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Minnesota Pollution Control Agency
Online Public Comment Forum

Re: Draft Construction Stormwater General Permit (MNR100001)

Dear Permit Writer,

This letter provides Great River Energy's comments on the draft construction storm water general permit no. MNR1000001.

Great River Energy is a not-for-profit wholesale electric power cooperative serving 27 member-owner distribution cooperatives. To continue to serve our member-owners, we regularly implement projects that are covered by the general stormwater permit. This occurs most often when construction projects occur associated with the expansion of our transmission line system.

The following are our comments on the proposed draft permit.

Permit Section 10.2: The requirements of this section can be difficult to implement on linear transmission line projects. During transmission construction projects numerous small borings are drilled to install transmission poles and footings. The water in these small excavations is pumped out one time to allow the concrete foundation to be placed. The volume of water removed from these is very low relative to ongoing dewatering operations (in some cases it is less than 100 gallons) and any impacts are de minimis. Therefore, we request that dewatering operations that involve less than 4 hours of pumping be considered de minimis and be excluded from the requirements in this section.

If this change is not made to this section, we request that the proposed requirement to take pictures of the dewatering discharge not apply to these de minimis efforts. The administrative burden of taking pictures, filing, and record keeping associated with each of these minor pumping events will be significant. This effort is unwarranted given the de minimis nature of these actions. Therefore, we request that this provision be limited to dewatering activities that involve continually pumping for 4 hours or more.

Finally, the proposed revisions to the dewatering requirements of the permit require visually checking and photographing the discharge from the dewatering discharge every four hours when dewatering occurs. Great River Energy believes that this requirement is excessive and will be very difficult to safely implement particularly on linear transmission projects.

Transmission line projects commonly occur in very remote, difficult to access locations. Visiting these locations during the night is challenging to do safely due to limited visibility and in some cases access takes enough time that visually checking the operation every four hours would require someone to stay onsite around the clock. Furthermore, the lighting required to access and inspect these locations at night would be potentially disruptive to neighboring residents and wildlife. Therefore, we recommend limiting the 4-hour inspection frequency to daylight hours. This would significantly reduce the risk, effort, and disruption associated with these inspections while still retaining much of the benefit, particularly during summer conditions when the majority of significant dewatering operations occur.

Permit Section 11.11d: This section allows reduced inspection frequency for solar sites that are planted with pollinator or native prairie vegetated cover is being established. Great River Energy actively seeks opportunities to establish native prairie and pollinator habitat during construction projects. However, the current permit's ongoing inspection requirements create a disincentive to using native plant species that can sometimes take years to become fully established. Therefore, we strongly support the concept of reducing the inspection requirements for projects that utilize this type of vegetation. However, this provision should be expanded to apply to all projects and not limited arbitrarily to only solar sites. Expanding this provision to apply to all projects would reduce the disincentive associated with establishing native and pollinator habitat and therefore likely lead to additional valuable habitat in Minnesota.

Permit Section 8.6: The shortened soil stabilization timeframes for projects disturbing greater than 25 acres contained in this section will be very challenging to implement, particularly on the linear transmission line projects Great River Energy typically works on. On a linear transmission line project, 25 acres of disturbance can be distributed across many miles of construction. The disturbance on these projects is typically small, disconnected areas associated with the installation of the transmission towers. As a result, the impact on the local water bodies is limited and not equivalent to a project where 25 acres is disturbed within a single location. Furthermore, it is much more challenging to implement stabilization measures on a large number of discrete locations spread across a linear project. Therefore, we request that this shortened timeline only apply to projects where the 25 acres being disturbed are contiguous.

Permit Section 11.5: This section requires permittees to "... remove all deltas and sediment deposited in surface waters, including drainage ways, catch basins, and other drainage systems..." This provision will be very challenging to implement. Removing ALL sediment deposited in surface waters is not feasible – sediment can remain suspended in the water and disbursed over very large areas. In addition, in many cases, any sediment associated with the construction project will be indistinguishable from the sediment in place prior to the project. Finally, in some cases the sediment deposits and deltas will not be visible from the surface and their detection and removal would be very challenging and potentially create a safety risk. Therefore, we request that this provision be removed. If it is retained, it should be qualified so that it only applies to significant sediment deposits that are visible from the surface and obviously related to the construction activity.

Great River Energy appreciates the opportunity to comment on this draft permit.

Sincerely,

GREAT RIVER ENERGY



Erik Heinen
Environmental Administrator