

TMDLs: MS4 Cities Perspective

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Who am I?

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Municipal stormwater professionals
working together for clean water

Why are TMDLs important?

- Improving water quality is important to cities
- Waste Load Allocation (WLA) is legally enforceable
- Linked to the MS4 Permit

MS4 Permit & SWPPP Linkage

D. Section 303(d) listings and Total Maximum Daily Load (TMDL)

If a USEPA-approved TMDL(s) has been developed, **You must review the adequacy of your SWPPP to meet the TMDL's Waste Load Allocation set for Storm Water sources.** If the Storm Water Pollution Prevention Program is not meeting the applicable requirements, schedules and objectives of the TMDL, **You must modify your SWPPP, as appropriate, within 18 months after the TMDL Waste Load Allocation is approved.**

Why TMDLs make cities nervous

- Legal liabilities
- Achievability is not the highest priority
 - It's the receiving water and "science" that count
 - We have to meet the WQ standard
- Third parties do many TMDLs
 - Not the MPCA
 - Unelected watershed organizations may be setting requirements for elected city councils
- Limited stakeholder participation
 - Just advisory
- USEPA wants to see TMDLs done

What have we learned?

■ Reporting on the stakeholder process is very weak

10. Public Participation

Public participation associated with this TMDL began in 2003 with the public meetings held by ___WD regarding the CWMP. In addition, a Public Advisory Committee (PAC) was formed that consisted of local stakeholders in the watershed. This committee was formed based upon the premise that local involvement is crucial in applying science to community water quality and water quantity problems successfully.

Two PAC meetings were held in total to build trust, engage community pride, develop a common understanding of water resource issues and their relationship to identified problems, provide an opportunity for local prioritization of issues, and enhance participant dedication to eventual implementation (Table 32). Members of the PAC were notified via email about meeting times and dates. Two landowner meetings were held in September 2005 in _____ and in March 2006 at the _____ City Hall.

Table 31. PAC members - Attendees Area of Representation

Table 32. Public meetings held for the _____ Lake TMDL Meeting Number Meeting

Meeting #1 General Introduction of the TMDL Process/Why is _____ Lake -listed?

September 14, 2005

Meeting #2 TMDL Allocation March 29, 2006

What have we learned?

- Reporting on the stakeholder process is very weak
- Consider the questions not addressed
 - Meeting agendas
 - Who attended
 - What issues were raised
 - How were issues resolved
 - Decisions made
 - Meeting minutes

What have we learned?

■ Response from MPCA – no funding available

- 1. In almost every map in the Study, the text is illegible or barely legible. All the maps should be revised to make them significantly more legible. Many maps should be larger.*

RESPONSE: At this time the project no longer has funds to complete this request.

- 17. Page 15: A map showing the distribution of land use types should be included here. There should be a discussion (including maps) of land use types and distribution at current conditions and ultimate development. Which condition was used for the TMDL and allocation calculations?*

RESPONSE: At this time the project no longer has funds to complete this request. It may be possible during the Implementation phase of this project to develop these maps. Current conditions (2004 benchmark year) were used for in the development of the TMDL.

What have we learned?

- Reasonable Assurance for MS4s is very weak
- Typical “boilerplate” language
 - “Under the MS4 program, each permitted community must develop a Storm Water Pollution Prevention Program, or SWPPP, that lays out the ways in which the community will actively and effectively manage its stormwater. SWPPPs are required to incorporate the results of any approved TMDLs within their area of jurisdiction, subject to review by the MPCA.”

Reasonable Approaches

- “The WLA represents the permitted phosphorus sources to _____ Lake, which comprise the watershed load. During the development of the 2002 _____ Lake Strategic Management Plan, the Data Collection and Management Work Group identified that a **60% reduction to the watershed TP load was the most aggressive achievable reduction possible**. This 60% reduction in watershed load was used to calculate the total WLA to be 249 lbs/yr (Table 12).”

Reasonable Approaches

- **“The District will initially take the lead role in implementing projects to achieve the WLA defined in this TMDL.** However, cities and other MS4s in the ____ Lake Watershed are expected to fulfill their existing responsibilities in storm water management to help meet the goals of this TMDL. Specifically, cities and other MS4s in the ____ Lake Watershed will:
 - Continue to **implement volume reduction BMPs on all City projects** to comply with District rules.
 - **Look for opportunities to implement voluntary projects** to reduce runoff wherever possible, taking advantage of the District’s cost-share program for water quality improvements.
 - **Continue to implement their Storm Water Pollution Prevention Plans (SWPPPs)** and to improve their public works maintenance practices wherever possible.”

What have we learned?

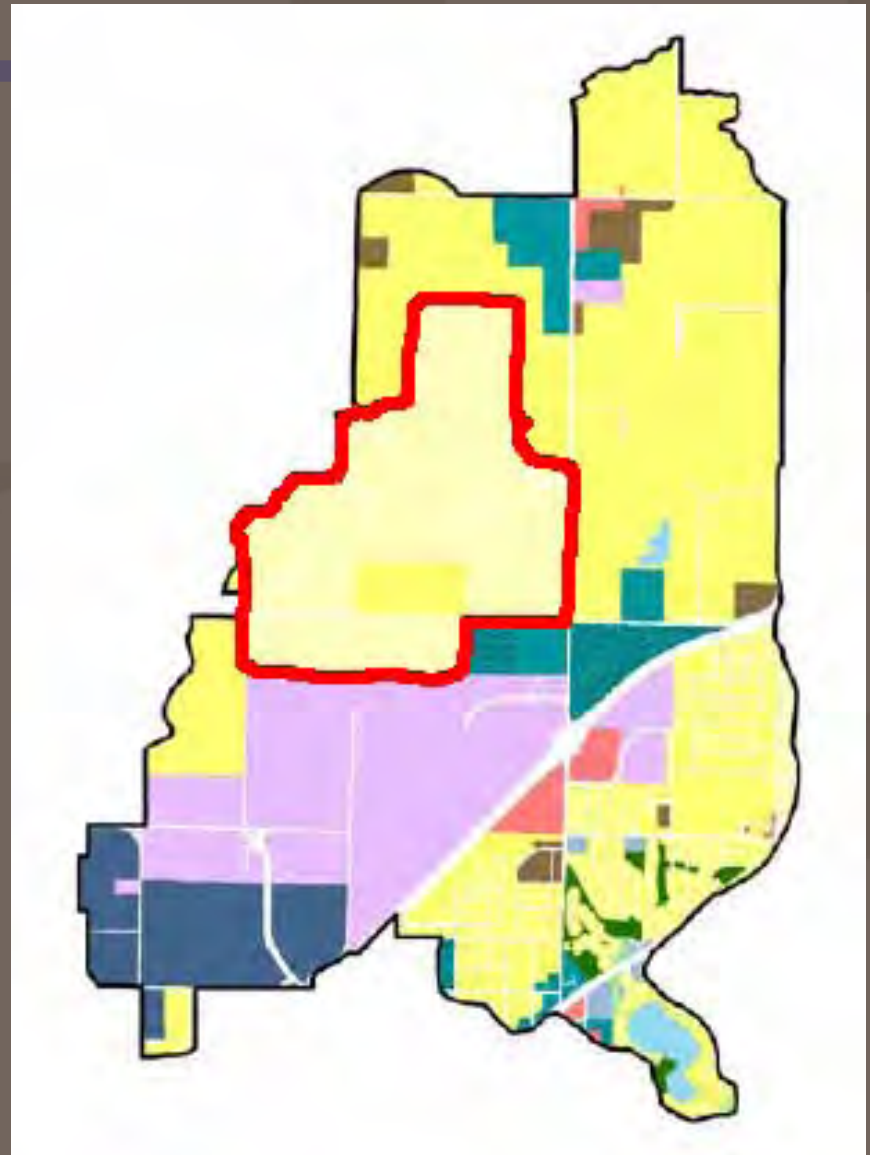
- Land use counts
- Some types of land within the MS4 jurisdiction does not belong in the WLA
- This can significantly reduce the WLA and the MS4 cities' legal liability

Rural Residential

- Usually mapped within Ultimate Development Area
- No storm sewer
- Possibly road ditches
 - May be owned by county
 - May be outside the Urbanized Area

Rural Residential

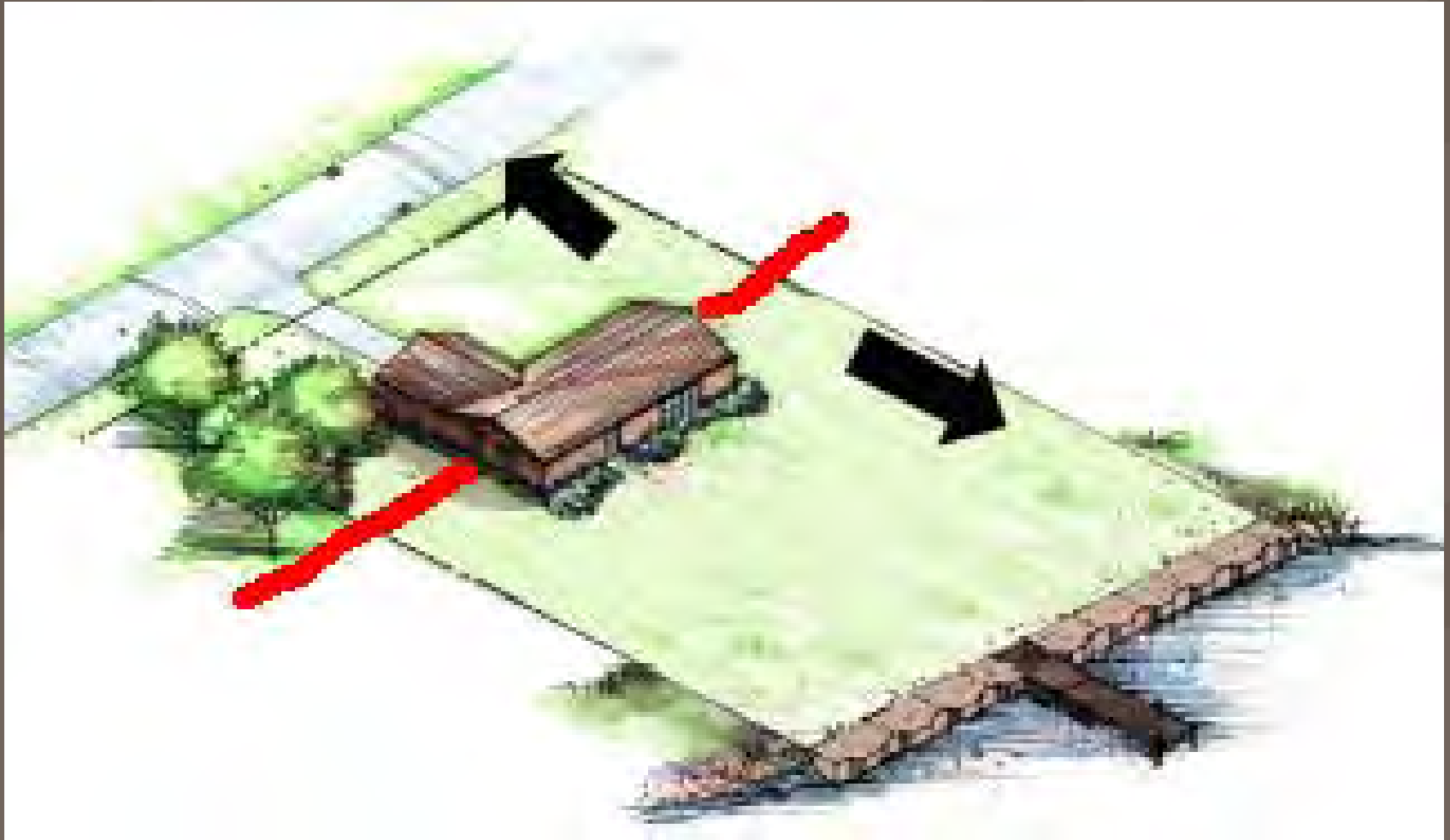
- Draft TMDL
 - WLA = 0.49 lbs/day
 - LA = 0.14
- Final TMDL
 - WLA = 0.41
 - LA = 0.21
- **WLA reduced by 16.3%**



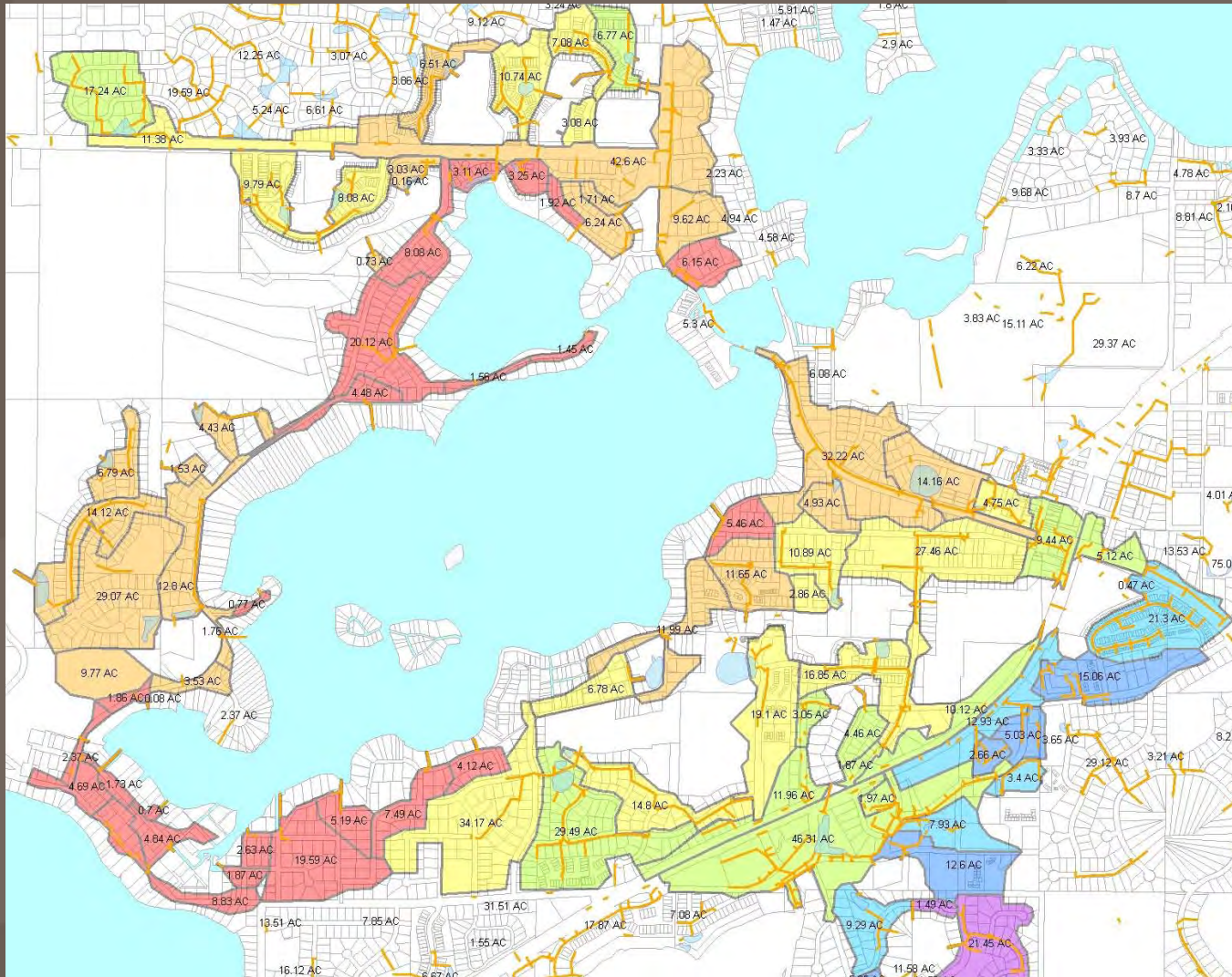
Land that drains directly to receiving waters

- Stormwater never enters a conveyance system
- *“Municipal Separate Storm Sewer System” means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains)*

Land that drains directly to receiving waters



Land that drains directly to receiving waters



What do we like?

- **MPCA has two staff working as liaisons between the stormwater and TMDL programs**
- **Some TMDLs seem to be well-executed and well-written**

What makes us nervous

- The speed of new TMDLs
- Lack of institutional awareness & learning – cities
- Too much specificity in TMDLs
 - Implementation details
 - BMP details
- Handling some things correctly
 - Construction & industrial permit WLAs
 - Future growth and change

What makes us nervous

- TMDLs written to chase future funding
- Parameters that are not well-understood
 - Bacteria
 - Chloride
- Large-scale TMDLs
- Multi-parameter TMDLs
- Increased regulatory pressure & uncontrolled costs

What makes us nervous

- **Converting studies and plans into TMDLs**
 - Lake studies
 - Watershed plans
- **Inexperienced entities called on to coordinate TMDL implementation plans**
- **We still don't have drainage area maps**
- **It seems hard to fix things**
 - Grant to develop notification database and protocol for engaging cities
 - **Relationship between legal obligation and city participation needs to change**

Where are we headed?

- **Federal Regulations**
 - **The permit must demonstrate a sequence of actions that achieve any approved WLA**
 - **The permit must specify compliance schedules for achieving any approved WLA**

Questions



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