COON CREEK WATERSHED DISTRICT  
Request for Board Action  

MEETING DATE: January 13, 2020  
AGENDA NUMBER: 22  
ITEM: Comments on Draft NPDES Rules  

AGENDA: Discussion  

ACTION REQUESTED  
Receipt and endorsement of comments made to MPCA n the Draft NPDES Rules  

BACKGROUND  
On November 12, 2019 the MPCA published a Draft of the Municipal, Separate Storm Sewer System (MS4) General Permit MNR040000. The comment period ended January 11, 2020.  

Staff has reviewed the Draft Rules, and the draft rules were discussed extensively with the Technical Advisory Committee, all of whom are also ms4s, on January 9.  

PCA, in its public notice, has indicated that comments must state:  
1. Our interest, or standing, in the permit application or the draft rules  
2. The action we wish the MPCA to take, including specific references to the section of the Draft permit we believe should be changed.  
3. The reasons supporting our position, stated with enough specificity as to allow the MPCA to investigate the merits of the position.  

ISSUES/CONCERNS  
Standing: The Coon Creek Watershed District is a special MS4 charged with the implementation and application of the permit. The District contains all or parts of seven cities and Anoka County Highways, seven of which are also MS4s. Coon Creek drains the central portion of Anoka County in one of the more rapidly developing areas in the State. The District contains four impaired waters and because of its generally flat geomorphology, is highly prone to flooding. In a biannual survey of city planning and engineering staff, citizen advisory committees and the general public, water quality protection is tied with flood control preceded only by protection and availability of drinking water as concerns and priorities we all should be addressing.  

Comments:  

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<th>Suggested Action</th>
<th>Reason</th>
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<td>12.3</td>
<td>Clarify, define the term “partnerships”</td>
<td>A central theme throughout the Draft rule and the program is “partnerships with other MS4s”</td>
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<td>The Coon Creek Watershed District has parts or all of seven cities. The District is an operational, “working” organization that owns and operates water management facilities, administers its own as well as several state regulations. The District’s principle strategy is “unified action with our collaborators”. Vital to the day-to-day effective implementation of this strategy are close working relationships with the other MS4s in the District. Unified Action with our partners is best achieved through informal partnerships. Informal relationships are best in complex-dynamic operating environments and have been shown to be more adaptive, more agile and able to operate at the “speed of trust” (HBR, 1995-2018; Almost any Organizational Mgt or Management Science Text). These would be difficult to document the value, beyond a list of collaborators, would be zero. Formal partnerships are essential, appropriate and standard practice if there is a fee for service or essentially a contract.</td>
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| 27.12    | a) Define “underlying soils” or change the term to the layer or grade commonly used and accepted by transportation, other civil engineers, such as subbase or the point where sand silt and/or clay or organic material become the predominant material.  
   b) Consider including the “fully” | The term “underlying soils” is used in the definition of “Fully reconstructed”. The term acts as a significant criterion in the scope and applicability of the rules for road and street reconstruction.  
A definition of the term “underlying soils” can not be found in any soils text or engineering text and is only |
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<td>reconstructed impervious surface’ diagram used in your 12/11/19 workshop.</td>
<td>occasionally used in the literature as a term of art where a specific definition is not needed or warranted. That is not the case in applying the rules, where defining this threshold can radically alter the cost and management of most public works projects.</td>
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<td>27.1</td>
<td>Define Cost Effective as the ratio of the cost of the intervention to a relevant measure of its effect. Cost refers to the resource expended for the intervention (design and construction and maintenance over the effective useful life of a BMP), usually measured in monetary terms such as dollars. The measure of effects depends on the intervention or BMP being considered.</td>
<td>There are several places where cost effectiveness is, in essence, the basis or criteria for determining the efficacy of a proposal potentially adversely affecting the water resource. It is a term too often mis used or abused due to an absence of definition.</td>
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**Other Questions and Concerns**

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<th>Question/Concern</th>
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<td>12.8</td>
<td>if the applicant has an applicable WLA for TSS or TP, a cumulative estimate of TSS and TP load reductions (in pounds) to be achieved during the permit term and the Agency-approved method used to determine the estimate” • We do not have implementation activities planned out 10 years in the level of detail required to quantify load reductions using the approved methods (P8, WinSlamm, etc.) unless it can be very general estimates such as acre-ft of storage created, LF of bank stabilization, etc.</td>
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<td>12.9</td>
<td>Does this include non-structural (Education/Outreach/Engagement) BMPs, also, since bacteria and chlorides are also referenced in 16.5 &amp; 16.6 for MCM 1?</td>
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<td>16.0</td>
<td>Can all of Item 16 requirements be satisfied by a WMO for its cities? If so, how does that need to be shown (example, activities table by city)?</td>
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<td>16.9</td>
<td>How do we need to show effectiveness for 16.9? so much more difficult for non-structural BMPs</td>
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<td>18.9-18.13</td>
<td>“The permittee must maintain a written or mapped inventory of priority areas the permittee identifies as having a higher likelihood for illicit discharges. At a</td>
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minimum, the inventory must include the following: a. non-NPDES permitted business/industrial activities with storage of large quantities of significant materials that could result in an illicit discharge; and b. areas where illicit discharges have been identified in the past and continues to pose a risk. [Minn. R. 7090]…”

- These requirements will be repetitive for overlapping MS4s such as CCWD and the Cities located within CCWD. Shared responsibility? Applicable to just municipalities? What type of enforcement tools available to District?

| 22.3-22.4 | If the permittee has an applicable WLA for bacteria, the permittee must maintain a written or mapped inventory of potential areas and sources of bacteria (e.g., dense populations of waterfowl or other bird, dog parks)... If the permittee has an applicable WLA for bacteria, the permittee must maintain a written plan to prioritize reduction activities to address the areas and sources identified in the inventory in item 22.3. The written plan must include BMPs the permittee will implement over the permit term, which may include, but is not limited to: a. water quality monitoring to determine areas of high bacteria loading; b. installation of pet waste pick-up bags in parks and open spaces; c. elimination of over-spray irrigation that may occur at permittee owned/operated areas; d. removal of organic matter via street sweeping; e. implementation of infiltration structural stormwater BMPs; or f. management of areas that attract dense populations of waterfowl (e.g., riparian plantings)”

- Is the CCWD TMDL/WRAPS for *E. coli* sufficient or does there need to be a standalone written plan specifically for bacteria? If so, what does this look like?

| Reporting | Will permittees be given reporting templates for the different MCMs, including the Comm Plan? Will it be an online template for easy download, updating, upload (and therefore easy evaluation by both permittee and MPCA)? Agree with the new performance-based approach for chloride, bacteria, and temp TMDLS

| Receiving Waters | Spreadsheet of applicable TMDL WLAs includes South Metro Mississippi TSS impairment, but does not list any needed reductions (0% across the board). Why is this included on the spreadsheet and how is it to be treated from a progress tracking/reporting standpoint?

|  | In the early 1980’s the Metropolitan Water Management Act (M.S. 103B) encouraged cities to used wetlands and flood plains as “natural infrastructure” for the storage and treatment of storm water. Both the Metropolitan Council and the MPCA published guidance on how cities could save costs and protect water resources by not running storm sewer pipes directly into lakes and streams. Many developing cities at that time did just that and now there...
remains natural features, often biologically degraded, that are integral to the storm water system.

At the December 11, 2019 workshop this situation and the question of whether these features are receiving water was posed but not answered.

Recognizing this situation and clarifying their standing is essential.

PRIOR DECISIONS
n/a

OPTIONS
1. Table item
2. Receive comments
3. Approve comments

RECOMMENDATION
Approve comments