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March 3, 2023

Minnesota Pollution Control Agency  
c/o Todd Smith  
520 Lafayette Road  
Saint Paul, MN 55155

Dear Mr. Smith:

Thank you for offering the opportunity to provide feedback and considering the City of Woodbury's comments. Since the issuance of the last Construction Stormwater General Permit, there has been 56 Construction Stormwater General Permits issued within the City's boundaries. The City of Woodbury understands and supports the need to prevent stormwater pollution during and after construction and protect Minnesota's water resources.

The City of Woodbury staff has conducted a thorough review of the Minnesota Pollution Control Agency's (MPCA) draft of the proposed changes to the Construction Stormwater General Permit. The City submits the following comments regarding the proposed changes.

### **Item 7.3: BMP Selection and Stormwater Management**

The City of Woodbury supports the proposed section to encourage permittees to use wildlife-friendly erosion control products when practical. Promoting erosion control products made of natural fibers will not only reduce threats to wildlife, it will also reduce entanglement of mowing equipment and microplastic pollution. The City supports the approach of this section to potentially phase out products not made of natural fibers in some instances. Furthermore, the City encourages the MPCA to evaluate the supply of erosion control products made of natural fibers and provide incentives to increase market availability, if necessary, if future permit update would restrict existing products.

### **Item 8.5/8.6-Erosion Prevention Practices Soil Management Plan**

The City requests additional clarification for the proposed section revisions:

1. What scientific basis did the MPCA utilize to establish the disturbance threshold of 25 acres?
2. What are the estimated impacts of this change?
3. How many sites typically land above that threshold and are not already held to the 7-day stabilization requirement due to proximity to impaired waters?
4. What are the estimated cost implications of this change?

### **Item 10.2-Dewatering and Basin Draining**

Please provide additional clarification for the proposed section revision:

1. Will there be an exemption of the requirement to take a photograph and visually check the discharge of dewatering operations every 4 hours for dewatering operations that occur overnight? For example, does the proposed change require a permittee to photograph and visually check a dewatering operation every 4 hours 24/7?
2. Will the MPCA provide guidance on what is documented? For example, how many photos to take, what needs be included in the photos, where the photos need to be stored.
3. Will the 4-hour requirement to photograph and visually check dewatering operations apply to groundwater dewatering that is being discharged to a sanitary sewer system?

#### **Item 11.11(d)-Inspections and Maintenance**

Consider removing the text “consisting of ground mounted solar panels” from the proposed section, or provide justification as to why solar sites are unique to the MPCA in this consideration. Like many municipalities, the City of Woodbury includes pollinator habitat or native prairie vegetation around permanent stormwater facilities and open spaces associated with development. These conditions are similar to solar sites and should be considered eligible for reduced inspections once appropriate temporary vegetation density is achieved. Revising the proposed section as suggested would reduce the cost of native vegetation establishment by reducing the inspection frequency on areas that are adequately vegetated.

Furthermore, the City encourages the MPCA to promote that individuals performing these monthly inspections have proper qualifications to identify pollinator and native plant species. This will ensure that areas seeded as such do not become overwhelmed with weeds or invasive species. Communities that oversee native vegetation establishment are investing resources to do this, support from the MPCA would result in more efficient implementation state-wide.

#### **Item 13.8-Permit Termination Conditions**

The City suggests the MPCA provide an exemption for projects that occur within an MS4 community and receive proper local permits. The Municipal Separate Storm Sewer System (MS4) Permit already requires MS4 Permittees enforce regulatory mechanisms that are at least as stringent as the Construction Stormwater General Permit. The permit currently requires that all areas consist of uniform perennial vegetation before permit termination can occur. The proposed section creates an unnecessary redundancy for permit termination. Unless there is evidence that this will improve final site conditions, this provision would require additional resources from MS4 and Construction Stormwater Permittees while providing minimum benefit. The City supports projects outside of MS4 communities having to abide by this permit termination condition if deemed appropriate by subjected parties.

Thank you for structuring this process to allow to provide feedback throughout and for considering our comments.

Respectfully submitted,

Ben Guell

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Environmental Resources Technician

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City of Woodbury