



March 3, 2023

Todd Smith
Minnesota Pollution Control Agency
520 Lafayette Road North,
St. Paul, MN 55155

Re: Draft Construction Stormwater General Permit Comments

Dear Mr. Smith:

On behalf of the City of Shakopee, please accept the following comments regarding the proposed Draft Construction Stormwater General Permit.

1. Comment: [Section 8.5 and 8.6] These sections were added to distinguish separate stabilization requirements between sites that disturb less than 25 acres and sites that disturb more than 25 acres. We recommend removing these separate requirements based on disturbance size and keep the previous stabilization requirement that would apply to all sites.
 - a. Reason: The permit requires sites that have 10 acres or more of disturbed area that drain to a common location to provide a temporary sediment basin to provide treatment of the runoff before it leaves the construction site or enters surface waters (or (5) or more acres for special or impaired waters). Sites that disturb 25-acres or more will be required to have treatment in the form of a temporary sediment basin. Also, these sites may be active for months and reducing a stabilization window by 7 days doesn't result in a significant risk reduction. For these reasons, sites greater than 25-acres do not seem to be more risk than sites that are less than 25-acres. The presentation provided by MPCA staff on February 7, 2023 indicates this change is because they like the idea of larger sites being a higher risk site. The proposed changes do not seem to be based on fact or address an issue.
2. Comment: [Section 10.2 and 11.9] This section was updated to include language that requires a photograph of the discharge at the beginning and every 4 hours of operation for dewatering or basin draining. We recommend including an exception for groundwater dewatering with point wells. Other methods that are best practices should also be included in an exception. The exception would be to not have a requirement to take a photo every 4 hours when dewatering groundwater with point wells.
 - a. Reason: There are many projects where there is dewatering of groundwater for 24-hours a day for extended periods of time during the construction of utilities. The requirement of a photo every 4 hours is onerous and will result in significant costs incurred by the city. There are different methods of dewatering and reasons for dewatering (groundwater versus surface water) that each have their own risks for turbid discharge/pollution. The discharge from dewatering groundwater with point wells is very different than the discharge from dewatering surface water collected in disturbed areas. These different methods of dewatering should be looked at differently in this permit and not lumped together in this requirement. The presentation provided by MPCA staff on February 7, 2023 suggests the need for this requirement was based on

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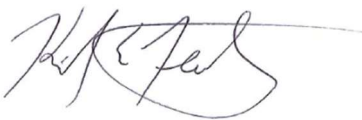
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some violations where the issue could have been easily avoided if there were some adjustments made in the dewatering methods that were being used. There should be exceptions in the permit for methods that would not require a photo every 4 hours when dewatering.

3. Comment: [Section 25.15] This section was updated to differentiate trails and sidewalks in the impervious surface definition, and provide an exception to trails that are distinctly set apart from a roadway. This is appreciated. We recommend that sidewalks set apart from a roadway are also included in the exception. In addition, include an exception for trail and sidewalk retrofit projects even if they are located adjacent to existing roadways.
 - a. Reason: There are sidewalk connections that are set apart from a roadway that connect to trails. These sidewalk connections do not drain to a collection system similarly to trails that are set apart from a roadway. Stormwater runoff from retrofit projects may runoff to a collection system, however, expanding or implementing BMPs are often not feasible for these retrofit projects. Stormwater requirements and the associated costs incurred to evaluate and design stormwater BMPs (assessed to adjacent property owners) are often the reason missing sidewalk and trail connections are not constructed.
4. Comment: [Section 25.15] This section was updated to differentiate trails set apart from a roadway from sidewalks within residential areas. We recommend rewording this requirement so that there are no questions on interpretation of trails versus sidewalks and the location at which these are constructed.
 - a. Reason: This results in a lot of questions on interpretation. Are trails in residential areas not impervious because only sidewalks are? Are trails and sidewalks not impervious in other zoning areas that are not a residential area? It is appreciated that exceptions are included in the definition, however they create a lot of interpretation questions the way they are currently presented.

Thank you for your consideration.

Regards,



Kirby Templin, PE
Water Resource – Environmental Engineer
City of Shakopee