Guideline 5.24.2.1 Municipal Separate Storm Sewer System (MS4) Compliance

Part 1. Purpose. This guideline outlines processes for colleges and universities to apply for and maintain compliance with municipal separate storm sewer system (MS4) permits in compliance with Minnesota Pollution Control Agency (MPCA) standards.

Part 2. Background. MPCA issues MS4 general permits within the National Pollutant Discharge Elimination System (NPDES) to protect Minnesota wetlands, streams, and lakes. The federal Clean Water Act and Minnesota Administrative Rules Chapter 7090, Storm Water Regulatory Program, Parts 7090.1000 to 7090.1040 govern the MS4 general permit process. MS4 general permits are required of Minnesota State Colleges and Universities campuses that:

A. Are located in an urbanized area based off of that area’s census population, AND
B. Have 1,000 individuals in daily attendance, OR
C. Have been designated by MPCA as being required to have a MS4 permit.

Part 3. Definitions:

Subpart A. Best Management Practices (BMPs): Practices to prevent or reduce the pollution of the waters of the state, including schedules of activities, prohibition 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.

Subpart B. Construction Activity: Disturbance to the land that results in a change in the topography, existing soil cover or existing soil topography that may result in accelerated stormwater runoff, leading to soil erosion and movement of sediment into surface waters or drainage systems.

Subpart C. Enforcement Response Procedures (ERPs): Written procedures that outline the escalation of enforcement to address non-compliance to stormwater requirements.

Subpart D. Illicit Discharge: Any discharge to a municipal separate storm sewer system or water body (water of the state) that is not composed entirely of stormwater except discharges pursuant to a NPDES permit, and discharges resulting from firefighting activities.

Subpart E. Impaired Waters. Waters as identified by the MPCA and approved by federal Environmental Protection Agency (EPA) as defined in the Clean Water Act.

Subpart F. Minimum Control Measure (MCM): Defined activities that must be incorporated into the campus SWPPP that define the measurable pollution control measures that the campus will implement including measurable goals and timelines.

Subpart G. New Development: All construction activities that are not defined as redevelopment.
Subpart H. Redevelopment: Any construction activity where prior to the start of construction the areas to be disturbed have 15 percent or more of impervious surface(s).

Subpart I. Receiving waters: State waters including any lake, river, stream or wetland that receives stormwater discharges from a college or university identified as a MS4.

Subpart J. Regulatory mechanisms: Colleges and universities will reference and enforce Board Policy 5.24, Safety and Security Compliance,

Subpart K. Stormwater Pollution Prevention Program (SWPPP): A comprehensive program developed by each affected college or university to manage and reduce pollutant discharge into state waters.

Subpart L. Total Maximum Daily Load (TMDL): A TMDL sets and allocates the maximum amount of pollutants that may be introduced into a water of the state and still assure attainment and maintenance of water quality standards.

Subpart M. Waste Load Allocation (WLA): A WLA is the allocation for an individual pollution source that ensures that the level of water quality to be achieved by the pollution source is derived from and complies with all applicable water quality standards and criteria.

Part 4. Municipal Separate Storm Sewer System (MS4) General Permits: Affected colleges and universities are required to satisfy the requirements of the MS4 general permit. The MS4 permit includes an administrative application and campus-specific Stormwater Pollution Prevention Programs (SWPPP).

Part 5. Stormwater Pollution Prevention Program: Affected colleges and universities shall prepare and enforce a SWPPP. Campus SWPPPs include six components:

Subpart A. Regulatory mechanisms. Pursuant to federal and state law, Board Policy 5.24, Safety and Security Compliance, and this Guideline, colleges and universities must develop and implement appropriate regulatory mechanisms including contract language, standards, operating instructions or other mechanisms that will be enforced to ensure the terms and conditions associated with the minimum control measures of illicit discharge detection and elimination, construction site stormwater runoff control, and post-construction storm water management.

Subpart B. Enforcement response procedures (ERPs). Colleges and universities shall develop and implement written ERPs to enforce and compel compliance with regulatory mechanisms created as part of Subpart A of this guideline. Required documentation of enforcement includes:

1. Name of persons or program responsible for violating the terms and conditions of the mechanisms outlined in Subpart A
2. Date(s) and location(s) of the observed violation(s)
3. Description of the violations, including reference to the relevant mechanism
4. Corrective action(s) (including completion schedule) issued by the college or university
5. Date(s) and type(s) of enforcement used to compel compliance (e.g., written notice, citation, stop work order, etc.)
6. Referrals to other regulatory organizations (if any)
7. Date(s) violation(s) resolved.

Subpart C. Mapping and Inventory: Affected colleges and universities must create and maintain:
1. A storm sewer map depicting at least all pipes 12 inches or greater in diameter, the flow direction, with a goal of the entire stormwater system; outfalls, including the corresponding identification number and geographic coordinates; structural best management practices (BMP); and all receiving waters.

2. An inventory of all ponds constructed or operated for the purposes of stormwater detention and flood control and used for the collection of stormwater via constructed conveyances (ditches, canals, culverts, and similar waterways) and/or wetlands within the college or university’s jurisdiction used to collect stormwater via constructed conveyances. The inventory will include a unique identification number assigned by the college or university to the item, the geographic coordinate, and type of feature (e.g., pond, wetland, or lake).

Subpart D. Minimum Control Measures (MCMs): Colleges and universities must incorporate and document six MCMs into their SWPPP:

1. **Public Education and Outreach**, including the distribution of educational materials focused on stormwater related issues and illicit discharge recognition and reporting.

2. **Public Participation and Involvement**, including a minimum of one opportunity annually for the public to provide input on the adequacy of the SWPPP, access to the SWPPP, and associated annual reports, and a mechanism to consider public input on the SWPPP.

3. **Illicit Discharge Detection and Elimination (IDDE)**, including maps (see subpart C); regulatory mechanisms (see subpart A); incorporation of illicit discharge detection into all inspection and maintenance activities; staff training; identification of priority areas for likely discharge; timely response to known, suspected or reported illicit discharges; and documentation of IDDE inspections, illicit discharges, and actions taken.

4. **Construction Site Stormwater Runoff Control**, including regulatory mechanisms for erosion and sediment control and waste control through site plan review, approval and upkeep; public input; and site inspections. The MS4 permit requirements must be as stringent as the Construction Stormwater (CSW) Permit requirements concerning erosion and sediment controls. Site plans shall incorporate:
   a. BMPs to minimize erosion,
   b. BMPs to minimize discharge of sediment and other pollutants,
   c. BMPs for dewatering activities,
   d. Site inspections and records of rainfall events,
   e. BMPs for maintenance,
   f. Management of solid and hazardous wastes on site,
   g. Final site stabilization upon completion of construction activity,
   h. Criteria for use of temporary sediment basins

5. **Post-Construction Stormwater Management** to reduce water pollution after a construction project effort, including plans and programs to create post-construction conditions for new development projects that create no net increase from the pre-project conditions (on an annual basis) for total stormwater discharge volume, total suspended solids (TSS) and total phosphorous (TP), or a net reduction in volume, TSS, and TP for redevelopment projects. This shall be accomplished through site plan review and approval, incorporation of BMPs and
other mitigation strategies to the maximum extent practicable, and establishing long-term maintenance plans for structural stormwater BMPs. Stormwater BMPs must meet the post-construction performance standards considered during initial planning and design of construction projects.

6. **Pollution Prevention/Good Housekeeping**, including a facilities inventory; development and implementation of BMPs for inventoried facilities; development of pond assessment procedures and schedules; inspections of structural stormwater BMPs, ponds and outfalls, and stockpile and storage and material handling areas; maintenance activities to ensure the integrity, proper function and effectiveness of structural stormwater BMPs; employee training; and documentation of inspections and findings, maintenance activities, and training.

**Part 6. Discharges to Impaired Waters with EPA-Approved TMDL.** When applicable, affected colleges and universities shall implement BMPs to achieve all applicable waste load allocations (WLA). A list of all BMPs and the stage of implementation for each BMP shall be developed along with BMPs that are planned to be implemented. This must include an estimate of the cumulative reductions in loading achieved for each pollutant of concern associated with each WLA and a narrative describing any adaptive management strategies used for making progress toward achieving each applicable WLA.

**Part 7. Annual SWPPP Assessment, Reporting and Recordkeeping.** Affected colleges and universities shall conduct an annual assessment of the SWPPP to determine progress toward achieving the measurable goals and any changes in identified BMPs and file an annual report by June 30th of each year on the form provided by the MPCA. Colleges and universities shall retain copies of the permit application, all documentation necessary to comply with SWPPP requirements, all data and information used to complete the application process, and any information developed as a requirement of the permit for a period of at least three years beyond the date of the permit expiration.

**Part 8. Application.** This guideline applies to all colleges and universities subject to storm sewer system permits. In case of any inconsistency between this procedure or system guidelines and federal or state law or regulation or permit conditions, the applicable law, regulation, or permit terms shall apply.

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