



**MAYOR AND COUNCIL COMMUNICATION**

DATE: 6/04/2013  
**REGULAR**  
ITEM #: 10

**AGENDA ITEM:** Municipal Separate Storm Sewer System (MS4) Permit – Annual Public Meeting and Accept the 2012 MS4 Annual Report

**SUBMITTED BY:** Ryan Stempski, Assistant City Engineer

**THROUGH:** Dean A. Zuleger, City Administrator

**REVIEWED BY:** Jack Griffin, City Engineer  
Adam Bell, City Clerk  
Mike Bouthilet, Public Works

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**SUGGESTED ORDER OF BUSINESS:**

- Introduction of Item..... City Engineer
- Report/Presentation ..... Assistant City Engineer
- Questions from Council to Staff..... Mayor Facilitates
- Public Input, if Appropriate..... Mayor Facilitates
- Call for Motion..... Mayor & City Council
- Discussion ..... Mayor & City Council
- Action on Motion ..... Mayor Facilitates

**SUMMARY AND ACTION REQUESTED:**

The City Council is respectfully requested to conduct the Annual Public Meeting required by the MS4 Permit and receive public input and comments. After receiving a staff presentation and public comments, it is respectfully requested that the Council accept the 2012 MS4 Annual Report and authorize staff to submit this report to the MPCA by June 30, 2013. The recommended motion for this action is as follows:

***“Move to accept the Municipal Separate Storm Sewer System (MS4) Annual Report for 2012, and authorize staff to submit this report to the MPCA by June 30, 2013.”***

**BACKGROUND INFORMATION:**

The MS4 General Permit is mandated by the federal regulations under the Clean Water Act and administered by the Minnesota Pollution Control Agency. A municipal storm sewer system (MS4) is a conveyance or system of conveyances (roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, and storm drains) owned by a municipality. The MS4 program gives owners or operators of MS4’s approval to discharge storm water to lakes, rivers and wetlands in Minnesota. The MS4 General Permit focuses on reducing the pollution that enters these public systems and discharges to wetlands, streams and lakes (“waters of the state”). By federal rule,

storm water systems in urban areas are labeled Mandatory MS4s. The City of Lake Elmo is a Mandatory MS4 City.

As a MS4 City, Lake Elmo was required to obtain and comply with a National Pollutant Discharge and Elimination System (NPDES) storm water permit. To meet these requirements the City prepared and implemented a five year Storm Water Pollution Prevention Program (SWPPP) beginning in 2006 and extending through 2010. The permit period/program was extended indefinitely until the MPCA reissues a new five year program (to be effective August 1, 2013).

The SWPPP specifies and outlines a series of best management practices intended to satisfy the permit requirements for each of six minimum control measures. The six minimum control measures are:

1. Public Education and Outreach
2. Public Involvement and Participation
3. Illicit Discharge Detection and Elimination
4. Construction Site Storm Water Controls
5. Post-Construction Storm Water Management for development and redevelopment
6. Pollution Prevention/Good Housekeeping for Municipal Operations

#### **STAFF REPORT:**

As part of the on-going permit requirements as a mandatory MS4 City, Staff has prepared the 2012 MS4 Annual Report and will present a summary report to the City Council and general public. The City must hold an Annual Public Meeting to encourage public discussion and participation regarding its storm water quality and steps it is taking to address the MS4 Permit requirements. Notice of this meeting was posted at City Hall and published in the Oakdale-Lake Elmo Review on May 1, 2013 (see attachment no. 1). Public input received will be considered for updating the City's Storm Water Pollution Prevention Program (SWPPP) and the meeting minutes will be incorporated into the City's final report. The 2012 MS4 Annual Report must be submitted to the MPCA by June 30, 2013. A copy of the City's Storm Water Pollution Prevention Program (SWPPP) is available on the City website.

The Annual Public Meeting is scheduled to be held as part of the regular City Council meeting at City Hall. The agenda for this meeting will include:

- A Presentation about implementation of the City's Storm Water Pollution Prevention Program in 2012,
- Affording interested persons an opportunity to make oral statements concerning the Storm Water Pollution Prevention Program,
- Consideration of relevant written materials that interested persons submit concerning the Storm Water Pollution Prevention Program; and,
- Consideration of public input in making adjustments to the 2013 implementation plan for the Storm Water Pollution Prevention Program.

#### **2012 MS4 REPORT HIGHLIGHTS:**

The City's annual implementation of its Storm Water Pollution Prevention Program (SWPPP) addresses all permit requirements through six minimum control measures as outlined below.

*MCM 1 and 2: Public Education & Outreach, Public Involvement & Participation:* In 2012, the City renewed its contract with the East Metro Water Resource Education Program (EMWREP), which

continues to be a high value, low cost solution to address many of the educational and public outreach requirements of the City's permit program. A copy of the 2012 EMWREP Annual Report has been included as attachment No. 2. Lake Elmo Staff used EMWREP as a primary resource to create educational materials for the public on storm water best management practices (available at City Hall, in City Newsletters, or on the City's website).

*MCM 3: Illicit Discharge Detection and Elimination:* The city prepared and adopted an Illicit Discharge Detection and Elimination ordinance in June, 2012. As part of the MS4 Outfall Inspections, Public Works staff inspected potential contamination sites within the City (mining sites, sites with large stockpiles, etc.). No known illicit discharges were recording in 2012. A list of subsurface sewage treatment systems (SSTS) with known problems was provided in 2012 by Washington County. The City will continue to work with the County to address these issues with property owners.

*MCM 4: Construction Site Storm Water Controls:* Enforcement of building and construction site erosion control continues to be a high priority to bring builders/contractors into compliance through check lists and enforcement guidelines. In 2012, there were 4 violations cited to builders for non-compliance to the City's Erosion and Sediment Control Ordinance.

*MCM 5: Post-Construction Storm Water Management for development and redevelopment:* Engineering staff continued to compile information to update the Engineering Design Standards Manual for Private Developments, including storm water management and storm water BMPs. The engineering design standards manual was adopted in early 2013.

Seventeen (17) rain gardens were constructed in 2012 as part of the city's street improvement program. During project design, staff looks for opportunities to address storm water quality issues in sensitive high priority areas. Additional storm water management initiatives are implemented as the opportunities arise, including rain garden credit programs for additional lot impervious surface area.

*MCM 6: Pollution Prevention/Good Housekeeping for Municipal Operations:* The Public Works Department completed inspection of 25% (minimum 20% required) of the MS4 Outfalls again this spring. They completed inspections in the west and southwest area of the City. Inspections and follow-up maintenance prioritization lists are documented for future work orders. Public Works maintains a list of storm water maintenance activities completed throughout the year (structure repair, street sweeping, ditch cleanout, BMP maintenance, and drainage issues, etc.).

#### **MS4 GENERAL PERMIT UPDATE:**

Significant changes to the MS4 permit program requirements are anticipated in 2013. Staff actively monitors and tracks permit program changes and legislation related to storm water management.

On May 21, 2013, the Minnesota Pollution Control Agency (MPCA) reissued the General Permit for discharges of stormwater associated with small Municipal Separate Storm Sewer Systems (MS4s). The new permit becomes effective on August 1, 2013, following over three years of extensive stakeholder meetings, public notice periods and substantial permit modifications.

As an existing MS4, Lake Elmo is required to submit a 2013 permit reissuance that includes an application and new Stormwater Pollution Prevention Program (SWPPP) document; completed in the form provided by the MPCA. The new SWPPP document must be submitted within 150 days of the effective date of the new permit (December 29, 2013).

The new SWPPP document is intended to include additional conditions for managing stormwater and must contain a number of improvements and changes from the 2006 permit. Municipalities reauthorized to discharge stormwater under the recently reissued permit will be required to update their existing stormwater programs to include practices that will better protect Minnesota's water resources. Some of the more notable requirements include:

- Impaired waters – The city will be required to meet obligations set forth in 7 different Total Maximum Daily Load (TMDL) studies as completed by others. TMDL studies focus on preventing or reducing the discharge of specific pollutants identified as causing or contributing to a water quality impairment, as defined by the U.S. Environmental Protection Agency.
- Illegal discharges – Mapping of the city storm sewer system will be expanded to include all pipes between 12 inches and 24 inches in diameter (currently includes 24 inches and larger) to better facilitate tracking, investigating and eliminating illegal discharges.
- Municipal Operations – The city will be required to prepare a detailed inventory and system map of all storm water discharge water bodies (storm water ponds, wetlands, creeks, etc.); and prepare a documented stormwater maintenance plan.
- Post Construction Facilities – The new permit will mandate a stormwater discharge volume control requirement for new development and redevelopment activities. The intent is to ensure that developers and contractors implement stormwater control measures that mimic natural conditions (infiltration, evapotranspiration, water reuse, etc.) so that post-construction stormwater runoff volume is not greater than pre-construction runoff volume.

In 2013, staff will be working to update the City's Storm Water Pollution Prevention Program to comply with the new MS4 Permit requirements and associated deadlines.

**RECOMMENDATION:**

Staff is recommending that the City Council accept the MS4 Annual Report for 2012, and authorize staff to submit this report to the MPCA by June 30, 2013. The recommended motion for this action is as follows:

***“Move to accept the Municipal Separate Storm Sewer System (MS4) Annual Report for 2012, and authorize staff to submit this report to the MPCA by June 30, 2013.”***

**ATTACHMENTS:**

1. Notice of MS4 Annual Public Meeting
2. 2012 MS4 Annual Report
3. EMWREP Annual Report