



Minnesota's Approach to Meeting the Remand Rule

Ryan Anderson, Municipal Stormwater Section Manager

- History of the MS4 General Permit in Minnesota
- Meeting the remand rule
- TMDL requirements
- Quick recap



History of the MS4 General Permit in Minnesota

- Minnesota's first MS4 general permit was issued on June 28, 2002
- Minnesota Center For Environmental Advocacy v. Minnesota Pollution Control Agency (2003)
- Court remanded the permit back to the MPCA and essentially required what's known as the "two-part approach" by the EPA
 - General Permit + Public notice of each permittee's permit application
- In 2006, the revised MS4 general permit was reissued
 - 90-150 days after permit issuance, permittees submitted their application with the details on how they plan to comply with permit conditions

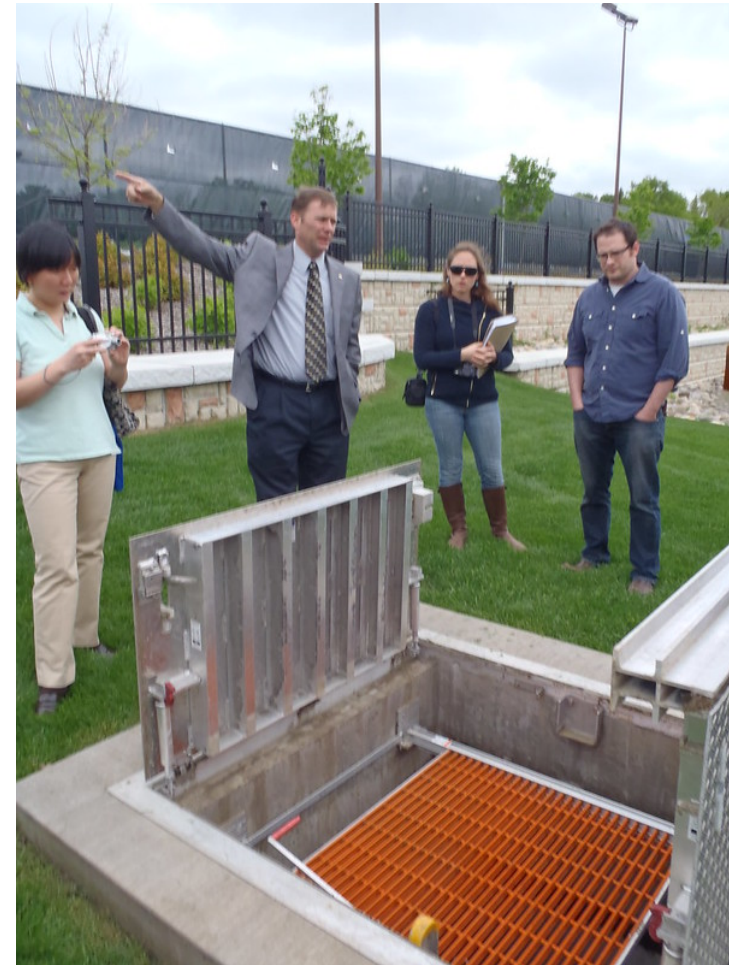
History of the MS4 General Permit in Minnesota

- In 2013, MS4 permit reissued
 - Post-construction standards
 - TMDL compliance schedule
- In the process of reissuing the 2020 MS4 permit
 - 60 day public notice concluded in early January 2020
 - In the process of reviewing/responding to 350 comments from 51 organizations/individuals
 - One contested case hearing request

Meeting the Remand Rule

Clear, specific, and measurable

- Education/outreach topics and frequencies
- Periodic training intervals
- Inspection frequencies
- Specificity in written procedures and documentation
- Additional information to be provided in permit application



Permanent Treatment (Draft Permit)

- From “net reduction” to 1 inch of volume control on redevelopment
 - Linear projects require .5 inch
- From “no net increase” to 1 inch of volume control on new development
 - Easier to calculate
 - Consistent across the state
 - Consistent with Construction Stormwater Permit

Total Maximum Daily Load (TMDL) Requirements

If a permittee has any applicable waste load allocations (WLAs) for dissolved oxygen or oxygen demand, nitrate, TSS, and TP—You have two options at the time of application:

1. Documentation demonstrating you are meeting your WLAs
 - Modeling, monitoring, MPCA Simple Estimator
2. Compliance schedule with BMPs and/or activities that you will implement over the permit term
 - Estimated load reductions for TSS and TP
 - Target year to achieve WLAs

TMDL Requirements

- Performance-based approach for:
 - Bacteria
 - Chloride
 - Temperature
- Permittees who have an applicable WLA for these pollutants will not need to complete a compliance schedule.

- Minnesota has been implementing the two-part permitting approach since 2006 and will continue to do so to meet remand rule
- Added additional specificity throughout the permit and application to be more “clear, specific, and measurable”
- Meeting the remand rule can be challenging when trying to provide the desired flexibility to permittees under a single general permit

Questions

