



August 12, 2024  
Cole Landgraf, Environmental Specialist  
Minnesota Pollution Control Agency (MPCA)  
Municipal Division  
520 Lafayette Road  
St Paul, MN 55155

RE: Public Comment Period for the City of Saint Paul – Stormwater Permit

Dear Mr. Landgraf:

The City of Saint Paul has the following comments the above referenced draft storm water permit for the City of Saint Paul. We appreciate the opportunity to submit public comments.

Comments for 17.32 -17.38

- The MPCA's industrial stormwater National Pollution Discharge Elimination System permit contains a variety of sector-specific requirements for facilities, including monitoring and reporting. It is understood that the permittees' Phase I draft permit does not require the permittee to implement and enforce those same requirements at the local level. The draft permit requires a substantially narrower scope whereby the permittee must inventory, prioritize, and inspect facilities to ensure pollutant sources are controlled. However, it also requires the permittee to substantially widen the scope of facilities under review to commercial, industrial, and institutional facilities that have possible stormwater pollutant exposure. This expansion of scope is beyond the requirements of the MPCA's Industrial permit, which is more limited and only requires coverage to facilities with certain Standard Industrial Classification codes specified by the permit. The number of facilities that will be under the regulatory program, subject to review, and may require inspection could number in the thousands, putting severe pressure on the permittee to adequately staff and fund in the 36-month timeframe to create this new regulatory program.
- The permit language requires the permittee to develop, implement, and enforce an inspection and regulatory oversight program. The City of Saint Paul is able inspect, enforce and remedy non-stormwater discharges under its existing MS4 permit structure. However, the creation of the new required regulatory program will include additional fees, permits and inspections to meet the expansion of city obligations outlined in the new permit language. There is no current funding source for the creation of a regulatory program and its very likely that the cost to fund this program will be passed on to the property owners through a permit and fee structure. While the Saint Paul has many larger



businesses, industries, and institutions that likely can handle the impacts of a new regulatory program, the city also has hundreds of small and medium-sized businesses, many of which are minority-owned, that may struggle to manage the requirements of the new permit language. It's the MPCA's opinion that a Statement of Need and Reasonableness (SONAR) is not required, as this is not the formal rule-making process where a SONAR is needed but the addition of new regulations, and thus the MPCA feels it is not mandatory to conduct a SONAR. Even without a SONAR requirement, we ask the MPCA to answer the question of the impact of this permit language will have thousands of small and medium-sized businesses.

- The MPCA is looking to require regulatory programs within only the two most populated cities in the state, Minneapolis and Saint Paul, and on the thousands of businesses located within these two cities. None of these requirements will be imposed on any other regulatory authorities in the state, regardless of class, size, location, etc. By adding this permit language in only the Phase I permits, the MPCA is creating an uneven environment where the businesses within the Phase I cities are subject to the inspections, fees, permits, and other requirements of new regulatory, while similar businesses outside the Phase I cities are not.

On behalf of City of Saint Paul, thank you for the opportunity to comment on the City's draft Phase I permit.

Sincerely,

*Andrew Hogg*

Andrew Hogg, PE  
Water Resource Coordinator

*Pat Murphy*

Patrick Murphy, PE

CC:

Director Wiese, Director Department of Safety and Inspections  
Director Kershaw, Director Public Works  
Richard Ekobena, Sewer Division Manager  
Nick Peterson, City Engineer  
Aaron Hass, Sewer Utility