



March 3, 2023

Minnesota Pollution Control
Agency 520 Lafayette Rd
St. Paul, MN 55155

VIA ELECTRONIC DELIVERY

RE: 2023 Minnesota Construction Stormwater General Permit (General Permit)

Dear Minnesota Pollution Control Agency,

This letter contains comments from the Central Minnesota Builders Association (CMBA) regarding the **2023 Minnesota Construction Stormwater General Permit (General Permit)** issued by the Minnesota Pollution Control Agency (MPCA) to comply with the requirements of the National Pollution Discharge Elimination System (NPDES) program administered by the Environmental Protection Agency (EPA).

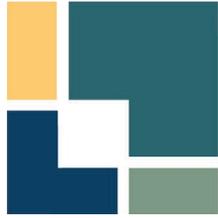
CMBA is a non-profit association representing more than 300 developers, builders, contractors and affiliated businesses in the Greater St. Cloud area of Central Minnesota.

It is important to note Minnesota faces a huge crisis in housing supply and affordability. On average, Minnesota housing is 22% more expensive than the same units in our neighboring states. Central Minnesota developers and builders understand the need to protect our environment, and take responsibility for developing in an environmentally sound manner. At the same time, we know every new regulation and mandate adds to the unaffordability picture for Minnesotans, pricing more and more of them out of the housing they need.

CMBA sees opportunities to improve the 2023 General Permit language, and appreciates the opportunity to comment:

Section 8.6: The 7-day window cuts in half the current time frame, adding unnecessary costs because it will require stabilization before work is completed.

Recommendation: Change 8.6 to read “. . . disturbing 25 or more acres at any one time . . .” which accomplishes the intent of the requirement without unintended negative consequences.



Section 9.9: Installation of perimeter controls at the base of stockpiles prior. Stockpiles can vary in size and volume, and it is hard to estimate the final proportions for precise perimeter controls before the stockpile is placed. This language runs the risk the perimeter controls could be too little or too much for the actual stockpile, defeating the purpose. It makes much better sense to install perimeter controls that match the actual stockpile.

Recommendation: Change 9.9 to read “within 24 hours of stockpiling” instead of “prior”.

Section 10.2: The requirement of photos every four hours raises serious concerns about misunderstanding context and situational factors (example: sudden heavy rains) that would lead to unfair enforcement actions.

Recommendation: Change the language to “. . . at the beginning and a minimum of once every 24 hours of operation . . .” We would also recommend keeping the 2018 language in this section by removing the words “and photograph”.

Section 10.3: It would be important to have someone properly trained and qualified doing the observation.

Recommendation: Change 10.3 to read “a qualified or trained observer” instead of “an observer”.

Section 11.4: The 24-hour standard is unrealistic and would constitute the tightest standard in the region if not the country. Weather events like heavy rains happen suddenly, including weekends or holidays, and imposing a 24-hour maintenance and repair standard sets-up our members for failure and enforcement actions.

Recommendation: Change the language to “. . . functional BMPs within 72 hours after discovery . . .”

Section 20.2: This language does not reflect the current state of record-keeping, specifically electronic records. We know the federal EPA and other states allow the use of electronic storage of SWPPPs, Inspection Reports, etc.

Recommendation: Change the language to “. . . inspections and maintenance records at the site or electronically available at the site during normal working hours by permittees . . .”

Cost Impact Concerns:

CMBA and Housing First Minnesota estimate the 2023 General Permit as proposed would add more than \$2,000 to the cost of each developable lot. The 2018 General Permit was estimated to have a dramatically smaller cost impact on development. This is an extraordinarily negative impact in light of Minnesota’s massive housing supply and affordability crisis, and the MPCA needs to take such impacts into careful consideration as you consider new regulations and requirements.



CENTRAL MINNESOTA BUILDERS ASSOCIATION

Page 3 of 3

CMBA developers and builders share the MPCA's goal of taking care of and protecting our environmental resources. However, the proposed 2023 General Permit imposes some unrealistic standards and extraordinarily burdensome development cost increases that will significantly exacerbate Minnesota's growing housing crisis.

We appreciate the MPCA's careful consideration of our comments, and hope you will amend the 2023 General Permit accordingly. Please contact me with any questions or concerns. Thank you.

Sincerely yours,

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cc: Wanda Schroeder – CEO, Central Minnesota Builders Association
Nick Erickson – Housing First Minnesota