

Recycled Materials Association

Dear Mr. Moon:

Per the attached letter regarding the MPCA's Draft 2025 ISW General Permit (MNR050000), the Recycled Materials Association and its MN members respectfully submit this second request that seeks from the commissioner for additional reasons a 30-day extension on the current comment period to March 28, 2025.

Sincerely,

/s/

David L. Waggoner, Ph.D.

Chief Scientist / Director of Environmental Management

Recycled Materials Association



Via electronic submission at <https://mpca.commentinput.com/?id=Ca3PiGhHt>

February 25, 2025

Matthew Moon
Industrial Division
Minnesota Pollution Control Agency
504 Fairgrounds Rd, Suite 200
Marshall, MN 56264

Re: Second Request for Comment Period Extension on Draft 2025 ISW General Permit (MNR050000)

Dear Mr. Moon:

The Recycled Materials Association (ReMA)¹, on behalf of more than 140 ReMA member permittees, respectfully sends this second request for an extension of the current comment period on the MPCA's Draft 2025 ISW General Permit (MNR050000) (the Draft Permit). This second request follows up on ReMA's first request dated February 20, 2025.² ReMA's first request was based on the inability within the 31-day comment period ending February 26, 2025 to review and evaluate technically and legally the Draft Permit (100 pages) and its Fact Sheet (79 pages) for developing comments on the Draft Permit for submission to the MPCA. The MPCA responded promptly the next day with a letter³ denying ReMA's request, citing "multiple early engagement opportunities for stakeholders in October 2024" during which "the MPCA shared the proposed content of the draft permit and took feedback from attendees."

ReMA's second request has a completely different basis than the first request: **The MPCA deliberately failed to produce for public inspection on the first day of the current comment period a number of documents identified in the Draft Permit.** The MPCA's webpage for public comment on the Draft Permit provided only three documents for public inspection: Public Notice, Draft Permit, and Fact Sheet. Clearly, the MPCA was aware of these additional documents mentioned in the Draft Permit and failed to produce them in the first instance.

¹ The Recycled Materials Association (ReMA) is the "trade" (or doing-business-as) name of the Institute of Scrap Recycling Industries, Inc. (ISRI).

² Letter dated February 20, 2025 from David L. Waggoner, Ph.D., Chief Scientist / Director of Environmental Management, Recycled Materials Association, to Matthew Moon, Industrial Division, MPCA, about "Comment Period Extension on Draft Industrial Stormwater General Permit (MNR050000)".

³ Letter dated February 21, 2025 from Courtney Ahlers-Nelson, Director Industrial Division, MPCA, to David L. Waggoner, Ph.D., Chief Scientist, Director of Environmental Management, Recycled Materials Association, about "Recycled Materials Association Request for Extension to the Draft 2025 Industrial Stormwater General Permit Comment Period".

More than three weeks later on February 21, 2025⁴ (if not later), with less than a week left in the current comment period, the MPCA posted these additional documents in a different on-line location⁵: *Industrial stormwater PFAS monitoring plan* (wq-strm3-102e; § 387.2); *Industrial stormwater PFAS snow sampling guidance* (wq-strm3-102c; § 390.5); and *Industrial stormwater source and exposure reduction plan* (wq-strm3-102b; § 393.4).

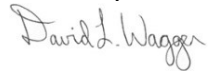
To compound the situation, the MPCA posted these additional documents as if the 2025 ISW General Permit and these additional permits were finalized and in effect. ReMA pointed this out to the MPCA⁶, which promptly revised the webpage to reflect the fact that the 2025 ISW General Permit is in draft form and not finalized.

Per Minn. R. Part 7001.0110, Subpart 4, “the public comment period may be extended by the commissioner if the commissioner finds an extension of time is necessary to facilitate additional public comment.” The MPCA’s negligence in producing these additional documents in a timely fashion has denied the public the ability to adequately review and comment on them. ReMA believes that an extension of time on the current comment period is required to allow the public to review and comment on these additional documents that the MPCA has withheld from the public for most of the current comment period.

For this reason, ReMA and its MN members respectfully request from the commissioner a 30-day extension on the current comment period to March 28, 2025.

Thank you very much for your consideration.

Sincerely,



David L. Waggoner, Ph.D.
Chief Scientist / Director of Environmental Management
Recycled Materials Association

⁴ Electronic message from Matthew Moon, Industrial Division, MPCA, to David L. Waggoner, Ph.D., Chief Scientist / Director of Environmental Management, Recycled Materials Association, received on February 21, 2025 at 5:13 pm EST.

⁵ See <https://www.pca.state.mn.us/business-with-us/industrial-stormwater-and-pfas>.

⁶ Electronic message from David L. Waggoner, Ph.D., Chief Scientist / Director of Environmental Management, Recycled Materials Association, to Matthew Moon, Industrial Division, MPCA, on February 24, 2025.