



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF: WP-16J

Brandon E. Smith, P.E., Supervisor
Stormwater Research, Engineering, and Outreach Unit
Minnesota Pollution Control Agency (MPCA)
Municipal Division
520 Lafayette Road N
St. Paul, MN 55155
brandon.e.smith@state.mn.us

Re: Review of NPDES General Permit for Stormwater Associated with Construction Activity (MNR100001)

Dear Mr. Smith:

The U.S. Environmental Protection Agency has reviewed the public notice draft National Pollutant Discharge Elimination System general permit, fact sheet, and supporting documents for the General Permit for Stormwater Associated with Construction Activity, that were submitted to EPA on January 26, 2023. Based on our review to date, EPA would not object to issuance of that permit. However, our position could change if any of the following occurs:

- a. Prior to the actual date of issuance of a proposed permit, an effluent guideline or standard is promulgated which is applicable to the permit and which would require revision or modification of a limitation or condition set forth in the draft permit;
- b. A variance is granted and the permit is modified to incorporate the results of that variance;
- c. There are additional revisions to be incorporated into the permit which have not been agreed to by EPA; or
- d. EPA learns of new information, including as the result of public comments, that causes EPA to reconsider its position.

Subject to the above conditions, the permit may be issued in accordance with the Memorandum of Agreement and pursuant to the Clean Water Act. Although we currently do not intend to object, EPA recommends you consider and address the comments identified in Enclosure A in order to improve the overall permit decision.

When the proposed permit is prepared, please forward one copy and any significant comments received during any public notice period to this office at r5NPDES@epa.gov. Please include the

permittee name and permit number in the subject line and cc Krista McKim
mckim.krista@epa.gov. If you have any technical questions related to EPA's review, please
contact Ms. McKim at mckim.krista@epa.gov.

Thank you for your cooperation during the review process and your thoughtful consideration of
our comments.

Sincerely,

Stephen M. Jann
Manager, Permits Branch
Water Division

Enclosure

cc: Todd Smith <todd.smith@state.mn.us>