

Pinnacle Engineering, Inc.

Attached are comments on the draft Industrial Stormwater General Permit.



February 26, 2025

Multi-Sector General Permit for Industrial Stormwater
Mr. Matthew Moon
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, MN 55155-4194

RE: Draft Stormwater General Permit for Industrial Activity – Permit Number: MNR050000

Dear Mr. Moon:

We have reviewed the Draft Industrial Stormwater General Permit (MNR050000), and have the following questions / comments.

- Section 13.2C - *Locations where vehicle tracking of significant materials occur. The Permittee shall remove and properly dispose of significant materials that have been tracked off-site upon discovery.*

Safety Concerns potentially exist for facility employees sweeping or cleaning-up material on a public road. It may not be possible or feasible to shut down a public road and safely clean-up any offsite tracking of material. "Upon discovery" creates safety concerns and unnecessary burden on facility staff.

- Section 18.3 - *The Permittee shall install and maintain stormwater outlet protection measures to prevent erosion at all areas where stormwater is discharging from the Permittee's operational control.*

Please provide a definition for operational control. Does that mean discharge locations that are located offsite are not required to have erosion protection in place by the facility?

- Section 18.4 - *Permittees shall prevent the discharge of stormwater to or from areas that have been impacted by the release of a pollutant or contaminant. This includes preventing potential pollutant mobilization through subsurface soils.*

Is this language intended to include areas in which historical spills have occurred, or is it limited to those areas currently undergoing spill clean-up activities and/or remedial processes?

- Section 24.2 - *Any use or release of PFAS-containing foam must immediately be reported to the Minnesota Duty Officer. Permittees must detail in their spill response plan all actions*

that will be taken to prevent finished Class B foam and foam-containing firefighting runoff water from entering stormwater systems or flowing to surface waters.

We request that “immediately reported” be changed to “as soon as practicable”. Immediate notification may not be possible during an emergency situation (i.e. ongoing firefighting response activities).

- *Section 47.3 - Prior to the first full calendar quarter following the US EPA-approved listing of the impaired water, the Permittee shall submit an administrative modification application to restart benchmark monitoring. Then the Permittee shall begin the additional monitoring for the pollutant(s) causing the impairment or its appropriate surrogate(s) listed in the Surrogates: Pollutant of Impairment section.*

Does this mean that facilities are required to monitor potentially impaired water quality updates on a quarterly basis and document the results instead of the annual review required under Section 36.2B?

- *Section 88.2 - Wet cake, modified wet cake, and dried distillers' grains (DDGs), or other significant materials shall be stored in enclosed storm-resistant shelters where significant materials will not have exposure to stormwater. Measures shall be in place to prevent these materials from being released by wind, spillage, or vehicle tracking from these structures to areas where they may come into contact with stormwater.*

This will be a new requirement for existing facilities, and the change may require a significant monetary investment as well as time to obtain compliance with this provision. If a facility is not in compliance with this specific condition at the time of permit issuance, at the very least, a timeline to comply with this provision should be considered by the MPCA (such as the Permittee shall upgrade wet cake, modified wet cake, and dried distillers' grains (DDGs), or other significant materials storage areas to meet the definition of a storm-resistant shelter within 365 days of permit issuance).

- *Section 88.3 - Organic materials, product, by-product, spilled wastes, or other significant materials that are tracked or spilled on site that could potentially be subject to stormwater contact, shall be immediately cleaned up and disposed of according to all applicable regulations or permit requirements.*

We request “immediately cleaned-up” is changed to “cleaned-up as soon as practicable”. This would align better with language already listed in MPCA-issued air permits for ethanol facilities that require daily road inspections and the clean-up of spills as soon as practicable.

- *Section 88.4 – The Permittee shall remove material that is tracked off site onto the road surface and return it to the facility within one day of discovery so that the materials may be properly handled.*

As noted earlier, it is unreasonable or dangerous for operators to maintain a public roadway. Safety concerns potentially exist for employees attempting to clean up public roadways. We request that “material” at least be changed to “significant material” for purposes of returning it to the facility, and the focus be turned to preventing materials from being initially tracked offsite versus cleaning up public roadways.

- Section 390.5 - *Snow samples collected for PFAS analysis must be collected by an individual from an MDH certified laboratory using the protocols provided in the current edition of the MPCAs Industrial Stormwater Per- and polyfluoroalkyl substance (PFAS) Snow Sampling Guidance document.*

Why must snow samples be collected only from an individual from an MDH certified laboratory when other stormwater sample collections do not have this specific requirement? If this requirement is in the final document, at the very least, the MPCA should justify why a sample collector from an MDH certified laboratory requirement is necessary as it would add additional costs and planning for each sampling event. Properly trained employees and/or consultants should also be able to collect these samples. In addition, the PFAS Snow Sampling Guidance document and other PFAS related attachments referenced in the permit were not published on the MPCA website until the last half of the week of February 17th, nearly a month after the draft permit was posted for comment. As these items were not available over the entire comment period, we request an additional 30-days to adequately review these documents with our clients and to develop any applicable comments.

- MPCA No Exposure Policy Change.

We have concerns with the MPCA’s No Exposure Policy Change as it relates to PFAS. The NPDES Permit Reissuance Fact Sheet ([Fact Sheet for Draft NPDES and SDS Permit to Industrial Stormwater General Permit, MPCA Special Projects, MNR0500000](#)) and the MPCA Industrial stormwater and PFAS webpage (<https://www.pca.state.mn.us/business-with-us/industrial-stormwater-and-pfas>) contains requirements for PFAS sampling for facilities seeking a No Exposure Certification from the Stormwater Permit. There are no requirements / guidelines for No Exposure PFAS sampling in the draft permit, which brings into question the long-term enforceability or permanence of the Fact Sheets/guidance. The Draft Permit contains specific PFAS sampling requirements for permitted facilities with applicable SIC codes, but does not mention their applicability (if any) to No Exposure facilities with these same SIC codes. A list of requirements on a website can be subject to change without notice. As such, we request that the procedures for No Exposure PFAS sampling be addressed directly in the draft permit or at least in a separate MPCA publication that is referenced by the permit (similar to the Snow Sampling Guidance document).

Sincerely,

PINNACLE ENGINEERING, INC.

A handwritten signature in black ink, appearing to read "Kristopher Luneau", with a long, sweeping flourish extending to the right.

By: _____

Kristopher Luneau
Senior Project Engineer