



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting

Wednesday, December 11, 2024

Agenda Item

Item 5. G. - Letter to MPCA regarding MS4 designation

Prepared By

Linda Loomis, Administrator

Summary

Earlier in 2024, the MPCA notified the LMRWD that upon a decennial review they determined that the LMRWD may be an [MS4](#) (Municipal Separate Storm Sewer System) and would need to prepare a [SWPPP](#) (Stormwater Pollution Prevention Program) to apply for a permit. The LMRWD received a letter in November as the official notification. The LMRWD must respond to the letter within 60 days in one of the following ways: 1) apply for a permit, or 2) explain why the LMRWD is not an MS4.

A letter has been prepared to respond to the MPCA and is attached for the Board of Managers review. If it is acceptable, the Board should authorize execution and sending to the MPCA.

Attachments

- Letter from MPCA RE: Notice of Regulatory Requirements for Lower Minnesota River Watershed District under the National Pollutant Discharge Elimination (NPDES)/State Disposal System (SDS) Stormwater General Permit for Municipal Separate Storm Sewer Systems dated November 14, 2024
- Response letter from the LMRWD dated December 11, 2024

Recommended Action

Motion to authorize execution of the response letter to the MPCA by the Administrator and sending the letter to the MPCA

November 14, 2024

Linda Loomis, District Administrator
Lower Minnesota River Watershed District
112 5th Street East, Suite 102
Chaska, MN 55318

RE: Notice of Regulatory Requirements for Lower Minnesota River Watershed District under the National Pollutant Discharge Elimination System (NPDES)/State Disposal System (SDS) Stormwater General Permit for Municipal Separate Storm Sewer Systems

Dear Linda Loomis:

The purpose of this letter is to notify you that the Minnesota Pollution Control Agency (MPCA) has identified Lower Minnesota River Watershed District as a Municipal Separate Storm Sewer System (MS4) subject to regulation under the NPDES/SDS requirements of Minnesota Rule 7090:

A stormwater permit is required under Minn. R. 7090.1010 for an MS4 located in an urbanized area in whole or in part as determined by the latest Decennial Census, as regulated in accordance with the Code of Federal Regulations.

The permit requires those that own or operate a MS4 to develop, implement, and enforce a Stormwater Pollution Prevention Program (SWPPP). The goal is to reduce pollutant levels in point source discharges and protect water quality in accordance with the U.S. Clean Water Act, Minnesota statutes and rules, and federal laws and regulations. Please note, judicial ditches operated under Minnesota drainage laws established under Minnesota Statutes, Chapter 103E are not considered an MS4 owned/operated by a municipality. Rather, they are “waters of the state” protected from point source discharges under the Clean Water Act (CWA). More information about the MS4 program can be found at www.pca.state.mn.us/MS4.

You are required to respond to the MPCA in writing within 60 calendar days of the date of this letter. The response must include:

1. Confirmation Lower Minnesota River Watershed District meets the criteria specified above for stormwater regulation *or*
2. An explanation of why Lower Minnesota River Watershed District does not meet the criteria specified above for stormwater regulation. This may include, but is not limited to, stormwater conveyance system maps or specific written documentation detailing that Lower Minnesota River Watershed District does not own or operate a stormwater conveyance system within the urban area as defined by the US Census Bureau. Enclosed is a map which depicts the 2020 urban area within the Lower Minnesota River Watershed District.

Linda Loomis, District Administrator

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November 14, 2024

Please submit your response via email to the MPCA at: ms4permitprogram.pca@state.mn.us. If you are not the appropriate contact person for Lower Minnesota River Watershed District, or if you have any questions regarding this matter, please contact Nick Nistler at nicholas.nistler@state.mn.us or 218-302-6670.

Sincerely,

Duane Duncanson

This document has been electronically signed.

Duane Duncanson
Supervisor
Stormwater Section
Municipal Division

DD/NN:oh

Enclosure: Map

Cc: Activity ASI20240001 @ 258606

2020 Census Map and WD MS4 Analysis



2020 Large Urban Area

Watershed Districts and WMOs not current MS4s

Watershed Districts and WMOs not current MS4s

0 1 2 4 Miles





LOWER MINNESOTA RIVER
WATERSHED DISTRICT

Carver

Lauren Salvato
Secretary

Dakota

Theresa Kuplic
Vice President

Hennepin

Joseph Barisonzi
President

Vinatha Viswanathan
Assistant Treasurer

Scott

Apollo Lammers
Treasurer

Linda Loomis, Administrator
Home/Office: (763) 545-4659
Cell: (763) 568-9522

112 East 5th Street
Suite 102
Chaska, MN 55318

E-mail:
admin@lowermnrivewd.org

December 11, 2024

Duane Duncanson, Supervisor
Stormwater Section
Municipal Division
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, MN 55155-4194

RE: Notice of Regulatory Requirements for Lower Minnesota River Watershed District under the National Pollution Discharge Elimination System (NPDES)/State Disposal System (SDS) Stormwater General Permit for Municipal Separate Sorm Sewer Systems

Dear Mr. Duncanson:

We write this letter in response to the November 14, 2024, letter which identified the Lower Minnesota River Watershed District (LMRWD) as a Municipal Separate Storm Sewer System (MS4) subject to regulation under the NPDES/SDS requirements of Minnesota Rule 7090.

In the course of preparing this response, we have consulted a number of references, including:

- 40 CFR 122.26(b)(8)
- Minnesota General MS4 Permit – MNR040000
- MN Rule 7090.0080 Subp. 8

The LMRWD does **not** own or operate any roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels or storm drains that are part of, or comprise a system designed or used for collecting or conveying of stormwater, within the urban area defined by the US Census Bureau. Therefore, the LMRWD maintains that it is not an MS4 as defined for the purpose of regulation under the MS4 Permit Program and does not need to develop, implement and enforce a Stormwater Pollution Prevention Program (SWPPP).

Please contact me if you have any questions regarding this matter.

Sincerely,

Linda Loomis
District Administrator

Cc: Nicholas Nister, MPCA