



**FINDINGS OF FACT,  
COMMENT RESPONSES, AND  
RECORD OF DECISION**

**REDWOOD FALLS  
SOUTHEAST DEVELOPMENT PROJECT**

Redwood Falls, MN

November 2021

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## 1 Project Title

Redwood Falls Southeast Development Project

## 2 Proposer

**Organization:** City of Redwood Falls  
**Contact person:** James Doering  
**Title:** Public Works Project Coordinator  
**Address:** 333 S. Washington Street, PO Box 526  
**City, State, ZIP:** Redwood Falls, MN 56283  
**Phone:** (507) 616-7400  
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## 3 RGU

**Organization:** City of Redwood Falls  
**Contact person:** James Doering  
**Title:** Public Works Project Coordinator  
**Address:** 333 S. Washington Street, PO Box 526  
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## 4 Reason for EAW Preparation

<b>Required:</b> <input type="checkbox"/> EIS Scoping <input checked="" type="checkbox"/> Mandatory EAW <b>MS 4410-4300, Subpart 36</b>	<b>Discretionary:</b> <input type="checkbox"/> Citizen petition <input type="checkbox"/> RGU discretion <input type="checkbox"/> Proposer initiated
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## 5 Project Location

<b>County</b>	Redwood County		
<b>City/Township</b>	Redwood Falls		
<b>PLS Location</b> ( <sup>1</sup> / <sub>4</sub> , <sup>1</sup> / <sub>4</sub> , Section, Township, Range)	<b>Section</b>	<b>Township</b>	<b>Range</b>
SW Parcel: NW1/4 EX RR & ALL SW1/4 E & N OF RR, 208.55A	8	112	35
NE Parcel: SE1/4 LYING S OF CTY DITCH 52 EX TR 640' X 510', 140.51A	5	112	35

## REDWOOD FALLS SOUTHEAST DEVELOPMENT

<b>Watershed (82 major watershed scale):</b>	Minnesota River (Mankato) (07020007)
<b>GPS Coordinates:</b>	SW Parcel: NW corner - 15T 334085 4932736 NE corner - 15T 334868 4932734 SE corner - 15T 334837 4931375 SW corner - 15T 334073 4932150 NE Parcel: NW corner - 15T 334919 4933407 NE corners - 15T 335333 4933455, 15T 335334 4933340, 15T 335416 4933236, 15T 335690 4933231 SE corners - 15T 335687 4932902, 15T 335510 4932894, 15T 335486 4932758 SW corner - 15T 334902 4932763
<b>Tax Parcel Number:</b>	62-008-2020 (SW), 62-005-4020 (NE)
<b>County</b>	Redwood

## 6 Findings of Fact

### A. Project Description

The City of Redwood Falls proposes to develop two parcels totaling 324 acres for industrial, residential and commercial development southeast of the current city limits. This project will incorporate development in a phased approach across the two parcels. The parcel northeast of the intersection of County State Aid Highway (CSAH) 1 and CSAH 24 (NE parcel) will be developed primarily for light industrial use. The parcel southwest of this same intersection (SW parcel), will be developed for primarily residential use with the potential for commercial areas. Conceptual development plans for these parcels can be found in the EAW.

These parcels are currently owned by the Redwood Falls Port Authority and leased out for agricultural production. Construction is anticipated to commence in the Spring 2022 with full build-out completed over several years pending current and future developer interest.

Subsurface utilities including storm sewer, sanitary sewer, and watermain are planned to service the subdivision and industrial areas. Proposed new streets will be bituminous mat/aggregate base sections with low traffic volumes and occasional post-construction truck traffic in the NE parcel. It's anticipated that grade changes for structures will be limited to five feet. Structures will include residential development, both single-family and multi-family units, commercial properties, and light industrial and/or warehousing facilities.

The phased approach will facilitate build-out on these parcels over time as development pressures continue to increase in and around Redwood Falls. Phase 1 construction will begin in Spring 2022 and add amenities to both parcels, including a lift station, watermain loop, and preparing the site for additional utilities and roadways. This phase will also include initial residential development in the SW parcel. Phase 2 will commence based on developer interest



and anticipates completing residential and commercial construction in the SW parcel and add light industrial and/or warehousing facilities in the NE parcel.

## **B. Procedural History**

<b>Distribution of the EAW document to EQB Distribution List</b>	September 2, 2021
<b>Public Notice of the EAW availability in the Redwood Gazette Newspaper</b>	September 6 & 9, 2021
<b>Publication of the availability in the EQB Monitor and the beginning of comment period</b>	September 7, 2021
<b>End of comment period</b>	October 7, 2021

The Draft EAW was sent to the following agencies for review and comment:

- 1) Board of Water and Soil Resources
- 2) Environmental Quality Board
- 3) Indian Affairs Council
- 4) Minnesota Department of Agriculture
- 5) Minnesota Department of Health
- 6) Minnesota Department of Natural Resources
- 7) Minnesota Department of Transportation
- 8) Minnesota Environmental Quality Board
- 9) Minnesota Historical Society
- 10) Minnesota Pollution Control Agency
- 11) Minnesota Department of Commerce
- 12) Minnesota State Archaeologist
- 13) Southwest Region Development Commission
- 14) Redwood County Administrative Offices
- 15) State Historic Preservation Office
- 16) U.S. Army Corps of Engineers
- 17) U.S. Environmental Protection Agency
- 18) U.S. Fish & Wildlife Service

Copies of the document were placed in the City of Redwood Falls Administrative Office and the Region Eight Marshall-Lyon County Library.

The City received comments from three governmental agencies (**Attachment A**): Minnesota Department of Natural Resources, Minnesota Department of Transportation, and Minnesota Pollution Control Agency. The U.S. Army Corps of Engineers supplied a notice that their Approved Jurisdictional Determination (AJD) annotated they do not have jurisdiction over the wetlands and no additional reviews were required. Comment responses are provided in Section 8.

The City received no comments from the public.

## 7 Determining the Potential of Significant Environmental Effects

The purpose of the EAW is to identify potential environmental effects and determine whether or not an Environmental Impact Statement (EIS) is required. An EIS is undertaken when the project has the potential for significant environmental effects. The RGU determines if a project has the potential for significant environmental effects based on four criteria as outlined in Minnesota Rule 4410.1700:

- A. The type, extent, and reversibility of environmental effects;
- B. Cumulative potential effects;
- C. Extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority; and
- D. Extent to which environmental effects can be anticipated and controlled as a result of other available environmental studies undertaken by public agencies or the project proposer.

Determining whether a project needs or does not need an EIS is an evaluation of the potential for significant environmental effects based on the above criteria. An analysis of the four criteria is provided in this Record of Decision.

### A. Type, Extent, and Reversibility of Environmental Effects

#### Cover Types

- The project proposes to convert 300 acres of predominantly agricultural land to residential, commercial and industrial development properties.
- This is anticipated to increase impervious surfaces across the two parcels to approximately 200 acres.

#### Land Use

- The city will update its Comprehensive Plan following completion of the project's environmental review process to ensure consistency with future development opportunities.
- The two parcels will require annexation and rezoning prior to construction activities commencing.
- The city will work with the County Drainage Authority to ensure compliance, exemptions and/or removal of specific areas from the county's drain tile program.

### Geology & Soils

- Where practical, stormwater ponds and other development features will be aligned with hydric soils across the proposed project area.
- MPCA Best Management Practices will be planned and instituted as soon as construction begins to reduce erosion and sedimentation.

### Water Resources

#### *Surface Waters*

- County Ditch 52 borders the northern parcel and is currently impaired for benthic macroinvertebrates. While a Total Maximum Daily Load (TMDL) assessment has not yet been completed for this ditch, the city assumes any and all BMPs will benefit and help ensure no further water quality impacts.
- A Letter of Map Revision (LOMR) was submitted to the Federal Emergency Management Agency based on results from a hydrologic study. This letter was reviewed and approved by Redwood County.
- Construction of a stormwater pond is anticipated within the floodplain area; however, this will be a dry pond to deter waterfowl use due to its proximity to the airport. All permits will be secured prior to construction activities.

#### *Wetlands*

- No wetland impacts are anticipated as part of this project.
- A wetland buffer of at least 50 feet will be implemented to protect wetland resources on-site.

#### *Groundwater*

- Groundwater as shallow as 5-feet was noted during soil boring assessments. Temporary dewatering activities may be required during utility installation and all required permits will be secured prior to construction activities.
- Any unexpected wells encountered on site will be sealed in accordance with state requirements.

#### *Wastewater*

- The city will extend its water and wastewater utilities to support the proposed development.
- No industrial wastewater will be produced at the project location.
- The city is currently reviewing its inflow and infiltration (I/I) reduction program to increase capacity at the wastewater treatment plant (WWTP). Pending outcomes of that program, in conjunction with known and projected precipitation rates, a determination will be made to either maintain current operations or to expand WWTP capacity.

#### *Stormwater*

- A MPCA National Pollutant Discharge Elimination System (NPDES) permit will be secured prior to construction activities commencing. All contractors will comply with permit requirements.

- An Erosion and Sediment Control Plan and a Storm Water Pollution Prevention Program (SWPPP) will be submitted and approved as part of the plan approval process.
- As an active MS4 community, the city will meet or exceed all of its stormwater requirements and standards.
- MPCA BMPs will be implemented to mitigate erosion and sedimentation, which are required for all land disturbances. BMPs will include silt fences, rock construction entrances, and seeding disturbed areas, at a minimum.
- Stormwater ponds will ensure water quantity and water quality remains at or better than existing conditions.

### *Water Appropriations*

- Water main utilities and associated infrastructure will be extended to the development site.
- The city anticipates adding water storage, via a new water tower, to expand water services.
- Industries present on this site will be consistent with light industrial and will not require significant water use.
- The city and/or developer(s) will secure all required permits and comply with all regulations for this utility extension.

### *Visual*

- The viewshed will change as a result of the proposed project. Transitioning from predominantly agricultural views to residential and industrial development.
- These shifts are consistent with small city growth opportunities.

### *Historic Properties*

- The State Historic Preservation Office (SHPO) had no record of any historical properties on the project site but recommended a Phase I Archaeological Survey be conducted to determine if there are any sites of cultural resources significance.
- The Phase 1 Archaeological Survey was completed, and findings determined a single lithic find as not eligible for listing in the National Register of Historic Places.
- SHPO concurred with the archaeological report recommendations on July 19, 2021.

### *Air*

- Construction dust and odors are anticipated during the phased development project.
- Post-construction vehicle emissions increases are anticipated in the residential and industrial areas, although these are not expected to be a substantial issue.
- Stationary sources of air emissions will stem from domestic hear sources in residential and industrial facilities once constructed. These, too, are anticipated as minimal and not substantial.

### Noise

- Construction noise levels and types typical of construction equipment will occur as a result of this project.
- Noise levels will temporarily increase during construction due to heavy equipment required for excavation, grading and hauling operations.
- Noise levels will drop to those typical of residential and light industrial areas after project construction.

### Transportation

- No access to TH 67 is anticipated during or following completion of the proposed development.
- Possible road improvements at the intersection of CSAH 24 and CSAH 1 are anticipated; however, no expansion of the roads is projected at this time.

## B. Cumulative Potential Effects

- The EAW addressed potential cumulative effects of this development regarding loss of agricultural land, increase in traffic and impervious surfaces, and a nominal increase in greenhouse gas emissions.
- Temporary impacts are anticipated during construction activities. Minimization and mitigation of these activities will reduce potential impacts.
- Because this development will occur in phases, its cumulative effects will be addressed and minimized throughout.
- Best management practices during the construction process, use of energy efficient building materials and appliances or other systems, and the addition of native landscape vegetation and tree species may help offset impacts from increased GHG emissions.
- There are no additional known projects that will interact with and result in cumulative potential impacts to this project.

## C. The Extent to Which Environmental Effects are Subject to Mitigation by Ongoing Public Regulatory Authority

- Annexation of these parcels into the city is anticipated prior to construction activities commencing.
- All appropriate permits will be secured and/or modified before construction starts in the development areas.
- Appropriate grading of the disturbed material will mitigate any potential drainage issues. Any grading material will be confined by silt-fencing and seeded to reduce erosion and sedimentation to local water resources.
- Permits identified in the EAW include:

## REDWOOD FALLS SOUTHEAST DEVELOPMENT

Government Agency	Type of Application/Permit	Status
<b>Federal Agencies</b>		
Federal Emergency Management Agency	Letter of Map Revision (LOMR)	To be applied for
<b>State Agencies</b>		
Minnesota Pollution Control Agency	National Pollutant Discharge Elimination System (NPDES)	To be applied for
	Construction Storm Water Permit	To be applied for
	Sanitary Sewer Extension Permit	To be applied for
Minnesota Department of Health	Watermain Extension Permit	To be applied for
Minnesota Department of Natural Resources	Water Appropriations Permit	To be applied for
	Utility Crossing License (added since EAW)	To be applied for
<b>Local Agencies</b>		
Redwood County	Stormwater Outlet Permit to CD52	To be applied for
	Drain Tile Adjustments (added since EAW)	To be applied for
Redwood Soil & Water Conservation District	Grading/Excavation Permit	To be applied for
Redwood County / Paxton Township	Annexation	To be completed

- The City of Redwood Falls finds the potential impacts identified as part of the proposed Southeast Development project can be addressed through the final design process and through the regulatory agencies as part of the permitting process. Therefore, the City finds that the potential environmental impacts resulting from the project are not significant and are subject to mitigation by ongoing public regulatory authority.

### **D. The Extent to Which Environmental Effects can be Anticipated and Controlled as a Result of Other Available Environmental Studies Undertaken by Public Agencies or the Project Proposer**

- No other environmental studies in or adjacent to the proposed project area are known at this time.
- Pending any future proposed development projects, the City will consult with and ensure additional mitigation measures are identified to comply with all local, state and federal regulatory requirements.

- The City finds:
  - The proposed project will be designed to include various measures to reduce adverse impacts to the environmental.
  - The project is subject to local, state and federal requirements.
  - All necessary permits will be secured, and the permit holder will adhere to all requirements of the permits.
  - Considering the results of the environmental review and permitting processes, the City finds that the environmental effects of the project can be adequately anticipated, controlled and mitigated.

## 8 Comments and Responses

Agency letters can be found in **Attachment A**.

The following are the RGU's responses to the comments that were received during the EAW comment period from September 6, 2021, to October 6, 2021.

### A. Minnesota Department of Natural Resources

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**Commentor:** Joanne Boettcher, Regional Environmental Assessment Ecologist,  
Region 4, MnDNR

**Comment Date:** October 7, 2021

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Thank you for your comments regarding the Redwood Falls Southeast Development Environmental Assessment Worksheet.

*Comment/Question:* The EAW ties the project purpose to community growth. Census data indicate that prior to 2000, the City's population increased. However, since 2000, population has decreased by about 10%. What population and business growth prediction information are the city using? What growth is anticipated? Has the city considered improving already developed land within the city to meet any anticipated new needs? We encourage a careful consideration of these factors.

*Response:* The City of Redwood Falls has seen an increase in households although population has not grown. We are seeing trends as couples, singles or older adults want homes or townhomes and are often buying versus renting. The proposed project will provide a combination of housing and industrial parcels to facilitate continued economic growth.

## REDWOOD FALLS SOUTHEAST DEVELOPMENT

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*Comment/Question:* County Ditch 52 is an altered portion of Crow Creek, and that public ditch does revert to a natural channel public water less than one mile downstream of the proposed development area. Both the public ditch and public water are already impaired for impacts to aquatic life and stressed by altered hydrology, as assessed by the MPCA. The EAW notes that 221 of the 324-acre development (68%) will be impermeable surface. This large amount of impermeable surface has the potential to negatively impact water quality and quantity from this acreage. Increasing the amount of water to streams accelerates downstream flooding and streambank erosion, in turn, degrading water quality. Degraded water quality harms fish and aquatic life. What is the anticipated change in runoff volume based on the change in land use/impermeable surface? We recommend that this development fully hydrologically mitigate changes in the runoff volume by adding sufficient storage, water use (evapotranspiration), and infiltration capacity within the development to prevent additional water being contributed to Crow Creek.

*Response:* Preliminary models show a slight (3.5%) decrease in total discharge from the residential development for a 10-year event and a 43% increase in runoff volume for the industrial development for a 10-year event. Stormwater ponds will be implemented across the project area to ensure this increased runoff is captured and either stored or infiltrates prior to entering the adjacent creeks. As refinements to the design continue, additional BMPs will be added to further reduce potential runoff for the industrial development section. Additionally, a SWPPP will be developed and adhered to by city contractors.

*Comment/Question:* The project proposes to place industrial development and a stormwater pond into the existing FEMA floodplain and pursue a revision to the floodplain map. Developing flood plains is ill-advised due to environmental but also business or residential concerns. Floodplains have an important ecologic and hydrologic value and help dissipated flood waters and energy, improve water quality, and provide important habitat. Furthermore, the placement of a stormwater pond in the floodplain could lead to pollutants that have settled onto the pond bottom being washed into the stream when the pond is flooded. Homes or businesses placed in floodplains bear a larger risk of being impacted by natural disasters and experiencing financial loss due to flooding. We recommend that the floodplain is not developed and that only perennial vegetation is placed within the floodplain and used to buffer the stream. To better protect development and environment, particularly in light of climate and landscape changes where higher stream flows are likely in the future, we recommend that a wide buffer of deep-rooted, native vegetation (trees, shrubs, prairie) is placed between any development and the floodplain.

*Response:* Any potential development within the floodplain will follow the City of Redwood Falls Conditional Use Ordinance that is consistent with DNR recommendations.



## REDWOOD FALLS SOUTHEAST DEVELOPMENT

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*Comment/Question:* The project will need to apply for a DNR utility crossing license for any infrastructure proposed to cross a public ditch or stream. Likewise, if any impacts to the stream or ditch are possible, a DNR Public Waters Work Permit may be required.

*Response:* This permit is anticipated for utilities crossing County Ditch 52 and any other county ditches. All required permits will be secured prior to construction activities.

*Comment/Question:* Roughly half of the soils within the proposed development are fully or partially hydric with drown-out spots visible on aerial imagery and many identified restorable wetlands. We encourage future developments to consider these factors as they relate to suitability of development and also as potential areas to integrate natural, open space areas.

*Response:* Stormwater ponds or other open spaces/natural areas will follow soils and topography to the extent reasonable.

*Comment/Question:* In-place tile drainage is likely throughout the proposed development area because the area is currently farmed. The city should investigate if tile was installed under a Wetland Conservation Act exemption standard - whether the exemption was a formal decision or not. If tile was installed under such exemption, the change in land use from agriculture to urban development negates any agricultural-based exemption for wetland impacts that may have occurred. These wetlands would then need to be replaced. Please provide evidence that coordination with BWSR and the WCA authority regarding this concern is complete.

*Response:* The wetland delineation and Type & Boundary application was submitted to the LGU (Redwood County) and forwarded on for WCA review. All permits will be reviewed and secured prior to starting construction activities.

*Comment/Question:* Stormwater ponds are proposed to help partly mitigate the impacts of this project, but few details are provided. Please provide more information on the stormwater ponds, including the volume and runoff depth. The EAW shows a stormwater pond adjacent an existing wetland. We caution that measures may be necessary to ensure that the stormwater pond does not impact the wetland. The pond could act as a sink and groundwater may flow toward the stormwater pond and not to the wetland. In other words, the stormwater pond could steal hydrology from the wetland resulting in wetland drainage.

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*Response:* The ponds in the first phase of the residential development are sized to contain runoff from a 100-year event. The ponds in the second phase are sized to contain the runoff from a 25-year event, both of which are in excess of what is required by the MPCA. The ponds in the industrial development are sized for a 25-year event which is in excess of what is required by the MPCA. As an MS4 community, the City of Redwood Falls will abide by all required runoff standards during this development process.

*Comment/Question:* The EAW indicates a need for dewatering, dust control during construction, and water appropriation. Please provide more information on this. If more than 10,000 gallons per day or more than 1,000,000 gallons per year is needed, a DNR Water Appropriation Permit is required.

*Response:* Temporary dewatering is anticipated during utility installation activities. While it is not anticipated, any required permits will be requested and secured prior to reaching the dewatering threshold.

*Comment/Question:* The city has an active water appropriation permit—WAP No. 1954-0268. The city is permitted to use up to 250 million gallons per year (MGY). Since 2000, reported water use has been between 187 MGY and 230 MGY. The EAW states that a Water Appropriation Permit will be needed but does not provide more information. What is the projected water use for this development? Has the city considered where it will obtain water to supply the new development? Will the city be drilling one or more new wells? Is the city proposing to amend the current permit or seek a new permit? Please contact the DNR Area Hydrologist and the DNR Groundwater Hydrologist if new or expanded water appropriations is being pursued.

*Response:* The city will extend its current water utilities to the residential, commercial and industrial facilities. Standard water usage rates for residential and commercial facilities and light water usage for industrial facilities are anticipated. As indicated in the EAW and pending final design plans, a water storage tower will be added at a future date. The city will coordinate with the Area Hydrologist should any additional water appropriations be required.

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**Comment/Question:** In order for any proposed development to avoid the detriments of urban sprawl and negative impacts to ecology and hydrology, we recommend the development is designed in accordance with Low Impact Development and Green Infrastructure standards. We also encourage development planning that better addresses greenhouse gases and climate change. For instance, when neighborhoods are designed to be walkable and bikeable and business are located within the neighborhood, people are more likely to reduce their carbon footprint. We encourage the city to require green building of homes and business, such as through LEED certified structures. We also recommend that wildlife friendly erosion control and invasive species best practices (see attachment) are used during construction.

**Response:** As final design continues, low impact development opportunities will be incorporated where reasonable. The city will follow all permit requirements and work with contractors to facilitate wildlife-friendly erosion control materials and reduce the spread of invasive species. Erosion control practices will incorporate BMPs and SWPPP requirements will be followed.

**Comment/Question:** The EAW mentions that sustainable practices, best management practices, and native landscaping will be used to minimize negative impacts. However, other than stormwater ponds, the EAW does not specifically identify any of these mitigations, and the development does not appear to be designed using low impact development principles. We recommend that this proposed development is carefully examined and re-designed to implement the strategies and mitigation outlined throughout this letter.

**Response:** Comment noted. The city will work with developers to incorporate these strategies where reasonable.

### B. Minnesota Department of Transportation

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**Commentor:** Megan M. DeSchepper, AICP – Principal Planner, District 8, MnDOT

**Comment Date:** September 29, 2021

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Thank you for your comments regarding the Redwood Falls Southeast Development Environmental Assessment Worksheet.

**Comment/Question:** It appears this is a phased development from north to south, it would be MnDOT's recommendation to keep all access points on the CSAH system, with no accesses directly onto TH 67.

**Response:** Comment noted. As design plans continue, the city anticipates maintaining access on the CSAH system.

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*Comment/Question:* The separation from the proposed access onto TH 67 and CSAH 1 doesn't appear to meet spacing requirements from the intersection.

*Response:* The city will ensure spacing requirements are incorporated into final design.

*Comment/Question:* Any access on TH 67 will require a change of use/access permit. A right turn lane would likely be required at the developers expense. Please work with Permit Coordinator [jeff.illies@state.mn.us](mailto:jeff.illies@state.mn.us) for any permitting.

*Response:* While access directly to TH 67 is not anticipated, the city will work with MnDOT to secure all required permits prior to construction.

### C. Minnesota Pollution Control Agency

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**Commentor:** Karen Kromar, Project Manager, Environmental Review Unit, Resource Management and Assistance Division, MPCA

**Comment Date:** October 5, 2021

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Thank you for your comments regarding the Redwood Falls Southeast Development Environmental Assessment Worksheet.

*Comment/Question:* As stated in the EAW County Ditch (CD) 52 was found to be impaired for Aquatic Macroinvertebrates and although there is not a Total Maximum Daily Load for CD 52, dissolved oxygen, eutrophication, degraded habitat and altered hydrology were all found to be stressors to the Macroinvertebrate communities in the ditch. The adjacent CD 22 was found to be meeting both aquatic macroinvertebrates and fish which is rare in southern Minnesota. Therefore, the MPCA suggests the Project proposer implements Best Management Practices (BMPs) to prevent further degradation of the ditches during development of the areas including stormwater controls, erosion prevention and stormwater ponds designed to take the excess phosphorus out of stormwater runoff. It's important to ensure the water coming from impervious surfaces gets addressed before entering the ditch system. Total Suspended Solids was not found to be a stressor in this system and it would be good to keep it that way. For questions regarding impaired waters, please contact Bryan Spindler at 507-344-5267 or [bryan.spindler@state.mn.us](mailto:bryan.spindler@state.mn.us).

*Response:* Comment noted. The city will work with developers to ensure erosion control BMPs are incorporated into construction plans and follow all requirements identified in the SWPPP.

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*Comment/Question:* The EAW indicates that subsurface water was noted as shallow as five feet during the soil boring assessment, however, there are no more details provided on borings that were conducted. More details on the findings of the geotechnical report should be provided along with an indication of the anticipated depth of the sanitary sewer and other utility construction.

*Response:* A copy of the geotechnical report was provided with the EAW distribution; please reference that document for additional information. Utilities could be as deep as 30-feet for sanitary sewer.

*Comment/Question:* The need to conduct dewatering activities to install the sanitary sewer or other utilities as a result of the shallow groundwater should be discussed.

*Response:* Temporary dewatering is anticipated during utility installation and a dewatering permit will be secured, if needed, prior to reaching permit thresholds.

*Comment/Question:* It is not clear what the wastewater design flow of the development is or will be. The housing units are specified as 69,000 gallons per day (gpd) for 230 homes but the industrial/commercial is not specified and is listed as TBD. Using the 1500 gpd/acre discussed for the 107 acres of industrial land use would equal 160,500 gpd. Therefore the total of housing and industrial/commercial could be 229,000 gpd.

*Response:* The typical industrial and commercial businesses in the Redwood Falls area include implement dealers, metal fabricators, agricultural and yard supply stores, etc. These industry and commercial facilities often use less than 500 gpd. The City is not interested in and not capable of handling a wet industry. Developments in rural Minnesota are typically more sprawling than other areas and have large areas of parking and single-story construction such that water use on a per acre basis is quite low. Environmental engineers recommend using 300 gpd for wastewater totaling 32,100 gpd flows. This combined with residential at 3 capita per house equals 101,100 gpd ultimate flow.

*Comment/Question:* The design capacity of the wastewater treatment plant (WWTP) and the actual current influent flows and projected flow increases should be discussed in more detail with regard to available treatment capacity. The Redwood Falls WWTP has a permitted Average Wet Weather Flow (AWWF) of 1.321 Million Gallons per Day (MGD). Reported flows over the past 4 years shows that they exceeded the design flow in 2018 and 2019 and are at a 4-year average of 93% of design capacity. The total from this area may exceed the design capacity of the treatment plant and that must be discussed in the EAW. Questions regarding wastewater can be directed to Dave Sahli at 651-757-2687 or david.sahli@state.mn.us.

## REDWOOD FALLS SOUTHEAST DEVELOPMENT

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*Response:* The city has a facility plan to review wastewater currently in process and has a sump pump program as part of an MPCA requirement to facilitate Inflow and Infiltration (I/I) reduction activities. The city is confident current infrastructure can handle the Phase I residential development but are messaging that is the limit until a larger WWTP is built. This development will be staged and corresponds with the I/I reduction efforts. Pending an increase in precipitation levels, the city will be required to expand its WWTP, and this is part of the reason for the facility plan. The city is aware continued growth is contingent on successful I/I reduction and this growth would be timed to match available WW capacity.

*Comment/Question:* The EAW states the development area is 324 acres in total. Since the Project will likely disturb 50 or more acres of land and has the ability to discharge to a water within 1 mile that has a construction-related impairment, the Stormwater Pollution Prevention Plan (SWPPP) for the Project must be submitted to the MPCA for review and approval prior to obtaining NPDES/SDS General Construction Stormwater permit (CSW Permit) coverage.

*Response:* Comment noted. A SWPPP and all required permits will be secured prior to beginning construction activities.

*Comment/Question:* Because the Project has the ability to discharge to an impaired water, the CSW Permit requires additional erosion and sediment control Best Management Practices (BMPs) not mentioned in the EAW. These include immediately stabilizing soils if any portion of the site will not be worked for 7 days or more and providing a temporary sediment pond where 5 or more acres of land drains to a common location.

*Response:* Comment noted. All SWPPP and permit requirements will be followed. Stormwater ponds will be sized to effectively accommodate increase in impervious surfaces.

*Comment/Question:* Due to the presence of wetlands on the site, at least 50 feet of existing buffers must be maintained during construction. If this is not possible to complete the construction, then redundant (double) downgradient sediment controls must be installed to protect the wetlands from sediment discharges during construction. Also, the wetlands on the site may not be utilized for management of stormwater unless they have gone through the wetland mitigation process.

*Response:* Comment noted. A wetland buffer will be incorporated into the final design plans.

## REDWOOD FALLS SOUTHEAST DEVELOPMENT

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*Comment/Question:* Since the Project will be phased over many years, it is important the Owner of the site maintain CSW Permit coverage at the site until all construction is complete. New owners for sold portions of the site can obtain their own CSW Permit coverage using the Subdivision Registration process as long as the existing permit remains active. CSW Permit coverage is required even if sold portions of the site are less than 1 acre in size.

*Response:* Comment noted. All required permits will be maintained as needed for the duration of the development and construction process.

*Comment/Question:* The CSW Permit requires a volume reduction method, such as infiltration, to manage stormwater from impervious areas after construction. If soils prohibit infiltration, reuse of collected stormwater can be considered. The Project proposer is also encouraged to reduce stormwater volume by reducing the amount of impervious areas such as by using pervious pavements and maximizing green space. Please direct questions regarding CSW Permit requirements to Roberta Getman at 507-206-2629 or [roberta.getman@state.mn.us](mailto:roberta.getman@state.mn.us).

*Response:* Comment noted. Impervious surfaces will be reduced where reasonable and stormwater ponds will be constructed to accommodate the impervious surface increases.

## 9 Record of Decision

- A. The EAW, comments received on the EAW, and the responses prepared, have generated sufficient information to determine whether the proposed project has the potential for significant environmental effects.
- B. Areas where the potential for environmental effects from the project may exist have either been identified and incorporated into the EAW or will be mitigated through state and local mandatory permitting and regulatory procedures.
- C. The project will be required to meet all regulatory standards through permitting, monitoring, and mitigative measures.
- D. Based upon the criteria established in Minnesota Rule 4410.1700, subpart 7, the proposed project does not have the potential for significant environmental effects. Therefore, an Environmental Impact Statement is not required.



## ATTACHMENTS

### A. Agency Response Letters

- Minnesota Department of Natural Resources
- Minnesota Department of Transportation
- Minnesota Pollution Control Agency
- U.S. Army Corps of Engineers

### B. City of Redwood Falls Resolution of Negative Declaration

### A. Agency Comment Letters

#### Minnesota Department of Natural Resources



Division of Ecological & Water Resources  
Region 4 (Southern Region)  
21371 Highway 15 South  
New Ulm, MN 56073

October 7, 2021

James Doering  
Public Works Project Coordinator, City of Redwood Falls  
jdoering@ci.redwood-falls.mn.us

Subject: DNR Comments on EAW for Redwood Falls Eastern Development Project

Dear James,

Thank you for the opportunity to review the Environmental Assessment Worksheet (EAW) for the Redwood Falls Eastern Development Project. Development projects such as the one proposed alter the landscape, ecology, and hydrology for the foreseeable future. As climate change and environmental degradations have come to the forefront of global and local concerns, we encourage a careful consideration of project need, alternatives, impacts, and mitigation. As such, we offer the following comments.

#### **Project Purpose and Alternatives**

The EAW ties the project purpose to community growth. [Census data](#) indicate that prior to 2000, the City's population increased. However, since 2000, population has decreased by about 10%. What population and business growth prediction information are the city using? What growth is anticipated? Has the city considered improving already developed land within the city to meet any anticipated new needs? We encourage a careful consideration of these factors.

#### **Water Resources**

County Ditch 52 is an altered portion of Crow Creek, and that public ditch does revert to a natural channel public water less than one mile downstream of the proposed development area. Both the public ditch and public water are already impaired for impacts to aquatic life and stressed by altered hydrology, as assessed by the MPCA. The EAW notes that 221 of the 324-acre development (68%) will be impermeable surface. This large amount of impermeable surface has the potential to negatively impact water quality and quantity from this acreage. Increasing the amount of water to streams accelerates downstream flooding and streambank erosion, in turn, degrading water quality. Degraded water quality harms fish and aquatic life. What is the anticipated change in runoff volume based on the change in land use/impermeable surface? We recommend that this development fully hydrologically mitigate changes in the runoff volume by adding sufficient storage, water use (evapotranspiration), and infiltration capacity within the development to prevent additional water being contributed to Crow Creek.

The project proposes to place industrial development and a stormwater pond into the existing FEMA floodplain and pursue a revision to the floodplain map. Developing flood plains is ill-advised due to environmental but also business or residential concerns. Floodplains have an important ecologic and hydrologic value and help dissipated flood waters and energy, improve water quality, and provide important habitat. Furthermore, the placement of a stormwater pond in the floodplain could lead to pollutants that have settled onto the pond bottom being washed into the stream when the pond is flooded. Homes or businesses placed in floodplains bear a larger risk of being impacted by natural disasters and experiencing financial loss due to flooding. We recommend that the floodplain is not developed and that only perennial vegetation is placed within the floodplain and used to buffer the stream. To better protect development and environment, particularly in light of climate and landscape changes where higher stream flows are likely in the future, we recommend that a wide buffer of deep-rooted, native vegetation (trees, shrubs, prairie) is placed between any development and the floodplain.

The project will need to apply for a DNR utility crossing license for any infrastructure proposed to cross a public ditch or stream. Likewise, if any impacts to the stream or ditch are possible, a DNR Public Waters Work Permit may be required.

### **Development of Hydric Soils and Wetlands**

Roughly half of the soils within the proposed development are fully or partially hydric with drown-out spots visible on aerial imagery and many identified restorable wetlands. We encourage future developments to consider these factors as they relate to suitability of development and also as potential areas to integrate natural, open space areas.

In-place tile drainage is likely throughout the proposed development area because the area is currently farmed. The city should investigate if tile was installed under a Wetland Conservation Act exemption standard - whether the exemption was a formal decision or not. If tile was installed under such exemption, the change in land use from agriculture to urban development negates any agricultural-based exemption for wetland impacts that may have occurred. These wetlands would then need to be replaced. Please provide evidence that coordination with BWSR and the WCA authority regarding this concern is complete.

Stormwater ponds are proposed to help partly mitigate the impacts of this project, but few details are provided. Please provide more information on the stormwater ponds, including the volume and runoff depth. The EAW shows a stormwater pond adjacent an existing wetland. We caution that measures may be necessary to ensure that the stormwater pond does not impact the wetland. The pond could act as a sink and groundwater may flow toward the stormwater pond and not to the wetland. In other words, the stormwater pond could steal hydrology from the wetland resulting in wetland drainage.

### **Water Appropriation**

The EAW indicates a need for dewatering, dust control during construction, and water appropriation. Please provide more information on this. If more than 10,000 gallons per day or more than 1,000,000 gallons per year is needed, a DNR Water Appropriation Permit is required.

The city has an active water appropriation permit—WAP No. 1954-0268. The city is permitted to use up to 250 million gallons per year (MGY). Since 2000, reported water use has been between 187 MGY and 230 MGY. The EAW states that a Water Appropriation Permit will be needed but does not provide more information. What is the projected water use for this development? Has the city considered where it will obtain water to supply the new development? Will the city be drilling one or more new wells? Is the city proposing to amend the current permit or seek a new permit? Please contact the DNR Area Hydrologist and the DNR Groundwater Hydrologist if new or expanded water appropriations is being pursued.

### **Impact Mitigation**

In order for any proposed development to avoid the detriments of urban sprawl and negative impacts to ecology and hydrology, we recommend the development is designed in accordance with [Low Impact Development and Green Infrastructure](#) standards. We also encourage development planning that better addresses greenhouse gases and climate change. For instance, when neighborhoods are designed to be walkable and bikeable and business are located within the neighborhood, people are more likely to reduce their carbon footprint. We encourage the city to require green building of homes and business, such as through a [LEED](#) certified structures. We also recommend that wildlife friendly erosion control and invasive species best practices (see attachment) are used during construction.

The EAW mentions that sustainable practices, best management practices, and native landscaping will be used to minimize negative impacts. However, other than stormwater ponds, the EAW does not specifically identify any of these mitigations, and the development does not appear to be designed using low impact development principles. We recommend that this proposed development is carefully examined and re-designed to implement the strategies and mitigation outlined throughout this letter.

Sincerely,

Joanne Boettcher  
Regional Environmental Assessment Ecologist

cc:  
Anne Hall, DNR District Groundwater Hydrologist  
Kyle Jarcho, DNR Area Hydrologist  
Cory Netland, DNR Area Wildlife Manager  
Karla Ihns, DNR Lands and Minerals  
Tim Gieseke, Liz Harper, Scott Roemhildt, DNR Regional Management

### Standard Erosion Control and Invasive Species Prevention Best Practices

#### Take precautions when working near waterbodies to prevent sedimentation and erosion:

- Erodeable surfaces should not be left exposed for greater than one day. For example, work should not commence late in the week if it will be left unfinished over a weekend.
- Work should not commence if rain is predicted.
- All wheeled or tracked construction equipment should be restricted to work areas above the stream bank.
- Fill material should not be stockpiled in the floodplain.
- Backfill placed below Ordinary High Water (OHW) should consist of clean granular material free of fines, silts, soils, and mud.
- Use [Best Practices for DNR General Public Waters Work Permit GP 2004-0001: Species Protection](#). Refer to pages: 3, 11, 14, 16, 25, 33, and 34 as relevant to a particular project.
- Vegetative “grout” should be incorporated with any installed rip rap (see page 33 of above link).
- [Native species planting/seeding](#) should be used.
- DNR Public Waters Work Permit may be required. Permit requirements must be followed.

#### Use wildlife friendly erosion control:

- Biodegradable netting should be used, preferably natural materials with short degradation periods.
- Erosion control blankets should be limited to bio-netting or natural netting types due to the risk of entanglement and death of small animals. [2018 MnDOT Standards Specifications for Construction](#) identify acceptable materials in Category 3N or 4N mulches.
- Do not use products that require UV-light to degrade (also called “photodegradable”), as they do not degrade properly when covered/shaded.
- Do not use products containing plastic mesh netting or other plastic components.
- Do not use mulch products that contain synthetic (plastic) fiber additives near waterbodies.
- See [Wildlife Friendly Erosion Control](#) for more information.

#### Take active steps to prevent invasive species introduction and spread:

- Clean all equipment (including but not limited to: vehicles, clothing, and gear) at a site prior to moving to another site. All soil, aggregate material, mulch, vegetation, seeds, animals, etc. need to be removed using a hand tool, brush, compressed air, pressure washer, or otherwise.
- If equipment is not cleaned before arriving to a work site, then clean the equipment in the parking or staging area, ensuring no material is deposited at the new site. Material cleaned from equipment should be disposed of legally.
- All equipment (including but not limited to: waders, tracked vehicles, barges, boats, turbidity curtain, sheet pile, and pumps) used for work in an “infested water” must be adequately decontaminated. See [Watercraft Decontamination Manual](#) for more information.
- See [Come Clean, Leave Clean](#) for more detailed guidance. This guidance is required for those working on DNR lands as part of grant or contract or are working under a permit, your grant, contract, or permit.

#### Referenced Links

[https://files.dnr.state.mn.us/waters/watermgmt\\_section/pwpermits/gp\\_2004\\_0001\\_chapter1.pdf](https://files.dnr.state.mn.us/waters/watermgmt_section/pwpermits/gp_2004_0001_chapter1.pdf)

<https://bwsr.state.mn.us/seed-mixes>

<https://files.dnr.state.mn.us/eco/nongame/wildlife-friendly-erosion-control.pdf>

<http://www.dot.state.mn.us/pre-letting/spec/2018/2018-spec-book-final.pdf>

<https://www.dnr.state.mn.us/invasives/dnrlands.html>

<https://www.dnr.state.mn.us/invasives/dnrlands.html>

[https://files.dnr.state.mn.us/natural\\_resources/invasives/mndnr\\_ais\\_decontamination\\_handbook.pdf](https://files.dnr.state.mn.us/natural_resources/invasives/mndnr_ais_decontamination_handbook.pdf)

Minnesota Department of Transportation

**From:** [Jim Doering](#)  
**To:** [DeSchepper, Megan \(DOT\)](#)  
**Cc:** [Owen Todd](#); [Shane Traulich](#); [Angie Smith](#)  
**Subject:** RE: Redwood Falls EAW Comments  
**Date:** Wednesday, September 29, 2021 10:14:30 AM  
**Attachments:** [image002.jpg](#)  
[image003.png](#)

---

Megan,

Thanks for your comments. I have CC'd folks at Bolton & Menk Inc. our appointed City Engineers for a response.

JD

**James Doering**  
**Public Works Project Coordinator**  
City of Redwood Falls  
333 S. Washington St., PO Box 526  
Redwood Falls, MN 56283  
507-616-7400 voice; 507-637-2417 fax  
507-430-5904 cell

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**From:** DeSchepper, Megan (DOT) <megan.deschepper@state.mn.us>  
**Sent:** Wednesday, September 29, 2021 8:45 AM  
**To:** Jim Doering <jdoering@ci.redwood-falls.mn.us>  
**Subject:** Redwood Falls EAW Comments

Hi Jim,

MnDOT District 8 has received and reviewed the Redwood Falls Southeast Development EAW Agency Review and has the following comments:

- It appears this is a phased development from north to south, it would be MnDOT's recommendation to keep all access points on the CSAH system, with no accesses directly onto TH 67.
- The separation from the proposed access onto TH 67 and CSAH 1 doesn't appear to meet

spacing requirements from the intersection.

- Any access on TH 67 will require a change of use/access permit. A right turn lane would likely be required at the developers expense. Please work with Permit Coordinator [jeff.illies@state.mn.us](mailto:jeff.illies@state.mn.us) for any permitting.

Please let me know if you have any questions/concerns. Thank you for the opportunity to review and comment on the proposed development.

Megan M. DeSchepper, AICP- Principal Planner  
MnDOT District 8, Willmar  
2505 Transportation Road  
Willmar, MN 56201

Office Phone: 320-214-6414





### Minnesota Pollution Control Agency



520 Lafayette Road North | St. Paul, Minnesota 55155-4194 | 651-296-6300

800-657-3864 | Use your preferred relay service | [info.pca@state.mn.us](mailto:info.pca@state.mn.us) | Equal Opportunity Employer

October 5, 2021

James Doering  
Public Works Project Coordinator  
333 South Washington Street  
PO Box 526  
Redwood Falls, MN 56283

RE: Redwood Falls Southeast Development Project Environmental Assessment Worksheet

Dear James Doering:

Thank you for the opportunity to review and comment on the Environmental Assessment Worksheet (EAW) for the Redwood Falls Southeast Development project (Project) in the City of Redwood Falls, Redwood County, Minnesota. The Project consists of a 208 acre mixed use development. Regarding matters for which the Minnesota Pollution Control Agency (MPCA) has regulatory responsibility or other interests, the MPCA staff has the following comments for your consideration.

#### Water Resources (Item 11)

##### Surface Water

As stated in the EAW County Ditch (CD) 52 was found to be impaired for Aquatic Macroinvertebrates and although there is not a Total Maximum Daily Load for CD 52, dissolved oxygen, eutrophication, degraded habitat and altered hydrology were all found to be stressors to the Macroinvertebrate communities in the ditch. The adjacent CD 22 was found to be meeting both aquatic macroinvertebrates and fish which is rare in southern Minnesota. Therefore, the MPCA suggests the Project proposer implements Best Management Practices (BMPs) to prevent further degradation of the ditches during development of the areas including stormwater controls, erosion prevention and stormwater ponds designed to take the excess phosphorus out of stormwater runoff. It's important to ensure the water coming from impervious surfaces gets addressed before entering the ditch system. Total Suspended Solids was not found to be a stressor in this system and it would be good to keep it that way. For questions regarding impaired waters, please contact Bryan Spindler at 507-344-5267 or [bryan.spindler@state.mn.us](mailto:bryan.spindler@state.mn.us).

##### Groundwater

- The EAW indicates that subsurface water was noted as shallow as five feet during the soil boring assessment, however, there are no more details provided on borings that were conducted. More details on the findings of the geotechnical report should be provided along with an indication of the anticipated depth of the sanitary sewer and other utility construction.
- The need to conduct dewatering activities to install the sanitary sewer or other utilities as a result of the shallow groundwater should be discussed.



James Doering  
Page 2  
October 5, 2021

### *Wastewater*

- It is not clear what the wastewater design flow of the development is or will be. The housing units are specified as 69,000 gallons per day (gpd) for 230 homes but the industrial/commercial is not specified and is listed as TBD. Using the 1500 gpd/acre discussed for the 107 acres of industrial land use would equal 160,500 gpd. Therefore the total of housing and industrial/commercial could be 229,000 gpd.
- The design capacity of the wastewater treatment plant (WWTP) and the actual current influent flows and projected flow increases should be discussed in more detail with regard to available treatment capacity. The Redwood Falls WWTP has a permitted Average Wet Weather Flow (AWWF) of 1.321 Million Gallons per Day (MGD). Reported flows over the past 4 years shows that they exceeded the design flow in 2018 and 2019 and are at a 4 year average of 93% of design capacity. The total from this area may exceed the design capacity of the treatment plant and that must be discussed in the EAW. Questions regarding wastewater can be directed to Dave Sahli at 651-757-2687 or [david.sahli@state.mn.us](mailto:david.sahli@state.mn.us).

### *Stormwater*

- The EAW states the development area is 324 acres in total. Since the Project will likely disturb 50 or more acres of land and has the ability to discharge to a water within 1 mile that has a construction-related impairment, the Stormwater Pollution Prevention Plan (SWPPP) for the Project must be submitted to the MPCA for review and approval prior to obtaining NPDES/SDS General Construction Stormwater permit (CSW Permit) coverage.
- Because the Project has the ability to discharge to an impaired water, the CSW Permit requires additional erosion and sediment control Best Management Practices (BMPs) not mentioned in the EAW. These include immediately stabilizing soils if any portion of the site will not be worked for 7 days or more and providing a temporary sediment pond where 5 or more acres of land drains to a common location.
- Due to the presence of wetlands on the site, at least 50 feet of existing buffers must be maintained during construction. If this is not possible to complete the construction, then redundant (double) downgradient sediment controls must be installed to protect the wetlands from sediment discharges during construction. Also the wetlands on the site may not be utilized for management of stormwater unless they have gone through the wetland mitigation process.
- Since the Project will be phased over many years, it is important the Owner of the site maintain CSW Permit coverage at the site until all construction is complete. New owners for sold portions of the site can obtain their own CSW Permit coverage using the Subdivision Registration process as long as the existing permit remains active. CSW Permit coverage is required even if sold portions of the site are less than 1 acre in size.
- The CSW Permit requires a volume reduction method, such as infiltration, to manage stormwater from impervious areas after construction. If soils prohibit infiltration, reuse of collected stormwater can be considered. The Project proposer is also encouraged to reduce stormwater volume by reducing the amount of impervious areas such as by using pervious pavements and maximizing green space. Please direct questions regarding CSW Permit requirements to Roberta Getman at 507-206-2629 or [roberta.getman@state.mn.us](mailto:roberta.getman@state.mn.us).

James Doering  
Page 3  
October 5, 2021

We appreciate the opportunity to review this Project. Please provide your specific responses to our comments and notice of decision on the need for an Environmental Impact Statement. Please be aware that this letter does not constitute approval by the MPCA of any or all elements of the Project for the purpose of pending or future permit action(s) by the MPCA.

Ultimately, it is the responsibility of the Project proposer to secure any required permits and to comply with any requisite permit conditions. If you have any questions concerning our review of this EAW, please contact me by email at [karen.kromar@state.mn.us](mailto:karen.kromar@state.mn.us) or by telephone at 651-757-2508.

Sincerely,

*Karen Kromar*

This document has been electronically signed.

Karen Kromar  
Project Manager  
Environmental Review Unit  
Resource Management and Assistance Division

KK/BS/DS/RG:vs

cc: Dan Card, MPCA, St. Paul  
Bryan Spindler, MPCA, Mankato  
Dave Sahli, MPCA, St. Paul  
Roberta Getman, MPCA, Rochester  
Randy Hukriede, MPCA, Marshall

U.S. Army Corps of Engineers

**From:** [Angie Smith](#)  
**To:** [Jim Doering](#); [Brown, Meghan J CIV USARMY CEMVP \(USA\)](#)  
**Cc:** [Owen Todd](#)  
**Subject:** RE: Redwood Falls Development MVP-2020-01882-MJB  
**Date:** Wednesday, October 6, 2021 8:27:00 AM  
**Attachments:** [image002.png](#)  
[image003.jpg](#)

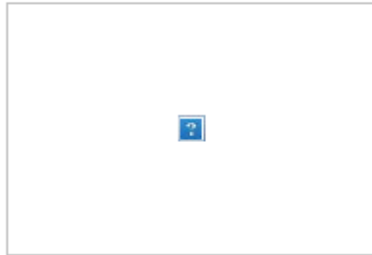
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Good morning!

Due to the newly revised federal rules and with adjacent public ditches, we wanted to provide USACE an opportunity to comment on the proposed development. Should the AJD provide all necessary information from USACE's perspective, we have no issues or concerns withdrawing this review request.

Best,  
Angie

**Angie Smith**  
Senior Environmental Planner  
**Bolton & Menk, Inc.**  
7533 Sunwood Drive NW  
Suite 206  
Ramsey, MN 55303  
Office: 763-433-2851 x3693  
Mobile: 612-400-5540  
[Bolton-Menk.com](#)



---

**From:** Jim Doering <[jdoering@ci.redwood-falls.mn.us](mailto:jdoering@ci.redwood-falls.mn.us)>  
**Sent:** Friday, October 1, 2021 7:54 AM  
**To:** Brown, Meghan J CIV USARMY CEMVP (USA) <[Meghan.J.Brown@usace.army.mil](mailto:Meghan.J.Brown@usace.army.mil)>  
**Cc:** Owen Todd <[Owen.Todd@bolton-menk.com](mailto:Owen.Todd@bolton-menk.com)>; Angie Smith <[Angie.Smith@bolton-menk.com](mailto:Angie.Smith@bolton-menk.com)>  
**Subject:** RE: Redwood Falls Development MVP-2020-01882-MJB

Thank you for the review and reply, I am forwarding your question to our appointed City Engineer who will provide an answer to your question.

Thanks,

JD

**James Doering**  
**Public Works Project Coordinator**  
City of Redwood Falls  
333 S. Washington St., PO Box 526  
Redwood Falls, MN 56283  
507-616-7400 voice; 507-637-2417 fax  
507-430-5904 cell

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**From:** Brown, Meghan J CIV USARMY CEMVP (USA) <[Meghan.J.Brown@usace.army.mil](mailto:Meghan.J.Brown@usace.army.mil)>  
**Sent:** Thursday, September 30, 2021 5:15 PM  
**To:** Jim Doering <[jdoering@ci.redwood-falls.mn.us](mailto:jdoering@ci.redwood-falls.mn.us)>  
**Subject:** Redwood Falls Development MVP-2020-01882-MJB

James,

We received an EAW regarding the proposal in the subject line, where development is proposed within two parcels. I see we provided an Approved Jurisdiction Determination (AJD) regarding the waterbodies on-site so it appears we do not have jurisdiction over the wetlands. If impacts are proposed to waters outside of those two wetlands, please let me know. Otherwise, are you ok withdrawing your application for the Corps review since we provided you the AJD previously?

Please let me know if you have any questions.

Respectfully,  
Meghan Brown (she/her/hers)  
USACE Regulatory Project Manager  
(651) 290-5688

1114 South Oak Street, La Crescent, Minnesota 55947-1560

Information on Corps of Engineers Regulatory Program status during the COVID-19 pandemic can be found at: <https://www.mvp.usace.army.mil/missions/regulatory>

Please use [usace\\_requests\\_mn@usace.army.mil](mailto:usace_requests_mn@usace.army.mil) for new requests for action (pre-application consultations, permit applications, requests for delineation concurrences, requests for jurisdictional determinations, and mitigation bank proposals). Please include the county name in the subject line (e.g. Washington County).

## B. City of Redwood Falls Resolution of Negative Declaration

### RESOLUTION NO. 59 OF 2021

#### RESOLUTION ISSUING A NEGATIVE DECLARATION OF NEED FOR AN ENVIRONMENTAL IMPACT STATEMENT FOR REDWOOD FALLS SOUTHEAST DEVELOPMENT

**WHEREAS**, the City of Redwood Falls, hereinafter referred to as “City,” is proposing to develop 324 acres southeast of the city; and

**WHEREAS**, under the State of Minnesota Rules 4410.4300, Subpart 36, combined residential, commercial and industrial development of this size is required to have an Environmental Assessment Worksheet (EAW) prepared; and

**WHEREAS**, for the purposes of conducting the EAW, the City is the Responsible Governmental Unit (“RGU”); and

**WHEREAS**, the Minnesota Rules Chapter 4410.1500 requires the RGU to prepare a draft EAW document and distribute it to various governmental agencies and the general public; and

**WHEREAS**, in accordance with Minnesota Rules Chapter 4410, the City has completed the public comment period for the Southeast Development and,

**WHEREAS**, the mandatory EAW was sent to the following agencies for review and comment:

Board of Water and Soil Resources  
Environmental Quality Board  
Indian Affairs Council  
Minnesota Department of Agriculture  
Minnesota Department of Commerce  
Minnesota Department of Health  
Minnesota Department of Natural Resources  
Minnesota Department of Transportation  
Minnesota Environmental Quality Board  
Minnesota Pollution Control Agency  
Minnesota State Archaeologist  
Southwest Regional Development Council  
State Historic Preservation Office  
Redwood County  
U.S. Army Corps of Engineers  
U.S. Environmental Protection Agency  
U.S. Fish & Wildlife Service

## REDWOOD FALLS SOUTHEAST DEVELOPMENT

**WHEREAS,** a notice of the mandatory EAW was published in the EQB Monitor on September 7, 2021, and copies of the document were placed in the City's administration center and the Region Eight Marshall-Lyon County Library, and,

**WHEREAS,** the deadline for comments on the EAW was open through October 7, 2021, and,

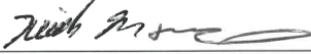
**WHEREAS,** based upon the written comments received, the City has prepared written responses and found there is no potential for significant environmental impacts as a result of the project.


**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF REDWOOD FALLS, REDWOOD COUNTY, STATE OF MINNESOTA, as follows:**

1. That the City in its capacity as the RGU, makes a negative declaration for the preparation of an Environmental Impact Statement (EIS) for the Southeast Development.
2. The City shall prepare and cause to be distributed the Notice of Decision as required in Minnesota Rules Chapter 4410.1700, Subpart 5.

**PASSED AND ADOPTED** by the City Council of the City of Redwood Falls, Minnesota this 2<sup>nd</sup> day of November 2021.

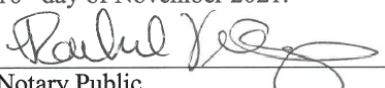
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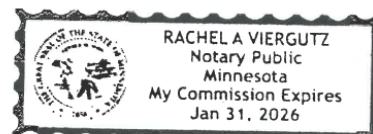
  
\_\_\_\_\_  
Keith Muetzel  
City Administrator

  
\_\_\_\_\_  
Tom Quackenbush  
Mayor

(City Seal)

Subscribed and sworn to before me this  
16<sup>th</sup> day of November 2021.

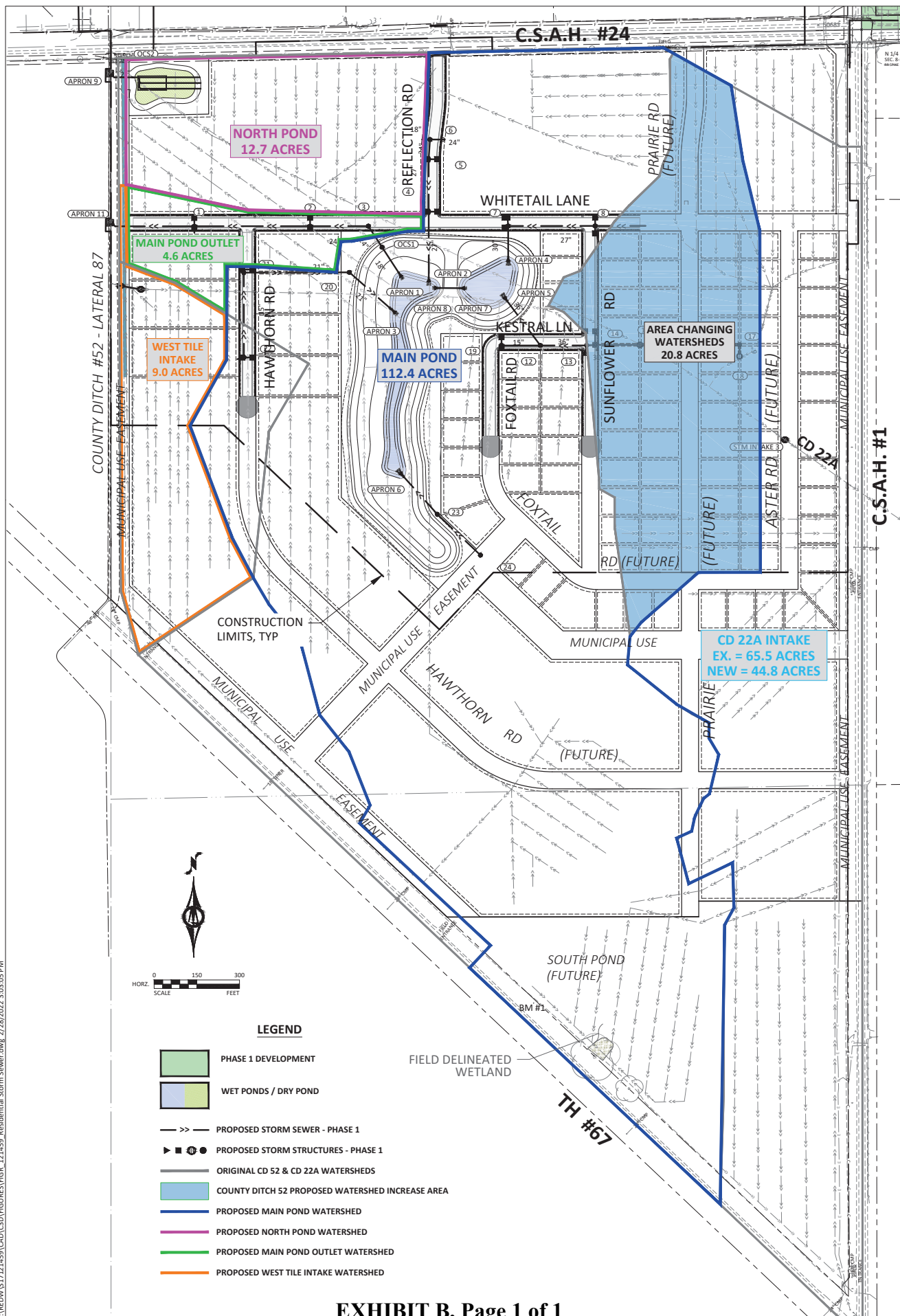
  
\_\_\_\_\_  
Notary Public



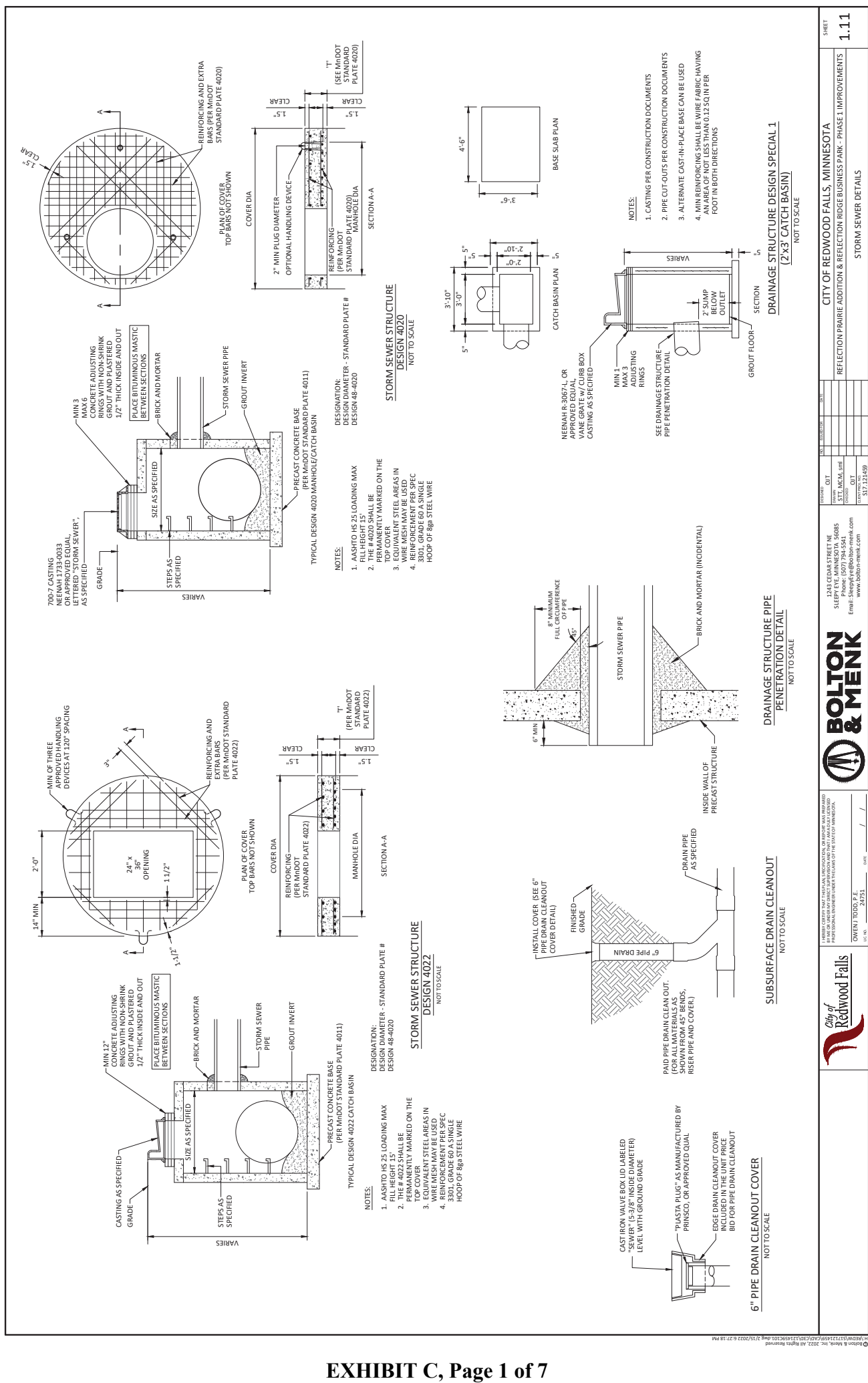
**RESOLUTION NO. 59 Of 2021**

**Page 2 of 2**

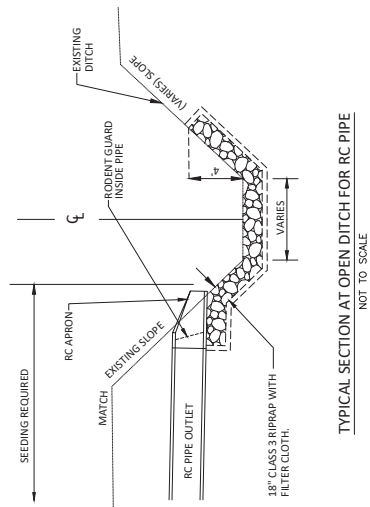
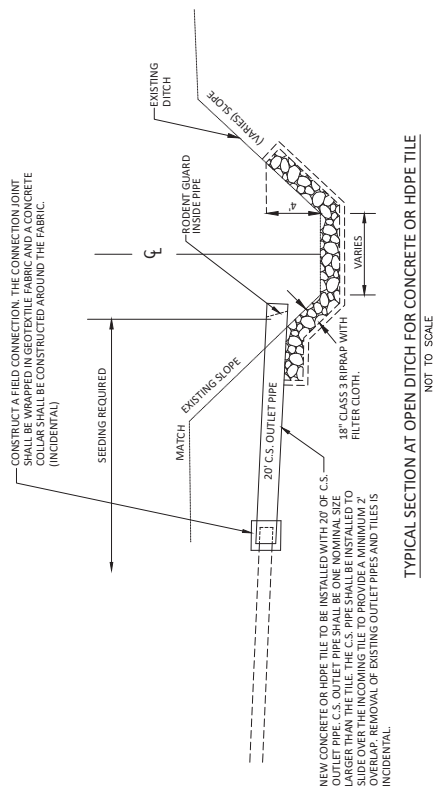
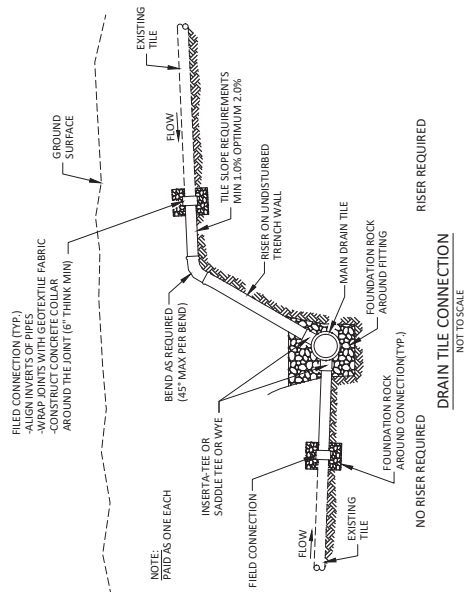








CITY OF REDWOOD FALLS, MINNESOTA		SHEET		1.11	
REFLECTION PRAIRIE ADDITION & REFLECTION RIDGE BUSINESS PARK - PHASE 1 IMPROVEMENTS		STORM SEWER DETAILS			
1243 CEDAR STREET NE SLEEPY EYE, MINNESOTA 56085 Email: sheryle@bolton-menk.com www.bolton-menk.com		DESIGNED BY S.T.T., M.C.M., S.M.T.		DATE 01/17/2023	
BOLTON & MENK		CHECKED BY S.T.T., M.C.M., S.M.T.		DATE 01/17/2023	
FOR ALL MATERIALS AS SHOWN ON THE DRAWING, THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF REDWOOD FALLS, MINNESOTA, AND THE STATE OF MINNESOTA, PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF REDWOOD FALLS, MINNESOTA, AND THE STATE OF MINNESOTA, PRIOR TO CONSTRUCTION.		OWNED BY CITY OF REDWOOD FALLS		DATE 01/17/2023	



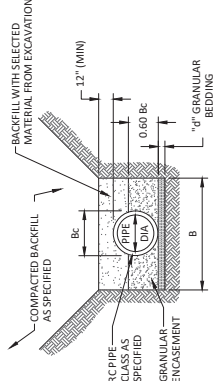



Diagram showing the cross-section of an RC pipe installed in a trench. The pipe is surrounded by granular bedding and compacted backfill. Labels include: BACKFILL WITH SELECTED MATERIAL FROM EXCAVATION, COMPACTED BACKFILL AS SPECIFIED, RC PIPE CLASS '18" SPECIFIED, GRANULAR ENCASEMENT, 12" (MIN), 0.60 Bc, "d" GRANULAR BEDDING, PIPE DIA, Bc, B, and D.

PIPE DIA	d	B
27" OR LESS	3"	Bc + 24"
30" TO 60"	4"	1.5 x Bc
66" OR OVER	6"	Bc + 36"



**BOLTON & MENK**

LAST REVISION: 04-2021  
PIATE NO. 4-001-1

RC PIPE CLASS "18"  
BEDDING-SQUARE TRENCH  
NOT TO SCALE

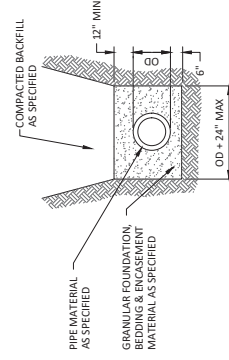



Diagram showing the cross-section of a non-rigid storm sewer trench. The pipe is surrounded by granular bedding and compacted backfill. Labels include: COMPACTED BACKFILL AS SPECIFIED, PIPE MATERIAL AS SPECIFIED, GRANULAR FOUNDATION, BACKFILL GRANULARITY MATERIAL AS SPECIFIED, 12" MIN, 6", and OD = 24" MAX.



**BOLTON & MENK**

LAST REVISION: 04-2021  
PIATE NO. 4-002

NON-RIGID STORM  
SEWER TRENCH  
NOT TO SCALE

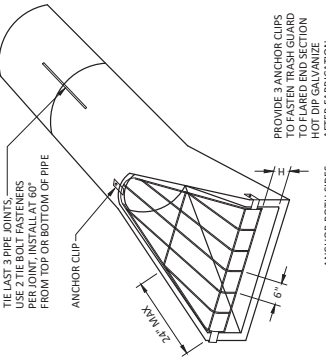



Diagram showing the cross-section of an RC apron trash rack. The rack is installed in a trench and is surrounded by granular bedding. Labels include: TIE LAST 3 PIPE JOINTS, USE 2 TIE BOLT FASTENERS TO SECURE TRENCH FROM TOP OR BOTTOM OF PIPE, ANCHOR CLIP, 24" MAX, 6", and ANCHOR BOTH SIDES.



**BOLTON & MENK**

LAST REVISION: 04-2021  
PIATE NO. 4-601

RC APRON TRASH RACK  
(STEEL BARS)  
NOT TO SCALE

PROVIDE 3 ANCHOR CLIPS TO FASTEN TRASH GUARD TO TRENCH WALLS. HOT DIP GALVANIZE AFTER FABRICATION.

PIPE SIZE	ANCHOR CLIP	ANCHOR CLIP	ANCHOR CLIP
12" - 18"	3/4" Ø	4"	5/8"
21" - 42"	1" Ø	6"	3/4"
42" - 72"	1 1/4" Ø	12"	1"



**City of Redwood Falls**

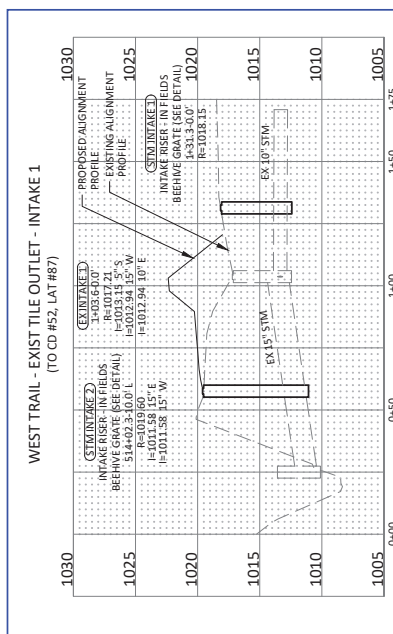
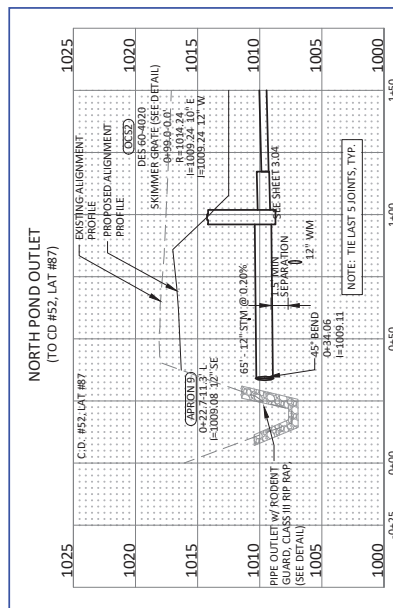
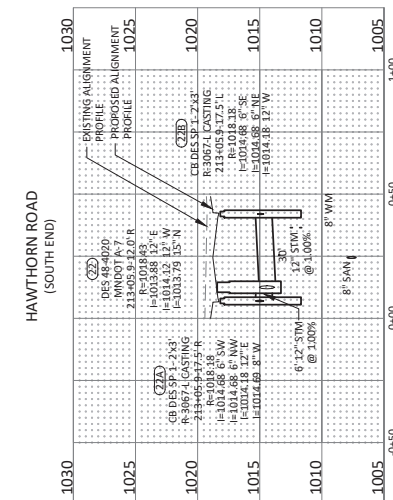
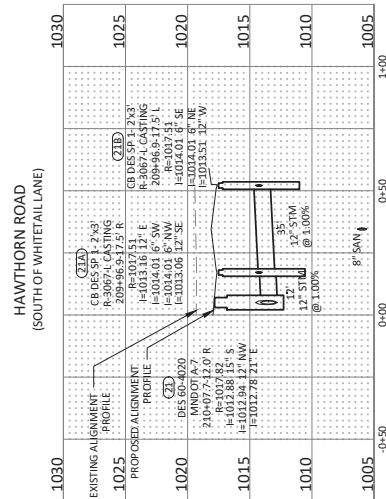
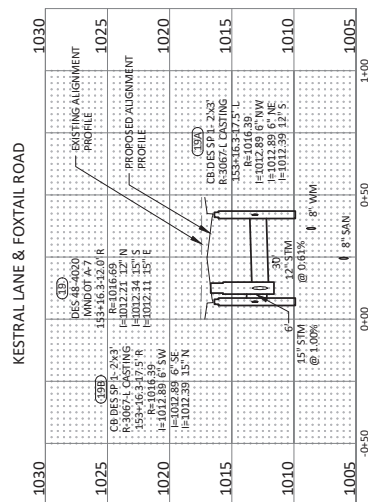
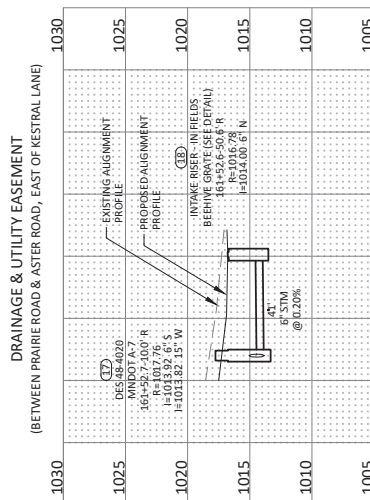


**BOLTON & MENK**

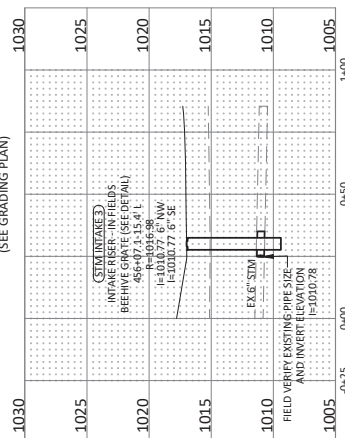
1243 CEDAR STREET NE  
SLEEPY EYE, MINNESOTA 56085  
Email: [Sherry@bolton-menk.com](mailto:Sherry@bolton-menk.com)  
[www.bolton-menk.com](http://www.bolton-menk.com)

DESIGNED BY: JEFFREY J. OWEN, P.E.  
CHECKED BY: JEFFREY J. OWEN, P.E.  
DATE: 04/27/21

PROJECT: REFLECTION PRAIRIE ADDITION & REFLECTION RIDGE BUSINESS PARK - PHASE 1 IMPROVEMENTS  
SHEET: 1.13  
STORM SEWER STANDARD PLATES



FUTURE ASTER ROAD LOW POINT  
(SEE GRADING PLAN)



NOTE: THE STATIONS AND OFFSETS SHOWN HERE ARE TO THE CENTER OF THE STRUCTURES. WHEN NECESSARY, THE CONTRACTOR SHALL ADJUST THE CENTER OF ALL CATCH BASIN STRUCTURES SO THE COVER OPENINGS MATCH THE PROPOSED CURB & GUTTER



**City of Redwood Falls**

1. I HEREBY CERTIFY THAT I AM A LICENSED PROFESSIONAL ENGINEER, AND I HAVE BEEN PREPARED TO SEAL AND SIGN THE FOLLOWING ENGINEERING DOCUMENTS FOR THE CITY OF REDWOOD FALLS, MINNESOTA.

PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

**HORIZ. SCALE**



0 25 50  
FEET  
SCALE

**VERT. SCALE**



0 5 10  
FEET  
SCALE

OWN: 7000

DATE: 07/25/2022

OWN: 20751

DATE: 07/25/2022

OWEN TOWN, P.E.

UIC NO. 20751

1249 CEDAR STREET NE  
SLEEPY EYE, MINNESOTA 56085  
Phone: (507) 794-5541  
Email: Sleepyeye@bolton-menk.com  
www.bolton-menk.com

**BOLTON & MENK**

DESIGN: \_\_\_\_\_

QUT: \_\_\_\_\_

REVIEW: \_\_\_\_\_

SCALE: \_\_\_\_\_

DATE: \_\_\_\_\_

CITY OF REDWOOD FALLS, MINNESOTA

REFLECTION PRINNE ADDITION & REFLECTION RIDGE BUSINESS PARK - PHASE I IMPROVEMENTS

STORM SEWER CATCH BASIN PROFILES

REFLECTION PRAIRIE ADDITION - CATCH BASIN LEADS

SHEET

10.04

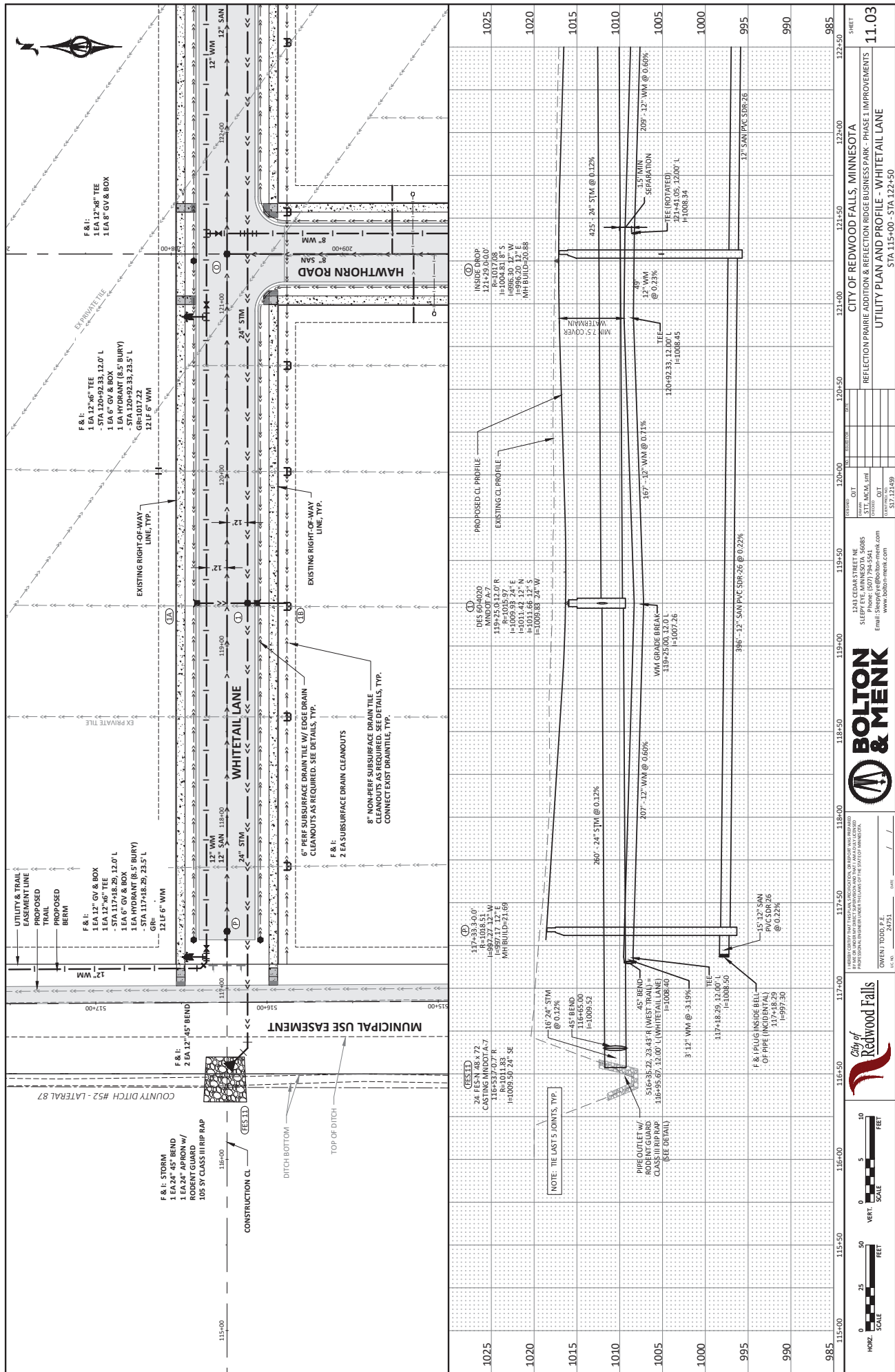
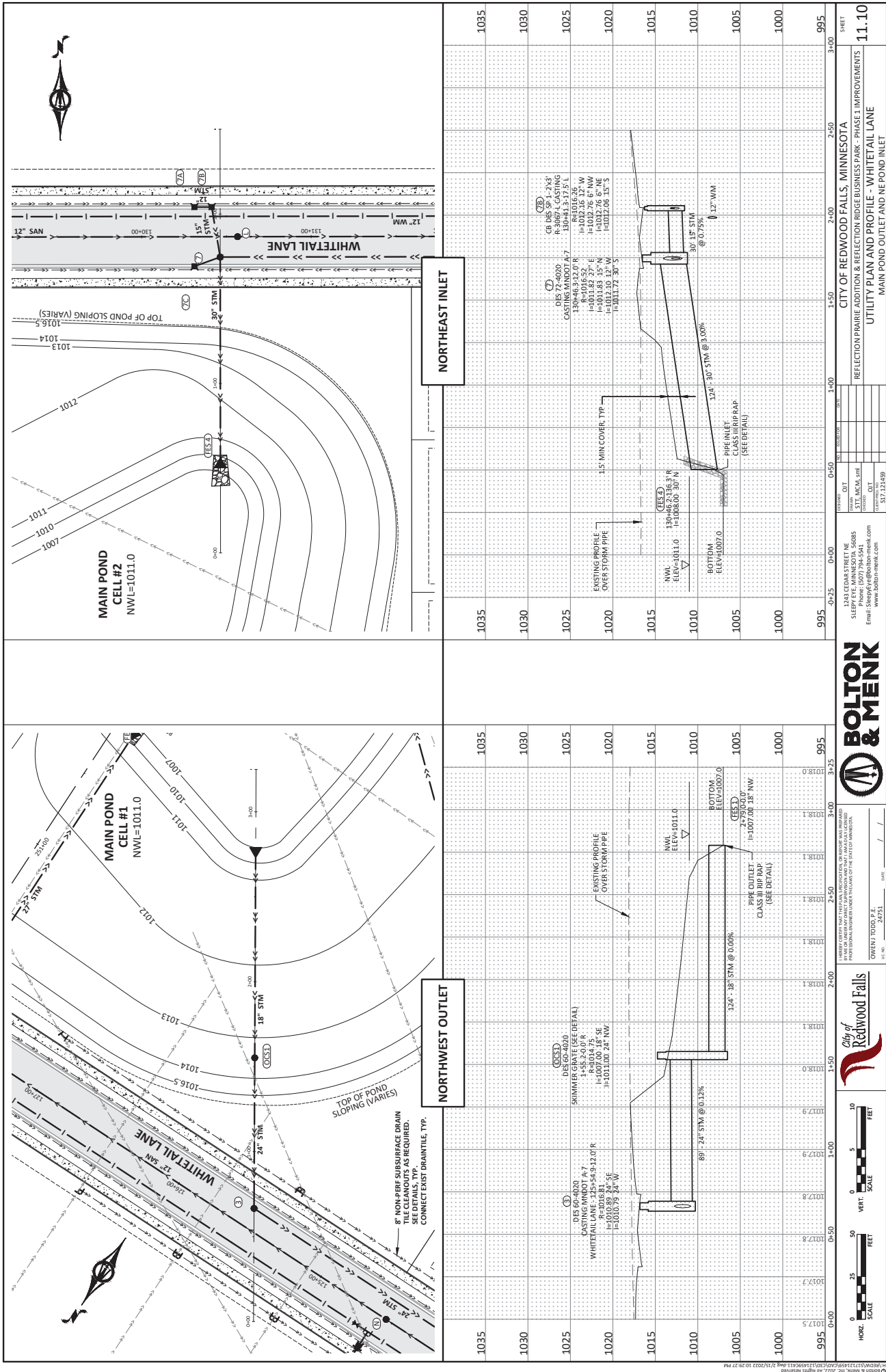


EXHIBIT C, Page 5 of 7







September 13, 2021

James Doering  
City of Redwood Falls  
PO Box 526  
Redwood Falls, MN 56283-0526

RE: Issuance of Coverage under the Small Municipal Separate Storm Sewer Systems General Permit MNR040000 for City of Redwood Falls MS4

Dear James Doering:

In accordance with Minn. R. 7001.0140, the Minnesota Pollution Control Agency (MPCA) is issuing coverage under the Small Municipal Separate Storm Sewer System (MS4) General Permit MNR040000 (MS4 General Permit) to the City of Redwood Falls MS4, effective September 13, 2021. Enclosed is your official Notice of Coverage, which includes the above referenced MS4 General Permit requirements.

Our final decision to issue permit coverage was based on the following:

- You submitted a complete application; and
- No applicable comments were received or all applicable comments received have been addressed.

If you were covered under the August 1, 2013, MS4 General Permit, coverage under that permit is immediately terminated as of the date on this letter.

You must:

- Comply with the requirements of the MS4 General Permit and your Stormwater Pollution Prevention Program (SWPPP) Document;
- Meet the new requirements in the MS4 General Permit within 12 months of the date of receiving permit coverage;
- Retain your SWPPP Document and all records pertinent to it for at least three (3) years beyond the term of the MS4 General Permit;
- Report on activities that were required or committed to under the previous permit. Your annual report, due June 30 of each year, must cover all activities and permit requirements of the previous calendar year regardless which permit those activities are conducted under; and
- Retain this letter as documentation of your coverage under the MS4 General Permit.

The issuance of coverage does not preclude the MPCA from conducting inspections or audits.



James Doering  
Page 2  
September 13, 2021

If you have questions, please contact Rajminder Heck 651-757-2296 or [raj.heck@state.mn.us](mailto:raj.heck@state.mn.us).

Sincerely,

*Duane Duncanson*

*This document has been electronically signed.*

Duane Duncanson  
Supervisor  
Municipal Stormwater Unit  
Municipal Division

DD/RH:map

cc: Activity GEN20170001 @ 43775

**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  
MS400236**

**Permittee:** City of Redwood Falls  
**Coverage issuance date:** September 13, 2021  
**Expiration date:** November 15, 2025

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 MPCA issued the General Permit on November 16, 2020, however the permittee received coverage under the General Permit on the coverage issuance date identified above. The General Permit expires at midnight on the expiration date identified above.

*Signature:* *Duane Duncanson* *for the Minnesota Pollution Control Agency*

*This document has been electronically signed.*

Duane Duncanson  
Supervisor, Municipal Stormwater Unit  
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, Minnesota 55155-4194  
Telephone: 651-296-6300 or toll free in Minnesota: 800-657-3864

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1.1	<b>Eligibility.</b> [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	<b>Authorized Stormwater Discharges.</b> [Minn. R. 7090]
2.2	The General Permit authorizes stormwater discharges from small MS4s as defined in 40 CFR 122.26(b)(16). [Minn. R. 7090]
3.1	<b>Authorized Non-Stormwater Discharges.</b> [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 (i.e., illicit discharges), in which case the discharges or flows must be addressed in the permittee's Stormwater Pollution Prevention Program (SWPPP): water line flushing, landscape irrigation, diverted stream flows, rising groundwaters, uncontaminated groundwater infiltration (as defined at 40 CFR 35.2005(b)(20)), uncontaminated pumped groundwater, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, street wash water, and discharges or flows from firefighting activities. [Minn. R. 7090]
4.1	<b>Limitations on Authorization.</b> [Minn. R. 7090]
4.2	<p>The following discharges or activities are not authorized by the General Permit:</p> <ul style="list-style-type: none"> <li>a. non-stormwater discharges, except those authorized by the permittee in item 3.2;</li> <li>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;</li> <li>c. the General Permit does not replace or satisfy any environmental review requirements, including those under the Minnesota Environmental Policy Act (Minn. Stat. 116D), or the National Environmental Policy Act (42 U.S.C. 4321 et seq.);</li> <li>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;</li> <li>e. 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</li> <li>f. discharges to prohibited outstanding resource value waters pursuant to Minn. R. 7050.0335, subp. 3.</li> </ul> <p>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]</p>
5.1	<b>Permit Authorization.</b> [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	<p>The Commissioner reviews the General Permit application for completeness. After review, the Commissioner will do one of the following:</p> <ul style="list-style-type: none"> <li>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</li> <li>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]</li> </ul>
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	<b>Transfer of Ownership or Control.</b> [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	<b>Issuance of Individual Permits.</b> [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	<b>Rights and Responsibilities.</b> [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	<b>Application for Reissuance.</b> [Minn. R. 7001]
9.2	If an existing permittee desires to continue permit coverage beyond the expiration date, the permittee must submit an application for permit reissuance: Due by 180 days prior to permit expiration. [Minn. R. 7001.0040, Subp. 3]
10.1	<b>New Permittee Applicants.</b> [Minn. R. 7090]
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	<b>Existing Permittee Applicants.</b> [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 permit issuance. Existing permittees were required to submit Part 1 of the permit application prior to the expiration date (July 31, 2018) of the Agency's small MS4 general permit No.MNR040000, effective August 1, 2013. [Minn. R. 7090]
12.1	<b>Stormwater Pollution Prevention Program (SWPPP) Document.</b> [Minn. R. 7090]
12.2	All applicants must submit a SWPPP Document (i.e., Part 2 of the permit application) when seeking coverage under the General Permit. 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 24) will also become enforceable provisions. The applicant must submit the SWPPP Document on a form provided by the Agency. The applicant's SWPPP Document must 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 titles 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	<p>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:</p> <ul style="list-style-type: none"> <li>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;</li> <li>b. the status of each required component of the regulatory mechanism(s); and</li> <li>c. if available, a website address to the regulatory mechanism(s).</li> </ul> <p>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]</p>
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, 19.12, 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	<p>The applicant must submit a compliance schedule for each applicable Waste Load Allocation (WLA) not being met for oxygen demand, nitrate, 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:</p> <ul style="list-style-type: none"> <li>a. proposed BMPs or progress toward implementation of BMPs to be achieved during the permit term;</li> <li>b. the year each BMP is expected to be implemented;</li> <li>c. a target year the applicable WLA(s) will be achieved; and</li> <li>d. if the applicant has an applicable WLA for TSS or TP, a cumulative estimate of TSS and TP load reductions (in pounds) to be achieved during the permit term and the Agency-approved method used to determine the estimate.</li> </ul> <p>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", or any other method that receives Agency-approval. [Minn. R. 7090]</p>
12.9	<p>For each applicable WLA where a reduction in pollutant loading is required for bacteria, chloride, and temperature, the applicant must provide a description of any existing BMPs the applicant has developed and implemented to satisfy the requirements of items 22.3 through 22.7, including:</p> <ul style="list-style-type: none"> <li>a. the BMPs the applicant has implemented for each required component at the time of application;</li> <li>b. the status of each required component; and</li> <li>c. name(s) of individual(s) or position titles responsible for implementing and/or coordinating each required component.</li> </ul> <p>If the required components 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]</p>

12.10	<p>If the applicant is claiming to meet an applicable WLA where a reduction in pollutant loading is required for oxygen demand, nitrate, 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:</p> <ul style="list-style-type: none"> <li>a. a list of all structural stormwater BMPs implemented to achieve the applicable WLA, including the BMP type (e.g., constructed basin, infiltrator, filter, swale or strip, etc.), location in geographic coordinates, owner, and year implemented; and</li> <li>b. documentation using an Agency-approved method, which demonstrates the estimated reductions of oxygen demand (or its surrogate pollutants), nitrate, 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</li> <li>c. documentation using an Agency-approved method, which demonstrates the applicant's existing load meets the WLA. [Minn. R. 7090]</li> </ul>
12.11	<p>For the requirements of Section 23, alum or ferric chloride phosphorus treatment systems, if applicable, the applicant must submit the following information:</p> <ul style="list-style-type: none"> <li>a. location of the system in geographic coordinates;</li> <li>b. name(s) of the individual(s) or position titles responsible for the operation of the system;</li> <li>c. information described in item 23.11, if the system is constructed at the time the applicant submits the application to the Agency;</li> <li>d. indicate if the system complies with the requirements in Section 23; and</li> <li>e. if applicable, for each requirement in Section 23 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]</li> </ul>
13.1	<b>Stormwater Pollution Prevention Program (SWPPP).</b> [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. Existing permittees regulated within the urbanized area as defined by the United States Census Bureau, 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 2010 for the duration of the General Permit. [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 effective August 1, 2013, 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 23, as applicable. [Minn. R. 7090]
14.1	<b>Mapping.</b> [Minn. R. 7090]
14.2	<p>New permittees must develop, and existing permittees must update, as necessary, a storm sewer system map that depicts the following:</p> <ul style="list-style-type: none"> <li>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;</li> <li>b. outfalls, including a unique identification (ID) number assigned by the permittee, and an associated geographic coordinates;</li> <li>c. structural stormwater BMPs that are part of the permittee's MS4; and</li> <li>d. all receiving waters. [Minn. R. 7090]</li> </ul>
15.1	<b>Minimum Control Measures (MCMs).</b> [Minn. R. 7090.1040]
15.2	The permittee must incorporate the following six MCMs into the SWPPP. [Minn. R. 7090.1040]
16.1	<b>MCM 1: Public Education and Outreach.</b> [Minn. R. 7090]
16.2	New permittees must develop and implement, and existing permittees must revise their current program, as necessary, and continue to implement, a public education program to distribute educational materials or equivalent outreach that informs the public of the impact stormwater discharges have on waterbodies and that includes actions citizens, businesses, and

	other local organizations can take to reduce the discharge of pollutants to stormwater. The permittee may use existing materials if they are appropriate for the message the permittee chooses to deliver, or the permittee may develop its own educational materials. The permittee may partner with other MS4 permittees, community groups, watershed management organizations, or other groups to implement its education and outreach program. The permittee must incorporate Section 16 requirements into their program. [Minn. R. 7090]
16.3	During the permit term, the permittee must distribute educational materials or equivalent outreach focused on at least two (2) specifically selected stormwater-related issues of high priority to the permittee (e.g., specific 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: <ul style="list-style-type: none"> <li>a. impacts of deicing salt use on receiving waters;</li> <li>b. methods to reduce deicing salt use; and</li> <li>c. proper storage of salt or other deicing materials. [Minn. R. 7090]</li> </ul>
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: <ul style="list-style-type: none"> <li>a. impacts of pet waste on receiving waters;</li> <li>b. proper management of pet waste; and</li> <li>c. any existing permittee regulatory mechanism(s) for pet waste. [Minn. R. 7090]</li> </ul>
16.7	The permittee must develop and implement an education and outreach plan that consists of the following: <ul style="list-style-type: none"> <li>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 non-native English speaking residents. A resource to help identify these areas is available on the Agency's environmental justice website);</li> <li>b. name or position title of responsible person(s) for overall plan implementation;</li> <li>c. specific activities and schedules to reach each target audience; and</li> <li>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]</li> </ul>
16.8	The permittee must document the following information: <ul style="list-style-type: none"> <li>a. a description of all specific stormwater-related issues identified by the permittee in item 16.3;</li> <li>b. all information required under the permittee's education and outreach plan in item 16.7;</li> <li>c. activities held, including dates, to reach each target audience;</li> <li>d. quantities and descriptions of educational materials distributed, including dates distributed; and</li> <li>e. estimated audience (e.g., number of participants, viewers, readers, listeners, etc.) for each completed education and outreach activity. [Minn. R. 7090]</li> </ul>
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	<b>MCM 2: Public Participation/Involvement.</b> [Minn. R. 7090]
17.2	New permittees must develop and implement, and existing permittees must revise their current program, as necessary, and continue to implement, a Public Participation/Involvement program to solicit public input on the SWPPP and involve the public in activities that improve or protect water quality. The permittee must incorporate Section 17 requirements into



	their program. [Minn. R. 7090]
17.3	Each calendar year, the permittee must provide a minimum of one (1) opportunity for the public to provide input on the adequacy of the SWPPP. The permittee may conduct a public meeting(s) to satisfy this requirement, provided appropriate local public notice requirements are followed and the public is given the opportunity to review and comment on the SWPPP. [Minn. R. 7090]
17.4	The permittee must provide access to the SWPPP Document, annual reports, and other documentation that supports or describes the SWPPP (e.g., regulatory mechanism(s), etc.) for public review, upon request. All public data requests are subject to the Minnesota Government Data Practices Act, Minn. Stat. 13. [Minn. Stat. 13]
17.5	The permittee must consider oral and written input regarding the SWPPP submitted by the public to the permittee. [Minn. R. 7090]
17.6	Each calendar year, the permittee must provide a minimum of one (1) public involvement activity that includes a pollution prevention or water quality theme (e.g., rain barrel distribution event, rain garden workshop, cleanup event, storm drain stenciling, volunteer water quality monitoring, adopt a storm drain program, household hazardous waste collection day, etc.). [Minn. R. 7090]
17.7	The permittee must document the following information: <ul style="list-style-type: none"> <li>a. all relevant written input submitted by persons regarding the SWPPP;</li> <li>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;</li> <li>c. date(s), location(s), and estimated number of participants at events held for purposes of compliance with item 17.3;</li> <li>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</li> <li>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]</li> </ul>
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	<b>MCM 3: Illicit Discharge Detection and Elimination (IDDE).</b> [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. The regulatory mechanism(s) must also include items 18.5 and 18.6, as applicable. [Minn. R. 7090]
18.5	For cities, townships, and counties, the permittee's regulatory mechanism(s) must require owners or custodians of pets to remove and properly dispose of feces on 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: <ul style="list-style-type: none"> <li>a. designated salt storage areas must be covered or indoors;</li> <li>b. designated salt storage areas must be located on an impervious surface; and</li> <li>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]</li> </ul>

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 train all field staff in illicit discharge recognition (including conditions which could cause illicit discharges), and reporting illicit discharges for further investigation. Field staff includes, but is not limited to, police, fire department, public works, and parks staff. 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, but is not limited to, individuals responsible for investigating, locating, eliminating illicit discharges, and/or enforcement. The permittee must ensure that previously trained individuals attend 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: <ul style="list-style-type: none"> <li>a. land uses associated with business/industrial activities;</li> <li>b. areas where illicit discharges have been identified in the past; and</li> <li>c. areas with storage of significant materials that could result in an illicit discharge. [Minn. R. 7090]</li> </ul>
18.11	To the extent allowable under state or local law, the permittee must conduct additional 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. At a minimum, the written procedures must include: <ul style="list-style-type: none"> <li>a. a timeframe in which the permittee will investigate a reported illicit discharge;</li> <li>b. use of visual inspections to detect and track the source of an illicit discharge;</li> <li>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.);</li> <li>d. cleanup methods available to the permittee to remove an illicit discharge or spill; and</li> <li>e. name or position title of responsible person(s) for investigating, locating, and eliminating an illicit discharge. [Minn. R. 7090]</li> </ul>
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 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: <ul style="list-style-type: none"> <li>a. a description of enforcement tools available to the permittee and guidelines for the use of each tool;</li> <li>b. timeframes to complete corrective actions; and</li> <li>c. name or position title of responsible person(s) for conducting enforcement. [Minn. R. 7090]</li> </ul>
18.15	The permittee must document the following information: <ul style="list-style-type: none"> <li>a. date(s) and location(s) of IDDE inspections conducted in accordance with items 18.7 and 18.11;</li> <li>b. reports of alleged illicit discharges received, including date(s) of the report(s), and any follow-up action(s) taken by the permittee;</li> <li>c. date(s) of discovery of all illicit discharges;</li> <li>d. identification of outfalls, or other areas, where illicit discharges have been discovered;</li> <li>e. sources (including a description and the responsible party) of illicit discharges (if known); and</li> <li>f. action(s) taken by the permittee, including date(s), to address discovered illicit discharges. [Minn. R. 7090]</li> </ul>
18.16	For each training in item 18.8 and 18.9, the permittee must document:

	<ul style="list-style-type: none"> <li>a. general subject matter covered;</li> <li>b. names and departments of individuals in attendance; and</li> <li>c. date of each event. [Minn. R. 7090]</li> </ul>
18.17	<p>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:</p> <ul style="list-style-type: none"> <li>a. name of the person responsible for violating the terms and conditions of the permittee's regulatory mechanism(s);</li> <li>b. date(s) and location(s) of the observed violation(s);</li> <li>c. description of the violation(s);</li> <li>d. corrective action(s) (including completion schedule) issued by the permittee;</li> <li>e. referrals to other regulatory organizations (if any); and</li> <li>f. date(s) violation(s) resolved. [Minn. R. 7090]</li> </ul>
18.18	<p>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]</p>
19.1	<p><b>MCM 4: Construction Site Stormwater Runoff Control.</b> [Minn. R. 7090]</p>
19.2	<p>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]</p>
19.3	<p>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]</p>
19.4	<p>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]</p>
19.5	<p>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:</p> <ul style="list-style-type: none"> <li>a. erosion prevention practices;</li> <li>b. sediment control practices;</li> <li>c. dewatering and basin draining;</li> <li>d. inspection and maintenance;</li> <li>e. pollution prevention management measures;</li> <li>f. temporary sediment basins; and</li> <li>g. termination conditions. [Minn. R. 7090]</li> </ul>
19.6	<p>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:</p> <ul style="list-style-type: none"> <li>a. written notification to owners and operators proposing construction activity, including projects less than one acre that</li> </ul>

	are part of a larger common plan of development or sale, of the need to apply for and obtain coverage under the CSW Permit; and b. use of a written checklist, consistent with the requirements of the regulatory mechanism(s), to document the adequacy of each site plan required in item 19.5. [Minn. R. 7090]
19.7	The permittee must implement an inspection program that includes written procedures for conducting site inspections, to determine compliance with the permittee's regulatory mechanism(s). The inspection program must also meet the requirements in items 19.8 and 19.9. [Minn. R. 7090]
19.8	The permittee must maintain written procedures for identifying high-priority and low-priority sites for inspection. At a minimum, the written procedures must include:  a. a detailed explanation describing how sites will be categorized as either high-priority or low-priority; b. a frequency at which the permittee will conduct inspections for high-priority sites; c. a frequency at which the permittee will conduct inspections for low-priority sites; and d. the name(s) of individual(s) or position title(s) responsible for conducting site inspections. [Minn. R. 7090]
19.9	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 down gradient perimeters of the project and up gradient 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]
19.10	The permittee must implement written procedures for receipt and consideration of reports of noncompliance or other stormwater related information on construction activity submitted by the public to the permittee. [Minn. R. 7090]
19.11	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, but is not limited to, individuals responsible for conducting site plan reviews, site inspections, and/or enforcement. The permittee must ensure that previously trained individuals attend a refresher-training every three (3) calendar years following the initial training. [Minn. R. 7090]
19.12	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 or position title of responsible person(s) for conducting enforcement. [Minn. R. 7090]
19.13	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]

19.14	For each training in item 19.11, the permittee must document: <ul style="list-style-type: none"> <li>a. general subject matter covered;</li> <li>b. names and departments of individuals in attendance; and</li> <li>c. date of each event. [Minn. R. 7090]</li> </ul>
19.15	The permittee must document any enforcement conducted pursuant to the ERPs in item 19.12, including verbal warnings. At a minimum, the permittee must document the following: <ul style="list-style-type: none"> <li>a. name of the person responsible for violating the terms and conditions of the permittee's regulatory mechanism(s);</li> <li>b. date(s) and location(s) of the observed violation(s);</li> <li>c. description of the violation(s);</li> <li>d. corrective action(s) (including completion schedule) issued by the permittee;</li> <li>e. referrals to other regulatory organizations (if any); and</li> <li>f. date(s) violation(s) resolved. [Minn. R. 7090]</li> </ul>
19.16	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	<b>MCM 5: Post-Construction Stormwater Management.</b> [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 20.15. 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	<p>Infiltration systems must be prohibited when the system would be constructed in areas:</p> <ul style="list-style-type: none"> <li>a. that receive discharges from vehicle fueling and maintenance areas, regardless of the amount of new and fully reconstructed impervious surface;</li> <li>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;</li> <li>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;</li> <li>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;</li> <li>e. of predominately Hydrologic Soil Group D (clay) soils;</li> <li>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;</li> <li>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;</li> <li>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;</li> <li>i. within 1,000 feet up-gradient or 100 feet down gradient of active karst features; or</li> <li>j. that receive stormwater runoff from these types of entities regulated under NPDES for industrial stormwater: automobile salvage yards; scrap recycling and waste recycling facilities; hazardous waste treatment, storage, or disposal facilities; or air transportation facilities that conduct deicing activities.</li> </ul> <p>See "higher level of engineering review" in the Minnesota Stormwater Manual for more information. [Minn. R. 7090]</p>
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 and, at a minimum, ensure the requirements of items 20.11 through 20.14 are met. [Minn. R. 7090]
20.11	<p>The permittee must ensure off-site treatment project areas are selected in the following order of preference:</p> <ul style="list-style-type: none"> <li>a. locations that yield benefits to the same receiving water that receives runoff from the original construction activity;</li> <li>b. locations within the same Department of Natural Resource (DNR) catchment area as the original construction activity;</li> <li>c. locations in the next adjacent DNR catchment area up-stream; or</li> <li>d. locations anywhere within the permittee's jurisdiction. [Minn. R. 7090]</li> </ul>
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	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]
20.15	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

	<p>requirements in Section 20. The legal mechanism(s) must include provisions that, at a minimum:</p> <ul style="list-style-type: none"> <li>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;</li> <li>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</li> <li>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]</li> </ul>
20.16	<p>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:</p> <ul style="list-style-type: none"> <li>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 20.15; and</li> <li>b. the structural stormwater BMP was implemented on or after August 1, 2013. [Minn. R. 7090]</li> </ul>
20.17	<p>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]</p>
20.18	<p>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, but is not limited to, individuals responsible for conducting site plan reviews and/or enforcement. The permittee must ensure that previously trained individuals attend a refresher-training every three (3) calendar years following the initial training. [Minn. R. 7090]</p>
20.19	<p>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:</p> <ul style="list-style-type: none"> <li>a. a description of enforcement tools available to the permittee and guidelines for the use of each tool; and</li> <li>b. name or position title of responsible person(s) for conducting enforcement. [Minn. R. 7090]</li> </ul>
20.20	<p>For each site plan review conducted by the permittee, the permittee must document the following:</p> <ul style="list-style-type: none"> <li>a. supporting documentation used to determine compliance with Section 20 of the General Permit, including any calculations for the permanent stormwater treatment system;</li> <li>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;</li> <li>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;</li> <li>d. payments received and used in accordance with item 20.14; and</li> <li>e. all legal mechanisms drafted in accordance with item 20.15, including date(s) of the agreement(s) and name(s) of all responsible parties involved. [Minn. R. 7090]</li> </ul>
20.21	<p>For each training in item 20.18, the permittee must document:</p> <ul style="list-style-type: none"> <li>a. general subject matter covered;</li> <li>b. names and departments of individuals in attendance; and</li> <li>c. date of each event. [Minn. R. 7090]</li> </ul>
20.22	<p>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:</p> <ul style="list-style-type: none"> <li>a. name of the person responsible for violating the terms and conditions of the permittee's regulatory mechanism(s);</li> <li>b. date(s) and location(s) of the observed violation(s);</li> <li>c. description of the violation(s);</li> <li>d. corrective action(s) (including completion schedule) issued by the permittee;</li> <li>e. referrals to other regulatory organizations (if any); and</li> <li>f. date(s) violation(s) resolved. [Minn. R. 7090]</li> </ul>

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 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	<b>MCM 6: Pollution Prevention/Good Housekeeping For Municipal Operations.</b> [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	<p>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:</p> <ul style="list-style-type: none"> <li>a. composting;</li> <li>b. equipment storage and maintenance;</li> <li>c. hazardous waste disposal;</li> <li>d. hazardous waste handling and transfer;</li> <li>e. landfills;</li> <li>f. solid waste handling and transfer;</li> <li>g. parks;</li> <li>h. pesticide storage;</li> <li>i. public parking lots;</li> <li>j. public golf courses;</li> <li>k. public swimming pools;</li> <li>l. public works yards;</li> <li>m. recycling;</li> <li>n. salt storage;</li> <li>o. snow storage;</li> <li>p. vehicle storage and maintenance (e.g., fueling and washing) yards; and</li> <li>q. materials storage yards. [Minn. R. 7090]</li> </ul>
21.4	<p>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:</p> <ul style="list-style-type: none"> <li>a. waste disposal and storage, including dumpsters;</li> <li>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 down gradient perimeter);</li> <li>c. vehicle fueling, washing, and maintenance;</li> <li>d. routine street and parking lot sweeping;</li> <li>e. emergency response;</li> <li>f. cleaning of maintenance equipment, building exteriors, dumpsters, and the disposal of associated waste and wastewater;</li> <li>g. use, storage, and disposal of significant materials;</li> <li>h. landscaping, park, and lawn maintenance;</li> <li>i. road maintenance, including pothole repair, road shoulder maintenance, pavement marking, sealing, and repaving;</li> <li>j. right-of-way maintenance, including mowing; and</li> <li>k. application of herbicides, pesticides, and fertilizers. [Minn. R. 7090]</li> </ul>
21.5	<p>The permittee must implement the following BMPs at permittee owned/operated salt storage areas:</p> <ul style="list-style-type: none"> <li>a. cover or store salt indoors;</li> <li>b. store salt on an impervious surface; and</li> <li>c. implement practices to reduce exposure when transferring material from salt storage areas (e.g., sweeping, diversions,</li> </ul>



	and/or containment). [Minn. R. 7090]
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: <ul style="list-style-type: none"> <li>a. the importance of protecting water quality;</li> <li>b. BMPs to minimize the use of deicers (e.g., proper calibration of equipment and benefits of pretreatment, pre-wetting, and anti-icing); and</li> <li>c. tools and resources to assist in winter maintenance (e.g., deicing application rate guidelines, calibration charts, Smart Salting Assessment Tool).</li> </ul> <p>The permittee may use training materials from the Agency's Smart Salting training or other organizations to meet this requirement. [Minn. R. 7090]</p>
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: <ul style="list-style-type: none"> <li>a. complaints received or patterns of maintenance indicate a greater frequency is necessary; or</li> <li>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]</li> </ul>
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 implement a stormwater management training program commensurate with individual's responsibilities as they relate to the permittee's SWPPP, including reporting and assessment activities. The permittee may use training materials from the United States Environmental Protection Agency (USEPA), state and regional agencies, or other organizations as appropriate to meet this requirement. The training program must: <ul style="list-style-type: none"> <li>a. address the importance of protecting water quality;</li> <li>b. cover the requirements of the permit relevant to the responsibilities of the individual not already addressed in items 18.8, 18.9, 19.11, 20.18, and 21.7; and</li> <li>c. include a schedule that establishes initial training for individuals, including new and/or seasonal employees, and recurring training intervals to address changes in procedures, practices, techniques, or requirements. [Minn. R. 7090]</li> </ul>
21.13	The permittee must document the following information associated with the operations and maintenance program: <ul style="list-style-type: none"> <li>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;</li> <li>b. any adjustments to inspection frequency as authorized in item 21.9;</li> <li>c. date(s) and a description of maintenance conducted as a result of inspection findings, including whether or not an illicit discharge is detected;</li> <li>d. schedule(s) for maintenance of structural stormwater BMPs and outfalls as required in item 21.11; and</li> <li>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]</li> </ul>

21.14	<p>The permittee must document pond sediment excavation and removal activities, including:</p> <ul style="list-style-type: none"> <li>a. a unique ID number and geographic coordinates of each stormwater pond from which sediment is removed;</li> <li>b. the volume (e.g., cubic yards) of sediment removed from each stormwater pond;</li> <li>c. results from any testing of sediment from each removal activity; and</li> <li>d. location(s) of final disposal of sediment from each stormwater pond. [Minn. R. 7090]</li> </ul>
21.15	<p>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]</p>
22.1	<p><b>Discharges to Impaired Waters with a USEPA-Approved TMDL that Includes an Applicable WLA.</b> [Minn. R. 7090]</p>
22.2	<p>If the permittee has an applicable WLA not being met for oxygen demand, nitrate, 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:</p> <ul style="list-style-type: none"> <li>a. a list of all BMPs applied towards achieving applicable WLAs for oxygen demand, nitrate, TSS, and TP;</li> <li>b. the implementation status of BMPs included in the compliance schedule at the time of final application submittal; and</li> <li>c. an updated estimate of cumulative TSS and TP load reductions. [Minn. R. 7090]</li> </ul>
22.3	<p>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]</p>
22.4	<p>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 22.3. The written plan must include BMPs the permittee will implement over the permit term, which may include, but is not limited to:</p> <ul style="list-style-type: none"> <li>a. water quality monitoring to determine areas of high bacteria loading;</li> <li>b. installation of pet waste pick-up bags in parks and open spaces;</li> <li>c. elimination of over-spray irrigation that may occur at permittee owned areas;</li> <li>d. removal of organic matter via street sweeping;</li> <li>e. implementation of infiltration structural stormwater BMPs; or</li> <li>f. management of areas that attract dense populations of waterfowl (e.g., riparian plantings). [Minn. R. 7090]</li> </ul>
22.5	<p>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]</p>
22.6	<p>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 Assessment 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:</p> <ul style="list-style-type: none"> <li>a. operational changes such as pre-wetting, pre-treating the salt stockpile, increasing plowing prior to deicing, monitoring of road surface temperature, etc.;</li> <li>b. implementation of new or modified equipment providing pre-wetting, or other capability for minimizing salt use;</li> <li>c. regular calibration of equipment;</li> <li>d. optimizing mechanical removal to reduce use of deicers; or</li> <li>e. designation of no salt and/or low salt zones. [Minn. R. 7090]</li> </ul>
22.7	<p>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</p>

	<p>- 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:</p> <ul style="list-style-type: none"> <li>a. implementation of infiltration BMPs such as bioinfiltration practices;</li> <li>b. disconnection and/or reduction of impervious surfaces;</li> <li>c. retrofitting existing structural stormwater BMPs; or</li> <li>d. improvement of riparian vegetation. [Minn. R. 7090]</li> </ul>
23.1	<b>Alum or Ferric Chloride Phosphorus Treatment Systems.</b> [Minn. R. 7090]
23.2	If the permittee uses an alum or ferric chloride phosphorus treatment system, the permittee must comply with Section 23 requirements. [Minn. R. 7090]
23.3	<p>The permittee's alum or ferric chloride phosphorus treatment system must comply with the following:</p> <ul style="list-style-type: none"> <li>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;</li> <li>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;</li> <li>c. phosphorus treatment systems utilizing chemicals other than alum or ferric chloride must receive written approval from the Agency; and</li> <li>d. in-lake phosphorus treatment activities are not authorized under the General Permit. [Minn. R. 7090]</li> </ul>
23.4	<p>The permittee's alum or ferric chloride phosphorus treatment system must meet the following design parameters:</p> <ul style="list-style-type: none"> <li>a. the treatment system must be constructed in a manner that diverts the stormwater flow to be treated from the main conveyance system;</li> <li>b. a high flow bypass must be part of the inlet design; and</li> <li>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]</li> </ul>
23.5	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]
23.6	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]
23.7	Samples must be collected as grab samples or flow-weighted 24-hour composite samples. [Minn. R. 7090]
23.8	<p>Each sample, excluding pH samples, must be analyzed by a laboratory certified by the Minnesota Department of Health and/or the Agency, and:</p> <ul style="list-style-type: none"> <li>a. sample preservation and test procedures for the analysis of pollutants must conform to 40 CFR Part 136 and Minn. R. 7041.3200;</li> <li>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</li> <li>c. pH must be measured within 15 minutes of sample collection using calibrated and maintained equipment. [Minn. R. 7090]</li> </ul>
23.9	<p>In the following situations, the permittee must perform corrective action(s) and immediately notify the Minnesota Department of Public Safety Duty Officer at 800-422-0798 (toll free) or 651-649-5451 (Metro area):</p> <ul style="list-style-type: none"> <li>a. the pH of the discharged water is not within the range of 6.0 and 9.0;</li> <li>b. any indications of toxicity or measurements exceeding water quality standards which could endanger human health, public drinking water supplies, or the environment; or</li> <li>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.</li> </ul>

	If item b is applicable, the permittee must also report the non-compliance to the Commissioner as required in item 26.11. [Minn. R. 7001.0150, subp. 3(K), Minn. R. 7090]
23.10	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 26.12. [Minn. R. 7001.0150, subp. 3(L), Minn. R. 7090]
23.11	The permittee must submit the following information with the annual report. The annual report must include a month-by-month summary of: <ul style="list-style-type: none"> <li>a. date(s) of operation;</li> <li>b. chemical(s) used for treatment;</li> <li>c. gallons of water treated;</li> <li>d. gallons of alum or ferric chloride treatment used;</li> <li>e. calculated pounds of phosphorus removed; and</li> <li>f. any performance issues and the corrective action(s), including the date(s) when corrective action(s) were taken. [Minn. R. 7090]</li> </ul>
23.12	A record of the design parameters in items 23.13 through 23.15 must be kept on-site. [Minn. R. 7090]
23.13	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]
23.14	Baseline concentrations of the following parameters in the influent and receiving waters: <ul style="list-style-type: none"> <li>a. aluminum or iron; and</li> <li>b. phosphorus. [Minn. R. 7090]</li> </ul>
23.15	The following system parameters and how each was determined: <ul style="list-style-type: none"> <li>a. flocculant settling velocity;</li> <li>b. minimum required retention time;</li> <li>c. rate of diversion of stormwater into the system;</li> <li>d. the flow rate from the discharge of the outlet structure; and</li> <li>e. range of expected dosing rates. [Minn. R. 7090]</li> </ul>
23.16	The following site-specific procedures must be developed and a copy kept on-site: <ul style="list-style-type: none"> <li>a. procedures for the installation, operation and maintenance of all pumps, generators, control systems, and other equipment;</li> <li>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</li> <li>c. procedures for cleaning up and/or containing a spill of each chemical stored on-site. [Minn. R. 7090]</li> </ul>
24.1	<b>Stormwater Pollution Prevention Program (SWPPP) Modification.</b> [Minn. R. 7090]
24.2	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: <ul style="list-style-type: none"> <li>a. discharges from the MS4 are impacting the quality of receiving waters;</li> <li>b. more stringent requirements are necessary to comply with state or federal regulations; and</li> <li>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]</li> </ul>
24.3	Modifications that the permittee chooses to make to the SWPPP other than modifications authorized in item 24.4, 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]
24.4	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:

	<p>a. a BMP is added, and none subtracted, from the SWPPP; or</p> <p>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]</p>
25.1	<b>Annual Assessment, Annual Reporting, and Recordkeeping.</b> [Minn. R. 7090]
25.2	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]
25.3	<p>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:</p> <p>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;</p> <p>b. the stormwater activities the permittee plans to undertake during the next reporting cycle;</p> <p>c. a change in any identified BMPs for any of the MCMs;</p> <p>d. the summary required in item 22.2 to demonstrate progress toward achieving applicable WLAs;</p> <p>e. information required to be recorded or documented in Sections 13 through 24; and</p> <p>f. a statement that the permittee is relying on a partnership(s) with another regulated small MS4(s) to satisfy one or more permit requirements (if applicable), and what agreements the permittee has entered into in support of this effort. [Minn. R. 7090]</p>
25.4	The permittee must make records, including components of the SWPPP, available to the public at reasonable times during regular business hours (see 40 CFR 122.7 for confidentiality provision). [Minn. R. 7090]
25.5	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]
25.6	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), Minn. R. 7090]
25.7	<p>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:</p> <p>Supervisor, Municipal Stormwater Unit Minnesota Pollution Control Agency 520 Lafayette Road North St. Paul, Minnesota 55155-4194. [Minn. R. 7090]</p>
26.1	<b>General Conditions.</b> [Minn. R. 7090]
26.2	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)]
26.3	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)]
26.4	The General Permit does not convey a property right or an exclusive privilege. [Minn. R. 7001.0150, subp. 3(C)]
26.5	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)]
26.6	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)]
26.7	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)]
26.8	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]
26.9	When authorized by Minn. Stat. 115.04, 115B.17, subd. 4, and 116.091, and upon presentation of proper credentials, the Agency, or an authorized employee or agent of the Agency, must be allowed by the permittee to enter at reasonable times upon the property of the permittee to examine and copy books, papers, records, or memoranda pertaining to the activity covered by the 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)]
26.10	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)]
26.11	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)]
26.12	The permittee must report noncompliance with the General Permit not reported under item 26.11 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 the discovery of the noncompliance, the permittee must submit the information listed in item 26.11 within 30 days of the discovery of the noncompliance. [Minn. R. 7001.0150, subp. 3(L), Minn. R. 7090]
26.13	The permittee must give advance notice to the Commissioner as soon as possible of planned physical alterations or additions to the permitted facility (MS4) or activity that may result in noncompliance with a Minnesota or federal pollution control statute or rule or a condition of the General Permit. [Minn. R. 7001.0150, subp. 3(M)]
26.14	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)]
26.15	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)]
26.16	The General Permit incorporates by reference the applicable portions of 40 CFR 122.41 and 122.42(c) and (d), and Minn. R. 7001.1090, which are enforceable parts of the General Permit. [Minn. R. 7090]
26.17	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]
27.1	<b>Definitions.</b> [Minn. R. 7090]
27.2	"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]
27.3	"Agency" means the Minnesota Pollution Control Agency or MPCA. [Minn. Stat. 116.36, subd. 2]
27.4	"Alum or Ferric Chloride Phosphorus Treatment System" means the diversion of flowing stormwater from a MS4, removal of phosphorus through the use a continuous feed of alum or ferric chloride additive, flocculation, and the return of the treated stormwater back into a MS4 or receiving water. [Minn. R. 7090]
27.5	"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]
27.6	"Best Management Practices" or "BMPs" means practices to prevent or reduce the pollution of the waters of the state, including schedules of activities, prohibitions of practices, and other management practices, and also includes treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge, or waste disposal or drainage from raw material storage. [Minn. R. 7001.1020, subp. 5]
27.7	"Commissioner" means the Commissioner of the Minnesota Pollution Control Agency or the Commissioner's designee. [Minn. Stat. 116.36, subd. 3]
27.8	"Common Plan of Development or Sale" means a contiguous area where multiple separate and distinct land disturbing activities may be taking place at different times, on different schedules, but under one proposed plan. One plan is broadly defined to include design, permit application, advertisement or physical demarcation indicating that land-disturbing activities may occur. [Minn. R. 7090]
27.9	"Construction Activity" means activities including clearing, grading, and excavating, that result in land disturbance of equal to or greater than one acre, including the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one acre. This includes a disturbance to the land that results in a change in the topography, existing soil cover, both vegetative and nonvegetative, or the existing soil topography that may result in accelerated stormwater runoff that may lead to soil erosion and movement of sediment. Construction activity does not include a disturbance to the land of less than five acres for the purpose of routine maintenance performed to maintain the original line and grade, hydraulic capacity, and original purpose of the facility. Routine maintenance does not include activities such as repairs, replacement and other types of non-routine maintenance. Pavement rehabilitation that does not disturb the underlying soils (e.g., mill and overlay projects) is not construction activity. [Minn. R. 7090]
27.10	"DNR Catchment Area" means the Hydrologic Unit 08 areas delineated and digitized by the Minnesota DNR. The catchment areas are available for download at the Minnesota DNR Geospatial Commons website. DNR catchment areas may be locally corrected, in which case the local corrections may be used. [Minn. R. 7090]
27.11	"Existing Permittee" means an owner/operator of a small MS4 that has been authorized to discharge stormwater under a previously issued general permit for small MS4s in the state of Minnesota. [Minn. R. 7090]
27.12	"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]
27.13	"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]
27.14	"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]
27.15	"High Flow Bypass" means a function of an inlet device that allows a certain flow of water through, but diverts any higher flows away. High flow bypasses are generally used for BMPs that can only treat a designed amount of flow and that would be negatively affected by higher flows. [Minn. R. 7090]
27.16	"Illicit Discharge" means any discharge to a municipal separate storm sewer that is not composed entirely of stormwater except discharges pursuant to a NPDES permit (other than the NPDES permit for discharges from the municipal separate storm sewer) and discharges resulting from firefighting activities. [40 CFR 122.26(b)(2)]
27.17	"Impaired Water" means waters identified as impaired by the Agency, and approved by the USEPA, pursuant to section 303(d) of the Clean Water Act (33 U.S.C. 303(d)). [Minn. R. 7090]
27.18	"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]
27.19	"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]
27.20	<p>"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:</p> <ul style="list-style-type: none"> <li>a. owned or operated by a state, city, town, county, district, association, or other public body, created by or pursuant to state law, having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under state law such as a sewer district, flood control district, or drainage district or similar entity, or an Indian tribe or an authorized Indian tribe organization, or a designated and approved management Agency under section 208 of the federal Clean Water Act, United States Code, title 33, section 1288, that discharges into waters of the state;</li> <li>b. designed or used for collecting or conveying stormwater;</li> <li>c. that is not a combined sewer; and</li> <li>d. that is not part of a publicly owned treatment works as defined in 40 CFR 122.2.</li> </ul> <p>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]</p>
27.21	"New Permittee" means an owner/operator of a small MS4 that has not been authorized to discharge stormwater under a previously issued General Stormwater Permit for small MS4s in the state of Minnesota and that applies for, and obtains coverage under the General Permit. [Minn. R. 7090]
27.22	"Non-Stormwater Discharge" means any discharge not composed entirely of stormwater. [Minn. R. 7090]
27.23	"Operator" means the person with primary operational control and legal responsibility for the MS4. [Minn. R. 7090.0080, subp. 10]
27.24	"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]
27.25	"Owner" means the person that owns the MS4. [Minn. R. 7090.0080, subp. 11]
27.26	"Permittee" means a person or persons, that signs the permit application submitted to the Agency and is responsible for compliance with the terms and conditions of the General Permit. [Minn. R. 7090]
27.27	"Person" means the state or any Agency or institution thereof, any municipality, governmental subdivision, public or private corporation, individual, partnership, or other entity, including, but not limited to, association, commission or any interstate body, and includes any officer or governing or managing body of any municipality, governmental subdivision, or public or private corporation, or other entity. [Minn. Stat. 115.01, subd. 10]



27.28	"Pipe" means a closed manmade conveyance device used to transport stormwater from location to location. The definition of pipe does not include foundation drain pipes, irrigation pipes, land drain tile pipes, culverts, and road sub-grade drain pipes. [Minn. R. 7090]
27.29	"Receiving Water" means any lake, river, stream or wetland that receives stormwater discharges from an MS4. [Minn. R. 7090]
27.30	"Reduce" means reduce to the Maximum Extent Practicable (MEP) unless otherwise defined in the context in which it is used. [Minn. R. 7090]
27.31	"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]
27.32	"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]
27.33	"Significant Materials" includes, but is not limited to: raw materials, fuels, materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under Section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); any chemical the facility is required to report pursuant to Section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA); fertilizers, pesticides, and waste products such as ashes, slag, and sludge that have the potential to be released with stormwater discharges. When determining whether a material is significant, the physical and chemical characteristics of the material should be considered (e.g. the material's solubility, transportability, and toxicity characteristics) to determine the material's pollution potential. [40 CFR 122.26(b)(12)]
27.34	"Small Municipal Separate Storm Sewer System" or "small MS4", means all separate storm sewers that are: <ul style="list-style-type: none"> <li>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.</li> <li>b. Not defined as "large" or "medium" Municipal Separate Storm Sewer Systems pursuant to 40 CFR 122.26 paragraphs (b)(4) and (b)(7) or designated under paragraph (a)(1)(v).</li> <li>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]</li> </ul>
27.35	"Stormwater" means stormwater runoff, snow melt runoff, and surface runoff and drainage. [Minn. R. 7090.0080, subp. 12]
27.36	"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]
27.37	"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]
27.38	"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]
27.39	"Total Maximum Daily Load" or "TMDL" means the sum of the individual Waste Load Allocations for point sources and load allocations for nonpoint sources and natural background, as more fully defined in 40 CFR 130.2, paragraph (i). A TMDL sets and allocates the maximum amount of a pollutant that may be introduced into a water of the state and still assure attainment and maintenance of water quality standards. [Minn. R. 7052.0010, subp. 42]
27.40	"Waste Load Allocation" or "WLA" means the portion of a receiving water's loading capacity that is allocated to one of its existing or future point sources of pollution, as more fully defined in Code of Federal Regulations, title 40, section 130.2, paragraph (h). In the absence of a TMDL approved by USEPA under 40 CFR 130.7, or an assessment and remediation plan developed and approved according to Minn. R. 7052.0200, subp. 1.C, a WLA is the allocation for an individual point source that ensures that the level of water quality to be achieved by the point source is derived from and complies with all applicable water quality standards and criteria. [Minn. R. 7052.0010, subp. 45]

27.41	"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]
27.42	"Water Quality Standards" means those provisions contained in Minn. R. 7050 and 7052. [Minn. R. 7090]
27.43	"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]
27.44	"Waters of the State" means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof. [Minn. Stat. 115.01, subd. 22]
27.45	"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]

## 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**

<b><i>Permit requirement</i></b>	<b><i>Schedule</i></b>
<b>Section 12. Stormwater Pollution Prevention Program (SWPPP) Document</b> <ul style="list-style-type: none"> <li>• <i>Submit the SWPPP Document completed in accordance with Section 12.</i></li> </ul>	<ul style="list-style-type: none"> <li>• Within 150 days after General Permit issuance date.</li> </ul>
<b>Section 13. Stormwater Pollution Prevention Program (SWPPP)</b> <ul style="list-style-type: none"> <li>• <i>Complete revisions to incorporate the new requirements of Sections 14 - 23 into current SWPPP.</i></li> </ul>	<ul style="list-style-type: none"> <li>• 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.</li> </ul>
<b>Section 19. Construction Site Stormwater Runoff Control</b> <ul style="list-style-type: none"> <li>• <i>Complete revisions to Construction Site Stormwater Runoff Control program, including revisions to regulatory mechanism(s), if necessary.</i></li> <li>• <i>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.</i></li> </ul>	<ul style="list-style-type: none"> <li>• Within 12 months of the date General Permit coverage is extended.</li> <li>• Within 12 months of the issuance date of the CSW Permit (expected issuance date of the CSW Permit is August 1, 2023).</li> </ul>
<b>Section 21. Pollution Prevention/Good Housekeeping for Municipal Operations</b> <ul style="list-style-type: none"> <li>• <i>Conduct structural stormwater best management practice (BMP) inspections.</i></li> <li>• <i>Conduct pond and outfall inspections.</i></li> </ul>	<ul style="list-style-type: none"> <li>• Each calendar year.</li> <li>• Prior to the expiration date of the General Permit.</li> </ul>
<b>Section 22. Discharges to Impaired Waters with a USEPA-Approved TMDL that includes an Applicable WLA</b> <ul style="list-style-type: none"> <li>• <i>Submit all information required in item 22.2.</i></li> <li>• <i>Meet requirements for applicable WLAs for bacteria, chloride, and temperature in Section 22.</i></li> </ul>	<ul style="list-style-type: none"> <li>• With each annual report.</li> <li>• Within 12 months of the date General Permit coverage is extended.</li> </ul>
<b>Section 25. Annual Assessment, Annual Reporting, and Recordkeeping</b> <ul style="list-style-type: none"> <li>• <i>Conduct assessment of the SWPPP.</i></li> <li>• <i>On a form provided by the Agency, submit an annual report.</i></li> </ul>	<ul style="list-style-type: none"> <li>• Prior to completion of each annual report.</li> <li>• By June 30<sup>th</sup> of each calendar year.</li> </ul>

Table 3:

## New Permittees - Schedule of permit requirements

<i>Permit requirement</i>	<i>Schedule</i>
<b>Section 10. New Permittee Applicants</b> <ul style="list-style-type: none"> <li>• <i>Submit Part 1, and Part 2 of the permit application as required by Section 12.</i></li> </ul>	<ul style="list-style-type: none"> <li>• 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.</li> </ul>
<b>Section 13. Stormwater Pollution Prevention Program (SWPPP)</b> <ul style="list-style-type: none"> <li>• <i>Complete all requirements of Sections 14 - 23.</i></li> </ul>	<ul style="list-style-type: none"> <li>• 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</li> <li>• Within timelines established by the Commissioner in item 8.3.</li> </ul>
<b>Section 14. Mapping</b> <ul style="list-style-type: none"> <li>• <i>Develop a storm sewer system map.</i></li> </ul>	<ul style="list-style-type: none"> <li>• Within 24 months of the date General Permit coverage is extended.</li> </ul>
<b>Section 18. Illicit Discharge Detection and Elimination</b> <ul style="list-style-type: none"> <li>• <i>Develop, implement, and enforce an Illicit Discharge Detection and Elimination Program.</i></li> </ul>	<ul style="list-style-type: none"> <li>• Within 12 months of the date General Permit coverage is extended.</li> </ul>
<b>Section 19. Construction Site Stormwater Runoff Control</b> <ul style="list-style-type: none"> <li>• <i>Develop, implement, and enforce a Construction Site Stormwater Runoff Control Program.</i></li> <li>• <i>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.</i></li> </ul>	<ul style="list-style-type: none"> <li>• Within 12 months of the date General Permit coverage is extended.</li> <li>• Within 12 months of the issuance date of the CSW Permit (expected issuance date of the CSW Permit is August 1, 2023).</li> </ul>
<b>Section 20. Post-Construction Stormwater Management</b> <ul style="list-style-type: none"> <li>• <i>Develop, implement, and enforce a Post-Construction Stormwater Management program.</i></li> </ul>	<ul style="list-style-type: none"> <li>• Within 24 months of the date General Permit coverage is extended.</li> </ul>
<b>Section 21. Pollution Prevention/Good Housekeeping for Municipal Operations</b> <ul style="list-style-type: none"> <li>• <i>Conduct structural stormwater BMP inspections.</i></li> <li>• <i>Conduct pond and outfall inspections.</i></li> </ul>	<ul style="list-style-type: none"> <li>• Each calendar year.</li> <li>• Prior to the expiration date of the General Permit.</li> </ul>
<b>Section 22. Discharges to Impaired Waters with a USEPA-Approved TMDL that includes an Applicable WLA</b> <ul style="list-style-type: none"> <li>• <i>Submit all information required in item 22.2.</i></li> <li>• <i>Meet requirements for applicable WLAs for bacteria, chloride, and temperature in Section 22.</i></li> </ul>	<ul style="list-style-type: none"> <li>• With each annual report.</li> <li>• Within 12 months of the date General Permit coverage is extended.</li> </ul>
<b>Section 23. Alum or Ferric Chloride Phosphorus Treatment Systems (if applicable)</b> <ul style="list-style-type: none"> <li>• <i>Meet requirements for treatment systems in Section 23.</i></li> </ul>	<ul style="list-style-type: none"> <li>• Within 12 months of the date General Permit coverage is extended.</li> </ul>
<b>Section 25. Annual SWPPP Assessment, Annual Reporting, and Recordkeeping</b> <ul style="list-style-type: none"> <li>• <i>Conduct assessment of the SWPPP.</i></li> <li>• <i>On a form provided by the Agency, submit an annual report.</i></li> </ul>	<ul style="list-style-type: none"> <li>• Prior to completion of each annual report.</li> <li>• By June 30<sup>th</sup> of each calendar year.</li> </ul>