

7050.0290 PROCEDURES FOR INDIVIDUAL NPDES PERMITS FOR MUNICIPAL SEPARATE STORM SEWER SYSTEMS.

Subpart 1. **Antidegradation procedures required.** The antidegradation procedures in this part apply to new, reissued, or modified individual NPDES permits for municipal separate storm sewer systems, as defined under part 7090.0080, subpart 8, that the commissioner anticipates will result in net increases in loading or other causes of degradation to surface waters.

Subp. 2. **Applicant's antidegradation assessment.** The applicant must include the following information with the written permit application specified in part 7001.0050:

A. a list of class 2 surface waters identified as impaired pursuant to section 303(d) of the Clean Water Act within the applicant's jurisdiction;

B. a list of surface waters listed in part 7050.0335 within the applicant's jurisdiction;

C. an analysis of prudent and feasible prevention, treatment, or loading offset alternatives that avoid or minimize net increases in loading or other causes of degradation to high water quality;

D. identification of prudent and feasible prevention, treatment, or loading offset alternatives that result in the least net increase in loading or other causes of degradation to high water quality; and

E. an evaluation of whether net increases in loading or other causes of degradation to high water quality accommodates important economic or social change in the geographic area in which high water quality degradation is reasonably anticipated.

Subp. 3. **Antidegradation review.** The commissioner shall conduct an antidegradation review based on the information provided under subpart 2 and other reliable information available to the commissioner concerning the proposed activity and other activities that cause cumulative changes in existing water quality in the surface waters. The purpose of the antidegradation review is to evaluate whether the proposed activity will satisfy the antidegradation standards in part 7050.0270. If, in the commissioner's judgment, the antidegradation standards described in part 7050.0270 will not be satisfied, the commissioner shall provide written notification to the applicant of the deficiencies and provide recommendations necessary to satisfy the antidegradation standards in part 7050.0270.

Subp. 4. **Preliminary antidegradation determination.** Based upon the review described in subpart 3, the commissioner shall prepare a written preliminary antidegradation determination as to whether the antidegradation standards described in part 7050.0270 are satisfied. The preliminary antidegradation determination must be included with the commissioner's preliminary determination to issue or deny the permit according to part 7001.0100. If, in the commissioner's judgment, the antidegradation standards are not satisfied, reasons why they are not satisfied must be included in the preliminary antidegradation determination.

Subp. 5. **Opportunity for comment.** The commissioner shall:

- A. include the preliminary antidegradation determination with the public notice to issue or deny the permit according to part 7001.0100, subpart 4;
- B. distribute the public notice according to part 7001.0100, subpart 5; and
- C. provide opportunity for comment on the preliminary antidegradation determination according to part 7001.0110.

Subp. 6. **Final antidegradation determination.** The commissioner shall consider comments received under subpart 5 before preparing a written final antidegradation determination. The final antidegradation determination must include a statement of whether the proposed activity achieves or fails to achieve the antidegradation standards specified in part 7050.0270. The final antidegradation determination must be included with the commissioner's final determination to authorize or not authorize the proposed activity according to part 7001.0140.

Statutory Authority: *MS s 115.03; 115.44*

History: *41 SR 545;*

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