee's written plan required in Item 22.8 must be documented with a description of the BMP, a unique BMP ID number assigned by the permittee; the year implemented, and for each structural stormwater BMP: the owner of the BMP, BMP type, location in geographic coordinates, and the associated TMDL project name(s). [Item 22.9] – October 2026

19. For permittees with an applicable Waste Load Allocation (WLA) for **temperature**:
    a. Each BMP implemented as part of the permittee's written plan required in Item 22.12 must be documented with a description of the BMP, a unique BMP ID number assigned by the permittee; the year implemented, and for each structural stormwater BMP: the owner of the BMP, BMP type, and location in geographic coordinates. [Item 22.13] – NO CHANGE

[2] See footnote 1

20. In all other sections of the General Permit, changes to the permit includes reorganizing sections for better readability, removing repetitive language, and improving clarity. Updates also define activity frequencies (such as education and training), add and revise key definitions, and incorporate other adjustments to align with the EPA remand rule.

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 their 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.

PFAS (polyfluoroalkyl substances) are a major environmental concern, so much so that new laws regarding PFAS and its uses have been implemented into Minnesota Law in 2023. Firefighting foams and certain pesticides are potential PFAS sources. The MS4 General Permit now prohibits PFAS-containing firefighting foams and pesticides and includes new requirements in MCM 3 and MCM 6 to help reduce PFAS impacts and align with Minnesota's new Statutes.

A new section of the permit (Section 23) allows permittees to use water quality trading as an **option** to meet Waste Load Allocations (WLAs). This creates new ways for achieving pollutant load reduction goals while ensuring compliance with state and federal standards.

In addition, the proposed changes in the October 2026 draft MS4 General Permit are intended to be consistent with the NPDES Stormwater Final MS4 General Permit Remand Rule. This includes reorganizing permit language, defining activity frequencies (like education and training), and revising definitions to comply with the EPA remand rule. 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 public notice period until November 19, 2026. 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:

Kory Bonnell	kbonnell@wsbeng.com
Treasure Posten	tposten@wsbeng.com
Bill Alms	balms@wsbeng.com
Earth Evans	eevans@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. We will continue to be in touch throughout this process and will, again, be offering a summarization of the formal Draft Permit once it becomes available for review and comment.

Attachments

Attachment 1 Draft MS4 General Permit

MINNESOTA POLLUTION CONTROL AGENCY

AUTHORIZATION TO DISCHARGE STORMWATER

ASSOCIATED WITH SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS

UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)/

STATE DISPOSAL SYSTEM (SDS) PROGRAM

MNR040000

Permittee:	Multiple
General Permit name:	Small Municipal Separate Storm Sewer Systems General Permit
Issuance date:	TBD
Expiration date:	TBD

The state of Minnesota, on behalf of its citizens through the Minnesota Pollution Control Agency (MPCA), authorizes the Permittee to operate a small municipal separate storm sewer system (MS4) and to discharge from the small MS4 to receiving waters, in accordance with the requirements of the Small Municipal Separate Storm Sewer Systems General Permit MNR040000 (General Permit).

The goal of the General Permit is to reduce pollutant levels in point source discharges and protect water quality in accordance with the U.S. Clean Water Act, Minnesota statutes and rules, and federal laws and regulations.

The General Permit is effective on the issuance date identified above. The General Permit expires at midnight on the expiration date identified above.

Signature: [Type e-Signature] *for the* Minnesota Pollution Control Agency

This document has been electronically signed.

Nicole Blasing
Division Director
Municipal Division

If you have questions about the General Permit, including specific permit requirements, permit reporting, or permit compliance status, please contact the MPCA at:

Municipal Stormwater Program
Municipal Division
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, MN 55155-4194
Telephone: 651-296-6300 or toll free in Minnesota: 800-657-3864

DRAFT

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Permit requirements

1.1	**Eligibility**. [Minn. R. 7090]
1.2	To be eligible for authorization to discharge stormwater under the Small Municipal Separate Storm Sewer Systems General Permit (General 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	The General Permit authorizes stormwater discharges from small MS4s as defined in 40 C.F.R. 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 the General Permit to enter the Permittee's small MS4 only if the Permittee does not identify them as significant contributors of pollutants (e.g., volume, temperature, suspended solids, pH, concentration of any chemical additives in the discharge such as chlorine/chloramine in potable water) ~~(i.e., illicit discharges)~~: water line flushing, landscape irrigation, diverted stream flows, rising groundwaters, uncontaminated groundwater infiltration (as defined at 40 C.F.R. 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 emergency firefighting activities. If the Permittee identifies any of these discharges or flows as a significant contributor of pollutants (i.e., illicit discharges), the Permittee must address those discharges or flows in the Permittee's Stormwater Pollution Prevention Program (SWPPP) by requiring the implementation of Best Management Practices (BMPs) prior to allowing those discharges or ~~and~~ flows to enter the MS4. [Minn. R. 7090]
~~3.3~~	~~Prior to authorizing a non-stormwater discharge to the MS4 as allowed in this Section, the Permittee must consider factors such as volume, temperature, suspended solids, pH, and concentration of any chemical additives in the discharge, such as chlorine/chloramine in potable water, to avoid causing an illicit discharge from the MS4. [Minn. R. 7090]~~
4.1	**Limitations on Authorization**. [Minn. R. 7090]
4.2	The following discharges or activities are not authorized by the General 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. The General Permit does not replace or satisfy any other permitting requirements; c. the General Permit does not replace or satisfy any environmental review requirements, including those under the Minnesota Environmental Policy Act (Minn. Stat. ch. 116D), or the National Environmental Policy Act (42 U.S.C. 4321 et seq.); d. the General 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; e. the General Permit does not authorize discharges which adversely affect properties listed or eligible for listing in the National Register of Historic Places or affecting known or discovered archeological sites. The General 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. The owner must be in compliance with the National Historic Preservation Act and conduct all required review and coordination related to historic preservation, including significant anthropological sites and any burial sites, with the Minnesota Historic Preservation Officer~~the General 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 f. discharges to prohibited outstanding resource value waters pursuant to Minn. R. 7050.0335, subp. 3 and 4. 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 the General Permit. [Minn. R. 7090]

4.3	Stormwater discharges from small MS4s in Indian country, as defined in 18 U.S.C. 1151, are not eligible for coverage under the General Permit. [18 U.S.C. 1151, 40 CFR 122.2, Minn. R. 7090]
5.1	**Permit Authorization**. [Minn. R. 7001]
5.2	The applicant must submit a complete application in accordance with Sections 9 through 12 in order to obtain authorization to discharge stormwater from a small MS4 under the General Permit. [Minn. R. 7001]
5.3	The Commissioner reviews the General Permit application for completeness. 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 coverage under the General Permit should be issued or denied in accordance with Minn. R. 7001. [Minn. R. 7001]
5.4	The Commissioner provides a public notice with the opportunity for a hearing on the preliminary determination to issue coverage under the General Permit. [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 the General Permit. [Minn. R. 7001]
6.1	**Transfer of Ownership or Control**. [Minn. R. 7001, Minn. R. 7090.0080]
6.2	Where the ownership or significant operational control of the small MS4 changes after the submittal of an application in accordance with Sections 9 through 12, the new owner/operator must submit a new application in accordance with Sections 9 through 12. [Minn. R. 7090]
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 the General 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 the General 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 the General 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~~ Notice of Intent for **Reissuance**. [40 CFR 122.33, Minn. R. 7001]
9.2	If an existing Permittee desires to continue permit coverage beyond the expiration date, the Permittee must submit a~~n application~~ notice of intent (NOI)~~for permit reissuance :~~: Due by 180 days prior to permit expiration. [40 CFR 122.33(b)(1)(ii), Minn. R. 7001~~.0040, subp. 3~~]
9.3	The NOI shall be submitted to the Agency, in a manner determined by the Agency, that includes but is not limited to: a. regulated party legal name (i.e., city, county, municipality, government agency, or other entity with control of the MS4) and mailing address; b. legal name, title, mailing address, phone number, and email address of the individual responsible for Stormwater Pollution Prevention Program implementation and correspondence about General Permit compliance issues (commonly referred to as the MS4 general contact); c. legal name, title, mailing address, phone number, and email address of the MS4 owner or operator; and d. the receiving water(s) that directly receive stormwater from the Permittee's MS4. [40 CFR 122.28(b)(2)(ii), Minn. R. 7001]
10.1	**New Permittee Applicants**. [Minn. R. 7090]

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10.2	To become a new Permittee authorized to discharge stormwater under the General Permit, the owner/operator of a small MS4 must submit an application, on a form provided by the Agency, in accordance with the schedule in Appendix B, Table 3~~, 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 Section 12.~~ [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 issuance date of the General Permit must submit ~~Part 2 of~~ the permit application due by 150 days after General Permit issuance. ~~Existing Permittees were required to submit Part 1 of the permit application prior to the expiration date of the Agency's small MS4 general permit No.MNR040000, issued November 16, 2020.~~ [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 permit application) and pay the permit application fee in a manner determined by the Agency when seeking coverage under the General Permit. Existing Permittees paid the permit application fee prior to the expiration date of the Agency's small MS4 General permit No.MNR040000, issued November 16, 2020. The SWPPP Document will become an enforceable part of the General Permit upon approval by the Agency. Modifications to the SWPPP Document that are required or allowed by the General Permit (see Section 25) will also become enforceable provisions. The applicant must submit the SWPPP Document on a form provided by the Agency and include items 12.3 through 12.11, as applicable. [Minn. R. 7090]
12.3	The applicant must provide a description of partnerships with another regulated small MS4(s), into which the applicant has entered in order to satisfy one or more requirements of the General Permit. [Minn. R. 7090]
12.4	The applicant must provide a description of each program the applicant has developed and implemented to satisfy the Minimum Control Measure (MCM) requirements, including: a. the Best Management Practices (BMPs) the applicant has implemented for each MCM at the time of application; b. the status of each required component of the program; and c. name(s) of individual(s) or position title(s) responsible for implementing and/or coordinating each component of the program. If the program has not been developed at the time of application (e.g., new Permittee applicants), or revised to meet new requirements of the General Permit (e.g., existing Permittee applicants); the applicant must satisfy the permit requirements in accordance with the schedule in Appendix B, Table 2 (existing Permittee applicants), or Table 3 (new Permittee applicants). [Minn. R. 7090]
12.5	The applicant must indicate whether each storm sewer system map requirement of Section 14 is satisfied at the time of application. For each requirement of Section 14 that is not satisfied at the time of application, the applicant must satisfy the permit requirements in accordance with the schedule in Appendix B, Table 2 (existing Permittee applicants), or Table 3 (new Permittee applicants). [Minn. R. 7090]
12.6	The applicant must provide a description of existing regulatory mechanism(s) the applicant has developed, implemented, and enforced to satisfy the requirements of Sections 18, 19, and 20. At a minimum, the applicant must provide the following information: a. the type(s) of regulatory mechanism(s) the applicant has in place at the time of application that will be used to satisfy the requirements; b. the status of each required component of the regulatory mechanism(s); and c. if available, a website address to the regulatory mechanism(s). If the regulatory mechanism(s) have not been developed at the time of application (e.g., new Permittee applicants), or revised to meet new requirements of the General Permit (e.g., existing Permittee applicants); the applicant must satisfy the permit requirements in accordance with the schedule in Appendix B, Table 2 (existing Permittee applicants), or Table 3 (new Permittee applicants). [Minn. R. 7090]

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12.7	The applicant must provide a description of existing enforcement response procedures (ERPs) the applicant has developed and implemented that satisfy the ERP requirements of items 18.14, 19.10, and 20.19. If the applicant has not yet developed ERPs (e.g., new Permittee applicants), or existing ERPs must be updated to satisfy new requirements, the applicant must satisfy the permit requirements in accordance with the schedule in Appendix B, Table 2 (existing Permittee applicants), or Table 3 (new Permittee applicants). [Minn. R. 7090]
12.8	The applicant must submit a compliance schedule for each applicable Waste Load Allocation (WLA) not being met for oxygen demand, total suspended solids (TSS), and total phosphorus (TP). The applicant may develop a compliance schedule to include multiple WLAs. The applicant's compliance schedule must include the following information: a. proposed BMPs or progress toward implementation of BMPs to be achieved during the permit term; b. the year each BMP is expected to be implemented; and c. a target year the applicable WLA(s) will be achieved. If the target year is different from the target year identified in the previous compliance schedule, the applicant must provide the reason(s) for the change. [Minn. R. 7090]
12.9	For each applicable WLA where a reduction in pollutant loading is required for bacteria, chloride, or temperature, the applicant must provide a description of any existing BMPs the applicant has developed and implemented to satisfy the requirements of items 22.7 through 22.13, including: a. the BMPs the applicant has implemented for each required component at the time of application; b. the status of each required component; and c. name(s) of individual(s) or position title(s) responsible for implementing and/or coordinating each required component. If the required components have not been developed at the time of application (e.g., new Permittee applicants, existing Permittee applicants with a new applicable WLA since November 16, 2020), or revised to meet new requirements of the General Permit (e.g., existing Permittee applicants); the applicant must satisfy the permit requirements in accordance with the schedule in Appendix B, Table 2 (existing Permittee applicants), or Table 3 (new Permittee applicants). [Minn. R. 7090]
12.10	If the applicant is claiming to meet an applicable WLA where a reduction in pollutant loading is required for oxygen demand, TSS, or TP, the applicant must provide documentation to demonstrate the applicable WLA is being met. At a minimum, the applicant must provide the following information: a. a list of all structural stormwater BMPs implemented to achieve the applicable WLA, including the BMP type (e.g., constructed basin, infiltration practice, filter, etc.), estimated TSS and/or TP load reduction (in pounds/year), location in geographic coordinates, owner, a unique BMP identification (ID) number assigned by the permittee, and year implemented; and b. documentation using an Agency-approved method, which demonstrates the estimated reductions of oxygen demand (or its surrogate pollutants), TSS, or TP from BMPs meet the MS4 WLA reductions included in the TMDL report, if that information is available (e.g., percent reduction or pounds reduced); or c. documentation using an Agency-approved method, which demonstrates the applicant's existing load meets the WLA; or d. documentation using an Agency-approved method, which demonstrates the applicant is meeting the unit area load or concentration target approved by the Agency; or e. receiving water, outfall, or structural stormwater BMP monitoring conducted consistent with methodologies outlined in the Minnesota Stormwater Manual ~~monitoring results~~ which demonstrate the applicant is meeting the WLA. Agency-approved methods include "Program for Predicting Polluting Particle Passage thru Pits, Puddles, and Ponds (P8) Urban Catchment Model", "Source Loading and Management Model for Windows (WinSLAMM)", "Minimal Impact Design Standards (MIDS) calculator", "Minnesota Pollution Control Agency (MPCA) simple estimator tool", "Soil and Water Assessment Tool (SWAT)", or any other method that receives Agency-approval. [Minn. R. 7090]
12.11	If the applicant operates or plans to construct an alum or ferric chloride phosphorus treatment system as described in Section 24, the applicant must submit the following information: a. location of the system in geographic coordinates; b. name(s) of the individual(s) or position title(s) responsible for the operation of the system;

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	c. information described in item 24.11, if the system is constructed at the time the applicant submits the application to the Agency; and d. indicate if the system complies with the requirements in Section 24. For each requirement in Section 24 that the applicant's system does not comply with at the time of application, the applicant must bring the system into compliance in accordance with the schedule in Appendix B, Table 2 (existing Permittee applicants), or Table 3 (new Permittee applicants). [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) and to protect water quality. Permittees regulated within the urbanized area as defined by Minn. R. 7090.0080, subp. 13, the applicable urbanized area for which the Permittee must develop, implement, and enforce a SWPPP can be based on the most recent decennial census of 2020 for the duration of the General Permit. Additionally, Permittees identified in Appendix C, Table 4, must develop, implement, and enforce a SWPPP that includes other platted areas within their jurisdiction. [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 the General 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 issued November 16, 2020, to meet the requirements of the General Permit in accordance with the schedule in Appendix B, Table 2. New Permittees must develop, implement, and enforce their SWPPP in accordance with the schedule in Appendix B, Table 3. The Permittee's SWPPP must consist of Sections 14 through 24, as applicable. [Minn. R. 7090]
14.1	**Mapping**. [Minn. R. 7090]
14.2	New Permittees must develop, and existing Permittees must update, as necessary, a map of the Permittee's owned/operated storm sewer system 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. Permittee owned/operated outfalls, including a unique identification (ID) number assigned by the Permittee, and an associated geographic coordinates; c. Permittee owned/operated structural stormwater BMPs; and d. 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 (e.g., in-person or electronic communication) 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	At least once each calendar year, 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., identifying and reporting common construction site issues to the Permittee, specific 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 16.6. [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	For cities and townships, at least once each calendar year, the Permittee must distribute educational materials or equivalent outreach to residents, businesses, commercial facilities, and institutions, focused on the following:

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	a. impacts of deicing salt use on receiving waters; b. methods to reduce deicing salt use; and c. proper storage of salt or other deicing materials (i.e., store material indoors or under cover, on an impervious surface, and implement practices to reduce exposure when transferring material such as sweeping, diversions, and containment). [Minn. R. 7090]
16.6	For cities and townships, at least once each calendar year, the Permittee must distribute educational materials or equivalent outreach focused on pet waste. The educational materials or equivalent outreach must include information on the following: a. impacts of pet waste on receiving waters; b. proper management of pet waste; and c. reference to any existing Permittee regulatory mechanism(s) for pet waste. [Minn. R. 7090]
16.7	The Permittee must develop and implement a written education and outreach plan that consists of the following: a. target audience(s) (e.g., residents, businesses, commercial facilities, institutions, and local organizations; consideration should be given to low-income residents, people of color, and residents with limited English proficiency. A resource to help identify these areas is available on the Agency's environmental justice website); b. name(s) of individual(s) or position title(s) responsible 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]
16.8	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. activities held, including dates, to reach each target audience; c. quantities and descriptions of educational materials distributed, including dates distributed; and d. estimated audience (e.g., number of participants, viewers, readers, listeners, etc.) for each completed education and outreach activity. [Minn. R. 7090]
16.9	The Permittee must conduct an annual assessment of the public education program to evaluate program compliance, the status of achieving the measurable requirements in Section 16, and determine how the program might be improved. 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, etc.). The Permittee must perform the annual assessment prior to completion of each annual report and document any modifications made to the program as a result of the annual assessment. [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 review and provide input on the adequacy of the SWPPP. A public opportunity includes, but is not limited to, a public meeting (in-person or virtual) or other electronic means (e.g., website or other social media platform), provided appropriate local public notice requirements are followed. [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,

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	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, the status of achieving the measurable requirements in Section 17, and determine how the program might be improved. Measurable requirements are activities that must be documented or tracked as applicable to the MCM (e.g., public input and involvement opportunities, etc.). The Permittee must perform the annual assessment prior to completion of each annual report and document any modifications made to the program as a result of the annual assessment. [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 the General Permit may consist of contract language, an ordinance, permits, standards, written policies, operational plans, legal agreements, or any other mechanism, that will be enforced by the Permittee. [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 Permittee owned land areas. [Minn. R. 7090]
18.6	For cities and townships, 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 21.9, 21.10, and 21.11. Where feasible, the Permittee must conduct illicit discharge inspections during dry-weather conditions (e.g., periods of 72 or more hours of no precipitation). [Minn. R. 7090]
18.8	At least once each calendar year, the Permittee must ensure that all field staff receive training 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. Training for this specific requirement may include, but is not limited to, videos, in-person presentations, webinars, training documents, and/or emails. [Minn. R. 7090]
18.9	The Permittee must ensure that individuals receive training commensurate with their responsibilities as they relate to the Permittee's IDDE program. Individuals includes those responsible for investigating, locating, eliminating illicit discharges, and/or enforcement. The Permittee must ensure that previously trained individuals receive a refresher-training every three (3) calendar years following the initial training. [Minn. R. 7090]

18.10	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 Permittee must evaluate the following for potential inclusion in the inventory: a. land uses associated with business/industrial activities; b. areas where illicit discharges have been identified in the past; and c. areas with storage of significant materials that could result in an illicit discharge. [Minn. R. 7090]
18.11	To the extent allowable under state or local law, at least once each calendar year, the Permittee must conduct illicit discharge inspections in areas identified in item 18.10. [Minn. R. 7090]
18.12	The Permittee must implement written procedures for investigating, locating, and eliminating the source of illicit discharges, which includes removal and cleanup of the illicit discharge. 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(s) of individual(s) or position title(s) responsible for investigating, locating, and eliminating an illicit discharge. [Minn. R. 7090]
18.13	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]
18.14	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(s) of individual(s) or position title(s) responsible for conducting enforcement. [Minn. R. 7090]
18.15	The Permittee is prohibited from selling, distributing, and/or using class B firefighting foam containing perfluoroalkyl and polyfluoroalkyl substances (PFAS) chemicals in accordance with ~~as defined in~~ Minn. Stat. 325F.072, except for use at an airport or as otherwise authorized by Minn. Stat. 325F.072~~, subd. 3(c). If the Permittee uses or intends to use a class B firefighting foam containing PFAS chemicals at an authorized airport, the Permittee must abide by the provisions of Minn. Stat. 325F.072, subd. 3(c) and subd. 3a~~. [Minn. Stat. 325F.072]
18.16	The Permittee must document the following information: a. date(s) and location(s) of IDDE inspections conducted in accordance with item 18.11; 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); and f. action(s) taken by the Permittee, including date(s), to address discovered illicit discharges. [Minn. R. 7090]
18.17	For each training in item 18.8 and 18.9, the Permittee must document: a. general subject matter covered; b. names and departments of individuals in attendance; and c. date of each event. [Minn. R. 7090]
18.18	The Permittee must document any enforcement conducted pursuant to the ERPs in item 18.14, including verbal warnings. At a minimum, the Permittee must document the following:

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	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, the status of achieving the measurable requirements in Section 18, and determine how the program might be improved. Measurable requirements are activities that must be documented or tracked as applicable to the MCM (e.g., trainings, inventory, inspections, enforcement, etc.). The Permittee must perform the annual assessment prior to completion of each annual report and document any modifications made to the program as a result of the annual assessment. [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 the General Permit may consist of contract language, an ordinance, permits, standards, written policies, operational plans, legal agreements, 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 12 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 confirmation that regulatory mechanism(s) requirements have been met, prior to the start of construction activity. The regulatory mechanism(s) must require the owners and operators of construction activity to keep site plans up-to-date 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. 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 implement an inspection program that includes written procedures for conducting site inspections, to determine compliance with the Permittee's regulatory mechanism(s). At a minimum, the written procedures must

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	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]
19.8	The Permittee must implement written procedures for receipt and consideration of construction activity complaints submitted by the public to the permittee. At a minimum, the written procedures must include: a. a timeframe in which the Permittee will investigate complaints; and b. the name(s) of individual(s) or position title(s) responsible for investigating complaints. [Minn. R. 7090]
19.9	The Permittee must ensure that individuals receive training commensurate with their responsibilities as they relate to the Permittee's Construction Site Stormwater Runoff Control program. Individuals includes those responsible for conducting site plan reviews, site inspections, and/or enforcement. The Permittee must ensure that previously trained individuals receive a refresher-training every three (3) calendar years following the initial training. [Minn. R. 7090]
19.10	The Permittee must maintain written enforcement response procedures (ERPs) to compel compliance with the Permittee's regulatory mechanism(s) in item 19.3. 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(s) of individual(s) or position title(s) responsible for conducting enforcement. [Minn. R. 7090]
19.11	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]
19.12	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]
19.13	For each training in item 19.9, the Permittee must document: a. general subject matter covered; b. names and departments of individuals in attendance; and c. date of each event. [Minn. R. 7090]

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19.14	The Permittee must document any enforcement conducted pursuant to the ERPs in item 19.10, 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]
19.15	The Permittee must conduct an annual assessment of the Construction Site Stormwater Runoff Control program to evaluate program compliance, the status of achieving the measurable requirements in Section 19, and determine how the program might be improved. Measurable requirements are activities that must be documented or tracked as applicable to the MCM (e.g., inventory, trainings, site plan reviews, inspections, enforcement, etc.). The Permittee must perform the annual assessment prior to completion of each annual report and document any modifications made to the program as a result of the annual assessment. [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 20.14. A regulatory mechanism(s) for the purposes of the General Permit may consist of contract language, an ordinance, permits, standards, written policies, operational plans, legal agreements, 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 post-construction stormwater management BMPs designed with accepted engineering practices to the Permittee for review and confirmation that regulatory mechanism(s) requirements have been met, 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. Volume reduction practices are not required if the practices cannot be provided cost effectively. 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. [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. The General Permit does not consider wet sedimentation basins and filtration systems to be volume reduction practices. If the General Permit prohibits infiltration as described in item 20.9, other volume reduction practices, a wet sedimentation basin, or filtration basin may be considered. [Minn. R. 7090]
20.9	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

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	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; j. within active karst 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; or k~~j~~. that receive stormwater runoff from these types of entities regulated under the NPDES stormwater permit for industrial activity: wood preserving facilities; 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]
20.10	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. [Minn. R. 7090]
20.11	Off-site treatment project areas must be 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. locations in the next adjacent DNR catchment area up-stream; or d. locations anywhere within the Permittee's jurisdiction. [Minn. R. 7090]
20.12	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 the General Permit cannot be used to meet this requirement. [Minn. R. 7090]
20.13	Off-site treatment projects must be completed no later than 24 months after the start of the original construction activity. If the Permittee determines more time is needed to complete the treatment project, the Permittee must provide the reason(s) and schedule(s) for completing the project in the annual report. [Minn. R. 7090]
20.14	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 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

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	c. are designed to protect/preserve structural stormwater BMPs. If structural stormwater BMPs change, causing decreased effectiveness, new, repaired, or improved structural stormwater BMPs must be implemented to provide equivalent treatment to the original BMP. [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 20.11 through 20.13. [Minn. R. 7090]
20.16	The Permittee must maintain a written or mapped inventory of structural stormwater BMPs not owned or operated by the Permittee that meet all of the following criteria: a. the structural stormwater BMP includes an executed legal mechanism(s) between the Permittee and owners responsible for the long-term maintenance, as required in item 20.14; and b. the structural stormwater BMP was implemented on or after August 1, 2013. [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 individuals receive training commensurate with their responsibilities as they relate to the Permittee's Post-Construction Stormwater Management program. Individuals includes those responsible for conducting site plan reviews and/or enforcement. The Permittee must ensure that previously trained individuals receive a refresher-training 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(s) of individual(s) or position title(s) responsible 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 the General 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; c. documentation associated with off-site treatment projects authorized by the Permittee, including rationale to support the location of permanent stormwater treatment projects in accordance with items 20.10 and 20.11; d. all legal mechanisms drafted in accordance with item 20.14, including date(s) of the agreement(s) and name(s) of all responsible parties involved; and e. payments received and used in accordance with item 20.15. [Minn. R. 7090]
20.21	For each training in item 20.18, the Permittee must document: a. general subject matter covered; b. names and departments of individuals in attendance; and c. date of each event. [Minn. R. 7090]
20.22	The Permittee must document any enforcement conducted pursuant to the ERPs in item 20.19, 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, the status of achieving the measurable requirements in Section 20, and determine how the program might be improved. Measurable requirements are activities that must be documented or tracked as

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	applicable to the MCM (e.g., inventory, trainings, site plan reviews, inspections, enforcement, etc.). The Permittee must perform the annual assessment prior to completion of each annual report and document any modifications made to the program as a result of the annual assessment. [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; 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 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]

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21.6	The Permittee must implement a written snow and ice management policy for individuals that perform winter maintenance activities for the Permittee. 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 ensure all individuals that perform winter maintenance activities for the Permittee receive training that includes: 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 Tool). The Permittee may develop and implement an in-house training program or use training materials from the Agency's Smart Salting training or other organizations to meet this requirement. [Minn. R. 7090]
21.8	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]
21.9	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 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]
21.10	Prior to the expiration date of the General Permit, the Permittee must conduct at least one inspection of all ponds and outfalls (excluding underground outfalls) in order to determine structural integrity, proper function, and maintenance needs. [Minn. R. 7090]
21.11	Based on inspection findings, the Permittee must determine if repair, replacement, or maintenance measures are necessary in order to ensure the structural integrity and proper function of structural stormwater BMPs and outfalls. The Permittee must complete necessary maintenance as soon as possible. If the Permittee determines necessary maintenance cannot be completed within one year of discovery, the Permittee must document a schedule(s) for completing the maintenance. [Minn. R. 7090]
21.12	The Permittee must ensure that individuals receive training commensurate with their responsibilities as they relate to the Permittee's municipal operations and maintenance program. Individuals includes those responsible for implementing and maintaining BMPs at Permittee owned/operated facilities and municipal operations as described in items 21.3 and 21.4. Individuals also includes those responsible for inspecting and maintaining structural stormwater BMPs, ponds, and outfalls. The Permittee must ensure that previously trained individuals receive a refresher-training every three (3) calendar years following the initial training. [Minn. R. 7090]
21.13	The Permittee must perform an evaluation to determine whether the Permittee applies any pesticides outdoors that contain one or more active ingredients which meet the definition of PFAS in Minn. Stat. 18B.01, subd. 15(c) (herein referred to as a PFAS containing pesticide product). The evaluation must include pesticides applied by the Permittee and pesticides applied on behalf of the Permittee by contractors or other parties. The evaluation must consider all pesticides applied, and expected to be applied, during the 12-month period beginning on the date General Permit coverage is extended to the Permittee. A list of active ingredients which meet the definition of PFAS is available under Appendix D, Table 5on the Minnesota Department of Agriculture website. [Minn. R. 7090]
21.14	Within 12 months of the date General Permit coverage is extended to the Permittee, in a manner determined by the Agency, the Permittee must certify completion of the evaluation required in item 21.13. For each PFAS containing pesticide product, the Permittee must submit: Due by on year after permit coverage the following information: Following the evaluation in item 21.13, the Permittee must document each PFAS containing pesticide, including: a. product name; and

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	~~b. product purpose;~~ b~~c~~. active ingredient(s) in the product (i.e., chemical abstracts service registry number and/or chemical name) that meets the definition of PFAS in Minn. Stat. 18B.01, subd. 15~~(~~c~~)~~. ~~;~~ ~~d. the location(s) where the product is applied; and~~ ~~e. an estimate of the total amount applied on an annual basis.~~ [Minn. R. 7090]
21.15	Prior to the expiration date of the General Permit, ~~F~~for each PFAS containing pesticide product documented in item 21.14, the Permittee must ~~evaluate~~ consider whether a suitable alternative product exists which does not contain one or more active ingredients which meets the definition of PFAS~~contain intentionally added PFAS~~. If the Permittee replaces a ~~For each~~ PFAS containing pesticide product ~~the Permittee replaces with a product which does not contain intentionally added PFAS~~, the Permittee must document: a. the last known date the PFAS containing pesticide product was applied; and b. the name of the replacement product. [Minn. R. 7090]
21.16	The Permittee must document the following information associated with the operations and maintenance program: a. date(s) and description of findings, including whether or not an illicit discharge is detected, for all inspections conducted in accordance with items 21.9 and 21.10; b. any adjustments to inspection frequency as authorized in item 21.9; c. date(s) and a description of maintenance conducted as a result of inspection findings, including whether or not an illicit discharge is detected; d. schedule(s) for maintenance of structural stormwater BMPs and outfalls as required in item 21.11; and e. stormwater management training events, including general subject matter covered, names and departments of individuals in attendance, and date of each event. [Minn. R. 7090]
21.17	The Permittee must document pond sediment excavation and removal activities, including: a. a unique ID number and geographic coordinates of each stormwater pond from which sediment is removed; b. the volume (e.g., cubic yards) of sediment removed from each stormwater pond; c. results from any testing of sediment from each removal activity; and d. location(s) of final disposal of sediment from each stormwater pond. [Minn. R. 7090]
21.18	The Permittee must conduct an annual assessment of the operations and maintenance program to evaluate program compliance, the status of achieving the measurable requirements in Section 21, and determine how the program might be improved. Measurable requirements are activities that must be documented or tracked as applicable to the MCM (e.g., inventory, trainings, inspections, maintenance activities, etc.). The Permittee must perform the annual assessment prior to completion of each annual report and document any modifications made to the program as a result of the annual assessment. [Minn. R. 7090]
22.1	**Discharges to Impaired Waters with a USEPA-Approved TMDL that Includes an Applicable WLA**. [Minn. R. 7090]
22.2	Permittees with an applicable WLA must develop and implement BMPs included in the compliance schedule and as required in Section 22. [Minn. R. 7090]
22.3	If the Permittee has an applicable WLA not being met for oxygen demand, TSS, or TP, the Permittee must provide a summary of the permittee's progress toward achieving those applicable WLAs with the annual report. The summary must include the following information: a. a list of all structural stormwater BMPs applied towards achieving applicable WLAs. For each structural stormwater BMP, the BMP type (e.g., constructed basin, infiltration practice, filter, etc.), estimated TSS and/or TP load reduction (in pounds/year), location in geographic coordinates, a unique BMP ID number assigned by the Permittee, and year implemented; b. any non-structural stormwater BMPs implemented during the reporting year. For each non-structural stormwater BMP, the BMP type (e.g., education, street sweeping) and a unique BMP ID number assigned by the Permittee; ~~and~~ c. the implementation status of BMPs included in the compliance schedule at the time of final application submittal~~.~~; and d. for each BMP, the associated TMDL project name(s) and pollutant(s). [Minn. R. 7090]
22.4	To complete the summary required in item 22.3, the Permittee must determine an estimated TSS and/or TP load reduction (in pounds/year), using an Agency-approved method, for each structural stormwater BMP that meets all of the

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	following criteria: a. the BMP is located within the geographic drainage area associated with the impaired water of which the Permittee has an applicable WLA for oxygen demand, TSS, or TP; b. the BMP was implemented or improved during or after the baseline year identified in the TMDL report or Agency guidance (herein referred to as the TMDL baseline year); and c. the BMP receives runoff from existing or fully reconstructed impervious surface (Note: a BMP originally implemented to receive runoff from new development, or new impervious surfaces, is not eligible for a load reduction toward meeting an applicable WLA unless the Permittee has documented rationale to justify a reduction as allowed in item 22.5.d). Agency-approved methods include "Program for Predicting Polluting Particle Passage thru Pits, Puddles, and Ponds (P8) Urban Catchment Model", "Source Loading and Management Model for Windows (WinSLAMM)", "Minimal Impact Design Standards (MIDS) calculator", "Minnesota Pollution Control Agency (MPCA) simple estimator tool", "Soil and Water Assessment Tool (SWAT)", or any other method that receives Agency-approval. [Minn. R. 7090]
22.5	Prior to the submittal of the annual report, the Permittee must assign each BMP with an estimated TSS and/or TP load reduction to one of the following categories: a. Redevelopment project. The BMP was implemented for MCM 5 compliance purposes to treat stormwater from one or more acres of fully reconstructed impervious surface; b. Voluntary project. The BMP was implemented to treat stormwater from a preexisting developed area, but not for MCM 5 compliance purposes (e.g., a rain garden installed in a residential area because of a local cost-share program); c. Enhancement project. The BMP existed prior to the TMDL baseline year but was improved during or after the TMDL baseline year to provide additional pollutant removal (e.g., adding an iron-enhanced sand filter bench to a preexisting constructed basin); or d. Other. The BMP was not implemented as part of a redevelopment project, voluntary project, or enhancement project as described above. The Permittee must document rationale for reporting the BMP. [Minn. R. 7090]
22.6	Prior to the submittal of the annual report, for each BMP with an estimated TSS and/or TP load reduction, the Permittee must document the following: a. the owner of the BMP; b. method used to determine the estimated load reduction; c. information used to determine the estimated load reduction (e.g., modeling or calculator inputs); and d. justification for reporting the BMP towards achieving the applicable WLA using one of the categories in item 22.5. [Minn. R. 7090]
22.7	If the Permittee has an applicable WLA where a reduction in pollutant loading is required 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]
22.8	If the Permittee has an applicable WLA where a reduction in pollutant loading is required 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 22.7. 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 areas; d. removal of organic matter via street sweeping; e. implementation of infiltration structural stormwater BMPs; or f. management of areas that attract dense populations of waterfowl (e.g., riparian plantings). [Minn. R. 7090]
22.9	For each BMP implemented as part of the Permittee's written plan required in item 22.8, the Permittee must document: a. a description of the BMP; b. a unique BMP ID number assigned by the Permittee; c. year implemented; ~~and~~

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	d. the associated TMDL project name(s); and ed. for each structural stormwater BMP, the owner of the BMP, BMP type, and location in geographic coordinates. [Minn. R. 7090]
22.10	If the Permittee has an applicable WLA where a reduction in pollutant loading is required for chloride, the Permittee must document the amount of deicer applied each winter maintenance season to all Permittee owned/operated surfaces. [Minn. R. 7090]
22.11	If the Permittee has an applicable WLA where a reduction in pollutant loading is required 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 Tool or other available resources and methods to complete this assessment. The Permittee must document the assessment. The assessment 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; or e. designation of no salt and/or low salt zones. [Minn. R. 7090]
22.12	If the Permittee has an applicable WLA where a reduction in pollutant loading is required for temperature (i.e., City of Duluth, City of Hermantown, City of Rice Lake, City of Stillwater, MnDOT Outstate, St. Louis County, University of Minnesota - Duluth, and Lake Superior College), 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; or d. improvement of riparian vegetation. [Minn. R. 7090]
22.13	For each BMP implemented as part of the Permittee's written plan required in item 22.12, the Permittee must document: a. a description of the BMP; b. a unique BMP ID number assigned by the Permittee; c. year implemented; and d. for each structural stormwater BMP, the owner of the BMP, BMP type, and location in geographic coordinates. [Minn. R. 7090]
23.1	**Water Quality Trading**. [Minn. R. 7090]
23.2	For purposes of making progress toward achieving an applicable WLA(s) or addressing a future WLA, the Permittee may develop and implement a water quality trading program that prevents or reduces water pollution from sources that do not contribute pollutants to the Permittee's MS4. Projects may include, but are not limited to, restoration of eroding streambanks and lakeshores, agricultural stormwater controls, and cattle exclusion practices. To be eligible for pollutant reduction credits under the General Permit, the Permittee's water quality trading program must comply with Section 23 requirements.~~The Permittee may develop and implement a water quality trading program for purposes of making progress toward achieving an applicable WLA(s). The Permittee's water quality trading program must comply with Section 23 requirements.~~ [Minn. R. 7090]
23.3	In accordance with Minn. Stat 115.03, subd. 10, the permittee may acquire, use, and transfer pollutant reduction credits (herein referred to as credits)~~ for purposes of making progress toward achieving an applicable WLA(s) or addressing a future WLA~~. Credits may not be generated from activities required by law. Credits will supplement, not supplant, any other General Permit requirements. The Permittee must ensure all trade projects comply with applicable federal, state, and local laws. [Minn. R. 7090]
23.4	The Permittee must develop a trading plan consistent with the Agency's Wwater Qquality Ttrading Gguidance. The Permittee must submit the trading plan to the Agency for review and approval prior to implementation of any trade

	project. The Permittee must submit the trading plan via the Agency's water quality trading email: WQtrading.PCA@state.mn.us. [Minn. R. 7090]
23.5	The Permittee may use credits for General Permit TMDL compliance purposes if the following conditions are met: a. the credits, whether seasonal, annual, or perpetual, are generated and applied during the same calendar year; b. the implemented BMPs must benefit the impaired water of concern. Credits will be calculated in proportion to the pollutant load reduction at the impaired water of concern; and c. the credits generated are for a ~~point source water quality~~ pollutant(s) (i.e., TP, TSS, nitrate, oxygen demand, and/or chloride) for an applicable WLA(s). The Agency may consider and approve additional ~~water quality~~ pollutants for credit generation. [Minn. R. 7090]
23.6	The Permittee must develop and submit a written preliminary trade plan to the Agency for review and approval. The Permittee must submit the preliminary trade plan at least 90 days (unless otherwise specified by the Agency) before the date the Permittee desires approval from the Agency. The review and approval timeframe may be extended at the Agency's discretion. Reasons for extending approval timeframes include, but are not limited to, missing or incomplete information in the preliminary trade plan as required in item 23.7. [Minn. R. 7090]
23.7	The preliminary trade plan must include the following: a. a description of the current condition of the impaired water of concern and how it is being impacted by point and nonpoint pollution in the applicable watershed, including stressors, pollutant sources, and how the proposed trade project(s) would benefit the impaired water of concern; b. where sufficient information exists, identify which pollutants are viable for trading and the demand for trading to achieve the applicable WLA(s) or addressing a future WLA(s); c. an estimate of the number of credits expected to be generated by the trade project(s). The trade project(s) must meet or exceed the applicable trade ratios described in the Agency's Water Quality Trading Guidance. Final credit values to be generated by the trade project will be required prior to approval of a final trade plan; d. a description of the potential trade project(s) and the associated BMPs the Permittee is considering ~~(e.g., lakeshore restoration, streambank restoration, etc.)~~. The preliminary trade plan may include a single project, multiple projects, or describe a trading program the Permittee plans to develop over time; e. a summary of the current conditions at the potential project site location(s) and how the BMPs will reduce existing pollutant loading issues and estimates of the pollutant load reductions modeled or measured at the location of the impaired water of concern; f. a schedule for BMP implementation; g. a schedule for routine and long-term BMP inspection, operation, and maintenance; h. a procedure for BMP inspection following weather events or other activities that may compromise the integrity of the BMP; i. a contingency plan for the trade project(s) if a BMP fails (e.g., due to severe weather, flooding, etc.) or does not function as designed; ~~and~~ j. all legal agreements to be signed by the Permittee and trading partner(s) which includes the scale, scope, and conditions for the trade project(s) (e.g., BMP specifications, term length, site access information for inspection and maintenance, payment expectations, etc.); and k~~j~~. as determined by the Agency, additional information or reporting requirements to help ensure the trade project(s) will achieve the expected pollutant loading reductions. [Minn. R. 7090]
23.8	After the Permittee's preliminary trade plan receives approval from the Agency, the preliminary trade plan becomes the final trade plan. The Permittee must submit any outstanding items identified in the trade plan (e.g., all signed legal agreements between the Permittee and trading partner) to the Agency for the trade project(s) to become eligible to generate credits. Upon receipt of Agency approval, the permittee must incorporate the final trade plan into the SWPPP. Any modifications made to the trade plan must receive approval from the Agency. [Minn. R. 7090]
23.9	If the Permittee discovers that a BMP identified in the final trade plan is no longer functioning, the Permittee must, within five calendar days of discovery, provide written notification via the Agency's water quality trading email: WQtrading.PCA@state.mn.us. The notification must include the following: a. date of discovery and an estimated date the BMP became non-functional; b. a description of the BMP that is no longer functioning and the cause of the failure;

	c. steps taken and current plan~~ned~~ to repair or replace the BMP; and d. the anticipated timeframe to complete necessary repairs or replacement. [Minn. R. 7090]
23.10	The Permittee must inspect the trade project(s) at least once each calendar year or more frequently as identified in the final trade plan. Each calendar year, the Permittee must summarize the inspection results in a written trade project progress report. The trade project progress report must be submitted with the annual report and include the following: a. date(s) and description(s) of any BMPs implemented during the reporting year: b. a description of the site(s) inspected; c. photographic documentation that shows the BMPs remain in place and function as designed; d. certification that the ~~active~~ BMPs for trade credits remain active according to Agency approval; e. if damage has occurred, a detailed description and photographic documentation of the damage; f. a detailed description and photographic documentation of the completed repair work; g. if all repair work has not been completed, a schedule for completing the repair work; h. a detailed description of the remaining repair work to be completed; i. an estimate of the total cost for each BMP constructed and/or repaired during the reporting year; and j. additional BMP reporting information as specified in the Agency approved final trade plan. [Minn. R. 7090]
23.11	If a trade project is discontinued or consistently underperforming its designed credit generation identified in the final trade plan, credit generation may be altered or no longer authorized under the General Permit. [Minn. R. 7090]
24.1	**Alum or Ferric Chloride Phosphorus Treatment Systems**. [Minn. R. 7090]
24.2	If the Permittee uses an alum or ferric chloride phosphorus treatment system, the Permittee must comply with Section 24 requirements. [Minn. R. 7090]
24.3	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 the General Permit. [Minn. R. 7090]
24.4	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 flocculant 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]
24.5	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]
24.6	Three (3) 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]
24.7	Samples must be collected as grab samples or flow-weighted 24-hour composite samples. [Minn. R. 7090]
24.8	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 C.F.R. 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, 10 micrograms per liter, and 20 micrograms per liter, respectively; and

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	c. pH must be measured within 15 minutes of sample collection using calibrated and maintained equipment. [Minn. R. 7090]
24.9	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 which could endanger human health, public drinking water supplies, or the environment; 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. If item b is applicable, the Permittee must also report the non-compliance to the Commissioner as required in item 27.12. [Minn. R. 7001.0150, subp. 3(K), Minn. R. 7090]
24.10	If the Permittee discovers indications of toxicity or measurements exceeding water quality standards that the Permittee determines does not endanger human health, public drinking water supplies, or the environment, the Permittee must report the non-compliance to the Commissioner as required in item 27.13. [Minn. R. 7001.0150, subp. 3(L), Minn. R. 7090]

24.11	The Permittee must submit the following information with the annual report. 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]

24.12	A record of the design parameters in items 24.13 through 24.15 must be kept on-site. [Minn. R. 7090]
24.13	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]
24.14	Baseline concentrations of the following parameters in the influent and receiving waters: a. aluminum or iron; and b. phosphorus. [Minn. R. 7090]
24.15	The following system parameters and how each was determined: a. flocculant 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]
24.16	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]
25.1	**Stormwater Pollution Prevention Program (SWPPP) Modification**. [Minn. R. 7090]
25.2	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:

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	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]
25.3	Modifications that the Permittee chooses to make to the SWPPP other than modifications authorized in item 25.4, 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]
25.4	The Permittee may modify the SWPPP 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 must address the same, or similar, concerns as the ineffective or failed BMP. [Minn. R. 7090]
26.1	**Annual Assessment, Annual Reporting, and Recordkeeping**. [Minn. R. 7090]
26.2	The Permittee must conduct an annual assessment to evaluate compliance with the terms and conditions of the General Permit, including the effectiveness of the components of the SWPPP and the status of achieving the measurable requirements in the General Permit. Measurable requirements are activities that must be documented or tracked (e.g., education and outreach efforts, implementation of written plans, inventories, trainings, site plan reviews, inspections, enforcement, etc.). The Permittee must perform the annual assessment prior to completion of each annual report and document any modifications made to the SWPPP as a result of the annual assessment. [Minn. R. 7090]
26.3	The Permittee must submit an annual report: Due annually, by the 30th of June. The annual report must cover the portion of the previous calendar year during which the Permittee was authorized to discharge stormwater under the General Permit. The annual report shall be submitted to the Agency, in a manner determined by the Agency, that includes but is not limited to: 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. the summary required in item 22.3 to demonstrate progress toward achieving applicable WLAs; e. the trade project progress report required in item 23.10 (if applicable); f. information required to be recorded or documented in Sections 13 through 25; and g. 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]
26.4	The Permittee must make records, including components of the SWPPP, available to the public at reasonable times during regular business hours (see 40 C.F.R. 122.7 for confidentiality provision). [Minn. R. 7090]
26.5	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 the General 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]
26.6	The Permittee must use an electronic submittal process, as provided by the Agency, to submit information required by the General Permit. If electronic submittal is not available, the Permittee must use the following mailing address: Supervisor, Municipal Stormwater Unit Minnesota Pollution Control Agency

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	520 Lafayette Road North St. Paul, Minnesota 55155-4194. [Minn. R. 7090]
27.1	**General Conditions**. [Minn. R. 7090]
27.2	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 General Permit. [Minn. R. 7001.0150, subp. 3(A)]
27.3	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(B)]
27.4	The General Permit does not convey a property right or an exclusive privilege. [Minn. R. 7001.0150, subp. 3(C)]
27.5	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(D)]
27.6	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(E)]
27.7	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 General 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 General 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(F)]
27.8	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 General Permit. The Permittee must immediately upon discovery report to the Commissioner an error or omission in these records, reports, plans, or other documents. [Minn. R. 7001.0150, subp. 3(G), Minn. R. 7001.1090, subp. 1(G), Minn. R. 7001.1090, subp. 1(H), Minn. Stat. 609.671]
27.9	The Permittee must, when requested by the Commissioner, submit within a reasonable time the information and reports that are relevant to the control of pollution regarding the construction, modification, or operation of the facility covered by the General Permit or regarding the conduct of the activity covered by the General Permit. [Minn. R. 7001.0150, subp. 3(H)]
27.10	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 General 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 General Permit. [Minn. R. 7001.0150, subp. 3(I)]
27.11	If the Permittee discovers, through any means, including notification by the Agency, that noncompliance with a condition of the General 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(J)]
27.12	If the Permittee discovers that noncompliance with a condition of the General 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(K)]
27.13	The Permittee must report noncompliance with the General Permit not reported under item 27.12 as a part of the next report which the Permittee is required to submit under the General Permit. If no reports are required within 30 days of

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	the discovery of the noncompliance, the Permittee must submit the information listed in item 27.12 within 30 days of the discovery of the noncompliance. [Minn. R. 7001.0150, subp. 3(L), Minn. R. 7090]
27.14	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 General Permit. [Minn. R. 7001.0150, subp. 3(M)]
27.15	The General 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 General Permit. [Minn. R. 7001.0150, subp. 3(N)]
27.16	The General Permit authorizes the Permittee to perform the activities described in the permit under the conditions of the General 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(O)]
27.17	The General Permit incorporates by reference the applicable portions of 40 C.F.R. 122.41 and 122.42(c) and (d), and Minn. R. 7001.1090, which are enforceable parts of the General Permit. [Minn. R. 7090]
27.18	The provisions of the General Permit are severable, and if any provision of the General Permit, or the application of any provision of the General Permit to any circumstance, is held invalid, the application of such provision to other circumstances and the remainder of the General Permit shall not be affected thereby. [Minn. R. 7090]
28.1	**Definitions**. [Minn. R. 7090]
28.2	"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]
28.3	"Active karst features" means karst landforms and hydrologic systems that are presently undergoing dissolution, erosion, or active groundwater flow, resulting in continuous landscape evolution. Examples include sinkholes, caves, losing streams, and springs. [Minn. R. 7090]
28.~~43~~	"Agency" means the Minnesota Pollution Control Agency or MPCA. [Minn. Stat. 116.36, subd. 2]
28.~~54~~	"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]
28.~~65~~	"Applicable WLA" means a Waste Load Allocation assigned to the Permittee and approved by the USEPA prior to the issuance date of the General Permit. [Minn. R. 7090]
28.~~76~~	"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]
28.~~87~~	"Commissioner" means the Commissioner of the Minnesota Pollution Control Agency or the Commissioner's designee. [Minn. Stat. 116.36, subd. 3]
28.~~98~~	"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]
28.~~109~~	"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

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	types of non-routine maintenance. Pavement rehabilitation that does not expose the underlying soils (e.g., mill and overlay projects) is not construction activity. [Minn. R. 7090]
28.110	"DNR Catchment Area" means the DNR Level 08 areas delineated and digitized by the Minnesota DNR. The catchment areas are available for download ~~at~~ on 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]
28.121	"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]
28.132	"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 repair/replacement, utility repair/replacement, pipe repair/replacement, lighting, and pedestrian ramp improvements are not considered fully reconstructed. [Minn. R. 7090]
28.143	"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]
28.154	"Geographic Coordinates" 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 coordinates will typically define the approximate center of a stormwater feature. [Minn. R. 7090]
28.165	"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]
28.176	"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 emergency firefighting activities. [Minn. R. 7090]
28.187	"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]
28.198	"Impervious Surface" means a constructed hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development. Examples include rooftops, driveways, parking lots, and concrete, asphalt, or gravel roads. Bridges over surface waters are considered impervious surfaces. Recreational trails that are distinctly set apart from a roadway (i.e., not parallel) and intended for non-motorized recreational uses are not considered impervious surfaces for MCM 5 water quality volume calculations. Sidewalks that are parallel to a roadway (or generally following alongside a roadway) must still be included as impervious surfaces for MCM 5 water quality volume calculations. [Minn. R. 7090]
28.2019	"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. [Minn. R. 7090]
28.210	"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]
28.221	"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

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	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 C.F.R. 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]
28.232	"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 the General Permit. [Minn. R. 7090]
28.243	"Non-Stormwater Discharge" means any discharge not composed entirely of stormwater. [Minn. R. 7090]
28.254	"Operator" means the person with primary operational control and legal responsibility for the MS4. [Minn. R. 7090.0080, subp. 10]
28.265	"Outfall" means the point source where a MS4 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]
28.276	"Owner" means the person that owns the MS4. [Minn. R. 7090.0080, subp. 11]
28.287	"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 the General Permit. [Minn. R. 7090]
28.298	"Person" means the state or any Agency or institution thereof, any municipality, governmental subdivision, public or private corporation, individual, partnership, or other entity, including, but not limited to, association, commission or any interstate body, and includes any officer or governing or managing body of any municipality, governmental subdivision, or public or private corporation, or other entity. [Minn. Stat. 115.01, subd. 10]
28.30	"Pest" means an insect, rodent, nematode, fungus, weed, terrestrial or aquatic plant, animal life, virus, bacteria, or other organism designated by rule as a pest, except a virus, bacteria, or other microorganism on or in living humans or other living animals. [Minn. Stat. 18B.01, subd. 17]
28.31	"Pesticide" means a substance or mixture of substances intended to prevent, destroy, repel, or mitigate a pest, and a substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant. [Minn. Stat. 18B.01, subd. 18]
28.3229	"Pipe" means a closed manmade conveyance device used to transport stormwater from location to location. The definition of pipe does not include foundation drain pipes, irrigation pipes, land drain tile pipes, culverts, and road sub-grade drain pipes. [Minn. R. 7090]
28.330	"Platted area" or "Plat" means the drawing or map of a subdivision prepared for filing of record pursuant to Minn. Stat. ch. 505 and containing all elements and requirements set forth in applicable local regulations adopted pursuant to Minn. Stat. 462.358 and Minn. Stat. ch. 505. [Minn. Stat. 462.352, subd. 13, Minn. Stat. 462.358, Minn. Stat. 505]
28.341	"Receiving Water" means any lake, river, stream or wetland that receives stormwater discharges from an MS4. [Minn. R. 7090]
28.352	"Reduce" means reduce to the Maximum Extent Practicable (MEP) unless otherwise defined in the context in which it is used. [Minn. R. 7090]
28.363	"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]
28.374	"Section" includes all item numbers of the same whole number. For example, "Section 5" of the General Permit refers to items 5.1 through 5.5. [Minn. R. 7090]
28.385	"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

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	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)]
28.3~~6~~	"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 C.F.R. 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]
28.40~~37~~	"Stormwater" means stormwater runoff, snow melt runoff, and surface runoff and drainage. [Minn. R. 7090.0080, subp. 12]
28.41~~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]
28.42~~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]
28.43~~0~~	"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]
28.44~~1~~	"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 C.F.R. 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]
28.45~~2~~	"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 C.F.R. 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]
28.46~~3~~	"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]
28.47~~4~~	"Water Quality Standards" means those provisions contained in Minn. R. 7050 and 7052. [Minn. R. 7090]
28.48~~5~~	"Water Quality Volume" means either: a. for construction activity (excluding linear projects), one (1) inch of runoff from the sum of the new and fully reconstructed impervious surfaces created by the project (calculated as an instantaneous volume); or b. for linear projects, the greater of one (1) inch of runoff from the new impervious surface or one-half (0.5) inch of runoff from the sum of the new and fully reconstructed impervious surfaces created by the project (calculated as an instantaneous volume). [Minn. R. 7090]
28.49~~6~~	"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]

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28.5047	"Wetlands" 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: Existing Permittees - Schedule of permit requirements

Permit requirement	***Schedule***
Section 12. Stormwater Pollution Prevention Program (SWPPP) Document • *Submit the SWPPP Document completed in accordance with Section 12.*	• Within 150 days after General Permit issuance date.
Section 13. Stormwater Pollution Prevention Program (SWPPP) • *Complete revisions to incorporate the new requirements of Sections 14 - 24 into current SWPPP.*	• Within 12 months of the date General Permit coverage is extended, unless other timelines have been specifically established in the General Permit and identified below.
Section 18. Illicit Discharge Detection and Elimination • *Conduct illicit discharge inspections in priority areas.*	• Each calendar year.
Section 19. Construction Site Stormwater Runoff Control • *Complete revisions to Construction Site Stormwater Runoff Control program, including revisions to regulatory mechanism(s), if necessary.* • *When the CSW Permit is reissued, revise regulatory mechanism(s), if necessary, to be at least as stringent as the requirements for erosion, sediment, and waste controls described in the CSW Permit.*	• Within 12 months of the date General Permit coverage is extended. • Within 12 months of the issuance date of the CSW Permit (expected issuance date of the CSW Permit is August 1, 2028).
Section 21. Pollution Prevention/Good Housekeeping for Municipal Operations • *Conduct structural stormwater best management practice (BMP) inspections.* • *Conduct pond and outfall inspections.* • *Evaluate pesticides and submit information required in item 21.14.*	• Each calendar year. • Prior to the expiration date of the General Permit. • Within 12 months of the date General Permit coverage is extended.

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Permit requirement	*Schedule*
Section 22. Discharges to Impaired Waters with a USEPA-Approved TMDL that includes an Applicable WLA • *Submit all information required in item 22.3.* • *Meet requirements for applicable WLAs for bacteria, chloride, and temperature in Section 22.* •	• With each annual report. • Within 12 months of the date General Permit coverage is extended.
Section 23. Water Quality Trading (if applicable) • *Incorporate final trade plan into SWPPP.* • *Conduct trade project inspections.* • *Submit trade project progress report.*	• Upon receipt of Agency approval. • Each calendar year. • With each annual report.
Section 26. Annual Assessment, Annual Reporting, and Recordkeeping • *Conduct assessment of the SWPPP.* • *On a form provided by the Agency, submit an annual report.*	• Prior to completion of each annual report. • By June 30th of each calendar year.

Table 3: New Permittees - Schedule of permit requirements

Permit requirement	*Schedule*
Section 10. New Permittee Applicants • *Submit ~~Part 1, and Part 2 of~~ the permit application as required by Section 12.*	• Within 18 months of written notification from the Commissioner that the MS4 meets the criteria in Minn. R. 7090.1010, subp. 1.A. or B. and General Permit coverage is required.
Section 13. Stormwater Pollution Prevention Program (SWPPP) • *Complete all requirements of Sections 14 - 24.*	• Within 36 months of the date General Permit coverage is extended, unless other timelines have been specifically established in the General Permit and identified below; or • Within timelines established by the Commissioner in item 8.3.
Section 14. Mapping • *Develop a storm sewer system map.*	• Within 24 months of the date General Permit coverage is extended.
Section 18. Illicit Discharge Detection and Elimination • *Develop, implement, and enforce an Illicit Discharge Detection and Elimination Program.* • *Conduct illicit discharge inspections in priority areas.*	• Within 12 months of the date General Permit coverage is extended. • Each calendar year.
Section 19. Construction Site Stormwater Runoff Control • *Develop, implement, and enforce a Construction Site Stormwater Runoff Control Program.* • *When the CSW Permit is reissued, revise regulatory mechanism(s), if necessary, to be at least as stringent as the requirements for erosion, sediment, and waste controls described in the CSW Permit.*	• Within 12 months of the date General Permit coverage is extended. • Within 12 months of the issuance date of the CSW Permit (expected issuance date of the CSW Permit is August 1, 2028).
Section 20. Post-Construction Stormwater Management • *Develop, implement, and enforce a Post-Construction Stormwater Management program.*	• Within 24 months of the date General Permit coverage is extended.

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Permit requirement	*Schedule*
Section 21. Pollution Prevention/Good Housekeeping for Municipal Operations • *Conduct structural stormwater BMP inspections.* • *Conduct pond and outfall inspections.* • *Evaluate pesticides and submit information required in item 21.14.*	 • Each calendar year. • Prior to the expiration date of the General Permit. • Within 12 months of the date General Permit coverage is extended.
Section 22. Discharges to Impaired Waters with a USEPA-Approved TMDL that includes an Applicable WLA • *Submit all information required in item 22.3.* • *Meet requirements for applicable WLAs for bacteria, chloride, and temperature in Section 22.*	 • With each annual report. • Within 12 months of the date General Permit coverage is extended.
Section 23. Water Quality Trading (if applicable) • *Incorporate final trade plan into SWPPP.* • *Conduct trade project inspections.* • *Submit trade project progress report.*	 • Upon receipt of Agency approval. • Each calendar year. • With each annual report.
Section 24. Alum or Ferric Chloride Phosphorus Treatment Systems (if applicable) • *Meet requirements for treatment systems in Section 23.*	 • Within 12 months of the date General Permit coverage is extended.
Section 26. Annual SWPPP Assessment, Annual Reporting, and Recordkeeping • *Conduct assessment of the SWPPP.* • *On a form provided by the Agency, submit an annual report.*	 • Prior to completion of each annual report. • By June 30th of each calendar year.

Appendix C. Permittees affected by Laws of Minnesota 2021, 1st special session, chapter 6, article 2, sec. 109

APPLYING STORM WATER RULES TO CITIES AND TOWNSHIPS. Until the Pollution Control Agency amends rules for storm water, Minnesota Rules, part 7090.1010, subpart 1, item B, subitem (1), applies only to the portions of a city~~, a town, and unorganized areas of counties~~ or township that are designated as urbanized under Code of Federal Regulations, title 40, section 122.26 (a)(9)(i)(A), and other platted areas within ~~that jurisdiction~~ those jurisdictions.

Table 4: Permittees regulated in the urbanized area and other platted areas

Cascade Township~~Bayport, City of~~	Lilydale, City of~~Laketown Township~~	Rochester Township~~Proctor, City of~~
Centerville, City of~~Brockway Township~~	Louisville Township~~Le Sauk Township~~	Saint Augusta, City of~~Rice Lake, City of~~
Dellwood, City of~~Cascade Township~~	Mankato Township~~Lilydale, City of~~	Saint Joseph Township~~Rochester Township~~
Dilworth, City of~~Centerville, City of~~	Marion Township~~Loretto, City of~~	Sauk Rapids Township~~Saint Augusta, City of~~
Empire, City of~~Dellwood, City of~~	Mendota, City of~~Louisville Township~~	Skyline, City of~~Saint Bonifacius, City of~~
Hanover, City of~~Dilworth, City of~~	Midway Township~~Mankato Township~~	South Bend Township~~Saint Joseph Township~~
Jackson Township~~Duluth Township~~	Minden Township~~Maple Plain, City of~~	Spring Lake Township~~Sauk Rapids Township~~
Laketown Township~~Eagle Lake, City of~~	Proctor, City of~~Marion Township~~	Watab Township~~Skyline, City of~~

Le Sauk Township~~Empire, City of~~	Rice Lake, City of~~Mendota, City of~~	Wayzata, City of~~South Bend Township~~
~~Grant, City of~~	~~Midway Township~~	~~Spring Lake Township~~
~~Hanover, City of~~	~~Minden Township~~	~~Watab Township~~
~~Independence, City of~~	~~Nowthen, City of~~	~~Wayzata, City of~~
~~Jackson Township~~	~~Oak Park Heights, City of~~	~~West Lakeland Township~~

The permittees listed in Table 4 must develop, implement, and enforce a SWPPP in the urbanized area and other platted areas within their jurisdiction. For ~~TMDL compliance purposes for~~ the duration of the General Permit ~~(e.g., determining whether an applicable WLA is within the permittee's MS4 regulated jurisdiction)~~, other platted areas shall be based on parcel and plat data compiled by the Agency in May 2026 from state (i.e., Minnesota Geospatial Information Office) and county sources. The map layer for other platted areas is on the Agency's MS4 mapping tool and available for download on the Minnesota Geospatial Commons website. ~~on the statewide parcel data from the Minnesota Geospatial Information Office published on [TBD. Statewide parcel data is aggregated quarterly. A date will be provided in the draft permit for the formal public notice], except for permittees that are within Blue Earth County, in which other platted areas shall be based on data from Blue Earth County's Property and Environmental Resources Department published on [TBD. A date will be provided in the draft permit for the formal public notice].~~

Appendix D. Pesticide evaluation

Table 5: Pesticide active ingredients identified as meeting the definition of PFAS in Minn. Stat. 18B.01, subd. 15c

EPA PC Code	CAS Number	Chemical Name	Pesticide Type
114402	62476-59-9	Sodium acifluorfen	Herbicide
84301	1861-40-1	Benfluralin	Herbicide
118831	1820573-27-0	beta-Cyfluthrin	Insecticide
18986	352010-68-5	Bicyclopyrone	Herbicide
128825	82657-04-3	Bifenthrin	Insecticide
128825	83322-02-5	Bifenthrin, trans	Insecticide
128400	581809-46-3	Bixafen	Fungicide
283200	1207727-04-5	Broflanilide	Insecticide
112802	63333-35-7	Bromethalin	Rodenticide
128712	128639-02-1	Carfentrazone-ethyl	Herbicide
129093	122453-73-0	Chlorfenapyr	Insecticide
125203	105512-06-9 105511-96-4	Clodinafop-propargyl	Herbicide
129116	147150-35-4	Cloransulam-methyl	Herbicide
126002	1460292-16-3	Cyclobutrifluram	Fungicide/Nematicide
555550	180409-60-3	Cyflufenamid	Fungicide

EPA PC Code	CAS Number	Chemical Name	Pesticide Type
138831	400882-07-7	Cyflumetofen	Miticide/Insecticide
128831	68359-37-5	Cyfluthrin	Insecticide
108201	35367-38-5	Diflubenzuron	Insecticide
5107	109293-98-3	Diflufenzopyr-sodium	Herbicide
128994	97886-45-8	Dithiopyr	Herbicide
113101	55283-68-6	Ethalfluralin	Herbicide
107091	153233-91-1	Etoxazole	Insecticide
129121	120068-37-3	Fipronil	Insecticide
119011	104040-78-0	Flazasulfuron	Herbicide
128016	158062-67-0	Flonicamid	Insecticide
129108	145701-23-1	Florasulam	Herbicide
30093	1390661-72-9	Florpyrauxifen-benzyl	Herbicide
119032	1961312-55-9	Florylpicoxamid	Fungicide
129777	1254304-22-7	Fluazaindolizine	Nematicide
122809	79241-46-6	Fluazifop-P-butyl	Herbicide
129098	79622-59-6	Fluazinam	Fungicide
114009	181274-17-9	Flucarbazone-sodium	Herbicide
71503	131341-86-1	Fludioxonil	Fungicide
50410	318290-98-1	Fluensulfone	Nematicide
121903	142459-58-3	Flufenacet	Herbicide
138008	1383809-87-7	Fluindapyr	Fungicide
36007	69770-45-2	Flumethrin	Insecticide
123001	62924-70-3	Flumetralin	Plant Growth Regulator
129016	98967-40-9	Flumetsulam	Herbicide
128724	87546-18-7	Flumiclorac	Herbicide
129034	103361-09-7	Flumioxazin	Herbicide
27412	239110-15-7	Fluopicolide	Fungicide
80302	658066-35-4	Fluopyram	Fungicide
28869	361377-29-9	Fluoxastrobin	Fungicide
112900	59756-60-4	Fluridone	Herbicide

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EPA PC Code	CAS Number	Chemical Name	Pesticide Type
128959	69377-81-7	Fluroxypyr	Herbicide
128968	81406-37-3	Fluroxypyr-meptyl	Herbicide
125701	56425-91-3	Flurprimidol	Plant Growth Regulator
108803	117337-19-6	Fluthiacet-methyl	Herbicide
14018	958647-10-4	Flutianil	Fungicide
128975	66332-96-5	Flutolanil	Fungicide
128940	76674-21-0	Flutriafol	Fungicide
109302	69409-94-5	Fluvalinate	Insecticide
138009	907204-31-3	Fluxapyroxad	Fungicide
123803	72178-02-0	Fomesafen	Herbicide
123802	108731-70-0	Fomesafen, sodium	Herbicide
128807	76703-62-3	gamma-Cyhalothrin	Insecticide
117501	943831-98-9	Halauxifen-methyl	Herbicide
118202	86479-06-3	Hexaflumuron	Insecticide
118401	67485-29-4	Hydramethylnon	Insecticide
67710	173584-44-6	Indoxacarb	Insecticide
129120	1314008-27-9	Ipflufenoquin	Fungicide
129220	2061933-85-3	Isocycloseram	Insecticide
123000	141112-29-0	Isoxaflutole	Herbicide
128888	77501-63-4	Lactofen	Herbicide
128897	91465-08-6	lambda-Cyhalothrin	Insecticide
122000	1417782-03-6	Mefentrifluconazole	Fungicide
90088	403640-27-7	Methiozolin	Herbicide
109709	240494-70-6	Metofluthrin	Insecticide
16331	609346-29-4	Momfluorothrin	Insecticide
105801	27314-13-2	Norflurazon	Herbicide
124002	116714-46-6	Novaluron	Insecticide
118204	121451-02-3	Noviflumuron	Insecticide
128111	1003318-67-9	Oxathiapiprolin	Fungicide
111601	42874-03-3	Oxyfluorfen	Herbicide

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EPA PC Code	CAS Number	Chemical Name	Pesticide Type
100249	494793-67-8	Penflufen	Fungicide
119031	219714-96-2	Penoxsulam	Herbicide
90112	183675-82-3	Penthiopyrad	Fungicide
129200	117428-22-5	Picoxystrobin	Fungicide
110201	29091-21-2	Prodiamine	Herbicide
129031	94125-34-5	Prosulfuron	Herbicide
30090	129630-19-9	Pyraflufen-ethyl	Herbicide
692	365400-11-9	Pyrasulfotole Technical	Herbicide
295149	179101-81-6	Pyridalyl	Insecticide
555555	337458-27-2	Pyrifluquinazon	Insecticide
90099	447399-55-5	Pyroxasulfone	Herbicide
108702	422556-08-9	Pyroxsulam	Herbicide
55459	124495-18-7	Quinoxyfen	Fungicide
118203	372137-35-4	Saflufenacil	Herbicide
5210	946578-00-3	Sulfoxaflor	Insecticide
128912	79538-32-2	Tefluthrin	Insecticide
12801	335104-84-2	Tembotrione	Herbicide
120603	112281-77-3	Tetraconazole	Fungicide
90097	1229654-66-3	Tetraniliprole	Insecticide
36201	88-30-2	TFM	Piscicide
12311	1220411-29-9	Tiafenacil	Herbicide
119093	122454-29-9	Tralopyril	Antimicrobial
129140	118712-89-3	Transfluthrin	Insecticide
129112	141517-21-7	Trifloxystrobin	Fungicide
128879	68694-11-1	Triflumizole	Fungicide
36101	1582-09-8	Trifluralin	Herbicide
129002	126535-15-7	Triflusulfuron-methyl	Herbicide

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