



**Minnesota Pollution
Control Agency**

520 Lafayette Road North
St. Paul, MN 55155-4194

MS4 SWPPP Application for Reauthorization

**for the NPDES/SDS General Small Municipal Separate
Storm Sewer System (MS4) Permit MNR040000
reissued with an effective date of August 1, 2013**
Stormwater Pollution Prevention Program (SWPPP) Document

Doc Type: Permit Application

Instructions: This application is for authorization to discharge stormwater associated with Municipal Separate Storm Sewer Systems (MS4s) under the National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) Permit Program. **No fee** is required with the submittal of this application. Please refer to "Example" for detailed instructions found on the Minnesota Pollution Control Agency (MPCA) MS4 website at <http://www.pca.state.mn.us/ms4>.

Submittal: This *MS4 SWPPP Application for Reauthorization* form must be submitted electronically via e-mail to the MPCA at ms4permitprogram.pca@state.mn.us from the person that is duly authorized to certify this form. All questions with an asterisk (*) are required fields. All applications will be returned if required fields are not completed.

Questions: Contact Claudia Hochstein at 651-757-2881 or claudia.hochstein@state.mn.us, Dan Miller at 651-757-2246 or daniel.miller@state.mn.us, or call toll-free at 800-657-3864.

General Contact Information (*Required fields)

MS4 Owner (with ownership or operational responsibility, or control of the MS4)

*MS4 permittee name: City of North Mankato *County: Nicollet
(city, county, municipality, government agency or other entity)

*Mailing address: 1001 Belgrade Avenue

*City: North Mankato *State: MN *Zip code: 56003

*Phone (including area code): (507) 625-4141 *E-mail: dtostenson@northmankato.com

MS4 General contact (with Stormwater Pollution Prevention Program [SWPPP] implementation responsibility)

*Last name: Tostenson *First name: Derek
(department head, MS4 coordinator, consultant, etc.)

*Title: Construction Inspector

*Mailing address: 1001 Belgrade Avenue

*City: North Mankato *State: MN *Zip code: 56003

*Phone (including area code): (507) 625-4141 Ext. 242 *E-mail: dtostenson@northmankato.com

Preparer information (complete if SWPPP application is prepared by a party other than MS4 General contact)

Last name: _____ First name: _____
(department head, MS4 coordinator, consultant, etc.)

Title: _____

Mailing address: _____

City: _____ State: _____ Zip code: _____

Phone (including area code): _____ E-mail: _____

Verification

1. I seek to continue discharging stormwater associated with a small MS4 after the effective date of this Permit, and shall submit this *MS4 SWPPP Application for Reauthorization* form, in accordance with the schedule in Appendix A, Table 1, with the SWPPP document completed in accordance with the Permit (Part II.D.). ☒ Yes
2. I have read and understand the NPDES/SDS MS4 General Permit and certify that we intend to comply with all requirements of the Permit. ☒ Yes

Certification (All fields are required)

- ☒ Yes - I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted.

I certify that based on my inquiry of the person, or persons, who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete.

I am aware that there are significant penalties for submitting false information, including the possibility of civil and criminal penalties.

This certification is required by Minn. Stat. §§ 7001.0070 and 7001.0540. The authorized person with overall, MS4 legal responsibility must certify the application (principal executive officer or a ranking elected official).

By typing my name in the following box, I certify the above statements to be true and correct, to the best of my knowledge, and that this information can be used for the purpose of processing my application.

Name: Derek L. Tostenson
(This document has been electronically signed)
Title: Construction Inspector Date (mm/dd/yyyy): 12/30/13
Mailing address: 1001 Belgrade Avenue
City: North Mankato State: MN Zip code: 56003
Phone (including area code): (507) 625-4141 E-mail: dtostenson@northmankato.com

Note: The application will not be
processed without certification.

Stormwater Pollution Prevention Program Document

I. Partnerships: (Part II.D.1)

- A. List the **regulated small MS4(s)** with which you have established a partnership in order to satisfy one or more requirements of this Permit. Indicate which Minimum Control Measure (MCM) requirements or other program components that each partnership helps to accomplish (List all that apply). Check the box below if you currently have no established partnerships with other regulated MS4s. If you have more than five partnerships, hit the tab key after the last line to generate a new row.

☐ No partnerships with regulated small MS4s

Name and description of partnership	MCM/Other permit requirements involved
City of Mankato	MCM 1,3,4
MnDOT D7	MCM 1
Minnesota State University, Mankato	MCM 1
Nicollet Counrty	MCM 1,3,4
Blue Earth County	MCM 1

- B. If you have additional information that you would like to communicate about your partnerships with other regulated small MS4(s), provide it in the space below, or include an attachment to the SWPPP Document, with the following file naming convention: *MS4NameHere_Partnerships*.

II. Description of Regulatory Mechanisms: (Part II.D.2)

Illicit discharges

- A. Do you have a regulatory mechanism(s) that effectively prohibits non-stormwater discharges into your small MS4, except those non-stormwater discharges authorized under the Permit (Part III.D.3.b.)? ☒ Yes ☐ No

1. If yes:

- a. Check which *type* of regulatory mechanism(s) your organization has (check all that apply):

☒ Ordinance ☒ Contract language
☐ Policy/Standards ☒ Permits
☐ Rules
☐ Other, explain: _____

- b. Provide either a direct link to the mechanism selected above or attach it as an electronic document to this form; or if your regulatory mechanism is either an Ordinance or a Rule, you may provide a citation:

Citation:

54.12

Direct link:

☒ Check here if attaching an electronic copy of your regulatory mechanism, with the following file naming convention: *MS4NameHere_IDDEreg*.

2. If no:

Describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, this permit requirement is met:

The City of North Mankato will consider appropriate language for our Illicit Discharge Ordinance that would allow the city to access facilities for illicit discharges as well as conducting enforcement actions to stop illicit discharges and require corrective action. This requirement will be addressed within 12 months of permit being extended.

Construction site stormwater runoff control

- A. Do you have a regulatory mechanism(s) that establishes requirements for erosion and sediment controls and waste controls? ☒ Yes ☐ No

1. If yes:

- a. Check which type of regulatory mechanism(s) your organization has (check all that apply):

- ☒ Ordinance ☒ Contract language
☐ Policy/Standards ☒ Permits
☐ Rules
☐ Other, explain: _____

- b. Provide either a direct link to the mechanism selected above or attach it as an electronic document to this form; or if your regulatory mechanism is either an Ordinance or a Rule, you may provide a citation:

Citation:

54.06

Direct link:

- ☒ Check here if attaching an electronic copy of your regulatory mechanism, with the following file naming convention: *MS4NameHere_CSWreg*.

- B. Is your regulatory mechanism at least as stringent as the MPCA general permit to Discharge Stormwater Associated with Construction Activity (as of the effective date of the MS4 Permit)? ☒ Yes ☐ No

If you answered **yes** to the above question, proceed to C.

If you answered **no** to either of the above permit requirements listed in A. or B., describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

- C. Answer **yes** or **no** to indicate whether your regulatory mechanism(s) requires owners and operators of construction activity to develop site plans that incorporate the following erosion and sediment controls and waste controls as described in the Permit (Part III.D.4.a.(1)-(8)), and as listed below:

- | | |
|--|---|
| 1. Best Management Practices (BMPs) to minimize erosion. | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 2. BMPs to minimize the discharge of sediment and other pollutants. | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 3. BMPs for dewatering activities. | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 4. Site inspections and records of rainfall events | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 5. BMP maintenance | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 6. Management of solid and hazardous wastes on each project site. | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 7. Final stabilization upon the completion of construction activity, including the use of perennial vegetative cover on all exposed soils or other equivalent means. | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 8. Criteria for the use of temporary sediment basins. | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

Post-construction stormwater management

- A. Do you have a regulatory mechanism(s) to address post-construction stormwater management activities? ☒ Yes ☐ No

1. If yes:

- a. Check which type of regulatory mechanism(s) your organization has (check all that apply):

- ☒ Ordinance ☒ Contract language
☐ Policy/Standards ☒ Permits
☐ Rules

☐ Other, explain: _____

- b. Provide either a direct link to the mechanism selected above or attach it as an electronic document to this form; or if your regulatory mechanism is either an Ordinance or a Rule, you may provide a citation:

Citation:

155.49

Direct link:

☐ Check here if attaching an electronic copy of your regulatory mechanism, with the following file naming convention: *MS4NameHere_PostCSWreg*.

- B. Answer **yes** or **no** below to indicate whether you have a regulatory mechanism(s) in place that meets the following requirements as described in the Permit (Part III.D.5.a.):

1. **Site plan review:** Requirements that owners and/or operators of construction activity submit site plans with post-construction stormwater management BMPs to the permittee for review and approval, prior to start of construction activity. ☒ Yes ☐ No
2. **Conditions for post construction stormwater management:** Requires the use of any combination of BMPs, with highest preference given to Green Infrastructure techniques and practices (e.g., infiltration, evapotranspiration, reuse/harvesting, conservation design, urban forestry, green roofs, etc.), necessary to meet the following conditions on the site of a construction activity to the Maximum Extent Practicable (MEP):
 - a. For new development projects – no net increase from pre-project conditions (on an annual average basis) of: ☐ Yes ☒ No
 - 1) Stormwater discharge volume, unless precluded by the stormwater management limitations in the Permit (Part III.D.5.a(3)(a)).
 - 2) Stormwater discharges of Total Suspended Solids (TSS).
 - 3) Stormwater discharges of Total Phosphorus (TP).
 - b. For redevelopment projects – a net reduction from pre-project conditions (on an annual average basis) of: ☐ Yes ☒ No
 - 1) Stormwater discharge volume, unless precluded by the stormwater management limitations in the Permit (Part III.D.5.a(3)(a)).
 - 2) Stormwater discharges of TSS.
 - 3) Stormwater discharges of TP.
3. **Stormwater management limitations and exceptions:**
 - a. Limitations
 - 1) Prohibit the use of infiltration techniques to achieve the conditions for post-construction stormwater management in the Permit (Part III.D.5.a(2)) when the infiltration structural stormwater BMP will receive discharges from, or be constructed in areas: ☐ Yes ☒ No
 - a) Where industrial facilities are not authorized to infiltrate industrial stormwater under an NPDES/SDS Industrial Stormwater Permit issued by the MPCA.
 - b) Where vehicle fueling and maintenance occur.
 - c) With less than three (3) feet of separation distance from the bottom of the infiltration system to the elevation of the seasonally saturated soils or the top of bedrock.
 - d) Where high levels of contaminants in soil or groundwater will be mobilized by the infiltrating stormwater.
 - 2) Restrict the use of infiltration techniques to achieve the conditions for post-construction stormwater management in the Permit (Part III.D.5.a(2)), without higher engineering review, sufficient to provide a functioning treatment system and prevent adverse impacts to groundwater, when the infiltration device will be constructed in areas: ☐ Yes ☒ No
 - a) With predominately Hydrologic Soil Group D (clay) soils.
 - b) Within 1,000 feet up-gradient, or 100 feet down-gradient of active karst features.
 - c) Within a Drinking Water Supply Management Area (DWSMA) as defined in Minn. R. 4720.5100, subp. 13.
 - d) Where soil infiltration rates are more than 8.3 inches per hour.
 - 3) For linear projects where the lack of right-of-way precludes the installation of volume control practices that meet the conditions for post-construction stormwater management in the Permit (Part III.D.5.a(2)), the permittee's regulatory mechanism(s) may allow exceptions as described in the Permit (Part III.D.5.a(3)(b)). The permittee's regulatory mechanism(s) shall ensure that a reasonable attempt be made to obtain right-of-way ☐ Yes ☒ No

during the project planning process.

4. **Mitigation provisions:** The permittee's regulatory mechanism(s) shall ensure that any stormwater discharges of TSS and/or TP not addressed on the site of the original construction activity are addressed through mitigation and, at a minimum, shall ensure the following requirements are met:
- a. Mitigation project areas are selected in the following order of preference: ☐ Yes ☐ No
 - 1) Locations that yield benefits to the same receiving water that receives runoff from the original construction activity.
 - 2) Locations within the same Minnesota Department of Natural Resource (DNR) catchment area as the original construction activity.
 - 3) Locations in the next adjacent DNR catchment area up-stream
 - 4) Locations anywhere within the permittee's jurisdiction.
 - b. Mitigation projects must involve the creation of new structural stormwater BMPs or the retrofit of existing structural stormwater BMPs, or the use of a properly designed regional structural stormwater BMP. ☐ Yes ☒ No
 - c. Routine maintenance of structural stormwater BMPs already required by this permit cannot be used to meet mitigation requirements of this part. ☐ Yes ☒ No
 - d. Mitigation projects shall be completed within 24 months after the start of the original construction activity. ☐ Yes ☒ No
 - e. The permittee shall determine, and document, who will be responsible for long-term maintenance on all mitigation projects of this part. ☐ Yes ☒ No
 - f. If the permittee receives payment from the owner and/or operator of a construction activity for mitigation purposes in lieu of the owner or operator of that construction activity meeting the conditions for post-construction stormwater management in Part III.D.5.a(2), the permittee shall apply any such payment received to a public stormwater project, and all projects must be in compliance with Part III.D.5.a(4)(a)-(e). ☐ Yes ☒ No
5. **Long-term maintenance of structural stormwater BMPs:** The permittee's regulatory mechanism(s) shall provide for the establishment of legal mechanisms between the permittee and owners or operators responsible for the long-term maintenance of structural stormwater BMPs not owned or operated by the permittee, that have been implemented to meet the conditions for post-construction stormwater management in the Permit (Part III.D.5.a(2)). This only includes structural stormwater BMPs constructed after the effective date of this permit and that are directly connected to the permittee's MS4, and that are in the permittee's jurisdiction. The legal mechanism shall include provisions that, at a minimum:
- a. Allow the permittee to conduct inspections of structural stormwater BMPs not owned or operated by the permittee, perform necessary maintenance, and assess costs for those structural stormwater BMPs when the permittee determines that the owner and/or operator of that structural stormwater BMP has not conducted maintenance. ☐ Yes ☒ No
 - b. Include conditions that are designed to preserve the permittee's right to ensure maintenance responsibility, for structural stormwater BMPs not owned or operated by the permittee, when those responsibilities are legally transferred to another party. ☐ Yes ☒ No
 - c. Include conditions that are designed to protect/preserve structural stormwater BMPs and site features that are implemented to comply with the Permit (Part III.D.5.a(2)). If site configurations or structural stormwater BMPs change, causing decreased structural stormwater BMP effectiveness, new or improved structural stormwater BMPs must be implemented to ensure the conditions for post-construction stormwater management in the Permit (Part III.D.5.a(2)) continue to be met. ☐ Yes ☒ No

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within twelve (12) months of the date permit coverage is extended, these permit requirements are met:

All requirements above will be addressed within 12 months of permit being extended.

III. Enforcement Response Procedures (ERPs): (Part II.D.3)

- A. Do you have existing ERPs that satisfy the requirements of the Permit (Part III.B.)? ☐ Yes ☒ No

1. If **yes**, attach them to this form as an electronic document, with the following file naming convention: *MS4NameHere_ERPs*.
2. If **no**, describe the tasks and corresponding schedules that will be taken to assure that, with twelve (12) months of the date permit coverage is extended, these permit requirements are met:

The requirement above will be addressed within 12 months of permit being extended.

B. Describe your ERPs:

4. *Failure to do corrective work. When an applicant fails to conform to any provision of this ordinance within the time stipulated, the City may take the following actions but are not limited to:*

a. *Issuing a stop-work order, withhold the scheduling of inspections, and/or the issuance of a Certificate of Occupancy.*

b. *Revoke any permit issued by the City to the applicant for the site in question or any other of the applicant's sites within the City's jurisdiction.*

c. *Correct the deficiency or hire a contractor to correct the deficiency.*

d. *Require reimbursement to the City for all costs incurred in correcting stormwater pollution control deficiencies. If payment is not made within thirty (30) days after the City incurs costs, the City will halt all work on the project site and assess any reimbursement costs to the property. As a condition of the permit, the owner shall waive notice of any assessment hearing to be conducted by the City, concur that the benefit to the property exceeds the amount of the proposed assessment, and waive all rights by virtue of Minnesota Statute 429.081 to challenge the amount or validity of assessment.*

§ 54.12. ENFORCEMENT.

Violation and misdemeanor. Every person or legal entity who violates a section, subdivision, paragraph or provision of this chapter when he or she performs an act thereby prohibited or declared unlawful, or fails to act when such failures thereby prohibited or declared unlawful, or performs an act prohibited or declared unlawful by a code adopted by reference in this chapter, and upon conviction thereof, shall be punished as a misdemeanor.

IV. Storm Sewer System Map and Inventory: (Part II.D.4.)

A. Describe how you manage your storm sewer system map and inventory:

The City of North Mankato's Engineer, Bolton & Menk, creates our maps and has our information on their GIS site.

B. Answer **yes or **no** to indicate whether your storm sewer system map addresses the following requirements from the Permit (Part III.C.1.a-d), as listed below:**

1. The permittee's entire small MS4 as a goal, but at a minimum, all pipes 12 inches or greater in diameter, including stormwater flow direction in those pipes. ☒ Yes ☐ No
2. Outfalls, including a unique identification (ID) number assigned by the permittee, and an associated geographic coordinate. ☒ Yes ☐ No
3. Structural stormwater BMPs that are part of the permittee's small MS4. ☒ Yes ☐ No
4. All receiving waters. ☒ Yes ☐ No

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

C. Answer **yes or **no** to indicate whether you have completed the requirements of 2009 Minnesota Session Law, Ch. 172. Sec. 28: with the following inventories, according to the specifications of the Permit (Part III.C.2.a.-b.), including:**

1. All ponds within the permittee's jurisdiction that are constructed and operated for purposes of water quality treatment, stormwater detention, and flood control, and that are used for the collection of stormwater via constructed conveyances. ☒ Yes ☐ No

2. All wetlands and lakes, within the permittee's jurisdiction, that collect stormwater via constructed conveyances. ☒ Yes ☐ No
- D. Answer **yes** or **no** to indicate whether you have completed the following information for each feature inventoried.
1. A unique identification (ID) number assigned by the permittee. ☒ Yes ☐ No
 2. A geographic coordinate. ☒ Yes ☐ No
 3. Type of feature (e.g., pond, wetland, or lake). This may be determined by using best professional judgment. ☒ Yes ☐ No

If you have answered **yes** to all above requirements, and you have already submitted the Pond Inventory Form to the MPCA, then you do not need to resubmit the inventory form below.

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

- E. Answer **yes** or **no** to indicate if you are attaching your pond, wetland and lake inventory to the MPCA on the form provided on the MPCA website at: <http://www.pca.state.mn.us/ms4>, according to the specifications of Permit (Part III.C.2.b.(1)-(3)). Attach with the following file naming convention: *MS4NameHere_inventory*. ☐ Yes ☒ No

If you answered **no**, the inventory form must be submitted to the MPCA MS4 Permit Program within 12 months of the date permit coverage is extended.

V. Minimum Control Measures (MCMs) (Part II.D.5)

A. MCM1: Public education and outreach

1. The Permit requires that, within 12 months of the date permit coverage is extended, existing permittees revise their education and outreach program that focuses on illicit discharge recognition and reporting, as well as other specifically selected stormwater-related issue(s) of high priority to the permittee during this permit term. Describe your **current** educational program, including **any high-priority topics included**:

North Mankato has partnered up with other local agencies and holds a annual storm water seminar that focuses on Permit Rules and Regulations, BMPs and issues that the contractors, the general public and MS4's have. North Mankato also uses electronic news letters, our website, brochures or other media used to reach the general public.

2. List the categories of BMPs that address your public education and outreach program, including the distribution of educational materials and a program implementation plan. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. Refer to the U.S. Environmental Protection Agency's (EPA) *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>).

If you have more than five categories, hit the tab key after the last line to generate a new row.

Established BMP categories	Measurable goals and timeframes
Annual Storm Water Meeting	Continue partnering with local agencies and gather public feedback.
City Website	Continue to use City Website and add information for the public's use and track the number of hits received.
Distributing educational material	Evaluate what materials are more popularly used.
BMP categories to be implemented	Measurable goals and timeframes
Modify program evaluation	Assess the changing needs of the population and modify the program to fit them
Increased Media Usage	Use more social media to reach general public

3. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

Derek Tostenson: Construction Inspector

B. MCM2: Public participation and involvement

1. The Permit (Part III.D.2.a.) requires that, within 12 months of the date permit coverage is extended, existing permittees shall revise their current program, as necessary, and continue to implement a public participation/involvement program to solicit public input on the SWPPP. Describe your current program:

The City of North Mankato currently publically posts the SWPPP document online and at our public library. All other documents the City has pertaining to stormwater or our SWPP would be available upon request from the public. We also provide an opportunity annually for the general public to speak on the SWPPP in a public setting.

2. List the categories of BMPs that address your public participation/involvement program, including solicitation and documentation of public input on the SWPPP. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. Refer to the EPA's *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>). If you have more than five categories, hit the tab key after the last line to generate a new row.

Established BMP categories	Measurable goals and timeframes
Annual Meeting	Continue to hold a minimum of one public meeting a year
Public Notice Posting	Post the public notice in as many places as possible to reach the general public.
Respond to public input	Give the public consideration a formal response on their input
SWPPP Document Updates	Keep all SWPPP Documents up to date
BMP categories to be implemented	Measurable goals and timeframes
None	N/A

3. Do you have a process for receiving and documenting citizen input? ☒ Yes ☐ No

If you answered **no** to the above permit requirement, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, this permit requirement is met:

4. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

Derek Tostenson: Constuction Inspector

C. MCM 3: Illicit discharge detection and elimination

1. The Permit (Part III.D.3.) requires that, within 12 months of the date permit coverage is extended, existing permittees revise their current program as necessary, and continue to implement and enforce a program to detect and eliminate illicit discharges into the small MS4. Describe your current program:

The City of North Mankato currently has an Illicit discharge detection and elimination program that includes a detailed GIS maps of the MS4, a regulatory mechanism that prohibits non-stormwater discharges, a training program for all field staff to identify illicit discharges and a spill response, remediation and reporting procedure.

2. Does your Illicit Discharge Detection and Elimination Program meet the following requirements, as found in the Permit (Part III.D.3.c.-g.)?

- a. Incorporation of illicit discharge detection into all inspection and maintenance activities conducted under the Permit (Part III.D.6.e.-f.) Where feasible, illicit discharge inspections shall be conducted during dry-weather conditions (e.g., periods of 72 or more hours of no precipitation). ☒ Yes ☐ No

- b. Detecting and tracking the source of illicit discharges using visual inspections. The permittee may also include use of mobile cameras, collecting and analyzing water samples, and/or other detailed procedures that may be effective investigative tools. ☒ Yes ☐ No
- c. Training of all field staff, in accordance with the requirements of the Permit (Part III.D.6.g.(2)), in illicit discharge recognition (including conditions which could cause illicit discharges), and reporting illicit discharges for further investigation. ☒ Yes ☐ No
- d. Identification of priority areas likely to have illicit discharges, including at a minimum, evaluating land use associated with business/industrial activities, areas where illicit discharges have been identified in the past, and areas with storage of large quantities of significant materials that could result in an illicit discharge. ☒ Yes ☐ No
- e. Procedures for the timely response to known, suspected, and reported illicit discharges. ☒ Yes ☐ No
- f. Procedures for investigating, locating, and eliminating the source of illicit discharges. ☒ Yes ☐ No
- g. Procedures for responding to spills, including emergency response procedures to prevent spills from entering the small MS4. The procedures shall also include the immediate notification of the Minnesota Department of Public Safety Duty Officer, if the source of the illicit discharge is a spill or leak as defined in Minn. Stat. § 115.061. ☒ Yes ☐ No
- h. When the source of the illicit discharge is found, the permittee shall use the ERPs required by the Permit (Part III.B.) to eliminate the illicit discharge and require any needed corrective action(s). ☒ Yes ☐ No

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

3. List the categories of BMPs that address your illicit discharge, detection and elimination program. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. Refer to the EPA's *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>).

If you have more than five categories, hit the tab key after the last line to generate a new row.

Established BMP categories	Measurable goals and timeframes
Mapping	Keep our maps and GIS up to date
Enforce Ordinances	Keep up on illicit discharge enforcement
Training Staff	Continue training staff on IDDE
Spill Response	Educate staff on spill response and procedures
BMP categories to be implemented	Measurable goals and timeframes
Expand IDDE program include new MS4's surrounding North Mankato	Work with new MS4's as they are identified

4. Do you have procedures for record-keeping within your Illicit Discharge Detection and Elimination (IDDE) program as specified within the Permit (Part III.D.3.h.)? ☒ Yes ☐ No

If you answered **no**, indicate how you will develop procedures for record-keeping of your Illicit Discharge, Detection and Elimination Program, within 12 months of the date permit coverage is extended:

5. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

Derek Tostenson: Construction Inspector

D. MCM 4: Construction site stormwater runoff control

1. The Permit (Part III.D.4) requires that, within 12 months of the date permit coverage is extended, existing permittees shall

revise their current program, as necessary, and continue to implement and enforce a construction site stormwater runoff control program. Describe your current program:

The City of North Mankato requires permits for any construction activity that has a value of \$300.00 or greater in value for labor and materials. When there is any land disturbance activity that would take place, a site plan is required outlining the potential stormwater runoff and the BMP's needed to keep the site in compliance. The City performs random inspections by staff to address any non-compliant issues.

2. Does your program address the following BMPs for construction stormwater erosion and sediment control as required in the Permit (Part III.D.4.b.):
- a. Have you established written procedures for site plan reviews that you conduct prior to the start of construction activity? ☒ Yes ☐ No
 - b. Does the site plan review procedure include notification to owners and operators proposing construction activity that they need to apply for and obtain coverage under the MPCA's general permit to *Discharge Stormwater Associated with Construction Activity No. MN R100001*? ☒ Yes ☐ No
 - c. Does your program include written procedures for receipt and consideration of reports of noncompliance or other stormwater related information on construction activity submitted by the public to the permittee? ☒ Yes ☐ No
 - d. Have you included written procedures for the following aspects of site inspections to determine compliance with your regulatory mechanism(s):
 - 1) Does your program include procedures for identifying priority sites for inspection? ☒ Yes ☐ No
 - 2) Does your program identify a frequency at which you will conduct construction site inspections? ☒ Yes ☐ No
 - 3) Does your program identify the names of individual(s) or position titles of those responsible for conducting construction site inspections? ☒ Yes ☐ No
 - 4) Does your program include a checklist or other written means to document construction site inspections when determining compliance? ☒ Yes ☐ No
 - e. Does your program document and retain construction project name, location, total acreage to be disturbed, and owner/operator information? ☒ Yes ☐ No
 - f. Does your program document stormwater-related comments and/or supporting information used to determine project approval or denial? ☒ Yes ☐ No
 - g. Does your program retain construction site inspection checklists or other written materials used to document site inspections? ☒ Yes ☐ No

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met.

3. List the categories of BMPs that address your construction site stormwater runoff control program. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. Refer to the EPA's *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>). If you have more than five categories, hit the tab key after the last line to generate a new row.

Established BMP categories	Measurable goals and timeframes
Site Plan Review/ Permit Review	Continue to assess and apply BMP's as needed
Site Inspections	Continue regular site inspections to correct the non-compliant sites
Regulatory Mechanism	Continue to implement and apply as needed
ERP's	Assess and modify as needed
BMP categories to be implemented	Measurable goals and timeframes
Update City storm water web site	Add additional information and links to web sites

4. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

Derek Tostenson: Constuction Inspector

E. MCM 5: Post-construction stormwater management

1. The Permit (Part III.D.5.) requires that, within 12 months of the date permit coverage is extended, existing permittees shall revise their current program, as necessary, and continue to implement and enforce a post-construction stormwater management program. Describe your current program:

The City of North Mankato reviews all site plans, large or small, and checks them for compliance at the local level as well as state level. A pre-construction meeting is typically held on the site to ensure compliance. At time the project is about to be finalized the site will be inspected by staff to ensure all BMP's were put in place and the project funtions well.

2. Have you established written procedures for site plan reviews that you will conduct prior to the start of construction activity? ☒ Yes ☐ No
3. Answer **yes** or **no** to indicate whether you have the following listed procedures for documentation of post-construction stormwater management according to the specifications of Permit (Part III.D.5.c.):
- a. Any supporting documentation that you use to determine compliance with the Permit (Part III.D.5.a), including the project name, location, owner and operator of the construction activity, any checklists used for conducting site plan reviews, and any calculations used to determine compliance? ☒ Yes ☐ No
- b. All supporting documentation associated with mitigation projects that you authorize? ☒ Yes ☐ No
- c. Payments received and used in accordance with Permit (Part III.D.5.a.(4)(f))? ☐ Yes ☒ No
- d. All legal mechanisms drafted in accordance with the Permit (Part III.D.5.a.(5)), including date(s) of the agreement(s) and names of all responsible parties involved? ☐ Yes ☒ No

If you answered **no** to any of the above permit requirements, describe the steps that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met.

All requirements above will be addressed within 12 months of permit being extended.

4. List the categories of BMPs that address your post-construction stormwater management program. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. Refer to the EPA's *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>). If you have more than five categories, hit the tab key after the last line to generate a new row.

Established BMP categories	Measurable goals and timeframes
Review site plans for compliance	All site plans are compliant. City will continue reviews.
Increase infiltration practices	Apply infiltration practices where applicable

BMP categories to be implemented	Measurable goals and timeframes
Create City Spec Book	Adopt standards in 2014

5. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

Derek Tostenson: Construction Inspector

F. MCM 6: Pollution prevention/good housekeeping for municipal operations

1. The Permit (Part III.D.6.) requires that, within 12 months of the date permit coverage is extended, existing permittees shall revise their current program, as necessary, and continue to implement an operations and maintenance program that prevents or reduces the discharge of pollutants from the permittee owned/operated facilities and operations to the small MS4. Describe your current program:

The City of North Mankato inspects a minimum of 20% of our ponds and outfalls annually as well as our structural control devices. We also inspect our stockpiles for compliance to prevent any discharge.

2. Do you have a facilities inventory as outlined in the Permit (Part III.D.6.a.)? ☒ Yes ☐ No
3. If you answered **no** to the above permit requirement in question 2, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, this permit requirement is met:

4. List the categories of BMPs that address your pollution prevention/good housekeeping for municipal operations program. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. For an explanation of measurable goals, refer to the EPA's *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>).

If you have more than five categories, hit the tab key after the last line to generate a new row.

Established BMP categories	Measurable goals and timeframes
Inspect ponds & outfalls	Minimum of 20%
Inspect structural pollution control devices	Annually
Inspect Stockpiled material	Minimum annually
Street Sweeping	Minimum 2 full cycles
Employee Training	Annually
BMP categories to be implemented	Measurable goals and timeframes
Inspection of stockpiled material	Increase inspections to quarterly
Create and Execute BMP's for inventoried facilities and municipal operations	Assess and make adjustments to existing BMP's

5. Does discharge from your MS4 affect a Source Water Protection Area (Permit Part III.D.6.c.)? ☐ Yes ☒ No
- a. If **no**, continue to 6.
- b. If **yes**, the Minnesota Department of Health (MDH) is in the process of mapping the following items. Maps are available at <http://www.health.state.mn.us/divs/eh/water/swp/maps/index.htm>. Is a map including the following items available for your MS4:
- 1) Wells and source waters for drinking water supply management areas identified as vulnerable under Minn. R. 4720.5205, 4720.5210, and 4720.5330? ☐ Yes ☐ No
- 2) Source water protection areas for surface intakes identified in the source water assessments conducted by or for the Minnesota Department of Health under the federal Safe Drinking Water Act, U.S.C. §§ 300j – 13? ☐ Yes ☐ No
- c. Have you developed and implemented BMPs to protect any of the above drinking water sources? ☐ Yes ☐ No
6. Have you developed procedures and a schedule for the purpose of determining the TSS and TP treatment effectiveness of all permittee owned/operated ponds constructed and used for the collection and treatment of stormwater, according to the Permit (Part III.D.6.d.)? ☐ Yes ☒ No
7. Do you have inspection procedures that meet the requirements of the Permit (Part III.D.6.e.(1)-(3)) for structural stormwater BMPs, ponds and outfalls, and stockpile, storage and material handling areas? ☒ Yes ☐ No

8. Have you developed and implemented a stormwater management training program commensurate with each employee's job duties that:
- a. Addresses the importance of protecting water quality? ☒ Yes ☐ No
 - b. Covers the requirements of the permit relevant to the duties of the employee? ☒ Yes ☐ No
 - c. Includes a schedule that establishes initial training for new and/or seasonal employees and recurring training intervals for existing employees to address changes in procedures, practices, techniques, or requirements? ☒ Yes ☐ No
9. Do you keep documentation of inspections, maintenance, and training as required by the Permit (Part III.D.6.h.(1)-(5))? ☒ Yes ☐ No

If you answered **no** to any of the above permit requirements listed in **Questions 5 – 9**, then describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

The City of North Mankato has started the process of reviewing storm water ponds to determine TSS and TP effectiveness and will have it complete within the first twelve months of the permit coverage.

10. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

Derek Tostenson: Construction Inspector

VI. Compliance Schedule for an Approved Total Maximum Daily Load (TMDL) with an Applicable Waste Load Allocation (WLA) (Part II.D.6.)

- A. Do you have an approved TMDL with a Waste Load Allocation (WLA) prior to the effective date of the Permit? ☒ Yes ☐ No
- 1. If **no**, continue to section VII.
 - 2. If **yes**, fill out and attach the MS4 Permit TMDL Attachment Spreadsheet with the following naming convention: *MS4NameHere_TMDL*.

This form is found on the MPCA MS4 website: <http://www.pca.state.mn.us/ms4>.

VII. Alum or Ferric Chloride Phosphorus Treatment Systems (Part II.D.7.)

- A. Do you own and/or operate any Alum or Ferric Chloride Phosphorus Treatment Systems which are regulated by this Permit (Part III.F.)? ☐ Yes ☒ No
- 1. If **no**, this section requires no further information.
 - 2. If **yes**, you own and/or operate an Alum or Ferric Chloride Phosphorus Treatment System within your small MS4, then you must submit the Alum or Ferric Chloride Phosphorus Treatment Systems Form supplement to this document, with the following naming convention: *MS4NameHere_TreatmentSystem*.

This form is found on the MPCA MS4 website: <http://www.pca.state.mn.us/ms4>.

VIII. Add any Additional Comments to Describe Your Program

TMDL Wasteload Allocation Excel Spreadsheet PART II.D.6.a.-e.

Copy and paste from the Master List MS4 TMDL Spreadsheet for your MS4 to the space below

Accept this spreadsheet form into your Statewide Document at the time of submittal. At a minimum, provide all of the information ** below (TMDL Project Name, Type of TMDL, Numeric W.A. Unit, Flow Condition and Pollutant of Concern)

Permittee name	Permitted ID	TMDL project name	Wasteload ID	Type of W.A.	Numeric W.A.	Unit	Percent Reduction	Flow condition	Wasteload name	Pollutant of concern	Date approved
North Washington City	MS400229	Lower Minnesota River Disturbed Organic TMDL	07090012-2-52	Chlorophyll	10.2	lb/day	30%		Minnesota River, Sand Cr. & Cavel Cr.	Phosphorus	9/28/2004
North Washington City	MS400229	Lower Minnesota River Disturbed Organic TMDL	07090012-2-56	Chlorophyll	30.2	lb/day	30%		Minnesota River, Cavel Cr. & Sand Cr.	Phosphorus	9/28/2004
North Washington City	MS400229	Lower Minnesota River Disturbed Organic TMDL	07090012-2-57	Chlorophyll	30.2	lb/day	30%		Minnesota River, Cavel Cr. & Sand Cr.	Phosphorus	9/28/2004
North Washington City	MS400229	Lower Minnesota River Disturbed Organic TMDL	07090012-2-51	Chlorophyll	30.2	lb/day	30%		Minnesota River, Bonanza Cr. & Sand Cr.	Phosphorus	9/28/2004

(Is your MSA currently meeting its WY? A for only increased YIELD, a C

is your not currently meeting its WCA for any approved IMDS

If YES, indicate the WLAs (may be grouped by TMDL Project) you

Fill in the following table with your Interim Milestones, BMP IDs, and Implementation Dates. Replace "TMDL Project Name & Pollutant" Columns with each TMDL Project Name and the

corresponding pollutant. Then put an "X" in the boxes for the THDL that corresponds with each BMP, PART II.D.6.(1)-(2)

It is recommended to assign each Interim Milestone (BMP) a BMP ID. You will be required to report on the status of each Interim Milestone and include a BMP ID for all structural BMPs as part of the MSD Annual Report (see Part III.F.), so including those in

BMPs are not required to have an ID, but it may be useful to assign it an ID for internal MS4 recordkeeping.

MPCA recommends the Implementation Dates align with the submittal of MCA Annual Reports. Dates selected may not reflect the actual date a BMP will be implemented on that date or before for that reporting year.

Curing = 60-70 min @ 120°C

ORDINANCE NO. 48, FOURTH SERIES

AN ORDINANCE AMENDING THE CODE OF ORDINANCES FOR
THE CITY OF NORTH MANKATO, MINNESOTA
REVISING, UPDATING AND
COMPILING CERTAIN ORDINANCES OF THE CITY DEALING WITH THE
SUBJECTS EMBRACED IN THE CODE OF ORDINANCES, AND PROVIDING
PENALTIES FOR THE VIOLATION OF THE CODE OF ORDINANCES

WHEREAS, Minnesota Statutes Section 415.02 and 415.021 authorize the City to cause its ordinances to be revised, updated and compiled;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NORTH MANKATO, ordains as follows:

Section 1. All portions of the City of North Mankato Code will be revised as outlined in Exhibit A attached; and

Section 2. Ordinance Nos. 44, 45, 46, and 47, Fourth Series are incorporated into the revised Code of Ordinances;

Section 3. This ordinance amending the Code of Ordinances shall be a sufficient publication of any ordinance included in it and not previously published in the City's official newspaper. The City Clerk shall cause a substantial quantity of the amended Code of Ordinances to be printed for public distribution to the public at actual cost and shall furnish a copy of the amended Code of Ordinances to the County Law Library or its designated depository. The official copy of this amended Code of Ordinances shall be marked and kept in the Office of the City Clerk.

Section 4. The Code of Ordinances is declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by Minnesota Statutes by the Courts of the State of Minnesota.

Section 5. This ordinance amending the Code of Ordinances shall take effect upon publication of this ordinance in the City's official newspaper.

Adopted by the City Council of the City of North Mankato this 22nd day of January 2013.



Mayor

ATTEST:



City Clerk

Published in the Mankato Free Press this 26th day of January, 2013.

**EXHIBIT A
TO ORDINANCE NO. 48, FOURTH SERIES
UPDATING CODE OF ORDINANCES
CITY OF NORTH MANKATO**

Section 11.01 Precinct Boundaries.

Delete A-L and replace with the following:

(A) Precinct boundaries are as shown on the attached "City of North Mankato Redistricting Plan 3" map to include Precincts 1, 2, 3, 4, 5, 6 and 7.

Section 52.01 Connection with City Water System.

(2) *Annexed lands.* In the case where such a building has been annexed into the city, then the owner shall be required to make such a service connection within ~~8-years~~ 1 year after the date of annexation or within 90 days of the date the water main becomes operational, whichever is later. However, if such owner's private water supply requires repairs or other maintenance to meet state codes and standards which exceeds \$1500, then such owner shall immediately connect with the city water system. Furthermore, a building constructed after the date of annexation shall not be subject to the above time limitations and the owner shall be required to immediately connect to such water main.

Section 54.05 Purpose, Scope and Definitions.

A. *Purpose.* The purpose of this ordinance is to establish standards and requirements for conservation practices and planning activities designed to control or reduce point and non-point source storm water pollution, soil erosion, ~~and sedimentation, and illicit discharges that may occur within the city.~~

B. *Scope.* Any person, business entity, state agency, or political subdivision proposing a land disturbance activity within the City of North Mankato shall apply to the City of North Mankato for the approval of the Stormwater Pollution Prevention Plan (SWPPP). No land shall be disturbed until the plan is approved by the City of North Mankato and conforms to the standards set forth herein. This Ordinance also develops regulations to manage illicit storm water discharge within the city.

C. *Definitions.*

"Contaminated" containing a harmful quantity of any substance.

"Contamination" the presence of or entry of any substance which may be deleterious to the public health and/or the quality of the water into the public storm water system, Waters of the State, or Waters of the United States.

"Cosmetic Cleaning" cleaning done for cosmetic purposes to the exterior of buildings, motorized vehicles, parking lots, recreational vehicles or similar activity. It does not include industrial cleaning, cleaning associated with manufacturing activities, hazardous or toxic waste cleaning, or any cleaning otherwise regulated under federal, state, or local laws.

"Harmful Quantity" the amount of any substance that will cause pollution of waters of the City, State or Nation that will cause lethal or sub-lethal adverse effects on the representative, sensitive aquatic monitoring organisms residing in waters.

"Illicit Discharge" a discharge to the MS4 that is not composed entirely of storm water, except for those discharges exempted under Section 54.12.

"Mobile Commercial Cosmetic Cleaning" power washing, steam cleaning and any other mobile cosmetic cleaning operation of vehicles and/or exterior surfaces engaged for commercial purposes.

"Municipal Separate Storm Sewer System (MS4)" the system of conveyances, including sidewalks, municipal streets, driveways, curb & gutter, ditches, channels, retention basins, catch basins or similar storm water inlets, and/or any other conveyance delivering water to the public storm sewer collection and delivery system.

"MS4 Permit" the Minnesota Pollution Control Agency (MPCA) permit issued to the City of North Mankato for monitoring and maintaining water quality in its MS4. The Environmental Protection Agency has promulgated the National Pollution Discharge Elimination System, Phase II storm water rules. The MPCA has delegated the responsibility to administer the National Pollution Discharge Elimination System, Phase II storm water permit system to MS4 communities.

"Pollution" the alteration of the physical, thermal, chemical, or biological quality of or the contamination of, any Waters of the State or the MS4, that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, or property, or to the public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose.

Section 54.12 Illicit Discharge Prohibited.

A person commits a violation if the person introduces or causes to be introduced into the MS4 any discharge that is not composed entirely of storm water.

A person commits a violation if the person introduces or causes to be introduced into the MS4 any harmful quantity of any substance.

The following are considered exempt discharge activities from enforcement action for a violation.

- (A) A discharge authorized by, and in full compliance with a site specific NPDES permit such as a storm water pollution prevention plan permit for construction activities;
- (B) A discharge or flow resulting from fire fighting by the Fire Department;
- (C) Agricultural storm water runoff;
- (D) A discharge or flow from water line flushing or disinfection that contains no harmful quantity of total residual chlorine or any other chemical used in line disinfection;

- (E) A discharge or flow from lawn watering, or landscape irrigation;
- (F) A discharge or flow from a diverted stream flow or natural spring;
- (G) A discharge or flow from uncontaminated pumped groundwater or rising groundwater;
- (H) Uncontaminated groundwater infiltration;
- (I) Uncontaminated discharge or flow from a foundation drain, sump pump, or footing drain;
- (J) A discharge or flow from a potable water source not containing any harmful substance or material from the cleaning or draining of a storage tank or other container;
- (K) A discharge or flow from air conditioning condensation that is unmixed with water from a cooling tower, emissions scrubber, emissions filter, or any other source of pollutant;
- (L) A discharge or flow from a riparian habitat or wetland;
- (M) A discharge or flow from water used in street washing or cosmetic cleaning that is not a contaminated soap, detergent, degreaser, solvent, emulsifier, dispersant, or any other harmful cleaning substance; or
- (N) Drainage from a private residential swimming pool containing no harmful quantities of chlorine or other chemicals. Drainage from swimming pool filter backwash is prohibited.

No exemption shall be allowed if:

- (A) The discharge or flow in question has been determined by the City to be a source of a pollutant or pollutants to the waters of the State or to the MS4;
- (B) Written notice of such determination has been provided to the discharger; and
- (C) The discharge has continued after the expiration of the time given in the notice to cease the discharge.

Section 54.13 Connection of Sanitary Sewer Prohibited.

A person commits an offense if the person connects a sanitary sewer line conveying or discharges a harmful quantity of pollutant to the MS4, or allows such a connection to continue.

Section 54.124 Abrogation and Greater Restrictions.

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

Section 73.09 Specialized Vehicles: Utility-Terrain Vehicles and Mini-Trucks.

(A) Purpose and Intent. The purpose of this Section is to provide reasonable regulations for the use of specialized vehicles on public property within the city. This Section is not intended to allow what the Minnesota Statutes prohibit or to prohibit what the Minnesota Statutes expressly allow. It is intended to ensure the public safety and prevent a public nuisance.

(B) Definitions. For the purpose of this Section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Driver. The person driving and having physical control over the utility-terrain vehicle or mini-truck.

Utility-Terrain Vehicle. A motorized flotation-tired vehicle with at least three but no more than six low pressure tires that has an engine displacement of less than 960 cubic centimeters and total dry weight of less than 1800 pounds and side-by-side seating.

Mini-Truck. As defined in Minn. Stat. § 169.011, subd. 40 (a), as may be amended from time-to-time, a motor vehicle that has four wheels; is propelled by an electric motor with a rated power of 7,500 watts or less or an internal combustion engine with a piston displacement capacity of 660 cubic centimeters or less; has a total dry weight of 900 to 2,200 pounds; contains an enclosed cabin and a seat for the vehicle operator; commonly resembles a pickup truck or van, including a cargo area or bed located at the rear of the vehicle; and was not originally manufactured to meet federal motor vehicle safety standards required of motor vehicles in the Code of Federal Regulations, title 49, sections 571.101 to 571.404, and successor requirements.

(C) Operation. Utility-terrain vehicles may only be used for business or commercial purposes.

(D) Conditions of Operation.

- (1) A driver shall be at least 18 years of age.
- (2) Utility terrain vehicles shall display the slow-moving vehicle emblem provided for in Minn. Stat. § 169.045, as it may be amended from time-to-time, when operated on designated roadways.
- (3) Utility-terrain vehicles and mini-trucks shall be equipped with a rearview mirror to provide the driver with adequate vision from behind as required by Minn. Stat. § 169.70, as it may be amended from time-to-time.
- (4) Every person operating a utility-terrain vehicle or a mini-truck on designated roadways has all the rights and duties applicable to the driver or any other vehicle under provisions of Minn Stat. Chapter 169, as it may be amended from time-to-time, except when these provisions cannot reasonably be applied to utility-terrain vehicles or mini-trucks and except as otherwise specifically provided in Minn. Stat. § 169.045 (7), as it may be amended from time-to-time.
- (5) The number of occupants on the utility-terrain vehicle or mini-truck shall not exceed the design occupant load.
- (6) No operation of a utility-terrain vehicle and mini-truck shall be allowed on private property without the consent of the owner, or on any city sidewalk, trail or park.
- (7) A mini-truck may be operated on roadways within the city if it is equipped with all the following:
 - (a) At least two headlamps;
 - (b) At least two tail lamps;
 - (c) Front and rear turn-signal lamps

- (d) An exterior mirror mounted on the driver's side of the vehicle and either (a) an exterior mirror mounted on the passenger's side of the vehicle or (b) an interior rear-view mirror;
- (e) A windshield;
- (f) A seat belt for the driver and front passenger; and
- (g) A parking brake.

(E) Violation; Penalty. Any person who operates a utility-terrain vehicle or a mini-truck within the city in violation of this ordinance shall be guilty of a misdemeanor.

Section 111.208 Lawful Gambling.

(E) (1) A licensed organization shall make specific expenditures of 10% from its net profits derived from lawful gambling. The 10% expenditure shall be levied on gross receipts generated within the city less prizes actually paid out by the organization and amounts expended for allowable expenses to include the 3% local gambling tax attributable to such gross receipts.

Section 156.035 Generally.

(MM) Garage and Yard Sales. Permitted in all residential districts and the Central Business District subject to the following:

- (1) Events shall not exceed three days in length with no more than four events allowed in any 12-month period.
- (2) No items related to the event shall be stored out- of- doors overnight.
- (3) No items or materials shall be located in any boulevard or public right-of-way area.

Section 156.054 Performance Standards.

(C) (14) (e) ~~With the exception of driveway approaches, all boulevards and street right-of-ways shall be planted and maintained using grass. Mulch is permitted in the boulevard area around trees in a radius not exceed 24 inches. Flowering plants not to exceed 36 inches in height are permitted when used for screening or aesthetics.~~

(C) (14) (e) With the exception of driveway approaches, at a minimum, the first 5 feet of any residential boulevard or street right-of-way located closest to the street shall be planted and maintained using traditional turf grass. Thereafter, mulch or landscaping rock may be used for landscaping purposes. Flowering plants not to exceed 36 inches in height are permitted in the boulevard or street right-of-way when used for screening or aesthetics.

ORDINANCE NO. 35, FOURTH SERIES

AN ORDINANCE OF THE CITY OF NORTH MANKATO, MINNESOTA
AMENDING THE STORM WATER ORDINANCE

THE CITY COUNCIL OF THE CITY OF NORTH MANKATO, MINNESOTA,
HEREBY ORDAINS: The following will be added to North Mankato Code of Ordinance,
Chapter 54: Storm Water;

§ 54.05 PURPOSE, SCOPE AND DEFINITIONS.

A. Purpose. The purpose of this ordinance is to establish standards and requirements for conservation practices and planning activities designed to control or reduce point and non-point source storm water pollution, soil erosion and sedimentation.

B. Scope. Any person, business entity, state agency, or political subdivision proposing a land disturbance activity within the City of North Mankato shall apply to the City of North Mankato for the approval of the Stormwater Pollution Prevention Plan (SWPPP). No land shall be disturbed until the plan is approved by the City of North Mankato and conforms to the standards set forth herein.

C. Definitions. Unless specifically defined below, words or phrases used in this Chapter shall be interpreted so as to give them the same meaning as they have in common usage and to give this Chapter its most reasonable application. For the purpose of this Chapter, the words “must” and “shall” are mandatory and not permissive.

1. **“Best Management Practices (BMPs)”** erosion and sediment control and water quality management practices that are the most effective and practicable means of controlling, preventing, and minimizing degradation of surface water, including avoidance of impacts, construction-phasing, minimizing the length of time soil areas are exposed, prohibitions, and other management practices published by state or designated area-wide planning agencies.
2. **“City”** any City of North Mankato official with authority such as but not limited to Administration, City Council, City Engineer, Inspections Department, Law Enforcement and Public Works Officials.
3. **“Developer”** any person, business entity, state agency, or political subdivision thereof engaged in a land disturbance activity.
4. **“Erosion”** any process that wears away the surface of the land by the action of water, wind, ice or gravity.
5. **“Erosion Prevention”** measures employed to prevent erosion.

6. **“Final Stabilization”** all soil disturbing activities at the site have been completed and a uniform perennial vegetative cover with a density of 70% has been established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures have been employed.
7. **“Land Disturbance Activity”** any land change that may result in soil erosion from water or wind and the movement of sediments into or upon waters or lands within this government’s jurisdiction, including construction, clearing & grubbing, grading, excavating, transporting and filling of land. Within the context of this rule, land disturbance activity does not mean:
 - a. Minor land disturbance activities such as home gardens, tilling, planting, or harvesting of agricultural and horticultural crops, repairs, and maintenance work, unless such activity requires a permit.
 - b. Emergency work to protect life, or property and emergency repairs. If such a plan would have been required, then the disturbed land area shall be shaped and stabilized in accordance with the City’s requirements as soon as possible.
8. **“National Pollutant Discharge Elimination System (NPDES)”** the program for issuing, modifying, revoking, reissuing, terminating, monitoring, and enforcing permits under the Clean Water Act (Sections 301, 318, 402, and 405) and United States Code of Federal Regulations Title 33, Sections 1317, 1328, 1342, and 1345.
9. **“Owner”** the person or party possessing the title of the property on which the land disturbing activities will occur; or if the land disturbing activities is for a lease holder, the party or individual identified as the lease holder; or the contracting government agency responsible for the land disturbing activities.
10. **“Permittee”** a person or persons, firm, or governmental agency or other institution that signs the application submitted and is responsible for compliance with the terms and conditions of this permit.
11. **“Sediment”** the product of an erosion process; solid material both mineral and organic, that is in suspension, is being transported, or has been moved by water, wind, or ice, and has come to rest on the earth's surface either above or below water level.
12. **“Sediment Control”** methods employed to prevent sediment from leaving the site.
13. **“Sedimentation”** the process or action of depositing sediment.

14. **"Stabilized"** the exposed ground surface has been covered by appropriate materials that prevent erosion from occurring. Grass seeding is not stabilization until it's established.
15. **"Storm Water"** precipitation runoff, storm water runoff, snow melt runoff, and any other surface runoff and drainage.
16. **"Storm Water Pollution Prevention Plan (SWPPP)"** a plan for storm water discharge that includes erosion prevention measures and sediment controls that, when implemented, will decrease soil erosion on a parcel of land and decrease off-site nonpoint pollution.
17. **"Waters of the State"** all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.
18. **"Wetland"** or **"Wetlands"** those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

§ 54.06 EROSION PREVENTION AND SEDIMENT CONTROL PLAN.

All plans shall be consistent with National Pollution Discharge Elimination Permit (NPDES) requirements, and the filing or approval requirements of relevant Watershed Districts, Watershed Management Organizations, Ditch Authorities, Soil and Water Conservation Districts, or other regulatory bodies.

1. Required. Every applicant for a building permit, excavation permit, plumbing permit or subdivision approval that involves any land disturbing activities within the city shall submit an erosion prevention and sediment control plan to the City of North Mankato. No land shall be disturbed until the plan is approved by the City and conforms to the standards set forth herein.
2. General Criteria for Erosion and Sediment Control Plan. An erosion and sediment control plan shall be required for any land disturbing activity and shall meet the following criteria:
 - a. Implement Best Management Practices.
 - b. Protect storm sewers from sediment.
 - c. Prevent sediment damage to adjacent properties and other designated areas.
 - d. Protect paved roads from vehicle tracking.
 - e. Engineer the construction of steep slopes.

- f. Stabilize all exposed soils and soil stockpiles.
 - g. Stabilize all waterways and outlets.
 - h. When working in or crossing water bodies, take precautions to contain sediment.
 - i. Maintain all temporary and permanent erosion and sediment control practices.
 - j. Establish permanent vegetation.
 - k. Dispose of temporary erosion and sediment control measures following final stabilization.
2. Contents of Plan. The erosion and sediment control plan shall include the following:
- a. Project description: the nature and purpose of the land disturbing activity.
 - b. Project schedule: A projected timeline for completion of all site activities.
 - c. Existing site conditions: elevations, vegetation, utilities and drainage.
 - d. Adjacent areas: properties, bodies of water, roads, etc., which may be affected by the land disturbing activity.
 - e. Erosion and sediment control measures: methods to be used to control erosion and sedimentation on the site before, during and after the construction process.
 - f. Maintenance: schedule of regular inspections and repair of erosion and sediment control structures.
 - g. Permanent stabilization: how the site will be stabilized after construction is completed.
3. NPDES Construction Site Permit. Any construction activity that disturbs one or more acres is required to obtain a separate NPDES Construction Site Permit from the Minnesota Pollution Control Agency (MPCA). A copy of this permit and erosion and sediment control plan shall be submitted to the City.

§ 54.07 REVIEW OF PLAN.

The City shall complete a review of the erosion and sediment control plan within fourteen (14) calendar days of receiving the plan from the developer.

- 1. Permit Required - If the City determines that the plan meets the requirements of the ordinance, the City shall issue the appropriate permit valid for a specified period of time that authorizes the land disturbance activity contingent on the implementation and completion of the plan.
- 2. Denial - If the City determines that the plan does not meet the requirements of the ordinance, the City shall not issue a permit for the land disturbance activity.
- 3. City Inspections and Enforcement - The City shall conduct inspections on a regular basis to ensure that the plan is properly installed and maintained. In all

cases the inspectors will attempt to work with the developer to maintain proper erosion and sediment control at all sites. In cases where cooperation is withheld, enforcement action(s) shall be taken by the City until erosion and sediment control measures meet the requirements of the ordinance. An inspection may be needed before work can commence. Inspections are required as follows:

- a. Before any land disturbing activity begins
- b. As necessary or required during construction
- c. At the completion of the project

The City reserves the right to conduct other random inspections during the course of the project to ensure compliance with the plan.

§ 54.08 MODIFICATION OF PLAN.

The applicant must amend the erosion and sediment control plan as necessary to include added requirements such as additional or modified best management practices designed to correct problems identified.

§ 54.09 REMEDIAL ACTION.

The City may take remedial action if any of the conditions listed below exist. The applicant shall reimburse the City for all direct costs incurred in the process of remedial work including attorney's fees.

1. Abandonment - The developer ceases land disturbing activities and/or filling and abandons the work site prior to completion of the grading plan.
2. Failure to Implement Plan - The developer fails to conform to the erosion and sediment control plan as approved by the City.

§ 54.10 EMERGENCY ACTION.

If circumstances exist such that noncompliance with this ordinance poses an immediate danger to the public health, safety and welfare, as determined by the City, the City may take emergency preventative action. The City shall also take every reasonable action possible to contact and direct the applicant to take any necessary action.

§ 54.11. NOTIFICATION OF FAILURE OF THE PLAN.

The City shall notify the permit holder of the failure of the erosion prevention and sediment control plan's measures.

1. Initial contact. The initial contact will be with the party or parties listed on the application and/or the plan's contacts. Twenty-four (24) hours after notification by the City, at its discretion the City may begin corrective work as necessary. The

City shall first attempt to provide notification in writing. If initial notification is verbal, it shall immediately be followed by a written notification. It is the responsibility of the permit holder to have a designated person available at all times for purposes of notification within the above stated twenty-four hour period.

2. Erosion off-site. If sediment breaches the perimeter of the site, the permittee shall immediately develop and implement a cleanup and restoration plan within twenty-four (24) hours of obtaining the adjoining property owner's permission. If after making a good-faith effort to notify the adjoining property owner, the developer has been unable to establish contact, the responsible party may proceed with corrective work. If in the discretion of the City, the permit holder does not repair the damage caused by the erosion, the City may do the remedial work required. When restoration to wetlands and other resources are required, the applicant shall be required to work with the appropriate agency to ensure that the work is done properly.
3. Erosion into streets, wetlands or water bodies. If eroded soil (including tracked soils from construction activities) enters streets, wetlands, or other water bodies, cleanup and repair shall be immediate. The applicant shall provide all traffic control and flagging required to protect the traveling public during the cleanup operations.
4. Failure to do corrective work. When an applicant fails to conform to any provision of this ordinance within the time stipulated, the City may take the following actions but are not limited to:
 - a. Issuing a stop-work order, withhold the scheduling of inspections, and/or the issuance of a Certificate of Occupancy.
 - b. Revoke any permit issued by the City to the applicant for the site in question or any other of the applicant's sites within the City's jurisdiction.
 - c. Correct the deficiency or hire a contractor to correct the deficiency.
 - d. Require reimbursement to the City for all costs incurred in correcting stormwater pollution control deficiencies. If payment is not made within thirty (30) days after the City incurs costs, the City will halt all work on the project site and assess any reimbursement costs to the property. As a condition of the permit, the owner shall waive notice of any assessment hearing to be conducted by the City, concur that the benefit to the property exceeds the amount of the proposed assessment, and waive all rights by virtue of Minnesota Statute 429.081 to challenge the amount or validity of assessment.

§ 54.12. ENFORCEMENT.

Violation and misdemeanor. Every person or legal entity who violates a section, subdivision, paragraph or provision of this chapter when he or she performs an act thereby prohibited or declared unlawful, or fails to act when such failures thereby prohibited or declared unlawful, or performs an act prohibited or declared unlawful by a code adopted by reference in this chapter, and upon conviction thereof, shall be punished as a misdemeanor.

§ 54.13. SEVERABILITY.

The provisions of this ordinance are severable, and if any provisions of this ordinance or application of any provision of this ordinance to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this ordinance must not be affected thereby.

§ 54.14. ABROGATION AND GREATER RESTRICTIONS.

It is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

Adopted by the City Council this 22nd day of February 2011.

Acting Mayor

City Clerk

§ 155.48 EASEMENTS.

(A) *Easement width.* An easement for utilities, at least 10 feet wide, shall be provided along the front and rear lot lines of each lot and an easement at least 5 feet wide shall be provided along each side lot line. If necessary for the extension of main water or sewer lines or similar utilities, easements of greater width may be required along lot lines or across lots.

(B) *Easements, adjoining.* Utility easements shall connect with easements established in adjoining properties. These easements, when approved, shall not thereafter be changed without the approval of the Council, by ordinance, upon the recommendation of the Planning Commission.

(C) *Pole guys.* Additional easements for pole guys should be provided at the outside of turns. Where possible, lot lines shall be arranged to bisect the exterior angle so that pole guys will fall along side lot lines.

(D) *Additional easements.* Where a subdivision is traversed by a water course, drainage way, channel or stream, a storm water easement, drainage right-of-way or park dedication, whichever the Planning Commission may deem the most adequate, conforming substantially with the lines of such water courses shall be provided, together with such further width or construction, or both, as will be adequate for the storm water drainage of the area. The width of such easements shall be determined by the Planning Commission.

(1975 Code, § 12.06, Subd. 4)

§ 155.49 STORMWATER DESIGN CRITERIA.

(A) Stormwater modeling shall be in accordance with United States Soil Conservation Service (SCS) Technical Release 55 or 20, i.e. TR-55 or TR-20.

(B) Stormwater detention basins shall be designed to store sufficient excess runoff from the proposed development. Composite post-developed site runoff must be equal to or less than the composite pre-developed site runoff for the 5 and 100 year rainfall events. The SCS 24-hour, 5 year and 100 year rainfall events are 3.7 inches and 6.1 inches, respectively.

(C) Post-developed design site conditions, requiring diversion of stormwater from an existing inlet point to another inlet point on a different outfall sewer, shall meet the following: post-developed flow draining to an existing stormwater inlet point shall be equal to or less than the undisturbed pre-developed flow draining to that point.

(D) The following information shall be submitted to the city for review by the City Engineer:

- (1) SCS curve numbers for the pre-developed and post-developed site conditions;
- (2) Soil type(s) used in calculations;

- (3) Size, elevation and location of proposed stormwater system outfall(s);
- (4) Size, elevation, location and detail of proposed pond outlet structure;
- (5) Map or plan showing the pre-developed and post-developed design drainage districts;
- (6) Pond grading plan showing the proposed contour elevations and location of the pond's emergency overflow spillway; and
- (7) All drainage hydrographs, pond routing and peak elevation/outfall calculations.

§ 155.50 PUBLIC SITES AND OPEN SPACES.

(A) *Open spaces.* In subdividing land or resubdividing an existing plat, due consideration shall be given by the subdivider to the dedication or reservation of suitable sites for schools, parks, playgrounds, conservation areas, or other public or semi-public recreational areas for open spaces. Areas so dedicated or reserved shall conform as nearly as possible to the Comprehensive Plan and such other park and open space development plans, regulations and ordinances as may from time to time be adopted by the city. All areas to be reserved for or dedicated to public use shall be indicated on the preliminary plat in order that it may be determined when and in what manner such areas will be dedicated to or acquired by the appropriate agency.

(B) *Ravine dedication.* The subdivider shall dedicate to the city that portion of all hillsides, ravines and slopes of bluff lands below the ravine breakline as determined by the Building Official.

(C) *Ravine alterations.* The filling, altering, diverting, stripping of vegetation, topping of trees or otherwise changing the drainage or other environmental characteristics of any public or private hillsides, ravines, or slopes of bluff land is prohibited. Alterations of any kind made to dedicated public lands of the character described above are prohibited except by the city for purposes of stabilization, erosion control and stormwater management.

(D) *Penalties.* The City Council may establish such additional administrative penalties as it may deem necessary for the enforcement of this section.
(1975 Code, § 12.06, Subd. 5)

BASIC IMPROVEMENTS

§ 155.65 GENERAL.

(A) *Agreement.* Before a final plat is approved by the Council, the owner and subdivider of the land covered by the plat may be required to execute and submit to the Council an agreement, which shall be