

Minnesota County Engineers Association

The Minnesota County Engineers Association (MCEA) respectfully submits the following comments regarding the draft 2023 NPDES Construction Stormwater General Permit (CSWGP). MCEA's membership includes county engineers from each of the 87 counties in Minnesota. As local road authorities, our member counties permit and construct many projects every year using the CSWGP.

Permit item 10.2 and 11.9 Permittees must ...photograph the discharge at the beginning and every 4 hours of operation: This requirement is impractical. Road construction projects often require dewatering overnight to allow construction crews to get in a full day of work the following day. Projects would not only become much more expensive but also would take much longer to complete and/or lead to construction occurring in inadequately dewatered conditions. Longer construction time could lead to negative environmental impacts including taking longer to get to point where site is stabilized as well as fish and wildlife impacts. Ability to dewater overnight is often necessary to meet DNR permit deadlines. It would be impossible to use existing construction inspection staff to meet this requirement. Hiring additional staff would add substantial cost. We recommend addressing concerns that led to this requirement through permittee outreach and education.

Permit item 11.11 should be reworded to apply to all projects using 100% native seed mixes, e.g., "for projects consisting of ground mounted solar panels where a pollinator habitat or native prairie type vegetated cover is being established using 100% native (other than cover crop) seed, inspections may be reduced to once per month if the site has temporary vegetation with a density of 70% temporary uniform cover. If after 24 months no significant erosion problems are observed, inspections may be suspended completely until the termination requirements in section 13 have been met." There is no difference between solar array sites and other construction sites when it comes to the extra effort associated with planting all-native seed mixes. Counties are being encouraged by a number of permits and other programs to increase use of 100% native seed mixes. Allowing for some relief of inspection requirements in the CSWGP would decrease associated costs with little or no decrease in environmental protection.

Permit item 25.15 Recreational trails that are distinctly set apart from a roadway and intended for pedestrians or bicycles are not considered impervious surface. MCEA strongly supports this change. It is environmentally justifiable and helps focus investment associated with construction of BMPs to locations where they are of greatest environmental benefit.
Thank you.