

MEMORANDUM

To: MCWD Board of Managers
From: Becky Houdek, MCWD Planner
Date: October 9, 2014
Re: Municipal Separate Storm Sewer System (MS4) Audit Report

On September 23, 2014, the Minnesota Pollution Control Agency (MPCA) conducted an audit of the District's Municipal Separate Storm Sewer System (MS4) and Stormwater Pollution Prevention Program (SWPPP). These audits are conducted routinely by the MPCA to assess each MS4's compliance with the MS4 Permit as well as the overall performance of its SWPPP.

The audit focused specifically on Minimum Control Measures 4 (Construction Site Stormwater Run-off Control) and 5 (Post Construction Stormwater Management) as well as overall program management. Other elements of the SWPPP were not formally evaluated.

The audit report from the MPCA is attached. The results were very favorable. The only recommendation was that the District ensure that its annual reports are submitted by the June 30th deadline (the 2006 and 2010 reports were late). All other elements were rated as satisfactory.

If there are any questions, please contact Becky Houdek at [bhoudk@minnehahacreek.org](mailto:bhoudek@minnehahacreek.org) or 952-641-4512.



Minnesota Pollution Control Agency

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September 30, 2014

Jeff Spartz
Minnehaha Creek Watershed District
15320 Minnetonka Boulevard
Minnetonka, MN 55391

RE: Minnehaha Creek Watershed District Municipal Separate Storm Sewer System (MS4)
General Permit No. MNR040000 – Audit Report

Dear Mr. Spartz:

On September 23, 2014, the Minnesota Pollution Control Agency (MPCA) conducted an audit of the Minnehaha Creek Watershed District's MS4 and Stormwater Pollution Prevention Program (SWPPP). The purpose of the audit was to assess your overall success in meeting the conditions and requirements contained within the MS4 Permit (Permit) as well as the overall performance of your SWPPP.

Since that time, we have been reviewing the information obtained during the audit and preparing a final report. The final report of the MPCA's audit findings is enclosed.

The report outlines findings according to individual Permit requirements and Minimum Control Measures (MCMs). Each of the report's findings has been characterized as satisfactory (S), marginal (M), or unsatisfactory (U); an indication of NE denotes a permit requirement that was not evaluated during the audit.

A satisfactory finding indicates that your SWPPP is fully compliant with the identified Permit requirement. A marginal finding indicates that your SWPPP is compliant with the identified Permit requirement, however, improvements could be made and recommendations to follow for successful program implementation have been provided. An unsatisfactory finding indicates a potential compliance issue with the identified Permit requirement and required actions are outlined which need to be taken to address the potential noncompliance. No unsatisfactory findings were identified as part of this audit. Based on the audit findings the following recommendations are provided:

- The MPCA recommends Minnehaha Creek Watershed District MS4 to submit a complete MS4 Annual Report by June 30 of each year.

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After reviewing the final report, if you feel that there are findings that do not accurately reflect the Minnehaha Creek Watershed District's stormwater program you may provide a response which includes detailed information to support your position.

Please feel free to contact me at 651-757-2246 with any questions.

Sincerely,

Dan Miller

This document has been electronically signed.

Dan Miller
Environmental Specialist 2
St. Paul Office
Municipal Division

Enclosure

cc: Becky Houdek, Minnehaha Creek Watershed District MS4
Minnehaha Creek Watershed District MS4 File: MS400182



Instructions: This form is to be completed by Minnesota Pollution Control Agency (MPCA) MS4 Permit Program staff after the conclusion of a permittee stormwater program audit. A completed report form will be sent to the MS4 permittee and a copy of the report will be stored in the MS4 permittee file. **Note:** Delete these instructions and instructions in parenthesis after "Audit participants" heading after you have completed the appropriate fields and are ready to send to the permittee.

Audit Information

MS4 permittee: Minnehaha Creek Watershed District MS4 Date of audit (mm/dd/yyyy): 09/23/2014
 Permittee contact name: Becky Houdek MPCA evaluator: Dan Miller
 Contact phone: 952-641-4512 Evaluator phone: 651-757-2246
 Contact e-mail: bhoudek@minnehahacreek.org Evaluator e-mail: daniel.miller@state.mn.us

Audit participants (To add another line to the table, place your cursor in the last column of the last row and hit the 'tab key')

Name	Title	Phone	E-mail
Brandon Wisner	Compliance Officer	952-641-4505	bwisner@minnehahacreek.org
Brandon Dahl	Construction Stormwater Inspector, MPCA	651-757-2279	brandon.dahl@state.mn.us

MS4 Program Area - Program Management (Part III. and IV.)

S = Satisfactory M = Marginal U = Unsatisfactory NE = Not evaluated		S	M	U	NE
1.	Stormwater program organizational structure to implement the Stormwater Pollution Prevention Program (SWPPP).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.	Internal communication and coordination to implement the SWPPP.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.	Effective use of outside groups and/or partnerships to implement the SWPPP.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.	Review and evaluation of measurable goals as defined in the SWPPP Document.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.	Process or procedures for establishing stormwater priorities.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.	Program documentation and record retention.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7.	Submittal of annual reports by June 30 th of each year.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8.	Prepared for the permit compliance evaluation, audit, and provided materials requested by MPCA staff.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

The Minnehaha Creek Watershed District (MCWD) stormwater program was well-prepared for the MS4 Permit Program audit and compliance evaluation by the MPCA. Ms. Becky Houdek coordinates MCWD MS4 permit activities and gathers information from other staff to prepare the MS4 Annual Report.

Ms. Houdek submitted the requested materials prior to the date of the audit and provided additional information during the audit about their implementation of the MS4 Permit requirements. MCWD has staff that implement the education and outreach activities and operations staff that perform activities to meet requirements of MCM 3 and 6. Mr. Brandon Wisner coordinates activities for MCM 4 and 5 through the District permitting program and relies on a consultant for some plan reviews that incorporate stormwater BMP designs. MCWD utilizes a comprehensive plan, which is updated every 10 years, to assist with identifying stormwater activities to implement within their jurisdiction.

MCWD uses a database for tracking permits, inspections and BMP maintenance activities to assist with MS4 reporting requirements.

MCWD has submitted two Annual Reports past the June 30 due date over the previous permit term. The MS4 Annual Report is due June 30 each year.

Recommended actions:

The MPCA recommends Minnehaha Creek Watershed District MS4 to submit a complete MS4 Annual Report by June 30 of each year.

Required actions:

None

MS4 Program Area - Impaired Waters/TMDLs (Part III.E.)

S = Satisfactory M = Marginal U = Unsatisfactory NE = Not evaluated		S	M	U	NE
1.	Review of impaired waters and evaluation of SWPPP for appropriate reductions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.	Implementing Best Management Practices (BMPs) and making progress toward meeting each applicable Waste Load Allocation (WLA).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.	Estimated cumulative reductions in loading and implementing adaptive management strategies for achieving each WLA.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

N/A

Recommended actions:

N/A

Required actions:

N/A

MS4 Program Area -MCM* 1 Public Education and Outreach (Part III.D.1.)

S = Satisfactory M = Marginal U = Unsatisfactory NE = Not evaluated		S	M	U	NE
1.	Distributed educational materials or conducted equivalent outreach activities on stormwater-related issue(s) of high priority.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.	Distributed materials or conducted equivalent outreach activities on illicit discharge recognition and reporting .	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.	Implementation plan with identified target audiences and activities to reach measurable goals.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.	Utilization of other entities and partnerships as appropriate to implement a stormwater educational program.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5.	Annual evaluation of education program measurable goals reviewed for adequacy and updated as necessary.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

*MCM = Minimum Control Measure

Comments:

N/A

Recommended actions:

N/A

Required actions:

N/A

MS4 Program Area - MCM 2 Public Participation and Involvement (Part III.D.2.)

S = Satisfactory M = Marginal U = Unsatisfactory NE = Not evaluated		S	M	U	NE
1.	Procedures to solicit public input and opinion annually on the adequacy of the SWPPP.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.	Consider oral statements and written comments by the public regarding the SWPPP.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.	Provide access to the SWPPP Document, Annual Reports and other documentation for public review upon request.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.	Process to consider input and make appropriate modifications to the SWPPP.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5.	Documentation of all relevant written input received regarding the SWPPP and all responses from the permittee regarding input received on the SWPPP.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6.	Documentation of date(s) and location(s) of events to meet requirements of MCM 2 and documentation of notices provided to the public regarding events scheduled to meet these requirements.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

N/A

Recommended actions:

N/A

Required actions:

N/A

MS4 Program Area - MCM 3 Illicit Discharge Detection and Elimination (Part III.D.3.)

S = Satisfactory M = Marginal U = Unsatisfactory NE = Not evaluated		S	M	U	NE
1.	Completed a storm sewer system map showing the location of items in Part III.C.1.a. – d.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.	Ordinance or other regulatory mechanism in place that prohibits illicit discharges into MS4 conveyances and establishes appropriate enforcement procedures and actions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.	Incorporation of illicit discharge detection into all maintenance and inspection activities.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.	Provides Illicit Discharge, Detection, and Elimination training for all field staff.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5.	Identified priority areas likely to have illicit discharges and uses this information to guide subsequent inspections.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6.	Developed and utilizes Enforcement Response Procedures (ERPs) for investigating, locating, and eliminating the source of illicit discharges and spills.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8.	Informs businesses and the general public about illicit discharges/illegal dumping.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9.	Evaluated non-stormwater discharges as described in Part I.A.2.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10.	Maintains adequate documentation of illicit discharge reports, tracking, and elimination procedures as required in Part III.D.3.h.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

N/A

Recommended actions:

N/A

Required actions:

N/A

MS4 Program Area - MCM 4 Construction Site Stormwater Run-off Control (Part III.D.4.)

S = Satisfactory M = Marginal U = Unsatisfactory NE = Not evaluated		S	M	U	NE
1.	Ordinance or other regulatory mechanism in place that establishes erosion and sediment controls as stringent as the MPCA National Pollutant Discharge Elimination System/State Disposal System, Construction Stormwater General Permit.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.	Requirements for construction site operators to implement waste controls and erosion and sediment control BMPs.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

3.	Requirements for construction site operators to develop site plans prior to the start of construction activity for review and approval.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.	Written procedures for site plan review to ensure compliance with the requirements of the regulatory mechanism or ordinance.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.	Written procedures for site inspections to determine compliance with the requirements of the regulatory mechanism or ordinance.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.	Utilization of ERPs to ensure compliance with the regulatory mechanism or ordinance.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7.	Written procedures for receipt and consideration of reports of noncompliance or other information.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8.	Documentation of site plan review information for the proposed construction activity and documentation of site inspections of the active construction site.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

The MCWD regulatory program coordinates permitting and inspection activities for the Watershed District. Mr. Wisner is the lead staff and is supported by 3 - 4 construction stormwater inspectors and a consultant for stormwater BMP design plan reviews. The MCWD has established two rules, one for erosion and sediment control (ESC) and one for stormwater management. The rules outline what applicants, contractors and developers need to do to meet their requirements. MCWD staff recognize their rules for erosion and sediment control will need to be updated to meet new MS4 General Permit regulations.

MCWD staff may reference a checklist when reviewing ESC plans prior to issuing a permit for construction activity and will likely provide constructive feedback to the applicant about their ESC plans.

MCWD issues approximately 600 ESC permits each year, but does not have the staff available to inspect each construction site. Inspectors prioritize their inspections based on a few factors, including adjacency to water resources, steep slopes, large sites and contractor compliance history. Inspectors use a form to document inspections and are currently working on transitioning their inspection form to an electronic form to document inspections and more easily communicate to the contractor site conditions and corrective actions.

Inspectors typically utilize a verbal or written warning to stimulate compliance at construction sites and then may issue a compliance order, if needed.

Reports of noncompliance are documented and connected to the site permit in the MCWD database. Then, the MCWD inspector visits the site to verify the report from the public and issues corrective actions, if needed.

Recommended actions:

None

Required actions:

None

MS4 Program Area - MCM 5 Post Construction Stormwater Management for New Development and Redevelopment (Part III.D.5.)

S = Satisfactory M = Marginal U = Unsatisfactory NE = Not evaluated		S	M	U	NE
1.	Ordinance or other regulatory mechanism to address post-construction stormwater runoff from new development and redevelopment meeting requirements for Part III.D.5.a.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.	Strategies for implementing structural stormwater BMPs for post-construction stormwater management.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.	Written procedures for site plan reviews prior to the start of construction activity to ensure compliance with requirements of the regulatory mechanism or ordinance.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.	Stormwater management limitations for infiltration techniques constructed in areas of contaminated soils, high groundwater, clayey soils, and soils with high infiltration rates.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5.	Mitigation strategies when stormwater management for Total Suspended Solids (TSS) and/or Total Phosphorus (TP) cannot be achieved on the site of the original construction activity.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6.	Documentation of site plan reviews, mitigation projects, legal mechanisms for long term maintenance of structural stormwater BMPs.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

The MCWD MS4 has a stormwater management rule that requires stormwater management BMPs for new and redevelopment construction activities. A consultant for MCWD provides site plan review when the applicant is proposing to implement a stormwater management BMP.

In addition, MCWD MS4 implements stormwater BMPs throughout their watershed jurisdiction to capture pollutants in areas without any stormwater runoff treatment. MCWD also provides a grant program for commercial and residential properties to utilize for constructing permanent stormwater management BMPs on their own property.

MCWD MS4 inspects their own stormwater management BMPs regularly and requires private property owners to inspect their own

stormwater management BMPs and report their results to the watershed district.

MCWD staff recognize they will need to update some of the stormwater management rule to meet the requirements of MCM 5 in the MS4 General Permit.

Recommended actions:

None

Required actions:

None

MS4 Program Area - MCM 6 Pollution Prevention/Good Housekeeping for Municipal Operations (Part III.D.6.)

	S = Satisfactory	M = Marginal	U = Unsatisfactory	NE = Not evaluated
1. Operation and Maintenance Program to prevent or reduce pollutant runoff from municipal operations.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Facilities inventory of permittee owned/operated facilities that contribute pollutants to stormwater discharges.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Development and implementation of BMPs for inventoried facilities and municipal operations, such as those described in Part III.D.6.b.(2).(a) - (l).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Development and implementation of BMPs for stormwater discharges that may affect Source Water Protection Areas.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Procedures and a schedule for determining TSS and TP treatment effectiveness of all permittee owned/operated stormwater ponds.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Annual inspections of all structural stormwater BMPs.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7. At least one inspection of all outfalls and ponds prior to the expiration of the Permit.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8. Quarterly inspections of all stockpiles, storage, and material handling areas.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9. Repairs, replacement, or maintenance activities for structural stormwater BMPs based on inspection findings.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10. Employee training program commensurate with employee's job duties and addresses the importance of protecting water quality.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11. Documentation of maintenance activities, maintenance schedules, BMP inspections, and employee training.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

N/A

Recommended actions:

N/A

Required actions:

N/A