

March 2, 2023

Minnesota Pollution Control Agency
c/o Todd Smith
520 Lafayette Road
Saint Paul, MN 55155
Submitted via web: <https://mpca.commentinput.com/?id=us53G>

RE: Planned Amendments to Construction Stormwater General Permit


Dear Mr. Smith:

Thank you for the opportunity to comment on the planned revisions to the Construction Stormwater General Permit (CSW). As a municipality and MS4 community, the City of Apple Valley often completes construction activities, such as street reconstruction projects, that require a construction permit. Based on this and our review, the City of Apple Valley propose the following comments:

1. Section 10.2: Requiring documentation of construction dewatering every 4 hours is burdensome and unrealistic. Systems for dewatering utilities, such as wellpoints, deepwells or moving systems, often occur 24 hours at a time. Further, the permit does not clarify the difference between basin dewatering or groundwater dewatering and as written would require the contractor to photograph dewatering activities every four hours, in the night, when dewatering is used for lowering groundwater levels during the installation of underground utilities. Separation within the permit between dewatering activities related to underground utility construction and stormwater basin dewatering needs further clarification.
2. Section 16.17: "At least 3 feet of soil above the seasonally saturated soils or bedrock must consist of native undisturbed soils" is unrealistic in urban sites or areas of redevelopment. If a site has disturbed soils above the seasonal water table, then is infiltration prohibited? Recommend omitting this or reworking the language.
3. Section 25.15: "Distinctly set apart from a roadway" is too generic for interpretation. Consider placing a minimum distance from roadway/impervious surface and a minimum width for trails to allow for easier enforcement. For example, impervious surface would not apply to sidewalks and trails 10 feet wide or less that are bordered down-gradient by vegetated open space or vegetated filter strip with a minimum width of 5 feet.

The City of Apple Valley appreciates the chance to comment on the proposed Construction Stormwater General Permit. We commend the state for constantly trying to improve water resources and for providing increased pressure to remove non-wildlife friendly erosion control products (Section 7.3). The City looks forward to working with the MPCA on improving water quality together.

Sincerely,



Samantha Berger
Water Resource Specialist