



MS4 SWPPP Application for Reauthorization

for the NPDES/SDS General Small Municipal Separate Storm Sewer System (MS4) Permit MNR040000 reissued with an effective date of August 1, 2013 Stormwater Pollution Prevention Program (SWPPP) Document

Doc Type: Permit Application

Instructions: This application is for authorization to discharge stormwater associated with Municipal Separate Storm Sewer Systems (MS4s) under the National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) Permit Program. No fee is required with the submittal of this application. Please refer to "Example" for detailed instructions found on the Minnesota Pollution Control Agency (MPCA) MS4 website at http://www.pca.state.mn.us/ms4.

Submittal: This MS4 SWPPP Application for Reauthorization form must be submitted electronically via e-mail to the MPCA at ms4permitprogram.pca@state.mn.us from the person that is duly authorized to certify this form. All questions with an asterisk (\*) are required fields. All applications will be returned if required fields are not completed.

Questions: Contact Claudia Hochstein at 651-757-2881 or claudia.hochstein@state.mn.us, Dan Miller at 651-757-2246 or daniel.miller@state.mn.us, or call toll-free at 800-657-3864.

General Contact Information (\*Required fields)

MS4 Owner (with ownership or operational responsibility, or control of the MS4)

\*MS4 permittee name: Duluth Township \*County: St Louis
(city, county, municipality, government agency or other entity)
\*Mailing address: 6092 Homestead Road
\*City: Duluth \*State: MN \*Zip code: 55804
\*Phone (including area code): (218)-525-5705 \*E-mail: townhall@duluthtownship.org

MS4 General contact (with Stormwater Pollution Prevention Program [SWPPP] implementation responsibility)

\*Last name: Lawson \*First name: Sue
(department head, MS4 coordinator, consultant, etc.)
\*Title: Planning Directorr
\*Mailing address: 6092 Homestead Road
\*City: Duluth \*State: MN \*Zip code: 55804
\*Phone (including area code): (218)-525-5705 \*E-mail: PlanningZoning@duluthtownship.org

Preparer information (complete if SWPPP application is prepared by a party other than MS4 General contact)

Last name: Brady First name: Valerie
(department head, MS4 coordinator, consultant, etc.)
Title: volunteer MS4 coordinator
Mailing address: 2260 E Pioneer Rd
City: Duluth State: MN Zip code: 55804
Phone (including area code): 218-525-4087 E-mail: vbrady@d.umn.edu

Verification

- 1. I seek to continue discharging stormwater associated with a small MS4 after the effective date of this Permit, and shall submit this MS4 SWPPP Application for Reauthorization form, in accordance with the schedule in Appendix A, Table 1, with the SWPPP document completed in accordance with the Permit (Part II.D.). [X] Yes
2. I have read and understand the NPDES/SDS MS4 General Permit and certify that we intend to comply with all requirements of the Permit. [X] Yes

## Certification (All fields are required)

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- Yes - I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted.

*I certify that based on my inquiry of the person, or persons, who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete.*

*I am aware that there are significant penalties for submitting false information, including the possibility of civil and criminal penalties.*

This certification is required by Minn. Stat. §§ 7001.0070 and 7001.0540. The authorized person with overall, MS4 legal responsibility must certify the application (principal executive officer or a ranking elected official).

By typing my name in the following box, I certify the above statements to be true and correct, to the best of my knowledge, and that this information can be used for the purpose of processing my application.

Name: Mary Ann Sironen  
*(This document has been electronically signed)*

Title: Town Board Chair Date (mm/dd/yyyy): 12/23/2013

Mailing address: 6092 Homestead Road

City: Duluth State: MN Zip code: 55804

Phone (including area code): (218)-525-2010 E-mail: MaryAnnSironen@duluthtownship.org

**Note:** *The application will not be processed without certification.*

# Stormwater Pollution Prevention Program Document

## I. Partnerships: (Part II.D.1)

- A. List the **regulated small MS4(s)** with which you have established a partnership in order to satisfy one or more requirements of this Permit. Indicate which Minimum Control Measure (MCM) requirements or other program components that each partnership helps to accomplish (List all that apply). Check the box below if you currently have no established partnerships with other regulated MS4s. If you have more than five partnerships, hit the tab key after the last line to generate a new row.

No partnerships with regulated small MS4s

Name and description of partnership	MCM/Other permit requirements involved
Lake Superior Regional Stormwater Protection Team	MCM 1, MCM 3, MCM 2
City of Duluth, St. Louis County	MCM 3
WLSSD and St. Louis County	MCM 4

- B. If you have additional information that you would like to communicate about your partnerships with other regulated small MS4(s), provide it in the space below, or include an attachment to the SWPPP Document, with the following file naming convention: *MS4NameHere\_Partnerships*.

*The Lake Superior Regional Stormwater Protection Team is a 25-member organization whose mission is to protect and enhance the region's shared water resources through stormwater pollution prevention by providing coordinated educational programs and technical assistance. All MS4s pay dues to help fund education & outreach, including evaluation of outreach messages and education about illicit discharges.*

*WLSSD is the Western Lake Superior Sanitary District.*

## II. Description of Regulatory Mechanisms: (Part II.D.2)

### Illicit discharges

- A. Do you have a regulatory mechanism(s) that effectively prohibits non-stormwater discharges into your small MS4, except those non-stormwater discharges authorized under the Permit (Part III.D.3.b.)?  Yes  No

1. If **yes**:

- a. Check which *type* of regulatory mechanism(s) your organization has (check all that apply):

Ordinance  Contract language  
 Policy/Standards  Permits  
 Rules  
 Other, explain: \_\_\_\_\_

- b. Provide either a direct link to the mechanism selected above or attach it as an electronic document to this form; or if your regulatory mechanism is either an Ordinance or a Rule, you may provide a citation:

Citation:

*Ordinance Number 031413, "Providing Procedures for and Prohibitions of Illicit Discharges and Connections to the Township's Municipal Separate Storm Sewer System."*

Direct link:

[http://www.duluthtownship.org/pdf/ordinances/031413\\_Illicit\\_Discharges.pdf](http://www.duluthtownship.org/pdf/ordinances/031413_Illicit_Discharges.pdf)

Check here if attaching an electronic copy of your regulatory mechanism, with the following file naming convention: *MS4NameHere\_IDDEreg*.

2. If **no**:

Describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, this permit requirement is met:

## Construction site stormwater runoff control

- A. Do you have a regulatory mechanism(s) that establishes requirements for erosion and sediment controls and waste controls?  Yes  No

1. If **yes**:

- a. Check which *type* of regulatory mechanism(s) your organization has (check all that apply):

- Ordinance  Contract language  
 Policy/Standards  Permits  
 Rules  
 Other, explain: \_\_\_\_\_

- b. Provide either a direct link to the mechanism selected above or attach it as an electronic document to this form; or if your regulatory mechanism is either an Ordinance or a Rule, you may provide a citation:

Citation:

*Town of Duluth Zoning Ordinance, Number 4, December 1, 2012*

Direct link:

[http://www.duluthtownship.org/pdf/ordinances/Ordinance\\_12\\_2012.pdf](http://www.duluthtownship.org/pdf/ordinances/Ordinance_12_2012.pdf)

- Check here if attaching an electronic copy of your regulatory mechanism, with the following file naming convention: *MS4NameHere\_CSWreg.*

- B. Is your regulatory mechanism at least as stringent as the MPCA general permit to Discharge Stormwater Associated with Construction Activity (as of the effective date of the MS4 Permit)?  Yes  No

If you answered **yes** to the above question, proceed to C.

If you answered **no** to either of the above permit requirements listed in A. or B., describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

*By 12 months after our permit is authorized, the town will update its ordinance to reflect the current permit requirements. Implementation of these policies may be dependent upon completion of the MIDS calculator and model ordinances..*

- C. Answer **yes** or **no** to indicate whether your regulatory mechanism(s) requires owners and operators of construction activity to develop site plans that incorporate the following erosion and sediment controls and waste controls as described in the Permit (Part III.D.4.a.(1)-(8)), and as listed below:

- |  |   |  |
|--|---|--|
| 1. Best Management Practices (BMPs) to minimize erosion.   | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| 2. BMPs to minimize the discharge of sediment and other pollutants.  | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| 3. BMPs for dewatering activities.   | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| 4. Site inspections and records of rainfall events   | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| 5. BMP maintenance   | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| 6. Management of solid and hazardous wastes on each project site.  | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| 7. Final stabilization upon the completion of construction activity, including the use of perennial vegetative cover on all exposed soils or other equivalent means. | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| 8. Criteria for the use of temporary sediment basins.  | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

*By 12 months after our permit is authorized, the Town will develop procedures and policies that address items C 1-8, and update the ordinance to require these standards and controls of construction site owners and operators. Implementation of these may be dependent on completion of the MIDS calculator and accompanying model ordinances.*

## Post-construction stormwater management

- A. Do you have a regulatory mechanism(s) to address post-construction stormwater management activities?  Yes  No

1. If **yes**:

- a. Check which *type* of regulatory mechanism(s) your organization has (check all that apply):

- Ordinance  Contract language  
 Policy/Standards  Permits  
 Rules

Other, explain: \_\_\_\_\_

- b. Provide either a direct link to the mechanism selected above or attach it as an electronic document to this form; or if your regulatory mechanism is either an Ordinance or a Rule, you may provide a citation:

Citation:

*Town of Duluth Zoning Ordinance, Number 4, December 1, 2012*

Direct link:

[http://www.duluthtownship.org/pdf/ordinances/Ordinance\\_12\\_2012.pdf](http://www.duluthtownship.org/pdf/ordinances/Ordinance_12_2012.pdf)

Check here if attaching an electronic copy of your regulatory mechanism, with the following file naming convention: *MS4NameHere\_PostCSWreg*.

- B. Answer **yes** or **no** below to indicate whether you have a regulatory mechanism(s) in place that meets the following requirements as described in the Permit (Part III.D.5.a.):

1. **Site plan review:** Requirements that owners and/or operators of construction activity submit site plans with post-construction stormwater management BMPs to the permittee for review and approval, prior to start of construction activity.  Yes  No
2. **Conditions for post construction stormwater management:** Requires the use of any combination of BMPs, with highest preference given to Green Infrastructure techniques and practices (e.g., infiltration, evapotranspiration, reuse/harvesting, conservation design, urban forestry, green roofs, etc.), necessary to meet the following conditions on the site of a construction activity to the Maximum Extent Practicable (MEP):
  - a. For new development projects – no net increase from pre-project conditions (on an annual average basis) of:  Yes  No
    - 1) Stormwater discharge volume, unless precluded by the stormwater management limitations in the Permit (Part III.D.5.a(3)(a)).
    - 2) Stormwater discharges of Total Suspended Solids (TSS).
    - 3) Stormwater discharges of Total Phosphorus (TP).
  - b. For redevelopment projects – a net reduction from pre-project conditions (on an annual average basis) of:  Yes  No
    - 1) Stormwater discharge volume, unless precluded by the stormwater management limitations in the Permit (Part III.D.5.a(3)(a)).
    - 2) Stormwater discharges of TSS.
    - 3) Stormwater discharges of TP.
3. **Stormwater management limitations and exceptions:**
  - a. Limitations
    - 1) Prohibit the use of infiltration techniques to achieve the conditions for post-construction stormwater management in the Permit (Part III.D.5.a(2)) when the infiltration structural stormwater BMP will receive discharges from, or be constructed in areas:  Yes  No
      - a) Where industrial facilities are not authorized to infiltrate industrial stormwater under an NPDES/SDS Industrial Stormwater Permit issued by the MPCA.
      - b) Where vehicle fueling and maintenance occur.
      - c) 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.
      - d) Where high levels of contaminants in soil or groundwater will be mobilized by the infiltrating stormwater.
    - 2) Restrict the use of infiltration techniques to achieve the conditions for post-construction stormwater management in the Permit (Part III.D.5.a(2)), without higher engineering review, sufficient to provide a functioning treatment system and prevent adverse impacts to groundwater, when the infiltration device will be constructed in areas:  Yes  No
      - a) With predominately Hydrologic Soil Group D (clay) soils.
      - b) Within 1,000 feet up-gradient, or 100 feet down-gradient of active karst features.
      - c) Within a Drinking Water Supply Management Area (DWSMA) as defined in Minn. R. 4720.5100, subp. 13.
      - d) Where soil infiltration rates are more than 8.3 inches per hour.
    - 3) For linear projects where the lack of right-of-way precludes the installation of volume control practices that meet the conditions for post-construction stormwater management in the Permit (Part III.D.5.a(2)), the permittee's regulatory mechanism(s) may allow exceptions as described in the Permit (Part III.D.5.a(3)(b)). The permittee's regulatory mechanism(s) shall ensure that a reasonable attempt be made to obtain right-of-way during the project planning process.  Yes  No

4. **Mitigation provisions:** The permittee's regulatory mechanism(s) shall ensure that any stormwater discharges of TSS and/or TP not addressed on the site of the original construction activity are addressed through mitigation and, at a minimum, shall ensure the following requirements are met:
- a. Mitigation project areas are selected in the following order of preference:  Yes  No
    - 1) Locations that yield benefits to the same receiving water that receives runoff from the original construction activity.
    - 2) Locations within the same Minnesota Department of Natural Resource (DNR) catchment area as the original construction activity.
    - 3) Locations in the next adjacent DNR catchment area up-stream
    - 4) Locations anywhere within the permittee's jurisdiction.
  - b. Mitigation 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.  Yes  No
  - c. Routine maintenance of structural stormwater BMPs already required by this permit cannot be used to meet mitigation requirements of this part.  Yes  No
  - d. Mitigation projects shall be completed within 24 months after the start of the original construction activity.  Yes  No
  - e. The permittee shall determine, and document, who will be responsible for long-term maintenance on all mitigation projects of this part.  Yes  No
  - f. If the permittee receives payment from the owner and/or operator of a construction activity for mitigation purposes in lieu of the owner or operator of that construction activity meeting the conditions for post-construction stormwater management in Part III.D.5.a(2), the permittee shall apply any such payment received to a public stormwater project, and all projects must be in compliance with Part III.D.5.a(4)(a)-(e).  Yes  No
5. **Long-term maintenance of structural stormwater BMPs:** The permittee's regulatory mechanism(s) shall provide for the establishment of legal mechanisms between the permittee and owners or operators responsible for the long-term maintenance of structural stormwater BMPs not owned or operated by the permittee, that have been implemented to meet the conditions for post-construction stormwater management in the Permit (Part III.D.5.a(2)). This only includes structural stormwater BMPs constructed after the effective date of this permit and that are directly connected to the permittee's MS4, and that are in the permittee's jurisdiction. The legal mechanism shall include provisions that, at a minimum:
- 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 that the owner and/or operator of that structural stormwater BMP has not conducted maintenance.  Yes  No
  - b. Include conditions that 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.  Yes  No
  - c. Include conditions that are designed to protect/preserve structural stormwater BMPs and site features that are implemented to comply with the Permit (Part III.D.5.a(2)). If site configurations or structural stormwater BMPs change, causing decreased structural stormwater BMP effectiveness, new or improved structural stormwater BMPs must be implemented to ensure the conditions for post-construction stormwater management in the Permit (Part III.D.5.a(2)) continue to be met.  Yes  No

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within twelve (12) months of the date permit coverage is extended, these permit requirements are met:

*By 12 months after our permit is authorized, the Town will develop procedures and policies to answer items B 1-5, and update its ordinance to meet these requirements. Implementation of these policies may be dependent upon completion of the MIDS calculator and accompanying model ordinances.*

### III. Enforcement Response Procedures (ERPs): (Part II.D.3)

- A. Do you have existing ERPs that satisfy the requirements of the Permit (Part III.B.)?  Yes  No

1. If **yes**, attach them to this form as an electronic document, with the following file naming convention: *MS4NameHere\_ERPs*.
2. If **no**, describe the tasks and corresponding schedules that will be taken to assure that, with twelve (12) months of the date permit coverage is extended, these permit requirements are met:

B. Describe your ERPs:

*The township's written ERPs are relative to each ordinance. Predominantly, the procedures relating to stormwater resulting from landuse and construction can be found in our zoning ordinance, Article X, Section 2. pg. 74 ([http://www.duluthtownship.org/pdf/ordinances/Ordinance\\_12\\_2012.pdf](http://www.duluthtownship.org/pdf/ordinances/Ordinance_12_2012.pdf)). ERP's pertaining to illicit discharges can be found at [http://www.duluthtownship.org/pdf/ordinances/031413\\_Illicit\\_Discharges.pdf](http://www.duluthtownship.org/pdf/ordinances/031413_Illicit_Discharges.pdf). Regulation of surface water runoff from driveways ([http://www.duluthtownship.org/pdf/ordinances/surface\\_water\\_runoff\\_ordinance.pdf](http://www.duluthtownship.org/pdf/ordinances/surface_water_runoff_ordinance.pdf))*

#### IV. Storm Sewer System Map and Inventory: (Part II.D.4.)

A. Describe how you manage your storm sewer system map and inventory:

*The Town's storm sewer system current consists of only 11.8 miles of township roads. The Town has no structural stormwater BMP's. The Town currently has a hard copy map of the roads and, because of the relatively small scale of our storm sewer system, this has been adequate to locate our ditches, culverts, and outfalls. However, the Town (in partnership with UMD's NRRRI) recently received a MN Coastal Program Grant that will enable it to obtain GPS coordinates for all Town roads, culverts, and outfalls, and to document culvert, ditch and outfall conditions.*

B. Answer **yes** or **no** to indicate whether your storm sewer system map addresses the following requirements from the Permit (Part III.C.1.a-d), as listed below:

1. The permittee's entire small MS4 as a goal, but at a minimum, all pipes 12 inches or greater in diameter, including stormwater flow direction in those pipes.  Yes  No
2. Outfalls, including a unique identification (ID) number assigned by the permittee, and an associated geographic coordinate.  Yes  No
3. Structural stormwater BMPs that are part of the permittee's small MS4.  Yes  No
4. All receiving waters.  Yes  No

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

*Items 1 and 3. The Town has no storm sewer pipes or structural BMPs.*

*Schedule for items 2 and 4: October 2013 – March 2014: Township purchases GPS unit; confer with Township officials and Regional Stormwater Protection Team members to create stormwater system condition assessment sheets; create database to hold data.*

*April to May 2014: Survey and GPS stormwater system, assessing condition and taking geo-referenced pictures to document all ditches, culverts, and outfalls.*

*April to August 2014. Transfer all survey data to a database.*

*August - September 2014: Create mapping interface (e.g., Google Earth) with database; trouble-shoot and user-test database with township supervisors; revise interface as necessary based on feedback.*

*October – December 2014: Hold workshop on stormwater infrastructure condition tracking tool. Revise tool as necessary based on feedback. Transfer tool to township computers and web-site, as appropriate.*

C. Answer **yes** or **no** to indicate whether you have completed the requirements of 2009 Minnesota Session Law, Ch. 172. Sec. 28: with the following inventories, according to the specifications of the Permit (Part III.C.2.a.-b.), including:

1. All ponds within the permittee's jurisdiction that are constructed and operated for purposes of water quality treatment, stormwater detention, and flood control, and that are used for the collection of stormwater via constructed conveyances.  Yes  No
2. All wetlands and lakes, within the permittee's jurisdiction, that collect stormwater via constructed conveyances.  Yes  No

D. Answer **yes** or **no** to indicate whether you have completed the following information for each feature inventoried.

1. A unique identification (ID) number assigned by the permittee.  Yes  No
2. A geographic coordinate.  Yes  No
3. Type of feature (e.g., pond, wetland, or lake). This may be determined by using best professional judgment.  Yes  No

If you have answered **yes** to all above requirements, and you have already submitted the Pond Inventory Form to the MPCA, then you do not need to resubmit the inventory form below.

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

*Duluth Township is predominantly a forested area with private holdings mostly interspersed throughout public land. It would be cost prohibitive and logistically impractical for the Town to examine every lake and wetland for private drainage ditches or to examine every private property for private ponds that were constructed (without permit) for the purpose of managing storm water. Additionally, very few driveways are paved, which means that any stormwater control structures that do exist are unlikely to collect pollutants.*

*Except that stormwater ponds are identified as a requirement in a permit application or complaints are made by the public (none thus far), the Town has no practical or reasonable means to inventory lakes, ponds and wetlands that are receiving stormwater via private constructed conveyances. In the mapping effort (described above), the Town will document any outfalls of township road ditches into any aquatic resource and inventory these; no Town ditches have outfalls into lakes or ponds. The Town will also submit existing information from our landuse permits, if any apply, and also from any future information that is obtained.*

- E. Answer **yes** or **no** to indicate if you are attaching your pond, wetland and lake inventory to the MPCA  Yes  No on the form provided on the MPCA website at: <http://www.pca.state.mn.us/ms4> , according to the specifications of Permit (Part III.C.2.b.(1)-(3)). Attach with the following file naming convention: *MS4NameHere\_inventory.*

If you answered **no**, the inventory form must be submitted to the MPCA MS4 Permit Program within 12 months of the date permit coverage is extended.

## V. Minimum Control Measures (MCMs) (Part II.D.5)

### A. MCM1: Public education and outreach

1. The Permit requires that, within 12 months of the date permit coverage is extended, existing permittees revise their education and outreach program that focuses on illicit discharge recognition and reporting, as well as other specifically selected stormwater-related issue(s) of high priority to the permittee during this permit term. Describe your **current** educational program, including **any high-priority topics included**:

*The Town partners with the Lake Superior RSPT to provide stormwater runoff reduction and illicit discharge prevention education. Current emphasis is on recognizing and reporting illicit discharges. RSPT sets up booths and distributes stormwater information at a variety of summer festivals, hosts an annual rain barrel sale, and often purchases TV ad time for public service announcements about stormwater. The Town itself does public outreach at its annual MS4 public meeting and by publishing articles in the township newsletter, as well as helping to advertise RSPT events.*

2. List the categories of BMPs that address your public education and outreach program, including the distribution of educational materials and a program implementation plan. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. Refer to the U.S. Environmental Protection Agency's (EPA) *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>).

**If you have more than five categories**, hit the tab key after the last line to generate a new row.

Established BMP categories	Measurable goals and timeframes
Outreach and education (with RSPT)	Number of types of educational materials distributed per year.
Education/outreach program	Number of people educated per year; number of articles published in township newsletter per year (published every other month). Goal: 4 newsletter articles per year.
Illicit discharge education	Number of people educated; number of illicit discharges reported; number of newsletter articles; calculated annually. Goal: 2 illicit discharge articles per year.
Ditch maintenance education	Publish newsletter articles and give talks about best homeowner management practices for roadside ditches. Goal: 1 newsletter article per year.
Construction/post-construction stormwater training	Percentage of construction site permits approved that comply with township regulations pertaining to stormwater per year. Goal: 100%.
Pollution prevention/good housekeeping education	Maintain RSPT membership; goal: attend 80% of RSPT



	meetings per year. Road contractor is trained in stormwater management.
Continuing education	Maintain membership in RSPT and liaison with township planning and zoning commission. Hold annual stormwater meeting. Goal: 1 stormwater meeting/year; document attendance and comments.
<b>BMP categories to be implemented</b>	<b>Measurable goals and timeframes</b>
Documentation	Complete documentation of all education and outreach. Goal: 100% documentation

3. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

*MS4 coordinator and other volunteers, as well as Town supervisor in charge of roads.*

**B. MCM2: Public participation and involvement**

1. The Permit (Part III.D.2.a.) requires that, within 12 months of the date permit coverage is extended, existing permittees shall revise their current program, as necessary, and continue to implement a public participation/involvement program to solicit public input on the SWPPP. Describe your current program:

*The Town holds a stormwater MS4 meeting each year to coincide with either a Planning and Zoning Committee meeting or a Town Board meeting. As well as educating the public, the meeting is used to ensure new P&Z or Town Board members understand our MS4 requirements and responsibilities. In addition, Dr. Brady gives talks about stormwater and its potential to cause problems for local streams, wetlands, and Lake Superior to school groups, senior citizen groups, and other interested parties.*

2. List the categories of BMPs that address your public participation/involvement program, including solicitation and documentation of public input on the SWPPP. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. Refer to the EPA's *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>). **If you have more than five categories**, hit the tab key after the last line to generate a new row.

Established BMP categories	Measurable goals and timeframes
Public notice	Comply with all public notice requirements every year. Goal: 100%.
Public input	Solicit public input about township stormwater management through newsletter articles and at annual stormwater meeting.
Public input	Goal: consider 100% of all public comment received each year.

BMP categories to be implemented	Measurable goals and timeframes
Solicit public input about SWPPP	Post new SWPPP on township website by end of year 1. Publish information about new SWPPP in newsletter and invite comments.

3. Do you have a process for receiving and documenting citizen input?  Yes  No

If you answered **no** to the above permit requirement, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, this permit requirement is met:

4. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

*MS4 coordinator and Town clerk*

**C. MCM 3: Illicit discharge detection and elimination**

1. The Permit (Part III.D.3.) requires that, within 12 months of the date permit coverage is extended, existing permittees revise their current program as necessary, and continue to implement and enforce a program to detect and eliminate illicit discharges into the small MS4. Describe your current program:

*The Town's illicit discharge ordinance was submitted to the MPCA in 2012. The ordinance ([http://www.duluthtownship.org/pdf/ordinances/031413\\_Illicit\\_Discharges.pdf](http://www.duluthtownship.org/pdf/ordinances/031413_Illicit_Discharges.pdf)) describes the program. As a small rural township, we essentially have no "field staff". However, the fire department volunteers and part time police have received awareness training in Hazardous materials through the Minnesota Department of Homeland Security. Town road repair work is conducted through a part-time contractor who is directed by the Town's road supervisor; the road supervisor conducts annual inspections of all township roads and ditches. The reporting of any illicit discharges that may occur is highly dependent on the public.*

2. Does your Illicit Discharge Detection and Elimination Program meet the following requirements, as found in the Permit (Part III.D.3.c.-g.)?

- a. Incorporation of illicit discharge detection into all inspection and maintenance activities conducted under the Permit (Part III.D.6.e.-f.) Where feasible, illicit discharge inspections shall be conducted during dry-weather conditions (e.g., periods of 72 or more hours of no precipitation).  Yes  No
- b. Detecting and tracking the source of illicit discharges using visual inspections. The permittee may also include use of mobile cameras, collecting and analyzing water samples, and/or other detailed procedures that may be effective investigative tools.  Yes  No
- c. Training of all field staff, in accordance with the requirements of the Permit (Part III.D.6.g.(2)), in illicit discharge recognition (including conditions which could cause illicit discharges), and reporting illicit discharges for further investigation.  Yes  No
- d. Identification of priority areas likely to have illicit discharges, including at a minimum, evaluating land use associated with business/industrial activities, areas where illicit discharges have been identified in the past, and areas with storage of large quantities of significant materials that could result in an illicit discharge.  Yes  No
- e. Procedures for the timely response to known, suspected, and reported illicit discharges.  Yes  No
- f. Procedures for investigating, locating, and eliminating the source of illicit discharges.  Yes  No
- g. Procedures for responding to spills, including emergency response procedures to prevent spills from entering the small MS4. The procedures shall also include the immediate notification of the Minnesota Department of Public Safety Duty Officer, if the source of the illicit discharge is a spill or leak as defined in Minn. Stat. § 115.061.  Yes  No
- h. When the source of the illicit discharge is found, the permittee shall use the ERPs required by the Permit (Part III.B.) to eliminate the illicit discharge and require any needed corrective action(s).  Yes  No

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

*Within 12 months of permit approval, the Town will develop a fact sheet on recognizing and reporting illicit discharges that will be provided to contractors, Town officials, volunteers and the public.*

3. List the categories of BMPs that address your illicit discharge, detection and elimination program. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. Refer to the EPA's *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>).

**If you have more than five categories**, hit the tab key after the last line to generate a new row.

Established BMP categories	Measurable goals and timeframes
Ordinance	Describes illicit discharges, identifies procedures for reporting and inspections and identifies enforcement procedures.
Illicit discharge detection	Road ditch and outfall inspection; annual; goal: 100%.

BMP categories to be implemented	Measurable goals and timeframes
Record Keeping	Develop a spreadsheet that documents inspections and any occurrence and actions due to any illicit discharge.
Storm sewer map - made digital	GPS and create GIS coverage and tracking database for condition of ditches and outfalls. Goal: fully implemented by summer 2015.
Training	Develop, post, and distribute a fact sheet that describes how to recognize and report illicit discharges, by end of 2014.

4. Do you have procedures for record-keeping within your Illicit Discharge Detection and Elimination (IDDE) program as specified within the Permit (Part III.D.3.h.)?  Yes  No
- If you answered **no**, indicate how you will develop procedures for record-keeping of your Illicit Discharge, Detection and Elimination Program, within 12 months of the date permit coverage is extended:

*A spreadsheet will be developed that documents inspection for illicit discharges and any occurrence and subsequent actions due to any illicit discharge.*

5. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:
- Initial documentation, mapping, and tracking documents will be developed by Dr. Valerie Brady, with assistance from Ms. Jo Thompson and RSPT. Tracking and mapping documents will then be turned over to the Town Clerk and Town Road Supervisor.*

#### D. MCM 4: Construction site stormwater runoff control

1. The Permit (Part III.D.4) requires that, within 12 months of the date permit coverage is extended, existing permittees shall revise their current program, as necessary, and continue to implement and enforce a construction site stormwater runoff control program. Describe your current program:

*The Town's current program is described in the zoning ordinance in Article III, Section 4.b. ([http://www.duluthtownship.org/pdf/ordinances/Ordinance\\_12\\_2012.pdf](http://www.duluthtownship.org/pdf/ordinances/Ordinance_12_2012.pdf)).*

2. Does your program address the following BMPs for construction stormwater erosion and sediment control as required in the Permit (Part III.D.4.b.):
- Have you established written procedures for site plan reviews that you conduct prior to the start of construction activity?  Yes  No
  - Does the site plan review procedure include notification to owners and operators proposing construction activity that they need to apply for and obtain coverage under the MPCA's general permit to *Discharge Stormwater Associated with Construction Activity No. MN R100001*?  Yes  No
  - Does your program include 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?  Yes  No
  - Have you included written procedures for the following aspects of site inspections to determine compliance with your regulatory mechanism(s):
    - Does your program include procedures for identifying priority sites for inspection?  Yes  No
    - Does your program identify a frequency at which you will conduct construction site inspections?  Yes  No
    - Does your program identify the names of individual(s) or position titles of those responsible for conducting construction site inspections?  Yes  No
    - Does your program include a checklist or other written means to document construction site inspections when determining compliance?  Yes  No
  - Does your program document and retain construction project name, location, total acreage to be disturbed, and owner/operator information?  Yes  No
  - Does your program document stormwater-related comments and/or supporting information used to determine project approval or denial?  Yes  No
  - Does your program retain construction site inspection checklists or other written materials used to document site inspections?  Yes  No

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met.

(d.2.) The Town rarely has projects that require site inspections. Usually 100% of all sites requiring a storm water management plan are inspected. The Town will update the "General Provisions" of the township Zoning Ordinance to reflect inspection procedures (d.4 and g). The Town does not currently have a "checklist" for inspection, but all inspections are documented by the planning director. The Town will develop a checklist for inspections of sites for compliance. (e.) The Town currently does not document the total acreage disturbed, but will update permit applications and project records to include this.

- List the categories of BMPs that address your construction site stormwater runoff control program. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. Refer to the EPA's *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>). **If you have more than five categories**, hit the tab key after the last line to generate a new row.

d

Established BMP categories	Measurable goals and timeframes
Ordinance	Enforce ordinance controls for soil erosion, sedimentation, runoff and stability for all construction sites that trigger the construction stormwater permit. Goal: 100%.
Permit process	For all sites requiring construction stormwater permits, the planning director will determine compliance of construction plans with the ordinance. Goal: 100%
Site Inspection	For sites identified in the ordinance as priority inspection sites, the planning director will set a schedule and responds to non-compliance reports for inspections. Goal: 100%.
Solid waste controls	Partner with WLSSD and the county for solid waste management at construction sites. Goal: 100% of construction stormwater sites.
Illicit discharge reporting	Receive reports of erosion and other construction site stormwater compliance problems. Goal: investigate 100% of reports.
BMP categories to be implemented	Measurable goals and timeframes
Ordinance	Update current ordinance to comply with construction requirements under the new permit by 12 months after our permit is authorized.
Permits	Update permit documentation to include acres of disturbance by 12 months after our permit is authorized.
Inspection	Implement inspection procedures by 12 months after our permit is authorized.
Inspection	Implement Inspection check list by 12 months after our permit is authorized.

- Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

Town Planning Director

#### E. MCM 5: Post-construction stormwater management

- The Permit (Part III.D.5.) requires that, within 12 months of the date permit coverage is extended, existing permittees shall revise their current program, as necessary, and continue to implement and enforce a post-construction stormwater management program. Describe your current program:

*The Town's current program is described in the Zoning Ordinance, Article III, Section 4.c. ([http://www.duluthtownship.org/pdf/ordinances/Ordinance\\_12\\_2012.pdf](http://www.duluthtownship.org/pdf/ordinances/Ordinance_12_2012.pdf))*

- Have you established written procedures for site plan reviews that you will conduct prior to the start of construction activity?  Yes  No
- Answer **yes** or **no** to indicate whether you have the following listed procedures for documentation of post-construction stormwater management according to the specifications of Permit (Part III.D.5.c.):
  - Any supporting documentation that you use to determine compliance with the Permit (Part  Yes  No

III.D.5.a), including the project name, location, owner and operator of the construction activity, any checklists used for conducting site plan reviews, and any calculations used to determine compliance?

- b. All supporting documentation associated with mitigation projects that you authorize?  Yes  No
- c. Payments received and used in accordance with Permit (Part III.D.5.a.(4)(f))?  Yes  No
- d. All legal mechanisms drafted in accordance with the Permit (Part III.D.5.a.(5)), including date(s) of the agreement(s) and names of all responsible parties involved?  Yes  No

If you answered **no** to any of the above permit requirements, describe the steps that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met.

*The Town will update the zoning ordinance to reflect the new permit requirements to the maximum extent practicable for the Town's size and resources. The Town will also develop procedures for site plan reviews prior to the start of construction, and develop procedures for documentation of post-construction activity.*

4. List the categories of BMPs that address your post-construction stormwater management program. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. Refer to the EPA's *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>). **If you have more than five categories**, hit the tab key after the last line to generate a new row.

Established BMP categories	Measurable goals and timeframes
Ordinance	Identifies minimum standards for post-construction stormwater management plans. Goal: 100% compliance.

BMP categories to be implemented	Measurable goals and timeframes
Ordinance	Update ordinance with new permit requirements by 2015.
Site Plan Reviews	Develop procedures for site plan reviews prior to the start of construction, by 2015.
Documentation	Develop procedures for documentation of post construction activities, by 2015.

5. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

*Planning Director*

**F. MCM 6: Pollution prevention/good housekeeping for municipal operations**

1. The Permit (Part III.D.6.) requires that, within 12 months of the date permit coverage is extended, existing permittees shall revise their current program, as necessary, and continue to implement an operations and maintenance program that prevents or reduces the discharge of pollutants from the permittee owned/operated facilities and operations to the small MS4. Describe your current program:

*In addition to the 11.8 miles of township roads, the Town's "municipal" operations include property on Homestead Rd, on which is located one fire hall, the town hall, and the recycling drop-off for non-hazardous household materials. The township also owns a second firehall on a property a few miles away. Other MCM's describe the Town's program for Town roads.*

2. Do you have a facilities inventory as outlined in the Permit (Part III.D.6.a.)?  Yes  No

3. If you answered **no** to the above permit requirement in question 2, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, this permit requirement is met:
4. List the categories of BMPs that address your pollution prevention/good housekeeping for municipal operations program. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. For an explanation of measurable goals, refer to the EPA's *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>).

If you have more than five categories, hit the tab key after the last line to generate a new row.

Established BMP categories	Measurable goals and timeframes
Inspections	Ongoing inspection of roads, ditches, and outfalls annually. Goal: 100% per year.
Education	Ongoing participation of township staff in pollution prevention.
Maintenance	Maintenance and repair of ditches, outfalls, and culverts, as identified by township residents or during annual inspections.
Recordkeeping	Inspections and maintenance records will be kept and archived at the Town Hall. Goal: 100% of all records archived.
Storm inspections	After heavy rainfall and during spring snowmelt, road and ditch inspections will be conducted as needed to identify and quickly respond to damage and problems. Goal: Appropriate response to all large storm/snowmelt events.
BMP categories to be implemented	Measurable goals and timeframes
Facilities Inspection	Develop a checklist and inspection schedule for township facilities by 2015.

5. Does discharge from your MS4 affect a Source Water Protection Area (Permit Part III.D.6.c.)?  Yes  No
- a. If **no**, continue to 6.
- b. If **yes**, the Minnesota Department of Health (MDH) is in the process of mapping the following items. Maps are available at <http://www.health.state.mn.us/divs/eh/water/swp/maps/index.htm>. Is a map including the following items available for your MS4:
- 1) Wells and source waters for drinking water supply management areas identified as vulnerable under Minn. R. 4720.5205, 4720.5210, and 4720.5330?  Yes  No
- 2) Source water protection areas for surface intakes identified in the source water assessments conducted by or for the Minnesota Department of Health under the federal Safe Drinking Water Act, U.S.C. §§ 300j – 13?  Yes  No
- c. Have you developed and implemented BMPs to protect any of the above drinking water sources?  Yes  No
6. Have you developed procedures and a schedule 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, according to the Permit (Part III.D.6.d.)?  Yes  No
7. Do you have inspection procedures that meet the requirements of the Permit (Part III.D.6.e.(1)-(3)) for structural stormwater BMPs, ponds and outfalls, and stockpile, storage and material handling areas?  Yes  No
8. Have you developed and implemented a stormwater management training program commensurate with each employee's job duties that:

- a. Addresses the importance of protecting water quality?  Yes  No
- b. Covers the requirements of the permit relevant to the duties of the employee?  Yes  No
- c. Includes a schedule that establishes initial training for new and/or seasonal employees and recurring training intervals for existing employees to address changes in procedures, practices, techniques, or requirements?  Yes  No

9. Do you keep documentation of inspections, maintenance, and training as required by the Permit (Part III.D.6.h.(1)-(5))?  Yes  No

If you answered **no** to any of the above permit requirements listed in **Questions 5 – 9**, then describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

*(6.) The Town will determine its ability to comply to the maximum extent practicable with TSS and TP treatment effectiveness evaluations. (7.) The Town will develop inspection procedures.*

10. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

*Planning Director and MS4 coordinator, with the assistance of RSPT.*

## VI. Compliance Schedule for an Approved Total Maximum Daily Load (TMDL) with an Applicable Waste Load Allocation (WLA) (Part II.D.6.)

- A. Do you have an approved TMDL with a Waste Load Allocation (WLA) prior to the effective date of the Permit?  Yes  No
1. If **no**, continue to section VII.
  2. If **yes**, fill out and attach the MS4 Permit TMDL Attachment Spreadsheet with the following naming convention: *MS4NameHere\_TMDL*.

This form is found on the MPCA MS4 website: <http://www.pca.state.mn.us/ms4>.

## VII. Alum or Ferric Chloride Phosphorus Treatment Systems (Part II.D.7.)

- A. Do you own and/or operate any Alum or Ferric Chloride Phosphorus Treatment Systems which are regulated by this Permit (Part III.F.)?  Yes  No
1. If **no**, this section requires no further information.
  2. If **yes**, you own and/or operate an Alum or Ferric Chloride Phosphorus Treatment System within your small MS4, then you must submit the Alum or Ferric Chloride Phosphorus Treatment Systems Form supplement to this document, with the following naming convention: *MS4NameHere\_TreatmentSystem*.
- This form is found on the MPCA MS4 website: <http://www.pca.state.mn.us/ms4>.

## VIII. Add any Additional Comments to Describe Your Program

*The Town's efforts to reduce stormwater runoff and protect it from pollution are probably more stringent than state requirements even though there are deficiencies with regard to some of the new permit requirements for written procedures and documents. One of the Town's mechanisms to protect and reduce stormwater runoff is the requirement for caps on impervious surface amounts on properties. The Town also pays more attention to and better adheres to stream set-backs than other public entities that occupy and manage land in the township. The Town has no input on or jurisdiction over land under state and county management (more than half of township land area).*

*Town road ditches, which comprise the entirety of the Town's MS4 stormwater system, are only about 7% of the total roads in the township. The remaining 93% of roads, most under county jurisdiction, have no MS4 requirements. Several of these county roads outfall into township ditches, greatly increasing their stormwater flow, but without the Town having control over flow reduction or infiltration.*

*Town officials are still puzzled as to why the Town is considered an MS4. The total population of the Town was only 1,941 in 2010 (1,723 in 2000), and it is not certain where the density determination of 1000 people per square mile came from, though there is speculation that it was triggered by a small, more densely-populated area of our township. Inquiries to MPCA about exactly why the Town is an MS4 have not been adequately addressed.*

*The Town of Duluth has minimal municipal operations. Operation of Town business is primarily through volunteer efforts and a few minimally-paid staff. The Town has had no known illicit discharges, and rarely has construction activity that triggers the construction stormwater requirements of this permit. This explains why Town ordinances do not cover some of the requirements in the new permit; they simply have not occurred up to this point.*

*However, the Town and its residents greatly value the high-quality streams draining into beautiful Lake Superior. Thus, the*

*Town has been progressive in protecting its aquatic resources even though the Town has very limited personnel and money with which to do this.*

*This SWPPP application was completed primarily by volunteers, who have thus far spent 36 hours on the effort.*