

# Memo

**TO:** Mayor LaBelle and Tonka Bay City Council  
Joe Kohlmann, City Administrator

**FROM:** Greg Kluver, Public Works Superintendent

**DATE:** March 27, 2012

**RE:** Public Hearing - Storm Water Pollution Prevention Plan Annual Meeting

The City of Tonka Bay is required under our current National Pollutant Discharge Elimination System (NPDES) Phase II permit program for Municipal Separate Storm Sewer Systems (MS4s) to hold a public hearing each year to address the Storm Water Pollution Prevention Program (SWPPP). Public input and opinion on the adequacy of the SWPPP prior to and as a result of the annual meeting will be considered prior to submittal of the annual report to the MPCA Commissioner. The report is due by June 30 of each year.

In an effort to provide council members with some background of what the permit includes, the following is a brief overview.

The National Pollutant Discharge Elimination System (NPDES) Phase II permit program for Municipal Separate Storm Sewer Systems (MS4s) regulates storm water discharges from cities. The permit requirements were established by the United States Environmental Protection Agency and are administered in Minnesota by the Minnesota Pollution Control Agency (MPCA).

The MPCA issued the Phase II General Storm Water Permit in June of 2002. The City of Tonka Bay submitted its Notice of Intent (NOI) for the General Permit prior to the March 10, 2003 dead line set by the MPCA. The permit was issued to Tonka Bay with an effective 5-year period from March 10, 2003 thru March 10, 2008. Shortly after the MPCA issued the original permit in June of 2002, the Minnesota Center for Environmental Advocacy (MCEA) filed an appeal of the MPCA's MS4 permit for small municipalities in July of 2002. The Court of Appeals ruled in favor of the MCEA on several issues and remanded the permit back to MPCA for revisions.

As a result of the revisions, MS4 cities were required to submit a new application and updated SWPPP by June 1, 2006. MS4 cities were asked to comply with their existing permits, until a new application was submitted and approved. The City of Tonka Bay did submit a new application by the deadline and received approval on the revised SWPPP plan under the National Pollution Discharge Elimination System / State Disposal System (NPDES / SDS) Permit MNR0400 for Municipal Separate Storm Sewer Systems (MS4 General Permit) to the City of Tonka Bay, effective February 25, 2008 thru February 25, 2011.

The Storm Water Pollution Prevention Plan outlines the City's approach to meeting the NPDES Phase II permit requirements. The permit requires each municipality to address storm water management in six areas:

1. Public Education and Outreach;
2. Public Information and Involvement;
3. Illicit Discharge Detection and Elimination;
4. Construction Site Storm Water Runoff Control;
5. Post-Construction Storm Water Management; and
6. Pollution Prevention and Good Housekeeping

The permit is good for five years (until February 25, 2011). The best management practices (BMPs) that are proposed by the City to address the six areas above will be implemented at that time. Please note that the City of Tonka Bay did submit an application for renewal of the permit in March of 2011.

If you have any further questions, please feel free to contact me.

**Suggested Action**

Call to order the Annual Meeting and accept input at the public hearing.