



REGION 5

CHICAGO, IL 60604

February 26, 2025

Theresa Haugen, Manager
Water and Mining Section
Industrial Division
Minnesota Pollution Control Agency
7678 College Road, Suite 105
Baxter, Minnesota 56425
Theresa.haugen@state.mn.us

Re: U.S. Environmental Protection Agency Review of Public Notice Draft NPDES General Permit for Stormwater Associated with Industrial Activity, NPDES Number MNR050000

Dear Ms. Haugen:

The U.S. Environmental Protection Agency has reviewed the public notice draft NPDES General Permit for Stormwater Associated with Industrial Activity, fact sheet, and supporting documents that were submitted to EPA on January 22, 2025. Based on our review to date, EPA provides the following comment.

The permit should be revised so it is clear that discharges occurring in Indian country are not eligible for coverage under this permit, and include the following reference:

Indian country means “(a) all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation, (b) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state, and (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.” 18 U.S.C. § 1151, 40 C.F.R. 122.2.

The corresponding Notice of Intent (NOI) form for this permit should contain language consistent with the Indian country language above, so that industrial facilities seeking coverage under the permit can be automatically screened out if they indicate on the NOI that their facility is in Indian country and, thus, ineligible for authorization under the Minnesota permit.

When the proposed permit is prepared, please forward one copy and any significant comments received during any public notice period to this office at r5NPDES@epa.gov. Please include the permit name and permit number in the subject line and cc McKim.Krista@epa.gov. If you have any technical questions related to EPA's review, please contact Krista McKim of my staff at McKim.Krista@epa.gov.

Thank you for your cooperation during the review process and your thoughtful consideration of our comment.

Sincerely,

Stephen M. Jann
Manager, Permits Branch
Water Division

cc: Matthew Moon, matthew.moon@state.mn.us