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February 24, 2023

Submitted Electronically

Todd Smith  
Municipal Division  
Minnesota Pollution Control Agency  
520 Lafayette Road North  
St. Paul, Minnesota 551055

**RE: Proposed reissuance of the NPDES Construction Stormwater General Permit MNR100001 within the State of Minnesota.**

Dear Mr. Smith:

Minnesota Energy Resources (MERC), a subsidiary of WEC Energy Group, Inc., submits these comments in response to the Minnesota Pollution Control Agency (MPCA) public comment period for the proposed reissuance of the Construction Stormwater General Permit MNR100001 in the State of Minnesota.

MERC delivers natural gas to approximately 248,000 customers in 179 communities across Minnesota. Our construction and maintenance activities related to this natural gas infrastructure may be affected by the changes being proposed during the reissuance of this general permit.

Today's comments request a few minor modifications to the newly proposed language to eliminate a scenario where an undue burden is created for applicants without any additional protection to the environment. We provide specific comments and supporting rationale in the following paragraphs.

***The proposed language in Section 2.10 will prevent applicants from being able to apply for multiple permits simultaneously and will lead to unnecessary project delays.***

Section 2.10 currently reads in part, "Coverage under this permit cannot be issued until the requirements for wetland permits, other determinations, or the mitigative sequence required in section 22 have been finalized and documented." As currently written, the MPCA is preventing applicants from obtaining wetland permits and the NPDES Construction Stormwater General Permit simultaneously and instead is requiring those permits to be obtained sequentially. This approach will likely lead to project delays. MERC requests a small modification to the proposed permit language that will still ensure that applicants receive all necessary wetland permits while allowing applicants to pursue multiple permits at the same time.

The new suggested language for the sentence referenced above is:

*Construction activities authorized under this permit cannot commence until the requirements for wetland permits, other determinations, or the mitigative sequence required in section 22 have been finalized and documented.*

This small change in wording will have no significant negative environmental impact, will ensure the requirements of Section 22 are still met, yet does not create a permitting delay.

***Under Sections 10.2 and 11.9 MERC recommends that consideration be given to minor dewatering events that are common for utility projects that do not have a significant water quality impact due to the small volume and short duration of the event.***

Linear utility projects often have small dewatering events such as removing rain water from an open excavation. These minor discharges may only last for minutes, as opposed to hours and often they infiltrate into the ground and do not reach a receiving surface water. Introducing the requirement to photo document the start of any dewatering event is excessive, especially when coupled with the requirement in Section 11.12 to have these photos sent, saved and filed with the electronic SWPPP within 24 hours.

MERC supports the proposed Stormwater General Permit requirement to visually check the dewatering event when it begins to ensure that the sediment control device is properly working. MERC also supports the requirement to photo document discharges that directly enter surface waters or significant dewatering events that last longer than 4 hours. On the other hand, MERC does not believe that documentation of small volume, short duration, dewatering events is justified because of the lack of significant water quality impacts associated with such discharges.

The administrative burden of this General Permit can be justifiably reduced if clarification is added to Sections 10.2 and 11.9 that photo documentation is only required for dewatering events that directly discharge to surface waters or for significant dewatering events that last over 4 hours.

Thank you for the opportunity to provide these comments. Please contact me, at (920) 433-2290 or [rick.moser@wecenergygroup.com](mailto:rick.moser@wecenergygroup.com) if you have any questions regarding our comments.

Sincerely,

A handwritten signature in black ink that reads "Rick Moser". The signature is written in a cursive style with a large initial "R" and a long, sweeping underline.

Rick Moser  
Manager – Environmental Programs & Licensing  
WEC Energy Group Business Services