



Bassett Creek Watershed Management Commission

February 24, 2023

Minnesota Pollution Control Agency
c/o Todd Smith
520 Lafayette Road
Saint Paul, MN 55155

Re: Comments on the Draft Construction Stormwater General Permit

Dear Mr. Smith:

The Bassett Creek Watershed Management Commission (BCWMC) directed the Commission Engineer to provide the following comments to the Minnesota Pollution Control Agency at its February 16, 2023 meeting:

For the following comments: "black" text represents the existing general permit verbiage, "red" text represents the MPCA's proposed general permit verbiage and "green" text represents the BCWMC's recommended general permit verbiage.

1. Paragraph 10.2: Permittees must discharge turbid or sediment-laden waters related to dewatering or basin draining (e.g., pumped discharges, trench/ditch cuts for drainage) to a ~~sediment control (e.g. sediment trap or basin, filter bag) designed to prevent discharges with visual turbidity. temporary or permanent sediment basin on the project site unless infeasible.~~ To the extent feasible, use well-vegetated (e.g., grassy or wooded), upland areas of the site to infiltrate dewatering water before discharge. Permittees are prohibited from using receiving waters as part of the treatment area. Permittees ~~may dewater to surface waters if they visually~~ must visually check and photograph document the discharge at the beginning and, as necessary, during every 4 hours of operation to ensure adequate treatment has been obtained and nuisance conditions (see Minn. R. 7050.0210, subp. 2) will not result from the discharge. ~~If permittees cannot discharge the water to a sedimentation basin prior to entering a surface water, permittees must treat it with appropriate BMPs such that the discharge does not adversely affect the surface water or downstream properties.~~ [Minn. R. 7050.0210]
 - o *Comment rationale: eliminate excessive burden on contractors*
2. Paragraph 11.5: During each inspection, permittees must inspect the project area, areas adjacent to the project, surface waters, ~~including~~ drainage ditches and conveyance systems, including downstream systems, but not curb and gutter systems, for evidence of erosion and sediment deposition. Permittees must remove all deltas and sediment deposited in the project area, areas adjacent to the project, surface waters, including drainage ways, catch basins, and other drainage systems and restabilize the areas where sediment removal results in exposed soil.
 - o *Comment rationale: clarification to inspect downstream conveyance systems*

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3. Paragraph 11.9: "~~Permittees must inspect and photograph-document~~ dewatering discharges at the beginning and, ~~as necessary, once every 4 hours~~ during operation. [Minn. R. 7090]"
 - o *Comment rationale: eliminate excessive burden on contractors*

4. Paragraph 25.15: "Impervious Surface" means a constructed hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development. Examples include rooftops, ~~sidewalks~~, driveways, parking lots, and concrete, asphalt, or gravel roads. Bridges over surface waters are considered impervious surfaces. ~~Recreational trails and disconnected sidewalks that are distinctly set apart from a roadway and intended for pedestrians or bicycles are exempt from stormwater treatment requirements not considered impervious surfaces.~~ Directly connected sidewalks within residential areas and alongside roadways must still be included as impervious surfaces. [Minn. R. 7090]
 - o *Comment rationale: increase clarity consistency with watershed requirements*

If you have questions, please contact me at 952-832-2784 (jherbert@barr.com) or Laura Jester at 952-270-1990 (laura.jester@kestonewaters.com),



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Engineers for the Bassett Creek Watershed Management Commission (BCWMC)

c: Catherine Cesnik, Chair
Laura Jester, Administrator