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March 2, 2023

Todd Smith, PE  
Minnesota Pollution Control Agency  
520 Lafayette Road North  
St. Paul, MN 55155

RE: Comments regarding the 2023 Draft General Construction Stormwater Permit

Dear Mr. Smith,

As instructors for the University of Minnesota Erosion and Stormwater Management Certification Program we are providing the following comments regarding the Draft MN NPDES Construction Stormwater permit available for public review:

- Section 5.23. We recommend adding language to this section to inform the owner of a permanent stormwater treatment system how to maintain system functionality. We propose the following language (bolded words added): *The SWPPP must identify the person(s), organizations, or entities responsible for long-term operation and maintenance of permanent stormwater treatment systems. **A maintenance plan must be prepared and provided to this party.***
- Section 7.2. We appreciate the inclusion of a Stormwater Management section; however, we believe that the current wording weakens the requirement to select, install, and maintain erosion prevention and sediment control BMPs. We recommend the following language (bold words added): *Permittees must select, install, and maintain the BMPs **and stormwater controls** identified in the SWPPP and in this permit....*
- Section 9.9. We propose removing the words “silt fence or other” since nowhere else in the permit is a specific BMP or material type referenced. We propose the section read, *Permittees must provide effective sediment controls at the base of stockpiles ....* If clarification is necessary, add a definition to section 25 of example stockpile perimeter controls (e.g. silt fence, stabilized soil berms, fabric lined J-barriers, etc.).
- Section 9.14. On some projects (e.g. linear projects) it is not feasible to prevent compaction or restrict vehicles that prevent project completion where existing or final vegetative stabilization will occur. We suggest rewording the section to read ***When compaction prevention is not feasible through the use of drivable mats or time of year, permittees must estimate the area for decompaction BMPs and apply methods or techniques to mitigate soil compaction.***
- Section 10.2. We support the additional requirements for dewatering. We recommend preparing a guidance document to communicate what types of dewatering photographs

the agency would like to see (e.g. side by side bottles of receiving water and discharge water, discharge water only, etc.).

- Section 10.3. We recommend substituting the words “be implemented” for the word “occur” in the first sentence. The section would then read *If nuisance conditions result from the discharge, Permittees must cease dewatering immediately and corrective actions must **be implemented** before dewatering is resumed.*
- Section 12.2. The word “building” can be confusing when the intent is construction products. We recommend substituting the word “construction” for “building” so the section would read *Permittees must place **construction** products and .....*
- Section 13.6. The word “complete” can mean different things to different people. We recommend defining “complete” in Section 25 as follows: **“Complete” means that at the time of residential sale, the project has either 1) functional temporary erosion prevention over all exposed soil surfaces and sediment control practices have been installed along the entire downgradient perimeter or 2) non-hardscaped areas on the site meets the definition of established perennial vegetative cover appropriate for the individual lot.**
- General. We feel the remaining proposed changes/clarifications strengthen the permit and will aid in protecting the waters of Minnesota.

We appreciate your consideration of our comments and look forward to the issuance of the final permit.

Sincerely,



John A. Chapman, PhD, PE  
Associate Research Professor  
and Program Director



M. Rebecca Forman, PhD, CSE  
Assistant Teaching Professor