



# MAYOR & COUNCIL COMMUNICATION

**DATE:** June 2, 2015

**REGULAR**

**ITEM #** 8

**AGENDA ITEM:** Municipal Separate Storm Sewer System (MS4) Permit – Annual Public Meeting and Accept the 2014 MS4 Annual Report

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

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

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

**SUGGESTED ORDER OF BUSINESS:**

- Introduction of Item..... Assistant City Engineer
- Report/Presentation..... Assistant City Engineer
- Questions from Council to Staff..... Mayor Facilitates
- Annual Public Meeting, request public input.....Mayor Facilitates
- Call for Motion ..... Mayor & City Council
- Discussion..... Mayor & City Council
- Action on Motion..... Mayor Facilitates

**POLICY RECOMMENDER:** Engineering

**FISCAL IMPACT:**

None. The Annual Public Meeting and Annual Report are MS4 Permit requirements.

**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 2014 MS4 Annual Report and authorize staff to submit this report to the MPCA by June 30, 2015. The recommended motion for this action is as follows:

***“Move to accept the Municipal Separate Storm Sewer System (MS4) Annual Report for 2014, and authorize staff to submit this report to the MPCA by June 30, 2015.”***

**LEGISLATIVE HISTORY/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 MPCA reissued a new five year program effective August 1, 2013 that extends to July 31, 2018.

The SWPPP specifies and outlines a series of best management practices intended to satisfy the permit requirements for each of the 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

As part of the on-going permit requirements as a mandatory MS4 City, Staff has prepared the 2014 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 20, 2015 (see attachment). 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 2014 MS4 Annual Report must be submitted to the MPCA by June 30, 2015. A copy of the City's Storm Water Pollution Prevention Program (SWPPP) is available on the City website.

The Annual 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 2014,
- 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 2015 implementation plan for the Storm Water Pollution Prevention Program.

### **2014 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 2014, 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 2014 EMWREP Annual Report has been attached. 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 and on the City's website).

*MCM 3: Illicit Discharge Detection and Elimination:* As part of the MS4 Outfall Inspections, Public Works staff inspected potential contamination sites within the City (mining site, sites with large stockpiles, etc.). No known illicit discharges were recorded in 2014. A list of subsurface sewage treatment systems (SSTS) with known problems was provided in 2014 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 tools were improved (checklists, handouts, website improvements) to enhance storm water education and improve erosion control techniques used in the City. In 2014 there were 16 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:* Updates were made to the Engineering Design Standards Manual for Private Development, based on input during 2014 construction. Impervious surface is reviewed for compliance on every building permit. Several new home permits implemented rain gardens or other water quality best management practices to mitigate impervious surface overages per City Ordinance.

*MCM 6: Pollution Prevention/Good Housekeeping for Municipal Operations:* The Public Works Department reported that inspections to the storm sewer system were completed in the southeast area of the City. Street sweeping was completed on all City streets in April 2014. The City worked with the Washington Conservation District to maintain rain gardens installed on past street improvement projects. Public Works performed storm sewer structure repairs, cleaned out

and restored ditches, assisted with rain garden maintenance, cleaned out sump manholes and responded to resident drainage issues.

**MS4 GENERAL PERMIT UPDATE:**

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 (MS4). The new state wide permit became effective on August 1, 2013.

As an existing MS4, Lake Elmo was required to submit a 2013 permit reissuance that included an application and new Stormwater Pollution Prevention Program (SWPPP) document; completed in the form provided by the MPCA. The new SWPPP document was submitted December 30, 2013, and was approved and made effective as of April 3, 2014. City Staff worked to meet the new requirements in 2014. A pond inventory was submitted to the MPCA, as required within 12 months of the effective date (April 3, 2015).

**RECOMMENDATION:**

Staff is recommending that the City Council accept the MS4 Annual Report for 2014, and authorize staff to submit this report to the MPCA by June 30, 2015. The recommended motion for this action is as follows:

***“Move to accept the Municipal Separate Storm Sewer System (MS4) Annual Report for 2014, and authorize staff to submit this report to the MPCA by June 30, 2015.”***

**ATTACHMENT(S):**

1. Notice of MS4 Annual Public Meeting
2. 2014 MS4 Annual Report
3. EMWREP Annual Report – Executive Summary (full Report available upon request)